CURRENT PERIODICAL SERIES

PUBLICATION NO: 2575

TITLE: FEDERAL REGISTER

VOLUME: 39

ISSUES: 53-62
pages 10107-11854

DATE March 18-29, 1974
Reel 6 of 20

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Xerox University Microfilms, Ann Arbor, Michigan

MICROFILMED – 1975

VOL 39

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federal register

index

March 1974

Volume 39 ■ Numbers 42-62
Pages 7915-11854

The FEDERAL REGISTER INDEX is published monthly and annually. Entries are carried primarily under the names of the issuing agencies. Significant subjects are also carried.

A numerical finding aid keyed to the Code of Federal Regulations (List of CFR Sections Affected), is published monthly and is cumulated each month, coordinated with the revision dates of the Code volumes.

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Format and Coverage Changes

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- Titles 1–16: Changes published January–March 1974.
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LIST OF SECTIONS AFFECTED

WHAT IT IS

The List of Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. It should be shelved with current Code volumes. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The Code of Federal Regulations may be brought up to immediate date by the following steps:

1. Consult this List of Sections Affected for any changes, deletions, or additions published after the revision date of the volume you are using.
2. Check the "Cumulative List of Parts Affected" appearing at the end of the latest issue of the Federal Register for changes published after the last date covered by this issue of the List of Sections Affected.
3. If the latest edition of the Code of Federal Regulations is not yet available, use the previous year's edition and consult the 1973 Annual List of Sections Affected before beginning with step 1 above.

For an explanation of the structure and numbering of the Code, see 1 CFR Part 21.

GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
Removed—A typographical unit was removed from the CFR.
Revised—A typographical unit of the CFR was set forth in full.
Superseded—An existing CFR unit was replaced by regulations appearing under another CFR unit.
Suspended—The entire CFR unit was not in effect for the period of time indicated.
Suspended in part—A portion of the CFR unit was not in effect for the period of time indicated.
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1.2 (c) table amended ---- 10807, 16350, 22382, 22547, 24354, 29218, 33284, 34324
1.2 *(c) table amended ---- 1355, 4876, 5312, 9828, 10897
1.3 (d) table amended ---- 16850, 24354, 25171
1.3 *(d) table amended ---- 3674
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1.6 *Revised ---- 1834
1.11 Added ---- 17444
4.5 *(a) amended ---- 10897
4.7a *(c) added ---- 10429
4.17 Amended ---- 17444
4.22 Table amended ---- 9009, 11077
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4.61 (b) (23) and (24) added ---- 24354
4.63 *(f) added ---- 10429
4.80 *(b) and authority citation revised ---- 6108
4.80a (d) added ---- 32256
4.81 *(g) added; authority citation revised ---- 6108
4.81a *Added ---- 6108
4.93 (b)(1) and (2) amended ---- 10807
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4.94 *(b) amended ---- 4876
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6.2 *(a) amended ---- 10238
6.6 *(c) added ---- 10429
6.15 (c) amended ---- 17444
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7.8 (e) amended ---- 17445
(a) footnote 15 revised ---- 22382
8 Removed ---- 17445
8.3 (a) amended ---- 13369
8.4 (e) amended ---- 13369
8.45 Amended ---- 13369
9 Removed (provisions transferred to Part 145) ---- 13369
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10.59 (f) amended ---- 30549, 34996
10.59 *(f) amended ---- 10898
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10.62a (a) and (c) amended ---- 17445
10.64a Added ---- 12736
10.80 Amended ---- 17445
10.91 Amended ---- 17445
10.92 (d) amended ---- 30549
10.98 (d) amended ---- 17445
10.103 Amended ---- 17445
10.104 (a) and (b) amended ---- 17445
10.108 (b) amended ---- 17445
10.114 (d)(1) amended ---- 17445
10.151—10.153 Center heading added ---- 17445
10.151 Added ---- 17445
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10.153 Added ---- 17445
10.161—10.166 Center heading added ---- 17445
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10.162 Added ---- 17446
10.163 Added ---- 17446
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12.50 (a), (c), and (f) amended ---- 17446
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12.71 (b) revised ---- 14285
12.105–12.109 Center heading added ---- 10807
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12.106 Added ---- 10807
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14 Removed ---- 17446
16 Removed ---- 17446
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16.24 *(f) table amended ---- 6517
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19.18 (a) amended ---- 17446
19.23 Amended ---- 17447
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21 Removed ---- 13550
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22.29 (b) amended ---- 17447
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24.5 *(a) revised ---- 7782
24.11 (a)(2) amended ---- 17447
24.12 (a)(1) (ii) and (iv) removed ---- 13551
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24.17 (a)(11) amended ---- 17447
25.2 Added ---- 19362
25.2 *(a) revised ---- 3933
25.4 (a)(16), (19), and (25) revised ---- 19362

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141.86 (a)(8) revised	30883
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TITLE 21—FOOD AND DRUGS

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1.10a	Added	20706
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1.12	Heading and (a)(1) revised; (a)(2) and (3) redesignated as (a)(5) and (6); new (a)(2), (3), and (4), (g), (h), and (i) added	20721
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2.120	(a)(1) amended	17212
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	(b) heading, (c), and (r) revised; (b)(3), (p)(4), (5), and (6), (x), (y), (z), (aa), (bb), (cc), (dd), (ee), (ff), and (gg) added	11453
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3.53	*(c) amended	11534
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(c)(6) revised	27592
19.785 *Heading, (a)(1), and (d)(1) revised	4076
*(c)(6) eff. 12-4-73	4760
19.787 (e)(8) revised	15365
(g) and (h) revised	9997
(e)(7) revised	27592
19.787 *(e)(7) eff. 12-4-73	4760
19.790 (e) revised	9997
19.791 (b)(2) revised	15365
26 Added	25986
26.1 *(d)(2) revised	8158
26.3 *(a) and (d)(2) revised	8158
26.4 *(b) revised	8158
27.10 (c), (d), and (e) revised	14252
27.15 (b), (c), and (d) revised; (e) and (f) removed	14253
27.25 (c), (d), (e), and (f) revised	14254
27.30 (c), (d), and (e) revised	14255
27.31 *(a)(5) revised	794
27.35 (c), (d), and (e) revised; (f) removed	14256
27.45 (c), (d), and (e) revised; (f) removed	14257
27.70 (c), (d), and (e) revised	14257
27.80 *Revised	8322
*(b)(5) corrected	9658
27.81 *Revised	8322
28.1 (d)(1) and (2) revised	15504
28.2 (a)(2) removed; (a)(3) redesignated as (a)(2) and revised; (b)(1), (2), (5), and (8) revised; (c) amended	15504
36.10 *(a) amended	9828
45 Heading revised	25672
45.1 Revised	25672
Effective date extended	29577
45.1 *Effective date of revision established	5764
45.2 Removed	25673
45.2 *Effective date of removal established	5764
50 *Added	3543
50.1 *(f) table corrected	10429
50.2 *(b) table corrected	10429
50.3 *(c) added	10429
50.3 *(c) corrected; (c)(1)(ii) footnote 3 removed	10429
51.20 *Revised	5762
51.21 *Revised	5762
51.22 *Revised	5764
80.1 Revised	20737
Effective date stayed	29577
90 Added	12717
90.1—90.19 (Subpart A) *Added	3749
*Effective date changed	7782
90.20 (c)(2) and (g) corrected	14165
90.20 (Subpart B) *Revised	3752
*Effective date changed	7782

Note: Asterisk (*) identifies changes published in 1974.

	Page
100.1 (c)(1) revised	20740
102.10 Added	20742
102.11 Added	20744
102.12 Added	20741
121 Subpart E heading revised	12738
121.13 Added	19219
(b) corrected	19970
Revised	31680
121.101 (d)(5) table amended	20038
121.207 (c) table amended	10078
121.208 (d) table amended	26909
121.210 (c) table amended	10078, 28820, 29219
(c) table (38 FR 28820) effective date corrected	35303
121.210 *(c) table 1 amended	3935, 9658
121.213 *(d) table 1 amended	3935
121.217 Removed	22224
121.220 *(d) table 1 amended	3935
121.225 (a)(3)(v) and (h) removed	22224
121.225 *(e)(3)(i) removed	3935
121.234 (a) amended	17717
121.260 Revised	8651
121.262 (c) table amended	16857, 29219, 34802
121.262 *(c) table 1 amended	9659
*(e) added	9932
121.266 Removed	10078
121.325 *Added	1358, 9540
121.341 Revised	14165
121.342 *Revised	9932
121.343 Revised	26447
121.343 *Amended	7420
121.345 Added	10713
Revised	22122
121.346 Added	16999
121.347 Added	22891
121.1002 Added	20038
121.1030 (c)(14) added	13557
(c)(14) corrected	18367
121.1031 (e) amended	21997
121.1056 *(b)(3) amended	9828
121.1073 (a) revised	20726
121.1088 (c) table amended	19122
121.1088 *(c) amended	5313, 7166
121.1134 Revised	20726
121.1149 Amended	20726
121.1164 (b) amended	12914
121.1185 *(c)(2) amended	9828
121.1202 (a), (b), (d), (e), and (f)(1) and (2) revised; (f)(3) added	19816
121.1221 *(c) revised	795
*Introductory text of (c) revised; table corrected	9658
121.1234 *Added	9932
121.1235 (a)(3) and (b)(3) added	18367
121.1235 *(a)(4) and (b)(4) added	5765
121.1236 Revised	10713, 22122
121.1241 Revised	25437
121.1242 *Corrected	1511
121.1248 Added	10638
Corrected	12802
121.1250 Added	12398
121.1251 Added	20318
121.1252 Added	21783
121.1253 Added	28933
121.1254 Added	26447
121.1255 Added	27047
121.2000 Added	12738
121.2001 Redesignated as 121.2005	12738
121.2005 Redesignated from 121.2001	12738
121.2502 *(a)(7) added; (b) table amended	7420
121.2505 (c) table amended	8594
(d) amended	10077
121.2507 (c) amended	8595
121.2511 (b) table amended	24643, 29577
121.2514 (b)(3)(xx) amended	12738, 30257
121.2514 *(b)(3)(xv) amended	4077
121.2520 (c)(5) table amended	8594, 8595, 8652, 8738, 10078, 12398, 18245, 18367, 21920, 24355
121.2520 *(c)(5) amended	4077
121.2524 Revised	13557
121.2526 (a)(5) amended; (b)(2) table amended	8594, 8595
(a)(5) table amended	10713, 12398, 14751, 21921, 29465, 30256, 30257
(b)(2) table corrected	21254
121.2526 *(a)(5) amended	9829
121.2531 (a)(2) amended	8652, 16857, 22889
121.2536 (d)(1) and (2) amended	22889
(d)(3) amended	22890
121.2541 (c) table amended	8595
121.2546 (b)(1) and (2) revised	18101
121.2547 (b) introductory text, (b)(3) through (8) and (10) through (13), and (c)(4) revised; (b)(14) added	14752
(b)(15) and (c)(10) added	29465
(b)(5) revised	29466
121.2550 (b)(5) table amended	33072
121.2553 (a)(3) amended	22890
121.2557 (d)(3) amended	8595

Note: Asterisk (*) identifies changes published in 1974.

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121.2562 (c)(4)(iv) amended	8738
(c)(4)(ii)(b) amended	33072
121.2566 (b) table amended	15443, 16857
Amended	15953, 19025
(b) corrected	16857
121.2566 *(b) amended	7421
121.2569 *(b)(3)(i) table amended	5628
121.2571 (b)(2) amended	8652, 8738, 18246
121.2571 *(b)(2) amended	4078
121.2589 *(d)(2) amended	9828
121.2602 *(a) revised	3821
121.2623 Added	8596
121.2624 *Added	3934
121.4001 (c) revised	13734
121.4002 Added	19219
(b) corrected	19970
Corrected	20821
Interpretation	33072
122 Added	18101
122.10 (a)(9) provisions stayed	22794
125.1 Revised	20717
(b) table corrected	29219
Effective date stayed	29577
125.2 Revised	20718
(a) corrected	27593
Effective date stayed	29577
125.3 Revised	20718
Effective date stayed	29577
125.5 *(c)(5) amended	5313
128.4 Revised	18102
128a.1 *(b) amended	9828
128a.7 (c)(3) revised	13481
128b.8 *(d) revised	3753
*(d) effective date changed	7782
130 *Removed; provisions transferred to Parts 310, 312, 314, and 330	11680
130.3 (a)(2) amended	11078
130.3b *Amended	9828
130.5 *(d) revised	9761
130.14 *Revised	9761
130.15 *Removed	9764
130.27 *Introductory text revised	9764
130.29 *Revised	9764
130.31 *Revised	9764
130.41 *(c) revised	9828
130.44 (d)(8) and (k)(1) and (2) amended	12211
130.44 *(d)(6)(i)(a) amended	9828
*(k)(1) and (2) amended	9829
130.49 *(b) and (d)(1) amended; (d)(3) revised	9829
130.51 *Added	2475
*(a)(2)(i), (3)(i) and (iii), and (i) revised	4078
*(a)(1) compliance date postponed	9185
130.301 *Closing text of (a) amended	9659
130.302 Added	31258
130.303 *Added	1580
131 *Heading revised	11535
131.1—131.10 *Removed; provisions transferred to Part 369 (Subpart A)	11680
131.15—131.17 (Subpart B) *Removed; provisions transferred to Part 369 (Subpart B)	11680
131.20 Amended	10078
131.20 *Amended	9540
131.21 Amended	10078
131.21 *Amended	9540
131.25 (Subpart D) *Removed; provisions transferred to Part 369 (Subpart C)	11680
132.1 *(h) corrected	9829
*(d) amended	11535
132.8 (b)(3) effective date stayed	18875
(b)(3) effective date revised	27593
132.31 *(b) amended	11535
132.51 (i) added	13558
132.51 *(a) amended	9829
133.12 *(b) amended	9829
135.1 *(l) amended	11535
135.6 *(f) table corrected	9431
135.35 *Introductory text of (a) revised	9541
135.37 *Introductory text amended	11535
135.109 Added	9813
Heading, (a), (b)(1), (2), and (3), and (f)(1) revised	23943
135.111 *Added	7167
135.112 Added	21179
(c) revised	29879
135.113 Added	18102
(a) corrected	21397
135.501 (c) table amended	8652, 9009, 9587, 12399, 15444, 16858, 19909, 22623, 28032, 29578
135.501 *(c) amended	7, 2087
135a.3 (a) amended	21255
135a.7 *(f) revised	795
*(e) revised	9541
*Revised	9932
135a.9 (a) amended	21255
135a.29 (c)(1)(i) corrected	16350
135a.35 Added	10714
135a.38 Added	9587
135a.39 Added	21997
135a.40 Added	22470

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135a.45 Added	27353
135a.47 Added	22623
135a.49 Added	26909
135a.50 Added	10808
135a.51 Added	19026
135a.52 Added	20821
135b.3 Removed	10926
135b.6 Removed	10926
135b.11 *(a) revised	1511
135b.12 (b)(1) and (f) table revised	21179
135b.15 (a)(3)(iii) and (d) added	25673
135b.17 (a), (c), and (d) revised	10079
135b.19 (a), (b), and heading of (c) revised; (d) added	22623
135b.26 Removed	27593
135b.41 (c)(3) and (4) revised; (c)(5) and (6) added	10808
135b.43 (b) revised	18246
135b.47 *(h) added	9933
135b.49 Revised	31967
135b.51 Added	15444
135b.53 (a), (b), and (c)(1), (2), (3), and (4) redesignated as (a)(1), (2), and (3)(i), (ii), (iii), and (iv); new (b) added	16858
135b.54 Added	22792
(b) corrected	26183
135b.57 Added	14166
135b.57 *Revised	796
135b.60 Added	20821
135b.64 (a) and (b) revised	15444
(b) revised	16858
135b.65 *(c) added	4475
*(b)(3)(ii) revised	4759
135b.69 Added	15050
135b.70 Added	15050
135b.74 Added	10443
135b.77 Added	22792
(b) revised	24355
135b.82 Added	14166
135b.83 Added	8739
135b.84 Added	8653
135b.85 Added	9010
135b.86 Added	8653
135b.88 Added	15833
135b.89 Added	24643
135b.90 Added	24895
135b.91 Added	20822
135b.92 Added	12399
135b.93 Added	14828
135b.94 Added	12914
135b.95 Added	20822
135b.96 Added	29578
135b.97 Added	26910
135c.3 (d) existing table designated as 1 and amended; (d) table 2 added	34996
135c.3 *(d) corrected	2087
135c.4 (e) table amended	34997
135c.7 (c)(2) revised; (e)(5) added	34997
135c.13 (e) table amended	12399
135c.14 (e) table amended	18546
Effective date corrected	19909
135c.22 (c) revised; (f) table amended	13735
135c.24 (b)(1) revised	15444
135c.34 (b)(2) revised	10079
(b)(2) revised; (b)(3) added; (e) table amended	13558
(b)(1) and (4) revised; (e) table 2 amended	24644
135c.34 *Removed	9933
135c.47 *(a) revised	9936
135c.50 (i) added	14166
135c.52 (a), (b), and (c)(1), (2), (3), and (4) redesignated as (a)(1), (2), and (3)(i), (ii), (iii), and (iv), new (b) added	10079
(c)(1) and (2) revised	16859
Revised	25673
135c.56 *(c) revised	5190
135c.57 (f) added	9294
(h) added	26910
(i) added	28032
135c.57 *(j) added	1427
135c.59 Heading, (a), and (b) revised; (d)(3) added	25673
135c.63 (b)(3) added	8652
(b)(4) added	19909
(a) revised	21255
135c.63 *(b) revised	1427
*(b)(1) revised; (b)(3) removed	9935
135c.64 Added	15444
(b) corrected	17000
135c.67 (b) revised	15444
135c.77 Added	9588
135c.78 (a) revised	19219
(a) corrected	20823
135c.79 *Added	7167
135c.82 (d)(1) revised	30550
135c.83 (d)(1) revised	30550
135c.86 Revised	18463
135c.94 Added	16859
135c.98 Added	8596
135c.98 *(a) revised	9935
135c.99 Added	22792
(b) revised	24355
135c.100 Added	12211
135c.102 Added	22793
135c.103 Added	8597
135c.107 Added	26183
135c.108 Added	22958

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135c.110	Added	31004
135c.111	Added	15833
135c.112	Added	20822
135c.113	Added	16859
135c.114	Added	30258
135c.115	Added	26183
135c.116	Added	20823
135c.117	*Added	2580
135c.118	Added	34730
135c.119	Added	29086
135c.121	*Added	9933
135c.122	*Added	9933
135c.123	*Added	9934
135c.124	*Added	9934
135c.125	*Added	9935
135c.126	*Added	4760
135d.2	Added	31172
	Effective date corrected	33767
135d.14	Added	29578
135e.6	Added	34996
135e.10	Added	22224
	(d)(3) added; (f)(1) table amended	34997
135e.10	*(f)(1) table amended	3935
135e.26	Added	8651
	(g) table amended	17834
135e.34	*(f) table amended	962
135e.36	Added	22225
135e.36	*(b) revised	2087
135e.39	(f) table amended	14259
135e.45	(b) revised; (e) redesignated as (f); new (e) added	10714
135e.46	(e) table amended	34802
	(b)(2) revised	8597
	(b) revised	8653, 25674
135e.49	(c)(2)(vii) added	21921
135e.49	*(a) and (c) revised	1427
135e.50	(b)(5) added	10443
	(f) table amended	21921
	(f) table corrected	25676
135e.51	(c)(2) added	9009
	(g) table amended	16858
135e.53	*Removed	9184
135e.54	(f) table amended	8654
	(d)(4) revised	22623
135e.55	(c)(1) revised	28657
135e.56	(e) revised	8597
135e.56	*(e) revised	7579
135e.58	*(f) table amended	4475
135e.59	(f) amended	8654
135e.61	Added	26909
135e.64	(e) table amended	11078
135e.67	*Added	2479
135f.5	*Added	4476
135g.9	Revised	34997
135g.12	(b) revised; (c) added	34730
135g.26	Removed	10927
135g.33	(a)(2) revised	17000
135g.34	*(b) revised; (d) added	2580
135g.35	Revised	18546
	Effective date corrected	19909
135g.46	Removed	10078
135g.53	Removed	10927
135g.74	*Removed	9184
135g.80	Added	22623
135g.83	Revised	10808
138.2	Table corrected	10267
141.2	(d)(6) added	16639
141.5	(b) table amended	31505, 31507
141.5	*(b) table amended	2087, 9829
141.7	(c) table amended	21397
141.7	*(c) table amended	2087
141.104	(a) table amended	25674
141.110	(b) table amended	8654
	(a) table amended	15365
	(a) table and (b) table amended	31505, 31507
141.110	*(a) table and (b) table amended	2087
141.502	(d)(4) added; (e)(3)(i) and (ii) revised	21397
141.506	(b)(1) table and (b)(2) table amended	31507
141.507	(b) table and (c) table amended	31506, 31508
141.508	Revised	8656
141.544	*Added	9936
141.553	Added	16860
141.556	*Added	2088
141.580	*Added	3935
141a.34	Removed	27594, 34324
141a.62	(a) revised	18246
141a.68	Removed	8597
141a.79	Removed	27594, 34324
141a.80	Removed	8597
141a.88	Removed	8597
141a.91	Removed	31005
141a.92	Removed	31005
141a.100	Removed	8654
141a.101	Removed	8654
141a.102	Removed	8654
141a.108	(a) and (b) revised	14370
141a.111	*Removed	9936
141a.112	*Removed	9936
141a.121	Removed	31005
141a.122	*Removed	9936
141a.123	*Removed	9936
141a.126	Removed	8654
141a.127	*Removed	9936
141a.128	*Removed	9936
141a.129	*Removed	9936
141b.126	(b)(3) revised	21255
141c.237	*(a)(3) amended	9829
141c.251	Removed	9010
141c.252	Removed	9010

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141c.253	Removed	9010
141c.254	Removed	9010
141c.255	Removed	9010
141c.259	(a)(1) amended	9010
	(a)(1) revised	16861
141c.263	(a)(1) amended	9010
	(a)(1) revised	16861
141c.266	Removed	9010
141c.271	(a)(1) amended	9010
	(a)(1) revised	16861
141d.301	Heading and (a) through (i) revised; (j) added	21255
141d.302	Removed	21256
141d.303	Revised	21255
141d.304	Revised	21256
141d.305	Removed	21256
141d.306	Removed	21256
141d.307	Removed	21256
141d.308	Revised	21256
141d.309	Removed	21256
141d.310	Removed	21256
141d.311	Removed	21256
141d.312	Removed	21256
141d.313	(a)(1) and (b) revised; (a)(2) amended	21256
141d.314	Removed	21256
141d.315	Removed	21256
141d.317	Removed	21256
141d.318	Removed	21256
141d.319	Removed	21256
141d.320	Removed	21256
141e.416	(b) revised	21256
141e.430	*(b) revised	4570
144.8	*Amended	11535
144.26	(b)(21) removed	10079
	(b)(36) removed	21398
144.26	*Introductory text amended; (b)(58) removed	3935
	*(b)(18)(i), (22)(i), (32)(i), (35), (39), (42), (44), (45), (49), (50), (54), (56), and (59) through (63) amended	11535
145.2	*(a)(39) added	2088
145.3	(a)(51) and (b)(51) added	31506
	(a)(50) and (b)(50) added	31508
145.3	*(a)(52) and (b)(52) added	2088
145.4	(b)(54) added	31506
	(b)(53) added	31508
145.4	*(b)(55) added	2088
146.1	*(d) revised	9764
	*(g)(2) amended	11535
146.8	(b) introductory text and (b)(1) and (2) revised	14917
	(b)(1) corrected	16861
	(b)(1) amended	16860, 25674
146a.6	*Removed	9937
146a.7	*Removed	9937
146a.16	Removed	8654
146a.17	Removed	8654
146a.18	Removed	8654
146a.45	(c)(2)(i) revised	29578
146a.50	Removed	27594, 34324
146a.52	Removed	27594, 34324
146a.72	Removed	31005
146a.73	Removed	31005
146a.78	Removed	27594, 34324
146a.85	Removed	27594, 34324
146a.90	Removed	8597
146a.91	Removed	8597
146a.101	Removed	27594, 34324
146a.102	Removed	8597
146a.110	Removed	8597
146a.117	Removed	31005
146a.118	*Removed	9937
146a.119	*Removed	9937
146a.122	Removed	8654
146a.123	*Removed	9937
146a.124	*Removed	9937
146a.125	*Removed	9937
146a.128	Added	14370
146b.104	(c)(4) revised	30258
146b.109	*(d)(3)(ii) amended	9829
146c.217	(c)(2) revised	13559
146c.251	Removed	9010
146c.252	Removed	9010
146c.253	Removed	9010
146c.254	Removed	9010
146c.255	Removed	9011
146c.259	Introductory text revised; (d) amended	9010
146c.263	Introductory text revised; (c) amended	9010
146c.266	Removed	9011
146d.301	Heading, (b), (c), and (d) revised	21256
146d.302	Removed	21256
146d.305	Removed	21256
146d.306	Removed	21256
146d.307	Removed	21256
146d.309	Removed	21256
146d.310	Removed	21256
146d.311	Removed	21256
146d.312	Removed	21256
146d.314	Removed	21256
146d.315	Removed	21256
146d.317	Removed	21256
146d.318	Removed	21256
146d.319	Removed	21256
146d.320	Removed	21256
146e.402	(a) amended	12399
	(c)(3) and (4) revised	9587
	(c)(4) revised	27353
148.3	(d) added	21257
148e.13	*(a)(1) revised	4570

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148e.27 (a)(1) amended	8656
148e.37 Added	28657
148i.15 Effective date postponed	13559
148i.23 Effective date postponed	13559
148i.33 *(a)(1) amended	9829
148i.50 *(a)(3) amended	9829
148k.13 Added	16860
148n.3 (b)(2) revised	21257
148p.1 *(b)(8) amended	9829
148w.3 *(b)(5) revised	9937
148w.10 Added	31508
148w.11 Added	31506
149b *Revised	9937
149b.23 Added	26183
(a) corrected	31968
149b.24 Added	31004
149b.25 Added	25674
149c.10 Added	31172
Effective date corrected	33767
149d.14 Added	25675
149g Added	8598
149h Heading revised	31005
149h.3 Added	31005
149h.12 Added	31005
149h.13 Added	31006
149k Added	8654
149y.11 *(a)(2) amended	9829
150b Added	9011
150d.13 *Amended	9829
150g.12 Added	21398
150g.14 Added	9013
151b Added	16639
151b.22 Added	19817
(a)(1) revised	27929
151c Added	21257
151c.2 (b)(2) amended	34188
151c.3 (b)(2) amended	34188
151c.14 (a)(1) amended	34188
151c.19 Added	22792
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1.167(m)–1	Added	9986
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1.508–1 (b)(4) revised	35304
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Note: Asterisk (*) identifies changes published in 1974.

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809.15	(b)(3) and (4) revised; (b)(5) and (6) added	23947
809.16	(a) revised	23947
809.61	(b) revised	23947
809.62	(a) and (c) revised; (b) added	23947
809c	*Revised	10560
818b	Added	26801
855	*Revised	10124
865.12	(a)(5) added	30739
870	Revised	21147
870.38	b)(3)(iv) corrected	21746
870.40	Corrected	21746
870.86	Corrected	21746
872.2	*(a) and heading of (h) revised	5485
872.3	*Amended	5485
872.7	*Introductory text amended	5485
872.8	*Introductory text and (b) amended; (c), (d), and (h) revised	5485
872.10	*Revised	5486
872.11	*Revised	5486
872.12	*(b) revised	5486
872.14	*Heading and introductory text revised; (d) added	5486

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872.17	*(a)(2)(ii) revised; (b) amended	5486
872.19	*Revised	5486
872.20	*Heading revised	5486
872.24	*Revised	5486
872.26	*Revised	5486
872.28	*Redesignated as 872.29; new 872.28 added	5487
872.29	*Redesignated from 872.28	5487
872.30	*Added	5487
881	Revised	26891
881.22	(d)(4) correctly designated from (d)(5)	28936
	(d)(5) correctly designated as (d)(4)	28936
881.30	(a) introductory text and (a)(14) and (22) corrected	28936
881.32	(b)(2)(iii) corrected	28936
881.34	Table corrected	28936
881.50	(c) corrected	28936
881.53	(d) corrected	28936
881.83	Added	28937
883	Added	26802
883.3	(a)(3) corrected	27523
886.1	Existing text designated as (a); (b) added	20325
886.2	Revised	20325
886.4	Revised	20325
886.5	Revised	20325
886.6	Revised	20325
886.7	Revised	20325
886.8	Revised	20326
886.11	Added	20326
886.12	Revised	20326
886.13	Revised	20326
886.14	Revised	20326
888	Revised	31421
888.5	*Amended	6607
888.6	*(a)(4)(i) amended; (d)(3) removed; (d)(4) redesignated as (d)(3)	6607
888d.6	*Amended	4477
888d.12	*Revised	4477
888d.14	*(b) and (c) revised	4477
888d.16	*Added	4477
888d.18	*Added	4478
888d.20	*Added	4478
901	Redesignated from 901a	22471
901.6b	Added	22471
901.13	(a)(2) added	22471
901a	Redesignated as 901	22471
901b	Removed	22471
903	Added	22471

Chapter XII—Defense Supply Agency

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1453.3	(d)(2)(i) amended	24210
1455.4	*(b)(1) amended	3677
1464.7	(b) amended	28259
1466.1	*(c)(1) amended	4571
1466.2	*Amended	4571
1472.6	(e)(2) amended	29466
1472.6	*(e)(2) amended	4571
1499.2–8	*(d)(2)(iii) and (iv) redesignated as (d)(2)(iv) and (v); new (d)(2)(iii) added; (g)(1) revised	3677

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1604.28	Revised	29219
1604.60	Added	34731
1623.3	Removed	35463
1628.6	(c) added	35463
1631.6	(b) revised	35463
1631.7	Removed	35464
1632.1	(d) added	35464
1641.2	Removed	34731
1641.8	Removed	35464

Chapter XVII—Office of Emergency Preparedness

1704	Added	17961
1709	*Recodified as 24 CFR Part 2200	6697
1710	*Recodified as 24 CFR Part 2201	6705

Chapter XVIII—Office of Civil Defense, Office of the Secretary of the Army

1808.3	Removed; new 1808.3 added	31526
1812.3	Amended	18372

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2000	Added	22624

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OEP Reg. 4	removed (provisions recodified as 31 CFR Part 9)	10898

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DPS Reg. 1	*List A amended	4478

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Sec. 2	*Republished	10243
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Sec. 4	*Revised	10243
Sec. 5	*Revised	10243
Sec. 6	*Republished	10243
Sec. 7	*Republished	10243
Sec. 8	*Republished	10243
Sec. 9	*Revised	10244
Sec. 9A	(a)(1) amended (b) revised; (e)(2) amended	19819, 34204
Sec. 9A	*Revised	10244
Sec. 9B	(d) revised	34204
Sec. 9B	*(a)(6), (b), and (d) revised	10245
Sec. 10	(a) and (c) revised; (f) and (g) added	19819
Sec. 10	*Revised	10245
Sec. 11	(a) and (c) revised; (f) and (g) added	19819
	(c) corrected	20076
Sec. 11	*Revised	10246
Sec. 11A	(a) and (b) revised	19819
Sec. 12	*Revised	10246
Sec. 13	*Revised	10246
Sec. 14	*Revised	10247
Sec. 15	*Revised	10247
Sec. 16	*Revised	10247
Sec. 17	(b) revised	19820
Sec. 17	*Revised	10247
Sec. 18	*(c) and (d) added	1266
Sec. 21	Revised	19820
Sec. 22	(g)(2), (4), and (9), (h)(1), (p)(2)(iii), and (j) revised; (q) and (r) added	19820
Sec. 25	Revised	19821
	(a)(1), (b)(5), (g)(1), and (i) revised; (a)(2)(x) added; (e)(4) removed; (e)(5) redesignated as (e)(4)	28066
Sec. 25	*Revised	10247
Sec. 25A	Added	34205
Sec. 25A	*Revised	10249
Sec. 28	*Revised	10251
Sec. 30	(c) revised	19822
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	Introductory text of (g) revised	25438
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Chapter XI—Oil Import Appeals Board

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Chapter XIII—Energy Policy Office

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	Amended	32494
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Sec. 2	Added	28661
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Sec. 3	Added	28661
	(a) amended	32740
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Sec. 4	Added	28661
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Sec. 5	Added	28662
Sec. 6	Added	28662
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Sec. 8	Added	28662
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Sec. 10	*Removed	2605
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Sec. 16 *Removed	2605
Sec. 17 Added	28663
Sec. 17 *Removed	2605
Sec. 18 Added	28663
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*Removed	2605
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EPO Reg. 7 added	29330
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1.25–30 (b)(6) revised	30740
3.01–1 *(b) revised	2581
3.04–1 *(b) revised	2581
3.04–3 *(b) revised	2581
3.25–10 *Revised	8613
3.25–15 *Revised	8614
3.25–20 *Revised	8614
3.25–55 *Removed	8614
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26.08 *(b) amended	9176
40.4 *(a) revised	8614
40.8 *(f)(1) and (5) revised	8614
40.13 (d) amended	28937
62.01–25 Revised	33472
62.10–1 (a) revised	33472
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74.05–1 Revised	33472
74.05–5 Added	33472
74.10–1—74.10–5 (Subpart 74.10) Removed	33472
80.17 *Note preceding section removed	11541
90.22—90.37 *Undesignated center heading and sections redesignated as 90.38—90.46	11541
90.22—90.29 *Undesignated center heading and sections added	11541
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95.51 *Note preceding section removed	11543
110.5 (d) revised	33473
110.5 *(c–1) added	11544
110.60 (u–2) added	30000
110.70a *Added	5314
110.72a Added	33973
110.158 (a)(6) revised	30740
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110.168 (d)(1) revised	18373
*(f)(2) corrected	5488
110.178 *Removed	4478
110.183 (a)(1) and (2) removed	33474
115.60 *(e) revised	2361
117.75 *(a)(5) revised; (h)(4) added	1582
117.175 *(b) removed	2094
117.190 *(f)(11) removed	2094

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117.225 (f)(9) removed	21631
117.225 *(f)(6) removed	4479
117.245 (i)(2) and (5–a) added	21631
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117.245 *(i)(12–b) added	4479
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*(f)(16–b), (16–c), and (18) and (j)(25) removed; (g)(3) revised	9662
117.311 *Revised	2581
117.467 Added	25438
117.495 Amended	18546, 33594
117.560 *(f)(2), (2–a), (3), (4), (5), (6), and (7) removed; new (f)(2) added	4479
*(g)(7)(ii) redesignated as (g)(7)(iv); new (g)(7)(ii) added; (g)(7)(i) and (iii) revised	6110
117.716 (c) revised	26115
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117.785 *(f)(2) revised	5314
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127.302 Removed	24898
127.303 Added	17441
127.304 Added	17441
127.305 Added	20831, 31428
127.308 Added	22123
127.309 Added	22778
127.310 Added	28065
127.312 *Added	9662
127.501 Added	35307
127.501 *Revised	11258
127.502 *Added	6608
*Effective date changed	6608
177.07 *(f) added	2583
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*(g) added	10131
177.08 *Added	2583
183.25 *(b)(1) table CFR correction	10899
183.33 *(a) and (b) CFR correction	10899
183.37 *(a) and (b)(2) CFR correction	10899
183.67 *(b) and (c)(1) CFR correction	10899
199 *CFR effective date note correctly added	10899

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204.86 Removed	21495
207.11 Removed	25176
207.162 *Removed	2362
207.170d Added	21404
207.611 Removed	30741

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401 *Revised	10900
401.2 (g) revised	22031
401.104–9 Revised	9667, 15508, 22627
401.201—401.206 (Subpart C) Added	21922
401.201 (a) revised	24210
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200 Added	33769
211 Added	34731
231 Added	35464
232 *Added	2606
232 *Appendix B amended	10132
*Appendix C amended	10132
251 Added	33770
252 *Added	1582
253 *Added	797
254 *Added	1014
271 Added	34733
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5.28 (a) amended	25438
5.28 *(a) amended	4880
51.122 (c) and (d) revised	26722
67.91 *Revised	7783
67.93 *Revised	7783
67.111 *Revised	7783
67.112 *Revised	7783

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67.113 *Revised	7783
67.114 *Revised	7783
67.115 *Removed	7783
67.121 *(a) revised	7783
67.131 *Introductory text and (a) revised	7783
67.141 *Introductory text, (c), and (d) revised	7783
67.161 *(a)(2) revised	7783
67.163 *(b) (1), (2), and (3) revised	7783
67.591 *(b) and (c) revised	7783
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105.1 (d) added	27386
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119.103 (c) amended; (d) added	27386
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133	35333
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2.35 Added	31511
7.7 Revised	20831
7.13 *(h) and (i)(1)(i) revised	9964
7.15 (f) added	27595
7.15 *(b), (c), and (d) added	9963
7.58 (c) added	33081
7.93 Added	21264
7.97 Added	32931
50.19 Effective date changed	24218

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212.20 Added	33474
212.21 Added	33474
214 Added	35307
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221.17 Revised	23403, 23948
221.25 *Revised	9663
231.11 Added	22000
292.14—292.16 (Subpart C) *Added	11544
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702 Added; provisions transferred from 44 CFR Ch. V (Part 502) and amended	27049

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1.218 Added	24364
1.219 Added	24365
1.220 Added	24366
1.513a *Added	7929
1.526 *(g) and (i)(2), (4), and (6)(i) revised	3938
1.600 *Undesignated center heading and section added	1024
1.666 Added	34734
2.6 (a)(8) revised	24366
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3 *Cross reference added	5315
3.4 (g) revised	21923

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3.7 (w) added	28826
3.261 (a)(17) revised	26804
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3.262 (f)* revised	26804
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3.311 Heading, (b), and cross reference revised	21923
3.321 *(b)(2) revised	5315
3.323 (a)(2) and (b)(2) revised	21923
3.324 Revised	21923
3.350 Introductory text of (i) revised	20832
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3.351 Introductory text of (d) revised	20832
3.500 (r) revised	21923
3.501 (i)(1) and (3) revised	34115
3.551 (b) revised	34115
3.552 (d), (f), and introductory text of (g) revised	34115
3.557 (d) revised	34115
3.558 (a) revised	34116
3.661 (b) revised	28826
3.800 (b) revised	21923
3.810 *(c) added	2362
*(a)(1) revised	9541
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3.852 (a) and (b)(2) revised	29076
3.855 Revised	29076
3.903 (b)(1) revised	30106
3.904 (b) and (c) revised	30106
3.1600 (a) and (b)(4) revised; (f) added	30108
3.1601 Revised	30106
3.1602 (a), (b), and (d) revised	30107
3.1603 Revised	30107
3.1604 (c) added	30107
3.1605 Introductory text, (a), and introductory text of (b) revised	30107
3.1606 (a)(3) revised	27354
3.1609 Revised	30107
14.501 *(b) revised	2094
17.30 *(l) and (m) revised	1840
17.36 *Undesignated center heading and section revised	1840
17.37 *Revised	1840
17.38 *Heading, introductory text, (a), (b)(2), and (c) revised; (d) and (e) added	1840
17.39 *Revised	1841
17.40 *Revised	1841
17.46b *Heading, introductory text, (a), and (c) revised	1841
17.47 *(a), (b), (c)(1), (d), and (f) revised	1841
17.48 *(c)(2) and (f) revised	1841

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17.49 *Heading (a)(3)(vi) through (ix) revised; (a)(3)(x) and (c) added	1842
17.50 *Revised	1842
17.50b *(a), (d), (e), and (f) revised	1842
17.51 *Revised	1842
17.51a *Revised	1843
17.51b *Revised	1843
17.54 *Undesignated center heading and section added	1843
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17.76 *Revised	1843
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17.78 *Introductory text of (a) revised	1843
17.80 *Undesignated center heading and section revised	1844
17.82 *Revised	1844
17.83 *Introductory text revised	1844
17.84 *Introductory text and (d) revised; (f) removed	1844
17.85 *Introductory text and (b) revised; (c) added	1844
17.86 *Revised	1844
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17.166a *Introductory text of (a) revised	1845
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17.170—17.176 *Note revised	1845
17.170 *(f) added	1845
17.171 *(a) revised	1845
17.173 *(a)(1), (c), and (d) revised; (a)(4) added	1845
17.175 *Revised	1845
17.176 Appendix A revised	28827
17.180 *(e) added	1845
17.181 *Revised	1845
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17.353	*Revised	1846
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17.361	*Revised	1846
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18.12	(a) and (c) revised	17967
18.13	(c), (f), and (h) revised; (i) added	17967
18	Appendix B added; provisions derived from 18.5	17968
21.42	Revised	33303
21.43	(b) revised	33303
21.201	(j) added	32578
21.226	(a)(1) revised	32578
21.261	(b)(4) added; (b)(1) revised	32578, 34116
21.261	*(b)(1) revised	5315
21.1045	(a)(6) added	23948
21.3041	*(d) introductory text, (d)(8), and (e)(3) revised	2362
21.3044	*(a) and (c) revised	2362
21.3046	*(c) revised	2362
21.4131	(b) revised	32578
21.4136	(a) revised	32578
21.4200	(d) added	32579
21.4203	(b)(1) revised; (b)(4) added	30439, 34116, 32579
21.4207	*(a) revised	1592
21.4253	(e)(3) revised	32579
21.4270	(c) and (d) revised	32579
21.4274	(a) revised	19371
21.4275	*(c)(1) revised; (d) added	7784
21.4280	Added	32579
25	Added	22779
36.4212	(a)(2) and (3) revised; (a) revised	20615, 23519
36.4212	*(a) introductory text and (a)(2) and (3) revised	3258
36.4222	*Revised	7784
36.4310	Revised	25678
36.4311	*(a) revised	3258
36.4326	Revised	20832
36.4326	*Revised	7785
36.4311	(a) revised	18373, 20616, 23519
36.4402	*(f) added	7785
36.4502	Revised	33772
36.4503	(a) revised	18373, 20616, 23519, 33772
36.4503	*(a) revised	3258
36.4509	(b) revised	33772
36.4511	(a) revised	33772
36.4512	*(b) revised	7785
36.4600	*(c)(3) revised	7785

Proposed Rules:

1	22904, 28959, 34746, 35023
1*	15
2*	5211
3	21188, 21946, 22561, 22650, 22986, 29610, 34129
3*	2775, 4673, 9559, 11202, 11442
17	22904, 26393, 31846
17*	3292, 5211, 10918
21	19417, 23541, 26944, 27228, 28844, 32519, 33104
21*	1644

TITLE 39—POSTAL SERVICE

Chapter I—United States Postal Service

111	Removed	17841
113.3	(a) revised	21496
121	Revised	19030
122.4	*(c)(4) revised	5488
124.3	(c)(1)(xiv) added	21496
124.6	(b) removed; (c) and (d) redesignated as (b) and (c)	19123

Note: Asterisk (*) identifies changes published in 1974.

		Page
126.1	(f)(1)(ii) revised; (e)(2) and (4) revised	18373, 18655
126.1	*(f)(1)(ii) revised	7579
126.2	Revised	18655
132.1	*(b)(2)(iii) revised	7580
132.4	*(g)(3)(v) revised; (g)(3)(vi) and (vii) added; (h)(2) removed; (h)(3) through (7) redesignated as (h)(2) through (6)	8617
141.2	(b) amended; (c)(1) and (2), (d)(1), and (e)(1) revised; (e)(2) redesignated as (e)(4) and amended; (f) redesignated as (g) and revised; (g) redesignated as (h); new (e)(2) and (3) and (f) added	22384
142.1	(a) revised	22384
143.2	(f)(1) and (2) and (g) revised	20076
144	Revised	19033
144.1	(d)(4)(i) amended	22385
144.4	*(i) revised	7580
144.6	(b) redesignated as (c); new (b) added	22385
145.1	(b) added	18548
148	Removed	17841
154.1	(d)(4) and (5) added	20076
154.2	(a)(2) revised	22385
156.5	(a)(5) amended; (a)(6) added	18677, 33082, 19041
159.7	*(b)(2)(iii), (3), and (9)(ii) revised; (e) and (f) removed	7580
162.1	(c)(4) amended	21496
164	Revised	19041
164.1	(b)(2) corrected	19911
164.1	*Revised	10132
164.2	*Revised	10133
	*Corrected	10566
164.3	*Revised	10134
164.4	Revised	10134
164.5	*Revised	10134
171.2	(b)(2)(iv) added	18878
	Table No. 1 revised	18878
211	Provisions transferred to Part 221; new Part 211 added	20402
212	Removed (provisions transferred to Part 222)	20402
213	Removed (provisions transferred to Part 223)	20402
221	Added (provisions derived from Part 211)	20403
221.6	(d) revised	31007
222	Provisions transferred to Part 224; revised (provisions derived from Part 212)	20404
223	Provisions transferred to Part 225; revised (provisions derived from Part 213)	20406
224	Provisions transferred to Part 226; revised (provisions derived from Part 222)	20406
225	Added (provisions derived from Part 223)	20410
226	Added (provisions derived from Part 224)	20414
	Authority citation corrected	21265
226.4	Corrected	21265
232.4	(g) revised	19911
232.5	(b) revised	19124
232.6	(h)(2) and (3) revised	27824
235	Revised	20415, 26193
243.2	*(g)(6) added (provisions derived from 743.5)	1989
244.1	Removed; redesignated from 244.2	20327
244.2	Redesignated as 244.1	20327
256	Removed	17841
447	*Redesignated from 742 and revised	1990
447.22	*Introductory text of (b) corrected; (b)(6) and (7) added	3677
447.23	*(b) corrected	3677
447.25	*(f) note corrected	3677
447.81	*(c) corrected	4081
742	*Redesignated as Part 447	1990
743	*Removed	1989
743.5	*Redesignated as 243.2 (g)(6)	1989
747	Removed	17841
952.17	(a) amended	20263
953.11	Amended	20263
954.14	(a) amended	20263
958.7	Amended	20263

Chapter III—Postal Rate Commission

3000.735–501	Revised	24899
3000.735–502	Amended	24899
3001.7	(a) revised	24899
3001.10	(c) revised	19045
3002.2	*(e) revised	11523
3002.12	*Added	2481

Proposed Rules:

123*	9203
132	27304
152	17512
152*	3968
310	17512
310*	3968
320	17512
320*	3968
777*	10449

Note: Asterisk (*) identifies changes published in 1974.

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TITLE 40—PROTECTION OF ENVIRONMENT

Chapter I—Environmental Protection Agency

		Page
2.107a	Revised	22473
4	*Revised	10362
5	Revised	32806
7	Added	17968
8	*Added	3258
14	*Added	9664
15	Added	35311
35.400—35.538–2	Subpart B) *Interim regulations	7785
	*Effective date corrected	9439
35.505	*(c) corrected	9439
35.850—35.895	(Subpart D) Added	26882
35.850—35.895	(Subpart D) *Revised	3678
35.900—35.960	(Subpart E) *Revised	5253
35.910–1	*Revised	1847
35.910–2	*Revised	1847
35.910–3	*Added	1847
35.910–4	*Added	1847
35	Appendix A added	24639
50.5	Revised	25681
51.7	Revised	20834
51.16	(c) removed; (f) amended	20835
51.33	Added (a)(2) and (6), (b)(2)(iv), (c)(1), (4), and (5), (d)(2), and (u)(2) revised	22026 27286
52.01	*(f) removed	7276
52.09	(c) added	30877
52.22	*Revised	7276
52.23	Added	30633
52.50	*(c) revised	7279
52.53	*Revised	7279
52.56	*Added	7279
52.70	(c) revised	22738
52.74	*(b) added	7279
52.78	*Added	7279
52.81	Table amended	32659
52.82	(b) added	32659
52.83	Removed	32659
52.84	(b) revised; (c) and (d) added (b)(9) revised	22738 24342
52.85	Added	32659
52.86	Added	32659
52.86	*(c), (d), and (h) amended	1849
52.87	Added	32660
52.88	Added	32660
52.89	Added	32661
52.90	Added	32661
52.91	Added	32662
52.92	Added	32662
52.93	Added	32662
52.120	(c) revised	33373
52.122	(d) added	33373
52.122	*(e) added	10583
52.123	Revised	33373
52.125	*(c) revised	10584
52.129	*(e) and (f) added	7279
52.131	Table amended	33373
52.131	*Amended	10584
52.132	Removed; new 52.132 added	33373
52.134	*(a)(2) amended; (b) added	10584
52.136	Revised	33374
52.137	Added	33374
52.138	Added	33375
52.139	Added	33375
52.139	*(c), (d), (h), and (k) amended	1849
52.140	Added	33376
52.177	*Added	7280
52.222	(b) and (c) added	31244
52.233	*(h) and (i) added	7280
52.237	Removed	31245
52.238	Amended	31245
52.239	Removed	31245
52.240	(d)(1)(i)(f) revised	33973
52.241	Added	31245
52.242	Added	31245
52.243	Added	31245
52.244	Added	31246
52.245	Added	31246
52.246	Added	31246
52.247	Added	31246
52.248	Added	31247
52.248	*Removed	1849
52.249	Added	31247
52.249	*Removed	1849
52.250	Added	31247
52.250	*Removed	1849
52.251	Added	31248
52.251	*Revised	1025
	*(c), (d), (g), and (j) amended	1849
52.252	Added	31248
52.253	Added	31248
52.254	Added	31249
52.255	Added	31251
52.255	*(d)(2), (e)(1), and (f)(1) and (3) amended	4881
52.256	Added	31251
52.256	*(g)(1) and (2) and (h)(1) and (3) amended	4881
52.257	Added	31252
52.258	Added	31252
52.259	Added	31253
52.260	Added	31253

Note: Asterisk (*) identifies changes published in 1974.

		Page
52.261	Added	31253
	(d) amended	35467
52.262	Added	31254
52.263	Added	31254
52.264	Added	31254
52.265	Added	31254
52.266	Added	31255
52.320	(c) revised	30820
52.322	(b) added	30820
52.325	Table amended	30820
52.326	(a) revised	30820
52.327	(b) added	22739
	(b)(5) revised	24342
	(38 FR 16564) redesignated as 52.328	30821
52.328	Redesignated from 52.327 (38 FR 16564) and revised	30821
52.329	Added	20754, 30821
52.330	Added	20755, 30821
52.331	Added	20755, 30821
52.332	Added	20755, 30821
52.333	Added	20756, 30821
52.334	Added	20756, 30822
52.335	Added	20756, 30823
52.336	Added	20757, 30823
52.336	*(e)(1), (2) and (3) and (f)(1) and (3) amended	4881
52.337	Added	20757, 30824
52.337	*(g)(1) and (2) and (h)(1) and (3) amended	4881
52.338	Added	20757, 30824
52.339	Added	30824
52.340	*Added	7280
52.370	*(c) revised	7280
52.373	*Revised	7280
52.375	*Added	7280
52.422	*Revised	7280
52.426	*Added	7280
52.470	(d) added	29296
	(c)(2) and (3) revised	33709
52.472	Revised	33709
52.474	Revised	33709
52.476	(b) added	22740
	(b)(5) revised	24342
	(c) through (h) added	33709
52.476	*(d)(3) removed	1849
52.478	*Added	7280
52.479	(b) and (c) added	33710
52.481	Table amended	33711
52.482	Revised	33711
52.483	Revised	33711
52.484	Removed	33711
52.485	Removed	33711
52.486	Added	33711
52.487	Added	33711
52.487	*(e)(1) and (2) and (f)(1) and (3) amended	4881
52.488	Added	33712
52.488	*(g)(1) and (2) and (h)(1) and (3) amended	4881
52.489	Added	33713
52.490	Added	33713
52.491	Added	33713
52.492	Added	33714
52.493	Added	31536
52.493	*(c) and (d) amended	1849
52.494	Added	33715
52.495	Added	33715
52.496	Added	33716
52.520	(c) revised	22740
52.520	*(c) revised	7280
52.524	(b) added	22740
	(c) added	24333
	(b)(6) revised	24342
	(c) tables revised	26325
52.572	*Revised	7280
52.574	*Added	7280
52.620	(c)(2) revised	30877
52.623	*Amended	7280
52.629	*Added	7280
52.670	(c) revised	22741, 29296
52.670	*(c) revised	7280
52.677	Revised	22741
	(d)(5) revised	24342
52.679	*Added	7280
52.720	(c) revised	29296
52.723	Removed	29297
52.726	(a) revised	17726
52.727	Table amended	33561
	Table corrected	29297
52.728	Removed	33561
52.730	(b) added	22742
	(b)(3) revised	24342
52.731	Added	33561
52.732	Added	33562
52.733	Added	33562
52.734	Added	33562
52.736	*Added	7281
52.770	*(c)(3) added	4663
52.780	*(a) and (d)(1) and (2) revised; (b), (c), and (d)(9) removed	4663
	*(e) and (f) added	7281
52.791	*Added	4663
52.824	*(b) added	7281
52.828	Added	30877
52.829	Added	30877
52.830	*Added	7281
52.870	(c) revised; (d) added	30877
52.873	Tables amended	17682
52.874	*(c) added	7281
52.875	Removed	30877
52.876	(b)(1) amended	30877
52.877	Removed	30878
52.878	Removed	30878
52.878	*Added	7281

Note: Asterisk (*) identifies changes published in 1974.

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		Page
52.880	Removed	17682
52.881	Removed	17682
52.920	*(c) revised	7281
52.928	*Added	7281
52.970	(c) revised	17682, 18652
52.973	Removed	17682
52.976	Removed	18652
52.976	*(c) and (d) added	7281
52.979	Table amended	17682
52.980	Removed	17682
52.1020	(d) added	22474
52.1020	*(c) revised	7281
52.1022	*Revised	7281
52.1023	Added	22474
52.1025	Added	22474
52.1026	*Added	7281
52.1070	(c) revised	33716
52.1072	(b) revised	33716, 34247
52.1073	Revised	33716
	(d) and (e) added	34247
52.1074	Revised	33716
	(a) and (b) revised	34248
52.1076	*Added	7281
52.1077	(b) amended; (c) added	33716
	(c)(2) and (3) amended	34248
52.1078	Table amended	33717, 34248
52.1079	Removed	33717
52.1080	(b) added	22743
	(b)(5) revised	24342
	(c) through (h) added	33717
	(38 FR 16566) Correctly designated as 52.1081	33718
	(i), (j), and (k) added	34248
52.1080	*(d)(3) removed	1849
52.1081	Correctly designated from 52.1080 (38 FR 16566) and revised	33718
	(c) and (d) added	34248
52.1082	Added	33718
	(b) added	34249
52.1084	Revised	33718
52.1085	Added	33718
52.1086	Added	33719
52.1086	*(e) (1) and (2) and (f) (1) and (3) amended	4881
52.1087	Added	33719
52.1087	*(g) (1) and (2) and (h) (1) and (3) amended	4881
52.1088	Added	33720
52.1089	Added	33720
52.1090	Added	33721
52.1091	Added	33721
52.1092	Added	33722
52.1093	Added	33722
52.1094	Added	33723
52.1095	Added	34249
52.1096	Added	34249
52.1097	Added	34250
52.1098	Added	34250
52.1099	Added	34251
52.1100	Added	34251
52.1101	Added	34252
52.1101	*(e) (1) and (2), (f) (1) and (3), and (g) (1) and (2) amended	4881
52.1102	Added	34253
52.1102	*(h) (1) and (3) amended	4881
52.1103	Added	31537
52.1103	*(c) and (d) amended	1849
52.1104	Added	34253
52.1105	Added	34253
52.1106	Added	34254
52.1107	Added	34255
52.1108	Added	34255
52.1109	Added	34256
52.1110	Added	34256
52.1111	Added	34256
52.1111	*(c), (d), and (j) amended	1849
52.1112	Added	34257
52.1122	(b) added	30963
52.1124	*Added	7281
52.1125	(a) revised; (b) table amended	20835
	(a) and (b) tables amended	21919
	(b) table amended	32808, 34118
52.1125	*(b) table amended	3823
52.1127	Table amended	30964
52.1128	Revised	30964
52.1129	Added	18879
	(38 FR 18879) redesignated as 52.1133	30878
52.1130	Added	18879
	(b) added	18880
52.1131	Added	18879
	(b) added	18880
52.1132	Added	18880
52.1133	Redesignated from 52.1129 (38 FR 18879)	30878, 30964
52.1134	Added	30964
52.1135	Added	30964
52.1135	*(d) amended	1849
52.1136	Added	30966
52.1136	*(b), (c), and (d) removed; (e), (f), and (g) redesignated as (b), (c), and (d)	1849
52.1137	Added	30968
52.1137	*Removed	1849
52.1138	Added	30966
52.1139	Added	30967
52.1140	Added	30967
52.1141	Added	30968
52.1142	Added	30968
52.1143	Added	30968
52.1144	Added	30969
52.1145	Added	30969
52.1146	Added	30969
52.1147	Added	30970
52.1147	*(a) (1), (2), and (3) and (c)(3) revised; (b) (1) and (2), (c)(1), and (d) (1) and (3) amended; (c)(4) added	4881
52.1148	Added	30830
52.1149	Added	30830
52.1150	Added	30830
52.1150	*Removed	1849
52.1151	Added	30830
52.1152	Added	30831
52.1153	Added	30831
52.1154	Added	30831
52.1155	Added	30831
52.1160	Added	30971
52.1175	(d) added	22743
	(d)(3) revised	24342
52.1175	*(d)(3)(i) revised	9177
52.1176	*(c) and (d) added	7282
52.1220	(c) revised	30833
52.1225	*Added	7282
52.1227	(a)(1) revised; (a)(2) and (3) removed	30833
52.1228	Removed	30833
52.1272	*Revised	7282
52.1275	*Added	7282
52.1276	*Added	7282
52.1320	(c) revised	30878
52.1325	*(c) added	7282
52.1328	*Added	7282
52.1332	Table amended	17682
52.1333	Removed	17682
52.1334	Removed	17682
52.1374	*Added	7282
52.1428	*(f) and (g) added	7282
52.1478	*(c) and (d) added	7282
52.1520	*(c) revised	7282
52.1524	(d) added	22744
52.1525	*Added	7282
52.1570	*(c)(4) added	1439
52.1572	(b) added	31392
52.1578	*Added	7282
52.1580	Revised	31392
52.1581	Removed	31393
52.1583	Added	31393
52.1584	Added	31393
52.1585	Added	31394
52.1586	Added	31394
52.1587	Added	31394
52.1588	Added	31395
52.1588	*(c), (d), and (g) amended	1849
52.1589	Added	31395
52.1590	Added	31396
52.1590	*Removed	1849
52.1591	Added	31397
52.1592	Added	31397
52.1593	Added	31397
52.1594	Added	31397
52.1595	Added	31398
52.1596	Added	31398
52.1597	Added	31399
52.1598	Added	31399
52.1598	*(e) (1) and (2) and (f) (1) and (3) amended	4881
52.1599	Added	31400
52.1599	*(f) (1) and (2) amended	4881
	*(g) (1) and (3) amended	4882
52.1600	Added	31400
52.1601	*Added	1439
52.1624	(c)(1) revised	29296
52.1624	*(c) revised	10584
52.1626	*(c)(3) amended	10585
52.1628	*Added	7282
52.1630	*Amended	10585
52.1631	*(a) revised	10585
52.1670	*(c)(3) added	1441, 9666
	*(c)(2) revised	7283
52.1675	*(f) revised	1441, 9666
52.1677	(d) added	22744
	(d)(12) revised	24342
52.1680	*Added	7283
52.1770	*(c) revised	7283
52.1775	*Added	7283
52.1822	*Revised	7283
52.1824	*Added	7283
52.1870	(c) revised	30974
52.1873	*Revised	7283
52.1875	Footnote f removed	30974
52.1876	Removed	30974
52.1877	(a) revised; (b) and (c) removed	30974
52.1878	Added	30974
52.1879	*Added	7283
52.1922	*Revised	7283
52.1924	*Added	7283
52.1970	(c) revised	22746, 30827
52.1970	*(c) revised	7283
52.1973	Table amended	30827
52.1974	Revised	30827
52.1975	(b) and (c) added	22746
	(c)(11) revised	24342
52.1976	Removed	30827
52.1977	Removed	30827
52.1978	Removed	30827
52.1981	Added	30827
52.1982	*Added	7283
52.2022	(b) added	32893
52.2023	Revised	32893
52.2034	Table amended	32893
52.2036	Revised	32893

Note: Asterisk (*) identifies changes published in 1974.

Note: Asterisk (*) identifies changes published in 1974.

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	Page
52.2036 *(38 FR 16568, 32893) Correctly designated as 52.-2037	2483
52.2037 *Correctly designated from 52.2036 (38 FR 16568, 32893)	2483
52.2038 Added	32893
52.2039 Added	32894
52.2040 Added	32894
52.2040 *(c), (d), and (h) amended	1849
52.2041 Added	32895
52.2042 Added	32896
52.2042 *(e) (1) and (2) and (f) (1) and (3) amended	4882
52.2043 Added	32897
52.2044 Added	32897
52.2045 Added	32897
52.2046 Added	32898
52.2047 Added	32898
52.2048 Added	32899
52.2049 Added	32900
52.2050 Added	32900
52.2051 Added	32901
52.2052 Added	32901
52.2053 Added	32902
52.2055 *Added	7283
52.2070—52.2076 (Subpart 00) Effective date revised	32257
52.2070 (d) revised	29297
52.2071 Table amended	34325
52.2074 *(c) added	7283
52.2077 Added	18879
(b) added	18880
(b) table amended; (c) and (d) added	22747
(38 FR 18879) redesignated as 52.2080	30878
(b) (38 FR 18880) redesignated as 52.2080 (b)	30878
52.2077 *(c) table amended	3824
52.2078 Added	18879
(b) added	18880
52.2079 Added	18879
(b) added	18880
52.2080 Redesignated from 52.-2077 (38 FR 18879)	30878
(b) redesignated from 52.2077 (b) (38 FR 18880)	30878
52.2081 *Added	7283
52.2120 *(c) revised	4082
52.2123 (b) table amended; (c) added	22747
(c)(14) revised	24342
52.2123 *(a) and (c) removed	4082
52.2124 *(d) added	7284
52.2125 *Added	7284
52.2175 *Added	7284
52.2220 (c)(4) added	22748
52.2220 *(c) revised	9668
52.2223 (a) and (e) added	22748
(a)(1) and (2) revised; (a)(4), (5), and (6) redesignated as (a)(5), (6), and (7); new (a)(4) added	24341
(a)(5) and (e)(16) revised	24342
52.2224 *(b) added	7284
52.2228 *Added	7284
52.2272 Added	30642
52.2275 Added	30642
52.2278 Removed	30642
52.2279 Table amended	30642
52.2280 Removed	30642
52.2283 Added	30643
52.2284 Added	30643
52.2285 Added	30643
52.2285 *(f) (1) and (3) amended	4882
52.2286 Added	30644
52.2286 *(e) (1), (2), and (3) and (f) (1) and (3) amended	4882
52.2287 Added	30645
52.2288 Added	30645
52.2288 *(c)(2) and (d) revised; (g) (1), (2), and (3), (h)(3), (i) (1) and (3), and (k) amended; (e) through (k) redesignated as (f) through (l); new (e) added	4882
52.2289 Added	30646
52.2289 *(g) (1) and (3) and (i) amended	4882
*(d) revised; (e) through (i) redesignated as (f) through (j); new (e) added	4883
52.2290 Added	30647
52.2291 Added	30647
52.2292 Added	30647
52.2293 Added	30647
52.2294 Added	30647
52.2295 Added	30648
52.2295 *(c), (d), and (l) amended	1849
52.2296 Added	30649
52.2297 Added	30650
52.2297 *(b) revised; (f) amended	4884
52.2298 Added	30650
52.2299 *Added	7284
52.2320 (c) revised	32666
52.2322 (e) added	32666
52.2328 *Added	7284
52.2331 Table amended	32666
52.2332 Removed	32668
52.2337 Added	32668

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52.2338 Added	32667
52.2339 Added	32667
52.2340 Added	32667
52.2341 Added	32668
52.2342 Added	32668
52.2343 Added	32668
52.2370 *(c) revised	7284
52.2376 Added	20836
52.2377 *Added	7284
52.2420 (c) revised	33723
52.2420 *(c)(2) revised	7284
52.2422 Existing text designated as (a); (b) added	33723
52.2423 Revised	33724
52.2424 (b) corrected	33724
52.2427 (c) amended; (d) added	33724
52.2429 Table amended	33724
52.2430 Revised	33724
52.2431 Revised	33724
52.2432 Removed	33724
52.2434 Removed	33724
52.2435 Added	33724
52.2435 *(b)(3) removed	1849
52.2436 Added	33725
52.2437 Added	33725
52.2438 Added	33726
52.2438 *(e)(1) and (2) and (f) (1) and (3) amended	4882
(38 FR 33726) *Redesignated as 52.2439	4882
52.2439 *Redesignated from 52.2438 (38 FR 33726) and (g) (1) and (2) and (h) (1) and (3) amended	4882
52.2440 Added	33727
52.2441 Added	33727
52.2442 Added	33728
52.2443 Added	31538
52.2443 *(c) and (d) amended	1849
52.2444 Added	33729
52.2445 Added	33729
52.2446 Added	33729
52.2447 Added	33730
52.2448 *Added	7284
52.2460 (c) revised	22750
(38 FR 22750) Correctly designated as 52.2470	32674
52.2470 Correctly designated from 52.2460 (38 FR 22750) and (c) revised	32674
52.2470 *(c) revised	7284
52.2472 Added	32674
52.2473 Revised	32674
52.2475 Added	32674
52.2477 Revised	32674
52.2478 Table amended	32675
52.2479 Removed	32675
52.2481 (a) and (b) revised; (c) removed; (d) added	22751
(d)(3) revised	24342
(38 FR 16569) Correctly designated as 52.2484	32675
52.2484 Correctly designated from 52.2481 (38 FR 16569) and heading amended and text revised	32675
52.2485 Added	32675
52.2486 Added	32675
52.2486 *(c), (d), and (h) amended	1849
52.2488 Added	32677
52.2488 *Removed	1849
52.2489 Added	32677
52.2490 Added	32677
52.2491 Added	32678
52.2492 Added	32678
52.2493 Added	32679
52.2494 Added	32679
52.2495 *Added	7284
52.2524 (b) added	22751
(b)(9)(i), (ii), and (iii) revised	24342
52.2525 *Added	7284
52.2570 (c)(2) amended	30878
52.2578 (a) redesignated as (b); (c) added	22752
52.2579 *Added	7285
52.2620 (c) revised; (d) added	29297
52.2625 *(c) and (d) added	7285
52.2627 Removed	29297
52.2670 *(c) added	7285
52.2722 *Revised	7285
52.2724 *Added	7285
52.2758 (c)(3) revised	24342
52.2775 *(c) and (d) added	7285
52.2822 *Correctly revised	8617
52.2824 *Correctly added	8617
60.2—60.12 (Subpart A) *Revised	9313
60.2 (p), (q), and (r) added	28565
60.7 (c) added	28565
60.8 (c) revised	28565
60.11 Added	28565
60.45 (g) added	28566
60.73 (e) added	28566
60.84 (e) added	28566
60.90—60.93 (Subpart I) *Added	9314
60.100—60.106 (Subpart J) *Added	9315
60.110—60.112 (Subpart K) *Added	9317
60.120—60.122 (Subpart L) *Added	9317
60.130—60.133 (Subpart M) *Added	9318

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60.140—60.144 (Subpart N) *Added	9318
60.150—60.154 (Subpart O) *Added	9319
60 *Appendix amended	9319
80.1 Amended	33741
80.1 *Effective date corrected	2267
80.2 (m) added	33741
80.2 *(m) effective date corrected	2267
80.20 Added	33741
80.20 *Effective date corrected	2267
80.24 Revised	26450
80.25 Added	33741
80.25 *Effective date corrected	2267
80.26 Added	33741
80.26 *Effective date corrected	2267
85.002 (a)(5) revised	21363
85.002 *(a) (28), (29), and (30) added	7548
85.005 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7549
85.006 *(a) and (c) revised	7549
85.073–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7552
85.074–2 *(b)(1) revised; (c) added	7551
85.074–3 *Revised	7551
85.074–4 (c) revised	32258
85.074–12 (c) revised	30080
85.074–19 (d), (e), and (f) redesignated (e), (f), and (g); new (d) added	30080
85.074–20 Corrected	19683
85.074–22 (f) revised	30080
85.074–23 (a)(3) and (6)(vii) revised	30080
(a)(6)(vii) corrected	31428
85.074–26 (c) amended	30080
85.074–29 *(b)(2) amended	7552
85.074–30 (b)(1)(ii) revised	30080
85.074–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7552
85.075–1 (a) revised	17441
85.075–2 *(b)(1) revised; (c) added	7550
85.075–3 *Revised	7550
85.075–4 (c) revised	32258
85.075–10 *(a) and (b) revised	2364
85.075–11 (a)(1) revised	30080
85.075–12 (c) revised	30080
85.075–19 (e) and (f) redesignated as (f) and (g)	30080
85.075–22 (f) revised	30081
85.075–23 (a)(2) and (6)(vii) revised	30081
85.075–24 (b)(14), (15), (16), and (17) revised	30081
85.075–26 (c) amended	30081
85.075–28 (c)(1)(i)(a) revised	30081
85.075–29 *(b)(2) amended	7550
85.075–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7551
85.075–38 (b) and (b)(3) removed	30081
85.076–1 Revised	22474
85.101—85.176–1 (Subpart B) Revised	21348
85.102 *(a)(21), (22), and (23) added	7553
85.105 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7553
85.106 *(a) and (c) revised	7553
85.175–2 *(b)(1) revised; (c) added	7555
85.175–3 *Revised	7555
85.175–4 (c) revised	32258
85.175–6 (a)(1)(i) revised	30081
85.175–19 (f) revised	30081
85.175–29 *(b)(2) amended	7555
85.175–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7555
85.201—85.276–1 (Subpart C) Added	21363
85.202 *(a) (26), (27), and (28) added	7556
85.205 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7556
85.206 *(a) and (c) revised	7556
85.275–2 *(b)(1) revised; (c) added	7558
85.275–3 *Revised	7558
85.275–4 (c) revised	32258
85.275–10 *(a) and (b) revised	2364
85.275–11 (a)(1) revised	30081
85.275–12 (c) revised	30081
85.275–15 (d) table corrected	30439
85.275–19 (e) and (f) redesignated as (f) and (g)	30081
85.275–22 (f) revised	30081
85.275–23 (a)(2) and (6)(vii) revised	30082
(a)(6)(vii) corrected	31428
85.275–24 (b)(14), (15), (16), and (17) revised	30082
85.275–26 (c) amended	30082, 31428
85.275–28 (c)(1)(i)(a) revised	30082
85.275–29 *(b)(2) amended	7558
85.275–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7558
85.275–38 (b) and (b)(3) removed	30082
85.702 *(a) (20), (21), and (22) added	7559
85.705 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7559
85.706 *(a) and (c) revised	7559
85.773–4 (c) revised	32258
85.773–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7561
85.774–2 *(b)(1) revised; (c) added	7560
85.774–3 *Revised	7560
85.774–4 (c) revised	32258
85.774–9 (b) revised	30082
85.774–29 *(b)(2) amended	7561
85.774–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7561
85.775–10 *(a) and (b) revised	2364
85.802 *(a) (25), (26), and (27) added	7562
85.805 *(a) (1) and (3) and (b) (1) revised (a)(4) added	7562
85.806 *(a) and (c) revised	7562
85.873–4 (c) revised	32258
85.873–30 *(a) (1) and (3) revised; (b)(3) amended; (c) added	7565
85.874–2 *(b)(1) revised; (c) added	7564
85.874–3 *Revised	7564
85.874–4 (c) revised	32258
85.874–7 Heading amended; (e) added; (i) removed	30082
85.874–29 *(b)(2) amended	7564
85.874–30 (b)(1)(ii) redesignated as (b)(1)(i) and revised	30082
85.874–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7564
85.902 (a)(23) revised	30082
85.902 *(a) (25), (26), and (27) added	7565
85.905 *(a) (1) and (3) and (b) (1) revised; (a)(4) added	7566
85.906 *(a) and (c) revised	7566
85.974–2 *(b)(1) revised; (c) added	7567
85.974–3 *Revised	7567
85.974–4 (c) revised	32258
85.974–16 (b)(6) [revised] redesignated as (c)(6)	30082
85.974–18 (c) revised	30082
(c) corrected	32138
85.974–28 (c)(1)(i)(a) and (b) revised	30082
85.974–29 *(b)(2) amended	7567
85.974–30 (b)(1)(i), (ii), and (iii) revised	30082
85.974–30 *(a) (1) and (2) revised; (b)(3) amended; (c) added	7567
85 Appendix III amended	30083
87 Added	19090
87.11 *(a) revised	4884
87.64 (c)(1)(2)(c) revised	34734
87.66 (a)(6)(i) and (vi) revised	34734
87.70 (a)(2) and (3), (b)(4), and (d) table corrected; (e)(4)(iii) revised	34734
87.93 (d) corrected	34734
87.96 (a) corrected	34734
87.99 (e)(2)(ii) and (5)(i) revised	34734
87.101–87.102 (Subpart J) Added	35001
87 Appendix A corrected	34734, 34735
104 Removed	31174
104 *Added	1027
104.5 *Amended	8325
104.10 *(f) revised; (g) removed	8326
105 Added	22757
106 Removed	31174
107 Removed	31174
112 Added	34165
113 Added	25440
120.10 Amended	26359
122 Removed	22893
124.1 (u) and (v) added	18002
(h) removed; new (h), (i), and (j) added	19895
124.10—124.11 (Subpart B) Revised	18002
124.21 Added	19895
Removed	28758
125.1 (ii) and (jj) added	18003
(g) through (gg) redesignated as (h) through (hh); new (g) added	19895
125.2 (b) amended	19896
125.4 (j) added	18003
125.12 (h)(1) introductory text, (h)(1)(iii)(C) and (D), (h)(2) introductory text, (h)(2)(i) and (iii), (h)(3), and (i)(5) amended; (h)(2)(ii) removed; (h)(2)(iii) redesignated as (h)(2)(ii) and amended	19896
126 Added	25681
128 Added	30983
129 Added	24344
133 Added	22298
136 Added	28758

Note: Asterisk (*) identifies changes published in 1974.

Note: Asterisk (*) identifies changes published in 1974.

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162.14 (a)(5) revised	26360
162.19 *Added	3939
164 Revised	19371
164.20 (c) revised	34117
164.40 (e) revised	34117
166 Added	33305
167 Added	30558
168 Added	26361
180.1 (j)(8) added	31174
180.3 (e)(6) amended	27523
(e)(5) amended	28664, 33398
180.120 Amended	28663
180.121 Amended	26450
180.142 (a) revised	29589
180.150 *Amended	9177
180.153 Heading revised; text amended	23781
Corrected	26913
180.169 Amended	18548
180.185 Heading revised; text amended	34117
180.198 Amended	31174
180.200 Amended	23404
180.206 *Amended	7421
180.213 Amended	28664
180.221 *Amended	3679, 7929
180.223 *Amended	5765
180.224 Revised	22475
180.234 *Amended	2585
180.242 Amended	35467
180.245 Revised	31539
180.246 Amended	28937
180.249 Revised	32909
180.249 *Amended	7422
180.254a *Added	6608
*Effective date corrected	7929
180.259 Revised	22124
180.263 *Amended	3679
180.285 *Amended	7930
180.294 Amended	26450
Corrected	29589
180.294 *Amended	7422
180.298 Heading revised; text amended	23404
180.300 Amended	18442
180.301 *Revised	7568
180.303 *Removed	11268
180.304 Added	27524
180.315 Amended	35314
180.317 Revised	27524
Amended	33973
180.319 Table amended	18548, 22894, 28663, 31539, 33974
180.319a Added	21783
Amended	32909
180.320 Revised	23403
180.326 *Revised	9965
180.327 *Revised	9965
180.337 Added	29589
180.340 Added	22894
180.341 Added	22894
180.342 Added	28664
180.343 Added	33398
180.346 *Added	9177
180.1001 (d) table amended	22124
180.1001 *(c) table, (d) table, and (e) table amended	799, 2758
*(c) table and (e) table corrected	4663, 6518
*(d) table amended	11080
180.1011 (a)(4) added	19045
180.1020 Amended	28938
Revised	29590
180.1020 *Revised	6705
180.1021 (c) added	25440
180.1023 *Revised	11268
180.1028 *Added	9965
180.1029 *Added	11268
203 *Added	6670
*Effective date corrected	7930
220 Revised	28613
221 Revised	28614
222 Revised	28615
223 Revised	28616
224 Revised	28617
225 Revised	28617
226 Revised	28617
227 Revised	28618
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401 *Added	4532
406 *Added	10513
407 *Added	10864
409 *Added	4037
409.20—409.26 (Subpart B) *Added	10524
409.30—409.36 (Subpart C) *Added	10526
411 *Added	6590
412 *Added	5706
413 *Added	11512
415 *Added	9616
422 *Added	6582
424 *Added	6809
426 *Added	2565
426.12 .*Table corrected	4760
426.20—426.26 (Subpart B) *Added	5714
426.30—426.36 (Subpart C) *Added	5714
426.40—426.46 (Subpart D) *Added	5714
426.50—426.56 (Subpart E) *Added	5714

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426.60—426.66 (Subpart F) *Added	5714
426.70—426.76 (Subpart G) *Added	5714
427 *Added	7527
428 *Added	6662
432 *Added	7897

Chapter IV—Low-Emission Vehicle Certification Board

400 *Redesignated as 1400	2483
1400 *Redesignated from 400	2483

Chapter V—Council on Environmental Quality

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1500 Added	20550
Effective date corrected	21265
1510 Added	21888
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35	17736, 21342, 28572
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51	25697, 28438
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Note: Asterisk (*) identifies changes published in 1974.

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TITLE 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

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1–1.307–6 (a)(2) amended	24210
1–1.307–7 (a) revised	24211
1–1.307–8 (b) revised	24211
1–1.708–2 (d) revised; (e) added	26913
1–1.708–3 Revised	26913
1–1.1003–3 (b), (c), and (d) revised	33594
1–1.1003–7 (b)(9) revised	33594
1–2.201 (a)(31) added	26913
1–2.303–3 Revised	26914
1–2.303–4 Revised	26914
1–2.303–6 Revised	26914
1–2.404–2 (h) added	32808
1–3.802 (c) revised	26914
1–3.802–1 Added	26914
1–3.802–2 Added	26915
1–3.807–3 *(a)(2), (b), (d), (e), and (g) revised; (i) added	1752
1–3.807–5 *(a) introductory text. (a)(1) and (3), (d), and (e) revised; (f) added	1753
1–3.814 *Revised	1754
1–3.814–1 *(a) and (b) revised	1754
1–3.814–2 *Revised	1755
1–3.814–3 *(a) and (b) amended	1755
1–4.1000—1–4.1007 (Subpart 1–4.10) Revised	33594
1–7.103–23 Revised	26916
1–7.200—1–7.204–4 (Subpart 1–7.2) *Added	1756
1–7.602–1 Revised	26916
1–9 Added	23782
1–9 *Effective date suspended	7925
1–12.400—1–12.404–13 (Subpart 1–12.4) Removed	21404
1–12.804–1 (d) revised	28818
1–12.810 (a) revised	28818
1–12.1201—1–12.1202 (Subpart 1–12.12) Added	21404
1–16.101 (b) revised	26916
1–16.401 (b) revised	21405
(f) revised	26916
1–16.401 *(a) and (b) revised	11268
1–16.901–19 *Revised	11268
1–16.901–19–A *Revised	11268
1–18.113 Revised	33596
1–18.310 Added	17441
1–18.310–1 Added	17441
1–18.310–2 Added	17442
1–18.310–3 Added	17442
1–18.310–4 Added	17442
1–18.310–5 Added	17443
1–18.700—1–18.706 (Subpart 1–18.7) Added	21405
1–18.703–1 (b) corrected	23791
1–26 Added	32808
1–30.710 Revised	32810

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160 Appendix amended	30660
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166.3 (f), (g), (h), and (k) removed	30660
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166.21 (a) removed	30660
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167.3 (b), (f), (g), (h), and (k) removed	30660
167.7 (a) removed	30660
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167.11 (a) and (b) removed	30660
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170.1 (f) and (l) removed	30660
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171.7 (b) removed	30660
171.8 Removed	30660
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171.12 Removed	30660
173.1 (b), (d), (e), (g), and (i) removed	30660
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177.4 (c)(3)(xvii) added	27935
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187.21 Introductory text revised; (e), (f), (g), (h), (i), and (j) removed	30661
187.31—187.34 (Subpart D) Removed	30661
188.3 Added	30661
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205.25 *Effective date changed to 7-1-74	3824
205.35 *Added	4733
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205.190 *(a) introductory text and (a)(1) and (2) revised	2254
206.10 (a)(6) revised	33380
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221 *Effective date postponed to 1-1-75	1443
222 Removed; provisions transferred to Part 221	30072
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226 Removed; provisions transferred to Part 221	30072
226 *Reinstated until 1-1-75 and amended	1443
233.50 Revised	30259
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233.120 *(b)(2) revised	5316
233.145 (c) added	32912
234.130 *(a) introductory text and (c) revised	2220
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248.1 *Added	9513
248.2 *Added	9515
248.3 *Added	9516
248.4 *Added	9517
248.10 (a)(1), (b)(2)(ii) and (iv), and (d)(1) and (2) revised; (b)(3) and (4) redesignated as (b)(5) and (6); (b)(5) redesignated as (b)(7) and revised; new (b)(3) and (4) added	33380
248.10 *Introductory text added	9518
248.11 *Existing text designated as (b); (a) added	9518
248.21 (a) revised; (b) redesignated as (c) and revised; new (b) added	33382
248.21 *(a) revised	5552
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248.60 *(a)(1) revised; (b)(9) and (10) added	2221
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249.10 *(b)(14) and (c) revised; (b)(15) redesignated as (b)(17), new (b)(15) added; (b)(16) reserved; (d)(1)(iv), (v), and (vi) added	2221
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249.12 *Added	2223
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249.13 *Added	2226
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249.20 *Redesignated from 249.11 and revised	2223
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93.164 Revised	28836
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173 Compliance date amended	28292
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federal register
Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—The President

MEMORANDUM OF MARCH 7, 1974

[Presidential Determination No. 74–15]

Presidential Determination Under Section 614(a) of the Foreign Assistance Act of 1961, as Amended—Egypt

Memorandum for the Secretary of State

THE WHITE HOUSE, *Washington, March 7, 1974.*

Pursuant to the authority vested in me by Section 614(a) of the Foreign Assistance Act of 1961, as amended (hereinafter "the Act"), I hereby:

A. Determine that a grant in fiscal year 1974 of not to exceed $10 million in United States-owned excess Egyptian pounds to the Wafaa wa'l Amal (Loyalty and Hope Society), without regard to the prohibitions contained in section 620 of the Act, and without regard to any law relating to the receipts or credits accruing to the United States, is important to the security of the United States; and

B. Authorize the use of up to $10 million equivalent of such Egyptian pounds for a grant to the above-named Egyptian charitable organization.

This determination shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.74–6300 Filed 3–14–74;3:51 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 4—Accounts

CHAPTER III—COST ACCOUNTING STANDARDS BOARD

PART 406—COST ACCOUNTING STANDARD—COST ACCOUNTING PERIOD

Effective Date

On November 7, 1973 a Cost Accounting Standard entitled Cost Accounting Standard—Cost Accounting Period was published in the FEDERAL REGISTER (38 FR 30730 et seq.).

As shown in the following § 406.80(a) the effective date of the Standard which was reserved in the November 7 publication is July 1, 1974.

• • • • •

§ 406.80 Effective date.

(a) The effective date of this Standard is July 1, 1974.

(84 Stat. 796, sec. 103; (50 U.S.C. App. 2168))

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.74-6113 Filed 3-15-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended January 4, 1974 (39 FR 999) and January 18, 1974 (39 FR 2265), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the lists therein as follows:

§ 97.2 [Amended]

Under the heading WITHIN METROPOLITAN AREA, ONE HOUR; delete "Eastport, Idaho"; under OUTSIDE METROPOLITAN AREA, ONE HOUR; delete "Porthill, Idaho (served from Eastport, Idaho)"; under TWO HOURS; delete "Porthill, Idaho (served from Eastport, Idaho)"; under THREE HOURS; add "Eastport and Porthill, Idaho (served from Sandpoint, Idaho)."

(84 Stat. 561 (7 U.S.C. 2260))

Effective date. The foregoing amendment shall become effective March 18, 1974.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of March 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-6201 Filed 3-15-74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Air Force

Section 213.3309 is amended to show that one position of Private Secretary to the Secretary is excepted under Schedule C.

Effective March 18, 1974, § 213.3309(a)(1) is amended as set out below.

• • • • •

§ 213.3309 Department of the Air Force.

(a) *Office of the Secretary.* • • •

(1) Two Private Secretaries to the Secretary, one Private Secretary to the Undersecretary, and one Private Secretary each to each of the four Assistant Secretaries of the Air Force.

• • • • •

((5 U.S.C. secs. 3301, 3302); E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6129 Filed 3-15-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-AL-1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Colored Airways, Controlled Airspace and Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make editorial changes in the descriptions of certain airways, controlled airspace, and reporting points as a result of the conversion and renaming of the following navigational aids:

1. Cold Bay, Alaska, RR to Fort Randall, Alaska, RBN.
2. From Kodiak, Alaska, RR to Woody Island, Alaska, RBN.
3. From King Salmon, Alaska, RR to Naknek River, Alaska, RBN.
4. From Sandspit, British Columbia, Canada, RR to Sandspit, British Columbia, Canada, RBN.
5. From Vancouver, British Columbia, Canada, RR to Vancouver, British Columbia, Canada, RBN.
6. From Abbotsford, British Columbia, Canada, RR to Abbotsford, British Columbia, Canada, RBN.
7. From Princeton, British Columbia, Canada, RR to Princeton, British Columbia, Canada, RBN.

A plan for the conversion of all low frequency four course radio ranges to nondirectional radio beacons in the State of Alaska was circulated January 14, 1972, with a request for comment. No objections were received.

The four specified Canadian navaids have been converted and renamed by the Canadian Government. Editorial changes are required when an airway is based on a facility which has been converted and renamed, whether that facility is in Canada or the United States.

Since this action simply redescribes airways, controlled airspace and reporting points with no substantive alteration to any route structure or airspace dimension, it is minor in nature and notice and public procedure thereon are

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unnecessary. This amendment could be made effective on March 18, 1974, however, in order to provide sufficient time for changes to be depicted on appropriate aeronautical charts, this amendment will be made effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 20, 1974, as hereinafter set forth.

1. Section 71.103 (39 FR 305, 3670) is amended as follows:

a. In G–8 "20 AGL INT Cold Bay, Alaska, RR, 255° and Cape Sarichef, Alaska, RBN, 344° bearings; 20 AGL Cold Bay, RR; 20 AGL King Salmon, AK., RR;" is deleted and "20 AGL INT Fort Randall, Alaska, RBN 255° and Cape Sarichef, Alaska, RBN, 344° bearings; 20 AGL Fort Randall RBN; 20 AGL Naknek River, Alaska, RBN;" is substituted therefor.

b. G–11 is revised to read as follows:

From INT Fort Randall, Alaska, RBN 041° and Port Moller, Alaska, RBN 313° bearings, 20 AGL via Port Heiden, Alaska, RBN; 174 miles 85 MSL, 37 miles 20 AGL, to Woody Island, Alaska, RBN.

2. Section 71.105 (39 FR 305, 3670) is amended as follows:

a. In A–1 "From Sandspit, British Columbia, Canada, RR;" is deleted and "From Sandspit, British Columbia, Canada, RBN;" is substituted therefor.

3. Section 71.107 (39 FR 306) is amended as follows:

a. In R–40 "From Kodiak, Alaska, RR;" is deleted and "From Woody Island, Alaska, RBN;" is substituted therefor.

b. In R–75 "From Vancouver, British Columbia, Canada, RR" is deleted and "From Vancouver, British Columbia, Canada, RBN" is substituted therefor; "Abbotsford, British Columbia, Canada, RR;" is deleted and "Abbotsford, British Columbia, Canada, RBN;" is substituted therefor; "to Princeton, British Columbia, Canada, RR," is deleted and "to Princeton, British Columbia, Canada, RBN," is substituted therefor.

4. Section 71.109 (39 FR 306, 1272) is amended as follows:

a. In B–27 "From Kodiak, Alaska, RR, 45 miles, 68 miles, 95 MSL, King Salmon, Alaska; RR;" is deleted and "From Woody Island, Alaska, RBN, 45 miles 12 AGL, 68 miles 95 MSL, Naknek River, Alaska, RBN;" is substituted therefor.

b. In B–79 "From Sandspit, British Columbia, Canada, RR;" is deleted and "From Sandspit, British Columbia, Canada, RBN;" is substituted therefor.

5. Section 71.163 (39 FR 346) is amended as follows:

a. In Control 1217 "centered on the Kodiak, Alaska, RR" is deleted and "centered on the Woody Island, Alaska, RBN" is substituted therefor. Also "from the Kodiak RR" is deleted and "from the Woody Island, RBN" is substituted therefor.

b. In Control 1400 "from the King Salmon, Alaska, RR extending from the RR" is deleted and "from the Naknek River, Alaska, RBN extending from the RBN" is substituted therefor. Also "5° from the King Salmon RR" is deleted and "5° from the Naknek River RBN" is substituted therefor.

c. In Control 1401 "248° bearing from the King Salmon, Alaska, RR extending from the RR" is deleted and "248° bearing from the Naknek River, Alaska, RBN extending from the RBN" is substituted therefor. Also "an angle of 5° from the King Salmon 248° bearing extending from the RR" is deleted and "an angle of 5° from the Naknek River 248° bearing, extending from the RBN" is substituted therefor.

6. Section 71.171 (39 FR 354) is amended as follows:

a. In Cold Bay, Alaska "Cold Bay RR, extending from the 5-mile radius zone to 13.5 miles north of the RR," is deleted and "Fort Randall, Alaska, RBN, extending from the 5-mile radius zone to 13.5 miles north of the RBN," is substituted therefor.

7. Section 71.211 (39 FR 632) is amended as follows:

a. In Carp INT: "Sandspit, British Columbia, Canada, RR," is deleted and "Sandspit, British Columbia, Canada, RBN," is substituted therefor.

b. In Crab INT: "King Salmon, Alaska, RR," is deleted and "Naknek River, Alaska, RBN," is substituted therefor.

c. In Gar INT: "King Salmon, Alaska, RR," is deleted and "Naknek River, Alaska, RBN," is substituted therefor.

d. In Halibut INT: "Sandspit, British Columbia, Canada, RR," is deleted and "Sandspit, British Columbia, Canada, RBN," is substituted therefor.

e. In Herring INT: "King Salmon, Alaska, RR," is deleted and "Naknek River, Alaska, RBN," is substituted therefor.

f. "King Salmon, Alaska, RR" is deleted and "Naknek River, REN" is added.

g. "Kodiak, Alaska, RR" is deleted and "Woody Island, Alaska, RBN" is added.

h. In Marlin INT: "Cold Bay, Alaska, RR," is deleted and "Fort Randall, Alaska, RBN," is substituted therefor.

i. In Mordvinoff INT: "Cold Bay, Alaska, RR," is deleted and "Fort Randall, Alaska, RBN," is substituted therefor.

j. In Muzon LF INT: "Sandspit, British Columbia, Canada, RR," is deleted and "Sandspit, British Columbia, Canada, RBN," is substituted therefor.

k. In Wide Bay INT: "King Salmon, Alaska, RR," is deleted and "Naknek River, Alaska, RBN," is substituted therefor.

8. Section 71.213 (39 FR 634) is amended as follows:

a. In Carp INT: "Sandspit, British Columbia, Canada, RR," is deleted and "Sandspit, British Columbia, Canada, RBN," is substituted therefor.

b. In Gar INT: "King Salmon, Alaska, RR," is deleted and "Naknek River, Alaska, RBN," is substituted therefor.

c. In Herring INT: "King Salmon, Alaska, RR," is deleted and "Naknek River, Alaska, RBN," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on March 12, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–6103 Filed 3–15–74;8:45 am]

[Airspace Docket No. 74–AL–2]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Colored Airways, Controlled Airspace and Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to make editorial changes in the descriptions of certain airways, controlled airspace, and reporting points as a result of the conversion and renaming of the Homer, Alaska, LFR to the Kachemak, Alaska, RBN and the Kenai, Alaska, LFR to the Wildwood, Alaska, RBN.

A plan for the conversion of all low frequency four course radio ranges to nondirectional radio beacons, in the State of Alaska, was circulated January 14, 1972, with a request for comment. No objections were received.

Since this action simply redescribes airways, controlled airspace and reporting points with no substantive alteration to any route structure or airspace dimension, it is minor in nature and notice and public procedure thereon are unnecessary.

This amendment could be made effective upon publication in the FEDERAL REGISTER, however, in order to provide sufficient time for changes to be depicted on appropriate aeronautical charts, this amendment will be made effective more than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 20, 1974, as hereinafter set forth.

a. Section 71.103 (39 FR 305 and 3670) is amended as follows:

In G–8 "Homer, AK, RR; Kenai, AK, RR; INT northeast course Kenai" is deleted and "Kachemak, Alaska, RBN; Wildwood, Alaska, RBN; INT of a bearing of 034° from Wildwood RBN" is substituted therefor.

b. Section 71.107 (39 FR 306) is amended as follows:

In R–40 "Homer, Alaska, RR;" is deleted and "Kachemak, Alaska, RBN;" is substituted therefor.

In R–103 "From Kenai, Alaska, RR; INT southeast course Kenai RR and" is deleted and "From Wildwood, Alaska, RBN; INT of a bearing of 112° from Wildwood RBN and the" is substituted therefor.

c. Section 71.163 (39 FR 346) is amended as follows:

In Control 1218 "centered on the Homer, Alaska, RR" is deleted and "centered on the Kachemak, Alaska, RBN" is substituted therefor. Also, "118° bearing from the Homer RR" is deleted and "118° bearing from the Kachemak RBN" is substituted therefor.

d. Section 71.181 (39 FR 440) is amended as follows:

In Homer, Alaska, "from the Homer RR, extending from 17.5 miles west to 7 miles east of the RR;" is deleted and "from the Kachemak, Alaska, RBN, extending from 17.5 miles west to 7 miles east of the RBN;" is substituted therefor.

e. Section 71.211 (39 FR 632) is amended as follows:

"Homer, Alaska, RR" and "Kenai, Alaska, RR" are deleted and "Kachemak, Alaska, RBN" and "Wildwood, Alaska, RBN" are added.

In Granite INT: "Homer, Alaska, RR," is deleted and "Kachemak, Alaska, RBN," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 12, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–6102 Filed 3–15–74;8:45 am]

[Airspace Docket No. 74–SW–8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation and Designation of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Waco, Tex. (Municipal Airport) and (James Connally Airport) control zones and designate the Waco, Tex., control zone.

On March 9, 1973, a notice of proposed rulemaking in Airspace Docket No. 73–SW–13 was published in the FEDERAL REGISTER (38 FR 6397) stating that the Federal Aviation Administration proposed to designate the Waco, Tex. (James Connally Airport), control zone; rename the Waco, Tex., control zone; and alter the Waco, Tex., transition area. On July 9, 1973, the rule was published in the FEDERAL REGISTER (38 FR 18245) making the alterations to FAR Part 71 effective September 13, 1973.

Subsequent to the effective date of the rule, it was determined that it will be necessary to include the James Connally Airport and the Waco, Tex., Municipal Airport within a single control zone. The necessary weather observations required for a separate control zone at James Connally Airport are not being taken at the present time.

Since these amendments will impose no undue burden on any person, notice and public procedure hereon are unnecessary and they may be made effective upon publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective on March 18, 1974, as hereinafter set forth.

(1) In § 71.171 (39 FR 354), the following control zones are revoked:

WACO, TEX. (JAMES CONNALLY AIRPORT)
WACO, TEX. (MUNICIPAL AIRPORT)

(2) In § 71.171 (39 FR 354), the following control zone is added:

WACO, TEX.

That airspace within a 5-mile radius of Waco Municipal Airport (latitude 31°38'40" N., longitude 97°13'40" W.), within 2 miles each side of the Waco VORTAC 330° radial extending from the 5-mile radius zone to 8 miles northwest of the VORTAC, within 2 miles each side of the Waco ILS localizer north course extending from the 5-mile radius zone to the OM, and within a 5-mile radius of James Connally Airport (latitude 31°38'00" N., longitude 97°04'00" W.).

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 6, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74–6104 Filed 3–15–74;8:45 am]

[Airspace Docket No. 73–GL–58]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route

On January 11, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 1640) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would extend Jet Route No. 554, between South Bend, Ind., and Carleton, Mich.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

In § 75.100 (39 FR 699), J–554 is revised to read as follows:

"Jet Route No. 554. From South Bend, Ind., via Carleton, Mich.; to Jamestown, N.Y., excluding the portion within Canada."

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a); sec. 6(c), Department of Transporattion Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 12, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–6106 Filed 3–15–74;8:45 am]

[Docket No. 10270, Amdt. 103–20]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIZED MATERIALS

Medicinal and Toilet Articles

The purpose of this amendment to Part 103 of the Federal Aviation Regulations is to clarify and expand the amounts of medicinal and toilet articles in small quantities that can be carried in passenger baggage pursuant to the express exclusion in § 103.1(c)(5).

This amendment is based on a notice of proposed rulemaking (Notice No. 73–13) published by the FEDERAL REGISTER on April 25, 1973 (38 FR 10157). Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to the comments received in response to that notice. This amendment and the reasons therefor are the same as those contained in Notice 73–17.

The five public comments that were received in response to the Notice generally concurred in it. One commentator requested that the term "medicinal and toilet articles" be clarified to include only articles that are included in the definition in § 103.1(b) and, thereby, classified as dangerous articles. The FAA believes, however, that the exceptions set forth in § 103.1(c)(1) through (5) are clearly exceptions to the applicability of the part as set out in § 103.1(a). Accordingly, the medicinal and toilet articles for which § 103.1(c)(5) provides an exception are only those articles that are classed as dangerous articles by reason of the fact that they are defined as such in the applicable regulations of the Department of Transportation as explained in § 103.1(b).

This amendment is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 103 of the Federal Aviation Regulations is amended, effective April 17, 1974, by amending paragraph (c)(5) in § 103.1 to read as follows:

§ 103.1 Applicability.

• • • • • •

(c) • • •

(5) Medicinal and toilet articles carried by a crewmember or passenger in his baggage (including carry-on baggage) when—

(i) The total capacity of all the containers used by a crewmember or passenger for the carriage of those articles does not exceed 75 ounces (net weight ounces and fluid ounces); and

(ii) The capacity of each container other than an aerosol container does not exceed 16 fluid ounces or 1 pound of material.

Issued in Washington, D.C., on March 7, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74–6101 Filed 3–15–74;8:45 am]

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Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5456, 34-10642, 35-18284, IC-8232, AS-152]

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, AND INVESTMENT COMPANY ACT OF 1940

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Revision of Forms, Content and Certification Requirements

The Commission today adopted a general revision of its requirements as to form and content of financial statements of life insurance companies and also eliminated the exemption from the certification requirements applicable to these companies. These changes were proposed on September 12, 1973 and involve Article 7A [17 CFR 210.7A-01—7A-06] and related schedules in Article 12 [17 CFR 210.12-01—12-43] of Regulation S-X [17 CFR 210] and Instructions 13 and 7 of Instructions as to Financial Statement of Forms 10 [17 CFR 249.210] and 10-K [17 CFR 249.310], respectively.[1] Letters commenting on the proposal have been given consideration in determining the form of the revision of Article 7A and the timing of its adoption and of the elimination of the certification exemption.

The revision reflects developments in accounting practice during the past ten years including the publication in 1972 of an Audit Guide for life insurance companies by the American Institute of Certified Public Accountants. This publication contains guidelines for the preparation of life insurance company financial statements in accordance with generally accepted accounting principles (GAAP) in place of the prescribed statutory accounting requirements followed by these companies up to this time.

As issued for comment the proposal would have applied GAAP accounting to both stock and mutual life insurance companies. A number of comments were received from mutual companies concerning the need for and applicability of GAAP to their financial statements. The mutual companies stated that because they have no stock ownership interest their operations were basically different from those of stock companies. They pointed out that the American Institute of Certified Public Accountants did not make the GAAP requirements in its life insurance company Audit Guide applicable to mutual companies. Filings by mutual companies with the Commission are generally in the capacity of co-issuers of variable annuity contracts and are included in prospectuses because of the guarantee of certain liabilities of the related variable annuity account. In consideration of the nature of the filings by mutual companies and the absence of a body of established generally accepted accounting principles for them, an exemption from the requirement for GAAP financial statements has been provided in Article 7A. In addition, a similar exemption has been provided for wholly owned stock life insurance subsidiaries of mutual life insurance companies.

In response to a number of comments concerning the problems of meeting the new requirements, the revised Article 7A and related schedules have been made effective for financial statements filed after June 30, 1974, since it may not be possible for some companies to prepare financial statements using GAAP by March 30, 1974, the due date for filing annual reports for calendar year 1973. However, it should be recognized that the establishment of standards for reporting on a GAAP basis makes the disclosure of results of operations on that basis very important and it is urged that companies should make every effort to follow the new requirements in reporting for the year 1973. Those that cannot do this because of time pressures should consider filing amended 10-K [17 CFR 249.310] or 8-K [17 CFR 249.308] reports to disclose the effect of using GAAP as soon as they are in a position to do so. Financial statements prepared on a statutory basis should include a note indicating the reasons why the GAAP basis was not adopted for 1973 and advising users that the 1974 financial statements will be prepared differently. The requirements for certification by independent accountants of financial statements filed under the Securities Exchange Act of 1934 will be applicable to statements for periods ending after November 30, 1974.

In addition to the new general requirement that the financial statements be prepared in accordance with generally accepted accounting principles, the following are the more significant specific changes from the requirements of the existing Article 7A:

1. Where appropriate, captions and instructions have been conformed with corresponding captions of Article 5 of Regulation S-X [17 CFR 210.5-01—5-04] which applies to commercial and industrial companies. It is also made clear that the general rules in Articles 1, 2, 3 and 4 of Regulation S-X [17 CFR 210.1-01—1-02; 210.2-01—2-05; 210.3-01—3-16; 210.4-01—4-09] are applicable to life insurance financial statements to the extent they are pertinent (7A-02-1).

2. It is intended that, in preparing consolidated financial statements for an insurance holding company whose consolidated subsidiaries are primarily life insurance companies, consideration shall be given to utilization of the format of the financial statements, notes and schedules in Article 7A (7A-01).

3. A requirement for a statement as to accounting principles (7A-05-1).

4. Provision is made that a company may follow statutory accounting requirements only if the statutes of its state of domicile prohibit publication of its primary financial statements on a basis other than in accordance with such requirements; however, in such event the statutory financial statements shall be accompanied by supplemental GAAP statements (7A-02-2, 3 and 5).

5. The name of any person in which the investment exceeds two percent of total investment. As originally proposed this provision would have required reporting of an investment exceeding one percent (7A-03-1).

6. In recognition of comments concerning the difficulty of ascertaining market quotations for certain types of security investments, particularly bonds and notes, the requirement has been changed so as to call for disclosure of "value." Problems related to the determination of value are discussed in Accounting Series Release No. 118 [35 FR 19986], issued in December 1970 (7A-03-1, 7A-05-4 and 12-27).

7. Information as to policy, nature and changes in deferred policy acquisition costs (7A-03-6, 7A-04-7, 7A-05-1 and 12-31A).

8. Reporting of aggregate amounts in separate accounts as single items of assets and liabilities (7A-03-9 and 19).

9. A requirement that considerations for supplementary contracts shall be reduced by the related amounts of death and other benefits and increase in future policy benefits (7A-04-1).

10. Elimination from the income statement of details of sources of investment income. Such information may now be stated separately in a note (7A-04-2).

11. Details of restrictions on stockholders' equity (7A-05-2).

12. Revision of requirement relating to income tax disclosure. In addition to specific requirements related to life insurance companies, the general requirements of recently amended Rule 3-16(o) [17 CFR 210.3-16(o)] are referred to (7A-05-3).

13. An analysis of investment gains for the period consisting of a statement comparing realized and unrealized gains or losses on investments in bonds and notes and stocks (7A-05-4).

14. Information concerning the significance of reinsurance ceded and assumed (7A-05-6).

15. Detailed schedules of bonds, stocks, mortgage loans and real estate, and a summary of realized gains or losses on sale of investments will no longer be required. The schedules requiring a summary of investments (12-27) and details of future policy benefits and insurance in force (12-31) have been completely revised. A schedule has been added to provide details of deferred policy acquisition costs (12-31A)

Registrants with life insurance subsidiaries whose financial statements for 1973 will follow statutory accounting requirements may have special problems if they have any significant nonlife insurance activities. Under those conditions

[1] Notice of these proposed amendments was made in Securities Act Release No. 5420, Securities Exchange Act Release No. 10381, Public Utility Holding Company Act Release No. 18089 and Investment Company Act Release No. 7988 (September 12, 1973) [38 FR 27090].

the life subsidiaries should not be consolidated and the registrant's equity in their stockholders' equity and net income or loss should be based on GAAP. Separate statements (or group statements) of the life subsidiaries should accompany the parent's statements.

These amendments are adopted pursuant to authority conferred on the Securities and Exchange Commission by the Securities Act of 1933, particularly sections 6, 7, 8, 10 and 19(a) thereof; the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d) and 23(a) thereof; the Public Utility Holding Company Act of 1935, particularly sections 5(b), 14 and 20(a) thereof; and the Investment Company Act of 1940, particularly sections 8, 30, 31(c) and 38(a) thereof.

Commission action. The Commission hereby adopts a revision to an instruction in §§ 249.210 and 249.310; revised §§ 210.7A-01—7A-06, 210.12-27 and 12-31; and a new § 210.12-31A of Title 17 of the Code of Federal Regulations, and as so amended they read as shown in the attached text of the amendments.

These amendments shall be effective with respect to financial statements filed after June 30, 1974, although they may be used in statements filed prior to that time.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

FEBRUARY 14, 1974.

I. In Part 210 of this chapter (Regulation S-X), §§ 210.7A-01—7A-06, 210.12-27 and 12-31 are revised, and § 210.12-31A is added to read as follows:

§ 210.7a-01 Application of §§ 210.7a-01—7a-06.

This article shall be applicable to financial statements filed for life insurance companies.

(a) If consolidated financial statements are prepared for an insurance holding company whose consolidated subsidiaries are primarily life insurance companies, consideration shall be given to utilization of the format of the financial statements, notes and schedules prescribed in this article.

§ 210.7a-02 General requirement.

(a) Financial statement filed for a person to which this article is applicable shall be prepared in accordance with generally accepted accounting principles except as otherwise provided in this article. The general rules in §§ 210.1-01—1-02, 210.2-01—2-05, 210.3-01—3-16, and 210.4-01—4-09 shall be applicable except where they differ from those prescribed in the special rules comprising this article.

(b) A person subject to this article may follow the rules and instructions governing the definition and computation of items in Annual Statements to the regulatory authority of its state of domicile (statutory accounting requirements) only if the statutes of that state prohibit the presentation of financial statements other than in accordance with such requirements. Financial statements which follow statutory accounting requirements shall be accompanied by corresponding financial statements prepared in accordance with generally accepted accounting principles.

(c) All financial statements prepared for persons to which this article is applicable shall include reconciliations of material differences between (1) total capital and surplus as reported on the corresponding Annual Statement and total stockholders' equity as determined in accordance with generally accepted accounting principles and (2) net gain from operations as reported on the corresponding Annual Statement and net income or loss as determined in accordance with generally accepted accounting principles. The reconciliations shall be in tabular form in a note or in supplemental statements and accompanied by appropriate explanations.

(d) Notwithstanding the foregoing requirements, financial statements filed for mutual life insurance companies and wholly owned stock life insurance company subsidiaries of mutual life insurance companies may be prepared in accordance with statutory accounting requirements without furnishing corresponding financial statements prepared in accordance with generally accepted accounting principles or supplemental reconciling statements.

(e) Financial statements prepared in accordance with statutory accounting requirements may be reasonably condensed as appropriate, but the amounts to be reported for net gain from operations and total capital and surplus shall be the same as those reported on the corresponding Annual Statement.

§ 210.7a-03. Balance sheets.

(a) Balance sheets filed for life insurance companies shall comply with the following provisions:

ASSETS AND OTHER DEBITS

(1) *Investments—other than investment in affiliates.*
(a) *Bonds and notes.*
(b) *Preferred stocks.*
(c) *Common stocks.*
(d) *Mortgage loans on real estate.*
(e) *Real estate.*
(f) *Policy loans.*
(g) *Other loans and investments.*
(h) *Invested cash.*
(i) *Total investments.*

NOTES. (1) State the basis of determining the amounts shown in the balance sheet.

(2) State parenthetically for bonds and notes and preferred and common stocks either aggregate cost or aggregate value at the balance sheet date, whichever is the alternate to the amounts at which shown in the balance sheet. Consideration shall be given to the discussion of "Valuation of Securities" in Accounting Series Release No. 118 [35 FR 19986].

(3) State parenthetically accumulated depreciation and amortization deducted from investment real estate.

(4) Include under subcaption (h) share accounts in savings and loan associations, savings accounts, time deposits, certificates of deposit and other cash accounts and cash equivalents earning interest. State in a note any amounts subject to withdrawal or usage restrictions (see §§ 210.7A-03-2 and 210.5-02-1).

(5) State separately any class of investments included in subcaption (g) exceeding five percent of total assets; however, if an amount to be reported under subcaption (f), (g) or (h) is less than five percent of total assets it may be included under subcaption (g).

(6) State in a note the name of any person in which the total amount invested in the person and its affiliates, included in the above subcaptions, exceeded two percent of total investments. For the purpose of this disclosure consider as an investment, indebtedness and stock included in the several subcaptions above and the amount of any real estate included in subcaption (e) which was purchased or acquired during the five years preceding the date of the balance sheet. Indicate the amount included in each subcaption. An investment in bonds and notes of the United States Government, or of a government agency or authority, or of a state, municipality or political subdivision which exceeds two percent of total investments need not be reported.

(7) Investments in unconsolidated subsidiaries and 50 percent or less owned persons (including partnerships) which are held for investment purposes may be included under an appropriate subcaption above. The related equity in earnings shall be included under § 210.7A-04-2 and the amount of dividends or other distributions stated separately. Investments in unconsolidated entities held for operating purposes may not be so reported.

(8) State in a note any amounts included under subcaptions (a), (b), (d), (e), (g) and (h) which have been nonincome producing for the six months preceding the balance sheet date.

2. Cash and cash items. State separately (a) cash on hand and unrestricted demand deposits; (b) restricted deposits held as compensating balances against short-term borrowing arrangements; (c) funds subject to repayment on call or immediately after the date of the balance sheet required to be filed; and (d) other funds, the amounts of which are known to be subject to withdrawal or usage restrictions, e.g., special purpose funds. The general terms and nature of such repayment provisions in (c) and withdrawal or usage restrictions in (d) shall be described in a note referred to herein (see § 210.5-02-1).

3. Investments and indebtedness of affiliates and other persons. (a) *Investments.* State separately amounts representing investments in affiliates and investments in other persons which are accounted for by the equity method, and state the basis of determining these amounts. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (1) eliminated and (2) not eliminated.

(b) *Indebtedness.* Include under this caption amounts representing indebtedness of affiliates and indebtedness of other persons the investments in which are accounted for by the equity method. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (1) eliminated and (2) not eliminated.

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4. Accounts receivable. Include under this caption (a) amounts receivable from agents, (b) uncollected premiums, and (c) other receivables stating separately any category which is in excess of five percent of total assets. State separately the balance of the allowance for doubtful accounts which was deducted. That portion of deferred and uncollected premiums which represents adjustment of future policy benefits should be deducted from the liability for future policy benefits, and that portion which represents adjustment of acquisition cost should be added to deferred acquisition costs.

5. Accrued investment income.

6. Deferred policy acquisition costs. This amount shall not be deducted from future policy benefits. See §§ 210.7A–04–7 and 210.7A–05–1.

7. Property and equipment. Include under this caption the cost of real estate, furniture, fixtures and equipment used in the conduct of the insurance business and not considered as an investment. State parenthetically the accumulated depreciation and amortization deducted. The amount of any encumbrances shall be shown separately as a liability.

8. Other assets. State separately any other item not properly classed in one of the preceding asset captions which is in excess of five percent of total assets. Include deposits held as compensating balances against long-term borrowing arrangements.

9. Assets held in separate accounts. Include under this caption the aggregate amount of assets funding the liabilities related to variable annuities, pension funds and similar activities. The corresponding aggregate liability shall be included under caption 19.

10. Total assets and, when appropriate, other debits.

FUTURE POLICY BENEFITS, LIABILITIES AND OTHER CREDITS

11. Future policy benefits. State separately liabilities for (a) life insurance and (b) accident and health insurance.

12. Policy and contract claims.

13. Other policyholders' funds. Include supplementary contracts without life contingencies, policyholders' dividend accumulations, premiums paid in advance, premium deposit funds and dividends to policyholders declared and unpaid and amounts estimated for payment in the following year. State separately any material amounts.

14. Notes payable. State here or in a note the information required under § 210.5–02–29. Show separately any amount owed to affiliates.

15. Indebtedness to affiliates and other persons. Include under this caption amounts representing indebtedness to affiliates and indebtedness to other persons the investments in which are accounted for by the equity method. State separately in the registrant's balance sheet the amounts which in the related consolidated balance sheet are (a) eliminated and (b) not eliminated.

16. Accrued income taxes. State separately the amount of (a) income taxes payable and (b) deferred income taxes. State separately the amount of deferred income taxes applicable to unrealized appreciation of investments.

17. Other liabilities. State separately any other item not properly classed in one of the preceding liability captions which is in excess of five percent of total liabilities.

18. Undistributed earnings on participating business. State the amount of earnings allocated to policyholders. Exclude dividends included above under caption 13.

19. Liabilities related to separate accounts.

20. Commitments and contingent liabilities. See §§ 210.3–16(i) and 210.7A–05–6.

STOCKHOLDERS' EQUITY

21. Capital shares. State for each class of shares the title of issue, the number of shares authorized, the number of shares issued or outstanding, as appropriate (see §§ 210.3–14 and 210.3–15), and the dollar amount thereof, and, if convertible, the basis of conversion [see also § 210.3–16(f)(3)]. Show also the dollar amount, if any, of capital shares subscribed but unissued, and show the deduction of subscriptions receivable therefrom. Show here, or in a note or statement referred to herein, the changes in each class of capital shares for each period for which an income statement is required to be filed.

22. Other stockholders' equity. (a) Separate captions shall be shown for:

(1) Paid-in additional capital.

(2) Other additional capital.

(3) Unrealized appreciation or depreciation of investments.

(4) Retained earnings.

(i) Appropriated.

(ii) Unappropriated.

(b) If undistributed earnings of unconsolidated subsidiaries and 50 percent or less owned persons are included, state the amount in each category parenthetically or in a note referred to herein.

(c) Include in subcaption (a)(4)(i) above or in a note, the purpose for which retained earnings have been appropriated.

(d) Exclude deferred income taxes from subcaption (a)(3) (see caption 16).

(e) For a period of at least 10 years subsequent to the effective date of a quasi-reorganization, any description of retained earnings shall indicate the point in time from which the new retained earnings dates and for a period of at least three years shall indicate the total amount of the deficit eliminated.

(f) See § 210.7A–05–2.

(g) A summary of each account under this caption setting forth the information prescribed in § 210.11–02 shall be given for each period for which an income statement is required to be filed.

23. Total future policy benefits, liabilities, other credits and stockholders' equity.

§ 210.7A–04. Income statements.

(a) Income statements filed for life insurance companies shall comply with the following provisions:

PREMIUMS AND OTHER REVENUE

1. *Premiums.* State separately the amount arising from (i) life insurance; (ii) accident and health insurance; (iii) considerations for supplementary contracts; and (iv) other. Considerations for supplementary contracts shall be reduced by the related amounts of death and other benefits and increase in future policy benefits and such amounts shall be excluded from subcaptions 4 and 5 below.

2. *Net investment income.* (i) State parenthetically expenses deducted from investment income.

(ii) State separately in a note in tabular form (*a*) investment income from each category of investments listed in the subcaptions of § 210.7A–03–1 which exceeds five percent of total investment income; (*b*) total investment income; (c) applicable expenses; and (*d*) net investment income.

3. *Other income.* State separately any material amounts indicating clearly the nature of the transactions out of which the items arose.

BENEFITS AND EXPENSES

4. *Death and other benefits.* State separately benefits for (i) life insurance; (ii) accident and health insurance; and (iii) other contracts.

5. *Increase in future policy benefits.* State separately provision for liabilities for (i) life insurance; (ii) accident and health insurance; and (iii) other contracts.

6. Provision for policyholders' share of earnings on participating policies. This caption is applicable only when the provision for policyholders' share of earnings on participating policies is not included as a benefit under death and other benefits.

7. *Amortization of deferred policy acquisition costs.* (i) Include under this caption only the amount of deferred policy acquisition costs amortized to income during the period.

(ii) State in tabular form in a note for (*a*) life insurance and (*b*) accident and health insurance, the nature of the costs deferred, the method and term of amortization and the amounts of (*1*) acquisition costs deferred, (*2*) amortization charged to income, (*3*) first year premiums written, and (*4*) renewal premiums. State separately any amount which is in excess of 15 percent of the total amount deferred during each period covered by an income statement indicating the nature of the amount, e.g., commissions, salesmen's salaries, direct mail selling expenses and issue expenses (see § 210.7A–05–1).

8. *Other operating costs and expenses.* Include all selling, general and administrative expenses not deferred as policy acquisition costs. State separately any material amounts. Do not include income taxes under this caption.

9. *Income or loss before income tax expense and appropriate items below.*

10. *Income tax expense.* Include under this caption only taxes based on income. Taxes applicable to profits or losses on securities and extraordinary items shall not be included under this caption [see § 210.3–16(o)].

11. *Equity in earnings of unconsolidated subsidiaries and 50 percent or less owned persons.* The amount reported under this caption shall be stated net of any applicable tax provisions and shall exclude profits or losses on investments. State parenthetically or in a note referred to herein the amount of dividends received from such persons.

12. *Minority interest in income of consolidated subsidiaries.*

13. *Income or loss before realized profits or losses on investments and extraordinary items.*

14. *Realized profits or losses on investments, less applicable tax.* State separately (i) net realized investment profits or losses of the insurance company and (ii) equity in net realized investment profits or losses of (*a*) unconsolidated subsidiaries and (*b*) 50 percent or less owned persons for which the equity in earnings was reported under caption 11 disclosing parenthetically or otherwise the tax applicable to such amounts. No profits or losses on the insurance company's own equity securities, or equity in profits or losses of its affiliates on their own equity securities, shall be included under this caption. State, here or in a note referred to herein, the method followed in determining the cost of investments sold by the insurance company, e.g., "average cost," "first-in, first-out," or "identified certificate." Consideration should be given to reporting transactions of the insurance company under caption 16, when appropriate. (See § 210.7A–05–4.)

15. *Income or loss before extraordinary items.*

16. *Extraordinary items, less applicable tax.* State separately (i) extraordinary items of the person and (ii) equity in extraordinary items of (*a*) unconsolidated subsidiaries and (*b*) 50 percent or less owned persons for which the equity in earnings was reported under caption 11, disclosing parenthetically or otherwise the tax applicable to such amounts.

17. *Net income or loss.* See § 210.7A–03–22(g).

18. *Earnings per share data.* Refer to the pertinent requirements in the appropriate filing form. No per share figures shall be based on net income or loss determined in accordance with statutory accounting requirements. (See § 210.7A–02–2.)

§ 210.7A–05. Special notes to financial statements.

1. *Accounting principles and practices.* Information shall be given in a note as to accounting principles and practices reflected in the financial statements concerning the following matters. (See also § 210.3–08.)

(a) Consolidation of subsidiaries.

(b) Valuation of investments and recognition and reporting of unrealized appreciation or depreciation and profits or losses on investments.

(c) Recognition of premium revenue and related expenses.

(d) The nature of deferred policy acquisition costs and the method and period of amortization.

(e) The range of interest rates, mortality and withdrawal assumptions and the methods employed in calculating policy reserves.

2. *Restrictions on stockholders' equity.* (a) The nature of any restriction on stockholders' equity created by statutory accounting requirements shall be explained in a note. See also § 210.3–16(h).

(b) Explain in a note any deficiency or imminent deficiency in the statutory requirements for capital surplus and the possible effect of such deficiency on the financial statements.

3. *Income taxes.* Information and appropriate explanations shall be given on the general nature of the provisions of the Internal Revenue Code applicable to life insurance companies. In addition to the general requirements of § 210.3–16(o), the following specific information shall be furnished.

(a) The bases and assumptions upon which current and deferred income taxes have been or have not been provided. Disclose in a note the amount of income upon which neither current nor deferred taxes have been provided for each period for which an income statement is filed and the accumulated amount as of the date of the related balance sheet.

(b) The nature of "policyholders' surplus" as defined in the Internal Revenue Code, the additions to "policyholders' surplus" for each period for which an income statement is filed, and the accumulated amount as of the date of the related balance sheet.

(c) The amount of accumulated net operating loss carryforwards, if any, at the date of the latest balance sheet and the years in which such carryforwards will expire.

4. *Analysis of investment gain.* For each period for which an income statement is filed state separately for (a) bonds and notes [see § 210.7A–03–1(a)] and (b) stocks [see §§ 210.7A–03–1 (b) and (c)] the following information: (1) the portion of the realized profits or losses on investments, less applicable tax, included in § 210.7A–04–14 which relates to each of the above categories; (2) the change during the reporting period in the difference between value and cost for each of the above categories; and (3) the total or net balance, as appropriate, for each category.

5. *Participating insurance.* State in a note the relative significance of participating insurance expressed as percentages of insurance in force, number of policies in force and premium income; and the method by which earnings and dividends allocable to such insurance is determined.

6. *Reinsurance.* Information and appropriate explanations shall be given on the general nature of reinsurance contracts. The following specific information shall be furnished:

(a) The amount of life insurance in force ceded to other companies and the amount of accident and health insurance premiums ceded to other companies and the method of accounting for such reinsurance.

(b) The relative significance of reinsurance assumed expressed for life insurance as percentages of life insurance in force and premium income, and for accident and health insurance as a percentage of accident and health premium income.

(c) The nature of the contingent liability in connection with insurance ceded, and the maximum amount of life insurance retained on any one life.

(d) The nature and effect of any material nonrecurring reinsurance transactions.

§ 210.7A–06. What schedules are to be filed.

(a) Except as expressly provided otherwise in the applicable form—

(1) The schedules specified below in this rule as Schedules I, VII, IX, X, XI and XII shall be filed as of the dates of the most recent audited balance sheet and any subsequent unaudited balance sheet being filed for each person or group: *Provided*, That any such schedule (other than Schedules I and IX) may be omitted if both of the following conditions exist:

(i) The financial statements are being filed as part of an annual or other periodic report; and

(ii) The information that would be shown in the respective columns of such schedule would reflect no changes in any issue of securities of the registrant or any significant subsidiary in excess of five percent of the outstanding securities of such issue as shown in the most recently filed annual report containing the schedule.

(2) Schedule IX, Capital Shares, may also be omitted if the above two conditions exist and any information required by column G of the schedule is shown in the related balance sheet or in a note thereto.

(3) All other schedules specified below in this rule as Schedules II, III, IV, V, VI and VIII shall be filed for each period for which an income statement is required to be filed for each person or group.

(b) When information is required in schedules for both the registrant and the registrant and its consolidated subsidiaries it may be presented in the form of a single schedule: *Provided*, That items pertaining to the registrant are separately shown and that such single schedule affords a properly summarized presentation of the facts. If the information required by any schedule (including the notes thereto) may be shown in the related financial statement or in a note thereto without making such statement unclear or confusing, that procedure may be followed and the schedule omitted.

(c) The schedules shall support the financial statements prepared in accordance with generally accepted accounting principles except for statements prepared in accordance with § 210.7A–02–4. Reference to the schedules shall be made in the appropriate captions of the financial statements. Where, pursuant to the applicable instructions, the supporting schedules do not accompany the financial statements, references to such schedules shall not be made.

(d) The schedules shall be examined by the independent accountant if the related financial statements are so examined.

Schedule I.—Summary of Investments—Other than Investments in Affiliates. The schedule prescribed by § 210.12–27 shall be filed in support of caption 1 of each balance sheet.

Schedule II.—Investments in, Equity in Earnings of, and Dividends Received from Affiliates and Other Persons. The schedule prescribed by § 210.12–04 shall be filed in support of caption 3(a) of each balance sheet. This schedule may be omitted if neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 15 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule III.—Indebtedness of Affiliates and Other Persons. The schedule prescribed by § 210.12–05 shall be filed in support of caption 3(b) of each balance sheet; however, the required information may be presented separately on Schedule II or Schedule IX. This schedule may be omitted if neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 15 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule IV.—Deferred Policy Acquisition Costs. The schedule prescribed by § 210.12–31A shall be filed in support of caption 6 of each balance sheet provided that this schedule may be omitted if the total shown by caption 6 does not exceed five percent of total assets as shown by the related balance sheet at both the beginning and end of the period and if neither the additions nor the deductions during the period exceeded five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule V.—Amounts Receivable from Underwriters, Promoters, Directors, Officers, Employees, and Principal Holders (other than Affiliates) of Equity Securities of the Person and its Affiliates. The schedule prescribed by § 210.12–03 shall be filed with respect to each person among the underwriters, promoters, directors, officers, employees, and principal holders (other than affiliates) of equity securities of the person and its affiliates from whom an aggregate indebtedness of more than $20,000 or one percent of total assets, whichever is less, is owed or, at any time during the period for which related income statements are required to be filed, was owed. For the purposes of this schedule exclude in the determination of the amount of indebtedness all amounts receivable from such persons for purchases subject to usual trade

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terms, for ordinary travel and expense advances, and for other such items arising in the ordinary course of business.

Schedule VI.—Valuation and Qualifying Accounts and Reserves. The schedule prescribed by § 210.12–13 shall be filed in support of asset valuation and qualifying accounts and reserves included in each balance sheet (see § 210.3–02).

Schedule VII.—Future Policy Benefits and Insurance in Force. The schedule prescribed by § 210.12–31 shall be filed in support of caption 11 of each balance sheet. The schedule prescribed by § 210.12–29 shall be used insofar as it may more appropriately support the liability for future policy benefits of accident and health insurance at caption 11(b) which are based on unearned premiums.

Schedule VIII.—Indebtedness to Affiliates and Other Persons. The schedule prescribed by § 210.12–11 shall be filed in support of caption 15 of each balance sheet; however, the required information may be presented separately on Schedule II or Schedule III. This schedule may be omitted if neither the sum of captions 3(a) and 3(b) in the related balance sheet nor the amount of caption 15 in such balance sheet exceeds five percent of total assets as shown by the related balance sheet at either the beginning or end of the period.

Schedule IX.—Capital Shares. The schedule prescribed by § 210.12–14 shall be filed in support of caption 21 of a balance sheet.

Schedule X.—Warrants of Rights. The schedule prescribed by § 210.12–15 shall be filed with respect to warrants or rights granted by the person for which the statement is being filed to subscribe to or purchase securities to be issued by such person.

Schedule XI.—Guarantees of Securities of Other Issuers. The schedule prescribed by § 210.12–12 shall be filed with respect to any guarantees of securities of other issuers by the person for which the statement is being filed.

Schedule XII.—Other Securities. If there are any classes of securities not included in Schedules IX, X, and XI, set forth in this schedule information concerning such securities corresponding to that required for the securities included in such schedules. Information need not be set forth, however, as to notes, drafts, bills of exchange, or bankers' acceptances, having a maturity at the time of issuance of not exceeding one year.

§ 210.12–27. Summary of investments—other than investments in affiliates.

[For insurance companies]

Column A	Column B	Column C	Column D
Type of investment [1]	Cost [2]	Value	Amount at which shown in the balance sheet [3]
Bonds and notes:			
United States Government and government agencies and authorities			
States, municipalities and political subdivisions			
Foreign government			
Public utilities			
Convertibles and bonds with warrants attached			
All other corporate			
Total bonds and notes			
Preferred stocks			
Common stocks:			
Public utilities			
Banks, trust and insurance companies			
Industrial, miscellaneous and all other			
Total common stocks			
Total bonds and notes and stocks			
Mortgage loans on real estate		XXXXX	
Real estate:			
Investment properties		XXXXX	
Acquired in satisfaction of debt		XXXXX	
Total real estate		XXXXX	
Policy loans		XXXXX	
Other loans and investments		XXXXX	
Invested cash		XXXXX	
Total investments		XXXXX	

[1] Do not include investments in affiliates and investments in other persons which are accounted for by the equity method.

[2] Original cost of stocks, and, as to debt obligations, original cost reduced by repayments and adjusted for amortization of premiums or accrual of discounts.

[3] If the amount at which shown in the balance sheet is different from the amount shown in either column B or C, state the reason for such difference.

§ 210.12–31. Future policy benefits and insurance in force.

(For insurance companies)

Column A	Column B	Column C	Column D	Column E		
				Bases of assumptions		
Line of business [1]	Life insurance in force	Amount of future policy benefits	Years of issue	(1) Interest rates	(2) Mortality	(3) Withdrawals

[1] The required information shall be given for each of the following lines of business: industrial life insurance, ordinary life insurance, group life insurance, individual annuities, group annuities, group accident and health insurance, individual accident and health insurance and all other.

§ 210.12–31a. Deferred policy acquisition costs.

(For insurance companies)

Column A	Column B	Column C	Column D		Column E	Column F	Column G
			Deductions				
Line of business [1]	Balance at beginning of period	Additions	(1) Charged to costs and expenses	(2) Charged to other accounts—describe	Balance at close of period	First year premiums written	Renewal premiums written

[1] The required information shall be given for each of the following lines of business: industrial life insurance, ordinary life insurance, group life insurance, individual annuities, group annuities, group accident and health insurance, individual accident and health insurance and all other.

II. Section 249.210 [Form 10]. Instruction 13 of the Instructions as to Financial Statements is amended to read as follows:

13. Statements of Banks and Insurance Companies.

Notwithstanding the requirements of the foregoing instructions, financial statements filed for banks for periods ending on or before November 30, 1971 and for life insurance companies for periods ending on or before November 30, 1974 need not be certified.

III. Section 249.310 [Form 10–K]. Instruction 7 of the Instructions as to Financial Statements is amended to read as follows:

7. Statements of Banks and Insurance Companies.

Notwithstanding the requirements of the foregoing instructions, financial statements filed for banks for periods ending on or before November 30, 1971 and for life insurance companies for periods ending on or before November 30, 1974 need not be certified.

[FR Doc.74–5993 Filed 3–15–74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 90—EMERGENCY PERMIT CONTROL

PART 128b—THERMALLY PROCESSED LOW-ACID FOODS PACKAGED IN HERMETICALLY SEALED CONTAINERS

Manufacture and Processing of Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Confirmation of Effective Date

Correction

In FR Doc. 74–2137 appearing at page 3750 in the issue for Tuesday, January 29, 1974, the last two lines of the first column and the first line of the second column on page 3751 are misplaced and should be inserted after line one in the first column on page 3752.

Title 25—Indians

CHAPTER III—INDIAN CLAIMS COMMISSION

PART 503—GENERAL RULES OF PROCEDURE

Attorney's Fees and Expenses

Amendment of § 503.34b adding a time limitation for the filing of applications for allowance of attorney's fees and reimbursement of attorney's expenses.

1. In § 503.34b the first sentence of paragraph (a) is revised to read as follows:

§ 503.34b Attorney's fees and expenses.

(a) All applications of attorneys for Indian claimants for allowance of fees and reimbursement of expenses shall be by petition prepared in clear typewritten or reproduced form and shall be filed with the Clerk of the Commission within 60 days from the date of the certification by the Commission of the final award from which allowance of fees and reimbursement of expenses are sought. * * *

Effective date. This amendment shall be effective on March 18, 1974.

(Sec. 9, 60 Stat. 1051; (25 U.S.C. 70h))

Dated at Washington, D.C., this 13th day of March 1974.

JEROME K. KUYKENDALL,
Chairman.

JOHN T. VANCE,
Commissioner.

RICHARD W. YARBOROUGH,
Commissioner.

MARGARET H. PIERCE,
Commissioner.

BRANTLEY BLUE,
Commissioner.

[FR Doc.74–6189 Filed 3–15–74;8:45 am]

Title 29—Labor

CHAPTER XIV—EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PART 1601—PROCEDURAL REGULATIONS

Notice of Right-to-Sue

By virtue of the authority vested in it by section 713(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, § 1601.25 of the Code of Federal Regulations.

Because of an apparent misunderstanding, on the part of a number of respondents, with respect to the authority of the District Directors to issue Notices of Right-To-Sue, § 1601.25 is revised to read as follows:

§ 1601.25 Notice to respondent, person filing a charge on behalf of the aggrieved person and aggrieved person.

(a) In any instance in which the Commission is unable to obtain voluntary compliance as provided by Title VII, as amended, it shall so notify the respondent, the person filing a charge on behalf of the aggrieved person, the aggrieved person or persons, and any State or local agency to which the charge has been previously deferred pursuant to § 1601.12 or § 1601.10. Notification to the aggrieved person shall include:

(1) A copy of the charge.

(2) A copy of the Commission's reasonable cause or no reasonable cause determination as appropriate.

(3) Advice concerning his or her rights to proceed in court under Section 709(f)(1) of Title VII.

(b) The Commission hereby delegates to its District Directors, Deputy District Directors, and the Dierctor of Compliance, the authority to issue Notices of Right-To-Sue on behalf of the Commission in all cases except those in which a government, governmental agency or political subdivision is named in the charge, pursuant to the procedures set forth in paragraph (a) (2) and (3) of this section.

These amendments shall become effective March 18, 1974.

Signed at Washington, D.C., the 13th day of March 1974.

JOHN H. POWELL, Jr.,
Chairman.

[FR Doc.74–6160 Filed 3–15–74;8:45 am]

PART 1606—GUIDELINES ON DISCRIMINATION BECAUSE OF NATIONAL ORIGIN

Relationship of Citizenship Discrimination to National Origin Discrimination

By virtue of the authority vested in it by section 713(b) of Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e–12, 78 Stat. 265), the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) hereby amends Part 1606 of Chapter XIV, Title 29 of the Code of Federal Regulations.

The purpose of this amendment is to conform Part 1606 to the Supreme Court decision in *Espinoza* v. *Farah Manufacturing Co., Inc.*, No. 72–671, issued November 19, 1973, which held that discrimination on the basis of citizenship is not per se national origin discrimination. Changes in section 1601(d) reflecting the now conditional nature of Title VII citizenship discrimination are as follows: the word "because" is replaced by the word "where"; the phrase "purpose or" is inserted prior to the word "effect." Comparable changes are made in section 1601(e) as follows. The provision that state laws "prohibiting the employment of noncitizens" are in "conflict with and are, therefore, superseded by Title VII" is qualified by the clause "where such laws have the purpose or effect of discriminating on the basis of national origin."

The Commission published Part 1606, Chapter XIV in the FEDERAL REGISTER (35 FR 421) on January 13, 1970. Because the material herein is interpretive in nature, the exemption of the Administrative Procedure Act (5 U.S.C. 553) authorizing publication in final form without notice for public comments is applicable.

In view of the foregoing, Part 1606 is amended by revising § 1606.1 (d) and (e), to read as follows below.

§ 1606.1 Guidelines on discrimination because of national origin.

* * * * *

(d) Where discrimination on the basis of citizenship against a lawfully immigrated alien residing in the United States has the purpose or effect of discriminating against persons of a particular national origin, such person may not be discriminated against on the basis of citizenship, except that it is not an unlawful employment practice for an employer pursuant to section 703(g), to

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refuse to employ any person who does not fulfill the requirements imposed in the interests of national security pursuant to any statute of the United States or any Executive Order of the President respecting the particular position or the particular premises in question.

(e) In addition, some states have enacted laws prohibiting the employment of noncitizens. Where such laws have the purpose or effect of discriminating on the basis of national origin, they are in conflict with and are, therefore, superseded by Title VII of the Civil Rights Act of 1964, as amended.

(Sec. 713(b), 78 Stat. 265 (42 U.S.C. sec. 2000(e)-12(b))

Effective date. This revision shall become effective March 18, 1974.

Signed at Washington, D.C., this the 13th day of March 1974.

JOHN H. POWELL, JR.,
Chairman.

[FR Doc.74-6161 Filed 3-15-74;8:45 am]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

SUBCHAPTER J—REAL PROPERTY

[Engineer Reg. No. 405-1-663]

PART 641—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Basic Policy and Procedural Requirements

On 23 May 1973, final regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 for the Department of the Army were adopted and published in the FEDERAL REGISTER (38 FR 14239). The foregoing regulations are hereby amended to clarify § 641.4(h).

The nature of this revision is such as not to require advance public notice.

This amendment becomes effective upon issuance.

For the Chief of Engineers.

WOODROW BERGE,
Director of Real Estate.

MARCH 12, 1974.

Subpart A of Part 641 of Chapter V of Title 32 of the Code of Federal Regulations is amended as follows:

Section 641.4(h) is revised to read as follows:

§ 641.4 Basic policy and procedural requirements.

* * * * *

(h) The availability of relocation benefits in leasehold cases under Title II of the Act depends upon the circumstances under which the leasing action takes place. Persons vacating as the result of a Government order to vacate, a lease construction project, or the condemnation of a leasehold interest are entitled to benefits under Title II. The provisions of Title II do not apply to leasehold cases under any other circumstances.

[FR Doc.74-6157 Filed 3-15-74;8:45 am]

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER F—AIRCRAFT

PART 855—USE OF UNITED STATES AIR FORCE INSTALLATIONS BY OTHER THAN UNITED STATES DEPARTMENT OF DEFENSE AIRCRAFT

In this revision, airfield certification under Federal Aviation Regulation (FAR) Part 139 is cited and required when applicable; an exemption from Part 855 requirements is made to Civil Air Patrol aircraft operating on an authorized Air Force mission when directed by competent Air Force orders; relief is provided from the administrative requirements of this part where a contractual agreement to any United States, State or local Government agency exists in support of operations involving safety of life or property or a result of a natural disaster; unauthorized landings are defined as inadvertent or intentional; procedures are updated for handling aircraft of major political party candidates; the Commander, Alaskan Air Command is given authority to act as the agent for the Commander, Air Defense Command for approving use of Alaskan air strips; commands are required to make machine printouts of approved landing permits for base use.

Part 855, Subchapter F of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Sec.

855.1 Purpose.

Subpart A—General Provisions

855.10 Policy.
855.11 Definitions.
855.12 Aircraft exempt from this part.

Subpart B—Unapproved Landings

855.20 Unapproved landings.
855.21 Emergency landings.
855.22 Unauthorized landings.

Subpart C—Civil Aircraft Use

855.30 Conditions for use of USAF installations.
855.31 Types of civil use.
855.32 Approving authority.
855.33 Civil aircraft user requests.
855.34 Processing procedures of the approving authority.
855.35 Insurance requirements.
855.36 Landing, parking, and storage fees.
855.37 Purchase of aviation fuel and oil.
855.38 Supply and service charges.

Subpart D—Foreign Government Aircraft

855.40 General information.
855.41 Actions required by foreign government aircraft users.
855.42 Processing procedures of the approving authority.
855.43 Aviation fuel and oil purchases.
855.44 Supply and service charges.

Subpart E—Joint Use of a USAF Installation

855.50 Requests for joint use.

AUTHORITY: 10 U.S.C. 8012, 49 U.S.C. 1507 (a) and 1508.

§ 855.1 Purpose.

This part establishes the responsibilities and describes the procedures for the use of United States Air Force (USAF) installations by aircraft other than United States Department of Defense aircraft pursuant to sections 1107 and 1108 of the Federal Aviation Act of 1958 (sections 1507(a) and 1508, Title 49, United States Code; Pub. L. 85-726).

Subpart A—General Provisions

§ 855.10 Policy.

USAF installations are established to support the USAF mission for national defense. This part carries the force of law, and exceptions are not authorized without prior approval of HQ USAF/PRPO.

(a) *The Air Force.* (1) Determines whether use of its installations is compatible with current and programmed military activities.

(2) Normally authorizes use of its installations for aircraft operated for official Government business only. However, if exceptional substantiated reasons exist, other types of use may be authorized. When applicable, the requested airfield must be certified under Part 139 of the Federal Aviation Regulation (FAR). Certification is required for USAF airfields before use by the Civil Aeronautics Board (CAB) certified air carriers with commercially ticketed passengers aboard. Exceptions to the certification requirement are (i) emergencies, (ii) weather alternate, (iii) air taxi operations, and (iv) air carrier operations using USAF airfields in performance of contract work exclusively for the military.

(3) Subject to the laws and regulations of the United States or the country in which the USAF installation is located, acts as clearing authority for its installations where international civil aviation operations are authorized under International Civil Aviation Organization (ICAO) agreements.

(4) Reserves the right to suspend any operation inconsistent with national defense interests or any other requirement when deemed in the best interest of the Air Force.

(5) Terminates any authorization to use a USAF installation where the liability insurance is canceled or the user is reported as operating for other than the approved purposes.

(6) Will not authorize civil use of USAF installations in competition with civil airports for transportation purposes, for the convenience of passengers or aircraft operator, transient aircraft servicing, for commercial enterprises, for procuring government business or contracts, or for customs handling purposes.

(b) *All operators must.* (1) Obtain prior authorization to land at USAF installations except bases specifically exempted by joint-use or international agreements or in an emergency.

(2) Have aircraft equipped with operating two-way radio equipment.

(3) Not assume that landing clearance granted by a control tower constitutes prior approval.

(4) Obtain their own diplomatic or overflight clearance.

(5) Pay applicable costs.

(c) The installation commander:

(1) Exercises administrative and security control over both the aircraft and passengers while on his installation.

(2) Suspends or changes flight plans of civil aircraft including landing or takeoff times when necessary to preclude interference with military activities.

(3) Cooperates with customs, immigration, health, and other public authorities, as necessary, in connection with aircraft arrival and departure.

§ 855.11 Definitions.

(a) *Installation.* A defined area of real property for which the U.S. Air Force has operational jurisdiction of the airfield facility either by ownership, lease, or diplomatic agreement.

(b) *Installation Commander.* The Commander of the USAF installation or his designated representative.

(c) *Joint-use installation.* A USAF installation where a specific written agreement exists between the Air Force and a local community or foreign government for civil aviation use of the runways and taxiways.

(d) *Official government business.* Activity associated with operations or functions of United States or foreign governmental agencies at or in the immediate vicinity of a USAF installation.

(e) *Civil aircraft.* Any United States or foreign-registered aircraft owned by private individuals or corporations and foreign government-owned aircraft which are operated for commercial aviation purposes.

(f) *Civil aviation.* All flying activity by civil aircraft of any national registry, including:

(1) *Commercial aviation.* All civil aviation involving the transportation of passengers or cargo for hire.

(2) *General aviation.* All civil aviation not involving transportation of passengers or cargo for hire.

(g) *User.* An individual or corporation operating civil aircraft.

(h) *Government aircraft.* Aircraft owned, operated by or on behalf of, or controlled by any department or agency of either the United States or a foreign government. Also, aircraft owned by any State of the United States operating solely on official Government business.

(1) *Bailed aircraft.* United States Government-owned aircraft delivered to a Government contractor for a specific purpose directly related to a contract.

(2) *Loaned aircraft.* United States Government-owned aircraft delivered gratuitously to another United States Government agency or to a USAF Aero Club.

(3) *Military aircraft.* Aircraft used in the military services of any government.

(i) *Regular airport.* A USAF installation used by commercial aviation on a scheduled basis when the CAB or its foreign government equivalent certifies passenger and cargo service to a community.

(j) *Weather alternate airport.* A USAF installation used as a weather alternate airport as prescribed by Federal Aviation Administration (FAA) or other regulations.

(k) *AF Form 180, Hold Harmless Agreement.* An agreement, executed by the user, which releases the U.S. Government from all liabilities incurred in connection with civil aircraft use of USAF installations.

(l) *AF Form 181, Civil Aircraft Landing Permit.* An application which, when validated by an Air Force approving authority, authorizes the civil operator to use the installation(s) under the terms of this part.

(m) *AF Form 203, Certificate of Insurance.* A certificate which evidences the amount of third-party minimum liability insurance carried by the user is as required by this part.

(n) *Authorized buyer letter.* A letter of agreement which qualified operators must file with the Air Force in order to purchase Air Force aviation fuel and oil on a credit basis under the provisions of AFR 144-9, Aviation Fuel and Oil Sales to Contract, Charter, and Civil Aircraft. (See Part 819a of this chapter.)

§ 855.12 Aircraft exempt from this part.

(a) Any aircraft owned and operated by:

(1) A U.S. Government agency outside the Department of Defense.

(2) U.S. Air Force Aero Clubs established in accordance with Air Force Regulation 215-8, Air Force Aero Clubs. (See Part 861 of this chapter.)

(3) Aero Clubs of other U.S. military services.

(4) Any U.S. State owned or operated aircraft when operated in connection with official business.

(b) Any civil aircraft under:

(1) Lease or contractual agreement to the U.S. Government and operated on official business by a U.S. Government agency such as the FAA, Department of the Interior, etc.

(2) Lease or contractual agreement to the Civil Air Patrol (CAP) and operated by a USAF-CAP liaison officer on official Air Force business.

(3) CAP control for an authorized Air Force mission when directed by competent Air Force orders.

(4) Bailment contract: *Provided,* The U.S. Government is the insurer for liability.

(5) Humanitarian flights transporting critically ill or injured personnel to or from a USAF installation.

(6) Contractual agreement to any U.S., State, or local Government agency in support of operations involving safety of life or property as a result of a natural disaster.

Subpart B—Unapproved Landings

§ 855.20 Unapproved landings.

A civil aircraft operator who lands at a USAF installation without prior approval and without experiencing an inflight emergency violates this part. There are three types of unapproved landings—an emergency landing, an inadvertent landing, and an intentional landing. On all unapproved landings, the installation commander:

(a) Briefs the operator on this part and the FAA requirement for reporting the incident.

(b) Have the operator prepare a circumstantial report, sign an AF Form 180, and pay applicable charges.

(c) On compliance with the above and a minimum of ground time, allows the operator to depart the installation.

(d) Notifies the local General Aviation District Officer of the FAA region in the U.S. or its possessions.

(e) Notifies appropriate U.S. Defense Attache Office (USDAO) authority in the country of aircraft registration when landing is at a USAF installation within a foreign country. Provides an information copy of the report to the civil aviation authority of the country concerned.

(f) Prepares a report on the landing and submits the report with supporting documentation through channels to HQ USAF/PRPO, Washington, D.C. 20330.

§ 855.21 Emergency landings.

Any aircraft operator who experiences an inflight emergency may land at any USAF installation without prior approval. An inflight emergency is a developed situation which makes continuous flight hazardous.

(a) The Air Force will use any method or means to clear an aircraft or wreckage from the runway. Removal efforts should minimize damage to the aircraft or wreckage; however, military and other operational factors may be overriding.

(b) The user:

(1) Is not charged a landing fee.

(2) Pays all costs for labor, material, parts, use of equipment, tools, etc., to include, but not limited to:

(i) Spreading foam on the runway.

(ii) Damage to runway, lighting, navigation aids.

(iii) Rescue, crash, and fire control.

(iv) Movement and storage of aircraft.

(v) Performance of minor maintenance.

(vi) Fuel.

(3) Files a circumstantial landing report with the installation commander and completes an AF Form 180.

(c) The installation commander:

(1) Documents total cost incurred by U.S. Government. (AFR 177-8, User Charges and User Charges Report (Part 812 of this chapter), will be used for cost determination.)

(2) Collects payment of all charges incurred.

(3) Where there are no survivors, prepares an emergency landing report.

(4) Forwards the report with all related documentation to HQ USAF/PRPO.

(5) Handles an emergency landing by a foreign military or foreign government aircraft in the same manner as for a U.S. Government aircraft.

§ 855.22 Unauthorized landings.

(a) Inadvertent landing. If the installation commander determines that an aircraft operator may have landed due to flight disorientation, mistaken the USAF installation for a civil airport, or had no official interest in being on the

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installation, the landing may be assessd an inadvertent one. Charges will be the normal landing fees.

(b) International landing. An intentional landing is one where the aircraft operator, either with or without knowledge of the provisions of this part, files a flight plan to and lands at a USAF installation without obtaining prior approval.

(1) The installation commander may categorize a landing as unauthorized wher. the civil aircraft operator has:

(i) Landed without an approved AF Form 181 on board the aircraft.

(ii) Landed for a purpose not approved on the AF Form 181.

(iii) Operated an aircraft not of a model or registration number on the approved AF Form 181.

(iv) Not requested or obtained the required 24-hour final clearance from the installation commander.

(v) No official Government business purpose for his landing.

(vi) Landed with expired documents.

(2) The installation commander, based on the above information, makes the determination that the landing was intentional and unapproved and assesses both the normal and unauthorized landing fees.

(c) Any repeated inadvertent landing is assessed and processed as an intentional landing. Any operator who makes a repeated intentional landing may be detained at the installation until the unapproved landing report has been reviewed and/or determination made that other requirements have been met before departure. Repeated intentional landings prejudice an operator's existing authority and jeopardize future use of any USAF installation.

Subpart C—Civil Aircraft Use

§ 855.30 Conditions for use of USAF installations.

All users are expected to submit their application at least 30 days in advance of intended use. When authorizing use of its installation, the Air Force does so for a specific type of use by a named individual or company (not transferable to a second or third party) and does not extend to other types of civil aviation use. The operator is limited to use of the landing, taxiing, and normal parking facilities, and is not necessarily entitled to receive aviation fuel, oil, or other services from the U.S. Government. Personnel on board are only authorized activities at the installation directly related to the type of use granted.

§ 855.31 Types of civil use.

Listed in this section are specific types of civil use the Air Force may consider. Others may be considered if sufficient justification is provided. Application must be made for each type of use, except that commercial air carriers may apply for both regular and weather alternate use on the same request.

(a) *Non-government personnel (M).* A U.S. or foreign Government contractor, operating his own aircraft, who uses a USAF installation to fulfill the terms of the contract or to display aircraft equipment to official representatives of the U.S. or a foreign government. Verification: The contractor must provide the current contract numbers, the USAF installation required for each contract, a brief description of the work to be performed, and the name, telephone number, and address of the Government contracting officer. Representatives of the U.S. or a foreign Government must have requested or invited the demonstration of aircraft or equipment at a USAF installation.

(b) *Nonscheduled air carrier (P).*—(1) *Air taxi operator.* An operator who uses a USAF installation for the official transportation of military and civilian Government employees. Verification: Written agreement between the air taxi operator and the major command or an installation commander (AFM 75-2, Military Traffic Management Regulation, paragraph 304010).

(2) *Charter operator.* An operator who uses a USAF installation for the transport of a U.S. or foreign Government contractor's personnel or cargo in support of a current U.S. or foreign Government contract. Verification: The U.S. or foreign Government contracter must provide written validation that the charter operator is operating on his behalf, to include current contract numbers, and the USAF installations which are required for each contact; a brief description of the contracted work; the name, telephone number, and address of the Government contracting officer; and the contract period.

(c) *Government personnel (J).*—(1) *Active duty U.S. military.* Authorizes active duty U.S. military personnel, operating their own or leased aircraft, to use any USAF installation for official duty transportation (temporary duty, permanent change of station, etc.) or for private nonrevenue flights. (This authorization is extended to all installations where there is an approved USAF Aero Club operating.) Verification: Active duty Air Force serial number, and for personnel of the other Services, provide proof of active duty status.

(2) *Air National Guard, Reserve and Air Force Reserve Officer Training Corps.* Permits ANG, Reserve, and AFROTC personnel, operating their own or leased aircraft, to use a specific USAF installation at which their assigned unit is located or when on official orders for temporary duty at other installations. Verification: Request routed through component command for indorsement.

(3) *Civilian employees of the U.S. Government.* Permits civilian employees of the U.S. Government, operating their own or leased aircraft, to use a USAF installation only for official Government business travel purposes. Verification: Copy of current travel orders or additional documentation certifying requirement.

(4) *Retired U.S. military (includes retired regular and reserves that are entitled to retired pay).* Permits retired U.S. military personnel, operating their own or leased aircraft, to use a USAF installation to participate in the activities authorized U.S. retired military by statute. Use of USAF installations for other purposes is not authorized and may result in revocation of the landing permit. Verification: Copy of retirement orders.

(d) *Commercial aviation (N).*—(1) *Regular airport (R).* Permits scheduled air carrier service to a community or area for on-or-off loading passengers and cargo when no suitable civil airfield exists. Verification: CAB certified service to the community.

(2) *Weather alternate airport (A).* Permits a scheduled air carrier to divert to a specified USAF installation when unforecast weather conditions require a change from the original destination to the alternate destination while in flight. Aircraft may not be dispatched from a point of departure to an approved weather alternate. Verification: Actual use is predicated on weather conditions at a destination.

(e) *U.S. Government contract charter (H).*—(1) *Military Airlift Command contract operator.* Permits an air carrier to use a USAF installation under the terms of a Military Airlift Command (MAC) contract. Verification: The air carrier must have a MAC Form 8 or other issued Government document on the aircraft to substantiate that he is operating on an official MAC contract flight.

(2) *U.S. Government contract/charter operator.* Permits an air carrier to use a USAF installation under the terms of U.S. Government contract/charter awarded by U.S. Government department or agency. Verification: The air carrier must have an official Government document on the aircraft to substantiate that he is operating on a bona fide flight for a U.S. Government department or agency.

(3) *On-call air taxi operator.* Permits an on-call air taxi operator to use a USAF installation at the specific request of any echelon of a U.S. Government department or agency. Verification: The on-call air taxi operator must have an official Government document on the aircraft to substantiate that he is operating on a bona fide flight for a U.S. Government department or agency.

(f) *Civil Air Patrol (K).* Permits aircraft owned and operated by the CAP or a CAP member to use designated USAF installation for official CAP activities. Verification: Indorsement of the application by HQ CAP-USAF, Maxwell Air Force Base, Alabama 36112.

(g) *Other.* Under certain circumstances and based on the justification provided or as may be requested, use of USAF installations may be authorized for:

(1) FAA certification testing (W).

(2) Commercial developmental testing (subject to compliance with Air Force Regulation 80-19, Support of Non-government Test and Evaluation) (W).

(3) Commercial charter operation (S).

(4) Commercial aircrew training flights (W).

(5) Private nonrevenue-type flights (R).

(6) Major political party candidates (for security reasons only). Aircraft either owned or chartered explicitly for a Presidential or Vice Presidential candidate, including not more than one accompanying overflow aircraft. Candidate must be the post-convention major political party's nominee. Aircraft clearance is predicated on the Presidential or Vice Presidential candidate being aboard one of the aircraft. The major political party headquarters must notify HQ USAF/PRPO of all requests for flight schedules involving USAF installations. After normal duty hours, flight schedule changes must be reported to the USAF Operations Center, Washington, D.C. Immediately refer any contacts made outside these channels to HQ USAF/PRPO. Normal landing fees will be charged. Fuel may be sold on a credit basis in accordance with Air Force Regulation 144-9. (See Part 819a of this chapter).

NOTE: To reduce conflict with U.S. statutes and Air Force operational requirements, and to provide expeditious handling of aircraft and passengers, the following guidance applies for the installation commander: Minimum official (base officials) welcoming party, no special facilities need be provided, no plans should be approved for on-base political rallies or speeches, and no official transportation should be provided for unauthorized personnel (press, local populace, etc.).

§ 855.32 Approving authority.

The authority to approve or disapprove civil aircraft use of USAF installations is vested in:

(a) *Directorate of Programs, HQ USAF.* HQ USAF/PRPO may act on any request for any type of civil aviation use predicated on justification for such use and for the types outlined in § 855.31; however, it reserves the exclusive approval authority on the following:

(1) Commercial air carriers.

(2) Use of multiple USAF installations.

(3) U.S. Government contract/charter operators.

(4) On-call air taxi operators.

(5) Flights operating over international boundaries where landing is to be made at a USAF installation.

(6) Other types, including those not specifically delegated to other competent authority.

(7) Joint civil aviation type use as prescribed under § 855.50.

(8) Any unusual or unique use not specifically authorized by this part.

(b) *Major command or an installation commander.* A major command or an installation commander may approve or disapprove use of an installation(s) under his jurisdiction for the following types of civil aviation:

(1) Civil Air Patrol.

(2) Government personnel.

(3) Nonscheduled air carrier.

(4) Non-Government personnel.

(5) Humanitarian flights in conjunction with evacuation of critically ill or injured personnel.

(6) For flights by aircraft either owned or personally chartered for transportation of the President, Vice President, or a past President of the United States; the head of any U.S. Federal department or agency; or a member of Congress.

NOTE: If time does not permit processing of the request before landing, AF Form 180 and 181 will be completed immediately after aircraft arrival. Collection will be made for landing, parking, and storage fees when use is not for official business purposes. Any request by or for members of Congress will be reported to the Director of Legislative Liaison (SAF/LL) in accordance with Air Force Regulation 11-7, Air Force Relations with Congress.

(c) *Commander, Alaskan Air Command.* In addition to paragraph (b) of this section, the Commander AAC may approve and disapprove landing permits for Alaskan air strips under the control of the Commander, Air Defense Command, without restriction as to type of use. Air Defense Command will be furnished a copy of each AF Form 181 approved under this section. The Air Force mission takes precedence over this type of use, and an approved permit does not obligate use of Air Force supplies, equipment, or facilities other than the landing strip.

(d) *Commander, Military Airlift Command.* In addition to paragraph (b) of this section, the Commander, Military Airlift Command, may approve use of USAF installations worldwide, as required, for flights in support of MAC contracts.

(e) *U.S. Defense Attache.* The U.S. Defense Attache (USDAO), acting on behalf of HQ USAF/PRPO, may approve a request for a one-time landing at a USAF installation as follows:

(1) For official Government business purposes of either the U.S. or the country to which he is accredited.

(2) If the USAF installation is located within the country to which he is accredited.

(3) If the installation commander concurs.

§ 855.33 Civil aircraft user requests.

The prospective user should obtain a copy of this part and the required forms from any USAF installation or approving authority, and review them before submitting the required documents to the approving authority. The appropriate approving authorities are reflected in § 855.32. The type use can be found in § 855.31. To allow time for processing, all documents should be submitted at least 30 days before the date of the first intended landing. The name of the "user" must be the same on all forms. Actual signatures, not facsimile elements, are required on all forms. Prospective civil users of a USAF installation must apply for authorization as follows:

(a) Actions required by civil aircraft users:

(1) Complete, sign, and forward original AF Form 180 to the approving authority. When the user is a corporation, the "Certificate" of acknowledgement on AF Form 180 must be completed and signed by a second corporate officer (other than the officer executing the AF Form 180) to certify the signature of the first officer. As necessary, the Air Force also may require that the "Certificate" of acknowledgement be authenticated by an appropriately designated third official. Once the completed and signed AF Form 180 has been accepted by an approving authority, and unless rescinded for cause, it is valid until obsolete, and need not be resubmitted with future requests to the same approving authority.

(2) Prepare and sign a separate set of AF Forms 181 for each type of use requested. Except for scheduled and weather alternate use, which may be requested on the same form, a separate set of AF Forms 181 is required for each type of use. Complete AF Form 181 in an original and one copy for HQ USAF/PRPO and an original and four copies for other approving authorities. The user should ensure that all entries conform to the requirements of this part.

(i) Type of use stated must correspond with § 855.31. Other types may be considered if sufficient justification is provided.

(ii) Provide, in alphabetical order, the name and location of each USAF installation requested for use. Scheduled airline will designate each listed installation as a regular or weather alternate by placing a (R) or an (A) after the installation name. (The statement "All Major USAF Installations Worldwide," or "All Major USAF Installations Within the Continental United States," generally is acceptable only from those users on official Government business.)

(iii) Provide a brief explanation of the activities, to include the purpose, contract numbers, period of use, and detailed justification for use of each installation requested. Period of use requested must be stated, but will not exceed 18 months. If insurance is the limiting factor, the landing permit expiration date is one day before the insurance coverage expiration date indicated on AF Form 203. If the frequency of use is not precisely known, provide an estimated frequency of use.

(iv) Registration numbers are required, however, they need not be provided if the insurance coverage states "any aircraft of the listed model(s) owned and/or operated" (see § 855.35). Provide all other aircraft information.

(3) Have the insurer or his authorized agent complete, sign, and forward the original AF Form 203 to HQ USAF/PRPO. All coverages must be stated in U.S. dollars (see § 855.35 for required minimum coverages) and must be adequate for the type of use requested and for the passenger capacity and Maximum Gross Take Off Weight (MGTOW) of the aircraft being operated. When the approving authority is other than HQ

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USAF, submit a signed carbon copy of the original AF Form 203 with the AF Forms 181 to the approving authority. The AF Form 203 is valid until insurance expiration date, and may be used as a basis for actions on any later AF Forms 181 submitted for approval.

(b) Once the AF Form 181 has been approved and distributed, users may make no further entries or amendments. New requirements must be submitted on a new set of AF Forms 181, but may include the old listing.

§ 855.34 Processing procedure of the approving authority.

On receiving a request for the use of a USAF installation, the approving authority:

(a) Determines the availability of the installation and its capacity to accommodate the type of use requested.

(b) Ensures the prospective civil aircraft user has a valid AF Form 180 and AF Form 203 on file at his approving level.

(c) Determines the validity of the request and ensures all entries on the AF Form 181 are in conformance with this part.

(d) Approve the AF Form 181 (with conditions or limitations listed as appropriate) by completing all items in the approving authority section. Assign a permit number comprised of the letter identifiers of the approving authority, the last two digits of the calendar year, a serial number, and a letter suffix indicating the type of use (see § 855.31). Major Commands and USDAO's use a three position abbreviation and bases use the ICAO Code as the letter identifier of the approving authority.

(e) Disapproves the request if it does not comply with the requirements of this part; for example, if:

(1) Use interferes with current operations, security, or ground safety.

(2) Adequate civil facilities are available in the proximity of the requested USAF installation.

(3) Civil user has not fully complied with this part.

(f) Distributes the approved AF Form 181 before the first intended landing, when possible, and as follows:

(1) Original to HQ USAF/PRPO.

(2) Return two copies to the user.

(3) Retain one copy for file.

(4) HQ USAF/PRPO provides one data punch card for each AF Form 181 to the appropriate major commands. Landing permit information in data punch card format is distributed weekly to major commands, who make further distribution via machine printout to their appropriate installations every two weeks.

§ 855.35 Insurance requirements.

Each user who applies for permission to land at a USAF installation presents proof of third-party liability insurance on an AF Form 203, with the amounts stated in U.S. dollars. The policy number, effective date, and expiration date are required. The geographical area of coverage must include the area where USAF installation(s) of proposed use is (are) located. Where several aircraft or aircraft types are included under the same policy, a statement such as "all aircraft owned," "all aircraft owned and operated," "all aircraft owned or operated, "all aircraft operated," etc., may be listed under aircraft registration number(s) in lieu of aircraft registration numbers. To meet the insurance requirements, either individual coverages for "Bodily Injury," "Property Damage," and "Passengers" or a "Single Limit" coverage is required. The coverage carried will be at the expense of the user with an insurance company acceptable to the Air Force, and must be current during the period the USAF installation is to be used. The liability required is determined by the MGTOW of the aircraft, whether passengers are carried, and will not be less than the minimum in the following table:

TABLE.—*Aircraft liability coverage requirements* [Stated in U.S. dollars]

	Bodily injury	Property damage	Passenger
	(a) Commercially operated without passengers		
12,500 pounds and under:			
Each person	$100,000		
Each accident	300,000	$100,000	
Over 12,500 pounds:			
Each person	100,000		
Each accident	1,000,000	1,000,000	
	(b) Commercially operated and privately owned noncommercial with passengers		
12,500 pounds and under:			
Each person	$100,000		$100,000
Each accident	300,000	$100,000	$100,000 × number of passenger seats.
Over 12,500 pounds:			
Each person	100,000		$100,000
Each accident	1,000,000	1,000,000	$100,000 × 75% × number of passenger seats.

(a) Any insurance presented as a single limit of liability or a combination of primary and excess coverage will be an amount equal to or greater than the minimums required for Bodily Injury, Property Damage, or Passengers as indicated in the table in this section.

(b) Each user's policy will specifically provide that:

(1) The insurer waives any right of subrogation the insurer may have against the United States by reason of any payment made under the policy for injury, death, or property damage that might arise out of or in connection with the insured's use of any USAF installation.

(2) The insurance afforded by the policy applies to the liability assumed by the insured under the AF Form 180.

(3) If the insurer or the insured cancels or reduces the amount of insurance afforded under the listed policy, the insurer sends written notice of the cancellation or reduction to HQ USAF/PRPO by registered mail at least 30 days in advance of the effective date of the cancellation or reduction. (The policy must state that any cancellation or reduction will not be effective until at least 30 days after such notice is sent.)

§ 855.36 Landing, parking, and storage fees.

All fees are due and collectable at time of use of any active or inactive USAF installation and are deposited with the Accounting and Finance Officer using DD Form 1131, Cash Collection Voucher. As necessary, guidance and assistance may be obtained from the Installation Accounting and Finance Officer. The landing, parking, and storage fees are based on the aircraft Maximum Gross Take Off Weight (MGTOW). The time that an aircraft spends on an installation is at the discretion of the installation commander. He may permit parking and storage on a nonexclusive, temporary, or intermittent basis consistent with military requirements.

(a) *Normal landing fee.* (1) U.S., U.S. Territories and Possessions. .20/1,000 pounds MGTOW or any portion thereof, minimum $5.00.

(2) Other overseas. .30/1,000 pounds MGTOW or any portion thereof, minimum $7.50.

(b) *Unauthorized landing fee.* (1) Aircraft 12,500 pounds MGTOW and under, $100.00.

(2) Aircraft over 12,500 pounds up to and including 40,000 MGTOW, $300.00.

(3) Aircraft above 40,000 pounds MGTOW, $600.00.

(c) *Parking and storage fee.* (1) Outside a hangar. Charge begins 6 hours after aircraft landing. The rate is .$10/1,000 pounds MGTOW for each 24-hour period or fraction thereof, with a minimum of $1.50 per aircraft.

(2) Inside a hangar. Charge begins at time aircraft is placed in the hangar. The rate is .20/1,000 pounds MGTOW for each 24-hour period or fraction thereof with a minimum of $5.00 per aircraft.

(d) *Exceptions.* The landing, parking, and storage fees are not applicable for civil aircraft which are:

(1) Privately owned, or leased, and operated by active duty and retired U.S. military and auxiliary personnel of the CAP, U.S. Air Force Reserve, ANG, and AFROTC.

(2) Operated in support of official Government business, including those

operated under a U.S. or foreign Government contract or charter.

(3) Produced under a contract of the U.S. Government.

(4) Exempted from this part.

§ 855.37 Purchase of aviation fuel and oil.

Conditions for sale of aviation fuel and oil are specified in AFR 144–9 (Part 819a of this chapter). A user may purchase Air Force fuel and oil on a credit basis after establishment of the "Authorized Buyer Letter". The Authorized Buyer Letter must be submitted to and accepted by HQ USAF/PRPO before products can be purchased on a credit basis.

§ 855.38 Supply and service charges.

Supplies and services furnished to a user are charged for as prescribed in Air Force Manual 67–1, USAF Supply Manual, volume I, part one, chapter 10, section N, subsection 2. Cash, personal check with appropriate identification, cashier check or money orders are acceptable means of payment.

Subpart D—Foreign Government Aircraft

§ 855.40 General information.

All foreign military or foreign government-owned noncommercially operated aircraft must have authorization before using USAF installations. Where agreements do not exist—between the United States and a foreign government or between the U.S. Air Force and a foreign air force for reciprocal use by military aircraft—foreign government must specifically request permission for its aircraft to land at USAF installations.

NOTE: Permission to land at USAF installations in the United States or foreign countries does not constitute nor take the place of diplomatic overflight clearance.

§ 855.41 Actions required by foreign government aircraft users.

Foreign government aircraft are not required to submit AF Forms 180, 181 and 203 for permission to land at a USAF installation. Instead, the foreign government must:

(a) Complete and forward a written request in an original and two copies through its air attache to HQ USAF/CVAFI, Washington, D.C. 20330, at least a minimum of 72 hours, excluding Saturday, Sunday and U.S. holidays, before first intended landing. (All Latin American countries are authorized to submit their requests, a minimum of 48 hours or 2 workdays in advance of use of a USAF installation in the Canal Zone or the Continental United States, direct to USAFSO, APO New York 09825.)

(b) Submit a request for diplomatic clearance to the Department of State, where flight to United States territory is desired, unless flight in U.S. airspace is already authorized by an appropriate agreement.

(c) Submit a request for diplomatic clearance to each appropriate foreign country which is to be overflown or in which a landing is to be made (where use of a USAF installation in a foreign country is desired).

§ 855.42 Processing procedures of the approving authority.

On receiving a request, the approving authority:

(a) Determines the availability of the installation and its capability to accommodate the use.

(b) Ensures that the prospective foreign government user has a valid requirement.

(1) Assistant Vice Chief of Staff, Foreign Liaison Division (HQ USAF/CVAFI). HQ USAF/CVAFI acts on all requests for use of a USAF installation by a foreign government aircraft except the Commander, USAF Southern Command, has authority to approve certain requests from Latin American countries. An aircraft landing number (ALAN) is assigned each request approved for foreign government aircraft and notifies USAF installations, major commands, Air Staff offices, and HQ USAF/PRPO by message.

(2) Commander, USAF Southern Command (USAFSO) may act on requests from any Latin American country for its military aircraft or other Government-owned aircraft not engaged in commercial operations, to use USAF installations under his control, and in the Continental United States. Prior clearance for use of Continental United States installations must be obtained, either formally or informally, from the installation commander concerned before issuing the landing authorization. Concurrent with obtaining clearance from the installation commander, informal notification of period of use and petroleum, oil and lubricants billing instructions may be furnished; this information is repeated in the landing authorization message. USAFSO ensures that all authorizations are consistent with current directives.

§ 855.43 Aviation fuel and oil purchases.

Air Force aviation fuel and oil may be purchased by the foreign government aircraft users of USAF installations as authorized by separate agreement or as stated in the approved landing request.

§ 855.44 Supply and service charges.

Charges for supplies and services furnished are prescribed in AFM 67–1, volume I, part one, chapter 10, section N, subsection 2. For official business, communications service may be provided at no cost to the U.S. Government or on a reimbursable basis where additional charges accrue to the U.S. Government for such service. Communications service normally is not provided for other than official business.

Subpart E—Joint Use of a USAF Installation

§ 855.50 Requests for joint use.

Joint civil aviation use of a USAF installation is considered only when requested by authorized governmental representatives of a community. Such requests are considered and evaluated on an individual basis by all reviewing levels.

(a) To initiate consideration for joint use of a USAF installation, submit a request to the installation commander, and include the following:

(1) Type and number of aircraft to be located on the installation.

(2) If applicable, an estimate of the number of commercial operations annually over a 5-year period.

(b) The installation commander, on receipt of the request, without precommitment or comment, forwards the documents to the Air Force representative at the FAA regional office within the geographical area of installation location.

(c) The USAF is responsible for the preparation of the environmental statement. Any costs associated with the preparation of the statement are borne by the requester.

(d) The Air Force representative at the FAA regional office comments on the request regarding airspace, air traffic control, and any other related areas, and returns the request with his comments to the installation commander.

(e) The installation commander comments on the request and forwards his comments and all related documents through channels to HQ USAF/PRPO.

(f) HQ USAF/PRPO, when evaluating the request, considers all of the following factors:

(1) The current and programmed military activities at the installation, dual runway and taxiway facilities, security, availability of supplies and maintenance service, volume and type of military traffic, crash protection, etc., and the extent to which the proposed use might detract from the installation capability to meet national defense needs.

(2) Availability of public airports to accommodate the current and future civil aviation requirements of the community and the practicality of constructing or expanding a public airport.

(3) Availability of sufficient land for civil facilities in an area separate from the Air Force facilities. If the community does not already own the land needed, the necessary land must be acquired either by purchase at no expense to the U.S. Government or from land that is excess to Air Force needs. The availability of excess USAF installation land may be requested through the FAA and the General Services Administration (see 50 App. U.S.C. 1622(g)). The Air Force considers temporary use of real property under Air Force Regulation 87–3, Granting Temporary Use of Real Property (see Part 838 of this chapter).

(4) Whether the community would acquire, construct, and maintain all necessary facilities for civil aviation operations; for example, a terminal building, parking ramp, taxiways, and, if appropriate, a civil runway.

(5) Whether the community would reimburse the U.S. Government a proportionate share of the costs for maintenance and operation of the runway and other utilized facilities.

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(g) If HQ USAF/PRPO approves the request for joint use, an agreement will be negotiated and concluded on behalf of the Air Force. The joint-use agreement will state the extent to which the provisions of this part will apply to all civil aviation use authorized.

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-6114 Filed 3-15-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL

[CGD 73-40R]

PART 1—GENERAL PROVISIONS

SUBCHAPTER S—BOATING SAFETY

PART 177—ESPECIALLY HAZARDOUS CONDITIONS

Manifestly Unsafe Voyages

The purpose of this amendment is to provide each Coast Guard District Commander with the authority to designate a specific boat as being manifestly unsafe for a specific voyage on a specific body of water.

A notice of proposed rulemaking was published in the March 14, 1973 issue of the FEDERAL REGISTER (38 FR 6900) proposing to establish, in Part 177 of Title 33, Code of Federal Regulations, certain additional unsafe conditions under which a specific boat would be considered manifestly unsafe for a specific voyage. In the notice, these additional unsafe conditions were contained in § 177.07(f). In this amendment, § 177.07 (f) has been redesignated § 177.07(g).

The notice of proposed rulemaking also proposed to amend Part 1 of Title 33, Code of Federal Regulations, by adding a new paragraph, § 1.05–1(d), to the general rulemaking procedures prescribed in that part. The new paragraph would redelegate, from the Commandant to each Coast Guard District Commander, the authority to issue the regulations provided for by § 177.07(g).

On May 8, 1973, a public hearing was held at U.S. Coast Guard Headquarters in Washington, D.C. to receive the views of interested persons on the proposed regulations. In addition, written comments were received on the proposed regulations during the period March 14, 1973, to May 14, 1973. The Coast Guard has considered these oral and written comments in preparing the final rule.

Several comments stated that the Coast Guard has failed to demonstrate or show the need for the proposed rule; one comment pointing out that when proposing a rule, sec. 6(1) of the Federal Boat Safety Act of 1971 requires the Coast Guard to consider the extent to which the rule will contribute to boating safety. Based on search and rescue (SAR) case studies, the Coast Guard anticipates that approximately four manifestly unsafe voyages will be attempted each year. This number may seem relatively insignificant when compared to the much larger number of boating accidents that occur in other phases of recreational boating. However, the need for preventing manifestly unsafe voyages becomes evident when one considers the disproportionately large commitment of Coast Guard boating safety and SAR resources that inevitably takes place when the voyages occur. This enormous and protracted expenditure of resources can perhaps be best appreciated by examining a recent case in point: A 22 foot Grand Banks dory which was to be rowed and carried by current from Washington to Mexico and thence to Hawaii. The boat carried approximately 100 days provisions for the two man crew. The crew also carried an emergency position indicating radio beacon (EPIRB). After a series of difficulties involving swamping of the boat as sea and sickness of the crew, the dory departed the west coast for Hawaii. Five days out, one of the crew developed a kidney ailment and the EPIRB was activated. In response to the EPIRB, a Coast Guard cutter was dispatched to evacuate the stricken crewman. The remaining crewman continued on alone. Approximately two months later, the dory was sighted and hailed by a merchant vessel. Based on a report from this vessel, a Coast Guard cutter on ocean patrol began a search for the dory with negative results. Approximately one week later, another merchant vessel encountered the dory. The Coast Guard cutter (long since diverted from its primary mission of plane guard and navigation aid on commercial air lanes) continued its search in that area for another three days with negative results. Due to a low fuel state, the cutter was forced to terminate the search and head for home port. That same day an EPIRB signal was detected by the cutter which put about and began the search again. A SAR aircraft was launched and located the dory. The cutter was vectored to the dory which was taken aboard the cutter along with the crewman. The cutter then returned to Seattle.

This chain of events occurred over a period of more than seven months. During this time, almost constant attention and concern was shown by the Coast Guard in an attempt to discourage the voyage, and then when those efforts proved fruitless, to monitor the progress of the voyage and stand ready to provide SAR service. The level of attention and concern ranged from assistance and advice provided at the Coast Guard Station, LaPush, Washington, where the voyage originated, to continuous monitoring of the voyage at the Coast Guard Rescue Coordination Center in San Francisco, to a personal visit by the Commander of the Twelfth Coast Guard District in San Francisco.

Other manifestly unsafe voyages have involved small canoes and small inflatable boats in which the boat operator intended to cross huge expanses of open ocean, making voyages as far as to Japan. These manifestly unsafe voyages inevitably claim a disproportionately large share of the Coast Guard's boating safety and SAR resources. The Commander of the Twelfth Coast Guard District estimates that in the last year, his district has expended nearly 75,000 man hours in handling only four such manifestly unsafe voyages. The commitment of SAR resources is even more remarkable. In one case, SAR aircraft flew a total of 125 hours and searched more than 270,000 square miles of ocean in a period of only three days. The Coast Guard is concerned that these boating safety and SAR resources should be applied to other more pressing and universal needs of the boating community. In view of this, the Coast Guard asserts that there is a definite and reasonable need for a regulation that can prevent manifestly unsafe voyages which, by any reasonable standard of judgment, lack any chance of successful completion.

A number of comments stated that the proposed rule is an encroachment on the constitutional right of Americans to have free access to the high seas. Other comments stated that the rule will result in the Coast Guard issuing trip permits to all seaward bound boats. The Coast Guard feels that these comments indicate a misunderstanding of the purpose and intent of the proposed rule. First, it is patently impossible for the Coast Guard to use the proposed rule to scrutinize or inspect all seaward bound boats since the District Commander must personally implement the rule. Briefly stated, the proposed rule is intended to prevent the use of boats on voyages (for the most part, extended ocean crossings) for which they are manifestly unsafe because of clearly unsuitable design or configuration, or because of inadequate or improper construction, or because of inadequate or improper operational or safety equipment. The Coast Guard's concept of a manifestly unsafe voyage is perhaps best typified by a recent case in which an operator proposed to sail and paddle a 16 foot canoe across the Atlantic to Portugal. The purpose of the voyage was to focus attention on the financial needs of a senior citizens' home in the Midwest. The operator had admittedly very limited boating experience in open ocean waters. In fact, the operator had determined the suitability of the canoe for the intended voyage by sailing and testing it on an inland lake. This is the type of voyage which the Coast Guard intends to regulate through careful and selective application of the proposed rule. Except in these extreme and unusual circumstances, the Coast Guard would not use the rule to limit an individual's free access to the high seas.

In administering the rule, the Coast Guard expects from past experience that it will learn of most manifestly unsafe voyages through publicity in the news media. Such endeavors are generally given wide publicity precisely because of the bizarre and sensational aspects of the manifestly unsafe voyage. The Coast Guard would also expect to learn of these voyages through correspondence from concerned friends, relatives, and other interested parties. When and if the Coast Guard learns of such a doubtful voyage, the District Commander will conduct an investigation to determine if the unsafe conditions in § 177.07(g) do exist.

A large percentage of comments objected that the unsafe conditions in proposed § 177.07(g) are too vague and general in their wording. This will result, the comments stated, in arbitrary and purely subjective interpretations of the rule, which in turn, will result in arbitrary and inequitable enforcement. In this connection, several comments specifically objected that competence of the operator, as listed in the proposed rule, is a condition particularly difficult to judge and it should therefore be deleted. The Coast Guard recognizes that the language in the rule is general. However, the Coast Guard feels that this is necessary. No narrow class definition or description of the type of boats involved, or of the type of voyages, or of the multiplicity of other variables in design and equipment, is possible. It is precisely for this reason that interpretation and enforcement of the rule is limited to the Coast Guard District Commander (generally, a Rear Admiral or Vice Admiral) with the explicit restriction that this responsibility and authority cannot be delegated further. This means that the District Commander will be required to give the matter of manifestly unsafe voyages his personal attention and supervision. The Coast Guard believes that the District Commander's breadth of experience and mature judgment will prevent unreasonable and over-zealous enforcement of the rule. After careful consideration of the comments, however, the Coast Guard recognizes that while boat design, material condition, and equipment are sufficiently tangible conditions to be judged with some objectivity, the operators' competence is not. Because the quality and extent of the operator's training and experience are difficult to document or otherwise establish, and very difficult, therefore, for the District Commander to accurately judge, the condition of operator competency has been deleted from the final rule. With regard to the remaining conditions in § 177.07(g), it should be kept in mind that the District Commander will not be making fine hairline judgments, seeking to define some subtle nuance between what constitutes suitability of design or appropriate naval architecture. Rather, the District Commander will be looking for blatant, extreme, and manifest deficiences.

The written and oral comments, nevertheless, do reveal that the language of the notice preamble was not clear in some respects and that the wording of the unsafe conditions in § 177.07(g) might be clearer. First, the use of the word "unique" in the notice preamble (to describe the type of boat for which the rule is intended) caused some confusion and adverse reaction. One comment made at the public hearing quite correctly stated that a boat could be unique in that the innovation of its design or construction makes it safer and more seaworthy than any other boat of its type. This uniqueness is certainly not cause for termination of a voyage. The sense that should have been conveyed by the notice preamble is that one factor the Coast Guard would consider as unsafe would be the gross unsuitability of a boat for the type of voyage intended. In this regard, the Coast Guard believes that the intent of the rule could be better reflected in the language of § 177.07 (g) by adding qualifiers such as "manifest", "inadequate", "unsuitable", and "improper". The wording of § 177.07(g) is, therefore, revised accordingly.

Several comments objected that the proposed rule had no provision for the operator to appeal a District Commander's regulation issued under proposed § 1.05–1(d). The right to petition for the issuance, amendment, or repeal of a rule (including a particular and specific rule or regulation issued to and served on a named individual, as envisioned by § 1.05–1(d)) is guaranteed by the Administrative Procedure Act (Pub. L. 89–554). The Coast Guard recognizes, however, that the methods for filing and processing such petitions should be established in a procedural regulation. Two additional paragraphs have, therefore, been added to the proposed amendment to the procedural rules in Part 1 of Title 33, Code of Federal Regulations. The revised amendment to 33 CFR 1.05 will ensure that: (1) Each rule issued by a Coast Guard District Commander will contain clear notice that the person upon whom it is served has the right to petition for repeal of the rule; (2) The person on whom the rule is served knows how to submit the petition; and (3) The District Commander will either repeal the rule or provide prompt written notice of denial to the petitioner.

Several comments suggested that, rather than issue the proposed rule, the Coast Guard avoid the expenditure of boating safety and SAR resources by having the operator who is about to embark on a manifestly unsafe voyage sign a release or waiver. Under this scheme, the Coast Guard District Commander would first warn the operator of the potential hazards involved in the planned voyage and advise him of the unsafe conditions. If the operator still insists on making the voyage, the Coast Guard would then require the operator to sign a release which would exonerate the Coast Guard of all responsibility for his safety and for conduct of search and rescue. The Coast Guard considers that the waiver of release suggested in these comments has no legal validity. The responsibility for search and rescue and for safety of life on the high seas is charged to the Coast Guard by section 2 (Primary Duties) of Title 14 (Coast Guard), United States Code. The operator has no authority or power to release the Coast Guard from this responsibility.

Several written comments stated that the proposed amendment is necessary and should be adopted.

In consideration of the foregoing, Title 33 of the Code of Federal Regulations is amended as follows:

1. Part 1 is amended by adding new § 1.05 (d), (e), and (f) to read as follows:

§ 1.05–1 General.

* * * * * *

(d) Subject to the provisions of paragraphs (e) and (f) of this section, the Commandant redelegates to each Coast Guard District Commander, with the reservation that this authority shall not be further redelegated, the authority, under section 13 of the Federal Board Safety Act of 1971, to issue regulations applicable to a specific boat within his jurisdiction designating that boat unsafe for a specific voyage on a specific body of water when it is determined, under the provisions of § 177.07(g) of this chapter, that an unsafe condition exists.

(e) Each regulation issued by a Coast Guard District Commander under the provisions of paragraph (d) of this section shall contain—

(1) Notice that the person upon whom the rule is served has the right, under the Administrative Procedure Act (5 U.S.C. 553(e)), to petition for reconsideration and repeal of the rule;

(2) Full title and address of the Coast Guard District Commander to whom the petition is to be submitted; and

(3) Notice that the petition should contain—

(i) The text or substance of the rule which the petitioner seeks to have reconsidered and repealed;

(ii) A statement of the action sought by the petitioner;

(iii) Whatever arguments or data that are available to the petitioner to support the action sought; and

(iv) If the petitioner desires reconsideration and repeal of the rule before a specific date, the petition should so state and give reasons why action by that date is necessary.

(f) If a Coast Guard District Commander determines that a petition submitted under the provisions of paragraph (e) of this section contains adequate justification, he shall initiate prompt rulemaking action to repeal the rule. If the Coast Guard District Commander determines that repeal of the rule is not justified, he shall issue prompt written notice of denial to the petitioner.

((46 U.S.C. 1488), 49 CFR 1.46(o)(1), 49 CFR 1.45(b))

2. Part 177 is amended by adding a new § 177.07(g) to read as follows:

§ 177.07 Other unsafe conditions.

* * * * * *

(g) Designated manifestly unsafe for a specific voyage on a specific body of water due to:

(1) Unsuitable design or configuration, or

(2) Improper construction or inadequate material condition, or

(3) Improper or inadequate operational or safety equipment, and set forth

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in a regulation issued by a District Commander under the authority of 33 CFR 1.05–1(d).

(Sec. 39, 85 Stat. 228; (46 U.S.C. 1488), 49 CFR 1.46(o)(1))

Effective date. This amendment shall be effective April 17, 1974.

Dated: March 8, 1974.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74–6151 Filed 3–15–74;8:45 am]

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER C—PROPERTY MANAGEMENT

PART 232—FEDERAL ENERGY CONSERVATION (FMC 74–1, SUPP. 1)

Federal Energy Conservation Policies

This document revises the Federal energy conservation policies and procedures to give agencies greater flexibility in assigning parking spaces to handicapped employees and in achieving the prescribed lighting standards. These revisions are being made as a result of comments from various Federal agencies and private groups.

APPENDIX B—FEDERAL EMPLOYEE PARKING

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4. *Agency plans and procedures.*

. . . . . .

b. The agency parking arrangements will provide that on or before March 9, 1974, not more than 10 percent of the parking spaces available for employee parking at Federal agencies may be assigned to executive personnel and persons who are assigned unusual hours. Assignment of the remaining parking spaces for employee parking will be based on the number of persons in a carpool. Where practical, the 10/90 ratio will be accomplished at each Federal facility. Parking spaces assigned on the basis of a severe physical handicap shall not be considered part of employee parking for purposes of achieving the 10/90 ratio. Each agency will give full credit, for the purpose of allocation of parking spaces for carpools, to any full time carpool member regardless of the employer, except that at least one member must be a full time employee of the agency. In those instances where there are insufficient parking facilities to meet the needs of all carpools, ties will be resolved in accordance with criteria to be published by the Administrator of General Services. Areas within parking facilities will be reserved for the use of two-wheeled vehicles with special consideration being given to bicycles. The amount of space allocated for this purpose will be reevaluated every six months.

c. To facilitate the formation of carpools, the Administrator of General Services, with the cooperation of the agencies involved, will provide assistance through the use of such aids as computerized carpool matching, carpool boards, etc. He will also develop reciprocal agreements with private sector employers through State or local government agencies or other organizations operating computer-aided carpool matching programs for the public and/or private sectors.

5. *Responsibilities.* All agencies will reassign parking spaces to Federal employees in accordance with the policies contained in this appendix on or before March 7, 1974.

6. *Exceptions.* Exceptions to the policies set forth in this appendix must be submitted by the head of the agency to the Administrator of GSA who will recommend approval or disapproval to the Administrator, Federal Energy Office.

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APPENDIX C—HEATING, COOLING, AND LIGHTING OF BUILDINGS

. . . . . .

4. *Policies and procedures.*

a. *Lighting.* Energy consumed for lighting shall be reduced by removing nonessential lamps and fixtures and by applying nonuniform lighting standards to existing lighting systems.

(1) *Working hours.* During working hours, overhead lighting will be reduced to 50 foot candles at work stations, 30 foot candles in work areas, and 10 (but not less than 1) foot candles in nonworking areas. Reductions in overhead lighting shall be accomplished with minimum practicable deviation from the specified levels. These standards will be maintained in all space except where "heat of light" technology is utilized. Where the "heat of light" technology is used, the savings to be achieved by decreasing the lighting shall be compared to the costs to be incurred for increased use of heating energy before a determination regarding delamping is made.

. . . . . .

(Federal Energy Office memorandum dated January 17, 1974, and Executive Order 11717 (38 FR 12315, May 11, 1973))

Effective date. This regulation is effective when issued.

Dated: March 12, 1974

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–6244 Filed 3–15–74;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 164—INDEMNITY CLAIMS

Filing Insured (Including C.O.D.) Mail Claims

This doucment constitutes a complete revision of the regulations of the Postal Service on insured (including C.O.D.) mail claims, presently found in §§ 164.1–164.5 of Title 39, Code of Federal Regulations.

The principal changes are as follows: In § 164.1 paragraph (a) is amended to allow only the mailer to file a claim for complete loss; paragraph (c) is amended to allow a mailer to file a claim for loss 15 days after the date of mailing, instead of the existing 30 days, except for APO and FPO surface mailings; and a new paragraph (f) is added listing payable and nonpayable claims.

Minor and technical changes are also made to §§ 164.2–164.5. However, these sections constitute directions to postal employees concerning the filling out and disposition of claim forms, plus other postal responsibilities, and need not be described here. All changes are effective immediately.

(39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

Accordingly, §§ 164.1–164.5 of Part 164 of Title 39, Code of Federal Regulations, are revised to read as follows:

Sec.
164.1 General instructions on filing an insured (including C.O.D.) mail claim.
164.2 Preparation of insured and C.O.D. mail claims.
164.3 Disposition of the damaged article.
164.4 Disposition of the claim.
164.5 Additional post office responsibilities.

§ 164.1 General instructions on filing an insured (including C.O.D.) mail claim.

(a) *Who may file.* (1) A claim for complete loss (including c.o.d.) may be filed only by the mailer.

(2) A claim for partial loss (including c.o.d.) may be filed by the mailer or addressee.

(3) A claim for damage (including c.o.d.) may be filed either by the mailer or addressee.

(b) *How to file*—(1) *Domestic claims.* A customer may file a claim at any post office, classified branch, or station. Form 3812, Request for Payment of Domestic Postal Insurance, dated Nov. 1971 or later, is used to request payment for the loss or damage of insured mail. The form is a four-part snap-out set which includes two copies of Form 1510–A, Inquiry for the Loss or Rifling of Mail Matter, and one copy of Form 3841, Post Office Record of Claim. DO NOT COMPLETE A SEPARATE FORM 1510 or FORM 3841 FOR INSURED OR C.O.D. CLAIMS.

(2) *International claims.* Claims for international insured mail are to be handled in accordance with Chapter 7, Postal Service Publication 42—International Mail.

(c) *When to file*—(1) *Loss Claims.* Mailer may not file a claim for loss until 15 days after the date of mailing. EXCEPTION: UNTIL 75 DAYS FOR APO and FPO SURFACE MAILINGS.

(2) *Damage Claims.* Customers should file damage or partial loss claims immediately.

(3) *Insurance (including C.O.D.) Claims.* Indemnity claims must be filed within one year from the date the article was mailed.

(d) *Information required*—(1) *Evidence of Insurance.* The customer must submit evidence that the package was insured. Acceptable evidence includes either:

(i) The original insurance receipt issued at time of mailing. Post offices may annotate the appropriate line(s) in firm mailing books Claim filed on (date), and submit a photocopy with the claim form.

(ii) The wrapper, if it has the name and address of both the mailer and the addressee and the appropriate insurance endorsement.

(2) *Evidence of value.* The customer (including Government agencies which have insured official mail) must submit evidence of value. The Postal Service will not undertake to obtain estimates of value. Acceptable evidence may include any one of the following:

(i) Sales receipt.

(ii) Invoice.

(iii) Statement of value from a reputable dealer.

(iv) Catalog value of a similar article.

(v) Statement describing the articles lost or damaged, including where purchased, date, amount, and whether the articles were new or used. If handmade, price of material used and labor. Describe the items in sufficient detail for the postal data center to determine that the value claimed is not excessive.

(vi) Paid repair bills, estimate of repair cost, or appraisals may be used in lieu of estimate of value in the case of claims for partial damage. When a question exists whether cost of repair exceeds actual value, other evidence of value may be required.

(3) *Replacement shipments.* If a replacement shipment has been sent to a customer to replace original article(s) lost, indicate Replacement Shipment on claim (Form 3812) and obtain a copy of the invoice evidencing the replacement and attach to claim form.

(e) *Assignment of responsibilities.* (1) Post offices, classified stations and branches will:

(i) Accept claims when evidence of insurance, statement of value (including proper documentation), and required signatures are furnished.

(ii) Assist customers in preparation of Form 3812.

(iii) Complete post office portion of Forms 3812.

(iv) Route completed Forms 3812 in accordance with § 164.4.

(2) The St. Louis Postal Data Center will adjudicate and pay or disallow all domestic insured and c.o.d. mail claims.

(f) *Payable and nonpayable claims.* (1) Subject to paragraph (f)(2) of this section, insurance for loss or damage to registered, insured or c.o.d. mail within the amount covered by the fee paid is payable for:

(i) Actual value of lost articles, less depreciation for used items.

(ii) Cost of repairing a damaged article or replacing a totally damaged article, not exceeding actual value of the article.

(iii) A c.o.d. parcel for which no remittance has been received by the mailer.

(iv) Death of baby poultry due to physical damage to the package or delay for which the Postal Service is responsible. In the absence of definite evidence showing responsibility for death of baby poultry, the Postal Service will be presumed to be at fault if 10 percent or more are dead on delivery, and indemnity will be paid for all dead poultry; otherwise the Postal Service will not be presumed to be at fault (see paragraph (f)(2)(v) of this section and § 124.3(c)) of this chapter.

(v) Costs incurred in duplicating or obtaining documents, or their original cost if they cannot be duplicated. The fee paid to an attorney to obtain duplication of valuable papers and other actual, direct and necessary expenses may be included.

(vi) The extra cost of gift wrapping if the gift wrapped article was enclosed in another container for handling in the mail.

(vii) Cost of outer container if specially designed and constructed for goods sent as registered, insured, or c.o.d. mail.

(viii) The established market value, as determined by a recognized dealer selected by the claimant, of numismatic coins or stamps having philatelic value.

(ix) Federal, State or city sales tax paid on articles which are lost or totally damaged.

(x) Postage (not fee) paid for sending damaged articles for repair. The Postal Service must be used for this purpose. Other reasonable transportation charges may be included if postal service is not available.

(2) Nonpayable Claims. Payment will not be made in excess of the actual value of the article or in excess of the maximum amount covered by the fee paid. Further examples where indemnity may not be paid are as follows:

(i) The article was not rightfully in the mail. This includes c.o.d. articles sent to addressees without their consent for purposes of sale or on approval.

(ii) Claim is filed more than one year from the date the article was mailed.

(iii) Evidence of insurance coverage has not been presented.

(iv) The mailer failed to state at time of mailing the full value of a registered article (see § 161.2(d) of this chapter).

(v) Loss, rifling, or damage occurred after delivery by the Postal Service.

(vi) Claim is based on sentimental loss rather than actual value.

(vii) The loss resulted from delay of the mail, except as in paragraph (f)(1)(iv) of this section.

(viii) The claim is for consequential loss rather than for the article itself.

(ix) Contents froze, melted, spoiled or deteriorated.

(x) The parcel was packaged in such a way that it would not have reached the addressee in good condition in the ordinary course of the mail.

(xi) The damage consisted of abrasion, scarring, or scraping of suitcases, handbags, and similar articles which were not properly wrapped for protection.

(xii) The death of baby poultry was due to shipment to points where delivery could not be made within 72 hours from the time of hatch.

(xiii) Death of honeybees and harmless live animals which was not the fault of the Postal Service (see § 124.3(c)(2) of this chapter).

(xiv) Failure on the part of the second party (the addressee if claim is filed by the mailer, or the mailer if the claim is filed by the addressee) to cooperate in the completion of the claim.

(g) *Used article(s) lost or damaged.* The St. Louis Postal Data Center depreciates used articles lost or damaged based on the following:

(1) Used articles with a life expectancy of ten (10) years are depreciated at ten percent (10%) per year.

(2) Used articles with a life expectancy of twenty (20) years are depreciated at five percent (5%) per year.

§ 164.2 Preparation of insured and C.O.D. mail claims.

(a) The accepting postal employee will enter a nine-digit claim number (see § 164.4(b)(1)), and complete items 1 through 10 on Form 3812. Type or print legibly with a ballpoint pen.

Press hard.

Item 1. Check appropriate block indicating reason for claim. If claim is for Complete Loss of Contents add: *CONT* after the block for Complete Loss. *No. c.o.d.* remittance claims should be initiated as Complete Loss.

Item 2. Indicate use of airmail, if applicable.

Item 3. Check the appropriate block to indicate category of the claim.

Item 4. Indicate special delivery service, if applicable.

Item 5. Enter city, State and ZIP Code of mailing post office (not necessarily the post office where the claim is being filed). If the package was mailed at a station or branch, use the appropriate ZIP Code.

Item 6. Enter the date the package was mailed.

Item 7. Enter the date the claim is being filed.

Item 8. Enter city, State and ZIP Code of post office of address.

Item 9. Enter amount of postage paid, including special fees such as special delivery or special handling.

Item 10. Enter amount of insurance fee paid.

(b) Assist the claimant in completing items 11 through 14 and items 17, 18 or 19 of Form 3812 to the extent possible as follows:

Items 11 and 12. Names and addresses of mailer and addressee. The mailer should indicate the payee by checking the payee block in either item 11 or 12. The name of the payee indicated in items 11 or 12 must agree with the payee shown in the Mail Check To portion of the identification slip.

Item 13. Describe the articles lost or damaged; indicate the purchase price, the approximate year of purchase, whether the article was new or used, or the price of materials used and labor, if handmade. Describe the items in sufficient detail for the postal data center to determine that the value claimed is not excessive. Attach a supplementary sheet of paper to the claim form if necessary.

Item 14. Enter the total amount claimed excluding postage.

Item 15. MUST BE COMPLETED BY ADDRESSEE ONLY.

Item 16. Complete for COD mailings only.

Item 17. Complete if package was commercially insured. Include policy number, name and address of insurance company and amount of deductible, if appropriate.

Item 18. Have the mailer sign, date, and enter his telephone number in appropriate block. If the claim is being filed by a business firm, the firm name should be entered in the signature block and the firm's representative should sign the block labeled *BY*.

Item 19. Have the addressee sign, date, and enter his telephone number in appropriate block. If the claim is being filed by a business firm, the firm name should be entered in the signature block and the firm's representative should sign the block labeled *BY*.

(c) The accepting postal employee will complete items 20, 21 and 22 (if applicable) of Form 3812.

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Item 20. Date stamp and initial.

Item 21. Check the appropriate block to indicate evidence of insurance. Endorse the insurance receipt and wrapper *Claim Filed,* date stamp and initial it. Return it to the customer and instruct him to keep it until the claim is settled.

Item 22. Location of the damaged article:

(1) If the customer has possession of the damaged article, he must display it to the accepting postal employee to verify actual damage.

(2) If the claim is for partial damage, check the appropriate block to indicate that the customer will retain possession of the article.

NOTE: Under no circumstances should the accepting postal employee arrange to have the article repaired.

(3) If the claim is for total damage, disposition of the article will be at the option of the Postal Service. If the totally damaged article will have little or no salvage value, the article may be returned to the customer if he so desires. If the totally damaged article will have salvage value, dispose of it in accordance with § 164.3.

(d) Enter the following information on lower portion of Form 3812, Postal Insurance Claim Identification.

Mailer's name and address.
Addressee's name and address.
Other identification (invoice numbers, etc.).
Name and address of payee as designated by claimant.

(e) Review the claim form before the claimant leaves the post office to assure that:

(1) The mailer has designated the payee; (Exception: See § 164.4(c)(3)(ii)) signed the claim form; and completed the postal insurance claim identification portion of the form; and

(2) All necessary available supporting documents (bill of sale, invoice, repair bill or estimate of repairs) are attached to the back of claim form.

(f) For loss of numbered insured and c.o.d. parcels, check the post office records for parcels returned to the matter and check parcels on hand, awaiting return.

§ 164.3 Disposition of the damaged article.

(a) For a totally damaged article that will have little or no salvage value, such as smashed glassware, allow the customer to retain the article if he so desires, otherwise destroy it. If the totally damaged article will have salvage value retain it for 60 days then forward it to your dead parcel post branch on the next weekly dispatch. Use Form 3831 Receipt for Article(s) Damaged in Mails. If customer's claim is denied, article is to be returned upon request.

(b) For partially damaged articles, return the article to the customer.

§ 164.4 Disposition of the claim.

(a) The accepting clerk should forward the partially completed claim form, with the available supporting documentation attached to:

(1) The claims and inquiry section, if one exists, or

(2) The employee within the post office who has been designated to handle insurance claims.

(b) Final preparation of the claim form at the accepting post office (except APO/FPO claims and Canal Zone claims—See § 164.4(d)) is completed as follows:

(1) The claim number is composed of the six digit post office finance number and a three digit sequential number beginning with 001 and continuing through 999. When the total of claims initiated reaches 999, begin again with 001.

(2) *Forward to block:* Check the appropriate box to indicate to whom the claim form will be forwarded.

(3) Detach and file copy 4 of the claim form set (Form 3841, Post Office Record of Claims) alphabetically by mailer's name.

(4) See § 164.5(c) for disposition of Form 1510–A's.

(5) Select the appropriate form letter of instructions and attach it to the front of the claim form set as follows:

(i) Loss Claim Filed by Mailer, Form Letter 3861.

(ii) Damage Claim Filed by Mailer, Form Letter 3862.

(iii) Damage Claim Filed by Addressee, Form Letter 3863.

(6) Prepare a pre-addressed penalty reply envelope as follows:

Postal Data Center
P.O. Box 14677
St. Louis, MO 63181

Attach the envelope to the claim form set.

(c) Send the claim form set with the appropriate form letter indicating items to be completed and pre-addressed postal data center envelope as follows:

(1) Loss or c.o.d.—to the addressee.

(2) Damage claim—to the second customer (either mailer or addressee). See exceptions in paragraph (c)(3) of this section.

(3) Exceptional damage claims.

(i) If the claimant has possession of the damaged article and submits proof that it was received by the addressee in a damaged condition, or that it was returned from the office of address as undeliverable, do not send the claim form to the addressee. Forward it directly to the St. Louis Postal Data Center for payment.

(ii) If repairs to a partially damaged article have been paid for by the addressee, forward the claim directly to the St. Louis Postal Data Center without the statement or signature of the mailer, provided you can determine from the insurance endorsement on the wrapper that the insurance fee paid was sufficient to have purchased insurance to cover the cost of repairs. Otherwise forward to the mailer for his evidence of insurance in accordance with paragraphs (b)(5)(iii) and (c)(2) of this section.

(d) When preparing and forwarding APO/FPO and Canal Zone Claims:

(1) Determine whether or not the mailer is still in an overseas area. Frequently APO/FPO and Canal Zone claims can be settled locally without contacting the port post office and the claim form set can be forwarded directly to the St. Louis Postal Data Center.

(2) If the claim cannot be settled locally, prepare the claim form set as you would for ordinary domestic claims except do not enter a claim number and do not detach copy 4 (Form 3841). You may, however, make a copy of the 3841 for your records.

(3) Select and attach the appropriate form letter and forward as follows:

(i) Overseas Military Mail—to the postmaster at the port post office identified in the mailer's or addressee's address.

(A) Postmaster San Francisco, CA 94101.

(B) Postmaster New York, NY 10001.

(ii) Canal Zone Mail—to the Postmaster, New Orleans, LA 70113.

(e) Port post office responsibilities are:

(1) Upon receipt of an APO/FPO or Canal Zone claim initiated by another post office, take the following action:

(i) Enter your own claim number.

(ii) Detach and file copy 4 (Form 3841) of the claim form set.

(iii) Forward the claim form set on to the next contact point.

(2) When the claim form set is returned to your office:

(i) Annotate the Form 3841 appropriately.

(ii) Forward the claim form set to the St. Louis Postal Data Center for adjudication and payment.

§ 164.5 Additional Post Office responsibilities.

(a) *General assistance to customers.* (1) Completion of a claim form initiated at another post office.

If a customer comes into your office with any one of the form letters mentioned in § 164.4(b)(5) and a partially completed Form 3812, comply with the following procedures:

(i) Read carefully the form letter which transmitted directions to the customer.

(ii) Assist the customer in completing his portion of the Form 3812 in accordance with the directions in the form letter.

(iii) Place the completed Form 3812 and all other material which the customer has received into the pre-addressed postal data center envelope and mail.

(2) *Verification of Insurance Receipt.* When the addressee has filed a damage claim and the amount of indemnity claimed exceeds $50, the mailer must present his insurance receipt for verification at any post office, classified station, or branch. Accept the insurance receipt, the partially completed Form 3812, and the form letter of instructions from the mailer. Comply with the following procedures:

(i) Read carefully the form letter which transmitted directions to the customer.

(ii) Complete items 9 and 10 on Form 3812.

(iii) Assist the customer in completing his portion of the Form 3812 in accordance with the directions in the form letter.

(iv) Endorse the insurance receipt *Claim Filed,* date stamp and initial it. Return the receipt to the customer and instruct him to keep it until the claim is settled.

(v) Place the completed Form 3812 and all other material which the customer has received into the pre-addressed postal data center envelope and mail.

(b) *Inquiries and duplicate claims.* (1) Provided at least 30 days (75 days for surface APO/FPO and Canal Zone mail) has elapsed since the claim was initiated, the initiating post office will prepare and process a duplicate claim as follows:

(i) Use the information on the original Form 3841 to complete as much of the duplicate Form 3812 as possible. Enter the same claim number that appeared on the original Form 3812. Obtain the signature of the customer who initiated the claim and a statement that the parcel has not been returned nor payment received. For loss of numbered insured and c.o.d. parcels, check the post office record of parcels returned to the mailer and check parcels on-hand awaiting return.

(ii) Mark the top of the Form 3812 Duplicate.

(iii) Annotate the original Form 3841 to indicate that a duplicate claim has been initiated. Do not detach the Forms 1510–A or 3841 from the duplicate claim form set.

(iv) Complete Form Letter 3866, Duplicate Insurance Claim, and attach it to the front of the claim form set.

(v) Forward the entire package to the post office which serves the second customer.

(2) Upon receipt of a duplicate claim form set, the post office which serves the second customer will within 5 days:

(i) For loss of numbered insured and c.o.d. claims: Verify delivery records, make a positive effort to contact the addressee to verify delivery or nondelivery (phone call is acceptable). Check post office records of parcels returned to the mailer. Annotate the findings in item 23 of Form 3812, detach Form 3841 and file, and send claim to the St. Louis Postal Data Center, P.O. Box 14677, St. Louis, MO 63181 for adjudication.

(ii) For Damage and Unnumbered Loss Claims: Forward entire claim file to the second customer using the appropriate form letter (Form 3861—Loss Claim Field by Mailer, Form 3862—Damage Claim Filed by Mailer, or Form 3863—Damage Claim Filed by Addressee). Include a penalty envelope preaddressed to the postal data center at the address in paragraph (b)(2)(i) of this section.

(c) *Verification of delivery.* (1) Verification of delivery record will be made on numbered insured and c.o.d. claims (exception—APO/FPO, unnumbered loss, damage and duplicate claims) by the following method:

(i) Detach the first copy of Form 1510–A, Inquiry for the Loss or Rifling of Mail Matter, from the claim set Form 3812, Request for Payment of Domestic Postal Insurance; write at top of form. Please verify delivery, affix the office dating stamp and mail it to the postmaster at the office of address.

(ii) Mail the remainder of the claim set to the addressee as prescribed in § 164.4(c)(1).

(d) *Action by postmaster.* Upon receipt of a Form 1510–A from the accepting postmaster, postmasters at the office of address will within 5 days:

(1) Check delivery record, Form 3849, Notice of Mail Arrival or Attempted Delivery, or Form 3883, Firm Delivery Book, to ascertain whether or not the article was delivered. When c.o.d. claims are received, search the tag file; if no record is found, search the file of Forms 3814 at main office or station or branch involved.

(i) If there is no record of delivery, annotate the right hand blank portion of the Form 1510–A No Record, initial, affix the office dating stamp, and mail the Form 1510–A to the data center at the address in paragraph (d)(2) of this section.

(ii) If there is a record of delivery, affix the office dating stamp, write the date of delivery and indicate any unusual delivery conditions on the right hand blank portion of the Form 1510–A. For c.o.d.'s write the date of delivery, indicate any unusual delivery conditions, and furnish the money order number(s).

(iii) If the parcel (insured or c.o.d.) was returned to sender or refused, so indicate on the right side blank portion of the Form 1510–A, affix the office dating stamp and return it to the accepting postmaster for verification of return. The accepting postmaster is then to indicate whether or not he has a record of return also on the right side blank portion of Form 1510–A. Provide the date returned, initial, affix the office dating stamp, and mail it to the address in paragraph (d)(2) of this section.

(2) Batch and return Forms 1510–A daily to the address below:

Director, Postal Data Center
PO. Box 14677
St. Louis, MO 63181

The Postal Data Center, St. Louis, will retain the Form 3812 claim set or 1510–A, whichever arrives first, until the two can be matched and adjudication accomplished.

(e) *APO/FPO, unnumbered loss, damage and duplicate claims.* (1) APO/FPO Claims (Numbered Insured Loss) will be sent to the respective port post office with Forms 1510–A and 3841 attached.

(2) Unnumbered loss and damage claims will be sent directly to the addressee with both copies of 1510–A attached.

(3) Duplicate claims will be sent to the addressee post office with Forms 1510–A and 3841 attached.

[FR Doc.6109 Filed 3–15–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ATOMIC ENERGY COMMISSION

[AECPR Temporary Reg. 5]

PART 9–1—GENERAL

PART 9–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Selection and Award of Architect-Engineer Contracts

MARCH 11, 1974.

1. *Purpose.* This regulation implements Pub. L. 92–582 and FPR 1–1.1003–3, 1–1003–7, and 1–4.10 concerning the procurement of Architect-Engineer Contracts.

2. *Effective date.* This regulation is effective on March 18, 1974.

3. *Expiration date.* This regulation will remain in effect until cancelled and replaced by a permanent AEC Procurement Regulation.

4. *Explanation of changes.* a. Add new Subpart 9–1.10, Publicizing Procurement Actions:

Subpart 9–1.10—Publicizing Procurement Actions

Sec.
9–1.1000 General.
9–1.1003–3 Special areas of negotiation.
9–1.1003–7 Preparation and transmittal.

AUTHORITY: Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. (42 U.S.C. 2201); Sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390 (40 U.S.C. 486).

Subpart 9–1.10—Publicizing Procurement Actions

§ 9–1.1000 General.

§ 9–1.1003–3 Special areas of negotiation.

(a) [Reserved]
(b) [Reserved]
(c) Architect-engineer and related services contracts over $10,000. For each contract expected to exceed $10,000, a notice of intention to contract for architect-engineer services shall be published in the Commerce Business Daily, Synopsis of U.S. Government Proposed Procurement, Sales and Contract Awards.
(d) Architect-engineer and related services contracts of $10,000 or under. For each contract expected to cost $10,000 or less, a notice of intention to contract for architect-engineer services may be published in the Commerce Business Daily. In the alternative, the notice shall be publicly displayed at the procuring office and shall be published in at least one daily newspaper circulated in the local area. Written notification to affected professional societies in the area of project consideration should also be made.

§ 9–1.1003–7 Preparation and transmittal.

(a) [Reserved]
(b) [Reserved]
(1)–(8) [Reserved]
(9) *Architect-engineer services project notice.* Each notice publicizing procurement of architectural and/or engineering

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services shall be headed "R Architect-Engineer Services." The project shall be listed with a brief statement concerning its location, scope of service required, and, where applicable, the estimated related construction cost, type of contract proposed and the estimated start and completion dates. Appropriate statements shall be made concerning any specialized qualifications, security classifications, and limitations on eligibility for consideration. Qualifications or performance data required from architect-engineer firms shall be described. This data shall be followed by statements similar to the following:

Architect-engineer firms which meet requirements described in this announcement are invited to submit a complete Standard Form 251, U.S. Government Architect-Engineer Questionnaire, to the procurement office shown below. Firms having a current Standard Form 251 already on file with this procurement office and those responding to this announcement before ---------- will be considered for selection, subject to any limitations indicated with respect to size and geographic location of firm, specialized technical expertise or other requirements. Following an initial evaluation of the qualifications and performance data described on the Standard Form 251 discussions will be held with the most highly qualified to provide the services required. The selection of the contractor for negotiation and award of this contract will be based on the evaluation criteria contained in AECPR 9-4.1004-2. This is not a request for a proposal. See also Numbered Note 63 on annual statements.

The name of the responsible procuerment office shall then be shown complete with the full address and telephone number. The numbered note will appear in each issue of the Commerce Business Daily as follows:

63. Procurement of architectural and/or engineering services shall be made by negotiation. Selection of architect-engineer firms for negotiation shall be based on demonstrated competence, qualifications necessary for the satisfactory performance of the type of professional services required and any other requirements set forth by the individual procurement agency. Firms desiring automatic consideration for all future projects administered by the procurement office (subject to specific requirements for individual projects) are encouraged to submit annually a statement of qualifications and performance data, utilizing Standard Form 251, U.S. Government Architect-Engineer Questionnaire.

b. Add new Subpart 9-4.10, Architect-Engineer Services:

Subpart 9-4.10—Architect-Engineer Services

Sec.

9-4.1000 Scope of subpart.
9-4.1001 General policy.
9-4.1002 Definitions.
9-4.1003 Public Announcements.
9-4.1004 Selection.
9-4.1004-1 Establishment of architect-engineer evaluation boards.
9-4.1004-2 Evaluation criteria.
9-4.1004-3 Collection of data on architect-engineer firms.
9-4.1004-4 Evaluation of qualifications and performance data.
9-4.1004-5 Conducting discussions.
9-4.1004-6 Use of requests for proposals.
9-4.1004-7 Selection of most highly qualified firm for negotiations.
9-4.1004-8 Late proposals.
9-4.1005 Negotiation procedures.
9-4.1005-1 Conduct of negotiations.
9-4.1005-2 Independent Government estimate.
9-4.1005-3 Architect-engineer's price proposal.
9-4.1005-4 Contract price.
9-4.1005-5 Record of negotiation.
9-4.1005-6 Exemption from limitations on fee for architect-engineer.
9-4.1006 Limitation on contracting with architect-engineer firms for construction work.
9-4.1007 Small business.

AUTHORITY: Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948 (42 U.S.C. 2201); sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390 (40 U.S.C. 486).

Subpart 9-4.10—Architect-Engineer Services

§ 9-4.1000 Scope of subpart.

This subpart contains the policies and procedures of the AEC for the procurement of professional architect-engineer services, either individually or together, by contract. The requirements of this subpart do not apply to the procurement of professional architect-engineer services by AEC contractors.

§ 9-4.1001 General policy.

Pursuant to Pub. L. 92-582 dated October 27, 1972, which amended the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471, et seq.), it is the policy of the AEC to publicly announce all requirements for architect-engineer services, and to negotiate contracts for architect-engineer services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

§ 9-4.1002 Definitions.

(a) "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

(b) "Architect-engineer services" are those professional services of an architectural or engineering nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.

(c) The term "discussions" includes telephone conversations, exchange of correspondence, or interviews.

§ 9-4.1003 Public announcements.

To ensure the broadest publicity concerning the AEC's interest in obtaining architect-engineer services, a notice of intention to contract for architect-engineer services shall be prepared and published for each procurement of architect-engineer services, in accordance with the requirements of AECPR 9-1.1003 (c) and (d) and 9-1.1003-7(b)(9).

§ 9-4.1004 Selection.

§ 9-4.1004-1 Establishment of architect-engineer evaluation boards.

Architect-engineer evaluation boards will be used for the selection of professional architect-engineer services when either the estimated cost of the contract is $50,000 or more, or the related construction cost for the project requiring the architect-engineer services is $500,000 or more. Except as provided by this subpart, the use of architect-engineer evaluation boards shall be governed by the general policies and procedures contained in AECPR 9-56, and the internal AEC management directives concerning the selection of contractors by board process.

§ 9-4.1004-2 Evaluation criteria.

Contracting officers or architect-engineer evaluation boards shall apply the following evaluation criteria contained in this subsection, and any special criteria developed for individual selections:

(a) General qualifications, including:

(1) Reputation and standing of the firm and its principal members;

(2) Experience and technical competence of the firm in comparable work;

(3) Past record in performing work for the AEC, other Government agencies, and private industry, including performance from the standpoint of cost and the nature, extent, and effectiveness of contractor's cost reduction program; quality of work; and ability to meet schedules (where applicable);

(4) The volume of past and present workloads;

(5) Interest of company management in the project and expected participation and contribution of top officials;

(6) Adequacy of central or branch office facilities for the proposed work, including facilities for any special services that may be required;

(7) Adequacy of the firm's accounting system;

(8) Geographic location of the home office and familiarity with the locality in which the project is located; and

(9) Willingness to grant the Government principal or exclusive rights in resulting inventions.

(b) Personnel and organization.

(1) Specific experience and qualifications of personnel proposed for assignment to the project, including, as required for various phases of the work, (i) technical skills and abilities in planning, organizing, executing, and controlling; (ii) abilities in overall project coordination and management; and (iii) experience in working together as a team;

(2) Proposed project organization, delegations of responsibility, and assignments of authority;

(3) Availability of additional competent, regular employees for support of the project and the depth and size of the organization so that any necessary expansion or acceleration could be handled adequately;

(4) Experience and qualifications of proposed consultants and subcontractors; and

(5) Ability to assign an adequate number of qualified key personnel from its own organization, including a competent supervising representative.

(c) The policies contained in AECPR 9-56.405 concerning distribution of work and the selection of firms which are compatible with the size and complexity of the job requirements.

§ 9-4.1004-3 Collection of data on architect-engineer firms.

AEC offices that regularly procure architect-engineer services shall collect and maintain current qualifications and performance data files on architect-engineer firms, including information on the qualifications of their members and key employees and past experience on various types of construction projects. Normally, Standard Form 251, U.S. Government Architect-Engineer Questionnaire, supported by required photographs shall be used for this purpose. Information from other sources, such as appraisals of performance on previous projects awarded to the firm, may also be included in the files.

§ 9-4.1004-4 Evaluation of qualifications and performance data.

After the notice of intention to contract for architect-engineer services has been published and the date for submission of new or current Standard Form 251 has passed, the contracting officer or the evaluation board shall review and evaluate the current Standard Form 251s and other current qualifications and performance data on file, including any Standard Form 251s that were submitted in response to the public announcement. Based on this initial evaluation, no less than three firms shall be selected for the purpose of holding discussions. It is not necessary to hold discussions with any firm that submits a Standard Form 251 in direct response to the public announcement. It is only necessary to review the Standard Form 251s already on file and any new forms that are submitted, and select three or more firms for discussions. The firms selected may or may not be the firms that responded to the public announcement.

§ 9-4.1004-5 Conducting discussions.

After three or more firms have been selected in accordance with § 9-4.1004-4, discussions shall be held with these firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services. These discussions should also be used to obtain additional qualification and performance data, and other information that may be needed to properly apply the selection criteria nd to adequately evaluate the firms under consideration. For example, the present workload and avilability of senior staff personnel are often decisive factors that affect the ranking of architect-engineer firms with respect to a specific project, but this information is not available from the Standard Form 251. Also in the case of the more complex and sophisticated construction projects, e.g., nuclear reactors, accelerators, and research, development and production facilities, it is necessary for the AEC to obtain and evaluate very detailed performance data and information on the specialized capabilities of a firm which are not adequately covered on the Stndard Form 251. However, firms normally should not be requested to submit preliminary designs, plans and drawings, except in unique situations involving prestige projects.

§ 9-4.1004-6 Use of requests for proposals.

(a) Requests for proposals may not be used as a means of obtaining an initial expression of interest in obtaining a particular contract. Firms indicate their initial interest by either submitting the Standard Form 251 on annual basis or in response to the public announcement for a particular project. Requests for proposals may be used as a means of initiating the discussion phase of the architect-engineer selection process required by §§ 9-4.1004-4 and 9-4.1004-5. This may be particularly appropriate for the larger or more complex projects where sufficient qualification and performance data are not available from the Standard Form 251, and additional information is needed to properly apply the selectoin criteria and evaluate and rank the firms.

(b) Requests for proposals should not request firms to submit price proposals. Requests for proposals can only be used to obtain information that will enable the AEC to select the best qualified contractor.

(c) When a request for proposals is used, some wording should be included to identify it with the discussion phase o fhte selection process, similar to the following:

As a result of our evaluation of the current SF 251s and related material on file with this offict, we have selected your firm for further consideration for selection and award of a contract to perform certain architect-engineer services which are described below. A principal purpose of this request for a proposal is to otbain additional qualification and performance data concerning your firm.

§ 9-4.1004-7 Selection of most highly qualified firm for negotiation.

Upon completion of discussions and evaluation of the firms that were selected for discussions, the contracting officer or other selecting official shall select, in order of preference, based upon the criteria in § 9-4.1004-2 and any special criteria included in the public announcement, no less than three firms deemed to be the most highly qualified to provide the services required.

§ 9-4.1004-8 Late proposals.

The proposals requested and received as part of the architect-engineer selection process differ in substance from proposals received for other types of procurement. Consequently, the policies and procedures contained in FPR 1-3.802-1, FPR 1-3.802-2, and AECPR 9-3.802-1 concerning the consideration of late proposals are not applicable to proposals submitted under the provisions of this Subpart 9-4.10.

§ 9-4.1005 Negotiation procedures.

§ 9-4.1005-1 Conduct of negotiations.

The contracting officer shall attempt to negotiate a contract with the firm that is rated as the most highly qualified to provide the services required at a compensation which he determines is fair and reasonable to the Government. If the contracting officer is unable to negotiate a satisfactory contract with the firm considered to be the most highly qualified, at a price he considers fair and reasonable to the Government, negotiations with that firm should be formally terminated. Negotiations should then be undertaken with the second most qualified firm. Failing accord with the second firm, negotiations should be held with the subsequently listed firm in order of preference, and this procedure shall be continued until a satisfactory contract has been negotiated. If the contracting officer is unable to negotiate a contract with any of the selected firms, he shall select additional firms in accordance with § 9-4.1004 and negotiations shall continue in the manner described above.

§ 9-4.1005-2 Independent Government estimate.

Prior to the initiation of negotiations, the procurement agency shall develop an independent Government estimate of the cost of the required architect-engineer services based on a detailed analysis of the costs expected to be generated by the work. Consideration shall be given to the estimated value of the services to be rendered, the scope, complexity, and the nature of the project. The independent Government estimate shall be revised as required during negotiations to reflect changes in or clarification of the scope of the work to be performed by the architect-engineer. On construction projects, a fee estimate based on the application of percentage factors to project cost estimates of the various segments of the work involved may be developed for comparison purposes, but such a cost estimate shall not be used as a substitute for the independent Government estimate.

§ 9-4.1005-3 Architect-engineer's price proposal.

The contracting officer shall request the selected architect-engineer firm to submit its price proposal with supporting cost or pricing data in accordance with §§ 1-3.807-3 and 1-3.807-4 of this title. Revisions of the price and supporting cost or pricing data may be made as required during negotiations to reflect changes in or clarification of the scope of the work to be performed by the architect-engineer or findings derived from preaward audits conducted pursuant to § 1-3.809.

§ 9-4.1005-4 Contract price.

The contracting officer shall negotiate a price considered fair and reasonable based on a comparative study of the independent Government estimate and the architect-engineer's proposal. Significant

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differences between elements of the two figures and between the overall figures shall be discussed and the contracting officer shall ascertain the reasons therefor.

§ 9–4.1005–5 Record of negotiation.

Promptly at the conclusion of each negotiation, a memorandum setting forth the principal elements of the negotiations shall be prepared in accordance with the requirements of § 1–3.811 of this title for use by the reviewing authorities and for inclusion in the contract file. The memorandum shall contain sufficient detail to reflect the significant considerations controlling the establishment of the price and other terms of the contract.

§ 9–4.1005–6 Exemption from limitations on fee for architect-engineer services.

The AEC has exempted itself from the 6 percent statutory limitation upon the fees (Price) of architect-engineers. See § 9–3.405(c) of this chapter.

§ 9–4.1006 Limitation on contracting with architect-engineer firms for construction work.

See FPR 1–4.1006 and AECPR 9–1.5407(g).

§ 9–4.1007 Small business.

See FPR 1–4.1007.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.74–6163 Filed 3–15–74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5417]

[Arizona 7528]

ARIZONA

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The departmental orders of January 31, 1903, April 9, 1904, and any other order or orders which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following described lands:

GILA AND SALT RIVER MERIDIAN

T. 11 S., R. 24 W.,
Sec. 2, lots 1 thru 4, and S½N½ excepting therefrom the following described lands:
The north 73 feet of lots 1 thru 4; west 73 feet of lot 4 and SW¼NW¼; east 73 feet of lot 1 and SE¼NE¼; south 20 feet of the S½N½; west 20 feet of lot 2 and SW¼NE¼; east 20 feet of lot 3 and SE¼NW¼.

The area described aggregates approximately 288.70 acres in Yuma County.

2. The lands will not be subject to use or disposition under the public land laws as consummation of this revocation will automatically vest title in the State of Arizona.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 12, 1974.

[FR Doc.74–6117 Filed 3–15–74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73–24R]

EMERGENCY POSITION INDICATING RADIOBEACON

Carriage, Operational Testing, and Approval

These amendments require certain inspected vessels in ocean and coastwise service to carry a Coast Guard approved emergency position indicating radiobeacon (EPIRB) on board as part of their lifesaving equipment. Also, minimum tests are prescribed to ensure that the equipment is operable. These requirements were proposed in the March 5, 1973, FEDERAL REGISTER at pages 5968–5970. The Federal Communications Commission has also proposed requirements for EPIRB's in the same FEDERAL REGISTER at pages 5970–5972.

Comments were received concerning the proposed requirement to test an EPIRB weekly. The commenters said that, because of the reliability of solid state devices, frequent testing would be unnecessary and would shorten battery life. The final rule requires only monthly testing of EPIRB's as recommended by these comments.

Several commenters opposed the proposed requirement that an EPIRB be stowed in a manner so that it would float free if the vessel sank. The commenters said that compliance with this float free requirement would expose the EPIRB to adverse effects of weather, to theft, and to the possibility of unauthorized activation. One Manufacturer has told the Coast Guard that when these regulations become effective he will have EPIRB's available that can withstand adverse effects of weather. Theft and unauthorized activation of an EPIRB are problems that each vessel should be able to solve. The importance of the float free requirement is readily demonstrated by the recent loss of two Norwegian vessels, the NORSE VARIANT and the ANITA. Each vessel had a floatable, automatically activated EPIRB. However, Norwegian regulations required stowage of the device inside the wheelhouse. Both vessels sank immediately with only one survivor, and the EPIRB's were not activated. Because of the importance of the float free requirement, it is retained in the final rule.

The EPIRB regulations being issued by the Federal Communications Commission (FCC) incorporate the equipment and marking requirements proposed in §§ 161.011–10 and 161.011–15 of the Coast Guard notice of proposed rule making. Accordingly, the final rule contained in this document deletes these requirements, and comments directed to the Coast Guard concerning §§ 161.011–10 and 161.011–15 have been forwarded to the FCC for consideration in their rulemaking proceeding for EPIRB's.

Several comments opposed the proposed requirement to carry EPIRB's on small passenger vessels operating in certain coastal waters. The final rule provides that a coastwise vessel which has a Certificate of Inspection endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge is not required to carry an EPIRB if it has a VHF radiotelephone on board that meets the FCC requirements for these radios.

Though EPIRB requirements for public nautical school ships were not proposed, requirements have been included in the final rule. Notice of proposed rulemaking is not required since the public nautical school ships to which the EPIRB requirements will apply are owned by the United States.

Three comments suggested the use of EPIRB's on survival craft. The Coast Guard currently has this suggestion under consideration.

The statement in the notice of proposed rulemaking concerning the authority to require EPIRB's was incomplete and should have read as follows:

Though these regulations will not apply to uninspected commercial vessels, or to vessels that are defined to be boats under the Federal Boat Safety Act of 1971, these vessels when operating beyond the range of marine VHF radio distress coverage are encouraged by the Coast Guard and permitted under FCC's proposed EPIRB regulations to carry EPIRB's as part of their lifesaving equipment.

The Coast Guard received several comments pertaining to the proposed FCC requirements. These comments have been referred to the FCC.

Several minor revisions involving no substantive changes have been made to the proposed amendments for the purpose of clarity.

In consideration of the foregoing, Chapter I of Title 46 of the Code of Federal Regulations is amended as follows:

PART 33—LIFESAVING EQUIPMENT

1. By adding Subpart 33.60 to Part 33 to read as follows:

Subpart 33.60—Emergency position indicating radiobeacon (EPIRB) T/OC

§ 33.60–1 Emergency position indicating radiobeacon (EPIRB) T/OC.

(a) Each vessel in ocean and coastwise service must have an approved Class A emergency position indicating radiobeacon (EPIRB) that is—

(1) Operative;

(2) Stowed where it is readily accessible for testing and use; and

(3) Stowed in a manner so that it will float free if the vessel sinks.

(b) Compliance with this section is not required for a coastwise vessel—

(1) That carries a VHF radiotelephone that complies with the FCC requirements; and

(2) Whose Certificate of Inspection is endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge.

AUTHORITY: R.S. 4488, as amended (46 U.S.C. 481); 49 CFR 1.4(b)(1)(ii) and 1.46(b).

Subpart 161.011—Emergency Position Indicating Radiobeacons

§ 161.011–1 Purpose.

This subpart prescribes approval requirements for emergency position indicating radiobeacons (EPIRB).

§ 161.011–5 Classes.

EPIRB's are classed as follows:

(a) Class A—an EPIRB that has been type approved or type accepted by the FCC as a Class A EPIRB. These EPIRB's are capable of floating free of a vessel and activating automatically if the vessel sinks.

§ 161.011–10 EPIRB approval.

(a) An EPIRB that has been type approved or type accepted by the FCC as a Class A EPIRB is hereby approved by the Coast Guard to meet the requirements of §§ 33.60–1, 75.60–1. 94.60–1, 167.35–72, 180.40–1 and 192.65–5 of this chapter.

(b) An application for type approval or type acceptance as a Class A EPIRB should be submitted to the Federal Communications Commission in accordance with 47 CFR Part 2.

(c) Manufacturers receiving type acceptance or type approval for a Class A EPIRB may request listing in USCG Publication CG–190, Equipment Lists, by addressing a request to COMDT (G–MMT–3/83), 400 Seventh Street, SW., Washington, D.C. 20590.

PART 167—PUBLIC NAUTICAL SCHOOL SHIPS

11. By adding § 167.35–72 to Part 167 to read as follows:

§ 167.35–72 Emergency position indicating radiobeacon (EPIRB).

(a) Each vessel in ocean and coastwise service must have an approved Class A emergency position indicating radiobeacon (EPIRB) that is—

(1) Operative;

(2) Stowed where it is readily accessible for testing and use; and

(3) Stowed in a manner so that it will float free if the vessel sinks.

(b) Compliance with this section is not required for a coastwise vessel—

(1) That carries a VHF radiotelephone that complies with the FCC requirements; and

(2) Whose Certificate of Inspection is endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge.

§ 167.55–5 [Amended]

12. By amending § 167.55–5(j)(1) of Part 167 by adding "EPIRB," after "life preservers,".

13. By adding § 167.65–1(c)(3) to Part 167 to read as follows:

extend more than 20 miles from a harbor of safe refuge.

PART 35—OPERATIONS

2. By adding § 35.10–25 to Part 35 to read as follows:

§ 35.10–25 Emergency position indicating radiobeacon (EPIRB)—T/OC.

The master shall ensure that—

(a) The EPIRB required in § 33.60–1 of this subchapter is tested monthly, using the integrated test circuit and output indicator, to determine that it is operative; and

(b) The EPIRB's battery is replaced after the EPIRB is used and before the date required by FCC regulations in 47 CFR Part 83 to be marked on the outside of the EPIRB.

§ 35.40–10 [Amended]

3. By amending § 35.40–10(a) of Part 35 by adding ", EPIRB," after the words "life preservers."

PART 75—LIFESAVING EQUIPMENT

4. By adding Subpart 75.60 to Part 75 to read as follows:

Subpart 75.60—Emergency Position Indicating Radiobeacon (EPIRB)

§ 75.60–1 Emergency position indicating radiobeacon (EPIRB).

(a) Each vessel in ocean and coastwise service must have an approved Class A emergency position indicating radiobeacon (EPIRB) that is—

(1) Operative;

(2) Stowed where it is readily accessible for testing and use; and

(3) Stowed in a manner so that it will float free if the vessel sinks.

(b) Compliance with this section is not required for a coastwise vessel—

(1) That carries a VHF radiotelephone that complies with the FCC requirements; and

(2) Whose Certificate of Inspection is endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge.

PART 78—OPERATIONS

5. By adding § 78.17–35 to Part 78 to read as follows:

§ 78.17–85 Emergency position indicating radiobeacon (EPIRB).

The master shall ensure that—

(a) The EPIRB required in § 75.60–1 of this subchapter is tested monthly, using the integrated test circuit and output indicator, to determine that it is operative; and

(b) The EPIRB's battery is replaced after the EPIRB is used and before the date required by FCC regulations in 47 CFR Part 83 to be marked on the outside of the EPIRB.

6. By adding § 78.47–72 to Part 78 to read as follows:

§ 78.47–72 Emergency position indicating radiobeacon (EPIRB).

The EPIRB required in § 75.60–1 of this subchapter must be marked with the vessel's name.

PART 94—LIFESAVING EQUIPMENT

7. By adding Subpart 94.60 to Part 94 to read as follows:

Subpart 94.60—Emergency Position Indicating Radiobeacon (EPIRB)

§ 94.60–1 Emergency position indicating radiobeacon (EPIRB).

(a) Each self propelled vessel in ocean and coastwise service must have an approved Class A emergency position indicating radiobeacon (EPIRB) that is—

(1) Operative;

(2) Stowed where it is readily accessible for testing and use; and

(3) Stowed in a manner so that it will float free if the vessel sinks.

(b) Compliance with this section is not required for a coastwise vessel—

(1) That carries a VHF radiotelephone that complies with the FCC requirements; and

(2) Whose Certificate of Inspection is endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge.

PART 97—OPERATIONS

8. By adding § 97.15–65 to Part 97 to read as follows:

§ 97.15–65 Emergency position indicating radiobeacon (EPIRB).

The master shall ensure that—

(a) The EPIRB required in § 94.60–1 of this subchapter is tested monthly, using the integrated test circuit and output indicator, to determine that it is operative; and

(b) The EPIRB's battery is replaced after the EPIRB is used and before the date required by FCC regulations in 47 CFR Part 83 to be marked on the outside of the EPIRB.

9. By adding § 97.37–55 to Part 97 to read as follows:

§ 97.37–55 Emergency position indicating radiobeacon (EPIRB).

The EPIRB required in § 94.60–1 of this subchapter must be marked with the vessel's name.

PART 161—ELECTRICAL EQUIPMENT

10. By adding Subpart 161.011 to Part 161 to read as follows:

Subpart 161.011—Emergency Position Indicating Radiobeacons

Sec.
161.011–1 Purpose.
161.011–5 Classes.
161.011–10 EPIRB approval.

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§ 167.65–1 Station bills, drills, and log book entries.

* * * * *

(c) * * *

(3) The master shall ensure that—

(i) The EPIRB required in § 167.35–72 is tested monthly, using the integrated test circuit and output indicator, to determine that it is operative; and

(ii) The EPIRB's battery is replaced after the EPIRB is used and before the date required by FCC regulations in 47 CFR Part 83 to be marked on the outside of the EPIRB.

PART 180—LIFESAVING EQUIPMENT

14. By adding § 180.05–1(b)(10) to read as follows:

§ 180.05–1 Equipment of an approved type.

* * * * *

(b) * * *

(10) Type A EPIRB's -------- 161.011

15. By adding Subpart 180.40 to Part 180 to read as follows:

Subpart 180.40—Emergency Position Indicating Radiobeacon (EPIRB)

§ 180.40–1 Emergency position indicating radiobeacon EPIRB.

(a) Each vessel in ocean and coastwise service must have an approved Class A emergency position indicating radiobeacon (EPIRB) that is—

(1) Operative;

(2) Stowed where it is readily accessible for testing and use; and

(3) Stowed in a manner so that it will float free if the vessel sinks.

(b) Compliance with this section is not required for a coastwise vessel—

(1) That carries a VHF radiotelephone that complies with the FCC requirements; and

(2) Whose Certificate of Inspection is endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge.

PART 185—OPERATIONS

16. By adding § 185.25–20 to Part 185 to read as follows:

§ 185.25–20 Tests of emergency position indicating radiobeacon (EPIRB).

The licensed operator of the vessel shall ensure that—

(a) The EPIRB required in 180.40–1 of this subchapter is tested monthly, using the integrated test circuit and output indicator, to determine that it is operative; and

(b) The EPIRB's battery is replaced after the EPIRB is used and before the date required by FCC regulations in 47 CFR Part 83 to be marked on the outside of the EPIRB.

17. By adding § 185.30–30 to Part 185 to read as follows:

§ 185.30–30 Emergency position indicating radiobeacon (EPIRB).

The EPIRB required in § 180.40–1 of this subchapter must be marked with the vessel's name.

PART 192—LIFESAVING EQUIPMENT

18. By adding Subpart 192.60 to Part 192 to read as follows:

Subpart 192.65—Emergency Position Indicating Radiobeacon (EPIRB)

§ 192.65–1 Emergency position indicating radiobeacon (EPIRB).

(a) Each vessel in ocean and coastwise service must have an approved Class A emergency position indicating radiobeacon (EPIRB) that is—

(1) Operative;

(2) Stowed where it is readily accessible for testing and use; and

(3) Stowed in a manner so that it will float free if the vessel sinks.

(b) Compliance with this section is not required for a coastwise vessel—

(1) That carries a VHF radiotelephone that complies with the FCC requirements; and

(2) Whose Certificate of Inspection is endorsed for a route which does not extend more than 20 miles from a harbor of safe refuge.

PART 196—OPERATIONS

19. By adding § 196.15–65 to Part 196 to read as follows:

§ 196.15–65 Emergency position indicating radiobeacon (EPIRB).

The master shall ensure that—

(a) The EPIRB required in § 192.65–1 of this subchapter is tested monthly, using the integrated test circuit and output indicator, to determine that it is operative; and

(b) The EPIRB's battery is replaced after the EPIRB is used and before the date required by FCC regulations in 47 CFR Part 83 to be marked on the outside of the EPIRB.

20. By adding § 196.37–49 to Part 196 to read as follows:

§ 196.37–49 Emergency position indicating radiobeacon (EPIRB).

The EPIRB required in § 192.65–1 of this subchapter must be marked with the vessel's name.

(R.S. 4488, as amended (46 U.S.C. 481); 49 CFR 1.4(b)(1)(ii) and 1.46(b))

Effective date. These amendments become effective on March 1, 1975.

Dated: March 1, 1974.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74-6153 Filed 3-15-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19693; FCC 74-228]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Permission for Use of Frequencies

1. The Commission has been working toward the improvement of the methods of locating both downed aircraft and vessels of seafarers in distress for several years. In a previous Docket (19647), the use of emergency locator transmitters (ELTs) for aircraft was provided for. In this instant Docket (19693), the use by the marine community of a comparable item, the emergency position indicating radio beacon (EPIRB), is provided. A notice of proposed rule making in this matter was adopted February 21, 1973, released February 26, 1973 and published in the FEDERAL REGISTER March 5, 1973 (38 FR 5970). The time for filing of comments and reply comments has passed.

2. In the Aviation Radio Services both 121.5 and 243 MHz are available for communications related to emergencies and to search and rescue operations. Presently only the frequency 121.5 MHz is available in the maritime service, and then, only under certain limited conditions for radiobeacon purposes. Since both air and surface craft are generally involved in emergencies and search and rescue operations in offshore water areas, it appears that it would be in the best interests of safety of life at sea if there were fewer restrictions on the use of these frequencies in the maritime service.

3. The frequency 121.5 MHz is a universally used radiotelephone channel (class A3 emission) for aircraft in distress or condition of emergency. It also provides aviation a common frequency for survival communications and for emergency locator beacons (emission A9). Locator beacons of this type are commonly referred to as Emergency Locator Transmitters (ELTs) or Emergency Position Indicating Radiobeacons (EPIRBs). In the maritime community the most universally used term is the latter, so that designation will be used herein and in the rules. The use of 121.5 MHz by maritime interests in the United States is presently limited to vessels which have been registered or documented by the U.S. Coast Guard. For the most part these are commercial vessels of over 5 gross tons. Its use is further limited to class A2 emission, and to vessels which are authorized to carry and are equipped with a ship station.

4. The frequency 243 MHz, normally used by U.S. military aircraft for survival purposes, is available nationally for use by survival craft stations and equipment used for survival purposes (footnote US98). However, no provisions have been made in Part 83 to implement this footnote for the maritime service. Amendment of the rules, as set forth in the attached Appendix, provides for the use of both the frequencies 121.5 and 243 MHz by all U.S. vessels expected to operate in international waters beyond the range of marine VHF distress coverage for use in survival craft and emergency position indicating radiobeacon (EPIRB) stations. Marine use of these frequencies in EPIRBs will be permitted in the same manner as they are used by civil aircraft in ELTs, with substantially the same technical characteristics and packaging requirements as observed by aviation. This will increase the efficiency of search and rescue operations as well as provide greater safety for an increased number of vessels and will permit some degree of

standardization of survival radiobeacons. In addition, the amendment provides for the use of radiotelephony (class A3 emission) on the frequency 121.5 MHz by authorized ship stations for emergency communications between ships and aircraft. The frequency 123.1 MHz is the auxiliary scene of action frequency used in conjunction with 121.5 MHz by those involved in the rescue operation. This is also provided for.

5. It is recognized that the EPIRB, as well as the aviation ELT, will often serve as a distress alerting device when other methods of communication are not successful or available. However, the marine use of 121.5/243 MHz for EPIRBs is generally limited to the oceanic areas approximately 20 miles or more offshore, as described by the phrase "those whose vessels are expected to operate in international waters beyond the range of marine VHF distress coverage." It is felt that the safety of this rather limited number of vessels can be improved substantially and immediately by the use of EPIRBs, and that their use of the frequencies can be effectively controlled. The millions of recreational boats which operate near the shore and in inland waters have been purposely excluded, since these vessels may use marine VHF radio or other extremely reliable methods to alert the shore to their situation. Also the potential inadvertant or improper use by this very large population could render the existing aviation distress and safety system, as well ts the offshore marine use, completely ineffective.

6. The amendment to the rules conforms basically with the recommendations adopted by the Maritime World Administrative Radio Conference, Geneva, 1967, and with recommendation 48 of the 1960 Safety of Life at Sea Conference and subsequent recommendations of the Subcommittee on Radio-communications and the Maritime Safety Committee of the Inter-Governmental Maritime Consultative Organization (IMCO). More specifically the amendment is in response to a recent request of the U.S. Coast Guard and to recent recommendations of the National Transportation Safety Board.

7. All commentators were agreed on the need for the provision, in the rules, for marine use of beacons using the frequencies 121.5 and 243 MHz for emergency locating purposes. There were differences of opinion in the means and frequency of required testing, the technical specifications and the type of vessels permitted to use the beacons.

8. Six comments were received and no reply comments were received. The received comments were diversified as they were presented by: Pacific Far East Line, Inc. (PFEL), a public carrier steamship line; American Radio Association, AFL–CIO and Radio Officers' Union, AFL–CIO (AFL–CIO) jointly; Aeronautical Radio, Inc. (ARINC), a non-profit organization which is owned and operated by airlines and which supplies aeronautical communications services; American Institute of Merchant Shipping (AIMS) representing many U.S. Flag deep sea shipping companies; and two equipment manufacturers, Dayton Aircraft Products, Inc. (DAP) and Burndept Electronics, Ltd. (Burndept).

9. Several specific comments were directed not at the Commission's notice of proposed rule making, but at the Coast Guard's proposal which was simultaneously printed in the FEDERAL REGISTER. Those portions of the comments addressed to the Coast Guard regulation are discussed here only as they apply to the Commission's authority.

10. PFEL expressed opposition to the FCC's proposal that EPIRBs for use in the maritime service be different in any respect from similar requirements governing the aircraft ELTs. We do not accept their position. Conditions at sea will often submit EPIRBs to weather and humidity environment requiring technical specifications not necessarily imposed on ELTs. PFEL is opposed to the USCG testing equipment rather than the FCC. Without regard to the requirements of the USCG, it is, of course, the routine inspection of radio equipment by FCC representatives which will be maintained in regard to EPIRBs as with other such equipment. If the Coast Guard also requires additional inspections and tests as a part of their requirement for mandatory carriage of this item, then that is beyond the scope of this docket as is also PFEL's opposition to the USCG's requirement for float off storage.

11. The AFL–CIO proposed weekly tests at sea and within 24 hours of departure by a qualified licensee and logging of the tests. It is not the intention of the Commission to require any testing of the EPIRBs other than that conducted as a normal part of the Field Operations Bureau's routine inspection of marine radio equipment. In any event, the equipment as specified in § 83.144 (d) will be capable of being tested by untrained personnel, either during the first five minutes of any hour, with the cooperation of the Coast Guard or, if equipped with manually operated test switch, at any time merely by observing an indicator or listening to the swept tone. We recognize the advantage of having the confidence factor of a visual or aural indication of the EPIRBs capability to function. We are opposed to frequent testing of the beacons for technical reasons as well as because of the potential problem of inadvertent activation of the beacon as a result of handling it for testing. We, therefore, discourage the testing of the beacon except during the controlled conditions of FCC inspection or during similar infrequent periods.

12. ARINC urged the inclusion of restrictions to the use of 121.5 MHz comparable to the restrictions applicable to aeronautical users. They feel that the amendment as proposed would not assure that 121.5 MHz would be limited to bona fide emergency purposes when utilizing class A3 emission. We find their argument persuasive and have revised the appropriate section accordingly. ARINC objected to testing of EPIRB without proper supervision. We consider the testing into a dummy load, during a specified period of the hour or under Coast Guard supervision as being realistic and practicable and therefore have made no change from the proposal.

13. AIMS asks that the EPIRBs be identical to the approved standard ELTs (DOT standard TSOC 61A). We feel that the conditions at sea impose environmental problems, particularly humidity, which warrant slight variations between the ELTs and EPIRBs. Such conditions have been considered in the amendments. AIMS also states their belief that there is no requirement for shipboard reception of emergency beacon signals. We do not impose such a requirement in our rules. They suggest that EPIRBs be specified as intrinsically safe. We believe that the technical requirements as specified will assure that the equipment will be intrinsically safe. AIMS believes there is a need for both a manual activation capability (on/off) and a manual test capability. Although we have provided for manual test capability, we are fearful of excessive testing, as previously stated, and do not feel that mandatory manual test capability is advisable; except in the case of Class A EPIRBs. (See para. 15 below). We have provided for a positive manual means of deactivation.

14. The equipment manufacturers' comments were either items covered in the text above, directed to the Coast Guard, or were basically presented as information. One specific item which both DAP and Burndept addressed, and which was not mentioned by others, was the specified radiation during test. We agree that the proposed radiation in the test position would introduce unnecessary expense in unit production costs. We have, therefore, revised the radiation level from the previously proposed 15 microvolts per meter at a distance of twenty feet free space to approximately that which Burndept states was found to be suitable after experience, 25 microvolts per meter at 150 feet.

15. The U.S. Coast Guard has notified the Commission of intention to make the carriage of a certain configuration of EPIRBs mandatory on a limited number of vessels. The specified configuration has physical and technical charactertistics beyond those previously detailed in the notice of proposed rule making. For purposes of inclusion of those EPIRBs in the rules, a new subsection has been added. In order to distinguish those specific EPIRBs from the other configurations, we have identified them as Class A items of equipment.

16. In view of the foregoing, *it is ordered,* That pursuant to the authority contained in sections 4(i), 303(r) and 318 to the Communications Act of 1934, as amended, Parts 2 and 83 of the Commission's rules, are amended, effective April 19, 1974, as set forth in the attached Appendix. *It is further ordered,* That this proceeding is hereby terminated.

V 39 I 53 MAR 18 74 XUM

(Secs. 4, 303, 318, 48 Stat., as amended, 1066, 1082, 1089; 47 U.S.C. 154, 303, 318.)

Adopted: March 7, 1974.

Released: March 14, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 2 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 2.106, column 11 is amended as follows:

§ 2.106 Table of Frequency Allocations.

Frequency MHz	*Nature of services*	*OF SERVICES of stations*
10		11
•	• • • • •	
121.5 ----	AERONAUTICAL MOBILE.	
	Maritime search and rescue.	
	Survival craft and equipment.	
•	• • • • •	
123.100....	Aeronautical search and rescue mobile.	
	Maritime search and rescue mobile.	
	Survival craft and equipment.	
•	• • • • •	

2. Section 83.3 is amended by adding a new paragraph (q) to read as follows:

§ 83.3 Maritime mobile services.

• • • • • •

(q) *Emergency position indicating radiobeacon station.* A station in the maritime mobile service consisting of a transmitter only, the distinctive emissions of which are intended to facilitate search and rescue operations.

3. Section 83.7 is amended by adding a new paragraph (l) to read as follows:

§ 83.7 Technical.

• • • • • •

(l) *Peak effective radiated power.* For emergency position indicating radiobeacon stations, the average power supplied to the antenna by the transmitter during one radio frequency cycle at the highest crest of the modulation envelope, multiplied by the relative gain of the antenna in a given direction. The relative gain is referenced to a quarter-wave loss free monopole mounted on a one wavelength diameter ground plane.

4. Section 83.68 and headnote are revised to read as follows:

§ 83.68 Authority for survival craft stations and emergency position indicating radiobeacon stations.

(a) Authority to operate survival craft stations, which may include an emergency position indicating radiobeacon (EPIRB) station, will be granted only when the parent vessel is equipped with and authorized to operate a ship station.

(b) Authority to operate an EPIRB station will be granted only for use aboard vessels authorized to carry survival craft stations or to those whose vessels are expected to operate in international waters beyond the range of marine VHF distress coverage.

5. In § 83.131, the introductory text of paragraph (c) is amended and subparagraph (3) is added to read as follows:

§ 83.131 Authorized frequency tolerance.

• • • • • •

(c) Authorized frequency tolerance for ship, survival craft and emergency position indicating radiobeacon (EPIRB) stations operating on frequencies above 27.5 MHz.

• • • • • •

(3) EPIRB stations on 121.5 and 243 MHz—50.

• • • • • •

6. In § 83.132(a), subdivisions (iii) and (iv) are added to subparagraph (1) and subdivision (ii) of subparagraph (2) is amended to read as follows:

§ 83.132 Authorized classes of emission.

(a) • • •

(1) • • •

(iii) For the frequency 121.5 MHz—A2, A9.

(iv) For the frequency 243 MHz—A9.

(2) • • •

(ii) For the frequencies 121.5 and 123.1 MHz—A3.

• • • • • •

7. In § 83.133(a), the table is amended to add emission A9 and footnote 5 to read as follows:

§ 83.133 Authorized bandwidth.

• • • • • •

Class of emission	Emission designator	Authorized bandwidth (kHz)
• • •	•	•
A3	6A3	8.0
A9	3.2A9	[5] 25.0
F1	[1] 0.3F1	[1] 0.5
• • •	•	•

[1] Applicable only to emergency position indicating radiobeacon stations.

• • • • • •

8. Section 83.134 is amended by adding a new paragraph (i) to read as follows:

§ 83.134 Transmitter power.

• • • • • •

(i) For emergency position indicating radiobeacon stations operating on the frequencies 121.5 and 243 MHz the peak effective radiated power on each frequency, measured during and at the end of 48 hours of continuous operation, and without replacement or recharge of batteries, shall not be less than 75 milliwatts. This specification shall apply to all units whether dry, or immersed for any or all of the forty-eight hour period in fresh or salt-water, as long as the entire antenna extends above the water surface. The method of peak effective radiated power measurement specified in the Radio Technical Commission for Aeronautics (RTCA) Document Numbers DO–145 or DO–146 shall be employed. The required power shall obtain over an air temperature range from −20 to +55 degrees centigrade.

9. Section 83.137 is amended by adding a new paragraph (i) to read as follows:

§ 83.137 Modulation requirements.

• • • • • •

(i) Emergency position indicating radiobeacon stations operating on the frequencies 121.5 and 243 MHz shall employ a distinctive emission consisting of amplitude modulation of the carrier with an audio frequency sweeping downward over a range of not less than 700 Hz, within the range 1600 to 300 Hz, with a sweep rate between 2 and 4 times per second. The modulation applied to the carrier shall be in accordance with that specified in the Radio Technical Commission for Aeronautics (RTCA) Document Numbers DO–145 or DO–146.

10. Section 83.139(b) is amended to read as follows:

§ 83.139 Acceptability of transmitters for licensing.

• • • • • •

(b) Each survival craft station transmitter or emergency position indicating radiobeacon station transmitter which has not been type approved pursuant to § 83.469 or § 83.472 shall be type accepted for licensing.

• • • • • •

11. Section 83.141(a)(4) & (b) are amended and a new paragraph (d) is added to read as follows:

§ 83.141 Special requirements for survival craft stations.

(a) • • •

(4) The frequency 121.5 MHz, be able to use A2 or A3 emission and where A3 emission is used the equipment must also be capable of transmitting on 123.1 MHz using A3 emission.

(b) Receivers used in survival craft stations shall be capable of receiving the frequency and types of emission which the transmitter is capable of using: *provided,* That where the transmitter frequency is 8364 kHz the receiver shall be capable of receiving A1 and A2 emission throughout the band 8320–8745 kHz.

• • • • • •

(d) When an EPIRB station is contained as a part of a survival craft station, the EPIRB portion shall be limited to the frequencies 121.5 and 243 MHz (transmission only) and to A9 emission only.

12. A new § 83.144 is added to read as follows:

§ 83.144 Special requirements for emergency position indicating radiobeacon stations.

(a) Emergency position indicating radiobeacon (EPIRB) stations are limited to transmission only, using A9 emission, on the frequencies 121.5 and 243 MHz.

(b) The EPIRB may be turned on by automatic means, such as water activated battery, or by an on-off switch. In any event, a positive means of turning the equipment off shall be provided. Where an on-off switch is employed, a guard or other means shall be provided to prevent inadvertent activation.

(c) The EPIRB shall be provided with a visual and/or audible indicator which, clearly shows that the device is transmitting.

(d) In regard to testing, the following criteria for EPIRBs applies:

(1) May be fitted with a manually-activated test switch, or comparable device, associated test circuit, and output indicator which shall, in the test position:

(i) Permit the operator to determine that the unit is operative;

(ii) Switch the transmitter output to a test circuit (dummy load), the impedance of which is equivalent to that of the antenna affixed to the EPIRB; and

(iii) Reduce radiation to a level not to exceed 25 microvolts per meter at a distance of one hundred fifty (150) feet, free space, irrespective of direction.

(2) If so equipped, the manually-activated test switch, or comparable device, shall be of a type which must be held in position to operate, and which will switch the transmitter off and reconnect the output from the test circuit (dummy load) to the antenna when released. A guard or other means shall be provided to prevent its inadvertent activation.

(3) Means shall be provided to protect the indicator from damage due to dropping or contact with other objects.

(4) An EPIRB without a test circuit as described above in (1) and (2) may be tested in coordination with, or under the control of the U.S. Coast Guard to insure that testing is conducted under electronic shielding, or other conditions sufficient to insure that no transmission or radiated energy occurs that could be received by a radio station and result in a false distress alarm. If testing with Coast Guard involvement is not practicable, brief operational tests are authorized provided the tests are conducted within the first five minutes of any hour, are not longer than three audio sweeps or one second, whichever is longer, and, if available, a dummy load is used during test.

(e) The power and modulation requirements specified in this Part for EPIRBs shall be met under the environmental test conditions, with the exception of the temperature limits, specified in the Radio Technical Commission for Aeronautics (RTCA) Document Numbers DO–145 or DO–146. The air temperature limits for testing these devices shall be from −20 to 55 degrees centigrade. Additionally those tests specified by RTCA with regard to altitude, decompression and overpressure are not applicable to EPIRB stations.

(f) The equipment shall not incorporate any vacuum tubes in its design. Components shall be so rated that the equipment will meet the requirements specified for EPIRBs in this Part after extended periods of inaction while carried in vessels and subjected to the environmental conditions prescribed. Operation into any load likely to occur in service, from open to short, shall not cause continuing degradation in performance.

(g) The operation of controls intended for use during normal operation in all possible combinations or sequences shall not result in a condition whose presence or continuation would be detrimental to the continued performance of the equipment. The number of controls shall be kept to a minimum to permit ease of operation of the equipment.

(h) The EPIRB shall have a battery for power supply which is independent of the vessel power supply. The battery, whether an original or replacement component, shall be designed as an integral part of the equipment or be securely attached thereto. The date (month and year) of the battery's manufacture shall be permanently and legibly marked on the battery and the expiration date (month and year) upon which 50 percent of its useful life has expired shall be permanently and legibly marked on both the battery and the outside of the transmitter. The useful life of the battery (established by the EPIRB manufacturer) is the length of time, after its date of manufacture, that the battery may be stored under normal marine environmental conditions without losing its ability to meet the transmitter power requirement prescribed in § 83.134(h). The electro-mechanical connectors on and to the battery must be corrosion resistant and positive in action, and may not rely for contact upon spring force alone.

(i) The EPIRB shall be waterproof and shall not be accidentally activated by rain, seaspray, hose wash-down spray or storage in high humidity conditions. The effects of standing water on the outer surface of the equipment shall have no significant adverse effect upon the performance of the EPIRB.

(j) Concise, unambiguous operating structions, understandable by untrained personnel, shall be conspicuously and permanently displayed on the equipment. The display shall be weather resistant, waterproof, and abrasion resistant.

(k) The exterior of the equipment shall have no sharp edges or projections which could easily damage inflatable survival equipment, injure personnel or damage their clothing. Means shall be provided to secure the EPIRB to a survival craft or person.

(l) If the antenna is not designed to be stowed in its normal operating position, the antenna shall be deployable to the designed length and operating position in a foolproof manner. The antenna shall be securely attached to the EPIRB and of such design that it is easy to de-ice. The antenna shall provide optimum performance at 121.5 and 243 MHz and its radiation pattern in the horizontal plane shall be essentially omnidirectional.

(m) The equipment shall be so designed that it may be deployed, its controls actuated, or the antenna erected, each by a single action task which can be performed by either hand.

13. New § 83.145 is added:

§ 83.145 Special requirements for Emergency Position Indicating Radio Beacon Stations, Class A.

(a) For purposes of regulations for mandatory carriage by certain vessels a Class A EPIRB is one that is capable of floating free of a sinking vessel and activating automatically.

(b) In addition to the other requirements for EPIRBS elsewhere in this Part a Class A EPIRB must:

(1) Operate on frequencies 121.5 and 243 MHz and must have a manually activated test switch or comparable device, associated test circuit, and output indicator;

(2) Activate automatically when it floats free of a sinking vessel;

(3) Have an antenna that deploys automatically when the EPIRB activates automatically;

(4) Float in calm water with at least the upper two inches of the EPIRB out of the water and the base of the antenna at least two inches above the water;

(5) Be ballasted to right itself from a position of 90° from its upright position in one second or less;

(6) Meet the requirements of paragraphs (1) through (5) above after free fall into water 3 times from a height of 60 feet; and

(7) Must be marked with the manufacturer's name, with the type number and with the indication Class A.

(c) For FCC type-acceptance as a Class A equipment the requirements of (b) above must be met as well as the other requirements for EPIRBs prescribed elsewhere in this Part.

14. Section 83.164(b) is amended to read as follows:

§ 83.164 Waivers of operator requirement.

• • • • • • •

(b) No radio operator authorization is required for the operation of a survival craft station or an emergency position indicating radiobeacon station while it is being used solely for survival purposes or to facilitate search and rescue operations.

• • • • • •

15. Section 83.178 is amended by adding a new paragraph (e) to read as follows:

§ 83.178 Unauthorized transmissions.

• • • • • •

(e) Use telephony on 243 MHz.

16. Section 83.233, table, is amended to add the frequency bands 118—136 MHz and 225—399.9 MHz to read as follows:

§ 83.233 Frequencies for use in distress.

• • • • •

V 39 53 MAR 18 74 XUM

Frequency band	Emission	Carrier frequency
405–535 kHz	A2	500 kHz.[1]
1605–4000 kHz	A3, A3H	2182 kHz.
118–136 MHz	A2, A3, A9	121.5 MHz.
	A3	123.1 MHz.
156–162 MHz	F3	156.8 MHz.
225–399.9 MHz	A9	243 MHz.

[1] The maximum transmitter power obtainable shall be used.

17. A new § 83.252 is added to read as follows:

§ 83.252 Equipment to facilitate search and rescue operations.

(a) Survival craft stations may transmit the signals, calls and messages described in this subpart.

(b) Emergency position indicating radiobeacons may transmit only the distinctive emission specified in § 83.137 and only on the frequencies 121.5 and 243 MHz.

18. Section 83.322(c) is amended and a new paragraph (d) is added to read as follows:

§ 83.322 Frequencies for use in distress.

* * * * *

(c) The frequency 121.5 MHz (using class A2 emission) is available for radiobeacon purposes to survival craft stations. The frequency 121.5 MHz (using A9 emission) is available to emergency position indicating radiobeacon (EPIRB) stations for facilitating search and rescue operations. The frequency 121.5 MHz (class A3 emission) is available to authorized ship stations for emergency communications between ships and aircraft only if operation on the auxiliary frequency 123.1 MHz is also provided for. The frequency 121.5 is available to authorized ship stations for A3 emission for emergency communications between ships and aircraft involved in coordinated search and rescue operations when other VHF channels are not available. As soon as practicable after establishing contact on 121.5 MHz ships and aircraft engaged in the search and rescue operation should shift to the auxiliary frequency 123.1 MHz. The universal auxiliary frequency 123.1 MHz is available to mobile stations engaged in scene of action search and rescue operations as the auxiliary to the emergency clear channel frequency 121.5 MHz.

(d) The frequency 243 MHz (class A9 emission only) is available to EPIRB stations for facilitating search and rescue operations.

19. Section 83.326 is amended by adding a new paragraph (c) to read as follows:

§ 83.326 Identification of stations.

* * * * *

(c) Emergency position indicating radiobeacon stations do not require identification.

20. Section 83.352(b) is amended and a new paragraph (c) is added to read as follows:

§ 83.352 Frequencies for use in distress.

* * * * *

(b) The frequency 121.5 MHz (using class A2 emission) is available for radiobeacon purposes to survival craft stations. The frequency 121.5 MHz (using A9 emission) is available to emergency position indicating radiobeacon (EPIRB) stations for facilitating search and rescue operations. The frequency 121.5 MHz (class A3 emission) is available to authorized ship stations for emergency communications between ships and aircraft only if operation on the auxiliary frequency 123.1 MHz is also provided for. The frequency 121.5 is available to authorized ship stations for A3 emission for emergency communications between ships and aircraft involved in coordinated search and rescue operations when other VHF channels are not available. As soon as practicable after establishing contact on 121.5 MHz ships and aircraft engaged in the search and rescue operation should shift to the auxiliary frequency 123.1 MHz. The universal auxiliary frequency 123.1 MHz is available to mobile stations engaged in scene of action search and rescue operations as the auxiliary to the emergency clear channel frequency 121.5 MHz.

(c) The frequency 243 MHz (class A9 emission only) is available to EPIRB stations for facilitating search and rescue operations.

21. Section 83.401(c) is amended to read as follows:

§ 83.101 Assignable frequencies for direction finding.

* * * * *

(c) In the event of distress, the following frequencies may be used for radio direction finding for purposes of search and rescue by any authorized ship or survival craft station or by emergency position indicating radiobeacon stations as described in this part.

410 kHz, 500 kHz, 218 kHz, 836 kHz, 121.5 MHz, 243 MHz.

[FR Doc.74-6147 Filed 3-15-74;8:45 am]

[RM-2253; FCC 74-227]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 91—INDUSTRIAL RADIO SERVICES

Permission for Use of Frequencies

1. The Commission is aware from discussion with industry and other Government agencies that increased resource exploration in the offshore areas of the United States has created a requirement for a more reliable long range radiolocation service to enable greater accuracy in the charting and relocating of potential mineral deposits. The United States Coast Guard has advised the Commission that within recent months several oil companies have discussed the desire to use enhanced LORAN type radiolocation techniques in support of offshore drilling activities. The techniques involve the use of signals in the 90–110 kHz band for improved accuracy and coverage. We have been told that small portable transmitters are available commercially which can be used for this purpose.

2. In a filing dated June 18, 1973, Offshore Navigation, Inc. (ONI), an existing licensee in the Industrial Radiolocation Service, submitted an application to the Commission for the authorization of LORAN type radiolocation land stations on a secondary basis in the 90–110 kHz band in the Industrial Radiolocation Service. ONI suggested that the authorization could be granted under the intent of existing rules, but that if the Commission decided otherwise, either the rules should be waived to permit ONI's specific operation or rulemaking initiated looking toward a regular provision for the radiolocation service in this band on a secondary basis.

3. Subsequent to ONI's filing, the Lorac Service Corporation (Lorac) also an existing licensee in the Industrial Radiolocation Service petitioned the Commission on September 6, 1973 to initiate rulemaking to provide for industrial radiolocation on a secondary basis in the 90–110 kHz band (RM–2253). The enhanced LORAN–C type radiolocation activity that Lorac wishes to introduce to the 90–110 kHz band would be on a secondary, non-interference basis to extant LORAN operations within the band, with assurance of protection effectuated through coordination and supervision of activities by the U.S. Coast Guard. Lorac contends that through appropriate regulation of certain station operational parameters (e.g. phase code and repetition rates, effective radiated power, and on air time, etc.) that the desired Loran protection could be realized.

4. Comments relevant to Lorac's proposal were filed by ONI and Decca Survey Systems, Inc. (DECCA). Both entities essentially agreed with Lorac's request that provision should be made for radiolocation on a secondary basis within the 90–110 kHz band. Decca specifically emphasized that proper authority should come from waivers of existing rules while ONI's contention was that the Commission should take any action it deems appropriate to achieve the sought after objective.

5. Nationally, the frequency band 90–110 kHz is allocated exclusively to the radionavigation service. Primary use of the band is for LORAN–C stations operated by the Coast Guard although certain non-Government radionavigation stations may be authorized on a secondary basis under the provisions of footnote US18 to the National Table of Frequency Allocations, § 2.106 of the Commission's Rules. Recent tests conducted by the Coast Guard in the Gulf of Mexico have shown that enhanced LORAN type radiolocation techniques of the kind proposed by ONI can provide the necessary accuracy and range and can be utilized concurrently with LORAN–C radionavigation operations in the 90–110 kHz band without harmful interference to the latter.

6. Consequently, the Coast Guard and the Interdepartment Radio Advisory Committee (IRAC) have indicated concurrence with the proposed secondary radiolocation use subject to adequate protection being provided to the LORAN radionavigation service. They have recommended in this regard that the radiolocation stations be limited to pulsed (as distinct from continuous wave) emission, with specified pulse repetition rates; that all applications for radiolocation operations be subject to case-by-case coordination with the IRAC; and that any license for such operations reflect the present and future priority of the LORAN radionavigation system and require the immediate termination of transmissions of the radiolocation station if any interference is caused to the radionavigation service.

7. Therefore, based on the above information, it appears that the stated radiolocation requirements can be satisfactorily accommodation in the 90–110 kHz band without interference to the LORAN radionavigation system. We also believe that a rule amendment is preferable to the waiver approach, based on an anticipated broad application of the technique, and §§ 2.106 and 91.604 of the rules are being amended accordingly. Applications will be considered on a case-by-case basis through the regular IRAC/FCC coordination mechanism. As indicated in the appended rules, only pulsed systems of the LORAN type will be authorized, subject to such conditions as may be necessary to protect the LORAN radionavigation system.

8. Because there are no existing non-Government operations in the band which could be affected by the abovementioned rule amendments and the action represents an additional provision for non-Government radio services, the prior notice, public comments, and effective date procedures of 5 U.S.C. 553 are unnecessary. Authority for these rule changes is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

9. In view of the foregoing, *it is ordered*, That effective March 19, 1974, Parts 2 and 91 of the rules are amended by revision of §§ 2.106 and 91.604 as shown in the attached appendix. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: March 7, 1974.

Released: March 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 2 and 91 of Chapter I of Title 47 of the Code of Federal Regulations are amended to read as follows:

§ 2.106 Table of frequency allocations.

1. In § 2.106, footnote US104 is amended to read as follows:

* * * * *

US104/The LORAN Radionavigation System has priority in the band 90–110 kHz in the United States and Possessions. Radiolocation land stations making use of LORAN type equipment may be authorized to both Government and non-Government on a SECONDARY SERVICE basis for offshore radiolocation activities of offshore industries only at specific locations and subject to such technical and operational conditions (e.g., power, emission, pulse rate and phase code, hours of operation), including on-the-air testing, as may be required on a case-by-case basis to insure protection of the LORAN Radionavigation System from harmful interference and to insure mutual compatibility among radiolocation operators. Such authorizations to stations in the radiolocation service are further subject to showing of need for service which is not currently provided and which the Government is not yet prepared to render by way of the radionavigation service.

* * * * *

2. In § 91.604(a), the table is amended to add the frequency band 90–110 kHz, and par (b)(19) is added to read as follows:

§ 91.604 Frequencies available.

(a) * * *

Frequency or band	Class of station(s)	Limitation(s)
kHz:		
70–90	Radiolocation land or mobile	1
90–110	Radiolocation land	1, 19
110–130	Radiolocation land or mobile	1

* * * * *

(b) * * *

(19) This band is limited to radiolocation land stations in accordance with footnote US104 for offshore radiolocation activities.

[FR Doc.74-6148 Filed 3-15-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1145, Amdt. 1]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 12th day of March, 1974.

Upon further consideration of Service Order No. 1145 (38 FR 31809), and good cause appearing therefor:

It is ordered, That:

§ 1033.1145 Service Order No. 1145 be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., March 15, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6184 Filed 3-15-74;8:45 am]

[S.O. 1177]

PART 1033—CAR SERVICE

Atchison, Topeka and Santa Fe Railway Co. et al.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of March, 1974.

It appearing, that Union Terminal Company of Dallas, Texas, has been authorized to discontinue separate operations and will be dissolved; that certain tracks presently operated, owned or used by this company are required for normal freight operations of the railroads serving Dallas; that these railroads have formed a "Right-of-Way District" to acquire joint ownership and use of these tracks; and that continued operation of these railroads over these tracks formerly owned by the Union Terminal Company is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1177 Service Order No. 1177.

(a) The Atchison, Topeka and Santa Fe Railway Company, Chicago, Rock Island and Pacific Railroad Company, Fort Worth and Denver Railway Company, Missouri-Kansas-Texas Railroad Company, St. Louis-San Francisco Railway Company, St. Louis Southwestern Railway Company, Southern Pacific Transportation Company, and the Texas and Pacific Railway Company authorized to conduct joint operations over certain tracks located at Dallas, Texas. The Atchison, Topeka and Santa Fe Railway Company (ATSF), Chicago, Rock Island and Pacific Railroad Company (RI), Fort Worth and Denver Railway Company (FWD), Missouri-Kansas-Texas Railroad (MKT), St. Louis-San Francisco Railway Company (SLSF), St. Louis Southwestern Railway Company

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(SSW), Southern Pacific Transportation Company (SP), and the Texas and Pacific Railway Company (TP) be, and they are hereby authorized to operate over tracks formerly owned or used by the Union Terminal Company (UT) of Dallas, Texas, and to be now identified as the "Right-of-Way District" extending between Caruth Street, on the north and the crossing of the ATSF at Terminal Junction on the south, all located at Dallas, Texas, pending disposition by the Commission of the application of these railroads in FD 27595 seeking permanent authority to acquire and operate over these tracks.

(b) *Rates applicable.* Inasmuch as this operation of the ATSF, RI, FWD, MKT, SLSF, SSW, SP, and TP over these tracks formerly operated by the UT is deemed to be due to carriers' disability, the rates applicable to traffic moved by the aforementioned lines over tracks formerly operated by the UT shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(c) In executing the directions of the Commission, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(e) *Effective date.* This order shall become effective at 11:59 p.m., March 13, 1974.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), and 17(2)))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6183 Filed 3-15-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

AQUATIC MAMMALS OTHER THAN WHALES

Endangered Species

The Endangered Species Act of 1973 (hereinafter referred to as the Act of 1973) was signed into law on December 28, 1973 (Pub. L. 93–205). Under the Act of 1973 the Secretary of Commerce is given responsibilities in regard to the conservation of certain endangered and threatened species.

Section 4(f)(2)(B)(i) of the Act of 1973 provides that regulations which were promulgated under the Endangered Species Conservation Act of 1969 (hereinafter referred to as the Act of 1969), may be republished and readopted where appropriate to carry out the provisions of the Act of 1973. This procedure allows regulations to be in effect to protect certain endangered species until new regulations are promulgated in accordance with section 4(f)(2)(A) of the Act of 1973.

Section 4(c)(3) of the Act of 1973 provides that species which were on any endangered species list under the Act of 1969 as of the day before the Act of 1973 became effective, shall be deemed to be "endangered species" under that Act of 1973, until such time as any former list (under the Act of 1969) is republished to conform with the classifications for "endangered" and "threatened" species under the Act of 1973.

The purpose of this rule making is to insure the continuity of protection of endangered species listed under the Act of 1969 by (1) republishing and adopting the rules promulgated under the Act of 1969 as they apply to permit issuance and enforcement for endangered species under the program responsibilities of the Secretary of Commerce, and (2) by identifying the lists of endangered species which continue in effect pursuant to the Act of 1973.

All of the regulations to be readopted and the lists of endangered species appear or are referred to in the rule making published by the Department of the Interior on January 4, 1974, at 39 FR 1157. These regulations as they pertain to the species under the jurisdiction of the Department of Commerce are set forth below, and do not contain substantive changes from the regulations published and referred to by the Department of the Interior on January 4, 1974, at 39 FR 1157. Technical changes have been made to provide for the correct placement of the regulations in the Code of Federal Regulations and to clearly designate the proper offices and officials to receive correspondence. For additional clarity, the definitions of "Director" and "Secretary" have been placed in the definitions section of the regulations. At a future date, in accordance with the procedures prescribed by the Act of 1973, regulations will be promulgated to control taking and other activities newly covered by the Act of 1973. In addition, as required, necessary additions or modifications will be made to the list of endangered species, and a list of threatened species will be established.

Accordingly, these regulations, as they apply to permit issuance and enforcement activities for endangered species under the program responsibilities of the Secretary of Commerce, are hereby adopted.

Effective Date: These regulations shall be effective on March 18, 1974.

Dated: March 12, 1974.

JACK W. GEHRINGER,
Acting Director.

PART 217—GENERAL PROVISIONS

Subpart A—Introduction

Sec.
217.1 Purpose of regulations.
217.2 Scope of regulations.
217.3 Other applicable laws.
217.4 When regulations apply.

Subpart B—Definitions

217.11 Scope of definitions.
217.12 Definitions.
217.13 List of migratory birds.

Subpart C—Addresses

217.21 Director.
217.22 Division of Law Enforcement and Marine Mammal Protection.

AUTHORITY: Endangered Species Act of 1973, sec. 11(f), 87 Stat. 884, Pub. L. 93–205; Fish and Wildlife Act of 1956, sec. 13(d), 88 Stat. 905 amending 85 Stat. 480.

Subpart A—Introduction

§ 217.1 Purpose of regulations.

The regulations of Parts 217–222 are promulgated to implement the following statutes enforced by the National Marine Fisheries Service which regulate the taking, possession, transportation, sale, purchase, barter, exportation, and importation of wildlife:

Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93–205; Fish and Wildlife Act of 1956, 16 U.S.C. 742a–1.

§ 217.2 Scope of regulations.

The various provisions of Parts 217–222 of this chapter are interrelated, and particular note should be taken that the parts must be construed with reference to each other.

§ 217.3 Other applicable laws.

No statute or regulation of any State shall be construed to relieve a person from the restrictions, conditions, and requirements contained in Parts 217–222 of this chapter. In addition, nothing in Parts 217–222 of this chapter, nor any permit issued under Parts 217–222 of this chapter, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any State or of the United States, including any applicable health, quarantine, agricultural, or customs laws or regulations, or other National Marine Fisheries Service enforced statutes or regulations.

§ 217.4 When regulations apply.

The regulations of Parts 217–222 of this chapter shall apply to all matters arising after the effective date of such regulations, with the following exceptions:

(a) *Civil penalty proceedings.* Except as otherwise provided in section 218.25, the civil penalty assessment procedures contained in Parts 217–222 of this chapter shall apply only to any proceeding instituted by notice of violation dated subsequent to the effective date of these regulations, regardless of when the act or omission which is the basis of a civil penalty proceeding occurred.

(b) *Permits.*—The regulations in Parts 217–222 of this chapter shall apply to any permit application received after the effective date of the appropriate regulations in Parts 217–222 of this chapter and, insofar as appropriate, to any permit which is renewed after such effective date.

Subpart B—Definitions

§ 217.11 Scope of definitions.

In addition and subject to definitions contained in applicable statutes and subsequent parts or sections of Parts 217–222 of this chapter, words or their variants shall have the meanings ascribed in this subpart. Throughout Parts 217–222 of this chapter, words in the singular form shall include the plural, words in the plural form shall include the singular, and words in the masculine form shall include the feminine.

§ 217.12 Definitions.

"Bureau" means the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior.

"Country of exportation" means the last country from which the animal was exported before importation into the United States.

"Country of origin" means the country where the animal was taken from the wild, or the country of natal origin of the animal.

"Director" means the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, or his authorized representative.

"Fish or wildlife" means any wild mammal, bird, fish, amphibian, reptile, mollusk, or crustacean, whether or not raised in captivity, and including any part, product, egg, or offspring thereof, or the dead body or parts thereof, whether or not included in a manufactured product or in a processed food product.

"Foreign commerce" includes, among other things, any transaction (1) between persons within one foreign country, or (2) between persons in two or more foreign countries, or (3) between a person within the United States and a person in one or more foreign countries, or (4) between persons within the United States, where the fish or wildlife in question are moving in any country or countries outside the United States.

"Import" means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the tariff laws of the United States.

"Permit" means any document so designated as a permit by the National Marine Fisheries Service and signed by an authorized official of the National Marine Fisheries Service.

"Person" means any individual, firm, corporation, association, partnership, club, or private body, any one or all, as the context requires.

"Possession" means the detention and control, or the manual or ideal custody of anything which may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one's place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at this pleasure to the exclusion of all other persons. Possession includes constructive possession which means not actual but assumed to exist, where one claims to hold by virtue of some title, without having actual custody.

"Secretary" means the Secretary of Commerce or his authorized representative.

"State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

"Take" means to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to pursue, hunt, shoot, wound, kill, trap, capture, or collect.

"Transportation" means to ship, convey, carry or transport by any means whatever, and deliver or receive for such shipment, conveyance, carriage, or transportation.

"United States" means the several States of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, and Guam.

"Whoever" means the same as person.

"Wildlife" means the same as fish or wildlife.

Subpart C—Addresses

§ 217.21 Director.

Mail forwarded to the Director of the National Marine Fisheries Service should be addressed:

Director
National Marine Fisheries Service
Washington, D.C. 20235

§ 217.22 Division of Law Enforcement and Marine Mammal Protection.

Mail in regard to law enforcement and permits should be addressed to:

Division of Law Enforcement and Marine Mammal Protection
National Marine Fisheries Service
Washington, D.C. 20235

PART 218—CIVIL PROCEDURES

Subpart A—Introduction

Sec.
218.1 Purpose of regulations.
218.2 Scope of regulations.
218.3 Filing of documents.

Subpart B—Assessment Procedure

Sec.
218.11 Notice of violation.
218.12 Petitions for relief.
218.13 Decision by the Director.
218.14 Notice of assessment.
218.15 Request for a hearing.
218.16 Final administrative decision.
218.17 Payment of final assessment.

Subpart C—Hearing and Appeal Procedure

218.21 Commencement of hearing proceedings.
218.22 Appearance and practice.
218.23 Hearings.
218.24 Final administrative decision.
218.25 Appeals.
218.26 Reporting service.

AUTHORITY: Endangered Species Act of 1973, section 11(f), 7 Stat. 884, Pub. L. 93–205.

Subpart A—Introduction

§ 218.1 Purpose of regulations.

The regulations contained in this part provide uniform rules and procedures for the assessment of civil penalties in connection with violations of certain laws and regulations enforced by the National Marine Fisheries Service.

§ 218.2 Scope of regulations.

The regulations contained in this part apply only to actions arising under the following laws and regulations issued thereunder:

Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93–205.

§ 218.3 Filing of documents.

(a) Whenever a document or other paper is required to be filed under this Part within a certain time, such document or paper will be considered filed as of the date of the postmark if mailed, or the date actually delivered to the office where filing is required. The time periods set forth in this Part shall begin to run as of the day following the date of the document or other paper.

(b) If an oral or written application is made to the Director up to 10 calendar days after the expiration of a time period established in this Part for the required filing of documents or other papers, the Director may permit a late filing within a fixed period where reasonable grounds are found for an inability or failure to file within the time period required. All such extensions shall be in writing. Except as provided in this subsection, no other requests for an extension of time may be granted.

Subpart B—Assessment Procedure

§ 218.11 Notice of violation.

(a) A notice of violation (hereinafter "notice"), shall be issued by the Director and served personally or by registered or certified mail, return receipt requested, upon the person believed to be subject to a civil penalty (the respondent). The notice shall contain: (1) A concise statement of the facts believed to show a violation, (2) a specific reference to the provisions of the statute or regulation allegedly violated, and (3) the amount of penalty proposed to be assessed. The

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notice may also contain an initial proposal for compromise or settlement of the case. The notice shall also advise the respondent of his right to file a petition for relief pursuant to § 218.12, or to await the Director's notice of assessment.

(b) The respondent shall have 45 days from the date of the notice of violation in which to respond. During this time he may:

(1) undertake informal discussions with the Director;

(2) accept the proposed penalty, or the compromise, if any, offered in the notice;

(3) file a petition for relief; or

(4) take no action, and await the Director's decision, pursuant to § 218.13.

(c) Acceptance of the proposed penalty or the compromise shall be deemed to be a waiver of the notice of assessment required by § 218.14, and of the opportunity for a hearing. Any counter offer of settlement shall be deemed a rejection of the proposed offer of compromise.

§ 218.12 Petition for relief.

If the respondent so chooses he may ask that no penalty be assessed or that the amount be reduced, and he may admit or contest the legal sufficiency of the charge and the Director's allegations of facts, by filing a petition for relief [hereinafter "petition"] with the Director at the address specified in the notice within 45 days of the date thereof. The petition shall be in writing and signed by the respondent. If the respondent is a corporation, the petition must be signed by an officer authorized to sign such documents. It must set forth in full the legal or other reasons for the relief.

§ 218.13 Decision by the Director.

Upon expiration of the period required or granted for filing of a petition for relief, the Director shall proceed to make an assessment of a civil penalty, taking into consideration information available to him and such showing as may have been made by the respondent, either pursuant to § 218.11 or § 218.12, or upon further request of the Director.

§ 218.14 Notice of assessment.

The Director shall notify the respondent by a written notice of assessment, by personal service or by registered or certified mail, return receipt requested, of his decision pursuant to § 218.13. He shall set forth therein the facts and conclusions upon which he decided that the violation did occur and appropriateness of the penalty assessed.

§ 218.15 Request for a hearing.

Except where a right to request a hearing is deemed to have been waived as provided in § 218.11, the respondent may, within 45 calendar days from the date of the notice of assessment referred to in § 218.14, file a dated, written request for a hearing with the Director, National Marine Fisheries Service, Washington, D.C. 20235. The request should state the respondent's preference as to the place and date for a hearing. The request must enclose a copy of the notice of violation and notice of assessment. A copy of the request shall be served upon the Director personally or by registered or certified mail, return receipt requested, at the address specified in the notice.

§ 218.16 Final administrative decision.

(a) Where no request for a hearing is filed as provided in § 218.15 the Director's assessment shall become effective and shall constitute the final administrative decision of the Secretary on the 45th calendar day from the date of the notice of assessment.

(b) If a request for a hearing is timely filed in accordance with § 218.15, the date of the final administrative decision in the matter shall be as provided in Subpart C of this part.

§ 218.17 Payment of final assessment.

When a final administrative decision becomes effective in accordance with this Part 218, the respondent shall have 20 calendar days from the date of the final administrative decision within which to make full payment of the penalty assessed. Payment will be timely only if received in Office of the Director during normal business hours, on or before the 20th day. Upon a failure to pay the penalty, the General Counsel of the Department may request the Attorney General to institute a civil action in the U.S. District Court to collect the penalty.

Subpart C—Hearing and Appeal Procedures

§ 218.21 Commencement of hearing procedures.

Proceedings under this subpart are commenced upon the timely filing with the Director of a request for a hearing, as provided in § 218.15 of Subpart B. Upon receipt of a request for a hearing, the Secretary will assign an administrative law judge to the case. Notice of assignment will be given promptly to the parties, and thereafter, all pleadings, papers, and other documents in the proceeding shall be filed directly with the administrative law judge, with copies served on the opposing party.

§ 218.22 Appearance and practice.

(a) Subject to the provisions of 43 CFR 1.3, the respondent may appear in person, by representative, or by counsel, and may participate fully in these proceedings.

(b) Department counsel designated by the General Counsel of the Department shall represent the Director in these proceedings. Upon notice to the Director of the assignment of an administrative law judge to the case, said counsel shall enter his appearance on behalf of the Director and shall file all petitions and correspondence exchanged by the Director and the respondent pursuant to Subpart B of this Part, which shall become part of the hearing record. Thereinafter, service upon the Director in these proceedings shall be made to his counsel.

§ 218.23 Hearings.

(a) The administrative law judge shall have all powers accorded by law and necessary to preside over the parties and the proceedings and to make decisions in accordance with 5 U.S.C. Sections 554–557. Failure to appear at the time set for hearing shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the record made at the hearing. Copies of the transcript may be inspected or copied.

(b) The transcript of testimony, the exhibits, and all papers, documents, and requests filed in the proceedings, shall constitute the record for decision. The judge will render a written decision upon the record, which shall set forth his findings of fact and conclusions of law, and the reasons and basis therefor, and an assessment of a penalty, if any.

§ 218.24 Final administrative action.

Unless a notice of request for an appeal is filed in accordance with § 218.25 of this Subpart C, the administrative law judge's decision shall constitute the final administrative determination of the Secretary in the matter and shall become effective 30 calendar days from the date of the decision.

§ 218.25 Appeal.

(a) Either the respondent or the Director may seek an appeal from the decision of an administrative law judge rendered subsequent to February 1, 1974, by the filing of a "Notice of Request for Appeal" with the Secretary within 30 calendar days of the date of the administrative law judge's decision. Such notice shall be accompanied by proof of service on the administrative law judge and the opposing party.

(b) Upon receipt of such a request, the Secretary shall appoint an ad hoc appeals board to determine whether an appeal should be granted, and to hear and decide an appeal. To the extent they are not inconsistent herewith, the provisions of Subpart G of 43 CFR Part 4 shall apply to appeal proceedings under this Subpart. The determination of the board to grant or deny an appeal, as well as its decision on the merits of an appeal, shall be in writing and become effective as the final administrative determination of the Secretary in the proceeding on the date it is rendered, unless otherwise specified therein.

§ 218.26 Reporting service.

Copies of decisions in civil penalty proceedings instituted under statutes referred to in Subpart A of this Part and rendered subsequent to February 1, 1974, may be obtained by letter of request addressed to the Secretary. Fees for this service shall be as established by the Secretary.

PART 219—SEIZURE AND FORFEITURE PROCEDURES

Subpart A—Introduction

Sec.
219.1 Purpose of regulations.
219.2 Scope of regulations.

Subpart B—Holding, Bonding, and Return of Certain Wildlife or Other Property

219.11 Notification of seizure.
219.12 Seizure by Customs.
219.13 Bonded release.
219.14 Return of seized wildlife or other property.
219.15 Abandonment provisions.

AUTHORITY: Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93–205.

Subpart A—Introduction

§ 219.1 Purpose of regulations.

The regulations in this part provide rules and procedures for the seizure, holding, bonding, abandonment, and forfeiture of wildlife and other property, which under certain laws enforced by the National Marine Fisheries Service are subject to seizure and forfeiture.

§ 219.2 Scope of regulations.

(a) The regulations contained in Subpart B of this Part apply only to actions arising under the following laws and regulations issued thereunder:

Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93–205.

Subpart B—Holding, Bonding, and Return of Certain Wildlife or Other Property

§ 219.11 Notification of seizure.

Except where the owner or consignee is personally notified or seizure is made pursuant to a search warrant, the Director shall, as soon as practicable following his seizure or other receipt of seized wildlife or other property, mail a notification of seizure by registered or certified mail, return receipt requested, to the owner or consignee, if known. Such notification shall describe the seized wildlife or other property, and shall state the time, place, and reason for the seizure.

§ 219.12 Seizure by Customs.

Any authorized employee or officer of the U.S. Customs Service who has seized any wildlife or other property shall deliver such seizure to the Division of Law Enforcement and Marine Mammal Protection (See § 217.22), or its designee, who shall either hold such seized wildlife or other property or arrange for its proper handling and care.

§ 219.13 Bonded release.

The Director may, in his sole discretion, accept an appearance bond or other security in place of wildlife or other property seized. Said bond or security may contain such additional conditions as may be appropriate. Such bond or security may be in an amount up to $10,000 per offense and shall only be allowed where the Director determines either that the health or safety of any wildlife so requires, or that the release of the seized wildlife or other property would not frustrate the purposes of the statute.

§ 219.14 Return of seized wildlife or other property.

If, at the conclusion of the appropriate proceedings, the seized wildlife or other property is to be returned to the owner or consignee, the Director shall issue a letter or other document authorizing its return. This letter or other document shall be delivered personally or sent by registered or certified mail, return receipt requested, and shall identify the owner or consignee, the seized property, and, if appropriate, the bailee of the seized wildlife or other property. It shall also provide that upon presentation of the letter or other document and proper identification, the seized wildlife or other property is authorized to be released, provided it is properly marked in accordance with applicable State or Federal requirements.

§ 219.15 Abandonment provisions.

When any wildlife or other property is subject to seizure and forfeiture, a blank assent to forfeiture form (Customs Form 4607, or a similar National Marine Fisheries Service form) may be given or sent, with the notification required by §218.11 or by § 219.11, to the owner thereof. The owner may voluntarily abandon the wildlife or other property to the Government by executing and returning the assent to forfeiture form. Such abandonment will be considered by the Director in the disposition of the case, and may be the basis for the compromise of any proposed assessment of a civil penalty under Part 218.

PART 220—GENERAL PERMIT PROCEDURES

Subpart A—Introduction

Sec.
220.1 General.
220.2 Purpose of regulations.
220.3 Scope of regulations.
220.4 Emergency variation from requirements.

Subpart B—Application for Permits

220.11 Procedure for obtaining a permit.
220.12 Information requirements on permit applications.
220.13 Abandoned application.
220.14 Insufficient fee.

Subpart C—Permit Administration

220.21 Issuance of permits.
220.22 Duration of permit.
220.23 Amendment of applications or permits.
220.24 Renewal of permit.
220.25 Permits not transferable; agents.
220.26 Right of succesion by certain persons.
220.27 Change of mailing address.
220.28 Change in name.
220.29 Official endorsement of changes required.
220.30 Certain continuancy of activity.
220.31 Discontinuance of activity.

Subpart D—Conditions

220.41 Recall and amendment of permit during its term.
220.42 Permits are specific.
220.43 Alteration of permits.
220.44 Display of permit.
220.45 Filing of reports.
220.46 Maintenance of records.
220.47 Inspection requirement.

Subpart E—Violations of the Permit

220.51 Penalties for violation of a permit; notice; demonstration of compliance.

AUTHORITY.—Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93–205; act of August 31, 1951, Ch. 376, Title 5, section 501, 65 Stat. 290 (31 U.S.C. 483a).

Subpart A—Introduction

§ 220.1 General.

Each person intending to engage in an activity for which a permit is required by Parts 217–222 of this chapter shall, before commencing such activity, obtain a valid permit authorizing such activity. Each person who desires to obtain the permit privileges authorized by Parts 217–222 of this chapter must make application for such permit in accordance with the requirements of this Part 220 of this chapter and the other regulations in Parts 217–222 of this chapter which set forth the additional requirements for the specific permits desired. If the activity for which permission is sought is covered by the requirements of more than one Part of Parts 217–222 of this chapter, the requirements of each Part must be met. If the information required for each specific permitted activity is included, one application will be accepted for all permits required, and a single permit will be issued.

§ 220.2 Purpose of regulations.

The regulations contained in this part will provide uniform rules and procedures for application, issuance, renewal, conditions, revocation, and general administration of permits issuable pursuant to Parts 217–222 of this chapter.

§ 220.3 Scope of regulations.

The provisions in this part are in addition to, and are not in lieu of, other permit regulations of Parts 217–222 of this chapter and apply to all permits issued thereunder, including "Import and Marking" (Part 221), "Endangered Wildlife" (Part 222).

§ 220.4 Emergency variation from requirements.

The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations will not hinder effective administration of Parts 217–222 of this chapter, and will not be unlawful.

Subpart B—Application for Permits

§ 220.11 Procedure for obtaining a permit.

The following general procedures apply to applications for permits:

(a) *Forms.*—Applications must be submitted by letter containing all necessary information, attachments, certification, and signature. In no case will oral or telephone applications be accepted.

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(b) *Forwarding instructions.*—Applications must be submitted to the Division of Law Enforcement and Marine Mammal Protection. The address is listed in § 217.22.

(c) *Time requirement.*—Applications must be received by the appropriate official of the National Marine Fisheries Service at least 30 calendar days prior to the date on which the applicant desires to have the permit made effective. The National Marine Fisheries Service will, in all cases, attempt to process applications in the shortest possible time, and most complete and properly addressed applications will be acted on within 30 days. The National Marine Fisheries Service does not, however, guarantee 30 day issuance and some permits cannot be issued within that time period.

§ 220.12 Information requirements on permit applications.

(a) *General information required for all permit applications.*—All applications for permits must contain the following information:

(1) Applicant's name, mailing address, and phone number;

(2) Where the applicant is an individual, his date of birth, height, weight, color of hair, color of eyes, and sex; and business or institutional affiliation, if any, having to do with the wildlife to be covered by the permit;

(3) Where the applicant is a corporation, firm, partnership, institution, or agency, either private or public, the name and address of the president or principal officer;

(4) Location where the permitted activity is to be conducted;

(5) Part and section of Parts 217–222 under which the permit is requested and such additional information and justification, including supporting documents from appropriate authorities, as required by that section (Paragraph (b) of this section contains a list of sections of Parts 217–222 where the additional information needed on applications for various permits may be found.)

(6) Where the permitted activity involves an importation from any foreign country which restricts the taking, possession, transportation, exportation or sale of wildlife, the appropriate documentation, as indicated in § 221.42 of this subchapter;

(7) Certification in the following language:

> I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 220, of the Code of Federal Regulations and the other applicable parts in Parts 217–222 of Chapter II of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) Desired effective date of permit except where issuance date is fixed by the part under which the permit is issued;

(9) Date;

(10) Signature of the applicant; and

(11) Such other information as the Director determines relevant to the processing of the application.

(b) *Additional information required on permit applications.*—As stated in paragraph (a) (5) of this section certain additional information is required on all applications. These additional requirements may be found by referring to the section of Parts 217–222 of this chapter cited after the type of permit for which application is being made:

Type or permit:	Section
Importation at nondesignated ports:	
Scientific	221.
Deterioration prevention	221.
Marking of package or container:	
Symbol marking	221.
Endangered wildlife permits:	
Zoological, educational, scientific or propagation	222.23

§ 220.13 Abandoned application.

Upon receipt of an incomplete or improperly executed application, the applicant shall be notified of the deficiency in the application. If the applicant fails to supply the deficient information or otherwise fails to correct the deficiency within 60 days following the date of notification, the application shall be considered abandoned.

Subpart C—Permit Administration

§ 220.21 Issuance of permits.

(a) No permit may be issued prior to the receipt of a written application therefor, unless a written variation from the requirements, as authorized by § 220.4 is inserted into the official file of the National Marine Fisheries Service. An oral or written representation of an employee or agent of the United States Government, or an action of such employee or agent, shall not be construed as a permit unless it meets the requirements of a permit as defined in 50 CFR 217.12.

(b) Upon receipt of a properly executed application for a permit, the Director shall issue the appropriate permit unless—

(1) The applicant has been assessed a civil penalty as convicted of any civil or criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction, evidences a lack of responsibility;

(2) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;

(3) The applicant has failed to demonstrate a valid justification for the permit and a showing of responsibility;

(4) The authorization requested potentially threatens a wildlife population, or

(5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

(c) Each permit shall bear a serial number. Such number may be reassigned to the permittee to whom issued so long as he maintains continuity of renewal.

(d) The applicant shall be notified in writing of the denial of any permit request, and the reasons therefor. If authorized in the notice of denial, the applicant may submit further information, or reasons why the permit should not be denied. Such further submissions shall not be considered a new application. The final action by the Director shall be considered the final administrative decision of the Department.

§ 220.22 Duration of permit.

Permits shall entitle the person to whom issued to engage in the activity specified in the permit, within the limitations of the applicable statute and regulations contained in Parts 217–222 of this chapter for the period stated on the permit, unless sooner terminated.

§ 220.23 Amendment of applications or permits.

Where circumstances have changed so that an applicant or permittee desires to have any term or condition of his application or permit modified, he must submit in writing full justification and supporting information in conformance with the provisions of this part and the part under which the permit has been issued or requested. Such applications for modification are subject to the same issuance criteria as are original applications, as provided in § 220.21.

§ 220.24 Renewal of permit.

Where the permit is renewable and a permittee intends to continue the activity described in the permit during any portion of the year ensuing its expiration, he shall, unless otherwise notified in writing by the Director, file a request for permit renewal, together with a certified statement that the information in his original application is still currently correct, or a statement of all changes in the original application, accompanied by any required fee at least 30 days prior to the expiration of his permit. Any person holding a valid renewable permit, who has complied with the foregoing provision of this section, may continue such activities as were authorized by his expired permit until his renewal application is acted upon.

§ 220.25 Permits not transferable; agents.

(a) Permits issued under this part are not transferable or assignable. Some permits authorize certain activities in connection with a business or commercial enterprise and in the event of any lease, sale, or transfer of such business entity, the successor must obtain a permit prior to continuing the permitted activity. However, certain limited rights of succession are provided in § 220.26.

(b) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under contract to the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit.

§ 220.26 Right of succession by certain persons.

(a) Certain persons, other than the permittee, are granted the right to carry on a permitted activity for the remainder of the term of a current permit provided they comply with the provisions of paragraph (b) of this section. Such persons are the following:

(1) The surviving spouse, child, executor, administrator, or other legal representative of a deceased permittee; and

(2) A receiver or trustee in bankruptcy or a court designated assignee for the benefit of creditors.

(b) In order to secure the right provided in this section, the person or persons desiring to continue the activity shall furnish the permit to the issuing officer for endorsement within 90 days from the date the successor begins to carry on the activity.

§ 220.27 Change of mailing address.

During the term of his permit, a permittee may change his mailing address without procuring a new permit. However, in every case notification of the new mailing address must be forwarded to the issuing official within 30 days after such change. This section does not authorize the change of location of the permitted activity for which an amendment must be obtained in accordance with § 220.23.

§ 220.28 Change in name.

A permittee continuing to conduct a permitted activity is not required to obtain a new permit by reason of a mere change in trade name under which a business is conducted or a change of name by reason of marriage or legal decree: *Provided*, That such permittee must furnish his permit to the issuing official for endorsement within 30 days from the date the permittee begins conducting the permitted activity under the new name.

§ 220.29 Official endorsement of changes required.

Any change in a permit must be made by endorsement of the Director or issuing officer. Any modification or change in an issued permit, other than those specifically provided for in this subpart, may be granted or denied in the discretion of the Director.

§ 220.30 Certain continuancy of activity.

A permittee who furnishes his permit to the issuing official for endorsement or correction in compliance with the provisions of this subpart may continue his operations pending its return.

§ 220.31 Discontinuance of activity.

When any permittee discontinues his activity, he shall, within 30 days thereof, mail his permit and a request for cancellation to the issuing officer, and said permit shall be deemed void upon receipt. No refund of any part of an amount paid as a permit fee shall be made where the operations of the permittee are, for any reason, discontinued during the tenure of an issued permit.

Subpart D—Conditions

§ 220.41 Recall and amendment of permit during its term.

All permits are issued subject to the condition that the National Marine Fisheries Service reserves the right to recall and amend the provisions of a permit for just cause at any time during its term. Such amendments take effect on the date of notification, unless otherwise specified.

§ 220.42 Permits are specific.

The authorizations on the face of a permit which set forth specific times, dates, places, methods of taking, numbers and kinds of wildlife, location of activity, authorize certain circumscribed transactions, or otherwise permit a specifically limited matter, are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

§ 220.43 Alteration of permits.

Permits shall not be altered, erased, or mutilated, and any permit which has been altered, erased, or mutilated shall immediately become invalid. Unless specifically permitted on the face thereof, no permit shall be copied, nor shall any copy of a permit issued pursuant to Parts 217–222 of this chapter be displayed, offered for inspection, or otherwise used for any official purpose for which the permit was issued.

§ 220.44 Display of permit.

Any permit issued under this part shall be displayed for inspection upon request to the Director or his agent, or to any other person relying upon its existence.

§ 220.45 Filing of reports.

Permittees may be required to file reports of the activities conducted under the permit. Any such reports shall be filed not later than March 31 for the preceding calendar year ending December 31, or any portion thereof, during which a permit was in force, unless the regulations of Parts 217–222 of this chapter or the provisions of the permit set forth other reporting requirements.

§ 220.46 Maintenance of records.

From the date of issuance of the permit, the permittee shall maintain complete and accurate records of any taking, possession, transportation, sale, purchase, barter, exportation, or importation of wildlife pursuant to such permit. Such records shall be kept current and shall include names and addresses of persons with whom any wildlife has been purchased, sold, bartered, or otherwise transferred, and the date of such transaction, and such other information as may be required or appropriate. Such records, unless otherwise specified, shall be entered in books, legibly written in the English language. Such records shall be retained for 5 years from the date of issuance of the permit.

§ 220.47 Inspection requirement.

Any person holding a permit under Parts 217–222 of this chapter shall allow the Director's agent to enter his premises at any reasonable hour to inspect any wildlife held or to inspect, audit, or copy any permits, books, or records required to be kept by regulations of Parts 217–222 of this chapter.

Subpart E—Violations of the Permit

§ 220.51 Penalties for violation of a permit, notice; demonstration of compliance.

(a) Any violation of the applicable provisions of this Subchapter, or of the statute under which the permit was issued, or a condition of the permit, may subject the permittee to the following penalties:

(1) The penalty provided in the statute under which the permit was issued;

(2) Temporary suspension of the permit for a specified period; and

(3) Revocation of the permit. When revoked, permits must be surrendered to the Director on demand.

(b) Except in cases of willfullness or those in which the public health safety or interest requires, and prior to any suspension or revocation of a permit, the permittee shall be given:

(1) Notice by the National Marine Fisheries Service in writing of the facts or conduct which may warrant the suspension or revocation; and

(2) Opportunity to demonstrate or achieve compliance with all permit requirements.

PART 221—DESIGNATED PORTS

§ 221.1 Importation at designated ports.

Any endangered or threatened species, or product of these, which is subject to the jurisdiction of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce and is intended for importation into the United States shall be subject to the provisions of 50 CFR Part 14. Importers are advised to see 50 CFR Part 14 for importation requirements and information.

PART 222—ENDANGERED WILDLIFE

Subpart A—Introduction

Sec.
222.1 Purpose of regulations.
222.2 Scope of regulations.

Subpart B [Reserved]

Subpart C—Endangered Wildlife Importation Permits

222.21 General permit requirement.
222.22 [Reserved]
222.23 Zoological, educational, scientific, or propagation permits.

AUTHORITY: Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93–205.

Subpart A—Introduction

§ 222.1 Purpose of regulations.

The regulations contained in this part identify the species or subspecies of native and foreign wildlife determined by the Secretary to be threatened with extinction, establish procedures and criteria for issuance of permits for importation of endangered foreign wildlife, and

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provide for public participation in the amendment of the endangered wildlife lists. The regulations of this part implement, in part, the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93–205.

§ 222.2 Scope of regulations.

(a) The regulations of this part apply only to endangered wildlife.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of Parts 217–222 of this chapter which may require a permit or prescribe additional restrictions or conditions for the importation, exportation, and interstate transportation of wildlife. (See also Part 220 of this subchapter.)

Subpart B [Reserved]

Subpart C—Endangered Wildlife Importation Permits

§ 222.21 General permit requirement.

No person shall import from any foreign country any species or subspecies of wildlife which the Secretary has determined to be threatened with worldwide extinction, as evidenced by its inclusion on the list of endangered foreign wildlife (50 CFR 17.11) without a valid permit issued pursuant to this subpart C.

§ 222.22 [Reserved]

§ 222.23 Zoological, educational, scientific, or propagation permits.

The Director may, upon receipt of an application and in accordance with the issuance criteria of this section, issue a permit authorizing the importation of endangered foreign wildlife for zoological, scientific, or educational purposes, or for the propagation of such wildlife in captivity.

(a) *Application procedures.*—Application for permits to import endangered foreign wildlife for zoological, educational, scientific, or propagational purposes shall be submitted by letter of application to the Director. Each such application must contain the general information and certification required by § 220.12(a) of this subchapter plus the following additional information:

(1) Common and scientific names of the species or subspecies, number, age, and sex of the wildlife to be covered in the permit;

(2) Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, name and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife;

(3) A full statement of justification for the permit, including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, scientific, or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project;

(4) A description and the address of the institution or other facility where the wildlife will be used or maintained;

(5) A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity, or has been removed from the wild;

(6) A résumé of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild, if appropriate; and

(7) If live wildlife is to be imported, include:

(i) A complete description, including photographs or diagrams, of the area and facilities in which the wildlife will be housed;

(ii) A brief résumé of the technical expertise available, including any experience the applicant or his personnel have had in propagating the species or closely related species to be imported;

(iii) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a studbook; and

(iv) A detail description of the type, size, and construction of the container; arrangements for feeding, watering, and otherwise caring for the wildlife in transit; and the arrangements for caring for the wildlife on importation into the United States.

(b) *Additional permit condition.*—In addition to the general conditions set forth in Part 220, permits to import endangered foreign wildlife for scientific, educational, or zoological purposes or for the purpose of propagation of such wildlife in captivity shall be subject to the following conditions:

(1) In addition to any reporting requirements set forth in the permit, a report of the importation made under authority of any such permit shall be submitted in writing to the Director. Such report must be postmarked or actually delivered no later than 10 days following each such importation.

(2) The death or escape of any living wildlife imported under the authority of such permit shall be reported to the Division of Law Enforcement and Marine Mammal Protection immediately. The carcass of any such wildlife which die or are killed should be retained in such a manner as not to impair its use as a scientific specimen.

(c) *Issuance criteria.*—The Director shall consider, among other criteria, the following in determining whether to issue a permit to import endangered foreign wildlife for scientific, educational, or zoological purposes or for the purpose of propagation of such wildlife in captivity:

(1) The direct or indirect effect which issuing such a permit would be likely to have upon the wild populations of the wildlife;

(2) Whether the purpose for which the permit is being requested would likely reduce the severity of the threat of extinction facing the subject species or subspecies;

(3) Opinions or views of scientists or other persons or organizations knowledgeable of the wildlife to be imported or of other matters germane to the application;

(4) Whether the expertise, facilities or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application; and

(5) Whether the purpose for which the permit is being requested is adequate to justify the removal of the wildlife from the wild or otherwise change its status.

(d) *Tenure of permits.*—The tenure of permits to import endangered foreign wildlife for scientific, educational, or zoological purposes or for the purpose of propagation of such wildlife in captivity shall be designated on the face of the permit.

[FR Doc.74–6150 Filed 3–15–74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

[Phase IV Price Ruling 1974–3]

EXPORTS EXEMPTION: SALE TO U.S. GOVERNMENT

Phase IV Price Ruling

Facts. Firm M is a meat processor which intends to bid on two contracts for the sale of meat to an agency of the United States Government. Under the first contract, the meat is being purchased for sale in military commissaries and base exchanges outside the United States. Under the second contract, the meat is being purchased as part of the military assistance program to a foreign government. The assistance is in the form of a grant without any payment required of the foreign government.

6 CFR 150.54(d)(1) provides that the prices charged for export sales, including the sale of products to a domestic purchaser who certifies that the product is for export, are exempt from Phase IV price regulations.

Issue. May an agency of the United States Government certify that sales of meat to it for resale in military commissaries and base exchanges outside the United States and for use as a grant to a foreign government are "for export" and, therefore, exempt from the Phase IV price regulations by virtue of 6 CFR 150.54(d)(1)?

Ruling. No certification is allowable in either sale. A purpose of the export exemption is to allow sales of exports, which will produce revenues from foreign sources, to be made at the highest price. Transactions which do not produce such revenues are therefore not considered exports for the purpose of exemption from the regulations under the Economic Stabilization Program.

Neither the sale in United States overseas commissaries and base exchanges nor the grant to a foreign government will produce any revenue from foreign sources. The sales at the commissaries and base exchanges are primarily to United States citizens and are not normal commercial export transactions. If sales of these meat items were treated as sales of products for export, higher bidding and an artificial allocation of limited meat supplies would likely result without any corresponding economic benefit. Therefore, sales of meat by Firm M to the military cannot be certified as sales of products for export and exempted under 6 CFR 150.54(d)(1).

This ruling readopts the substance of Phase III Ruling 1973–3.

ANDREW T. H. MUNROE,
General Counsel.

MARCH 14, 1974.

[FR Doc.74–6303 Filed 3–14–74;3:50 pm]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 202—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

This establishment of a new Part, Part 202, to the Federal Energy Office Regulations, under the Freedom of Information Act (5 U.S.C. 552) sets forth the guidelines for requesting and obtaining certain public information from the FEO. It also sets forth the procedures to be followed by FEO employees when they receive a subpoena, order, or other demand of a court or other authority for production or disclosure of material in Departmental files.

Under the provisions of § 202.3, initial requests by persons for FEO records must be addressed to the Director of Public Affairs, Attention: Information Access Officer; appeals from actions by the Information Access Officer may be lodged under § 202.6 with the Deputy Administrator of FEO. The timing for action by these officials is established at 48 hours for response to initial requests, with provision for up to 10 days for reply when further time is needed to collect and prepare records or to evaluate the status of the request under the Freedom of Information Act, or up to 20 days in special cases (§ 202.4), and 10 days for action upon an appeal (§ 202.6).

Under the provision of § 202.22 no FEO employee may produce or disclose any information or materials from FEO files in response to subpoenas or orders of a court or other authority without prior approval of the General Counsel. Section 202.25 sets out the procedure to be followed where the response to a demand is required before instructions are received by the employee from the General Counsel.

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended by adding Part 202 as set forth below, effective immediately.

Issued in Washington, D.C., March 14, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

Subpart A—Production or Disclosure Under 5 U.S.C. 552

Sec.
202.1 Purpose and scope.
202.2 Public reference facilities.
202.3 Requests for identifiable records and copies.
Time for response to request for records.
202.5 Responses by Information Access Officer: Form and content.
202.6 Appeals to the Deputy Administrator from initial denials.
202.7 Maintenance of files.
202.8 Fees for provision of records.
202.9 Exemptions.
202.10 Computation of time.

Subpart B—Production or Disclosure in Response to Subpoenas or Demands of Courts or Other Authorities

202.21 Purpose and scope.
202.22 Production or disclosure prohibited unless approved by appropriate FEO official.
202.23 Procedure in the event of a demand for production or disclosure.
202.24 Final action by the appropriate FEO official.
202.25 Procedure when a decision concerning a demand is not made prior to the time a response to the demand is required.
202.26 Procedure in the event of an adverse ruling.

AUTHORITY: Freedom of Information Act, 5 U.S.C. 552; Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order Number 47, 39 FR 24.

Subpart A—Production or Disclosure Under 5 U.S.C. 552

§ 202.1 Purpose and scope.

This subpart contains the regulations of the Federal Energy Office (FEO) implementing 5 U.S.C. 552. The regulations of this subpart provide information concerning the procedures by which records may be obtained from all divisions within the FEO. Official records of the FEO made available pursuant to the requirements of 5 U.S.C. 552 shall be furnished to members of the public as prescribed by this subpart. Officers and employees of the FEO may furnish to the public, informally and without compliance with the procedures prescribed herein, information and records of types which prior to enactment of 5 U.S.C. 552 were furnished customarily in the regular performance of their duties to the public by other agencies. Persons seeking information or records of the FEO may find it useful to consult with FEO's Office of Public Affairs before invoking the formal procedures set out below. To the extent permitted by other laws, the FEO will make available records which it is authorized to withhold under 5 U.S.C. 552 unless it determines that such disclosure is not in the public interest.

§ 202.2 Public reference facilities.

(a) The National Office, FEO and Regional Offices, FEO will maintain in a public reading room or public reading area, the materials relating to that office which are required by 5 U.S.C. 552(a)(2) and 552(a)(4) to be made available for public inspection and copying. These materials will also be available at some additional locations within specific regions; their addresses and telephone numbers may be obtained from the Regional Offices, FEO, listed in § 205.12 of this chapter.

(b) Each of these public reference facilities will maintain and make available for public inspection and copying a current index of the materials available at that facility which are required to be indexed by 5 U.S.C. 552(a)(2), and the National Office, FEO will maintain and make available for public inspection and copying copies of all such indexes.

§ 202.3 Requests for identifiable records and copies.

(a) *Addressed to the Director of Public Affairs.* A request for a record of the FEO which is not customarily made available and which is not available in a public reference facility as described in § 202.2 shall be addressed to the Director of Public Affairs, Federal Energy Office, Washington, D.C., 20461, and should be clearly marked on the envelope "Attention: Information Access Officer".

(b) *Request should be in writing and for identifiable records.* A request for access to records should be submitted in writing and should sufficiently identify the records requested to enable FEO personnel to locate them with a reasonable amount of effort. Where possible, specific information regarding dates, titles, file designations, and other information which may help identify the records should be supplied by the requester. If the request relates to a matter in pending litigation, the court and its location should be identified.

(c) *Form may be requested.* Where the information supplied by the requester is not sufficient to permit location of the records by FEO personnel with a reasonable amount of effort, the requester may be sent and asked to fill out and return a form which is designed to elicit the necessary information, pursuant to § 202.4(a).

(d) *Categorical requests*—(1) *Must meet identifiable records requirement.* A request for all records falling within a reasonably specific category shall be regarded as conforming to the statutory requirement that records be identifiable if it can reasonably be determined which particular records are sought in the requests, and the records can be searched for, collected, and produced without unduly burdening or interfering with FEO operations because of the staff time consumed or the resulting disruption of files.

(2) *Assistance in reformulating nonconforming requests.* If it is determined that a categorical request would unduly burden or interfere with the operations of the FEO under subparagraph (1) of this paragraph, the response denying the request on those grounds shall specify the reasons why and the extent to which compliance would burden or interfere with FEO operations, and shall extend to the requester an opportunity to confer with knowledgeable FEO personnel in an attempt to restate the request or reduce the request to manageable proportions by reformulation and by agreeing on an orderly procedure for the production of the records.

(e) *Requests for records of other agencies.* Some of the records in the files of the FEO have been obtained from other

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federal agencies. Where it is determined that the question of the availability of requested records is primarily the responsibility of another federal agency and that such records may be exempt under 5 U.S.C. 552(b), the Information Access Officer will inquire of the originating agency as to whether it concurs in release of the records. If that agency does not concur, the Information Access Officer will refer the request to the originating agency, and inform the requester of the appropriate official with whom to pursue his request. The FEO will accompany such referral with a recommendation, based on the interest of FEO in such records, concerning the disclosure of the requested records.

§ 202.4 Time for response to request for records.

(a) *Response prepared by Information Access Officer.* An Information Access Officer, appointed by the Director of Public Affairs, shall be responsible for processing written requests for records submitted pursuant to this part. Upon receiving such a request, the Information Access Officer shall ascertain which division or divisions of the FEO have primary responsibility for, custody of, or concern with the records requested and forward the request to such division or divisions, who shall promptly identify and review the records encompassed by the request. After reviewing the material, the division or divisions concerned shall forward to the Information Access Officer either the requested material, a recommendation that the request be wholly or partially denied, or a recommendation that an interim response be made under the provisions of this subsection. A recommendation of an interim response shall specify the type of response suggested and the reasons for recommending an interim response. Any recommendation that a request be denied shall set forth the policy considerations supporting such denial and shall be forwarded, with the information sought or a representative sample thereof, by the Information Access Officer to the General Counsel for his review and recommendation. On the basis of the recommendations of the division or divisions, the Information Access Officer shall, within 43 hours (including Saturdays, Sundays, and Federal legal holidays) of receipt by the Director of Public Affairs of a request for FEO records, either (1) grant the request, (2) deny the request, (3) grant it in part and/or deny it in part, or (4) reply with an interim response stating (i) that the records requested cannot be collected and prepared within said 48 hour period; (ii) that further time is needed to evaluate whether the requested records are exempt under the Freedom of Information Act and should be withheld as a matter of sound public policy or disclosed only with appropriate deletions; (iii) that the request has been referred to another agency under § 202.3(e) of this part; or (iv) that additional information is needed from the requester to render the records identifiable. Such an interim response shall specify (A) the reason or reasons for delay in granting or denying the request; (B) any further information needed by the FEO from the requester; (C) the agency to whom the request has been referred, if any, and the name of the appropriate official of that agency with whom to pursue the matter; and (D) the expected time within which the request fo records will be either granted or denied. All requests for which an interim response is made stating that further time is needed to collect and prepare the records, or to evaluate the status of the request under the Freedom of Information Act, shall be either granted or denied, or granted in part and denied in part, within 10 days of receipt of the request by the Director of Public Affairs, except that if circumstances require additional time before a decision on a request can be reached, and the person requesting records is promptly informed in writing of these circumstances and the Information Access Officer certifies to such person that such delay is unavoidable, the decision may be made within 20 days of receipt of the request by the Director of Public Affairs. A response granting a request or stating that the information will be available within 10 days or less of receipt of the request may be issued by officers or employees of FEO other than the Information Access Officer: *Provided*, That a copy of such response is forwarded to the Information Access Officer.

(b) *Petition if response not forthcoming.* If the Information Access Officer does not respond to or acknowledge a request for records within 48 hours, or does not act on a request within an extended deadline, as provided for in paragraph (a) of this section, or if the requester believes an extended deadline adopted pursuant to paragraph (a) of this section is unreasonable, the requester may petition the Deputy Administrator to take appropriate measures to assure prompt action on the request.

(c) For purposes of this section, the term "division" includes all administrative or operating units of the FEO.

§ 202.5 Responses by Information Access Officer: Form and content.

(a) *Form of grant.* When a requested record has been identified and is to be made available, the Information Access Officer or other appropriate official of FEO shall notify the requester as to when the record is available. The notification shall also advise the requester of any applicable fees under § 202.8.

(b) *Form of denial.* A reply denying a written request for a record shall be in writing signed by the Information Access Officer and shall include:

(1) *Exemption category.* A reference to the specific exemption under the Freedom of Information Act authorizing the withholdings of the record, and to the extent consistent with the purposes of the exemption, a brief explanation of how the exemption applies to the record withheld, and, if the Information Access Officer considers it appropriate, a statement of why the exempt record is being withheld; and,

(2) *Administrative appeal and judicial review.* A statement that the denial may be appealed within 30 days to the Deputy Administrator, and that judicial review will be thereafter available either in the district in which the requester resides or has a principal place of business or in which the agency records are situated.

(c) *Denial because record cannot be located or does not exist.* If a requested record is known to have been destroyed or otherwise disposed of, or if no such record was ever known to exist, the requester shall be so notified.

§ 202.6 Appeals to the Deputy Administrator from initial denials.

(a) *Appeal to Deputy Administrator.* When the Information Access Officer has denied a request for records in whole or in part, the requester may, within 30 days of its receipt, appeal the denial to the Deputy Administrator, FEO, Washington, D.C. The appeal shall be in writing.

(b) *Action within 10 days.* The Deputy Administrator will act upon the appeal within 10 days of its receipt, and more rapidly if practicable, except that if novel or difficult questions are involved, the Deputy Administrator may extend the time for final action by him for an additional 20 days upon notifying the requester of the reasons for the extended deadline and the date on which a final response may be expected.

(c) *Form of action on appeal.* The Deputy Administrator's action on an appeal shall be in writing. A denial in whole or in part of a request on appeal shall set forth the exemption relied on, a brief explanation consistent with the purpose of the exemption of how the exemption applies to the records withheld, and the reasons for asserting it.

§ 202.7 Maintenance of files.

(a) *Maintenance of file open to public.* The Information Access Officer shall maintain a file, open to the public, which shall contain copies of all grants or denials of all requests for information or appeals made under this subpart. The material shall be indexed by the exemption asserted by the FEO, if any, and, to the extent feasible, according to the type of records requested.

(b) *Protection of privacy.* Where the identity of a requester, or other identifying details related to a request, would constitute an invasion of a personal privacy if made generally available, the Information Access Officer shall delete identifying details from the copies of documents maintained in the public file established under paragraph (a) of this section.

§ 202.8 Fees for provision of records.

(a) *When charged.* User fees pursuant to 31 U.S.C. 483a (1970), shall be charged according to the schedule contained in paragraph (b) of this section for services rendered in responding to requests for FEO records under this subpart unless

the Information Access Officer determines, in conformity with the provisions of 31 U.S.C. 483, that such charges or a portion thereof are not in the public interest. Such a determination shall ordinarily not be made unless the service to be performed will be of benefit primarily to the public as opposed to the requester, or unless the requester is an indigent individual. Fees shall not be charged where they would amount, in the aggregate, for a request or series of related requests, to less than $3. Ordinarily, fees shall not be charged if the records requested are not found, or if all of the records located are withheld as exempt. However, if the time expended in processing the request is substantial, and if the requester has been notified of the estimated cost pursuant to paragraph (c) of this section and has been specifically advised that it cannot be determined in advance whether any records will be made available, fees may be charged.

(b) *Services charged for, and amount charged.* For the services listed below expended in locating or making available records or copies thereof, the following charges shall be assessed:

(1) *Copies.* For copies of documents (maximum of 5 copies will be supplied) $.10 per copy of each page.

(2) *Clerical searches.* For each one quarter hour spent by clerical personnel in excess of the first quarter hour in searching for and producing a requested record, $1.25.

(3) *Monitoring inspection.* For each one quarter hour spent in monitoring the requester's inspection of records, $1.25.

(4) *Certification.* For certification of true copies, each, $1.

(5) *Nonroutine, nonclerical searches.* Where a search cannot be performed by clerical personnel, for example, where the task of determining which records fall within a request and collecting them requires the time of professional or managerial personnel, and where the amount of time that must be expended in the search and collection of the requested records by such higher level personnel is substantial, charges for the search may be made at a rate in excess of the clerical rate, namely for each one quarter hour spent in excess of the first quarter hour by such higher level personnel in searching for a requested record, $3.75.

(6) *Examination and related tasks in screening records.* No charge shall be made for time spent in resolving legal or policy issues affecting access to records of known contents. In addition, no charge shall ordinarily be made for the time involved in examining records to determine whether they are exempt from mandatory disclosure and should be withheld as a matter of sound policy. However, where a broad request requires FEO personnel to devote a substantial amount of time to examining records for the purpose of screening out certain records or portions thereof in accordance with determinations that material of such a nature is exempt and should be withheld as a matter of sound policy, a fee may be assessed for the time consumed in such examination. Where such examination can be performed by clerical personnel, a fee may be assessed at the rate of $1.25 per quarter hour, and where higher level personnel are required, a fee may be assessed at the rate of $3.75 per quarter hour.

(7) *Computerized Records.* Fees for services in processing requests maintained in whole or part in computerized form shall be in accordance with this section so far as practicable. Services of personnel in the nature of a search will be charged for at rates prescribed in paragraph (b)(5) of this section unless the level of personnel involved permits rates in accordance with paragraph (b)(2) of this section. A charge may be made for the computer time involved, based upon the prevailing level of costs to governmental organizations and upon the particular types of computer and associated equipment and the amounts of time on such equipment that are utilized. A charge may also be made for any substantial amounts of special supplies or materials used to contain, present, or make available the output of computers, based upon prevailing levels of costs to governmental organizations and upon the type and amount of such supplies or materials that is used. Nothing in this paragraph shall be construed to entitle any person, as of right, to any services in connection with computerized records, other than services to which such person may be entitled under 5 U.S.C. 552 and under the provisions, not including this paragraph (b).

(c) *Notice of anticipated fees in excess of $25.* Where it is anticipated that the fees chargeable under this section will amount to more than $25, and the requester has not indicated in advance his willingness to pay fees as high as are anticipated, the requester shall be promptly notified by the Information Access Officer of the amount of the anticipated fee or such portion thereof as can readily be estimated. An advance deposit may be required. The notice or request for an advance deposit shall extend an offer to the requester to confer with knowledgeable FEO personnel in an attempt to reformulate the request in a manner which will reduce the fees and meet the needs of the requester. Dispatch by certified mail of such a notice or request shall toll the running of the period for response by the FEO until a reply is received from the requester.

(d) *Form of payment.* Payment should be made by check or money order payable to the Treasury of the United States.

§ 202.9 Exemptions.

(a) 5 U.S.C. 552 exempts from all of its publication and disclosure requirements nine categories of records which are described in paragraph (b) of that section. These categories include such matters as national defense and foreign policy information; investigatory files, internal procedures and communications; materials exempted from disclosure by other statutes, information given in confidence; and matters involving personal privacy. Specifically, the exemption in 5 U.S.C. 552(b) applies to matters that are—

(1) Specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Related solely to the internal personnel rules and practices of an agency;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(5) Inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) Contained in or related to examination, operating, or condition reports repaired by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

(b) The scope of the exemption is discussed generally in the Attorney General's Memorandum on the Public Information section of the Administrative Procedure Act, which was published in June 1967. The document is available from the Superintendent of Documents and may be consulted in considering questions arising under 5 U.S.C. 552.

§ 202.10 Computation of time.

Computation of a period of time, described as "days", prescribed or allowed by this subpart shall be pursuant to § 205.5(a) of this chapter.

Subpart B—Production or Disclosure in Response to Subpoenas or Demands of Courts or Other Authorities

§ 202.21 Purpose and scope.

(a) This subpart sets forth the procedures to be followed when a subpoena, order, or other demand (hereinafter referred to as a "demand") of a court or other authority is issued for the production or disclosure of (1) any material contained in the files of the Federal Energy Office (FEO), (2) any information relating to material contained in the files of the FEO, or (3) any information or material acquired by any person while such person was an employee of the FEO as a part of the performance of his official duties or because of his official status.

(b) For purposes of this subpart, the term "employee of the FEO" includes all officers and employees of the United States appointed by, or subject to the supervision, jurisdiction, or control of, the Administrator of FEO.

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§ 202.22 Production or disclosure prohibited unless approved by appropriate FEO official.

No employee or former employee of the FEO shall, in response to a demand of a court or other authority, produce any material contained in the file of the FEO or disclose any information relating to material contained in the files of the FEO, or disclose any information or produce any material acquired as part of the performance of his official duties or because of his official status without prior approval of the General Counsel of FEO.

§ 202.23 Procedure in the event of a demand for production or disclosure.

(a) Whenever a demand is made upon an employee or former employee of the FEO for the production of material or the disclosure of information described in § 202.21(a), he shall immediately notify the Regional Counsel for the region where the issuing authority is located. The Regional Counsel shall immediately request instructions from the General Counsel of FEO.

(b) If oral testimony is sought by the demand, an affidavit, or, if that is not feasible, a statement by the party seeking the testimony or his attorney, setting forth a summary of the testimony desired, must be furnished for submission by the Regional Counsel to the General Counsel.

§ 202.24 Final action by the appropriate FEO official.

If the General Counsel approves a demand for the production of material or disclosure of information, he shall so notify the Regional Counsel and such other persons as circumstances may warrant.

§ 202.25 Procedure where a decision concerning a demand is not made prior to the time a response to the demand is required.

If response to the demand is required before the instructions from the General Counsel are received, a U.S. attorney or FEO attorney designated for the purpose shall appear with the employee or former employee of the FEO upon whom the demand has been made, and shall furnish the court or other authority with a copy of the regulations contained in this subpart and inform the court or other authority that the demand has been, or is being, as the case may be, referred for the prompt consideration of the appropriate FEO official and shall respectfully request the court or authority to stay the demand pending receipt of the requested instructions.

§ 202.26 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 202.25 pending receipt of instructions, of if the court or other authority rules that the demand must be complied with irrespective of instructions not to produce the material or disclose the information sought, the employee or former employee upon whom the demand has been made shall respectfully decline to comply with the demand. "United States ex rel Touhy v. Ragen," 340 U.S. 462.

[FR Doc.74-6311 Filed 3-15-74;8:45 am]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Unusual Growth Adjustment of Base Period Volumes

Subpart A of the Mandatory Allocation Regulations, concerning the adjustment of wholesale purchaser's base period volumes, is amended to provide for a supplier initiated adjustment of base period volumes for unusual growth based upon suppliers' records. Suppliers will be permitted to adjust base period volumes based upon the supplier's records without an application by a wholesale purchaser for the adjustment. If a supplier elects to make such adjustments, the supplier must adjust the base period volumes of all of the supplier's wholesale purchasers which are eligible for the adjustment according to the supplier's records. There is no longer a requirement that FEO validate such adjustments for growth in excess of twenty percent. Deliveries based upon such adjustments cannot commence until the supplier has made such adjustments for all of its wholesale purchasers. Suppliers may elect to adjust for either motor gasoline or other products subject to § 211.13 or for both. Suppliers must certify such adjustments to FEO within five (5) days of commencing deliveries pursuant to such adjustments.

Because the purpose of this revision is to provide immediate guidance and information with respect to the mandatory petroleum allocation rules and regulations in order to expedite relief for purchasers which have had unusual growth in 1973, the Federal Energy Office finds that normal rulemaking procedure is inapplicable and that good cause exists for making this revision effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 F.R. 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 F.R. 19345; Cost of Living Council Order No. 47, 39 FR 24)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., March 15, 1974.

WILLIAM N. WALKER,
General Counsel.

Section 211.13(b) is revised to read as follows:

§ 211.13 Adjustments to the allocation program.

* * * * *

(b) *Unusual growth since base period.* Wholesale purchasers who have had unusual growth between the base period and December 31, 1973, may apply to their supplier, to be assigned an adjustment to their base period volume. Suppliers may adjust a wholesale purchaser's base period volume without an application by the wholesale purchaser to the extent that the supplier's records indicate that the wholesale purchaser is eligible for an unusual growth adjustment.

(1) For the purpose of this paragraph, unusual growth is defined as more than ten (10) percent per year for gasoline, or more than five (5) percent per year for all other products.

(2) Applications for increased base period volumes made under this section shall be filed with a supplier by June 1, 1974.

(3) If the supplier does not agree that the application submitted under this section is valid, he may request that the FEO determine the validity of the application before increased deliveries are made. In this event, the wholesale purchaser shall certify to the FEO documented evidence of actual increases in sales volumes, on an annual average basis, since the base period. Only actual certified historical sales volumes in excess of the growth percentages specified shall be considered by the FEO in determining whether or not unusual growth has occurred.

(4) In those cases where the supplier does not agree with the validity of an application submitted under this section, the supplier may adjust the wholesale purchaser's base period volume for unusual growth to the extent that the supplier's records indicate that the wholesale purchaser is eligible for an unusual growth adjustment and may make increased deliveries based upon such adjustment during the period that FEO has the validity of the application under consideration. Suppliers will make adjustments under paragraph (b)(3) of this section if the supplier makes adjustments for unusual growth based upon the supplier's records for wholesale purchasers which have not submitted applications for an unusual growth and adjustment.

(5) If the supplier agrees that an application is valid, or if the FEO validates the application, the supplier shall then increase the base period volume such that if the growth since the base period exceeds ten (10) percent for gasoline or five (5) percent for other refined products per year considering seasonal factors, the supplier shall grant an increase in base period volume that is equal to the actual yearly growth percentage in excess of ten (10) percent for gasoline or five (5) percent for other refined products, multiplied by the wholesale purchaser's adjusted base period volume at that time.

(6) If the supplier makes adjustments for unusual growth for wholesale purchasers who have not applied for an adjustment, the supplier shall increase the wholesale purchaser's base period volume such that if the growth since the base period exceeds ten (10) percent for gasoline or five (5) percent for other refined products per year considering seasonal factors, the supplier shall grant an increase in base period volume that is equal to the actual yearly growth percentage in excess of ten (10) percent for gasoline or five (5) percent for other refined products, multiplied by the wholesale purchaser's adjusted base period volume at that time.

(7) Suppliers which make unusual growth adjustments based upon their records shall make adjustments for all wholesale purchasers which are eligible for an adjustment as indicated by the supplier's records. Suppliers may make such adjustments either for motor gasoline or for other products subject to this section or for both. Suppliers shall not commence deliveries for an unusual growth adjustment based upon the supplier's records for any wholesale purchaser until the supplier has made adjustments to base period volumes for all eligible wholesale purchasers.

(8) Unusual growth adjustments based upon a supplier's records shall be certified by the supplier and filed with FEO. The supplier shall also certify that the supplier has adjusted the base period volumes of all wholesale purchasers eligible for an unusual growth adjustment as indicated by the supplier's records and that deliveries based upon such adjustments were not commenced until all such adjustments were made. The supplier's certification shall be filed with FEO within five (5) days after deliveries have been commenced. FEO approval or validation of the supplier's certification is not required.

* * * * *

[FR Doc.74-6362 Filed 3-15-74;12:02 pm]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRDS

Proposed Rulemaking

Notice is hereby given that pursuant to the authority contained in the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755 (16 U.S.C. 703–711)), it is proposed to amend Part 20 of Title 50, Code of Federal Regulations. Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, these amendments will specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for the hunting of migratory game birds during the 1974–75 season.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico and for doves in the Virgin Islands, will be proposed for final adoption no later than July 15, 1974, to become effective on or after August 15, 1974.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, rails (except coots), gallinules, woodcock, Wilson's snipe, certain waterfowl; coots, cranes, and waterfowl in Alaska; and certain sea ducks in coastal waters of certain eastern States will be proposed for final adoption not later than August 1, 1974, to become effective on or before September 1, 1974. Amendments specifying open seasons, bag and possession limits, and shooting hours for waterfowl, coots, cranes, and any other migratory game birds not previously adopted will be proposed for final adoption not later than September 1, 1974, to become effective on or about October 1, 1974.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. Comments received by May 15, 1974, will be considered.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

MARCH 13, 1974.

[FR Doc.74-6111 Filed 3-15-74;8:45 am]

Geological Survey

[30 CFR Part 260]

OUTER CONTINENTAL SHELF

Proposed Hard Mineral Operating Regulations; Extension of Comment Period

In the FEDERAL REGISTER of February 1, 1974 (39 FR 4108), there were published, as a notice of proposed rulemaking, regulations governing operations conducted on the Outer Continental Shelf for minerals other than oil and gas, sulphur, and salt.

That notice afforded interested parties until March 15, 1974, the opportunity to submit to the Director, U.S. Geological Survey, written comments, suggestions, or objections with respect to the proposed regulations.

Notice is hereby given that the period for submitting written comments, suggestions, or objections with respect to the proposed regulations to the Director, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092, is extended to April 15, 1974.

Dated: March 12, 1974.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-6119 Filed 3-15-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 630]

BIOLOGICAL PRODUCTS

Proposed Additional Standards for the Bacillus of Calmette and Guerin (BCG) Vaccine

Section 351 of the Public Health Service Act requires that each manufacturer of the Bacillus of Calmette and Guerin (BCG) Vaccine, used for the prevention of tuberculosis, be licensed prior to marketing such vaccine in interstate commerce. Licenses for establishments manufacturing the vaccine may be issued only upon a showing that the particular establishment will produce BCG Vaccine that is safe, pure, and potent.

Since 1945 this licensing for the production and distribution of BCG Vaccine has been guided primarily by uncodified standards, originally developed in 1945, and published by the Department of Health, Education, and Welfare as "Minimum Requirements".

The Bureau of Biologics, Food and Drug Administration, has been reviewing many licensed products, including BCG Vaccine, for the purpose of revising older standards of production and testing. Proposed additional standards for the manufacture of BCG Vaccine have been prepared by the Bureau of Biologics. This proposal includes many of the provisions of the "Minimum Requirements" but also contains significant changes and additions that reflect more recent experience and the development of scientific knowledge in the field. The Commissioner of Food and Drugs has determined that expanded and revised criteria for BCG Vaccine should be required for the production of all licensed BCG Vaccine.

BCG Vaccine contains live bacteria of the Bacillus of Calmette and Guerin (thus the name BCG) and is an attenuated strain of Mycobacterium bovis. Since 1921, vaccination with BCG Vaccine has been recognized as an effective means of preventing tuberculosis in man. It has become an accepted standard practice in countries throughout the world to utilize the vaccine routinely as a means of prophylactic treatment of tuberculosis. BCG Vaccine has been used to vaccinate over 100 million people.

Although vaccination with BCG Vaccine is a long recognized medical treatment, it is always imperative that great care be taken in its production to insure that the nonvirulent bacillus does not become virulent or contaminated with virulent organisms, and therefore cause disease in those individuals who have been innoculated with the vaccine. Considering the potential hazards associated with the manufacture of BCG Vaccine, the Commissioner has concluded that additional standards for BCG Vaccine are necessary to assure a uniform high quality of licensed vaccine.

In recent years, BCG Vaccine has been used experimentally in immunotherapy for cancer and leukemia. However, these proposed additional standards are intended to regulate the manufacturing of BCG Vaccine only for its well-established use as an immunizing agent against tuberculosis, and not for its use in cancer research. Those persons wishing to investigate the utility of BCG Vaccine in cancer research must submit a "Notice of Claimed Investigational Exemption for a New Drug" to the Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 630 of Chapter I of Title 21 of the Code of Federal Regulations by adding thereto a new Subpart J to read as follows:

PART 630—ADDITIONAL STANDARDS FOR VIRAL VACCINES

Subpart J—Bacillus of Calmette and Guerin (BCG) Vaccine

§ 630.90 BCG Vaccine.

(a) *Proper name and definition.* The proper name of this product shall be BCG Vaccine, which shall consist of a freeze-dried preparation containing live bacteria of the Bacillus of Calmette and Guerin, which is an attenuated strain of *Mycobacterium bovis*.

(b) *Criteria for an acceptable strain.* The source of the BCG strain used in the manufacture of any lot of the final product vaccine shall be identified by complete historical records.

(1) *Seed lot system.* The BCG strain shall be maintained in the form of a primary seed lot which shall be the basic material from which all secondary seed lots are prepared. Production of BCG Vaccine may be from either primary or secondary seed lots. Each seed lot shall be stored in either a freeze-dried state at −20° C. or colder, or in a frozen state at −70° C. or colder.

(2) *Freedom from virulence.* The BCG strain shall be demonstrated to be incapable of producing progressive tuberculosis in guinea pigs tested as prescribed in § 630.94 of this part, except that no less than 48 guinea pigs shall be used to test the primary seed lot and no less than 12 guinea pigs shall be used to test each secondary seed lot. In order to assure an adequate basis upon which to evaluate the absence of progressive tuberculosis in the test animals, at least two-thirds of the animals shall survive the observation period of no less than 6 months.

(3) *Induction of tuberculin sensitivity in guinea pigs.* Guinea pigs injected with one human dose of BCG Vaccine shall develop tuberculin sensitivity in 4 to 6 weeks when skin tested with tuberculin as prescribed in § 630.95(b)(3)(ii) of this part. Tuberculin sensitivity induction shall be demonstrated in at least eight of ten guinea pigs used.

(4) *Clinical information.* Clinical data shall establish that the BCG strain is safe and induces tuberculin sensitivity. After having passed all laboratory tests prescribed for BCG Vaccine, each primary and secondary seed lot of vaccine shall be tested for its ability to induce sensitivity in persons negative to five U.S. units of Tuberculin, PPD administered by the Mantoux technique 6 to 8 weeks after BCG vaccination. At least 200 persons shall be included in the test for the primary seed lot, and 20 persons in the test for each secondary seed lot. At least 90 percent of those persons tested from each group shall develop tuberculin reactivity as indicated by an induration reaction of at least 5 millimeters in diameter when injected with five or ten units of Tuberculin, PPD.

§ 630.91 Establishment and personnel requirements.

In addition to the applicable requirements of §§ 600.10 and 600.11 of this chapter, the following practices and procedures are required:

(a) *Isolation of BCG unit.* The BCG unit shall be completely isolated from other production and surrounding areas and shall include separate facilities such as water supply, ventilation, sewage and trash disposal. The equipment used in BCG Vaccine production shall be kept in the BCG unit continuously. The BCG unit shall be situated and ventilated so as to minimize the possibility of contamination of the product. Microbial controlled areas shall be available for handling the BCG cultures. No cultures of microorganisms other than the BCG production strain shall be permitted in the BCG unit. No animals shall be permitted in the BCG unit. All tests necessary for the control of the vaccine, in which contaminating microorganisms may be cultured, or in which animals are used, shall be conducted in an area separate from the BCG production unit.

(b) *Restrictions on personnel.* (1) A staff specially trained in maintaining the seed cultures, propagating the cultures, preparing the vaccine, and filling the vaccine into final containers shall produce the BCG Vaccine. Such personnel shall work with no other infectious agents in any laboratory at any time, nor shall they be exposed to a known risk of tuberculosis. Within 30 days prior to employment in the BCG unit, each person working in the unit shall have a medical examination, including a tuberculin skin test with five U.S. units of Tuberculin, PPD by the Mantoux procedure, and a chest roentgenogram. No person who has had a history of tuberculosis or mycobacterial disease shall be permitted in the production area. There shall be periodic medical examinations of BCG unit personnel, including X-ray examinations, of sufficient frequency to detect the appearance of early active tuberculosis. Repeated tuberculin skin testing of staff who are negative to tuberculin may be used as an additional diagnostic aid in isolating the source of tuberculin exposure. In the event a person working in the BCG unit develops active tuberculosis, (i) the entire staff shall be examined and treated for possible tuberculosis infection, (ii) all current vaccine preparations and all cultures which the person may have come into contact with since his or her last satisfactory medical examination, except cultures sealed prior to such examination, shall be discarded, and (iii) the BCG areas and all equipment which the person may have come in contact with shall be decontaminated.

(2) Personnel shall wear protective clothing and use devices to the extent necessary to protect the product from contamination.

(3) Any person not assigned to the BCG unit shall not be allowed into the production area at any time unless a medical examination shows the person to be free from mycobacterial disease.

§ 630.92 Reference BCG Vaccine.

A reference BCG Vaccine shall be obtained from the Director, Bureau of Biologics, HFB–1, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014, to determine the validity of the test for colony-forming units.

§ 630.93 Manufacture of BCG Vaccine.

(a) *BCG inoculum.* The inoculum of BCG used for production of a lot of BCG Vaccine shall not have been removed from the secondary seed lot in seed build-up for more than nine passages within a 6-week period.

(b) *Propagation of bacteria.* The culture medium for propagation of BCG Vaccine shall not contain ingredients known to be capable of producing allergenic effects in human subjects or causing the bacteria to become virulent for guinea pigs. The growth in each container shall be examined visually, and ony those cultures that have grown in a characteristic manner may be used in a vaccine.

(c) *Colony-forming units prior to and after freeze-drying.* The number of colony-forming units shall be determined on at least five vials of BCG Vaccine from each production lot prior to and after freeze-drying. The loss in viability after drying shall not exceed 90 percent.

§ 630.94 Test for freedom from virulent mycobacteria.

(a) Each lot of BCG Vaccine shall be tested to determine that it does not contain virulent mycobacteria. The test shall be performed using at least six guinea pigs each weighing between 250 and 300 grams. Vaccine intended for intradermal injection shall be tested by injecting the number of bacteria contained in at least 50 human doses into the guinea pigs. Vaccine intended for percutaneous use shall be tested by injecting into guinea pigs 50 times the number of bacteria estimated to be introduced parenterally by the recommended procedure. The test material for all tests shall be inoculated subcutaneously or intramuscularly into the guinea pigs. In order to assure the validity of the test, at least two-thirds of the animals on test shall survive an observation period of not less than 6 weeks. Any animal that dies during the observation period, and each surviving animal after sacrificing, shall be examined postmortem and shall show no macroscopic evidence of tuberculosis.

(b) In addition to the requirements of §§ 600.12 and 600.14 of this chapter, the manufacturer shall immediately report to the Bureau of Biologics if any virulent mycobacteria are found in any lot of BCG Vaccine, whether or not the manufacturer intends to submit samples and protocols of this lot to the Bureau of Biologics for release. All production and distribution of lots of BCG Vaccine produced from the same secondary seed lot as the contaminated lot of BCG Vaccine shall be discontinued until the manufacturer is notified by the Bureau of Biologics that production and distribution may be resumed. The manufacturer shall conduct a thorough and prompt investigation of the failure of the

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lot to meet the required safety and purity specifications, including retesting the suspect lot and the source secondary seed lot and reviewing all manufacturing records and procedures to determine the probable cause of the failure. A written record of the investigation, including the retest results, shall be submitted to the Director, Bureau of Biologics.

§ 630.95 Potency tests.

(a) *Colony-forming units.* (1) A determination of the number of colony-forming units (CFU) shall be made on at least five vials of each lot of BCG Vaccine. The upper and lower limits of the viable count shall be established by the manufacturer for vaccines intended for both intradermal and percutaneous injection, and shall be specified in the license application. All tests for CFU shall be performed on vaccine reconstituted as for human use. Serial half-log dilutions shall be made as follows:

(i) An appropriate number of 16 x 125 millimeter screw-capped test tubes shall be filled with 4.5 milliliters of modified Youman's medium containing a final concentration of 0.5 percent bovine serum albumin.

(ii) An appropriate volume of the BCG Vaccine under test shall be added to the first tube and mixed well.

(iii) After mixing, 1.4 milliliters of the mixture shall be transferred to the second tube and mixed well. The transferring and mixing shall continue until all dilutions are completed. 1.4 milliliters from the last tube shall be discarded.

(2) After the serial half-log dilutions are completed, 0.5 milliliter of 1.5 percent agar solution, which has been cooled to 42° C., shall be quickly added, where necessary, to make a final concentration of 0.15 percent agar, and the contents of the tubes thoroughly mixed. After mixing, all tubes shall be incubated at 35° to 37° C. for 3 to 4 weeks. The tube from which counts shall be determined shall have between 10 and 50 colonies of BCG.

(3) The composition of modified Youman's medium is as follows:

Asparagine	grams	5.0
Monopotassium phosphate (KH_2PO_4)	do	5.0
Potassium sulfate (K_2SO_4)	do	.5
Magnesium citrate	do	1.5
Monosodium glutamate	do	19.0
Glycerine	milliliters	20.0
Distilled water q.s. to	do	900.0

(4) One hundred milliliters of 5-percent-aqueous solution of bovine albumin which has been sterilized by filtration shall be added to the Youman's medium to produce a final concentration of 0.5 percent of bovine albumin. The pH shall be adjusted to 7.0 with 5N sodium hydroxide.

(b) *Intradermal guinea pig test.* Two or more guinea pigs weighing at least 300 grams each shall be injected intradermally in four different sites with the following amounts and dilutions of each lot of BCG Vaccine:

(1) For vaccine intended for intradermal injection, 0.1 milliliter of undiluted vaccine, and 0.1 milliliter each of three dilutions of 1:10, 1:100, and 1:1000 of the undiluted vaccine in an appropriate diluent shall be injected intradermally into the guinea pigs.

(2) For vaccine intended for percutaneous injection, 0.1 milliliter of vaccine containing 1 to 9 x 10^5 CFU, and 0.1 milliliter each of three dilutions of 1:10, 1:100, and 1:1000 which have been prepared in an appropriate diluent shall be injected intradermally into the guinea pigs.

(3) The vaccine is satisfactory if (i) at the end of 2 to 4 weeks, nodules have developed which are graded in relation to the amount of the test dose with the largest dose inducing a nodule of between 4 to 10 millimeters in diameter and the smallest dose inducing essentially no nodule, (ii) by the end of 4 to 6 weeks, each guinea pig shows a degree of sensitivity such that an intradermal injection of no greater than 25 U.S. units of Tuberculin, PPD in 0.1 milliliter will induce an erythematous reaction at least 10 millimeters in diameter within 18 to 24 hours, and (iii) during the test period each guinea pig gains weight.

§ 630.96 General requirements.

(a) *Dose.* These standards are based on (1) vaccine intended for intradermal injection in a single human immunizing dose of 0.1 milliliter and (2) vaccine intended for percutaneous injection in a single skin application through which inoculation is made by a multiple puncture device.

(b) *Date of manufacture.* For dating purposes, the date of the test for determination of CFU shall be considered to be the date of manufacture of the vaccine.

(c) *Labeling.* In addition to the applicable requirements of §§ 610.60, 610.61 and 610.62 of this chapter, the package label shall bear the following information:

(1) The proper name of the product followed by specification of the route of administration.

(2) A statement to the effect that the enclosed vial contains live bacterial vaccine and should be protected against exposure to light.

(3) A statement that the vaccine shall be administered within 8 hours after reconstitution and advising that reconstituted vaccine not used within 8 hours shall be discarded.

§ 630.97 Samples; protocols; official release.

For each lot of vaccine, the following material shall be submitted to the Director, Bureau of Biologics, Food and Drug Administration, Building 29–A, 8800 Rockville Pike, Bethesda, MD 20014:

(a) A sample of no less than 40 milliliters of the product in final labeled containers, including a corresponding appropriate amount of the diluent to be used in reconstituting the vaccine.

(b) A protocol which consists of a complete summary of the manufacture of each lot, including all results of all tests which are required by all applicable regulations. If the protocol is not included in the shipment of the samples as required in paragraph (a) of this section, the protocol shall be sent to the Director, Bureau of Biologics, Food and Drug Administration, HFB–1, 8800 Rockville Pike, Bethesda, MD 20014.

(c) The product shall not be issued by the manufacturer until notification of official release of the lot is received from the Director, Bureau of Biologics.

The Commissioner proposes that the effective date of these regulations shall be 30 days after publication of the final order in the FEDERAL REGISTER.

Interested persons may, on or before May 17, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during regular business hours, Monday through Friday.

Dated: March 12, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–6131 Filed 3–15–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 160]

[CGD 73–246P]

LIFESAVING EQUIPMENT

Proposed Specification

The Coast Guard is considering amending the lifesaving equipment specifications by changing the buoyancy requirements for Type IV personal flotation devices approved under Subpart 160.064, by changing the title of the Subpart to "Marine Water Safety Devices", by deleting the words "special purpose" wherever they appear in the subpart, and by substituting the words "intended to be thrown" wherever the words "designed for grasping" appear in the Subpart.

Any interested person may submit written data, views, or arguments concerning this notice to the Executive Secretary, Marine Safety Council (G–CMC/82), Room 8234, U.S. Coast Guard, comment should include the docket number (CGD 73–246P) to which the comment is addressed, any specific wording recommended, and the reason and supporting data for any recommended change.

Each comment received before May 2, 1974, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8234, Commandant (G–CMC/82), U.S. Coast Guard, Washington, D.C. 20590, both before and after the closing date for the receipt of comments. The proposal may be changed in the light of the comments received.

As a result of studies completed by the Coast Guard during recent years, it has been determined that the buoyancy requirement for foam buoyant cushions may be relaxed. Foam cushions were found not to lose an appreciable amount of buoyancy during normal use, thus a minimum of 18 pounds of buoyancy is considered satisfactory.

The studies indicated that kapok cushions did lose buoyancy during normal use. Compression of the kapok can cause the cushion to lose up to three pounds of buoyancy; however, this is compensated for by requiring twenty pounds of buoyancy.

In order to bring the buoyancy requirements for ring life buoys used for recreational boating in Subpart 160.064 in line with those approved for commercial use in Subpart 160.050, the buoyancy requirement will be changed to 16½ pounds of buoyancy in Subpart 160.064.

Foam cushion having the lower buoyancy requirement will be approved under specification Subpart 160.064. The dimensional requirements for these cushions have been added to § 160.064–2(d).

The title of Subpart 160.064 will be amended to read "Marine Water Safety Devices". The present title is confusing as it implies that all devices approved under this specification are truly special purpose which is the phraseology more appropriately applied to Type V Personal Flotation Devices. Devices approved under this specification are designed more specifically with recreational boating in mind and not restricted to a special purpose or event. Accordingly, the words "special purpose" would be stricken wherever they appear throughout the specification.

In consideration of the foregoing, the Coast Guard proposes to amend Part 160 of Title 46 of the Code of Federal Regulations as follows:

Subpart 160.064 Marine Water Safety Devices

1. By revising the heading of Subpart 160.064 to read as set forth above.

§ 160.064–2 [Amended]

2. By amending § 160.064–2 as follows:

a. In paragraph (a), by striking the words "special purpose", and by striking the words "intended for grasping by a person in water", and inserting the words "intended to be thrown".

b. In paragraph (b), by striking the words "special purpose".

c. In paragraph (c), by striking the words "special purpose" in the first sentence, and by striking the words "Special purpose buoyant devices designed for grasping by a person in water," and inserting the words "Water safety buoyant devices intended to be thrown," in the second sentence.

d. By adding paragraph (d) to read as follows:

(d) *Dimensions.* A foam cushion designed to be thrown must be 2 inches or more in thickness and must have 225 or more square inches of top surface area.

§ 160.064–3 [Amended]

2. Section 160.064–3 is amended as follows:

a. In paragraph (a), by striking the words "special purpose".

b. In paragraph (b), by striking the words "special purpose buoyant devices," and inserting the words "water safety buoyant devices".

c. In paragraph (b), by striking the words "Devices intended for grasping" and inserting the words "Devices intended to be thrown" in the fifth sentence.

d. By revising paragraph (d) to read as follows:

(d) *Buoyancy.* (1) Buoyancy for devices to be worn is as follows:

(i) Devices for persons weighing more than 90 pounds must have 15½ pounds or more of buoyancy.

(ii) Devices for persons weighing 50 to 90 pounds must have 11 pounds or more of buoyancy.

(iii) Devices for persons weighing less than 50 pounds must have 7 pounds or more of buoyancy.

(2) Buoyancy for devices to be thrown is as follows:

(i) Ring life buoys must have 16½ pounds or more of buoyancy.

(ii) Foam cushions must have 18 pounds or more of buoyancy.

(iii) A device other than those specified in paragraph (d) (2) (i) or (ii) of this section must have 20 pounds or more of buoyancy.

(3) The buoyancy values required in paragraph (d) (1) and (2) of this section must be as follows:

(i) For each device containing foam buoyant materials, the required buoyancy value must remain after the device has been submerged in fresh water for 24 or more continuous hours.

(ii) For each device containing kapok, the required buoyancy value must remain after the device has been submerged in fresh water for 48 or more continuous hours.

e. In paragraph (e), by striking the words "special purpose buoyant devices" and inserting the words "water safety buoyant devices".

§ 160.064–4 [Amended]

3. In § 160.064–4(a), by striking the words "special purpose buoyant device" and inserting the words "water safety buoyant devices".

§§ 160.064–6, 160.064–7 and 160.064–8 [Amended]

4. In §§ 160.064–6, 160.064–7 and 160.064–8 by striking the words "special purpose" from the first sentence of paragraph (a) of each section.

(Sec. 17, 54 Stat. 166, as amended (46 U.S.C. 526p), Sec. 5, 85 Stat. 215 (46 U.S.C. 1454), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655 (b)(1)); 49 CFR 1.46 (b) and (o)(1))

Dated: March 8, 1974.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74–6152 Filed 3–15–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–SO–9]

VOR FEDERAL AIRWAY

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a VOR Federal Airway between Montgomery, Ala., and Birmingham, Ala.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 17, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would designate alternate Airway V–7E from Montgomery, Ala., via INT Montgomery 358° T (355° M) and Birmingham, Ala., 140° T (137° M) radials, to Birmingham. Designation of this route would provide a numbered airway for a route over which aircraft are presently operating by use of radar vectors.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 12, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–6105 Filed 3–15–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–SO–32]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Pompano Beach, Fla., control zone.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 1,

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1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Pompano Beach control zone would be designated as:

Within a 5-mile radius of Pompano Beach Airpark (latitude 26°15'00" N., longitude 80°06'30" W.); within 3 miles each side of Pompano Beach VOR (latitude 26°14'52" N., longitude 80°06'32" W.) 319° radial, extending from the 5-mile radius zone to 8.5 miles northwest of the VOR; excluding the portion within the Fort Lauderdale, Fla. (Executive Airport) control zone. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The proposed designation is required to provide controlled airspace protection for IFR operations at Pompano Beach Airpark in climb to 700 feet above the surface and in descent from 1,000 feet above the surface. The Federal Aviation Administration plans to assume operation of the city-owned Pompano Beach Airport Traffic Control Tower on June 20, 1974, in conjunction with the designation of this control zone.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 12, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-6273 Filed 3-15-74;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 74-SO-8]

RNAV ROUTE

Proposed Establishment and Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would revoke J-873R serving Columbia, S.C., to Atlanta, Ga., and replace it with new RNAV route J-869R.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 17, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would:

1. Revoke J-873R from Waypoint Irmos to Waypoint Lands. The revocation of this inbound route to the Atlanta, Ga., terminal area would improve air traffic control procedures by eliminating a crossing point which conflicts with northeastbound departure traffic from Atlanta.

2. Establish new RNAV route No. J-869R to serve from Columbia, S.C., to Atlanta, Ga., as follows:

Waypoint	Latitude and longitude	Ref. facility	RHO/THETA
Zolly	33°47'20" N., 81°23'00" W.	CAE	258.7° M/16.9
Augusta, Ga.	33°32'40" N., 82°08'00" W.	CAE	253.2° M/57.2
Sinca	33°05'19" N., 83°33'03" W.	AGS	250.4° M/76.3

This action is intended to simplify flight planning and improve traffic flow to and from the Atlanta terminal area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 12, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-6107 Filed 3-15-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-12; Notice 1]

NEW PNEUMATIC TIRES FOR PASSENGER CARS

Replacement Size Designations

This notice proposes to amend Motor Vehicle Safety Standard No. 109 (49 CFR 571.109) to provide for labeling of "replaces" tire size designations.

Standard No. 109 presently requires each tire to be labeled with, "one size designation, except that equivalent inch and metric size designations may be used" (S4.3). The NHTSA has taken the position that this language prohibits what are commonly referred to as "dual-size markings" except when the marking indicates that one of the sizes is intended to replace the other.

Dual-size markings were traditionally a representation that a particular tire could be considered as meeting fully the criteria of two contemporaneous and separate tire size designations. Such tires did not in fact meet the physical dimension criteria in Standard No. 109 for both size designations, and as a consequence labeling of this type was specifically prohibited (36 FR 1195; January 26, 1971). Replacement size markings, however, represent that a particular size is replacing or superseding an existing size designation. The NHTSA believes this type of information to be advantageous to consumers, providing on the tire itself information that a specified size designation is intended to be used in place of another. Unlike traditional dual size markings, no misrepresentations are involved.

This notice would clarify the labeling requirements of Standard No. 109, to allow, subject to certain conditions, the labeling of replacement tire size designations. Manufacturers must intend the primary size to be a replacement size. This would not require the discontinuation of the existing size, but there should at least be a bona fide intent on the part of the tire manufacturer that the replacement size will eventually supersede the replaced size in terms of production and marketing.

The replacement or primary size designation would be required to be followed by the word, "REPLACES" and the replaced size, and the latter two items would be required to be no greater than one-half the height of the primary size marking. The use of other words or phrases to indicate replacement would be prohibited, such as the use of the phrase "also fits". While not presently prohibited if used to indicate replacement, the NHTSA believes the phrase "also fits" connotes dual-size markings rather than replacement size designations. The restriction for label size is intended to emphasize that the replacement information is of a secondary and purely informational nature.

The tire would be required to meet the physical dimension requirements of Standard No. 109 for both the primary and replaced tire size designations, and in no case would the aspect ratio of the two size designations be allowed to differ by more than 5 percent. The primary size would also be required to have a maximum load at least as great as the replaced size. These requirements are designated to ensure both that a replacement size is closely related in terms of physical dimensions and load carrying capacity to the replaced size, and that manufacturers do not indiscriminately designate newly developed tire size designations as replacements for existing sizes regardless of whether interchangeability in vehicle applications is practical or safe.

In light of the above, it is proposed that § 571.109 in Chapter V of Title 49, Code of Federal Regulations, be amended as follows:

1. S3, "Definitions", would be amended by the addition of the following definitions for "aspect ratio" and "section height":

"Aspect ratio" means the tire's section height divided by its section width, expressed as a percentage.

"Section height" means the linear distance between the tire beads and the tread surface, measured as the distance between two lines parallel to the tire axis and perpendicular to a tire diameter, one tangent to the tread surface and the other tangent to the bead surfaces closest to the tire axis.

2. S4.3 (a) would be amended to read:

S4.3 *Labeling requirements.*

. . . . . .

(a) Except as provided in S4.3.4, one size designation, except that equivalent inch and metric size designations may be used.

. . . . . .

3. A new S4.3.4 would be added to read:

S4.3.4 If a tire size designation is intended to replace an existing size designation, the tire may be labeled, immediately following the size designation, with the word "REPLACES", followed by the replaced size designation, in letters and numerals not more than one-half the height of the primary (replacement) size designation, if each of the following conditions is met:

(a) The maximum load for the primary size designation is at least as great as that of the replaced size designation;

(b) The tire meets the physical dimension requirements of S4.2.2.2 of this section for both the primary and the replaced size designations; and

(c) The difference between the aspect ratio of the primary size designation and the replaced size designation does not exceed 5 percent.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: May 17, 1974.

Proposed effective date: Publication date of final rule.

(Secs. 103, 112, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718, (15 U.S.C. 1392, 1401, 1403, 1407, 1421, 1422); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on March 12, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74-6203 Filed 3-15-74;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 526]

[Docket No. 73-55]

FREE TIME ON IMPORT CONTAINERIZED CARGO AT THE PORT OF NEW YORK

Evidentiary Hearing

On August 28, 1973, the Federal Maritime Commission issued a notice of proposed rulemaking (38 FR 23540), giving notice that it was considering amending General Order No. 8 (46 CFR 526) to make the provisions thereof applicable to containerized cargo.

Having carefully considered the comments, requests, and recommendations submitted to it pursuant to said notice the Commission is of the opinion that due to the complex nature of the containerization issue a full evidentiary hearing is called for in this proceeding. In addition, the Commission feels that the issues of demurrage free time and detention free time are so inexorably intertwined that to exclude the subject of detention free time from this evidentiary proceeding might result only in a limited form of regulation which would have the effect of precipitating new or unforeseen problems regarding container detention free time.

Therefore, it is ordered, That the Commission pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 17, 22, and 43 of the Shipping Act, 1916 (46 U.S.C. 816, 821, and 841(a)), is considering promulgation of the proposed rules set forth in the original notice as well as the promulgation of rules to regulate container detention free time at the Port of New York not inconsistent with General Order No. 8.

It is further ordered, That notice of this Supplemental Notice be published in the FEDERAL REGISTER; and

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge;

It is further ordered, That the Presiding Administrative Law Judge shall hear evidence regarding both demurrage free time and detention free time, and shall determine whether the rules amendment regarding free time and demurrage should be adopted and whether new rules need to be promulgated to regulate container detention time as well;

It is further ordered, That if the Presiding Administrative Law Judge finds the need for rules on either container free time and demurrage or container detention time applicable to the Port of New York that he recommend specific draft text for such rules;

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) not already participating in [1] and having an interest in this proceeding and desiring to intervene herein should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

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[FR Doc.74-6194 Filed 3-15-74;8:45 am]

[1] List of current participants contained in Appendix A, attached.

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INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1300, 1303, 1304, 1306, 1307, 1308, 1309]

[Docket No. 35613]

TRANSMISSION AND FURNISHING OF TARIFFS AND SCHEDULES TO SUBSCRIBERS AND OTHER INTERESTED PERSONS

Notice of Proposed Rulemaking and Order

Correction

In FR Doc. 74–5437 appearing at page 9205 in the issue for Friday, March 8, 1974, in the third column, fifth paragraph on page 9210, the word "subscribed" in the twelfth line should now read "subscriber" and the word "subscribed" in the first column, first paragraph, sixth line on page 9211 should also read "subscriber" respectively.

ATOMIC ENERGY COMMISSION

[10 CFR Parts 31 and 32]

LICENSING PROCEEDINGS: REVISION OF GENERAL LICENSE FOR BYPRODUCT MATERIAL CONTAINED IN CERTAIN DEVICES

Notice of Extension of Time To File Comments

On February 5, 1974 the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 4583) a notice of proposed changes in its regulations pertaining to the use of byproduct material in certain gauges and similar devices. The proposed changes, among other things, would require the user to register with the Commission prior to receiving byproduct material for use under the general license in § 31.5 of the Commission's regulation, 10 CFR Part 31, General Licenses for Byproduct Material. Related changes would be made in the requirements imposed on persons specifically licensed under 10 CFR 32.51 to distribute byproduct material in devices for use under the general license. Interested persons were invited to submit written comments or suggestions in connection with the proposed amendments by March 18, 1974.

In response to a request from the President, Measurex Corporation, the time within which comments may be filed is hereby extended to and including April 17, 1974. Copies of comments on the proposed amendments may be examined in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C.

(Secs. 81, 82, 161, 69 Stat. 935, 948, as amended; (42 U.S.C. 2111, 2112, 2201))

Dated at Washington, D.C., this 14th day of March 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Assistant Secretary of the Commission.

[FR Doc.74–6321 Filed 3–15–74;10:55 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[Amdt. to Delegation of Authority No. 27]

ASSISTANT ADMINISTRATOR FOR PROGRAM AND MANAGEMENT SERVICES

Delegation of Authority Relating to Personnel Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 104, as amended, from the Secretary of State, dated November 3, 1961 (26 FR 10608), I hereby amend A.I.D. Delegation of Authority No. 27, as follows:

SEC. 1. Section I is amended by adding thereto the following numbered paragraphs:

"22. To perform so much of the functions under Title VIII of the Foreign Service Act of 1946, as amended, as relate to establishing and maintaining retirement records for personnel participating in the Foreign Service Retirement and Disability System under section 625 (k) of the Foreign Assistance Act of 1961, as amended, and for transferring such records to the Department of State upon the separation, retirement or death of such personnel.

23. To approve, in accordance with section 636 of the Foreign Service Act of 1946, as amended, and 3 FAM 670 et seq., the voluntary retirement of personnel participating in the Foreign Service Retirement and Disability System, subject to the reservations set forth in Section III.

24. To extend the service, pursuant to section 625(k)(6) of the Foreign Assistance Act of 1961, as amended, and 3 FAM 670 et seq., of personnel participating in the Foreign Service Retirement and Disability System for a period of time not to exceed five years beyond mandatory retirement age, subject to the reservations set forth in Section III."

SEC. 2. Section III is amended by adding thereto, the following numbered paragraphs:

"4. To approve, in accordance with section 636 of the Foreign Service Act of 1946, as amended, and 3 FAM 670 et seq., the voluntary retirement of persons serving under the Executive Schedule (5 U.S.C. 5311 et seq.) and persons employed as Chief of Mission, Deputy Chief of Mission, A.I.D. Representative and the Chairman of the Development Assistance Committee of the Organization for Economic Cooperation and Development.

5. To extend the service, pursuant to section 625(k)(6) of the Foreign Assistance Act of 1961, as amended, and 3 FAM 670 et seq., of persons serving under the Executive Schedule (5 U.S.C. 5311 et seq.) and persons employed as Chief of Mission, Deputy Chief of Mission, A.I.D. Representative and the Chairman of the Development Assistance Committee of the Organization for Economic Cooperation and Development."

SEC. 3. This amendment to Delegation of Authority No. 27 shall be effective immediately.

Dated: March 6, 1974.

DANIEL PARKER,
Administrator.

[FR Doc.74–6174 Filed 3–15–74;8:45 am]

DIRECTOR, OFFICE OF PERSONNEL AND MANPOWER

Redelegation of Authority Regarding Personnel

SEC. I. Pursuant to the authority delegated to me by A.I.D. Delegation of Authority No. 27, as amended, from the Administrator, I hereby redelegate to the Director, Office of Personnel and Manpower, the following authority:

A. The authority to exercise all of the authorities set forth in section I of Delegation of Authority No. 27, as amended, with respect to all personnel of the Agency for International Development, whether assigned to the United States or overseas, to the extent such provisions are applicable to such categories of personnel, subject to those reservations set forth in Delegation of Authority No. 27 and this Redelegation of Authority.

B. The authority set forth in paragraph 2 of section IV of Delegation of Authority No. 27, to the extent consistent with law, or by regulation of competent authority, to exercise the authority vested in the Administrator as head of an agency by statute or regulation, including those of other agencies, relating to any aspect of personnel authority or administration, and to establish policy and procedures relating thereto.

SEC. II. The following authority is reserved to the Assistant Administrator for Program and Management Services.

A. The authority to extend the service, pursuant to section 625(k)(6) of the Foreign Assistance Act of 1961, as amended, and 3 FAM 670 et seq., of personnel participating in the Foreign Service Retirement and Disability System for a period of time not to exceed five years beyond mandatory retirement age.

SEC. III. The authorities redelegated herein may be redelegated successively and may be exercised by persons who are performing the functions of designated officers in an acting capacity.

SEC. IV. The redelegation of authority to the Director, Office of Personnel and Manpower, dated November 26, 1969 (34 FR 19662) is hereby superseded.

SEC. V. This Redelegation of Authority shall be effective immediately.

Dated: March 7, 1974.

JAMES F. CAMPBELL,
Assistant Administrator for Program and Management Services.

[FR Doc.74–6175 Filed 3–15–74;8:45 am]

JOHN F. KEYES

Cancellation of Redelegation of Authority No. 99.1.4

Pursuant to the authority delegated to me by Redelegation of Authority No. 99.1 (38 FR 12836), dated May 1, 1973, from the Assistant Administrator for Program and Management Services, I hereby revoke Redelegation of Authority No. 99.1.4 to John F. Keyes, Overhead and Special Cost Branch, Support Division, Office of Contract Management (38 FR 22564). This revocation is effective immediately.

Dated: March 6, 1974.

JOHN F. OWENS,
Director, Office of Contract Management.

[FR Doc.74–6176 Filed 3–15–74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY MATERIEL ACQUISITION REVIEW COMMITTEE (AMARC)

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

Name of committee: Army Materiel Acquisition Review Committee (AMARC).

Dates of meeting: 18–31 March 1974.

Proposed agenda: Committee members will discuss tentative findings and recommendations for incorporation in the final committee report.

The meetings are closed to the public because classified information dealing with development programs will be discussed.

FRANK A. CAMM,
Major General, GS,
Deputy Director, AMARC.

[FR Doc.74–6224 Filed 3–15–74;8:45 am]

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U.S. ARMY BALLISTIC RESEARCH LABORATORIES SCIENTIFIC ADVISORY COMMITTEE

Notice of Advisory Committee Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, notice is hereby given of the 2 May 1974 meeting of the U.S. Army Ballistic Research Laboratories, Scientific Advisory Committee in Building 328, Aberdeen Proving Ground, Maryland. The purpose of the meeting is to receive comments from the Committee regarding research and development projects presented at the Spring Technical Conference of the Laboratory Program.

This Meeting will not be open to the public.

R. J. EICHELBERGER,
Director.

[FR Doc.74-6112 Filed 3-15-74;8:45 am]

U.S. ARMY COASTAL ENGINEERING RESEARCH BOARD

Notice of Meeting

Correction

In FR Doc. 74-5008 appearing on page 8357 in the issue of Tuesday, March 5, 1974, delete the second line of the fourth paragraph "the public is precluded because of the" and insert in lieu of the line "the public since budgetary matters which".

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT ENVIRONMENTAL STATEMENT WHOLESALE POWER RATE INCREASE

Notice of Public Meeting

Notice of a series of public meetings is hereby given by the Bonneville Power Administration, to solicit public comment on BPA's proposed wholesale rate increase, now scheduled for December 1974.

The Bonneville Project Act (Pub. L. 329, August 20, 1937, 50 Stat. 731 as amended (16 U.S.C. 825a)) requires "recovery * * * of the cost of producing and transmitting * * * electric energy, including the amortization of the capital investment over a reasonable number of years." Pursuant to that Act, BPA is proposing new rate schedules for sale of electric energy to its wholesale customers to be effective December 20, 1974.

The purpose of these meetings is twofold: To present to the public an environmental statement concerning the proposed rate increase and to elicit comments from the public with respect to the environmental impact of the proposal.

The dates, hours, and place of the meetings are as follows:

Seattle, Washington: April 19, 1974, at 7:30 p.m. at the Seattle Center, Orcas Room, Seattle, Washington; *Kalispell, Montana:* April 22, 1974, at 7:30 p.m. at the Conrad National Bank, Community Room, 2 Main Street, Kalispell, Montana; *Wenatchee, Washington:* April 22, 1974 at 7:30 p.m. at the Douglas County PUD Auditorium, East Wenatchee, Washington; *Burley, Idaho:* April 23, 1974, at 1:30 p.m. at the Ramada Inn, 800 N. Overland, Burley, Idaho; *Portland, Oregon:* April 23, 1974, at 7:30 p.m. at the Bonneville Power Administration building auditorium, 1002 NE. Holladay, Portland, Oregon; *Walla Walla, Washington:* April 24, 1974, at 7:30 p.m. at the Marcus Whitman Hotel, Walla Walla, Washington; *Spokane, Washington:* April 25, 1974, at 7:30 p.m. at the U.S. Courthouse, West 920 Riverside, Spokane, Washington; *Eugene Oregon:* April 25, 1974, at 7:00 p.m. at the Eugene City Hall Council Chamber, 777 Pearl Street, Eugene, Oregon.

Oral and written statements will be accepted at this series of meetings. Members of the public who wish to be given preference in the order of appearance should contact the Bonneville Area or District Office in the area in which the particular meeting is to be held. However, all those present wishing to comment will be allowed to do so in the time remaining. Those wishing to comment orally are encouraged but not required to submit comments, whether oral or written, will be given consideration. Because of the technical nature of the subject matter, members of the public and other reviewers are also encouraged to familiarize themselves with the draft environmental statement before commenting.

Written comments on the draft environmental statement have been invited and will be accepted on or before Tuesday, April 30, 1974. Copies of the draft environmental statement are available for inspection at any of the BPA Area of District Offices or the headquarters building, Bonneville Power Administration, 1002 NE. Holladay Street, Portland, Oregon 97232. Copies of the draft environmental statement have also been placed in the Federal depository libraries in the BPA service area.

Additional or clarifying information may be obtained by writing or calling the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208; Area Code (503) 234-3361, extension 5140.

Dated: March 14, 1974.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.74-6278 Filed 3-15-74;8:45 am]

National Park Service

DINOSAUR NATIONAL MONUMENT

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before April 17, 1974, the Department of the Interior, through the Superintendent, Dinosaur National Monument, proposes to issue a concession permit to Wilkins Transportation, Inc., authorizing it to provide concession facilities and services for the public at Dinosaur National Monument for a period of five (5) years from January 1, 1974 through December 31, 1978.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service, and, therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the Act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before April 17, 1974.

Interested parties should contact the Superintendent, Dinosaur National Monument, P.O. Box 210, Dinosaur, Colorado 81610, for information as to the requirements of the proposed permit.

Dated: February 14, 1974.

RICHARD S. TOUSLEY,
Superintendent,
Dinosaur National Monument.

[FR Doc.74-6110 Filed 3-15-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10:00 a.m. on April 11, 1974 in the Library, Suite 500, 2120 L Street NW., Washington, D.C. 20037.

The Committee will meet to discuss a number of projects including a proposed study of emergency rulemaking procedures, a proposed manual on pre-rulemaking procedures and a pending study of procedures for the inter-agency transfer of information.

Attendance is open to the interested public, but limited to the space available. To the extent that time permits the Committee Chairman may allow public presentation of oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during or after the meeting. For further information concerning this committee meeeting contact John F. Cushman, Suite 500, 2120 L Street NW., Washington, D.C. 20037 or phone 202-254-7020. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MARCH 11, 1974.

[FR Doc.74-6179 Filed 3-15-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Illinois Inspection Points

Notice is hereby given pursuant to § 26.101 of the regulations (7 CFR 26.101) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that the following official inspection agencies which are designated under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as official inspection agencies have changed their names as follows:

Former name	New name	Location
Association of Commerce and Industry of McLean County.	Bloomington Grain Inspection Department.	Bloomington, Ill.
Decatur Grain Inspection	Decatur Grain Inspection, Inc.	Decatur, Ill.
Galesburg Chamber of Commerce Grain Inspection Department.	Galesburg Grain Inspection Department	Galesburg, Ill.
Gibson City Chamber of Commerce Grain Inspection Department.	Gibson City Grain Inspection Department	Gibson City, Ill.
Quincy Chamber of Commerce Grain Inspection Department.	Quincy Grain Inspection Department	Quincy, Ill.

The changes in names do not involve changes in management or ownership.

Done in Washington, D.C., on March 12, 1974.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.74-6199 Filed 3-15-74;8:45 am]

Animal and Plant Health Inspection Service

ANIMAL WELFARE

List of Registered Exhibitors

Pursuant to the provisions of the Act of August 24, 1966, as amended by the Animal Welfare Act of 1970 (7 U.S.C. 2131 et seq.), and the regulations thereunder (9 CFR Part 2), notice is hereby given that the following exhibitors are registered under said Act:

ALASKA

Alaska Children's Zoo, Box 1730, S. Star Route, Anchorage 99507.
Alaskaland Wildlife Park, Moore and Avenue of Flags, Fairbanks 99701.
Brown, Leon T., Jr., 3001 Mountain View Drive, Anchorage 99503.

ARIZONA

Arizona-Sonora Desert Museum, P.O. Box 5607, Tucson 85703.
Arizona Zoological Society, P.O. Box 5155, Phoenix 85010.
Belmonte Zauatta, 15520 North 38th Street, Phoenix 85032.
Randolph Park Zoo, 900 South Randolph Way, Tucson 85716.
Southwest Trail Dust Zoo, P.O. Box 4007, Bisbee 85603.
Tropic Gardens Zoological Park, 6232 North 7th Street, Phoenix 85014.

ARKANSAS

Arkansas Communities, Inc., P.O. Box 1506, Hot Springs 71901.

CALIFORNIA

City of Merced, P.O. Box 2068, Merced 95340.
County of Santa Barbara, dba Waller Park, 123 East Anapamu Street, Santa Barbara 93101.
Denning, Mario and Ruth, dba Frontier Village Petting Zoo, 490 Maher Road, Watsonville 95076.
Fisher, Frances, Box 1170, Star Route, Tehachapi 93561.
Henry, Ivan M., 2247 Parkway Drive, El Monte 91733.
Jones, Robert, P.O. Box 588, Bloomington 92316.
Krauter, Carl E. and Howard, dba Krauter Nursery, 2606 Kentucky Street, Bakersfield 93305.
McDermott, Clark D., 407 34th Avenue, San Francisco 94121.
Milhous, Oliver, dba Milhous Boys' Ranch, Alleghany Route, Nevada City 95959.
Orange County Harbors, Beaches and Parks District, 1901 Bayside Drive, Newport Beach 92662.
Prentice Park Zoo, 1700 East First Street, Santa Ana 92705.
Santa Barbara County Park Department, 1105 Santa Barbara Street, Santa Barbara 93101.
York, Lester, dba Little Baja, Highway I, Moss Landing 95039.

COLORADO

Arnold, Samuel P., The Fort, Morrison 80465.
City of Alamosa Zoo, 425 4th, Alamosa 81101.
City of Englewood, dba Belleview Park, Parks & Recreation Dept., R3400 S. Elati, Englewood 80110.
City of Greeley Parks Department, Greeley 80631.
City of Pueblo Parks and Recreation Dept., City Park Pavilion, Pueblo 81005.
Drake, Dean, 333 6th, Penrose 81240.
Engel, Henry J., Wray 80758.
Judish, Anthony L., 921 Long's Peak Avenue, Longmont 80501.
Jump Steady Corporation, Route 1, Box 203, Buena Vista 81211.
Krohn, John C., The Fort, SR Box 20AA, Morrison 80465.
McCulloch Properties, Inc., Pueblo West 81007.
National Park Village, 4600 Fall River Road, Estes Park 80517.
Poirier, Harold, Box 526, Delta 81416.
Riley Zoo, Cheland Park, Delta 81416.

CONNECTICUT

City of Hartford, 25 Stonington, Hartford, 06106.
City of Norwich, City Hall, Norwich 06360.
The Denison Pequotsepos Nature Center, Inc., P.O. Box 42, Mystic 06355.
Goodwin, Roger, Route 5, Warehouse Point 06088.
Mid-Fairfield County Youth Museum, P.O. Box 165, Westport 06880.
Herbert F. Moran Nature Center and Zoo, Municipal Building, New London 06320.
West Rock Nature Recreation Center, P.O. Box 2969, New Haven 06515.
Willington Game Farm, Old Farms Road, Willington 06279.

DELAWARE

Brandywine Zoo, 102 Middleboro Road, Wilmington 19804.

FLORIDA

Animal Kingdom, 233 E. Robinson Street, Orlando 32801.
Animal Playland, dba Armond's Animal Playland, Rt. 1, Box 147, St. Augustine 32084.
Blanchard, Charles D., 307 Coastal Highway, Vilano Beach, St. Augustine 32084.
Cline, John, 3732 Old Tampa Highway, Lakeland 33803.
Cristiani, Oscar, 2810 S. Jefferson, Sarasota 33579.
Clyde Beatty-Cole Brothers Circus, 1713 South Orange Avenue, Sarasota 33577.
Dickman, Joseph, dba Pirates World, 3311 N. 37 Street, Hollywood 33021.
Everglades Wonder Gardens, Bonita Springs 33923.
Fairyland Municipal Zoo, Lowry Park, North Boulevard & Sligh, Tampa 33604.
Fee, Harry W., Box 493, Gibsonton 33543.
Flipper's Sea School & Seaquarium, Porpoise Training Center, P.O. Box 2875, Marathon Shores 33052.
Gossing, G. & G. Stevens, Singletary Road, Box 9, Myakka City 33551.
Hanneford, Tommy, Hanneford Motel, Osprey 33559.
Holiday Inn Trav-L-Park, 2650 Holiday Trail, Kissimmee 32741.
Homosassa Springs, Inc., P.O. Box 8, Homosassa Springs 32647.
Hoover, David C., 665 W. 38th Street, Hialeah 33012.
Joyce, Jack, Box 1570, Winter Park 32789.
Jungle Larry's Safari Land, Inc., Fleischmann Boulevard and Goodlette Road, Naples 33940.
Keith, Justin, 5140 Davie Road, Davie 33314.
Krieg, Frederick and Agnus, dba Caloosa Animal Farm, Star Route 2, Box 360A, LaBelle 33935.
MGM's Bounty Exhibit, 345 Second Avenue, NE., St. Petersburg 33701.
Maas, Gary, 6971 Haverhill Road, West Palm Beach 33407.
Marine Attractions, Inc., 6500 Beach Plaza Road, P.O. Box 6086, St. Petersburg Beach 33736.
Marineland, Inc., R.F.D. 1, Box 122, St. Augustine 32084.
Masterpiece Gardens, Inc., P.O. Box 1230, Lake Wales 33853.
McKee Jungle Gardens, 300 U.S. 1, Vero Beach 32960.
Miracle Strip Jungleland, P.O. Box 2000, Panama City 32401.
Morris, Mrs. Bernice, dba Morris Enterprise, Edgewater 32032.
Museum of Sea and Indian, Star Route, Box 611, Destin 32541.
Noell, Mr. and Mrs. Robert M., P.O. Box 396, Tarpon Springs 33589.
Nowak, Edward, Jr., dba Swamparium, Route 5, Box 39, Cantonment 32533.
Owen, Cary B., dba Animal Korner, P.O. Box 9338, Panama City Beach 32401.
Parks Department, 1450 16th Street North, St. Petersburg 33704.
Parrot Jungle, Inc., 11000 SW. 57th Avenue, Miami 33156.
Porter, Mrs. Margaret B., P.O. Box 157, Gibsonton 33534.
Potter, Dean, P.O. Box 1092, Gibsonton 33534.
Ringling Bros. and Barnum and Bailey Combined Shows, Inc., P.O. Box 1528, Venice 33595.

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Sanford Municipal Zoo, Park Avenue, Sanford 32771.
Sarasota Jungle Gardens, 3701 Bayshore Road, Sarasota 33580.
Baptist Schreiber, dba Capt. Schreiber Chimpanzees, Route 3, Box 48–X, St. Augustine 32084.
Shell Land Nov. Co., Inc., 14786 U.S. 19 South, Clearwater 33516.
Silver Springs, Inc., Ross Allen Reptile Institute, P.O. Box 367, Silver Springs 32688.
Silver Springs, Inc., International Deer Ranch, P.O. Box 367, Silver Springs 32688.
Sipek, Steve, 15341 NW 32nd Avenue, Opa Locka 33054.
Siom, Morris, Box 18623, Tampa 33609.
Spyke's Groves, 7250 Griffin Road, Fort Lauderdale 33314.
Squirrels Zooland, Route 1, Box 305, Gulf Breeze 32561.
St. Augustine Alligator Farm, P.O. Box 166, St. Augustine 32084.
Stephenson, Morris R. & Son, Bass Capital Taxidermist, Crescent City 32012.
Sugarhouse, Inc., 2805 North Tamiami Tr., North Fort Myers 33903.
Tarzan Zerbini, Route 2, Box 8, Sarasota 33580.
Tropical Wonderland, Inc., 4700 S. Washington Avenue, Titusville 32780.
Valegroves, 6990 Griffin Road, Fort Lauderdale 33314.
Weeki Wachee Spring, Inc., U.S. 19 and Fla. 50, Weeki Wachee 33512.
Wild Kingdom, Inc., 233 E. Robinson Street, Orlando 32801.
Wildlife Trust of Broward County, 2070 Griffin Road, Fort Lauderdale 33302.
Wilnow, Eric and Angela, 861 Oak Street, Fort Myers Beach 33931.
Wonders of Sea, Star Route, Carabelle 32332.

GEORGIA

City of Athens-Recreation and Parks Department, Memorial Park, Athens 30601.
Edwards, Lee, 3653 Dial Drive, Stone Mountain 30083.
Ketcham, Lewis E., Box 60A, Route 3, Woodstock 30188.
Lunsford, Dick, Rt. 2, Douglas 31533.
Okefenokee Association, Inc., Okefenokee, 31501.

HAWAII

Island Holidays, Ltd., dba Coco Palms Resort Hotel, Box 631, Lihue 96766.
Meadow Gold Farms, R.R. 1, Box 224, Haleiwa 96712.
Orchid Island Hotel, 211 Banyan Drive, Hilo 96720.
Pearl City Tavern, P.O. Box 246, Pearl City, 96872.

IDAHO

Wild Wild West, Inc., Route 7, Caldwell 83605.

ILLINOIS

Barnett, Chester E., P.O. Box 257, Lovington 61937.
Bower, Edward C., Route 2, Ava 62907.
Children's Farm, c/o Rockford Park District, 1401 North Second Street, Rockford 61107.
Children's Prairie Farm, 706 Holiday Park Drive, Champaign 61820.
Dundee Twnp. Park District, 21 N. Washington Street, Carpentersville 60110.
Hawthorne Circus Corp., Libertyville 60048.
Handel's Steak House, Route 1, Savannah 61074.
Illinois Department of Children and Family Services, 524 South Second, Springfield 62704.
Illinois Department of Conservation, 602 State Office Building, Springfield 62706.
Land of Lincoln Deer Park and Campground, Inc., Route 97, Tallula 62688.
La Salle County Environmental Education Center, Route 4, Ottawa 61350.
Niabi Zoological Preserve, Route 1, Moline 61265.
Parks and Recreation Department, Elgin 60120.
Phillips Park Zoo, Phillips Park, Aurora 60538.
Polar Dome Corp., Routes 72 & 25, East Dundee 60118.
Scoville Farm Zoo, Box 1136, Decatur 62525.
Sheppard, Jerry A., R.R. 4, Springfield 62707.
Springfield Park District, 2500 South 11th Street, Springfield 62703.
Stone, Lester R., Box 349, Route 1, East Moline 61244.
Talbott, Gnile, dba Talbott's Shady Oak Market, Manito 61546.
White Pines Deer Park, Inc., Route 3, Oregon 61061.

INDIANA

Kelly, Paul B. & Dorothy K., Peru, Indiana 46970.
Santa Claus Land, Inc., Box 36, Santa Claus 47579.

IOWA

Buffalo Ranch Museum, 310 Lovers Lane, Fayette 52142.
City of Fort Dodge Park Department, 1450 Oleson Park Avenue, Fort Dodge 50501.
City of Mason City Parks Department, 9 South Delaware Avenue, Mason City 50401.
Iowa State Conservation Commission, Boone 50036.
Polk County Conservation Board, Jester Park, Granger 50109.

KANSAS

Dodge City Wright Park Zoo, Dodge City 67801,
Perkin's Trained Dog Show, Box 351, Syracuse 67878.
Scandia Zoo, Scandia 66966.

KENTUCKY

Garvin, Charles, Beech Band Park, Bowling Green 42101.
Isaac W. Bernheim Foundation, Bernheim Forrest, Clermont 40110.
Mammoth Onyx Cave, Box 527, Horse Cave 42749.
Otter Creek Park, Vine Grove 40175.
Roundup Zoo, 3100 Dixie Highway, Erlanger 41018.
Shelton, James T., dba Funland Park, Box 372, Route 6, Corbin 40701.

LOUISIANA

Colacurcio, Bill, 522 Bourbon Street, New Orleans 70130.
Playland Amusements, Inc., Pontchartrain Beach, New Orleans 70122.

MAINE

Animal Forest Park, Box 404, York Beach 03910.
Rumford Wild Animal Park, Rumford Point 04279.
Simpson's Wild Animal Park, Old Road, Brunswick 04011.
Vaughn Gallop, Calais Road, Houlton 04730.

MARYLAND

Arnold's Shoes of Bowie, Inc., Rt. 450, Freestate Mall, Bowie, 20715.
Baltimore Zoo, Druid Hill Park, Baltimore 21217.
Columbia Association, 1000 Century Plaza, Columbia 21044.
Dykes Brothers Attraction, Merritt Road, Salisbury 21801.
Enchanted Forest Enterprises, Inc., 10040 Baltimore National Pike, Ellicott City 21043.
Hahn, Richard A., dba Catoctin Mountain Zoological Park, Thurmont 21788.
Haviland, Hal, P.O. Box 1222, Landover 20785.
Marjec, Inc., Shawnee-Land, Olney 20832.
Salisbury Zoological Garden, P.O. Box 791, Salisbury 21801.
Starsun Park, Rt. 1, Box 234, Whaleysville 21872.

MASSACHUSETTS

Araserv, Inc., Northampton Street, Holyoke 01040.
Children's Museum, Inc., P.O. Box 96, Dartmouth 02714.
City of Pittsfield, Pittsfield 01201.
Eastover, Inc., Lenox 01240.
Forest Park Zoo, Department of Public Parks & Recreation, Springfield 01108.
Frank Newhall Nook Memorial Park, 300 North Msir Street, Northampton 01060.
Johnson's Inc., dba Santa's Lookout, North Main Street, Middleton 01949.
Massachusetts Audubon Society, Lincoln 01773.
Mohawk Trading Post, Rt. 2, Mohawk Trail, Selburne Falls 01370.
Museum of Science, Boston 02114.
New England Aquarium, Central Wharf, Boston 02110.
Waltham Park & Recreation, City Hall, Waltham 02154.
Ward's Nursery, Inc., 610 South Main Street, Great Barrington 01230.

MICHIGAN

Animal Land, Inc., Batterson Road, Frederic 49733.
John Ball Zoological Gardens, 301 Market, S.W., Grand Rapids 49502.
Becker's Zoo, East Cass City Road, Ubly 48475.
Bertha Brock Park, Route 3, Box 295, Ionia 48846.
Cederberg, Ernest H., 2093 Cogging Road, Pinconning 48650.
City of Kalamazoo, City Hall, 241 West South Street, Kalamazoo 49006.
City of Mt. Pleasant, 120 South University, Mt. Pleasant 48858.
Claerhout, Emil and Madeling Schuster, 6887 Gratiot Road, Richmond 48062.
Clinch Park Zoo, Grand View Parkway, Traverse City 49684.
Clough, LeRoy and June, Evergreen Resort, Route 2, M–65, Hale 48736.
Currie-Wilson Enterprises, Post Office Box 227, Midland 48640.
Dickery, Darwin, L., Pine Ridge Amusement, 7784 Main Street, Birch Run 48415.
Dillon, Otto L., Inc., Route 1, Box 92, Grayling 49738.
Edison Institute, Greenfield Village, Dearborn 48121.
Elm Rest Service, 1507 S. Lake Mitchell Drive, Cadillac 49601.
Carl G. Fenner Arboretum, 2020 East Mt. Hope, Lansing 48910.
Finley, Merle, dba Longhorn Ranch, 7684 25 Mile Road, Washington 48094.
John Henes Park, 202 Henes Park Drive, Menominee 49858.
Hill, D. B. and Kay E., Santaland and the Woodshed, 2515 N. Euclid, Bay City 48706.
Humane Society of Macomb County, 11350 22 Mile Road, Utica 48087.
Huron County Road Commission, 417 South Hanselman, Bad Axe 48413.
Industrial Mutual Association, 901 East Second Avenue, Flint 48503.
N. E. Isaacson of Michigan, Inc., 5477 Sugar River Road, Gladwin 48624.
Johnny's Fish and Game Park, 5511 East 46½ Road, Cadillac 49601.
Kalamazoo Nature Center, 7000 N. Westnedge, Kalamazoo 49007.
King Animaland Park, Inc., 62000 Gratiot Avenue, Richmond 48062.
Loftis, Audrey Lee, 14140 Worden Road, Gregory 48137.
May, Howard, 394 Cambria Road, Hillsdale 49242.

Mayer, W. G., 7606 Hix Road, Westland 48185.
Mott Farm Program, G6140 Bray Road, Flint 48505.
Ogemaw Game Refuge, Ten Lakes Sportsmen Club, 5626 W. Rose City Road, West Branch 48661.
Peebles, Gloria, 18810 Cardoni, Detroit 48203.
Potter Park Zoo, 1301 South Pennsylvania Avenue, Lansing 48933.
Realm of the Wild, Inc., P.O. Box 267, Harrison 48625.
Rice, Elmer, 539 Golf Road, Lapeer 48446.
Saginaw Children's Zoo, 1694 S. Washington, Saginaw 48601.
Scidmore Park, Three Rivers 49093.
Smith, Curtis L., P.O. Box 204, Baldwin 49304.
Stephens, Yvonne R., dba Yvonne and Her Friends, Box 37, Williamsburg 49690.
Tesch, Harold, dba Lenawee Institute, 3046 Sutton Road, Adrion 49221.
Trail, Betty E., dba Betty's Pet and Garden Center, M–55, Zone 6, Houghton Lake 48629.
Waltz, Dirk B., 625 Linwood Beach Road, Linwood 48634.
Westra, Jim C., dba Animal Kingdom Wildlife Refuge, 9320 S. Division, Byron Center 49315.
Wilder, Dale, 9580 Dixie Highway, Clarkston 48016.

MINNESOTA

Ahrendt, Dwayne J., Jasper 56144.
Asander, Phyllis, dba Schmidt's Circus, R.R. 1, Dalton 56324.
Blue Mound Inn, Luverne 56156.
Boelter, James F., Route 3, McGregor 55760.
Brainerd Baxter Corp., dba Paul Bunyan Amusement Center, Box 563, Brainerd 56401.
Buffalo House, 2500 Guss Road, Duluth 55810.
Cook, Val S., Orr 55771.
Deer Town, Inc., Highway 71 North, Park Rapids 56470.
Duluth Zoo, 7210 Fremont Street, Duluth 55807.
Eggleston, Ogden C., Walker 56484.
Fort Detroit, P.O. Box 66, Detroit Lakes 56401.
Gopher Campfire Club, c/o H. P. Quade, Sr., 122 N. Main Street, Hutchinson 55350.
Granfor, Julian, Perley 56574.
High Town Deer Park, Route 3, Box 160, Bemidji 56601.
Himes, Robert L., dba Trapper Himes Wild Animal Farm, Ray 56669.
HiWay Trading Post, Hackensack 56452.
Ike's Chicken Shack, Browns Valley 56219.
Jacobson, E. N., Nevis 56467.
Jaegers, Sidney W., R.R. 1, Buffalo Lake 55314.
Kleven, Lyle, 3500 5th Street North, Minneapolis 55412.
Krachey, Donald W., dba Aqua Park Aquarium, 1008 East 1st Street, Park Rapids 56470.
LaBarge, Mr. and Mrs. Lisle, Jr., Route 1, Box 65A, Chisholm 55719.
Lewis, Walter D., Alexandria 56308.
McGregor Dairy Queen, Inc., Box 66, McGregor 55760.
Nelson, Irvin, Route 2, St. Peter 56082.
Oberle, Donald, Comfrey 56019.
Olmsted County Park and Recreation Division, 1421 3rd Avenue, S.E., Rochester 55901.
Pinske, Ben, Route 1, Gary 56545.
Riverside Inn, Side Lake 55781.
Sheppard, Duane, 510 Wilson Ave., N.E., St. Cloud 56301.
Smuda's Wildlife Zoo, Little Falls 56845.
St. Paul's Como Zoo, St. Paul 55103.
The Farm Supper Club, Inc., RR 4, Princeton 55371.
Village of Wadena, Box 30, Wadena 56482.
Virginia Park Commission, Olcott Park, Virginia 55792.
Wall Bros., Comfrey 56019.

MISSISSIPPI

McWilliams, Mrs. Eugene C., Rt. 1, Box 108, Picayune 39466.

MISSOURI

Clarksville Skylift, Inc., Clarksville 63336.
Hooten Holler Exotic Game Preserve, Ltd., P.O. Box 3463, Kimberling City 65686.
Jones, J. W., dba Buena Vista's Exotic Animal Paradise, Rt. 1, Strafford 65757.
Kirk's Animal Acts, Box 126, Rt. 2, Reeds Spring 65737.
Max Allen's Zoological Gardens, U.S. 54 S, Eldon 65026.
Ozark Deer Farm, Rt. 3, Eldon 65026.
Rivers, Johnny, Rt. 1, Box 262, Camdenton 65020.
Six Flags Over Mid America, Inc., P.O. Box 248, Eureka 63025.
The Squirrel House, P.O. Box 65, Gravois Mills 65037.
Szasz, Albert B., Rt. 1, Gerald 63037.

MONTANA

World Animal Odyssey, 2050 Euclid, Helena 59601.

NEBRASKA

Municipal Zoo, 1300 South 27th, Lincoln 68502.

NEVADA

Augspurg, August W., 6607 Escondido Street, Las Vegas 89109.
Berosini, Jan, 496 W. Keno Lane, Las Vegas 89109.
Canestrelli, Fred, 4842 Santa Barbara, Las Vegas 89121.
Farfan, Armando and Anna, 4040 Pearl, Las Vegas 89109.
Fischbacher, Siegfried, and Roy Uwe Horn, 904 Valley Drive, Las Vegas 89108.
Sparks Nugget, Inc., Box 797, Sparks 89431.
Vinicky, Jan, P.O. Box 14715, Las Vegas 89114.

NEW HAMPSHIRE

Animal Forest Park, 87 Shore Drive, Laconia 03246.
Brady, James, Jefferson 03583.
Clark's Trading Post, Box 1, North Woodstock 03262.
The Friendly Farm, Inc., Box 76, Dublin 03444.
Santa's Village, Inc., Box 8, Jefferson 03583.

NEW JERSEY

Alexander, Tiber, 62 Central Avenue, Hillsdale 07642.
Bergen County Park Commission, 575 Main Street, Hackensack 07601.
Cohanzick Zoo, Bridgeton 08302.
Collins, Mrs. Betty, Box 550, Route 23, Oak Ridge 07438.
Dawn Animal Agency, Inc., Meadow Gate Farm, Cross Road, Colts Neck 07722.
Division of Health—City of Trenton, Room 214, State Street, City Hall, Trenton 08611.
Hammond, Earl and Elizabeth, 197 Morristown Road, Gillette 07933.
Hunt's Circus, Post Office Box 66, Florence 08518.
Jones, Robert E., 151 North Annapolis Avenue, Atlantic City 08401.
LeVine, Charlotte, Box 34, Florence 08518.
Morgan, Les, R.D. 1, Jacksonville Road, Burlington 08016.
Phifer's Animal Farm, 197 Morristown Road, Gillette 07933.
Ricci, Henry, R.D. 6, Bridgeton 08302.
Terry, Franklyn T., 1451 Raritan Road, Scoth Plains 07076.
Turtle Back Zoo, 560 Northfield Avenue, West Orange 07052.
Woodford, Elizabeth M., Cedar Run Lake, Marlton 08053.

NEW MEXICO

City of Alamogordo, 511 10th Street Alamogordo 88310.
City of Clovis, P.O. Box 760, Clovis 88101.
Spring River Park and Zoo, City Hall, Roswell 88201.

NEW YORK

Fox's Wild Animal Farm, Inc., Route 152, West Sand Lake 12196.
Herman's Nursery, Inc., 660 Dutchess Turnpike, Poughkeepsie 12603.
Moreau, Margaret M., 1807 18th Street, Niagara Falls 14305.
Oppenheim Zoological Society of Niagara County, Inc., 2697 Niagara Falls Blvd., Niagara Falls 14304.
Popolizio, George Ross, R.D. 1, Holmes 12531.
Renssalaer County Schaghticoke Fair, Schaghticoke 12154.
Rix, Albert, R.D. 1, Middletown 10940.
Sabo, David, Route 44, Amenia 12501.
Thomas, J. and R. Janeen Wilds, P.O. Box 698, Greenwood Lake 10925.
Vidbel, Alfred, P.O. Box 114, Windham 12496.

NORTH CAROLINA

City of Asheville, City Hall, Asheville 28807.
Country Park Zoo and Natural Science Center, 4301 Lawndale Drive, Greensboro 27408.
Grandfather Mountain, Inc., Linville 28646.
Kiddie Zoo, P.O. Box 1810, Wilmington 28401.
North Carolina Museum of Life and Science, P.O. Box 8177, Durham 27704.

NORTH DAKOTA

Wahpeton Zoo, Wendell Langendorfer, Curator, Rural Route 2, Wahpeton 58075.

OHIO

Beam, Harry J., Jr., 5414 Wagonerford Road, Dayton 45414.
Camillo, Pat J. & Kathy R., 12119 Center Road, Mantua 44255.
Chovanic, David & Lawrence Humbarger, 133 McKim Street, Bellevue 44811.
Cleland's Deer Acres, Rt. 1, Bainbridge 45612.
Conley, Carl E., 4689 St., Route 276, Batavia 45103.
Diamond "O" Ranch, Inc., Wild Animal Zoo, 1000 Warner Rd. S.E., Canton 44707.
Eckenrode, Harry N., 1596 Grandview Avenue, Apt. B, Columbus 43212.
Elyria Parks & Recreation Dept. 1101 Prospect Street, Elyria 44035.
Bob Evans Farms, Inc., Box 154, Rio Grande 45674.
Fantasy Farm, Rt. 1, Middletown 45052.
Funtime, Inc., P.O. Box 184, Aurora 44202.
Khol, Rudy, 30770 Cannon Road, Solon 44139.
Lake Erie Nature and Science Center, 28728 Wolf Road, Cleveland 44140.
Moknach, Ken P., 34 West Main Street, Madison 44047.
Moore, Harry E., Box 32, Main Street, Cumberland 43732.
Nelson Ledge Park, Rt. 2, Box 292, Garrettsville 44231.
Rosselott, Lena, Box 25, Sardinia 45171.
Sea World of Ohio, Inc., P.O. Box 237, Aurora 44202.
Siedel Fun Farm, Inc., 21897 Westwood Drive, Strongsville 44136.
Sink, Randon, 38 Jasper Street, Dayton 45409.
Toledo Zoological Gardens, 2700 Broadway, Toledo 43609.
Vancel, William, 214 McKim Street, Bellevue 44811.
Wonderland Exhibits, Inc., 9480 State Rt. 14, Streetsboro 44240.

OKLAHOMA

W. V. Shearer, Route 1, Mooreland 73852.

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OREGON

Salem Junior Woman's Club, 2380 E. Nob Hill, S.E., Salem 97203.

PENNSYLVANIA

The Academy of Natural Sciences, 19th and the Parkway, Philadelphia 19103.
Animal Gardens, Hershey Park, Hershey 17033.
Animaland, R.D. 6, Wellsboro 16901.
Birdland Park, R.D. 1, Covington 16917.
Black Forest Trading Post, R.D. 1, Ulysses 16948.
Blubaugh, Chauncey R., Route 1, Waynesboro 17268.
Colosimo, Dorothy, dba Lazy C Game Farm, R.D. 1, Zions Grove 17985.
Conneaut Lake Park, Conneaut Lake 16316.
Cornwall, Raymond A., Jr., 20 Riverside Drive, Warren 16365.
Department of Parks, Recreation and Conservation, 345 County Office Building, Pittsburgh 15219.
Dietch, Ralph J., dba Dorney Park Zoorama, Allentown 18104.
Eveland, Windsor G., R.D. 1, Mt. Union 17066.
Fantasyland Storybook Gardens, R.D. 1, Box 339, Gettysburg 17325.
Farmer's Exchange, Water Street, Alexandria 16611.
Fin, Fur, and Feather Trading Post, Star Route, Lockhaven 17745.
Forest Zoo and Animal Safari, R.D. 1, Ashville 16613.
Forker, Truby, Star Route, Tionesta 16353.
Frederick, Mabel E., R.D. 1, Watsontown 17777.
Guyer, Basil K., Fort Louden 17224.
Hampton Company, 712 Monroe Street, Stroudsburg 18360.
Headacres Dairy Farm, R.D. 2, Muncy 17756.
Heasley's Trading Post, R.D. 1, Lewis Run 16738.
Holler, Joseph, dba Deer Stop, R.D. 1, Easton 18042.
Kaufmann, George J., dba Angel Aquarium and Pet Supplier, Room 26, Great Southern Shopping Center, Bridgeville 15017.
Kiser Wildlife Ranch, R.D. 1, Box 117, Cairnbrook 15924.
Klondike Gift Shop, Kinzua Heights, Bradford 16701.
Leavengood, Robert D., 209 East Garden Road, Pittsburgh 15227.
Linvilla Orchards, 137 Knowlton Road, Media 19063.
Macks, Jim, The Cream, R.D. 11, Hellan Branch, Harrisburg 17105.
Mealy, Raymon and Lucille M., R.D. 1, Tionesta 16353.
Montgomery County Commissioners, dba Upper Schuylkill Valley Farm Park, Court House, Airy and Swede Streets, Norristown 19404.
Moon Valley Park, Inc., R.D. 1, Milford 18337.
Morrison's Grocery, R.D. 1, Tionesta 16353.
Mount Airy Lodge, Mt. Pocono 18344.
Nemacolin Farms, Route 40, Box 65, Farmington 15437.
Old McDonald's Farm, Inc., R.D. 1, Butler 16001.
Parmer, Woodrow W., R.D. 1, Needmore 17238.
Peacock Corners Game Farm, R.D. 4, Bloomsburg 17815.
Pennsylvania Dutch Farm, Grange Road, Mt. Pocono 18344.
Pocono Snake Country, Inc., Route 209, Box 238, Marshalls Creek 18335.
Pymatuning Deer Park, Box 397, Jamestown 16134.
Rayner, Kenneth, R.D. 1, Box 264, Edinburg 16116.
Riday's Wildlife Studio, R.D. 3, Stroudsburg 18360.
Ridge Run Camp Sites, Box 395, Route 1, Elizabethtown 17022.
Sherwood's Service Center, Box 285, Fort Loudon 17224.
V. T. Smith Dairy, 203 W. Weber Avenue, DuBois 15801.
Harry M. Stevens, Inc. of Pennsylvania, Bushkill Falls, Bushkill 18324.
Story Book Forest, Inc., Box F, Ligonier 15658.
Storyland, Schellsburg 15559.
Tioga Hunting Preserve, Tioga 16946.
Tocks Island Marine, Inc., R.D. 1, East Stroudsburg 18301.
Union County Sportsmen Club, Inc., Welkert 17885.
Yeagle, Norman G., 3020 Pennsylvania Avenue West, Warren 16365.

PUERTO RICO

Amador, Felix Jimenez, Rd. 482, Km 0.9, Bo. Cocos, Quebradillas 00742.
Antonucci, A., Route 5, Box 9, Burlington, Wisconsin 53105.
Becerra, Francisco Landron, Box 11098, Fernandez Juneos Station, Santurce 00910.
Congregacion de Mita, Inc., 235 Duarte Street, Hato Rey 00919.
Continental Circus, 989 Calle Puerto Principe, Urb. Las Americas, Pto. Nuevo 00920.
Garcia, Romano, RUA Pelotas, 291 Casa 1, Sao Paulo, Brazil.
Gran Circo Panamericano, Box 3945, San Juan 00904.
Horn, Roy Uwe and Seigfried Fischbacher, dba Siegfried and Roy, American Hotel, San Juan 00904.
Institute of Health Laboratories, Box 1730, Hato Rey Station, Hato Rey 00919.
Monoloro Park, Box 8302, Santurce 00910.
Ocean Life Park Aquarium, 105 Third Street, Villamar, Isla Verde 00913.
Rosado, Francisco Vazquez, Bda. Santa Clara, Box 674, Jayuya 00664.
Safari Parks, Inc., P.O. Box 777, Bayamon 00619.
University of Puerto Rico, Rio Piedras 00931.
Zoological Garden of Puerto Rico, P.O. Box 1085, Mayaguez 00708.

RHODE ISLAND

Crescent Park Recreation Corporation, Bullocks Point Avenue, Riverside 02915.

SOUTH CAROLINA

Animal Forest, Charles Towne Landing, 1500 Old Town Road, Charleston 29407.
Brookgreen Gardens, Murrells Inlet 29576.
City Council of Charleston, City Hall, Charleston 29402.
Cromer's P-Nuts, Incorporated, P.O. Box 163, Columbia 29201.
Eagleson, G. S., 730 Flat Street, Allendale 29810.
Greenville Zoo, Cleveland Park Drive, Greenville 29601.
Marvin, Frank M., Hollywood 29449.
Mattox, Fred D., P.O. Box 476, Gaffney 29340.
Nature Museum of York County, Rt. 4, Box 211, Rock Hill 29730.
Serpent City Jungle Land, Highway 17 North, Myrtle Beach 29577.
Smith, Elbridge, Rt. 1, Harleyville 29448.
Smith, William C., dba Smith's Truck Stop, Winnsboro 29180.
Stevenson, Clyde, Rt. 3, Lancaster 29720.

SOUTH DAKOTA

Erdmann Texas Longhorn Ranch, Rt. 1, Mitchell 57301.

TENNESSEE

Buck Sorell Enterprises, Inc., P.O. Box 77, Whitehouse 37188.
Mills, Bill, Rt. 1, Rockwood 37854.
Oliver, Betty L. & Delma Ree Miller, c/o Village of 1800, Highway 411 N., Etowah 37331.
Opryland USA, P.O. Box 2138, Nashville 37214.
Rucker, Hines, Watertown 37184.

TEXAS

Allen, Dianne Wilson, dba Wilson's Seals & Monkeys, P.O. Box 971, Donna 78537.
Baughman, Eleanor N., 2629 Clara Lane, Apt. 210, San Antonio 78213.
Baylor University Chamber of Commerce, Box 225, Union Building, Baylor University, Waco 76706.
Brownsville Animal Research Center, 1610 Central Boulevard, Brownsville 78520.
Caverns of Sonora, P.O. Box 213, Sonora 76950.
City of Andrews, Municipal Administration Building, Andrews 79714.
City of Childress, City Hall, Childress 79201.
City of Sinton, P.O. Box 1395, Sinton 78387.
Connor, James H., 804 Anthony Street, Gainesville 76240.
Craig, Max, dba Craigs Guanacos, 1612 South Street, Augustine Drive, Dallas 75217.
Duke, Ralph, R.R. 3, Box 187, Seagoville 75159.
Gibbs, Bob, Rt. 4, Box 550, Mission 78572.
Hall, Carmen A., Rt. 1, Box 762, Mesquite 75149.
Hall, James K., Rt. 1, Box 762, Mequite 75149.
Henry, Gary G., Box 8, Gainesville 76240.
Henry, Glen M., Box 292, Gainesville 76240.
Lucia, Tom, Rt. 3, Box 154, Weatherford 76086.
Lyons, Floyd T., Rt. 1, Box 8, Riesel 76682.
Madden, Linda, 724 Anthony, Gainesville 76240.
Neuces County Zoo, Box 347, Banquete 78339.
Pinson, Joanne & Dennie, Rt. 1, Gainesville 76240.
Siles, John, Box 15, Gainesville 76240.
Smith, James A. H., 1960 Peavy Road, Dallas 75228.
Steele, Bucky R., Box 179, Haymarket Road, Seagoville 75159.
Wonder World, P.O. Box 1369, San Marcos 78666.

VERMONT

Santa's Land, Inc., Rt. 5, Putney 05346.
Shortsleeves, William, Lowell 05847.
Trustees, Vermont Veterans' Home, 325 North Street, Bennington 05201.
Vermont Railroad Museum, RFD, East Ryegate 05042.

VIRGINIA

Bennett, W. M., Box 356, Christiansburg 24073.
Childress, Frank B., Rt. 1, Box 214, New Market 22844.
City of Newport News, Department of Recreation & Parks, 2400 Washington Avenue, Newport News 23607.
City of Richmond, Department of Recreation & Parks, 900 East Broad Street, Richmond 23219.
Department of Parks, Hampton City Hall, Hampton 23369.
G. A. Coleman Co., 916 Main Street, Lynchburg 24505.
Hofheimer's Inc., 325 Granby Street, Norfolk 23510.
Junior Woman's Club of Lynchburg, Virginia, Inc., P.O. Box 3262, Rivermount Station, Lynchburg 24503.
Martin, James R., 8725 Commodore Drive, Norfolk 23503.
Peninsula Nature & Science Center, 524 J. Clyde Morris Blvd., Newport News 23601.
Staunton City Zoo, P.O. Box 58, Staunton 24401.
Ocean View Amusement Park, North End of Granby Street, Norfolk 23503.
The Wishing Well Gift Shop, 9 Miles North of Skyline Drive, White Post 22663.

WASHINGTON

Berchtold, Eloise C., 601 Lane Road, Woodland 98674.
City of Centralia Park Department, City Hall, Centralia 98531.

Everett Park and Recreation Department, Forest Park, Everett 98203.
Inland Empire Zoological Society, Box 14258, Opportunity 99214.
Olympic Game Farm, Route 3, Box 903, Sequim 98382.

WEST VIRGINIA

Meadows, Ernest R., Rt. 4, Box 107, Grafton 26354.
Nunemaker, Richard A., dba Hawk's Nest Zoo, General Delivery, Anstead 25812.
Rider, John W., Jr., Rt. 2, Box 14B, Rainelle 25962.

WISCONSIN

Aqualand, Inc., Ephraim 54211.
Arcadia Sportsman's Club, Arcadia 54612.
Barthman, Virgil T., Route 1, Clear Lake 54005
Bay Beach Wildlife Sanctuary, 1660 East Shore Drive, Green Bay 54301.
Behn, Wilbert, Route 1, Aniwa 54408.
Belshaw, Robert D., Earl 54833.
Bill's Landing Deer Farm, Route 3, Hayward 54843.
Blackhawk Camp Ground, Box 686, Milton Junction 53564.
Blackhawk Ridge, P.O. Box 92, Sauk City 53583.
Bob's Chuck Wagon, Inc., Wisconsin Dells 53965.
Bodin's, Inc., Lakeshore Drive, Ashland 54806.
Brown County Reforestation Camp, Route 4, Green Bay 54301.
Chipman, Marvin C., Box 8, Danbury 54830.
Christensen, Carl A., dba Christy's Landscape Service, Box 852, Bellevue Road, Green Bay 54306.
City of Ashland, Park Department, Ashland 54806.
City of Black River Falls, Box 229, Black River Falls 54615.
City of Blair, Blair 54616.
City of Chippewa Falls, 30 West Central Street, Chippewa Falls 54729.
City of Fond du Lac, 76 East Second Street, Fond du Lac 54935.
City of Marshfield, Wildwood Park, Marshfield 54449.
City of Oshkosh, Menominee Park, P.O. Box 1130, Oshkosh 54901.
City of Stanley, Stanley 54768.
Clark County Hospital and Home, Route 2, Box X, Owen 54460.
Corallo, Anthony, dba St. Germain Village, Park, St. Germain 54558.
Connor Forest Industries, Camp 5 Farm, Laona 54541.
Cornford, M. J. and Allen H., Rural Route 1, Randolph 53596.
Deer Park Athletic C Club, Deer Park 54007.
Deisinger, Donald, Route 2, Antigo 54409.
Dorfman, Allen, dba Jack O'Lantern Lodge, Route 3, Eagle River 54521.
Duval, Everett, Route 3, New Auburn 54757.
Edgerton Conservation Club, Box 13J, Route 1, Edgerton 53534.
Fine R–K Ranch, Route 5, Hayward 54843.
Fitzgerald, James F., P.O. Box 348, Janesville 53545.
Forest County Deer Farm, Court House, Crandon 54533.
Fowler, Donald C., Route 2, Tomah 54660.
Gannon's Birchwood Resort, Rural Route 1, Lodi 53555.
Ge-Ca-Wa Lodge Deer Farm, Box 117A, Iron River 54847.
Grunewald, James, Route 2, Fall Creek 54742.
Gullickson, William, 1680 N. Farwell Avenue, Milwaukee 53202.
Hans Brothers, Rural Route 2, Jefferson 53549.
Hayward Game Farm, Inc., Route 3, Hayward 54843.
The David A. Hellman Foundation, Inc., P.O. Box 502, Menomonee Falls 53051.
Historic Sites Foundation, Baraboo 53913.
Horner, Everett, Route 1, Box 36, Waterford 53105.
Janesville Conservation Club, Box 129, Janesville 53545.
Johnson, A. R., c/o Murry Hill, Route 5, Box 9, Burlington 53105.
Jueds, Arnold, Route 1, Marion 54950.
Kamps, Margaret, dba Buck and Doe Forest, Box 277, Eagle River 54521.
Kapsy, Peter, Gilman 54433.
Kleven, David, Route 1, Sarona 54870.
Kling, Duane, Route 1, Box 169, Merrillan 54754.
Lange, Ervine P., 1623 Saemann Avenue, Sheboygan 53081.
Lebeck, Dr. Alvin, Route 2, Phillips 54555.
Levinson, Vivian, Route 1, Hayward 54843.
Lincoln Park Zoo, 736 Revere Drive, Manitowoo 54220.
Link Bros., Inc., Wilfred Link, Minong 54859.
Little Mexico Deer Farm, Route 2, Siren 54872.
Main Store, Star Route, Webb Lake 54892.
Menomonie Lions Club Game Park, Menomonie 54751.
Miller, Jerry Lee, Route 1, T.J.M. Ranch, West Bend 53095.
Milwaukee County Zoo, 10001 W. Blumound Road, Milwaukee 53226.
Monthg, Elgene H., Route 1, Chili 54420.
Nelson, John, Route 1, Wabena 54566.
Noziska, Mrs. Richard, Westboro 54490.
Nyguard, L. A., dba Kettles the Clown and his Animal Friends, Route 1, Box 175A, Wisconsin Dells 53965.
Ochsner Park, 903 Park Street, Baraboo 53913.
Olson, Alvin R., Route 2, Oxford 53952.
P–M, Inc., Eagle River 54521.
Park and Recreation Commission, City of Wisconsin Rapids, 441 West Grand Avenue, Wisconsin Rapids 54494.
Peck, Jim, dba Wildwood Wildlife Kingdom, Minocqua 54548.
Roman and Len Pliska, R.R. 1, Box 279–A, Custer 54423.
Quill Inn, Route 2, Box 264, Lady Smith 54848.
Racine Zoological Park, 2131 North Main Street, Racine 53402.
Radies, Mrs. R. A., Rt. 1, Big Falls 54950.
Rauchnot, John M., J. R. Ranch, Inc., Route 1, Hudson 54016.
Schesvold, James R., Route 1, Cameron 54822.
Schrock, J. J., Route 3, Medford 54451.
Setchell, Vern, Chetek 54728.
S. Shady, 60 Watts Street, Janesville 53545.
Shay, William L., Route 3, New Richmond 54017.
Simpson, Wayland and Martha, Rt. 4, Wampaca 54981.
Smykal, Kevin, Route 1, Dunbar 54119.
Sommers, Ray P., Route 1, Random Lake 53075.
St. Camillus Novitiate, R.R. 2, Box 220, Baraboo 53913.
Stevenson, Stanford A., Route 1, Bayfield 54814.
Sturgul, Francis G., Hazelhurst 54531.
Tollaksen, Russell, Route 1, Box 17, Wisconsin Dells 53965.
Twin Bucks Game Farm, 3407 Plover Road, Plover 54467.
Uncle Barney's Barnyard, Route 4, Baraboo 53913.
VanDyke, Richard H., Rt. 3, New London 54961.
Henry Vilas Park Zoo, 500 S. Randall Avenue, Madison 53715.
Vollrath Park Zoo, 117 Vollrath Boulevard, Sheboygan 53081.
Vougers Village, Inc., Box 395, Danbury 54830.
Walker, William R., Box 128, Amberg 54102.
Walters, Ivan, White Lake 54491.
Weber, Ellen, Star Route, Sayner 54560.
Welch, Francis, Luger Route, Phillips 54555.
Wendland, Fred, Park Falls 54552.
West, Elwyn, Rt. 3, Waupaca 54981.
White Birch Fisheries, Inc., Boulder Junction 54512.
Whitley, Elaine K., Star Route, Manitowish Waters 54545.
Wilderness Walk, Hayward 54843.
Wilkinson Gift Shop, Highway 53, Wascott 54890.
Wille, Gerhart, R.R. 2, Box 293, Waupun 53963.
Willers, Walter J. Box 74, Earl 54833.
Wisconsin Department of Natural Resources, Box 450, Madison 53701.
Wnek, Leon, Thorp 54433.
Woodside Ranch Resort, Inc., Rt. 3, Maugton 53948.

WYOMING

City of Cheyenne, Cheyenne 82001.
Hutmacher, Paul A., Route 2, Box 1357, Cheyenne 82001.
Lakeside Resort, Shoshoni 82649.

(Sec. 6, 80 Stat. 351, as amended, 84 Stat. 1561 (7 U.S.C. 2136), 37 FR 28464, 28477; 38 FR 19141, 9 CFR 2.127.)

Done at Washington, D.C., this 13th day of March 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–6200 Filed 3–15–74;8:45 am]

Forest Service

CONDOR ADVISORY COMMITTEE

Notice of Meeting

The Condor Advisory Committee will meet on April 11, 1974, at 10:00 a.m. in Room 1009, Appraisers Building, 630 Sansome Street, San Francisco, California 94111.

This meeting is open to the public. Persons who wish to attend should notify Mr. Edward R. Schneegas, USDA, Forest Service, Division of Range and Wildlife, 630 Sansome Street, San Francisco, California 94111 (415–556–5375). Written statements may be filed with the Committee before or after the meeting.

A public participation period is scheduled after the regular meeting.

DOUGLAS R. LEISZ,
Regional Forester.

MARCH 11, 1974.

[FR Doc.74–6188 Filed 3–15–74;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

COMMERCE TECHNICAL ADVISORY BOARD

Notice of Meeting

A meeting of the Department of Commerce Technical Advisory Board will be held on Tuesday, March 26, 1974 from 9:30 a.m. to 5:00 p.m., and Wednesday, March 27, 1974 from 9:00 a.m. to 12 Noon in Room 6802, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The Board was established to study and evaluate the technical activities of the Department of Commerce and recommend measures to increase their value

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to the business community. Tentative agenda items include:

1. General discussion on future direction and activities of the Board.
2. Government patent and antitrust policy, with emphasis on the nation's energy and materials needs.

A limited number of seats will be available to the press and to the public. The public will be permitted to file written statements or inquiries with the Chairman before or after the meeting.

Persons desiring to obtain further information concerning the Board should contact Mrs. Florence S. Feinberg, Room 3877, U.S. Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230; telephone (202) 967–5065.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

MARCH 11, 1974.

[FR Doc.74–6137 Filed 3–15–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–81]

IMPROVEMENT OF NUTRIENT LEVELS OF ENRICHED FLOUR, ENRICHED SELF-RISING FLOUR, AND ENRICHED BREAD, ROLLS OR BUNS

Notice of Prehearing Conference

In the matter of amending the standards of identity for enriched flour, enriched self-rising flour, and enriched bread, rolls or buns to improve the nutrient levels.

In the FEDERAL REGISTER of February 11, 1974 (39 FR 5188), the Commissioner of Food and Drugs ordered that a public hearing be held in this matter.

Pursuant to § 2.74 (21 CFR 2.74), a prehearing conference for the simplification of the issues; the possibility of obtaining stipulations, admission of facts, and documents; the possibility of limitation of the number of expert witnesses; the identification, and if practicable, the scheduling of witnesses to be called; the advance submission in quintuplicate of all documentary evidence to be marked for identification; and such other matters as may aid in the expeditious disposition of the proceeding will be held in Room 4A–35, 5600 Fishers Lane, Rockville, Maryland 20852 beginning at 10 a.m. on Monday, March 25, 1974.

Reference is made to §§ 2.75 and 2.76 (21 CFR 2.74 and 2.75) relating to prehearing procedures.

Dated: March 6, 1974.

IRVING SOMMER,
Administrative Law Judge.

[FR Doc.74–6143 Filed 3–15–74;8:45 am]

Office of the Secretary

NATIONAL BLOOD POLICY

Request for Comments Regarding Proposed Implementation Plan

Correction

In FR Doc. 74–5368, Part III for the issue of March 8, 1974, appearing at page 9326, the closing date for the comment period found at the top of the third column on page 9326, should be changed from "April, 22, 1974", to read "May 7, 1974".

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. — FRA Pet. Nos. 83, 84; Notice 3]

VOICE TRAIN CONTROL SYSTEM

Extension of Time for Filing Comments

On January 4, 1974 the Federal Railroad Administration (FRA) published a notice of a hearing to be conducted upon the petitions of the Baltimore and Ohio Railroad Company (B&O) for approval of the general concept of Voice Train Control Systems (VTCS) and also for approval of installation and operation of VTCS on a portion of its lines in central Ohio. That notice contained a brief explanation of the VTCS and a description of the territory in which the B&O has proposed to install the system (39 FR 1088). Hearings on these petitions were conducted on January 22, 1974 and March 5, 1974. The dockets were to remain open until March 15, 1974 for filing of additional comments.

The Brotherhood of Railroad Signalmen and the Brotherhood of Locomotive Engineers have filed requests for additional time to submit the views and comments of their memberships. This request was made so that the Brotherhoods could have sufficient time to review the data submitted at the March 5, 1974 hearing as well as additional data which was requested of the B&O by the Hearing Officer at that hearing.

To provide all interested parties an adequate opportunity to express their views concerning this new system of train control, and for good cause shown in the Brotherhoods' request, the FRA has decided to extend the closing date for filing written comments until April 15, 1974. Persons wishing to file views or comments should identify the docket and notice numbers and submit all communications to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Comments received by April 15, 1974 will be considered before the FRA takes action on these petitions. Comments received after that date will be considered as far as practicable.

(Sec. 12, 24 Stat. 383, Sec. 441, 41 Stat. 498, sec. 6, 80 Stat. 939, 210 (49 U.S.C. 12, 26, 1655), § 1.49(g) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.49(g))

Issued in Washington, D.C., March 13, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74–6218 Filed 3–15–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–424—50–427]

GEORGIA POWER CO.

Notice of Change in Hearing Date and Location

On March 5, 1974, a notice of environmental hearing was issued scheduling an evidentiary hearing in this matter for April 9, 1974, at the Fulton County Courthouse, Atlanta, Georgia. The subject hearing date and location have now been changed, and the environmental hearing will commence at 9:30 a.m. local time on April 16, 1974, at the following location:

City Council Chambers
Waynesboro City Hall
Myrick Street
Waynesboro, Georgia 30830

The purpose of this evidentiary hearing before an Atomic Safety and Licensing Board is the same as set forth in the March 5 Notice, i.e., an evidentiary hearing to determine whether the Georgia Power Company (the Applicant) should be permitted to engage in certain preconstruction activities on the site of its proposed four-unit nuclear powerplant, designated as the Alvin W. Vogtle Nuclear Plant, Units 1, 2, 3 and 4, on the southwestern bank of the Savannah River, about 26 miles south-southeast of Augusta, Georgia and 15 miles northeast of Waynesboro.

This proceeding is in accordance with the Commission's proposed amendments to 10 CFR Parts 2 and 50,[1] which would allow applicants to apply for authorization to engage in limited site pre-construction activities (Limited Work Authorization or "LWA") prior to the hearing on, or issuance of, a construction permit for a power reactor. However, this may be done only after the full "NEPA"[2] review has been completed and an environmental hearing has been held. Before such an "LWA" may be issued, an Atomic Safety and Licensing Board must determine that all the environmental findings required for issuance of a construction permit may properly be made, based on the evidentiary record.

Notice of Availability of the Final Environmental (Impact) Statement (FES) was published in the FEDERAL REGISTER on March 8, 1974. 39 FR 9224. Copies of the FES are available for inspection in the Commission's Public Document Room, 1717 H St., NW., Washington, D.C. 20545; in the Burke County Library, 4th Street, Waynesboro, Georgia 30830; in the Bureau of State Planning and Community Affairs, Rm. 611, 270 Washington St., SW., Atlanta, Georgia 30309; and also at the Central Savannah River APDC, P.O. Box 2800, Augusta, Georgia.

Members of the public are welcome to attend the hearing. Persons who have filed requests to make limited appearance statements will be heard the morning of the first day of the hearing. Limited appearance statements may be filed in writing without an oral presentation, if desired.

Issued at Washington, D.C., this 13th day of March 1974.

It is so ordered.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.74–6166 Filed 3–15–74;8:45 am]

[1] See AEC's Statement of Considerations, proposed amendments to regulations, and Notice entitled "Pre-Construction Activities," 39 FR 4582, February 5, 1974.

[2] National Environmental Policy Act of 1969, Pub. L. 91–190. See also Appendix D to 10 CFR Part 50.

[Docket Nos. 50–458, 50–459]

GULF STATES UTILITIES CO.

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for these proceedings:

Alan S. Rosenthal, Chairman
Dr. John H. Buck, Member
Michael C. Farrar, Member

Dated: March 11, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74–6168 Filed 3–15–74;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued four new guides in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 3, "Fuels and Materials Facilities Guides." Regulatory Guide 3.17, "Earthquake Instrumentation for Fuel Reprocessing Plants," describes an acceptable program for providing seismic instrumentation at fuel reprocessing plants. Regulatory Guide 3.18, "Confinement Barriers and Systems for Fuel Reprocessing Plants," provides information relative to establishing principal design criteria for confinement systems for radioactive material at fuel reprocessing plants. These systems are required to minimize releases of radioactive materials to the environment. Regulatory Guide 3.19, "Reporting of Operating Information for Fuel Reprocessing Plants," lists specific reporting requirements for licensees as specified in AEC regulations and as usually specified in licensee Technical Specifications. Regulatory Guide 3.20, "Process Offgas Systems for Fuel Reprocessing Plants," provides information relative to establishing principal design criteria for process offgas systems for reprocessing plants.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW, Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 3 Regulatory Guides currently being developed include the following:

General Design Guide for Process Building Ventilation Systems for Fuel Reprocessing Plants
General Fire Protection Guide for Fuel Reprocessing Plants
Standard Format and Content of License Applications for Fuel Reprocessing Plants
Standard Format and Content of License Applications for Plutonium Fuel Fabrication and Recovery Plants
Standard Format and Content of License Applications for Commercial Waste Burial Facilities
Quality Assurance Requirements for Protective Coatings Applied to Fuel Reprocessing, Plutonium Processing and Fuel Fabrication Plants (This guide will endorse ANSI Standard N101.4)
Protective Coatings (Paints) for Nuclear Plants (This guide will endorse ANSI Standard N512)
(5 U.S.C. 552(a))

Dated at Bethesda, Md., this 11th day of March 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74–6165 Filed 3–15–74;8:45 am]

[Docket No. 50–141]

STANFORD UNIVERSITY

Order Authorizing Dismantling of Facility

By application notarized September 20, 1973, and supplement dated November 19, 1973, Stanford University requested authorization to dismantle their reactor in accordance with a plan submitted to the Commission. Operation of the facility has been discontinued and all fuel has been removed from the reactor and shipped to an authorized reprocessing facility.

The Commission has reviewed the application in accordance with the provisions of the Commission's regulations and has identified an additional requirement that all planned liquid releases from the facility must be verified within 30 days of planned release to be within the standards established by 10 CFR Part 20 by current radiological analysis.

The Commission also has found that the dismantlement and disposal of component parts and waste from the facility in accordance with the regulations in 10 CFR Ch. I and the application, as modified, will not be inimical to the common defense and security or to the health and safety of the public. The bases for these findings are set forth in the Safety Evaluation by the Regulatory Staff dated January 30, 1974.

Accordingly, it is hereby ordered that Stanford University may dismantle their reactor covered by Facility License No. R–60, as amended in accordance with the Commission's regulations. The dismantling plan, as modified by this order, will replace the Technical Specifications in their entirety.

After completion of the dismantling and the decontamination, the submission of a report on the radiation survey to confirm that radiation levels in the facility area meet the values defined in the dismantling plan, as modified, and an inspection by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Facility License No. R–60.

Dated at Bethesda, Md., this 12th day of March 1974.

For the Atomic Energy Commission,

DONALD J. SKOVHOLT,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.74–6167 Filed 3–15–74;8:45 am]

[Docket No. STN 50–480]

WESTINGHOUSE ELECTRIC CORP.

Receipt of Standard Safety Analysis Report

Westinghouse Electric Corporation, in response to Option No. 1 of the policy statement of the Atomic Energy Commission (the Commission) entitled "Methods of Achieving Standardization of Nuclear Power Plants," issued March 5, 1973, has filed with the Commission an eight-volume document entitled "Reference Safety Analysis Report-41" (RESAR–41), which was docketed March

[1] For environmental issues to be determined in this proceeding, see Commission's April 27, 1973 "Notice of Hearing on Application for Construction Permits" (published in 38 FR 10,751, May 1, 1973) and 10 CFR Part 50, Appendix D.

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11, 1974. The tendered application for RESAR–41 was received on December 3, 1973. Following a preliminary review for completeness, it was accepted on February 13, 1974, for docketing. Docket No. STN 50–480 has been assigned to RESAR–41 and should be referenced in any correspondence relating thereto.

RESAR–41 has been submitted in accordance with the "reference system" option wherein an entire facility design or major fractions of it can be identified as a standard design to be used in multiple applications. RESAR–41 describes and analyzes a standard four-loop pressurized water nuclear steam supply system (NSSS) with auxiliary and safety systems. The reactor is designed for initial operation at a core thermal power level of 3800 megawatts.

When its review of RESAR–41 is complete, the Commission's Regulatory staff will prepare and publish a Safety Evaluation Report documenting the results of the review. In addition, RESAR–41 will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. Copies of the Safety Evaluation Report and the ACRS report will be made available to the public. A notice relating to the availability of these documents will be published in the FEDERAL REGISTER.

A copy of RESAR–41 is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545. When available, the Safety Evaluation Report and the ACRS report will also be made available for inspection by the public at the AEC Public Document Room.

Dated at Bethesda, Md., this 11th day of March 1974.

For the Atomic Energy Commission.

D. B. VASSALLO,
Chief, Light Water Reactors Project Branch 1–1, Directorate of Licensing—Regulation.

[FR Doc.74–6164 Filed 3–15–74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON CONTROL OF COMBUSTIBLE GASES FOLLOWING A LOSS OF COOLANT ACCIDENT (LOCA)

Notice of Meeting

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Working Group on Control of Combustible Gases Following A Loss of Coolant Accident (LOCA) will hold a meeting on March 25, 1974, in Room 1046, at 1717 H Street NW., Washington, D.C. The subject scheduled for discussion is control of combustible gases following a LOCA. This may include discussion of a Regulatory Staff working paper pertaining to a proposed Revision 1 to Regulatory Guide 1.7.

The Working Group is meeting with its consultants and members of the Regulatory Staff and their consultants to formulate recommendations to the ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the meeting will consist of an exchange of opinions and internal deliberations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–6322 Filed 3–15–74;10:55 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26502]

AIR PACIFIC LTD.

Notice of Prehearing Conference and Hearing

In the matter of Fiji-Majuro via Intermediate Points; Fiji-Pago Pago via Intermediate Points.

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on March 26, 1974, at 10:00 a.m. (local time) in Room 1031, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Ross I. Newmann.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before March 20, 1974.

Dated at Washington, D.C., March 12, 1974.

[SEAL] RALPH H. WISER,
Chief Administrative Law Judge.

[FR Doc.74–6180 Filed 3–15–74;8:45 am]

[Docket No. 26290, 23080–2; Order 74–3–59]

EASTERN AIR LINES, INC. AND PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of March 1974.

By Order 74–1–75, dated January 11, 1974, the Board granted review of an order issued by the Postmaster General on January 3, 1974, requiring Eastern Air Lines to retain a Boston-New York-Atlanta flight and postponed the effective date of the Postmaster General's order pending review. Pursuant to section 232 of the Board's Regulations, Eastern filed an application, which was supplemented on January 8, 1974, requesting that the Postmaster General's order be canceled.

In support of its application Eastern alleges, inter alia, that each of the segments in issue (Boston-New York, Boston-Atlanta, New York-Atlanta) receives multiple daily nonstop service providing sufficient capacity to accommodate the needs of the Postal Service; that the subject flight was canceled in order to conserve fuel during the fuel allocation program; that there are numerous comparable markets which do not receive late-night service; and that the scheduling of a one-directional flight to satisfy the needs of the Postal Service would have an adverse effect on Eastern's overall scheduling.

In answer to Eastern's pleadings, as supplemented, the Postmaster General asserts, inter alia, that while there may be sufficient total capacity operated over each segment throughout the day there is no capacity available at the specific times required by the Postal Service; that the canceled Eastern cargo flight carried substantial amounts of mail; and that no alternative modes of transportation can be employed without serious and unacceptable delay to substantial volumes of priority mail.[1]

Upon consideration of the foregoing and all the relevant facts, we find that the public convenience and necessity do not require cancellation of the Postmaster General's order so long as Eastern is adequately compensated for providing the flight directed by the Postmaster General. Accordingly, we have decided to deny Eastern's application and to effectuate the January 3, 1974, order of the Postmaster General. This will require Eastern to reinstitute its canceled Boston-New York-Atlanta southbound flight. However, we will condition the effectiveness of the Postmaster General's order upon final adoption by the Board of the proposed minimum temporary service mail rate for the transportation of mail by Eastern pursuant to the order of the Postmaster General issued January 3, 1974, discussed in detail below.

This is a unique case in which the Board, for the first time, has been called upon to review an order of the Postmaster General under section 405(b) of the Act. This section requires the Board to evaluate the issues raised in accordance with the standards of the public convenience and necessity. The Postmaster General has demonstrated that Boston and New York, and the areas they serve, have enjoyed an ongoing pattern of late-night mail service by Eastern, allowing for same-day delivery of priority mail at Atlanta. Cancellation of Eastern's Boston-New York-Atlanta all-cargo operation has effectively eliminated this

[1] The Postmaster General filed two motions for expedited processing of Eastern's application. In view of the action taken herein, the motions are moot. It must be emphasized, however, that this is a case of first impression involving complex questions of policy which require a unique balancing of the interests of the affected carrier, the traveling and shipping public, and the Postal Service. In conformance with the mandate of section 405(b), the Board has accorded this case priority treatment and has acted as expeditiously as possible within the limits of our resources.

established pattern of mail service for which, as the Postmaster General asserts, there are no alternate modes of transportation. In these special circumstances, absent a compelling showing to the contrary, the allegations of the Postal Service for continuation of an ongoing service must be given substantial weight.

However, evaluating the public convenience and necessity in accordance with the statutory declaration of policy contained in section 102 of the Act, the Board is compelled to consider not only the needs of the Postal Service, but fostering and promoting economically sound air transportation as well. We are concerned, in this regard, that the mandatory operation of the flight will impose a financial burden on the carrier, a situation we find undesirable, especially in light of Eastern's present financial difficulties.[2] Nevertheless, relying on the Postmaster General's representations with respect to need for the service and the volume of mail the Postal Service proposes to tender to Eastern on the flight in issue, we will sustain the Postmaster General's order. However, we believe that it is desirable to take steps to insure that Eastern will be adequately compensated for the involuntary operation of the flight, and, consequently we propose to condition our action upon the establishment of a minimum rate of compensation, discussed below, to be paid by the Postmaster General for the operation by Eastern of the flight directed by the Postmaster General in his order issued January 3, 1974. By denying Eastern's application subject to the adoption of the below minimum temporary rate of compensation, the Board seeks to accommodate the needs of the Postal Service and at the same time insure that the economic burden of providing the mandatory flight is not assumed by the carrier.

Accordingly, we tentatively find and conclude that the fair and reasonable temporary mail rate to be paid to Eastern by the Postmaster General for the operation of the Boston-New York-Atlanta flight ordered by the Postmaster General, the facilities used and useful therefor, and the services connected therewith shall be $2,500, or the amount which the Postmaster General would be required to pay Eastern for the mail it tenders using the current temporary mail rate, whichever is higher. The $2,500 temporary rate of compensation is based upon the estimate of the Postmaster General in his January 3, 1974 order of the average daily volume of mail which the Postmaster General anticipates tendering to Eastern on the reinstituted flight,[3] to which was applied the current temporary mail rate formula for the segments in issue. Use of this figure as a temporary rate of compensation for the operation of the flight, coupled with Eastern's ability to attract additional commercial revenue, should insure that the carrier will not be financially distressed by the mandatory operation of the flight.[4] The temporary rate proposed herein will be subject to retroactive adjustment as required by the order establishing final service mail rates in Docket 23080–2.

Finally, we note that further reductions in fuel allocations requiring additional service cutbacks could upset the balance which we are trying to achieve between the needs of the Postal Service, the traveling and shipping public, and the affected carrier. Consequently, we will retain jurisdiction in this matter and reserve the power to amend, revise, suspend or cancel the order of the Postmaster General if the public convenience and necessity require.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 405, and 406 thereof, and the regulations promulgated in 14 CFR Part 302;

It is ordered, That:

1. Upon final Board adoption of the temporary service mail rate proposed herein, the application of Eastern Air Lines, Inc., to cancel the order of the Postmaster General issued on January 3, 1974, be and it hereby is denied;

2. Upon final Board adoption of the temporary service mail rate proposed herein, the order of the Postmaster General isued on January 3, 1974, be and it hereby is effective;

3. Eastern Air Lines, the Postmaster General, and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the temporary rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Eastern Air Lines, Inc., for the operation of a Boston-New York-Atlanta southbound flight as ordered by the Postmaster General in his order issued January 3, 1974, pending the fixing of a final rate in the "Priority and Nonpriority Domestic Service Mail Rates Case," Phase 2, Docket 23080–2;

4. Further procedures herein shall be in accordance with 14 CFR, Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within seven days, and if notice is filed, written answers and supporting documents shall be filed within 14 days after service of this order;

5. If notice of objection is not filed within 7 days after service of this order, or if notice is filed, and an answer, which raises a material issue of fact, is not filed within 14 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps, short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the temporary rate specified herein;

6. If answer is filed presenting material issues of fact for hearing, the issues involved in determining the fair and reasonable temporary rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

7. This order shall be served upon all parties to Docket 23080–2.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–6182 Filed 3–15–74;8:45 am]

[Dockets No. 25280 and 25513; Order 74–3–63]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Increased Fuel Costs

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 13th day of March, 1974.

By procedural Order 74–2–91 of February 22, 1974, the Board set dates for the receipt of justification, comments and objections pertaining to agreements adopted by the International Air Transport Association (IATA) which would further increase passenger fares and cargo rates on or after March 15, 1974, generally by seven percent as a consequence of escalating fuel prices.[1]

Insofar as air transportation as defined by the Federal Aviation Act of 1958 is concerned, the agreements would increase passenger fares and cargo rates over the North/Central and South Pacific routes between the United States and Asia/Australia/Australasia, and international fares and rates to and from United States possessions in the Pacific.[2] For passenger travel to and from Japan, the increase would be three percent on all first-class and normal economy fares and seven percent on all promotional fares. For passenger travel and cargo shipments originating in Australia, the increase would be held to a maximum of three percent.

Justification has been submitted in support of the agreements by The Flying Tiger Line Inc. (Flying Tiger), Northwest Airlines, Inc. (Northwest), Pan

[2] For the year ended September 30, 1973, Eastern experienced an operating loss of over $14 million and a net loss of $16.8 million.

[3] 12,000 pounds on the Boston-New York segment and 16,000 pounds on the New York-Atlanta segment.

[4] Final adoption by the Board of the minimum rate proposed herein does not rule out the Board's taking other and different rate-related actions in future cases involving 405(b), should they arise.

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American World Airways, Inc. (Pan American), and Trans World Airlines, Inc. (TWA). Comments have been received from Japan Air Lines Co., Ltd. (JAL), and RCA. The matter now stands ready for the Board's decision.

Flying Tiger submits a forecast for 1974 which reflects reductions in fuel consumption and staff which in total produce annual savings of $5 million. The carrier estimates that available ton miles in 1974 will aproximate 73 percent and revenue ton miles 74 percent of the 1973 level. System load factors are expected to be in excess of 65 percent by weight, which approximates a 75 percent cube load factor. Over the critical transpacific leg which has historically operated at weight load factors in the upper 70's and lower 80's, Flying Tiger alleges that there is obviously little it can do to increase space utilization. Based on these considerations, Flying Tiger projects that in the absence of the proposed increases, it will experience an operating loss of $3.6 million assuming current fuel costs—a decline of $21.7 million from its results in 1973. Even with the additional revenue and assuming no further fuel cost increases, the carrier alleges that it will still incur an operating loss of $1.3 million in 1974. Flying Tiger indicates that fuel expenses for 1974 will increase in excess of $10 million over 1973, and will account for 58.3 percent of flying operations expense in 1974, versus 35.7 percent a year earlier.

Northwest's revenue and expense projections assume the level of service provided in its current schedules, adjusted for a 15 percent reduction during the first half of 1974 because of the fuel shortage. Without the proposed fare and rate increases, Northwest projects a negative net profit of $2.9 million for 1974, and anticipates a $6.4 million net profit with the increases. Northwest indicates that total fuel-related expense increases amount to $32.3 million, whereas total revenues are anticipated to increase by only $19.5 million. During the period January–September 1973, Northwest's fuel cost per gallon averaged approximately 11 cents, as compared with the latest cost of 37.45 cents per gallon, an increase of 240 percent.

Pan American states that since December 1973 its fuel cost has increased from 24.19 cents to 33.02 cents per gallon, representing an increase of 160 percent over fuel costs for the year ending September 1973. As a consequence, Pan American projects an increase in the total cost of its Pacific combination services for the year ending March 31, 1975 in excess of $32.1 million, over the year ending September 30, 1973. On the other hand, revenues from the proposed agreements and the earlier agreement relating to fuel cost increases are expected to approximate $25 million. Absent the proposed instant fare and rate adjustments, Pan American projects a return on investment in its Pacific scheduled combination services of 8.5 percent. With the proposed increases the anticipated rate of return is estimated at 10.6 percent. In its all cargo services the projected rate of return, absent the proposed increases, is 0.7 percent, and 4.1 percent with the increases.

TWA alleges that, absent the proposed seven percent fuel related increase, its Pacific services would be operated at an even greater loss in 1974 than was incurred a year earlier. TWA's financial projections are based on a forecast fuel cost of 35 cents per gallon which, in light of January results and those anticipated in February and March, appears conservative. Although the limited availability of fuel has resulted in a significant reduction in previously planned scheduled operations for 1974, the associated cost savings will allegedly only partially offset the rising price of fuel. Consequently, TWA anticipates that its Pacific Division pre-tax loss will substantially exceed the $6 million experienced in 1973, despite reductions in the level of operation.

With respect to the more limited three percent increase in fares and rates from Australia, Pan American states that the fuel-cost situation in that country is quite different from that elsewhere. The cost of fuel at Sydney has increased by only 30 percent. Because of the nature of the fuel situation in Australia, and the position of the Australian transport authorities, the carriers reached a compromise to limit the increases for Australian originating passengers and freight to a maximum of three percent.

Northwest cites the exceptional treatment for normal-first class and economy fares to/from Japan which are proposed to be increased by three percent while the promotional fares would be increased by seven percent, alleging that this stems from the floating of the yen. Japan Air Lines points out that the lower-rated promotional fares should not be subsidized by higher normal fares, and that the difference in the percentage increases will have the effect of narrowing the disparity between normal and promotional fares. Japan Air Lines also indicates that in March 1974 its average cost per gallon of fuel will have increased by 178.1 percent over the cost per gallon incurred in the second quarter of 1973. In order for that carrier to recoup this increased cost, revenues would allegedly need to be increased by 18.33 percent.

RCA in its comments indicates that it does not oppose the granting of an emergency increase to offset rising fuel costs. RCA, however, strongly urges that the emergency increase be clearly earmarked as such, that it should be factually justified on the basis of proven costs, and that it should be applied equitably between passenger and freight service, between different areas of the world, and between all types of shipments.

Upon consideration of the carrier justifications and comments, we conclude that the request for an additional seven percent increase in passenger fares and cargo rates over the North/Central and South Pacific, and likewise the three percent involving Australia and Japan, appear warranted in view of increased costs of fuel which have been experienced and should not result in increased profits for the carriers. All of the four U.S.-flag carriers have furnished data which indicate the most recent prices they are being required to pay for fuel, and have provided forecasts which take into consideration various economy measures including but not limited to reduced operations and reductions in the personnel force. Our evaluation indicates that the projections are not unreasonable, that the increases herein requested are in fact related to the amount of service to be performed in the forecast period, and that increased profits will not flow from our approval.[3]

With respect to RCA's comments, we recognize that the increases would be incorporated into the fares and rates themselves, and not be applied as a surcharge which would be earmarked as such. We are aware that there may be some advantages to isolating an emergency increase of this sort. On the other hand, fuel costs are a necessary cost of doing business and are properly a part of the cost base upon which fares and rates are determined. Moreover, there is the advantage that the tariffs will more simply set forth the total rate or fare to be charged. Finally, the Board can, of course, rescind its approval of any IATA agreement at any time such action may be warranted.

By Order 73–9–58 dated September 14, 1973, the Board disapproved an IATA agreement which would have established first-class and normal economy fares over the South Pacific at levels higher than the sum of the individual sector fares over Honolulu. While this situation remains unresolved within IATA, many of the affected carriers have complied with the Board's findings, and have filed tariffs reflecting normal first-class and economy fares on this route which are equal to the sum of the local-sector fares. However, imposition of the proposed increase would once again result in through fares in excess of the sum of sector fares. We shall, therefore, condition our approval of the appropriate agreement now before us to require that under no circumstances shall its application result in through normal first-class and economy fares over the South Pacific which exceed the sum of the local-sector fares over Hawaii.

[1] The proposed increases would apply through March 31, 1975 and September 30, 1975 to passenger fares and cargo rates, respectively.

[2] Insofar as other than direct air transportation is concerned, the agreements provide for similar increases within Asia/Australia/Australasia and between Europe and Asia.

[3] We have difficulty with the unsupported profit and loss statement submitted by Flying Tiger, which would reduce revenue by an amount roughly equal to proposed service reductions, and we are unable to conclude whether such a reduction is reasonable. As regards fuel-cost increases, however, our evaluation of Flying Tiger's submissions indicates that the proposed increases appear warranted.

The Board, acting pursuant to sections 102, 204(a), 404(b), 412 and 1002 of the Act, makes the following findings:

1. It is not found that the following resolutions, set forth in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24209:			
R-1	005k	General Increases in Passenger Fares (New)	3.
R-2	005m	do	1/2/3.
24210:			
R-1	005n	do	3/1. N/Central Pacific.
R-2	005kk	General Increases in Cargo Rates (New)	3.
R-3	005mm	do	2/3.
R-4	005nn	do	3/1.
R-5	00600	do	1/2/3.
24234	314	Special Rates for Personal Effects (Amending)	3/1. 1/2/3.

2. It is not found that the following resolution set forth in the agreement indicated, is adverse to the public interest or in violation of the Act, subject to the following condition:

Agreement CAB	IATA No.	Title	Application
24209:			
R-3	005s	General Increases in Passenger Fares (New)	3/1. South Pacific.

Provided that in no event shall the application of IATA Resolution 005n have the effect of establishing normal first-class and economy fares in air transportation, as defined by the Act, in excess of the sum of the local-sector fares over Honolulu.

Accordingly, It is ordered, That:

1. Those portions of Agreements C.A.B. 24209, 24210 and 24234 set forth in finding paragraph 1 above be and hereby are approved;

2. That portion of Agreement C.A.B. 24209 set forth in finding paragraph 2 above be and hereby is approved, subject to condition;

3. The carriers are hereby authorized to file tariffs implementing the approved agreements on not less than one day's notice for effectiveness not earlier than March 15, 1974. The authority granted in this paragraph expires with April 15, 1974;

4. Tariffs implementing Agreements C.A.B. 24209, C.A.B. 24210, R–1 and C.A.B. 24234 shall be marked to expire no later than March 31, 1975; and

5. Tariffs implementing Agreement C.A.B. 24210, R–2 through R–5 shall be marked to expire no later than September 30, 1975.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, Secretary.

[FR Doc.74–6307 Filed 3–15–74;8:45 am]

COMMISSION ON CIVIL RIGHTS

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee to this Commission will convene at 6:30 p.m. on March 20, 1974, in Room 512, 1121 Vermont Avenue, NW, Washington, D.C. 20425.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW, Washington, D.C. 20425.

The purpose of this meeting shall be to discuss plans for followup activities to the District of Columbia SAC report on Minority Enterprises.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 11, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74–6195 Filed 3–15–74;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 10:15 a.m. on March 21, 1974, in the Oak Room, Second Floor, Union Building, Michigan State University, East Lansing, Michigan 48823.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purposes of this meeting shall be (1) to receive report of SAC members on a two-day Native American Conference held in February 1974, (2) to discuss role Michigan SAC will undertake in a proposed Native American Project, and (3) to plan future activities on the Revenue Sharing Project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 11, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74–6196 Filed 3–15–74;8:45 am]

NEBRASKA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Nebraska State Advisory Committee (SAC) to this Commission will convene at 1:00 p.m. on March 22, 1974, at the Courthouse, 10 and P Streets, Lincoln, Nebraska 68508.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Central States Regional Office of the Commission, Room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting shall be to begin plans to determine the next project to be undertaken by the Nebraska SAC.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., March 11, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Specialist.

[FR Doc.74–6197 Filed 3–15–74;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 6:30 p.m. on March 18, 1974, Dumpling House Restaurant, 17 Division Street, New York, New York 10002.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss plans for a meeting of the New York SAC Subcommittee on Asian American Affairs.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

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Dated at Washington, D.C., March 11, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-6198 Filed 3-15-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

MARCH 13, 1974.

On February 1, 1974, there was published in the FEDERAL REGISTER (39 FR 4128) a letter dated January 29, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs establishing a specific limitation for wool textile products in Category 121 produced or manufactured in the Republic of Korea and exported to the United States during the agreement year which began on October 1, 1973. It has been determined that the level of restraint established for Category 121 should have been 177,758 units, instead of 143,925 units.

Accordingly, there is published below a letter of March 13, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements amending the directive of January 29, 1974.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 13, 1974.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on January 29, 1974 by the Chairman of the Committee for the Implementation of Textile Agreements regarding imports into the United States of wool textile products in Category 121 produced or manufactured in the Republic of Korea.

The first paragraph of the directive of January 29, 1974 is hereby amended to show a level or restraint of 177,758 units for Category 121 produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period which began on October 1, 1973 and extends through September 30, 1974. This amended level of restraint reflects entries made through November 30, 1973. No adjustment has been made to reflect any entries made after November 30, 1973.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-6162 Filed 3-15-74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

WATER SUPPLY CHARGES; ENVIRONMENTAL ASSESSMENT

Notice of Intent

The Commission has prepared an environmental assessment of its proposed regulations relating to water supply charges. Assessment was made of the degree to which the charges would affect demand for water supply and for products and services associated with the water supply used in their production; and the impact upon the environment. The assessment has shown that change in the demand for water and the products and services associated with its use would be insignificant, and the impact on the environment would be neutral, should the water supply charges be implemented. Based upon the assessment, the Executive Director has determined that the proposed water supply charges regulations will not cause a significant environmental impact and that the preparation of an environmental impact statement is, therefore, not required.

Notice is hereby given of the Executive Director's intent to issue a Negative Declaration in accordance with the Commission's rules of practice and procedure as amended on December 12, 1973. The negative declaration will take effect on April 15, 1974, unless prior to that date interested parties submit written evidence sufficient to demonstrate good cause why an environmental impact statement on the regulations should be prepared.

Copies of the document "Environmental Assessment for the Proposed Sale of Water by the Delaware River Basin Commission" dated March 1974 are available upon request.

W. BRINTON WHITALL,
Secretary.

MARCH 8, 1974.

[FR Doc.74-6191 Filed 3-15-74;8:45 am]

WATER SUPPLY CHARGES

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on proposed amendments of its Administrative Manual—Basin Regulations to establish a system of water supply charges. The hearing will be held on Tuesday, March 26, 1974, in the auditorium of the Moore College of Art, Southeast corner of 20th and Race Streets in Philadelphia, commencing at 1:30 p.m.

Developed pursuant to Commission Resolution No. 71-4, the proposed program of charges would apply to water supply withdrawn under specified conditions from the surface waters of the four-state 13,000-square-mile Delaware River Basin. Revenues received by the Commission would be used to repay the Federal Government for the cost of water supply storage incorporated into existing and planned multi-purpose reservoirs as required by the terms of the Federal Water Supply Act of 1958. The Commission held a public hearing on the initial draft of water supply charges regulations on February 28, 1973. Substantial revisions were made as the result of that hearing and a revised draft (dated June 28, 1973) was distributed to news media, government agencies, business and civic organizations, and interested private citizens on August 3, 1973, along with a summary of hearing issues and Commission staff response thereto. The proposed regulations that are the subject of this hearing notice are identical to those distributed last August.

Commission staff has prepared an environmental assessment of the proposed water charges regulations. Based on that assessment, the Executive Director has determined that the proposed regulations will not cause significant environmental impact and that the preparation of an environmental impact statement is, therefore, not required. A notice of intent to issue a negative declaration was given on March 8, 1974 in accordance with the Commission's rules of practice and procedure as amended on December 12, 1973.

Draft of the proposed water supply charges regulations, the environmental assessment and other documents referred to in this notice are available upon request. All parties wishing to testify at the hearing are requested to notify the Secretary no later than 5 p.m. on March 25, 1974. Written statements may be submitted in lieu of oral testimony.

W. BRINTON WHITALL,
Secretary.

MARCH 8, 1974.

[FR Doc.74-6170 Filed 3-15-74;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

ISSUANCE OF NOTICES OF RIGHT-TO-SUE

Formal Ratification

Notice is hereby given that the Equal Employment Opportunity Commission at a Commission meeting on March 12, 1974, formally ratified the acts of the District Directors of EEOC District Offices in issuing Notices of Right-To-Sue pursuant to Commission practice instituted on October 15, 1969, and continued to the present.

Signed at Washington, D.C., the 13th day of March, 1974.

JOHN H. POWELL, JR.,
Chairman.

[FR Doc.74-6159 Filed 3-15-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

ANTIMICROBIAL PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 707), notice is hereby given that a meeting of the Antimicrobial Program Advisory Committee will be held at 8:30 a.m., March 26 and 27, 1974. The meeting on March 26 will be held in Conference Room 3305, Waterside Mall, and the meeting on March 27 will be held in Conference Room 412, East Tower, Waterside Mall, 401 M Street, SW., Washington, D.C.

This will be the fifth meeting of this Committee. The agenda will allow a maximum time of one hour for public participation at the beginning of each session, provided the procedures established by the Committee for public participation have been followed. Any member of the public who desires to present an oral statement must: (1) Notify the Executive Secretary or the Chairman at least 48 hours prior to the meeting; (2) Identify himself by name and affiliation; (3) Identify the subject of the statement; (4) Estimate the time that will be required to present the statement; and, (5) Limit the statement to the agenda of the meeting, as published in the FEDERAL REGISTER.

The meeting will be devoted exclusively to a review and evaluation of EPA's proposed statement of policy regarding Labeling Claims for Residual Bacteriostatic and/or Self-Sanitizing Activity in Labeling of Pesticide Products (38 FR 163). The Committee will review and evaluate written comments submitted from interested persons in response to the above FEDERAL REGISTER notice.

Efforts are being made to obtain the services of eminent consultants to address the Committee at this meeting. The membership has agreed that the expertise of the consultants they have selected is desirable prior to the Committee's making any final recommendations. Because of the short notice, it is uncertain as to whether these consultants will be available at the fifth meeting.

The meeting will be open to the public. Any member of the public wishing to participate or present written or oral views should contact Dr. William G. Roessler, Ph. D., Executive Secretary, Antimicrobial Program Advisory Committee, (202) 755-2562, at least 48 hours prior to the meeting.

Dated: March 12, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.74-6154 Filed 3-15-74;8:45 am]

PRESIDENT'S AIR QUALITY ADVISORY BOARD

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the President's Air Quality Advisory Board will be held 10:00 a.m. on April 1 and 2, 1974, in the Administrator's Conference Room (11th floor), 401 M Street SW., Washington, D.C. 20460.

The Board advises the Administrator on matters of policy relating to the activities and functions of the Administrator under the Federal Clean Air Act. The purpose of the meeting is to present to the Board an overview of the Agency's Air Pollution Control Program and consider Board Activities for the coming year.

The meeting will be open to the public. A limited number of seats—approximately 10—will be available on a reserved first come basis. Any member of the public wishing to attend the meeting or requesting additional information should contact Robert F. Powell, Executive Secretary; EPA Telephone: 202-755-6906.

Oral statements or questioning of Board members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Board before or after the meeting.

ROGER STRELOW,
Acting Assistant Administrator for Air and Water Programs.

FEBRUARY 20, 1974.

[FR Doc.74-6155 Filed 3-15-74;8:45 am]

[OPP-32000/24]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW, Washington, D.C. 20460.

On or before May 17, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after this 60-day period.

APPLICATIONS RECEIVED

EPA File Symbol 12227-R. Abbot Chemicals, 18640 Parthenia Street, Northridge, California 91324. *Con-Ker.* Active Ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 5.0%; Tetrasodium salt of ethylene diamine tetraacetic acid 2.3%; Sodium carbonate 2.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5590-RLE. Aerosol Techniques, Incorporated, Old Gate Lane, Milford, Connecticut 06460. *No. 40A Multi Purpose Disinfectant Bathroom Cleaner.* Active Ingredients: o-Phenylphenol 0.100%; 4-Chloro-2-Cyclopentylphenol 0.080%; Lauric diethanolamide 0.200%; Triethanolamine Dodecylbenzenesulfonate 0.300%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 3533-LU. Airkem, a Div. of Airwick Inds. Inc., 111 Commerce Road, Carlstadt, New Jersey 07072. *Aseptícare Disinfectant Virucide.* Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.15%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 0.15%; Ethanol 59.70% Isopropanol 0.42%; Essential oils 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9087-T. Aspen Industries, Inc., P.O. Box 177—Route 281, Tully, New York 13159. *Tabex "Gentle" Concentrated Pool Chlorine.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100% (Available Chlorine 56%). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11501-RR. The Aquachem Co., Inc., 349 Greco Ave., Coral Gables, Florida 33146. *Pool-Care Super 60 Chlorine Concentrate.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8772-EN. Blue Cross Chemical Co., Div. of Zarov Chemical Co., 1301 S. First Ave., Maywood, Illinois 60153. *Blue Cross Sta-Chlor 100.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100% (Available Chlorine 56%). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9405-EN. Chemtech, a Div. of Airwick Inds. Inc., 380 North Street, Teterboro, New Jersey 07608. *Chemtech Spray #14.* Active Ingredients: n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.15%; n-alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chloride 0.15%; Ethanol 59.67%; Isopropanol 0.43%. Method of Support: Application proceeds under 2(b) of interim policy.

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EPA File Symbol 1941–TL. Elco Manufacturing Company, 111 Third Street, Pittsburgh, Pennsylvania 15215. *Elco Pine Odor Disinfectant.* Active Ingredients: Pine Oil 7.00%; Soap 7.25%; Sodium ortho-benzyl-para-chlorophenate 3.85%; Isopropyl Alcohol 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6284–EG. Kiefer McNeil-Division of McNeil Corporation, 999 Sweitzer Avenue, Akron, Ohio 44311. *Grantsport t.a.s.k. force Chlorine Tablet Cartridge.* Active Ingredients: Trichloro-s-triazinetrione 100%; Available Chlorine 90%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6284–EU. Kiefer McNeil-Division of McNeil Corporation, 999 Sweitzer Avenue, Akron, Ohio 44311. *Grantsport t.a.s.k. force Chlorine Tablets.* Active Ingredients: Trichloro-s-triazinetrione 100%; Available Chlorine 90%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 6284–EE. Kiefer McNeil-Division of McNeil Corporation, 999 Sweitzer Avenue, Akron, Ohio 44311. *Grantsport t.a.s.k. force Granular Chlorine.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100%; Available Chlorine 56%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 777–UO. Lehn & Fink Products Co., Division of Sterling Drug, Inc., 225 Summit Avenue, Montvale, New Jersey 07645. *Lysol Brand Aerosol Foam Deodorizing Cleaner.* Active Ingredients: o-Phenylphenol 0.325%; Potassium laurate 0.554%; Tetrasodium Ethylenediamine Tetraacetate 0.324%; Alcohol 10.83%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 777–LN. Lehn & Fink Products Co., Division of Sterling Drug, Inc., 225 Summit Avenue, Montvale, New Jersey 07645. *Lysol Brand Granular Disinfectant Toilet Bowl Cleaner.* Active Ingredients: Sodium Acid Sulphate 73.75%; Mono Potassium Peroxysulfate 0.75%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 33593–R. Marzahl Chemical Company, Hackensack Avenue & 3rd Street, South Kearny, New Jersey 07032. *Chlorine.* Active Ingredients: Liquid Chlorine 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33012–E. Quad Chemical Corporation, 2779 E. El Presidio, Long Beach, California 90810. *Glidco Pine Oil–140.* Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33012–R. Quad Chemical Corporation, 2779 E. El Presidio, Long Beach, California 90810. *Glidco Pine Oil–150.* Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33734–R. J. R. Schneider Co., Inc., Post Office Box 878, Tiburon, California 94920. *Schneider Micro-Cide II.* Active Ingredients: 1-(3-chloroallyl)-3,5,7-triaza-1-azoniaadamantene chloride 67.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 557–RITG. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift G5E Malathion.* Active Ingredients: Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 55.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITE. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Miscible Oil 97%.* Active ingredients: Petroleum Oil 97.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITR. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Nutritional Spray No. 4 for Citrus.* Active Ingredients: Copper as Metallic 15.60%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITU. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Nutritional Spray No. 7 for Citrus.* Active Ingredients: Copper as Metallic 13.85%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITL. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Ne 8.6E Nemagon 86E.* Active Ingredients: 1,2-Dibromo—3-Chloropropane 68.9%; Other halogenated C-3 compounds 3.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITA. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Toxaphene V6E.* Active Ingredients: Toxaphene 57.08%; Heavy Aromatic Naphtha 38.28%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITT. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Nutritional Spray No. 6 for Citrus.* Active Ingredients: Copper as Metallic 14.90%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITI. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Swift Gold Bear Nutritional Spray for Florida Plants.* Active Ingredients: Copper as Metallic (in basic copper sulphate) 8.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RITO. Swift Chemical Company, 111 W. Jackson Blvd., Chicago, Illinois 60604. *Par-ez Sodium Arsenite.* Active Ingredients: Sodium Arsenite 56.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 984–57. Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pennsylvania 17067. *Whitmoyer* propanol 10%; 4 & 6-chloro-2-phenylphenol 7%; O-phenylphenol 6%; tetrasodium ethylenediamine tetraacetate 1.5%; p-tertiary amylphenol 1.0% 35.5%. Method of Support: Application proceeds under 2(a) of interim policy.

Dated: March 12, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74–6053 Filed 3–15–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 74–218]

NCSA PLANS

Waiver of Requirements Granted State Broadcasters Association

1. The Commission has under consideration (1) waiver of the requirements of section 317 of the Communications Act of 1934, as amended, which has been granted to a number of state broadcasters' associations in connection with "Non-Commercial Sustaining Announcement" plans; and (2) information obtained regarding the operation of such plans.

BACKGROUND OF THE MATTER

2. Since 1962 the Commission has, under authority of subsection (d) of section 317 of the Communications Act and based upon petitions by a number of states broadcasters' associations, found that the public interest, convenience or necessity does not require that public service announcements broadcast under specified conditions by members of the associations be announced as sponsored or logged as commercial even though the state associations receive contributions from some of the non-profit organizations whose announcements are so broadcast. The state associations assist such organizations in planning, preparing, producing and/or distributing their announcements to member stations.[1]

3. In granting the first such waiver (Southern California Broadcasters Association; see footnote 1) the Commission stated that,

> Passing solely upon the facts before it, the Commission is of the view that it cannot be determined that no consideration inures to the member stations of SCBA as a result of the contributions made to the Association by the non-profit organizations. Under the circumstances, section 317(a) of the Communications Act would appear to require program material broadcast on behalf of such non-profit organizations to be identified as sponsored, and the Commission's rules would require such program material to be logged as commercial.[2] However, the Commission has also considered the compelling public interest benefits which flow to non-profit organizations of this type and to the public from these broadcasts and has concluded that (a) under these circumstances and in accordance with subsection (d) of section 317, public interest, convenience or necessity would be served by waiving the requirements of sponsorship identification, and (b) such material may continue to be logged as sustaining.

It was represented by the SCBA that no commitments or promises were made as consideration for the contributions and that all of the contributing organizations had for many years received time, announcements and similar cooperation from radio stations without regard to any contribution made to the Association.

4. Although there were no other precise conditions placed upon the waiver granted the Southern California Broadcasters Association, in making additional grants some years later the Commission set forth more specific conditions. Thus, in granting a waiver of section 317(a) to the Wyoming Association of Broadcasters (footnote 1, supra), the Commission stated,

[1] See, for example, letters to Southern California Broadcasters Association, 24 RR 284 (1962); Kansas Association of Radio Broadcasters, 4 FCC 2d 267 (1966); Wyoming Association of Broadcasters, 21 FCC 2d 238 (1969).

[2] In its subsequent grants of similar waivers, the Commission also stated that section 317(a) was applicable and that a Commission grant of a waiver pursuant to subsection (d) was necessary if announcements from contributing organizations were not to be identified as sponsored and logged as commercial.

> In considering your request, we have noted that only your executive committee is aware of whether a contribution has been made to the association. In addition, we have noted that all requests from public service, non-profit organizations will be processed in the same manner, whether or not a contribution is made; that such organizations have been apprised of this fact; and that your member stations will not know whether or not a contribution has been made.

In granting the Wyoming request the Commission also stated,

> However, the Commission is concerned with the possibility that some of the non-profit organizations . . . will be prompted to contribute by a belief that they will be discriminated against if they fail to contribute. In view of the representations contained in your letter, it is expected that in such eventuality you will take effective action to dispel any such misapprehension.

Similar language was appended to many other letters granting the requested waiver.

5. Monies received by state associations from non-profit organizations are in most cases used not only to finance the associations' assistance in preparing and distributing public service announcements or other program matter, but also to defray the general operating costs of the associations, as many associations have candidly indicated in requesting waiver of section 317(a). In some states, part of the contributions also is used to finance college scholarships or to defray the costs of attending radio operator schools. The assistance rendered the non-profit organizations ranges from merely advising member stations of the names and addresses of organizations seeking air time, to distributing spots prepared by the public service organizations and to writing and producing the spots, as well. Most state groups use the phrase, "Non-Commercial Sustaining Announcement plan" (hereinafter NCSA) in referring to the arrangement set forth above.

6. In an effort to ascertain the ways in which such NCSA plans were being operated, the Commission sent letters to all state associations asking which operate NCSA or similar plans and, if so, detailed information regarding operation of the plans.

RESPONSES OF ASSOCIATIONS

7. Responses reveal that broadcasters' associations in 19 states operate NCSA or similar plans and that two of the associations have not applied for or been granted waiver of the provisions of section 317(a). Thirty-one states and the District of Columbia operate no NCSA plan. The maximum amount received in contributions in 1972 under such a plan was approximately $24,000, representing 37 percent of that association's total income. (In three cases, contributions represented 50 or more percent of total income.) The smallest amount contributed was $150, representing less than one percent of total income. Only four of the 19 reporting groups report that all of the money contributed was spent on processing, writing or distributing PSAs for non-profit organizations or for college scholarships. Most of the other state associations spent most of the contributed money on general operating expenses or their conventions. The proportion of contributions spent for operating expenses ranged up to 100 percent. All associations deny that promises or agreements have been made for preferential treatment of contributing organizations; however, it is obvious from other data supplied that in some cases, where all or most of the associations' contributions come from a single source or only two or three sources (e.g., state tourist departments or state fairs), that preferential treatment is being given such contributors. One association states candidly that if any other non-profit organization than its sole (and substantial) contributor sought assistance on a regular basis, the association would be inclined to discuss with it "the desirability of a contribution."

8. As to actions taken to dispel a possible belief by non-profit organizations that their material will be discriminated against unless they make contributions, some associations include such a statement in printed matter distributed to non-profit organizations,[3] some state they give such assurances orally, and others state that it is generally known that a contribution is not necessary. Responses reveal that requests for assistance are reviewed by only one official of the association in one instance, by two in others and by the entire board of directors of the association or a committee of its members in still others. The same holds true generally with respect to the persons having knowledge of which non-profit organizations have made contributions, and in what amounts. Most associations state that member stations do not know which organizations contribute, but one states its members are informed that this is a special project of the association, another states there is no reason why a member would not be informed of it inquired, a third candidly admits that member stations know who contributes. In certain other states, where the association receives its entire contribution from a single organization or only two or three organizations, there is reason to suspect that the member stations are aware of the arrangements.

9. Most state associations report that member stations are requested to report the number of spots broadcast for each campaign assisted by the association, and that such information is forwarded to the non-profit groups assisted, but that no discrimination in this respect is made between contributing and non-contributing organizations. However, in a few instances it appears that only contributors receive such reports. Almost all associations state that the spots they distribute to member stations are logged as PSAs (i.e., non-commercial), although a few state that some stations may log them as commercial.

10. The associations also were requested to list all campaigns assisted in calendar 1972, the nature of the assistance given, the number of spots broadcast by their members for each campaign if such information is available, and the amount, if any, contributed by each organization assisted. The responses reveal that from only one to as many as 23 organizations were assisted and that the assistance ranged from merely informing member stations of the names and addresses of non-profit organizations wishing assistance (which could then be contacted directly by each station if it desired) to distributing spots prepared by non-profit groups, to writing and distributing such spots, and, finally, to writing, producing and distributing spots. The reports in many cases indicate that no discrimination was practiced against non-contributors, in that the number of spots broadcast by member stations did not appear to vary in accordance with whether contributions were made, or the amounts of the contributions. In a few cases, however, assistance was granted only to contributing organizations and in still others there is reason to conclude that considerably more assistance was granted contributors than non-contributors (e.g., see last sentence of par. 7 above).

DISCUSSION

11. On the basis of the responses received, it appears that many state associations are not operating their NCSA plans in the manner contemplated by the Commission when it granted waiver of the provisions of section 317(a), and that in some instances the state association is in effect serving as an advertising agency, collecting funds from non-profit organizations which then become, for all practical purposes, sponsors of the announcements broadcast on their behalf. These accounts are serviced much as an advertising agency might, and much or even most of the monies so received by many state organizations are used for their general operating expenses, thus proportionately reducing the amounts their members need contribute for this purpose. Although almost all associations state that they do not inform members which non-profit organizations make contributions, some acknowledge that they do so inform members and in some other cases, it strains credibility to assert that member stations do not have such knowledge, e.g., when one or two or three organizations are the only contributors.

12. We believe on the basis of the information available to us that many of the NCSA plans are not being operated as contemplated by us in granting waivers. Moreover, by the very nature of the arrangement, such plans are always

[3] We believe, however, that printed or mimeographed material distributed by some associations is misleading in that it states that the Commission has "approved" their NCSA plans and "given permission • • • to ask for a contribution for making this program available." Such language implies a direct endorsement by the Commission of attempts to obtain contributions, whereas the Commission merely granted a waiver of the provisions of section 317(a) under certain conditions.

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likely to be conducted in a manner inconsistent with the assumptions on which the waivers were granted. It obviously is difficult, if not impossible, to conceal from member stations the identity of groups making contributions, and if member licensees have such knowledge, there is an obvious difficulty in treating non-contributors in exactly the same manner as contributors. Moreover, even if member stations have no such knowledge, there also is obviously a human temptation on the part of officials of the state associations to give a quid pro quo to contributors, since they are in many cases contributing one-half or more of the funds used by the association for general operating expenses and conventions.

13. As we have made clear many times, the obligation of each licensee is to ascertain the principal problems and needs of the area it serves and to program in such a way as to be responsive to those problems and needs. These interests are paramount, not the private interests of the licensee or its advertisers.[4] In the present case, the licensee's acceptance of public service announcements or other material provided by the state broadcaster's association must be based on the public interest, not on whether money is received either directly by the licensee or indirectly by reduction of the amount the licensee need contribute to the support of its state association. We now believe that continued grant of waivers of section 317(a) for NCSA and similar plans will tend to interfere with implementation of this policy, and therefore that all waivers previously granted must be rescinded after allowing a reasonable period of time for the associations to make whatever adjustments are necessary.

14. In no sense do we wish to imply that state broadcasters' associations do not provide a valuable service to their members or to broadcasting generally; to the contrary, most associations play a most useful role in providing for an interchange of ideas among their members, in informing them of statutes and Commission rules and policies affecting broadcasters, and in providing a means for collective expression to the Commission, the Congress and the public of the views of broadcasters. We wish to emphasize that we are not prohibiting acceptance of contributions by state associations from non-profit organizations, or the expenditure of substantial parts of such contributions on general association operating expenses. What we are doing is rescinding our grants of waivers of the provisions of section 317(a) so that all announcements or programs broadcast by stations on behalf of contributing organizations must be announced and logged as sponsored and by whom, and computed as commercial matter. Thus, rescission of the waivers need not end acceptance by state associations of contributions, although we recognize that in some instances it may have the effect of reducing them in number.

15. Accordingly, for the reasons set forth above, *it is ordered*, That all waivers granted to date of the provisions of section 317(a) of the Communications Act of 1934, as amended, with respect to announcements on behalf of contributing organizations are rescinded effective March 1, 1975.[5]

Adopted: Februray 27, 1974.

Released: March 5, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6140 Filed 3-15-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 603]

KOPPEL BROS., INC.

Order of Revocation

By letter of February 28, 1974, Koppel Bros., Inc., 1400 East Anaheim Street, Wilmington, California 90744 surrendered its Independent Ocean Freight Forwarder License No. 603 for revocation because of a shipper connection prohibited by § 510.2(a) of the Commission's General Order 4 (46 CFR Part 510) and Section 44, Shipping Act, 1916 (46 U.S.C. 841b).

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 603 be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Koppel Bros., Inc. be and is hereby revoked effective February 28, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Koppel Bros., Inc.

AARON W. REESE,
Managing Director.

[FR Doc.74-6193 Filed 3-15-74;8:45 am]

SOUTH JERSEY PORT CORP. AND ITO CORPORATION OF AMERIPORT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreement, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 28, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Robert L. Pettegrew, Executive Director
South Jersey Port Corporation
Broadway & Morgan Boulevard
Camden, New Jersey 08104

Agreement No. T-2667-1, between the South Jersey Port Corporation (Port) and ITO Corporation of Ameriport (ITO), modifies the basic agreement which provides for the 5-year lease to ITO of Berths Nos. 5 and 6 and inland property at the Port's Broadway Terminal, Camden, New Jersey, for use as a marine terminal and purposes incidental thereto. The purpose of the modification is to (1) provide for the construction of Transit Shed TS-1, (2) increase the rental accordingly, with provisions for an increase in taxes and cost of living, (3) designate a fixed minimum annual rental, (4) exclude the the wharfage revenue, generated by cargo handled in Transit Shed TS-1, from the calculation of percentage rental, (5) provide for an 8-year lease term (with renewal options), (6) provide that the Port approve all firms performing stevedoring services within the leased premises, (7) provide options for the exclusion of certain areas from the leased premises, with corresponding rental reductions, and (8) provide for ITO's payment of certain maintenance expenses.

By order of the Federal Maritime Commission.

Dated: March 13, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6192 Filed 3-15-74;8:45 am]

[4] See, for example, our public notice on program-length commercials, 39 FCC 2d 1062, 26 RR 1023 (1973), and the cases cited there, where we expressed, among other things, our concern as to subordinating the public interest to the interests of advertisers or to the station's own economic interests. In adopting the Primer on the ascertainment of community problems by broadcast applicants, we emphasized that applicants are judged by the public interest standard, not their private economic interests, 27 FCC 2d 650, 676, 21 RR 2d 1507, 1533 (1971). This policy has deep roots. The Federal Radio Commission stated in its second annual report (1928) at page 168:

> While it is true that broadcasting stations in this country are for the most part supported or partially supported by advertisers, broadcasting stations are not given these great privileges by the United States Government for the primary benefit of advertisers. Such benefit as is derived by advertisers must be incidental and entirely secondary to the interest of the public.

[5] By the Commission: Commissioners Burch, Chairman; and Hooks concurring but would have rescinded all waivers as of a date six months from issuance of the Memorandum Opinion and Order.

FEDERAL POWER COMMISSION

[Docket No. E-7616]

CITIZENS UTILITIES CO.

Notice of Application

MARCH 12, 1974.

Take notice that on February 21, 1974, Citizens Utilities Company (Applicant) filed a supplemental application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short-term promissory notes in an aggregate principal amount not to exceed $38,000,000 outstanding at any one time.

Applicant is incorporated under the laws of the State of Delaware and is qualified to do business in the States of Arizona, Colorado, Connecticut, Hawaii, Idaho, and Vermont.

The notes are to be issued pursuant to a credit arrangement with Marine Midland Bank—New York and certain other commercial banks now extending credit to applicant, or in the alternative, in the form of commercial paper to an established commercial paper dealer or dealers for resale in the customary commercial paper market without limitation as to the number of offerees or purchasers public or to institutional investors not for resale. All notes are to have a final maturity on or before April 1, 1975. The interest rate for notes issued pursuant to the bank credit agreement shall be at the prime commercial interest rate at Marine Midland Bank—New York for 90 day notes as of the date of issuance. The maximum principal amount of all notes to be issued pursuant to the supplemental application shall not exceed $38,000,000 outstanding at any one time.

The net proceeds from the sale of the notes will be used, together with other funds of the applicant, for the replenishment of the treasury for expenditures for current transactions and for the construction, extension and improvement of facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6138 Filed 3-15-74;8:45 am]

[Rate Schedule Nos. 13, etc.]

MURPHY OIL CORP. ET AL.

Notice of Rate Change Filings Pursuant to Commission's Opinion No. 639

MARCH 12, 1974.

Take notice that the producers listed in the Appendix A attached below have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before March 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Filing date	Producer	Rate schedule No.	Buyer	Area
Feb. 25, 1974	Murphy Oil Corp., 200 Jefferson Ave., El Dorado, Ark. 71730.	13	Texas Eastern Transmission Corp.	Other Southwest.
Do	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	205	Phillips Petroleum Co.	Permian Basin.
Feb. 27, 1974	Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052.	94	Transcontinental Gas Pipe Line Corp.	Texas Gulf Coast.

[FR Doc.74-6140 Filed 3-15-74;8:45 am]

[Rate Schedule Nos. 51, etc.]

SKELLY OIL CO., ET AL.

Notice of Rate Change Filings Pursuant to Commission's Opinion No. 639

MARCH 12, 1974.

Take notice that the producers listed in the Appendix A attached below have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before March 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar. 1, 1974	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	51	Kansas Nebraska Natural Gas Co.	Hugoton Anadarko.
Mar. 4, 1974	Gulf Oil Corp., P.O. Box 1589, Tulsa, Okla. 74102.	270	United Gas Pipe Line Co.	South Louisiana.
Do	Sohio Petroleum Co., 1100 Penn Tower, Oklahoma City, Okla. 73118.	110	Phillips Petroleum Co.	Hugoton Anadarko.
Do	Sohio Petroleum Co.	147	do	Do.

[FR Doc.74-6141 Filed 3-15-74;8:45 am]

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[Docket No. E-8647]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Proposed Cancellation

MARCH 12, 1974.

Take notice that on February 26, 1974, Southern California Edison Company (SCE) tendered for filing the proposed cancellation of its Rate Schedule FPC No. 66, Edison-Arizona 1972 Service Agreement dated May 16, 1972, between SCE and Arizona Public Service Company (APS). SCE states that the said Rate Schedule terminated by its own terms on September 30, 1972. SCE also states no service has been provided since this latter date nor has a new Schedule been filed in its place.

SCE requests that the proposed cancellation become effective thirty days after filing, that is, on March 28, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6142 Filed 3-15-74;8:45 am]

[Docket No. RP72-121]

SOUTHWEST GAS CORP.

Notice of Filing of Revised Tariff Sheets

MARCH 12, 1974.

Take notice that on March 1, 1974, Southwest Gas Corporation (Southwest) tendered for filing Third Revised Sheet No. 13A and 13B, and First Revised Sheet No. 13C which constitute a portion of the General Terms and Conditions, all in Southwest's Federal Power Commission Gas Tariff, Original Volume No. 1.

Southwest states that the purpose of this filing is to revise its "Purchased Gas Adjustment Clause" to eliminate the reference to El Paso Natural Gas Company and replace it with Northwest Pipeline Corportion which has now succeeded El Paso. Also, Southwest states that the clause has been reworded so that the method of handling the increases or decreases associated with compressor station fuel and unaccounted for gas is clearly defined. Southwest requests an effective date of April 1, 1974, for these sheets.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.18 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6139 Filed 3-15-74;8:45 am]

[Docket No. RP73-23]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Filing of Revised Tariff Sheets

MARCH 12, 1974.

Take notice that on February 28, 1974, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two gas tariff sheets to its Federal Power Commission Gas Tariff, Original Volume No. 1. The sheets are designated Fourth Revised Sheet No. 3-A (superseding Third Revised Sheet No. 3-A) and Fourth Revised Sheet No. 18-B (superseding Third Revised Sheet No. 18-B).

Lawrenceburg states that the sheets are being filed to reflect changes in the cost of gas purchased from Texas Gas Transmission Corporation (Texas Gas). According to Lawrenceburg, Texas Gas filed a "Motion to Substitute Tariff Sheets" in its Docket No. RP74-25, under which Texas Gas has requested that it be allowed to substitute new tariff sheets to become effective April 1, 1974, for those which it submitted in its original filing. Lawrenceburg tenders this filing in order to reflect increased costs of purchased gas due to Texas Gas' substitute sheet filing. In order for these revised sheets to become effective on the same date that the Texas Gas substitute sheets become effective, Lawrenceburg requests an effective date of April 1, 1974, and waiver of the notice requirements under Section 154.51 of the Commission's regulations. Lawrenceburg further states that it has mailed copies of this filing to its two wholesale customers, Lawrenceburg Gas Company and The Cincinnati Gas & Electric Company, and to the two interested state commissions, Public Service Commission of Indiana and The Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6144 Filed 3-15-74;8:45 am]

[Project Nos. 2225 and 2526]

PUBLIC UTILITY DISTRICT NO. 1 OF PEND OREILLE COUNTY, WASHINGTON

Order Dismissing Application for Amendment of License Denying Motion of Commission Staff Counsel To Dismiss Application and Fixing Deadline for Filing of Revised Application

MARCH 8, 1974.

On March 11, 1965, Public Utility District No. 1 of Pend Oreille County, Washington (District) filed an application for amendment of the license for Project No. 2225. This application proposed redevelopment of an existing project that is inoperative except for its reservoir facility. So extensive was the scope of the redevelopment that, in effect, a new project was proposed. Hence, the District was advised that an application for a license would be more appropriate. Accordingly, on June 14, 1965, the District filed an application for a license for Project No. 2526 encompassing all of the facilities proposed in the prior application for amendment. The District agreed that the license for Project No. 2225 should be surrendered upon issuance of the license for Project No. 2526.

The District's prosecution of its application for a license has been characterized by uncertainty and delay. Following the initial filing in 1965, several years passed without significant progress toward completion of the application. In a letter from the Commission's Regional Engineer dated April 2, 1970, the District was requested to report on the status of the project. In a letter dated June 12, 1970, the District stated that it was unable to sell the power from the proposed new project due to the high interest rates at the time. It proposed that the license application be left on file indefinitely until a determination could be made as to whether the interest rates would ever lower sufficiently to make the power saleable.

A February 9, 1973 letter by the Commission's Secretary pointed out that the District had neither completed its application nor indicated any intent to do so since the letter of June 12, 1970. The Secretary also pointed out that substantial changes had been made in the Commission's rules and regulations in the intervening years, and that consequently it would be necessary to either submit a new application for license for the project, superseding the original application in its entirety, or apply to withdraw the original application.

The District, in a letter dated March 2, 1973, requested that it be given an extension until December, 1974, during which the effect on project feasibility of the suggested rate increase by Bonneville Power Administration could be analyzed. It was indicated that the contemplated rate increase and the growing power shortages in the area would increase the likelihood that the project power could be sold. The District added that the extension of time would be used to prepare new exhibits and revise existing exhibits, in lieu of filing an entirely new application.

By a letter dated March 30, 1973, the Secretary reiterated his request that the District withdraw its application, and indicated that the withdrawal would be approved without prejudice to the filing of a new application at such time as the feasibility of the project could be definitely established. No further communications were received from the District with regard to its license application.

On December 7, 1973, Commission Staff Counsel filed a motion to dismiss both the application for amendment of license for Project No. 2225 and the application for license for Project No. 2526. In support of this motion, Staff Counsel cited the District's inability to demonstrate the financial feasibility of the project and its consistent failure to submit requested materials. On December 20, 1973, the District requested an extension of time to answer Staff Counsel's motion, and on January 7, 1974, the Commission issued notice of an extension of time to January 20, 1974. The District's answer to Staff Counsel's motion to dismiss, filed on January 18, 1974, asserted that "conditions now exist which definitely make the project feasible," and again requested that the District be granted an extension to December 31, 1974, in order to complete its original application.

The Commission has consistently shown in the past that it will not countenance undue delay in the determination of project feasibility at the expense of committing potential power resources and the Commission's administrative resources for an indefinite period of time.[1] Since Staff Counsel's motion was filed, however, the District has provided the Commission with affirmative evidence of the possible saleability of project power in the form of letters to the District from the City of Seattle Department of Lighting and The Washington Water Power Company, expressing interest in the project. Although these letters represent little more than an indication of willingness to discuss the project, the District proposes to submit quarterly reports on the progress of its attempts to arrange for the sale of project power.

Taking into consideration the increasing power demands in the area and the need to search out every potential avenue of power production, we find that the District should be afforded another opportunity to demonstrate the feasibility of the project. However, the District's request that it be allowed to supplement the existing application with new and revised exhibits cannot be accommodated. In the years since the application was initially filed there have been many amendments to the Commission's rules and regulations governing license applications.[2] Many of the previously submitted materials, and the comments thereon which were solicited from State and Federal agencies, are already inadequate and outdated. The administrative burden on the Commission Staff which would result from an attempt to bring the existing deficient application into conformity with current requirements would be too great. Therefore, the District will be required to submit a revised application for consideration by the Commission and for referral to Federal, State and local agencies, superseding the original application in its entirety. This revised application should conform to current regulations and should be submitted as a single bound document by December 31, 1974. If no such application has been submitted by that date, the Commission will, on its own motion, dismiss the existing application for a license for Project No. 2526 without prejudice.

Inasmuch as the application for amendment of the license for Project No. 2225 has been superseded by the application for a license for Project No. 2526, it is superfluous and will be dismissed accordingly.

The Commission finds. (1) The application for amendment of the license for Project No. 2225 has been superseded by the application for a license for Project No. 2526, and should be dismissed.

(2) It is appropriate and in the public interest to afford the District another opportunity to demonstrate the feasibility of the project, and Commission Staff Counsel's motion should be denied to the extent that it would dismiss the application for a license for Project No. 2526.

(3) The District should be required to submit a revised application for a license for Project No. 2526, superseding the existing application in its entirety.

The Commission orders. (A) The application for amendment of the license for Project No. 2225, filed on March 11, 1965, by Public Utility District No. 1 of Pend Oreille County, Washington, is hereby dismissed.

(B) Commission Staff Counsel's motion of December 7, 1973, is hereby denied to the extent that it would dismiss the application for a license for Project No. 2526.

(C) Public Utility District No. 1 of Pend Oreille County, Washington, shall submit a revised application for license for Project No. 2526 in the form of a single bound document by December 31, 1974: *Provided*, That if such application has not been submitted by that date, the Commission will, on its own motion, dismiss the existing application for license for Project No. 2526 without prejudice.

(D) Public Utility District No. 1 of Pend Oreille County, Washington, shall submit to the Commission quarterly reports on the progress of negotiations for the sale of power from Project No. 2526, as proposed in the January 18, 1974, answer to Staff Counsel's motion; such quarterly reports shall be filed March 31, June 30, and September 30, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6145 Filed 3-15-74;8:45 am]

[Docket No. CP68-193 (Phase II), et al.]

NORTHERN NATURAL GAS CO. ET AL.

Proposed Contribution Refund Plan

MARCH 8, 1974.

Take notice that on February 19, 1974, Northern Natural Gas Company (Northern), 2223 Dodge Street, Omaha, Nebraska 68102, submitted for Commission approval a proposed contribution refund plan in compliance with the order of the Commission issued in said docket December 23, 1969 (42 FPC 1266), all as more fully set forth in said proposal which is on file with the Commission and open to public inspection.

Northern states that the Commission in its order in the instant docket of December 23, 1969, imposed as a condition precedent to the commencement of construction of the branchlines proposed therein that specific dollar contributions be made to Northern in aid of such construction. It was further conditioned that if the actual volume of sales on a branchline during the third year of operation exceeded the projected total for that branchline, Northern, within 60 days after the end of the third year, would be required to submit a plan for refunding such portion of the contribution as may be appropriate. In this determination the same factors employed in the formula used to determine contributions would be used, except for the use of actual rather than estimated sales volumes.

Northern plans, upon Commission approval, to refund $31,032 to two distributors in fulfillment of its obligations under said order. Northern's proposed contribution plan is set forth in the appendix to this notice.

Northern states that the factors used in its proposed contribution refund plan are with one exception as required in the subject order. Northern states that this exception is a result of Northern's institution prior to the beginning of the third

[1] See In re Rocky Mountain Power Company, 37 F.P.C. 329 (1967), rehearing denied, 37 F.P.C. 900 (1967), affirmed, Rocky Mountain Power Co. v. F.P.C., 409 F.2d 1122 (CADC 1969); In re Gasconade River Power Company, 1 F.P.C. 424 (1937).

[2] The most recent revision of Commission procedures pertaining to license applications is Order No. 501, issued January 10, 1974, prescribing amendments to Sections 4.31, 4.40, 4.42, 4.50, 4.60, 4.70, 4.82, 4.84, 5.1, 9.1, 9.10, 16.6, and 16.7 of the regulations under the Federal Power Act.

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year of service of a new premium seasonal Rate Schedule SS–1. Northern states that its Rate Schedule SS–1 provides for long-term firm seasonal service and therefore should be utilized in computing the proper refund of contributions in aid of construction. To this effect, Northern states it has computed a rate applicable for said service at the time of the issuance of the order to account for the revenues generated by this service. Northern states that as a result of this computation the demand and commodity rates utilized in the formula were adjusted by adding two dollars and twenty-five cents respectively.

Northern states that it intends to make the proposed refund promptly upon receipt of Commission approval.

Any person desiring to be heard or to make any protest with reference to said proposed contribution refund plan should on or before March 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX—CONTRIBUTION REFUND PLAN

To determine if a refund is required, the contribution was recalculated in accordance with the formula utilized in Docket No. CP68–193, (Phase II), et al. In recalculating the following procedure was utilized.

The contribution formula may be expressed as follows:

$$\text{Contribution} = \frac{[(S \times CR) + CDR] - [COS + (S \times VC)]}{CF}$$

where:

S = Annual sales as billed for the period December 27, 1972 through December 26, 1973, including volumes billed as Seasonal Service commodities.

CR = Commodity rate which is precisely same rate as utilized in the formula to determine the original amount of contribution, adjusted where applicable to reflect premium Seasonal Service.

Seasonal Service: Rate Zone 3 = $.2375/Mcf, Rate Zone B = $.2521/Mcf, Rate Zone 3 = $.4875/Mcf, Rate Zone B = $.5021/Mcf.

CDR = Contract Demand revenues arrived through utilization of the Contract Demand and Seasonal Service demand in effect on January 1, 1973, and the Contract Demand rates utilized in determining the original computation. Contract rates were adjusted to reflect Seasonal Service where applicable.

Seasonal Service: Rate Zone 3 = $38.712/Mcf, Rate Zone B = $40.104/Mcf, Rate Zone 3 = $20.900/Mcf, Rate Zone B = $21.368/Mcf.

COS = Cost of service which is precisely the same as utilized in the formula used to determine the original amount of contribution.

VC = Variable cost of gas which is precisely the same cost as that utilized in the formula to determine the original amount of contribution, i.e., $.180/Mcf.

CF = Contribution factor which is precisely the same factor as utilized in determining the original amount of contribution, i.e., 0.1050.

The contribution required, as recalculated, appears in column 10 of the tabulation. By comparing column 10 with column 5, which column shows the contribution as ordered, it was determined whether a refund was required. Where column 10 exceeded column 5, there would be no refund. Where column 10 showed no contribution required, the refund would be the entire amount of the contribution. When column 10 showed a contribution but it was less than the contribution showed in column 5, the difference between column 5 and column 10 would be the refund required.

Summary of contribution refunds

Branchline, community, State	Rate zone	Distributor	As filed estimated		Contribution as ordered	Actual			B/L cost of service and cost of gas	Contribution recalculated	Refund required
			Contract demand	Annual sales		Contract demand	Annual sales	Revenues			
	1	2	3	4	5	6	7	8	9	10	11
			Mcf	*Mcf*		*Mcf*	*Mcf*				
LeGrand, Iowa, LeGrand, Iowa	3	1ELP		189	27,695	12,756	189	79,120	$26,108		
Seasonal service							106	1,182	2,792		
Total							295	80,302	28,900	$24,702	0 $12,756
Olin, Iowa, Olin, Iowa	3	1ELP	276	40,338	28,825	276	31,312	18,121	21,667	$33,771	0
Quasqueton, Iowa, Quasqueton, Iowa	3	1ELP	180	23,873	15,456	180	25,166	12,945			
Seasonal service						58	49	1,236			
Total						238	25,215	14,181	14,503	3,067	12,389
Mapleton, Iowa:											
Battle Creek, Iowa	3	IPS	285	43,700		285	32,094				
Danbury, Iowa	3	IPS	191	29,272		191	11,520				
Mapleton, Iowa	3	IPS	693	99,367		693	63,461				
Total			1,169	172,339	348,990	1,169	107,075	70,684	111,082	384,743	0
Amboy, Minn., Amboy, Minn.	3	MNG	335	67,500	28,630	335	54,617	25,940			
Seasonal service						65	0	1,359			
Total						400	54,617	27,299	29,687	22,743	5,887
Paynesville, Minn.:											
Cold Spring, Minn	B	MNG	485	180,400		485	86,782				
Seasonal service						50	1,797				
Paynesville, Minn	B	MNG	757	207,346		757	207,346				
Seasonal service						50	2,587				
Richmond, Minn	B	MNG	282	34,500		282	19,875				
Seasonal service						20	0				
Rockville, Minn	B	MNG	89	10,200		89	12,632				
Seasonal service						30	94				
Rosemc, Minn	B	MNG	65	7,500		65	4,115				
Seasonal service						10	0				
Total						1,678	330,250	150,551			
Seasonal service						160	4,478	5,667			
Total			1,678	522,000	124,616	1,838	334,728	156,218	178,267	209,990	0
Total refund											31,032

[FR Doc.74–6024 Filed 3–15–74;8:45 am]

[Docket Nos. RI74–168, etc.]

AMOCO PRODUCTION CO. et al

Order Providing for Hearing and Suspension

MARCH 8, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI74–168	Amoco Production Co.	[3] 371	[3] 31	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan and Rio Arriba Counties, N. Mex., San Juan Basin) (Rocky Mountain Area).	$250	2–8–74		4–11–74	[1] 28.0	[1] 28.5	R173–54.
	do	602	11	Northern Natural Gas Co. (Bearpaw Field, Hill and Blaine Counties, Mont., Montana-Dakota Subarea) (Rocky Mountain Area).	113	2–8–74		[3] 12–74	[4] 23.52	[4] 23.55	R174 4.
RI74 1	Texaco, Inc	298	8	El Paso Natural Gas Co. (Aneth Field, San Juan County, Utah) (Rocky Mountain Area).	93	2–7–74		(5)	22.0	[6] 28.6461	
RI1174–169	do		9	do	3	2–7–74		10–24–74	[6] 28.6461	[7] 28.8872	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Subject to Btu adjustment from a base of 1,000 Btu per cubic foot.
[2] For gas from wells completed after June 1, 1970.
[3] Considered new gas pursuant to Opinion No. 639.
[4] 0.48 cent deducted for gas with Btu below 1,000 Btu per cubic foot.
[5] 24.4807 cents base rate plus 1.1345 cents tax reimbursement and 3.390 cents upward Btu adjustment from a base of 1,050 Btu per cubic foot.
[6] Not used.
[7] 24.4807 cents base rate plus 1.1065 cents upward Btu adjustment from a base of 1,000 BTU per cubic foot.
[8] The proposed rate increase is accepted pursuant to Opinion No. 658 insofar as it does not exceed the ceiling rate of 24.4807 cents per M ft³ plus Btu adjustment, effective as of Mar. 10, 1974, and the 1.1345 cents per M ft³ tax portion of the increase is suspended until Mar. 11, 1974, 1 day after expiration of the statutory notice period.

The proposed rate increases which exceed the applicable ceiling rate established by Opinion No. 658 are suspended for five months and the proposed rate increases which exceed the applicable area ceiling rate in Order No. 435 are suspended for one day.

The proposed rate increase of Texaco Inc., designated as Supplement No. 8 to its FPC Gas Rate Schedule No. 298, is accepted pursuant to Opinion No. 658 insofar as it does not exceed the ceiling rate of 24.4807¢ per Mcf, plus Btu adjustment, effective as of March 10, 1974, but the 1.1345¢ per Mcf tax portion of the increase is suspended until March 11, 1974, pending determination as to whether ad valorem taxes are allowable in computing the area ceiling rate under Opinion No. 658.

Amoco's proposed tax increase under its FPC Gas Rate Schedule No. 602 is suspended for one day from the expiration of the statutory notice period.

[FR Doc.74–6025 Filed 3–15–74;8:45 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Barnett Bank of Lake Placid, Lake Placid, Florida, a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest bank holding company in Florida controls 50 banks[1] with aggregate deposits of approximately $1.6 billion, representing 7.9 percent of the total deposits in commercial banks in the State. Since Bank is a proposed new bank, consummation of this proposal would not immediately increase Applicant's share of commercial bank deposits in Florida.

Bank is to be located in the Sebring banking market (approximated by Highlands County and the community of Wauchula) where Applicant controls the largest bank in the market, holding approximately 30 percent of the area's total commercial bank deposits. The next four largest banks in the market each hold deposits of from 19 to 14 percent of the total market deposits. Since Bank is a proposed new bank, consummation of the proposal would not eliminate any existing competition or increase the concentration of banking resources in the market. In view of the Sebring banking market's strong population growth, it does not appear that acquisition of Bank by Applicant would significantly reduce the prospects for future expansion or entry by other banking organizations. Nor is there any evidence that Applicant's proposal is an attempt to preempt a site before there is a need for a bank. It is the Board's judgment that competitive considerations are consistent with approval of this application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are generally regarded as satisfactory in view of Applicant's commitments to inject equity capital into certain of its subsidiaries. Bank, as a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to the banking factors are consistent with approval of the application. Although there is no evidence in the record that the major banking needs of the community are not adequately being

[1] All deposit figures are as of June 30, 1973, and reflect holding company formations and acquisitions approved by the Board through January 31, 1974.

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served, Bank would serve as an additional source of full banking services and would have access, through Applicant, to considerable financial resources and expertise. Considerations relating to convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Barnett Bank of Lake Placid, Lake Placid, Florida shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective March 11, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6126 Filed 3-15-74;8:45 am]

DEPOSITORS CORP.

Order Approving Acquisition of Firestone Financial Corporation

Depositors Corporation, Augusta, Maine, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Firestone Financial Corporation ("Firestone"), Chestnut Hill, Massachusetts, a company that engages in the activities of commercial financing and financing second mortgages. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 29638). The time for filing comments and views has expired, and none has been timely received.

Applicant, the largest banking organization in Maine, controls six banks with deposits of approximately $266 million, representing 16.2 percent of the total deposits in commercial banks in that State.[1]

Firestone, a Massachusetts corporation with total assets of $3.5 million as of May 31, 1973, is principally engaged in the financing of restaurant, bakery, laundry, vending, and industrial equipment. As of May 31, 1973, Firestone had outstanding loans of around $3 million; of that amount, approximately 75 percent represents commercial loans, with the remainder being second mortgages. Firestone engages in commercial lending primarily in eastern Massachusetts, which encompasses the Boston area, and in which market it competes with a number of large national commercial finance firms. Neither Applicant nor any of its subsidiaries is engaged in commercial lending in Firestone's market area other than to a very limited degree. Applicant and its subsidiaries do not engage in making second mortgage loans. Accordingly, no significant existing competition would be eliminated in either commercial financing or the origination of second mortgage loans upon consummation of the subject proposal. There are sufficient potential entrants into these product markets so that the elimination of Applicant would not have any adverse effects on future competition upon approval of this application.

In its consideration of this application, the Board has considered a post-employment covenant contained in the employment agreement entered into between Firestone and the two principals and sole stockholders of Firestone. The covenant provides that the principals will not engage or participate in any manner in the financing business of the type engaged in by Firestone for a period of five years after termination of employment. The record indicates that the principals (who are also the founders of Firestone) during their employment term will have complete managerial control and decision making authority with respect to Firestone's business, and, by the very nature of the business, these principals will have substantial contact with Firestone's customers. Accordingly, the Board finds that the covenant's provisions are reasonable in duration, scope, and geographic area and are consistent with the public interest.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects on the public interest. Applicant's greater access to financial resources may assure Firestone of more ready access to funds and enable it to become a more effective competitor; thus, competition with affiliates of larger regional and national commercial finance firms is likely to be stimulated.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Firestone is presently holding some realty for sale which the Board regards as an impermissible activity for bank holding companies. Thus, Board approval of the proposal is granted subject to the condition that Applicant divest itself of the tract of land at the earliest practicable time, but in no event later than two years from the date of this Order. Accordingly, Applicant's proposal to acquire Firestone is hereby approved subject to the above condition. The order herein is also subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Boston.

By order of the Board of Governors,[2] effective March 11, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6128 Filed 3-15-74;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Permitting Revision in the Method of Acquisition of Shares of the First National Bank of San Angelo and the First National Bank of Paris

By Order dated January 2, 1974, 1974 Federal Reserve Bulletin 128, the Board approved applications of First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, to acquire 100 percent, less directors' qualifying shares, of the successors by merger to (1) the First National Bank of San Angelo ("San Angelo Bank"), San Angelo, Texas, and (2) the First National Bank of Paris ("Paris Bank"), Paris, Texas.

Applicant requested approval on February 11, 1974, of a change in the manner of acquiring San Angelo Bank and Paris Bank from the acquisition through merger method as stated in the applications and the Board's Order to a direct acquisition of 70 percent or more of the voting shares of San Angelo Bank and 90 percent or more of the voting shares of Paris Bank through an exchange for cash. Applicant stated it has incurred difficulties in proceeding through acquisition by merger and that the proposed direct method of acquiring shares of San Angelo Bank and Paris Bank would result in a savings in both time and expense.

The Board has concluded that the request should be granted. The Board's Order of January 2, 1974, is hereby amended to permit Applicant to acquire 70 percent or more of the voting shares of San Angelo Bank and 90 percent or more of the voting shares of Paris Bank through an exchange for cash.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, and Holland. Absent and not voting: Governors Brimmer and Wallich.

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1973.

By order of the Board of Governors,[1] effective March 11, 1974.

THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6127 Filed 3-15-74;8:45 am]

FIRST COMMERCE CORP.

Proposed Acquisition of First Boeing Data Services Inc.

First Commerce Corporation, New Orleans, Louisiana, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in a joint venture with Boeing Computer Services, Inc., Dover, New Jersey, and Kent, Washington, a wholly owned subsidiary of The Boeing Company, Seattle, Washington, and thereby to acquire voting shares of First Boeing Data Services, Inc., New Orleans, Louisiana, a de novo corporation. Notice of the application was published on December 19, 1973, in The Ruston Daily Leader, a newspaper circulated in the City of Ruston, Louisiana; on December 19, 1973, in The Times Picayune, a newspaper circulated in the City of New Orleans, Louisiana; on December 20, 1973, in the Houma Daily Courier & The Terrebonne Press, a newspaper circulated in the Parish of Terrebonne, Louisiana; on December 20, 1973, in the Advertiser, a newspaper circulated in the Parish of Lafayette, Louisiana; and on December 26, 1973, in The Lake Charles American Press, a newspaper circulated in Lake Charles, Louisiana.

Applicant states that the proposed subsidiary would engage de novo in the activities of providing bookkeeping and data processing services for the internal operations of Applicant and its banking and non-banking subsidiaries and the storing and processing of other banking, financial, or related economic data, such as performing payroll, accounts receivable or billing services of the types which national banks are permitted to perform. Additionally, Applicant states that the proposed subsidiary would engage in the activities of making excess computer time available to anyone, with the only involvement by the proposed subsidiary being the furnishing of facilities and necessary operating personnel; selling a by-product of a development program for a permissible data processing activity; and furnishing any data processing service upon request of a customer where such data processing service is not otherwise reasonably available in the relevant market area. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 8, 1974.

Board of Governors of the Federal Reserve System, March 8, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6123 Filed 3-15-74;8:45 am]

FIRST NATIONAL FINANCIAL CORP.

Order Approving Acquisition of an Existing Bank

First National Financial Corporation, Kalamazoo, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Sault Ste. Marie, Sault Ste. Marie, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. This Reserve Bank has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the 10th largest banking organization in Michigan with seven subsidiary banks and an additional bank acquisition approved but not yet consummated. Upon consummation of the acquisition of that bank, Applicant will control deposits of $424.6 million, representing 1.6 percent of the total commercial bank deposits in the State.[1] Consummation of the subject proposed transaction will increase Applicant's share of State deposits by 0.1 percentage points and will not significantly increase the concentration of banking resources in the State. Applicant would remain the 10th largest bank holding company in Michigan.

Bank (June 30, 1972, deposits of $17.4 million) is the second largest bank in the Sault Ste. Marie banking market[2] and controlled about 27 percent of total commercial bank deposits as of that date. The first and third largest banking organizations account, respectively, for approximately 40 and 22 percent of total commercial bank deposits. The banking office of Applicant that is nearest to Bank is located 45 miles to the south of Bank. No meaningful competition appears to exist between Bank and any of the banking offices of Applicant's present subsidiary banks. Moreover, it appears unlikely that significant competition between Bank and Applicant's subsidiary banks will develop in the future in view of the distances involved and the restrictive nature of Michigan's branching laws. It is concluded that consummation of the proposed transaction would not have any adverse effects on competition in any relevant area. Accordingly, competitive factors are considered to be consistent with aproval of the application.

The financial and managerial resources and future prospects of Applicant, its existing subsidiary banks and Bank are considered to be satisfactory. Banking factors are consistent with approval of the application.

Although there is no evidence to indicate that the financial needs of the community to be served are not currently being met, Applicant plans to offer trust services to the area through the trust department of its lead bank and, in addition, to assist Bank in providing a wider range of services and in expanding and improving services now available at Bank. Convenience and needs considerations lend some weight toward approval of the application.

It is this Federal Reserve Bank's judgment that the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Chicago approves the application, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order, or (b) later than three months after the date of this Order unless such period is extended for good cause by the Board or this Federal Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective March 4, 1974.

[SEAL] ROBERT P. MAYO,
President.

[FR Doc.74-6120 Filed 3-15-74;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, and Holland. Absent and not voting: Governors Brimmer and Wallich.

[1] Unless otherwise noted, banking data is of June 30, 1973.

[2] The Sault Ste. Marie banking market is the relevant market and is approximated by the eastern tip of the Michigan Upper Peninsula, including eastern Chippewa and Mackinac Counties as well as Rudyard County to the west.

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FIRST VIRGINIA BANKSHARES CORP.

Acquisition of Bank

First Virginia Bankshares Corporation, Falls Church, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of The Peoples National Bank of Rocky Mount, Rocky Mount, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 8, 1974.

Board of Governors of the Federal Reserve System, March 11, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6121 Filed 3-15-74;8:45 am]

MERCANTILE BANCORPORATION, INC.

Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The First National Bank of Montgomery City, Montgomery City, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 25, 1974.

Board of Governors of the Federal Reserve System, March 11, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6125 Filed 3-15-74;8:45 am]

NEW JERSEY NATIONAL CORP.

Acquisition of Bank

New Jersey National Corporation, Trenton, New Jersey, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Delaware Valley National Bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 27, 1974.

Board of Governors of the Federal Reserve System, March 11, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6124 Filed 3-15-74;8:45 am]

TOKAI BANK, LTD.

Formation of Bank Holding Company

The Tokai Bank Ltd., Nagoya, Japan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 99.87 percent of the voting shares of the Tokai Bank of California, Los Angeles, California, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than April 11, 1974.

Board of Governors of the Federal Reserve System, March 11, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6122 Filed 3-15-74;8:45 am]

PRAIRIE HOME, INC.

Order Approving Retention of the Assets of L. A. Westland Agency

Prairie Home, Inc., Lincoln, Nebraska, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain the assets of L. A. Westland Agency, Prairie Home, Nebraska ("Agency"), a company that engages in general insurance agency activities in Prairie Home (population of approximately 50).

The operation by a bank holding company of a general insurance agency in a community with a population not exceeding 5,000 is an activity that the Board has previously determined to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 2310). The time for filing comments and views has expired, and none has been timely received.

Applicant controls one bank, The Farmers Bank, Prairie Home, Nebraska ("Bank"), with deposits of $1.4 million, representing .03 percent of the State's total commercial bank deposits.[1]

Agency is a general insurance agency and has conducted its business from the premises of Bank in Prairie Home for the past 50 years. Prairie Home is an agriculturally oriented community located 4 miles east of Lincoln, Nebraska. Agency engages in the sale of general insurance and since Applicant's acquisition of both Bank and Agency in 1970, it has expanded its insurance sales to include credit life and accident and health insurance related to extensions of credit by Bank. As it is the only insurance agency in the rural community of Prairie Home, continued availability of these services through Applicant assures the residents of the Prairie Home area of a convenient source of insurance services. There is no evidence in the record indicating that approval herein would have adverse effects on competition in the relevant area nor result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

On the basis of the foregoing and other facts of record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) of the Act is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective March 8, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6115 Filed 3-15-74;8:45 am]

UNITED MISSOURI BANCSHARES, INC.

Order for Hearing

In the matter of the application of United Missouri Bancshares, Inc., Kansas City, Missouri, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Westport Bank, Kansas City, Missouri.

On March 1, 1974, notice of subject application was published in the FEDERAL REGISTER (39 FR 7998). Additionally, in accordance with section 3(b) of the Act (12 U.S.C. 1842(b)), notice of receipt of subject application was duly given to the Commissioner of Finance of the State of Missouri. Within 30 days thereafter, the Commissioner submitted to the Board in writing his statement expressing disapproval of the application. In light of the Commissioner's submission, the Board is required by section 3(b) of the Act to schedule a hearing on the application. Accordingly, *It is hereby ordered*, That, pursuant to section 3(b) of the Bank Holding Company Act (12 U.S.C. 1842(b)), a public hearing with respect to this application be held in Kansas City, Missouri, before a duly designated Administrative Law Judge, such hearing to be conducted in accordance with the Board's rules of practice for formal hearings (12 CFR Part 263). Such hearing shall commence not less than ten nor more than thirty days after the effective date of this order. *It is further ordered*, That the following matters will be the subject of consideration at said hearing, without prejudice to the designation of additional related matters and questions upon further examination:

(1) Whether the proposed acquisition would result in a monopoly, or would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States;

(2) Whether the effect of the proposed acquisition in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or in any other manner would be in restraint of trade, and whether any anticompetitive effects found with respect to the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served; and

(3) The financial and managerial resources and future prospects of the Applicant and of the bank proposed to be acquired, and the convenience and needs of the community to be served.

It is further ordered, That any person desiring to give testimony, present evidence, or otherwise participate in these proceedings should file with the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, on or before March 26, 1974, a written request containing a statement of the nature of the Petitioner's interest in the proceedings, the extent of the participation desired, a summary of the matters concerning which the Petitioner desires to give testimony or submit evidence, and the names and identity of witnesses who propose to appear. Requests will be submitted to the designated Administrative Law Judge for his determination and persons submitting them will be notified of his decision.

By order of the Board of Governors, March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6335 Filed 3-15-74;11:14 am]

[1] All banking data are as of June 30, 1973.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher and Holland. Absent and not voting: Governors Daane and Brimmer.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. D-43; Supplement 1]

FEDERAL EMPLOYEE PARKING

Revised Policy and Reporting Procedures

1. *Purpose.* This supplement prescribes revised policies and reporting procedures for assignment of parking spaces to physically handicapped employees and deletes separate reporting requirements for facilities which do not meet the 10/90 ratio.

2. *Effective date.* This regulation is effective March 18, 1974.

3. *Expiration date.* This regulation expires July 31, 1974, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all Federal agencies as defined in FPMR Temporary Regulation D-43.

5. *Background.* These changes have been made as a result of recent agency recommendations.

6. *Changes.* FPMR Temporary Regulation D-43 is amended as follows:

a. Insert in subparagraph 6e the word "Government" at the beginning of the first sentence.

b. Delete from subparagraph 7a(1) ", severely handicapped employees,".

c. Change subparagraph 7a(3) to read as follows:

(3) Where practical, the 10/90 ratio shall be applied at each Federal facility (Each agency shall maintain a list of all facilities at which it is not practical to achieve the 10/90 ratio.);

d. Change subparagraph 8a to read as follows:

a. *Assignment.* Agencies shall give first priority to official and visitor parking requirements when assigning parking spaces. Agencies shall also give priority to parking for severely physically handicapped employees who meet the definition in subparagraph 6e. Parking spaces not required for official or visitor parking or for severely physically handicapped employee parking shall be assigned for employee parking at the 10/90 ratio. Assignment of spaces to carpools shall be based on the number of regular members in the carpool. Carpools with the highest number of regular members shall receive the highest priority in receiving parking spaces; e.g., a carpool with six regular members shall be assigned a parking space before a carpool with five regular members. In determining the number of regular members in a carpool, a person who does not travel on a daily basis or who travels one way shall be counted on a pro rata basis; e.g., an individual who travels to and from work 3 days each week shall be counted as three-fifths of a regular member, and one who travels one way each day of the week shall be counted as one-half of a regular member.

e. Add a new subparagraph 10e as follows:

e. Steps that are being taken to improve the utilization of carpooling at those facilities where it is not practical to meet the 10/90 ratio.

f. Change subparagraphs 10e, f, g, and h, to 10f, g, h, and i.

g. Change paragraph 11 to read as follows:

11. *Assistance from GSA.* In order to facilitate the formation of carpools, the Administrator of General Services, with the cooperation of the Secretary of Transportation and the agencies involved, will provide assistance through the use of such aids as computerized carpool matching or carpool boards. He will also develop reciprocal agreements with private sector employers through State or local government agencies or other organizations operating carpool matching programs for the public and/or private sectors.

h. Delete from subparagraph 12a(1) "Isolated facilities under the control and jurisdiction of one agency with less than 25 parking spaces shall be exempt from this reporting requirement.".

i. Add the following to subparagraph 12a(1):

e. Number of employees assigned parking spaces in the basis of severe physical handicap.

j. Delete subparagraph 12a.(3).

k. Delete from subparagraph 12b "Isolated facilities under the control and jurisdiction of one agency with less than 25 parking spaces shall be exempt from this reporting requirement.".

l. Change subparagraph 12b(1) to read as follows:

Change subparagraph 12b(1) to paragraph 12a(1) (a) through (e), above;

m. Delete subparagraph 12b(3).

n. Change paragraph 13 to read as follows:

13. *Exceptions.* Exceptions to the policies set forth in this regulation must be submitted by the head of the agency to the Administrator of General Services who will recommend approval or disapproval to the Administrator, Federal Energy Office.

ARTHUR F. SAMPSON,
Administrator of General Services.

MARCH 12, 1974.

[FR Doc.74-6243 Filed 3-15-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

ARCHITECTURE CITY OPTIONS NATIONAL ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Architecture City Options National Advisory Panel to the National Endowment for the Arts will be held at 9 a.m. on March 18, 1974 in the first floor conference room of the Shoreham Building, 806 15th Street, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National

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Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382–5871.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.74–6118 Filed 3–15–74;8:45 am]

National Endowment for the Arts

DANCE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Dance Advisory Panel to the National Council on the Arts will be held at 9:00 a.m. on March 23 and at 9:00 a.m. on March 24, 1974 in the Beaumont Theater Board Room of Lincoln Center Plaza, New York City. The meeting will continue at 9:00 a.m. on March 25, 1974 in the Metropolitan Opera Board Room of Lincoln Center Plaza, New York City.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (U.S.C. 552(b), (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382–5871.

ED WOLFE,
Administrative Officer, National Foundation on the Arts and the Humanities.

[FR Doc.74–6173 Filed 3–15–74;8:45 am]

EXPANSION ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the Expansion Arts Advisory Panel to the National Council on the Arts will be held at 9:00 a.m. on March 20, at 9:00 a.m. on March 21, and at 9:00 a.m. on March 22, 1974 in the first floor conference room of the Shoreham Building, 806 15th Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382–5871.

ED WOLFE,
Administrative Officer, National Foundation on the Arts and the Humanities.

[FR Doc.74–6172 Filed 3–15–74;8:45 am]

VISUAL ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held at 11:00 a.m. on March 19, 1974 in the 1st floor conference room of the Shoreham Building, 806 15th Street, NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382–5871.

ED WOLFE,
Administrative Officer, National Foundation on the Arts and the Humanities.

[FR Doc.74–6171 Filed 3–15–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

REQUESTS FOR CLEARANCE OF REPORTS INTENDED FOR USE IN COLLECTING INFORMATION

Notice of List

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 13, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529).

NEW FORMS

U.S. DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:
Fruit Tree Survey (Wisconsin), Form ----, Single Time, Lowry, Apple & Cherry Producers.
Farm Grain Storage Survey (Kansas), Form ------, Single Time, Lowry, Grain Farmers.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

National Institutes of Health, Mortality Survey—Hypertension Detection and Follow-Up Program, Form NIH–HL–14, Annual, Reese, Age-eligible Households HDFP Enumeration.

FEDERAL ENERGY OFFICE

Analysis of Impact of Gasoline Rationing Entitlement on the Commercial Sector, Form ------, Single Time, Weiner, 3860 Firms with IRS–EIN numbers plus 50 large firms.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, National Communicable Disease Surveillance—II. Disease Summaries, Form CDCBE 02/22, Occasional, Evinger (x), State and Local Health Departments.

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation:
Return A—Monthly Return of Offenses Known to the Police, Form 12–95, Monthly, Evinger (x), All Law Enforcement Agencies Nationwide.
Supplement to Return A—Monthly Return of Offenses Known to the Police, Form 12–85, Monthly, Evinger (x), Law Enforcement Agencies.

ACTION

Reference Evaluation for Applicant for OCP Recruiting Form A–157, Annual, Evinger (x), Applicants.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–6282 Filed 3–15–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 03/03–5114]

MODEDCO INVESTMENT COMPANY

Notice of Approval of Conflict of Interest Transaction

On October 26, 1973, the Small Business Administration published notice in the FEDERAL REGISTER (38 FR 29655) that MODEDCO Investment Company (MODEDCO), 1325 Massachusetts Avenue NW., Washington, D.C. 20005, a licensee under the Small Business Investment Act of 1958, as amended (the Act), had filed an application, pursuant to § 107.1004 (38 FR 30845, November 7, 1973), for approval of a conflict of interest transaction. The transaction involved the purchase of a subordinated debenture of Potomac Service Company (Potomac) in the principal amount of $150,000.

The sole stockholder and an officer and director of Potomac was Mr. Arthur Blount, Jr., who was an associate of MODEDCO by virtue of having been an officer and/or director of MODEDCO and/or its parent company, the Model Cities Economic Development Corporation.

Comments were received in opposition to the financing for a number of reasons which, among others, include (1) the close relationship existing between Mr. Blount and the licensee at the time of the financing; (2) the fact that the license was sponsored by and funded with Model Cities funds and that Mr. Blount was not a resident of the Model Cities Neighborhood, and (3) the failure to explore alternatives to the ownership of the laundry (Manhattan Laundry Company) by Potomac, i.e., Model Cities Community investors in the company, a public offering of the company stock, and ownership by employees of the company.

After careful consideration of all pertinent facts and information relating to the financing, including the continued existence of a small business concern, the preservation of jobs for more than 250 employees, and the economic impact on the community, SBA has deemed it judicious and in the best interest of the purposes of the Small Business Investment Act of 1958, as amended, to approve the transaction.

Accordingly, the financing made by MODEDCO to Potomac is hereby approved.

Dated: March 12, 1974.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.74–6116 Filed 3–15–74;8:45 am]

TARIFF COMMISSION

[337–33]

CERTAIN DISPOSABLE CATHETERS AND CUFFS THEREFOR

Notice of Resumption of Hearing

Notice is hereby given that the United States Tariff Commission will resume its public hearing in connection with investigation No. 337–33, Certain Disposable Catheters and Cuffs Therefor, on April 23, 1974, at 10:00 a.m. E.d.t. in the Hearing Room of the U.S. Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C. 20436, not later than noon, Thursday, April 18, 1974. It is requested that prehearing briefs be filed with the Secretary by April 16, 1974.

Notice of the institution of the investigation and the ordering of a public hearing for October 9, 1973 (subsequently postponed) was published in the FEDERAL REGISTER on August 15, 1973 (38 FR 22083). Notice of the postponement of the hearing was published in the FEDERAL REGISTER on September 19, 1973 (38 FR 26244). Notice of the public hearing held on March 12, 1974, was published in the FEDERAL REGISTER on February 7, 1974 (39 FR 4821).

Issued: March 13, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–6158 Filed 3–15–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Notice of Subcommittee Meeting

Notice is hereby given that the Project 1926/1910 Subcommittee of the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours & Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (20 U.S.C. 656) will meet on Thursday, April 4, and Friday, April 5, 1974, starting at 9:00 a.m. in Room 107 C, Main Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C. The meeting shall be open to the public.

The subcommittee will continue review of the General Industry Standards, Part 1910, to determine which individual items may be applicable to construction operations.

Written data, views, or arguments concerning the subject to be considered may be filed, together with 20 copies thereof, with the Committee Management Officer by April 2, 1974. Such submissions may also be filed with the Committee Management Officer at the meeting. Any such submissions will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to orally address the committee at the meeting should submit a written request to be heard, together with 20 copies thereof, to the Committee Management Officer no later than April 2, 1974. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed.

Communications may be mailed to:

N. Schnaubelt
Committee Management Office
Occupational Safety and Health Administration
1726 M Street, NW., Room 240
Washington, D.C. 20210

Signed at Washington, D.C., this 13th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–6190 Filed 3–15–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 466]

ASSIGNMENT OF HEARINGS

MARCH 13, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 76032 Sub 281, Navajo Freight Lines, Inc., application is dismissed.
MC–4963 Sub 40, Alleghany Corporation, FBA Jones Motor, now assigned April 8, 1974, will be held in Room B–2231, Federal Plaza, New York, N.Y.
MC 138195, Mid-Island Messenger Service, Inc., now assigned continued hearing April 1, 1974, at New York, N.Y., will be held in Room E–2222, 26 Federal Plaza.
MC 76032 Sub 282, Navajo Freight Lines, Inc., application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–6185 Filed 3–15–74;8:45 am]

[Notice 45]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations

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prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 8, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74895. By order of March 12, 1974, the Motor Carrier Board approved the transfer to Star Bus Lines, Inc., 1422 Broadway, Scottsbluff, Nebr., of Certificates Nos. MC-97549 (Sub-No. 3) and MC-97549 (Sub-No. 5) issued February 11, 1958, and September 23, 1960, respectively, to John G. Rutz, doing business as Star Bus Line, Scottsbluff, Nebr., authorizing the transportation of passengers and their baggage between points in Nebraska on specified routes and between Scottsbluff, Nebr., and Kimball, Nebr., respectively.

No. MC-FC-74976. By order of March 12, 1974, the Motor Carrier Board approved the transfer to Sloane's Transfer & Storage Co., Inc., 2121 South 15th Avenue, Phoenix, Ariz. 85007, of Certificate of Registration No. MC-96866 (Sub-No. 1) issued June 1, 1965, to Richard J. Follett, doing business as Sloane's Transfer & Storage Co., Phoenix, Ariz., evidencing the authority to perform a transportation service in interstate or foreign commerce corresponding in scope to the intrastate authority granted in Certificate No. 3358 by the Arizona Corporation Commission.

No. MC-FC-75005. By order of March 12, 1974, the Motor Carrier Board approved the transfer to Wang Transport, Inc., Edison, N.J., of Permit No. MC-91505 issued to Alfred Lederer Transportation, Inc., dba Lederer Transportation, New York, N.Y., authorizing the transportation of: Paint, varnish, and toilet articles, and paint materials, between specified points in New York, and New Jersey. Robert B. Pepper, practitioner, 168 Woodbridge Ave., Highland Park, N.J. 08904.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6186 Filed 3-15-74;8:45 am]

[Notice 36]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 8, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 18302 (Sub-No. 1 TA), filed February 27, 1974. Applicant: STATE MOVING & STORAGE, INC., 1991 Utica Avenue, Brooklyn, N.Y. 11234. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) From (a) points in Westchester, Nassau, Suffolk, Rockland, and Putnam Counties, N.J.; Fairfield County, Conn., Hudson, Bergen, Essex, Passaic, Sussex, Morris, Warren, Union, Somerset, Middlesex, Monmouth, Mercer, Hunterdon Counties, N.J.; to (b) points in Maine, Vermont, New Hampshire, Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin, and Michigan; (2) From (a) New York, N.Y., to (b) points in Maine, Vermont, New Hampshire, Rhode Island, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin and Michigan; (3) From (a) points in Maine, Vermont, New Hampshire, Rhode Island, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin, and Michigan, to (b) New York, N.Y.; and (4) From points in (1) (b) to points in Connecticut, Maryland, Massachusetts, New Jersey, New York (except New York, N.Y.), Pennsylvania, New Hampshire, Vermont, Delaware, and Rhode Island, for 180 days. SUPPORTING SHIPPER: State Moving & Storage, Inc., 1991 Utica Avenue, Brooklyn, N.Y. 11234. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007

No. MC 35807 (Sub-No. 44 TA), filed February 26, 1974. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline coupons*, between points and places in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: General Services Administration, Building 4, Crystal Mall, Washington, D.C. 20406. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 45764 (Sub-No. 18 TA), filed February 28, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 38, Eddystone, Pa. 19029. Applicant's representative: Edward Kells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical generating equipment*, the transportation of which, because of size or weight, requires special equipment or special handling, *related parts and accessories, and materials and supplies* used in the installation thereof, between El Segundo, Calif.; East Hartford, Hartford, and Windsor, Conn.; Edgemoor and Wilmington, Del.; Intercession, Palm Beach, and West Palm Beach, Fla.; Louisville, Ky.; Baltimore, Md.; Ashland, Mass.; Minneapolis and St. Cloud, Minn.; Tenafly, N.J.; Holbrook, Long Island, and New York, N.Y.; Portland and Salem, Oreg.; Berwick, Philadelphia and Pittsburgh, Pa.; Brownsville, Houston, and Laredo, Tex.; and Beloit and Neilsville, Wis., on the one hand, and, on the other, points in the United States, for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority in MC 45764. SUPPORTING SHIPPER: Turbo Power & Marine Systems Inc., 1690 New Britain Avenue, Farmington, Conn. 06032. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 45764 (Sub-No. 19 TA), filed February 28, 1974. Applicant: ROBBINS MOTOR TRANSPORTATION, INC., P.O. Box 38, Essington, Pa. 19029. Applicant's representative: Edward Kells (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Circuit breakers, electrical generating equipment, equipment and supplies* used by electrical generating stations and electrical transmission stations, which because of size or weight requires the use of special equipment or

handling, and *related parts and accessories* thereof, between the plantsite of General Electric Co., at or near Philadelphia, Pa., and Camden, N.J., on the one hand, and, on the other, points and places in the United States (except Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, and West Virginia), for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority in MC 45764. SUPPORTING SHIPPER: General Electric Co., 6901 Elmwood Avenue, Philadelphia, Pa. 19142. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 50069 (Sub-No. 477 TA), filed February 25, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lube oil*, in bulk, in tank vehicles, from Indianapolis, Ind., to Hamilton, Ala., for 180 days. SUPPORTING SHIPPER: D. A. Stuart Oil Co., 2727 S. Troy, Chicago, Ill. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 51146 (Sub-No. 361 TA), filed February 27, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and carpeting*, from points in Virginia to Marshfield, Wis., and from points in South Carolina and Georgia to Marshfield, Wis., for 180 days. SUPPORTING SHIPPER: Rollohome Corporation, 115 East Upham, Marshfield, Wis. 54449 (Roland G. Frey, Secretary-Treasurer). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 85255 (Sub-No. 47 TA), filed February 27, 1974. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, Wash. 98154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials* for the production of aluminum, including chemicals in bags, aluminum fluride and cryolite, insulating brick, and refractor materials (including carbon lining and carbon cathode blocks), from Tacoma, Seattle, Bellingham and Vancouver, British Columbia, through Blaine, Wash., to the INTALCO Plant located by Ferndale, Wash.; and (2) *primary aluminum basis shapes i.e., ingot, billets, blooms, pig, or slabs—N.M.F.C.—item 13240* (weighing from 1,500 to 22,000 each), from the INTALCO Plant located at Ferndale, Wash., to Tacoma, Seattle, Bellingham and Blaine, Wash., for export by ship for 180 days. SUPPORTING SHIPPER: INTALCO Aluminum Corporation, P.O. Box 937, Ferndale, Wash. 98248. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Bldg., Seattle, Wash. 98104.

No. MC 95304 (Sub-No. 20 TA), filed February 25, 1974. Applicant: NORTHERN NECK TRANSFER, INC., Box 345, Montross, Va. 22520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from the plantsite of Johns Mansville Products Corp. at Jarratt, Va., to points in Connecticut, Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Rhode Island, for 180 days. SUPPORTING SHIPPER: Johns-Manville Corp., Greenwood Plaza, Denver, Colo. 80217. SEND PROTESTS TO: District Supervisor Clatin M. Harmon, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va.

No. MC 95876 (Sub-No. 147 TA), filed February 28, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, veneer, wood paneling and particle board*, from Oshkosh, Wis., to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Ohio, Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Pluswood, Inc., Box 1340, Oshkosh, Wis. 54901. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 100666 (Sub-No. 269 TA), filed February 27, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmett Drive, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 NW. 58th Street, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Footville, Wis., to points in Arkansas, Kansas, Louisiana, Missouri, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPER: Triangle Pipe & Tub Co., Inc., P.O. Box 711, New Brunswick, N.J. 08903. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T-9038 U.S. Postal Service Building, New Orleans, La. 70113.

No. MC 102616 (Sub-No. 895 TA), filed February 26, 1974. Applicant: COASTAL TANK LINES, INC., P.O. Box 1555, Akron, Ohio 44309. Applicant's representative: Mr. James Annand (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles (1) from Breeze, Valmeyer, and West York, Ill., to points in Indiana, Kentucky, and Missouri; (2) from Dubulin and Jordan, Ind., to points in Illinois, Kentucky, Michigan, and Ohio for 180 days. SUPPORTING SHIPPER(S): Agrico Chemical Company, P.O. Box 3166, Tulsa, Okla. 74101. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 102616 (Sub-No. 896 TA), filed February 27, 1974. Applicant: COASTAL TANK LINES, INC., P.O. Box 1555, Akron, Ohio 44309. Applicant's representative: James Annand (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Dry plastics*, in bulk, from the plantsite of Foster Grant Company, Inc., at Chesapeake, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia, for 180 days. SUPPORTING SHIPPER: Foster Grant Co., Inc., 289 North Main Street, Leominster, Maine 01453. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 107403 (Sub-No. 884 TA), filed February 26, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Denatured alcohol*, in bulk, in tank vehicles, from Lawrenceburg, Ind. to Dover, Del., for 180 days. SUPPORTING SHIPPER: J. W. Halgwood, Assistant General Traffic Manager, Schenley Distillers, Inc., 36 E. Fourth Street, Cincinnati, Ohio 45202. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107515 (Sub-No. 894 TA), filed February 14, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road SE., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872,

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Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet*, from Winchester, Tenn., to Dallas, Tex., for 180 days. SUPPORTING SHIPPER: E & B Carpet Mills, Inc., 901 Showater Avenue, Dalton, Ga. 30720. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 111785 (Sub-No. 55 TA), filed February 26, 1974. Applicant: BURNS MOTOR FREIGHT, INC., R.F.D. No. 1, P.O. Box 149, U.S. Highway No. 219 North, Marlinton, W. Va. 24954. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle Board*, from Lenoir, N.C., to Elkins, W. Va., for 180 days SUPPORTING SHIPPER(S): Allegheny Lumber Company, Box 409, Elkins, W. Va. 26241. SEND PROTESTS TO: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 113828 (Sub-No. 212 TA), filed February 26, 1974. Applicant: O'BOYLE TANK LINES, INCORPORATED, P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: , *Dry plastics*, in bulk, from the plant site of Foster Grant Co., Inc., at Chesapeake, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia, for 180 days. SUPPORTING SHIPPER: Louis G. Buratti, Director of Traffic, Foster Grant Co., Inc., 289 North Main Street, Leominster, Mass. 01453. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 115311 (Sub-No. 162 TA), filed February 12, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, irregular routes, transporting: *Empty glass containers, corrugated cartons and fillers, and those materials and supplies* used in the manufacture of glass containers, except in bulk, between the plantsite of Midland Glass Company, Inc., near Warner-Robins, Ga., on the one hand, and, on the other, Jacksonville and Tampa, Fla.; Memphis, Tenn.; and Winston-Salem, N.C., for 180 days. SUPPORTING SHIPPER: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, N.J. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 117940 (Sub-No. 110 TA), filed February 25, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, pepper, and animal and poultry feed supplements*, in packages when transported in mixed shipments with salt and salt products in packages, from plantsite and facilities of Morton Salt Co., at Rittman, Ohio, to points in the District of Columbia, Virginia, Maryland, and North Carolina, for 180 days. SUPPORTING SHIPPER: Morton Salt Company, A Division of Morton-Norwich Products, Inc., 939 N. Delaware Avenue, Philadelphia, Pa. 19123. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 118159 (Sub-No. 139 TA), filed February 25, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, M.C.C. 209 and 766, from the plantsite and warehouse facilities of Iowa Beef Processors, Inc., at Emporia, Kans., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. SUPPORTING SHIPPER: Starr H. Lloyd, GTM, Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240-Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 118159 (Sub-No. 140 TA), filed February 25, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* from the plantsite and warehouse facilities of Page Milk Co., Tulsa, Okla., to points in Colorado, Connecticut, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, restricted to traffic originating at and destined to the named states, for 180 days. SUPPORTING SHIPPER(S): Page Milk Company, Eugene Stafford, Production Manager, 519 E. 7th Street, Tulsa, Okla. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission-Bureau of Operations, Room 240-Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 119897 (Sub-No. 17 TA), filed February 22, 1974. Applicant: A–1 TRANSPORTATION COMPANY, a Corporation, 3102 Maury Street, P.O. Box 21275, Houston, Tex. 77026. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum pitch*, in bulk, in tank vehicles, from the plantsite of Koppers Co., Inc., at or near Houston, Tex., to the plantsite of Consolidated Aluminum Company, at or near Harbor, La., for 180 days. SUPPORTING SHIPPER: Koppers Company, Inc., 850 Koppers Building, Pittsburgh, Pa. 15219. SEND PROTESTS TO: District Supervisor Mensing, Interstate Commerce Commission, Bureau of Operations, 515 Rusk Avenue, 8610 Federal Building, Houston, Tex. 77002.

No. MC 123074 (Sub-No. 9 TA), filed February 26, 1974. Applicant: M. L. ASBURY, INC., 1100 South Oakwood, Detroit, Mich. 48217. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, in bulk, in tank vehicles, from the International Boundary line between the United States and Canada at or near Port Huron, Mich., to points in the Lower Peninsula of Michigan located on and east of U.S. Highway 27 and on and south of Michigan Highway 46 on traffic having a prior movement in foreign commerce, for 180 days. SUPPORTING SHIPPER: Ashland Petroleum Company, P.O. Box 391, Ashland, Ky. 41101. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 125533 (Sub-No. 7TA), filed February 26, 1974. Applicant: GEORGE W. KUGLER, INC., P.O. Box 6064 (Ellet Station), 2800 East Waterloo Road, Akron, Ohio 44312. Applicant's representative: Mr. James M. Burtch, George, Greek, King, McMahon & McConnaughey, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit and fittings* therefor, and *materials, supplies, and accessories* used in the installation thereof, from the plantsite of Carlon Products Corporation located in Mantua Township, Portage County, Ohio, to points in Minnesota, Iowa, Missouri, Arkansas, and Louisiana, and points east thereof, for 180 days. SUPPORTING SHIPPER(S): Carlon Products Corporation,

23200 Chagrin Boulevard, Building Three, Cleveland, Ohio 44122. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 126276 (Sub-No. 90 TA), filed February 26, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Rd., Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 S. La Salle St., Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from Hillside, N.J., to Delaware, Ohio, for 180 days. SUPPORTING SHIPPER: American Can Company, 100 Park Avenue, New York, N.Y. SEND PROTESTS TO: District Supervisor Robert G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 126881 (Sub-No. 12 TA), filed February 22, 1974. Applicant: RICHARD B. RUDY, INC., 203 Linden Avenue, Frederick, Md. 21701. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Disposable grounding electrodes*, between Dickerson, Md., and Dayton, Ohio, for 180 days. SUPPORTING SHIPPER: Dudley Woodard, Manager, Radiation Processing and Services, Neutron Products, Dickerson, Md. 20753. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 127253 (Sub-No. 49 TA), filed February 26, 1974. Applicant: R. A. CORBETT TRANSPORT, INC., P.O. Box 728, Waskom, Tex. 75692. Applicant's representative: Kenneth Sitton, FM 9, Waskom, Tex. 75692. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Webster Parish, La., to points in Texas, for 180 days. SUPPORTING SHIPPER: Crystal Oil Co., P.O. Box 1101, Shreveport, La. 71163. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C 12, Dallas, Tex. 75202.

No. MC 133655 (Sub-No. 68 TA), filed February 27, 1974. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from the plant site of L. D. Schreiber Cheese Co. at Carthage, Mo., to points in Georgia and Florida, for 180 days. SUPPORTING SHIPPER: Robert Buchberger, General Traffic Manager, L. D. Schreiber Cheese Co., P.O. Box 610, Green Bay, Wis. 54305. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 135678 (Sub-No. 2 TA), filed February 27, 1974. Applicant: MID-WESTERN TRANSPORTATION, INC., 20 SW. 10th Street, Oklahoma City, Okla. 73125. Applicant's representative: Rufus H. Lawson, 2400 NW. 23d Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, and those of unusual value), between Amarillo, Tex., and its Commercial Zone and Industrial Parks, and all points now authorized to serve out of Oklahoma City, Okla., and its Commercial Zone and Industrial Parks, including Oklahoma City, Okla., as authorized in Certificate of Public Convenience and Necessity No. MC 135678 Sub 1, for 180 days.

NOTE: Applicant states that he does intend to tack with his authority in Docket No. MC 135678 Sub 1.

SUPPORTING SHIPPERS: There are approximately 79 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 135874 (Sub-No. 38 TA), filed February 26, 1974. Applicant: LTL PERISHABLES, INC., 132nd and "Q" Streets, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 W. Center St., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor xehicle, over irregular routes, transporting: *Foodstuffs* in vehicles equipped with mechanical refrigeration, from Kansas City, Kans., and Kansas City, Mo., and their Commercial Zones to points in Nebraska (except Lincoln and Omaha, Nebr.); Iowa (except Sioux City and Des Moines, Iowa); South Dakota; North Dakota (except Fargo, N. Dak.); Minnesota (except Minneapolis, Minn.); and Wisconsin (except Milwaukee, Wis.), for 180 days SUPPORTING SHIPPERS: Boyle's Famous Corned Beef Company, Tommy L. Stratton, Traffic Manager, 416 East 3rd Street, Kansas City, Mo. 64106; Food Shippers Association, J. C. Johnson, General Manager, 6500 Inland Drive, Kansas City, Kans. 66110; R. B. Rice Sausage Co., Harold Rice, President, 71 By-pass, Kansas City, Mo.; Ranch-Hand Foods, Inc., James W. Hall, Vice President and General Manager, 1101 So. Fifth, Kansas City, Kans.; The Keller Food Co., Joe Friedman, President, 2917 Brooklyn Ave., P.O. Box 4824, Kansas City, Mo. 64109; Totino's Finer Foods, Inc., Olivia, M. Bradley, Distribution Administrator, 7350 Commerce Lane, Fridley, Minn. 55421; Inland Storage Distribution Center, E. H. Bortner, Assistant Manager of Traffic, 6500 Inland Drive, Kansas City, Kans. 66110; Presto Food Products, Inc., Kenneth D. Smyers, Sales Manager, 1011 East 16th, Kansas City, Mo. 64108; Southeastern Public Service Company, doing business as Mid-Continent Underground Storage, Aaron Wright, Traffic Manager, P.O. Box 356, Bonner Springs, Kans. 66012; Leprino Cheese Company, James L. Barnhill, Regional Manager, 6615 Railroad Street, Raytown, Mo. 64133; and Lion Distributing Company, Thomas E. Marler, Assistant Branch Manager, 1327 East Ninth, Kansas City, Mo. 64106. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 North 14th Street Omaha, Nebr. 68102.

No. MC 136952 (Sub-No. 2 TA), filed February 26, 1974. Applicant: ADAMIC TRUCKING, INC., 15522 Rider Road, Burton, Ohio 44021. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 1330, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., to Cleveland, Ohio, for 180 days. SUPPORTING SHIPPER: Knall Beverage, Inc., 3562 West 69th Street, Cleveland, Ohio 44102. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 138148 (Sub-No. 3 TA), filed February 28, 1974. Applicant: JOSEPH J. SCHMIDT, 7499 Montevideo Court, Jessup, Md. 20794. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from Fort Wayne, Ind., to Aberdeen, Baltimore, Centreville, Edmondston, Salisbury, and Upper Marlboro, Md., and empty containers on return, for 180 days. SUPPORTING SHIPPERS: George O. Yewell, Jr., President, G & G Distributing, Inc., South Commerce St., Centreville, Md. 21617, Mr. Richard H. Parsons, President, Richard H. Parsons, Inc., 304 E. William St. Salisbury, Md. 21801, Mr. C. V. Fowler, Jr., Partner, Fowler Distributing Co., 314 W. Belair Rd., Aberdeen, Md. 21001, Mr. Abraham Genderson, President, A. Genderson & Sons, Inc., 4612 Ingraham St., Edmondston, Md. 20781. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 139277 (Sub-No. 1 TA), filed February 27, 1974. Applicant: AL E. HALL, doing business as AL E. HALL TRUCKING, P.O. Box 25, Gridley, Ill. 61744. Applicant's representative: Patrick H. Smyth, 327 S. La Salle Street, Suite 1000, Chicago, Ill. 60604. Authority

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sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal roofing and siding, fabricated metal products, and parts, attachments and accessories* therefor, from the plantsite of Fabral Corporation, located at or near Gridley, Ill., to points in Minnesota, Wisconsin, Michigan, Iowa, Missouri, Indiana, Kentucky, and Ohio; and (2) *materials, supplies, and equipment* for the commodities described in (1) above, from points in Indiana and Ohio to the plantsite of Fabral Corp. located at or near Gridley, Ill., under contract in (1) and (2) with Fabral Corp. RESTRICTION: The transportation services authorized above are restricted against the transportation of commodities in bulk, for 180 days. SUPPORTING SHIPPER: Fabral Corporation, P.O. Box 310, Gridley, Ill. 61744. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 139318 (Sub-No. 1 TA), filed February 28, 1974. Applicant: FLORENCE PACKING COMPANY, 24711 Florence Road, Stanwood, Wash. 98292. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Suite 101, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Horse meat*, hanging, requiring mechanical refrigeration and railer equipped trailers, from Florence, Wash., to Los Angeles, and San Francisco, Calif., commercial airports and Blaine, Wash., on International Boundary between the United States-Canada. Restricted to traffic having an immediate subsequent movement by air, for 180 days. SUPPORTING SHIPPER(S): Florence Meat Sales, Inc., 24711 Florence Road, Stanwood, Wash. 98292. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC-139427 (Sub-No. 1 TA), filed February 20, 1974. Applicant: DAVID L. NORDICK AND DOUGLAS D. HAUGH, doing business as NORDICK TRUCKING, 13164 Lakeview Granada Drive, Lakeside, Calif. 92040. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal roofing and siding, fabricated metal products, and parts, attachments and accessories* therefor, from the plantsite of Fabral Corporation, located at or near Gridley, Ill., to points in Minnesota, Wisconsin, Michigan, Iowa, Missouri, Indiana, Kentucky, and Ohio; and (2) *materials, supplies, and equipment* for the commodities described in (1) above, from points in Indiana and Ohio to the plantsite of Fabral Corp. located at or near Gridley, Ill., under contract in (1) and (2) with Fabral Corp. RESTRICTION: The transportation services authorized above are restricted against the transportation of commodities in bulk, for 180 days. SUPPORTING SHIPPER: Fabral Corporation, P.O. Box 310, Gridley, Ill. 61744. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 139318 (Sub-No. 1 TA), filed February 28, 1974. Applicant: FLORENCE PACKING COMPANY, 24711 Florence Road, Stanwood, Wash. 98292. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Suite 101, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Horse meat*, hanging, requiring mechanical refrigeration and railer equipped trailers, from Florence, Wash., to Los Angeles, and San Francisco, Calif., commercial airports and Blaine, Wash., on International Boundary between the United States-Canada. Restricted to traffic having an immediate subsequent movement by air, for 180 days. SUPPORTING SHIPPER(S): Florence Meat Sales, Inc., 24711 Florence Road, Stanwood, Wash. 98292. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC-139427 (Sub-No. 1 TA), filed February 20, 1974. Applicant: DAVID L. NORDICK AND DOUGLAS D. HAUGH, doing business as NORDICK TRUCKING, 13164 Lakeview Granada Drive, Lakeside, Calif. 92040. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Missile air frame and wing assemblies, missile containers and empty packaging material* used, between El Cajon, Calif., and Tucson, Ariz., for 180 days. SUPPORTING SHIPPER: Maetec/Straza, 790 Greenfield Drive, El Cajon, Calif. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 139453 (Sub-No. 1 TA), filed February 28, 1974. Applicant: JOHN MILLIGAN, doing business as APACHE TRUCK LINE, Apache Creek Store, Apache Creek, N. Mex. 87830. Applicant's representative: James E. Snead, P.O. Box 2228, Santa Fe, N. Mex. 87501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and by-products of lumber*, between points and places in Catron County, N. Mex., on the one hand, and, on the other, points in Apache and Final Counties, Ariz., for 180 days. SUPPORTING SHIPPER: H. L. Barnett, Central, N. Mex. 88026. SEND PROTESTS TO: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 139554 TA, filed March 1, 1974. Applicant: ROC TRANSPORT LTD., 15 Jane Street, Newcastle, New Brunswick, Canada. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Planer mill shaving, sawdust, bark, slabwood, wood trimmings, wood residues, and wood by-products*, from locations of suppliers of shipper in Ashland and Masardis, Maine, to port of entry in United States-Canadian Border at Houlton, Maine, for 180 days. SUPPORTING SHIPPER: Airscrew-Weyroc Canada Limited, P.O. Box 429, Morrison's Cove, Chatham, New Brunswick, Canada. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

No. MC 139556 TA, filed February 15, 1974. Applicant: ANDERSON ARMORED CAR SERVICE, INC., 504 North McDuffie Street, Anderson, S.C. 29621. Applicant's representative: James Belk, P.O. Box 273, Anderson, S.C. 29621. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Letters of transmittal, checks, drafts, notes, money orders, travelers checks, and similar documents together with accompanying records or forms* incidental to the operation of the Federal Reserve Bank of Richmond, Va., between Columbia, S.C., and Charlotte, N.C., via Routes Interstate Highway 26, South Carolina Highway 21 and North Carolina Highways 21, 16, and 49, and return over the same routes, for 180 days.

NOTE.—Tacking is not involved and commodities in bulk will not be transported. SUPPORTING SHIPPER: Federal Reserve Bank of Richmond, P.O. Box 27622, Richmond, Va. 23261. SEND PROTESTS TO: E. E. Strotheld, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens Street, Columbia, S.C. 29201.

MOTOR CARRIERS OF PASSENGERS

No. MC 64499 (Sub-No. 3 TA), filed February 28, 1974. Applicant: AMERICAN PACIFIC STAGE COMPANY, 213 13th Street, Sacramento, Calif. 95813. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express and baggage* of passengers in the same vehicle with passengers in charter operations where there is a prior or subsequent movement by rail (AMTRAK), between the AMTRAK passenger depot at Bakersfield, Calif., on the one hand, and, on the other, AMTRAK passenger depots at Los Angeles, Pasadena, and Glendale, Calif., for 180 days.

NOTE.—Applicant states that he does intend to tack with his regular-route authority performed for AMTRAK in the Los Angeles area. SUPPORTING SHIPPER: AMTRAK (National Railroad Passenger Corporation), 800 North Alameda, Los Angeles, Calif. 90012. SEND PROTESTS TO: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-6187 Filed 3-15-74;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

PROFESSIONAL STANDARDS REVIEW

Designation of Areas

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Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 101—PROFESSIONAL STANDARDS REVIEW

Designation of Professional Standards Review Areas

On December 20, 1973, there was published in the FEDERAL REGISTER (38 FR 34944–34951) a notice of proposed rulemaking implementing the provisions of section 1152 (a) of the Social Security Act as added by section 249F of the Social Security Amendments of 1972 (86 Stat. 1429–1430; (42 U.S.C. 1320C–1(a))), with respect to the establishment throughout the United States of appropriate Professional Standards Review Organization areas. The notice proposed that a new Part 101, entitled "Professional Standards Review," be added to Title 42, Code of Federal Regulations, and that Subpart A, entitled "Area Designation," be established therein. Interested individuals and organizations were given until January 21, 1974 to submit comments and suggestions on the proposed regulations. Subsequently the 30-day comment period was extended to February 5, 1974 (39 FR 2384). Comments and suggestions received with regard to this notice of proposed rulemaking, the responses thereto, and changes in the proposed areas are summarized below.

GENERAL DISCUSSION

The vast majority of comments were received from organizations and individuals in States in which multiple areas were proposed, suggesting their State be designated as a single area.

The Department's guidelines for the designation of areas, which are set out in § 101.2 of the regulations, were widely distributed, and public discussions of this material were held in the various regions of this Department. These guidelines, which were derived from the statutory language and the related legislative history, and a brief summary of their underlying premises, are:

1. Generally, an area should not cross State lines. The basis for this guideline is the provision of the law relating to the creation of Statewide Councils and the several references in the Senate Committee Report to areas established on a multi-county or State basis. In addition, the Medicaid program is organized on a State-by-State basis.

2. In general, an area should not divide a county. Considerations of administrative practicability serve as the basis for this guideline. However, in instances of large geographic areas or large county populations, it may be necessary and appropriate to divide a county.

3. Existing boundaries of local medical review organizations and local health planning areas should be considered. Since the Senate Finance Committee Report recognizes the existence of local professional medical review organizations, the current boundaries of these organizations should be considered. In addition, established health planning areas need to be considered as possible precedents.

4. An area should, to the extent possible, coincide with a medical service area and assure broad, diverse representation of all medical specialties. The PSRO area should be drawn to include, to the extent possible, the existing medical service or medical trade areas. Consideration should also be given to existing medical centers and to natural geographic barriers. In addition, effective peer review is attainable only if the review body has available to it the necessary range of professional expertise.

5. An area should generally include a minimum of approximately 300 practicing physicians. While the maximum can be expected to vary with local circumstances, generally, it should not exceed 2,500 practicing physicians. The purpose of an approximate limitation on the maximum size of an area's physician population is to emphasize the statutory concepts of local peer review responsibility and the active participation of local practicing physicians in the activities of the PSRO.

6. The designation of an area should take into account the need for effective coordination with Medicare/Medicaid fiscal agents. This principle is stated in the statute and the Senate Finance Committee Report. Since the PSRO is involved in the Medicare and Medicaid programs, it will have a significant effect on the claims process.

The proposals for the designation of various States as single areas were, except with respect to Georgia and Washington (see items 4 and 19 below), inconsistent with the guidelines discussed herein, and, accordingly, were rejected.

The designation of multiple areas in various large heavily populated States has, however, caused concern that Statewide organizations would be precluded from participation in the PSRO program. Such designations are not intended to exclude experienced State organizations.

As indicated in the December 20, 1973, notice of proposed rulemaking, arrangements of this sort have always been contemplated as fully consistent with the Department's policy that such arrangements (1) assure appropriate local autonomy and responsibility and (2) provide opportunities for existing Statewide organizations to make available their experience, knowledge, and capacity to the local organizations in the State.

Such organizations, serving as Statewide Professional Standards Review Organization Support Centers, could provide substantial support, guidance and aid to the local organizations within the State on a variety of professional, administrative and technical matters. This kind of assistance would, moreover, expedite organizational development of local PSROs through the introduction of common services.

Thus, in accordance with the legislative directives to the Secretary to provide for all necessary assistance in the establishment of local PSROs under sections 1156(a), 1163(c), and 1169 of Pub. L. 92–603, financial support will be available for the establishment of Statewide PSRO Support Centers to assist in the creation and operation of local PSROs, under appropriate arrangements.

Within the framework of the Secretary's policies and guidelines, a Support Center could carry out a number of functions such as general assistance and support to physicians in organizing to apply for planning funds. Other key duties could include assistance to local PSROs, upon request, in all phases of professional and technical activity. Finally, a Support Center under appropriate arrangements could provide assistance to State PSRO Councils in the accomplishment of their responsibilities under the Statute.

Financial support will also be available to physician organizations to plan and develop PSRO's in the areas designated below. Information as to the requirements of organizations wishing to apply is being published separately.

SPECIFIC COMMENTS

1. Comments proposed that Arizona be designated a single PSRO area. This was rejected because there are two local peer review organizations operating in the proposed areas which are in accord with the guidelines. (§ 101.5)

2. The designation of areas in California has been changed with respect to "Area XVIII—Los Angeles County". This change was deemed appropriate upon reconsideration of the following factors based on additional information furnished by the comments: size of the area and geographical configuration; number of physicians; location of major health care facilities, including teaching hospitals and clinics; and the existing patterns of patient referral. This change is consistent with the guidelines. Accordingly, 28 PSRO areas are designated in California with the addition of PSRO Areas XVIII through XXV covering Los Angeles County. (§ 101.7)

3. Comments suggested that the eight proposed areas in Florida were not consistent with medical practice patterns and that they be replaced by 12 areas to be consistent with such patterns. After reviewing the 12 suggested areas and additional information, it was concluded that such areas are consistent with medical practice patterns and the guidelines for designation of areas. Therefore, the designations are revised accordingly. All areas, except for Areas I and XII, are revisions of the proposed areas. (§ 101.12)

4. Proposals were received suggesting that Georgia be designated a single PSRO area. After consideration of the comments and additional information, it was concluded that since the Atlanta area is the locus of specialty and subspecialty care for the entire State and a Statewide continuing medical education program influences patterns of care throughout the State of Georgia, the designation of a single PSRO area for the State was considered to comply with the guidelines. It is also noted that peer review is presently being carried out on a Statewide basis.

5. The areas of Guam, the Trust Territory of the Pacific Islands, Hawaii, and America Samoa, have been combined into a single area. This change was made upon reconsideration of the conditions in this area in light of additional information made available since the preliminary designation. In accordance with the guidelines, the factors considered were the number of physicians and facilities in Guam, American Samoa and the Trust Territory, distribution of medical specialties and the pattern of medical practice. (§ 101.15)

6. Comments were received recommending that Illinois be redesignated as a single Statewide PSRO area. Such a designation, however, would be inconsistent with the guidelines. It was also recommended that Area II, as proposed in § 101.17, be divided into two PSRO areas. Such a division would allow the Quad River Foundation for Medical Care, now operating in Kendall, Will, Grundy, and Kankakee Counties, to continue operations and would be consistent with the guidelines. Accordingly, Kendall, Will, Grundy, and Kankakee Counties are designated as a separate PSRO area. (§ 101.17)

7. Recommendations for a single Statewide PSRO area in Indiana were received. Such a designation, however, would clearly be inconsistent with the guidelines. Recommendations for the recognition of the current local medical service areas were also received. A careful analysis of these recommendations indicates that two of the proposed PSRO areas should be divided, resulting in a total of seven. Such a division complies with the guidelines. Areas IV, V, VI, and VII are revisions of the proposed areas. (§ 101.78)

8. During the comment period, a number of objections were received to the combination of the nine Maryland counties east of the Chesapeake Bay with the four counties west of the Bay into a single proposed PSRO Area V and the inclusion of the four Baltimore counties into a single proposed Area I. Upon consideration of the above objections and the receipt of additional information, boundaries were adjusted and two new PSRO areas are designated to bring the total number of PSRO areas in Maryland to seven. Areas I, V, VI, and VII are revisions of the proposed areas. These adjustments satisfy the objections and are in accord with the guidelines. (§ 101.24)

9. With respect to Massachusetts, comments were received that recommended PSRO areas should conform to the substate planning boundaries. Taking the comments and additional information into consideration, areas in Massachusetts were revised to more adequately reflect patterns of practice and boundaries of local medical review organizations. Slight revisions were made in all proposed areas with the exception of proposed Area III. (§ 101.25)

10. Several changes were recommended for Michigan to recognize medical service areas, the medical homogeneity of counties, and to make the PSRO areas more consistent with medical referral patterns. The recommended modifications are consistent with the guidelines. The eight PSRO areas as shown in § 101.26 are changed to ten as a result of the recommended modifications. All of the ten areas with the exception of Areas I, V, and VIII are revisions of the proposed areas. (§ 101.26)

11. Comments received proposed a single Statewide PSRO area for Minnesota. Such a designation, however, is clearly inconsistent with the guidelines. It was also proposed that several counties be moved from proposed Area III to proposed Area I which would result in the areas being more consistent with health planning areas and the Sub-State Planning and Development Areas. The suggested change was made and it is consistent with the guidelines. (§ 101.27)

12. Comments were received requesting the designation of New Jersey as a single PSRO area. This was rejected, as not consistent with guidelines for the designation of PSRO areas. Chilton Hospital which is in Morris County, is included in Area II with Passaic County for PSRO purposes. This reflects an existing pattern of medical practice. (§ 101.34)

13. Changes in the State of New York reflect comments and information received about patterns of medical practice and the boundaries of local medical review organizations. A total of five changes were made, including the addition of three PSRO areas. Areas II, III, IV, VI, VII, IX, X, XII, and XIII are revisions of the proposed areas. (§ 101.36)

14. It was suggested that the four proposed areas in North Carolina were not consistent with medical practice patterns and that they be replaced by eight areas. After reviewing the eight suggested areas and taking into consideration additional information received, it was concluded that they are consistent with medical practice and with the guidelines for designation of areas. Therefore, the suggested eight areas are designated as the PSRO areas for North Carolina. All eight areas are revisions of the proposed areas. (§ 101.37)

15. Proposals to designate Ohio as a single area were rejected because such a designation would not satisfy the guidelines. The proposed PSRO areas were, however, revised to coincide with current review districts. As a result of the realignment, three new areas are added. Areas IV, V, IX, X, and XI are revisions of the proposed areas. (§ 101.39)

16. Several comments were received suggesting that Tennessee be designated a single area or that Shelby County be designated as one area and the remainder of the State be designated as the other area. These suggested changes were not made, because they do not reflect medical practice patterns and are otherwise inconsistent with the guidelines. It was decided to designate Shelby County and 11 surrounding counties as one area and the remainder of the State as the other area. This is consistent with medical practice patterns and the guidelines. (§ 101.47)

17. Comments were received recommending that Texas be redesignated a single Statewide PSRO area. Such a designation, however, would be inconsistent with the guidelines. Comments were also received recommending changes in the local areas. Accordingly, proposed Areas II, III, VI, and VII have been altered slightly to reflect greater compatibility with State Planning Districts; and, in proposed Area VII, with a medical planning area. Additionally, the large geographic area encompassing proposed Areas V and VIII has been divided into three PSRO areas, thereby creating a ninth PSRO area. (§ 101.48)

18. Comments were received suggesting that Virginia be designated a single PSRO area. The suggested change was not made, because it does not reflect medical practice patterns and would be inconsistent with the guidelines. (§ 101.52)

19. Proposals were received suggesting that the State of Washington be designated a single PSRO area. This change was made because additional information indicated that the Seattle-Tacoma-Bremerton area is the locus of specialty and subspecialty care for the entire State and a Statewide continuing medical education program influences patterns of care throughout the State of Washington. It is also noted that peer review is presently being carried on a Statewide basis. (§ 101.53)

20. Based on analysis of comments received, most of which recommended a single Statewide PSRO area, it was concluded that a two-area designation would be appropriate for Wisconsin. This designation allows the current medical care foundations to continue their activities and also preserves the integrity of the two historic medical service areas in the State. (§ 101.55)

21. In addition a number of minor editorial changes were made, and a number of typographical errors were corrected. Accordingly, the regulations as set out below are hereby adopted.

Effective date: These regulations are effective on March 18, 1974.

Dated: February 27, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: March 8, 1974.

CASPAR W. WEINBERGER,
Secretary.

PART 101—PROFESSIONAL STANDARDS REVIEW

Subpart A—Area Designations

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AUTHORITY: Title XI, Part B, Social Security Act; 42 U.S.C. 1320c—1320c-20.

§ 101.1 Definitions.

As used in this part:

(a) "Act" means the Social Security Act, as amended, (42 U.S. Chap. 7).

(b) "Area" means the geographical area within the boundaries of a State or within the boundaries of one or more counties or other political subdivisions in a State designated as constituting an area with respect to which a Professional Standards Review Organization may be designated, pursuant to section 1152(a) of the Act.

(c) "PSRO" means Professional Standards Review Organization.

(d) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved may be delegated.

(e) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Trust Territory of the Pacific Islands.

(f) "Physician" means a licensed doctor of medicine or osteopathy.

§ 101.2 Guidelines for designation of areas.

The Secretary will designate appropriate areas with respect to which Professional Standards Review Organizations may be designated, and from time to time revise such area designations, as may, in his judgment be necessary, taking the following guidelines into consideration:

(a) Generally, an area should not cross State lines.

(b) In general, an area should not divide a county. However, in instances of large geographic areas or large county populations, it may be necessary and appropriate to divide a county.

(c) Existing boundaries of local medical review organizations and local health planning areas should be considered.

(d) An area should, to the extent possible, coincide with a medical service area and assure broad, diverse representation of all medical specialties. Consideration should also be given to the location of existing medical centers and to natural geographic barriers.

(e) An area should generally include a minimum of approximately 300 practicing physicians. While the maximum can be expected to vary with local circumstances, generally it should not exceed 2500 practicing physicians.

(f) The designation of an area should take into account the need for effective coordination with Medicare and Medicaid fiscal agents.

§ 101.3 Alabama.

The State of Alabama is designated as a single Professional Standards Review Organization area.

§ 101.4 Alaska.

The State of Alaska is designated as a single Professional Standards Review Organization area.

§ 101.5 Arizona.

Two Professional Standards Review Organization areas are designated in Arizona, composed of the following counties:

AREA I

Mohave	Yavapai
Coconino	Maricopa
Navajo	Gila
Apache	

AREA II

Yuma	Pima
Pinal	Santa Cruz
Graham	Cochise
Greenlee	

§ 101.6 Arkansas.

The State of Arkansas is designated as a single Professional Standards Review Organization area.

§ 101.7 California.

Twenty-eight Professional Standards Review Organization areas are designated in California, composed of the following counties with the exception of Areas XVIII through XXV which are composed of cities and parts of Los Angeles denoted by postal zone:

AREA I

Del Norte	Lake
Humboldt	Sonoma
Mendocino	

AREA II

Siskiyou	Glenn
Modoc	Butte
Trinity	Colusa
Shasta	Sutter
Lassen	Yuba
Tehama	Sierra
Plumas	

AREA III

Napa	Marin
Solano	

AREA IV

Nevada	Sacramento
Placer	El Dorado
Yolo	

AREA V

San Francisco

AREA VI

San Mateo

AREA VII

Contra Costa — Alameda

AREA VIII

San Joaquin	Calaveras
Amador	Tuolumne
Alpine	

AREA IX

Santa Clara

AREA X

Stanislaus	Merced
Mariposa	

AREA XI

Fresno — Madera

AREA XII

Santa Cruz	San Benito
Monterey	

AREA XIII

Kings — Tulare

AREA XIV

Kern

AREA XV

Mono	San Bernardino
Inyo	

AREA XVI

San Luis Obispo — Santa Barbara

AREA XVII

Ventura

AREA XVIII

Altadena	Tujunga
La Vina	Verdugo City
Pasadena	Alhambra
San Marino	El Monte
South Pasadena	Garvey
Eagle Rock	Monterey Park
Glendale	Rosemead
La Canada	San Gabriel
La Crescenta	South San Gabriel
Montrose	Temple City
Sunland	Wilmar

AREA XIX

Avalon	Wilmington
Dominguez	Harbor City
Hawaiian Gardens	Palos Verdes Estates
Lakewood	Palos Verdes
Long Beach	Peninsula
Los Alamitos	San Pedro
Terminal Island	

AREA XX

Agoura	Northridge
Calabasas	Reseda
Canoga Park	Saugus
Chatsworth	Sherman Oaks
Encino	Tarzana
Granda Hills	Van Nuys
Hidden Hills	Woodland Hills
Newhall	Lancaster

AREA XX—Continued

Littlerock	Pacoima
Palmdale	Panorama City
Pearblossom	San Fernando
Quartz Hill	Sepulveda
Burbank	Studio City
Mission Hills	Sun Valley
North Hollywood	Sylmar
Olive View	Toluca Lake

AREA XXI

Commerce	Duarte
Hacienda Heights	Glendora
La Mirada	La Puente
East Los Angeles	Monrovia
Los Nietos	Rowland Heights
Montebello	Sierra Madre
Norwalk	Temple City
Pico Rivera	Valinda
Santa Fe Springs	West Covina
Whittier	Claremont
Arcadia	La Verne
Azusa	Pomona
Baldwin Park	San Dimas
Covina	Walnut

AREA XXII

Culver City	Venice
Malibu	Westwood
Marina del Rey	Los Angeles
Mar Vista	Postal Zones:
Ocean Park	90034
Pacific Palaades	90049
Palms	90064
Playa del Rey	90066
Santa Monica	90073
Sawtelle	

AREA XXIII

Gardena	Torrance
Hermosa Beach	Artesia
Lomita	Bell
Manhattan Beach	Bellflower
Palos Verdes	Bell Gardens
Redondo Beach	Willowbrook
Compton	El Segundo
Downey	Hawthorne
Home Gardena	Inglewood
Huntington Park	Lawndale
Lynwood	Lennox
Maywood	Los Angeles
Paramount	Postal Zones:
South Gate	90009
Rolling Hills	90045

AREA XXIV

Los Angeles Postal Zones:

90006	90003
90026	90008
20057	90011
90012	90037
90015	90043
90017	90044
90013	90047
90014	90056
90021	90059
90023	90061
90031	90062
90032	90004
90033	90005
90039	90007
90042	90010
90053	90016
90054	90018
90055	90019
90058	90020
90063	90035
90001	90051
90002	90065

AREA XXV

Beverly Hills Los Angeles Postal Zones:

90027	90046
90028	90048
90029	90068
90036	90069
90038	

AREA XXVI

Orange

AREA XXVII

Riverside

AREA XXVIII

San Diego — Imperial

§ 101.8 Colorado.

The State of Colorado is designated as a single Professional Standards Review Organization area.

§ 101.9 Connecticut.

Four Professional Standards Review Organization areas are designated in Connecticut, composed of the following counties:

AREA I

Fairfield

AREA II

Litchfield — New Haven

AREA III

Hartford

AREA IV

Tolland	Middlesex
Windham	New London

§ 101.10 Delaware.

The State of Delaware is designated as a single Professional Standards Review Organization area.

§ 101.11 District of Columbia.

The District of Columbia is designated as a single Professional Standards Review Organization area.

§ 101.12 Florida.

Twelve Professional Standards Review Organization areas are designated in Florida, composed of the following counties:

AREA I

Santa Rosa	Gadsden
Okaloosa	Liberty
Walton	Franklin
Holmes	Leon
Washington	Jefferson
Jackson	Madison
Bay	Wakulla
Calhoun	Taylor
Gulf	Escambia

AREA II

Hamilton	Lafayette
Suwannee	Dixie
Columbia	Gilchrist
Union	Putnam
Bradford	Citrus
Alachua	Hernando
Levy	Sumter
Marion	

AREA III

Nassau	Clay
Baker	St. Johns
Duval	Flagler

AREA IV

Pinellas

AREA V

Pasco — Hillsborough

AREA VI

Polk — Highlands
Hardee

AREA VII

Lake — Orange
Seminole — Osceola

AREA VIII

Volusia — Brevard

AREA IX

Manatee	Charlotte
Sarasota	Glades
De Soto	Lee

AREA X

Indian River	Martin
Okeechobee	Palm Beach
St. Lucie	Hendry

AREA XI

Collier — Broward

AREA XII

Monroe — Dade

§ 101.13 Georgia.

The State of Georgia is designated a single Professional Standards Review Organization area.

§ 101.14 [Reserved]

§ 101.15 Hawaii, Guam, the Trust Territory of the Pacific Islands and American Samoa.

Hawaii, Guam, the Trust Territory of the Pacific Islands and American Samoa are designated as a single Professional Standards Review Organization area.

§ 101.16 Idaho.

The State of Idaho is designated as a single Professional Standards Review Organization area.

§ 101.17 Illinois.

Eight Professional Standards Review Organization areas are designated in Illinois, composed of the following counties:

AREA I

Jo Daviess	Ogle
Stephenson	De Kalb
Winnebago	Whiteside
Boone	Lee
Carroll	

AREA II

McHenry	Kane
Lake	Du Page

AREA III

Cook

AREA IV

Kendall	Grundy
Will	Kankakee

AREA V

Rock Island	Knox
Mercer	Stark
Henry	Marshall
Bureau	McDonough
Putnam	Fulton
La Salle	Peoria
Henderson	Tazewell
Warren	Woodford

AREA VI

Livingston	Macon
Ford	Moultrie
Iroquois	Douglas
McLean	Edgar
De Witt	Shelby
Piatt	Coles
Champaign	Cumberland
Vermilion	Clark

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AREA VII

Adams	Morgan
Schuyler	Sangamon
Brown	Christian
Cass	Calhoun
Mason	Greene
Menard	Jersey
Logan	Macoupin
Pike	Montgomery
Scott	Hancock

AREA VIII

Madison	Richland
Bond	Williamson
Fayette	Saline
Effingham	Gallatin
Jasper	Union
Crawford	Johnson
Randolph	Lawrence
Perry	Washington
Franklin	Jefferson
Hamilton	Wayne
White	Edwards
Jackson	Wabash
Monroe	Pope
St. Clair	Hardin
Clinton	Alexander
Marion	Pulaski
Clay	Massac

§ 101.18 Indiana.

Seven Professional Standards Review Organization areas are designated in Indiana, composed of the following counties:

AREA I

Lake	La Porte
Porter	

AREA II

St. Joseph	Cass
Elkhart	Miami
Newton	Wabash
Jasper	Carroll
Starke	Warren
Marshall	Tippecanoe
Kosciusko	Clinton
Pulaski	Howard
Fulton	Tipton
Benton	Fountain
White	Montgomery

AREA III

Lagrange	Allen
Steuben	Huntington
Noble	Wells
De Kalb	Adams
Whitley	

AREA IV

Grant	Fayette
Blackford	Union
Jay	Franklin
Madison	Ripley
Delaware	Dearborn
Randolph	Jefferson
Henry	Ohio
Wayne	Switzerland
Rush	

AREA V

Boone	Bartholomew
Hamilton	Decatur
Putnam	Crawford
Hendricks	Jackson
Marion	Jennings
Hancock	Washington
Orange	Scott
Morgan	Clark
Johnson	Floyd
Shelby	Harrison
Brown	

AREA VI

Vermillion	Sullivan
Parke	Greene
Vigo	Monroe
Clay	Lawrence
Owen	

AREA VII

Knox	Pike
Daviess	Dubois
Martin	Warrick
Posey	Spencer
Vanderburgh	Perry
Gibson	

§ 101.19 Iowa.

The State of Iowa is designated as a single Professional Standards Review Organization area.

§ 101.20 Kansas.

The State of Kansas is designated as a single Professional Standards Review Organization area.

§ 101.21 Kentucky.

The State of Kentucky is designated as a single Professional Standards Review Organization area.

§ 101.22 Louisiana.

Four Professional Standards Review Organization areas are designated in Louisiana, composed of the following parishes:

AREA I

Caddo	Red River
Bossier	Natchitoches
Webster	Winn
Claiborne	Caldwell
Lincoln	Franklin
Union	Tensas
Morehouse	Sabine
West Carroll	Grant
East Carroll	LaSalle
Bienville	Catahoula
Jackson	Concordia
Quachita	Vernon
Richland	Rapides
Madison	Avoyelles
De Soto	

AREA II

Beauregard	Calcasieu
Allen	Jefferson Davis
Evangeline	Acadia
Lafayette	Vermilion
St. Martin	Iberia
Cameron	St. Mary
St. Landry	

AREA III

Point Coupee	Iberville
West Feliciana	West Baton Rouge
East Feliciana	East Baton Rouge
St. Helena	Livingston
Tangipahoa	Ascension
Washington	

AREA IV

Assumption	Jefferson
St. James	Orleans
St. John the Baptist	St. Bernard
St. Tammany	Terrebonne
St. Charles	Lafourche
	Plaquemines

§ 101.23 Maine.

The State of Maine is designated as a single Professional Standards Review Organization area.

§ 101.24 Maryland.

Seven Professional Standards Review Organization areas are designated in Maryland, composed of the following counties:

AREA I

Garrett	Washington
Allegany	Frederick

AREA II

Baltimore City
Montgomery
Prince Georges

AREA III

Montgomery

AREA IV

Prince Georges

AREA V

Carroll	Baltimore
Howard	Harford

AREA VI

Anne Arundel	St. Marys
Calvert	Charles

AREA VII

Cecil	Dorchester
Kent	Wicomico
Queen Annes	Somerset
Talbot	Worchester
Caroline	

§ 101.25 Massachusetts.

Five Professional Standards Review Organization areas are designated in Massachusetts, composed of the following cities and townships:

AREA I

Williamstown	Chester
Clarksburg	Huntington
North Adams	Westhampton
Adams	Northampton
Monroe	Hadley
Florida	Amherst
Rowe	West Stockbridge
Heath	Stockbridge
Colrain	Lee
Leyden	Becket
Bernardston	Alford
Northfield	Great Barrington
Warwick	Tryingham
Orange	Monterey
Savoy	Otis
Charlemont	Blandford
Hawley	Russell
Buckland	Montgomery
Shelburne	Westfield
Greenfield	Southampton
Gill	Easthampton
Erving	Holyoke
Hancock	South Hadley
New Ashford	Granby
Cheshire	Chicopee
Windsor	Ludlow
Plainfield	Belchertown
Ashfield	Ware
Conway	Palmer
Deerfield	Warren
Montague	Egremont
Wendell	Mount Washington
New Salem	Sheffield
Lanesborough	New Marlborough
Dalton	Sandisfield
Hinsdale	Tolland
Peru	Granville
Worthington	Southwick
Cummington	West Springfield
Goshen	Agawam
Chesterfield	Springfield
Williamsburg	Longmeadow
Whately	East Longmeadow
Hatfield	Wilbraham
Sunderland	Hampden
Pelham	Monson
Pittsfield	Brimfield
Richmond	Wales
Leverett	Holland
Shutesburg	Royalston
Lenox	Athol
Washington	Phillipston
Middlefield	Petersham

AREA II

Winchendon	Templeton
Ashburnham	Gardner
Ashby	Westminster
Townsend	Fitchburg

AREA II—Continued

Lunenburg	Spencer
Hubbardston	Leicester
Princeton	Auburn
Leominster	Millbury
Lancaster	Grafton
Shirley	Upton
Harvard	Sturbridge
Ayer	Southbridge
Barre	Charlton
Rutland	Oxford
Holden	Dudley
Sterling	Webster
West Boylston	Douglas
Clinton	Sutton
Bolton	Northbridge
Berlin	Uxbridge
Northborough	Mendon
Hardwick	Millville
New Braintree	Blackstone
Oakham	Boylston
Paxton	Dunstable
Worcester	Pepperell
Shrewsbury	Groton
Westborough	Westford
West Brookfield	Littleton
North Brookfield	Medway
Brookfield	Bellingham
East Brookfield	Franklin

AREA III

Hudson	Sherborn
Sudbury	Marlborough
Wayland	Southborough
Weston	Framingham
Waltham	Ashland
Newton	Hopkinton
Needham	Holliston
Wellesley	Milford
Natick	Hopedale

AREA IV

Amesburg	Burlington
Salisbury	Lexington
Merrimac	Woburn
Haverhill	Stoneham
West Newbury	Winchester
Newburyport	Wakefield
Newbury	Melrose
Groveland	Malden
Georgetown	Medford
Methuen	Everett
Rowley	Chelsea
Dracut	Revere
Tyngsborough	Winthrop
Chelmsford	Somerville
Lowell	Cambridge
Tewksbury	Arlington
Andover	Belmont
North Andover	Watertown
Lawrence	Brookline
Boxford	Lincoln
Ipswich	Concord
Middleton	Acton
Topsfield	Boxborough
Hamilton	Stow
Essex	Maynard
Gloucester	Boston
Rockport	Dedham
Wenham	Milton
Beverly	Quincy
Manchester	Randolph
Danvers	Braintree
Peabody	Holbrook
Salem	Weymouth
Marblehead	Hingham
Swampscott	Cohasset
Lynn	Hull
Nahant	Westwood
Saugus	Dover
Lynnfield	Medfield
North Reading	Millis
Reading	Wrentham
Wilmington	Norfolk
Billerica	Foxborough
Carlisle	Plainville
Bedford	North Attleborough

AREA IV—Continued

Norton	Dighton
Taunton	Rehoboth
Raynham	Seekonk
Mansfield	Freetown
Attleboro	Norwell
Berkley	Scituate

AREA V

Norwood	Falmouth
Walpole	Mashpee
Canton	Barnstable
Sharon	Yarmouth
Stoughton	Dennis
Avon	Harwick
Easton	Brewster
Brockton	Chatham
Abington	Orleans
Rockland	Wellfleet
Hanover	Truro
Whitman	Provincetown
Hanson	Gosnold
Pembroke	Gay Head
Marshfield	Chilmark
Duxbury	West Tisbury
Kingston	Edgartown
Halifax	Oak Bluffs
East Bridgewater	Tisbury
West Bridgewater	Mattapoisett
Bridgewater	Acushnet
Middleborough	Fairhaven
Lakeville	New Bedford
Plympton	Dartmouth
Carver	Westport
Wareham	Fall River
Rochester	Somerset
Marion	Swansea
Plymouth	Eastham
Bourne	Nantucket
Sandwich	

§ 101.26 Michigan.

Ten Professional Standards Review Organization areas are designated in Michigan, composed of the following counties:

AREA I

Keweenaw	Luce
Gogebic	Chippewa
Ontonagon	Iron
Houghton	Dickinson
Baraga	Menominee
Marquette	Delta
Alger	Mackinac
Schoolcraft	

AREA II

Emmet	Gladwin
Cheboygan	Kalkaska
Presque Isle	Crawford
Charlevoix	Oscoda
Antrim	Alcona
Otsego	Wexford
Montmorency	Missaukee
Alpena	Roscommon
Leelanau	Ogemaw
Benzie	Manistee
Grand Traverse	

AREA III

Mason	Muskegon
Lake	Montcalm
Osceola	Ottawa
Oceana	Kent
Newaygo	Ionia
Mecosta	Barry

AREA IV

Clare	Saginaw
Arenac	Huron
Isabella	Tuscola
Midland	Sanilac
Bay	St. Clair
Iosco	

AREA V

Shiawassee	Lapeer
Genesee	

AREA VI

Clinton	Livingston
Eaton	Gratiot
Ingham	

AREA VII

Washtenaw	Jackson
Lenawee	Hillsdale
Monroe	

AREA VIII

Wayne

AREA IX

Oakland	Macomb

AREA X

Allegan	Berrien
Van Buren	Cass
Kalamazoo	St. Joseph
Calhoun	Branch

§ 101.27 Minnesota.

Three Professional Standards Review Organization areas are designated in Minnesota, composed of the following counties:

AREA I

Kittson	Todd
Roseau	Morrison
Lake of the Woods	Mille Lacs
Koochiching	Kanabec
St. Louis	Pine
Lake	Pope
Cook	Stearns
Marshall	Benton
Beltrami	Sherburne
Itasca	Isanti
Polk	Chisago
Pennington	Wright
Red Lake	Clay
Norman	Becker
Mahnomen	Wilkin
Clearwater	Otter Tail
Hubbard	Traverse
Cass	Grant
Wadena	Douglas
Crow Wing	Big Stone
Aitkin	Stevens
Carlton	

AREA II

Anoka	Carver
Hennepin	Scott
Ramsey	Dakota
Washington	

AREA III

Swift	Murray
Lac Qui Parle	Cottonwood
Chippewa	Watowan
Kandiyohi	Blue Earth
Meeker	Waseca
Yellow Medicine	Steele
Renville	Dodge
McLeod	Olmsted
Lincoln	Winona
Lyon	Rock
Redwood	Nobles
Brown	Jackson
Sibley	Martin
Nicollet	Faribault
Le Sueur	Freeborn
Rice	Mower
Goodhue	Fillmore
Wabasha	Houston
Pipestone	

§ 101.28 Mississippi.

The State of Mississippi is designated as a single Professional Standards Review Organization area.

§ 101.29 Missouri.

Five Professional Standards Review Organization areas are designated in

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Missouri, composed of the following counties:

AREA I

Atchison	Platte
Nodaway	Clay
Worth	Ray
Harrison	Carroll
Mercer	Jackson
Holt	Lafayette
Andrew	Saline
Gentry	Cass
De Kalb	Johnson
Daviess	Pettis
Grundy	Bates
Buchanan	Henry
Clinton	Benton
Caldwell	Vernon
Livingston	St. Clair

AREA II

Putnam	Boone
Schuyler	Audrain
Scotland	Callaway
Clark	Montgomery
Sullivan	Cooper
Adair	Morgan
Knox	Moniteau
Lewis	Cole
Linn	Osage
Macon	Gasconade
Shelby	Miller
Marion	Maries
Charlton	Camden
Randolph	Pulaski
Monroe	Phelps
Ralls	Crawford
Pike	Dent
Howard	

AREA III

Lincoln	Franklin
Warren	St. Louis
St. Charles	St. Louis City

AREA IV

Barton	Texas
Cedar	Shannon
Hickory	Newton
Dallas	Christian
Laclede	Douglas
Dade	Howell
Polk	Oregon
Jasper	Mc Donald
Lawrence	Barry
Greene	Stone
Webster	Taney
Wright	Ozark

AREA V

Jefferson	Cape Girardeau
Washington	Carter
St. Francois	Ripley
Ste. Genevieve	Butler
Iron	Stoddard
Madison	Scott
Perry	Mississippi
Reynolds	New Madrid
Wayne	Dunklin
Bollinger	Pemiscot

§ 101.30 Montana.

The State of Montana is designated as a single Professional Standards Review Organization area.

§ 101.31 Nebraska.

The State of Nebraska is designated as a single Professional Standards Review Organization area.

§ 101.32 Nevada.

The State of Nevada is designated as a single Professional Standards Review Organization area.

§ 101.33 New Hampshire.

The State of New Hampshire is designated as a single Professional Standards Review Organization area.

§ 101.34 New Jersey.

Eight Professional Standards Review Organization areas are designated in New Jersey, composed of the following counties:

AREA I

Sussex	Morris
Warren	Except Chilton Hospital

AREA II

Passaic	Chilton Hospital

AREA III

Bergen

AREA IV

Essex

AREA V

Hudson

AREA VI

Union

AREA VII

Hunterdon	Middlesex
Somerset	Monmouth
Mercer	Ocean

AREA VIII

Burlington	Salem
Camden	Cumberland
Gloucester	Cape May
Atlantic	

§ 101.35 New Mexico.

The State of New Mexico is designated as a single Professional Standards Review Organization area.

§ 101.36 New York.

Seventeen Professional Standards Review Organization areas are designated in New York, composed of the following counties:

AREA I

Niagara	Wyoming
Orleans	Chautauqua
Erie	Cattaraugus
Genesee	Allegany

AREA II

Monroe	Seneca
Wayne	Yates
Livingston	Steuben
Ontario	

AREA III

St. Lawrence	Cortland
Jefferson	Tioga
Oswego	Broome
Cayuga	Chemung
Onondaga	Schuyler
Tompkins	

AREA IV

Oneida	Lewis
Herkimer	Chenango
Madison	

AREA V

Franklin	Fulton
Clinton	Warren
Hamilton	Saratoga
Essex	Washington

AREA VI

Schenectady
Montgomery

AREA VII

Otsego	Rensselaer
Albany	Delaware

AREA VIII

Greene	Ulster
Columbia	Dutchess
Sullivan	Orange

AREA IX

Putnam
Westchester

AREA X

Rockland

AREA XI

New York

AREA XII

Richmond

AREA XIII

Kings

AREA XIV

Queens

AREA XV

Nassau

AREA XVI

Bronx

AREA XVII

Suffolk

§ 101.37 North Carolina.

Eight Professional Standards Review Organization areas are designated in North Carolina, composed of the following counties:

AREA I

Watauga	Swain
Avery	Transylvania
Caldwell	Jackson
Alexander	Henderson
Mitchell	Polk
Yancey	Graham
McDowell	Macon
Burke	Cherokee
Haywood	Clay
Buncombe	Madison
Rutherford	

AREA II

Surry	Rowan
Stokes	Davidson
Yadkin	Ashe
Forsyth	Alleghany
Iredell	Wilkes
Davie	Alexander

AREA III

Rockingham	Alamance
Caswell	Randolph
Guilford	

AREA IV

Person	Durham
Orange	Chatham

AREA V

Granville	Wake
Vance	Lee
Warren	Harnett
Franklin	Johnson

AREA VI

Halifax	Washington
Northampton	Tyrrell
Hertford	Dare
Gates	Wilson
Chowan	Greene
Perquimans	Pitt
Pasquotank	Beaufort
Camden	Hyde
Currituck	Lenoir
Nash	Craven
Edgecomb	Pamlico
Bertie	Jones
Martin	Carteret

AREA VII

Catawba	Stanly
Lincoln	Montgomery
Cleveland	Moore
Gaston	Union
Mecklenburg	Anson
Cabarrus	Richmond

AREA VIII

Wayne	Robeson
Hoke	Bladen
Cumberland	Pender
Sampson	Columbus
Duplin	Brunswick
Onslow	New Hanover
Scotland	

§ 101.38 North Dakota.

The State of North Dakota is designated as a single Professional Standards Review Organization area

§ 101.39 Ohio.

Twelve Professional Standards Review Organization areas are designated in Ohio, composed of the following counties:

AREA I

Butler	Clermont
Warren	Brown
Clinton	Highland
Hamilton	Adams

AREA II

Darke	Clark
Shelby	Preble
Champaign	Montgomery
Miami	Greene

AREA III

Van Wert	Hardin
Allen	Logan
Hancock	Wyandot
Seneca	Crawford
Mercer	Marion
Auglaize	

AREA IV

Williams	Henry
Fulton	Wood
Lucas	Sandusky
Ottawa	Paulding
Defiance	Putnam

AREA V

Lake	Ashtabula
Geauga	

AREA VI

Summit	Stark
Portage	Mahoning
Trumbull	Columbiana

AREA VII

Coshocton	Harrison
Tuscarawas	Belmont
Carroll	Monroe
Jefferson	

AREA VIII

Licking	Morgan
Muskingum	Noble
Guernsey	Athens
Fairfield	Washington
Perry	

AREA IX

Hocking	Jackson
Vinton	Gallia
Meigs	Scioto
Pike	Lawrence

AREA X

Morrow	Franklin
Knox	Fayette
Union	Pickaway
Delaware	Ross
Madison	

AREA XI

Erie	Richland
Lorain	Ashland
Huron	Wayne
Medina	Holmes

AREA XII

Cuyahoga

§ 101.40 Oklahoma.

The State of Oklahoma is designated as a single Professional Standards Review Organization area.

§ 101.41 Oregon.

Two Professional Standards Review Organization areas are designated in Oregon, composed of the following counties:

AREA I

Multnomah

AREA II

Clatsop	Linn
Columbia	Jefferson
Tillamook	Wheeler
Washington	Grant
Yamhill	Baker
Clackamas	Lane
Hood River	Deschutes
Wasco	Crook
Sherman	Coos
Gilliam	Douglas
Morrow	Curry
Umatilla	Josephine
Union	Jackson
Wallowa	Klamath
Lincoln	Lake
Polk	Harney
Benton	Malheur
Marion	

§ 101.42 Pennsylvania.

Twelve Professional Standards Review Organization areas are designated in Pennsylvania, composed of the following counties:

AREA I

Erie	Crawford
Warren	Forest
McKean	Elk
Potter	Cameron

AREA II

Tioga	Northumberland
Bradford	Montour
Clinton	Columbia
Lycoming	Snyder
Sullivan	Mifflin
Centre	Juniata
Union	

AREA III

Susquehanna	Lackawanna
Wyoming	Luzerne

AREA IV

Wayne	Carbon
Pike	Northampton
Monroe	Lehigh

AREA V

Mercer	Lawrence
Venango	Butler
Clarion	Armstrong
Jefferson	Indiana
Clearfield	

AREA VI

Allegheny

AREA VII

Beaver	Greene
Washington	Fayette
Westmoreland	

AREA VIII

Cambria	Somerset
Blair	Bedford
Huntingdon	

AREA IX

Schuylkill	Lancaster
Perry	Fulton
Dauphin	Adams
Lebanon	Franklin
Berks	York
Cumberland	

AREA X

Chester	Delaware

AREA XI

Montgomery	Bucks

AREA XII

Philadelphia

§ 101.43 Puerto Rico.

Puerto Rico is designated as a single Professional Standards Review Organization area.

§ 101.44 Rhode Island.

The State of Rhode Island is designated a single Professional Standards Review Organization area.

§ 101.45 South Carolina.

The State of South Carolina is designated as a single Professional Standards Review Organization area.

§ 101.46 South Dakota.

The State of South Dakota is designated as a single Professional Standards Review Organization area.

§ 101.47 Tennessee.

Two Professional Standards Review Organization areas are designated in Tennessee, composed of the following counties:

AREA I

Haywood	Hardeman
Madison	Chester
Henderson	McNairy
Decatur	Hardin
Shelby	Lauderdale
Fayette	Tipton

AREA II

Stewart	Rutherford
Montgomery	Cannon
Robertson	Scot
Sumner	Campbell
Lake	Claiborne
Obion	Hancock
Weakley	Hawkins
Henry	Sullivan
Dyer	Johnson
Gibson	Morgan
Carroll	Anderson
Benton	Union
Crockett	Grainger
Trousdale	Sevier
Macon	Hamblen
Clay	Jefferson
Pickett	Cocke
Houston	Greene
Dickson	Washington
Cheatham	De Kalb
Davidson	White
Wilson	Putnam
Smith	Cumberland
Jackson	Perry
Overton	Lewis
Fentress	Maury
Humphreys	Marshall
Hickman	Bedford
Williamson	Coffee

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AREA II—Continued

Warren	Blount
Van Buren	Bledsoe
Wayne	Rhea
Lawrence	Meigs
Giles	McMinn
Lincoln	Monroe
Moore	Grundy
Franklin	Sequatchie
Unicoi	Marion
Carter	Hamilton
Roane	Bradley
Loudon	Polk
Knox	

§ 101.48 Texas.

Nine Professional Standards Review Organization areas are designated in Texas, composed of the following counties:

AREA I

Dallam	Cochran
Sherman	Hockley
Hansford	Lubbock
Ochiltree	Crosby
Lipscomb	Dickens
Hartley	King
Moore	Knox
Hutchinson	Baylor
Roberts	Archer
Hemphill	Clay
Oldham	Montaque
Potter	Yoakum
Carson	Terry
Gray	Lynn
Wheeler	Garza
Deaf Smith	Kent
Randall	Stonewall
Armstrong	Haskell
Donley	Throckmorton
Collingsworth	Young
Parmer	Jack
Castro	Scurry
Swisher	Fisher
Briscoe	Jones
Hall	Shackelford
Childress	Stephens
Hardeman	Mitchell
Bailey	Nolan
Lamb	Taylor
Hale	Callahan
Floyd	Eastland
Motley	Coleman
Cottle	Brown
Foard	Comanche
Wilbarger	Runnels
Wichita	

AREA II

Wise	Erath
Palo Pinto	Hood
Parker	Johnson
Tarrant	Somervell

AREA III

Grayson	Ellis
Fannin	Kaufman
Collin	Navarro
Hunt	Cooke
Dallas	Denton
Rockwall	

AREA IV

Lamar	Marion
Red River	Van Zandt
Bowie	Smith
Delta	Gregg
Hopkins	Harrison
Franklin	Henderson
Titus	Anderson
Camp	Cherokee
Morris	Rusk
Cass	Panola
Rains	Houston
Wood	Angelina
Upshur	Nacogdoches

AREA IV—Continued

Shelby	Jasper
Sabine	Newton
Trinity	San Augustine
San Jacinto	Hardin
Polk	Orange
Tyler	Jefferson

AREA V

Andrew	Irion
Martin	Tom Green
Howard	Concho
El Paso	McCulloch
Hudspeth	Jeff Davis
Culberson	Pecos
Reeves	Crockett
Loving	Schleicher
Winkler	Menard
Ector	Mason
Midland	Sutton
Glasscock	Kimble
Sterling	Presido
Coke	Brewster
Ward	Terrell
Crane	Gaines
Upton	Dawson
Reagan	Borden

AREA VI

Mills	Bell
Hamilton	Williamson
Bosque	Milam
Hill	Brazos
Limestone	San Saba
Freestone	Grimes
Lampasas	Blanco
Coryell	Travis
McLennan	Bastrop
Falls	Lee
Robertston	Burleson
Leon	Washington
Madison	Hays
Llano	Caldwell
Burnet	Fayette

AREA VII

Walker	Liberty
Montgomery	Chambers
Harris	

AREA VIII

Austin	Galveston
Wharton	Matagorda
Fort Bend	Waller
Brazoria	Colorado

AREA IX

Val Verde	La Salle
Edwards	McMullen
Real	Live Oak
Kerr	Bee
Bandera	Goliad
Gillespie	Refugio
Kendall	Calhoun
Comal	San Patricio
Kinney	Aransas
Medina	Webb
Bexar	Duval
Guadalupe	Jim Wells
Gonzales	Nueces
Lavaca	Kleberg
Wilson	Zapata
Maverick	Jim Hogg
Zavala	Brooks
Frio	Kenedy
Atascosa	Starr
Karnes	Hidalgo
De Witt	Willacy
Victoria	Cameron
Jackson	Uvalde
Dimmit	

§ 101.49 Utah.

The State of Utah is designated as a single Professional Standards Review Organization area.

§ 101.50 Vermont.

The State of Vermont is designated as a single Professional Standards Review Organization area.

§ 101.51 Virgin Islands.

The Virgina Islands are designated as a single Professional Standards Review Organization area.

§ 101.52 Virginia.

Five Professional Standards Review Organization areas are designated in Virginia, composed of the following counties and independent cities:

AREA I

COUNTIES

Frederick	King George
Clarke	Highland
Warren	Augusta
Sheneandoah	Albemarle
Page	Orange
Rappahannock	Louisa
Fauquier	Spotsylvania
Rockingham	Caroline
Greene	Bath
Madison	Rockbridge
Culpeper	Nelson
Stafford	Fluvanna

INDEPENDENT CITIES

Winchester	Waynesboro
Harrisonburg	Charlottesville
Fredericksburg	Buena Vista
Staunton	

AREA II

COUNTIES

Loudoun	Fairfax
Prince William	Arlington

INDEPENDENT CITIES

Alexandria	Falls Church
Fairfax	

AREA III

COUNTIES

Alleghany	Patrick
Craig	Henry
Botetourt	Bland
Bedford	Wythe
Amherst	Grayson
Appomattox	Tazewell
Campbell	Smyth
Roanoke	Buchanan
Giles	Russell
Montgomery	Washington
Floyd	Dickenson
Franklin	Wise
Pittsylvania	Scott
Pulaski	Lee
Carroll	

INDEPENDENT CITIES

Clifton Forge	Norton
Covington	Bristol
Lynchburg	Galax
Roanoke	Martinsville
Radford	Danville

AREA IV

COUNTIES

Buckingham	Prince George
Cumberland	Surry
Goochland	Nottoway
Powhatan	Dinwiddie
Hanover	Sussex
Henrico	Charlotte
New Kent	Lunenburg
Charles City	Brunswick
Prince Edward	Greensville
Amelia	Halifax
Chesterfield	Mecklenburg

INDEPENDENT CITIES

Richmond	Petersburg
Colonial Heights	South Boston
Hopewell	

AREA V

COUNTIES

Westmoreland	Mathews
Northumberland	King and Queen
Accomack	Gloucester
Richmond	King William
Lancaster	James City
Northampton	York
Essex	Southampton
Middlesex	Isle of Wight

INDEPENDENT CITIES

Williamsburg	Nansemond
Newport News	Portsmouth
Hampton	Norfolk
Franklin	Chesapeake
Suffolk	Virginia Beach

§ 101.53 Washington.

The State of Washington is designated a single Professional Standards Review Organization area.

§ 101.54 West Virginia.

The State of West Virginia is designated as a single Professional Standards Review Organization area.

§ 101.55 Wisconsin.

Two Professional Standards Review Organization areas are designated in Wisconsin, composed of the following counties:

AREA I

Douglas	Lincoln
Bayfield	Langlade
Ashland	St. Croix
Iron	Marinette
Vilas	Oconto
Burnett	Door
Washburn	Shawano
Sawyer	Menominee
Price	Waupaca
Oneida	Outagamie
Forest	Brown
Florence	Kewaunee
Polk	Richland
Barron	Sauk
Rusk	Columbia
Taylor	Dodge

AREA I—Continued

Grant	Adams
Iowa	Vernon
Dunn	Crawford
Chippewa	Waushara
Clark	Winnebago
Marathon	Calumet
Pierce	Manitowoc
Pepin	Marquette
Eau Clair	Green Lake
Buffalo	Fond Du Lac
Trempealeau	Sheboygan
Jackson	Dane
Wood	Jefferson
Portage	Lafayette
La Crosse	Green
Monroe	Rock
Juneau	

AREA II

Washington	Walworth
Ozaukee	Racine
Waukesha	Kenosha
Milwaukee	

§ 101.56 Wyoming.

The State of Wyoming is designated as a single Professional Standards Review Organization area.

[FR Doc.74-5867 Filed 3-15-74;8:45 am]

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federal register

MONDAY, MARCH 18, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 53

PART III

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

■

SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Proposed Rules

No. 53—Pt. III——1

V 39 53 MAR 18 74 XUM

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1926]

[S–74–7]

TUNNELS AND SHAFTS, ILLUMINATION, SCAFFOLDING, MOTOR VEHICLES, SEAT BELTS, PNEUMATIC-TIRED EARTHMOVING HAULAGE EQUIPMENT, EXCAVATION, COFFERDAMS, AND SURFACE TRANSPORTATION OF EXPLOSIVES

Notice of Proposed Rulemaking and Public Hearing

The Advisory Committee on Construction Safety and Health has recommended a complete revision of the safety and health standards for tunnels and shafts contained in Subpart S of Part 1926 of Title 29 of the Code of Federal Regulations. The Advisory Committee has also made recommendations for revising the construction safety and health standards concerning illumination, scaffolding, equipment, motor vehicles, seat belts, pneumatic-tired earthmoving haulage equipment, excavation, cofferdams, and surface transportation of explosives.

Upon consideration of the recommendations and pursuant to authority in section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), section 107 of the Contract Work Hours and Safety Standards Act (83 Stat. 96; 40 U.S.C. 333), and in Secretary of Labor's Order No. 12–71 (36 FR 8754), it is proposed to amend Part 1926 of Title 29 of the Code of Federal Regulations as set forth below.

Interested persons are invited to comment on the proposed revisions. Written data, views, and arguments should be submitted in triplicate to the Office of Standards, Occupational Safety and Health Administration, attention J. Goodell, Room 240, 1726 M Street NW., Washington, D.C. 20210, on or before May 17, 1974. The data, views and arguments will be available for public inspection and copying at the above address.

In addition, oral data, views, and arguments will be received by an administrative law judge at a public hearing on June 26 and 27, 1974, in the Departmental Auditorium, Constitution Avenue between 14th and 12th Streets, NW., Washington, D.C. Beginning at 9:30 a.m. on June 26, 1974, a prehearing conference will be held in order to establish the order and time for the presentation of statements and settle any other procedural matters relating to the proceeding. The hearing will be conducted by an administrative law judge assigned by the Chief Administrative Law Judge of the Department of Labor. All documents that are intended to be submitted for the record at the hearing should be submitted in triplicate. The hearing shall be conducted, and the decisions will be made, in accordance with 29 CFR Part 1911.

Persons desiring to appear at the hearing must file a notice of intention to appear before May 31, 1974, with the Office of Standards, Occupational Safety and Health Administration, attention J. Goodell, Room 240, 1726 M Street, NW., Washington, D.C. 20210. The notice must contain the following information:

(1) The name and address of the person to appear;

(2) The capacity in which he will appear;

(3) The approximate amount of time needed for the presentation;

(4) The specific provisions of the proposals which will be addressed;

(5) The position that will be taken with respect to each provision addressed; and

(6) A summary of the evidence with respect to each such provision proposed to be adduced at the hearing.

A. *Summary of major general proposals.*

1. *Illumination.* The proposed revision of § 1926.56 would make a correction in the foot candle requirements for general construction areas, and add foot candle requirements for a new designation of outdoor, active construction areas. Also, the illumination requirements for tunnels and shafts would be relocated in § 1926.800(d)(1).

2. *Scaffolding.* It is proposed to revise § 1926.451(a)(6) to permit the use of No. 19 gauge U.S. standard wire because the No. 18 gauge wire presently required is not always available. Section 1926.451(a)(22) would be added, requiring all scaffold platforms to be secured in place and tightly planked to prevent tools or other material from falling through.

3. *Mechanized equipment.* In § 1926.600(a), new general requirements concerning the safe use of mechanized equipment are proposed. These new requirements primarily concern the lockout or tag-out of machinery or equipment when work is being performed on such machinery or equipment; non-return valves for multi-air connections for discharge lines; and safe access to mobile equipment operator stations or work platforms.

In § 1926.600(b), it is proposed to define the term "jumbo" and make the requirements for jumbos used in tunnel construction applicable to jumbos used in general construction.

4. *Motor vehicles.* It is proposed to revise the coverage provisions of § 1926.601(a).

5. *Material handling equipment.* a. *Seat belts.* In § 1926.602(a)(2), it is proposed to revise the requirements for seat belts on agricultural and light industrial tractors used in construction work. The title of the Society of Automotive Engineers J 333a–1970 reference standard would be corrected.

b. *Brakes.* There are no substantive changes proposed in the brake requirements in § 1926.602(a)(4). The proposal would simply add the effective date provisions previously located in § 1926.602(a)(8).

c. *Fenders.* It is proposed to revoke the requirement that fenders be installed on pneumatic-tired earthmoving haulage equipment by revising § 1926.602(a)(5) and revoking the effective date requirements of § 1926.602(a)(8). In lieu of a specific fender requirement, § 1926.602(a)(5) would be revised to require that pneumatic-tired earthmoving haulage equipment, capable of speeds in excess of 15 miles per hour, be designed or equipped and operated to protect the operator from exposure to material thrown radially from rotating tires.

It should be pointed out that the standard requiring the installation of fenders on pneumatic-tired earthmoving haulage equipment, 29 CFR 1926.602(a)(5) and (8) is presently suspended pursuant to a previous recommendation of the Advisory Committee. Notice of the suspension pending the outcome of the present rulemaking proceeding was published in the FEDERAL REGISTER on October 5, 1973 at 38 FR 27594.

6. *Excavation.* In § 1926.651, it is proposed to revise paragraph (t) to make the requirements concerning barricades and covers applicable to all excavations, and to add requirements for barricades for the protection of employees working adjacent to an excavation where the work is not directly connected to the excavation operation. Section 1926.651(t) presently requires that barrier physical protection be provided at all remotely located excavations.

7. *Concrete buckets.* The proposed revision of § 1926.700(d)(2) is not intended to make any substantive change in the standard. The purpose of the revision is to add language which was omitted in the earlier publication of the standard.

8. *Cofferdams.* Paragraph (c) of § 1926.802 would be revised to require that at least two means of rapid exit be provided for employees working in cofferdams. Also, proposed § 1926.802(d) would require that guardrails be provided on cofferdam walkways, bridges and ramps in accordance with § 1926.500. As proposed, § 1926.802(e) would require that cofferdams located close to navigable waters be protected from vessels in transit at all times, eliminating the present requirement that such protection be provided where possible.

9. *Surface transportation of explosives.* It is proposed to revise § 1926.902(i) by changing the rating required for fire extinguishers used on vehicles transporting explosives so as to require not less than 10BC rating (dry chemical type). The present requirements specify the use of a fire extinguisher with a rating of not less than 10 ABC. It is felt that the dry chemical type extinguisher would be preferable for use with the kind of fire encountered in the transportation of explosives.

B. *Summary of major proposed revisions in § 1926.800, concerning tunnels and shafts.*

1. *Scope.* Paragraph (a)(1) would be expanded to include the work areas located in and around tunnels, shafts, caissons, cofferdams, and in compressed air.

2. *Access and egress.* The proposed revision of paragraph (a)(2) would require that a safe means of egress be provided, in addition to a safe means of access presently required. Proposed paragraph (b)(6) would require that an emergency means of access and egress, such as an escape route or a refuge chamber, be provided within 5000 feet of the face or heading.

3. *Barricade.* Presently paragraph (a)(4) requires that access to an unattended underground opening be restricted by gates or doors and that openings such as unused chutes and manways be tightly covered. The proposals, paragraph (a)(iv), would require that completed or unused sections of the tunnels be barricaded.

4. *Gassy operations.* Proposed paragraph (a)(2) would set forth the conditions which would require an underground operation to be treated as gassy. Also the proposed revision would require the use of permissible equipment in gassy operations, as classified by the U.S. Bureau of Mines or a nationally recognized testing laboratory, and would require the posting of all gassy operations to give notice that the operations are gassy.

5. *Records of hazardous conditions and requirements of safety program.* It is proposed to add a requirement that records be maintained, at the jobsite, of hazardous conditions such as major equipment, failures, earth or rock slides, cave-ins, fires, ruptures or explosions. Another new provision would require that each employer maintain, at the jobsite, a description of certain features of a safety program such as safety procedures involving ventilation, lighting and communication systems, emergency procedures, safety training program and the procedure for coordination of other employees working on or affecting the construction site.

6. *First aid and medical attention.* Additional first aid and medical attention requirements, not contained in Subpart D of part 1926, are proposed in paragraph (a)(5). The new requirements are specifically related to tunnel operations.

7. *Emergency provisions.* (a) *Hoisting.* Paragraph (b) would be amended to require that emergency hoisting facilities be provided at shafts when work is in progress.

(b) *Self rescuers.* Paragraph (b)(3) presently requires that self-rescuers approved by the Bureau of Mines be available near the advancing face for each face employee and be located on the haulage equipment and in other areas where employees might be trapped by smoke or gas. The proposed revision of paragraph (b)(3) would require that approved self-rescuers be provided for each person and be readily available in all underground areas where persons might be trapped by smoke or gas. The proposal would require that self-rescuers be approved by either the Bureau of Mines or the National Institute for Occupational Safety and Health (NIOSH).

(c) *Rescue crews.* Rescue equipment, including self-contained breathing apparatus, would be required for the use of each rescue crew member by new paragraph (b)(8).

(d) *Communication.* Paragraph (b)(4) would require communication systems in all shafts and lineal headings where voice communication is ineffective and would require that all telephone or other signal communication systems be independent of the tunnel power supply. Requirements for dual communication systems in specific areas would be added and the installation of such systems in series would be prohibited. Also, immediate means of communication would be required for employees who are isolated or working alone. Presently, paragraph (b)(4) requires that either telephone or some other communication system be provided between the work face and the tunnel portal and that such systems be independent of the tunnel power supply.

(e) *Emergency access and egress.* An emergency means of access and egress, such as an escape route or refuge chamber would be required within 5000 feet of the face of the heading by proposed paragraph (b)(6).

8. *Air quality and ventilation.* As proposed, paragraph (c)(3) would specify the conditions under which an employee would be permitted to work, for short periods of time, in concentrations of airborne contaminants which exceed the threshold limit values set forth in the 1970 edition of "Threshold Limit Values of Airborne Contaminants" adopted by the American Conference of Governmental Industrial Hygienists.

Paragraph (c)(1)(vi) presently requires that atmospheres in all active areas contain at least 20 percent oxygen. It is proposed to revise this requirement to require that the atmospheres in all underground areas contain at least 19.5 percent oxygen.

With respect to flammable gas, proposed paragraph (c)(6) would require that employees be withdrawn from working places when 20 percent of the lower explosive limit or higher concentration of flammable gas is detected in air returning from an underground working place or in air return. Presently, paragraph (c)(2)(vi) requires the removal of employees when 1.5 percent or higher concentration of flammable gas is detected in returning air.

It is proposed to require that mobile diesel-powered equipment used underground in gassy operations meet the requirements of certain Bureau of Mines Publications. This revision would eliminate the requirement that such equipment be approved when used in nongassy mines. The proposal is found in paragraph (c)(7). A new paragraph (c)(8) would be added prohibiting the idling of internal combustion engines in the intake air for more than five minutes.

In addition, it is proposed to revise the requirements concerning the need for mechanically induced primary ventilation in tunnels without adequate natural ventilation, reversible air flow in tunnels over 400 feet in length, failure of the ventilating system, re-entry of qualified and authorized employees into the adit, tunnel, shaft or other underground areas after the main fan or fans have been shut down, and the supply of quality air to all points of the tunnel.

9. *Illumination.* The requirements of paragraph (d)(1) would be revised to require that tunnel and shaft headings, drilling, marking, and scaling work areas underground have a minimum of 5 foot-candles of illumination. A minimum of 2 foot-candles of illumination at zero elevation would be required in all other underground areas. Presently a minimum of 10 foot candles of illumination is required in areas such as the shaft heading and 5 foot candles is required in all other underground areas.

A new paragraph (d)(2) would be added requiring automatic emergency lighting in the heading area. In addition, if the natural light or the emergency lighting system is not adequate for escape then each employee underground would be required to have a portable hand light or cap lamp.

10. *Fire prevention and control.* The requirements of paragraph (e)(1)(viii) requiring the use of fire-resistant hydraulic fluids would be revised. Proposed paragraph (e)(7) would require the use of fire-resistant hydraulic fluids in powered hydraulically-actuated underground machinery and equipment unless such equipment is protected by multipurpose fire extinguishers or a fire suppression system.

In addition, new requirements are proposed covering welding, cutting, and heating operations when an underground operation is considered gassy, storage of flammable materials near tunnels and shafts, and the use of non-combustible or fire resistant materials in buildings built for use within a tunnel or shaft.

11. *Ground support.* It is proposed to add new requirements for the protection of employees working ahead of support replacement operations and tunnel sets. Paragraph (h)(2)(v) would prohibit employees from working ahead of replacement operations unless alternate egress is provided. Paragraph (h)(2)(vii) would require temporary roof supports to be used where ground conditions require the use of such supports in order to protect employees working ahead of tunnel sets.

12. *Drilling—Jumbos.* The requirements for jumbos would be revised. The proposed revision would require that jumbos be chocked to prevent movement and that the decks be kept clean and be of the anti-slip type to prevent slipping hazards.

13. *Blasting.* A new paragraph (j)(2) would be added to require that blasting wires be kept clear of electrical lines, pipes, rails, and other conductive material except the earth.

14. *Haulage.* Paragraph (h) would be revised by adding new requirements concerning cab and canopy protection for powered mobile equipment, refuge stations, bonding of rails, safety chains in addition to couplings for connecting rail cars, pulling of man cars used to transport employees, and a prohibition against employees working from equipment that is not specifically designed or adopted for such use.

15. *Electrical equipment.* It is proposed to revise paragraph (L) by adding provisions to require that lighting circuits be located so that movement of personnel and equipment will not damage the circuits or disrupt the service and to require that non-metallic and

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weatherproof light fixtures be used in all areas exposed to dampness.

16. *Hoisting.* Paragraph (m) concerning hoisting would be completely revised. The proposed revision primarily concerns inspection and maintenance of hoisting equipment, the proper use of hoists for men and for materials, the use of cranes as hoists, the maintenance of component parts of the hoists, safety devices, the use of manhoists while sinking shafts under or over 50 feet, manhoists used during tunnel construction, and material hoists.

A. Proposed miscellaneous amendments to Part 1926 of Title 29, Code of Federal Regulations:

1. In § 1926.56(a), Table D–3 would be revised to read as follows:

§ 1926.56 Illumination.

(a) *General.* Construction areas, ramps, runways, corridors, offices, shops, and storage areas shall be lighted to not less than the minimum illumination intensities listed in Table D–3 while any work is in progress:

TABLE D–3—MINIMUM ILLUMINATION INTENSITIES IN FOOT-CANDLES

Foot-candles:	*Area of Operation*
3	General construction area lighting.
5	Outdoors: Active construction areas, concrete placement, excavation and waste areas, accessways, active storage areas, loading platforms, refueling, and field maintenance areas.
5	Indoors: warehouses, corridors, hallways, and exitways.
10	General construction plant and shops (e.g., batch plants, screening plants, mechanical and electrical equipment rooms, carpenter shops, rigging lofts and active storerooms, barracks or living quarters, locker or dressing rooms, mess halls, and indoor toilets and workrooms).
30	First aid stations, infirmaries, and offices.

NOTE: For illumination underground, see § 1926.800(d).

* * * * *

2. In § 1926.451, paragraph (a)(6) would be revised and a new paragraph (a)(22) would be added, reading as follows:

§ 1926.451 Scaffolding.

(a) *General Requirements.* * * *

(6) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of no smaller than No. 19 gauge U.S. Standard wire ½-inch mesh openings, or the equivalent.

* * * * *

(22) All scaffold platforms shall be secured in place and shall be tightly planked in such a way as to prevent tools or other materials from falling through.

* * * * *

3. In § 1926.600, new paragraphs (a)(7), (8), (9), (10) and (b) would be added, reading as follows:

§ 1926.600 Equipment.

(a) *General requirements.* * * *

(7) When work must be performed on machinery or equipment, as for repairs, the equipment shall be locked out or tagged out and not restarted until all employees are clear.

(8) (i) Where there are multi-air connections for discharge lines from pressure vessels, compressors, and manifolds, they shall be equipped with nonreturn valves. This applies to discharge lines having a flow of compressed air greater than 60 cubic feet per minute.

(ii) Each air or steam hose connection shall be secured to prevent the hose from whipping.

(9) Safe access shall be provided to all mobile equipment operator stations or work platforms.

(10) Materials, tools, or equipment on mobile units shall not be loaded so as to cause injury to employees.

(b) *Specific equipment — Jumbos.* Jumbos used in other than tunnel operations shall meet the requirements of § 1926.800(i)(8). The term "jumbo" means a mobile carriage, designed with wings, platforms, or decks, upon which one or more drills may be mounted or other operations may be performed.

4. In § 1926.601, paragraph (a) would be revised to read as follows:

§ 1926.601 Motor vehicles.

(a) *Coverage.* This section applies to vehicles used in the performance of construction work on, or immediately adjacent to, a worksite. The requirements of this section do not apply to equipment for which rules are prescribed in § 1926.602.

* * * * *

5. In § 1926.602, paragraphs (a)(2), (a)(4), and (a)(5) would be revised, and paragraph (a)(8) would be revoked. As revised, § 1926.602 would read as follows:

§ 1926.602 Material handling equipment.

(a) *Earthmoving equipment; General.* * * *

(2) *Seat belts.* (i) Seat belts shall be provided on all equipment covered by this section and shall meet the requirements of the Society of Automotive Engineers, J386–1969, Seat Belts for Construction Equipment. Seat belts for agricultural and light industrial tractors used in construction shall meet the seat belt requirements of Society of Automotive Engineers J333a–1970, Operator Protection for Wheel Type Agricultural and Light Industrial Tractors.

* * * * *

(4) *Brakes.* All earthmoving equipment mentioned in paragraph (a)(1) of this section shall have a service braking system capable of stopping and holding the equipment fully loaded, as specified in Society of Automotive Engineers SAE–J237, Loader Dozer-1971, J236, Graders-1971, and J319b, Scrapers-1971. Brake systems for self-propelled rubber-tired off-highway equipment manufactured after January 1, 1972 shall meet the applicable minimum performance criteria set forth in the following Society of Automotive Engineers Recommended Practices:

Self-propelled scrapers	SAE J319b–1971
Self-propelled graders	SAE J236 –1971
Trucks and wagons	SAE J166 –1971
Front end loaders and dozers.	SAE J237 –1971

Equipment manufactured before January 1, 1972, which is used by any employer after that date, shall comply with the applicable rules prescribed herein not later than June 30, 1973.

(5) Pneumatic-tired earthmoving haulage equipment (trucks, scrapers, tractors, and tractors with trailing units), capable of speeds in excess of 15 miles per hour, shall be designed or equipped and operated so that the operator shall not be exposed to material thrown radially from the rotating tires.

* * * * *

(8) [Revoked]

* * * * *

6. In § 1926.651, paragraph (t) would be revised to read as follows:

§ 1926.651 Specific excavation requirements.

* * * * *

(t) All wells, pits, and shafts shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, and shafts shall be backfilled. Where employees are working adjacent to an excavation on work not directly connected with the excavation, such excavation shall be adequately barricaded.

* * * * *

7. In § 1926.700, paragraph (d)(7)(i) would be revised to read as follows:

§ 1926.700 General provisions.

* * * * *

(d) *Concrete placement.* * * *

(7) *Concrete buckets.* (i) Concrete buckets equipped with hydraulic or pneumatically operated gates shall have positive safety latches or similar safety devices installed to prevent premature or accidental dumping. Buckets shall be designed to prevent aggregate and loose material from accumulating on the tops and sides of the bucket.

* * * * *

8. In § 1926.802, paragraph (c) would be revised, paragraph (d) would be revised and redesignated paragraph (e) and a new paragraph (d) would be added. As revised § 1926.802 would read as follows:

§ 1926.802 Cofferdams.

* * * * *

(c) At least two means of rapid exit shall be provided for employees working in cofferdams.

(d) Cofferdam walkways, bridges, and ramps shall be provided with guardrails, in accordance with § 1926.500.

(e) Cofferdams located close to navigable waters shall be protected from vessels in transit.

9. In § 1926.902, paragraph (i) would be revised to read as follows:

§ 1926.902 Surface transportation of explosives.

* * * * *

(i) Each vehicle used for transportation of explosives shall be equipped with a fully charged fire extinguisher approved by a nationally recognized testing laboratory, in good condition, of not less than 10BC rating (dry chemical type). The driver shall be trained in the use of the extinguisher on his vehicle.

* * * * *

B. Proposed revision of § 1926.800, Tunnels and Shafts. Section 1926.800 is proposed to be revised to read as follows:

§ 1926.800 Tunnels, shafts, and related work areas.

(a) *General*—(1) *Application.* (i) The specific requirements of Subpart S of this part shall apply to work being performed in and around tunnels, shafts, caissons, cofferdams, in compressed air, and related work areas, in addition to applicable provisions of other subparts of this part.

(ii) Safe means of access and egress shall be provided and maintained to all working places.

(iii) When ladders and stairways are provided in shafts and steep inclines, they shall meet the requirements of Subparts L and M of this part.

(iv) Access to underground openings shall be restricted by gates or doors. Unused chutes, manways, or other openings shall be tightly covered, bulk-headed, or fenced off, and posted. Completed sections or unused sections of the tunnel that are not used by the employees shall be barricaded and made off limits. Conduits, trenches, manholes, and other openings shall meet the requirements of Subparts M and P of this part.

(v) Subsidence areas that present hazards to employees shall be barricaded and posted or supported.

(vi) Each operation shall have a check-in and check-out system that will provide positive identification of every employee underground. Positive identification, for the purpose of this subpart, includes, but is not limited to, a metal disc, tag, or other device worn by the employee for individual count and identification. An accurate record of the employees shall be kept on the surface.

(2) *Gassy operations.* (i) An underground operation shall be considered gassy and shall be operated thereafter as gassy if:

(*a*) Flammable gas or petroleum vapors emanating from the strata have been ignited in the tunnel; or

(*b*) A concentration of 0.25 percent by volume (5 percent of lower explosive level (LEL)) or more of flammable gas has been detected not less than 12 inches from the roof, face, floor, or walls in any open workings; or

(*c*) A concentration of 20 percent of LEL of petroleum vapors has been detected not less than 3 inches from the roof, face, floor, or walls in any open workings; or

(*d*) The tunnel is connected to a gassy excavation which subjects the employees to reasonable likelihood of danger; or

(*e*) The history or past experience indicates that flammable or petroleum vapors in hazardous concentrations are likely to be encountered in such tunnel.

(ii) Only permissible equipment, maintained in permissible condition, shall be used in gassy operations. For the purpose of this part, "permissible" as applied to any device, equipment, or appliance means that such device, equipment, or appliance is classed as permissible by the U.S. Bureau of Mines or a nationally recognized testing laboratory.

(iii) All gassy underground operations shall be prominently posted as a gassy operation at each underground entrance.

(3) *Record of hazardous conditions.* A record of hazardous conditions, such as major equipment failures, earth or rock slides, cave-ins, fires, ruptures or explosives, shall be maintained at the jobsite.

(4) *Safety program.* (i) Each employer shall establish an accident prevent program and a safety training program in accordance with § 1926.20(b), § 1926.21(b), and paragraph (a)(4) of this section. There shall be available at the jobsite:

(*a*) A written statement of the accident prevention program, which shall include the safe procedures involving the ventilation, lighting, and communication systems to be used;

(*b*) Emergency procedures, including access and egress methods, and personal protective equipment to be used;

(*c*) The safety training program; and

(*d*) The plan of coordination with all other employers working on or affecting the construction site.

(ii) Each employee shall be issued a copy of the project's general safety rules prior to commencement of the employee's work at the project.

(iii) Each employer shall designate a competent person with responsibility to administer the safety program. A written record shall be maintained of the safety activities.

(iv) Regular weekly accident prevention training and instruction shall be given to each employee.

(5) *First aid and medical attention.* (i) First aid services and provisions for medical care shall be made available by the employer for his employees in accordance with requirements contained in Subpart D of this part.

(ii) First aid stations, when provided, shall have a minimum of 100 square feet of clear floor space with provisions for adequate light, ventilation, and sanitation facilities as specified in Subpart D of this part. All surfaces shall be maintained in a clean and sanitary condition and the floor shall be of impervious construction.

(6) *Immediate aid.* At least one person shall be on duty above ground when employees are working underground. Such person's primary duties shall include responsibility for securing immediate aid for employees underground in case of emergency.

(b) *Emergency provisions.* (1) Evacuation plans and procedures shall be developed and made known to the employees.

(2) Emergency hoisting facilities shall be provided at shafts when work is in progress.

(3) Self-rescuers approved by either the National Institute for Occupational Safety and Health (NIOSH) or the Bureau of Mines shall be provided for each person, and shall be kept readily available, in all underground areas where persons might be trapped by smoke or gas. The self-rescuers shall be maintained in good current operating condition. Employees shall be trained in their use.

(4) All shafts and lineal headings where voice communication is ineffective shall be provided with communication systems that meet the following requirements:

(i) Telephone or other signal communication systems shall be independent of the tunnel power supply;

(ii) Dual communications shall be provided between the working face or work area, and the top and bottom of the shaft(s), and the hoisting station, or surface where no hoist is involved. Such systems shall not be installed in series;

(iii) Communication systems shall be tested daily for proper working condition.

(5) Employees working alone or at isolated locations underground shall have means of immediate communication for assistance.

(6) Emergency means of access and egress, such as an escape route or a refuge chamber, shall be provided within 5000 feet of the face or heading.

(7) At tunnel operations employing 25 or more employees at one time underground, there shall be at least two rescue crews (10 employees divided between shifts). Rescue crews shall be trained in rescue procedures, in the use, care, and limitations of breathing apparatus, and the use and maintenance of fire-fighting equipment, and shall be retrained at least annually. Where there are fewer than 25 employees, no less than one-third shall be trained in such rescue procedures.

(8) Rescue equipment, including self-contained breathing apparatus, that is suitable for the operation shall be provided, maintained, and readily available for the use of each rescue crew member.

(c) *Air quality and ventilation.* (1) Instruments, approved for specific applications, shall be provided to test the atmosphere quantitatively for carbon monoxide, nitrogen dioxide, flammable or toxic gases, dusts, mists, and fumes that occur in a tunnel or shaft. Tests shall be conducted as frequently as necessary to assure that the required quality and quantity of air is maintained. A record of all tests shall be maintained for the duration of the project and be made available for inspection to authorized representatives of the Secretary.

(2) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(3) Except as provided in paragraph (c)(4) of this section, no employee may be allowed to work inside a tunnel or a shaft where there is an airborne concentration of a contaminant in excess of the applicable limit imposed by § 1926.55.

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(4) Employees may work for short periods of time in concentrations of airborne contaminants which exceed the limits imposed by § 1926.55, provided they wear respiratory protective devices approved for protection against the particular hazards involved. The circumstances under which temporary, limited work may be permitted are as follows:

(i) In cases of emergency;

(ii) While environmental controls are being established; and

(iii) When necessary by the nature of the work, such as, but not limited to, welding, sandblasting, lead burning, and painting.

(5) Atmospheres in all underground areas shall contain at least 19.5 percent oxygen.

(6) If 20 percent of the lower explosive limit, or higher concentration of flammable gas, is detected in air returning from any underground working place(s) or in air return, the employees shall be withdrawn to a safe location and the power cut off to the portion of the area endangered by such flammable gas until the concentration of such gas is reduced to 10 percent of the lower explosive limit or less.

(7) Internal combustion engines used underground shall be diesel-powered. Mobile diesel-powered equipment used underground in gassy operations shall meet the requirements set forth in the following Bureau of Mines publications: Schedule 31, for Gassy Non-Coal Mines and Tunnels, Diesel Equipment Listing for Years 1967 through 1971, Part 1, Certified Diesel Engines and Certified Safety Components; and Information Circular 8354, Mobile Diesel-powered Transportation Equipment for Gassy Non-Coal Mines and Tunnels approved by U.S. Bureau of Mines.

(8) Internal combustion engines shall not be idled in the intake air in excess of five minutes.

(9) Tunnels, without adequate natural ventilation, shall be provided with mechanically induced primary ventilation in all areas. The direction of mechanical airflow shall be reversible in tunnels over 400 feet in length.

(10) Ventilation doors, not operated mechanically, shall be designed and installed so that they are self-closing and will remain closed regardless of the direction of the air movement.

(11) When there has been a failure of the ventilating system to the extent that its efficiency is substantially impaired, and ventilation has been restored in a reasonable time, all places where flammable gas may have accumulated shall be examined by a competent person and determined to be free of flammable gas before power is restored and work resumed.

(12) When the main fan or fans have been shut down with all employees out of the adit, tunnel, shaft, or other underground areas, no employee other than those qualified or authorized to examine the adit, tunnel, shaft, or other underground areas, shall go underground until the fans have been started and all areas have been examined for gas and other hazards, and declared safe.

(13) Ventilation and exhaust systems for tunnel excavation shall be of sufficient capacity to maintain a supply of quality air at all points in the tunnel. The supply of fresh air shall not be less than 200 cubic feet per minute for each employee underground. The linear velocity of the air flow in the tunnel bore shall not be less than 30 feet per minute in those tunnels where blasting or rock drilling is conducted or where there are other conditions that are likely to produce dusts, fumes, vapors, or gases in harmful quantities.

(d) *Illumination*—(1) *General.* All tunnel and shaft headings, drilling, mucking, and scaling work areas underground shall have a minimum of 5 foot-candles of illumination. All other underground areas shall have a minimum of 2 foot-candles of illumination at zero elevation.

(2) *Emergency lighting.* Automatic emergency lighting shall be provided in the heading area. Each employee underground shall have a portable hand light or cap lamp, Bureau of Mines-approved, available for emergency use unless natural light or the emergency lighting system is adequate for escape.

(e) *Fire prevention and control.* (1) The applicable requirements for fire prevention and protection specified in Subpart F of this part shall be complied with in all tunnel and shaft operations.

(2) Smoking and open flames shall be prohibited, and signs warning against smoking and open flames shall be posted so that they can be readily seen, in areas or places where fire or explosion hazards exist.

(3) The carrying of matches or lighters for smoking shall be prohibited in all underground operations where fire or explosion hazards exist.

(4) Not more than a 1 day's supply of diesel fuel shall be stored underground.

(5) Gasoline or liquefied petroleum gases shall not be taken, stored, or used underground.

(6) Oil, grease, or fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas, at safe distances from explosives magazines, electrical installations, and shaft stations.

(7) Approved fire-resistant hydraulic fluids shall be used in powered hydraulically actuated underground machinery and equipment unless such equipment is protected by multi-purpose fire extinguishers for classes A, B and C fires, or by a fire suppression system.

(8) Leakage of flammable fluids shall be corrected.

(9) Fires shall not be built underground.

(10) Noncombustible barriers shall be installed below welding or burning operations in or over a shaft or raise.

(11) Fire extinguishers or equivalent protection shall be provided at the head and tail pulleys of underground belt conveyors.

(12) If the underground operation is considered gassy, local gas checks shall be made prior to, and continuing during, any welding, cutting, and heating to be performed. If more than 10 percent of the LEL (lower explosive level) of a flammable gas or petroleum vapor is detected, all welding, cutting, and heating operations shall be suspended. A fire watch shall be maintained around the completed hot work or completed worksite until all possibility of fire is eliminated.

(13) Flammable materials or supplies shall not be stored within 100 feet of any tunnel or shaft opening. Where this is not practicable a fireproof barrier shall be placed between the stored material and the opening.

(14) Tunnel portal covers, shafts, change houses, and any buildings built for use within a tunnel or shaft, or within 100 feet of same, related to the job, shall be built of either noncombustible construction or of combustible construction having a fire resistance of not less than 1 hour.

(f) *Personal protective equipment.* Protective clothing or equipment shall be required to be used in accordance with Subparts D and E of this part.

(g) *Noise.* Noise exposures shall be controlled or limited in accordance with the requirements in Subpart D of this part.

(h) *Ground support.*—(1) *Tunnel portal area.* Portals shall be scaled, protected and supported where loose soil or rock or fractured material is encountered.

(2) *Tunnel area.* (i) A competent person shall examine and test the roof, face, and walls of the work area at the start of each shift and frequently thereafter. Examinations shall take place from the protection of supports where supports are used.

(ii) Loose ground shall be taken down or supported. Ground conditions along haulage ways and travelways shall be examined periodically and sealed or supported as necessary.

(iii) Torque wrenches shall be available at tunnels where rock bolts are used for ground support. Frequent tests shall be made to determine if bolts meet the required torque. The test frequency shall be determined by rock conditions and distance from vibration sources.

(iv) Damaged or dislodged tunnel supports, whether steel sets or timber, shall be repaired or replaced when structural integrity is impaired. New supports shall be installed whenever possible before removing the damaged supports.

(v) Employees shall not work ahead of support replacement operations unless alternate egress is provided.

(vi) All sets, including horseshoe-shaped or arched rib steel sets, shall be installed so that the bottoms will have required anchorage to prevent pressures from pushing them inward into the excavation. Lateral bracing shall be provided between sets to further stabilize the support.

(vii) Temporary roof supports shall be used where ground conditions require it in order to protect employees working ahead of tunnel sets.

(3) *Shafts.* (i) Small diameter shafts, which employees are required to enter, shall be provided with a steel casing, concrete pipe, timber, or other material of required strength to support the surrounding earth.

(ii) The casing and bracing shall be provided the full depth of the shaft, of at least 5 feet into solid rock, if possible, and shall extend at least 1 foot above ground level.

(iii) All wells or shafts over 5 feet in depth shall be retained with lagging, spiling, or casing.

(iv) In shafts, a competent person shall inspect the walls, ladders, timbers, blocking, and wedges of the last set to determine if they have loosened following blasting operations. Where found unsafe, corrections shall be made before shift operations are started.

(v) Safety belts shall be worn on skips and platforms used in shafts by crews working in the shaft when the skip or platform does not fill the opening to within 1 foot of the sides of the shaft, unless guardrails or cages are provided.

(i) *Drilling.* (1) Equipment that is to be used during a shift shall be inspected each shift by a competent person. Equipment defects affecting safety shall be corrected before the equipment is used.

(2) The drilling area shall be inspected for hazards before starting the drilling operation.

(3) Employees shall not be allowed on a drill mast while the drill bit is in operation.

(4) When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured, and the mast placed in a safe position.

(5) Receptacles or racks shall be provided for drill steel stored on jumbos.

(6) Before drilling cycle is started, warning shall be given to men working below jumbo decks.

(7) Drills on columns shall be anchored firmly before drilling is started and shall be retightened frequently thereafter.

(8) (i) The employer shall provide mechanical means for lifting drills, roof bolts, mine straps, and other unwieldy heavy material to the top decks of jumbos where the lift exceeds 10 feet.

(ii) The employer shall provide stair access to jumbo decks wide enough to accommodate two persons if the deck is over 10 feet in height.

(iii) On jumbo decks over 10 feet in height, guardrails which are removable (pipe in sockets with chain guards), or equivalent, shall be provided on all sides and back platforms where space and design permit.

(iv) When jumbos are being moved, riders shall not be allowed on the jumbo unless they are assisting the driver. All jumbos shall be chocked to prevent movement while employees are working thereon.

(v) Jumbos shall be kept clean to prevent the hazard of slipping. The decks shall be anti-slip type and they shall be secured to prevent displacement.

(9) Scaling bars shall be available at scaling operations and maintained in good condition at all times. Blunted and severely worn bars shall not be used.

(10) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed or controlled. Lifters shall not be drilled through blasted rock (muck) or water. The handling of misfires shall be in accordance with § 1926.911.

(11) Air lines that are buried in the invert shall be identified by signs posted nearby, warning all personnel.

(j) *Blasting.* (1) All blasting and explosives-handling operations shall be conducted in compliance with Subpart U of this part.

(2) All blasting wires shall be kept clear of electrical lines, pipes, rails, and other conductive material except the earth.

(k) *Haulage.* (1) Equipment to be used shall be inspected by a competent person before each shift. Equipment defects affecting safety shall be corrected before the equipment is used.

(2) Powered mobile equipment shall be provided with suitable brakes.

(3) Powered mobile haulage equipment shall be provided with audible warning devices. Lights shall be provided at both ends.

(4) (i) Powered mobile haulage equipment shall be equipped with cab, canopy, or other protective device to protect the operator from shifting or falling materials.

(ii) Where glass is used in cabs, it shall be of safety glass, or equivalent, in good condition, and shall be kept clean.

(5) Adequate backstops or brakes shall be installed on inclined conveyor drive units to prevent conveyors from running in reverse and creating a hazard to employees.

(6) (i) No employee shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the conveyor is specifically designed for the transportation of employees.

(ii) The employer shall not permit employees to ride in dippers, shovel buckets, forks, clamshells, or in the beds of dump trucks, or on haulage equipment not specifically designed for the transportation of employees.

(iii) Employees shall not be allowed to work from equipment that is not specifically designed or adapted for such use.

(7) Refuge stations shall be provided every 200 feet where a clearance of at least 2 feet from moving equipment cannot otherwise be provided for employees.

(8) (i) Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set, or other equivalent precautions are taken against rolling.

(ii) If the rails serve as a return for a trolley circuit, both rails shall be bonded at every joint, and the rails shall be cross-bonded every 200 feet.

(9) When dumping cars by hand, the car dumps shall be provided with tiedown chains or bumper blocks to prevent cars from overturning.

(10) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices.

(11) Equipment which is to be hauled shall be so loaded and protected as to prevent sliding or spillage.

(12) In addition to couplings, safety chains, or the equivalent, shall be used to connect cars in a train.

(13) Parked railcars shall be blocked securely.

(14) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

(15) Where necessary to prevent employee injuries, bumper blocks, or the equivalent, shall be provided at all track dead ends.

(16) Supplies, materials, and tools, other than small handtools, shall not be transported with employees in mantrip cars or on top of locomotives.

(17) When personnel are being transported on man-cars, the man-cars shall be pulled, not pushed.

(l) *Electrical equipment.* (1) Electrical equipment shall conform to the requirements of Subpart K of this part.

(2) Powerlines shall be well separated or insulated from waterlines, telephone lines, and air lines.

(3) Lighting circuits shall be located so that movement of personnel and equipment will not damage the circuits or disrupt the service.

(4) In all areas exposed to dampness, light fixtures shall be non-metallic and weatherproof.

(5) Transformers containing flammable oil shall not be used underground unless they are located in a fire-resistant enclosure and surrounded by a dike to contain the contents of the transformers in event of a rupture.

(m) *Hoisting*—(1) *General requirements.* (i) All hoists used for shafts and tunnels shall be designed by a qualified engineer competent in this field and shall be constructed and rated in accordance with such design.

(ii) Each hoist assembly shall be load-tested to 100 percent of its rated capacity upon installation, after any repairs or alterations affecting its structural integrity or operation of safety devices, and every six months during use. A written record of each test shall be maintained for the duration of the project and shall be made available for inspection to authorized representatives of the Secretary.

(iii) Upon installation, and weekly thereafter, each hoist assembly shall be checked to assure proper operation and condition of all components. A trial run of the cage or skip shall be made prior to transport of personnel when it has been out of service for one complete shift or longer.

(iv) The employer shall designate a qualified person who shall visually inspect all machinery, equipment, anchorages, and hoisting rope at the beginning of each shift, and during use as necessary, to make sure it is in safe operating condition.

(v) Cranes shall be tested and inspected in accordance with Subpart N of this part.

(vi) All unsafe conditions revealed by tests, checks, or inspections shall be corrected before use of equipment.

(vii) Employees shall not be permitted to ride on the top of the cage or skip ex-

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cept for inspection or maintenance purposes.

(viii) A fire extinguisher, at least 2–A: 10–B:C (multi-purpose, dry chemical), shall be mounted in each hoist house.

(ix) Before maintenance, repairs, or other work is commenced in the shaft served by a cage, skip, or bucket, the operator shall be informed accordingly and given suitable instructions. A sign shall be installed at the shaft collar stating that work is being done in the shaft.

(x) Personnel and materials other than small tools and supplies shall not be hoisted at the same time, except that the operator may remain in those cages or skips which are designed to be controlled by an operator within the cage. Materials and supplies hauled in cages or skips operated by operators within the cage or skip shall be secured or stacked in a manner to preclude shifting.

(xi) Every shaft shall be provided with two means of interchanging distinct and definite signals between the hoist operator and every working level within the shaft including the bottom.

(xii) Personnel at shaft bottoms shall have protection from the movement of equipment, tools, or materials overhead, or the shaft shall be vacated during the operations that may be hazardous to persons below. When personnel are working at the shaft bottom, no conveyance or equipment shall be lowered directly to the bottom. It shall be stopped at least 15 feet above the bottom of the shaft and remain there until the signal to lower is received from the bottom of the shaft.

(xiii) Where glass is used in hoist house windows, the glass shall be of safety glass or equivalent.

(xiv) In multiple-drum hoists, the controls shall be in a console arrangement.

(xv) Hoist equipment and the operator shall be protected from inclement weather by a roof or hoist house.

(xvi) Rope to be used for hoisting personnel shall be wire rope providing a factor of safety not less than 10 when new. Rope to be used for hoisting material shall have a factor of safety not less than 5 when new. The safety factor shall be calculated by dividing the breaking strength of the wire rope, as given in the manufacturer's rating tables, by the total load to be hoisted including the weight of the wire rope in the shaft when fully let out, plus a proper allowance for impact and acceleration.

(xvii) Wire rope used for hoisting shall be securely fastened at both drum and cage or skip ends and, when in use, shall not be fully unwound; at least two full turns shall remain on the conventional drum hoist so as to protect the end fastening at drum from overload.

(xviii) Wire rope shall not be used when any of the following conditions exist:

(*a*) Six randomly distributed broken wires in one rope lay, 3 broken wires in one strand in one lay, or one valley break (a valley break is a wire break occurring between 2 adjacent strands); or

(*b*) Abrasion, scrubbing, flattening, peening, or any severe change causing loss of more than one-third of the original diameter of the outside wires in any given area; or

(*c*) Evidence of any heat damage, or any damage caused by contact with electrical wires, or marked corrosion of the rope; or

(*d*) Reduction from nominal diameter of more than $\frac{3}{64}$-inch for diameters up to and including $\frac{3}{4}$-inch; $\frac{1}{16}$-inch for diameters $\frac{7}{8}$ to $1\frac{1}{8}$ inches; and $\frac{3}{32}$-inch for diameters $1\frac{1}{4}$ to $1\frac{1}{2}$ inches.

(xix) Except for eye splices in the ends of wire rope slings and for endless rope slings used for hauling material, each wire rope used in hoisting, lowering, or in pulling loads, shall consist of one continuous piece without knot or splice.

(xx) The connection between the hoisting rope and the cage or skip shall be a non-spinning type.

(xxi) All manhoists shall be equipped with landing level indicators at the operator's station.

(xxii) Cranes used to hoist employees shall be designed so that the load hoist drums are powered in both directions of rotation and the brakes are automatically applied upon power release or failure. Drum-operating levers shall be of a type that will automatically return to the "stop" position when the operator's hand is removed, or a deadman switch and emergency button shall be used. Lowering against brake or friction with drums in free-wheeling shall not be allowed when working in shafts except during clamshell operations.

(2) *Manhoisting—sinking shafts 50 feet or less in depth.* (i) The cages or skips shall have all sides enclosed by $\frac{1}{2}$-inch wire mesh, not less than No. 14 U.S. gauge, or equivalent, to a height of at least 42 inches, with a positive locking door that does not open outwardly, and shall have a protective canopy.

(ii) The hoist or crane shall be of such design that the cage or skip is powered up and powered down and so arranged that the load stops if the motor stops. No system of lowering against the brake or friction with the drum in free-wheeling shall be allowed.

(iii) The drum-operating lever shall be of a type that returns automatically to the "stop" position when the operator's hand is removed unless, as a substitute, the throttle that controls the drum speed automatically stops the drum and slows the engine to idling speed when the throttle is released, or a deadman switch and emergency button shall be used.

(iv) The travel speed of the cage or skip shall not exceed 200 feet per minute.

(3) *Manhoisting—sinking shafts over 50 feet in depth.* (i) The cages or skips shall have all sides enclosed by $\frac{1}{2}$ inch wire mesh, not less than Number 14 U.S. gauge, or equivalent, to a height of at least 42 inches, with a positive locking door that will not open outwardly, and shall have a protective canopy.

(ii) The protective canopy shall cover the top in such a manner as to protect those inside from objects falling in the shaft. It shall be steel plate, at least 3/16-inch in thickness, or material of equivalent strength, sloped to outside, and so arranged that a section may be readily pushed upward to afford emergency egress.

(iii) The hoist or crane shall be of such design that the cage or skip is powered up and powered down and so arranged that the load stops if the motor stops. No system of lowering against the brake or friction, with the drum in free-wheeling, shall be allowed.

(iv) The drum-operating lever shall be a type that returns automatically to the "stop" position when the operator's hand is removed unless, as a substitute, the throttle that controls the drum speed automatically stops the drum and slows the engine to idling speed when the throttle is released, or a deadman switch and emergency button shall be used.

(v) The travel speed of the cage or skip shall not exceed 200 feet per minute, unless controlled as outlined in paragraph (b) (4) of this section.

(vi) Shafts shall be equipped with guide rails or guide cables of such design that the cage or skip upon which men ride shall be prevented from undue sway.

(vii) Cages or skips operating on guides or guide cables shall be equipped with bridles and broken-rope safety latches, dogs, or equivalent, that will stop and hold 150 percent of capacity load in the event the hoisting cable parts.

(4) *Manhoisting—during underground operations.* (i) Manhoists used during tunnel or other underground construction shall be equipped with guides.

(ii) In manhoists, the control shall be such that it will return to the "stop" position when the hand of the operator is removed from the control lever, or a deadman switch and emergency button shall be used. The brakes shall be automatically applied.

(iii) The manhoists shall be equipped with at least two brakes, each capable of stopping and holding 150 percent of their rated capacity.

(iv) Manhoists shall be designed so that the load is powered up and powered down.

(v) Manhoists shall be equipped with limit switches to prevent overtravel at the top and bottom of the shaft.

(vi) Manhoists running in excess of 200 feet per minute shall be equipped with slow-down devices for each landing approach.

(vii) Manhoists shall be equipped with bridles and broken-rope safety latches, dogs, or equivalent, that will stop and hold 150 percent of capacity load.

(viii) Manhoists shall be equipped with overspeed governors as follows:

(*a*) The overspeed governor shall be located where it cannot be struck by the cage or the counterweight and where there is adequate space for full movement of governor parts. Overspeed governors for cage safeties shall be set to trip at overspeeds as follows:

(*1*) At not less than 115 percent of rated speed; and

(2) At not more than the tripping speed listed opposite the applicable rated speed given in Table S–1. Maximum tripping speeds for intermediate rated speeds shall be determined from Table S–1.

TABLE S–1.—*Shafts Less Than 1,000 Feet In Depth*

[Maximum speeds in feet per minute at which speed governor trips and governor overspeed switch operates]

Rated speed	Maximum governor trip speed	Maximum speed at which governor overspeed switch operates, down
0–125	175	[1] 175
150	210	[1] 210
175	250	225
200	280	252
225	308	277
250	337	303
300	395	355
350	452	407
400	510	459
450	568	512
500	625	563
600	740	703

[1] Governor overspeed switch not required on car speed governors.

NOTE: Speeds up to 1700 feet per minute will be allowed for deeper shafts provided acceleration, deceleration, and all cage and hoist components are properly engineered for the rated speed.

(b) Counterweights, where provided, shall have overspeed governors set to trip at an overspeed greater than, but not more than 10 percent above that at which the car speed governor is set to trip.

(c) Overspeed governors shall have their means of speed adjustment sealed. Seals shall be of a type which will prevent readjustment of the governor speed without breaking the seal.

(ix) Each cage shall be equipped with a device which will prevent its movement when the door is open.

(x) Cages shall be provided with sides, gates, and protective canopy. Sides and gates shall be made of iron or steel, $\frac{1}{2}$-inch wire mesh not less than No. 14 U.S. gauge, or equivalent materials. Sides shall be not less than 6 feet in height. Gates shall not open outwardly and shall be hung on hinges or work in slides. The protective canopy shall protect those inside from objects falling in the shaft. It shall be of steel plate, at least $\frac{3}{16}$-inch in thickness, or material of equivalent strength, sloped to the outside, and so arranged that a section may be readily pushed upward to afford emergency egress.

(5) *Material hoisting.* (i) While sinking shafts over 50 feet in depth, the material cage, skip, or bucket shall be guided to prevent undue sway.

(ii) In all completed shafts, material hoists shall be equipped with guides.

(iii) Cages, skips, or buckets, operating on guide rails or guide cables, shall be equipped with bridles and broken-rope safety latches, dogs, or equivalent, that will stop and hold 150 percent of capacity load. If double-drum clam buckets are used, only shaft guides will be required.

(iv) All material hoists except cranes shall be equipped with landing level indicators at the operator's station. The marking of wire rope for this purpose is prohibited.

(v) Material being raised or lowered shall be secured to prevent material from snagging and falling into the shaft.

(vi) Employees shall not be permitted to ride material cages, skips, or buckets in shafts of any depth except for inspection and maintenance.

(Sec. 6, Pub. L. 91–596, 84 Stat. 1593 (29 U.S.C. 655); sec. 107, Pub. L. 91–54, 83 Stat. 96 (40 U.S.C. 333); Secretary of Labor's Order No. 12–71, 36 FR 8754).

Signed at Washington, D.C., this 11th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–6181 Filed 3–15–74;8:45 am]

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federal register

March 19, 1974—Pages 10225–10403

TUESDAY, MARCH 19, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 54

Pages 10225–10403

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federal register

Area Code 202 Phone 523-5240

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Title 3—The President

MEMORANDUM OF MARCH 1, 1974

Memorandum for the Secretary of State, the Secretary of Defense

THE WHITE HOUSE,
Washington, March 1, 1974.

You are hereby designated and empowered to exercise the following functions vested in the President by Public Law 93–199, the Emergency Security Assistance Act of 1973, without the approval, ratification, or other action of the President. Functions not expressly delegated herein are reserved to the President.

1. Functions delegated to the Secretary of State:

   (a) the function of reporting to the Congress any determinations made by the President under Section 2 of the Act;
   (b) the function conferred in Section 6 of the Act.

2. Functions delegated to the Secretary of Defense:

   the function of providing military assistance or foreign military sales credits as determined by the President.

Pursuant to the authority contained in Public Law 93–240, the Foreign Assistance and Related Programs Appropriation Act, 1974, I hereby allocate from the appropriation for "Emergency Security Assistance for Israel" to the Secretary of Defense, $2,200,000,000.00. This allocation is subject to the limitations imposed by the provisos in the provision appropriating these funds and subject to apportionment of the necessary funds by the Office of Management and Budget. I direct the Secretary of Defense to allocate to the Secretary of State such sums from the $2,200,000,000.00 as may be necessary from time to time for payment by the United States of its share of the expenses of the United Nations Emergency Force in the Middle East, as apportioned by the United Nations in accordance with article 17 of the United Nations Charter as authorized in Section 6 of Public Law 93–199, the Emergency Security Assistance Act of 1973.

This memorandum shall be published in the FEDERAL REGISTER.

[FR Doc.74–6402 Filed 3–18–74;8:45 am]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Miscellaneous Revocations

Subpart C of Part 213 is amended to show that under the provisions of § 213.3101b, 26 positions are no longer excepted under Schedule C.

Effective March 19, 1974, Subpart C of Part 213 is amended as set out below.

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.* • • •

(8) One Private Secretary to each of two Assistant Directors.

• • • • • •

(d) *Office of the Special Representative for Trade Negotiations.* (1) [Revoked]

• • • • • •

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(35) [Revoked]

• • • • • •

(49) [Revoked]

• • • • • •

§ 213.3306 Department of Defense.

(a) *Office of the Secretary.* (1) One Special Assistant and two Private Secretaries to the Secretary.

• • • • • •

§ 213.3310 Department of Justice.

• • • • • •

(v) *Office of Legislative Affairs.* • • •

(2) [Revoked]

• • • • • •

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(2) Five Special Assistants to the Secretary.

(3) Five Special Assistants (Field Representatives).

• • • • • •

(i) *Bonneville Power Administration.* • • •

(4) [Revoked]

• • • • • •

§ 213.3314 Department of Commerce.

• • • • • •

(n) *Office of the Assistant Secretary for Science and Technology.* • • •

(3) [Revoked]

• • • • • •

(q) *Office of the Assistant Secretary for Economic Development.* (1) [Revoked]

§ 213.3315 Department of Labor.

• • • • • •

(b) *Office of the Solicitor.* • • •

(2) [Revoked]

• • • • • •

§ 213.3318 Environmental Protection Agency.

• • • • • •

(b) *Office of Legislation.* • • •

(5) [Revoked]

• • • • • •

§ 213.3329 Federal Power Commission.

• • • • • •

(f) Two Technical Assistants to each of four Commissioners.

• • • • • •

§ 213.3337 General Services Administration.

• • • • • •

(f) *Property Management and Disposal Service.* • • •

(2) Two Confidential Assistants to the Commissioner.

• • • • • •

§ 213.3342 Export-Import Bank of the United States.

• • • • • •

(j) [Revoked]

• • • • • •

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* • • •

(11) [Revoked]

• • • • • •

(14) [Revoked]

• • • • • •

(26) Three Senior Assistants for Legislative Affairs.

(27) Ten Assistants for Legislative Affairs.

• • • • • •

(40) [Revoked]

(41) [Revoked]

• • • • • •

(d) *Office of the Assistant Secretary for Community Planning and Management.* • • •

(3) Three Special Assistants to the Assistant Secretary.

• • • • • •

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* • • •

(20) [Revoked]

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6225 Filed 3-18-74;8:45 am]

Title 6—Economic Stabilization

Chapter I—Cost of Living Council

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Exemption of Printing, Publishing, Broadcasting, and Related Services

The purpose of these amendments is to add an exemption under the Phase IV price regulations applicable to the prices charged by firms in the communications industry and the publishing and printing industries and by firms engaged in providing related services. A related exemption is being added under the Phase IV pay regulations. The pay exemption does not extend to employees of newspaper establishments.

In accordance with the Council's objective to remove controls selectively where conditions permit, the Council has decided to exempt the prices charged for products and services by firms in the communications industry, publishing and printing industry, and related service activities. The price exemption extends to prices charged by firms for activities listed in the Standard Industrial Classification Manual, 1972 Edition, under Major Group No. 27, Group Nos. 483, 489, 731, 733 and 735, Industry No. 7395, and public relations services listed under Industry No. 7392. The affected industries include printing and publishing and allied industries; radio and television broadcasting; communication services; advertising; mailing, reproduction, commercial art and photography, and stenographic services; news syndicates; public relations services; and photofinishing laboratories.

As a group, these industries are not highly concentrated, being composed of many small, highly competitive firms. Advertising is a principal source of revenue for most of these firms, with 1974 revenues projected at $28.3 billion. Of that amount, newspapers will account for about 40%, television 26%, direct mail 18%, and magazines and radio 8% each.

Price increases during the period of controls have been relatively moderate.

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and the Council expects this pattern of moderate price increases to continue after decontrol.

Of the individual industries affected, only television broadcasting is characterized by a high degree of concentration, as it is dominated by the three major networks. Except for these networks, radio and television broadcasting firms are generally small establishments serving local and regional communities. Revenues for the industry are derived from advertising and are related to audience size and program popularity. The television and radio broadcasting industry is highly competitive with newspapers, magazines and other printed media. Advertising rates are currently very flexible and no wide variations in charges are likely to occur following decontrol.

The printing industry, including publishing, commercial printing, and related activities, is composed of a large number of firms. Its products (newspapers, magazines, books and greeting cards) and its services are generally discretionary items so that the impact of this industry on the economy is not large. Newspaper and magazine prices are generally set in relation to advertising revenues and do not always directly follow changes in cost. Many activities of this industry are dominated by small firms, most of which have not been subject to the Phase IV program because of their small size. These activities include bookbinding, printing trade services, and commercial printing. This exemption will put all firms in the industry on an equal footing.

The advertising and public relations industries are included in this exemption because of their importance to the advertising revenues of the communications and publishing and printing industries. Firms in these industries produce specialty services which are not greatly affected by price controls, as they are generally produced to customer specifications and needs. These services are performed for producers of discretionary products and services; therefore, prices in these industries have little direct effect on the economy as a whole.

Because this exemption covers the broadcasting industry, the special regulation for broadcasting (§ 150.206) is no longer necessary. Section 150.206 is deleted under these amendments.

Under §§ 150.11(e) and 150.161(b), a firm remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless in its most recent fiscal year it derived both less than $50 million in annual sales or revenues from the sale or lease of nonexempt items and 90 percent or more of its sales and revenues from the sale of exempt items or exempt sales.

As a complementary action, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in most of the industries affected by the price exemption described above. However, because a number of important collective bargaining agreements are scheduled to be negotiated after the date of this regulation, a pay exemption has not been provided for employees working at newspaper establishments.

"Establishment in the printing, publishing, and publishing related industry" is defined in § 152.40x(b) as an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group 27, except that establishments in Industry Number 2711 (Newspapers: Publishing; Publishing and Printing) are not within the scope of the exemption. "Establishment in the communications industry" is defined in § 152.40y(b) as an establishment under Group Number 483 (Radio and Television Broadcasting) or Group Number 489 (Communications Services Not Elsewhere Classified). "Establishment primarily engaged in providing certain business services" is defined in § 152.40z(b) as an establishment under Group Number 731 (Advertising); 733 (Mailing, Reproduction, Commercial Art and Photography, and Stenographic Services); 735 (News Syndicates); or Industry Number 7395 (Photofinishing Laboratories); the primary activity of which is providing a service described under such classifications. The business services pay exemption also applies to an establishment the primary activity of which is providing public relations services under Industry Number 7392.

The foregoing pay exemptions are not applicable to an employee who would otherwise be exempt, but receives an item of incentive compensation, or is a member of an executive control group. The exemptions are also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to the particular industry exempted and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside such particular industry exempted and are not related to the pay adjustments of other employees that are within the particular industry exempted. The exemptions are further inapplicable to employees who are part of an appropriate employee unit where 25% or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the particular industry exempted or in support thereof. Because of an unsettled labor situation, the printing, publishing, and publishing related industry exemption is inapplicable to any appropriate employee unit subject to (a) a Decision and Order of the Council; (b) a Notice of Challenge issued by the Council pursuant to § 152.53 prior to [date of issuance of this regulation]; or (c) a prenotification requirement imposed by the Council pursuant to § 152.24 prior to [date of issuance of this regulation]. (However, the Council may by order withdraw any such limitations).

In cases of uncertainty of application, inquiries concerning the scope or coverage of any one of these pay exemptions should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

As with all exemptions from Phase IV controls, firms subject to this amendment remain subject to review for compliance with appropriate regulations in effect prior to this exemption. A firm affected by this amendment will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by this exemption alleged to be in violation of stabilization rules in effect prior to this exemption is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds and possible penalty of $2,500 for each stabilization violation.

The Council retains the authority to reestablish price and wage controls over the industry exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule making procedure is impractical and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these amendments. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective March 15, 1974.

Issued in Washington, D.C., on March 15, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

1. In 6 CFR Part 150, § 150.54 is amended to add a new paragraph (ww) to read as follows:

§ 150.54 Certain price adjustments.

* * * * *

(ww) *Communications, Publishing, Printing and Related Services.* The prices which manufacturers of the following products and providers of the following services charge for those products and services are exempt: Products and services listed in the SIC Manual, 1972 edition, under Major Group No. 27; Group Nos. 483, 489, 731, 733, and 735; Industry No. 7395, and public relations services listed in Industry No. 7392.

§ 150.206 [Deleted]

2. In 6 CFR Part 150, § 150.206 is deleted.

3. In 6 CFR Part 152, Subpart D is amended by adding thereto new §§ 152.40x, 152.40y, and 152.40z to read as follows:

§ 152.40x Printing, publishing, and publishing related industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the printing, publishing, and publishing related industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the printing, publishing, and publishing related industry.* For purposes of this section, "Establishment in the printing, publishing, and publishing related industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group 27 (Printing, Publishing, and Allied Industries) (but not including establishments classified under Industry Number 2711 (Newspapers: Publishing, Publishing and Printing)), and primarily engaged in activities traditionally associated with establishments classified under Major Group 27.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the printing, publishing, and publishing related industry or in support of such operation only if such employee is employed at an establishment in the printing, publishing, and publishing related industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) Pay adjustments with respect to an appropriate employee unit which is subject to—

(i) A Decision and Order of the Council for the period covered by such Decision and Order;

(ii) A Notice of Challenge issued by the Council pursuant to § 152.53 prior to March 15, 1974; or

(iii) A prenotification requirement imposed by the Council pursuant to § 152.24 prior to March 15, 1974; although the Council may by order withdraw any of the limitations set forth in this subparagraph.

(2) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(3) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(4) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the printing, publishing, and publishing related industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the printing, publishing and publishing related industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the communications industry or in support of such operation within the meaning of paragraph (c) of this section.

(5) Employees who are members of an appropriate employee unit if 25% or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the printing, publishing, and publishing related industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 15, 1974.

§ 152.40y Communications industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the communications industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the communications industry.* For purposes of this section, "Establishment in the communications industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Group Number 483 (Radio and Television Broadcasting) or Group Number 489 (Communication Services Not Elsewhere Classified) and primarily engaged in providing any of the communication services listed under such classifications.

(c) *Covered employees.* For purposes of this section an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the communications industry or in support of such operation only if such employee is employed at an establishment in the communications industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the communications industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the communications industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the communications industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25% or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the communications industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 15, 1974.

§ 152.40z Certain business services.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment which is primarily engaged in providing certain business services referred to in paragraph (b) of this section or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Exempted business services.* For purposes of this section, "Establishment primarily engaged in providing certain business services" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Group Number 731 (Advertising); 733 (Mailing, Reproduction Commercial Art and Photography, and Stenographic Services); 735 (News Syndicates); or Industry Number 7395 (Photofinishing Laboratories); the primary activity of which is providing a service listed under such classifications. Such term also means an establishment the primary activity of which is providing public relations services under Industry Number 7392.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment that provides the business services referred to in paragraph (b) of this section of in support of such operation only if such employee is employed at an establishment referred to in paragraph (b) of this section and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the business services referred to in paragraph (b) of this section and whose pay adjustments are—

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(i) Historically related to the pay adjustments of employees performing such duties outside the industry within which such establishment is classified; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in such industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment which is primarily engaged in providing the business services referred to in paragraph (b) of this section or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 15, 1974.

[FR Doc.74-6436 Filed 3-15-74;4:00 pm]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Areas Quarantined

This amendment quarantines portions of Cimarron County in Oklahoma because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, a new paragraph (d) relating to the State of Oklahoma is added to read:

§ 73.1a Notice of quarantine.

* * * * *

(d) Notice is hereby given that cattle in certain portions of the State of Oklahoma are affected with scabies, a contagious, infectious, and communicable disease; and therefore, the following areas in such State are hereby quarantined because of said disease:

(1) That portion of Cimarron County comprised of section 14, T. 4 N., R. 6 E.

(2) That portion of Cimarron County comprised of section 11, T. 3 N., R. 7 E.

(Sec. 4-7, 23 Stat. 32 as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on March 14, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of March 1974.

J. M. HEJL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-6310 Filed 3-18-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Monthly Reports by Refiners and Importers

Subpart L of the Mandatory Petroleum Allocation Regulations, concerning reports and recordkeeping, is revised to require that prime suppliers file their monthly reports with the Federal Energy Office at least ten (10) days prior to the commencement of the month to which the report related. This revision is made to assure that the Federal Energy Office will have sufficient time to complete the calculations necessary to establish the volumes of the several State set-asides described in Part 211. Therefore, the prime suppler's monthly report for the month of April is due in Box 2980, Washington, D.C. 20013, or in Room 512, Winder Building, 17th and F Streets NW., Washington, D.C., before the close of business March 21, 1974. The report itself is simplified, in that it is to be aggregated to the refiner, not the refinery, level.

Because the purpose of this revision is to provide immediate guidance and information with respect to the mandatory petroleum allocation and price regulations, the Federal Energy Office finds that normal rule-making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order 47, 39 FR 24)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations is revised as set forth below, effective immediately.

Issued in Washington, D.C., March 18, 1974.

WILLIAM N. WALKER,
General Counsel, Federal Energy Office.

Section 211.222 is revised in paragraph (b) to read as follows:

§ 211.22 Monthly report by refiners and importers.

* * * * *

(b) Beginning with the month of March 1974 and thereafter, prime suppliers shall report monthly to the National FEO, appropriate Regional FEO, and appropriate State offices items (4) through (10) of § 211.222(a) by refiner, not by refinery. This report will be the basis of the State set-aside program. Notwithstanding the provisions of § 205.4 concerning constructive receipt of documents submitted by registered or certified mail, the prime supplier's monthly report must be delivered to the National FEO in Washington, D.C., on or before the tenth day prior to the commencement of the month described as "the following month" in § 211.222(a)(5).

[FR Doc.74-6501 Filed 3-18-74;10:57 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 225—BANK HOLDING COMPANIES

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Bank Acquisitions by Holding Companies

The purpose of this amendment is to grant to the Federal Reserve Banks authority to approve under delegated authority the *retention* of bank stock acquired in a fiduciary capacity where a bank holding company undertakes unconditionally to dispose of such shares or the sole discretionary authority to vote such shares within a two-year period. This delegation provides that such applications shall be deemed to be approved 45 days after the application has been accepted by the Reserve Bank. To accompish this delegation, § 265.2(f)(29) is added and § 225.3 of Regulation Y is amended as set forth below.

1. Section 265.2(f)(29) is added to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

* * * * *

(f) *Each Federal Reserve Bank* is authorized, as to member banks or other indicated organizations headquartered in its district, or under paragraph (f)(25) of this section as to its officers:

* * * * *

(29) Under the provisions of section 3(a) of the Bank Holding Company Act (12 U.S.C. 1842), to approve by a letter of notification without compliance with § 262.3(h) of the Board's Rules of Procedures, the retention of shares of bank stock acquired in a fiduciary capacity (with sole voting rights) for a two-year period from the date of such acquisition, provided that the Applicant undertakes unconditionally to dispose of such shares or its sole discretionary voting rights with respect to such shares within two years from the date of such acquisition.

2. Section 225.3 of Regulation Y (concerning acquisition of bank shares) is amended by adding § 225.3(c) to read as follows:

§ 225.3 Acquisition or retention of bank shares or assets.

* * * * *

(c) *Applications to retain shares acquired in a fiduciary capacity.* Applications under this subsection are processed on the basis of a letter of notification without compliance with section 262.3(h) of the Board's Rules of Procedure. Any application for the Board's approval to retain shares of bank stock acquired in a fiduciary capacity (with sole voting rights), which is accompanied by an unconditional undertaking by the Applicant to dispose of such shares or its sole discretionary voting rights with respect to such shares within two years from the date of such acquisition, shall be deemed to be approved 45 days after the Applicant has been informed by the Reserve Bank that said application has been accepted, unless the Applicant is notified to the contrary within that time or is granted approval at an earlier date.

* * * * *

3. The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, are not followed in connection with the adoption of § 225.3(c), because the rule involved therein is procedural in nature and accordingly does not constitute a substantive rule subject to the requirements of such section.

Effective date. This amendment is effective with respect to applications received by the Reserve banks on and after March 19, 1974 and also to applications pending before the Board.

By order of the Board of Governors, March 14, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6335 Filed 3-18-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

[Docket No. C-2059]

PART 13—PROHIBITED TRADE PRACTICES

Procter & Gamble Co.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Modifying order, The Procter & Gamble Company, Cincinnati, Ohio, Docket C-2059, February 26, 1974.]

In the matter of The Procter & Gamble Company, a corporation. Order reopening proceeding and modifying cease and desist order, 36 F.R. 22149, 79 F.T.C. 589, by deleting two (2) paragraphs of the order which require respondent to disclose the approximate numerical odds of winning each prize awarded in its promotional "sweepstakes" contests or the approximate number of recipients to whom the offer is directed where odds are not reasonably capable of calculation.

The modifying order is as follows:

The Commission, on January 22, 1974, having issued an order against respondent to show cause why the proceedings herein should not be reopened for the purpose of modifying the consent order to cease and desist entered on October 8, 1971; and

Respondent having answered that it has no objection to the reopening of the proceedings and the modification of the consent order, as set forth in the order to show cause.

Accordingly, *It is ordered*, That the matter be reopened, and that the order herein be modified in the following manner: strike section A(2); renumber sections A(3), A(4), A(5), and A(6) as, respectively, A(2), A(3), A(4), and A(5); strike section B(3); renumber sections B(4) and B(5) as, respectively, B(3) and B(4).

By the Commission.

Issued: February 26, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-6220 Filed 3-18-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5466, 34-10673, 35-18315, 40-8265]

PART 231—INTERPRETIVE RELEASE RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETIVE RELEASE RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Corporation Finance Division; Views on Disclosure of Illegal Campaign Contributions

The Commission has noted that it has received a number of inquiries from issuers, stockholders, and other persons relating to whether disclosure should be made where the issuer and/or its officers or directors have been charged in an information or indictment with, or convicted of, making illegal campaign contributions in violation of 18 U.S.C. section 610. "Contributions or Expenditures by National Banks, Corporations or Labor Organizations." That section makes it unlawful, among other things, for "any corporation whatever * * * to make a contribution or expenditure in connection with any election at which Presidential and Vice Presidential electors or a Senator or Representative in * * * Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices * * *" and imposes a penalty of up to $5000 on the corporation making the contribution. 18 U.S.C. Section 610 also makes every officer or director who consents to the contribution guilty of a misdemeanor if the violation is not willful, and guilty of a felony if the violation is willful. In view of such inquiries, the Commission determined today to publish views and comments of its Division of Corporation Finance relating to these matters.

In the Division's view, the conviction of a corporation and/or its officers or directors for having made illegal campaign contributions in violation of 18 U.S.C. Section 610 is a material fact that should be disclosed to the public and specifically to shareholders, particularly in the context of a proxy statement where shareholders are being asked to vote for management. Such a conviction is material to an evaluation of the integrity of the management of the corporation as it relates to the operation of the corporation and the use of corporate funds.

It is the Division's position that disclosure of such a conviction, or of a plea of guilty or *nolo contendere* to an indictment or information alleging a violation of 18 U.S.C. section 610, should be made in a proxy or information statement relating to the election of directors, in the annual report on Form 10-K (17 CFR 249.310) under the Securities Exchange Act of 1934 (Exchange Act) in response to Item 5 or 12,[1] in a report filed on Form 8-K (17 CFR 249.308) under the Exchange Act in response to Items 3 or 13, and in response to appropriate items in the relevant form used for registration of any of the corporation's securities.[2] Such disclosure should include, in addition to a description of the details of the conviction or plea and the penalty imposed, and as appropriate, information as to whether any funds of the corporation used to make the contribution, directly or indirectly, will be paid back by the officer or director or by the contributee, whether the corporation or its insurers have paid or reimbursed, or intend to pay or reimburse, any officer or director for any fines imposed or legal fees or other expenses of his defense, whether the use of corporate funds for the illegal contributions involves any undisclosed tax consequences to the corporation, whether the corporation will seek reimbursement from the officer or director for its fines or expenses, and what steps, if any, the corporation is taking or will take to avoid recurrence of such activity.

The Division is also of the view that any pending indictment or information alleging violations of 18 U.S.C. section 610 should be disclosed. Questions have been raised about disclosure of campaign contributions that may be illegal but have not yet become the subject of a formal proceeding. In such cases, management is usually in the best position to inquire into, to examine and weigh

[1] In the case of issuers who file annual reports on different forms, see the corresponding item on such forms.

[2] Notwithstanding the absence of a required item of information in a particular form, see Rules 408 (17 CFR 230.408) under the Securities Act of 1933 and Rules 12b-20 (17 CFR 240.12b-20) and 14a-9 (17 CFR 240.14a-9) under the Exchange Act as to general requirements for additional disclosure of material information.

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the facts and circumstances and to determine whether disclosure is necessary.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

MARCH 8, 1974.

[FR Doc.74-6290 Filed 3-18-74;8:45 am]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Registration of Certain Offerings of Outstanding Securities; Correction

In Release No. 33-5265 dated June 27, 1972, which was published in the FEDERAL REGISTER for August 9, 1972 (37 FR 15989), the Commission announced certain revisions in the Instructions and items to Form S-16 (17 CFR 239.27). The effect of such revisions was not reflected in an amendment to § 239.27 in Chapter II of Title 17 of the Code of Federal Regulations through an oversight. Accordingly, current editions of Title 17 of the Code of Federal Regulations should be corrected by revising § 239.27 of Chapter II thereof to read as follows:

§ 239.27 Form S-16, optional form for registration of certain offerings of outstanding securities and for offerings to holders of certain convertible securities or for offerings to holders of certain outstanding warrants.

(a) Form S-16 may be used for registration under the Securities Act of 1933 of the following securities of any issuer which at the time of filing the registration statement meets the requirements for the use of Form S-7 (§ 236.26):

(1) Outstanding securities to be offered for the account of any person other than the issuer, if securities of the same class are listed and registered on a national exchange or are quoted on the automated quotation system of a national securities association;

(2) Securities to be offered upon the conversion of outstanding convertible securities of the issuer of the securities to be offered, or of an affiliate of such issuer, provided no commission or other remuneration is paid for soliciting the conversion of the convertible securities; or

(3) Securities to be offered upon the exercise of outstanding transferable warrants issued by the issuer of the securities to be offered, provided no commission or other remuneration is paid for soliciting the exercise of such warrants.

(b) Form S-16 may be used by closed end management investment companies for the registration of outstanding securities under the Securities Act of 1933 for the purposes specified in paragraph (a)(1) only (above) and subject to the applicable requirements of section 18(d) of the Investment Company Act of 1940. The form is available to a closed end management investment company provided that such company: (1) Is registered as a closed end management investment company under the Investment Company Act of 1940, (2) has been subject to and has complied in all respects including the timeliness of filings, with the requirements of sections 20(a) and 30 (a) and (b) of the Investment Company Act of 1940 for a period of at least three fiscal years prior to the filing of the registration statement on this form, and (3) meets the requirements of paragarphs (c) through (f) of the Rule as to the use of the Form S-7.

For the Commission pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

MARCH 11, 1974.

[FR Doc.74-6291 Filed 3-18-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-94]

PART 6—AIR COMMERCE REGULATIONS

Permission for First Landing

On December 17, 1973, there was published in the FEDERAL REGISTER (38 FR 34668), a notice of a proposed amendment to § 6.2(a) of the Customs regulations to provide that permission for first landing of scheduled aircraft operated by scheduled airlines elsewhere than at an international airport shall be granted by the regional commissioner of Customs, or his designee, of the region where the place of first landing will occur.

After careful consideration of the comments received in response to the notice of the proposed amendment, no substantive changes in the proposed amendment were deemed necessary.

Accordingly, the third, fourth, and fifth sentences of § 6.2(a) of the Customs regulations are amended to read as follows:

§ 6.2 Landing requirements.

(a) *Place of landing.* * * *. In the case of scheduled aircraft operated by scheduled airlines, such permission shall be granted by the regional commissioner of Customs, or his designee, of the region where the place of first landing will occur, and in all other cases by the district director or other Customs officer in charge at the port of entry or Customs station nearest the intended place of first landing. For procedure to be followed in the case of emergency or forced landing, see paragraph (g) of this section. When permission is granted to land elsewhere than at an international airport, the Public Health Service, the Immigration and Naturalization Service, the Animal and Plant Health Inspection Service, and any other Agency likely to be concerned with the landing shall be immediately notified by the Customs officer granting the permission. * * *.

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799, as amended; 19 U.S.C. 66, 1624 (49 U.S.C. 1509))

Effective date. This amendment shall be effective April 18, 1974.

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

Approved: March 8, 1974.

JAMES B. CLAWSON, *Acting Assistant Secretary of the Treasury.*

[FR Doc.74-6246 Filed 3-18-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 22, further amended]

PART 422—ORGANIZATION AND PROCEDURES

Subpart B—General Procedures

ISSUANCE OF SOCIAL SECURITY NUMBERS

On August 7, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 21271-21274) regarding the issuance of social security numbers. The proposed rules would implement that part of section 137 of the Social Security Amendments of 1972 (Pub. L. 92-603) which (1) directs the Secretary to take affirmative measures to assign social security numbers to aliens at the time of their lawful admission to the United States for permanent residence or under conditions permitting them to engage in employment in the United States, and (2) directs the Secretary to require applicants for social security numbers to furnish evidence to establish their age, true identity, citizenship or alien status. The proposed amendments to the regulations provided for the issuance of social security numbers to aliens who are not permanent residents but who need numbers for nonwork purposes. They also provided that the Social Security Administration would furnish to the Immigration and Naturalization Service, under specified conditions, certain information obtained in connection with an application for a social security number by an alien.

The period for comments ended on September 6, 1973, and 11 letters of comments were received in response to the proposal. While comments were varied, most were concerned with proposals for the issuance of numbers to aliens. There follows a discussion of the comments and the disposition thereof.

In the proposed § 422.103(c), it was set out that an applicant for a number will be required to furnish evidence to assist the Social Security Administration in establishing his age, citizenship, alien status, true identity, and previously assigned social security number(s), if any. One writer noted that it is not clear if, or how, an application submitted by mail can be processed. The applicant can submit his evidence by mail or by messenger, provided he is willing to relinquish the evidence. The Social Security Administration will cooperate, so far as possible; however, the evidence must be submitted.

There are no present requirements, either of statute or of regulations, of methods to be used by an individual to submit applications or evidence to the Social Security Administration. This is a matter the Social Security Administration considers better left to the discretion of the individual.

The same section notes that the completed application will be forwarded to the central office of the Social Security Administration for checking against the Administration's files. However, if the applicant requests a social security number card immediately, a temporary unnumbered card will be issued. One writer suggested that the issuance of the unnumbered card seems unnecessary and constitutes a nonproductive administrative effort and an unwise expenditure of trust fund moneys. Unnumbered cards are issued in those situations where a newly employed person must demonstrate to his employer that he has applied for a social security number. The issuance is done as a matter of public convenience with a minimum of administrative effort and costs. Therefore, there is no real reason to discontinue this procedure.

In § 422.104, there were set out certain groups to which the Social Security Administration shall assign numbers. Three such groups are:

(a) To aliens at the time of their lawful admission to the United States either for permanent residence or under other authority of law permitting them to engage in employment in the United States;

(b) Upon request, to aliens who are legally in the United States but not under authority of law permitting them to engage in employment, but only for a nonwork purpose; and

(c) To other aliens already in the United States at such time as their status is so changed as to make it lawful for them to engage in employment in the United States.

One writer suggested that numbers should not be assigned to persons in the first two categories unless prefixes or suffixes were included to identify the special status of the account number holder. He further suggested that numbers should not be assigned to persons in the third category until such time as they become citizens of the United States. It should be noted that the Congress has specifically directed the Secretary to take affirmative measures to assign numbers to persons in the first and third categories. Therefore, the suggestion that numbers not be assigned to persons in these categories is rejected. It must be recognized that aliens may need a social security number for purposes other than employment. As one example, section 6109 of the Internal Revenue Code provides in part that any person required to make a tax return shall include in the return the prescribed identifying number. This number has been set out in Internal Revenue Service regulations to be the social security number. Section 6109 has not been repealed, and thus there remains an obligation to assign a social security number to an alien who requires it for tax purposes. Further, section 137 of Pub. L. 92-603 does not contain an express prohibition against the issuance of numbers to aliens who are not permitted to work in this country. It is assumed that specific words of prohibition would have been used had Congress so intended.

The suggestion that distinctive prefixes or suffixes be used to identify aliens is not accepted. With minor exceptions, an alien employed in this country has the same obligation to contribute to the social security program as does a citizen. That being so, there is no reason to issue "second-class" numbers to the alien.

Several writers were concerned that the proposed regulations did not more precisely define aliens who were admitted under authority of law permitting them to engage in employment in the United States. The concern centered around students, temporary workers, and exchange visitors. Temporary workers are, of course, admitted to the United States specifically to engage in employment. Students are authorized to be employed on campus, and exchange visitors are authorized to accept work which is part of their program. Both may work in other circumstances, if authorized by the Immigration and Naturalization Service. Further, other persons are admitted to the United States specifically for employment purposes. Examples of such are treaty traders, entertainers, and representatives of foreign information media. In drafting the original proposals, it was not considered necessary to specify those nonimmigrants who were considered as admitted to the United States with authority to engage in employment. To alleviate public concern, though, there is set out in the final regulations a statement of presumptions regarding authority of certain nonimmigrants to accept employment. Under such presumptions, students and teachers need not demonstrate that they have specific authority to work.

Under arrangements with the Department of State, consular officers will obtain applications for social security numbers from immigrants entering the United States for permanent residence, from fiances of U.S. citizens, and from children of these fiances. One writer suggested that the regulations be amended to state that consular officers will obtain applications from nonimmigrant aliens who are authorized to work in the United States. This suggestion cannot be adopted due to the terms of the present understanding with the Department of State.

Several writers requested that this section be clarified as to where a nonimmigrant alien should apply for a social security number as it was implied that applications must be made through the Immigration and Naturalization Service. Language has been added to emphasize that the Immigration and Naturalization Service will be involved only when the status of an individual changes from nonimmigrant to alien lawfully admitted for permanent residence.

Applicants for social security numbers are required to submit evidence of their age, identity, and citizenship or alien status. The proposed § 422.107 deals with evidentiary requirements. One writer noted that some persons would not possess any of the documents listed as acceptable evidence of age and identity and asked whether the Department would accept affidavits from persons having first-hand knowledge of the facts in question. Affidavits will be accepted for consideration, but whether they would be regarded as convincing would depend upon the individual case. However, it is not proposed to revise the regulations to include affidavits among the examples of evidence. The omission of a piece of evidence from the examples does not preclude its consideration, and it is possible that the specific inclusion of affidavits might create an impression that an affidavit would be preferred over other types of evidence which were not included. The comment did cause a reexamination of the proposed language to ascertain whether a literal reading would convey an impression that the pro forma presentation of documents would satisfy the evidentiary requirement. There is no indication that the proposed regulations were so interpreted; nevertheless, the opening sentence of the section has been revised to refer to "evidence as the Secretary may regard as convincing." Two writers objected to the acceptance of a driver's license or voter registration card as evidence of identity. Since they gave no specific reasons for objecting to the use of these documents for such purpose, their objections are not accepted. In passing, it is noted that a driver's license is a preferred identity document in this country, often to the virtual exclusion from consideration of any other document.

The proposed § 422.107(d) deals with evidence of United States citizenship and notes that an allegation of citizenship by birth will generally be supported by the evidence of age and identity prescribed in the regulations. Upon request, however, additional evidence must be supplied. The meaning of the prior sentence was questioned by one writer who noted that a native-born citizen who had presented evidence of age and identity might be requested in any instance when that initially presented is not convincing; however, additional evidence of citizenship must be requested only in those instances where the evidence of age or identity does not show place of birth or disagrees with the applicant's allegation of birth in the United States. The section has been revised accordingly.

The same section refers to use of U.S. district court records to confirm the status of naturalized citizens. Several writers pointed out that State courts also have authority to grant naturalization. Therefore, the phrase "U.S. district" is deleted.

Section 422.107(d) deals with evidence of alien status. One writer objected to the term "alien status" and stated that this would require the individual to

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establish his particular foreign nationality. There is nothing in the text that imposes such requirement, so no change in language has been made on this account. Another writer noted a restriction of acceptable evidence to possession of an Alien Registration Receipt Card (Form I–151) or an Arrival-Departure Record (Form I–94). It was stated that an alien might not be issued an I–151 until he had been in the United States for several months and that he might need a social security number before the document could be issued. It may have been overlooked that henceforth immigrants will apply for social security numbers as part of the visa process. Forms I–151 will be presented by those people who have already immigrated to the United States but who have had no previous need for a social security number. Sufficient time will have elapsed for those people to be in possession of Form I–151.

In various subsections of § 422.107, provisions were made for notice to Immigration and Naturalization Service in certain circumstances. Several writers objected to this. One felt that it violated the confidential nature of Social Security Administration records. Section 1106 of the Social Security Act directs the records in the possession of the Department shall not be disclosed, except as the Secretary may by regulations prescribe. Present regulations provide for disclosure of information to other Federal agencies and to agencies of State governments when such disclosure is reasonably related to the administration of the various programs authorized by the Social Security Act. It is considered that disclosure of information to the Immigration and Naturalization Service is reasonably necessary when verification of the alien status of an applicant for a social security number is at issue. Further, § 422.107(d)(5) requires that each applicant for a social security number be advised in advance of his executing an application that information may be referred to the Immigration and Naturalization Service. The applicant is then free to choose whether he wishes his application processed under those conditions. Another writer argued that the Social Security Administration should not take on the additional burden of enforcement of immigration laws. To an extent, the Social Security Administration already has this responsibility as section 290(c) of the Immigration and Nationality Act directs the Administration to supply information needed to locate certain aliens. Further, it is proposed to forward information to the Immigration and Naturalization Service only when the proper status of the applicant is at issue. Congress has specifically directed that affirmative action be taken to ascertain the citizenship or alien status of every applicant for a social security number, and notice will be given to the Immigration and Naturalization Service pursuant to this directive.

In § 422.107(d)(3), it is provided that the Immigration and Naturalization Service will be notified when an alien applicant refuses to comply with a request for evidence or where he furnished invalid or expired Immigration and Naturalization Service documents. One writer noted that the opening sentence of the section directed immediate referral while a subsequent sentence afforded the applicant a reasonable opportunity to submit the evidence. The point is well taken. The reference to immediate referral has been removed. Notice will be given to the Service only after the applicant has been given a reasonable time to submit evidence and only after the Social Security Administration has made an attempt to contact him to obtain the evidence.

Another writer suggested that more emphasis should be placed upon referrals for submission of invalid or expired documents. The Department agrees. A separate section now deals with this subject and is numbered § 422.107(d)(4); the proposed § 422.107(d)(4) is renumbered § 422.107(d)(5).

Another writer suggested that the term "invalid or expired Immigration and Naturalization Service documents" needed fuller definition. The term was intended to encompass forged documents purportedly issued by the Service, properly issued documents which were subsequently altered, and documents whose terms of validity have expired.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below.

(Secs. 204 and 1102, 53 Stat. 1368, as amended, and 49 Stat. 647, as amended; 42 U.S.C. 405 and 1302)

Effective date. These amendments shall become effective on March 13, 1974.

(Catalog of Federal Domestic Assistance Program Nos. 13.800–13.807, Social Security)

Dated: November 20, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 8, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Subpart B of Regulation No. 22 is amended as set forth below.

1. Section 422.103 is revised to read as follows:

§ 422.103 Social security numbers for employees and self-employed persons.

(a) *General.* The Social Security Administration maintains a record of the earnings reported for each individual. (When an individual obtains a social security number card, a social security earnings record is set up.) The individual's name, together with the number on the card, identifies the record so that the wages or self-employment income reported for or by the individual can be properly posted to such individual's record. Additional procedures concerning social security numbers may be found in Internal Revenue Service, Department of the Treasury regulation 26 CFR 31.6011(b)–2.

(b) *Applying for a number.* Every individual needing a social security number may apply for one by filing Treasury Department Form SS–5, "Application for Social Security Number," at any local social security office, or, if the individual is in the Philippines, at the Veterans' Administration Regional Office, Manila, Philippines. (See § 422.105 for special procedures for immigrants and certain nonimmigrants.) Form SS–5 may be obtained at:

(1) Any local social security office;

(2) The Social Security Administration, Baltimore, Maryland 21235;

(3) Offices of District Directors of Internal Revenue;

(4) U.S. Postal Service offices (except the main office in cities having a social security office);

(5) U.S. Employment Service offices in cities which do not have a social security office; and

(6) The Veterans' Administration Regional Office, Manila, Philippines.

Upon request, the social security office will distribute a quantity of application forms SS–5 to labor unions, employers, or other representative organizations.

(c) *Assignment procedure.* Social security numbers are assigned by the Central Office of the Social Security Administration in Baltimore, Maryland. Upon receipt of a completed form SS–5, the local social security office, or the Veterans' Administration Regional Office, Manila, Philippines, will require the applicant to furnish evidence, as necessary, to assist the Social Security Administration in establishing his or her age, citizenship, alien status, true identity, and previously assigned social security number(s), if any. (See § 422.107 for evidence requirements.) Upon satisfactory establishment of the pertinent items, the social security office or Veterans' Administration Regional Office forwards the application to the Social Security Administration Central Office for checking against the Administration's files. If the applicant requests a social security number card immediately, a temporary unnumbered card (form OAAN–5028) will be issued. If the investigation does not disclose a previously assigned number, the Central Office assigns a number and forwards to the applicant Form OA–702, "Social Security Number Card." If the investigation discloses a previously assigned number, a duplicate social security number card is issued to the applicant. For issuance of social security numbers to aliens and other groups or categories, see § 422.104.

(d) *Replacement of lost or damaged social security number card.* In case of loss of or damage to the social security number card, a duplicate card bearing the same number will be issued. If the individual has the "stub" portion of the card or the damaged card in legible condition, any local social security office or the Veterans' Administration Regional Office, Manila, Philippines will issue the duplicate card. In all other instances the individual should submit a properly completed application for a social security number (form SS–5).

2. Sections 422.104 and 422.104a are added to read as follows:

§ 422.104 Assignment of social security numbers.

Social security numbers may be assigned to the following:

(a) U.S. citizens, upon request;

(b) Aliens lawfully admitted to the United States for permanent residence or under other authority of law permitting them to engage in employment in the United States (see § 422.104a regarding presumption of authority of nonimmigrant alien to engage in employment); and

(c) Aliens who are legally in the United States but not under authority of law permitting them to engage in employment, but only for a nonwork purpose (see § 422.107(d)(1) and (2)).

§ 422.104a Presumption of authority of nonimmigrant alien to accept employment.

The nonimmigrant visa classifications assigned by the Department of State shall be used to determine whether a nonimmigrant alien is authorized to engage in employment. (See 22 CFR 41.12 for these classifications.) Permission to engage in employment shall not be presumed in the case of an alien who has not been issued a visa or whose visa shows any one of the following classification symbols: B–1, B–2, B–1 and B–2, C–1, C–2, C–3, F–2, H–4, and L–2. Holders of visas bearing other classifications will be presumed to have authorization to work.

3. Section 422.105 is added to read as follows (present §§ 422.105 and 422.110 are renumbered §§ 422.110 and 422.112 respectively):

§ 422.105 Obtaining applications from immigrants and certain nonimmigrant classes.

As a part of the visa process, United States consular offices throughout the world obtain applications for social security numbers from immigrants entering the United States for permanent residence, from fiances or fiancees of U.S. citizens and children of these fiances or fiancees. The consular office also verifies the age, identity, and alien status of these individuals. After verification of the age, identity, and alien status of the individual, the consular office forwards the application to the Central Office of the Social Security Administration. If investigation does not disclose a previously assigned number, the Central Office assigns a number and forwards a social security number card to the applicant at the United States address given on the application. The Immigration and Naturalization Service performs a similar function with respect to aliens who entered this country without immigration visas and who, subsequent to entry, acquired status as lawful permanent residents of the United States. The Immigration and Naturalization Service obtains from each such alien an application for a social security number and, after verifying the alien's age and identity, forwards the application to the Central Office of the Social Security Administration. If investigation does not disclose a previously assigned number, the Central Office assigns a number and forwards a social security number card to the applicant.

4. Section 422.107 is added to read as follows:

§ 422.107 Evidence requirements.

Applicants for social security numbers are required to submit such evidence as the Secretary may regard as convincing of their age, citizenship, or alien status, and true identity. An applicant is also required to submit evidence to assist the Administration in determining the existence and identity of any previously assigned number(s). In the case of a noncitizen, evidence is also required to establish whether the applicant, because of his alien status, is prohibited from engaging in employment in the United States. A social security number will not be assigned unless all of the evidence requirements are met. (For verification of age, identity, and alien status of immigrants and certain nonimmigrant classes entering the United States, see § 422.105.)

(a) *Evidence of age.* Upon request, all applicants for a social security number are required to submit evidence of age to support the date of birth alleged. Examples of the types of evidence which may be submitted are birth or baptismal certificates, school and church records, census records, insurance policies, marriage records, employment records, and passports.

(b) *Evidence of identity.* Upon request, all applicants for a social security number are required to submit corroborative evidence of their identity. Corroborative evidence of identity may consist of a driver's license, a voter registration card, a birth certificate, a passport, or other similar document serving to identify the individual. It is preferable that the document contain the applicant's signature for comparison with his signature on the application for a social security number.

(c) *Evidence of U.S. citizenship.* Generally, an allegation of U.S. citizenship by birth will be supported by the evidence of age and identity described in paragraphs (a) and (b) of this section. Additional evidence must be supplied when the evidence of age or identity does not show place of birth or where such evidence of age or identity does not agree with the applicant's allegation of birth in the United States. Where an applicant indicates that he is foreign born and that he is a U.S. citizen, he is required to present documentary evidence of U.S. citizenship. Any of the following is acceptable evidence of U.S. citizenship:

(1) Certificate of naturalization;

(2) Certificate of citizenship;

(3) U.S. passport;

(4) U.S. citizen identification card (INS form I–179 or I–197); or

(5) Consular report of birth (State Department form FS–240). If such required evidence is not available, and court records do, not confirm the allegation of U.S. citizenship, the Immigration and Naturalization Service will be contacted. If the Service has no record of the applicant's citizenship, a social security number will not be assigned until satisfactory evidence of U.S. citizenship is furnished.

(d) *Evidence of alien status—(1) Citizen of country other than Canada or Mexico.* Where the applicant is a foreign citizen (of a country other than Canada or Mexico), such applicant is required to have an Alien Registration Receipt Card (I–151) or an Arrival-Departure Record (I–94) and will be asked to produce such document. If the applicant fails to do so, a social security number will not be issued and the Immigration and Naturalization Service will be notified of these circumstances. If the applicant produces an Alien Registration Receipt Card, or produces an Arrival-Departure Record which contains an authorization to work, a social security number card will be issued. However, if the Arrival-Departure Record does not contain authorization to work and the social security number is for a work purpose, it will not be issued and the Immigration and Naturalization Service will be notified of the circumstances. If the applicant requests the number for a nonwork purpose, e.g., an Internal Revenue Service purpose, the number will be issued and the record will be annotated. In the latter case, if earnings are later reported to the Administration, the Immigration and Naturalization Service will be notified of such report.

(2) *Mexican or Canadian citizen.* If a Canadian or Mexican citizen has an Alien Registration Receipt Card or an Arrival-Departure Record, the rules in paragraph (d)(1) of this section apply. If a Canadian or Mexican citizen is legally in the United States with a border crossing card, a border visitor's permit (or, in the case of a Canadian citizen, without documentation), but does not have an Alien Registration Receipt Card or an Arrival-Departure Record, and wishes a social security number for a nonwork purpose, e.g., an Internal Revenue Service purpose, the Administration will assign a number to the applicant and issue a number card, except that the record will be annotated and, in addition, the Immigration and Naturalization Service will be notified if earnings are reported to the earnings record.

(3) *Failure to submit evidence.* If the applicant does not comply with a request for evidence or other information regarding alien status within a reasonable time, the Administration will again attempt to contact him. If there is still no response, the Immigration and Naturalization Service will be notified.

(4) *Invalid or expired documents.* The Administration will immediately notify the Immigration and Naturalization Service when an applicant presents invalid or expired Immigration and Naturalization Service documents. Invalid documents are forged documents purportedly issued by the Immigration and Naturalization Service or properly issued documents which were altered subsequent to issue. An expired document is one whose term of validity has expired.

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(5) *Notice to alien applicant.* An alien who applies for a social security number will be advised that information obtained by the Social Security Administration in connection with his application for, and issuance of, a social security number might be transmitted to the Immigration and Naturalization Service. If a number is to be issued for nonwork purposes, the applicant will be advised that the Immigration and Naturalization Service will be notified should earnings be reported to his earnings record.

5. Section 422.108 is added to read as follows:

§ 422.108 Criminal penalties.

A person may be subject to criminal penalties for furnishing false information in connection with earnings records or for wrongful use or misrepresentation in connection with social security numbers, pursuant to section 208 of the Social Security Act and sections of Title 18 of the United States Code (42 U.S.C. 408; 18 U.S.C. 1001 and 1546).

6. Renumbered § 422.110 (former § 422.105) is revised to read as follows:

§ 422.110 Individual's request for change in record.

Form OAAN–7003, "Request for Change in Social Security Records," should be completed by any person who wishes to change the name or other personal identifying information previously submitted. This form may be obtained from any local social security office or from one of the sources noted in § 422.103(b). The completed request for change in records may be submitted to any office of the Social Security Administration, or, if the individual is in the Philippines, to the Veterans' Administration Regional Office, Manila, Philippines. If the request is for a change in name, a new social security number card will be issued to the person making the request bearing the same number previously assigned.

7. Present § 422.110 is renumbered § 422.112 as follows:

§ 422.112 Employer identification numbers.

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[FR Doc.74–6169 Filed 3–18–74;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 70—EXAMINATION AND COPYING OF DEPARTMENT OF LABOR DOCUMENTS

Cost of Transcripts of Departmental and Advisory Committee Hearings

Section 11 of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App.) provides that except where prohibited by contractual agreements entered into prior to the effective date of the Act (January 5, 1973), agencies and advisory committees shall make available to any person at the actual cost of duplication, copies of transcripts of agencies' proceedings or advisory committee meetings. Paragraph (g) of § 70.62 is revised to reflect this change in the law.

As this amendment reflects the present Departmental practice in connection with charges made for transcripts, and further it publicizes a benefit conferred upon the public by the Federal Advisory Committee Act, neither notice of proposed rulemaking nor delay in the effective date is necessary. Accordingly, this amendment shall be effective March 19, 1974.

Paragraph (g) of § 70.62 is hereby revised to read as follows:

§ 70.62 Special searching and copying services.

• • • • •

(g) *Transcripts of proceedings.* Copies of transcripts of hearings and other proceedings pertaining to matters within the purview of the Department of Labor or any of its programs or advisory committees and available for inspection and copying pursuant to the provisions of this part will be furnished upon payment of the actual cost of duplication. If however, the transcript was furnished to this Department under the provisions of a contract executed prior to January 5, 1973, the effective date of the Federal Advisory Committee Act, under contractual provisions which prohibit the Department from reproducing the transcript, copies of such transcripts prepared by persons or firms reporting the proceedings may be obtained upon application to the reporter and payment of the reporter's fees at the rate provided in the contract. The foregoing fees are not applicable to the furnishing of any copies of such transcripts to any person entitled to receive such copies without charge pursuant to a regulation or order issued by the Secretary or his authorized representative.

Signed at Washington, D.C. this 14th day of March, 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74–6279 Filed 3–18–74;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER X—OFFICE OF OIL AND GAS, DEPARTMENT OF THE INTERIOR

[O. I. Reg. 1 (Rev. 5), Amdt. 64]

O. I. REG. 1—OIL IMPORT REGULATIONS

Miscellaneous Amendments

There appeared in the Federal Register on February 11, 1974 (39 FR 5193) a proposal to amend several sections of Oil Import Regulation 1 (Revision 5), as amended. A total of twenty six (26) responses were received each commenting on one or more of the changes proposed. The changes to the individual sections that were proposed are discussed below.

In addition to the changes related to the proposed rulemaking, a number of technical changes are being made at this time in preparation for the allocation period beginning May 1, 1974. Except for sections 9B and 32 all sections which have been changed for either substantive or technical reasons are published in their entirety. As an aid to the public several sections that are not changed in this amendment are also published in their entirety to update them through the many amendments that have been made to Oil Import Regulation 1 (Revision 5).

SECTIONS 9, 10, AND 11

It was proposed that for the allocation period beginning May 1, 1974 refiners and petrochemical plant operators would have the option of claiming either the inputs to their facilities during the 1973 calendar year or the inputs reported in their 1973 application. The comments received on this proposal were all favorable. Therefore the language of the proposal is incorporated into this amendment.

SECTIONS 12 AND 28

It was proposed that sections 12 and 28, which set forth the method of allocating imports of residual fuel oil into District I and District V respectively, be amended to make such allocations on the basis of terminal inputs. The comments on this proposal were almost completely negative with none taking a firm affirmative position. Therefore, in accordance with the comments, sections 12 and 28 are amended to allocate the levels of imports set by Presidential Proclamation 3279, as amended, on the same prorata basis as the allocations were made pursuant to these sections for the allocation period beginning January 1, 1973.

SECTION 29

It was proposed that section 29 be amended to abandon the historical basis for allocating imports from Canada in favor of a three tier system under which a facility would earn an allocation at a rate set by the percentage of Canadian inputs processed during the calendar year 1973. The comments were generally favorable but many persons expressed reservations about the exact method chosen for computing the allocations, about the effects either a change in the Canadian export program or the Federal mandatory crude oil allocation program would have on the proposed import allocations. The Federal Energy Office has published proposed rulemaking affecting the mandatory crude oil allocation program. In addition, a meeting has been scheduled for March 19, 1974 between representatives of the United States and Canadian governments to discuss the question of imports of Canadian oil into the United States. In view of these developments it has been decided to defer amendment of section 29 until after the meeting with the Canadians.

SECTION 30

It was proposed that section 30 be amended to abandon the historical basis for allocation of imports of No. 2 fuel oil into District I in favor of an allocation system based on terminal inputs. With one exception, comments on this proposal were negative and advocated continuation of the present historical pattern of allocation. Accordingly, only technical amendments are made to section 30.

SECTION 33

It was proposed that section 33 be amended to make allocation of Canadian imports into District V on the same pro rata basis that each applicant received in the calendar year 1973 allocation period. The only comment received on the proposal suggested that "Refiners located in District V should be treated the same as refineries located in Districts I–IV for allocation of Canadian crude." As with section 29 amendment of section 33 will be deferred until after the March 19, 1974 meeting referred to in the discussion of section 29.

This Amendment 64 shall become effective on March 19, 1974.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary of the Interior.

WILLIAM E. SIMON,
Deputy Secretary of the Treasury.

Sections 1 and 2 are not amended and shall continue to read as follows:

Section 1. Purpose.

These regulations implement Presidential Proclamation 3279, "Adjusting Imports of Petroleum and Petroleum Products into the United States," dated March 10, 1959, as amended, by providing for the discharge of the responsibilities imposed upon the Secretary of the Interior.

Sec. 2. Administration of program.

The Director, Office of Oil and Gas has been empowered to exercise, pursuant to regulations, the authority conferred upon the Secretary by Proclamation 3279, as amended.

Paragraphs (a), (b), (c), and (d) of Section 3 are amended so that Section 3 in its entirety reads as follows:

Sec. 3. Allocation periods.

(a) Except for allocations made pursuant to section 9A all allocation periods beginning on or after January 1, 1973, but before December 31, 1973 shall be extended to expire April 30, 1974.

(b) Supplemental allocations not subject to license fees will be made by the Director for the extended portion of the allocation period for which an allocation has not been made. Such supplemental allocations shall be computed so as to provide allocations for the extended portion of the allocation period at the same daily average as the base allocations.

(c) Effective May 1, 1974, the allocation periods for all allocations except allocations issued pursuant to section 9A will be made for periods of twelve months beginning May 1 of each year.

(d) Allocation periods for allocations made pursuant to section 9A will be as provided for in that section.

(e) Notwithstanding the provisions of paragraph (1) of section 9B the initial allocation period pursuant to section 9B will be for a period of twelve months beginning May 1, 1974. Subsequent allocations will be made for periods of twelve months beginning May 1 of each year.

Section 4 is amended in its entirety to read as follows:

Sec. 4. Eligibility for allocations not subject to license fees.

(a) To be eligible for an allocation not subject to license fees of imports into Districts I–IV, into District V, Puerto Rico, Guam, American Samoa, the Virgin Islands, or a foreign trade zone of crude oil and unfinished oils, a person must (1) have either refinery capacity or a petrochemical plant in the respective districts, Puerto Rico, territories or foreign trade zone and (2) have had refinery inputs or petrochemical plant inputs in the respective districts, Puerto Rico, territories, or foreign trade zone for the year ending three months prior to the beginning of the allocation period for which the allocation is requested.

(b) To be eligible for an allocation not subject to license fees of imports into Puerto Rico of crude oil and unfinished oils pursuant to section 15, a person must have had refinery capacity in Puerto Rico during the calendar year 1964.

(c) [This paragraph revoked by Amendment 26.]

(d) [This paragraph revoked by Amendment 26.]

(e) To be eligible for an allocation not subject to license fees of imports into Puerto Rico of finished products, other than residual fuel oil to be used as fuel, a person must have imported such products into Puerto Rico during the last half of the calendar year 1958.

(f) To be eligible for an allocation not subject to license fees of imports into Puerto Rico of residual fuel oil to be used as fuel, a person must have imported residual fuel oil used as fuel into Puerto Rico during the last half of the calendar year 1958.

(g) A person is not eligible individually for an allocation not subject to license fees of imports of crude oil and unfinished oils or finished products if the person is a subsidiary or affiliate owned or controlled, by reason of stock ownership or otherwise, by any other individual, corporation, firm, or other business organization or legal entity. The controlling person and the subsidiary or affiliate owned or controlled will be regarded as one. Allocations will be made to the controlling person on behalf of itself and its subsidiary or affiliate but, upon request, licenses will be issued to the subsidiary or affiliate.

Section 5 is amended in its entirety to read as follows:

Sec. 5. Applications for allocations and licenses.

(a) Applications for all allocations not subject to license fee of imports of crude oil, unfinished oils, or finished products for the allocation period May 1, 1974 through April 30, 1975, except for applications made pursuant to section 9A, must be filed with the Director in such form as he may prescribe, not later than March 31, 1974.

(b) Applications for allocation pursuant to section 9A must be filed as provided for in paragraph (c) of section 9A.

Sections 6, 7, and 8 are not amended and shall continue to read as follows:

Sec. 6. Records and inspections.

All persons receiving allocations pursuant to these regulations shall maintain complete records of imports, refinery inputs, petrochemical plant inputs and the outputs of such plants. These records shall be maintained on a current basis so that they will be available for inspection by a representative of the Office of Oil and Gas. All records required to be maintained pursuant to this section shall be retained for a period of three (3) years. In connection with the performance of the Office of Oil and Gas' responsibility for assuring full compliance with these regulations and Proclamation 3279, as amended, the person shall permit representatives of the Office of Oil and Gas to enter upon his office, property, plants and facilities to examine such records and, if deemed necessary in order to verify such records, to inspect the refinery, petrochemical plant, or terminal and all operations being performed within the facilities which include, but are not necessarily limited to refining, receiving, shipping, testing and storage. If requested by the Office of Oil and Gas representatives, the person shall be required to assign an employee to accompany the representatives of the Office of Oil and Gas in all inspections, record evaluations, and verification operations. The Office of Oil and Gas representatives shall not be required to sign any releases prior to entering upon a person's property or installation.

Section 7. Licenses.

(a) When an allocation has been made to a person under this regulation, the Director shall issue a license or licenses based on the allocation; specifying the amount of crude oil and unfinished oils or finished products which may be imported, the period of time such license shall be in effect, and the districts (District I, Districts I–IV, Districts II–IV, District V or Puerto Rico) into which the importation may be made. The director may amend such licenses.

(b) No license issued pursuant to this section may be sold, assigned, or otherwise transferred.

Sec. 8. Small quantities.

(a) District Directors of Customs are authorized to permit without a license an entry for consumption of not to exceed 550 U.S. gallons of crude oil, unfinished oils, or finished products which are certified as samples for testing or analysis or which are included in shipments of machinery or equipment and are certified as intended for use in connection therewith, and baggage entries. Unless notified by the Director to the contrary, District Directors of Customs are authorized to permit without a license the entry for consumption of bonded fuel aboard an aircraft diverted from an international flight.

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(b) A person desiring to import small quantities of crude oil, unfinished oils, or finished products in circumstances not covered by paragraph (a) of this section shall file with the Director a written request for authorization for entry without a license for each shipment, describing the oil and the quantity thereof proposed to be imported and the circumstances which would justify an entry without a license, the date when the shipment is scheduled to arrive or upon which it has arrived, and the port of entry. If the Director determines that the entry without a license is consonant with the purposes of Proclamation 3279, as amended, he may authorize such an entry.

Section 9 is amended in its entirety to read as follows:

Sec. 9. Allocations; petrochemical plants; District I–IV, District V.

(a) For the allocation period May 1, 1974, through April 30, 1975, each eligible person with a petrochemical plant in Districts I–IV shall receive an allocation not subject to license fee of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in these districts during the calendar year 1973 or the year ending September 30, 1972, whichever is greater, multiplied by 11.2 percent × .90.

(b) For the allocation period May 1, 1974, through April 30, 1975, each eligible person with a petrochemical plant in District V shall receive an allocation not subject to license fee of imports of crude oil and unfinished oils equal to the average barrels per day of petrochemical plant inputs to his petrochemical plants in this district during the calendar year 1973 or the year ending September 30, 1972, whichever is greater, multiplied by 11.9 percent × .90.

(c) No allocation for Districts I–IV made pursuant to this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 15 percent of the allocation, and no allocation for District V made pursuant o this section shall entitle a person to a license which will allow the importation of unfinished oils in excess of 25 percent of the allocation However, a person obtaining an allocation of imports of crude oil and unfinished oils pursuant to this section may petition the Director to adjust the percentage of imports of unfinished oils upward to 100 percent of such person's allocation if the petitioner certifies that the additional imported unfinished oils will not be exchanged, that the additional unfinished oils will be processed entirely in the petitioner's own petrochemical plant, and that more than 50 percent of the yields (by weight) from the unfinished oils will be petrochemicals or that more than 75 percent (by weight) of recovered product output will consist of petrochemicals.

(d) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

(e) Applications for allocations pursuant to this section must be filed in accordance with provisions of section 5.

(f) Pursuant to section 3A of Presidential Proclamation 3279, as amended by Proclamation 4175, interim allocations were made for the allocation period January 1, 1973 through December 31, 1973 to all persons who had received an allocation under section 9 for the allocation period January 1, 1972 through December 31, 1972. To the extent that such interim allocations were not charged against and deducted from the regular allocation made to a person pursuant to section 9 for the allocation period starting January 1, 1973 and extending through April 30, 1974, such interim allocation will be charged against and deducted from the allocation made under this section for the period May 1, 1974 through April 30, 1975.

Subparagraphs (a)(3), (e)(2) and paragraphs (b) of Section 9A are amended so that Section 9A in its entirety will read as follows:

Sec. 9A. Allocations based on exports.

(a) For the purposes of this section:

(1) "Eligible petrochemicals" means the following materials produced in the person's facilities in Districts I–IV or District V and falling into the following Trade Classification of Schedule B of the current Department of Commerce Statistical Classifications of Domestic and Foreign Commodities Exported from the United States.

Trade Classification Schedule B Number	*Description*
231.2	Synthetic rubber and rubber substitutes except compounded, semiprocessed, and manufactures; e.g., SBR type rubber, butyl rubber.
266.2–266.3	Manmade fibers suitable for spinning except glasses, e.g., nylon staple, polyester staple.
	CHEMICAL ELEMENTS AND COMPOUNDS
512	Organic chemicals; e.g., ethylene glycol, acetic acid.
513.27	Carbon black.
521.4024	Ortho-Xylene.
521.4025	Para-Xylene.
521.4027	Mixed Xylenes.
554.2022–554.2026	Detergents, synthetic organic bulk; e.g., alkyl aryl sulfonate, sodium toluene sulfonated.
554.2032–544.2036	Surface-active agents, except detergents, acid type cleaners, and textile and leather-finishing agents.
581.1005–581.1055 581.2002–581.2058	Plastic materials and artificial resins; e.g., polyamide, phenolic, polyethylene.
581.3230	Cellulose ester molding and extrusion compositions; e.g., cellulose acetate.
581.3242	Cellulose esters (except molding and extrusion compositions) in unfinished forms; e.g., granules, powder.
581.3260	Chemical derivatives of cellulose unplasticized e.g., cellulose acetate-butyrate (flake, powder, waste or scrap).
599.7100	Artificial waxes e.g., solidified polyethylene glycol, glyceryl tri-(12 Hydroxy stearate).
599.7505–599.7507	Antiknock mixtures.
599.7515–599.7530	Additives for lubricating oils, fuel oils, liquid gum inhibitors.
599.9960	Reagents for ore recovery.
621.0105	Carbon black masterbatch.
629.1010–629.1050	Rubber tires for vehicles and aircraft.
651.6–651.7	Yarn (including monofil and strip), thread, tire cord, and tire cord fabric of noncellulosic and cellulosic manmade fibers.

(2) "Broker" and "Export Agent" mean a person whose occupation includes the transaction of business relating to the exportation of goods.

(3) Each six months of a calendar year (e.g. January to June) shall constitute a base period.

(b) Subject to provisions of this section a person who holds an allocation of imports into Districts I–IV or into District V under section 9 or section 25A during all or part of the base period to which the application for an allocation under this section 9A relates shall also be entitled to receive under this section 9A an allocation of imports of crude oil into Districts I–IV or into District V (as the case may be) based on his exports during the base period of eligible petrochemicals produced by him.

(c) An application for an allocation under this section must be filed with the Director no later than 60 days after the last day of the base period to which the application relates. Amendments to applications resulting in upward adjustments of allocations under this section must be filed with the Director no later than the last day of the base period following the base period to which the allocation applies. An application shall be in such form as the Director may prescribe.

(d) Licenses issued under an allocation made pursuant to this section shall expire 12 months after the respective base period ends.

(e)(1) The Director shall determine the weight (in pounds) of eligible petrochemicals (i) which were produced in the person's facilities in Districts I–IV or in District V, and (ii) which were exported from the Customs territory of the United States during the base period whether by the person, another person, a broker or an export agent or a domestic or a foreign purchaser thereof in the form produced by and without value added and without further processing. The producer shall furnish such evidence as the Director may require to establish that the export was, in fact, made including a letter from the exporter that his records may be inspected by the Director or his agents for the purpose of verifying that the export was made.

(2) The Director shall ascertain the hydrogen and carbon content (in pounds) of that part of the weight of the eligible petrochemicals determined pursuant to paragraph (e)(1) of this section, which was (i) produced by chemical reaction in the person's facilities and (ii) derived from crude oil or unfinished oils produced or manufactured in Districts I–IV or in District V or imported into Districts I–IV or District V pursuant to an allocation. The weight thus ascertained shall be divided by 200; and the applicant shall receive an allocation of barrels of imports of crude and unfinished oils equal to the resulting quotient. Where a person produced an eligible petrochemical from a combination of inputs which qualify under clause (ii) of this subparagraph (2) and inputs which do not so qualify, and a portion of such eligible petrochemical was exported, the hydrogen and carbon content of the exported portion shall be deemed to have been derived entirely from the qualified inputs to the full extent of such qualified inputs except that such hydrogen and carbon shall not be deemed to have been derived from a qualified input from which the hydrogen and carbon could not actually have been derived.

(f) A shipment of eligible petrochemicals from Districts I–IV or from District V to a foreign country or to the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands constitutes an export for the purposes of this section. A shipment of eligible petrochemicals from Districts I–IV or from District V to Puerto Rico or to a foreign trade zone shall not constitute an export for the purposes of this section. If eligible petrochemicals are returned after having been exported, the total weight of such eligible petrochemicals so returned, whatever the form of the import, shall either be excluded or deducted as appropriate from the applicant's base in computing an allocation under paragraph (e) of this section.

(g) An allocation made pursuant to this section shall entitle a person to a license or licenses which will allow the importation of unfinished oils in an amount not exceeding, in the aggregate, 15 percent of the person's allocation. However, the Director shall permit a person holding such an allocation to import unfinished oils in an amount up to 100 percent of such person's allocation upon certification by him to the Director that such imported unfinished oils will not be exchanged, that such unfinished oils will be processed entirely in the person's petrochemical plant, and that more than 50 percent by weight of the yields from such unfinished oils will be converted into petrochemicals of which petrochemicals methane is not more than 50 percent by weight or that more than 75 percent by weight of recovered product output will consist of petrochemicals but of which output not more than 50 percent by weight is methane.

(h) A person who imports crude oil or unfinished oils under an allocation made under this section may, except as provided in paragraph (g) of this section, exchange his imported crude oil either for domestic crude oil or for domestic unfinished oils or exchange his imported unfinished oils for domestic unfinished oils or for domestic crude oil. All such exchanges shall be governed by the provisions of paragraph (b) (2), (3), (5), and (6) of section 17 of this regulation.

(i) No allocation made pursuant to this section may be sold, assigned or otherwise transferred.

Paragraph (a)(6), paragraph (b) and paragraph (d) of Section 9B are amended to read as follows:

Sec. 9B. Allocations of imports of crude oil and unfinished oils for conversion of heavy liquid feedstocks to petrochemicals—Districts I–IV and District V.

(a) • • • (6) The term "base period" means the period of 12 months ending on December 31 preceding the allocation period for which an application for an allocation under this section 9B is filed.

• • • • •

(b) Except as provided in paragraph (1) allocations under this section shall be made for periods of twelve months beginning May 1.

• • • • •

(d) A person who receives an allocation under this section 9B may not receive an allocation pursuant to section 9 based on any feedstock stream processed in the person's heavy liquid plant or plants. The hydrocarbon content of materials upon which an allocation under section 9, section 9A, or section 25A of this regulation is based will not qualify as a basis for an allocation under this section 9B. Hydrocarbon materials upon which an allocation under this section 9B is based will not qualify as a basis for an allocation under section 9, section 9A, or section 25A of this regulation. No hydrocarbon material upon which an allocation under this section 9B is based may serve as a basis for another allocation under this section 9B.

Paragraph (a), (b), and (e) of Section 10 are amended and paragraph (g) of Section 10 is deleted so that Section 10 in its entirety reads as follows:

Sec. 10. Allocation; refiners; Districts I–IV.

(a) For the allocation period May 1, 1974 through April 30, 1975, the Director shall make allocations not subject to license fee as provided in paragraph (b) of this section and within the quantities available under applicable levels established in Proclamation 3279, as amended, of imports into Districts I–IV among eligible persons having refinery capacity in these districts or the Virgin Islands. With respect to the Virgin Islands qualified refinery inputs shall be limited to crude oil charged to the refinery.

(b) Each eligible applicant shall receive an allocation not subject to license fee of imports of crude oil based on refinery inputs for the calendar year ending December 31, 1973, or the 12 month period ending September 30, 1972, whichever is greater. The allocation shall be computed according to the following schedule:

Average barrels per day input	Percent of input		Number of days
0 to 10,000	21.7	×	365
10 to 30,000	13.0		
30 to 100,000	7.6		
100,000 plus	3.8		

In addition, any imports of crude oil available for allocation pursuant to this section but not allocated pursuant to the above schedule shall be allocated to each eligible applicant in the same proportion that each eligible applicant's allocation as determined pursuant to the above schedule bears to the total of imports of crude oil allocated pursuant to the above schedule; however, no person shall receive an allocation in excess of 100 percent of such person's refinery inputs.

(c) Except as provided for allocations based on inputs to refineries located in the Virgin Islands, under an allocation made pursuant to paragraph (b) of this section, unfinished oil may be imported, but imports of such oils shall not exceed 15 percent of the allocation. Within such 15 percent, a maximum quantity of imports not exceeding one percent of the total allocation may be imported in the form of finished products, provided that prior written notification is given to the Director of each entry proposed to be made. Finished products imported pursuant to this paragraph may not be exchanged.

(d) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred, and except as this regulation may provide otherwise no license issued under such an allocation shall permit the importation of Canadian imports as defined in section 15(j) of Proclamation 3279, as amended.

(e) Pursuant to section 3A of Presidential Proclamation 3279, as amended by Proclamation 4175, interim allocations were made for the allocation period January 1, 1973 through December 31, 1973 to all persons who had received an allocation under section 10 for the allocation period January 1, 1972 through December 31, 1972. To the extent that such interim allocations were not charged against and deducted from the regular allocation made to a person pursuant to section 10 for the allocation period starting January 1, 1973 and

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extending through April 30, 1974, such interim allocation will be charged against and deducted from the allocation made under this section for the period May 1, 1974 through April 30, 1975.

(f)(1) For the purpose of allocating imports of unfinished oils and unfinished products produced by refineries in the Virgin Islands, allocations claimed on account of such refineries shall be computed in accordance with the sliding scale set out in paragraph (b) of this section but inputs to such refineries shall be treated as the last increment of the aggregate of inputs at the highest applicable level in the sliding scale.

(2) Allocations made pursuant to this section 10 to persons for refinery capacity located in the Virgin Islands shall be for import into Districts I–IV or Puerto Rico of unfinished oils or finished products manufactured in the facility earning the allocation. Unfinished oils imported from the Virgin Islands pursuant to an allocation granted under this section 10 cannot be counted as qualified refinery inputs in Districts I–IV or District V.

(g) Applications for allocations pursuant to this section must be filed in accordance with provisions of section 5.

Paragraphs (a), (b), (e) and (g) of Section 11 are amended so that Section 11 in its entirety reads as follows:

Sec. 11. Allocations, refiners, District V.

(a) For the allocation period May 1, 1974, through April 30, 1975, the Director shall allocate, as provided in paragraph (b) of this section and within the quantities available under applicable levels established in Proclamation 3279, as amended, imports into District V among eligible persons having refinery capacity in that district, Guam or American Samoa. With respect to Guam or American Samoa qualified refinery inputs shall be limited to crude oil charged to the refinery.

(b) Each eligible applicant shall receive an allocation not subject to license fee of imports of crude oil based on refinery inputs for the calendar year ending December 31, 1973, or the 12 month period ending September 30, 1972, whichever is greater. The allocation shall be computed according to the following schedule:

Average barrels per day input		Percent of input		Number of days
0 to 10,000	×	67.5	×	365
10 to 30,000		16.9		
30,000 plus		5.6		

In addition, any imports of crude oil available for allocation pursuant to this section but not allocated pursuant to the above schedule shall be allocated to each eligible applicant in the same proportion that each eligible applicant's allocation as determined pursuant to the above schedule bears to the total of imports of crude oil allocated pursuant to the above schedule; however, no person shall receive an allocation in excess of 100 percent of such person's refinery inputs.

(c) Except as provided for, allocations based on inputs to refiners located in Guam or American Samoa, under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 25 percent of the allocation. Within such 25 percent, a maximum quantity of imports not exceeding one percent of the total allocation may be imported in the form of finished product, provided that prior written notification is given to the Director of each entry proposed to be made. Finished products imported pursuant to this paragraph may not be exchanged.

(d) No allocations made pursuant to this section may be sold, assigned, or otherwise transferred.

(e) Pursuant to section 3A of Presidential Proclamation 3279, as amended by Proclamation 4175 interim allocations were made for the allocation period January 1, 1973 through December 31, 1973 to all persons who had received an allocation under section 11 for the allocation period January 1, 1972 through December 31, 1972. To the extent that such interim allocations were not charged against and deducted from the regular allocation made to a person pursuant to section 11 for the allocation period starting January 1, 1973 and extending through April 30, 1974, such interim allocation will be charged against and deducted from the allocation made under this section for the period May 1, 1974 through April 30, 1975.

(f)(1) For the purpose of allocating imports of unfinished oils and finished products produced by refineries in Guam or American Samoa, allocations claimed on account of such refineries shall be computed in accordance with sliding scale set out in paragraph (b) of this section, but inputs to such refineries shall be treated as the last increment of the aggregate of inputs at the highest applicable level in the sliding scale.

(2) Allocations made pursuant to this section 11 to persons for refinery capacity located in Guam or American Samoa shall be for import into District V of unfinished oils or finished products manufactured in the facility earning the allocation. Unfinished oils imported from Guam or American Samoa pursuant to an allocation granted under section 11 cannot be counted as qualified inputs in Districts I–IV or District V.

(g) Applications for an allocation pursuant to this section must be filed in accordance with the provisions of section 5.

Section 12 is amended in its entirety to read as follows:

Sec. 12. Allocations of residual fuel oil—District I.

(a) This section provides for the making of import allocations not subject to license fee for the allocation period beginning May 1, of each year, of imports into District I of residual fuel oil to be used as fuel in District I.

(b) To be eligible for an import allocation not subject to license fee of residual fuel oil pursuant to this section a person must:

(1) Be in the business in District I of selling residual fuel oil to be used as fuel and have under his management and operational control a deepwater terminal located in District I into which there has been delivered residual fuel oil to be used as fuel which he owned at the time of delivery, or

(2) Be in the business in District I of selling residual fuel oil to be used as fuel and have a throughput agreement (warehouse agreement) with a deepwater terminal operator under which agreement the person has delivered to the terminal residual fuel oil to be used as fuel which he owned when it was so delivered. For the purpose of this section, "throughput agreement" means an agreement which provides for the delivery to a deepwater terminal by a person of residual fuel oil which he owns and for a right in such person to withdraw on call an identical quantity of such oil from the terminal. A bona fide throughput agreement will be deemed to exist only if the person operating under the agreement owns the oil at the time it is delivered to the terminal.

(c) A person seeking an import allocation not subject to license fee pursuant to this section must file an application with the Director on such form as he may prescribe. The application shall disclose such information as the Director may deem necessary in such detail as he may require. Applications must be filed in accordance with the provisions of section 5 of this regulation.

(d) For the allocation period May 1, 1974, through April 30, 1975, each eligible applicant under this section shall receive an allocation not subject to license fee to import residual fuel oil into District I to be used as fuel in District I computed according to the following formula:

$$\frac{\text{Applicant's average B/D allocation made pursuant to section 12 for the allocation period April 1, 1973 through April 30, 1974}}{\text{Average B/D allocations made pursuant to section 12 to all applicants for the allocation period April 1, 1973 through April 30, 1974.}} \times 2{,}610{,}000 \text{ B/D}$$

(e) No allocation made pursuant to this section may be sold, assigned or otherwise transferred. Licenses issued under allocations made pursuant to this section shall permit the importation only of residual fuel oil into District I for use as fuel oil in District I.

Section 13 is amended in its entirety to read as follows:

Sec. 13. Finished products.

(a) For the allocation period May 1, 1974 through April 30, 1975 there is allocated to the Department of Defense 18,000 average barrels per day of imports of finished products not subject to license fee into Districts I–IV and 6,750 average barrels per day of imports of finished products not subject to license fee into District V. For the same allocation period there is allocated 15,000 average barrels per day of imports of finished products not subject to license fee into Districts I–IV pursuant to paragraph (b) of section 12 of Presidential Proclamation 3279, as amended.

(b) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Section 14 is amended in its entirety to read as follows:

Sec. 14. Maximum levels of imports—Puerto Rico.

The levels are those established in Proclamation 3279, as amended.

Section 15 is amended in its entirety to read as follows:

Sec. 15.—Allocations of crude oil and unfinished oils—Puerto Rico.

(a)(1) This paragraph provides for the making of import allocations not subject to license fees other than those described as "long-term allocations" in paragraphs (k) (1), (2), (3), and (4) of Proclamation 3279, as amended, for the allocation period beginning May 1, of each year, of imports into Puerto Rico of crude oil and unfinished oils.

(2) For the allocation period May 1, 1974, through April 30, 1975, each eligible applicant under this paragraph shall receive an allocation not subject to license fees to import crude and unfinished oils into Puerto Rico computed according to the following formula:

$$\frac{\text{Applicant's Allocation pursuant to Section 15(a) Not Subject To License Fees of Imports of Crude and Unfinished Oils Into Puerto Rico for the Allocation Period April 1, 1973, to April 30, 1974, Expressed in B/D}}{\text{Total Allocations pursuant to Section 15(a) Not Subject to License Fees of Imports of Crude and Unfinished Oils Into Puerto Rico for the Allocation Period April 1, 1973, to April 30, 1974, Expressed in B/D}} \times 204{,}499 \text{ B/D}$$

(b) No allocation made pursuant to this section may be sold, assigned or otherwise transferred.

Section 16 is amended in its entirety to read as follows:

Sec. 16. Allocations of finished products—Puerto Rico.

(a)(1) This paragraph provides for the making of import allocation not subject to license fees for the allocation period beginning May 1, of each year, of imports into Puerto Rico of finished products (other than residual fuel oil to be used as fuel in Puerto Rico).

(2) For the allocation period May 1, 1974, through April 30, 1975, each eligible applicant under this paragraph shall receive an allocation not subject to license fees to import finished products, other than residual fuel oil to be used as fuel in Puerto Rico, into Puerto Rico, computed according to the following formula:

$$\frac{\text{Applicant's Allocation pursuant to Section 16(a) Not Subject To License Fees of Imports Into Puerto Rico of Finished Products (Other Than Residual Fuel Oil To Be Used As Fuel in Puerto Rico) During the Calendar Year 1973, Expressed in B/D}}{\text{Total Allocations pursuant to Section 16(a) Not Subject To License Fees of Imports Into Puerto Rico of Finished Products (Other Than Residual Fuel Oil To Be Used As Fuel in Puerto Rico) During the Calendar Year 1973, Expressed in B/D}} \times 1{,}293 \text{ B/D}$$

(b)(1) This paragraph provides for the making of import allocations not subject to license fees for the allocation period beginning May 1, of each year, into Puerto Rico of residual fuel oil to be used as fuel in Puerto Rico.

(2) For the allocation period May 1, 1974, through April 30, 1975, each eligible applicant under this paragraph shall receive an allocation not subject to license fees to import residual fuel oil to be used as fuel in Puerto Rico, into Puerto Rico, computed according to the following formula:

$$\frac{\text{Applicant's Allocation pursuant to Section 16(b) Not Subject to License Fees of Imports Into Puerto Rico of Residual Fuel Oil to be Used as Fuel in Puerto Rico During the Calendar Year 1973, Expressed in B/D}}{\text{Total Allocations pursuant to Section 16(b) Not Subject to License Fees of Imports Into Puerto Rico of Residual Fuel Oil to be Used As Fuel in Puerto Rico During the Calendar Year 1973, Expressed in B/D.}} \times 1{,}484 \text{ B/D}$$

(c) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred.

Paragraphs (a), and (b) (1) and (4) of Section 17 are amended, and a new paragraph (c) is added so that Section 17 in its entirety reads as follows:

Sec. 17. Use of imported crude oil and unfinished oils.

(a) Except as provided in paragraphs (b) and (c) of this section, each person who imports crude oil or unfinished oils under a license issued pursuant to an allocation made under sections 9, 10, 11, 15, 25, or 25A of this regulation must process the oils so imported in his own refinery, petrochemical plant, or petrochemical capacity.

(b)(1) Subject to the provisions of this paragraph (b), a person who imports crude oil or unfinished oils under an allocation made under sections 9, 10, 11, 25, 25A, or paragraph (a) of section 15 of this regulation, may exchange his imported crude oil either for domestic crude oil or domestic unfinished oils or exchange his imported unfinished oils either for domestic unfinished oils or for domestic crude oil. However, a person receiving an allocation under section 9 or 25A may be restricted in the exchange of imported unfinished oils, as provided in paragraph (c) of section 9 and paragraph (j) of section 25A.

(2) A proposed agreement for each such exchange must be reported to the Director before any action involved in the exchange is taken.

(3) Each such exchange must be effected on a ratio of not less than 1 barrel of domestic oil for each barrel of imported oil unless a different exchange ratio is approved by the Director.

(4) In any such exchange, the person who is exchanging oil imported pursuant to an allocation under sections 9, 10, 11, 15, 25, or 25A for domestic oil must take delivery of the domestic oil and process it in his own refinery or petrochemical plant, located in the same district for which the allocation is granted, not later than 150 days after the end of the allocation period in which the exchange is made. If requested the Director may extend this period if it is shown that the person receiving the domestic oil cannot process the oil in the allotted time.

(5) Each such exchange must be on an oil-for-oil basis; however, settlements, credits, monetary, or accounting adjustments reflecting the relative values of the oils involved in the exchange are permissible.

(6) Any such exchange must not be otherwise unlawful.

(c) Imported crude oil or unfinished oils which are sold to meet the requirements of other Regulations published by the Federal Energy Office shall not be subject to the provisions of paragraph (a) of this section.

Paragraph (b), (e)(3) and (4), and (l) of section 25 are amended so that section 25 in its entirety reads as follows:

Sec. 25. Allocations of crude oil, unfinished oils and finished products—Districts I–IV, District V, Puerto Rico, the Virgin Islands, Guam, American Samoa, and Foreign Trade Zones—new, expanded or reactivated refinery capacity based upon estimated and actual inputs.

(a)(1) The Director may make allocations not subject to license fees of imports of crude oil, unfinished oils, and finished products with respect to new, expanded or reactivated refinery capacity as provided in this section.

The plant additions and modifications which have resulted in the new, expanded, or reactivated refinery capacity need not when taken independently meet the definition of refinery capacity as defined in section 22 of this Regulation: *Provided*, That such additions and modifications are an integral part of a facility that does qualify as refinery capacity.

(2) A person seeking such an allocation must file an application in the form prescribed by the Director. The applica-

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tion shall disclose in detail such information as the Director may require, including—

(i) The nature of the facility,

(ii) The location of the facility,

(iii) The products and the quantity of each product to be produced,

(iv) The capital outlay involved,

(v) The expected average barrels per day of qualified feedstocks inputs of such facility,

(vi) The identification of the feedstocks, and the source thereof,

(vii) The date that the facility went on-stream, or is scheduled to go on-stream,

(viii) Whether the application is for a new facility, an expansion or reactivation,

(ix) Whether this facility will replace an existing facility which is to be or has been shut down,

(x) In the case of an expansion, the certified inputs for the last three years to the particular refinery or identifiable crude processing facility for which the expansion is claimed.

(b)(1) Each increment of new, expanded or reactivated refinery capacity will be treated as a separate entity under this paragraph (b) for a total of sixty months.

(2) If the new, expanded or reactivated refinery capacity is scheduled to come on-stream during the allocation period for which the allocation is requested, the allocation shall be computed on the basis of inputs (divided by 365), which it is estimated will be made to such capacity during that allocation period. In the event the new, expanded or reactivated refinery capacity comes on-stream after January 31 of the allocation period for which the allocation is requested, the Director may, if requested by the applicant, extend the expiration date of the license or licenses to 120 days after the start-up date. An applicant who receives an allocation for a particular allocation period pursuant to this subparagraph (2) may be eligible for an allocation pursuant to paragraph (b)(3), (4), or (5) of this section for the succeeding allocation periods.

(3) If the new, expanded or reactivated refinery capacity has come on-stream during the allocation period immediately preceding the allocation period for which the allocation is requested, the allocation shall be computed on the basis of the sum (divided by 365) of (i) the refinery inputs actually made to the new, expanded or reactivated refinery capacity during the first eight months of the allocation period immediately preceding the allocation period for which the allocation is requested and (ii) the inputs which it is estimated will be made to such capacity during the next number of months which, when combined with the months in clause (i), will constitute a period of twelve months.

(4) If the new, expanded or reactivated refinery capacity has been on-stream for at least one year as of December 31, of the allocation period immediately preceding the allocation period for which the allocation is requested, the allocation shall be based on actual inputs (divided by 365) to the facility during the preceding twelve months ending December 31; *Provided*, That the facility will not have been on-stream in excess of sixty months during the allocation period for which the allocation is requested.

(5) If the new, expanded or reactivated refinery capacity has not been on-stream for a period of sixty months after earning an allocation under paragraph (b)(4) of this section, an allocation will be made for the next allocation year based on actual inputs (divided by 365) for the year ending December 31 of the previous allocation year. In computing the allocation, the Director will determine the number of days which, when added to the actual operating period in the previous allocation years, will constitute a period of sixty months. The facility will, for this number of days, earn an allocation under this section 25.

(c) Allocation with respect to new, expanded or reactivated refinery capacity shall be computed at seventy-five percent of estimated or actual qualified inputs to such facility as determined in paragraph (b)(2), (3), (4), or (5) of this section 25.

(d) With regard to the Virgin Islands, Guam, American Samoa, and foreign trade zones "qualified inputs" shall be limited to crude oil charged to the refinery.

(e)(1) If an allocation based in whole or in part on estimated inputs is made to an applicant pursuant to this section, the actual inputs submitted by the applicant as a basis for allocations in the next succeeding allocation period or periods for which the applicant applies for an allocation or allocations under this regulation shall be adjusted upward or downward to compensate for the difference between the estimated inputs and the actual inputs made during the period for which inputs were estimated.

(2) If the estimated inputs upon which an allocation is based exceed the actual inputs made by more than five percent of the estimated inputs, then, in addition to the adjustment downward provided by paragraph (e)(1) of this secton, the applicant shall be penalized for the overestimate as provided in this subparagraph (2). As a penalty, the actual inputs submitted by the applicant as a basis for allocation for the next succeeding period or periods for which the applicant applies for an allocation or allocations under this regulation shall be further reduced by the number of barrels by which the estimated inputs exceed the actual inputs by more than five percent. However, to the extent that an applicant demonstrates to the satisfaction of the Director that the excess of estimated inputs over actual inputs was attributable to acts of God, fire, government action, explosion, labor disputes, or other similar circumstances beyond the applicant's control, the Director may waive the penalty or reduce the number of barrels of excess for which the penalty will be imposed. Persons applying for and receiving allocations under this section whose new, expanded or reactivated refinery fails to come on-stream within the allocation period may be denied any allocation for the next succeeding period. The Director may elect not to apply this penalty in those cases where the applicant demonstrates to the satisfaction of the Director that a substantial effort was made to complete and to start-up such a facility and that the person's failure was attributable to acts of God, fire, government action, explosion, labor disputes, or other similar circumstances beyond the applicant's control.

(3)(i) Any person who has been granted an allocation for a new, expanded or reactivated refinery in Districts I–IV may avoid the penalty prescribed in paragraph (e)(2) of this section by returning on or before January 31 of the period for which the allocation was granted such a license or licenses, for a downward adjustment, or, in lieu of returning such license or licenses, returning for downward adjustment a license issued to the person under section 10.

(ii) Any person who has been granted an allocation for a new, expanded, or reactivated refinery in District V may avoid the penalty prescribed in paragraph (e)(2) of this section by returning on or before January 31 of the allocation period for which the allocation and license were granted such a license for a downward adjustment, or, in lieu of returning such license, returning for downward adjustment a license issued in District V to the person under section 11.

(iii) Any person who has been granted an allocation for a new, expanded, or reactivated refinery in Puerto Rico, the Virgin Islands, Guam, American Samoa or a foreign trade zone may avoid the penalty prescribed in subparagraph (2) by returning on or before January 31 of the allocation period for which the allocation and license were granted such a license for a downward adjustment.

(iv) A request by an applicant who has received an allocation and license under this section for a downward adjustment shall be made in writing to the Director on or before January 31 of the allocation period for which the allocation and license were granted.

(4) The Director shall not issue a license under an allocation made pursuant to this section until (i) an on-the-spot evaluation of the new, expanded or reactivated refinery capacity has been conducted by the compliance representatives of the Office of Oil and Gas and (ii) a written determination has been made by the Director that the facility is a bona fide refinery capacity as certified in the application, and that construction or reactivation has so far progressed that, in the Director's judgment, the plant will within the calendar quarter following the date of such determination be ready for start-up and trials.

(f) No license issued for allocations made under this section may be sold, assigned, or otherwise transferred.

(g)(1) As used in this section 25, "expanded refinery capacity" includes expansion of existing facilities by the addition of equipment, such as, but not limited to, stills, towers, pumps, and conversion units, or such additions to or modification of an existing refinery or identifiable crude processing capacity within an existing refinery as have resulted in an increased processing capability of not less than fifteen percent above the base capacity established for the particular refinery capacity under consideration. This base capacity will be the average certified inputs to the particular refinery or identifiable crude processing facility being expanded for the highest two of the last three input years.

(2) As used in this section 25, "reactivated refinery capacity" means restoration to operation of refinery capacity which had been shut down for not less than twelve months immediately preceding its reactivation.

(h) An applicant to whom an allocation is made under this section shall not receive an allocation for the same refinery capacity under section 10 or 11.

(i)(1) Except as provided in subparagraph (2) of this paragraph, an allocation made pursuant to this section 25 will be for crude oil only.

(2) Allocations made pursuant to this section 25 to persons for new, expanded or reactivated refinery capacity located in American Samoa, Guam, the Virgin Islands or foreign trade zones shall be for import into Districts I–V or Puerto Rico of unfinished oils or finished products. Such unfinished oils or finished products must have been manufactured in the facility earning the allocation. Unfinished oils imported pursuant to an allocation covered by this subparagraph cannot be counted as qualified refinery inputs in Districts I–IV, District V, or Puerto Rico.

(j) An applicant may not receive an allocation under this section 25 for new, expanded, or reactivated refinery capacity for which inputs were included in applications filed pursuant to section 10 or 11 for allocation periods beginning on or before January 1, 1973.

(k) An applicant may not receive an allocation under this section 25 for new, expanded or reactivated refinery capacity if the same refinery capacity is subject to a long term allocation as defined in Presidential Proclamation 3279, as amended.

(l) Persons wishing to qualify for an allocation under this section 25 must file an application in accordance with the provisions of section 5.

Paragraphs (a)(1), and (3), (e)(2), (3), (4), and (5), (g)(3), and (4), (i)(1), and (k) of section 25A are amended so that section 25A in its entirety reads as follows:

Sec. 25A. Allocations of crude oil and unfinished oils—Districts I–IV, District V, and Puerto Rico—new, expanded or reactivated "petrochemical capacity" based upon estimated and actual inputs.

(a)(1) The Director may make allocations not subject to license fees of imports of crude oil and unfinished oils with respect to new, expanded or reactivated "petrochemical capacity" as provided in this section. The plant additions and modifications which have resulted in the new, expanded, or reactivated "petrochemical capacity" need not when taken independently meet the definition of "petrochemical capacity" as defined in paragraph (b) of this section: *Provided*, That such additions and modifications are an integral part of the facility that does qualify as "petrochemical capacity."

(2) A person seeking such an allocation must file an application in the form prescribed by the Director. The application shall disclose in detail such information as the Director may require, including—

(i) The nature of the facility.

(ii) The location of the facility.

(iii) The petrochemicals and the pounds of each petrochemical produced or to be produced.

(iv) The pounds of carbon and hydrogen in the petrochemicals produced from qualified "petrochemical capacity" inputs.

(v) The capital outlay involved.

(vi) The identification of each feedstock and the source thereof.

(vii) The date that the facility went onstream or is scheduled to go onstream.

(viii) Whether the application is for a new facility, an expansion, or reactivation.

(ix) Whether this facility will replace an existing facility which is to be or has been shut down.

(x) In the case of an expansion, the certified pounds of each petrochemical produced for the last three years in the particular "petrochemical capacity" for which the expansion is claimed.

(3) Applications for allocations under paragraph (e) of this section must be filed in accordance with the provisions of section 5.

(b) For purposes of this section "petrochemical capacity" means a facility or plant complex:

(1) Which includes equipment for converting hydrocarbons to petrochemicals.

(2) Which manufactures for plant use or sale one or more separate and distinct petrochemicals by conversion of each separate "petrochemical capacity input" feedstock stream which is claimed by an applicant as a basis for obtaining an allocation.

(c) For purposes of this section "petrochemical capacity inputs" means feedstocks charged to a "petrochemical capacity."

(1) And include only:

(i) Crude oil,

(ii) Unfinished oils (except those unfinished oils specifically excluded in paragraph (e)(2) of this section) produced in Districts I–IV and District V and Puerto Rico and unfinished oils imported pursuant to an allocation.

(2) But do not include:

(i) Unfinished oils which are produced in a "petrochemical capacity" or petrochemical plant in the manufacture of petrochemicals and subsequently charged to a unit which is part of the same "petrochemical capacity" or petrochemical plant in which they were produced or to any other "petrochemical capacity" or petrochemical plant which is owned or controlled by the same person who claims the initial "petrochemical capacity inputs" or petrochemical plant inputs from which the unfinished oils are derived.

(ii) Unfinished oils which are obtained by transactions such as sales, purchases, or exchanges which are designed to avoid the exclusion specified in paragraph (c)(2)(i) of this section, and

(iii) Benzene which met the ASTM standards for nitration grade or cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene or para-xylene which had a purity of 95 percent or more by weight but which subsequently has been recycled and mixed with other hydrocarbons, commingled, or purposely debased.

(d) For purposes of this section each item on the schedule in paragraph (k) of section 9B of this regulation with the exception of changes in the "condition" of several items listed and additions made, as noted below, is a petrochemical if and only if, it conforms to any notation opposite the item in column 2 and to the condition specified opposite the item in column 3. The "conditions" amended and additions made to the schedule in paragraph (k) of section 9B are as follows:

D—ASTM nitration grade.
E—Petrochemical must be recovered in a state of 95 percent purity or more.

Petrochemical	Limitations	Conditions
Benzene	D	
Cumene	E	
Ethylbenzene	E	
Isoprene	E	
Meta-xylene	E	
Ortho-xylene	E	
Para-xylene	E	

(e)(1) Each increment of new, expanded or reactivated "petrochemical capacity" which has come onstream on or after January 1, 1972, will be treated as a separate entity under this paragraph (e) for a total of sixty months.

(2) If the new, expanded or reactivated "petrochemical capacity" is scheduled to come onstream during the allocation period for which the allocation is requested, the allocation shall be computed on the basis of inputs (divided by 365), calculated as in paragraph (f)(1) of this section, which it is estimated will be made to such capacity during the allocation period. In the event the new, expanded or reactivated "petrochemical capacity" comes onstream after January 31, of the allocation period for which the allocation is requested, the Director may, if requested by the applicant, extend the expiration date of the license or licenses to 120 days after the start-up date. An applicant who receives an allocation for a particular allocation period pursuant to this subparagraph (2) may be eligible for an allocation pursuant to paragraph (e)(3), (4), or (5) of this section for the succeeding allocation periods.

(3) If the new, expanded or reactivated "petrochemical capacity" has come onstream during the allocation period immediately preceding the allocation

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period for which the allocation is requested, the allocation shall be computed on the basis of the sum (divided by 365) of (i) the "petrochemical capacity inputs" calculated as in paragraph (f)(1) of this section, actually made to the new, expanded or reactivated "petrochemical capacity" during the first eight months of the allocation period immediately preceding the allocation period for which the allocation is requested and (ii) the inputs, calculated as in paragraph (f)(1) of this section which it is estimated will be made to such capacity during the next number of months which, when combined with the months in paragraph (e)(3)(i) of this section, will constitute a period of twelve months.

(4) If the new, expanded or reactivated "petrochemical capacity" has been onstream for at least one year as of December 31, of the allocation period immediately preceding the allocation period for which the allocation is requested, the allocation shall be based on actual inputs (divided by 365), calculated as in paragraph (f)(1) of this section, to the facility during the preceding twelve months ending September 30: *Provided*, That the facility will not have been onstream in excess of sixty months during the allocation period for which the allocation is requested.

(5) If the new, expanded or reactivated "petrochemical capacity" has not been onstream for a period of sixty months after earning an allocation under subparagraph (4) of this paragraph (e), an allocation will be made for the next allocation year based on actual inputs (divided by 365), calculated as in paragraph (f)(1) of this section, for the year ending December 31 of the previous allocation year. In computing the allocation, the Director will determine the number of days which, when added to the actual operating period in the previous allocation years, will constitute a period of sixty months. The facility will for this number of days, earn an allocation under this section 25A.

(f)(1) The Director shall issue allocations with respect to new, expanded or reactivated "petrochemical capacity" based on inputs which will be calculated in the following manner:

$$\frac{\text{Total weight in pounds of actual and estimated carbon and hydrogen from qualified "petrochemical capacity inputs" contained in petrochemicals produced during any applicable allocation period}}{200} = \text{Qualified inputs for the allocation period in barrels}$$

(2) The allocation shall be equal to the qualified inputs, calculated as in paragraph (f)(1) of this section, to such facilities as determined in paragraph (e)(2), (3), (4) or (5) of this section 25A, whichever is applicable.

(3) For purposes of this section, where a person produced a petrochemical from a combination of inputs which qualify, under paragraph (c) of this section and inputs which do not so qualify, the hydrogen and carbon content of the produced petrochemical shall be deemed to have been derived entirely from the qualified inputs to the full extent of such qualified inputs except that such hydrogen and carbon shall not be deemed to have been derived from a qualified input from which the carbon and hydrogen could not actually have been derived.

(g)(1) If an allocation based in whole or in part on estimated inputs, calculated as in paragraph (f)(1) of this section, is made to an applicant pursuant to this section, the actual inputs calculated as a basis for allocations in the next succeeding allocation period or periods for which the applicant applies for an allocation or allocations under this regulation shall be adjusted upward or downward to compensate for the difference between the calculated estimated inputs and actual inputs made during the period for which inputs were estimated.

(2) If the calculated estimated inputs upon which an allocation is based exceed the calculated actual inputs made by more than ten percent of the calculated estimated inputs, then, in addition to the adjustment downward provided by paragraph (g)(1) of this section, the applicant shall be penalized for the overestimate as provided in this subparagraph (2). As a penalty, the calculated actual inputs submitted by the applicant as a basis for allocation for the next succeeding period or periods for which the applicant applies for an allocation or allocations under this regulation shall be further reduced by the number of barrels by which the calculated estimated inputs exceeded the calculated inputs by more than ten percent. However, to the extent that an applicant demonstrates to the satisfaction of the Director that the excess of calculated estimated inputs over calculated actual inputs was attributable to acts of God, fire, government action, explosion, labor disputes, or other similar circumstance beyond the applicant's control, the Director may waive the penalty or reduce the number of barrels of excess for which the penalty will be imposed. Persons applying for and receiving allocations under this section whose new, expanded or reactivated "petrochemical capacity" fails to come on stream within the allocation period may be denied any allocation for the next succeeding period. The Director may elect not to apply this penalty in those cases where the applicant demonstrates to the satisfaction of the Director that a substantial effort was made to complete and to start up such facility and that the person's failure was attributable to acts of God, fire, government action, explosion, labor disputes or other similar circumstance beyond the applicant's control.

(3)(i) Any person who has been granted an allocation for a new expanded or reactivated "petrochemical capacity" in Districts I–IV, District V or Puerto Rico may avoid the penalty prescribed in paragraph (g)(2) of this section by returning on or before January 31 of the period for which the allocation was granted such a license or licenses for a downward adjustment, or, in lieu of returning such license or licenses, returning for downward adjustment a license issued to the person under section 9.

(ii) A request by an applicant who has received an allocation and license under this section for a downward adjustment shall be made in writing to the Director on or before January 31 of the allocation period for which the allocation and license were granted.

(4) The Director shall not issue a license under an allocation made pursuant to this section until (i) an on-the-spot evaluation of the new, expanded or reactivated "petrochemical capacity" has been conducted by compliance representatives of the Office of Oil and Gas and (ii) a written determination has been made by the Director that the facility is a bona fide "petrochemical capacity" as certified in the application, and that construction or reactivation has so far progressed that, in the Director's judgment, the plant will within the calendar quarter following the date of such determination be ready for start-up and trials.

(h) No license issued for allocation made under this section may be sold, assigned, or otherwise transferred.

(i)(1) As used in this section 25A "expanded petrochemical capacity" includes expansion of existing facilities by the addition of equipment, such as, but not limited to, stills, towers, pumps, and conversion units, or such additions to or modification of existing "petrochemical capacity" or petrochemical plant or identifiable "petrochemical capacity" or petrochemical plant capacity within an existing "petrochemical capacity" or petrochemical plant as have resulted in an increased petrochemical production capability of not less than fifteen percent above the base capacity established for the particular "petrochemical capacity" or petrochemical plant under consideration. The base capacity will be the average of the sums of the certified production of each petrochemical produced in the particular "petrochemical capacity" or petrochemical plant or identifiable "petrochemical capacity" or petrochemical plant capacity being expanded for the highest two of the last three input years.

(2) As used in this section 25A, "reactivated petrochemical capacity" means restoration to operation of "petrochemical capacity" which had been shut down for not less than twelve months immediately preceding its reactivation.

(j) An allocation made pursuant to this section shall entitle a person to a license or licenses which will allow the importation of unfinished oils in an amount not exceeding, in the aggregate, 15% of the person's allocation. However, the Director shall permit a person holding such an allocation to import unfinished oils in an amount up to 100% of the allocation upon certification by him to the Director that such imported unfinished oils will not be exchanged, that such unfinished oils will be processed entirely in the petitioner's "petrochemical facilities," that the person will not charge to anyone of his plants a quantity of such unfinished oils in excess of the allocation made with respect to each such plant. The Director may, in special circumstances, permit a person holding such an allocation to import up to 100% of his allocation in the form of unfinished oils and to exchange such imports for like domestic material to be run entirely in the petitioner's "petrochemical facilities" in an amount not in excess of the allocation made with respect to each such plant. Annually beginning May 1, 1974, the maximum amount of the person's allocation which may be imported under this section as unfinished oil will be reduced by the following percentage.

For Year Commencing	Percent Reduction of Person's Allocation of Unfinished Oils Imported Under This Section
May 1, 1974	10
May 1, 1975	20
May 1, 1976	35
May 1, 1977	50
May 1, 1978	65
May 1, 1979	80
May 1, 1980	100

(k) A person who imports crude oil or unfinished oils under an allocation made under this section, except as provided in paragraph (j) of this section, may exchange his imported crude oil either for domestic crude oil or for domestic unfinished oils or exchange his imported unfinished oils either for domestic unfinished oils or for domestic crude oil. All such exchanges shall be governed by the provisions of sevtion 17 of this regulation.

(l) The hydrocarbon content of materials upon which an allocation under section 9 or section 9B of this regulation is based will not qualify as a basis for an allocation under this section.

(m) An applicant may not receive an allocation under this section 25A for new, expanded or reactivated "petrochemical capacity" for which inputs have been included in applications fined pursuant to section 9.

Section 28 is amended in its entirety to read as follows:

Sec. 28. Allocations of low sulphur residual fuel oil—District V.

(a) This section provides for the making of allocations of imports, not subject to license fee, into District V of low sulphur residual fuel oil to be used as fuel in District V. As used in this section 28, "low sulphur residual fuel oil" means (1) residual fuel oil to be used as fuel which is manfactured or produced in a foreign area and which contains not more than five-tenths of one percent (0.5%) sulphur by weight, or (2) residual fuel oil to be used as fuel which is manufactured by facilities in a foreign trade zone located in District V and which has a sulphur content not exceeding the percent by weight required by local government requirements.

(b) To be eligible for an allocation not subject to license fee of low sulphur residual fuel oil under this section a person must:

(1) Be in the business in District V of selling residual fuel oil to be used as fuel and have under his management and operational control a deepwater terminal located in District V into which there has been delivered low sulphur residual fuel oil to be used as fuel which he owned at the time of delivery, such delivery being the first delivery of that oil into a deepwater terminal in District V; or

(2) Be in the business in District V of selling residual fuel oil to be used as fuel and have a throughput agreement (warehouse agreement) with a deepwater terminal operator under which agreement the person has delivered to the terminal low sulphur residual fuel oil to be used as fuel which he owned when it was so delivered, such delivery being the first delivery of that oil into a deepwater terminal in District V. For the purposes of this section, "throughput agreement" means an agreement which provides for the delivery to a deepwater terminal by a person of residual fuel oil

(i) Is on waterways that permit the which he owns and for a right in such person to withdraw on call an identical quantity of such oil from the terminal. A bona fide throughput agreement will be deemed to exist only if the person operating under the agreement owns the oil at the time it is delivered to the terminal and only if that delivery is the first delivery of that oil into a deepwater terminal in District V.

(c) A person seeking an import allocation not subject to license fee pursuant to this section must file an application with the Director on such form as he may prescribe. The application shall disclose such information as the Director may deem necessary in such detail as he may require. Applications must be filed in accordance with the provisions of section 5 of this regulation.

(d) For the allocation period May 1, 1974, through April 30, 1975, each eligible applicant under this section shall receive an allocation not subject to license fee to import low sulphur residual fuel oil into District V to be used as fuel in District V computed according to the following formula:

$$\frac{\text{Applicant's average B/D allocation made pursuant to section 28 for the allocation period January 1, 1973 through April 30, 1974}}{\text{Average B/D allocations made pursuant to section 28 to all applicants for the allocation period January 1, 1973 through April 30, 1974}} \times 68{,}040 \text{ B/D}$$

(e) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. Licenses issued under allocations made pursuant to this section shall permit the importation only of residual fuel oil into District V for use as fuel oil in District V.

Paragraphs (b), (d) and (e) of Section 30 are amended so that Section 30 in its entirety reads as follows:

Sec. 30. Allocations of No. 2 fuel oil—District I.

(a) For the purposes of this section:

(1) The term "No. 2 fuel oil" means a finished product which has the following physical and chemical characteristics:

Closed cup flashpoint, degrees Fahrenheit.	Minimum 100.
Pour point, degrees Fahrenheit.	Maximum 20.
Water and sediment, percent.	Maximum 0.10.
Carbon residue on 10 percent residuum percent.	Maximum 0.35.
Distillation temperature degrees Fahrenheit, 90 percent point.	Maximum 675, Minimum 540.
Viscosity, Saybolt Universal seconds at 100° F.	Maximum 40.0, Minimum 33.0.
Gravity API	Minimum 30.0.

(2) The term "Western Hemisphere" means North America, Central America, South America, and the West Indies.

(3) The term "deepwater terminal" means a permanent land installation which:

(i) Consists of bulk storage tanks having not less than 100,000 barrels of op-

(ii) Is on waterways at permit operational capacity, pumps and pipelines used for storage, transfer and handling of No. 2 fuel oil;

safe passage to the installation of a tanker rated 15,000 cargo deadweight tons, drawing not less than 25 feet of water; and

(iii) Has a berth that will permit the delivery of No. 2 fuel oil into the installation by direct connection from a tanker rated at 15,000 cargo deadweight tons, drawing not less than 25 feet of water, and moored in berth. Cargo deadweight tons represent the carrying capacity of a tanker, in tons of 2,240 pounds, less the weight of fuel, water, stores and other items necessary for use on a voyage.

(4) The term "throughput agreement" means a written agreement which provides for the delivery to a deepwater terminal by a person of No. 2 fuel oil which he owns at the time of delivery to the terminal and for a right in such person to withdraw on call an identical quantity of such oil from the terminal. Any transaction between persons involving sales, purchases, or exchanges of No. 2 fuel oil which were designed to gain allocation benefits for a person who would not otherwise be eligible shall not be deemed to constitute a throughput agreement.

(b) For the allocation period May 1, 1974, through April 30, 1975, 45,000 barrels per day of imports of No. 2 fuel oil, which is manufactured in the Western Hemisphere from crude oil produced in

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the Western Hemisphere,[1] will be available for allocations in District I to eligible persons having qualified terminal inputs of No. 2 fuel oil in this district.

(c) (1) Except as provided in paragraph (c) (2) of this section, a person shall be eligible for an allocation of imports into District I of No. 2 fuel oil under paragraph (e) of this section:

(i) If he is in the business in District I of selling No. 2 fuel oil, has under his management and operational control a deepwater terminal which is located in District I and in which No. 2 fuel oil is handled, does not have a crude oil import allocation into Districts I–V or Puerto Rico under sections 9, 10, 11, 15, 25 or 25A of this Regulation and who, in the allocation period beginning prior to January 1, 1973, had received from the Secretary an allocation of imports into District I of No. 2 fuel oil.

(ii) If he is in the business in District I of selling No. 2 fuel oil and has a throughput agreement with a deepwater terminal operator in District I who does not have a crude oil import allocation into Districts I–V or Puerto Rico under sections 9, 10, 11, 15, 25, or 25A of this Regulation and who in the allocation period beginning prior to January 1, 1973, had received from the Secretary an allocation of imports into District I of No. 2 fuel oil.

(2) No person who has an allocation of imports into Districts I–V or Puerto Rico of crude oil under sections 9, 10, 11, 15, 25 or 25A of this Regulation shall be eligible for an allocation under paragraph (e) of this section.

(d) Persons seeking an allocation under this section must file an application with the Director on such form as he may prescribe. Applications must be filed in accordance with the provision of section 5 of this Regulation.

(e) For the allocation period May 1, 1974 through April 30, 1975, each eligible applicant under this section shall receive an allocation of imports into District I of No. 2 fuel oil equal to 90 percent of the quantity allocated to him during the allocation period beginning January 1, 1973. Any volume of No. 2 fuel oil available for allocation but not allocated pursuant to the first sentence of this subparagraph shall be allocated among eligible applicants in the proportion each eligible applicant's allocation bears to the total allocated pursuant to the first sentence of this subparagraph.

(f) (1) An eligible applicant may count as qualified terminal inputs quantities of No. 2 fuel oil:

(i) Which were delivered during the period into a deepwater terminal in District I which was under his management and operational control or into a deepwater terminal with which the eligible applicant had a throughput agreement before the oil was delivered if he owned the oil when it was placed in the terminal and if the delivery constituted the first delivery of that oil to a deepwater terminal in District I, or;

(ii) Which the applicant owned, sold to a Federal agency or to an agency of a State or a political subdivision of a State, and delivered during the base period to a deepwater terminal in District I for the account of such agency, providing such delivery constituted the first delivery of that oil to a deepwater terminal in District I; or

(iii) Which was delivered to applicant's deepwater terminal in District I as a first delivery into a deepwater terminal in District I under a written agreement to purchase such oil and to which, pursuant to such agreement, the applicant took title, during the base period upon its withdrawal by him from the terminal.

(2) For the purpose of this paragraph (f), storage of No. 2 fuel oil at a refinery in which the oil was produced or delivery of No. 2 fuel oil into a deepwater terminal under the management and operational control of a person who has an allocation of imports of crude oil into Districts I–IV, District V or Puerto Rico under sections 9, 10, 11, 15, 25, or 25A of this regulation shall not be deemed to be a first delivery to a deepwater terminal in District I.

(g) No allocation made pursuant to this section may be sold, assigned, or otherwise transferred. Except as provided in paragraph (h) of this section, licenses issued under allocations made pursuant to this section shall permit the importation only of No. 2 fuel oil. No. 2 fuel oil imported under an allocation made pursuant to this section shall be sold for use as fuel in District I.

(h) A person holding an allocation under this section may obtain from the Director a license which will permit him to import crude oil into Districts I–IV in quantity not exceeding the amount of such allocation, upon a certification to the Director, in such form as he may prescribe, that the allocation holder has entered into an agreement with a refiner in Districts I–IV under which the allocation holder will receive No. 2 fuel oil (in a ratio of not less than 1 barrel of No. 2 fuel oil for each barrel of crude oil) in exchange for such crude oil so that an amount of No. 2 fuel oil at least equal to that covered by the license will be used in District I. Any license so issued shall be charged against the allocation made under this section. No such crude oil license may be sold, assigned, or otherwise transferred. However, settlements, credits, and accounting adjustments reflecting the relative values of No. 2 fuel oil and the crude oil involved in the exchange are permissible.

Paragraph (c) of section 32 is amended to read as follows:

Sec. 32. Allocations and fee-paid licenses for imports of crude oil, unfinished oils, and finished products—Districts I–IV, District V, Puerto Rico.

* * * * *

(c) (1) Except as provided in paragraph (c) (2) of this section applications for allocations and licenses under this section, to be issued at the rates prescribed in this section for a particular period and postmarked not later than midnight of the date in which such period expires, will qualify for issuance at the rate for the period in effect at the time the application was mailed. Any application for an allocation under this section postmarked later than midnight of the date upon which such period expires may at the option of the applicant be subject to the license fee applicable during the following license fee period or withdrawn. If the date upon which the period expires is a Saturday, Sunday, or holiday, the application will nevertheless qualify if it is postmarked not later than midnight of the next succeeding business day.

(2) With respect to imports from Canada of finished products made from Canadian crude or natural gas produced in Canada no import license is required and no license will be issued for the period prior to May 1, 1974. Persons wishing to import such finished products from Canada in the period beginning May 1, 1974 may file applications with the Director at any time beginning April 1, 1974. The effective date of licenses issued pursuant to such applications filed in April shall be May 1, 1974 or the actual date of issue, whichever is later, and the applicable license fees will be as shown in paragraph (i) (1) (ii) of this section for the period beginning May 1, 1974.

* * * * *

Paragraphs (a) and (c) of Section 34 are amended so that Section 34 in its entirety reads as follows:

Sec. 34. Mexican imports, Districts I–IV and District V.

(a) For the allocation period May 1, 1974 through April 30, 1975, the Director shall allocate, as provided in paragraph (c) of this section, approximately 29,250 average barrels daily of Mexican imports into Districts I–IV and District V.

(b) As used in this section, the term "Mexican imports" means imports from Mexico of crude oil which has been produced in Mexico and unfinished oils except ethane, propane, and butanes which have been derived from crude oil or natural gas liquids produced in Mexico.

(c) The Director shall make allocations to each eligible applicant for the allocation period May 1, 1974 through April 30, 1975 and subsequent allocation periods on the basis of the pro rata share of Mexican imports made by each applicant during the calendar year 1972, relative to the total of all Mexican imports made by all applicants during the calendar year 1972.

(d) Each eligible applicant shall make applications for an allocation under this section by letter only signed by an officer of the company. Applications will be in accordance with the provisions of section 5.

(e) No allocation made pursuant to this section shall be sold, assigned, or otherwise transferred.

Section 35 is amended in its entirety to read as follows:

Sec. 35. Imports of Canadian natural gas products—Districts I–IV.

(a) For each twelve month allocation period beginning May 1, of each year the Director shall in accordance with paragraph (c) of this section make allocations for the importation into Districts I–IV of natural gas products derived from Canadian natural gas.

(b) To be eligible for an allocation of imports under paragraph (c) of this section, a person must have imported Canadian natural gas products into Districts I–IV during the calendar year 1973.

(c) For the allocation period May 1, 1974, through April 30, 1975, the Director shall make allocations not subject to license fees to eligible applicants in accordance with the following formula:

$$\frac{\text{Eligible applicant's imports of Canadian natural gas products imported in 1973}}{\text{Total of Canadian natural gas products imported by all eligible applicants in 1973}} \times 101{,}700 \text{ B/D}$$

(d) Applications for an allocation under this section must be filed in accordance with section 5.

[FR Doc.74-6428 Filed 3-15-74;3:52 pm]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 248—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE

Medicaid Eligibility

Correction

In FR Doc. 74-5349 for the issue of Monday, March 1, 1974 appearing on page 9512, § 248.80, paragraph (c), second sentence should read as follows:

"Disability may be considered as continuing until the review team establishes the fact that the recipient's disability is no longer within the State's definition of permanent total disability, except that a determination by the Social Security Administration that a title XVI recipient's disability is no longer within the Federal definition of disability may be utilized by the State in lieu of a State review team's determination for individuals who are determined to be eligible for payments under title XVI on the basis of disability unless the State's title XIX plan includes a different definition of disability as described in paragraph (a) (1) of this section.

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1068—COMMUNITY ACTION PROGRAM GRANTEE FINANCIAL MANAGEMENT

Subpart—Valuation of Volunteered Personal Services for Purposes of Computing the Non-Federal Share

BACKGROUND. Since 1967 OEO has required the use of nationally-set rates for various skills and professions when computing the non-Federal share. In the early years of OEO, these rates were an administrative benefit to both grantees and OEO, i.e., each grantee could use the OEO rates as a ready reference and thus was not required to produce a time-consuming comparability study; and this system demanded the least amount of time for a limited OEO staff to administer. The prior policy statement on this subject was issued as OEO Instruction 6802–1, dated December 28, 1971.

However, in keeping with the practices of other relevant Federal agencies and the Office of Management and Budget's proposed policy on this subject, OEO's policy on valuation of volunteered personal services, as stated in OEO Instruction 6802–1, is superseded by this subpart. The new policy eliminates the requirement that grantees use the nationally-set rates and now requires them to use rates consistent with those regular rates paid for similar work in the local labor market in which they compete for the kind of services involved.

Sec.
1068.9–1 Applicability of this subpart.
1068.9–2 Policy.
1068.9–3 Procedures.
1068.9–4 Maintenance of effort.
1068.9–5 Required documentation.

AUTHORITY: Sec. 602(n), 78 Stat. 530 (42 U.S.C. 2942).

§ 1068.9–1 Applicability of this subpart.

This subpart applies to all grants and contracts under Titles II and VII of the Economic Opportunity Act, as amended, in which non-Federal share is required.

§ 1068.9–2 Policy.

As of the effective date of this subpart, all rates for volunteers should be consistent with those regular rates paid for similar work in the labor market in which the grantee competes for the kind of services involved. However, if OEO has already approved rates for an existing grant and the rates are higher than the rates would be if the grantee implemented this new policy, the grantee has the option of using the old rates.

§ 1068.9–3 Procedures.

(a) *Valuation of volunteered services—general.* Each hour of volunteered services may be counted as non-Federal share if the service is an integral and necessary part of the OEO-approved program (e.g., the time donated by a lawyer who voluntarily contributes his services free-of-charge in a Legal Services program). Applicants must demonstrate in their budget documents that the in-kind services volunteered will make a meaningful and desirable contribution to the grant program. Applicants covered by OEO Instruction 6710–1, Change 6, need only to maintain such budget documentation on file for OEO review as requested.

(b) *Valuation of volunteer services—grantee staff and members of boards and advisory committees.* (1) Services of persons regularly employed by grantees may not be counted as non-Federal share.

(2) Time spent by members of a governing board, administering board, area board or council, county board, or advisory committee of the grantee or delegate agency may or may not be included as a contribution to the non-Federal share as follows:

(i) it may not be included when the time is spent on the development, conduct, and administration of the program; and

(ii) when the board or committee members are acting in their capacity as members of such bodies.

(iii) It may be included if they are volunteering their services for work on the program which someone would otherwise have to be hired to perform.

§ 1068.9–4 Maintenance of effort.

Voluntary services for which non-Federal share is claimed must be in addition to similar services that were volunteered before the inauguration of assisted activity and must not be diverted from other services to the poor.

§ 1068.9–5 Required documentation.

All volunteered services claimed as non-Federal share must be substantiated by time cards or records that are signed by both the volunteer and his supervisor as is required for all other employees. Such records must show the actual hours worked and the specific duties performed. They should also indicate the basis for determining the rate of volunteer's contribution and such documentation must be available for audit.

This subpart is effective April 18, 1974.

ALVIN J. ARNETT,
Director.

[FR Doc.74-6202 Filed 3-15-74;8:45 am]

[1] The Chairman of the Oil Policy Committee has advised that, because of supply, price, and other considerations, he finds that the requirement, contained in section 2(a) (1) of Proclamation 3279, as amended, that No. 2 fuel oil be manufactured in the Western Hemisphere from crude oil produced in the Western Hemisphere, is unduly restricting the availability of such oil for importation into District I and is not required for the national security. Accordingly, such requirement is hereby suspended. On September 1 of each year that this suspension continues, the Deputy Secretary of the Treasury, in accordance with his surveillance responsibilities, shall examine the imports by deepwater terminal operators to determine whether Western Hemisphere imports have equalled 16,425,000 total barrels or exceeded the equivalent of 45,000 barrels per day on an annual basis, and, if not, whether supply, price, and other considerations warrant reimposition of the Western Hemisphere preference requirements. He shall so advise the Secretary who shall then take such steps as are necessary to insure that, to the extent available, license fee-exempt imports of No. 2 fuel oil from Western Hemisphere sources shall equal the annual equivalent of this amount.

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Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

[Ex Parte Nos. MC-5, 159]

PART 1043—SURETY BONDS AND POLICIES OF INSURANCE

PART 1084—SURETY BONDS AND POLICIES OF INSURANCE

Limits of Liability

Order. At a session of the Interstate Commerce Commission, the Insurance Board, held at its office in Washington, D.C., on the 11th day of March 1974.

It appearing, that notice was given by notice of proposed rulemaking, dated January 7, 1974, published in FR page 2276, dated January 18, 1974, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) of the proposed amendment of § 1043.2(a) of Part 1043 (49 CFR 1043.2 (a) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in Section 215 of the Interstate Commerce Act (49 Stat. 557, as amended; 49 U.S.C. 315), and the proposed amendment of § 1084.3 (b) of Part 1084 (49 CFR 1084.3(b)) of the Code of Federal Regulations governing the filing of insurance or other security for the protection of the public, under the authority contained in section 403(d) of the Interstate Commerce Act (56 Stat. 285; 49 U.S.C. 1003);

It further appearing, that interested parties were requested to file with the Commission, within thirty days from the publication of the notice of proposed rulemaking, written statements of facts, opinions, or arguments concerning the proposed amendments;

It further appearing, that a statement was received from Auto Driveaway Company within thirty days from the publication date opposing the proposed amendments and requesting that they not be adopted;

And it further appearing, that the petition of Auto Driveaway Company has been given consideration and has not been found to warrant any change in the amendments as proposed and good cause appearing therefor;

It is ordered, that § 1043.2(a) of Title 49 of the Code of Federal Regulations be, and it is amended to read as follows:

§ 1043.2 Insurance, minimum amounts.

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(a) *Motor carriers: bodily injury liability, property damage liability.*

(1) Kind of equipment	(2) Limit for bodily injuries to or death of one person	(3) Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of $100,000 for bodily injuries to or death of one person)	(4) Limit for loss or damage in any one accident to property of others (excluding cargo)
Passenger equipment (seating capacity): 12 passengers or less	$100,000	$300,000	$50,000
More than 12 passengers	160,000	500,000	50,000
Freight equipment: All motor vehicles used in the transportation of property	100,000	300,000	50,000

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(Sec. 215, 49 Stat. 557, as amended (49 U.S.C. 315))

It is further ordered, That § 1084.3(b) of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

§ 1084.3 Limits of liability.

• • • • • •

(b) Public liability and property damage. Limits for bodily injury to or death of any person, or loss of or damage to property, except property referred to in paragraph (a) of this section:

(1) For bodily injuries to or death of one person—$100,000.

(2) For bodily injuries to or death of all persons injured or killed in any one accident subject to a maximum of $100,000 for bodily injuries to or death of one person—$300,000.

(3) For loss of or damage in any one accident to property, excluding cargo, of others—$50,000.

(Sec. 403(c), 56 Stat. 285; (49 U.S.C. 1003))

It is further ordered, That the rules herein prescribed, are hereby prescribed to become effective July 1, 1974;

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission for inspection, and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Insurance Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6289 Filed 3-18-74;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[15 CFR Part 922]

MARINE SANCTUARIES

Program Guidelines

The following guidelines setting forth the procedures by which areas may be nominated as marine sanctuaries and the policies and procedures for the selection, designation, and operation of a marine sanctuary are proposed by the Administrator of the National Oceanic and Atmospheric Administration pursuant to the authority of Title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92-532; 86 Stat. 1061) hereinafter referred to as the Title, and the delegation of authority of the Secretary of Commerce dated March 13, 1974, authorizing the Administrator of the National Oceanic and Atmospheric Administration to exercise the authority under the Title.

The Title recognizes that certain areas of the ocean waters, as far seaward as the outer edge of the Continental Shelf, or other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters need to be preserved or restored for their conservation, recreational, ecological or esthetic values.

The Secretary of Commerce, after consultation with the Secretaries of State, Defense, the Interior, Transportation, the Administrator of the Environmental Protection Agency, other interested Federal Agencies, the State(s) involved and with the approval of the President, may designate a marine sanctuary.

Prior to designating a marine sanctuary which includes waters lying within the territorial limits of any state or subjacent to the subsoil and seabed within the seaward boundary of a coastal state, the Secretary shall consult with and give due consideration to the view of the responsible state officials involved. A designation under this section shall become effective sixty days after it is published, unless the governor of any state involved shall, before the expiration of the sixty day period, certify to the Secretary that the designation, or a specified portion thereof, is unacceptable to his state, in which case the designated sanctuary shall not include the area certified as unacceptable until such time as the governor withdraws his certification of unacceptability.

Where areas outside the territorial sea are involved, the State Department is to take whatever action is necessary to negotiate with other Governments to assure protection of a sanctuary.

Prior to a designation of a marine sanctuary, public hearings must be held in the coastal areas most affected by the designation. Regulations are to be promulgated for each such designation.

These guidelines set forth the concepts and procedures under which marine sanctuaries will be designated and managed.

Pursuant to the Office of Management and Budget (OMB) memorandum of October 5, 1971, which established a procedure for improving interagency coordination of proposed agency regulations, standards and guidelines pertaining to environmental quality, the following guidelines have been circulated to all interested Federal agencies for their review and comment. Comments submitted will be reviewed before final guidelines are published.

Prior to adoption of the proposed guidelines as final guidelines, consideration will be given to comments which are submitted in writing to the Office of Coastal Environment, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Maryland 20852, before May 1, 1974.

ROBERT M. WHITE, *Administrator.*

March 14, 1974.

Subpart A—General

Sec.
922.1 Policy and Objectives.
922.2 Programmatic Objectives.

Subpart B—Classifications of Marine Sanctuaries

922.10 Classifications.
922.11 Definitions.
922.12 Effect of Marine Sanctuary Designation for Waters Outside of U.S. Jurisdictional Limits.
922.13 Effect on International Principles Involving Freedom of the Seas.

Subpart C—Nomination of Candidates

922.20 Nomination of Candidates.
922.21 Analysis of Nomination.
922.22 Hearings.
922.23 Consultation Process.
922.24 Designation.
922.25 Operation.

Subpart A—General

§ 922.1 Policy and objectives.

(a) The Marine Sanctuaries Program shall be conducted under the expressed policy of the Title which is to designate areas from the near high tide line to the outer edge of the continental shelf, as defined in the Convention of the Continental Shelf (IS U.S.T. 74; TIAS SS78), of other coastal waters where the tide ebbs and flows, or of the Great Lakes and their connecting waters, which the Administrator determines necessary for the purpose of preserving or restoring such areas for their conservation, recreational, ecological, or esthetic values.

(b) Multiple use of marine sanctuaries as defined in this subpart will be permitted to the extent the uses are compatible with the primary purpose of the sanctuary.

(c) It is anticipated that the marine sanctuaries program will be conducted in close cooperation with section 312 of the Coastal Zone Management Act of 1972, Pub. L. 92-583, which recognizes that the coastal zone is rich in a variety of natural, commercial, recreational, industrial and esthetic resources of immediate and potential value to the present and future well-being of the nation and which authorizes the Secretary of Commerce to make available to a coastal State grants of up to 50 percent of the costs of acquisition, development and operation of estuarine sanctuaries.

§ 922.2 Programmatic objectives.

Marine Sanctuaries may be designated to preserve or restore areas for their conservational, recreational, ecological, or esthetic values in coastal waters. Anticipated examples include:

(a) Areas necessary to protect valuable, unique or endangered marine life, geological features, and oceanographic features.

(b) Areas to complement and enhance public areas such as parks, national seashores and national or state monuments and other preserved areas.

(c) Areas important to the survival and preservation of the nation's fisheries and other ocean resources.

(d) Areas to advance and promote research which will lead to a more thorough understanding of the marine ecosystem and the impact of man's activities.

Subpart B—Classifications of Marine Sanctuaries

§ 922.10 Classifications.

Marine sanctuaries will be established for one, or a combination of, the following purposes:

(a) *Habitat Preserves.* Preserves established under this concept are for the preservation, protection and management of essential or specialized habitats representative of important marine systems. Management emphasis will be toward preservation or restrictive use. This does not necessarily mean all human activity will be prohibited. However, the quantity and type of public use will be limited and controlled to protect the

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values for which the preserve was created.

(b) *Species Preserves.* Preserves established under this concept are for conservation of genetic resources. Management emphasis will be to maintain species, populations and communities for restocking other areas and for reestablishment purposes in the future. The result will be a contribution to the goal stated by the Council on Environmental Quality, that is, "the widest possible diversity of and within species should be maintained for ecological stability of the biosphere and for use as natural resources." The orientation envisaged will be toward species preservation by protection of such areas as migratory pathways, spawning grounds, nursery grounds, and the constraints on these areas will be those necessary to achieve these purposes. Uses which are compatible with protection of the selected species will be permitted.

(c) *Research Areas.* Areas established under this concept will exist for scientific research and education and will be of two types: natural areas and field laboratories. Research natural areas will be left essentially undisturbed.

(1) In field laboratories certain manipulative research to ascertain the response to specific human modification may be permitted.

(2) The purpose of both types of research areas is to establish ecological baselines against which to compare and predict the effect of man's activities, and to develop an understanding of natural processes. Research areas will be chosen according to the biota they support and to include representative samples of the significant ecosystems in the nation. The use of the marine sanctuary authority for research purposes will insure that the area will be relatively unaffected for a long period of time, thus adding a measure of stability to a research program.

(d) *Recreational and Esthetic Areas.* Areas established under this concept will be based on esthetic or recreational value. These may be used to augment public lands already set aside by local, state or Federal government.

§ 922.11 Definitions.

As used in this part, the following terms shall have the meanings indicated below:

(a) "Administrator" means the Administrator of the National Oceanic and Atmospheric Administration.

(b) "Marine Sanctuary" means those areas of the ocean waters as far seaward as the outer edge of the Continental Shelf, as defined in the Convention of the Continental Shelf (IS U.S.T. 74, TIAS SS78), of other coastal waters where the tide ebbs and flows, of the Great Lakes and their connecting waters for the purpose of preserving or restoring such areas for their conservation, recreational, ecological or esthetic values.

(c) The term "multiple use" as used in this section shall mean the contemporaneous utilization of an area of resource for a variety of compatible purposes or to provide more than one-benefit. The term implies the long-term, continued uses of such resources in such a fashion that one use will not interfere with, diminish, or prevent other permitted uses.

(d) "Ocean waters" means those waters of the open seas lying seaward of the baseline from which the territorial sea is measured, as provided for in the Convention of the Territorial Sea and the Contiguous Zone (IS U.S.T. 1606, TIAS S639).

(e) "Person" means any private person or entity, or any officer, employee, agent, department, agency, or instrumentality of the Federal Government, or any state or local unit of government.

(f) "Secretary" means the Secretary of Commerce.

§ 922.12 Effect of Marine Sanctuary Designation for Waters Outside of U.S. Jurisdictional Limits.

The designation of a marine sanctuary and the regulations pertaining to it will be binding on United States citizens. In accordance with international law, the United States has exclusive jurisdiction over resources within the territorial sea and the contiguous zone and exercises sovereignty in the territorial sea subject only to the right of innocent passage. As to marine sanctuaries beyond the contiguous zone, U.S. regulations would be binding on foreign citizens in accordance with international law, including the 1958 Geneva Convention on the Continental Shelf. The extent that foreign citizens would otherwise be bound to follow regulations relating to sanctuaries beyond the contiguous zone would be dependent upon the State Department reaching agreements with the foreign nation involved. It is not anticipated by the Administrator that use restrictions would be imposed on U.S. citizens beyond the contiguous zone without also restricting the use of the same area to foreign citizens who have access to such use.

§ 922.13 Effect on International Principles involving Freedom of the Seas.

The designation of a marine sanctuary will not infringe upon the normal rights of innocent passage in territorial waters, the rights of navigation through international straits, or the freedoms of the high seas, including freedom of navigation.

Subpart C—Nomination of Candidates

§ 922.20 Nomination of Candidates.

The nomination of a given marine area for consideration as a designated marine sanctuary may result from studies carried out by Federal, State or local officials or from any other interested persons. Nominations should be addressed to:

Director, Office of Coastal Environment
National Oceanic and Atmospheric Administration
U.S. Department of Commerce
Rockville, Maryland 20852

The nomination for designation as a marine sanctuary must contain the following information:

(a) A general description of the area including the following information:

(1) Purpose for which the nomination is made;

(2) Geographic coordinates of the site;

(3) Plant and animal life in the area;

(4) Geological characteristics of the area;

(5) Present and prospective uses and impacts on the area.

§ 922.21 Analysis of Nomination.

(a) If a preliminary review demonstrates the feasibility of the nomination a more in depth study will be required. Factual information will be gathered to obtain an understanding of the:

(1) Animal and plant life;

(2) Geological features;

(3) Weather and oceanographic conditions and features;

(4) Present and potential recreational and economic uses;

(5) Present and potential adjacent land uses;

(6) Laws and programs of Federal, State and local government that apply to the area.

(b) An analysis will be made of how the sanctuary will impact on the present and potential uses and *vice versa* how these uses will impact on the primary purpose for which the sanctuary is being considered.

(c) The factual information and the results of the analysis activity will be used in preparation of a draft environmental impact statement and proposed regulations.

§ 922.22 Hearings.

(a) Before a marine sanctuary is designated under this section, the Administrator shall hold public hearings in the coastal areas which would be most directly affected by such designation, for the purpose of receiving and giving proper consideration to the views of any interested party. Such hearings shall be held no earlier than thirty days after the publication of a public notice thereof.

(b) The purpose of this section is to ensure that all interested parties have the opportunity to express their views. Public hearings need not be held on each proposal or nomination but only when sufficient facts and data are available to the Administrator which indicate that designation action appears to be feasible.

§ 922.23 Consultation Process.

The consultation process is designed to coordinate the interests of the state and various Federal departments and agencies, including the management of fisheries resources, the protection of national security and transportation interests, and the recognition of responsibility for the exploration and exploitation of mineral resources. All interests will be considered, and no sanctuary will be designated without complete coordination in this regard. In case of serious disagreement, among Federal departments, the Secretary, in cooperation with the Executive Office of the President, will seek to mediate the differences.

§ 922.24 Designation.

Subsequent to completion of the in depth study by the Administrator, a draft Environmental Impact Statement will be prepared and circulated for review in compliance with the Natural Environmental Policy Act of 1969 and implementing CEQ guidelines. The designation by the Administrator will clearly state the purpose for which the sanctuary is designated and regulations and guidelines promulgated under which it will operate.

§ 922.25 Operation.

The designation of a marine sanctuary establishes the basis for a continuous operating program designed to maintain the purpose for which the sanctuary is designated. This involves a program of continuous scientific evaluation, surveillance, and enforcement to insure the integrity of the system. An interpretative program may be conducted to aid in public understanding and enjoyment of the sanctuary. The mechanisms for this will be specific regulations established for each designated marine sanctuary.

[FR Doc.74-6226 Filed 3-18-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 127]

GRANTS FOR DEMONSTRATION PROJECTS TO IMPROVE SCHOOL HEALTH AND NUTRITION SERVICES FOR CHILDREN FROM LOW-INCOME FAMILIES

Notice of Proposed Rule Making

In accordance with section 503 of the Education Amendments of 1972 (P.L. 92-318) and pursuant to the authority contained in section 808 of the Elementary and Secondary Education Act of 1965, as amended, 20 U.S.C. 887a, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new part 127 to Title 45 of the Code of Federal Regulations to read as set forth below.

1. *Program purpose.* The proposed regulations govern a program of grants to local educational agencies and under extraordinary circumstances, to nonprofit private educational organizations, to support demonstration projects designed to improve health, nutrition and related educational services provided to elementary school children from low-income families. The projects, funded at yearly intervals for up to 36 months, would coordinate already available federally-funded health and nutrition services in the area, and provide supplementary services not otherwise available.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the program under Section 808 of the Elementary and Secondary Education Act. Upon publication of Part 127 in final form, after comments and hearings, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the program will be superseded effective thirty days after such publication. At present there will be no guidelines for the program. If guidelines should be issued in the future, they will be limited to recommendations and suggestions for program operation and management.

3. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case, the citation applies to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section it applies to the entire section.

4. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations as follows:

A hearing will take place at the U.S. Office of Education on April 16, 1974, in the auditorium of Regional Office Building Three (ROB-3) located at 7th and D Streets, SW., Washington, D.C. beginning at 10 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Parties interested in attending the hearing should notify the Chairman of the Office of Education Task Force on section 503, 400 Maryland Avenue, SW., Room 2079-G of Federal Office Building Six (FOB-6), Washington, D.C. 20202, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Interested parties may also submit written comments and recommendations to the Chairman of the Education Task Force on section 503 at the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestion submitted in writing will be available for review in the above office between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday of each week.

(Catalog of Federal Domestic Assistance Program Number 13.523, Demonstration Projects in School Health and Nutrition Services for Children from Low-Income Families.)

Dated: January 24, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: March 8, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 127—GRANTS FOR DEMONSTRATION PROJECTS TO IMPROVE SCHOOL HEALTH AND NUTRITION SERVICES FOR CHILDREN FROM LOW-INCOME FAMILIES

Sec.
127.1 Scope and purpose.
127.2 Definitions.
127.3 Eligibility for grants.
127.4 Children who may be served.
127.5 Applications.
127.6 Review and disposition of applications.
127.7 Advisory committee.
127.8 Use of funds.
127.9 Health services.
127.10 Mental health services.
127.11 Nutritional services.
127.12 Educational services.

AUTHORITY: Sec. 164 of P.L. 91-230, 84 Stat. 153 (20 U.S.C. 887a), unless otherwise noted.

§ 127.1 Scope and purpose.

(a) The regulations set forth in this part are applicable to demonstration project grants under Section 808 of the Elementary and Secondary Education Act of 1965, as amended, to improve school health and nutrition services and activities for children from low-income families.

(b) Grants may be made under this part to local educational agencies and, under exceptional circumstances, to nonprofit private educational organizations to support demonstration projects designed to improve health and nutrition services in public and private schools serving areas with high concentrations of children from low-income families.

(c) Projects assisted under this part shall be designed to demonstrate exemplary methods of organizing a system of health, nutrition and related educational services,

(1) By more effectively coordinating programs providing such services so that:

(i) Project target school personnel, parents, and community service providers jointly develop a comprehensive school based system of assessment and response to the health, nutrition and related educational needs of children from low-income families;

(ii) The school plays a major role in implementing a design for the early detection and removal of health- and nutrition-related barriers to a child's optimum development; and

(iii) The community service providers, particularly federally-assisted health, mental health, and nutrition programs, become an integral part of the response system by more effectively focusing the delivery of their services to children from low-income families; and

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(2) By providing supplemental health and nutrition services when necessary.

(d) Projects assisted under this part shall be designed for continuous operation throughout the calendar year, except where local conditions warrant a partial reduction of services under the program during the summer months.

(e) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 887a; Sen. Rept. No. 634, 91st Cong. 2d Sess. 60 (1970))

§ 127.2 Definitions.

As used in this part:

"Children and Youth Project" means a center providing pediatric services supported by the Department of Health, Education, and Welfare under the authority of section 509 of Title V of the Social Security Act, 42 U.S.C. 709.

(20 U.S.C. 887a; Sen. Rept. No. 634, 91st Cong. 2d Sess. 60 (1970))

"Community Mental Health Center" means community mental health service providers supported by Federal, State or local agencies, university departments of medicine, psychiatry, psychology or special education, or learning disability clinics.

(20 U.S.C. 887a; Sen. Rept. No. 634, 91st Cong. 2d Sess. 60 (1970))

"Comprehensive Health Center" means a health center supported by the Department of Health, Education, and Welfare under the authority of 42 U.S.C. 246.

(20 U.S.C. 887a; Sen. Rept. No. 634, 91st Cong. 2d Sess. 60 (1970))

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or the performance of a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combinations of school districts and counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 881f)

"Neighborhood Health Center" means a health center supported by the Office of Economic Opportunity or the Department of Health, Education, and Welfare under the authority of section 222(a)(4) of Title II of the Economic Opportunity Act of 1964, 42 U.S.C. 2809.

(20 U.S.C. 887a; Sen. Rept. No. 634, 91st Cong. 2d Sess. 60 (1970))

"Project target school" means a public elementary school serving an area with high concentrations of children from low-income families, which school is eligible to be served by a project under Title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 241a, *et seq.*)

(20 U.S.C. 887a; Sen. Rept. No. 634, 91st Cong. 2nd Sess. 60 (1970))

"Service area" means the geographic area served by a Neighborhood Health Center, Comprehensive Health Center, Children and Youth Project Center, Community Mental Health Center, or other federally supported comprehensive health program.

(20 U.S.C. 887a; Sen. Rept. No. 634, 91st Cong. 2nd Sess. 60 (1970))

§ 127.3 Eligibility for grants.

(a) The Commissioner may award grants to local educational agencies and under exceptional circumstances to nonprofit private educational organizations to organize a system of health, nutrition and related educational services which shall serve at least one project target school. That system shall effectively coordinate various Federal, State, local, and private health, mental health and nutrition services available to those children. The project services shall also be made available to children eligible under § 127.4, who are attending nonpublic elementary schools and reside in the attendance area of a project target school to be served by the project proposed for assistance under this part. A project shall be designed to serve during its first period of support no more than four project target schools and no more than 1500 students.

(b) The project target schools shall be—

(1) Located in the service area of at least one of the following:

(i) A Neighborhood Health Center,

(ii) A Comprehensive Health Center,

(iii) A Children and Youth Project, or

(iv) A similar federally supported comprehensive health program; and

(2) Capable of providing free and/or reduced priced food programs which assist in meeting the nutritional needs of the students in attendance at that school.

(c) The exceptional circumstances under which a grant under this part may be awarded to a nonprofit private educational organization rather than to a local educational agency include, but are not necessarily limited to—

(1) Those circumstances, ordinarily occurring in rural areas, where a single organization can better serve children attending the schools of two or more local educational agencies, or

(2) Those circumstances where a local educational agency wishes to be served by a private organization. In this event, the application of the private organization shall include a statement by the appropriate local educational agency to that effect.

(20 U.S.C. 887a; Sen. Rept. No. 634, 91st Cong. 2d Sess. 60 (1970))

§ 127.4 Children who may be served.

A child attending a project target school or a nonpublic school serving an area with high concentrations of children from low-income families shall be eligible to participate in a project assisted under this part if, at the time such project is to be carried out such child is determined to be a member of a family whose income is at or below the low-income level established under one of the following standards which has been designated by the grantee in its application as the standard to be applied for the purpose of its project under this part—

(a) The Office of Economic Opportunity Income Poverty Guidelines (45 CFR 1060.2–1060.3);

(b) The income level established by the State under Title XIX of the Social Security Act, (42 U.S.C. 1396 *et seq.*); or

(c) The appropriate statewide standard for financial assistance adopted by the appropriate State welfare agency.

(20 U.S.C. 887a)

§ 127.5 Applications.

(a) An applicant for a grant under this part shall submit a preapplication containing such information as may be required by the Commissioner. An applicant whose preapplication has been approved will be invited to submit an application meeting the requirements of paragraph (b) of this section. The cutoff dates for submission of preapplications and applications for initial grants will be published in the FEDERAL REGISTER.

(b) An application for assistance under this part shall include:

(1) Evidence that the project proposal has been developed in consultation with representatives of appropriate community health agencies, the local educational agency (if the applicant is a nonprofit private educational organization) and the local educational agency advisory group described in § 127.7;

(2) A description of the health, mental health and nutrition services in the target area, evidence that the application has the concurrence of those agencies and organizations providing the health, mental health and nutrition services under agreements described in §§ 127.9–127.11, and evidence of the extent to which such services will become available to the applicant if a grant is awarded (including letters of intent);

(3) A description of the manner in which the applicant proposes to use the funds under this part for which application is made;

(4) A description of the manner in which the applicant proposes to coordinate, or provide for the coordination of, the available health care facilities and resources and nutrition resources in the target area in order to insure that a comprehensive program of physical and mental health and nutrition services are available to children from low-income families in the area to be served, including a description of the arrangements which the applicant proposes to make in accordance with §§ 127.9–127.11.

(5) A description of the applicant's plan to develop new or utilize existing health and nutrition curriculum materials related to the specific needs of persons involved with the project and to new and improved approaches to health services and food technology;

(6) A description of the plans of the applicant to train, or provide for the training of:

(i) School administrators, teachers, and school health and nutrition personnel in order to assist them in meeting the health and nutritional needs of children from low-income families, and

(ii) Professional and subprofessional personnel for service in school health and nutrition programs;

(7) A description of a plan to evaluate the project as required by Part 100a of this chapter;

(8) A description of plans to include eligible private school children in the project;

(9) The standard of income selected by the applicant in accordance with § 127.4.

(c) Applications for grantees to continue an existing project are to be submitted in accordance with the Reports Schedule contained in the current grant award document.

(d) Assistance under this part will not be provided for a period in excess of 36 months.

(20 U.S.C. 887a)

§ 127.6 Review and disposition of applications.

(a) All preapplications and applications will be reviewed by a panel of Office of Education personnel, by representatives of other appropriate Federal agencies and by a panel of experts who are not employees of the Federal Government.

(b) Final decisions on preapplications and applications will be made by the Commissioner and will be based on consideration of the following criteria (in addition to the criteria set forth in § 100a.26(B) of this chapter):

(1) The degree to which the proposed project will achieve the delivery of services through the coordination of community resources and thus minimize the need for direct purchase of services;

(2) The adequacy of the proposed relationship between the regular education programs in the project target school or schools to be served by the project, and the health and nutrition needs of the project target children;

(3) The adequacy of plans for effective and meaningful parental involvement; and

(4) The likelihood of the continuation of project activities beyond the end of the funding period.

(20 U.S.C. 887a)

§ 127.7 Advisory committee.

(a) An applicant shall, prior to the submission of an application under the program, consult with a district-wide advisory committee formed in accordance with paragraph (b) of this section and shall afford such committee (1) a reasonable opportunity to participate in the designation of project target schools for that school district and (2) at least 15 days in which to review and comment upon such application. In connection with the review, such agency shall furnish to each member of such committee: a copy of the statute and regulations applicable to the program, and all other pertinent information necessary for involvement of the committee in the planning, operation, and evaluation of the project.

(b) Membership of the committee shall consist of either:

(1) The local parent council if one has been established pursuant to § 116.17(o) of this chapter or a subcommittee of that group, or

(2) parents of eligible public and private schoolchildren, school personnel from the project target school or schools, representatives from the affected health and nutrition agencies, and representatives from civic or community organizations from the community at large.

(c) If the committee is to consist of the local parent council, a technical advisory committee shall be established to advise the committee. The technical advisory committee shall consist of professional personnel from the project target school or schools, and representatives from the affected health, nutrition, and other interested agencies.

(d) The applicant shall involve the committee in—

(1) The planning of the project from its initial phase;

(2) The establishment of criteria for the selection of project personnel;

(3) The establishment of priorities for the delivery of services;

(4) The ongoing operations of the project through such steps as conducting periodic committee meetings with project personnel;

(5) The evaluation of suggestions and complaints from parents of eligible children;

(6) The evaluation of the project; and

(7) The design of future plans for the project if the project is to be continued with assistance under this part.

(20 U.S.C. 1231d; 20 U.S.C. 887a)

§ 127.8 Use of funds.

Funds made available under a grant pursuant to this part shall be used for—

(a) Coordination of the nutrition and health resources in the area to be served by the approved project;

(b) The provision of supplemental health, nutrition, and mental health services (as described in § 127.9–127.11) to children to be served by such project, where:

(1) The service in question is designed to overcome specifically identified health- and nutrition-related problems of such children;

(2) The service is not ordinarily provided by an agency serving the school attendance area of the appropriate project target school;

(3) The service is not provided under the regular school program in that project target school, and

(4) Funds for the provision of the service are not available under any other program;

(c) The planning, establishment, and carrying out of nutrition and health education programs designed to train professional and other school personnel to provide health and nutrition services to meet the needs of children from low-income families for those services where such training programs are not ordinarily provided by another agency serving the school attendance area of the project target school or as part of the regular school program;

(d) Evaluation of the project in accordance with § 100a.276 of this chapter; and

(e) Supplementing funds presently available for health, mental health, nutrition and related educational services for the target population from Federal, State, local and private agencies, and in no case to supplant such funds.

(20 U.S.C. 887a)

§ 127.9 Health services.

(a) (1) The grantee shall, upon receipt of the grant, enter into agreements in accordance with the applicable provisions of subchapter A of this chapter with Neighborhood Health Centers' Comprehensive Health Centers, Children and Youth Projects, or other similar federally supported comprehensive health programs whose service areas include the project target schools, for the provision of health services to children eligible to participate in this program.

(2) These health services shall include—

(i) Complete physical examinations for all children upon entering school, for incoming transferring students, and for others whenever necessary;

(ii) Follow-up treatment including ambulatory and, where necessary, inpatient hospital care;

(iii) Consultation; and

(iv) Periodic dental examinations and care.

(3) These health services may include—

(i) Placement of additional health staff in the school; and

(ii) In-service training of professional and para-professional personnel.

(b) An agreement specified in this section shall provide that where possible the expenses of the health services shall be borne by the agency providing the services or by payments under the Medicaid program, Title XIX of the Social Security Act, or other third party payment mechanisms.

(20 U.S.C. 887a)

§ 127.10 Mental health services.

(a) (1) The grantee shall, upon receipt of the grant, enter into agreements in accordance with the applicable provisions of Subchapter A of this chapter with community mental health service providers, whose service area includes the project target school, for the provision of mental health services.

(2) These services shall include—

(i) Diagnostic services;

(ii) Consultation with educational personnel concerning the emotional problems of the children;

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(iii) Counseling; and

(iv) Preventive mental health education or psychological education.

(3) These services may include—

(i) Individual treatment;

(ii) Special programs for children with psychological, or behavioral problems;

(iii) Placement of mental health workers in the schools; and

(iv) In-service training and workshops for professional and paraprofessional personnel.

(b) An agreement specified in this section shall provide that where possible the expenses for providing the mental health services shall be borne by the agency providing the services or by payments under the Medicaid program, Title XIX of the Social Security Act, or other third party payment mechanisms.

(20 U.S.C. 887a)

§ 127.11 Nutritional services.

A project target school served under this part shall participate in the Department of Agriculture Child and Family Feeding programs, shall provide to those children participating in the project free or reduced price breakfasts and lunches, and shall develop nutrition education curricula that are integrated into the school feeding programs. The grantee may provide food or dietary supplements for meeting special dietary needs and may institute programs to educate, families obout nutrition and inform them of Federal food programs.

(20 U.S.C. 887a)

§ 127.12 Educational services.

The grantee shall require that the project target schools, in consultation with professional staff members from appropriate community agencies—

(a) Develop learning activties designed to assist eligible children having health and nutrition problems to participate more fully in the regular instructional program;

(b) Provide assistance for eligible children with diagnosed health-related learning disabilities;

(c) Provide sequenced nutrition education experiences at each grade level;

(d) Provide sequenced health education experiences at each grade level; and

(e) Develop ways to improve the emotional climate of schools, including preventive mental health education.

(20 U.S.C. 887a)

[FR Doc.74-6308 Filed 3-18-74;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Limitations on Coverage of Costs Under Medicare

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553), that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. Pursuant to section 223 of P.L. 92-603, the proposed amendments to Regulations No. 5 of the Social Security Administration (20 CFR Part 405), provide for the establishment of limitations on reasonable cost reimbursement based on estimates of the costs necessary for the efficient delivery of covered services. Limitations for various types of providers will be separately published in the Federal Register prior to the reporting period for which the limits are effective. References in the proposed regulations to § 405.455 are to such section as published with a notice of proposed rulemaking on September 13, 1973 (38 FR 25448) but which has not been promulgated in final as yet.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any views and comments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, on or before April 18, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare. North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The prosposed amendments are issued under the authority contained in sections 1102, 1861(v), 1866(a), and 1871; 49 Stat. 647, as amended; 79 Stat. 313, as amended; 79 Stat. 327, as amended; 79 Stat. 331; 42 U.S.C. 1302, 1395x, 1395cc, and 1395hh.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: January 28, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 12, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. In § 405.401, paragraph (a) is revised to read as follows:

§ 405.401 Introduction.

(a) Under the health insurance program for the aged and disabled, the amount paid to any provider of services—i.e., hospital, skilled nursing facility, or home health agency—for the covered services furnished to beneficiaries is required by section 1814(b) and section 1833(a)(2) of the Act to be the reasonable cost of such services subject to the provisions of §§ 405.455 and 405.460. Nothing in this part shall be construed as precluding the application of regulations issued by the Cost of Living Council (or other Government agency) pursuant to the Economic Stabilization Act.

* * * * *

2. In § 405.402, paragraph (a) is revised to read as follows:

§ 405.402 Cost reimbursement: General.

(a) In formulating methods for making fair and equitable reimbursement for services rendered beneficiaries of the program, payment is to be made on the basis of current costs of the individual provider, rather than costs of a past period or a fixed negotiated rate. All necessary and proper expenses of an institution in the production of services, including normal standby costs, are recognized. Furthermore, the share of the total institutional cost that is borne by the program is related to the care furnished beneficiaries so that no part of their cost would need to be borne by other patients. Conversely, costs attributable to other patients of the institution are not to be borne by the program. Thus, the application of this approach, with appropriate accounting support, will result in meeting actual costs of services to beneficiaries as such costs vary from institution to institution. However, payments to providers of services for services rendered health insurance program beneficiaries are subject to the provisions of §§ 405.455 and 405.460.

3. In § 405.455, paragraph (d) is revised to read as follows:

§ 405.455 Amount of payments where customary charges for services furnished are less than reasonable cost.

* * * * *

(d) *Accumulation of unreimbursed costs and carryover to subsequent periods.* To determine the accumulation of unreimbursed costs and carryover to subsequent periods, see § 405.462.

4. Section 405.460 is added to read as follows:

§ 405.460 Limitations on coverage of costs.

(a) *Principle.* In the determination of the allowability of provider costs, costs estimated to be in excess of those necessary in the efficient delivery of needed health services are excluded. Such estimates may be made with respect to direct or indirect overall costs or costs of specific items or services, or groups of items or services and upon publication in the FEDERAL REGISTER will constitute limits on amounts otherwise payable under the program. These limits may be imposed prospectively on a per diem, per visit, or other basis.

(b) *Application.* In determining the limits to be applied, providers may be classified by type of provider (e.g., hospitals, skilled nursing facilities, and home health agencies) and within each provider class by such factors as the Secretary shall find appropriate and practical, such as:

(1) Type of services rendered;

(2) Geographical area where services are rendered, allowing for grouping of noncontiguous areas having similar demographic and economic characteristics;

(3) Size of institution;

(4) Nature and mix of services rendered; or

(5) Type and mix of patients treated.

(c) *Data.* In establishing limits, the estimates of the costs necessary for efficient delivery of health services may be based on cost reports or other data providing indicators of current costs, with current and past period data being adjusted to arrive at estimated costs for the prospective periods to which limits shall be applied.

(d) *Notice of limits to be imposed.* Prior to the onset of a cost period to which a limit shall be applied, a notice shall be published in the Federal Register establishing the limits to be applied to an identified cost and type and class of provider of service.

(e) *Provider rights to review.* A request by a provider for review of the determination of an intermediary concerning classification for, exceptions to, or exemptions from the cost limits imposed under the provisions of this section shall be made to the intermediary under the provisions of §§ 405.490–405.499.

(f) *Exceptions, exemptions, and adjustments.* The following types of exceptions, exemptions, and classification adjustments may be granted under this section but only upon the provider's demonstration that the conditions indicated are present:

(1) *Reclassification.* A provider shall be entitled to obtain adjustment of its classification by the intermediary for the purpose of cost limits applied under this section on the basis of evidence that such a classification is at variance with the criteria specified in promulgating limits under paragraph (d) of this section.

(2) *Exception of cost of atypical services.* Where the actual cost of items or services furnished by a provider exceeds the applicable limit by reason of the provision of items or services that are atypical in nature and scope as compared to the services generally provided by institutions similarly classified and appropriate reason exists for the provision of such items or services, the limits may be adjusted upward to reflect any added costs flowing from the delivery of such items or services. Such adjustments may only be made where the provider demonstrates: (i) The provision of the atypical items or services were by reason of the special needs of the patients treated and necessary in the efficient delivery of needed health care, or (ii) the added costs flow from approved educational activities (as described in § 405.421) to the extent such costs are atypical (although reasonable) for providers in the comparison group. In addition, such adjustments may be made only to the extent that such justified costs are separately identified by the provider and can be verified by the intermediary.

(3) *Exception because of extraordinary circumstances.* Where a provider's costs exceed the limits due to extraordinary circumstances beyond the control of the provider, the provider may request an exception from the cost limits to the extent that the provider shows such higher costs result from the extraordinary circumstances. These circumstances may include increased costs attributable to strikes, fire, earthquake, flood, or similar unusual occurrences with substantial cost effects.

(4) *Exemption as sole community provider.* The limitation on costs imposed under this section shall not be applicable where a provider by reason of factors such as isolated location or absence of other providers of the same type, is the sole source of such care reasonably available to beneficiaries.

(g) *Carryover of unreimbursed costs to subsequent periods for new providers.* Where costs of a new provider exceed the cost limits and are (1) unreimbursed under this section, and (2) are not charged to patients, such costs may be reimbursed in subsequent cost reporting periods. For purposes of this section a new provider is defined as one which has furnished services at its certified level of participation for less than 3 years, taking account of present and previous ownership. For application of carryover of costs to such a provider, see § 405.462.

5. Section 405.461 is added to read as follows:

§ 405.461 Limitation on coverage of costs; charges to beneficiaries where cost limits are applied to services.

(a) *Principle.* Where a provider of services customarily furnishes an individual items or services which in accordance with § 405.460, are more expensive than the items or services determined to be necessary in the efficient delivery of needed health services under title XVIII of the Act, such provider may charge such individual or other person for such more expensive items or services, whether or not requested by the individual, to the extent that the costs of (or, if less, the customary charges for) such more expensive items or services experienced by such provider in the second fiscal period immediately preceding the fiscal period in which such charges are imposed (except in the case of new providers, see paragraph (b) of this section) exceed the cost of such items or services determined to be necessary in the efficient delivery of needed health services, but only if:

(1) The intermediary has approved such charges; and

(2) The services are not emergency services as defined in paragraph (d) of this section; and

(3) The admitting physician has no direct or indirect financial interest in such provider; and

(4) The Social Security Administration has provided notice to the public of any charges the provider is authorized to impose on individuals entitled to benefits under title XVIII of the Act on account of costs in excess of the costs determined to be necessary in the efficient delivery of needed health services under such title; and

(5) The provider has, in the manner described in paragraph (e) of this section, identified such charges to such individual or person acting on his behalf as charges to meet the costs in excess of the costs determined to be necessary in the efficient delivery of needed health services under title XVIII of the Act; and

(6) The provider makes such charges as described in paragraph (a)(4) of this section or their equivalents to all individuals utilizing the related services.

(b) *Provider request to charge beneficiaries for costs in excess of limits.* Where a provider's actual costs (or, if less, the customary charges) in the second preceding cost period exceed the prospective limits established for such costs, the intermediary may, at the provider's request, approve charges to the beneficiaries for the excess. Where a provider does not have a second preceding cost period and is a new provider, as defined in § 405.460(g), the provider, subject to approval by the intermediary, will estimate the current cost of the service to which a limit is being applied. Such amount (or, if less, the customary charge) shall be adjusted to an amount equivalent to costs in the second preceding year by use of a factor to be developed actuarially based on cost increases during the preceding 2 years and published in the FEDERAL REGISTER. The amount thus derived will be used in lieu of the second preceding cost period amount in determining the charge to the beneficiary. To obtain consideration of such a request, the provider must submit to the intermediary a statement indicating the charge for which it is seeking approval and providing the data and method used to determine the amount. Such statement should include:

(1) Provider name and number;

(2) Identity of class and prospective cost limit for the class in which the provider has been included;

(3) Amount of charge and cost period in which the charge is to be imposed; and

(4) The cost of and customary charge for services rendered to beneficiaries; and

(5) The cost period ending date of the second reporting period immediately preceding the cost period in which the charge is to be imposed. The intermediary may request such additional information as it finds necessary to make a determination with respect to the request.

(c) *Provider charges*—(1) *Establishing the charges.* If the actual cost incurred (or, if less, the customary charges) in the prior period determined under paragraph (a) of this section exceeds the limits applicable to the pertinent period, the provider may charge the patient an amount not to exceed such excess. (Data from the most recently submitted appropriate cost report will be used in determining the actual cost.) For example, if a limit of $58 per day is applied to the cost of general routine services, for the provider's cost reporting period starting in calendar year 1975 and if the provider's actual general routine cost in the second preceding reporting period, i.e.,

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the reporting period starting in calendar year 1973, was $60 per day, the provider (upon intermediary approval and subject to the considerations and requirements specified in paragraph (a) of this section) may charge hospital insurance beneficiaries $2 per day for general routine services.

(2) *Adjusting cost.* Program reimbursement for the costs to which limits imposed under § 405.460 are applied in any cost reporting period shall not exceed the lesser of the provider's actual cost or the limits imposed under §405.460. If program reimbursement for items or services to which such limits are applied plus the charges to beneficiaries for such items or services imposed under this section exceed the provider's actual cost for such items or services, the amount of program reimbursement to the provider will be reduced by this excess. For example, in the situation described in paragraph (c)(1) of this section, if the provider's actual cost for general routine services in 1975 was $57,000 and billed charges to hospital insurance beneficiaries were $2,000, the provider would receive $55,000 from the program ($57,000 actual cost minus the $2,000 in charges to the beneficiaries).

(d) *Definition of emergency services.* For purposes of paragraph (a)(2) of this section, emergency services are those services which are necessary to prevent the death or serious impairment of the health of the individual, and which, because of the threat to the life and health of the individual, necessitate immediate treatment. Where an individual has been admitted to a provider as an inpatient because of an emergency, the emergency is deemed to continue throughout his confinement.

(e) *Identification of charges to individual.* For purposes of paragraph (a)(5) of this section, a provider shall give or send to the individual or his representative, a schedule of all items and services which the individual might need and for which the provider imposes charges under this section, and the charge for each. Such schedule shall specify that the charges are necessary to meet the costs in excess of the costs determined to be necessary in the efficient delivery of needed health services under title XVIII of the Act and shall include such other information as the Social Security Administration considers necessary to protect the individual's rights under this section. The provider, in arranging for the individual's admission, first service, or start of care, shall give or send this schedule to the individual or his representative when arrangements are being made for his admission, or if this is not feasible, as soon thereafter as is practicable.

6. Section 405.462 is added to read as follows:

§ 405.462 Carryover of unreimbursed costs to subsequent periods.

(a) *General.* Under the provisions of §§ 405.455 and 405.460, certain costs of providers in a cost reporting period may be unreimbursed. Under circumstances described in this section, such unreimbursed costs may be recovered by a participating provider in subsequent cost reporting periods.

(b) *Carryover of unreimbursed costs for new providers.* A new provider of services (as defined in §§ 405.455(b)(5) and 405.460(g) may carry forward for five succeeding cost reporting periods costs attributable to program beneficiaries which are unreimbursed under the provisions of §§ 405.455 and 405.460. If such five succeeding cost reporting periods combined include fewer than 60 full calendar months, the provider may carry forward such unreimbursed costs for one additional reporting period.

Example. A provider begins its operations on March 5, 1973. However, it begins to participate in the health insurance program as of January 1, 1974, and reports on a calendar year basis. The provider would be permitted to accumulate any unreimbursed costs incurred during reporting periods ending prior to March 5, 1976. Because the calendar year 1975 cost reporting period ends before the end of the third year of operation, its carryover period will be the succeeding five cost reporting periods ending with December 31, 1980. (Had this provider begun its operations on July 1, 1973, and become a participating provider as of the same date (with a fiscal year ending June 30), it would have been able to accumulate any unreimbursed costs for the two cost reporting periods ending June 30, 1975, and June 30, 1976. Its carryover period would then be the five cost reporting periods ending no later than June 30, 1981, in the case of costs unreimbursed in either of the reporting periods ending June 30, 1975, or June 30, 1976.)

(c) *Carryover of unreimbursed costs for other providers.* A provider of services (except a new provider as defined in § 405.455(b)(5)) that has unreimbursed costs resulting from the application of § 405.455 in any cost reporting period, may carry forward costs attributable to health insurance program beneficiaries which are unreimbursed under the provisions of § 405.455 for the two succeeding reporting periods. If such two succeeding cost reporting periods combined include fewer than 24 full calendar months, the provided may carry forward costs unreimbursed under this section for one additional reporting period.

(d) *Limitations on recovery of unreimbursed amounts.* The amounts of unreimbursed costs which a provider may recover during any cost reporting period in the carry-forward period is limited to the lesser of the amount by which the provider's cost ceiling exceeds the provider's actual costs of operation during such period or the amount by which the customary charges applicable to health insurance program beneficiaries during any such period exceeds the costs applicable to such beneficiaries during that period.

7. In § 405.607, paragraph (a) is revised to read as follows:

§ 405.607 Essentials of agreements with providers of services.

Under the terms of the agreement (see § 405.606) the provider agrees:

(a) Not to charge any individual, or other person (except as described in §§ 405.608–405.610 and 405.461):

• • • • •

[FR Doc.74–6248 Filed 3–18–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Low Rent Public Housing

[24 CFR Part 1278]

[Docket No. R–74–260]

SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM; STATE AGENCY PARTICIPATION

Notice of Proposed Rulemaking

Notice is hereby given that the Department of Housing and Urban Development proposes to amend 24 CFR Chapter VIII by adding a new Part 1278. The proposed amendments sets forth the policies and procedures applicable to State housing finance and development agencies participating in the Section 23 Housing Assistance Payments Program. Because such agencies constitute a special class of participants having unique statewide capacities and functions to meet statewide housing needs, the policies and procedures applicable to the Section 23 Housing Assistance Payments Programs for New Construction, Existing Housing (Without Substantial Rehabilitation), and Substantial Rehabilitation, 24 CFR Parts 1272, 1274 and 1276, respectively, are modified in this regulation as applied to such agencies.

Interested parties are invited to submit written comments, suggestions and objections regarding the proposed amendment by April 19, 1974, addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant material will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

It is accordingly proposed to amend Title 24 by adding Part 1278 as set forth below.

PART 1278—SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE AGENCY PARTICIPATION

Subpart A—Applicability and Scope

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1278.101 General.
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1278.106 HUD Review and Approval of Application.
1278.107 Obtaining Development Proposals.
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1278.313 Execution of Annual Contributions Contract and Agreement.
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Appendix I. Section 23 Housing Assistance Payments Program—New Construction—Applicability of Appendices to State Agencies.

Appendix II. Section 23 Housing Assistance Payments Program—Existing Housing—Applicability of Appendices to State Agencies.

Appendix III. Section 23 Housing Assistance Payments Program—Substantial Rehabilitation—Applicability of Appendices to State Agencies.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 10(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1410(b)); sec. 23 of the U.S. Housing Act of 1937 (42 U.S.C. 1421(b)).

Subpart A—Applicability and Scope

§ 1278.1 Purpose.

Various States have established statewide agencies to encourage the provision of housing for low and moderate income persons and families. To enable State agencies to effectively develop programs to meet statewide housing needs, set-asides under the section 23 Housing Assistance Payments Program may be provided to these agencies. Some State agencies also finance the construction and rehabilitation of housing and assume the risks of default and foreclosure on developments they finance. To allow these agencies flexibility in developing programs to meet statewide housing needs, the policies and procedures of the Housing Assistance Payments Programs for New Construction, Existing Housing, and Substantial Rehabilitation, 24 CFR Parts 1272, 1274 and 1276, respectively, are modified as provided in this Part.

§ 1278.2 Eligibility for set-asides under section 23 Housing Assistance Payments Programs.

State agencies with statewide responsibility for housing development, and qualified to act as "public housing agencies" as denfied in the U.S. Housing Act of 1937, as amended, are eligible to receive set-asides under a Section 23 Housing Assistance Payments Program.

§ 1278.3 Applicability of modified procedures.

(a) *Eligible State Agencies.* The procedures set forth in Subparts B, C, and D of this part apply solely to State agencies which (1) will provide permanent financing for housing projects without Federal mortgage insurance and (2) are qualified to act as "public housing agencies."

(b) *Other State Agencies.* State agencies other than those qualifying under paragraph (a) above may apply for a set-aside but may not use the processing procedures set forth in Subparts B, C, and D of this part. Such agencies shall proceed under the procedures contained in the Housing Assistance Payments Program Regulations for New Construction, Existing Housing, and Substantial Rehabilitation, 24 CFR Parts 1272, 1274 and 1276, respectively.

§ 1278.4 Participation.

In order to qualify for a set-aside, or for a set-aside and the modified procedures set forth in this part, a State agency must qualify as a public housing agency, as defined in the U.S. Housing Act of 1937 (see 24 CFR §§ 1272.3(h), 1274.3(d), and 1276.3(h)) and shall submit a letter requesting participation to HUD. Enclosed with the letter shall be two copies of: (a) the relevant enabling legislation, (b) any rules and regulations adopted or to be adopted by the agency to govern its operation, and (c) an opinion from the agency counsel that the agency is legally qualified and authorized to participate in the Section 23 program. This opinion shall include an explanation of the basis and extent of the State agency's legal authority, if any, for housing development and administration (covering all aspects including authority to establish income limits) in the areas of operation of any existing Local Housing Authorities. After prompt review, State agencies shall be notified whether or not, and in what respects, they are qualified to participate in the Section 23 program. Copies of the notification shall be provided to the HUD Regional Office and appropriate field office(s).

§ 1278.5 Set-asides.

(a) *Notification of Availability of Contract Authority.* Upon receipt of an allocation of contract authority for Section 23 Housing Assistance Payments Programs, HUD shall notify eligible participating State agencies that set-aside will be available if a State agency submits a request for such set-aside in accordance with paragraph (b) below.

(b) *Applying for Set-Asides.* In order to receive a set-aside, a participating State agency must submit a letter to HUD requesting a set-aside. Such letter shall include information sufficient to enable a determination of the amount of the set-aside upon the basis of the criteria outlined in paragraph (c) below. The letter shall indicate any changes in the scope of the agency's legal authority to participate.

(c) *HUD Allocation of Set-Asides.* HUD shall set aside a portion of the contract authority not required for prior commitments for use by participating State agencies. The set-aside for each agency shall indicate the portion of the set-aside to be used for: (1) new construction and substantial rehabilitation, which may be apportioned between these two programs as the State agency deems appropriate, and (2) existing housing (without substantial rehabilitation). Any allocation to a State agency shall be made by HUD within fifteen business days after State agencies have been notified of the availability of set-asides (see paragraph (a) above).

(d) *Determination of Amount of Set-Asides.* The amount of the set-aside shall be determined on the basis of the following criteria:

(1) the extent to which statewide housing needs have been evaluated, a program has been developed to provide housing in those localities with the most critical needs, and the State agency is prepared to use the set-aside to implement that program;

(2) the agency's ability and willingness to serve both central city and rural non-farm housing needs;

(3) the degree of the agency's expertise in connection with the development of housing;

(4) the agency's ability and willingness to provide permanent financing without Federal mortgage insurance;

(5) the agency's ability and willingness to limit the number of units leased by assisted families of 20 percent or less of the units in any single multifamily structure or complex of five or more dwelling units in the projects to be undertaken using Section 23 set-asides; and

(6) the extent to which the agency's program complements the allocation system established by HUD.

(e) *Additional Set-Aside Authority.* It is expected that, wherever possible, State agencies will limit the percentage of subsidized families in a single multifamily structure or in a complex of five or more dwelling units. If this percentage is 20 percent or less, the State agency will receive an additional set-aside when subsequent allocations of contract authority are made. This additional set-aside shall be determined as follows: HUD will authorize a set-aside of one additional unit for every four units which were committed for leasing by assisted families as of

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the preceding June 30 of each fiscal year in accordance with the 20 percent guideline. A unit shall be deemed committed if (1) in the case of existing housing, an owner-family lease and a Housing Assistance Payments Contract have been executed with respect to such unit and (2) in the case of new construction or substantial rehabilitation, an Agreement to Enter Into Housing Assistance Payments Contract has been executed with respect to such unit: For example, if a State agency has entered into an Agreement to Enter Into Housing Assistance Payments Contract (see § 1278.113) with a developer for a structure of 100 units, of which 20 units are to be leased by assisted families, the set-aside for the next fiscal year will include an additional five units. A unit may be counted only once in determining the amount of additional set-aside.

(f) *Termination of Set-Asides.* Set-asides not committed to projects on or before May 31st of each fiscal year[1] are automatically terminated as of that date. For purposes of this paragraph, set-aside authority is deemed committed on the date HUD issues a notification of application approval for a specific number of units and a specific amount of annual contributions for new construction or substantial rehabilitation projects or, in the case of existing housing programs, when an annual contributions contract list is approved by HUD. However, with respect to any new construction or substantial rehabilitation project, unless an Agreement to Enter Into Housing Assistance Payments Contract is executed within six months of the date of notification of application approval, the Notification shall expire and the units not covered by such Agreement(s) are automatically cancelled.

Subpart B—Program Development—New Construction Programs

§ 1278.101 General.

The procedures of this chapter apply only to participating State agencies as defined in § 1278.3(a) this part, (herein referred to as "State agencies"), and except as specifically modified by this Part, such State agencies shall be subject to the policies and procedures of the Housing Assistance Payments Program—New Construction, 24 CFR Part 1272.

§ 1278.102 Responsibility for program development.

Subject to certain HUD reviews to ensure compliance with basic national objectives, State agencies will assume primary responsibility for program development. Housing will be privately owned and owners will be responsible for all management and maintenance functions. In submitting a program, the State agency shall include any special procedures for tenant selection.

[1] No set-aside shall be automatically terminated prior to May 31, 1975.

§ 1278.103 Equal opportunity requirements.

Each State agency shall submit to HUD on or before March 31 of each year signed assurances of compliance with Title VI of the Civil Rights Act of 1964, Executive Order 11063, Title VIII of the Civil Rights Act of 1968 and where appropriate, certifications required pursuant to Executive Order 11246. Such assurances and certifications shall specifically be made applicable to all projects assisted under Section 23 Housing Assistance Payments Programs. In addition, each agency shall submit (a) a statement describing the actions taken or to be taken by the agency to comply with the above statutes and executive orders and (b) schedules indicating the minority composition in each of the agency's projects.

§ 1278.104 Preapplication.

(a) *Determination of need and survey of housing market.* For each locality for which it plans to submit an application, the State agency shall make a determination that there is a need for housing assistance for low-income families and survey the housing market of the locality to determine whether there is a sufficient supply of dwelling units that are suitable or may be made suitable to meet all or part of this need.

(b) *Conditions for submitting an application for new construction.* A State agency may apply for a Section 23 new construction project:

(1) if there is not, and there is not likely soon to be, an adequate supply of existing housing which, with the aid of housing assistance payments, can meet the housing needs of low-income families; or

(2) in certain areas in which the proposed housing is required and the project is specifically approved by HUD in accordance with priorities established from time to time by the Secretary.

§ 1278.105 Submission of application.

(a) *Application.* A separate application for each new construction project shall be submitted by the State agency to HUD in accordance with the requirements of § 1272.102(a)(1) (Submission of Application) of 24 CFR Part 1272.

(b) *Income limits and rent schedules* must be submitted with the application. In communities in which an LHA has established income limits for Section 23 leased housing, those limits, or limits as amended by the LHA, should be used. If the State agency has grounds for seeking a modification of the established income limits, it shall submit its proposal for modified income limits together with justification to HUD. In communities in which there is no LHA or the LHA has not established income limits in connection with the Section 23 program, the State agency may establish such income limits if it is within its statutory authority to do so.

(c) *Local governing body approval.* § 1272.3(f) (Local governing body approval) of 24 CFR 1272 is applicable to participating State agencies. However, evidence of local governing body approval shall be submitted with the development proposal (see § 1278.109 below) rather than with the application.

§ 1278.106 HUD review and approval of application.

(a) *Review of Application.* HUD shall review the application in accordance with the procedures set forth in § 1272.103(a) (Review of Application) of 24 CFR Part 1272. However, the unit limitation described in § 1272.3(k)(2) (Limitation on number of units in single structure) of 24 CFR 1272 is inapplicable with respect to priorities for approval of applications from State agencies.

(b) *Notification to State Agency.* Upon completion of its review, HUD shall notify the State agency, in the manner prescribed in § 1272.103(b) (Approval or disapproval of applications) of 24 CFR 1272 as to whether its application is approved. However, if the application is approved, the "notification of application approval" shall not include a provision requiring the State agency to prepare an invitation for proposals.

§ 1278.107 Obtaining development proposals.

Because State agencies will be financing the housing development and assuming responsibility for the risks of default and foreclosure, such agencies shall not be required to invite proposals or submit such proposals to HUD for review prior to developer selection. State agencies should establish their own procedures for obtaining development proposals. The following sections of 24 CFR 1272 are inapplicable to participating State agencies:

§ 1272.104 Preparation and contents of developer's packet.
§ 1272.105 Invitation for proposals.
§ 1272.106 Submission of proposals.

Although § 1272.104 is inapplicable, each agency should carefully consider furnishing prospective developers with the type and scope of information set forth in that section.

§ 1278.108 Selection of developer.

The State agency shall select the proposed developer and site in accordance with its own procedures. However, in selecting a developer or site, the State agency shall make the following determinations:

(a) that the site and neighborhood standards set forth in § 1272.108 (Site and Neighborhood Standards) of 24 CFR 1272 are satisfied;

(b) that all applicable equal opportunity and affirmative action requirements, including Section 3 of the Housing and Urban Development Act of 1968 and the regulations issued pursuant thereto, can be satisfied;

(c) that the design and construction quality will satisfy the standards set forth in § 1278.112, below;

(d) that the rents to the owner are reasonable and that the maximum gross rents do not exceed the HUD established fair market rents, except where approved by HUD in accordance with § 1272.3(e) of 24 CFR 1272;

(e) that the developer, builder, and owner are responsible for purposes of meeting all the obligations of the prescribed agreement to enter into housing assistance payments contract.

§ 1278.109 Development proposals.

(a) *Proposal contents.* Once a developer and site have been chosen by the State agency, the agency shall submit to HUD a proposal which shall contain the following:

(1) The names of the developer, builder and owner/lessor.

(2) A description of the housing proposed.

(3) A neighborhood map showing the location(s) of the site(s).

(4) A statement as to whether the proposed project will displace site occupants and the number of families, individuals, and business concerns to be displaced (identified by race or minority group status) and a statement that the owner and/or developer recognizes the relocation requirements that apply if the proposed project will cause displacement and will assume full responsibility for the funding of all costs incurred in providing to displaced persons the full relocation payments and services authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(5) The gross rents required by unit size, the portion of such rents attributable to each utility, and which utilities, if any, are to be paid directly by the families.

(6) The anticipated date for completion of construction.

(7) An Affirmative Fair Housing Marketing Plan on the form prescribed by HUD.

(8) A completed HUD Environmental Information Form.

(9) An affirmative action plan pursuant to Section 3 of the Housing and Urban Development Act of 1968 and regulations issued pursuant thereto with regard to utilization of project area businesses and residents.

(10) Evidence of local governing body approval as described in § 1272.3(i) (Local governing body approval) of 24 CFR 1272.

(b) *Certifications.* The State agency shall submit, with the proposal, a certification that the proposed site(s) meets the conditions specified in § 1272.108(b) (accessibility to facilities and services) and § 1272.108(c) (commutation to employment) of 24 CFR 1272.

§ 1278.110 HUD evaluation of proposals.

(a) *Evaluation criteria.* HUD's evaluation of proposals submitted by State agencies shall be limited to determining whether the following requirements are satisfied:

(1) The proposal submission contains all elements required in § 1278.109 above.

(2) The proposed maximum gross rents do not exceed the HUD-established fair market rents, except as approved by HUD as provided in § 1272.3(e) of 24 CFR 1272.

(3) The proposed site meets the site and neighborhood requirements of § 1272.108(a) (equal opportunity and environmental aspects) and § 1272.108(d) (relocation requirements) of 24 CFR 1272.

(4) The proposal satisfies the requirements of the National Environmental Policy Act. In determining whether this requirement is met, HUD shall complete all appropriate environmental reviews as required pursuant to the HUD regulation "Protection and Enhancement of Environmental Quality," 24 CFR 50.

(5) The affirmative action plan, required by § 1278.109(a)(9), satisfies the requirements of Section 3 of the Housing and Urban Development Act of 1968 and regulations issued pursuant thereto.

(b) The following sections of 24 CFR Part 1272 are inapplicable to State agencies:

§ 1272.109 Evaluation of proposals.
§ 1272.110 Notification of developer selection.
§ 1272.111 Submission of architect's certificate.

§ 1278.111 Notification of acceptability of proposal.

HUD shall advise the State agency by letter as to the acceptability of the proposal. The letter of acceptability shall be conditioned upon the agency's submission of the certification required in § 1278.112 below.

§ 1278.112 Design and construction quality.

Before an Annual Contributions Contract may be executed, working drawings and specifications shall be prepared and HUD must receive a certification from the design architect of the project, who must be a registered architect, that the working drawings and specifications meet the following:

(a) all applicable State and local laws, codes, ordinances, and regulations as modified by any waivers obtained from the apropriate officials;

(b) the appropriate HUD Minimum Property Standards (see § 1272.104(d)(2) of 24 CFR 1272.

§ 1278.113 Execution of annual contributions contract and agreement.

After receipt of the certification required in § 1278.112 above, HUD shall prepare: (i) the Annual Contributions Contract, in accordance with Appendix III of 24 CFR 1272, as modified by Appendix I of this part which shall be transmitted by HUD to the State agency for execution and return to HUD and (ii) an Agreement to enter into Housing Assistance Payments Contract, which shall be prepared in conformance with § 1272.112 (Agreement to enter into Housing Assistance Payments Contract) of 24 CFR 1272, as modified by Appendix I of this part. After receipt of the executed Annual Contributions Contract from the State agency, HUD shall transmit to the State agency an executed copy, together with the Agreement. A copy of the Agreement, executed by the State agency and the owner, shall be returned to HUD.

§ 1278.114 Project completion.

Upon completion of the project, the State agency shall transmit to HUD a certification that the completed project has been inspected by a representative of the State agency and that (a) there are no defects or deficiencies in the project; (b) all work has been completed in accordance with the requirements of the Agreement; and (c) the project is in good and tenantable condition. If HUD determines that the State agency's certification is in conformance with the requirements of this paragraph, it will authorize execution of the Housing Assistance Payments Contract.

§ 1278.115 HUD review of contract compliance.

No later than six months after execution of the Housing Assistance Payments Contract for the project and periodically thereafter, not less than annually, HUD will review project operations to ensure that the State agency and the owner/lessor are in full compliance with the terms and conditions of the Contract, in accordance with HUD processing procedures for the New Construction Program.

Subpart C—Program Development—Existing Housing

§ 1278.201 Program development.

The policies and procedures of the Section 23 Housing Assistance Payments Program—Existing Housing, 24 CFR 1274, are applicable to participating State agencies, with the exceptions of § 1274.3(g)(2) as it applies to priority for application approval and the modifications described in Appendix II of this part.

Subpart D—Program Development—Substantial Rehabilitation Programs

§ 1278.301 General.

The procedures of this chapter apply only to participating State agencies as defined in § 1278.3(a) of this part, (herein referred to as "State agencies") and except as specifically modified by this part, such State agencies shall be subject to the policies and procedures of the Housing Assistance Payments Program—Substantial Rehabilitation, 24 CFR 1276.

§ 1278.302 Responsibility for program development.

Subject to certain HUD reviews to ensure compliance with basic national objectives, participating agencies will assume primary responsibility for program development. Housing will be privately owned and owners will be responsible for all management and maintenance functions. In submitting a program, the State agency shall include any special procedures for tenant selection.

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§ 1278.303 Equal opportunity requirements.

Each agency shall submit to HUD on or before March 31 of each year signed assurances of compliance with Title VI of the Civil Rights Act of 1964, Executive Order 11063, Title VIII of the Civil Rights Act of 1968, and, where appropriate, certifications required pursuant to Executive Order 11246. Such assurances and certifications shall specifically be made applicable to all projects assisted under Section 23 Housing Assistance Payments Programs. In addition, each agency shall submit (a) a statement describing the actions taken or to be taken by the agency to comply with the above statutes and executive orders and (b) schedules indicating the minority composition in each of the agency's projects.

§ 1278.304 Preapplication.

(a) *Determination of need and survey of housing market.* For each locality for which it plans to submit an application, the State agency shall make a determination that there is a need for housing assistance for low-income families and survey the housing market of the locality to determine whether there is a sufficient supply of dwelling units that are suitable or may be made suitable to meet all or part of this need.

(b) *Conditions for submitting an application for substantial rehabilitation.* A State agency may apply for a Section 23 substantial rehabilitation project:

(1) If there is not, and there is not likely soon to be, an adequate supply of existing housing which, with the aid of housing assistance payments, can meet the housing needs of low-income families; or

(2) In certain areas in which the proposed housing is required and the project is specifically approved by HUD in accordance with priorities established from time to time by the Secretary.

§ 1278.305 Submission of application.

(a) *Application.* A separate application for each substantial rehabilitation project shall be submitted by the State agency to HUD in accordance with the requirements of § 1276.102(a)(1) (Submission of application) of 24 CFR 1276.

(b) *Income limits and rent schedules* must be submitted with the application. In communities in which an LHA has established income limits for Section 23 leased housing, those limits, or limits as amended by the LHA, should be used. If the State agency has grounds for seeking a modification of the established income limits, it shall submit its proposal for modified income limits together with justification to HUD. In communities in which there is no LHA or the LHA has not established income limits in connection with the Section 23 program, the State agency may establish such income limits, if it is within its statutory authorization to do so.

(c) *Local governing body approval.* § 1276.3(i) (Local governing body approval) of 24 CFR 1276 is applicable to State agencies. However, evidence of local governing body approval shall be submitted with the development proposal (see § 1278.309 below) rather than with the application.

§ 1278.306 HUD review and approval of application.

(a) *Review of application.* HUD shall review the application in accordance with the procedures set forth in § 1276.103(a) (Review of application) of 24 CFR 1276. However, the unit limitation described in § 1276.3(k)(2) (Limitation on number of units in single structure) of 24 CFR 1276 is inapplicable with respect to priorities for approval of applications from participating State agencies.

(b) *Notification to State Agency.* Upon completion of its review, HUD shall notify the State agency, in the manner prescribed in § 1276.103(b) (Approval or disapproval of application) of 24 CFR 1276 as to whether its application is approved. However, if the application is approved, the "Notification of application approval" shall not include any provision requiring the State agency to prepare an invitation for proposals.

§ 1278.307 Obtaining proposals.

State agencies shall not be required to invite proposals for rehabilitation or to submit such proposals to HUD for review prior to selection of a proposal. State agencies should, however, establish their own procedures for obtaining proposals if they consider it necessary. The following sections of 24 CFR 1276 are inapplicable to participating State agencies:

§ 1276.104 Invitation for proposals.
§ 1276.105 Submission of proposals.

Although § 1276.104 is inapplicable to State agencies, each agency should carefully consider furnishing prospective participants in a substantial rehabilitation program with the type and scope of information set forth in that paragraph.

§ 1278.308 Selection of rehabilitator.

The State agency shall select the proposed rehabilitator and structure or structures in accordance with its own procedures. However, in selecting a rehabilitator and structure or structures, the State agency should make the following determinations:

(a) That the site and neighborhood standards set forth in § 1276.107 (Site and neighborhood standards) of 24 CFR 1276 are satisfied;

(b) That all applicable equal opportunity and affirmative action requirements, including Section 3 of the Housing and Urban Development Act of 1968 and the regulations issued pursuant thereto, can be satisfied;

(c) That the quality of rehabilitation will satisfy the standards set forth in § 1278.312;

(d) That the rents to the owner are reasonable and that the maximum gross rents do not exceed the HUD established fair market rents, except where approved by HUD in accordance with § 1276.3(e) of 24 CFR 1276; and

(e) That the rehabilitator, prime contractor, and owner are responsible for purposes of meeting all the obligations of the prescribed Agreement to enter into housing assistance payments contract.

§ 1278.309 Rehabilitation proposal.

(a) *Proposal contents.* Once a rehabilitator and the location of an existing structure or structures have been chosen by the State agency, the agency shall submit to HUD a proposal which shall contain the following:

(1) The names of the rehabilitator/prime contractor and owner/lessor.

(2) The number of units, by unit size (number of bedrooms), proposed to be rehabilitated and made available for leasing by eligible families.

(3) A map showing the location of the housing.

(4) A description of the rehabilitation proposed.

(5) The anticipated date for completion of the rehabilitation.

(6) The gross rents required by unit size, the portion of such rents attributable to each utility, and which utilities, if any, are to be paid directly by the families.

(7) A statement as to whether the proposed project is expected to displace site occupants and, if so, the number of families, individuals, and business concerns to be displaced (identified by race or minority) and a statement that the owner and/or rehabilitator recognizes the relocation requirements that apply if the proposed project will cause displacement and will assume full responsibility for the funding of all costs incurred in providing to displaced persons the full relocation payments and services authorized by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(8) A completed Affirmative Fair Housing Marketing Plan on the form prescribed by HUD.

(9) A completed HUD Environmental Information Form.

(10) An affirmative action plan pursuant to Section 3 of the Housing and Urban Development Act of 1968 and regulations issued pursuant thereto with regard to utilization of project area businesses and residents.

(11) Evidence of local governing body approval as described in § 1276.3(i) (Local governing body approval) of 24 CFR 1276.

(b) *Certifications.* The State agency shall submit, with the proposal, a certification that the proposed site(s) meets the conditions specified in § 1276.107(b) (accessibility to facilities and services) and § 1276.107(c) (commutation to employment) of 24 CFR 1276.

§ 1278.310 HUD evaluation of proposals.

(a) *Evaluation criteria.* HUD's evaluation of proposals submitted by State agencies shall be limited to determining whether the following requirements are satisfied:

(1) The proposal submission contains all elements required in § 1278.309 above.

(2) The maximum gross rents do not exceed the HUD-established fair market rents, except as approved by HUD as provided in § 1276.3(e) of 24 CFR 1276.

(3) The site and neighborhood requirements of § 1276.107(a) (equal opportunity and environmental aspects) and § 1276.107(d) (relocation requirements) of 24 CFR 1276 are met.

(4) The proposal satisfies the requirements of the National Environmental Policy Act. In determining whether this requirement is met, HUD shall complete all appropriate environmental reviews as required pursuant to the HUD regulation "Protection and Enhancement of Environmental Quality," 24 CFR 50.

(5) The affirmative action plan, required by § 1278.309(a)(10), satisfies the requirements of Section 3 of the Housing and Urban Development Act of 1968 and regulations issued pursuant thereto.

b. The following sections of 24 CFR Part 1276 are inapplicable to participating State agencies:

§ 1276.108 Invitation for proposals.
§ 1276.109 Submission of proposals.

§ 1278.311 Notification of acceptability of proposal.

HUD shall advise the State agency by letter as to the acceptability of the proposal(s). The letter of acceptability shall be conditioned upon submission by the agency of the certification required in § 1278.312.

§ 1278.312 Standards for rehabilitation.

Before an annual contributions contract may be executed, HUD must receive a certification from the State agency that the proposed rehabilitation meets all applicable State and local laws, codes, ordinances, and regulations as modified by any waivers obtained from the appropriate officials. In cases where working drawings and specifications have been prepared, the State agency shall also certify that the proposed rehabilitation meets the appropriate HUD Minimum Property Standards (see § 1276.104(b)(2) of 24 CFR 1276).

§ 1278.313 Execution of annual contributions contract and agreement.

After receipt of the certification required in § 1278.312 above, HUD shall prepare: (a) the annual contributions contract, in accordance with Appendix II of 24 CFR 1276, as modified by Appendix III of this part, which shall be transmitted by HUD to the State agency for execution and return to HUD, and (b) an agreement to enter into housing assistance payments contract, which shall be prepared in conformance with § 1276.111 (Agreement to enter into housing assistance payments contract) of 24 CFR 1276, as modified by Appendix III of this part. After receipt of the executed annual contributions contract from the State agency, HUD shall transmit to the State agency an executed copy, together with the Agreement. A copy of the Agreement, executed by the State agency and the owner, shall be returned to HUD by the State agency.

§ 1278.314 Project completion.

Upon completion of the rehabilitation, the State agency shall transmit to HUD a certification that the completed project has been inspected by a representative of the State agency and that (a) there are no defects or deficiencies in the project; (b) all work has been completed in accordance with the requirements of the Agreement; and (c) the project is in good and tenantable condition. If HUD determines that the State agency's certification is in conformance with the requirements of this paragraph, it will authorize execution of the housing assistance payments contract.

§ 1278.315 HUD review of contract compliance.

No later than six months after execution of the Housing Assistance Payments Contract for the project and periodically thereafter, not less than annually, HUD will review project operations to ensure that the State agency and the owner/lessor are in full compliance with the terms and conditions of the contract, in accordance with HUD processing procedures for the substantial rehabilitation program.

APPENDIX I.—SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM NEW CONSTRUCTION

APPLICABILITY OF APPENDICES TO STATE AGENCIES

Appendices I–VII of the New Construction Regulation, 24 CFR 1272, are applicable to State agencies as defined in § 1278.3(a) of this part, except as provided below:

1. Appendix I, Invitation for proposals, is not applicable.

2. Appendix II, Notification of developer selection, is not applicable.

3. Appendix III, Annual contributions contract, is modified as follows:

a. Delete Part II, Section 2.12(d)

b. Delete Part II, Section 2.13 and substitute the following:

"2.13 *Procurement.* In the purchasing of equipment, materials, and supplies, and in the award of contracts for services, the State Agency shall comply with all applicable State Laws."

4. Appendix IV, Agreement to enter into housing assistance payments contract is modified as follows:

Delete Section 4 and substitute the following:

"4. *Project Completion.* Upon completion of the Project, the LHA shall transmit to the Government a certification that the completed Project has been inspected by a representative of the LHA and that (a) there are no defects or deficiencies in the Project, (b) all work has been done in accordance with the requirements of the Agreement, and (c) the project is in good and tenantable condition. If the Government determines that the certification is in conformance with the requirements of this paragraph, it will authorize execution of the Housing Assistance Payments Contract."

5. With respect to all prescribed forms which are utilized by State agencies, as defined in § 1278.3(a) of this part, the term "State Agency" may be substituted for the following terms: "Local housing authority," "LHA," "Local Housing Authority."

APPENDIX II.—SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM; EXISTING HOUSING

APPLICABILITY OF APPENDICES TO STATE AGENCIES

Appendices I–IV of the Existing Housing Regulation, 24 CFR 1274, are applicable to State agencies as defined in § 1278.3(a) of this part, except as provided below:

1. Appendix I, Annual contributions contract, is modified as follows:

a. Delete Part II, Section 2.12(d)

b. Delete Part II, Section 2.13 and substitute the following:

"2.13 *Procurement.* In the purchasing of equipment, materials, and supplies, and in the award of contracts for services, the State Agency shall comply with all applicable State Laws."

2. With respect to all prescribed forms which are utilized by State agencies, as defined in § 1278.3(a) of this Part, the term "State Agency" may be substituted for the following terms: "Local housing authority," "LHA," "Local Authority."

APPENDIX III.—SECTION 23 HOUSING ASSISTANCE PAYMENTS PROGRAM; SUBSTANTIAL REHABILITATION

APPLICABILITY OF APPENDICES TO STATE AGENCIES

Appendices I–VI of the Substantial Rehabilitation Regulation, 24 CFR 1276, are applicable to State agencies as defined in § 1278.3(a) of this part, except as provided below:

1. Appendix I, Notification of developer selection, is not applicable.

2. Appendix II, Annual contributions contract, is modified as follows:

a. Delete Part II, Section 2.12(d)

b. Delete Part II, Section 2.13 and substitute the following:

"2.13 *Procurement.* In the purchasing of equipment, materials, and supplies, and in the award of contracts for services, the State Agency shall comply with all applicable State Laws."

3. Appendix III, Agreement to enter into housing assistance payments contract, is modified as follows:

Delete Section 4 and substitute the following:

"4. *Project Completion.* Upon completion of the project, the LHA shall transmit to the Government a certification that the completed Project has been inspected by a representative of the LHA and that (a) there are no defects or deficiencies in the Project, (b) all work has been done in accordance with the requirements of the Agreement, and (c) the project is in good and tenantable condition. If the Government determines that the certification is in conformance with the requirements of this paragraph, it will authorize execution of the Housing Assistance Payments Contract."

4. With respect to all prescribed forms which are utilized by State agencies, as defined in § 1278.3(a) of this Part, the term "State Agency" may be substituted for the following terms: "Local housing authority," "LHA," "Local Authority."

Issued at Washington, D.C., March 12, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.74-6177 Filed 3-18-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[49 CFR Part 230]

[Docket No. LI-4, Notice 2]

LOCOMOTIVE SPEED INDICATORS, SPEED RECORDERS AND WHEEL SLIP/SLIDE INDICATORS

Notice of Extension of Comment Period

On February 4, 1974, the Federal Railroad Administration (FRA) issued an

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Advance Notice of Proposed Rule Making to require additional safety equipment on locomotives (39 FR 4929). Written comments responding to that notice were requested by March 18, 1974.

At the request of the Association of American Railroads, the period for filing of written comments has been extended to April 30, 1974. Communications received by that date will be considered in development of a Notice of Proposed Rule Making. Comments received after that date will be considered only as far as practicable.

This notice is issued under authority of sections 2, 5, 36 Stat. 913, 914, 45 U.S.C. 23, 28, section 6(e) and (f), 80 Stat. 939, 940, 49 U.S.C. 1655, 49 CFR 1.49(c)(5), and sections 202, 209, 84 Stat. 975, 45 U.S.C. 431, 438, 49 CFR 1.49(n).

Issued in Washington, D.C. on March 14, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74-6217 Filed 3-18-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-13; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seating Systems

This notice proposes the amendment of Standard 207, *Seating systems*, 49 CFR 571.207, to establish barrier crash testing for passenger car, multipurpose passenger vehicle (MPV), and light truck seating systems manufactured after September 1, 1976, and to extend the applicability of Standard 202, *Head restraints*, 49 CFR 571.202, to MPV's, light trucks, and bus driver seats by incorporation of that standard, with several changes, in Standard 207.

Consolidation of Standards 202 and 207 logically reflects the relationship of the seat and its head restraint and would improve the possibilities of eventually testing the whole seating system with dynamic test procedures. It also has the beneficial effect of extending the head restraint standard to MPV's, trucks, and buses whose broad and increasing use as passenger vehicles on the highway requires that they be well-equipped with passenger-car-type safety systems.

The head restraint requirement would be modified to ensure proper utilization, by preventing its misadjustment and removal. Permanent attachment to the seat, minimum height and several minor modifications would be added to guarantee the benefits of a well-designed and adjusted device. The NHTSA recognizes the need to maintain a balance between head restraint height and driver visibility by permitting an adjustable head restraint on the right outboard seat. Docket No. 70-7, Fields of Direct View, addressed the effect of head restraint design on driver visibility, noting that some current designs of bulky head restraints can adversely affect the driver's view to the sides and rear and can interfere with visibility through the inside rearview mirror. Comments on the rearward visibility problem inherent in higher head restraints is solicited.

At the same time an alternative test procedure found in the present Standard 202 (the acceleration test in S4) would be eliminated. This would avoid possible enforcement problems, by ensuring that NHTSA compliance test results and manufacturer certification test results refer to the same basic requirements, and therefore are directly comparable.

The seat system requirements of present Standard 207 would remain a part of the standard except for the acceleration test, of the seat back latch mechanism. There would be a new test of forward-facing seat backs that measures the seat back's resistance to collapse under front-end impact. The proposal groups the tests together to specify clearly how many of the test requirements a particular vehicle or seating component must meet. In addition to these changes, a new moving barrier crash test would be established to test the forward-facing seats in passenger cars, and in MPV's and trucks having a gross vehicle weight rating of 10,000 pounds or less. Unlike a static test, the crash test measures the forces exerted on the seat by impact transmitted through the vehicle, permitting the different crush rates of vehicles to be utilized in the design of seats.

The rear moving barrier crash test would be conducted in the same way as that proposed for Standard 301, *Fuel system integrity*, 49 CFR 571.301. The similar loading, test conditions, and test procedures would permit simultaneous testing which lowers the cost and complexity of certification programs. This test and one other utilize mannikin installation procedures proposed in an earlier NHTSA notice on the vehicle seating reference point (38 F.R. 1645, January 17, 1973) with minor modifications in response to that docket. Further comment on the installation procedure is solicited as it applies to the determination of torso line for seating systems tests.

The present requirement that components simply "withstand" an amount of force would be clarified by assigning quantifiable measures where possible to the concept.

A proposed effective date of September 1, 1976, allows 18 months of lead time following issuance of the final rule.

In consideration of the foregoing, it is proposed that Part 571 of Title 49, Code of Federal Regulations, be amended by revising Standard 202, *Head restraints*, 49 CFR 571.202, and Standard 207, *Seating systems*, 49 CFR 571.207, as a consolidated standard to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: June 17, 1974.

Proposed effective date: September 1, 1976.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegations of authority at 49 CFR 1.51 and 49 CFR 501.6.)

Issued on March 14, 1974.

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§ 571.207 Standard 207-76; seating systems.

S1. *Scope.* This standard establishes performance and labeling requirements for seats, head restraints, seat back latch mechanisms and seat anchorages.

S2. *Purpose.* The purpose of this standard is to reduce the number of deaths and the severity of injuries that result from the failure of seats and seat components to withstand crash forces.

S3. *Applicability.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, and buses.

S4. *Definitions.*

"Occupant seat" means a seat that provides at least one designated seating position.

"Head restraint" means a device that limits rearward displacement of the occupant's head relative to his torso line.

S5. *Requirements.* Each vehicle shall be capable of meeting any of the requirements set forth under this heading, when tested in accordance with the procedures of S6. and the conditions of S7., except that any vehicle which is capable of meeting the requirements of S5.3(e) is not required to be capable of meeting S5.3(b), S5.5.1(b), or S5.3(c) as applied to forward-facing seats. However, a particular vehicle (i.e., a test specimen) need not meet further requirements after having been subjected to any one of the following groups of requirements:

Group I: S5.2, S5.3(a), S5.3(b), S5.3(d), S5.5.1(b), and S5.5.1(a).
Group II: S5.2, S5.3(c), and S5.3(e).
Group III: S5.2 and all S5.4 requirements.

S5.1 *Driver's seat.* Each vehicle shall be equipped with an occupant seat for the driver.

S5.2 *Seat adjustment requirements.* Each occupant seat shall remain in the position to which it was adjusted prior to testing during the application of forces specified in S5.3, S5.4, and S5.5, except for vertical movement of non-locking suspension-type occupant seat components in trucks and buses.

S5.3 *Seat performance requirements.* Each occupant seat other than a side-facing seat and a passenger seat in a bus shall be capable of withstanding the following forces, applied in accordance with the procedures noted in parentheses:

(a) 20 times the weight of the seat applied in a forward longitudinal direction, plus, in the case of forward-facing seats to which seat belt assemblies are attached, the additional force specified for testing seat belt assemblies by S4.2 of Standard No. 210 (49 CFR 571.210), applied simultaneously at the belt anchorage points, without release or failure of the seat adjusters or anchorages (S6.1.1, S6.1.2, S6.1.3);

(b) 20 times the weight of the seat applied in a rearward longitudinal direction, plus, in the case of rearward-facing seats to which seat belt assemblies are attached, the additional force specified for testing seat belt assemblies by S4.2 of Standard No. 210 (49 CFR 571.210), applied simultaneously at the belt anchorage points, without release or failure of the seat adjusters or anchorages (S6.1.1, S6.1.2, S6.1.3);

(c) A force that produces a 3,300-inch-pound moment about the seating reference point for each designated seating position that the seat provides, applied to the upper seat back or to the upper cross-member of the seat back in a rearward longitudinal direction for forward-facing seats and in a forward longitudinal direction for rearward facing seats, with not more than 40° displacement of the seat back line (B–B) rearward of the vertical established in accordance with S6.1.5.2 (S6.2.1).

(d) In the case of front forward-facing seats, 20 times the weight of the seat back applied in a forward longitudinal direction to the seat back with not more than 10° displacement of the seat back line (B–B) forward of the vertical established in accordance with S6.1.5.2 (S6.1.5); and

(e) In the case of forward-facing seats in passenger cars, and in multipurpose passenger vehicles and trucks having a gross vehicle weight rating of 10,000 pounds or less, a force exerted on the occupied seat by the impact of a moving barrier perpendicularly against the rear of the vehicle at any speed up to 30 mph without release or failure of the seat adjusters or anchorages and with not more than 40° of displacement of the seat back line (B–B) rearward of the vertical established in accordance with S6.1.5.2 (S6.2.2).

S5.4 *Head restraint requirements.* Except in vehicles whose gross vehicle weight rating exceeds 10,000 pounds, the front outboard designated seating positions of each vehicle shall be equipped with a head restraint.

S5.4.1 *Head restraint performance requirements.*

S5.4.1.1 When a force that produces a moment about the seating reference point in accordance with S6.3 is applied through a head form to a head restraint adjusted to its fully-extended design position, the rearmost portion of the head form shall not move more than 4 inches perpendicularly rearward of the extended torso line before—

(a) The seat or seat back fails; or

(b) 200 pounds is applied (S6.3).

S5.4.1.2 Each head restraint shall withstand any force up to 50 pounds applied in a horizontal rearward longitudinal direction by a 6½ inch diameter sphere at any point more than 2½ inches below the top of the head restraint in its fully-extended design position, and within 3 inches of its vertical centerline.

S5.4.1.3 Each adjustable head restraint shall be equipped with a latch mechanism and latch release control that restrains movement of the head restraint without operation of the latch release control. The latch mechanism shall not release or fail when any force up to 10 times the movable weight of the head restraint is applied to the head restraint in any direction in which it is adjustable.

S5.4.2 *Head restraint height.* The top of the head restraint in its fully-depressed design position shall not be less than—

(a) In the case of the left front outboard designated seating position (driver's seat), 31 inches above the seating reference point measured parallel to the torso line;

(b) In the case of the right front outboard designated seating position, 27.5 inches above the seating reference point measured parallel to the torso line. The head restraint shall be capable of adjustment to a height of not less than 31 inches above the seating reference point measured parallel to the torso line.

S5.4.3 *Head restraint width.* The lateral width of each head restraint, when measured 2.5 inches below the top of the head restraint shall be—

(a) Not less than 10 inches in the case of bench-type occupant seats; and

(b) Not less than 8 inches in the case of occupant seats other than bench-type seats.

S5.4.4 *Head restraint attachment.* Each head restraint shall be attached to the seat so that it can be removed only by disassembly of the seat back, or shearing of metal.

S5.5 *Seat back restraint requirements.* Each occupant seat with a hinged or folding seat back other than a side-facing seat or a seat back adjustable only for the comfort of its occupants shall be equipped with a latch mechanism and latch release control that restrains movement of the seat back without operation of the latch release control.

S5.5.1 The latch mechanism shall not release or fail when—

(a) In the case of a forward facing seat, 20 times the weight of the hinged or folding seat back is applied in a forward longitudinal direction (S6.1.5); or

(b) In the case of a rearward facing seat, 8 times the weight of the hinged or folding seat back is applied in a rearward longitudinal direction relative to the vehicle longitudinal centerline (S6.1.4).

S5.5.2 The latch release control shall be accessible to the occupant of the seat equipped with the latch mechanism and to the occupant of the designated seating position immediately behind the seat if operation of the control is required for that occupant's exit from the vehicle. The release control shall be located on the side of the seat, facing and next to the exit door within 2 inches of a horizontal plane passing through the H point of a seated SAE manikin. The latch release control shall protrude at least one-half inch from the surrounding surface and be operable by a force of not more than 20 pounds applied in an upward or inward direction.

S5.6 *Labeling of non-designated seating.* Any vehicle seating other than an occupant seat shall be conspicuously marked with the following in letters three-eighths of an inch high:

NOT FOR OCCUPANCY WHILE VEHICLE IS IN MOTION

S6. *Test procedures.* Each vehicle shall be capable of meeting the requirements of S5. when tested in accordance with the procedures and in the sequence set forth below.

S6.1 *Group I.* With the occupant seat in the vehicle and only as much padding, cushions, and upholstery removed as is necessary to secure struts and cross-members used in testing, apply in sequence the forces specified in S5.3(a), S5.3(b), S5.3(d), and S5.5.1(a) and S5.5.1(b) as follows:

S6.1.1 If the seat back and the seat bench are attached to the vehicle by the same attachments, secure a strut on each side of the seat from a point on the outside of the seat frame in the horizontal plane of the seat's center of gravity to a point on the frame as far forward as possible of the seat anchorages. Between the upper ends of the struts place a rigid cross-member, in front of the seat back frame for the application of rearward force and behind the seat back frame for the application of forward force. Apply the force specified by S5.3(a) and S5.3(b) horizontally through the rigid cross-member as shown in Figure 1. In the case of seats to which seat belt assemblies are attached, apply simultaneously at the belt anchorage points the additional force specified by S4.2 of Standard No. 210 (49 CFR 571.210).

S6.1.2 If the seat back and the seat bench are attached to the vehicle by different attachments, attach to each component a fixture capable of transmitting a force to that component. Apply force equal to 20 times the weight of the seat back horizontally through the center of gravity of the seat back, as shown in Figure 2, and apply force equal to 20 times the weight of the seat bench horizontally through the center of gravity of the seat bench, as shown in Figure 3. In the case of seats to which seat belt assemblies are attached, apply simultaneously, at the belt anchorage points, the additional force specified by

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S4.2 of Standard No. 210 (49 CFR 571.210).

S6.1.3 In the case of pedestal-type seats with a center of gravity below the level of the seat bench—

(a) If the seat is non-adjustable or only vertically adjustable, apply the forces specified by S5.3(a) or S5.3(b) at the entire seat's center of gravity without the attachment of struts;

(b) If the seat is horizontally adjustable above its center of gravity, apply the forces specified by S5.3(a) and S5.3(b) at the entire seat's center of gravity without attachment of struts and apply 20 times the weight of the horizontally adjustable portion at its center of gravity in the manner specified in S6.1.1.

S6.1.4 In the case of rearward-facing hinged or folding seats, remove the struts and cross members used in S6.1.1 through S6.1.3, secure a rigid cross-member behind the seat back frame in the horizontal plane of the seat back's center of gravity as shown in Figure 4, and apply the forces specified in S5.5.1 (b) in a rearward longitudinal direction.

S6.1.5 In the case of forward-facing front seats, remove the struts and cross members used in S6.1.1 through S6.1.3 and secure a rigid cross-member behind the seat back frame in the horizontal plane of the seat back's center of gravity as shown in Figure 4.

S6.1.5.1 Establish the H point and the torso line of a weighted SAE manikin installed in any front outboard designated seating position as follows:

(a) Place the vehicle on a level surface at unloaded vehicle weight with the tires at the vehicle manufacturer's specified cold tire pressure.

(b) Place the driver's seat in the manufacturer's rearmost and lowest design riding position. If the seat has an adjustable back, place the seat back in the manufacturer's nominal design riding position. If the seat has independently adjustable bottom pad angles and vertical positioning, place the bottom pad at the lowest angle and elevation.

(c) Place two pieces of 20-gauge stainless steel plate on the floor carpet in front of the driver's seat to permit the manikin's heels to slide on them throughout the remainder of the procedure.

(d) Place muslin cloth over the seat area and seat back directly behind the steering wheel.

(e) Adjust the thigh and leg segments of the manikin to the length of the 95th percentile. Adjust the foot angle of the manikin's feet to 87 degrees.

(f) Attach the right foot and lower leg assembly to the manikin's T-bar. Place the manikin in the driver's seating position and center the assembly laterally on the longitudinal centerline of the seating position. If the steering wheel has more than one operating position, place the steering wheel in the locked position nearest the middle of its adjustment range. Attach the left foot and lower leg assembly to the manikin's T-bar.

(g) Elevate the leg segment to release friction on the floor, and lower the leg segments until the manikin's heels make contact with the stainless steel plates. No attempt should be made to prevent the manikin's foot from depressing the accelerator and/or brake pedal throughout S6.

(h) Pull the manikin's back and pan assembly away from the seat back, using the T-bar, and tilt the back pan forward. Maintain the rearmost portion of the manikin at approximately 1 inch from the seat back through step (1).

(i) Attach the lower leg and thigh weights.

(j) Adjust the knee separations so that the manikin's right foot is laterally midway between the centers of the accelerator and brake pedal, and the right edge of the left foot is one-half inch outboard of the outermost extremity of the brake pedal, or the clutch pedal if so equipped. Adjust the stainless steel plates as needed.

(k) Place the forward lateral portion of the T-bar parallel to the ground and perpendiculwar to the vehicle's vertical longitudinal plane to assure that the H point buttons on the seat pan assembly are properly aligned.

(l) Repeat the procedure specified in step (g) to release friction on the floor.

(m) Reposition the manikin assembly by sliding the seat pan rearward, gradually applying a force of 50 pounds in the direction of the thigh bar longitudinal centerline, then gradually removing the force.

(n) Move the back pan rearward so that the upper portion of the back pan contacts the seat.

(o) Repeat the procedure specified in step (k).

(p) Move the head probe forward and install the right and left buttock weights. Place the eight torso weights, one by one on alternate sides.

(q) While maintaining the seat pan level in a lateral direction, tilt the back pan forward until the torso weights are over the H point to release any seat back friction. Without changing the position of the manikin, tilt the back pan forward and hold the thigh bar to prevent the manikin from sliding forward. Reposition the back pan and the head probe to their original positions.

(r) Gradually, apply a horizontal force of 5 pounds in a rearward direction to the back pan at the screw located at the base of the graduated scale on the headroom probe with the probe in full down position to vertically reposition the manikin, and gradually remove the force. Repeat once. Level the manikin assembly laterally.

(s) Determine the longitudinal and vertical location of the manikin's H point.

S6.1.5.2 Determine the seat back line and the vertical as shown in Figure 5 by locating a point B1 2.5 inches below the top of the head restraint or seat back, constructing a horizontal plane A–A through the H point, constructing the seat back line B–B parallel to the manikin torso reference line and through B1, and constructing a vertical plane through the intersection of A–A and B–B, designated B2.

S6.1.5.3 Apply the forces specified in S5.3(d) and S5.5.1(a) in a forward longitudinal direction to the rigid cross-member.

S6.2 *Group II test procedure.* Use one of the two following test procedures as specified in S5.3(c) and S5.3(e).

S6.2.1 *3,300 inch-pound moment test procedure.*

S6.2.1.1 With the seat in the vehicle, establish the H point and torso reference line of a weighted SAE manikin in accordance with the procedures of S6.1.5.1 installed in any front outboard designated seating position of the vehicle.

S6.2.1.2 Establish points B1 and B2 in accordance with S6.1.5.2.

S6.2.1.3 Remove the manikin and apply the force specified in S5.3(c) to a rigid cross-member secured to the seat back as shown in Figure 6.

S6.2.2 *Rear moving barrier crash test procedures.*

S6.2.2.1 Establish the H point and torso reference line of a weighted SAE manikin in accordance with the procedures of S6.1.5.1 installed in any front outboard designated seating position of a vehicle conditioned in accordance with S7.1.

S6.2.2.2 Establish points B1 and B2 in accordance with S6.1.5.2.

S6.2.2.3 Remove the manikin and load the vehicle in accordance with S8.1 of Standard 208, *Occupant crash protection*, including a 50th percentile anthropormorphic test device that conforms to Part 572 of this chapter positioned at each front outboard designated seating position, restrained only by means that require no action by the vehicle occupant.

S6.2.2.4 Impact the rear end of the test vehicle with the moving crash barrier at 30 mph so that the face of the moving barrier is perpendicular to the longitudinal centerline of the vehicle, and a vertical plane through the geometric center of the barrier impact surface and perpendicular to that surface coincides with the longitudinal centerline of the vehicle.

S6.3 *Group III test procedures.*

S6.3.1 Following the test of the seat's head restraint mechanism in accordance with the requirements of S5.4.1.3 in the case of adjustable head restraints, and the test of the head restraint's configuration by the application of a 6½-inch-diameter sphere in accordance with S5.4.1.2, establish the H point and torso line of a weighted SAE manikin installed in the seat in accordance with the procedures of S6.1.5. Position the centerline of the head room probe in full back position and, in the case of an adjustable head restraint, position the head restraint in its fully extended design position.

S6.3.2 Establish the displaced torso line by applying a rearward moment of 3,300 inch-pounds about the H point to the seat back through the test device back pan.

S6.3.3 Remove the back pan and, using a cylindrical head form having a 6.5-inch diameter in plan view and a 6-inch height in profile view, apply a rearward initial load perpendicular to the displaced torso reference line and 2.5 inches below the top of and displaced 3 inches laterally from, the vertical centerline of the head restraint or upper seat back, that produces a 3,300 inch-pound moment about the seating reference point.

S6.3.4 Gradually increase the initial load to 200 pounds or until the seat or seat back fails.

S7. *Test conditions.* The following conditions apply to the tests conducted in satisfaction of the requirements specified in S5.

S7.1 Test conditions for the rear moving barrier crash specified in S5.2 (e) are in accordance with S8.2 of Standard No. 208, *Occupant Crash Protection*, 49 CFR 571.208, except for the positioning of the barrier and the vehicle. The barrier and test vehicle are positioned so that at impact—

(a) The vehicle is at rest in its normal attitude.

(b) The barrier is traveling at 30 mph with its face perpendicular to the longitudinal centerline of the vehicle; and

(c) A vertical plane through the geometric center of the barrier impact surface and perpendicular to the surface coincides with the longitudinal centerline of the vehicle.

S7.2 Static loading is applied as follows—

(a) The specified load is reached in 5 seconds.

(b) The load is held for 5 seconds.

(c) The specified load is released to zero load in 5 seconds.

S7.3 The center of gravity of a seat or seat component is determined with all cushions and upholstery in place and with all adjustable head restraints in their fully extended design position.

S7.4 The seat back is in the manufacturer's nominal design riding position and the seat is in any horizontally adjusted position. Seats adjustable with electromechanical, vacuum or hydraulic adjusters are in the most upright position, fully down, and in any horizontal position.

S7.5 The weight of a seat or component is the weight of seat structure, cushions, adjusters, and head restraints that constitute the assembled seat or component installed in the vehicle.

S7.6 The ambient temperature is any level between 15° F. and 110° F.

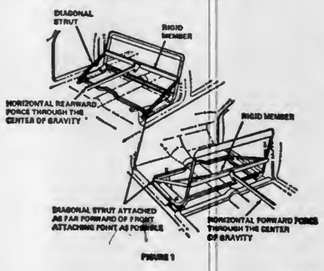


FIGURE 1

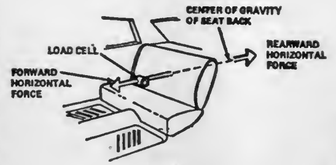


FIGURE 2

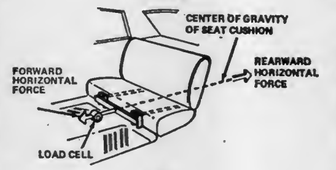


FIGURE 3

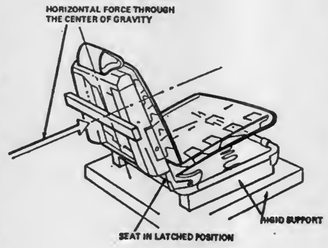


FIGURE 4

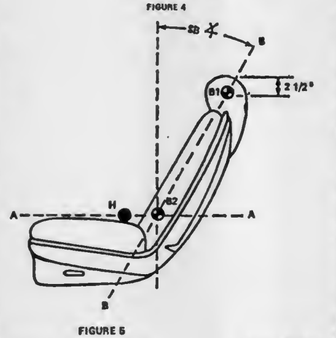


FIGURE 5

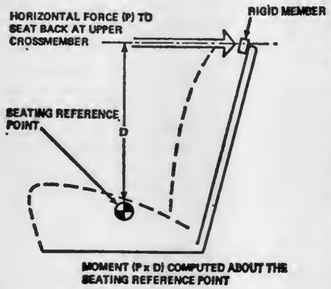


FIGURE 6

[FR Doc.74-6241 Filed 3-18-74;8:45 am]

[49 CFR Part 571]

[Docket No. 74-14; Notice 1]

MOTOR VEHICLE SAFETY STANDARDS

Occupant Crash Protection

This notice proposes new occupant crash protection requirements for the period beginning September 1, 1976, and proposes to extend the present three options, including the belt interlock system requirements, until that date.

Standard No. 208, *Occupant Crash Protection*, 49 CFR 571.208, has in its present form been in effect since January 1, 1972. It requires either the furnishing of seat belts with or without use-inducing systems, or the meeting of quantitative injury criteria in crash tests performed with instrumented dummies, or both. The requirements have been imposed in sequential phases, with the current phase for passenger cars beginning on September 1, 1973, and extending until August 15, 1975. On that date, as the standard was issued, all passenger cars were to have crash protection that was "passive," i.e., required no action by vehicle occupants such as the fastening of a seat belt.

On December 5, 1972, the U.S. Court of Appeals for the Sixth Circuit in *Chrysler v. DOT*, 472 F.2d 659 (6th Cir. 1972) upheld the basic validity of Standard 208, but required the agency to issue more specific dummy specifications, and suspended the mandatory passive requirements that were to come into effect on August 15, 1975. New dummy specifications were published on August 1, 1973 (38 FR 20449) as Part 572 of Title 49, Code of Federal Regulations. In this notice, the NHTSA proposes requirements for occupant crash protection that will begin when the current phase is over and extend indefinitely, thus completing the action made necessary by the *Chrysler* decision.

The action proposed would extend the current options for passenger cars 1 year to August 31, 1976. After that date, passenger cars would be required to provide passive protection in frontal and angular (in the front designated seating positions) and lateral crash modes, by the same criteria as in the present "first option." If they could meet the rollover test by passive means, no front-seat belt systems would be required, although they would of course be available as options, with anchorages provided. If they could not meet the passive rollover test, they would be required to have lap belts at all designated seating positions, meet the crash-test criteria additionally with the belts fastened, and have a sequential warning system for the belts at all frontal positions. Vehicles other than passenger cars would essentially be phased 2 years behind passenger cars as at present.

The experience to date with lap-and-shoulder belts continues to bear out this agency's judgment, as set forth in the rulemaking actions that were contested in *Chrysler v. DOT*, that such systems fall short of providing the best universal crash protection that can be practicably

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achieved with today's technology. Public resistance to the belt-starter interlock system currently required (except on vehicles providing passive protection) has been substantial, with current tallies of proper lap-shoulder belt usage on 1974 models running at or below the 60% level. Even that figure is probably optimistic as a measure of results to be achieved, in light of the likelihood that as time passes the awareness that the forcing systems can be disabled, and the means for doing so, will become more widely disseminated, and also that accident-prone drivers tend to be overconcentrated in the non-user group.

The accumulating field experience with air-cushion restraint systems, on the other hand, continues to bear out earlier indications that they provide excellent frontal and angular crash protection with reliability extremely close to 100%. Passive belt systems that show promise of achieving close to 100% usage are also in advanced stages of development. The NHTSA therefore finds on the basis of this evidence that passive systems, which do not depend on the knowledge or cooperation of the driving public, are practicable and will provide substantially greater levels of life- and injury-saving protection than active belt systems.

Of course, crash protection technology involves much more than the interior restraint system. Lateral crash protection, for example, depends mainly on vehicle structure and glazing characteristics, and other aspects covered in other standards such as seat strength and configuration and fuel system integrity are also critically important. Rollover protection can also be provided as part of vehicle structure, and the NHTSA is of the opinion that much can yet be achieved in this area. Where passive rollover protection is provided, as evidenced by meeting the standard's dynamic rollover test without allowing any part of the test dummies to move outside the passenger compartment, lap belt wearing would not be so critical, and under the proposed requirements belt systems would not have to be provided in the front seating positions. Where it is not provided, there would be front-seat belts with sequential warning systems, whereby a visible and audible warning would activate if, after sitting in the vehicle, a person did not operate the lap belt by the time the vehicle was started and placed in forward gear. NHTSA tests indicate that such a system should be an effective inducement to belt usage, and it would avoid some of the interlock's inconveniences.

It is proposed that the Part 572 dummy presently in effect be retained for testing these requirements. As noted in the notice issuing that part (August 1, 1973, 38 FR 20449), the specification and the drawings incorporated into it constitute a very detailed description of the test dummy, which is further elaborated by set-up procedures and calibrating performance tests. The NHTSA finds that this dummy fully qualifies as an objective measuring instrument as required by the Court in *Chrysler v. DOT*, and that it remains the best available dummy for the purposes of this standard. Although the NHTSA is sponsoring a program to create improved simulations of the human body, no dummy that would be a significant improvement over Part 572 has yet been developed.

The Court in *Chrysler* ordered that "the effective date for the implementation of passive restraints be delayed until a reasonable time after such test specifications are issued." The NHTSA in this proposal is delaying the effective date for passive protection 1 year to September 1, 1976. Although it fully expects that many manufacturers will begin to install passive systems before that date, as General Motors is presently doing in three of its makes, the 1977 model year is in this agency's judgment the earliest time that passive protection system can be installed in all passenger cars sold in this country.

The *Chrysler* Court gave specific relief to "sports cars and convertibles," citing the difficulties that convertibles would in its judgment have in meeting the rollover requirement. In light of the alternative provided in this proposal to passive dynamic rollover protection, it does not appear on the basis of evidence before the NHTSA that sports cars and convertibles would have more difficulty meeting these proposed requirements than any other vehicles of comparable size. Comments and data are specifically requested on this point.

The proposed amendments would not require crash-deployed restraint devices for rear-seat occupants, since the passive frontal crash requirements would only apply to front designated seating positions. The limited data available indicate that such devices would not be cost-effective for rear-seat occupants, who are naturally protected by the back of the front seats. These occupants would, however, receive the benefit of the passive lateral crash test, which requires a dummy in both front and rear positions, and would have lap belts in any case.

In light of the foregoing, it is proposed that Standard No. 208, *Occupant Crash Protection*, 49 CFR 571.208, be amended as follows:

1. In S4.1.2, the date "August 14, 1975" would be changed to "August 31, 1976".

2. S4.1.3 would be revised to read as follows:

S4.1.3 *Passenger cars manufactured on or after September 1, 1976.* Each passenger car manufactured on or after September 1, 1976, shall—

(a) At each front designated seating position meet the frontal crash protection requirements of S5.1 by means that require no action by vehicle occupants;

(b) Meet the lateral crash protection requirements of S5.2 by means that require no action by vehicle occupants;

(c) At each rear designated seating position have a Type 1 seat belt assembly (which may, at the manufacturer's option, be the pelvic portion of a Type 2 seat belt assembly with a detachable upper torso belt) that conforms to S7.1 and S7.2; and

(d) Either—

(1) Meet the rollover crash protection requirements of S5.3 by means that require no action by vehicle occupants; or

(2) At each front designated seating position have a Type 1 seat belt assembly that conforms to S7.1 and S7.2 with a sequential belt warning system that conforms to S7.5, and meet the requirements of S5.1 and S5.2 with front test dummies restrained by the Type 1 seat belt assemblies.

3. A new S7.5 would be added to read as follows:

S7.5 *Sequential belt warning system.* A sequential belt warning system shall activate a continuous or intermittent audible signal and a continuous or flashing warning light, visible to the driver, displaying the words "Fasten Seat Belts" or "Fasten Belts" when the following conditions (a) and (b) exist simultaneously:

(a) The vehicle's engine is operating and the transmission gear selector is in any forward position.

(b) The seat belt assembly for a seating position has not been operated after a person at least as heavy as a 50th-percentile adult male has been seated at that position. Belt operation for the purpose of this requirement shall be, at the manufacturer's option, either the extension of the belt assembly at least 4 in from its stowed position, or the fastening of the belt latch mechanism.

S7.5.1 A sequential belt warning system shall conform to S7.3.3 and S7.3.4, and shall not activate when the belt operation specified in S7.5(b) is performed after an occupant is seated.

4. In the second sentence of S5.3, the date "August 15, 1977" would be changed to "September 1, 1976".

5. S8.1.8 would be amended by changing the words "S4.1.2.1 and S4.1.2.2" to "S4.1.2.1, S4.1.2.2, or S4.1.3".

6. In S4.2.2, the date "August 14, 1977" would be changed to "August 31, 1978".

7. S4.2.3 would be revised to read as follows:

§4.2.3 *Trucks and multipurpose passenger vehicles, with GVWR of 10,000 pounds or less, manufactured on or after September 1, 1978.* Each truck and multipurpose passenger vehicle with a gross vehicle weight rating of 10,000 lb or less manufactured on or after September 1, 1978, shall meet the requirements of § 4.1.3 (as specified for passenger cars), except that forward control vehicles may instead meet the requirements of § 4.2.-1.2, and convertibles, open-body vehicles, walk-in van-type trucks, motor homes, and vehicles carrying chassis-mounted campers may instead meet the requirements of § 4.1.2.2.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: May 3, 1974.

Proposed effective date: August 15, 1975.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on March 15, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-6329 Filed 3-18-74;8:45 am]

[49 CFR Part 571]

[Docket No. 74-15; Notice 1]

MOTOR VEHICLE SAFETY STANDARDS

Advance Notice Concerning Higher Speed Protection Requirements

This is an advance notice of proposed rulemaking, to advise the public that the NHTSA is considering upgrading the requirements of Standard No. 208 to provide protection for occupants in crashes at higher speeds. No rule on this subject will be issued without further notice and opportunity for comment.

In a notice published today, 39 FR 10271, the NHTSA proposes requirements for passive protection in all passenger cars manufactured on or after September 1, 1976. The frontal and angular barrier crash speeds at which vehicles would have to meet the injury criteria as measured with test dummies are up to 30 mi/h.

Based on the research conducted to date on occupant crash protection and vehicle structure, which is extensively documented in the dockets on Standard No. 208, the NHTSA is of the opinion that the relevant technology has advanced to the point where protection can be afforded occupants in crashes equivalent to those into a fixed barrier at more than, 40 mi/h. Such a range of crash severities would include a large percentage of those experienced in the field, and that level of protection would work a manifold increase in the lifesaving capability of occupant crash protection systems.

This agency is therefore considering amending Standard No. 208, effective September 1, 1980, to require either 45 or 50-mi/h crash protection. Comments are invited from the interested public. Specific areas of interest are the injury criteria that would be most effective for protection across the wider range of speeds; the levels of lateral, rollover, and rear-end crash protection that would be most appropriate to accompany a 45 or 50-mi/h frontal and angular capability; detail changes in the procedures that would be desirable in testing systems with such higher speed capabilities; changes in other standards or corollary requirements in other areas that would be called for; the projected costs and benefits of meeting the higher-speed requirements, including the costs correlated with the suggested effective date of September 1980 as contrasted with earlier or later dates; and projected collateral effects of the higher-speed protective capability on consumption of energy, cost of operation, and environmental protection factors.

Interested persons are invited to submit comments on this advance notice. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: September 19, 1974.

(Secs. 103, 119, Pub. L. 89-563; 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on March 15, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-6328 Filed 3-18-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

PROPOSED COMPLIANCE SCHEDULES FOR TENNESSEE

Approval and Promulgation of State Implementation Plans

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of Tennessee's State Implementation Plan.

On March 23, May 15, July 3, July 18, July 20, October 15, and October 16, 1973, pursuant to 40 CFR § 51.15 and § 51.6, the State of Tennessee submitted for the Environmental Protection Agency's approval additional compliance schedules. This publication proposes that certain of the revisions be approved. Each proposed revision establishes a new date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated in the succeeding table under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the tables below do not list these interim dates, the actual compliance schedules do.

The schedules in table (c)(1) of this notice are additions to the table published in the FEDERAL REGISTER of June 20, 1973 (38 FR 16144) as satisfying the compliance schedule requirements for State implementation plans. This list of June 20 is also amended in this publication by the addition of certain schedules for which the State has granted a variance. This group of schedules is here presented in a new table (e) as satisfying the requirements for revisions in State implementation plans. All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
Region IV
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

Division of Air Pollution Control
Tennessee Department of Public Health
C2-212 Cordell Hull Building
Nashville, Tennessee 37219

City of Memphis-Shelby County Health Department
814 Jefferson Avenue
Memphis, Tennessee 38105

Chattanooga-Hamilton County Air Pollution Control Bureau
Room 201
City Hall Annex
Chattanooga, Tennessee 37402

Air Pollution Control Division
Metropolitan Health Department of Nashville and Davidson County
311-23rd Avenue
Nashville, Tennessee 37203

Each compliance schedule has been adopted by the Tennessee Air Pollution Control Board or by the local agency authority and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. Each also satisfies the substantive requirements of 40 CFR Part 51 pertaining to compliance schedules, and has been determined to be consistent with the approved control strategies for the State of Tennessee.

An evaluation of the Tennessee compliance schedule submittal is available for public inspection at the Atlanta location listed above.

All interested parties are encouraged to submit written comments on the proposed plan revisions. These comments will be weighed carefully by EPA before the agency decides to approve or disapprove these changes in the Tennessee Plan. Comments will be accepted through April 18, 1974. These should be addressed to the Director, Air and Water Programs Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street NE., Atlanta, Georgia 30309.

V 39 54 MAR 19 74 XUM

Attention: Mr. Thomas A. Strickland.

(42 U.S.C. 1857c-5)

Dated: March 11, 1974.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 Code of Federal Regulations as follows:

Subpart RR—Tennessee

Section 52.2223 is amended by adding new lines to the table in paragraph (c)(1) and by adding a new paragraph (e), as follows:

§ 52.2223 Compliance schedules.

* * * * *

(c)(1) * * *

Tennessee

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Bowaters Southern Paper Corp. State order No. 44-0073.	Calhoun	CH. VII-9(f)	June 19, 1973	Immediately	June 1, 1975
General Shale, State order No. 45-0073.	Kingsport	CH. VII-8(b)	do	do	June 1, 1974
Holston Army Ammunition Plant, State order No 54-0073.	do	CH. VII-9(c)	do	do	Dec. 1, 1973
Tennessee River Pulp & Paper Co., State order No. 93-0073.	Counce	CH. VI-2 CH. V-2(b)	do	do	
Tennessee Valley Authority, Kingston Steam Plant, Unit 1, State order No. 47-0073.	Kingston	CH. VI-2(a)(2) CH. V-2(b)	June 19, 1973	do	July 1, 1975
Tennessee Valley Authority, Johnsonville Steam Plant:					
(a) Unit 1, State order No. 50-0073.	New Johnsonville	CH. VI-2(a)(2) CH. V-2(b)	Oct. 9, 1973	do	April 1, 1975
(b) Unit 2, State order No. 49-0073.	do	CH. VI-2(a)(2) CH. V-2(b)	do	do	July 1, 1975
(c) Unit 7, State order No. 48-0073.	do	CH. VI-2(a)(2) CH. V-2(b)	do	do	Mar. 1, 1974
(d) Unit 8, State order No. 52-0073.	do	CH. VI-2(a)(2) CH. V-2(b)	do	do	June 1, 1974
(e) Unit 9, State order No. 51-0073.	do	CH VI-2(a)(2) CH. V-2(b)	do	do	Sept 1, 1974
(f) Unit 10, State order No. 53-0073.	do	CH. VI-2(a)(3) CH. V-2(b)	do	do	Dec 1, 1974

* * * * * * * *

(e) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 and § 51.6 of this chapter. All regulations cited are air pollution control regulations of the State or those of a local air pollution control agency as noted.

(1) Statewide compliance schedules:

Tennessee

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Aluminum Co. of America, State order No. 79-00073.	Alcoa	CH. V-2(b) CH. VII-2	Oct. 9, 1973	Immediately	Aug. 9, 1974
American Enka, State order No. 64-0073:					
(a) Boilers 1, 2, 3	Morristown Tennessee	CH. V-2(b) CH. VI-2(a)	do	do	July 1, 1975
(b) Boilers 4, 5, 6	do	CH. V-2(b) CH. VI-2(a)	do	do	Dec. 30, 1974
(c) Boiler 9	do	CH. V-2(b) CH. VI-2(a)	do	do	June 30, 1974
Athens Plow Co., State order No. 4-0073.	Athens	CH. V-2(b) CH. VII-9(b)	Mar. 20, 1973	do	Aug. 9, 1974
Athens Stove Works, State order No. 55-0073.	do	CH. V-2(b) CH. VII-9(b)	June 19, 1973	do	July 2, 1974
Beaunit Fibers, State order No. 56-0073:					
(a) Stacks 1 and 2	Elizabethton	CH. V-2(a) CH. VI-2(a)	do	do	Mar. 30, 1975
(b) Stack 3	do	CH. V-2(a) CH VI-2(a)	do	do	Nov. 30, 1974
Bedford Lumber Co.:					
State order No. 87-00073	Shelbyville	CH. V-2(b) CH. VI-2(a)(2)	Oct. 9, 1973	do	Mar. 1, 1974
State order No. 88-00073	do	CH. V-2(b) CH. VI-2(a)(2)	do	do	Oct. 9, 1974
Bristol Foundry & Machine Co., State order No. 71-00073.	Bristol	CH. V-2(b) CH. VII-9(b)	do	do	Nov. 9, 1973
Bruce Flooring State order No. 72-0073.	Jackson	CH. V-2(b) CH. VII-2	do	do	Aug. 9, 1974
Burroughs-Ross-Colville Co.:					
State order No. 65-00073:					
(a) Boiler 1	McMinnville	CH. V-2(b) CH. VI-2(a)2	do	do	Do.
State order No. 66-00073:					
(a) Collectors C-1, C-3	do	CH. V-2(b) CH. VII-2(a)	do	do	Do.
(b) Collector C-7	do	CH. V-2(b) CH. VII-2(a)	do	do	Oct. 1, 1973
Celotex Corp., State Order No. 61-0073:					
(a) Collectors A1-2, B-3, B-4, and E-22.	Paris	CH. V-2(b) CH. VII-2(a)	June 19, 1973	do	May 1, 1974
(b) Collectors D-12, D-13, and D-14.	do	CH. V-2(b) CH. VII-2(a)	do	do	Apr. 1, 1974
(c) Collectors C-9, C-10, and C-11.	do	CH. V-2(b) CH. VII-2(a)	do	do	Oct. 30, 1973
Clarksville Foundry & Machine Works, State order No. 73-00073.	Clarksville	CH. V-2(b) CH. VII-9(b)	Oct. 9, 1973	do	Jan. 30, 1974
Dover Corp., State order No. 74-00073.	Middleton	CH. V-2(b) CH. VI-2(d)	do	do	July 9, 1974
Farrar Construction, State order No. 75-00073.	McMinnville	CH. V-2(b) CH. VII-9(g)	do	do	Oct. 9, 1973
Harris Manufacturing Co., State order No. 62-0073.	Johnson City	CH. V-2(b) CH. VII-2(a)	June 19, 1973	do	June 1, 1974
Holston Army Ammunition Plant, State order No. 67-00073.	Kingsport	CH. V-2(b) CH. VI-2(a)	Oct. 9, 1973	do	July 1, 1975
Kingsport Foundry & Manufacturing Corp., State order No. 57-0073.	do	CH. V-2(b) CH. VII-9(b)	June 19, 1973	do	Feb. 28, 1974
Koh-I-noor Radiograph, Inc., State order No. 58-0073.	Lewisburg	CH. V-2(b) CH. VII-2(a)	do	do	Mar. 20, 1974
Lenoir Car Works, State order No. 76-00073.	Lenoir City	CH. V-2(b) CH. VII-2	Oct. 9, 1973	do	Dec. 9, 1973
Marquette Cement Manufacturing Co., State order No. 5-0073.	Cowan	CH. V-2(b) CH. VII-2	Mar. 20, 1973	do	Aug. 9, 1974
Mead Corp., State order No. 59-0073.	Kingsport	CH. V-2(b) CH. VI-2(a)(1)	June 19, 1973	do	July 1, 1975
Monsanto Co., State order No. 6-0073:					
(a) Source 4	Columbia	CH. V-2 CH. VII-2	Mar. 20, 1973	do	Mar. 9, 1974
(b) Source 5	do	CH. V-2 CH. VII-2	do	do	Dec. 9, 1973
Royal Oak Charcoal Co.:					
State order No. 77-00073	Jamestown	CH. V-2(b) CH. VII-2	Oct. 9, 1973	do	July 31, 1974
State order No. 78-00073	do	CH. V-2(b) CH. VII-2	do	do	Mar. 1, 1974
Stokely-Van Camp, Inc., State order No. 82-0073.	Tellico Plains	CH. V-2(b) CH. VI-2(a)(2)	June 19, 1973	do	Jan. 30, 1974
Tennessee Asphalt Co., State order No. 79-00073.	LaFollette	CH. V-2(b) CH. VII-9(g)	Oct. 9, 1973	do	Dec. 30, 1973
Tennessee Eastman Co.:					
State order No. 80-00073	Kingsport	CH. V-2(b) CH. VII-2	do	do	June 1, 1974
State order No. 81-00073	do	CH. V-2(b) CH. VII-2	do	do	Aug. 9, 1974
State order No. 82-00073	do	CH. V-2(b) CH. VII-2	do	do	Nov. 1, 1974
State order No. 83-00073	do	CH. V-2(b) CH. VII-2	do	do	July 1, 1975
State order No. 84-00073:					
(a) Units 18-22	do	CH. V-2(b) CH. VI-2(a)(1)	do	do	Mar. 1, 1975
(b) Units 11-17	do	CH. V-2(b) CH. VI-2(a)(1)	do	do	June 1, 1975
Tennessee Forging Steel Co., State order No. 85-00073.	Harriman	CH. V-2(b) CH. VII-2	do	do	Oct. 30, 1973
Tennessee Metallurgical, State order No. 89-00073:					
(a) Furnace No. 2	Kimball	CH. V-2(b) CH. VII-2	do	do	Mar. 1, 1974
(b) Furnace No. 1	do	CH. V-2(b) CH. VII-2	do	do	Jan. 15, 1974
Union Carbide Corp., State order No. 86-00073.	Columbia	CH. V-2(b) CH. VII-2	do	do	Aug. 9, 1974
United States Stove Co., State order No. 3-0073.	South Pittsburg.	CH. V-2(b)	Mar. 20, 1973	do	Feb. 9, 1974

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(2) Chattanooga-Hamilton County compliance schedules:

Tennessee

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Chattanooga Public Schools:					
(a) Elbert Long School	Chattanooga	Sec. 9(8)	Feb. 8, 1973	Immediately	July 1, 1974
(b) Charles A. Bell School	do	do	do	do	Do.
(c) G. Russel Brown School	do	do	do	do	Do.
(d) Calvin Donaldwon School	do	do	do	do	Do.
(e) East Chattanooga School	do	do	do	do	Do.
(f) Highland Park School	do	do	do	do	Do.
(g) Normal Park School	do	do	do	do	Do.
(h) Piney Woods School	do	do	do	do	Do.
(i) Ridgedale School	do	do	do	do	Do.
(j) Frank H. Trotter School	do	do	do	do	Do.
(k) Woodmore School	do	do	do	do	Do.
(l) Rivermont School	do	do	do	do	Do.
(m) St. Elmo School	do	do	do	do	Do.
E.I. DuPont de Nemours & Co.:					
(a) Nylon 66 evaporator Nos. 1–5.	do	Sec. 9	do	do	Do.
(b) Nylon auto clave Nos. 1–17	do	do	do	do	Do.
(c) Continuous polymerization lines I–III.	do	do	do	do	Do.
(d) Continuous polymerization line IV.	do	do	do	do	Sept. 1, 1973
(e) Lindburg furnace type 36480–E12–S.	do	do	do	do	Aug. 1, 1973
(f) Lindburg furnace type 24324–E12–S.	do	do	do	do	Feb. 1, 1974
(g) Trent furnace model 862640A.	do	do	do	do	Mar. 1, 1974
(h) Lindburg furnace type 36480E12–S.	do	do	do	do	Apr. 1, 1974
(i) Riley boiler	do	do	do	do	July 1, 1974
(j) B & W boiler	do	do	do	do	Do.
Farmers Chemical Association, Inc.	do	do	do	do	June 15, 1973
General Tire Service	do	do	do	do	Jan. 31, 1974
Randolph Manufacturing Co., Inc.	do	do	do	do	Do.
Southern Foundry Supply, Inc.	do	do	do	do	Mar. 31, 1973
Tennessee Awning & Tent Co.	do	do	Feb. 9, 1973	do	June 1, 1973
United States Pipe & Foundry Co.	do	do	Feb. 8, 1973	do	Nov. 1, 1973

(3) Memphis-Shelby County compliance schedules:

Tennessee

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Anderson-Tully Co.:					
Sawmill cyclone 1	Memphis	Secs. 3–17, 3–2	May 3, 1973	Immediately	Dec. 31, 1974
Sawmill cyclones 2, 3, 4	do	do	do	do	Do.
Boiler	do	Secs. 3–17, 3–22	May 3, 1974	do	Feb. 1, 1974
E. L. Bruce Co.:					
Phase 1	do	Secs. 3–17, 3–20	Nov. 2, 1972	do	Sept. 1, 1973
Phase 2	do	do	do	do	Mar. 1, 1975
Buckeye Cellulose Corp	do	do	Apr. 5, 1973	do	July 1, 1974
Buckman Laboratories	do	do	May 3, 1973	do	Apr. 30, 1974
Cargill, Inc., Nutrena Division	do	do	do	do	Do.
Celotex Corp	do	do	Dec. 7, 1972	do	Do.
Chromium Mining & Smelting Corp.	do	do	Nov. 2, 1972	do	July 1, 1973
Continental Grain Co	do	do	May 3, 1973	do	Oct. 1, 1974
Desoto Hardwood Flooring Co.:					
Phase 1	do	do	Apr. 5, 1973	do	May 1, 1974
Phase 2	do	do	do	do	Oct. 1, 1974
Phase 3	do	do	do	do	Mar. 1, 1975
Excel Smelting Co	do	do	May 3, 1973	do	Dec. 31, 1974
Fiberfine of Memphis	do	do	Mar. 31, 1973	do	Mar. 1, 1974
W. R. Grace & Co	do	do	Dec. 7, 1972	do	Apr. 1, 1975
Memphis Furniture Manufacturing Co.	do	Secs. 3–17, 3–20, 3–22.	May 3, 1973	do	Dec. 31, 1973
Memphis Lead Co	do	Secs. 3–17, 3–24	do	do	Dec. 31, 1974
M. B. Parker Co	do	Secs. 3–17, 3–21	do	do	Apr. 30, 1974
Prest Manufacturing Co	do	Secs. 3–17, 3–20	Apr. 5, 1973	do	Dec. 1, 1974
Ray Sharp Lumber Co	do	do	May 3, 1973	do	Dec. 31, 1973
Southern Cotton Oil Co	do	do	do	do	May 31, 1975
Standard Brake Shoe & Foundry Co.	do	do	Nov. 2, 1972	do	Oct. 1, 1974
Tennessee Fabricating Co	do	Secs. 3–17, 3–21	May 3, 1973	do	Apr. 30, 1974
Wabash, Inc.:					
Phase 1	do	Secs. 3–17, 3–20	do	do	Apr. 1, 1974
Phase 2	do	do	do	do	Jan. 1, 1975

(4) Nashville-Davidson County compliance schedules:

Tennessee

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Bruce Flooring	Nashville	Sec. 4–1–9	Feb. 7, 1973	Immediately	Dec. 31, 1973
State of Tennessee Central Steam Plant.	do	Secs. 4–1–2, 4–1–7	June 6, 1973	do	Oct. 1, 1974

[FR Doc.74–5972 Filed 3–18–74;8:45 am]

[40 CFR Part 52]

KENTUCKY

Approval and Promulgation of Implementation Plans

On February 8, 1972, the Governor of Kentucky initially submitted to the Administrator of the Environmental Protection Agency the State's "Implementation Plan for the Attainment and Maintenance of the National and State Ambient Air Quality Standards." This plan has been adopted by the State following a public hearing held on January 11, 1972, in Frankfort, Kentucky. The plan was submitted pursuant to section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, which require States to adopt implementation plans to achieve and maintain the national ambient air quality standards set forth in 40 CFR Part 50.

On May 31, 1972 (37 FR 10842), the Administrator approved the Kentucky plan with one exception, which arose from a deficiency in the State's legal authority to allow public release of emission data. This deficiency was subsequently resolved on July 27, 1972 (37 FR 15080), when the Administrator delegated to the State the required legal authority.

On June 28, 1973, a decision of the U.S. Court of Appeals for the Sixth Circuit in the case of *Buckeye Power Co., et al.*, v. *Environmental Protection Agency*, 481 F.2d 162, and two related cases, vacated the Administrator's approval of the Kentucky plan and remanded the case to the Agency for compliance with Section 553 of the Administrative Procedure Act, as articulated in the court's opinion, viz., to take comments, data, or other evidence from interested parties, and to express the basis for administrative actions.

Consequently, on December 5, 1973, Governor Wendell Ford resubmitted to the Administrator the Kentucky implementation plan. In accordance with the court's order, the Administrator is hereby setting forth this plan as a proposed rulemaking, and is providing opportunity for public comment. The Administrator's decision to approve or disapprove the plan will be based on his determination as to whether the plan's control strategies and associated emission limits meet the requirements of section 110(a)(2)(A)–(H) of the Clean Air Act and of 40 CFR Part 51.

The Kentucky plan presents a control strategy to achieve the national standards for particulate matter. Two example Air Quality Control Regions were used in developing the strategy, the Louisville Interstate AQCR (Priority I) and the Appalachian AQCR (Priority II). The governing emission standards developed pursuant to this control strategy exercise apply to fuel combustion sources, industrial processes, solid waste disposal (including control of open burning), and fugitive dust control.

To develop a control strategy to achieve national standards for sulfur oxides, two example AQCR's were chosen, the Louisville Interstate AQCR (Priority I) and the Paducah-Cario Interstate AQCR (Priority II). The governing emission standards developed apply principally to fuel combustion sources and to industrial processes.

With respect to carbon monoxide, the plan indicates that the major contributing sources are in the area of transportation. All the State's AQCR's are classified Priority III for this pollutant. The plan, which considered the Louisville Interstate and Metropolitan Cincinnati AQCR's, indicates further that the Federal Motor Vehicle Control Program is more than adequate to meet the national standard for carbon monoxide. However, regulations for the control of carbon monoxide from stationary sources were included to provide additional protection and enhancement of air quality. These apply to grey iron cupolas, blast furnaces, basic oxygen furnaces, and petroleum refining processes.

The plan demonstrates the attainment of the national standards for hydrocarbons and photochemical oxidants by 1975, but both mobile and stationary sources must be controlled in order to meet this goal. Again, the control strategy exercise was developed for the Metropolitan Cincinnati Interstate and the Louisville Interstate AQCR's, the only regions classified Priority I for these pollutants.

With respect to the nitrogen oxides control strategy, the plan indicates that emissions of this pollutant will increase by 1975 because of increased automobile emissions. This is true in both the Louisville Interstate and Metropolitan Cincinnati AQCR's. To comply with Federal guidelines, emission limiting regulations were applied to such stationary sources as gas and oil-fired fuel-burning installations and nitric acid plants.

All of the emission limiting regulations implementing the control strategies discussed above are the same regulations which were submitted in the original Kentucky plan.

These emission limits are immediately effective except for sections of AP–4, which defer dates for final compliance with sulfur oxide emission limits as follows: Priority I AQCR's—July 1, 1977; Priority II AQCR's—July 1, 1978; and Priority III AQCR's—July 1, 1979.

Individually negotiated compliance schedules submitted by the State will be offered for public comment in a subsequent publication.

The plan also describes procedures which the Kentucky Department of Natural Resources and Environmental Protection will follow in air quality monitoring and surveillance, emission surveillance, review of new sources and modifications to existing ones, emergency episode control, and intergovernmental relations.

The Administrator's initial approval of the Kentucky plan included the granting of two-year extensions for attainment of the national primary standards for sulfur dioxides in the Louisville and Cincinnati Interstate Air Quality Control Regions, pursuant to section 110(e) of the Act and 40 CFR 51.30, in response to a formal request by the Governor. The Agency considers the Governor's request to continue in effect. In connection with this resubmission of the plan for approval, the Agency specifically invites comment on the issue of extensions of the attainment date for up to two years for the two air quality control regions involved.

On June 18, 1973 (38 FR 15834), pursuant to an order of the U.S. Court of Appeals for the District of Columbia Circuit in the case of *National Resources Defense Council, Inc. et al.*, v. *Environmental Protection Agency*, 475 F.2d 968, and seven related cases, the Administrator promulgated additional implementation plan requirements with respect to the maintenance of the national standards. To satisfy these new requirements, Kentucky held a public hearing on October 23, 1973, and subsequently adopted a new regulation, AP–11, providing for the review of new or modified sources of air pollution. This regulation, with supportive information, was submitted to the Administrator on December 5, 1973, as a proposed portion of the State plan. It is hereby proposed for public comment as the indirect source review provision of the Kentucky plan.

Kentucky's indirect source regulation requires that State approval be obtained prior to construction or modification of any of the following sources or classes of sources:

(1) Any new indirect source which:

(a) Is a new unenclosed parking lot with a parking capacity of 1500 or more motor vehicles, or has a new associated unenclosed single level parking area with a capacity of 1500 or more motor vehicles; or

(b) Is a new partially or completely enclosed parking area with a parking capacity of 750 or more motor vehicles, or has a new associated partially or completely enclosed parking area with a capacity of 750 or more motor vehicles; or

(c) Induces an additional 2000 or more vehicle trips per hour in an existing roadway.

(2) Any modified indirect source which:

(a) Increases existing parking capacity in an unenclosed single level parking area from less than 1500 motor vehicles to 1500 or more

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motor vehicles, or has an associated unenclosed parking area being modified to increase parking capacity by more than 1500 motor vehicles, or

(b) Increases existing parking capacity in a partially or completely enclosed parking area from less than 750 motor vehicles to 750 or more motor vehicles, or has an associated partially or completely enclosed parking area being modified to increase parking capacity by more than 750 motor vehicles;

(c) Is an existing unenclosed single level parking area which has a capacity of 1500 motor vehicles being modified to increase parking capacity by more than 25 percent or by 1500 or more motor vehicles, whichever is less, or has an existing associated unenclosed single level parking area which is in excess of 1500 motor vehicles being modified to increase parking capacity by more than 25 percent or by 1500 or more motor vehicles, whichever is less;

(d) Is an existing partially or completely enclosed parking area which is in excess of 750 motor vehicles being modified to increase parking capacity by more than 25 percent, or by 750 or more motor vehicles, whichever is less, or has an existing associated partially or completely enclosed parking area which is in excess of 750 motor vehicles being modified to increase parking capacity by more than 25 percent or by 750 or more motor vehicles, whichever is less; or

(e) Induces an additional 2000 or more vehicle trips per hour in an existing roadway.

(3) Airports served by a regularly scheduled commercial air carrier(s).

(4) New or modified roads located in one of the standard metropolitan statistical areas identified by the U.S. Bureau of the Census or in a County with a city of 20,000 or more inhabitants, and expected to have within ten years a design traffic volume of:

(a) 2,000 or more vehicles per hour, in the case of a new road;

(b) 2,000 or more vehicles per hour, in the case of modification of an existing road with a current volume of less than 2,000 vehicles per hour; or

(c) 2,000 or more vehicles per hour in excess of the current volume or an increase of 25 percent over the current volume, whichever is less, in the case of modification of an existing road with a current volume of more than 2,000 vehicles per hour.

The State will approve the construction or modification of the foregoing sources only after the applicant provides information adequate to show that the facility involved will not indirectly interfere with the attainment and maintenance of the national ambient air quality standards.

Copies of Kentucky's proposed implementation plan, including the indirect source regulation, are available for public inspection during normal business hours at the locations given below:

Freedom of Information Center
Environmental Protection Agency
Waterside Mall West Tower, Room 232
401 M Street, S.W.
Washington, D.C. 20460

Air Programs Office
Environmental Protection Agency
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

Louisville-Jefferson County Air Pollution Control Board
400 Reynolds Building
2500 South Third Street
Louisville, Kentucky 40208

Hardin County Clerk's Office
Public Square
Elizabethtown, Kentucky 42701

Kentucky Department for Natural Resources and Environmental Protection
Division of Air Pollution
311 East Main Street
Frankfort, Kentucky 40601

Regional Offices of the Kentucky Division of Air Pollution:

Starr Building, Room 22
501 High Street
Hazard, Kentucky 40701

c/o Boyd County Health Department
1409 Blackburn Avenue
Ashland, Kentucky 41101

231 Elm Street
Ludlow, Kentucky 41016

c/o Owensboro-Daviess County Health Department
1316 West Fourth Street
Owensboro, Kentucky 42301

1609 Kentucky Avenue
Paducah, Kentucky 42001

1032 College Street, Suite 202
Bowling Green, Kentucky 42101

Interested persons may participate in this rulemaking by submitting written comments to the Director, Air Programs Office, Environmental Protection Agency, Region IV, 1421 Peachtree Street, NE., Atlanta, Georgia 30309 Attention: Mr. Helms. All relevant comments received on or before April 18, 1974, will be weighed carefully by EPA before the agency makes a decision with regard to the approval or disapproval of the Kentucky plan or portions thereof.

AUTHORITY: 42 U.S.C. 1857c-5(a)

Dated: March 12, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-6281 Filed 3-18-74;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

[12 CFR Part 340]

PUBLIC ISSUANCE OF BANK SECURITIES

Offering Circular Requirements

Correction

In FR Doc. 74-4499 appearing at page 7434 of the issue of Tuesday, February 26, 1974, the 14th line of § 340.4(c)(2), now reading "ments of the Securities Exchange Act of", should read "ments which are substantially identical to".

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 231]

[Release Nos. 33-5465, 34-10663]

PREPARATION AND FILING OF REPORTS AND REGISTRATION STATEMENTS

Proposed Guides

The Commission today published for comment proposed Guide 60, "Preparation of Registration Statements Relating to Interests in Real Estate Limited Partnerships," of the Guides for Preparation and Filing of Registration Statements under the Securities Act of 1933 ("Act"). The Commission noted the significant number of registration statements relating to public offerings of interests in limited partnerships that intend to invest in real estate that have been filed under the Act and the questions that have arisen in connection with processing such filings.[1] Processing of some of these filings has been time consuming for both registrants and the Commission's staff.

The proposed Guide 60 is intended to minimize delays in the review of registration statements relating to real estate limited partnerships and also to assist issuers, accountants, attorneys and others in the preparation of such filings. The proposed Guide contains comments and suggestions that the Division of Corporation Finance has developed in its processing of such registration statements. Attention is particularly directed to the paragraphs of the proposed Guide dealing with conflicts of interest, specifically where the proceeds of the offering are not committed to properties at the effective date (paragraph 5), sales literature (paragraph 20) and the undertakings to file reports after effectiveness (paragraph 21). The Division of Corporation Finance has been applying the substance of the proposed Guide and will continue to apply said substance during the comment period and thereafter, unless the Guide is adopted in an amended form.

The staff of the Commission is considering the feasibility of drafting guidelines relating to financial statements required in real estate limited partnership filings. If such guidelines are developed, they would be published for comment at a later date.

The text of the proposed Guide 60 is as follows:

GUIDE 60. PREPARATION OF REGISTRATION STATEMENTS RELATING TO INTERESTS IN REAL ESTATE LIMITED PARTNERSHIPS

References to the General Partner and its affiliates are intended to include references to the General Partner(s), promoters of the partnership, and all persons that directly or indirectly, through one or more intermediaries, control or are controlled by or are under common control with, such General Partner(s) or promoters.

It is suggested that the information in the prospectus be presented in the same order as the following comments.

1. COVER PAGE

A. The cover page should set forth, in addition to basic information about the offering (see Guide 5), the termination date of the offering, any minimum required purchase and any arrangements to place the funds received in an escrow, trust or similar arrangement.

B. The cover page should contain a tabular presentation of the per partnership interest cost, and the total maximum and minimum interests to be offered, with price to the public, selling commissions and proceeds to the partnership clearly indicated.

C. The cover page should also contain, as noted in Guide 5(g), a brief identification of the material risks involved in the purchase of the securities with cross-reference to further discussion in the prospectus. The following

[1] In the calendar year 1973, 67 registration statements covering over $700,000,000 of interests in real estate limited partnerships were filed with the Commission.

risk factors should be identified, where applicable:

(i) *Tax status.* (a) If the program has not applied for a tax ruling from the Internal Revenue Service (IRS) as to partnership tax status, or is otherwise relying on opinion of counsel as to tax status, the following disclosure is suggested: The program has received an opinion of counsel as to its status as a partnership for tax purposes and intends to rely upon such opinion. The opinion of counsel is not binding on the Internal Revenue Service. There can be no assurance that the program will not at some later date be found to be an association taxable as a corporation, in which case the tax benefits associated with this offering would not be available.

(b) If the program has requested a ruling, but the IRS proposes not to rule, or has notified registrant that it will rule adversely to the program, this should be disclosed and should be discussed in the opinion of counsel.

(c) If the program has applied for a ruling from the Internal Revenue Service as to partnership tax status, but the ruling has not been received prior to effectiveness, the cover page should disclose that there is a pending ruling request before the IRS as to partnership tax status, that without such tax status there can be no tax shelter, and that the registrant will proceed with the offering without a favorable ruling, or will put the funds received in an escrow, trust or similar arrangement pending receipt of the ruling, or whatever else the registrant proposes to do.

(ii) *Use of Proceeds.* If the proceeds of the offering are insufficient to meet the requirements for funds as set forth in the program's investment objectives, disclosure of this fact should be made.

(iii) *Conflicts of Interest.* If this offering involves transactions between the partnership and the General Partner or its affiliates which involve conflicts of interest, disclosure should be made.

2. SUITABILITY STANDARDS

Standards to be utilized by the registrant ("suitability standards") in determining the acceptance of subscription agreements should be described immediately following the cover page. Suitability standards should include those established by the registrant, self-regulatory organizations or state agencies having jurisdiction over the offering of the securities. Registrant should disclose the method(s) it intends to employ to assure adherence to the suitability standards by persons selling the interests and should briefly discuss the factors pertaining to the need for such standards, such as lack of liquidity (resale or assignment of securities), importance of the investor's Federal income tax bracket in terms of the tax benefits to be derived, the long term nature of the investment and adverse tax consequences of premature sale. If suitability standards apply to resale of the interests, this restriction should be discussed.

3. SUMMARY OF THE PROGRAM AND USE OF PROCEEDS

A two part, concise outline summary relating to the program and a tabular summary of use of proceeds should follow the Suitability section of the prospectus. These summaries may replace the Introductory Statement and Use of Proceeds sections required by the relevant Form if such sections would merely repeat the information in the summaries. In connection with this and other tabular presentations, registrant may want to consider obtaining copies of recent effective prospectuses.

A. *Summary of the program.* The following information should be disclosed in outline form with apropriate cross-references, where applicable:

(i) Name, address and telephone number of the General Partner and name of persons making investment decisions for the program;

(ii) The termination date of the program;

(iii) Compensation and fees: State, if true, that the General Partner and its affiliates will receive substantial fees and profits in connection with the offering;

(iv) Investment objectives and policies: If current distributions are an investment objective, state the estimated maximum time from the closing date that the investor must wait to receive such distributions;

(v) Properties: Describe briefly the properties to be purchased. If a material portion of the minimum net proceeds of the offering (allowing for reserves) is not committed to specific properties, so indicate;

(vi) Depreciation: Describe the depreciation method to be used;

(vii) Leverage: State the maximum leverage to be used; and

(viii) Glossary: Include a cross-reference to the Glossary.

B. *Use of proceeds.* The use of proceeds tabular summary will vary according to the program but should include, where appropriate, estimates of the public offering expenses (both organizational and sales), the amount available for investment, non-recurring initial investment fees, prepaid items and financing fees, cash down payments, and reserves. Amounts to be paid to the General Partner and its affiliates should be identified. The summary should include both dollar amounts and percentages of the maximum and minimum proceeds of the offering.

4. COMPENSATION AND FEES

A. This section should include a summary tabular presentation, itemizing by category and specifying dollar amounts where possible, of all compensation, fees, profits and other benefits (including reimbursement of out-of-pocket expenses) which the General Partner and its affiliates may earn or receive in connection with the offering or operation of the program. If more detailed information is required, it should be located in the Summary of Partnership Agreement section, with cross-reference to that Summary. The presentation should identify the person, including any affiliation with the General Partner, who will receive such compensation, fees, profits or benefits and the services to be performed by such person.

The summary should be organized so as to indicate clearly whether the compensation relates to the offering and organizational stage, the developmental or acquisition stage, the operational stage or the termination and liquidation stage of the program. Separate subcaptions are recommended.

The type of compensation, fees, profits or other benefits that should be disclosed includes but is not limited to, the following: Fees and disbursements incident to the purchase and sale of the limited partnership interests, including sales commissions and reimbursements for expenses; real estate commissions; finders fees; property acquisition fees; fees for "marketing" or renting up of properties; financing or refinancing fees; management fees; insurance and miscellaneous service fees; commissions and other fees to be paid upon sale of the partnership's properties; participation by the General Partner in cash flow or profits and losses or capital gains and losses arising out of the operation, refinancing or sale of properties; fees or builder's profits, overhead absorption, and/or land write-ups; and all profits on the purchase of investments for the program from the General Partner or its affiliates. If the partnership agreement limits the losses the General Partner and its affiliates can sustain, this should be discussed.

B. Maximum aggregate dollar front end fees to be paid during the first fiscal year of operation should be disclosed based upon the assumption that the program's maximum leverage is utilized.

C. If material amounts of compensation or fees are to be paid to persons not affiliated with the General Partner, a separate heading should be provided entitled "Fees and Compensation Arrangements with Unaffiliated Persons," and a tabular presentation describing such fees presented.

D. Where compensation arrangements are based upon a formula or percentage, the assumptions underlying the dollar figures should be disclosed and the calculations underlying the figures should be submitted to the staff supplementally with the initial filing. Compensation based upon a given return (percentage of contributed investor capital) to investors should disclose whether such return is cumulative or non-cumulative.

E. Where the General Partner or an affiliate receives a disproportionate interest in the program in relation to its own contribution, registrant's attention is directed to Guide 6. A bar chart comparison of the various interests and contributors should be provided.

5. CONFLICTS OF INTEREST

A. This section should include a summary of each type of transaction which may result in a conflict between the interests of the public investors and those of the General Partner and its affiliates, and of the proposed method of dealing with such conflict. The types of conflicts of interest which should be disclosed and discussed, if appropriate, include, but are not limited to:

(i The General Partner is a general partner or an affiliate of the general partner in other investment entities (public and/or private) engaged in making similar investments or otherwise makes or arranges for similar investments.

(ii) The General Partner has the authority to invest the program's funds in other programs in which the General Partner or an affiliate is the general partner or has an interest.

(iii) Properties in which the General Partner or its affiliates have an interest are bought from or partnership properties are sold to the General Partner or its affiliates or entities in which they have an interest. Where appraisals are used in connection with any such transactions, it should be made clear that appraisals are only estimates of value and should not be relied on as measures of realizable value. If the General Partner might buy for the partnership any properties in which it or any of its affiliates have a material interest prior to the effective date, such properties should be appropriately described in the prospectus along with the investment objectives of the partnership (see paragraph 10, Investment Objectives and Policies). If it is disclosed in the prospectus that the partnership may purchase properties in which the General Partner or its affiliates have a material interest, but no properties are described, and such properties are thereafter purchased for the partnership, the General Partner will have the heavy burden of demonstrating that it did not intend to purchase such property at the time the registration statement became effective.

(iv) Affiliates of the General Partner who act as underwriters, real estate brokers or managers for the program, act in such capacities for other programs or entities.

(v) The same counsel will represent both the partnership and the General Partner after the closing of the offering.

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(vi) An affiliate of the General Partner receives compensation as insurance agent for placing insurance on the program's properties.

(vii) An affiliate of the General Partner places mortgages for the program or otherwise acts as a finance broker, receiving commissions for such services.

(viii) An affiliate of the General Partner acts as underwriter for the offering, creating conflicts in performance of the underwriter's due diligence obligations under the Securities Act.

B. An organization chart should be included in this section showing the relationship between the various organizations managed or controlled by the General Partner or its affiliates that will do business with the program where the relationships are so complex that a graphic display would assist investors in understanding such relationships.

6. FIDUCIARY RESPONSIBILITY OF THE GENERAL PARTNER

A. A discussion of the fiduciary obligation owned by the General Partner to the Limited Partners should be set forth. The following disclosure is suggested with appropriate modification for the laws of the state of organization:

A General Partner is accountable to a limited partnership as a fiduciary and consequently must exercise good faith and integrity in handling partnership affairs. This is a rapidly developing and changing area of the law and Limited Partners who have questions concerning the duties of the General Partner should consult with their counsel.

B. Where the limited partnership agreement contains an exculpatory provision, the following disclosure is suggested, as modified to reflect the substance of the exculpatory provision:

The General Partner may not be liable to the Partnership or Limited Partners for errors in judgment or other acts or omissions not amounting to wilful misconduct or gross negligence, since provision has been made in the Agreement of Limited Partnership for indemnification of the General Partner. Therefore, purchasers of the interests may have a more limited right of action than they would have absent the limitation in the Partnership Agreement. To the extent that the exculpatory provisions purport to include indemnification for liabilities arising under the Securities Act of 1933, in the opinion of the Securities and Exchange Commission, such indemnification is contrary to public policy and therefore unenforceable.

Registrant's attention is also directed to Note A of Rule 460 under the Act relating to disclosure of indemnification agreements.

7. RISK FACTORS

A. This section should include a carefully organized series of short, concise subcaptioned paragraphs, with cross-references to fuller discussion where appropriate, summarizing the principal risk factors applicable to the offering and to the program's particular plan of operation. See Guide 6 of the Guides. The risk factor section should be no more than two pages of the prospectus.

B. Risk factors relating to the specific program should be discussed first. Such risks might include, where applicable:

(i) where a ruling has been applied for, but not received as of the effective date, and an escrow or similar arrangement has been established, the fact that the investor's money cannot be put to productive use and the risk that such situation may continue for an indefinite period;

(ii) where registrant has been advised by the IRS that it is going to rule adversely, the increased risk that the investor may lose all tax benefits associated with the investment;

(iii) where no ruling from the IRS as to partnership tax status is sought, the greater risk resulting from the greater uncertainty as to the tax status of the partnership and as to the availability of tax benefits to the investor;

(iv) management's lack of relevant experience, or management's lack of success with similar programs or other real estate investments;

(v) where the proceeds of the offering will be insufficient to meet the requirements of the program's investment objectives, a discussion of the additional sources of capital for the program and of the risk of not being able to satisfy the program's objectives as a result of not obtaining additional necessary funds;

(vi) where the program has high risk investment objectives, including high leveraging, these should be explained;

(vii) risks associated with contemplated rent stabilization programs, fuel or energy requirements or regulations, and construction in areas that are subject to environmental or other federal, state or local regulations, actual or pending;

(viii) where a material portion of the minimum net proceeds of the offering is not committed to specific properties, disclosure of the particular risks associated with an investment in such an offering, including the increased uncertainty and risk to investors since they are unable to evaluate the manner in which the proceeds are to be invested and the economic merit of the particular real estate projects prior to investment, and since there may be a substantial period of time before the proceeds of the offering are invested, and therefore a delay to investors in receiving a return on their investment;

(ix) the potential exposure of the Limited Partners to unlimited liability as general partners in situations where the partnership agreement provides certain rights (majority votes) to Limited Partners, such as the right to remove the General Partner, the right to cause dissolution of the partnership, the right to amend the partnership agreement, the right to sell all or substantially all the partnership assets, and other specified rights.

C. Risk factors relating to real estate limited partnership offerings in general should be briefly discussed after those relating to the specific program. Such risks might include, where applicable:

(i) the risks associated with the ownership of real estate, including: uncertainty of cash flow to meet fixed and maturing obligations; adverse local market conditions; risks of "leveraging," and uninsured losses.

(ii) the principal federal income tax risks, including (a) the investor's likely exposure to substantial taxes upon a disposition of his interest (whether voluntary, as in a sale, or involuntary, as in a bankruptcy or other insolvency or on foreclosure), (b) that under certain circumstances an investor's tax liabilities may exceed his share of cash proceeds upon a sale of program property, (c) that an audit of the partnership information return may result in an audit of an investor's tax return.

8. PRIOR PERFORMANCE OF THE GENERAL PARTNER AND AFFILIATES

A. A tabular presentation providing a reasonable summary of the experience of the General Partner and its affiliates during the last five years in the investment of investor funds (all registered or exempted offerings, including private placements and intrastate offerings) in real estate. Where the investment objectives of any such prior programs were different from those of the program being registered, this should be disclosed.

B. The information required by Item 16(e) of Form S–1 as it applies to the General Partner (its officers and directors, if a corporation) or any of its affiliates who may be doing business with the partnership should be included.

C. Where any of such prior programs is experiencing an operating cash flow deficit, the "Annualized Deficit" for such program (the shortage of cash flow to pay for operating expenses and debt service before any cash distributions to participants) should be disclosed.

D. The amount of and reason for any contingent liabilities of the General Partner with regard to prior programs now in existence should be disclosed.

9. MANAGEMENT

If a material portion of the maximum net proceeds (allowing for reserves) is not committed to specific properties, disclosure should be made of the identity of the individuals who will make the investment decisions, with appropriate background information, including that required by Item 16(e) of Form S–1.

10. INVESTMENT OBJECTIVES AND POLICIES

A. If a material portion of the maximum net proceeds (allowing for reserves) is not committed to specific properties, disclosure should be made of the nature of the property intended to be purchased (e.g., commercial, residential) and the criteria (e.g., cash return objective, method of depreciation, location) to be utilized in evaluating proposed investments.

B. Disclosure should be made of any provisions of the partnership agreement, or any other agreement, which would allow a change in management or in investment objectives. A description of how such change could be made should be included.

C. If a program has as an investment objective a specific yield on the invested proceeds, such yield figures should be qualified to reflect the fact that they represent yield to the partnership, not on the cash investment of the issuer. It should be pointed out that the yield to the investor will be reduced substantially by the fees and expenses incurred prior to the purchase of properties and by the expenses of operation and maintenance of the properties. Where practical, the effective yield to the investor should be quantified. (See Guide 25.)

11. DESCRIPTION OF REAL ESTATE INVESTMENTS

A. Risks associated with specified properties, such as competitive factors, environmental regulation, rent control regulation, fuel or energy requirements and regulation should be noted.

B. If a material portion of the maximum net proceeds (allowing for reserves) is not committed to specific properties, registrant should clearly indicate in the prospectus that the promoters have not identified any specific investments (other than any described in the prospectus). In the event specific property has been identified and there is a letter of intent, deposit agreement, or other agreement in principle to purchase the property, appropriate disclosure should be made. Further, if there is a written or oral plan to proceed with purchase of specific identifiable properties after effectiveness, appropriate disclosure should be made.

12. FEDERAL TAX CONSEQUENCES

A. *General instructions.* This section should summarize under a series of appropriate headings all relevant federal and state tax aspects of the program. Proper citations should be used whenever reference is made to sections of the Internal Revenue Code ("The Code"), the Treasury of Regulations, decided cases or other sources. Any opinion of tax counsel should be supported by an appropriate legal memorandum and should be filed as an exhibit to the original filing. Tax counsel should be aware that their opinion speaks as of the effective date. Such opinion should be updated for any material tax changes or events occurring subsequent to filing and prior to the effective date. Ruling requests (including amendments) and rulings should also be filed as exhibits with the original filing, or by amendment as soon thereafter as available. If in response to a request for ruling, the IRS proposes not to rule or to rule adversely, this must be disclosed. Any tax risk that has been disclosed in the risk factor section should be explained under the appropriate heading in this section.

B. *Partnership status.* This subsection should state whether an IRS ruling has been requested as to the entity's classification as a partnership for Federal income tax purposes. The contents of any ruling, including any conditions therein, should be summarized. It should be disclosed how the General Partner proposes in the future to maintain the net worth and other requirements which must be maintained in order for an entity to preserve its partnership tax status. (IRS Rev. Proc. 72–13). If no IRS ruling has been requested, the opinion of counsel as to partnership tax status should be summarized, and the risk of reclassification on audit by the IRS should be disclosed.

C. *Taxation of limited partners.* This subsection should summarize basic rules of partnership taxation, e.g., that a partnership is not a taxable entity, that each partner will be required to report on his Federal income tax return his distributive share of partnership income, gain, loss, deduction or credit and that a partner may be subject to tax on his distributive share of partnership income even if no cash is distributed. If the partnership agreement provides a special allocation among partners with respect to their distributive shares of any item of (1) income, gain, loss, deduction or credit or (2) overall taxable income or loss, an opinion of counsel should be submitted that the principal purpose of the special allocation is not tax avoidance or evasion under Section 704(b)(2) of the Code.

D. *Basis.* This subsection should explain how the adjusted basis of a limited partner's partnership interest is computed. The importance to basis of a partner's proportionate share of the partnership's nonrecourse loans should be explained. Whether or not the indebtedness incurred or to be incurred by the partnership will be nonrecourse should be stated. If there is a question as to whether particular nonrecourse loans will enter into basis of the partnership interest because they may be treated as capital rather than debt, or for other reasons, this should be disclosed. The limitation under Code Section 704(d) on the allowance of partnership losses should also be explained.

Where appropriate, the treatment of a reduction of partnership liabilities as a distribution of money to the partners should be noted.

If a partnership acquires real estate from its General Partner, it should be disclosed that the mortgage indebtedness may be unavailable to step-up the basis of the Limited Partner's interest even though the partnership purchased the real estate without assuming any personal liability on the indebtedness, if the General Partner assumed personal liability thereon when he purchased the real estate and retains such liability upon its sale to the partnership.

If a nonrecourse loan to the partnership is guaranteed by the General Partner or its affiliates, disclosure should be made that such loan may on audit be treated as a nonrecourse loan which does not enter into basis of the partnership interests.

E. *Depreciation and recapture.* This subsection should explain the method or methods, of depreciation to be used by the partnership on its depreciable property. Depreciation recapture may be explained here with appropriate cross-reference to sections on Sale of Partnership Property and Sale of Partnership Interests.

F. *Deductibility of prepaid and other expenses.* As to prepaid interest, Rev. Rul. 68–643 should be summarized to the extent applicable. It should be explained that if a partnership takes a large deduction for prepaid interest in its first year of operation, having little or no income in such year, the IRS may determine that the prepayment created a material distortion of income at the partnership level and require that it be allocated over the term of the loan.

As to construction expenses for real estate, it should be explained which expenses are deductible (e.g., interim commitment fees, rent up fees, FHA mortgage insurance premiums). Similarly, the nondeductibility of certain permanent mortgage fees should be disclosed. As to management fees, it should be explained to what extent they are deductible by the partnership.

G. *Section 183.* The possible impact of this Code section on investors lacking a profit objective in investing in any tax shelter program which is expected to generate annual net losses for tax purposes for a period of years should be discussed. The discussion should note that the section may apply to the Limited Partners of a partnership notwithstanding any profit objective the partnership itself may be deemed to have.

H. *Sale or foreclosure of partnership property.* There should be an explanation of the tax treatment of a sale, at a gain or loss, of partnership property, including appropriate reference to depreciation recapture.

If appropriate, the tax treatment of dealer property should be explained. Should the sale of condominium units in which the partnership has an interest be contemplated, it should be pointed out that such units may be treated as dealer property.

Where appropriate, it should be emphasized that the amount realized on a sale of partnership property includes liabilities encumbering the property from which the partnership is relieved as a result of the sale, and that the partner's tax liabilities resulting from such sale may exceed any cash proceeds distributed from the sale.

The tax treatment of a foreclosure of partnership property should be explained.

In the case of subsidized housing, it should be noted that the partnership may elect nonrecognition of gain under Code Sec. 1039 on a sale to approved tenant groups.

I. *Sale or redemption of partnership interests.* The frequently adverse tax consequences to a selling Limited Partner resulting from the ordinary income treatment of any sales proceeds attributable to unrealized receivables or substantially appreciated inventory under Code Sec. 751 should be explained. It should be noted that depreciation recapture is an unrealized receivable.

The tax treatment of sales by a transferee Limited Partner should also be explained. Whether or not the partnership will make the election under Code Section 754 should be stated, together with the possible adverse tax consequences to a transferee Limited Partner should the Section 754 election not be made.

J. *Distribution or liquidation of the partnership.* The tax consequences to a Limited Partner of partnership dissolution should be explained.

K. *State and local taxes.* It should be disclosed whether nonresident Limited Partners will be subject to tax and/or have to file tax returns in the State or States where the partnership will be registered or where it owns properties. In the event that nonresident investors may be subject to tax in such State or States, the tax rates which may be applicable should be noted.

L. *Tax returns and tax information.* It should be disclosed what kind of tax information will be supplied to Limited Partners and when, and whether the same kind of information will also be supplied to assignees who are not substitute limited partners.

It should be explained that the information return filed by the partnership may be audited and that such audit may result in adjustments. Any adjustment of the partnership information return would at a minimum require a partner to file an amended return and possibly may result in an audit of the partner's own return. Any audit of a partner's return could result in adjustments of nonpartnership as well as partnership income and losses.

13. GLOSSARY

Definitions should be provided for all terms that are used in the prospectus which are technical in nature or which are susceptible to varying methods of computation, e.g., acquisition fees, book value, capital contribution, cash flow, cash available for distribution, construction fees, cost of property, development fee, net worth, organizations and offering expenses, profit, program management fee and property management fee. For purposes of uniformity, it is suggested that these definitions conform to those that appear in the *Rules for the Offer and Sale of Real Estate Programs of the Midwest Securities Commissioners' Association*, or that any variations, and the economic effect thereof, be disclosed.

14. SUMMARY OF PARTNERSHIP AGREEMENT AND REPORTS TO INVESTORS

A brief summary of the material provisions of the Limited Partnership Agreement should be included.

15. REPORTS TO INVESTORS

The registrant should disclose all reports and other documents that will be furnished to Limited Partners as required by the program's Limited Partnership Agreement and the undertakings to the registration statement. In particular, registrant should disclose: (1) Whether the financial information contained in such reports will be prepared on an accrual basis in accordance with generally accepted accounting principles, with a reconciliation with respect to information furnished to investors for income tax purposes; (2) whether certified independent public accountants will certify the annual report; (3) whether the annual report will be provided to investors within 90 days following the close of the partnership's fiscal year; (4) that a detailed statement of any transactions with the General Partner or its affiliates, and of fees, commissions, compensation and other benefits paid, or accrued to the General Partner or its affiliates for the fiscal year completed, showing the amount paid or accrued to each recipient and the services performed, will be furnished to each investor at least on an annual basis pursuant to the registrant's undertaking; (5) that the information specified by Form 7–Q (if such report is required to be filed with the Commission) will be furnished to investors within 45 days of the close of each quarterly fiscal period pursuant to the registrant's undertaking; and (6) if the registrant has applied for, but not received an IRS ruling as to the tax status at the time of effectiveness of the registration statement, that the registrant will promptly notify each investor, in writing, pursuant to its undertaking, of the receipt of the ruling or of an adverse ruling or refusal to rule by the IRS.

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16. THE OFFERING—DESCRIPTION OF THE UNITS

In addition to the disclosure required by the relevant items of Form S–1 or S–11, disclosure should be made of all restrictions on transfer of the interests, including those in the Partnership Agreement, those imposed by state suitability standards or blue sky laws, and those resulting from the tax laws.

17. REDEMPTION, REPURCHASE AND RIGHT OF PRESENTMENT AGREEMENTS

There should be a discussion of any provisions in the program that allow the General Partner or its affiliates to redeem or repurchase the offered security or that allow the investor to seek redemption or repurchase. The conditions or formulae used, e.g., purchase price less capital returns, should also be disclosed. Registrant should be careful to appropriately describe the investor's right—whether it be redemption, repurchase, or merely a right of presentment. The discussion should include the following factors:

(1) That appraisals are simply estimates of value and may not necessarily correspond to realizable value;

(2) The order in which redemption requests will be honored (post mark or other objective standard);

(3) Whether the General Partner and its affiliates will defer their redemption requests until requests for redemption by the Limited Partner public investors have been met;

(4) The source and amount of funds (together with any legal or practical limitations) available for this purpose;

(5) The circumstances under which a later request will be honored, while an earlier request is still pending;

(6) Tax consequences related to redemption;

(7) The period of time during which a redemption request may be pending prior to its being granted or rejected;

(8) Whether there is to be an allocation of funds among partners requesting redemption in circumstances where redemption requests exceed funds available for this purpose;

(9) Whether the Limited Partner must hold an interest in the partnership for a specified period prior to making a redemption request; and

(10) A detailed statement of the procedure that must be followed in order to redeem or seek repurchase of the interest, including the forms that must be presented, and whether signature guarantees will be required.

18. CAPITALIZATION

Disclosure should be made in accordance with Form S–1 (17 CFR 239.11) or S–11, (17 CFR 239.18) as appropriate.

19. PLAN OF DISTRIBUTION

A. If there is an understanding or arrangement, whether written or oral, between the registrant and any broker or dealer, relating to the distribution of the interests, which is intended to be finalized after effectiveness of the registration statement, such understanding or arrangement should be disclosed.

B. If, after the registration statement becomes effective, the registrant enters into any selling arrangement which calls for the payment of more than the usual and customary compensation, a sticker supplement (Rule 424(c)) (17 CFR 230.424(c)) describing such arrangement should be filed.

C. It should be disclosed whether registrant intends to pay referral or similar fees to any accountants, attorneys, or other persons in connection with the distribution of the interests.

D. If the General Partner or its affiliates intend to purchase interests, and such interests will be included in satisfying the minimum offering requirements, it should be disclosed whether such interests will be held for investment or resold.

20. SUMMARY OF PROMOTIONAL AND SALES MATERIAL

A. The sales material should present a balanced discussion of both risk and reward.

B. A section which identifies all selling materials proposed to be transmitted to prospective investors should be included. The selling material should be appropriately identified by title and character and should be separately categorized either as the registrant's material or that of another person. If material provided by the latter is to be used, state the name of the author and publication and the date of prior publication, if any, identify any persons who are quoted without being identified, and, except in the case of a public official document or statement, state whether or not the consent of the author and publication have been obtained for the use of the material as sales literature. Selling materials include memoranda, summary descriptions, graphics, supplemental exhibits, media advertising, charts and pictures relating to the offering of the security.

C. For material developed subsequent to the effective date, a "sticker" supplement (424(c) prospectus) should be filed to describe any new sales material.

D. Any material that is intended to be furnished to investors orally or in writing, other than that which is used for internal purposes of the registrant, and including all material described in paragraph B above, should be submitted to the staff supplementally, prior to its use. For purposes of this paragraph, the definition of sales material includes all marketing memoranda that are sent to broker/dealers or other sales personnel. Staff comments, if any, will be made orally. Registrant is advised to check with the staff before using sales material that has been submitted to the staff.

E. Wherever public sales meetings or seminars are to be employed to discuss the offering, individually or in conjunction with other tax sheltered offerings, the staff should be provided, as supplemental information, copies of any written scripts or outlines which are prepared for use in such meetings a reasonable time prior to their use.

F. The contents of the above sales material or sales meetings should be consistent with the representations in the prospectus. Reference in such sales material or at such sales meetings to Federal income tax treatment of the program and its investors should refer to either a ruling of the IRS or an opinion of counsel. Counsel should be named, his acknowledgment furnished with respect to such use, and any qualification contained in counsel's opinion included in such material. Where the program has not sought a ruling as to the tax status (partnership) from the IRS and is relying on an opinion of counsel, it should be clearly indicated that an opinion of counsel is not binding on the IRS and that the absence of a ruling may expose an investor to greater risk than would be in the case if a ruling had been obtained.

21. UNDERTAKINGS

A. The following undertaking with appropriate modifications to suit the particular case should be included in the registration statement if the securities to be registered are to be offered in a continuous offering over an extended period of time:

The registrant undertakes (a) to file any prospectuses required by section 10(a)(3) as post-effective amendments to the registration statement, (b) that for the purpose of determining any liability under the Act each such post-effective amendments may be deemed to be a new registration statement relating to the securities offered therein and the offering of such securities at that time may be deemed to be the initial bona fide offering thereof, (c) that all post-effective amendments will comply with the applicable forms, rules and regulations of the Commission in effect at the time such post-effective amendments are filed, and (d) to remove from registration by means of a post-effective amendment any of the securities being registered which remain at the termination of the offering.

B. The following undertaking should be included in every registration statement:

The registrant undertakes to send to each limited partner at least on an annual basis a detailed statement of any transactions with the General Partner or its affiliates, and of fees, commissions, compensation and other benefits paid, or accrued to the General Partner or its affiliates for the fiscal year completed, showing the amount paid or accrued to each recipient and the services performed.

C. The following undertaking should be included in every registration statement:

The registrant undertakes to send to the limited partners, within 45 days of the close of each quarterly fiscal period, the information specified by Form 7–Q (17 CFR 249.307a), if such report is required to be filed with the Commission.

D. The following undertaking relating to investment of the proceeds of an offering in which a material portion of the maximum net proceeds (allowing for reserves) is not committed to specific properties should be included in the registration statement:

The registrant undertakes to file a current report on Form 8–K to reflect each commitment involving the use of 15% or more (on a cumulative basis) of the net proceeds of the offering and to provide the information contained in such report to the Limited Partners at least once each quarter. The report to Limited Partners will contain the full financial statements required by Form 8–K, or, at the discretion of the registrant, a summary of the full financial statements with a statement that the full financials will be sent upon request.

The registrant should undertake to file a sticker supplement pursuant to Rule 424(c) under the Act to reflect each such commitment made during the offering period and to consolidate all such stickers into a post-effective amendment filed at least once every three months. Such sticker supplement should also disclose all compensation and fees received by the General Partner(s) or its affiliates in connection with any such acquisition.

NOTE: Offers and sales of the interests may continue after the filing of a post-effective amendment containing information previously disclosed in sticker supplements to the prospectus, as long as the information disclosed in the sticker supplements was complete.

E. If the registrant has applied for a ruling from the IRS as to tax status, and has not received it at the time of effectiveness:

The registrant undertakes to promptly notify each investor, in writing, of the receipt of the ruling or of an adverse ruling or refusal to rule by the IRS, and undertakes to file with the Commission a Form 8–K describing such event.

The Commission hereby proposes Guide 60, "Preparation of Registration Statements Relating to Interests in Real Estate Limited Partnerships," for comment pursuant to sections 7 and 10 of the Act. All interested persons are invited to submit their views and comments on the foregoing proposal in writing to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before April 15, 1974. Such communications should refer to File No. S7–517 and will be available for public inspection.

(Sections 7, 10, 48 Stat. 78, 81; sec. 205, 48 Stat. 906; sec. 8, 68 Stat. 685; (15 U.S.C. 77g, 77j.))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

MARCH 1, 1974.

[FR Doc.74–6292 Filed 3–18–74;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19544; FCC 74-195]

PUBLIC COAST RADIOTELEGRAPH STATIONS

Second Notice of Inquiry

1. The proceeding in Docket No. 19544 was initiated pursuant to section 403 of the Communications Act of 1934 by the Commission's notice of inquiry (37 FR 15197, 38 FR 3003, 36 FCC 2d 620) released July 20, 1972. The purpose of this proceeding is to conduct an overall review of the operations of public coast radio stations providing common carrier radiotelegraph services with the view towards the establishment of a policy framework in which to resolve the matters described in the Notice of Inquiry which are presently pending before the Commission.

2. As requested in Appendix A to the notice of inquiry, the major carriers presently operating public coast radiotelegraph stations (ITT World Communications Inc., RCA Global Communications, Inc., and TRT Telecommunications Corporations) have submitted a substantial amount of useful detailed information concerning the operations of their existing coast stations. Comments and reply comments have also been filed by other interested parties. In addition, a study contract was entered into by the Commission with Advanced Technology Systems, Inc. (ATS) so that we could have the benefit of an independent analysis of the problems facing the industry, as contrasted to the comments filed in response to the Notice of Inquiry. The final report resulting from this study, which was completed and submitted to the Commission in December 1973, is attached as the Appendix to this document.

3. The findings and recommendations in the ATS study are extensive as well as being novel in some respects to the present operations of public coast radiotelegraph stations. While we have not completed our review of the contents of this report, we do believe that its usefulness will be enhanced with the filing of comments by other parties interested in this proceeding. In particular, the three alternative coast station configurations listed in the ATS report are not the only ones that will be examined in the course of this proceeding. The examination of any potentially feasible alternative and decisions relating to the final arrangement of public coast radiotelegraph stations will be based primarily on the quality and scope of the maritime services to be rendered by the particular configuration and will not be limited solely to cost-revenue considerations. With respect to the landline system described by ATS to interconnect coast stations, there are a number of policy and practical questions relating to assuring the nondiscriminatory distribution of traffic between stations and to the equitable distribution between users of the costs of such a system which have to be resolved before the Commission can decide if such a system should be implemented.

4. The pending applications of the major carriers for authority to discontinue the services presently provided at certain of their public coast stations constitute one of the most pressing matters with which this proceeding is concerned. These carriers take the position that the closure of these stations will improve the financial viability of the remaining stations and that the current demand for maritime radiotelegraph services can be adequately satisfied by the remaining coast stations. The ATS report points to certain deficiencies in the cost-revenue data submitted by these carriers, and certain portions of the financial statements submitted by the carriers have been challenged by the Communications Workers of America in its reply comments to which these carriers have not had an opportunity to respond. Since the financial viability of the industry is one of the most basic of the issues in this proceeding, an accurate picture of the current financial status of the industry should be further developed. Variations in the accounting procedures and cost allocations employed by the different carriers preclude the direct comparison of cost-revenue relationships between coast stations or carriers. Therefore, for each coast station which is collocated with another radio station in a different service, such as point-to-point, we request that the carrier provide as part of this proceeding the following information for each such station by service for each year from 1966 through 1973: The revenue derived for each service, the direct costs of each service, the allocated cost for each service, the allocated net book value for each service, and the methodology used to arrive at these costs. We also request that each carrier specify for each coast station for the years 1966 through 1973 the revenues derived from the landline charges associated with the receipt and forwarding of marine messages and whether these amounts were included in the revenue figures previously submitted in this docket. Finally, in this regard and after receipt of the above information, we are directing the staff to pursue any matters relating to the financial aspects of coast stations which have not been clarified in this proceeding and to request the carriers to provide such additional information or clarification as may be necessary for a detailed examination of the financial statements submitted in this inquiry. This information will be placed in the official file of this docket and will be available for inspection by all interested parties.

5. Of equal concern in this proceeding is the technical updating and operational improvement of public coast radiotelegraph stations to improve the quality and efficiency of the maritime services provided to ships at sea, as well as the upgrading of coast stations necessary for the implementation of a high quality radioteleprinter service and the introduction of a selective calling system. We do not believe that the closure of certain coast stations as presently requested is in and of itself an achievement of these goals. Therefore, we are requesting that proposals be prepared by carriers seeking closures and submitted to the Commission for the implementation of an improved public coast radiotelegraph service with fewer stations from the standpoint of their remaining facilities. In this context, information regarding new equipment, services and/or facilities that would be required, the additional staffing required at the remaining stations, and methods to be employed in providing an improved quality of service to maritime users should be examined by the current licensees in light of the total system concept and other improvements discussed in the ATS report. The resulting coast station configuration must not only have the capability to handle the volume of maritime traffic currently handled by a carrier's existing coast stations on a coast-by-coast basis, but must also be capable of providing a higher quality of present maritime service offerings with greater efficiency, as well as providing for the implementation of a high quality radioteleprinter service. Such an affirmative plan, together with supporting technical and financial information, should be submitted to the Commission as a part of this inquiry.

6. It appears to be the general tenor of the comments filed in this proceeding to date, that competition on each coast with stations capable of handling comparable volumes of maritime radiotelegraph traffic is the most desirable of the feasible industry structures. We have no reason at this time to believe that the public interest in high quality maritime radiotelegraph services could be better served either by establishing a monopoly by selecting, either by choice or by default, a single licensee to operate all public coast radiotelegraph stations on each or all coasts, or through the entry of limited coast radiotelegraph stations. We also believe it desirable for maritime users and shipboard operators to have available a meaningful choice of coast stations from which to obtain service and that messages be routed through the coast station which can provide the quickest and most efficient service at any particular time. In this connection, we will examine the extent to which the existing ship station licensing arrangement of granting ship licenses to RCA Global Communications and ITT World Communications, instead of the ship owners, restricts the availability of such a freedom of choice in actual practice. Comments regarding this matter are requested.

7. In this regard, it is also noted that, apart from some general statements that there is a need for high quality maritime radiotelegraph services, there is no clear definition of the desired volume or quality of the services wanted by the customers of the existing public coast stations. Without such a clear definition of maritime user requirements, we cannot be in a position to assure that any affirmative plans proposed by the major carriers for the reconfiguration of their existing coast station networks will in fact provide the type, quality, and level of the services actually desired by the maritime users. We therefore urge the users or user associations to submit their requirements in terms of desired volume and quality of service that should be provided by public coast radiotelegraph stations at specific ports or by geographic area.

8. The Commission considers this proceeding a matter of urgency and feels that the public interest requires our prompt resolution of this matter. The time afforded for the filing of comments on the ATS report and the filing of the affirmative plans of the major carriers and a definition of user requirements appears sufficient for interested parties to prepare and submit the necessary items. The reply comment period may be utilized to modify carrier plans to accommodate stated requirements not previously addressed. Any request for extension of time to file these items or reply comments must clearly establish that the comments to be filed are of such consequence to the resolution of the problems in the proceeding that the public interest requires us to extend the time period.

9. In view of the foregoing, a second notice of inquiry in Docket No. 19544 is hereby adopted. Authority for this action is contained in sections 4(i) and 403 of the Communications Act of 1934, as amended. Interested persons may file comments on or before April 15, 1974 and reply comments on or before May 1, 1974. Comments and reply comments shall be filed pursuant to § 1.419(b) which requires, among other things, an original and 14 copies of all filings. All relevant and timely comments and reply comments filed in this Docket will be considered by the Commission before further action is taken. The Commission may also take into account other pertinent information before it in addition to specific comments elicited by the notice in this proceeding. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. Service of comments and reply comments on other parties to the proceeding as required in the first notice of inquiry will not be required with respect to filings in the second notice of inquiry.

Adopted: February 27, 1974.

Released: March 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

FINAL REPORT

THE PUBLIC COAST RADIO TELEGRAPH STATION STUDY

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SECTION 0

EXECUTIVE SUMMARY

A. *Background.* The study was initiated by the FCC to review the wide spectrum of replies to Docket No. 19544 which sought comments from companies operating the public coastal radiotelegraph (PCRT) stations, labor unions, those served by this industry and other interested parties. The comments covered financial statements, quality of service, and recommendations on how to continue and improve the service. A specific question facing the FCC was whether it should permit certain stations to be closed, as requested by three major carriers. A second question was the disposition of waivers of outstanding requirements imposed by the FCC on the carriers to make technical improvements in the existing facilities. These were the specific questions that prompted the FCC to issue its Notice of Inquiry. These questions, however, were symptomatic of a much more fundamental problem—the financial viability of the industry.

Advanced Technology Systems, Inc. (ATS) was selected as the FCC contractor to perform the review and analyze the industry's replies to the docket. ATS considered the specific issues of current and future operations, closure and technical improvements and evaluated these issues relative to the more basic issues that relate to the viability of the service as a whole. The study examined the requirements of the Maritime Industry and identified reasonable improvements that will bring about financial viability and operational effectiveness. ATS followed an approach which emphasized a detailed analysis of maritime radiotelegraph operations. Its objective was the identification of ways and means by which the carriers, the vessel owners, and operators may cooperate in the establishment of a system that benefits all through improved communications.

B. *The stature of the coastal telegraph industry.* The present coastal telegraph service is provided by 18 stations. Thirteen are operated by 3 major communications carriers, ITT, RCA, and TRT, and 5 independent carriers have one station each. Two of the independents are located on the Great Lakes—and have no real pertinence to this study. The concern of this study is service to vessels on the high seas.

The traffic handled by the stations of interest totals about one million messages per year for a total revenue of about $5 million per year.

The breakdown in percentage of traffic handled (1972) by individual stations and by each coastal area is given in the Table which follows. Figure 1 shows the location of each station and the volume of traffic each handled in 1972.

DISTRIBUTION OF PRESENT TELEGRAPH TRAFFIC

Station	Percentage of 1972 traffic (percent)
EAST COAST	
RCA—Chatham (WCC)	22
RCA—Tuckerton (WSC)	3+
ITT—Long Island (WSL)	16
ITT—New York City (WSF)	0
MPA—Baltimore (WMH)	1+
Percent of Industry Total	43
WEST COAST	
ITT—Seattle (KLB)	2
ITT—San Francisco (KFS)	10
ITT—Los Angeles (KOK)	5
RCA—San Francisco (KPH)	16
Percent of Industry Total	33
GULF COAST	
TRT—Hialeah (WAX)	5
TRT—New Orleans (WNU)	6
RCA—Lantana (WOE)	5
ITT—Arcadia (KLC)	3
MMR—Mobile (WLO)	1
Wood—Tampa (WPD)	½
RCA—Port Arthur (WPA)	3
Percent of Industry Total	24

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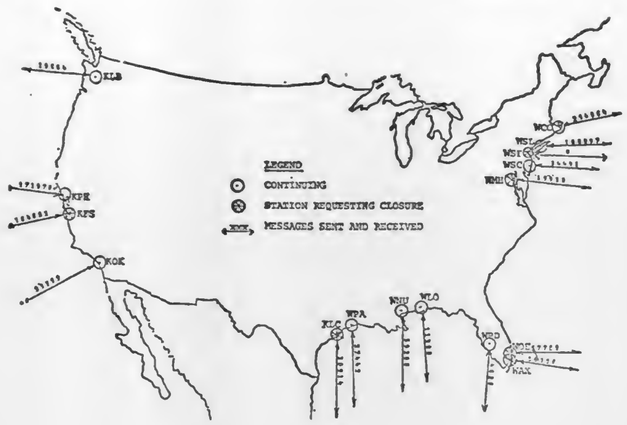


FIGURE 1

COASTAL STATION TRAFFIC PATTERN (1972)

From the preceding tabulation, it can be seen that 64 percent of the total traffic is handled by four stations: These are East Coast stations WCC(RCA), WSL(ITT), and West Coast stations KPH(RCA), KFS(ITT). Only 12 percent of traffic is handled by the remaining five stations on the East and West Coasts. The Gulf-Florida area has 24 percent of the total traffic—which is spread among seven stations, none of which has more than 6 percent of the total traffic.

The three major carriers, ITT, RCA, TRT, have expressed concern with the financial structure of the present coastal telegraph service. All three have requested the right to close stations to improve their financial position. While the best stations to close would be the smaller stations this conclusion does not appear to be supported by some of the applications for closure now on file. It must, however, be recognized that the present requests for closure differ from earlier requests. Thus, the principal objective of the applications on file is to emphasize the need for this form of relief. The notice of inquiry and this study have been accepted by the carriers and interested parties as an appropriate way to establish a basis for planning. It is to be expected that the carriers will welcome an opportunity to modify their applications should this study provide a better basis for accomplishing their fundamental objective—improved financial viability.

C. *A plan for restructuring the coastal telegraph service.* It is the opinion of ATS, based upon its study, that ITT and RCA should each retain their best station on both the East and West Coasts, and that TRT should retain its best station on the Gulf. This approach would retain the five best sited and best equipped stations in operation today. This would also provide for competition among major carriers on the East and West Coasts—a feature that vessel operators favor. The Gulf Coast presents a more complex problem. All of the stations operated by either ITT or RCA on the Gulf Coast are small, poorly equipped stations. Both carriers would like to close these stations. TRT, on the other hand, has a very good station at New Orleans and is interested in continuing this station provided it can close its station in Florida.

It would be beneficial to the financial viability of WNU (New Orleans) to allow ITT and RCA to close their stations in this area. It would also be helpful to the development of two independents in the Gulf area; WLO at Mobile and WPD at Tampa. Both of these stations are in a position to provide additional coverage and competition for traffic in the Gulf-Florida area. Thus, there is merit in allowing RCA and ITT to close their Gulf-Florida stations, and to favor expansion of the capabilities of stations operated by TRT at New Orleans and the independents at Mobile and Tampa.

ATS recognizes that there may be concern on the part of some interested parties in permitting the closure of both major carrier stations in Florida and both major carrier stations in Texas. Accordingly, it has in this study analyzed a configurstion of stations which includes retention of one major carrier station in Florida (RCA's) and one in Texas (ITT's). Such a plan would differ from the one described above in that it would retain competition among all three major carriers in the Gulf-Florida area. This would detract from the opportunity for expansion of TRT and independent operators, otherwise presented by closure of ITT and RCA Gulf operations.

ATS recognizes the importance of restructuring the coastal telegraph service to permit an improvement in financial viability. However, it is of the strong opinion that the most important improvement to the coastal telegraph service will derive from a networking of stations into a common carrier maritime communications network. This network would have the purpose of making available to the maritime community, the capabilities of all stations and all services. It would assure a means of access to the system for all maritime areas, including those that would lose a "local" station due to closure.

The common carrier landline network concept proposed in this report would solve another problem that exists at the present time. This is the lack of a properly tariffed procedure or procedures for handling of messages over landlines. It is estimated by ATS that better than 65 percent of the revenue accruing from the use of land lines covers handling of messages by the coastal stations or carriers over carrier provided landlines and/or TWX, TELEX, or telephone. Western Union is used as a connecting domestic carrier in less than 15 percent of the cases. The proposed common carrier maritime network would treat all carriers and coastal station operators as connecting carriers. It would take advantage of the highly modern landline and message handling capabilities of the three major carriers, ITT, RCA, and TRT. These facilities are used today by each carrier to handle its own traffic. A system that would take advantage of these facilities on a common carrier system basis would be more economical and would have the advantage of providing for exchange of traffic among stations and carriers to facilitate delivery.

This report presents a concept of operation under which traffic lists for vessels would be transmitted on a common channel by all stations. Each station would give priority to the traffic it holds; but it would also broadcast lists for traffic being held (for example, 4 hours or more) at other stations. Thus, if a vessel cannot reach a station that has its traffic, it could request its traffic from a station with which it has contact without waiting for conditions that would permit it to get through directly to the station holding that traffic. Similarly, a vessel originating traffic could transmit it to any station it chooses, on the basis of availability, and be assured that the message will reach it destination expeditiously. At the present time, there is a tendency for vessels to use those stations and/or carriers with which it has made special arrangements for message handling. The common system would not preclude the exercise of a preference for use of a particular station and/or carrier but would permit a customer a means for clearing traffic expeditiously over the best, or only routing available at any time.

The establishment of a common landline network is considered essential to the development and use of improved system techniques. It is also essential to the establishment of a system that will utilize other modes of transmission. For example, there would be provision for transmission of messages by radiotelephony or in the future by satellite. The proposed network should be a common means for serving all of the communication needs of vessels and those that communicate with vessels. It should be possible through a common maritime network to utilize any of the available means for establishing contact with a vessel. This is not to preclude the opportunity provided by the telephone company for direct telephone contact, but rather to extend on a positive service basis the availability of such circuits for use by a communications center of the common system. The combination of a restructuring of stations to improve financial viability, and the establishment of a common carrier landline network are considered to be necessary features of an improved maritime communications system.

The following is a list of specific findings, conclusions and recommendations that derive from this study.

D. *Summary of findings.* 1. The PCRT industry has not improved the technical characteristics of its equipment to comply with the FCC standards identified in Docket No. 18577. The industry position is that the revenue derived from coastal telegraph operations does not support the substantial investments in equipment required to meet the FCC standards being "imposed" on them.

2. Industry traffic volume, and hence revenue, has remained at essentially the same level (1,000,000 messages and $5,000,000 per year) for the four years 1969–1972.

3. A reduction of staff and operating personnel has occurred at many of the stations due to attrition. Because of increases in cost of labor, this reduction has not resulted in a decrease in operating costs.

4. The PCRT industry has made only minimal use of technological improvements (teleprinters and other forms of data transmissions) in station operations. The industry is highly dependent upon manual operation.

5. The PCRT industry does not report direct costs and allocated expenses on a uniform FCC approved basis. Wide variances in some important cost items occur from company to company in the industry. For example, ITT's allocated costs, as a percent of direct cost, greatly exceed those of other companies in the industry. RCA's salary costs at station KPH, as a percentage of direct cost, greatly exceeds that of any other similar sized station in the industry.

6. Substantial revenues accrue to the carriers from collection and delivery of messages over landlines.

7. The charges for the collection and delivery of coastal telegraph messages over landlines are handled differently by the PCRT principals. RCA and TRT do not include such charges in the revenue they report from operation of coastal stations; ITT does.

8. Financial statements submitted by the industry indicate, on face value, that the industry is not financially viable.

9. In recent years, increased costs have been allocated to coastal station operations at sites shared with point-to-point facilities. This is attributable in part, at least, to the removal of revenue producing point-to-point operations to other sites that are not shared. This is in accord with a management program to shift point-to-point operations from the use of radio to the use of cable and satellite.

10. An analysis of costs that are directly related to maritime communications indicates that the industry would be financially viable, though on a marginal basis, if the costs of facilities shared with point-to-point operations were reallocated to show only costs that are actually required for maritime.

11. The industry would be financially viable and could provide improvements in equipment and service if certain small stations were allowed to close.

E. *Conclusions.* 1. The closure of small stations by the major carriers would permit the industry an opportunity to establish viability and to provide improvements in equipment and service.

2. There will be a continuing need for manual telegraphy into the foreseeable future even though other forms of communications are made available. Existing terrestrial facilities should be improved to provide additional forms of communications, particularly printing and data. Voice grade channels should be utilized to provide facsimile and high speed data as well as voice.

3. The closing of stations should be conditional upon the restructuring of the public telegraph service into a common carrier network of landlines and message handling facilities that will assure service to all maritime areas from the remaining stations.

4. Three communication centers (one for each coast) should be established to handle the exchange of traffic within the coastal telegraph system. These should also provide an interface that facilitates the use of radiotelephony through terrestrial or satellite facilities when use of these will best serve the communication needs of the maritime service.

5. The FCC should encourage the public maritime carriers to cooperate as connecting carriers in providing a total common communications service to the maritime industry.

6. Coastal stations participating in the restructured coastal telegraph service should be required by the FCC to install new equipment complying with standards identified in Docket No. 18577, and should be encouraged in installing such equipment to include the capability for providing both telegraph and teleprinter operation.

7. The promotion of satellite communications services for commercial ships at sea by MARAD and COMSAT should not be allowed to become a deterrent to the immediate improvement in viability and services offered by terrestrial facility operators.

8. The international point-to-point carriers should be required to restructure the cost allocation procedures for shared radio facilities so as to relieve the coastal stations of a burden that now results from removal of point-to-point service from these sites. The point-to-point carriers should be encouraged to organize their landline and message handling capabilities to provide a common maritime network that effectively ties together the various coastal stations (including satellite terminals) as a maritime communications system.

9. The FCC should require the establishment of standard procedures for the handling of messages over landlines and make it the responsibility of the international carriers, subject to FCC approval, to utilize domestic carriers or the systems of domestic carriers when such can be used to the benefit of the customers being served.

F. *Recommendations.* It is recommended that: 1. Pending its decision in Docket No. 19544, the Federal Communications Commission (FCC), establish a moratorium for complying with Docket No. 18577 and, during this period, not allow the opening of any new public or limited coast station.

2. The FCC initiate a study leading to an FCC approved cost allocations manual for the PCRT industry.

3. The FCC ask the carriers, vessel operators, and representatives of operators to review this report and comment on the feasibility of cooperating in the development of a program for implementing the total system concept and/or other improvements discussed in this report.

4. The FCC hold such meetings or establish such procedures as may be appropriate to develop and implement a program for improvement.

SECTION I

INTRODUCTION

A. *Background: Basic question is how to achieve a viable coastal telegraph system.* The study seeks to answer the fundamental objective of Docket No. 19544, which is to continue and improve the service now provided by public radiotelegraph stations. A specific question facing the FCC is whether it should permit certain stations to be closed, as requested by three major carriers. A second question is the disposition of waivers of outstanding requirements imposed by the FCC on the carriers to make technical improvements in the existing facilities. These are the specific questions that prompted the FCC to issue its Notice of Inquiry. These questions, however, are symptomatic of a much more fundamental problem—the viability of the industry.

The responses to the notice of inquiry reflect some of the more fundamental questions. They clearly indicate differences in opinion as to the adequacy of service and what should be done to improve the situation. Serious criticisms are made of the carriers by the vessel owners and radio operators. The carriers emphasize data that supports their positions for closure.

ATS considered the specific issues of closure and technical improvements and evaluated these issues relative to the more basic issues that relate to the viability of the service as a whole. The study examined the requirements of the Maritime Industry and identified reasonable improvements that will bring about financial viability and operational effectiveness. ATS followed an approach which emphasized a detailed analysis of maritime radiotelegraph operations. Its objective was the identification of ways and means by which the carriers, the vessel owners, and operators may cooperate in the establishment of a system that benefits all through improved communications.

Fundamental weakness in radiotelegraph service is its inability to accommodate improvements. The existing radiotelegraph service is structured around a dependence upon the manual transmission of morse code. The structure reflects an era of labor abundance. It has fostered an historic competition among manned telegraph stations that operate without the benefit of modern technology and without a coordinated industry structure. The industry is aware that it is facing an increasing competition from those who offer new technologies in the form of voice and data systems that emphasize automatic operation. Yet the existing public telegraph structure is not financially strong enough or properly organized to support the changes that are necessary to counter the new competition by offering new services to its customers. This lack of action by the PCRT industry is encouraging the formulation of new competitive entities which plan to introduce improvements that derive from improved technology and hence capture some of the maritime traffic currently handled by the public coast stations.

FCC has recognized a need for the implementation of satellite service. An example of the application of new technology to the maritime mobile service is reflected in current planning for the use of satellite technology. The world is anxious to develop this new technology for maritime use. In this country COMSAT would like to be the supplier of such service. The Maritime Administration (MARAD) is supporting an experimental program for development of a maritime satellite communications system. There are fundamental differences between the U.S. and others as to who should own and operate an international satellite. Within the U.S. there is a serious question as to what effect satellites will have on the operations of the existing carriers. The FCC has attempted to alleviate the immediate problem in the U.S. by requiring COMSAT to permit existing carriers to participate with it on an ownership basis in the establishment of a maritime service. The outcome of this venture is not yet clear. It is, however, quite clear that there is a problem in programming improvements in maritime communications so as to accommodate the needs of the present PCRT industry structure.

Competition exists between modes of communication. The issue of competition between new and old in providing services to the maritime industry includes an increasing need for accommodating the use of different modes of communications; Telephone, printer, data and telegraph. Radiotelegraph, using public coast stations, is still the workhorse for providing high seas communications, and hand-keyed international morse code the mode of transmission most relied upon. While some segments of the PCRT industry have offered improvements in telegraph technology that point to the use of teleprinters, and other forms of data transmission, these techniques have not achieved a significant degree of use up to the present. There is no correlation of service or planning for improvements among the telegraph carriers or among the telephone and telegraph carriers. As already mentioned, there is some recognition of need for correlation among carriers in the planning for use of satellites—but the mechanism for such coordinated planning of improvements to the PCRT service does not yet exist.

Implementation of system changes or improvements in the PCRT industry have been difficult to achieve. The accomplishment of

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improvements in existing PCRT communication services have been difficult due to the lack of agreement among carriers and users on the changes to be made and on the precise form in which to make the changes. This is particularly true when the changes require an investment in new equipment and/or new service offerings. Without an indication from the users that they will equip their ships to take advantage of the new service offerings, it is difficult for any of the PCRT industry leaders to justify the investment that is necessary on their part to bring about the changes. This difficulty is more pronounced by the fact that the change must occur within a regulated industry that is subject to international agreement. Foreign vessels are recipients of a substantial part of the service provided by U.S. radiotelegraph carriers. Planning improvements in consort with foreign shipping interests under these circumstances has been extremely difficult and time consuming.

The difficulties encountered in achieving standardization on a selective-calling and on printer systems illustrative of the problem. Representatives of the Maritime Industry have been trying for many years to achieve a standardized selective-calling system. The tone system now favored by International Agreement is not acceptable to the U.S. For this reason, an important U.S. program is presently being sponsored by the Maritime Administration (MARAD) to develop a different system based on the use of digital techniques. It is the hope of U.S. interests that the MARAD program will produce data in time to encourage international support of the U.S. position at the forthcoming Maritime Conference (1974).

The U.S. has no specific system that it recommends for use of printers. There are several different systems in use throughout the world. Systems used in other countries are different from the one system which is receiving limited use by U.S. carriers. There has not been adequate progress in the development of either an international position or a national position. Such progress is needed before there can be substantial progress in implementation of printers by U.S. carriers and/or U.S. vessel operators.

Delays in planning improvements in the present coastal telegraph system has encouraged the implementation of private systems. There is an increasing interest in the use of private systems by some vessel companies. Better than 90 percent of the ship-shore traffic is business related. The personal traffic of the crew and passengers makes up the remaining portion of the traffic. Vessel companies are attracted to private operation because it provides direct company control over the large percentage of their ship related communications and the right to use a selective-calling system of their own choice. The use of private stations for radiotelephony is now authorized under the FCC rules. There is an outstanding request for authorization of a privately operated teleprinter and/or data service. The argument is made that private systems are necessary and desirable to afford operators the opportunity for implementing improvements on their own—thus relieving them of dependence upon common carriers, and the problems involved in achieving national and international acceptance.

The proliferation of private systems using HF could become a problem on the high seas just as it has been a problem on the inland rivers. Without coordination of usage there will be an increasing potential for interference as the number of private systems increases. There is in addition the danger (cited by the FCC in its notice of inquiry) that widespread use of private systems will detract from the revenue base needed by the PCRT industry to assure adequate services to those commercial interests remaining dependent upon the PCRT carriers for radiotelegraph communications. Both the common carriers and those they serve can be harmed by the widespread use of private systems. These are questions that confront the FCC as it proceeds toward a solution of the fundamental problems of concern in this study.

The FCC must consider closure and other improvements in the light of the effect which such changes will or could have on viability of the industry. The FCC and the PCRT industry are aware that they are responsible for assuring the continued availability of maritime communications. Both concern themselves with the fundamental problems that confront the industry as a whole. Both seek solutions that will satisfy more than the single question of closure of specific stations or the requirement for technological improvement. What is needed is an answer to the fundamental question of how to provide adequate service to the user in a business environment that has viability in adapting to new needs and opportunities for improvement.

The question of what constitutes financial viability is readily answered and is discussed more fully in later sections. It will be shown that a proper allocation of costs to marine communications would show the present PCRT industry to be financially viable though a marginal operation. With appropriate closures and realignment of stations, the industry can be made financially strong and capable of supporting needed programs to improve operations and service. The question of what constitutes adequate service has not been clearly specified within the industry. Those who serve attest to the adequacy of their services. Those who are served comment on the inadequacies of the services provided. ATS has considered the question of service adequacy and suggests the following criteria subject to refinements which reflect the many possible communication situations under which service must be provided.

Basically, using present day maritime radiotelegraph communication methods and techniques, shore-to-ship service should be deemed adequate if the shore station can make contact with 95 percent of the ship stations on its traffic list within two transmissions of the traffic list (4 hours under present tariffs), provided the traffic lists are broadcast during a period when the ship's radio operator is on watch. Ship-to-shore service should be deemed adequate provided any ship with adequate radio facilities can make contact and start message transmission on 95 percent of its calls within 30 minutes of their initiation of the calls.

Naturally these guidelines will and can become more stringent as new methods and technologies become operational in the industry. And they should be relaxed to cover communication situations which encounter transmission difficulties over long distances.

B. *ATS approach to a solution.* ATS approached its study with a full recognition of the background discussed in section I A. It has been sensitive to the importance of establishing factual data on both industry operations and the financial viability of coastal station operations. Thus it set forth at the outset to establish a clear and factual understanding of both the operational and financial status of individual stations and of the industry as a whole. Its preliminary analyses of responses to the FCC Inquiry indicated that data on facilities and operational matters was reasonably complete. Data on cost and revenue were less than adequate. It was determined that the industry profile in both areas—operations and finances—should be prepared on a comparative basis and that data from the responses to the FCC Inquiry should be supplemented by (1) a comprehensive survey of facilities, and (2) a request for more information on cost/revenue relationships, followed by personal contacts with management.

ATS visited[1] five radio sites on the West Coast, eight on the East Coast, and five sites on the Gulf Coast. This provided an extensive coverage of radio sites operated by the three major carriers, ITT, RCA, and TRT. It included in addition a survey of sites operated by WLO in the area of Mobile. Operating centers in San Francisco and New York were also visited. Several meetings were held with carrier management personnel, and representatives of operator unions. Contact was made with the U.S. Coast Guard and Maritime Administration as well as the FCC. The attitude of all those contacted was cooperative. While the carriers did not provide all of the supplementary data requested of them, they made available sufficient information to provide a good basis for making the most important judgments relative to station operations and financial viability. Each financial statement submitted was reviewed for completeness and conformity. The important cost categories in all financial statements were analyzed to uncover operating norms from which typical financial models of typical station operations could be constructed. These models were used as a basis for determining unusual costs in specific financial statements. The financial model was also used to estimate operating costs and return on revenues in the PCRT industry for the various station realignments analyzed in Section IV of this report as a basis for evaluating the effect of closures on system viability.

Section II contains the results of analyses of present operations of the coastal telegraph stations. Section III is an overview of the existing operations and the opportunities that exist for introducing improvements. Section IV compares the effect of granting outstanding requests for closure with alternative plans for achieving system viability. Since it became clear from the survey that the applications for closure do not reflect the only alternatives considered reasonable by the various parties, several other alternative system configurations were also analyzed. For example, RCA suggests that one large PCRT station on each coast may be the best answer to the industry's problems. ITT Worldcom believes that industry costs could be reduced—without adversely affecting the availability of the service to the public—by closing redundant stations and by consolidating stations serving the same area. On the other hand there was an expression of a need for competition by representatives of vessel operators. The analyses of alternatives in section IV take account of these views, and also include certain other important changes. These are modifications in operating procedures and a plan for the networking of stations. Particular emphasis is given to the need for introduction of a network that would tie all coastal stations together in a single common carrier system.

ATS recognized from the outset that the handling of traffic over landlines within the U.S. and the accounting for costs and revenue related thereto differ from station to station and among carriers. This was recognized to be a particularly complex area that would require special attention in the study. The study has considered a modification of the coastal telegraph service that would make the telegraph carriers responsible for the entire process of handling messages including the responsibility for collection and delivery in the U.S. This would not preclude the use of other carrier facilities but would put such use at the discretion of the maritime radio carriers.

[1] See Appendix A for a list of the stations visited and the industry personnel contracted.

As indicated in its proposal for conduct of this study, ATS has felt it desirable to explore the possibility of providing a common interface between users and all of the radio systems that are available for communication with vessels. Accordingly, the study identifies a network structure that is susceptible to such expansion, a structure that affords the PCRT industry an opportunity for future improvement in the handling of overall maritime operations. The network would utilize a common landline network and common communication centers as the means for distribution and reception of radio traffic by means of telegraph, printer, data, or voice through either the media of terrestrial or satellite radio. Sections III and IV discuss the networking arrangements in more detail. Appendix B lists twenty Marine Radiotelegraph Public and Limited Coast Stations.

SECTION II

INDUSTRY PROFILES—PRESENT

A. *Traffic patterns.* The response to the Commissions notice of inquiry, Docket No. 19544, indicates that the existing 18 PCRT stations handled a total of approximately one million messages sent and received for the year of 1972. Of the one million total, approximately one-fourth was sent and the remaining three-fourths received. The traffic was distributed in the ratio of one to three to five between the Gulf, West and East Coasts, respectively, with the bulk going to the large stations. Figure 1 shows the location of the coastal stations and total number of messages sent and received at each station. Graph 1 shows the total number of messages sent and received for the period of 1966 through 1972, and the estimate for the year 1973. The message traffic total handled by each of the principal carriers is also indicated. Graph 2 shows the distribution of total message traffic sent and received for each of the coastal areas. As indicated, there has been very little, if any, increase in message traffic during the period 1966 through 1972. Two opposing factors contribute to this stagnancy in traffic volume. The first is that the world's merchant vessel population is decreasing. The second is that the number of larger ships (over 10,000 gross tons) is increasing. The larger ships have a vital need for more communications. The two factors, up to this point in time, have been offsetting each other to yield a constant traffic level. By the year 1980, the communication needs for the larger number of larger ships will more than offset the decrease in merchant vessel population. The larger oil tankers, containerized cargo vessels, fishing vessels, etc. will have a vital need for voice and data communications to improve the vessels utilization factor through reduced in-port time. If this service is not offered by the PCRT industry, the merchant vessels will look to private systems and satellite services to satisfy their increased communication needs.

It is safe to predict, based on past communication experiences, that any new service offering in voice and data will capture a fair share of the existing maritime traffic and induce an increased use of this preferred form (by the user) of communications. The Automated Marine International Study on Maritime Mobile Satellites anticipates at least a doubling in maritime traffic by 1980 through improved satellite service offerings.

The current PCRT industry can be characterized as being widely dispersed with respect to locations and fractionated in distribution of traffic carried by the various stations. For example, one station carries 22.3 percent of the total messages, while four stations each carry 2 percent or less of the total volume. Figure 2 is illustrative of the traffic distribution by stations in the PCRT industry. A redistribution of traffic to a fewer number of larger stations is indicated to meet the communication needs of a changing but more demanding user.

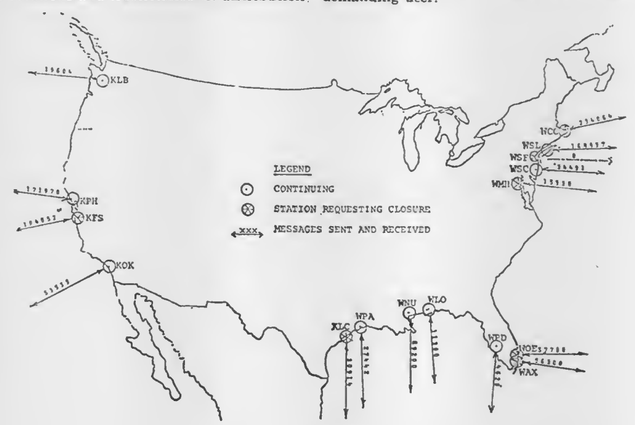
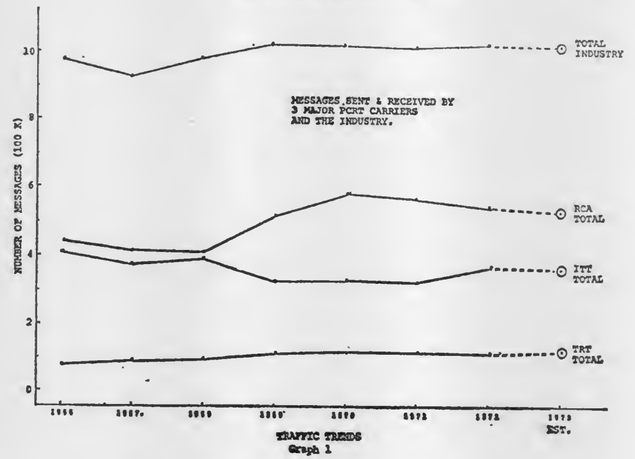


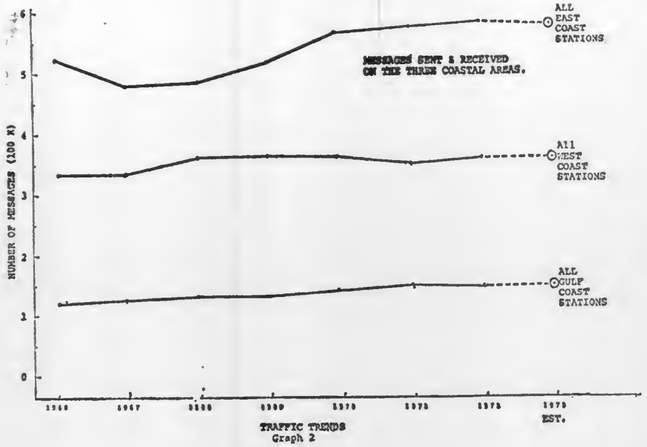
FIGURE I

COASTAL STATION TRAFFIC PATTERN (1972)



TRAFFIC TRENDS
Graph 1

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TRAFFIC TRENDS
Graph 2

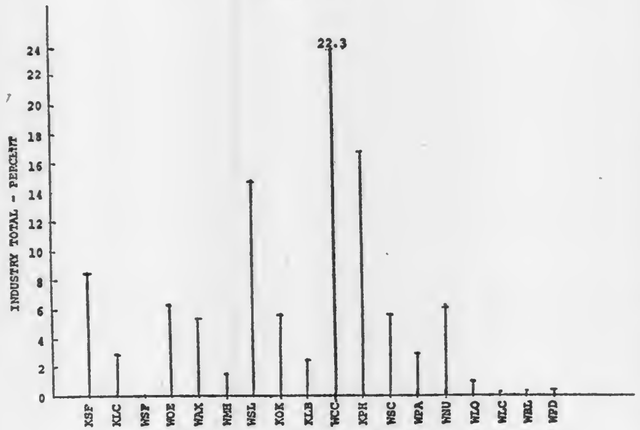


FIGURE 2
TRAFFIC DISTRIBUTION BY PCRT STATIONS (1972)

B. *Cost/revenue consideration.* Of the many problems confronting the PCRT industry, it is the request for closure of stations that has forced a regulatory review. The carriers give many reasons for requesting closure, the principal ones being unprofitable operations and lack of growth potential in the industry. The desire to reassign investments in the PCRT industry to other better revenue producing business interest must also be recognized as a factor. As stated previously, indiscriminate closure of PCRT stations without consequential benefits in the form of improved service is not in the best interests of the public. However, selected station closures, in consort with provisions for the remaining stations to provide improved service, could have considerable merit.

Before it can be determined whether closures of Coastal Stations are in the public interest, the reasons for and alternatives to closure must be identified and analyzed with regard to many factors. These include the effect of such changes upon:

1. Financial viability of stations and industry.
2. Opportunity to provide improvements in station and system characteristics.
3. Improvement in services provided.
4. Increased operational efficiency.
5. Opportunities for Federal and Industry support for improvements.

This section describes the *existing financial condition* of the PCRT industry and its impact on the closure problem now facing the industry. The other factors listed are covered in other sections of this report.

The current financial condition of the PCRT industry is reflected in the financial statements submitted by them for fiscal year 1972 (FY72). The financial statements provided by RCA, ITT, and TRT are given in Tables 1, 2, and 3, respectively. Financial statements from the remaining PCRT stations are not included since these stations account for only a small percentage of the industry's total revenue and do not materially change the observations made or conclusions drawn.

All financial submissions to FCC Docket No. 19544 were reviewed. The four submissions of most significance in the determination of financial viability are ITT's Summary of Annual Costs, RCA's Profit and Loss Statement Summary, and the Profit and Loss Statement for the individual RCA stations WCC and KPH. These statements are reproduced here as Tables 4, 5, 6, and 7, respectively.

A comparative financial analysis of all station operations based upon the submissions by the carriers in FCC Docket No. 19544 and subsequent letter requests, dated August 22, 1973, results in the following observations:

1. WCC, which is an exclusively maritime station operated by RCA, is the only station which the carriers show to be meeting revenue requirements as defined in the FCC's letter of August 22, 1973. Its excess revenue is $240,000. See Table 1.

2. The combined operations for FY72 of all RCA PCRT stations meet revenue requirements with a total revenue of $2,362,000. Because of the high amount of excess revenue received from WCC, this revenue for all RCA stations is $81,000 in excess of the revenue requirement ($2,282,000) for an adequate return (6.5 percent) on investment. See Table 1.

TABLE 1.—*RCA Global Communications, public coast stations financial data, fiscal year 1972*

[In thousands of dollars]

Account name	Chatham, WCC	Tuckerton, WSC	Lantana, WOE	Port Arthur, WPA	San Francisco, KPH	Total
Station revenue	$1,086.8	$153.8	$228.3	$121.8	$772.1	$2,362.8
Operating costs	626.6	181.2	199.8	121.2	608.6	1,737.4
Allocated costs	155.3	36.0	42.7	25.1	133.8	392.9
Net book value	232.9	40.9	52.7	35.2	194.5	555.9
Rate base	339.2	60.1	86.9	56.3	255.7	798.2
Gross return [1]	64.4	11.4	16.5	10.7	48.6	151.6
Revenue required	846.3	228.6	259.0	157.0	791.0	2,281.9
Excess (deficit) revenue	240.5	(74.8)	(30.7)	(35.2)	(18.9)	80.9

[1] Figured for 6.5% on rate base after taxes.

TABLE 2.—*ITT World Communications, Inc., public coast stations financial data, fiscal year 1972*

[In thousands of dollars]

Account name	Long Island, WSL	New York, WSF	Arcadia, KLC	San Francisco, KFS	Los Angeles, KOK	Seattle, KLB	Total
Station revenue	$934	----------	$155	$561	$291	$108	$2,049
Operating costs	625	$26	123	387	201	112	1,473
Allocated costs	417	17	82	258	134	75	987
Net book value	761	198	89	192	103	45	1,386
Rate base	893	204	115	273	144	68	1,699
Gross return [1]	178	41	23	55	29	14	333
Revenue required	1,221	85	230	701	365	201	2,807
Excess (deficit) revenue	(287)	(85)	(74)	(140)	(74)	(93)	(753)

[1] Figured for 10% on rate base after taxes.

TABLE 3.—*TRT Telecommunications, public coast stations financial data, Fiscal year 1972*

[In thousand of dollars]

Account name	Hialeah, WAX	New Orleans, WNU	Total
Station revenue	$209	$241	$450
Operating costs	260	223	483
Allocated costs	117	104	221
Net book value	26	26	52
Rate base	63	59	122
Gross return [1]	12	11	23
Revenue required	389	338	727
Excess (deficit) revenue	(180)	(97)	(277)

[1] Figured for 10% on rate base after taxes.

TABLE 4.—*ITT World Communications, Inc., public coast stations summary of annual costs, 1966–73*

	1966	1967	1968	1969	1970	1971	1972	1973
Manpower:								
Regular	$569,632	$535,885	$554,693	$528,393	$533,279	$532,769	$553,119	$619,270
Overtime	$52,516	382,081	385,079	322,207	316,579	339,903	382,285	403,650
Fringe benefits	111,676	103,205	110,817	103,757	91,394	106,554	110,624	123,854
Rentals	23,393	25,659	28,274	37,977	47,016	49,789	46,275	43,913
Utilities	49,558	50,517	54,456	44,228	53,440	51,226	50,821	51,960
Materials and supplies	23,267	46,371	28,221	21,531	24,561	22,818	20,383	24,430
Commercial news	4,778	3,413	11,489	8,249	8,268	8,314	8,364	8,400
All other	32,609	24,755	43,191	29,120	22,980	20,358	18,950	27,040
Commissions	36,659	50,305	116,943	110,785	120,107	132,015	139,872	149,040
Provision for bad debts	6,000	6,750	6,600	6,600	6,600	6,600	6,600	6,600
Other taxes	15,624	14,536	14,527	15,609	15,000	15,000	15,000	15,000
Depreciation	117,000	117,000	117,000	117,700	118,500	101,000	100,900	100,900
Total direct expenses	1,342,712	1,360,477	1,471,290	1,406,156	1,357,724	1,386,346	1,453,193	1,574,057
Allocated expenses	969,854	982,686	1,062,727	1,015,681	980,699	1,001,372	1,049,656	1,136,957
Total expenses	2,312,566	2,343,163	2,534,017	2,421,837	2,338,423	2,387,718	2,502,849	2,711,014

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TABLE 5.—*RCA global communications, coast station inquiry—docket 19654, profit and loss statement summary*

[In thousands of dollars]

	1966	1967	1968	1969	1970	1971	1972[1]	1973[1]
Revenue	$1,498.3	$1,518.7	$1,529.0	$1,943.6	$2,170.8	$2,313.2	$2,359.1	$2,335.1
Operating costs:								
Locally controlled								
Salary	816.9	836.3	846.5	1,071.7	1,200.4	1,223.6	1,331.9	1,311.1
Travel	2.7	6.7	2.6	1.4	2.6	2.0	5.9	1.1
Telegraph and telephone	12.9	20.1	28.5	17.1	23.9	12.5	41.6	12.1
Maintenance	24.4	25.7	26.1	29.7	30.1	19.1	28.5	19.3
Power	37.0	38.1	34.1	47.5	49.2	50.4	58.7	48.2
Rent—office space and equipment		.2	.8	.6	.7	1.0	.7	.9
Radiomarine news service	3.0	5.0	5.8	5.4	5.1	6.6	6.7	6.0
Materials and supplies	6.1	7.3	6.9	8.3	10.9	13.1	14.8	20.3
House service	2.3	4.6	5.1	4.3	5.9	5.2	7.8	8.3
Other local	12.8	21.3	58.1	20.3	21.3	18.8	19.2	15.0
Total locally controlled	918.4	967.6	1,015.1	1,206.3	1,352.4	1,352.6	1,515.8	1,475.9
Insurance	4.6	5.1	4.7	4.4	5.6	5.6	3.4	6.0
Depreciation	37.0	38.1	58.2	59.0	59.2	61.0	61.3	62.0
Operating taxes	14.9	14.9	15.0	15.6	16.1	17.0	21.2	20.5
Employee benefits	85.8	81.5	92.3	109.3	150.1	197.0	239.7	255.5
Subtotal	142.3	142.9	170.2	188.3	231.0	280.6	327.6	344.0
Total operating costs	1,060.7	1,130.5	1,185.3	1,394.6	1,583.4	1,633.2	1,843.4	1,820.9
Marine administration:								
General administration	100.0	101.9	121.1	97.4	112.1	73.6	46.8	43.6
Marine sales	63.6	57.8	66.1	100.1	88.5	62.6	36.0	46.8
Marine accounting	17.3	17.6	22.0	22.7	26.5	33.4	38.1	31.2
Share of RCA frequency bureau	10.8	10.8	10.8	10.8	10.8	10.8	10.8	10.8
Total marine administration	191.7	188.1	223.3	231.0	237.9	180.4	131.7	132.4
Gross margin before system overhead	225.9	200.1	120.4	318.0	319.5	499.6	384.0	382.1
General and administration	171.8	184.4	191.3	226.2	255.2	251.9	281.5	274.5
Pre-tax profit	54.1	15.7	(73.9)	91.8	94.3	247.7	102.5	107.6

[1] Estimated.

TABLE 6.—*Coast station inquiry—Docket 19654, profit and loss statement, Chatham—WCC*

	1966	1967	1968	1969	1970	1771	1972	1973
Revenue	$692,191	$700,080	$650,838	$834,882	$955,132	$1,043,272	$1,098,766	$1,087,778
Operating costs:								
Locally controlled:								
Salary	334,093	332,475	317,501	374,252	409,302	390,267	422,636	451,002
Travel	442	1,331	988	542	1,228	449	253	300
Telegraph and telephone	2,017	3,671	6,092	5,342	9,379	5,440	18,726	2,400
Maintenance	9,442	8,034	10,196	10,266	9,418	9,602	11,302	7,800
Power	20,325	20,015	17,635	18,890	19,672	20,452	25,851	21,600
Rent—office space and equipment		165	765	569	723	858	728	900
Radiomarine news service	2,100	3,180	4,290	3,645	3,915	4,620	6,652	6,000
Materials and supplies	2,566	2,883	3,301	4,201	5,786	7,138	8,355	12,000
House services	1,621	2,601	3,135	2,369	3,179	2,218	3,868	3,600
Other local	2,972	2,442	11,557	2,740	1,771	1,115	1,610	1,200
Total locally controlled	375,518	379,800	375,610	422,816	464,133	441,879	500,121	506,612
Insurance	2,941	3,213	2,846	2,579	3,653	3,677	3,524	3,792
Depreciation	30,421	30,638	30,845	30,436	30,221	30,138	30,647	30,700
Operating taxes	7,357	7,357	7,052	7,651	8,648	9,367	10,397	10,300
Employee benefits	35,077	33,580	34,607	38,171	51,170	62,833	76,074	85,690
Subtotal	75,796	74,818	76,220	78,843	93,692	106,315	120,642	130,462
Total operating costs	451,314	454,618	451,830	501,659	558,125	548,194	620,763	637,284
Coast station gross margin	240,847	245,462	199,008	333,193	397,007	495,078	478,003	450,494

TABLE 7.—*RCA global communications, coast station inquiry—docket 19654, profit and loss statement, San Francisco—KPH*

	1966	1967	1968	1969	1970	1971	1972	1973
Revenue	$411,177	$418,005	$523,137	$596,357	$628,645	$687,208	$752,116	$714,505
Operating costs:								
Locally controlled:								
Salary	206,415	232,602	259,717	385,771	412,708	475,020	552,373	500,189
Travel	1,206	971	813	368	745	776	1,000	600
Telegraph and telephone	6,010	5,829	9,837	6,049	9,363	5,065	8,000	7,200
Maintenance	5,310	4,966	4,097	12,991	9,703	3,558	12,000	5,700
Power	7,990	8,989	8,180	19,979	20,085	20,315	21,000	18,000
Radiomarine news service	900	1,485	1,620	1,755	1,485	1,080		
Materials and supplies	1,383	2,144	2,221	2,258	2,598	2,627	1,800	2,100
House services	22		34	274	825	1,234	1,800	2,100
Other local	5,450	7,639	30,593	14,063	11,536	15,617	15,400	11,311
Total locally controlled	234,686	264,563	317,115	443,508	502,048	527,092	615,373	548,100
Insurance	256	323	323	323	320	320	320	408
Depreciation	11,887	12,028	12,193	12,318	13,173	13,968	14,018	14,037
Operating taxes	1,452	1,617	1,591	1,656	1,050	1,296	1,188	1,200
Employee benefits	21,674	23,493	28,309	39,349	55,339	76,623	99,427	95,098
Subtotal	35,269	37,461	42,419	53,646	69,882	92,207	114,953	110,738
Total operating costs	269,955	302,024	359,534	497,154	571,930	619,299	731,326	658,837
Coast station gross margin	144,222	145,981	163,603	99,203	56,715	67,909	20,790	85,758

Separation Study having no official standing with the FCC. See Table 4. In their response to the letter request of August 22, 1973. ITT reported for FY72 an Allocated Expense of $986,000 against Direct Costs of $1,477,000. See Table 8. This percentage is approximately 67 percent.

6. RCA's Allocated Costs (Marine Administration and General Administration) totalled $393,000 against Direct Costs of $1,737,000. The RCA ratio of Allocated Costs to Direct Costs is 23 percent compared with the 72.23 percent and 67 percent reported by ITT and identified in 5 above.

7. TRT's reply to the FCC's letter request gave a Comparison of Revenue and Operating Expenses for FY 72. This submission has been restated and reordered by ATS for direct comparison with the RCA and ITT submissions. The restatement is given in Table 3. This statement shows that operating costs exceed revenue at station WAX. Operating Costs are covered marginally at WNU.

8. Allocated Costs for the total TRT operation is stated at $221,000 against operating costs of $483,000 resulting in an operating ratio of approximately 45 percent. This is 22 percent above RCA's but at least 21 percent below ITT's reported ratio. TRT also uses stations with point-to-point service. As with RCA and ITT, TRT has shifted revenue producing fixed operations from the use of radio to the use of cable and/or satellite.

TABLE 8.—*ITT World Communications Inc., public coast stations, 1973 annual costs (1)*

	Public coast station					
	WSL	WSF	KLC	KFS	KOK	KLB	Total
Manpower:						
Regular	$238,509	----------	$53,155	$141,090	$68,799	$44,849	$546,402
Overtime	153,850	----------	33,379	104,545	57,052	32,343	381,169
Fringe benefits (2)	47,702	----------	10,631	28,218	13,760	8,970	109,281
Rentals	20,671	8,233	1,272	5,959	5,489	3,284	44,908
Utilities	9,433	2,000	3,892	18,329	11,194	2,853	47,590
Material and supplies	9,429	----------	1,815	9,096	3,024	4,308	30,672
Commercial news	9,042	----------	----------	----------	----------	----------	9,042
All other	8,606	2,000	2,616	2,503	1,362	606	17,693
Commissions	61,193	----------	8,296	44,489	19,432	5,511	138,921
Provision for bad debts	20,576	----------	3,496	12,604	6,532	2,802	46,000
Other taxes	6,500	----------	----------	4,500	4,000	700	15,000
Depreciation	47,700	14,500	5,400	16,800	10,200	6,000	100,800
Total direct costs	625,210	26,733	123,952	387,823	201,444	112,416	1,477,578
Allocated costs (3)	417,305	17,941	82,715	258,796	134,426	75,017	986,000
Total annual costs	1,042,515	44,674	206,667	646,619	335,870	187,433	2,463,578

9. The ratio of salaries and benefits for operating personnel to revenue are high at TRT station WAX (90 percent) when compared with TRT station WNU and other RCA or ITT stations. RCA's salary and benefits to revenue ratio is 60 percent for FY71. RCA did not report salary and benefit figures for FY72. ITT reports a ratio of 53 percent for FY71 and 50 percent for FY72.

10. Marine revenue has had a modest upward trend for the three major carriers in the industry. A graph of this trend is shown in figure 3 for the three major carriers. A major factor contributing to direct cost is employee salaries and benefits. As figure 3 shows, this factor has remained essentially level at ITT indicating a reduction of personnel related expenses to account for increases in salaries and benefits. The cost of salaries and benefits at RCA follows the upward trend with revenue except for FY68-69 when FPH was heavily burdened with employee costs, and in FY71-72 when revenue remained level but employee costs increased $151,000.

The employee costs at TRT have grown in concord with revenue growth until FY72. In FY 72, revenue at TRT stations increased by $68,000 but salaries and benefits increased by $208,000.



FIGURE 3
COST AND REVENUE TRENDS

11. Of much importance in the analyses of cost/revenue data is a distinct difference in the manner in which different carriers handle revenues and costs associated with the use of land line for collection and delivery of messages. ITT shows for its stations those revenues and costs for messages that it handles in lieu of Western Union. RCA does not. TRT's practice is not clearly indicated. For purposes of this Section the data is used just as provided by the carrier. Accordingly, RCA data reflects no revenue or costs for its handling of landline services. ITT includes both revenue and costs associated with this service. Indications are that TRT follows a practice more closely related to the RCA practice than the ITT practice. The subject of landline revenue and costs will be discussed in more detail in later Sections and operation accounts. There appear tions (particularly Section IV) of this report.

Areas warranting special attention are identifiable. From the comparative analysis of the cost/revenue information submitted by the carriers, certain factors affecting the financial viability of the individual stations and the industry as a whole become evident. Briefly, these are:

1. The industry is labor intensive and the cost of labor is increasing faster than revenue. Reduction in personnel to reduce labor costs is no longer possible without materially degrading an already questionable quality of service. Increases in productivity per personnel dollar are required.

2. There is no industry or FCC approved standard for the allocation of costs to investment and operation accounts. There appear

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to be no procedures for relieving maritime of burdens that result from decrease in point-to-point operations at shared sites.

3. Large variances exist in costs from station-to-station and carrier-to-carrier. Largest variances occur in salary and benefit costs and allocated costs at stations shared with the international fixed service.

4. If the cost/revenue submissions of the carriers are accepted at face value, the industry, as it currently operates, is not financially viable. However, a question exists as to whether or not the carriers are in effect placing a burden on the maritime service in those cases where maritime shares sites with a point-to-point service that has shifted its revenue producing operation from the use of radio at those sites to the use of other facilities at other sites. Analyses performed in this study indicate that the present method of allocating costs to marine is burdensome and that a more appropriate allocation of costs would result in a showing that the industry is viable.

5. It appears that too many PCRT stations (18) are competing for the PCRT industry revenue base of approximately $5,000,000. This leads to operating inefficiencies and a fractionalization of service provided. Implementation of improvement is discouraged. The closure of carefully selected stations and the realignment of others to improve service and financial viability is indicated.

Section IV provides a comparative analyses of the financial aspects of three alternative schemes for reconfiguring the coastal telegraph station complement. To provide a basis for such comparative analysis of different alternatives, the following model of a PCRT station has been prepared using costs considered appropriate for Marine only stations. The costs for operation of WCC provide the best source of such data as is explained below.

Financial model of cost/revenue factors for a viable PCRT station. To compare the financial viability of those PCRT stations which survive a realignment and closure program, it is desirable to have a financial model of station costs and related revenues. From the financial data provided in the Docket 19544, this is not easy to do. First, many anomalies exist in the data. For example, ITT allocated costs are high relative to the industry and allegedly include costs from other operations which are not contributory to PCRT station operations. Similarly, the salary and benefit costs quoted for Maritime at RCA's station KPH, which is a combined Maritime and Point-to-Point Station, are high (since FY69) when compared with these items for WCC which is exclusively Marine.

The procedure employed in this study to obtain estimates for the major financial factors which enter into the operations of a PCRT station include the following steps:

(1) A review of all submissions to the Docket 19544;

(2) A determination of normal operating factors for Marine operations;

(3) A separating out of anomalies in the financial statements, due to burdens from non-marine, and

(4) An estimation of percentages for operating ratios which would be typical for PCRT stations under new station alignments or combinations.

The operation of WCC was used as a primary guide for obtaining operating ratios for a typical large maritime station for the following reasons:

(1) WCC facility is dedicated to PCRT.

(2) Volume is high and representative of volume expected for the combinations to be considered in alternative realignments.

(3) WCC is a profitable operation.

(4) WCC provides reasonably good service to its customers.

The operating ratios of other stations were used to adjust the WCC figures upward to make allowances for differences in station size and other related characteristics such as revenue, staffing, equipment quality, etc.

The financial factors and operating ratios which are considered appropriate for modeling of alternate station configurations are as follows:

Factor 1: operating costs. Using WCC as a basis, approximately 60 percent of revenue, for stations having revenues of one million or more, is the operating ratio used for direct costs in this report. If a surviving station has a revenue below one million dollars, then this operating ratio is scaled upward linearly to 70 percent of expected revenue for a station having one-half million in revenue. The 70 percent figure is obtained from the operations of KFS and KPH with adjustments made for anomalies in KPH's salary costs. Typical operating cost ratios are given below (based on 1972 figures):

RCA Station WCC: Operating Costs=56% Revenue.

Total For All RCA Stations: Operating Costs=73% Revenue.

ITT Station WSL: Operating Costs=66% Revenue.

Total For All ITT Stations: Operating Costs=72% Revenue.

Factor 2: allocated expenses. An estimate of allocated expenses for RCA stations has been derived from the allocated expenses reported in the summary P&L statement for all of RCA's stations. This operating ratio, which includes marine administration and G&A, is 17 percent of Revenue (1972). The RCA operating ratio for allocated expenses is the ratio used in the financial model employed in section IV. The allocated expenses derived from ITT data were considered but not used since they contained allocations which were taken under a non-FCC approved allocation manual. They are not considered representative for the type of PCRT station operations considered in the model. A comparison of typical ranges of allocated expenses for RCA and ITT as reported in 1971 is as follows:

RCA Station WCC: Allocated Costs=14% Revenue.

RCA Station KPH: Allocated Costs=17% Revenue.

RCA Station—Total Allocated Costs=17% Revenue.

Each ITT Station Allocated Costs=54% Revenue.

Factor 3: net book value. This factor is estimated directly from the net land, building and equipment values provided by the carriers. The Net Book value for the combined operations of stations is obtained by apportioning, on the basis of the revenue to be transferred to the surviving station, the value of the land, building and equipment needed to operate the surviving station at the resulting revenue level. There is no representative Net Book operating ratio (factor) which will serve all stations. Hence, this factor must be obtained specifically for each station and each combination of stations considered.

Factor 4: rate base. The rate base for the PCRT stations is the sum of the net book value (investment), one percent of Net Book value (to cover the cost of materials and supplies normally kept on hand), and twelve and one-half percent of Operating Costs (to cover an average of forty-five day operating expenses which the station must carry prior to receipt of revenues).

Factor 5: taxes and return on rate base. Assuming a 52 percent tax rate on profits and a return of 8.5 percent of the rate base, the return before taxes should be:

$$\text{Return on Rate Base (before taxes)} = \frac{0.085}{0.480}\text{Rate Base.}$$

Return on Rate Base (before taxes) = 17.7 Rate Base. A return, before taxes, equal to 18 percent of the rate base is assumed.

Factor 6: revenue requirement. The five factors described above enter into the determination of a sixth factor, the Revenue Requirement. This is the revenue a station must achieve to cover all costs and make a return of 8½ percent on its investment in the operations and facilities producing the revenue. This factor is the sum of the Operating Costs, Allocated Expenses and the Return on the Rate Base.

The six principal operating ratios for PCRT stations are summarized below:

Operating Costs=60% to 70% of Revenue.

Allocated Expenses=17% of Revenue.

Net Book Value=Land, Building and equipment value at each station. No fixed factor applicable.

Rate Base=Sum of net book value, one percent of net book value and 12½% of operating costs.

Return on Rate Base=18% of rate base.

Revenue Requirement=Sum of Operating Costs, Allocated Expenses, and Return on Rate Base.

The six operating ratios described provide a basis for structuring an estimated financial statement for any alternative PCRT station configuration. For example, Table 9 shows the results of estimating the cost/revenue relationship for West Coast station operations if KFS (ITT station at San Francisco) were closed and resulting traffic redistributed among the remaining stations. KPH (RCA San Francisco), KOK (ITT Los Angeles), and KLB (ITT Seattle) would be the remaining stations. It is assumed that 75 percent of the traffic handled by KFS will be handled by KPH after the closure. KOK (ITT) and KLB (ITT) will handle 15 percent and 10 percent respectively. With these percentages operative, the estimated revenue and operating ratios are summarized in Table 9.

The effect of restructuring the West Coast Stations in the manner described above can be illustrated by the improvement that would be realized at KPH. The financial statement for the enhanced operations at KPH indicates a revenue requirement of $958,000 to provide a rate of return of 8.5 percent on the investment in the operation. The excess revenue for the enhanced operations is $129,000 compared to an $18,900 debit shown for existing operations in Table 1. The excess revenue could be applied to improvement of equipment, facilities, and/or services.

TABLE 9.—*Proposed alternative combination public coast stations financial data*

[In thousands of dollars]

Account name	Operating ratio basis	Station combination (docket)		
		KPH and 75 percent revenue from KFS	KLB and 10 percent revenue from KFS	KOK and 15 percent revenue from KFS
Station revenue		$1,150	$163	$375
Operating costs	60 percent revenue: KPH, 70 percent revenue: KLB, 70 percent revenue: KOK.	690	114	263
Allocated costs	17 percent revenue	196	28	64
Net book value	100 percent KFS to KPH	311	45	103
Rate base	101 percent net book plus 12½ percent operating costs.	400	60	137
Gross return	18 percent rate base	72	11	25
Revenue requirement		958	153	340
Excess (deficit) revenue		192	10	15

The effect of investing a portion of the estimated excess in revenue from the enhanced operation of KPH can be seen from the following example in which it is assumed that $500,000 is invested in a station improvement program.

Assume a $500,000 station improvement program that has a 20 year depreciation schedule. For the first year, $25,000 will be assigned to depreciation charges under operating costs and Net Book value will be increased by $475,000. The financial statement listed in Table 9 is modified to reflect these changes and is repeated below:

	Thousands of dollars
Resulting Revenue	1150
Operating Costs	715
Allocated Costs	196
Net Book Value	786
Rate Base	883
Gross Return	159
Revenue Requirement	1070
Excess Revenue	80

From this example it may be concluded that the enhanced KPH could stand an investment of $500,000 and still meet a rate of return requirement of (8.5 percent) with an excess in revenue of $80,000.

The preceding example illustrates how the factors described in this Section may be used for financial analyses of alternate station configurations. These factors and this procedure for analyses are used to evaluate specific alternatives considered in section IV.

C. *Operations—present.* Coastal radiotelegraph stations have been providing radio service to and from ships for many years using Morse code. The dependence upon the manual transmission of ship-shore and shore-ship message traffic is a contributing factor to the problems confronting the PCRT industry today. This type of operation, at its best, is a slow, tedious process requiring that the message from the ship operator be received and transcribed by the station operator and then manually prepared for delivery to the addressee. Delivery to the addressee may involve transmission over a landline network provided by the carrier to a message center or direct delivery from the PCRT stations using Western Union, TELEX, or Telephone. There are some cases where the message is placed upon a terminal equipment provided by the customer at the PCRT station.

The present method of operation of coastal telegraph traffic is dependent upon the proficiencies of the radio operators at both ends of the circuit and the effectiveness of the procedures used for message handling on shore. In the opposite direction—that of delivering messages to ships, there are additional factors. Of major importance is the problem of contacting a vessel without undue delay. The proficiency of the ships radio operator, the condition of shipboard equipment, the location of the ship in relation to the shore station, radio propagation and interference from other stations on the circuit, are all factors that effect the efficiency of message handling on the radio circuit. The information submitted by the carriers in response to Docket 19544 indicates that a coastal station operator can handle an average of eight messages per hour and the average speed of transmission is twelve words per minute. However, only 3 to 4 messages per hour are currently being handled at the larger coastal station.

All coastal station message traffic received by landline from its customers is filed at the coastal station until the next period for the transmission of the traffic list occurs. This list, which is transmitted every two hours in accordance with international regulations, contains the call signs arranged in alphabetical order of all ships for which the coastal station has traffic. At the conclusion of the transmission, the various ship calling channels in each band are scanned by the shore operator for response from the called ship stations. Calls relating to messages originating from aboard ship are also received through use of this scanning procedure. Since a vessel may use any one of several calling channels, the system requires that the coastal stations scan through a band of calling frequencies to select calls for them from individual ships. The present method of using traffic lists and the requirement for scanning of the ship calling frequencies are the major reasons, according to the radio operators, for dissatisfaction with establishment of contact and delivery of messages to and from ships at sea.

The carriers report three phases in the handling of traffic which introduce delay in the receipt, transmission and delivery of messages from coastal stations to ships at sea. Messages originating on shore for ships at sea and delivered by TWX, TELEX, or Telephone from a land point to a coastal station for transmission normally reach the coast station immediately or within an hour of origination. Those sent from a land point to a coast station by Western Union meet with an average delay in handling of several hours to a maximum delay of a few days.

The second delay is the time elapsed between receipt of the message at a coast station and its first transmission on the traffic list. This normally is less than the two hour interval between transmission of traffic lists. The average delay is less than an hour. On the other hand the first listing of a message in a traffic list occasionally gets no response from the ship. The period between traffic lists then increases the delay an additional two hours for each traffic list that is missed by a ship station operator.

The third delay is the time elapsed from the receipt of a call on a traffic list to the actual reception of the message by the ship's station. This time delay has two components. The first component is the time it takes the ship's station to establish contact with the coast station that has its message. This delay normally runs less than one hour if the ship operator carefully monitors the working channel of the shore station holding the traffic. However, the delay is dependent upon the availability of the coastal station. If the coastal station is handling traffic, it will not be receptive to a call from a ship. The second component delay is the time required for the shore station operator to send the message after receiving the ship's call. This too depends upon traffic conditions at the shore station and can involve a queing up procedure if traffic is backed up.

In summary, there are delays in practice that result from a failure of the operator to hear a call on the first traffic list and then in clearing traffic with the shore station. These delays are affected by many factors including the fact that a shipboard operator is on duty only eight hours of the day. Thus, on the average, it takes anywhere from fifteen minutes to many hours to make contact and exchange traffic. Total delays of several days have been noted. For example, station KFS (ITT) reports a maximum delay of fifteen days. Some exceptional cases at WSL required several weeks.

Messages originating at the ship's station for delivery to shore meet with two delays. The first delay results from the fact that the radio operator is on watch for only eight hours a day. When on watch, the radio operator will attempt to make radio contact within a few minutes of receipt of a message and continues his attempts until contact with the shore station is made. In this regard, he meets with the same delays as those described above. However, the delays may be accentuated since the shore station is not expecting the call.

Very little delay is introduced in the handling of messages by shore stations when special landline procedures for delivery are specified by the customer. This is the general case for regular customers, in which case ship messages received by shore stations are dispatched over landline to their destinations within an average time of twenty minutes. However, stations such as WCC (RCA) have noted delays of several days in cases where delivery instructions have not been specified. This class of message is normally assigned to Western Union for delivery.

Improvement in the techniques and procedures for establishing contact between coast station and vessel and in delivery of messages by radio is essential if there is to be significant improvement in service. Good methods of achieving improved service would increase the productivity of manpower and expand the capabilities of existing operators.

A serious technical problem facing the PCRT carriers is that of conforming to the technical standards prescribed in the FCC's decision in Docket No. 18577 for coastal stations. (Scheduled to be effective on January 1, 1973). These have the purpose of providing improved emission characteristics. They are prescribed by the FCC to reduce interference. All of the carriers are presently operating non-conforming equipment on the basis of waivers. Most of the equipments now in service range in age from 20 to 30 years. The transmitters have been modified many times. Replacement parts are becoming more difficult to obtain. Some equipments have been modified to substitute a new circuitry and components since replacements are not available.

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Specifically, the transmitting equipments have been improved in the areas of frequency stability and spurious emission. Station operators state that most of the equipment either meets or can be modified to meet the technical standards for point-to-point equipment defined in Part 23 of the International Regulations. However, further improvement to meet the standards prescribed for coastal telegraph equipment in Docket 18577 will require a completely new engineering approach or new equipment.

In the opinion of the carriers such modification and improvement alone will not increase the efficiency of the operation of the public coast stations. They claim that replacement would entail an expenditure of approximately one million dollars for a station such as WCC or WSL. This is the figure for replacement with new equipment, and presumably involves the use of equipment that has additional operational features as well as technical improvement. Since it is desirable to incorporate certain new features in replacement equipment, the cost of such additional features should be attributed to the overall improvements in operations as well as to the technical requirements imposed by the FCC Docket.

Another area of concern that affects financial viability is the trend, discussed in section I, towards increased use of private shore stations by vessel operators. Private (Limited) Coastal Telephone stations are already in operation. Requests exist for licensing of Private Coastal Telegraph Stations. There is a serious question as to the desirability of permitting the operation of such stations and also a related question as to the advisability of effecting a deregulation of the services rendered by public coast stations. The common carriers generally agree with the statement by ITT, which states; "deregulation of the services rendered by radiotelegraph coastal stations would not, in our view assure any service improvements". They are also concerned that "authorizations for limited marine radiotelegraph coast stations could be expected to destroy the traffic base for common carrier coast stations, and would probably result in higher rates for the remaining customers of the general common carriers"; relative to satellites they feel that "pending further development of low-cost satellite or other facilities to serve ships at sea (each carrier) believes that service to and from ships can best be met by the radiotelegraph and marine telex services, or, where specialized services are required, through negotiations between interested carriers and customers".

The next section is an overview of the PCRT industry taking account of the status of operations and requirements discussed herein. It sets forth certain suggestions for improvement of operations and leads to an analysis of alternative system configurations carried out in section IV.

SECTION III

OVERVIEW—CONSIDERATIONS RELATING TO IMPROVEMENTS

A. *Improved viability is realizable—programmed improvements are warranted.* It is clear that the operations of the coastal telegraph service has been at a status quo for many years. While some exploration of teleprinter operation has been made, this has been on a limited operation basis—and has not had the benefit of a coordinated industry approach. There has been no industry coordinated approach to improvement in telegraph operations.

The recognition of a status quo situation is clearly indicated by the filings in response to the FCC Inquiry. In fact the shipboard operators claim a deterioration in service due to attrition in shore-based operating personnel. The carriers are not satisfied with the lack of response by the FCC to their requests to close stations. They claim that they operate on a marginal or loss basis. Some vessel operators would like to see new service offerings. They, like their operators, claim that the coast stations are poorly and/or inadequately manned.

The comments to the FCC, the observations by ATS of existing operations and its evaluation of the cost/revenue data presented by the carriers are indicative of an industry that is weary and sluggish. This is not to say that those who are responsible for maritime telegraph operations want this to be the situation nor to agree that it needs to continue. However, one should recognize that the condition does exist. There is evidence that the status quo will continue unless there is a coordinated program for improvement.

The specific actions that stimulated the FCC to sponsor an analysis of coastal telegraph operations are the requests for closure of several stations. The carriers claim that the subject stations are unnecessary and unprofitable. The FCC has recognized that these requests for closure are symptomatic of more serious problems—including the very basic and important question of industry viability—and the ability of the telegraph industry to effectively meet the needs of the maritime industry it serves.

ATS feels that the closure of one or more stations will not of itself serve the public interest. However, there is good reason to feel that the public interest can be served if such closure or closures are made a part of a positive program to improve both industry viability and service to the public. It is this latter question that must be examined and evaluated before there can be a proper basis for decision on the closure question.

Just as the FCC cannot reasonably decide the closure question without examining that question in the context of related improvements to the system as a whole, so also is it difficult or impossible for individual users, carriers or operators to justify or accomplish improvements unless the improvements are planned in consort with other interested parties.

The problem of coordinating improvements to coastal telegraph operations is complicated enough when one considers national interests alone. It is further complicated by the fact that this service is an international service. While other countries must face the same operational and technical problems as those faced by U.S. companies, the question of financial viability is quite different. In general, other maritime nations use stations that are operated or subsidized by the government—whereas U.S. companies are privately owned and operated. This is an important difference that explains why other countries can more easily maintain a service that is "begging" for financial relief in this country. This distinction between a government and a private enterprise mode of operation has led some to suggest that the U.S. should consider the conversion of the maritime telegraph system from a private enterprise operation to a public operation.

There are many factors that contribute to the complexity of the present coastal telegraph situation. These fall into two closely related categories, those that relate to operational matters and those that relate to financial mattera.

Operationally:

(1) The Coastal Telegraph service is highly dependent upon manual operation.

(2) It is inherently difficult to introduce system improvements into the maritime mobile service.

(3) The principal efforts toward improvement in maritime communications contemplate the use of techniques that are different from manual telegraphy.

(4) There will be a continuing need for manual telegraphy into the foreseeable future even though other forms of communication are made available.

(5) The collection and delivery of coastal telegraph messages involves practices that are not clearly covered in tariffs or regulations.

Financially:

(6) The cost of labor is increasing faster than revenue from telegraph traffic.

(7) Technological improvements required by national and international regulations necessitate substantial investments to continue existing manual telegraph service.

(8) Technological improvements to provide other modes of communication will require substantial investments in Coast Station and Shipboard equipment.

(9) Government support is being provided to finance the development of improvements that relate to selective calling, printer communications, and all modes of communications via satellite.

(10) No government support is provided for financing the development of an improved coastal telegraph system.

(11) There is growing competition from non-regulated operators who offer other services to the exclusion of manual telegraphy.

(12) The international point-to-point carriers treat coastal telegraphy as a service that must share the cost of radio sites and facilities with the point-to-point service. The allocation of costs for such facilities reflects an increasing burden on maritime that stems from a substantially reduced use of the facilities for point-to-point. Of significance, the reduced use of radio sites is caused by a shift of point-to-point operations to cable and satellite—not to a reduction in revenue from this service.

(13) There is no adequate basis for evaluating the costs and revenues associated with the use of non-radio facilities for collection and distribution of messages.

It is essential to a proper evaluation of the viability of the coastal telegraph service that the cost of its operation be separated out from the cost attributable to other services that share the same facilities. This is particularly true with respect to the sharing of radio facilities with the point-to-point service. There is good reason to conclude that the coastal telegraph service is being burdened with costs that result from its sharing of facilities that were built to serve the international fixed service. There is need for a careful examination of the allocation procedures used when the sharing of plant facilities involves sharing with a service that is retiring its use of the shared plant facilities and shifting revenue-providing operations from the use of those facilities to the use of substitute facilities that are non-radio and non-sharing.

There is also a need for evaluating the procedures used for allocating costs and revenues associated with the collection and delivery of messages when Western Union is not involved, and when Western Union is involved. There is also an important need for determining what the involvement of Western Union should be under present day requirements, and whether the present practices relative to the use of Western Union are either proper or in the public interest. There is a need for the establishment of regulations and/or tariffs that prescribe clearly the collection and delivery services that are available for handling coastal telegraph messages—and the cost of such service.

The problems cited above with respect to the use of financial data provided by the various carriers are complicated by the fact that the carriers have not used uniform procedures for reporting cost/revenue relationships.

It is the existence of these problems that led ATS to adopt the modelling technique described in section II for analyzing station costs for Maritime only operations. The modelling procedures are used in section IV to provide a common basis for evaluating alternative schemes for improving viability through closure and restructuring of station configurations.

The remainder of this section discusses certain improvements in operating procedures that are considered desirable in any restructured system.

B. *Improvements needed in message handling.* From an operational viewpoint, it appears that the practice, which prevails among all carriers, of excluding Western Union from the collection and delivery function has the purpose and the effect of expediting the handling of messages between customer and carriers. This conclusion is supported by the fact that many regular customers have standing instructions that request the carrier to make direct contact by some other means. Also terminal equipment is available at coastal telegraph stations to facilitate delivery by TWX, TELEX, carrier operated landline and/or by telephone.

It is significant that the collection and delivery of messages over carrier operated landlines involves a sharing of facilities that are designed for the highest degree of economy in transmission and message handling. The networks are automated. Printer and tape are used over these networks—not manual telegraphy. Computers replace people in handling and routing of messages. There can be no doubt that this use of modern technology makes it operationally and financially beneficial for carriers to prefer this method of handling collection and delivery. It is reasonable to conclude that the revenue derived from the allocation of a message charge on a per word basis ($.07) can and does provide an adequate rate of return for this service. However, the present accounting practices for the coastal telegraph service do not provide sufficient data to evaluate fully the cost/revenue relationship for this service.

Since much of the outgoing traffic arriving at Coastal Telegraph Stations arrives by printer, there is good reason to question why such traffic should not be sent over radio circuits by automatic tape conversion to morse code. This would eliminate the need for a completely manual operation and would lend itself to the use of transmission speeds that are optimum for circuit quality existing at the time of transmission. The use of tape and standardized speeds of transmission would also make feasible the use of automatic means for identification of call signs or other distinctive means of identification.

Similarly, the use of tape aboard ship would facilitate the transmission and reception of incoming messages, and the automatic handling of such messages.

An improved terminal at the coastal station would permit the receiving operator to type, edit, and cut-tape automatically so as to facilitate immediate dispatch of a message as soon as it is received. The use of conventional modern Cathode Ray Tube (CRT) terminals would permit the radio operator to exploit this mode of operation, thus eliminating the need for retyping of messages once received.

The introduction of improvements such as are suggested above involves a requirement for time and money. More important, it requires agreement among the interested parties. Those who serve and those who are served must cooperate in the improvement program. The suggestions which have been made above relate to the use of telegraphy, and do not necessarily require any regulatory changes. The U.S. carriers and U.S. vessel operators could realize these improvements by agreement alone, and without upsetting the accomplishment of traffic on a regular basis.

Since a substantial portion (about 50 percent) of traffic handled by U.S. carriers is with U.S. vessels, a program for improvement in handling of such traffic should be worth investigating. Presumably an improvement that serves the U.S. better would have sufficient attraction to encourage other countries to make similar provision.

Perhaps the most serious need that exists for improvement in present practice relates to the establishment of contact between coastal station and vessel. For handling traffic in either direction the burden is on the vessel to initiate a call when it is ready to handle traffic with a particular coast station. The burden is on the station to hear that call. The call should be made at a time when the coast station is prepared to handle traffic—as indicated by its transmission of a signal to that effect on its working channel or channels. The call should and generally is made by the vessel operator on one of several ship calling channels in the same portion of the spectrum as a working channel that can be clearly heard by the vessel operator. The vessel operator can determine the best band by monitoring the transmissions being made by coast stations, and choosing that band (and that station) which has the best signal.

One of the difficulties experienced in establishing contact results from the fact that a shipboard operator may choose any one of several specific calling channels (frequencies) within each calling band. The vessel selects the one it wants to use and the coast station must scan the entire band to detect those calls that are being made to it. Under this practice a vessel must continue to call for a period that is long enough to permit the desired coast station to hear it during its scanning process. If the coast station gets a call from a different vessel first, it may discontinue its scan for other calls. Thus the vessel that fails to get through on its first attempt must try again, repeating this procedure until contact is made.

C. Substantial improvement can derive from networking of an implemented system. The above procedure for making contact is complicated by the fact that vessels often call a particular station rather than the station that has the best circuit and best circuit availability at the time. This is despite the fact that the cost for the message under present regulations and coastal telegraph tariffs is not affected by routing. The message charge is the same irrespective of station used or location of contact within the U.S. The concept of a flat rate is based upon the use of Western Union for collection and delivery. The carriers do not use Western Union if a customer prefers other means of contact, such as TWX, TELEX, or other specified means. Thus in practice there may be a differential that occurs as a result of the use of special customer instructions and willingness to pay. This will vary depending upon the customer instructions and agreement as to the handling of messages by different stations—or by different carriers.

The best utilization of coastal telegraph stations and radio channels would occur if a message could be routed to utilize whatever channel and station is available with adequate quality when a vessel is ready to handle traffic. For ship originated traffic this would require only that the vessel operator select the most appropriate station and channel, provided it could be assured that the coastal station would route the message to its destination for delivery effectively, expeditiously, and at no extra cost. For coastal station originated traffic this would require that a vessel have the option of taking traffic from the station that transmits its call on its traffic list or if that station is busy to request another station to obtain and handle its message. For this procedure to work, it would be necessary that there be a means for any station to obtain and transmit traffic for any vessel that requests such traffic. It would be necessary that there be a landline network connecting stations and a system of centralized message store facilities. This practice would work best if all stations could have access to a common message store and if traffic lists were sent on a common "traffic list" channel (at least for each geographic area). The traffic list could be correlated alphabetically so that a vessel operator would be alerted to listen for its place in the list. Arrangement could be made for identification of a particular station as having first priority for handling the traffic. Only if the station holding the traffic is busy and cannot be reached would the vessel ask another station to retrieve and send its traffic. Other alternatives for use of a common traffic list channel(s) can be conceived. For example—a station may first list traffic designated for it (by message center or customer) to handle, thus treating this as its priority traffic. Following such listing of priority traffic, it might then broadcast traffic referred to it as available for delivery by any station. The system could prescribe that traffic not delivered within four hours be so designated. In this way, the users would be served in a manner that encourages fast delivery, using routine handling, with system back-up for traffic that experiences delays.

The problem of establishing contact between ship and shore is so critical as to justify special channels, special procedures, and/or special equipment. International plans are being made to facilitate the implementation of teleprinters. Special provisions are also required for improvement in the handling of telegraph traffic. Delays in receipt of calls aboard ship would be substantially reduced if the common traffic list channel, suggested above were assigned exclusively for this purpose plus the broadcast of important notices to mariners. Each station sharing a channel could have a time allotted to it. With such a procedure, vessels could listen on a single channel in each band and hear all calls from all stations. The traffic lists could be repeated continually and updated from the common message store facility using computer and modern data processing techniques. Selective-calling could employ the same channel when procedures for automatic calling are implemented.

Improved procedures for establishing contact should include improved practices relative to coast station monitoring of the calling bands. For example, it would seem reasonable as a minimum for a station to indicate on its working channel the particular channel that it is presently monitoring for calls and to continue to identify the channel as it searches across the calling band. WLO at Mobile has used this technique with much success. A vessel could establish contact immediately on hearing its call on the traffic list. Since its traffic would be available in central store, it could make its call first to the station having priority for handling the traffic. If it is unsuccessful, then it can call any station that indicates it is available for handling traffic. The present practice of searching all station working channels for calls would be eliminated.

It is felt that the development of improved procedures should consider the designation of certain (very few) ship-to-shore frequencies for calling only and others for working.

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The procedure would involve the establishment of contact by a vessel on a calling channel—and a shift by it to a working channel for handling of traffic. The coast station should keep track of the traffic on ship-to-shore channels and designate one that is most appropriate for use at a given time. In this way it should be extremely simple to establish contact—traffic could be spread over working channels at the discretion of coastal stations. Conflict between the use of a channel for calling and working would be eliminated.

With a suitable landline network that interconnects message centers with stations and port areas on the Gulf, the East Coast and the West Coast, there would be no need for locating coastal telegraph radio stations at various centers of shipping activity so long as there is radio coverage of vessels in those areas and landline service to such centers of activity. That service should be at least as good as is provided today—and preferably better. It should ideally include a means for local coverage via radio telegraph and VHF data and voice. MF/HF radiotelephone should not be overlooked as an alternative means for contact. If VHF coverage is used, it should be on a wide-area coverage basis using channels that are dedicated to a wide-area service. Contact should be available through and with the same operations center that handles telegraph. Provisions should be available for patching a radio circuit into the public network by remote control from the area control center. This anticipates the time when the same center that provides telegraph service would also provide operator handling of service to vessels using printer, voice, or data over radiotelephone circuits. Ideally this common center would be the location of marine operators who would serve all the needs of vessels—at least of commercial vessels. Vessels should have available the services of a facility that is operated by persons that are skilled in serving all of the communication needs of vessel operators by whatever modes of transmission there are available to serve a particular need.

In summary what is suggested in this report is the establishment of a network of coastal telegraph stations with two degrees of centralized control. There would be a central control for each area, Gulf, East Coast, and West Coast. These would be tied together into a national network that ties together the maritime stations and the maritime public.

Each area communication center (message control center) would be the clearing house for exchange of calls between areas. The area centers and the national center would provide for collection and delivery of messages domestically by whatever means is best suited to the customers needs—and for interchange of messages among carriers for forwarding over international circuits. Intra-carrier exchanges of marine and international point-to-point traffic would be handled directly by the carrier unless it chooses to use the national message center for such exchange.

The present configuration of stations operated by the three major carriers lends itself to a division of responsibility and control that it quite attractive from a system planner's viewpoint. For example, the stations in the Gulf could be consolidated through a control center at TRT station WNU. This is the location of a major message center for international point-to-point traffic. TRT and WLO might be encouraged to form a consortium in which WLO would provide for operation of a combined system of facilities for voice and telegraph on MH, HF, VHF. TRT could provide a communication control center that utilizes a landline network for serving maritime centers in the Gulf area including Florida. It could be the means for tying coastal stations in this area into the message center at New Orleans and thence to maritime control centers for the East Coast and West Coast.

For the West Coast, it makes sense to encourage ITT and RCA to install new transmitting and receiving equipment at the sites now occupied by RCA. This would permit ITT to shut down its sites and make more effective use of the RCA sites. It would also permit RCA and ITT to compete for operations on the East and West Coasts. Since each of these companies has a landline system across the country—it would be reasonable to combine East and West Coast operations of each at its main message center in New York. Responsibility for the West Coast traffic should nonetheless be assigned to one company—ITT, and for the East Coast to a different company—RCA. Thus the two company centers in New York would continue to be used—a tie-in between these centers would be facilitated and result in improvements for both. The two area centers in New York and the one in New Orleans with their interconnecting landlines would comprise a common network. ITT, RCA and TRT would each be responsible for message control for one of three Coasts, and for serving the public in designated areas of the country.

The above concept would permit the three carriers to provide an international service—including store and forward—with full responsibility for service between vessels and shore locations. The principal benefit that would derive from the concept established above is an integrated maritime communications network that would require a sharing of responsibilities as connecting carriers while fostering competition for service over the radio channels. Full advantage could be derived from the use of efficient and effective means for handling both radio and landline portions of the service.

It should be recognized that the network described above revolves around the use of existing landline facilities that have been highly developed by ITT, RCA, and TRT for internal company handling of point-to-point and maritime traffic. What is suggested amounts to a recognition of the benefits that now derive from the use of such facilities to serve both types of operations, and an extension of this service to provide further benefits.

Section IV

Industry Profiles—Alternative Station Configurations

A. *Three alternative station reconfigurations.* This section analyzes three alternate configurations of PCRT stations as follows:

Alternate 1 assumes the closure of stations for which applications are presently on file; no other change in practices or procedures.

Alternate 2 assumes that ITT, RCA, and TRT each maintain their major stations on the East Coast, West Coast and Gulf—but reduce the coverage of the major carriers to one station in Florida and to one station in Texas. The independents, WMH at Baltimore, WLO at Mobile and WPD at Tampa will continue to compete against the three major carriers.

Alternate 3 assumes that the three major carriers reduce their operations to only their major stations on the East Coast, West Coast, and Gulf—and that the independents at Baltimore, Tampa and Mobile provide expanded coverage. This is the same as alternative 2 except that the major carriers would cease operations in Florida and Texas—thus placing the independents in a better position to compete for coverage in these areas.

For analysis purposes comparisons are made as though realignment of stations is carried out with no change in practices relating to use of landlines for receipt and delivery of messages. It is considered appropriate to separate out the problem of revenue from landline usage and to assume that the proposed common network can be supported from such revenue. This conclusion is based upon the data provided by ITT on its revenue from landlines. Using that data to estimate revenue for RCA and TRT, it is estimated that the present traffic handled by the PCRT carriers provides a landline revenue total in the order of $1.5 million on one million messages. This amounts to an average of $1.50 per message which is considered more than adequate to cover the costs of landline message that average 20–25 words. Thus, this portion of the service should be quite viable and add to any improvement in viability that derives from a restructuring of coastal stations.

The following comparisons also do not take account of any improvement in efficiency that should result from introduction of new equipment or improvements in operations.

B. *Traffic patterns under the alternatives.* It is assumed for purposes of analysis that any realignment of stations would require that the total message traffic currently handled by existing stations would still be handled by the realigned complement of stations (Great Lakes excluded). The restructuring of traffic for each alternative is shown in Figures 4, 5, and 6.

Traffic growth patterns by coastal areas indicate only a small percentage increase for the next few years. Unless improved services are provided the marine industry by the PCRT stations, one can expect this trend to continue until other modes and means for providing marine communications attract traffic away from the PCRT stations. Thus, it is assumed for this comparative analysis that the industry can expect to be handling slightly over a million messages a year for the next few years. This does not take into account increases due to new types of traffic that might be generated from the introduction of radiotelephone, printers or data. It is considered that the opportunities for expansion in these areas from within the PCRT system will follow—or at least be contingent upon—the establishment of a viable PCRT structure. This viability should obtain from an improvement in the effectiveness for handling telegraph traffic and thus provide a basis for further improvement through the offering of new services.

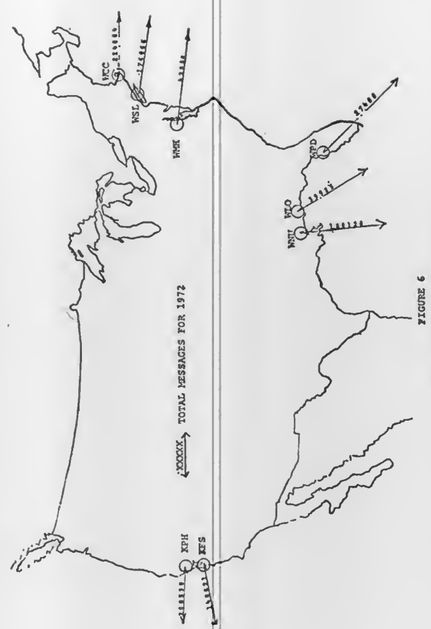


FIGURE 6
THIRD ALTERNATIVE TRAFFIC MODEL

C. *Cost/revenue considerations.* Under present industry operations the 18 PCRT stations compete for marine revenue which amounts to approximately $5,000,000. This revenue figure includes the landline revenue of ITT but not that of RCA and TRT. The latter amounts are estimated to total an additional $700,000. The column labelled "present" in Tables 10, 11, and 12 gives the breakdown in revenues, by stations, for the three coastal areas. The revenues by station are restated in columns labelled 1, 2 and 3 for the alternatives 1, 2 and 3 to be considered. The Florida stations WOE and WAX, although located on the Atlantic Coast, are considered in the Tables as Gulf Coast stations since the majority of their traffic is in the Gulf, Caribean, and South American Areas. For alternative 2 it is considered that the redistribution of traffic will tend to be among the remaining stations of the three major carriers—whereas under alternative 3 there will be a substantial increase in traffic carried by the independents at Baltimore, Tampa, and Mobile.

Realignment of revenues after closures. Included in Tables 10, 11, and 12 under separate columns are the revenues, by stations, which result from the closure of stations and the reassignment of their traffic to the remaining stations on a rational basis. It is assumed that the majority of revenue from a closed station will be gained by other stations within the same coastal area. Under alternative 2 the tendency would be for vessels to favor continued use of the three major carriers—whereas under alternative 3 there would be more opportunity for the independents to develop competition with the major carriers. WLO Mobile in particular would have a better environment in which to develop its concept of total communications services. Under all alternatives, the closure of WSC (Tuckerton) would have the effect of expanding the operations of WAH (Baltimore) as the principal station for the port of Baltimore and Philadelphia.

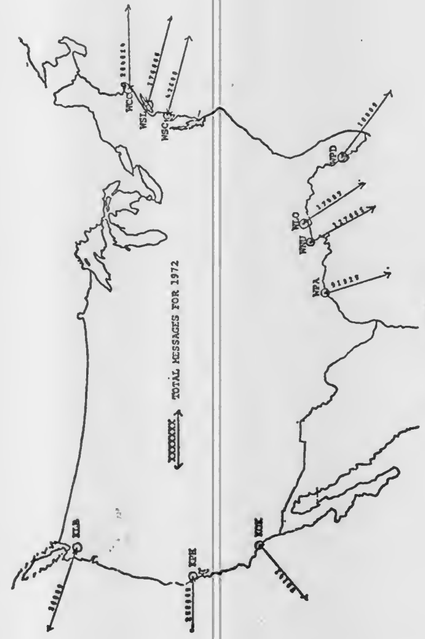


FIGURE 4
FIRST ALTERNATIVE TRAFFIC MODEL

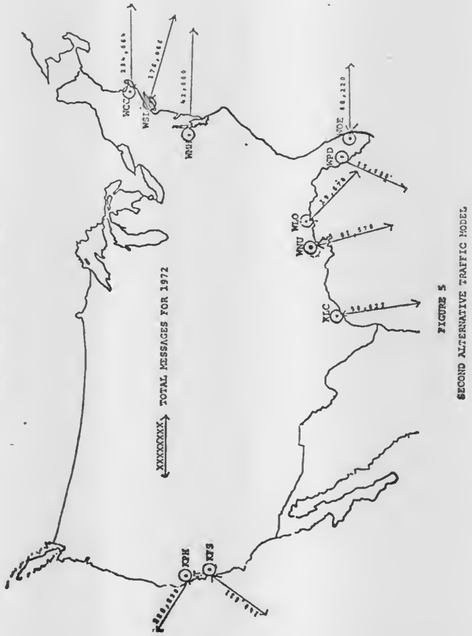


FIGURE 5
SECOND ALTERNATIVE TRAFFIC MODEL

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TABLE 10.—*Station revenue, fiscal year 1972, Atlantic coast stations*

[In thousands of dollars]

Alternatives	Present	1	2	3	4
Station	No changes	The docket Close: WSF WMH Retain: WCC WSC WSL	Close: WSF WSC Retain: WCC WSL WMH	Close: WSF WSC Retain: WSL WCC WMH	
WCC (RCA)	$1,087	$1,087	$1,087	$1,087	
WSL (ITT)	934	970	970	970	
WSC (RCA)	154	190	0	0	
WSF (ITT)	0	0	0	0	
WMH [1] (MPA)	72	0	190	190	
Total	2,247	2,247	2,247	2,247	

TABLE 11.—*Station revenue, fiscal year 1972 (1971), gulf coast stations*

[In thousands of dollars]

Alternatives	Present	1	2	3	4
Station	No changes	The docket Close: KLC WOE WAX Retain: WLO WPD WNU WPA	Close: WPA WAX Retain: KLC WNU WLO WPD WOE	Close: KLC WPA WOE WAX Retain: WLO WPD WNU	
WPA (RCA)	$121	$411	0	0	
KLC (ITT)	155	0	$240	0	
WNU (TRT)	241	497	328	$752	
WLO [2] (MMR)	37	68	70	152	
WPD (WOOD)	13	29	55	100	
WOE (RCA)	228	0	311	0	
WAX (TRT)	209	0	0	0	
Total	1,004	1,005	1,004	1,004	

TABLE 12.—*Station revenue, fiscal year 1972, Pacific coast stations*

[In thousands of dollars]

Alternatives	Present	1	2	3	4
Station	No changes	The docket Close: KFS Retain: KPH KLB KOK	Close: KOK KLB Retain: KPH KFS	Close: KOK KLB Retain: KPH KFS	
KLB (ITT)	$107	$163	0	0	
KPH (RCA)	772	1,153	$970	$970	
KFS (ITT)	564	0	760	760	
KOK (ITT)	291	375	0	0	
Total	1,731	1,731	1,730	1,730	

Results of station and revenue realignment —alternative 1. Tables 13, 14, and 15 give for alternative 1 the financial data resulting if all stations requesting closure, as reported in FCC Docket 19544, are allowed to close. The Tables show how the revenues for the closed stations were reallocated to the remaining stations.

Estimated changes in Net Book values are also included in the Tables. The resulting realignment of the stations for the three Coast regions, Atlantic, Gulf and Pacific is contained in Tables 13, 14, and 15, respectively.

The numbers entered in the three Tables result from applying the operating ratios and factors determined in the financial model described in section II. The model assumes that the surviving stations will be managed with operations dedicated to marine telegraph or other modes of marine communications.

Findings—alternative 1. 1. From Tables 13, 14, and 15, it is evident that the remaining stations, after closure of the six requesting closure, will provide adequate traffic coverage for all coasts. The ports at which stations have been closed will receive MF/HF coverage from other stations which would remain in service. Traffic at stations remaining after realignment according to alternative 1 is illustrated in figure 4. It is assumed that as a condition for closure of major carrier stations in Florida there will be a requirement for assurance from these carriers that traffic terminating in the Florida area will be served adequately from remaining stations through the provision of an effective landline communications network.

2. The financial viability of the remaining major stations and carriers is materially improved. No statement can be made relative to WLO, WPD and the Great Lakes stations WLC and WBL due to the lack of financial data on these operations. As the volume figures indicate, the revenue at these four stations presently represents a very small percentage of the total.

TABLE 13.—*First alternative combination Atlantic coast stations, financial data*

[In thousands of dollars]

Account name	Station combinations Chatham, WCC	Long Island, WSL	Tuckerton, WSC	Conditions on combinations
Station revenue	$1,089	$970	$190	WMH revenue is allocated: 50 percent to WSC, 50 percent to WSL.
Operating costs	652	582	133	
Allocated costs	185	164	32	
Net book value	233	760	40	All unused radio equipment at remaining stations written off books.
Rate base	317	940	56	
Gross return	91	151	10	Net book values of remaining stations are not changed.
Revenue requirement	873	897	175	
Excess (deficit) revenue	189	73	15	

TABLE 14.—*First alternative combination gulf coast stations, financial data*

[In thousands of dollars]

Account name	Station combinations New Orleans, WNU	Mobile, WLO	Tampa, WPD	Port Arthur, WPA	Conditions on combinations
Station revenue	$497	$68	$29	$411	WAX revenue is allocated 100 percent WNU.
Operating costs	348	(1)	(1)	288	
Allocated costs	85	(1)	(1)	70	WOE revenue is allocated 100 percent WPA.
Net book value	52	(1)	(1)	86	KLC revenue is allocated: 40
Rate base	96	(1)	(1)	123	percent to WPA, 10 percent to
Gross return	17	(1)	(1)	22	WPD, 30 percent to WNU, 20
Revenue requirement	450	(1)	(1)	380	percent to WLO.
Excess (deficit) revenue	47	(1)	(1)	31	Net book value increased: 100 percent at WNU, 150 percent at WPA.

[1] Insufficient data provided.

TABLE 15.—*First alternative combination Pacific coast stations, financial data*

[In thousands of dollars]

Account name	Station combinations San Francisco, KPH	Seattle, KLB	Los Angeles, KOK	Conditions on combinations
Station revenue	$1,153	$163	$375	KFS revenue is allocated: 75 percent to KPH, 10 percent to KLB, 15 percent to KOK.
Operating costs	690	114	263	
Allocated costs	196	28	64	
Net book value	311	45	103	
Rate base	400	60	137	100 percent net book value increase at KPH.
Gross return	72	11	25	
Revenue requirement	988	153	360	No change at KLB and KOK.
Excess (deficit) revenue	192	10	15	

3. Revenue in excess of that required for an adequate return on investment would be available for improvements in facilities, equipment and operations at all remaining major carrier stations.

4. The Net Book value at WSL is high relative to comparable size stations but does not significantly affect the operating results for WSL.

Results of station and revenue realignment —alternative 2. Tables 16, 17, and 18 summarize the financial statements of stations remaining after certain closures under alternative 2. Alternative 2 is suggested as a means to accomplish the following: (1) Retain at least a two company competition on the three coasts with a minimum of major stations remaining in operation, (2) provide coverage from at least one major carrier station location in Florida, and in Texas, (3) have the retained stations operate at higher traffic levels to effect economies resulting from increased revenue and (4) encourage cooperation in providing better service through an effective network connecting the smaller number of remaining stations.

The Tables include the conditions used in reallocating revenue from the closed stations to the remaining stations. The Net Book values of remaining stations are increased in proportion to the amount of increased traffic handled. It is assumed that these stations will expand as appropriate to operate at the higher traffic levels.

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TABLE 16.—*Second alternative combination Atlantic coast stations, financial data*

[In thousands of dollars]

Account name	Station combinations: Chatham, WCC	Long Island, WSL	Baltimore, WMH	Conditions on combinations
Station revenue	$1,087	$970	$190	WSC and WMF combined revenue is allocated: 75 percent to WMH, 25% to WSL.
Operating costs	653	582	(1)	
Allocated costs	185	164	(1)	
Net book value	233	760	(1)	Net book values increased: 150 percent at WMH.
Rate base	317	840	(1)	
Gross return	61	151	(1)	
Revenue requirement	573	897	(1)	
Excess (deficit) revenue	189	73	(1)	

[1] Insufficient data provided.

TABLE 17.—*Second alternative combination gulf coast stations, financial data*

[In thousands of dollars]

Account name	Station combinations: New Orleans, WNU	Arcadia, KLC	Mobile, WLO	Lantana, WOE	Tampa, WPD	Conditions on combinations
Station revenue	$328	$240	$70	$311	$55	WPA revenue allocated: 70 percent TO KLC, 20 percent TO WNU 10 percent TO WLO.
Operating costs	230	168	(1)	218	(1)	
Allocated costs	56	41	(1)	53	(1)	Wax revenue allocated: 30 percent TO WNU, 10 percent TO WLO, 20 percent TO WPD, 40 percent TO WOE.
Net book value	63	89	(1)	53	(1)	
Rate base	93	111	(1)	81	(1)	
Gross return	17	20	(1)	15	(1)	
Revenue requirement	303	229	(1)	286	(1)	
Excess (deficit) revenue	25	11	(1)	25	(1)	

[1] Insufficient data provided.

TABLE 18.—*Second alternative combination Pacific coast stations, financial data*

[In thousands of dollars]

Account name	Station combinations: San Francisco, KFS	San Francisco, KPH	Conditions on combinations
Station revenue	$760	$970	KLB and KOK combined revenue allocated: 50 percent to KFS, 50 percent to KPH.
Operating costs	494	582	
Allocated costs	129	155	Net book value increased 70 percent for both KFS and KPH.
Net book value	288	260	
Rate base	353	336	
Gross return	64	60	
Revenue requirement	687	797	
Excess (deficit) revenue	73	173	

Findings—alternative 2. 1. Tables 16, 17, and 18 show ten stations of the PCRT carriers remaining after closure of WSF (New York), KLB (Seattle), KOK (Los Angeles), WSC (Tuckerton), WAX (Hialeah), and WPA (Port Arthur). Traffic, at the remaining stations, after realignment according to alternative 2, is illustrated in figure 5.

It would be necessary to compensate for the loss of local connections to stations KLB (Seattle) and KOK (Los Angeles) by providing landline connections from these locations to the common system network that serves the remaining coastal stations at San Francisco. In this manner these locations would be connected to the message (communications) center serving the West Coast, making the entire coastal station structure available to these cities. Also, it is anticipated that the future will see an increased use of radiotelephony (either MF or VHF) which are available locally at both Seattle and Los Angeles.

All other maritime areas presently provided with coverage from a local station, Baltimore (WMH) would pick up substantial traffic from the closure of Tuckerton (WSC).

2. The financial viability of the remaining stations and carriers is improved in alternative 2 over the present situation but the improvement is not as good as for alternative 1. This is primarily due to the continued operation of major carrier stations in Texas and Florida. The financial condition of independent stations at Mobile (WLO) and Tampa (WPD) might be improved, but competition from the major carriers to these stations would continue to be substantial.

3. As stated in alternative 1, revenue in excess of that required for an adequate return on investment would be available to the major carriers. Use of this revenue to improve operations, equipment and facilities should be a condition imposed by the FCC for its acceptance of this alternative.

4. The moderate increases in traffic resulting at WNU (New Orleans), WOE (Lantana) and KLC (Arcadia) should not require a considerable increase in investment at these stations. These stations should be able to handle the additional traffic with their present physical plant or with a modest plant improvement program.

Results of station and revenue realignment—alternative 3. Tables 19, 20, and 21 summarize the financial statements of stations remaining after certain closures under

alternative 3. Alternative 3 is suggested as a means to accomplish the following:

(1) Retain only the principal stations of the three major carriers

(2) Provide an environment for expansion of operations by independents who wish to compete by remaining open. These are WLO (Mobile), WPD (Tampa), and WMH (Baltimore)

(3) Provide for the use of landline facilities of carriers as a means for establishing a common carrier maritime network that treats all coast station operations as connecting carriers in an integrated system. The system rather than individual stations or carriers would be the interface between ship and shore.

Alternative 3 differs from alternative 2 primarily in the reliance placed upon the independents to supplement major station coverage of the three major carriers. Of particular significance, it would encourage WLO to enhance its involvement in Coastal Telegraph and more important, it would permit WLO through its participation to provide for radiotelephone and radioprinter services as services integral to the common maritime network.

TABLE 19.—*Third alternative combination Atlantic coast stations, financial data*

[In thousands of dollars]

Account name	Station combinations: Chatham, WCC	Long Island, WSL	Baltimore, WMH	Conditions on combinations
Station revenue	$1,087	$970	$190	WSC revenue allocated: 25 percent to WSL, 75 percent to WMH.
Operating costs	652	582	(1)	
Allocated costs	185	164	(1)	WSF—no revenue.
Net book value	233	760	(1)	
Rate base	317	840	(1)	
Gross return	61	151	(1)	
Revenue requirement	573	897	(1)	
Excess (deficit) revenue	189	73	(1)	

[1] Insufficient data provided.

TABLE 20.—*Third alternative combination gulf coast stations, financial data*

[In thousands of dollars]

Account name	Station combinations: New Orleans, WNU	Mobile, WLO	Tampa, WPD	Conditions on combinations
Station revenue	752	152	100	WPA revenue allocated: 90 percent to WNU, 10 percent to WLO.
Operating costs	451	(1)	(1)	KLC revenue allocated: 90 percent to WNU, 10 percent to WLO.
Allocated costs	128	(1)	(1)	
Net book value	78	(1)	(1)	WAX and WOE revenue allocated: 60 percent to WNU, 20 percent to WLO, 20 percent to WPD.
Rate base	125	(1)	(1)	
Gross return	23	(1)	(1)	
Revenue requirement	602	(1)	(1)	Net book of WNU increased: 200 percent.
Excess (deficit) revenue	150	(1)	(1)	

[1] Insufficient data provided.

TABLE 21.—*Third alternative combination Pacific coast stations, financial data*

[In thousands of dollars]

Account name	Station combinations: San Francisco, KFS	San Francisco, KPH	Conditions on combinations
Station revenue	760	970	KLB and KOK combined revenue allocated: 50 percent to KFS, 50 percent TO KPH.
Operating costs	494	582	
Allocated costs	129	155	
Net book value	288	260	Net book value increased 70 percent for both KFS and KPH.
Rate base	353	336	
Gross return	64	60	
Revenue requirement	687	797	
Excess (deficit) revenue	73	173	

The three tables for the three coastal areas show the basis under which the revenue for the closed stations are reallocated to the stations remaining in operation. Net Book values of remaining stations are increased in proportions to the amount of increased traffic handled. Significant changes in revenue accruing to small stations on the Gulf Coast have been made in alternative 3 relative to alternative 2. The changes in financial data, as given in Tables 19, 20, and 21 will be significant. Excess revenue for WNU (New Orleans), WLO (Mobile), and WPD (Tampa) will be substantially increased for this alignment of Gulf Coast stations. The alternative cuts the number of stations remaining to eight from the ten remaining in alternative 2 thus yielding a further reduction of two stations.

Findings—alternative 3. 1. The station selection and distribution for alternative 3 insures that eight stations which remain after closure of all other coastal stations provides adequate coverage of all three coasts in spite of a loss of local stations at Seattle, Los Angeles, Houston, and Hialeah. As suggested under Alternative 2 these areas must be served through effective use of the proposed landline network.

2. Alternative 3 differs from alternative 2 only in that ITT and RCA would have no stations in the Gulf-Florida Area. TRT (WNU) and the independents (WMH, WLO, and WPD) should benefit from the realignment. The differences in revenue at these three stations, while small relative to the industry, are significant relative to their current revenues.

3. The financial viability of the alternative 3 alignment of stations is improved over that achieved in alternative 2. Thus, revenue in excess of that required for an adequate return on investment is available to the carriers. Use of this excess revenue (approximately $700,000) to improve operations, equipment and facilities is indicated. Increases in traffic at the smaller stations may require increases in investment in physical plant in order to handle the increased traffic. Capital derived from excess revenue should be sufficient to support the financing of such investment programs.

Comparison of alternatives. 1. The three alternatives to future alignments of the PCRT industry which are described above serve only as a guide to what can be done with the industry to improve its financial viability while providing more than adequate service.

2. The alternatives consider one PCRT industry structure which reflects the cloeures requested by the industry (alternative 1) and two structures considered reasonable from the point of view of financial viability, healthy competition, and adequate service.

3. The financial viability of the Gulf Coast stations is the main economic problem in the three alternatives. The larger number of stations competing for the lower levels of traffic in the Gulf area relative to the other two coast areas, results in marginal operations at the smallest stations.

4. Alternatives 2 and 3 have the greatest potential for providing the services desired by the users of PCRT services.

5. Alternative 2 provides minimal relief for stations on the Gulf and includes two stations one in Florida and one in Texas which the major carriers would like to close.

6. Alternative 3 yields the best financial structure for the industry.

7. An important need for any PCRT industry structure is a control network consisting of three control stations, one for each coast. The principal functions of the control centers are described in detail in section III. Basically, the control network will arrange for the reception and delivery of ship-to-shore traffic in the most expeditious manner. Shore-to-ship traffic will also be distributed to shore stations for delivery in a manner which will insure prompt and reliable service to the recipients at sea.

APPENDIX

PARTIES CONTACTED DURING STUDY

(Stations Visited Are Also Indicated)

Licensees of Public Radiotelegraph Stations

ITT World Communications Inc.:
- New York, N.Y.
  - Valerian Pudmalik, Exec. V.P. and Genl. Mgr.
  - S. Stein, Ass't. Comptroller.
  - W. C. Taylor, Ass't. V.P.
  - John Levine, Attorney.
  - M. Headberg.
  - E. Pulley.
- Long Island, N. Y.: Station WFS.
- San Francisco, California:
  - N. F. Smaha, Senior Facilities Planning Egnr., Station KFS.
- Seattle, Washington: Station KLB.

Radio Corporation of America:
- New York, N. Y.:
  - J. McKenna, V.P. Services Development.
  - J. Regnaud, Finance.
  - R. Angliss, Engineer.
  - E. F. Doherty, Manager, Radio Engineering.

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Chatham, Massachusetts: Station WCC.
Lantana, Florida: Station WOE.
Port Arthur, Texas: Station WPA.
San Francisco, California:
E. J. Brennan, Mgr., Traffic Operations, Station KPH.
Washington, D.C.
R. E. Simonds, Mgr., RCA Frequency Bureau.
F. Gherkin, Mgr. Station WSC, Tuckerton.
TRT Telecommunications Corporation:
Washington, D.C.:
F. W. Morris Jr., Pres. & Chief Exec. Officer.
R. K. Lewis Jr., Director Tech. Oper.
D. Lubetzky.
Hialeah, Florida: Station WAX.
New Orleans, Louisiana: Station WNU.
Maryland Port Administration: Baltimore, Maryland: Capt. R. Wilcox, Director Port Operations.
Clara Lee Warner Wood: Tampa, Florida: D. Berger, Station Manager.
Mobile Marine Radio, Inc.: Mobile, Alabama: J. Dezauche, Station Owner & Manager, Station WLO.
Central Radio Telegraph Company: Rogers City, Michigan, visited previously.
Great Lakes Marine Radio: North Tonawanda, N.Y., visited previously.
Employee and Radio Officer Interests:
American Communications Association: New York, N.Y.: J. P. Selly, President.
Communications Workers of America: Washington, D.C.: J. Morgan, Adm. Ass't. to President.
American Radio Association: New York, N.Y.: H. Strichartz.
User Groups:
American Institute of Merchant Shipping: Washington, D.C.: J. P. Yoest, Coordinator Telecommunications.
Pacific Far East Line, Inc.: San Francisco, California: W. N. Nations, Port Radio Officer.
United States Lines: New York, N.Y.: Capt. Wm. Kolbe.
Other Interested Parties:
American Telephone & Telegraph Company: New York, N.Y.: V. H. Cramer, Long Lines.
The Western Union Telegraph Company: New York, N.Y.:
Nestor Ortiz), Contacted by phone.
O. D. Stovall), No meeting.
Maritime Administration: Washington, D.C.: H. Feigelson.
U.S. Coast Guard:
Washington, D.C.: Lt. J. Pierson, Office of Communications.
San Francisco, California: Comdr. Lane, Point Reyes Station.
Federal Communications Commission:
Washington, D.C.:
Safety and Special Services Bureau:
G. Hempton.
C. Fisher.
Other members of Marine Staff.
Common Carrier Bureau:
W. Naleszkiewicz.
R. Lepkowski.
Other members of Common Carrier Staff.

APPENDIX B

Twenty Marine Radiotelegraph Public and Limited Coast Stations are listed below. The stations are identified by area, call sign, location, and licensee. Included are two stations who have applications with the FCC for permits to construct new stations, and six stations who have applications for station closure pending with the FCC.

MARINE RADIOTELEGRAPH

PUBLIC AND LIMITED COAST STATIONS

Area and call	Location	Licensee or Applicant[1]	Kind of Application	File No.
North Atlantic coast:				
WCC	Chatham, Mass	RCA		
WSL	Amagansett, L.I., N.Y	ITT		
WSP	New York, N.Y	ITT	Close	T-D-17509
WSC	Tuckerton, N.J	RCA		
WMH	Baltimore, Md	MPA	Close	P-D-216
South Atlantic coast:				
(2)	Savannah, Ga	Martin	Construct	990-M-L-80
WOE	Lantana, Fla	RCA	Close	T-D-17603
WAX	Hialeah, Fla	TRT	Close	T-D-21178
Gulf coast:				
WPD	Tampa, Fla	Wood		
WLO	Mobile, Ala	MMR		
WNU	New Orleans, La	TRT		
(2)	Harvey, La	McDermott	Construct	990-M-L-6
WPA	Port Arthur, Tex	RCA		
KLC	Arcadia, Tex	ITT	Close	T-D-18395
Pacific coast:				
KOK	Los Angeles, Calif	ITT		
KFS	San Francisco, Calif	ITT	Close	T-D-18394
KPH	San Francisco, Calif	RCA		
KLB	Seattle, Wash	ITT		
Great Lakes:				
WLC	Rogers City, Mich	CRT		
WBL	Buffalo, N.Y	GLM		

[1] RCA=RCA Global Communications, Inc.; ITT=ITT World Communications Inc.; MPA=Maryland Port Authority; Martin=Alpha Martin; Wood=Clara Lee Warner Wood; MMR=Mobile Marine Radio; TRT=Tropical Radio Telegraph Co.; McDermott=J. Ray McDermott & Co., Inc.; CRT=Central Radio Telegraph Co.; GLM=Great Lakes Marine Radio.
[2] No call sign has been assigned since the application for the station construction permit is pending.
[3] No call sign has been assigned since the application for the station construction permit is pending. This station is different from the others in that it is proposed to be limited rather than common carrier.

[FR Doc.74-5902 Filed 3-18-74;8:45 am]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 89]

PRINCIPAL DIPLOMATIC OFFICER IN CAMBODIA

A.I.D. Delegation of Authority No. 89, dated January 22, 1971 (36 FR 1488), is hereby rescinded.

Date: March 8, 1974.

DANIEL PARKER,
Administrator.

[FR Doc.74-6251 Filed 3-18-74;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

NOTICE OF GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

Ball, John Phillip, 4760 South Whitnal Avenue, Cudahy, Wisconsin, convicted on June 25, 1970, in the Circuit Court, Outagamie County, Wisconsin.

Beck, Elvis Ray, 5331 Quartz Road, Rockford, Illinois, convicted on August 12, 1964, in the Riverside County Superior Court, California.

Borchert, Michael D., Lot 64 Jackson Heights Tr. Ct., Shakopee, Minnesota, convicted on October 7, 1963, in the St. Croix County Court, St. Croix, Wisconsin, and on October 23, 1967, in the District Court, Second Judicial District, Ramsey County, Minnesota.

Clark, Jr., John W., R.D. 2, Frog Hollow Road, Painted Post, New York, convicted on September 26, 1950, in the Steuben County Court, New York.

Curtiss, Jr., Paul K., Route 1—Hidden Valley Road, Savage, Minnesota, convicted on May 22, 1961, in the Superior Court of the State of California in and for the County of San Diego.

Darkow, Larry A., 504th Military Police Co., Ft. Eustis, Virginia, convicted on August 11, 1963, in the Hennepin County District Court, Minneapolis, Minnesota.

Hicks, Charles E., Rt. 3, Box 300, Mineral, Virginia, convicted on January 28, 1972, in the Henrico County Circuit Court, Virginia.

Hunt, Ernest, Box 10, Kimper, Kentucky, convicted on May 9, 1941, in the Pike County Circuit Court, Kentucky.

Kaplan, Gary L., 902 East Clay, O'Neill, Nebraska, convicted on September 26, 1967, in the District Court of Holt County, Nebraska.

Klatt, Gary L., 5117 Bernard Avenue, North, Crystal, Minnesota, convicted on July 8, 1969, in the Circuit Court, Third Judicial Circuit, Clark County, South Dakota.

McClendon, Eddie F., 141 Valencia, El Paso, Texas, convicted on June 2, 1949, and January 14, 1950, in the District Court of Hale County, Texas, and on November 19, 1949, in the District Court of Randall County, Texas.

Madewell, Lon E., 8643 North Nebraska Avenue, Tampa, Florida, convicted on August 31, 1964, and on May 10, 1965, in the Criminal Court of Record, Hillsborough County, Florida.

Paetz, Richard C., 6845 Sonia Drive East, Tacoma, Washington, convicted on December 2, 1952, in the Superior Court, Pierce County, Washington.

Phillips, Mercer E., 1205 Aaron Court, Chesapeake, Virginia, convicted on June 13, 1963, in the Court of Hustings, Portsmouth, Virginia.

Reeves, Robert, 124 West 108th Place, Chicago, Illinois, convicted on or about October 16, 1933, in the Cuyahoga County Criminal Court, Ohio.

Schwabenbauer, Stephen M., R.D. 1, Box 69, Shippenville, Pennsylvania, convicted on October 12, 1972, in the Court of Common Pleas, Clarion, Pennsylvania.

Sherman, August R., 225 W. 16th Street, Maryville, Missouri, convicted on September 27, 1970, in the United States District Court, Western District of Missouri.

Stereiff, Dean L., Box 782, Pine Island, Minnesota, convicted on November 13, 1968, in the First Judicial District Court, Red Wing, Minnesota.

Valentine, Peter C., 113 East 17th Street, Olympia, Washington, convicted on July 27, 1970, Superior Court, Thurston County, Washington.

Wheat, James A., 12300 Valley Wood Drive, Wheaton, Maryland, convicted on December 23, 1964, in the Peoples Court, Montgomery County, Maryland.

Signed at Washington, D.C., this 8th day of March, 1974.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.74-6247 Filed 3-18-74;8:45 am]

Fiscal Service

[Dept. Circ. 570, 1973 Rev., Supp. No. 14]

HALLMARK INSURANCE CO., INC.

Surety Companies Acceptable on Federal Bonds

A certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $124,000 has been established for the company.

Name of company, location of principal executive office, and state in which incorporated:

Hallmark Insurance Company Inc.
Madison, Wisconsin
Wisconsin

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operations, Audit Staff, Washington, D.C. 20226.

Dated: March 13, 1974.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.74-6245 Filed 3-18-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD TACTICAL PANEL

Notice of Meeting

MARCH 13, 1974.

The USAF Scientific Advisory Board Tactical Panel will hold a closed meeting on March 25, 1974, from 10 a.m. until 4 p.m., at the Pentagon, Washington, D.C.

The Panel will receive classified briefings from Air Force Systems Command on AFSC activities in support of tactical air requirements.

For further information, please contact the Scientific Advisory Board Secretariat at 202-697-8845.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-6221 Filed 3-18-74;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

CRIMINAL JUSTICE INFORMATION SYSTEMS

Notice of Hearings

Notice is hereby given that the Department of Justice will hold the following hearings on the proposed Criminal Justice Information Systems Regulations published in the FEDERAL REGISTER, 39 FR 5636, February 14, 1974:

March 22, 1974, at 10:00 a.m. at 633 Indiana Avenue, N.W., Washington, D.C. to consider the views of the National Conference of State Criminal Justice Planning Administrators.

May 1, 1974, and May 2, 1974, at Juro Assembly Room, 19th Floor, Federal Building, 450 Golden Gate, San Francisco, California.

Interested parties who wish to testify should notify Thomas J. Madden, General Counsel, Law Enforcement Assistance Administration, 633 Indiana Avenue, N.W., Washington, D.C. 20530 no later than April 22, 1974.

The time for submission of written views on the proposed regulations is hereby extended to May 2, 1974.

March 12, 1974.

WILLIAM B. SAXBE,
Attorney General.

March 12, 1974.

DONALD E. SANTARELLI,
Administrator, Law Enforcement Assistance Administration.

[FR Doc.74-6255 Filed 3-18-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Postponement of Public Meeting

The meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905) originally scheduled for March 19, 1974, in the auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., local time, is postponed until March 27, 1974, and will be held in the Conference Room of the Florida Citrus Mutual Building at 10:30 a.m., local time. This notice is issued pursuant to the provisions of section 10(a)(2) of Public Law 92-463. Marketing Order No. 905 regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The need for postponement of the meeting of the Shippers Advisory Committee results from recent changes in the demand situation for citrus fruits produced in Florida.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes the receipt and review of market supply and demand information incidental to consideration of the need for modification of current grade and size limitations applicable to domestic and export shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: March 15, 1974.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.74-6440 Filed 3-15-74;4:21 pm]

[Amendment 7]

Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1974)

The CCC Monthly Sales List for the fiscal year ending June 30, 1974, published in 38 FR 19259 is amended as follows:

1. The last sentence of section 1(b) entitled "General" published in 38 FR 19259 as amended in 38 FR 22808 and 26012 is revised to read as follows:

Interest at 9½ percent will be charged for delinquent payments on consignment and track sales of grain from the date of sale to the date payment is received.

2. The sixth sentence of section 1(c) entitled "General" published in 38 FR

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19259 as amended in 38 FR 22808 and 26102 is revised to read as follows:

"Interest to date of payment will be at 9½ percent."

Effective Date. 2:30 p.m., e.d.t., February 28, 1974.

Signed at Washington, D.C. on March 12, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-6232 Filed 3-18-74;8:45 am]

Forest Service

COOPERATIVE SPRUCE BUDWORM SUPPRESSION 1974 PROJECT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for suppression of the spruce budworm in Minnesota in 1974. Forest Service Report Number USDA-FS-NA-DES(Adm.)-2.

The environmental statement concerns a proposed cooperative aerial spray project on approximately 3,500 acres of forest lands within Finland State Forest, in Lake County, Minnesota to prevent or minimize tree mortality and reduce high spruce budworm populations until the mature timber can be harvested. To accomplish these objectives, the insecticide mexacarbate (Zectran®) will be applied by aircraft. The impacts, both beneficial and adverse, available alternative actions, and the purposes and objectives of the cooperative spruce budworm suppression program are discussed in detail.

This draft environmental statement was filed with CEQ on March 12, 1974.

Copies are available for inspection during regular working hours at the following locations:

U.S.D.A., Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave. SW.
Washington, D.C. 20250

U.S.D.A., Forest Service
Northeastern Area
State and Private Forestry
6816 Market Street, Room 207
Upper Darby, Pennsylvania 19082

A limited number of single copies are available upon request to:

Robert D. Raisch, Area Director
Northeastern Area
State and Private Forestry
6816 Market Street
Upper Darby, Pennsylvania 19082

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agenices having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Robert D. Raisch, U.S. Forest Service, Northeastern Area, State and Private Forestry, 6816 Market Street, Upper Darby, PA 19082. Telephone 215/597-3760. Comments must be received by April 26, 1974 in order to be considered in preparation of the final environmental statement.

Dated March 7, 1974.

PHILIP L. ARCHIBALD,
Acting Director, Northeastern Area Statc and Private Forestry.

[FR Doc.74-6229 Filed 3-18-74;8:45 am]

ENTERPRISE PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Enterprise Planning Unit, Dixie National Forest, Utah. The Forest Service report number is USDA-FS-DES (Adm) R4-74-3.

The environmental statement identifies and evaluates the probable effects of the Land Use Plan for the Enterprise Planning Unit on the Dixie National Forest in Utah. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects.

This draft environmental statement was transmitted to CEQ on March 8, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 2025
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Dixie National Forest
500 South Main
Cedar City, Utah 84720

District Forest Ranger
Pine Valley Ranger District
Federal Building
St. George, Utah 84770

A limited number of single copies are available upon request to Forest Supervisor Merlin I. Bishop, Dixie National Forest, 500 South Main, Cedar City, Utah 84720.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Dixie National Forest, 500 South Main, Cedar City, Utah 84720. Comments must be received by May 29, 1974, in order to be considered in the preparation of the final environmental statement.

Dated: March 8, 1974.

P. M. REES,
Acting Regional Forester.

[FR Doc.74-6301 Filed 3-18-74;8:45 am]

[1352-4]

UMATILLA NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Umatilla National Forest Grazing Advisory Board will meet at 1 p.m. at the Forest Supervisor's Office April 8, 1974.

The purpose of this meeting is to discuss permittee involvement and responsibility in planning and administration efforts on Forest Service allotments, and to explore long-range management objectives and goals. The Board will examine Regional commensurability standards and discuss whether there is a need to expand on these standards for the Umatilla National Forest.

The committee has established the following rules for public participation: A time period will be set up for the public to participate and time limits may be set on individual public participation.

Dated: March 11, 1974.

HERBERT B. RUDOLPH,
Forest Supervisor.

[FR Doc.74-6223 Filed 3-18-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

FORDHAM UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00028-98-77065. Applicant: Fordham University, Physics Department, Bronx, New York 10458. Article: Mossbauer Spectrometer, Model AME-30. Manufacturer: Elscint, Ltd., Irsael. Intended use of article: The article will be used to study the magnetic fields, electric field gradients, isomer shifts, curie temperatures, and phase transitions of materials containing iron, tin, and other Mossbauer isotopes by means of high resolution Mossbauer transmission and scattering experiments.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a velocity capability of at least 20 centimeters per second (cm/s). The most closely comparable domestic instrument is the Mossbauer spectrometer manufactured by Austin Science Associates. This domestic instrument does not provide velocities above the order of 5 cm/s. The National Bureau of Standards (NBS) advised in its memorandum dated February 19, 1974 that a velocity capability of at least 20 cm/s is pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74-6267 Filed 3-18-74;8:45 a.m.]

MILLARD FILLMORE HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00188-33-90000. Applicant: Millard Fillmore Hospital, 3 Gates Circle, Buffalo, New York 14209. Article: Computerized Axial Tomography System (EMI-Scanner). Manufacturer: EMI Limited, United Kingdom. Intended Use of Article: The article is intended to be used for diagnosis of brain tumors, cerebral hemorrhages, subdural hematomas and traumatic injuries to the brain. Research will be conducted to develop the capability of the article to diagnose different types of tumors of all sizes in all areas of the central nervous system and to compare results with conventional techniques. Stroke patients will be evaluated with the equipment to develop improved diagnosis and prognostic capability through serial studies. Investigation will be conducted as to the capability of the article to identify the plaques in multiple sclerosis patients. The article will also be used to evaluate the role of hyper osmolar treatment of subdural hematomas and for the study of patients who have already undergone stereotaxi surgery for Parkinsonism.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (June 14, 1973).

Reasons: The foreign article is a newly developed system which is designed to provide precise transverse axial x-ray tomography. We find that the speed and accuracy of the article are pertinent to the applicant's use in neurological studies and in teaching wherein the article's potential is to be assessed through evaluations of patients with tumors, stroke, plaques of multiple sclerosis and those having undergone stereotaxic surgery. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 8, 1974 that it knows of no domestic instrument of equivalent scientific value to the article for the applicant's intended uses which was available at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74-6271 Filed 3-18-74;8:45 am]

NATIONAL INSTITUTES OF HEALTH

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73-00035-33-90000. Applicant: National Institutes of Health, Bethesda, Md. 20014. Article: X-ray diffraction equipment, Model GX6. Manufacturer: Elliott Automation Radar Systems, United Kingdom. Intended use of Article: The article is intended to be used to investigate filament spacings and crossbridge configurations in muscle cells to discover the mechanism of muscular contraction.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an X-ray micro source with a power level of one kilowatt. The most closely comparable domestic instrument manufactured by Philips Electronic Instruments provides an X-ray micro source with a power level of 500 watts. The National Bureau of Standards (NBS) advised in its memorandum dated February 4, 1974 that the highest power level available is pertinent to the applicant's intended low angle scattering diffraction measurements of muscle tissue. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended uses.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74-6270 Filed 3-18-74;8:45 am]

ST. LUKE'S HOSPITAL CENTER

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural

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Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00187–33–43780. Applicant: St. Luke's Hospital Center, 114 Street & Amsterdam Avenue, New York, New York 10025. Article: Cannulating Duodenoscope. Manufacturer: Olympus Company, Japan. Intended Use of Article: The article is intended to be used for the following investigative purposes:

1. Visualization of the biliary duct—to evaluate its usefulness in the exclusion of extra-hepatic obstructive jaundice;
2. Visualization of the pancreatic ducts—to evaluate its usefulness in the exclusion of obstruction to pancreatic outflow;
3. Studies of the normal variation in biliary and pancreatic duct anatomy;
4. To evaluate whether collection of pancreatic secretions is useful in the diagnosis of pancreatic disease.

The article will also be used for the teaching of postgraduate Research Fellows of Columbia University in the advantages of duct cannulation.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant's use of the article in teaching and study of hepatic and pancreatic structure and function will require a fiber optic device of small diameter and long length, that is guidable, flexible and has a means for collecting secretions underview. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 8, 1974 that the small diameter of the article (2 mm) is pertinent to the purposes for which the article is intended to be used. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. HEW cited as a precedent its prior recommendation relating to Docket Number 73–00510–33–02700 which conforms in certain particulars with this application.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

[FR Doc.74–6269 Filed 3–18–74;8:45 am]

UNIVERSITY OF CALIFORNIA—DAVIS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00127–33–46040. Applicant: University of California, Davis Campus, Davis, California 95616. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended Use of Article: The article is intended to be used for studies of insect tissues, plant and animal viruses and mycoplasma (in relation to the insects that transmit them) and viruses and other microorganisms affecting insects. The experiments to be undertaken are as follows:

(a) A morphological study of aphid symbiotes to determine their systematic status and physiological function.

(b) Study of the effect of plant virusfes, plant mycoplasma and insect pathogens on insect cells in a monolayer culture.

(c) Observation of certain plant viruses after purification procedure to determine the validity of the procedures.

(d) Study of insect mitochondria to observe the aging process on these organelles.

(e) Several projects involving the general observation of insect and mite ultrastructure.

The article will also be used for instructional purposes in the following courses:

A. Insect Morphology-Entomology 101.
B. Insect Physiology-Entomology 102.
C. Insect Vectors of Plant Pathogens-Entomology 125.
D. Medical Entomology-Entomology 153.
E. Electron Microscopy in Entomological Research-Entomology 298.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States at the time the article was ordered (February 28, 1973).

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU–4C electron microscope which was formerly manufactured by the Forgflo Corporation and which is currently supplied by the Adam David Company. The Model EMU–4C electron microscope is a relatively complex instrument designed for research, which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated January 10, 1974 that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the Model EMU–4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74–6264 Filed 3–18–74;8:45 am]

UNIVERSITY OF CALIFORNIA—SAN FRANCISCO ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00319–33–90000. Applicant: University of California, San Francisco, 1438 South Tenth Street, Richmond, California 94804. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended Use of Article: The article is intended to be used to obtain cross sectional pictures of the brain using noninvasive techniques. Patients with suspected brain abnormalities will be studied with the article and the findings will be correlated with those of the standard neuroradiologic and isotopic diagnostic techniques. This technique will be of educational value in teaching the anatomical details of the normal and abnormal brains in the transaxial tomographic mode. Application Received by Commissioner of Customs: February 12, 1974.

Docket Number: 74–00320–85–43000. Applicant: Lamont-Doherty Geological Observatory of Columbia University, Palisades, New York 10964. Article: Magnetometer. Manufacturer: Digico Ltd., United Kingdom. Intended Use of Article: The article is intended to be used for the measurement of weakly magnetized rocks for paleomagnetic studies of general type in limestones, deep-sea sediments and lavas, and terrestrial rocks. Application Received by Commissioner of Customs: February 2, 1974.

Docket Number 74–00329–33–22400. Applicant: University of Rochester, School of Medicine and Dentistry, Division of Genetics, 260 Crittenden Blvd., Rochester, N.Y. 14642. Article: MSE 150 Watt Ultrasonic Disintegrator, PG–100 and Titanium Exponential Micro Probe, 34041. Manufacturer: Measuring & Scientific Equipment, United Kingdom. Intended Use of Article: The foreign article is to be used to reproducibly disrupt extremely small quantities of human white blood cells in order to determine inherited differences in PGM_3, a sensitive labile enzyme contained in such cells. Application Received by Commissioner of Customs: February 12, 1974.

Docket Number: 74–00305–33–46040. Applicant: Mount Sinai School of Medicine of the City University of New York, Fifth Avenue and 100th Street, New York, New York 10029. ARTICLE: Electron Microscope, Model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended Use of Article: The article is intended to be used in the following investigations:

1. A multifaceted approach concerning the differentiation, regulation of cell division and induction of cell proliferation; and an analysis of the interrelationship of these 3 processes.
2. A study of differentiation of epithelial cells in the mouse colon in normal animals and in experimental carcinogenesis and polypogenesis such as that induced by 1,2-dimethyl-hydrizine.
3. Comparison of the morphological aspects of development, growth, and repair of *striated muscle* of both normal and dystrophic mice, including precise measurements of microfilaments found in all cells of the myoblastic line.
4. The study of the hormonal control of spermatogenesis and particularly the roles of Sertoli cells and the "blood-testis barrier" in this process.
5. The study of a "Stertoli-only" tubule after partial dissociation.
6. The observation and interpretation of subtle alterations of the fibrillar and filamentous components of the neck, mid-piece and tail of the spermatozoa during maturation.
7. The determination of the role of (a) the tight junction between endothelial cells and (b) low frequency of pinocytotic vesicles in the "barrier" phenomenon (anatomical barriers to the movement of protein tracers from blood to cerebral parenchyma), and
8. The investigation of the possibility that connective tissue cells and smooth muscle cells are different modalities of the same type.

In addition, the article will be used for formal teaching to graduate students through "Advanced Study in Anatomy" courses and to medical students in "Basics of Electron Microscopy". These courses are intended to provide the student with a working knowledge of the principles and techniques employed in electron microscopy.

Application Received by Commissioner of Customs: January 24, 1974.

Docket Number: 74–00307–33–46040. Applicant: Lafayette College, Easton, Pa. 18042. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, The Netherlands.

Intended Use of Article: The article is intended to be used in two major areas of research: host-parasite interrelationships and interactions; cytological effects of exposure to various agents, e.g., herbicides, in both animals and plants. Normal and pathological invertebrate tissues will be studied with particular emphasis upon developmental stages of parasites and upon the tissues of their host. Another area of study concerns the ultrastructural pathology of the gerbil testis and epididymis after administration of antifertility drugs. A botanical study concerns the fine structure of plant cell organelles treated with herbicides. The article will also be used for educational purposes in the following courses:

General physiology
Advanced Genetics
Microbiology
Biology of Vascular Plants
Parasitology
Developmental Biology
Independent Study
Thesis (Honors)

Application Received by Commissioner of Customs: January 21, 1974.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74–6272 Filed 3–18–74;8:45 am]

UNIVERSITY OF MAINE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00158–33–46040. Applicant: University of Maine, Department of Zoology, Murray Hall, Orono, Maine 04473. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended Use of Article: The article is intended to be used for research in the following projects entitled:

(1) Study of chloroplast growth and inheritance, and control of cell division in *Euglena gracilis.*
(2) An ultrastructural and chemical evaluation of the effects of freezing on Atlantic Salmon Sperm,
(3) A comparative ultrastructural study of gamete morphology and fertilization in echinoderms,
(4) Influence of herbicides, chlorinated hydrocarbons, PCB's and growth rhythm phenomena on the fine structure of *Platymonas subcordiformis,*
(5) A fine structural investigation of growth and sexual maturation in gametophytes and young sporophytes of the bull kelp *Nereocystis cuetkeana* (Mertens) Postels and Ruprecht,
(6) Thin films Environmental Detector,
(7) Anatomy and fundamental properties of Maine Woods, and
(8) Electrical and optical properties of amorphous semiconductors.

In addition the article will be used in ten (10) courses at the University as a teaching tool or as a secondary teaching aid. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (April 13, 1973).

Reasons: The foreign article is equipped with an eucentric goniometer stage (with 360° rotation and ±60° eucentric tilting plus heating and cooling capabilities). At the time the foreign article was ordered, the most closely comparable domestic instrument was the Model EMU–4C, formerly produced by Forgflo Corporation and currently supplied by Adam David Company. The Model EMU–4C provided only 30° of noneucentric tilt. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated January 31, 1974 that (1) the high degree of articulation of the article's goniometer stage is pertinent to the applicant's studies of a thin film environmental detector and properties of amorphous semoconductor and (2) the stages available in the EMU–4C did not match the articulation of the article's stage. HEW cited as a precedent its recommendation relating to Docket Number 73–00350–33–46040 which conforms in certain particulars with this application. For the foregoing reasons, we find that the EMU–4C is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article

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is intended to be used, which was being manufactured in the United States at the time the article was ordered.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74-6268 Filed 3-18-74;8:45 am]

UNIVERSITY OF MARYLAND

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00190-75-77065. Applicant: University of Maryland, Baltimore County Campus, 5401 Wilkens Avenue, Baltimore, Maryland 21228. Article: Mossbauer Effect Analyser. Manufacturer: Elscint, Inc., Israel. Intended use of Article: The article is intended to be used in high resolution Mossbauer transmission and scattering experiments to study the dependence of hyperfine fields on external influences such as temperature surface condition and chemical environment.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Rare-earth elements such as dysprosium emit gamma rays at frequencies that require velocities of source relative to absorber of the order of 20 centimeters/second (cm/s) and greater for study by Mossbauer analysis. The foreign article satisfies this requirement and permits the use of the Mossbauer technique with rare earth elements involving repetitive measurements at several hundred velocity points. The most closely comparable domestic instrument is the Mossbauer spectrometer manufactured by Austin Science Associates (Austin). The Austin spectrometer is not capable of velocities above the order of 5 cm/s, except possibly in the manual constant-velocity mode of operation. The manual constant-velocity mode is limited to measurements at only a relatively small number of velocities because not only is manual re-adjustment of the apparatus required for each velocity setting but long integration times are also required. We are advised by the National Bureau of Standards (NBS) in its memorandum dated February 19, 1974 that the ability to be used with rare earth elements and the velocity capability provided by the foreign article are pertinent to the applicant's intended purposes. We, therefore find that the Austin spectrometer is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74-6266 Filed 3-18-74;8:45 am]

YALE-NEW HAVEN HOSPITAL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00221-33-00530. Applicant: Yale-New Haven Hospital, Inc., Department of Therapeutic Radiology, 789 Howard Avenue, New Haven, Conn. 06504. Article: Sagittaire Linear Electron Accelerator, Treatment Couch, Floor Elevator and Spare parts kit. Manufacturer: Thomson-CSF, France. Intended Use of Article: The article is intended to be used for a variety of radiotherapeutics, radiobiologic and radiological physics research projects. These will include the effects of tumor response of combined x-ray and electron beam therapy, and of different time-dose relations; the effect of ultra-high dose rates obtainable from the electron beam on tissue culture; optimization of x-ray target design; determination of high energy x-ray spectra; studies in electron beam dosimetry. The article will also be used in two courses namely, Therapeutic Radiology 101 and 102, which will involve medical students learning about radiation therapy and the operation and the of the article. The major role of the article in the teaching program will be accomplished through in-house training programs for technologists and residents in radiology, and other medical specialists.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has an effective electron analyzer consisting of two bending magnets with slit and quadrupole magnetic slammer to provide a narrower range or maximum homogeneity of the electron or x-ray energy in the beam. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated February 2, 1974 that the comparable domestic instrument, the Clinac 35, does not provide an acceptably narrow range of electron or x-ray energy. HEW also advised that the maximum possible homogeniety of the energy beam is pertinent to the applicant's intended use as a source of high energy electron and x-ray beams for research and teaching programs in therapeutic radiology and radiobiology. For these reasons, we find that the Clinac 35 is not of equivalent scientific value to the foreign article for the purposes for which the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.74-6265 Filed 3-18-74;8:45 am]

National Oceanic and Atmospheric Administration

SKINS OF SOUTH AFRICAN CAPE FUR SEALS

Notice of Meeting and Preparation of an Environmental Impact Statement

The Marine Mammal Protection Act of 1972 authorizes and directs the Secretary of Commerce to waive the moratorium on the taking and importation of marine mammals and marine mammal products in accordance with the provisions of section 101(a)(3)(A) of the Act. The National Marine Fisheries Service has received two applications for the waiver of the moratorium so as to allow the importation of certain numbers of skins of South African fur seals for processing and sale in this country. The Service feels that the waiver of the moratorium for this purpose constitutes a major federal action the environmental impact of which is likely to be highly controversial within the meaning of § 1500.6 of the Council on Environmental Quality guidelines for the preparation of environmental impact statements (38 FR 20550, 20551, August 1, 1973). Therefore, the Service has determined to prepare an environmental impact statement to assist it in deciding whether the granting of waivers with regard to these two applications is environmentally sound; and to solicit comment from interested members of the public as to matters which should be considered in the preparation of such a statement.

Accordingly, a public meeting will be held for this purpose of soliciting comments at 9 a.m. on Monday, March 25, 1974, in the Penthouse Conference Room, Page 1 Building, 2001 Wisconsin Avenue, NW., Washington, D.C. Interested members of the public are invited to attend and to submit oral and/or written statements. Those who may wish only to submit written statements should address these to the Director, National Marine Fisheries Service, Washington, D.C. 20235, postmarked no later than March 25, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

MARCH 13, 1974.

[FR Doc.74-6208 Filed 3-18-74;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON AGRICULTURE STATISTICS

Notice of Public Meeting

The Census Advisory Committee on Agriculture Statistics will convene on March 28, 1974 at 9 a.m. The Committee will meet in Building 91, Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana.

This Committee was established in 1962 to advise the Director, Bureau of the Census, concerning the kind of information that should be obtained from respondents; to prepare recommendations regarding the contents of reports and to present the views and needs for data of major agricultural organizations and their members.

The Committee is composed of 19 members appointed by the presidents of the non-profit organizations having representatives on the Committee, and two members from the U.S. Department of Agriculture.

The agenda for the meeting is: (1) Review of current Census Bureau activities, (2) Status of plans and operations for the 1974 Census of Agriculture, (3) Report on the Pretest for the Census, (4) Tour of the Jeffersonville facility, (5) Publicity program, (6) Publication proposals for the 1974 Census, and (7) Tabulation plans.

A limited number of seats—approximately 25—will be available to the public. A brief period will be set aside for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Guidance and Control Officer, Mr. J. Thomas Breen, Chief, Agriculture Division, Bureau of the Census, Room 2067, FB-3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone 301-763-5230.

Dated: March 13, 1974.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

[FR Doc.74-6302 Filed 3-18-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

HEALTH PROFESSION STUDENT LOANS

List of Areas Designated for Practice as a Physician (M.D. or D.O.), Dentist, Optometrist, Pharmacist, Podiatrist, or Veterinarian; Correction

Federal Register Doc. 74-4336, published as a notice in the FEDERAL REGISTER of February 26, 1974 (39 FR 7446-7465), contained a list of areas designated under section 741(f) of the Public Health Service Act (42 U.S.C. 294a) for practice as a physician (M.D. or D.O.), dentist, optometrist, pharmacist, podiatrist, or veterinarian. Inadvertently, several areas were omitted from this list. Said notice is therefore amended as follows:

1. The following list of areas is inserted after the last entry under "Alabama" on page 7447:

*St. Clair
Shelby
*Sumter
Talladega
*Tallapaloosa
*Walker
*Washington
*Wilcox
*Winston

ALASKA

Aleutian Islands
Anchorage City
*Angoon
*Barrow
*Bethel
Bristol Bay *Borough*
*Bristol Bay
Juneau (B)
Kenai-Cook Inlet (B)
*Kobuk
Kodiak (B)
Matanuska-Susitna (B)
*Muskokwim
*Nome
*Outer Ketchikan
Prince of Wales
Seward
Skagway-Yakutat
Southeast Fairbanks
*Upper Yukon
Valdez-Chitina-Whittle
*Wade Hampton
*Yukon-Koyukuk

ARIZONA

Puerco and St. Johns census sub-divisions of *APACHE COUNTY
Benson and Tombstone census sub-divisions of COCHISE COUNTY
Bowie census sub-division of COCHISE COUNTY
Elfrida census sub-division of COCHISE COUNTY
Coconino sub-division of COCONINO COUNTY excluding areas within a 20 mile radius of Flagstaff or Sedona

2. The following list of areas is inserted after the entry "Cities of Norfolk, Portsmouth, Chesapeake and Virginia Beach" which appears 4 lines from the bottom of the middle column on page 7465:

Powhatan
Russell
Scott
Spotsylvania County, City of Fredericksburg and Stafford County
Sussex
Tazewell
Westmoreland
Wise County and City of Norton
York

WASHINGTON

Chelan
Douglas

WEST VIRGINIA

Response forthcoming

WISCONSIN

Adams
Bayfield
Douglas
Forest
Kenosha
Portage
Racine

WYOMING

No Shortage

PUERTO RICO

Adjuntas
Aguada
Aguadilla
Aguas Buenas
Anasco
Arecibo
Arroyo
Barceloneta
Barranquitas
Bayamon
Cabo Rojo
Caguas
Camuy
Catano
Cayey
Ciales
Cidra

Dated: March 8, 1974.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.74-6027 Filed 3-18-74;8:45 am]

HEALTH PROFESSION STUDENT LOANS

List of Areas Designated for Practice as a Physician (M.D. or D.O.), Dentist, Optometrist, Podiatrist, or Veterinarian

Correction

In FR Doc. 74-4336 appearing at page 7446 in the issue of Tuesday, February 26, 1974, the following changes should be made:

1. Under Physicians—Arkansas (page 7447, column 2), the entry reading "Chicot" should be marked with an asterisk.

2. Under Dentists—Colorado (page 7453, column 1), the entry "Conjoa" should read "Conjos".

3. Under Dentists—Nebraska (page 7454, column 3), the entry "City of Omaha—Census Trucks * * *" should

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read "City of Omaha—Census Tracks * * *"

4. Under Podiatrists—Louisiana (page 7461, column 3), the last entry, "York" should be transferred to appear as the last entry under Maine.

5. Under Podiatrists—Michigan (page 7461, column 3), the entry "Sanilao" should read "Sanilac".

6. Under Veterinarians—Connecticut, the fourth entry, reading "CHP Area—Meriden/Wallingford (Specific", should read "CHP Area—South Central (Specific Section)".

Office of Education

HEALTH AND NUTRITION PROGRAM

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 808, Title VIII, of the Elementary and Secondary Education Act (20 U.S.C. 887a) applications are being accepted from local educational agencies and under exceptional circumstances from nonprofit educational organizations for grants for demonstration projects to improve school nutrition and health services for children from low-income families. Applications must be received by the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th & D Streets, SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.523), on or before April 24, 1974. A notice of closing date for applications for projects which were commenced under grant awards made in previous fiscal years is being published separately in the FEDERAL REGISTER.

The general fiscal and administrative provisions published in the FEDERAL REGISTER, 38 FR 30654, November 6, 1973, are applicable to these grants, and criteria for this program which have been published as part of the notice of proposed rulemaking (39 FR 10257) are proposed to be used in determining the selection and funding of grant awards. Due to time constraints, preapplications will not be invited for grants funded in FY 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

Information and application forms may be obtained from the Office for Health and Nutrition Programs, 400 Maryland Avenue SW., Washington, D.C. 20202.

(20 U.S.C. 887a)

Dated: March 7, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.523, School Health and Nutrition Services for Children from Low-Income Families)

[FR Doc.74-6309 Filed 3-18-74;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Notice of Meeting and Agenda

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Indian Education will be held on March 30 & 31, 1974, from 9 a.m. to 5 p.m., at Holiday Inn, 2020 Menaul Blvd., NE., Albuquerque, New Mexico.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (P.L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Planning for evaluation of program and projects carried out by the Department of Health, Education and Welfare in which Indian children or adults can participate.

2. Providing technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th St., NW., Rm. 326, Washington, D.C. 20004).

Signed at Washington, D.C. on March 12, 1974.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.74-6252 Filed 3-18-74;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting of the Executive Committee

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Indian Education (Executive Committee) will be held on March 23 and 24, 1974, from 9 a.m. to 5 p.m., at St. Paul Hilton Hotel, Senate Suite, St. Paul, Minnesota.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (P.L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

A. Revision of 1974-1975 Budgets.

B. Reviewing and making recommendations for Part E Regulations.

C. Reviewing and planning for future Council business.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th St., N.W., Rm. 326, Washington, D.C. 20004).

Signed at Washington, D.C. on March 12, 1974.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.74-6253 Filed 3-18-74;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting of Proposals, Rules and Regulations, and Evaluations Committee

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), that the next meeting of the National Advisory Council on Indian Education (Proposals, Rules & Regulations and Evaluations Committee) will be held on March 28 & 29, 1974, from 9 a.m. to 5 p.m., at Hilton Hotel, 125 Copper, N.W., Albuquerque, New Mexico.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (P.L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Planning final logistics for Part A, and non-local educational agencies proposals.
2. Proposal review and recommendations.
3. Working on Title IV rules and regulations for fiscal year, 1975.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education, located at 425 13th St., NW., Rm. 326, Washington, D.C. 20004).

Signed at Washington, D.C. on March 12, 1974.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.74-6254 Filed 3-18-74;8:45 am]

Social Security Administration

HOSPITAL COSTS UNDER THE HEALTH INSURANCE PROGRAM

Proposed Schedule of Limits

Notice is hereby given that a Schedule of Limits on Hospital Costs in the Medicare program for cost reporting periods beginning (1) on and after the effective date of final regulations implementing section 223 of P.L. 92-603, and (2) before January 1, 1975, is set forth in tentative form as proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed Schedule of Limits on Hospital Costs applies only to routine services. Section 1861(v)(1) of the Social Security Act as amended by section 223 (Limitations on Coverage of Costs Under Medicare) of P.L. 92-603 (the Social Security Amendments of 1972) permits the Secretary to set prospective limits on overall provider costs or provider costs for specific items or services based on estimates of the costs necessary in the efficient delivery of needed health services. A separate schedule of limits will be issued for skilled nursing facilities and home health agencies prior to the beginning of the cost reporting period to which such limits would be applied.

To provide adequate sized comparison bases and to permit reasonable comparisons between providers within a group, a classification system which takes into account hospital size and economic environment was developed. A provider's location in a Standard Metropolitan Statistical Area is used as a proxy for an urban location while providers not located in a Standard Metropolitan Statistical Area are considered nonurban. A Standard Metropolitan Statistical Area is defined as a county or group of contiguous counties which contains at least one city of 50,000 inhabitants, or "twin cities" with a combined population of at least 50,000. A complete list of Standard Metropolitan Statistical Areas can be found in the publication *Standard Metropolitan Statistical Areas: 1967* as revised, which is available from the United States Government Printing Office, Washington, D.C. 20402. These two overall classifications are each subdivided into five State groupings with the States classified according to per capital income as follows:

STATE GROUP I

Washington, D.C.	New Jersey
Connecticut	Hawaii
New York	Illinois
Alaska	California
Nevada	

STATE GROUP II

Massachusetts	Washington
Maryland	Ohio
Delaware	Rhode Island
Michigan	Pennsylvania

STATE GROUP III

Kansas	Oregon
Minnesota	Missouri
Indiana	New Hampshire
Colorado	Virginia
Wisconsin	Florida
Iowa	Arizona
Nebraska	

STATE GROUP IV

Texas	Maine
Vermont	Utah
Wyoming	Idaho
Montana	North Carolina
Georgia	South Dakota
Oklahoma	

STATE GROUP V

Louisiana	South Carolina
Kentucky	Alabama
Tennessee	Arkansas
New Mexico	Mississippi
North Dakota	Puerto Rico
West Virginia	

Providers in each of the five State groups have been divided between those located in SMSA's and those not in SMSA's. These 10 geographical classes have been further divided into 7 bed-size categories resulting in a total of 70 groups in the classification system.

Under the authority of section 1861(v) of the Social Security Act as amended by P.L. 92-603, the following Schedule of Limits on Hospital Costs for general routine services is proposed for cost reporting periods beginning on and after the effective date of final regulations implementing section 223 of P.L. 92-603, and before January 1, 1975. (These limits do not apply to the cost incurred for special care or ancillary services.) The schedule of limits will be revised and reissued annually.

SCHEDULE OF LIMITS ON HOSPITAL COSTS

HOSPITALS LOCATED WITHIN SMSA'S

The following dollar limitations on routine service costs for hospitals located in *Standard Metropolitan Statistical Areas*, are applicable to cost reporting periods beginning on and after the effective date of final regulations implementing section 223 of P.L. 92-603.

Adjustment for non-calendar year providers: Where a hospital has a cost reporting period beginning after January 1, 1974, the limit would be adjusted upward by 9/10th of one percent of the ceiling rate for each month of the reporting year ending in the succeeding calendar year. Adjustments for non-calendar year providers must be calculated in dollars and cents. (Example: $83 is the ceiling for Hospital A's class for 1974. Hospital A's year begins October 1 and ends September 30. For the year ending September 30, 1975, the ceiling would be $89.72, i.e., $83 plus 9 months @ 9/10th of one percent per month or 8.1 percent of $83.)

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Code	State	Bed size						
		Less than 55	55 to 99	100 to 169	170 to 264	265 to 404	405 to 684	685 or more
1	Alabama	$71	$74	$67	$74	$76	$74	$74
2	Alaska [1]							
3	Arizona	100	86	86	87	82	90	90
4	Arkansas	71	74	67	74	76	74	74
5	California	114	108	111	112	102	120	134
6	Colorado	100	86	86	87	82	90	90
7	Connecticut	114	108	111	112	102	120	134
8	Delaware	84	91	88	91	98	99	128
9	District of Columbia	114	108	111	112	102	120	134
10	Florida	100	86	86	87	82	90	90
11	Georgia	71	77	76	78	76	77	77
12	Hawaii	131	124	127	128	117	138	154
13	Idaho	71	77	76	78	76	77	77
14	Illinois	114	108	111	112	102	120	134
15	Indiana	100	86	86	87	82	90	90
16	Iowa	100	86	86	87	82	90	90
17	Kansas	100	86	86	87	82	90	90
18	Kentucky	71	74	67	74	76	74	74
19	Louisiana	71	74	67	74	76	74	74
20	Maine	71	77	76	78	76	77	77
21	Maryland	84	91	88	91	98	99	128
22	Massachusetts	84	91	88	91	98	99	128
23	Michigan	84	91	88	91	98	99	128
24	Minnesota	100	86	86	87	82	90	90
25	Mississippi	71	74	67	74	76	74	74
26	Missouri	100	86	86	87	82	90	90
27	Montana	71	77	76	78	76	77	77
28	Nebraska	100	86	86	87	82	90	90
29	Nevada	114	108	111	112	102	120	134
30	New Hampshire	100	86	86	87	82	90	90
31	New Jersey	114	108	111	112	102	120	134
32	New Mexico	71	74	67	74	76	74	74
33	New York	114	108	111	112	102	120	134
34	North Carolina	71	77	76	78	76	77	77
35	North Dakota	71	74	67	74	76	74	74
36	Ohio	84	91	88	91	98	99	128
37	Oklahoma	71	77	76	78	76	77	77
38	Oregon	100	86	86	87	82	90	90
39	Pennsylvania	84	91	88	91	98	99	128
40	Puerto Rico	76	79	72	80	82	80	80
41	Rhode Island	84	91	88	91	98	99	128
42	South Carolina	71	74	67	74	76	74	74
43	South Dakota	71	77	76	78	76	77	77
44	Tennessee	71	74	67	74	76	74	74
45	Texas	71	77	76	78	76	77	77
46	Utah	71	77	76	78	76	77	77
47	Vermont [1]							
48	Virginia	100	86	86	87	82	90	90
49	Washington	84	91	88	91	98	99	128
50	West Virginia	71	74	67	74	76	74	74
51	Wisconsin	100	86	86	87	82	90	90
52	Wyoming [1]							

[1] No Standard Metropolitan Statistical Areas for these States.

SCHEDULE OF LIMITS ON HOSPITAL COSTS

HOSPITALS LOCATED OUTSIDE SMSA'S

The following dollar limitations on routine service costs for hospitals located outside *Standard Metropolitan Statistical Areas*, are applicable to cost reporting periods beginning on and after the effective date of final regulations implementing section 223 of P.L. 92–603.

Code	State	Bed size						
		Less than 55	55 to 99	100 to 169	170 to 264	265 to 404	405 to 684	685 or more
1	Alabama	$61	$58	$59	$65	$57	$57	$57
2	Alaska	132	116	125	107	102	102	102
3	Arizona	69	65	70	69	78	78	78
4	Arkansas	61	58	59	65	57	57	57
5	California	97	92	99	86	82	82	82
6	Colorado	69	65	70	69	78	78	78
7	Connecticut	97	92	99	86	82	82	82
8	Delaware	91	83	82	77	67	67	67
9	District of Columbia	97	92	99	86	82	82	82
10	Florida	69	65	70	69	78	78	78
11	Georgia	68	65	71	66	83	83	83
12	Hawaii	121	107	115	98	94	94	94
13	Idaho	68	65	71	66	83	83	83
14	Illinois	97	92	99	86	82	82	82
15	Indiana	69	65	70	69	78	78	78
16	Iowa	69	65	70	69	78	78	78
17	Kansas	69	65	70	69	78	78	78
18	Kentucky	61	58	59	65	57	57	57
19	Louisiana	61	58	59	65	57	57	57
20	Maine	68	65	71	66	83	83	83
21	Maryland	91	83	82	77	67	67	67
22	Massachusetts	91	83	82	77	67	67	67
23	Michigan	91	83	82	77	67	67	67
24	Minnesota	69	65	70	69	78	78	78
25	Mississippi	61	58	59	65	57	57	57
26	Missouri	69	65	70	69	78	78	78
27	Montana	68	65	71	66	83	83	83
28	Nebraska	69	65	70	69	78	78	78
29	Nevada	97	92	99	86	82	82	82
30	New Hampshire	69	65	70	69	78	78	78
31	New Jersey	97	92	99	86	82	82	82
32	New Mexico	61	58	59	65	57	57	57
33	New York	97	92	99	86	82	82	82
34	North Carolina	68	65	71	66	83	83	83
35	North Dakota	61	58	59	65	57	57	57
36	Ohio	91	83	82	77	67	67	67
37	Oklahoma	68	65	71	66	83	83	83
38	Oregon	69	65	70	69	78	78	78
39	Pennsylvania	91	83	82	77	67	67	67
40	Puerto Rico	65	63	63	70	61	61	61
41	Rhode Island	91	83	82	77	67	67	67
42	South Carolina	61	58	59	65	57	57	57
43	South Dakota	68	65	71	66	83	83	83
44	Tennessee	61	58	59	65	57	57	57
45	Texas	68	65	71	66	83	83	83
46	Utah	68	65	71	66	83	83	83
47	Vermont	68	65	71	66	83	83	83
48	Virginia	69	65	70	69	78	78	78
49	Washington	91	83	82	77	67	67	67
50	West Virginia	61	58	59	65	57	57	57
51	Wisconsin	69	65	70	69	78	78	78
52	Wyoming	68	65	71	66	83	83	83

The methodology shown for adjusting the limits applicable to hospitals located in *Standard Metropolitan Statistical Areas* also applies to hospitals located outside of *Standard Metropolitan Statistical Areas*.

Prior to the final adoption of the proposed Schedules of Limits on Hospital Costs, consideration will be given to any views and comments pertaining thereto which are submitted in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, within a period ending April 18, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: January 28, 1974.

Approved: March 12, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.74–6249 Filed 3–18–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[74–70]

FUEL AND ELECTRICAL SYSTEMS PANEL, BOATING SAFETY ADVISORY COUNCIL

Notice of Meeting

A Technical Panel of the Boating Safety Advisory Council will hold its third meeting on Tuesday, March 26, 1974, in Room 4315, Buzzards Point Building, 2100 Second Street SW., Washington, D.C., beginning at 9 a.m.

The panel, as authorized by the Federal Boat Safety Act of 1971, was established to review proposed standards for fuel and electrical systems on recreational boats and to make technical recommendations to the Council. The panel will consist of both BSAC members and persons with expertise in the field. The meeting is open to the public.

Dated: March 13, 1974.

JOHN F. THOMPSON,
Rear Admiral, U.S. Coast Guard, Chief, Office of Boating Safety.

[FR Doc.74–6263 Filed 3–18–74;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX 73–5; Notice 4]

INTERMECCANICA AUTOMOBILI

Petition for Temporary Exemption for Motor Vehicle Safety Standards

The National Highway Traffic Safety Administration has decided to grant Intermeccanica Automobili an exemption of its Indra model from four Federal motor vehicle safety standards, until January 1, 1977.

Notice of Intermeccanica's previous petition and its denial were published in the FEDERAL REGISTER on June 19, 1973 (38 FR 15989) and September 17, 1973 (38 FR 26014). The earlier petition was denied on the basis that insufficient information had been submitted for the agency to decide that compliance would cause the petitioner substantial economic hardship. Petitioner submitted no analysis of what it would cost to verify compliance with Standards Nos. 201, 212, and 301, nor did it provide information to support its belief in its compliance with these standards. Finally, the petition did not submit the chronological design history related to Standard No. 215 necessary to a determination whether it had in good faith attempted to comply with the standard.

In response to the denial Intermeccanica submitted information to supplement its original petition. A further notice was published on December 12, 1973 (38 FR 34222) and an opportunity provided for comment. No comments were received.

Information provided by the petitioner in support of its belief of compliance with Standard Nos. 201, 212, and 301 had been reviewed, and in the opinion of NHTSA does not provide an adequate basis for the manufacturer to certify compliance with these standards. The NHTSA has determined that the test costs ($12,000 estimated by petitioner), plus inventory disposal and new dashboard tooling ($79,000 est.) necessitated by compliance with Standard No. 201 would create substantial economic hardship. With respect to Standards Nos. 212 and 301, costs of testing including destruction of a test vehicle are found to constitute a hardship to this petitioner. Although it is likely that the Indra complies with present Standard No. 301, the design may be inadequate for the requirements effective September 1, 1975. Accordingly, NHTSA is granting a temporary exemption from Standards Nos. 201, 212, and 301. As for Standard No. 215, to require inventory disposal and compliance on an emergency basis would apparently cost petitioner at least $120,000, creating a hardship for a company whose total assets at the end of 1972 totaled only $275,000. Since the care was originally designed for the German market and intended for distribution through selected Opel dealers, the question of whether petitioner attempted in good faith to comply with the standard before its effective date is not central to the

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decision. Intermeccanica assures NHTSA that it intends to comply with Standard No. 215 upon expiration of the exemption. Accordingly, an exemption is also granted from Standard No. 215.

In consideration of the foregoing, Intermeccania Automobili is hereby granted NHTSA Exemption No. EX 73–5 from Motor Vehicle Safety Standards Nos. 201, 212, 215, and 301, expiring January 1, 1977.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159, 15 U.S.C. 1410; delegation of authority at 49 CFR 1.51.)

Issued on March 14, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74–6242 Filed 3–18–74;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (P.L. 92–463) and § 800.6(g) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR 800) that a special meeting of the Advisory Council on Historic Preservation will be held on April 2 and 3, 1974 at 9:30 a.m. in Room 2008, New Executive Office Building, 726 Jackson Place NW., Washington, D.C.

The Advisory Council was established by the National Historic Preservation Act of 1966 (P.L. 89–665) to comment upon Federal, federally assisted and federally licensed undertakings having an effect upon properties listed in the National Register of Historic Places and to generally advise the President and Congress on matters relating to historic preservation. The Council's members are the Secretary of the Interior, the Secretary of Housing and Urban Development, the Secretary of the Treasury, the Secretary of Commerce, the Attorney General, the Secretary of Transportation, the Secretary of Agriculture, the Administrator of the General Services Administration, the Secretary of the Smithsonian Institution, the Chairman of the National Trust for Historic Preservation, and ten non-Federal members appointed by the President.

At its meeting, the Council will, in accordance with section 106 of the National Historic Preservation Act and sections 1(3) and 2(b) of Executive Order 11593, "Protection and Enhancement of the Cultural Environment" (36 FR 8921), consider the effect of the proposed construction of the Federal Home Loan Bank Board building by the General Services Administration in the 1700 Block of G Street NW., Washington, D.C., on properties included in and eligible for inclusion in the National Register of Historic Places. These properties include the Winder Building, the Old Executive Office Building, the Renwick Gallery, the Riggs National Bank and the Nichols Cafe. The Council will receive reports and statements on the undertaking in open session and then consider its comments in executive session. The executive session will be closed to the public, as it has been determined to fall within exemption 5 of 5 U.S.C. section 552(b) and to be essential to protect the free exchange of internal Council views. The remainder of the meeting will be open to the public and will involve reports of the Council staff on various matters relating to historic preservation.

Agenda and additional information concerning the meeting and the submission of oral and written statements to the Council are available from the Executive Secretary, Advisory Council on Historic Preservation, Suite 430, 1522 K Street NW., Washington, D.C. 20005, (202) 254–3974.

Dated: March 18, 1974.

ROBERT R. GARVEY, JR.,
Executive Director.

[FR Doc.74–6499 Filed 3–18–74;10:54 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–329A, 50–330A]

CONSUMERS POWER CO.

Order Resuming Evidentiary Hearings

MARCH 13, 1974.

In the matter of Consumers Power Co. (Midland Plant Units 1 and 2).

Take notice, the evidentiary hearings in this proceeding will resume on April 2, 1974, and proceed through April 5, 1974. It will then resume on April 9, 1974, and continue through April 11, 1974.

All sessions will commence at 9:00 a.m., local time, and will be held in the Lobby Room, Holiday Inn—Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, Maryland 20015.

It is so ordered.

Dated at Washington, D.C., this 13th day of March 1974.

ATOMIC SAFETY AND LICENSING BOARD,
JEROME GARFINKEL,
Chairman.

[FR Doc.74–6227 Filed 3–18–74;8:45 am]

[Docket No. 50–331]

IOWA ELECTRIC LIGHT AND POWER CO., ET AL.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 1 to the Facility Operating License No. DPR–49 to the Iowa Electric Light and Power Co., Central Iowa Power Cooperative and Corn Belt Power Cooperative (the licensees). This amendment authorizes the licensees to increase the amount of byproduct material they may receive, possess, and use in connection with operation of the Duane Arnold Energy Center located on the licensees' site near Palo in Linn County, Iowa. The amendment, effective as of the date of issuance, authorizes the receipt, possession and use of an additional four sources for a total of eight sources, each of 1200 curies of Antimony-124 in sealed sources.

The licensees stated in a letter to the Commission, dated March 13, 1974, that the existence and need for the additional four source pins was discovered subsequent to delivery of the sources to the site. Four source holders, each containing two (2) 1200 curie Antimony-124 source pins, are at the site and are necessary for startup of the Duane Arnold Energy Center. Therefore, Amendment No. 1 to Facility Operating License No. DPR–49 authorizing possession and use of eight (8) Antimony-124 source pins, each not to exceed 1200 curies is necessary.

The Staff's Safety Evaluation Report, upon the basis of which the original license was issued, is based upon the Final Safety Analysis Report which, on Page 3.3–14 of the text and in Figure 7.5.1 describes the correct number of sources for the Duane Arnold Energy Center. Accordingly, the Regulatory staff has determined that this amendment does not present a significant hazards consideration.

The Director of Regulation has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment.

The amendment is effective as of the date of issuance. The licensees' application for amendment, dated March 13, 1974, and a copy of Amendment No. 1 to Facility Operating Licensing No. DPR–49 are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. 20545, and at the Reference Service, Cedar Rapids Public Library, 426 Third Avenue, SE., Cedar Rapids, Iowa 52401. Single copies of the amendment may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 13th day of March, 1974.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors Project Branch 1–2, Directorate of Licensing.

[FR Doc.74–6277 Filed 3–18–74;8:45 am]

[Docket No. STN 50–437]

OFFSHORE POWER SYSTEMS

Notice and Order for Prehearing Conference

In the matter of Offshore Power Systems (Floating Nuclear Power Plants).

Notice is hereby given that the special prehearing conference required by § 2.751a of the Atomic Energy Commission's rules of practice, 10 CFR Part 2, which was begun on February 11, 1974 will be reconvened on April 9, 1974 at 10:00 a.m., local time, in Courtroom Number 2, Room 2142, of the United States Tax Court, 1111 Constitution Avenue, NW., Washington, D.C. 20044. This prehearing conference will be conducted by the Atomic Safety and Licensing Board (the Board) and will consider the following matters:

1. The contentions raised in the outstanding petitions to intervene filed by the Atlantic County Citizens Council on Environment, the Atlantic County Board of Chosen Freeholders, and the City of Brigantine. In this connection the Board will entertain oral argument from the Applicant, the Staff, and the petitioners with regard to whether each contention meets the requirements of § 2.714(a) of the Commission's rules of practice, 10 CFR Part 2.

2. The Board will entertain oral argument on the petition to intervene filed by the State of New Jersey pursuant to § 2.715(c) of the Commission's rules of practice, 10 CFR Part 2.

3. The Board will also entertain oral argument from the petitioner for intervention National Resources Defense Council (NRDC), and from the Applicant and Staff regarding whether NRDC can properly be admitted as a party to this proceeding in view of the nature of the contention it is asserting in its petition. In particular, the Board wishes to be advised on whether the contention is premature.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances pursuant to § 2.715 (a) of the Commission's rules of practice, 10 CFR Part 2, may identify themselves at this prehearing conference but oral or written statements to be presented by limited appearances will not be received at this conference. The Board will receive such statements at the aforementioned evidentiary hearing.

The attorneys for the respective parties and any petitioners for intervention are directed to confer in advance of this session of the special prehearing conference, in such manner as they may deem appropriate, and report to the Board at said conference on any stipulations regarding contentions and on any other mutually agreeable procedures to expedite this proceeding.

By Order of the Atomic Safety and Licensing Board.

Dated this 13th day of March, 1974 at Washington, D.C.

DANIEL M. HEAD,
Chairman.

[FR Doc.74–6228 Filed 3–18–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 26163 and 26164; Order No. 74–3–62]

HUGHES AIRWEST

Order To Show Cause and Granting Temporary Suspension

By application filed November 30, 1973, Hughes Airwest (Airwest) requests an amendment to its certificate of public convenience and necessity for route 76 so as to delete Aberdeen/Hoquiam, Washington, therefrom, and a temporary suspension of service at that point for a period of one year or until such time as the Board acts upon its application for deletion.

In support of its suspension application, Airwest alleges, *inter alia*, that Hoquiam averaged only 2.63 passengers per day and 1.94 per departure during the first nine months of 1973; that Hoquiam's entire history of traffic generation has been characterized by extremely low and declining local patronage because of its convenient access to the far superior services at the Seattle-Tacoma International Airport; that service to Hoquiam produces an estimated annual subsidy need of $42,872, or $25.34 per passenger served;[1] and that there is alternate transportation between Hoquiam and Seattle consisting of scheduled bus and commuter airline service.[2]

No answers to Airwest's application have been received.

Upon consideration of the pleadings and all the relevant facts, we have decided to grant Airwest the authority to suspend service temporarily at Aberdeen/Hoquiam, Washington. We find that the suspension will be in the public interest. We note, in this connection, that no person has objected to the temporary suspension and that such suspension will have a favorable impact on the carrier's subsidy need and will result in the conservation of scarce fuel supplies.

We have also decided to issue an order to show cause proposing to grant the requested deletion.[3] We tentatively find and conclude that the public convenience and necessity require the amendment of Airwest's certificate for route 76 so as to delete Aberdeen/Hoquiam therefrom.[4] The facts and circumstances which we have tentatively found to support our ultimate conclusion are as follows:

Hoquiam has never been a strong traffic generating point; since 1965 originations have exceeded six per day only twice, in 1968 and 1969. This low level of traffic indicates a depressed public need for certificated-type service and has resulted in uneconomic operations for Airwest. According to our estimate for the year 1973, deletion of Hoquiam would result in a subsidy need reduction of $31,000 or $18.25 per passenger.[5] There is no reason to believe that the traffic experience and the financial results of Airwest's Hoquiam service have any reasonable chance of meaningful improvement in the foreseeable future in light of the ample and convenient air and bus transportation alternatives available to Hoquiam travelers. The Seattle-Tacoma International Airport, a large air traffic hub, is approximately 105 surface miles (86 air miles) from Hoquiam, and travel time via Interstate 5 is approximately 126 minutes (after adjustment for the current speed limit of 55 miles per hour). Finally, the absence of civic opposition to Airwest's application lends support to our decision that the show cause procedure is appropriate.

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, and unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Hughes Airwest for route 76 so as to delete Aberdeen/Hoquiam, Washington, therefrom;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 6 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;[6]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in

[1] Airwest indicates that the subsidy need per passenger at Hoquiam is over five times greater than the average for its subsidy-eligible system.

[2] Gross Aviation provides four daily round trips between Hoquiam and Seattle (OAG, February 1, 1974) and Greyhound Bus Line operates four round trips in the market.

[3] The suspension authority granted herein will remain in effect until after finalization of this show cause order.

[4] We also tentatively find that Airwest is fit, willing, and able properly to perform the air transportation authorized by the certificate proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[5] In addition, Airwest estimates that there will be an annual fuel savings of 59,104 gallons if Hoquiam is deleted.

[6] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained.

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accordance with the tentative findings and conclusions set forth herein;

5. Hughes Airwest be and it hereby is authorized to suspend service temporarily at Aberdeen/Hoquiam, Washington, until 60 days after final decision on its deletion application in Docket 26163;

6. A copy of this order shall be served upon Hughes Airwest; Governor, State of Washington; Mayor, City of Aberdeen; Mayor, City of Hoquiam; Airport Manager, Bowerman Field; Manager, Port of Gray's Harbor; Chairman, Utilities & Transportation Commission, State of Washington; and the U.S. Postal Service; and

7. The authority granted in paragraph 5 above may be amended or revoked at any time at the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-6280 Filed 3-18-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP 74-208]

HONEOYE STORAGE CORP.

Notice of Application

MARCH 12, 1974.

Take notice that on February 15, 1974, Honeoye Storage Corporation (Applicant), 35 Newbury Street, Boston, Massachusetts 02116, filed in Docket No. CP74-208 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to construct and operate certain facilities for the storage of natural gas in the Honeoye field located in Ontario County, New York, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate certain pipeline and compressor facilities to convert the Honeoye field, a nearly depleted gas field, into a storage field which Applicant would manage and operate for three New York City area utilities, Consolidated Edison Company of New York, Inc., The Brooklyn Union Gas Company, and Long Island Lighting Company (the Utilities).

Applicant states it has acquired the working interest and storage rights in the Honeoye field, as well as an 8-mile 8-inch pipeline associated with it. Applicant proposes to buy from the Utilities 3,3000,000 Mcf of gas, at a price of 60 cents per Mcf, which will be used for the proposed storage field's cushion gas requirements. The application states that 3,000,000 Mcf of top storage capacity in said field will be made available to the Utilities for storage of their own gas. In this regard, Applicant states that each of the Utilities will be permitted to inject up to 1,000,000 Mcf of gas into the storage field and may withdraw up to a maximum of 6,677 Mcf of gas per day.

Applicant requests authorization to operate the subject storage field up to a maximum storage volume of 6,300,000 Mcf of gas in place at a maximum reservoir pressure to 660 psia. The application states that ultimate design withdrawal capacity is estimated to be 20,000 Mcf per day and 3,000,000 Mcf annually.

Applicant states that the Honeoye field includes 36 wells, of which 28 will be converted to injection-withdrawal wells and 8 to observation wells. As all these wells are currently producing small quantities of gas, applicant states that no additional drilling will be required. Applicant proposes, however, to construct 2.5 miles of 8-inch pipeline extending an existing 8-inch line to connect with Tennessee Gas Transmission Company's (Tennessee) pipeline east of Tennessee's main value 235 and to replace approximately 3 miles of the existing pipeline. Additional field facilities to be constructed at the Honeoye storage field site include a compressor station, not to exceed 2,500 horsepower, and an associated building; a central meter station; a small equipment and administration building; and modifications to the gathering system consisting of the replacement of approximately 6.5 miles of various sizes of lines.

Applicant states that Tennessee will transport a portion of the Utilities firm gas supplies whenever deemed available for injection, generally in the summer, to Applicant's point of connection with Tennessee's system near main value 235. Applicant will transport the subject gas from this point for injection and storage in the Honeoye storage field. During the winter heating season Applicant will redeliver volumes of top storage gas to Tennessee at this same point of interconnection. This gas will then be delivered to the Utilities by displacement on the Tennessee system at existing delivery points.

Applicant states that it proposes to manage and operate the proposed storage field on a gas storage service basis and that it will neither buy nor sell top storage gas. Applicant proposes to charge the Utilities on a monthly basis for said service with the rate to be the sum of a demand charge which shall be 4.184 cents per Mcf multiplied by the maximum quantity of gas stored during the month and a charge of 1.01 cents per Mcf for gas designated for injection into or withdrawal from Applicant's storage facility during the month. Applicant states that there will be an additional charge of 2.0 cents per Mcf of gas injected or withdraw in excess of authorized volumes. The application states that the cost to the Utilities for the proposed service will be approximately 52 cents per Mcf of 100 percent withdrawal load factor.

The application states further that gas from the Honeoye field is currently being used to supply 32 farm-residential customers and six commercial customers near the town of Honeoye and Bristol, New York. Applicant states that the requirements of these customers are approximately 50,000 Mcf per year and that service to said customers by the present owners of the Honeoye field will be phased out over a two-year period as such customers convert to another fuel.

The application states that the estimated cost of the proposed project is $5,570,000 and that funds required for the acquisition and construction of the proposed facilities will be obtained from the private sale of $900,000 of common stock and the issuance of twenty-year debt securities in the amount of $4,500,000.[1]

Any person desiring to be heard or to make any protest with reference to said application should on or before April 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6212 Filed 3-18-74;8:45 am]

[1] Twenty-three and one-third percent of the issued and outstanding shares of the common stock of Applicant will be sold to each of the Utilities for a purchase price of $300,000. Each of the Utilities will acquire one-third of the total debt securities issued by Applicant for a purchase price equal to their original face value, or, in the alternative, each of the Utilities will arrange for the acquisition of its portion of such indebtedness by private investors. Neither the exact form of the debt securities nor the rate of interest that such securities will bear has been determined. Nevertheless, Applicant estimates that the rate of interest will not exceed 9.25 percent. Upon completion of the proposed financing, the ratio of long-term debt to total capitalization would be approximately 80.8 percent. The balance of the capitalization would consist of common equity.

[Docket Nos. CS 71-878 etc.]

HURLEY PETROLEUM CORP. ET AL.

Order Cancelling FPC Gas Rate Schedule

MARCH 12, 1974.

In the matter of Hurley Petroleum Corporation, Car-Tex Producing Company, Texas Eastern Transmission Corporation, Arkansas Louisiana Gas Company, *Docket Nos.* CS71-878, CI73-431, CI73-558, CI61-1379, CI73-578, CP74-15, and CI73-578.

On January 22, 1974, the Commission issued an order pursuant to the Natural Gas Act in the above-docketed proceeding approving a settlement submitted by the parties of the issues involved, permitting and approving abandonment, issuing a certificate of public convenience and necessity, and dismissing show cause proceedings.

As part of the approved settlement, the order (Paragraph 2) granted Car-Tex Producing Company (Car-Tex) Permission and approval to abandon service to Arkansas Louisiana Gas Company (Arkla), as requested by Car-Tex in its application filed in Docket No. CI73-578. Paragraph 4 of the order terminated the certificate issued in Docket No. CI61-1379 to Car-Tex originally authorizing said service to Arkla. Since the certificate was cancelled, it is now appropriate to cancel the related rate schedule.

The Commission's orders:

Car-Tex Producing Company's FPC Gas Rate Schedule No. 4 is cancelled.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6213 Filed 3-18-74;8:45 am]

[Docket No. CI74-272]

PENNZOIL PRODUCING CO.

Order Granting Interventions and Setting Hearing Date

MARCH 12, 1974.

Pennzoil Producing Company (Pennzoil) on December 26, 1973, filed an amendment to a October 19, 1973, application pursuant to sections 4 and 7 of the Natural Gas Act[1] and § 2.75[2] of the Commission's General Policy Statements, the Optional Procedure for Certificating New Producer Sales of Natural Gas set forth in Commission Order No. 455,[3] for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce to Trunkline Gas Company (Trunkline). The sale is to be made from lands and leaseholds dedicated under a contract dated February 9, 1955, designated FPC Gas Rate Schedule No. 70. The gas to be sold from this acreage is located in the East Edinburg and San Carlos Fields, Hidalgo County, Texas (Texas Gulf Coast Area).

Pennzoil proposes to sell the gas at an initial price of 45 cents per Mcf at 14.65 psia with 2.0 cent biennial escalations starting October 1, 1974. The contract provides for proportional downward adjustment if the Btu content falls below 1000 Btu per cubic foot, and 75 percent reimbursement of any new or additional taxes levied after January 1, 1965. The contract, which may be canceled if certification is not granted by the Commission, will expire under its own terms on January 1, 1981. Under the amendment the contract may be extended by the parties on a yearly basis thereafter. Finally, Pennzoil seeks pre-granted abandonment upon the termination of the contract.

Notice of Pennzoil's application was published November 9, 1973, and published in the FEDERAL REGISTER on November 16, 1973 (38 FR 31708). Petitions to intervene were due on or before December 4, 1973. A petition in support of the application was filed by Trunkline, and a petition in opposition to the application was filed by the American Public Gas Association (APGA). Neither party stated a request for hearing on this application in their respective late petitions.

The Commission has determined that a public hearing on this application is in the public interest in order to permit Pennzoil the opportunity to present evidence that a well has been drilled and that there is commercially reliable surface information as the result of production to establish the reservoir data in accordance with commonly accepted trade practices. It will also be necessary for Pennzoil to show that new production pursuant to certification under a § 2.75 proceeding will not impinge, diminish, or impair Pennzoil's ability to fulfill its contract obligations[4] to Trunkline under the 1955 contract which dedicated this acreage. The Commission has not granted abandonment of production pursuant to proceedings under section 7(b) of the Natural Gas Act.

The Commission finds:

(1) It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

(2) It is desirable and in the public interest to allow the above named petitioners to intervene in this proceeding.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), Docket No. CI74-272 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on April 9, 1974, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Pennzoil and the intervenor supporting the application shall file their direct testimony and evidence on or before March 22, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and the intervenor opposing the applications, shall file their direct testimony and evidence on or before March 29, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before April 5, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to this proceeding.

(G) The above named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of such interest shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(H) The amendment between Pennzoil and Trunkline dated September 6, 1973, is accepted for filing effective as of the date of initial delivery or the date of authorization, whichever is later, and designated as Supplement No. 26 to Pennzoil Producing Company (Operator) *et al.* F.P.C. Gas Rate Schedule No. 70.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6214 Filed 3-18-74;8:45 am]

Note—Federal Power Commission continues on page 10328

[1] 15 U.S.C. sec. 717, *et seq.* (1970).

[2] 18 CFR 2.75.

[3] Statement Of Policy Relating To Optional Producer For Certificating New Producer Sales Of Natural Gas, Docket No. R-441, ---- F.P.C. ---- (issued August 3, 1927), appeal pending *sub nom.* John E. Moss, *et al.*, v. F.P.C., No. 72-1837 (D.C. Cir).

[4] Opinion And Order Reversing Initial Decision, And Denying Certificate Of Public Convenience And Necessity For Proposed Sale, Docket No. CI73-501, Opinion No. 690 (issued February 26, 1974).

CONSUMER PRODUCT SAFETY COMMISSION

GLASS CONTAINERS FOR CARBONATED BEVERAGES AND OTHER PRESSURIZED CONSUMER PRODUCTS

Notice of Public Hearing

Notice is given that a public hearing will be held on Wednesday and Thursday, April 17 and 18, 1974, at 10 a.m. in the Department of Commerce Auditorium, 14th and E Streets NW., Washington, D.C., to discuss the safety of glass containers (and their closures) for pressur-

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ized products, particularly bottles for carbonated soft drinks and malt beverages but also including other containers such as bottles for champagne and sparkling wines and glass containers for aerosol products.

The hearing will be held pursuant to sections 10(a) and 27(a) of the Consumer Product Safety Act (Public Law 92–573, 86 Stat. 1217, 1227; 15 U.S.C. 2059(a), 2076(a)).

1. *Carbonated soft drink bottles.* The Commission has received information relating to the safety hazards of carbonated soft drink bottles. The information has been obtained principally from the following sources:

a. *National Commission on Product Safety (NCPS).* The NCPS stated that glass bottles for carbonated soft drinks present large risks of injury to consumers. Although the proportion of bottle failures is small relative to the total number of filled containers distributed, the great number of containers filled (about 25 billion in 1972) can result in a large number of accidents and injuries. The NCPS suggested that quality assurance programs should be improved and that nonreturnable glass containers should be made with thicker walls (Final Report of the National Commission on Product Safety, pp. 17–18 (1970); NCPS Supplemental Studies, vol. II, pp. 397–438; and NCPS Hearings, vol. 6B, pp. 439–587, vol. 7, pp. 109–129).

b. *National Electronic Injury Surveillance System (NEISS).* During the period July 1, 1972, through June 30, 1973, an estimated 111,000 injuries associated with glass containers were treated in hospital emergency rooms throughout the United States. Of these, an estimated 52,000 were associated with carbonated soft drink bottles. In-depth investigations of a sampling of NEISS-reported cases and investigations made by independent contractors suggest that half of the latter injuries may have been associated with exploding bottles.

c. *Consumer complaint letters.* The figures in the table below summarize bottle-failure cases reported to the Bureau of Product Safety, Food and Drug Administration, from January 1970 through April 1973. The variability from year to year in the number of reports received may be a result of intermittent publicity on this subject in newspapers and magazines. For example, a March 1973 article in *Consumer Reports* that directed consumers to send bottle-failure reports to FDA's Bureau of Product Safety resulted in the high number of such reports shown in the table for the first third of 1973.

About one-third of the reports failed to include any pertinent description of the product involved; however, 62 reports (39 percent) specifically mentioned nonreturnable bottles. Only 14 cases (9 percent) cited returnable bottles. Accordingly, nonreturnable bottles are apparently more susceptible to failure than returnable bottles.

The 60 injury cases reported include a range of injuries from minor cuts and bruises to permanent blindness in one eye (four cases). Most of the reports cited bottles that exploded after being at rest for some period of time or while being subjected to normal and expected handling.

Eight instances of cap or crown failures were reported. Six of these involved caps that blew off the bottle during opening. Seven of the eight complaints in this category cited some degree of injury ranging from a minor cut to permanent blindness in one eye.

Bottle explosions were reported by consumers as follows:

Year	Cases reported	Injuries reported	Cases specifying nonreturnable bottles
1970	53	27	25
1971	13	7	5
1972	21	8	8
1973 (4 months)	71	18	24
Totals	158	60	62

2. *Malt beverage bottles.* The Commission has received information relating to the safety hazards of malt beverage bottles. The information has been obtained principally from the following sources:

a. *Adolph Coors Company.* On October 23, 1973, the Commission received a petition from the Adolph Coors Co. (set forth at the end of this notice) expressing concern about the hazards inherent in malt beverage bottles that require the petitioner to undertake unusually close inspection of bottles in order to maintain container quality standards. The petitioner therefore requests the Commission to develop a consumer product safety standard on malt beverage bottles or ban such containers entirely. The petition and correspondence related to it are available for public inspection at the Office of the Secretary, Consumer Product Safety Commission, Room 1025, 1750 K Street NW., Washington, D.C. 20207 (phone (202) 634–7700).

b. *NEISS.* NEISS does not have a product report category specifically for malt beverage bottles. Injuries from such bottles reported to NEISS-participating hospitals were probably entered in the category reserved for glass bottles other than carbonated soft drinks. Two of the in-depth investigations out of the 28 on file in this category referred to malt beverage bottles, but were associated with already broken bottles.

3. *Other pressurized glass containers.* The Commission has received some information on hazards associated with other glass containers with contents under pressure. The small amount of information came from the following sources:

a. *NEISS.* One of the 48 in-depth investigations in the carbonated soft drink bottle category (referred to in 1–b above) deals with an injury from a seltzer bottle. The bottle exploded, lacerating the victim on her calf and arm.

b. *Consumer complaint letters.* One of the consumer complaint letters referred to in 1–c above (but not included in the table) cited a sparkling wine bottle. The victim suffered a detached retina when the stopper blew off at the time the bottle was opened.

The scheduled hearing will assist the Commission in determining (1) whether glass containers for carbonated beverages and other pressurized consumer products present an unreasonable risk of injury to the public and thus warrant promulgation of a consumer product safety standard and (2) whether the petitioner's request for a safety standard on malt beverage bottles should be granted. The Commission would like to receive further information on these topics as well as all viewpoints and arguments on these matters from individuals, consumer groups, beverage bottlers, distributors, glass container manufacturers, marketers, retailers, trade associations, and other interested parties, all of whom are encouraged to attend.

The Commission is particularly interested in information relevant to the following topics:

1. Accidents or injuries associated with the sale to or use by consumers of such bottles. Sources of information could include injury information, consumer complaints, and reports of accidents or injuries during production and distribution that might suggest a potential hazard to consumers.

2. Manufacturing practices and standards relevant to glass container safety for consumers. This could include information about existing standards and quality control practices and information about the relative safety of different types of containers.

3. Technological innovations that have potential for increased glass container safety in the applications under discussion. This could include discussion of new packaging systems and changes in quality control practices.

The Commission is interested in obtaining any other information which could assist in its determining whether an unreasonable risk of injury exists and to what extent regulation may be necessary.

Persons who wish to submit views on these as well as more general aspects of glass container safety are invited to do so. All interested persons are invited to observe the hearing. Persons interested in presenting testimony or in attending the hearing as observers are requested to write or call Mr. Russell Smith, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (phone (301) 496–7197). The hearing will be conducted by a member or representative of the Commission and transcribed by a stenographer. Witnesses will not be questioned by other participants.

Those wishing to make an oral presentation must submit a copy or outline of their presentation and request a specific amount of time for such presentation by April 10, 1974. The Commission invites anyone, including persons unable to attend the hearing, to present written comments for the Commission's consideration. Such written material must be accompanied by a summary of not more than 250 words. All comments submitted for the hearing record must be received by close of business April 10, 1974.

In the event that space available for the hearing cannot accommodate all who wish to attend, attendance will be determined according to the order in which requests for attendance are received.

Dated: March 14, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

The petition from Adolph Coors Co. reads as follows:

OCTOBER 11, 1973.

MR. RICHARD SIMPSON,
Chairman, Consumer Product Safety Commission,
1750 K Street,
Washington, D.C. 20004.

DEAR MR. SIMPSON: One of the primary concerns of our company has always been the safety aspects of the glass container and its use in the packaging of our malt beverage product. It is felt that we are facing up to this concern and our responsibility to assure product safety in the market place through the use of a comprehensive total quality control program. This program has been in existence for the past several years with the objective of obtaining a pressurized glass container with "adequate" internal pressure and impact resistance characteristics to achieve our desired standard of product safety.

With the advent of the Consumer Product Safety Act (Public Law 92–573, 86 Stat. 1221; 15 U.S.C. 2064b), additional quality control techniques and procedures were incorporated into our program to further reduce and eliminate the risks of consumer injury associated with our glass containers. Top priority has always been given to the glass container because by its very nature it presents a high risk of consumer injury if not properly recognized and dealt with.

Providing ourselves with a quantity of glass bottles that we feel to be safe is getting to be more of a nightmare with each passing day. The arbitrary quality standards and specification guidelines established by the glass container manufacturing industry are wholly inadequate from our standpoint, and we have been forced to establish our own standards of acceptance. As a consequence, the glass container manufacturers have refused to meet our specifications and have continually threatened to discontinue shipment of bottles to us. Many glass container manufacturers have bluntly expressed that they would not supply bottles to us because the demand for "commercially acceptable" containers exceeds the supply and they can sell them elsewhere without placing undue hardships and controls upon their manufacturing operations.

Extreme emphasis in glass container quality and safety has been placed upon all our remaining suppliers through the stringent adherence to material specifications and incoming inspection enforcement procedures. Each shipment or lot of glass containers either upon receipt or within the suppliers manufacturing facility prior to shipment is randomly sampled by us in accordance with recognized sampling plans (MIL–STD 105D and/or 414). Lot disposition is made in accordance with critical defect criterion (which relates directly to the substantial hazard definition of PL 92–573 and the hazard category, level III or IV per MIL–STD 882). When a single defect is found which falls in this critical category, the lot from which the sample is drawn is either 100% sorted or screened for additional critical defects prior to its use on our bottle filling lines, or a "return to supplier" disposition is executed. To-date, we have determined that approximately 26% of the total lots inspected by the above procedure require 100% sorting or return to the supplier because of the critical type defects found.

Substantial costs are being incurred by our company to inspect the safety into both empty and full glass containers. In the past two years, millions of dollars have been spent in our continuing effort to achieve this goal. As a matter of competitive survival, we will be required to submit a justification for a price increase on our glass container packages to the Cost of Living Council for their consideration. Presently, we have over forty people on our payroll who perform nothing but the sorting requirements described. Our difficulties in obtaining satisfactory glass bottles have caused us to be critically short in our market place. It is our experience that each bottle must be inspected and tested to verify its structural integrity prior to each use, and even then the bottle cannot be designated as a safe unit in the marketplace due to forseeable misuse in handling by the retailer and/or consumer. Due to the state of the art in glass container manufacture, there is no way of assuring a 100% safe product when a carbonated product is packaged in glass. I am sure that if carbonated beverages were invented today, glass would be the last material that anyone would package in because of the consumer safety aspects. The only reason we continue to package in glass is for hedging against the Oregon Bill-type legislation which is being considered in every state that we distribute our product.

The definition of substantial hazard and the requirements associated with it as delineated in the Federal Register, Vol. 38, No. 149, would place carbonated bottlers in a daily situation of notification to your Director of the Bureau of Compliance and product recall. Based upon the results of our incoming and resident inspection techniques in conjunction with 100% inspection and test of empty and full glass container in-process, it is felt that we are probably releasing a significant quantity of defective filled bottles to our consumers which could be defined as substantial product hazards under the Act.

We strongly feel that compatible manufacturing and performance safety standards on malt beverage glass containers are desperately needed from the agency to assist in establishing a unified system for controlling bottle manufacture and "as used" bottle integrity to meet the requirements and purposes of the Act; otherwise, the use of such containers should be banned entirely. Several attempts have been made to initiate voluntary standards through our trade association membership without success.

We have the above experience and the related test, inspection, and performance data for dissemination to you and your staff if you so desire, to assist in the establishment of such standards. We would also welcome the opportunity to discuss this subject with you or your designated representatives at your earliest convenience.

Your assistance and guidance on this situation will be appreciated.

Cordially,

GARAY VEBER,
Vice President,
Quality Control and Assurance.

[FR Doc.74–6304 Filed 3–18–74;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on Thursday, March 21, 1974. The meeting will be open to the public on a first-come, first-served basis at 10 a.m., in Conference Room 8202, 2025 M Street NW., Washington, D.C.

The agenda will consist of a discussion of policy questions involving food industry wage matters, and if circumstances permit, of food industry wage cases pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C., on March 15, 1974.

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.74–6453 Filed 3–15–74;5:00 pm]

[Cost of Living Council Order No. 51]

DEPUTY EXECUTIVE SECRETARY

Delegation of Authority

Pursuant to the authority vested in me as Executive Secretary by Cost of Living Council Order No. 25, there is hereby delegated to the Deputy Executive Secretary authority to determine, in accordance with the provisions of the Federal Advisory Committee Act (P.L. 92–463, 86 Stat. 770), that advisory committee meetings shall be closed and to sign notices with respect to advisory committee meetings for publication in the FEDERAL REGISTER.

This order is effective March 18, 1974.

HENRY H. PERRITT, Jr.,
Executive Secretary
Cost of Living Council.

[FR Doc.74–6462 Filed 3–18–74;9:55 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–32000/25]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Ro-

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denticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street, SW, Washington, D.C. 20460.

On or before May 20, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held until May 20, 1974, before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after May 20, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 241–EGG. American Cyanamid Company, Agricultural Division, P.O. Box 400, Princeton, New Jersey 08540. *Cygon 400 Systemic Insecticide*. Active Ingredients: Dimethoate (O,O-dimethyl S-(N-methylcarbamoylmethyl) phosphorodithioate) 43.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5481-RAT. Amvac Chemical Corporation, 4100 E. Washington Blvd., Los Angeles, California 90023. *Wettable Sulfur Agricultural Insecticide—Fungicide*. Active Ingredients: Sulfur 97.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 9232–1. Federal International Chemicals, 2451 South Ashland Avenue, Chicago, Illinois 60608. *Conquest*. Active Ingredients: Methylodecylbenzyl Trimethyl Ammonium Chlorides 3.2%; Potassium Carbonate 1.5%; n-alkyl (50% C12, 30% C14, 17% C16, 3% C18) Dimethyl Ethylbenzyl Ammonium Chlorides 1%; n-alkyl (60% C14, 30% C16, 5% C12, 5% C18) Dimethyl Benzyl Ammonium Chlorides 1%; Didecyl Dimethyl Ammonium Chloride 1%; Tetrasodium Ethylenediaminetetraacetate 1%; Methyldodecylxylylene Bis (Trimethyl Ammonium Chloride) 0.8%; Essential Oil 0.2%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 3288–L. Murphy Chemical Company, 1530 Locust Street, Philadelphia, Pennsylvania 19102. *Mur-Sanex Disinfectant-Deodorizer-Sanitizer*. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33799–R. Stratford-Cookson Company, 2000 Sullivan Road, College Park, Georgia 30337. *Straticide Germicidal Concentrate*. Active Ingredients: Cetyl Dimethyl Ethyl Ammonium Bromide 7%; n-Alkyl (C12 50%, C14 30%; C16 17%; C18 3%) Dimethyl Benzyl Ammonium Chloride 7%; Isopropyl Alcohol 2%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 148–RRAI. Thompson-Hayward Chemical Company, 5200 Speaker Road, Kansas City, Kansas 66106. *Roach and ant Spray*. Active Ingredients; O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidmyl) phosphorothioate 0.500%; prethins 0.052%; technical piperonyl butoxide (equivalent to .209% (butylcarbityl) (6-propylpiperonyl) ether and .052% other related compounds) 0.261%; petroleum distillate 98.400%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6735–ERI. Tide Products, Inc., P.O. Box 1020, Edinburg, Texas 78539. *Tide Expander*. Active Ingredients: O,O-dimethyl O-p-nitrophenyl thlophosphate 13.95%; Tovaphene 55.80%; Xylene 26.40%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: March 12, 1974.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.74–6054 Filed 3–18–74;8:45 am]

DDT TO CONTROL THE PEA LEAF WEEVIL

Action on Application for Limited Use Registration

Notice is hereby given that the Environmental Protection Agency (EPA) will register Crop King Colloidal DDT–400 for use on dry peas to control the pea leaf weevil, *Sitona Lineata* (L), in the States of Washington and Idaho during the 1974 growing season. This registration will be formally approved upon submittal of finished labelling meeting EPA's requirements. It will expire June 30, 1974.

BACKGROUND

On January 25, 1974, EPA received an application to register Crop King Colloidal DDT–400 for use on dry peas to control the pea leaf weevil, *Sitona Lineata* (L.), in the States of Washington, Idaho, and Oregon during the 1974 growing season. This product previously had been registered for the same use in the States of Washington and Idaho during the 1973 growing season; this previous registration expired August 1, 1973.

Notice of the receipt of this application was published February 12, 1974, in the FEDERAL REGISTER (FR 5338). In addition, a public hearing was held February 15, 1974, in Spokane, Washington, to give interested parties an opportunity to provide relevant information and present their views. Testimony was received from State officials, pea growers' groups and individual pea growers, representatives of Crop King Chemicals and the Environmental Defense Fund, and research entomologists affiliated with the State universities.

SUMMARY

Crop King Colloidal DDT–400 is being registered for limited use. The applicable limitations are described below and will be set forth in the labelling accompanying this product. Pursuant to section 12(a)(2)(G) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, use of this product in a manner inconsistent with its labelling is unlawful.

This registration is being approved under section 3 of FIFRA, as amended, which, by regulation published April 10, 1973, was made immediately effective with respect to all uses of DDT products.

In an order dated June 14, 1972, the EPA Administrator cancelled registrations of most uses of DDT. EPA's decision to register DDT to control the pea leaf weevil is based on consideration of all available information pertinent to this matter, examined in light of the terms of the June 1972 order. The basis of this decision is more fully explained below.

It should be noted that this product is being registered for use only in the States of Washington and Idaho. Though the application was accompanied by labels for use in Oregon, as well, neither the State of Oregon nor any representative of pea growers in Oregon has requested that the registration be made effective for Oregon. It is EPA's understanding that the pea leaf weevil has not been a significant agricultural or economic problem in Oregon and is not expected to pose such problems during the 1974 growing season.

As explained more fully below, testing of other pesticides will be undertaken during the 1974 growing season. This testing will be designed to identify other pesticides that can be registered, prior to the 1975 growing season, for use in controlling the pea leaf weevil.

DESCRIPTION AND BIOLOGY OF THE PEA LEAF WEEVIL

The pea leaf weevil is an introduced pest of peas, first detected at economically damaging levels in the dry pea-producing areas of eastern Washington and northern Idaho in 1970. The pea leaf weevil continued to cause damage to pea seedlings grown in this region in the succeeding three growing seasons. The mixture of perennial legumes (e.g., dry peas) and annual legumes (e.g., dry peas) grown in this region favor recurrent infestations by providing a constantly available food source for pea leaf weevil development.

The pea leaf weevil has a single generation per year. It overwinters in the adult stage, hibernating in areas of vegetation, debris, fence rows, field stubble, etc. In early spring (mid-March), the adults become active and begin feeding on alfalfa and winter peas. As the spring pea crop develops, adult weevils leave the winter peas and perennial legumes to feed

on the more succulent plant tissue of the dry pea seedlings. At some time during mid to late May, large numbers of adult weevils commonly migrate into mid-season pea fields through active flight. It is during this period that infestation usually is most serious. Under severe infestation pressures (i.e., three or more weevils per seedling), the pea seedling, including the terminal buds of the plant, may be completely defoliated, resulting in total loss of the seedling. There are indications that 60 to 75 percent of pea plants in infested fields may be destroyed by adult pea leaf weevil feeding.

Since the pea leaf weevil is a recently introduced pest in this region, relatively little is known about the relationship of the weevil to its environment. Studies are being conducted, principally at the University of Idaho, to determine, among other things: (1) The impact of climatic and biotic factors on weevil survival and the predictive value of these factors as they relate to weevil abundance; (2) the economic threshold of weevil infestation; and (3) the impact of the weevil on dry pea yields.

Available data indicate that pea leaf weevil populations have been reduced in the past by severe cold, low precipitation, and short-duration high and low temperatures. In this regard, it should be noted that the pea growing region, while relatively small in terms of land area, encompasses areas of widely varying altitude and climatic conditions. Thus, factors affecting dry pea culture and the occurrence and control of weevil infestation are not uniform throughout the region. Survival of pea leaf weevil larvae appears to be adversely affected by high temperature and low relative humidity. Thus, hot dry weather during the period of larval development may cause significant mortality. Extremely moist soil conditions have prevailed during the 1973–74 winter season. These conditions have favored the development of a fungal parasite, *Beauveria bassiana*, of the adult pea leaf weevil. This parasite has been isolated from a number of weevils collected during the 1973–74 winter season. The significance of all these factors and their predictive value for decisions on chemical treatment or integrated pest management programs remain to be determined.

Though it is clear that pea leaf weevils can cause substantial damage to dry pea crops, the impact of weevil defoliation in terms of crop yields has not been adequately documented. Normal yields range from 1200 to 1600 pounds per acre. Growers' estimates indicate a potential loss of 600 to 800 pounds per acre in the absence of pest control. Research entomologists at the University of Idaho have tentatively established an economic injury threshold level for pea leaf weevil damage at one weevil per plant. But this is not an absolute figure. When favorable growing conditions exist, i.e., a warm, dry spring, with good seedbed preparation, pea seedlings are capable of outgrowing the defoliation damage caused by weevil feeding. Further research is planned to evaluate the impact of factors such as plant resistance, climate, and plant growth vigor on the validity of this threshold level.

POSSIBLE CONTROL METHODS

1. *Chemical controls.* The pea leaf weevil has been long established in the pea growing areas of Europe. It has required chemical control for a number of years. Dieldrin and heptachlor have been used to control the pest in Europe. These pesticides have not been tested in the eastern Washington-northern Idaho region. Furthermore, both are at least as persistent as DDT and appear to be more acutely toxic to more forms of life than is DDT.

Because DDT was known to be a broad-spectrum pesticide toxic to many types of pests, it was quickly adopted as a control agent once the pea leaf weevil became established in the dry pea producing area. Pea growers developed a high degree of reliance on DDT when weevil infestations assumed serious proportions in the region in 1971 and 1972. Some control failures were experienced in the spring of 1972, when cold wet weather prevailed and poor seedbed preparation was commonplace.

Evaluation of chemical compounds against the pea leaf weevil began in 1971 at the U.S. Department of Agriculture laboratory at Yakima, Washington. DDT, methoxychlor, parathion, and malathion ULV were tested. A rather superficial knowledge of the biology and habits of the insect caused many problems in this early experimentation. Meaningful sampling methods had to be devised, and appropriate timing and methods of application had to be developed. As a result, it was not until 1973 that a meaningful testing program got underway.

In 1973, there was a rather warm, dry spring. These conditions favored the rapid development of germinating pea seedlings and thus minimized the exposure of the seedlings to pea leaf weevil injury. Under these rather optimum conditions of seedling development, several chemical compounds appeared to provide control of the pea leaf weevil. These chemical compounds included methoxychlor, Imidan, malathion ULV, and DDT. The 1973 test results give promise that an alternative to DDT can be found, but one year's results under the rather atypical growing conditions experienced in the spring of 1973 do not form an adequate basis for the registration of a product. The results of the 1973 research program are summarized below:

a. *Methoxychlor.* This insecticide was evaluated in limited field tests as a wettable powder and as an emulsifiable concentrate. Applications of 1.5 pounds actual insecticide per acre gave adequate control under 1973 growing conditions, but tests under the 1972 growing conditions resulted in some control failures. There is a 14 ppm tolerance for methoxychlor on peas.

b. *Imidan.* This pesticide was not extensively tested prior to 1973. Applications of one pound actual insecticide per acre gave good control in small plot tests during the 1973 growing season. The manufacturer has petitioned for establishment of a tolerance for Imidan on peas. This petition currently is being processed.

c. *Malathion ULV.* There was very limited field testing of this compound during the 1973 growing season. Under the conditions that prevailed during these tests, malathion ULV performed in a satisfactory manner. Attempts to control the pea leaf weevil in commercial plantings in 1971 and 1972 did not prove to be satisfactory, however. It is not clear why the compound failed during attempts at commercial control. Indications are that timing of applications may be a critical factor in successful use of malathion ULV. There is an 8 ppm tolerance for malathion on peas.

d. *Temik (Aldicarb).* This systemic insecticide in small plot tests appeared to give satisfactory control of the pea leaf weevil. Additional tests are required to determine the appropriate dosage for this compound. Preliminary evaluation of residue samples has been completed, but a petition for establishment of tolerances has not been submitted as yet.

e. *Methyl Parathion.* An encapsulated product containing methyl parathion received a preliminary evaluation in the 1972 growing season. These tests merely indicated that the product is capable of killing pea leaf weevils but did not indicate whether it would work under actual field conditions. The encapsulated product is not yet registered for any uses. There is a 1 ppm tolerance for methyl parathion (not encapsulated) on peas.

f. *DDT.* This compound is the only chemical that has been widely used by pea growers. Though there were instances of control failure with DDT during the 1972 growing season, it was used successfully the following year. It was also included in the field tests conducted during the 1973 growing season and performed satisfactorily in these tests. Among the chemicals that could be considered candidates for use in the 1974 growing season, DDT is the only one now known to have sufficient residual activity to protect the pea crop during the entire two- to three-week period of maximum susceptibility to injury from the pea leaf weevil. There is a 7 ppm tolerance for DDT on peas.

2. *Biological controls.* Research during the 1973 growing season identified a fungus disease of the adult pea leaf weevil. There are preliminary indications that this disease could contribute to a collapse in the population of the pea leaf weevil. Additional evaluations of the impact of this disease on the pea leaf weevil will be made in 1974.

3. *Crop resistance.* During the 1973 growing season, preliminary tests of pea breeding stocks for resistance against the pea leaf weevil were conducted. These tests gave little indication of resistance in any of the breeding stock. Additional observations will be made during the 1974 growing season. Plant tolerance and other approaches will be investigated.

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RISK/BENEFIT ASSESSMENT

In June 1972, the EPA Administrator found that there were substantial risks associated with the use of DDT. Specifically, he found that DDT has acute and subacute effects on aquatic and avian species and that it can have adverse effects on reproduction of certain birds. He also found that laboratory tests had indicated that DDT produces tumors in test animals and, therefore, is a potential human carcinogen. DDT's tendency to persist in the environment was—and still is—a cause for particular concern about its adverse effects.

Based on the findings set forth in the June 1972 Order, the Administrator concluded that the use of DDT on cotton and most other crops should be cancelled in order to eliminate the great bulk of the U.S. contribution to DDT contamination of the global environment. In his order, however, it was recognized that there would have to be exceptions to this general policy.

Such exceptions can be made for those situations in which the benefits outweigh the risks because of factors such as the unavailability of practical alternatives; the possibility of a food shortage if DDT were not used; the implications of shifting to an alternative crop; the temporary nature of the proposed use of DDT; and the possibility of minimizing environmental impact through restrictions on the proposed use. With reference to these criteria, EPA's findings as to the proposed use of DDT to control the pea leaf weevil are as follows:

1. There is no reason to depart from the findings of the June 1972 order regarding the potential risks of using DDT. Ecologically, the pea-producing region is one in which the potential risks appear to be relatively small. It is a semi-arid region with rainfall of about 15–20 inches per year, most of which occurs in winter and early spring. It is not a major watershed. There is just one major stream, the Palouse River, which is not significant as a fishery. Most others are intermittent streams which are dry through much of the year. Thus, there is relatively little potential for significant DDT contamination of aquatic ecosystems. The region is intensively farmed. There are few trees and little vegetation that might serve as wildlife habitat. No endangered wildlife species are known to live in the region, although some minimal foraging by peregrine falcons has been reported.

2. All the chemicals that have been used or tested appear to be toxic to the pea leaf weevil. There are, unfortunately, few statistical data correlating the use of any chemical control method with dry pea yields. With the exception of DDT, no other chemical has been widely used under the various growing conditions commonly occurring in the pea-producing region. Furthermore, DDT is the only one which, based on currently available data, is known to have sufficient residual activity to provide assurance of protection against the pea leaf weevil for more than 7–10 days after application. In addition, it is clear that knowledge of non-chemical control methods is insufficient to warrant reliance on them at this time.

3. The acreage planted in the eastern Washington-northern Idaho region generally accounts for about 95 percent of total U.S. producton of dry peas, and, during the past two years, about 13 to 15 percent of worldwide production. Thus, the crop grown in this region meets practically the entire U.S. demand for dry peas. In addition, as much as 70 percent of the crop ultimately is exported. Dry peas are an important source of high-quality vegetable protein and, in this regard, are particularly important in countries that do not produce sufficient quantities of animal protein to meet their own needs or where the price of animal protein severely limits its consumption. Several such countries, including Great Britain, Venezuela, Japan, and Netherlands, and Brazil, are among the principal importers of dry peas grown in the United States. It is estimated that as many as 200,000 acres of dry peas will be planted in the eastern Washington-northern Idaho region this year. Testimony at EPA's hearing suggested that actual acreage will depend on the availability of means of protecting the crop against an infestation of the pea leaf weevil.

4. In addition to their significance as a food crop, dry peas are economically and agriculturally important in the region. Two cash crops can be grown each year. One is winter wheat; the other can be either dry peas or spring barley. From an economic standpoint, spring barley is far less valuable than dry peas. At February 1974 prices, the comparative values were $101 per acre for spring barley and $380 per acre for dry peas. From an agricultural standpoint, dry peas are far more effective than spring barley as a cover crop to prevent soil erosion, which is a chronic problem in the rolling terrain of the region. In addition, dry peas provide nitrogen to the soil, thus reducing the fertilizer requirements of the winter wheat crop; in contrast, spring barley is nitrogen-depleting.

5. The proposed use is temporary. Registration of DDT for use in controlling the pea leaf weevil will expire June 30, 1974. Possible alternative chemical control methods will be tested during this year's growing season. This testing program is being designed specifically for the purpose of identifying other chemicals that can be registered for this use prior to next year's growing season. Since several chemicals appear promising based on previous testing, it is EPA's expectation that adequate data to register one or more of them will be available later this year.

6. Environmental risks in this case can be minimized through the limitations which EPA is imposing on this use of DDT. Among other things, these limitations are designed to ensure, insofar as possible, that DDT is used only where it is actually needed, i.e., in those fields where the existence of an economically significant infestation is verified by a trained field scout in accordance with sampling procedures and treatment criteria specified by EPA. Exceptions to this requirement will be allowed only if an infestation resulting from an in-flight of pea leaf weevils in a particular area exceeds the field scouts' capacity to check individual fields; even in such cases, however, the field scouts will have to verify the existence of an areawide infestation and obtain permission from the appropriate State regulatory agency to operate under area-wide verification procedures before DDT applications can be authorized or made. It is estimated that such a field scouting program has the potential for reducing the use of DDT by 20 percent or more below the amount that otherwise would be used. Only individuals knowledgeable in dry pea culture will be eligible to serve as field scouts; in addition, all field scouts will have to complete a field survey training program to be conducted by Dr. L. E. O'Keeffe, Associate Research Entomologist, University of Idaho, and director of research relating to pests of edible legumes. EPA expects to have three professional personnel on full-time duty as field survey officers in the pea-producing region, primarily to oversee the activities of the field scouts but also to monitor other aspects of the use of DDT. Field representatives of fertilizer and chemical companies and seed producers and processors will be eligible (after completion of the training program) to serve as field scouts. EPA recognizes the potential conflict of interest associated with this arrangement. It is EPA's position, however, that the field scouting system, which includes specific requirements as to field sampling and treatment criteria (see appendix), coupled with the activities of EPA's field survey officers, provides sufficient safeguards against needless or excessive use of DDT. In this regard, it should be noted that field scouts who authorize DDT treatment under conditions inconsistent with the limitations imposed by EPA (see appendix) will be barred from further participation in the field scouting program.

ENVIRONMENTAL MONITORING

Environmental monitoring in the pea-producing region will be conducted under the auspices of EPA. Emphasis will be placed on determining DDT levels in soil, stream sediment, and small mammals. Samples will be taken before treatment, two weeks after treatment, and 3–4 months after treatment.

RESEARCH

As indicated above, a testing program aimed at identifying alternatives to DDT will be conducted during the 1974 growing season. This program will be designed specifically to gather sufficient data to support the registration of one or more alternative pesticides prior to the 1975 growing season. Dr. L. E. O'Keeffe, Associate Research Entomologist, University of Idaho, will direct the program. Financial support is being provided by the University of Idaho, the U.S. Department of Agriculture, the Washington and Idaho Pea and Lentil Commissions, and

EPA. The following is an outline of the anticipated testing program:

a. The following insecticides will be tested:

i. methoxychlor
ii. Imidan
iii. malathion ULV
iv. DDT

b. Small plot testing will encompass comparative tests of all 4 insecticides plus untreated check plots. A minimum of 3 aerial application and 3 ground application tests will be conducted. Aerial application plots will be a minimum size of 1 acre each. Ground plots will be a minimum size of 200 sq. ft. each. Each insecticide, plus the untreated check plot, will be replicated 3 times in a randomized pattern, within any individual test.

c. Commercial plot testing will consist of tests in which the alternative insecticide is compared to DDT. A minimum of 3 aerial application and 3 ground application tests will be conducted for each of the alternative insecticides. Aerial and ground plots will not be replicated. Aerial plots will be a minimum size of 10 acres each. Ground plots will be a minimum size of 5 acres each.

d. Plot location will be selected to represent the geographically diverse areas of pea production; the range of the planting season; and the stand age or susceptibility.

e. Pea leaf weevil control will be determined by making pre-treatment counts and post-treatment counts at 3, 7, and 14 days to reflect the percentage reduction of adult weevils and period of residual effectiveness fir every insecticide tested.

f. Sampling will be completely randomized. The number of samples will be commensurate with plot size, so that statistical analysis is possible. Sampling data for small plot testing will attempt to correlate pea leaf weevil control to leaf damage and crop yield. Commercial plot sampling need relate only insecticide treatment to pea leaf weevil control.

g. Phytotoxicity readings will be made for all insecticides tested to determine the impact of the insecticide on pea stand count, stunting of plant growth, and leaf burn or chlorosis.

h. Crop yield sampling will be taken to determine the impact of the insecticides on the quantity and quality or appearance of the peas produced.

i. Taste evaluations will be made for Imidan treatments to insure that no adverse flavor has been imparted to the peas treated with this compound.

In addition, chemicals regarded as possible long-range alternatives to DDT for adult pea leaf weevil control will also be tested during the 1974 growing season. They include encapsulated methyl parathion, Temik, Thimet, Furadan, Diazinon, endosulfan, and Guthion. Testing of these chemicals will be designed to determine their pesticidal activity, appropriate dosage, and phytotoxic effects.

CONCLUSION

Based on all of the foregoing considerations, EPA has concluded that it is appropriate to allow the use of DDT to control the pea leaf weevil under the conditions, and subject to the limitations, specified herein. DDT labelling will be required to show all the applicable limitations. Registration will be formally approved only after submittal of finished labelling meeting this requirement.

Dated: March 14, 1974.

RUSSELL TRAIN,
Administrator.

APPENDIX

LIMITATIONS ON THE USE AND DISTRIBUTION OF DDT

1. Registration of Colloidal DDT–400 is valid only for the States of Washington and Idaho and only for control of the dry pea leaf weevil on dry peas, including seed peas.

2. Registration is valid for use of DDT only in the following counties: In the State of Washington: Adams, Asotin, Benton, Columbia, Franklin, Grant, Spokane, Walla Walla, and Whitman; in the State of Idaho: Benewah, Clearwater, Idaho, Kootenai, Latah, Lewis, and Nez Perce. Additional counties may be included upon the presentation to the Regional Administrator, EPA Region X, of information showing, to his satisfaction, the presence of pea leaf weevil infestation and the existence of an economic threat to dry pea culture.

3. Registration is valid only through June 30, 1974. Sale or use of DDT after this date is prohibited.

4. There shall not be more than a single application of DDT to any portion of a field regardless of weather and growing conditions.

5. Application rate is limited to one quart (one pound actual DDT) per acre.

6. All applications of DDT shall be made by pesticide applicators licensed by the States of Washington or Idaho or holders of use permits issued by one of these States.

7. Colloidal DDT–400 is formulated specifically for aerial application. Aerial applications shall be made only under the following conditions:

a. Use 5–10 gallons of water per acre.

b. Do not apply when temperature is over 85 degrees F. or when wind velocity is over 7 miles per hour.

c. Minimum nozzle orifice size shall be 0.094 inches. Nobles shall be directed downward and backward 135 degrees or more from the direction of flight.

d. Do not apply within one swath width of fish-bearing streams.

8. All DDT applications shall be made in accordance with all applicable State laws and regulations.

9. DDT shall be applied only after permission to do so has been given by an authorized field scout. Such permission shall be granted only if the field to be treated meets the following minimum treatment criteria:

a. To determine the extent of pea leaf weevil infestation, a minimum of 5 samples must be taken in any field of 50 acres or less. In fields larger than 50 acres, the number of samples must be proportionate to field size but shall be at least six samples.

b. There must be an average of at least 0.5 weevils per plants based on all samples taken in the field, or portion of the field, to be authorized for treatment.

c. General feeding damage, as manifested by leaf notching or terminal growth injury, must be evident over the majority of the area to be authorized for treatment.

d. If the majority of the plants have reached the 8-leaf stage, and if terminal growth points are not seriously damaged, treatment with DDT would be considered unnecessary and therefore prohibited.

e. It is anticipated that, prior to the weevil fly-in period (usually mid-to-late May), fields may only be marginally infested. Permission to apply DDT therefore shall be limited to those portions in which an infestation meeting these criteria has been detected.

f. Depending on the number of authorized field scouts, the need for individual field inspections, at some point during the growing season, may exceed the field scouts' capacity to perform such inspections in a timely manner. This could occur when peak weevil in-flight periods during mid-to-late May results in epidemic-level infestations in a particular area. Under these conditions, the requirement for individual field inspections may be suspended in favor of an area-wide inspection and authorization procedure. This procedure would require inspection of representative fields within the area where an epidemic-level infestion is said to exist. When field scouts verify that such conditions exist in a particular area, they shall obtain permission from the appropriate State Department of Agriculture to operate under area-wide inspection and authorization procedures. The State agency shall promptly notify Dr. L. E. O'Keeffe, Associate Research Entomologist, University of Idaho, and the EPA Regional Office that epidemic levels of infestation have been identified and that area-wide inspection and authorization procedures have been implemented. Such suspension of the requirement for individual field inspections shall remain in effect only until it is possible to resume individual field inspections. EPA field scouting officers shall determine when any such suspension shall be terminated.

Scouting

1. Individual field inspections shall be conducted at the grower's request by field scouts bearing credentials issued by the States of Washington or Idaho and attesting that the bearer has satisfactorily completed a training program conducted by Dr. L. E. O'Keeffe, Associate Research Entomologist, University of Idaho. Only persons knowledgeable in dry pea culture shall be eligible to act as field scouts.

2. EPA expects to have three field scouting officers on duty in the dry pea-producing region to oversee field scouting activities. These individuals will be responsible for checking at random the treatment decisions and authorizations made by field scouts, monitoring compliance with the treatment criteria set forth herein, and generally overseeing the distribution and use of DDT. EPA's field scouting officers shall have access to any field in which DDT treatment has been authorized and/or applied.

3. EPA field scouting officers will notify licensed DDT applicators of the names of any field scouts found to have issued authorizations to use DDT under conditions inconsistent with the minimum treatment criteria. Applying DDT upon authorization from any field scout who has been the subject of such notification shall constitute misuse of the product and shall make the applicator liable to civil penalty under section 14(a)(1) of FIFRA, as amended.

4. Each field scout shall complete, in duplicate, a field inspection record for each field, or portion thereof, inspected. This record shall contain the following information:

a. Name and signature of the field scout.
b. Name and signature of the farm owner or operator.
c. Date of the inspection.
d. Description of the field location.
e. Total number of samples.
f. Number of weevils recovered in each sample.
g. Number of acres requiring treatment.
h. Field diagram showing the location of

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the samples and area to be treated.

1. A statement as to whether or not DDT treatment was authorized.

5. For each field, or portion thereof, for which DDT treatment is authorized, the field scout shall issue the farm owner or operator written authorization to apply DDT. This authorization shall be effective for a maximum period of four days and shall specify the location of the field and the number and location of the acres to be treated. This written authorization must be signed by both the field scout and farm owner or operator to be valid.

6. Each field scout shall maintain a list of all fields inspected each day. This list and the corresponding field inspection records shall be immediately provided to any EPA field scouting officer upon request.

Distribution

1. No technical DDT shall be sold or otherwise made available to growers, dealers, applicators, or other persons. Aside from the Crop King Chemical Company, no person shall be authorized to purchase or otherwise obtain technical DDT from any source whatsoever.

2. DDT applicators shall be required to sign a register attesting that they have read the labelling and understand it and that they will use DDT in compliance with all applicable limitations. They shall be required to make reports to the appropriate State Department of Agriculture regarding date, location, rate and total amount of each application.

3. Crop King shall maintain records showing amount and date of each purchase of technical DDT; amounts of formulated DDT produced; and amount and date of each sale of formulated DDT and name and location of the purchaser.

4. Dealers shall maintain similar records accounting for all DDT received and sold.

5. Crop King and all dealers shall provide one copy of each such record to the appropriate State Agriculture Department and one copy to the EPA Regional Office on a biweekly basis. These records will be available for public inspection in the EPA Regional Office.

6. All unused technical DDT shall be returned to the manufacturer (Montrose Chemical Company).

7. All formulated DDT not used will be returned to Crop King, where it will be held until such time as a disposal plan acceptable to EPA is developed. Crop King shall maintain records of all formulated DDT returned.

[FR Doc.74-6378 Filed 3-18-74;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01004---	Aktieselskabet Dux: *Skaga.*
01232---	Rolf Wigands Rederi A/S: *Rolwi.*
01255---	Skjelbreds Rederi A/S: *Nortrans Enterprise, Nortrans Gloria.*
01318---	Aug. Bolten, Wm. Miller's Nachfolger: *Marietta Bolten.*
01326---	Pergamos Shipping Co., Ltd.: *Theodore A.S.*
01421---	Bibby Line Ltd.: *Lincolnshire.*
01449---	The Cairn Line of Steamships Ltd.: *Ionic, Canopic, Cedric.*
01608---	D' Amico Societa di Navigazione: *Giovanni D' Amico, Maria Carla D' Amico.*
01709---	Capoverde Compania Naviera: *Splendid Breeze.*
01854---	Southern Towing Co.: *STC 2014.*
01935---	Partnership between SS Company Svendborg Ltd. & SS Co.: *Effie Maersk.*
02227---	Hermes Navegacion S.A.: *Dona Marika.*
02286---	China Union Lines, Ltd.: *Kaohsiung Victory.*
02314---	A/S Athene (Jorgen Bang): *Anco Ariadne.*
02439---	Bereederungs-Alliance Flensburg GmbH: *Birk.*
02453---	The Turnbull Scott Shipping Co., Ltd.: *Flower Gate.*
02585---	Koch Refining Co.: *AOR-35.*
02858---	Intermarine, Inc.: *Fidelity.*
02868---	Trader Navigation Co., Ltd.: *Vancouver Trader.*
02888---	Stolt Nielsons Rederi A/S: *Stolt Heron.*
02956---	Ashland Oil: *STC 2015, STC 2518, STC 2019, STC 2509.*
02982---	The Shipping Corp. of India Ltd.: *Andhra.*
03241---	Viriks Rederi A/S: *Sandefjord.*
03256---	Upper Mississippi Towing Corp.: *UM-97.*
03257---	Hennepin Towing Co.: *HT-60, HT-905, HT-94.*
03263---	Marepoca Compania Naviera S.A.: *Kavo Alkyon.*
03264---	Mardevoto Compania Naviera S.A.: *Kavo Delfini.*
03289---	Det Forenede Dampskibsselskab A/S: *Skyros, Petunia.*
03350---	North Breeze Navigation Co., Ltd.: *North Breeze.*
03452---	Kyoei Tanker K. K.: *Gen-Ei Maru.*
03467---	Nichiro Gyogyo K. K.: *Hiroshima Maru.*
03501---	Osaka Shosen Mitusi Senpaku K. K.: *Mikagesan Maru.*
03510---	Takeda Kigyo Kabushiki Kaisha: *Seishomaru No. 7.*
03566---	Skibsaktieselskapet Aino, Skibsaksjeselskapet Viator, Skibsaksjeselskapet Viva: *Amica.*
03633---	Penlatex Barge Line, Inc.: *UM 79 B.*
03679---	Miami Terminal Transport Co.: *Freeport II.*
03705---	Grundstads Rederi A/S: *Gruno Reidar.*
03764---	Amphion Shipping Corp.: *Phoevos.*
03912---	Alvega Steamship Corp.: S.A. Panama: *Alvega.*
04040---	Halfdan Ditlev Simonsen & Co.: *Vincita.*
04080---	Port Arthur Towing Co.: *Triton.*
04208---	Partenreederei M.V. Alsterdamm: *Alsterdamm.*
04276---	Rivtow Straits Ltd.: *Alberni Carrier, Straits Traveller.*
04433---	Allied Chemical Corp.: *MG 24, MG 21, Barge AC 12, MG 23, Barge S.S. 100, ETT 103, ETT 108, ETT 109, ETT 110, Barge ARC 87, Barge ARC 88, Barge ARC 90, Barge ARC 93, Barge ARC 95.*
04468---	Kotoshiromaru Gyogyo Kabushiki Kaisha: *Kotoshiromaru No. 11.*
04477---	Murayone Suisan Kabushiki Kaisha: *Kaiseimaru No. 13.*
04486---	Fukuju Kigyo Kabushiki Kaisha: *Fukuju Maru No. 7.*
04489---	Otoshiro Gyogyo Kabushiki Kaisha: *Otoshiro Maru No. 1.*
04491---	Fukumaru Gyogyo Kabushiki Kaisha: *Fukumaru No. 5.*
04497---	Daikokumaru Gyogyo Seisan Kumiai: *Daikokumaru No. 80.*
04502---	Kotoshiro Gyogyo Kabushiki Kaisha: *Kotoshiro Maru No. 5, Kotoshiro Maru No. 8.*
04511---	Showa Gyogyo Kabushiki Kaisha: *Showa Maru No. 6.*
04512---	Seiju Gyogyo Kabushiki Kaisha: *Seijumaru No. 3.*
04513---	Hinode Gyogyo Kabushiki Kaisha: *Hinode Maru No. 53.*
04518---	Tokusui Kabushiki-Kaisha: *Kakimaru No. 11.*
04534---	Mr. Shouzou Suzuki: *Miyojimaru No. 18.*
04536---	Mr. Shoji Ishiwata: *Shinkomaru 31.*
04537---	Mr. Tokuo Kanazawa: *Koeimaru No. 38.*
04540---	Mr. Toyofumi Kato: *Kyowamaru No. 17.*
04541---	Mr. Kusuiji Kato: *Seiyumaru No. 12.*
04594---	The Valley Line Co.: *MV 283, MV 288, New Orleans, Louisiana, MV 281, MV 284.*
04601---	American Tunaboat Association: *Courageous.*
04889---	Cory Brothers & Co. (Italy), Ltd.: *Sympathy.*
05220---	Jeannette Compania Maritima S.A.: *Olympias.*
05274---	Fluor Drilling Services, Inc.: *Wodeco I, Wodeco II, Wodeco IV, RIG 56, Western Offshore No. VIII.*
05275---	Fluor Ocean Services, Inc.: *WB 103, Sanford No. 2, WB 110, DB 4, Ranger, WB 107, WB 108.*
05297---	Caribbean Navigation Co., Ltd.: *Bernice M.*
05425---	Georgia Transporters, Inc.: *GT-115, GT-121.*
05484---	Union Partenreederei MS Bremerhaven: *Bremerhaven.*
05485---	Union Partenreederei MS Nordenham: *Nordenham.*
05684---	Epirotiki Steamship Co. George Potamianos: *Neptune.*
05850---	Partenreederei Kuhl MS Ravenna/Polarstern: *Polarstern.*
05851---	Partenreederei Kuhl MS Ravenna/Polarlicht: *Polarlight.*
06440---	Dampskibskitiskabet Den Norske Afrika A/S Tonsberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V: *Tatra.*
06443---	Erjac Ocean Lines Ltd.: *Ingrid.*
06446---	Nike International Ocean Co., S.A.: *Seadragon.*
06541---	Kaigai Gyogyo Kabushiki Kaisha: *Kaisei Maru No. 18.*
06560---	Apollo Transport Corp.: *New Guinea Trader.*
06570---	Kristian Jebsen (UK) Ltd.: *Spraynes, Sharpnes, Saltnes, Bulknes, Surenes, Leknes, Tonnes, Mornes, Sealnes, Brimnes, Bernes, Swiftnes, Furunes.*
06596---	Issei Kisen K.K.: *Yuyo Maru, Chokai Maru.*
06821---	Anglo Eastern Bulkships Ltd.: *Naess Viking, Naess Ambassador.*
06853---	Shipping Co. Knud I. Larsen: *Peter Sif.*
07255---	Teh Tung Steamship Co., Ltd.: *Oceanic Suez.*
07359---	Empresa Insulana de Navegacao: *Acores, Mauricio de Oliveira, Rodriques Cabrilho.*
07467---	Dae Wang Fisheries Co., Ltd.: *Dae Wang No. 202.*
07471---	Navieros Progresivos S.A.: *Kavo Longos, Kavo Peiratis, Kavo Maleas, Kavo Kolones.*
07495---	Donald L. Ferguson Cruises Ltd.: *Xanadu.*
07515---	Nitto Hogei Kabushiki Kaisha.: *Ryuhomaru No. 3.*
07516---	Akitsu Gyogyo Kabushiki Kaisha: *Akitsu Maru No. 7.*
07582---	MSSS Co., S.A.: *Sea Bird No. 5.*
07811---	Campbell Industries and San Diego Marine Construction Corp.: *Coos Bay.*
07880---	Logicon, Inc.: *NBC 903, Chotan 1658.*
08359---	Operation Tankers Ltd.: *Tama.*
08472---	Societe Generale Marocaine de Peches: *Azaiz, Kanz.*
08590---	Dongmyung Won Yang Fisheries Co., Ltd.: *Dong Myung No. 77.*
08722---	Seiyu Gyogyo Kabushiki Kaisha: *Sei Yumaru No. 12.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6274 Filed 3-18-74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01152---	Neptune Maritime Co. of Monrovia: *Thetis.*
01169---	Oriens Societa di Navigazione P.A.: *Mare Arabico, Mare Caribico, Mare Artico.*
01255---	Skjelbreds Rederi A/S: *Nortrans Kathe.*
01305---	Royal Mail Lines Ltd.: *Britannic, Majestic.*
01466---	Common Brothers (Management) Ltd.: *Vento di Maestrale, Vento di Scirocco.*
01758---	Chotin Transportation, Inc.: *M/G 21, M/G 23, M/G 24.*
01823---	Aretusa S.P.A. Palermo: *Aretusa.*
01854---	Southern Towing Co.: *STC 2015.*
01935---	Partnership between Steamship Co. Svendborg Ltd. and Steamship Co. of 1912 Ltd.: *Gjertrud Maersk.*
01982---	AB Svenska Ostasiatiska Kompaniet: *Tamara.*
01991---	Malmros Rederi Aktiebolag: *Malmros Monsoon.*
02013---	Granges AB: *Porjus, Tarfala.*
02038---	Polskie Linie Oceaniczne: *Major Sucharski.*
02041---	"Dalmor" Przedsiebiorstwo Polowow Dalekomorskich I Ulug Rybackich: *Perseus.*
02136---	Sioux City and New Orleans Barge Lines, Inc.: *Robert Crown.*
02153---	Vale Do Rio Doche Navegacao S/A: *Docebarra.*
02198---	The Peninsular & Oriental Steam Navigation Co.: *Nigaristan, Tabaristan.*
02519---	S.A. Louis Dreyfus & Cie: *Louis LD.*
02827---	National Bulk Carriers, Inc.: *Robert Craig.*
02855---	Great Pacific Shipping Co.: *Pacglory.*
02862---	Ocean Shipping & Enterprises, Ltd.: *Ocean Enterprise.*
02902---	Alamo Chemical Transportation Co.: *Alamo 2200, Alamo 2201.*
02956---	Ashland Oil, Inc.: *Tri-State.*
02958---	Kawasaki Kisen Kaisha, Ltd.: *World Crown.*
03245---	Rederiaktieselskabet Dannebrog: *Marselisborg.*
03294---	Companhia de Navegacao Lloyd Brasileiro: *Lloyd Bage.*
03301---	Prudential Grace Lines, Inc.: *Santa Rita.*
03422---	Daiwa Kaiun Kabushiki Kaisha: *Ponape Maru, Tahiti Maru.*
03474---	Nippon Suisan K.K.: *Teshio Maru.*
03482---	Ryutsu Kaiun K.K.: *Sonoda Reefer.*
03690---	Harbor Tug and Barge: *Deck Barge 406.*
03883---	Ohio Barge Line, Inc.: *OBL, 910B.*
04040---	Halfdan Ditlev-Simonsen & Co.: *Vincita.*
04041---	Compania Peruana de Vapores: *Rimac.*
04080---	Port Arthur Towing Co.: *AMY, MS-12, MS-15, Sydalise Fredeman.*
04085---	Navigazione Mongerbino S.P.A.: *Nai Monreale.*
04160---	Marine Transport Co.: *C J D 503.*
04179---	Ory Bros. Marine Service, Inc.: *Fueler 3.*
04289---	Dixie Carriers, Inc.: *DXE-161 BDC, DXE-162 BDC.*
04420---	Navigazione Alta Italia S.P.A.: *Nai Assia, Nai Giovanna, Nai Mara, Nai Maria Amelia.*
04490---	Seiyu Gyogyo K.K.: *Seiyumaru No. 12.*
04625---	American Commercial Lines, Inc.: *Dan J. Hogan, Richard C. Young, W. O. Watson.*
04649---	Eagle Steamship Co. S.A.: *Kapetan Stamatis.*
04783---	Destiny Tankers Ltd.: *Shabonee.*
04803---	Brent Towing Co., Inc.: *B821, B921, B1120.*
04880---	Oljekonsumenternas Forbund: *Oktavius.*
05003---	Wisconsin Barge Line, Inc.: *Joseph Hendrick.*
05004---	Flowers Transportation, Inc.: *Rusty Flowers.*
05098---	Esso Tankers, Inc.: *Esso Hong Kong, Esso Indonesia.*
05147---	Arne Presthus Rederi A/S: *Anna Presthus.*
05274---	Fluor Drilling Services, Inc.: *Mr. Mel, Western Offshore No. I.*
05278---	Twin City Barge & Towing Co.: *Morning Star.*
05281---	Slade, Inc.: *S. 2017, S. 2018, S. 2019, S. 2020.*
05345---	L. Figueiredo Navegacao S.A.: *Jurua*
05431---	Tidewater Construction Corp.: *Barge 53, Barge 54.*
05472---	National Shipping Corp.; *Karotua, Ravi.*
05549---	Polska Zegluga Morska: *Beskidy.*
05577---	Far Eastern Shipping Co.: *Nikolay Semashko.*
05792---	Korea Wonyang Fisheries Co., Ltd.: *No. 5 Korbee, No. 102 Koram.*
05845---	Shinto Kaiun K.K.: *Toyo Maru.*
06019---	Field Tank Steamship Co., Ltd.: *Tweed Bridge.*
06485---	Minibulk Shipping (K.M. Kaalstad): *Minicloud.*
06570---	Jebsen Dillingham Shipping Ltd.: *Brimnes, Swiftnes, Sealnes, Surenes, Spraynes, Bernes, Bulknes, Saltnes, Sharpnes.*
06662---	Reederei Claus-Peter Offen K.G.: *Holstenburg.*
06744---	Kontari Compania Naviera: *Tzelepi.*
06925---	Bibby Bulk Carriers Ltd.: *Tenbury.*
06934---	Chevron Navigation Corp.: *Charles Pigott.*
M-07077	Nicolai Joffe Corp./P.B. Pacific Corp./Bruckhill Industries Corp.: *Vessels not over 23,000 gross tons.*
07166---	Carnegie Shipping Co., Ltd.: *Cadogan, Cadwalader, Casterbridge, Camden.*
07529---	Cambridge Shipping Co., Ltd.: *Aida.*
07574---	Georgian Shipping Co.: *General Leselidze, Georgiy Leonidze.*
07599---	Partenreederei M/T "Frisia": *Multitank Frisia.*
07934---	Ship Operators of Florida, Inc.: *Martha.*
08022---	Nissei Shipping Co., Ltd.: *Chusei Maru, Gyosei Maru.*
08057---	Carmel Transport Corp., Inc.: *Stolt Surf.*
08071---	Anglo Nordic Bulkship (Management) Ltd.: *Nordic Enterprise, Armand Hammer, Naess Norseman, Frances Hammer, Russell H. Green, Naess Leader, Naess Mariner, Naess Courier, Naess Liberty, Anco Norness, Stolt Dragon, Stolt Sydness, Nordic Ranger, Trachodon, Stolt Norness.*
08199---	Mediteranska Plovidba: *Plod.*
08131---	Empresa Navegacion Caribe: *Cuba.*
08230---	Ed Broussard Towing Co., Inc., Ed Broussard Marine Service, Inc.: *Bridget B.*
08234---	Burmah Oil Tankers Ltd.: *Burmah Peridot, Burmah Cameo, Burmah Zircon, Burmah Jet.*
08329---	Compania Naviera Aguila S.A. de C.V.: *Morazan.*
08370---	Indiana & Michigan Electric Co.: *Oliver C. Shearer, O. F. Shearer, Lelia C. Shearer, Fort Dearborn, J. K. Ellis, Winchester.*
08464---	Transreeder Schiffahrtsgesellschaft MBH & Co.: *July Star.*
08469---	A & R Marine Towing & Transportation Limited: *Sergio No. 9.*
08696---	Maritimas Eslait & Cia: *Ingrid Judith.*
08709---	Bibby Freighters Ltd.: *Berkshire, Oxfordshire, Wiltshire, Lincolnshire.*
08714---	Conservacion de Alimentos, S.A.: *Corcubion.*
08720---	Atlantica de Pesca, S.A.: *Sara Costas.*
08732---	Breeze Transport Corp.: *Effie Maersk, Sally Maersk.*
08739---	Seamaid Shipping Co. S.A. Panama: *Seamaid Proto.*
08740---	Pacific Bulk Carriers, Inc.: *Pacific Ares.*
08745---	Estemar Compania Naviera S.A.: *Daphne.*
08747---	Anassa Navigation Co., Ltd.: *Drymos.*
08749---	Ouranos Shipping Co. S.A. of Panama: *Myrina.*
08751---	The Louisiana Land & Exploration Co.: *L.S.C. 302.*
08752---	Fuerte Compania Naviera S.A. Panama: *Maritime Unity.*
08755---	Agenee Maritime, Inc.: *Fort Lennox, Fort Kent, Fort Gaspe, Fort George, Inland, Fort Levis.*

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Certificate No.	Owner/operator and vessels
08761___	Mare Nostrum Navigation Co., Ltd.: *Dennis B.*
08762___	One Star Shipping Co., Ltd.: *Victoria.*
08765___	Landmo Shipping Services Ltd.: *Falcondale, Maredale, Evindale.*
08766___	Alegria Naviera S.A.: *Ocean Grace.*
08768___	Cirtun, S.A.: *Agustin Primero.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6275 Filed 3-18-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-12094, et al.]

MOBIL OIL CORP., ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 8, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-12094 D 2-25-74	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Southern Natural Gas Co., Gwinville Field, Jefferson Davis County, Miss.	Depleted	
C164-985 E 2-7-74	Phillips Petroleum Co. (successor to First Transportation Gas Corp., Inc.) Bartlesville, Okla. 74004.	Transwestern Pipeline Co., Beaver, Harper, Ellis, and Woodward Counties, Okla., and Lipscomb and Ochiltree Counties, Tex.	[2] 20.969 [3] 21.512	14.65 14.65
C163-346 E 2-7-74	do	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper and Beaver Counties, Okla.	[4] 21.163	14.65
C163-347 E 2-7-74	do	Northern Natural Gas Co., acreage in Beaver County, Okla. and Ochiltree County, Tex.	[3] 19.30 [3] 19.0713	14.65 14.65
C163-978 E 2-7-74	do	Cities Service Gas Co., North Quinlan Field, Woodward County, Okla.	[4] 18.0	14.65
C165-1021 E 2-7-74	do	Northern Natural Gas Co., Shattuck Unit, Ellis County, Okla.	[4] 18.285	14.65
C166-508 E 2-7-74	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Laverne Field, Beaver County, Okla.	[4] 19.7534[5]	14.65
C174-435 A 2-21-74	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Northern Natural Gas Co., acreage in Lea County, N. Mex.	[4] 40.0	14.65
C174-436 (C161-292) B 2-14-74	Shell Oil Co., 1 Shell Plaza, P.O. Box 2463, Houston, Tex. 77001.	Phillips Petroleum Co., Fradean Field, Upton County, Tex.	(6)	
C174-437 (C168-102) B 2-14-74	Texaco, Inc., P.O. Box 60252, New Orleans, La. 70160.	Southern Natural Gas Co., Knoxo Field, Walthall County, Miss.	Depleted	
C174-438 (C166-98) B 2-14-74	do	do	Depleted	
C174-439 (C174-276) B 2-14-74	Wilkes A. Owen (Operator) et al., P.O. Box 18407, 7701 East Kellogg, Suite 780, Wichita, Kans. 67218.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Deckers Prairie Field, Harris County, Tex.	Uneconomic	
C174-440 (C161-32) B 2-14-74	W. C. Curry, P.O. Box 1528, Longview, Tex. 75601.	Texas Eastern Transmission Corp., Spider Field, De Sota Parish, La.	Non-productive	
C174-441 (C172-506) B 2-14-74	Phoenix Energy Co., 2875 Bank of New Orleans Bldg., 1010 Common St., New Orleans, La. 70112.	Transcontinental Gas Pipe Line Corp., Bayou Couba Field, St. Charles Parish, La.	Uneconomic	
C174-444 (C170-502) F 2-15-74	Royal Resources Exploration, Inc. (Successor to King Resources Co.), 250 Hilton Office Bldg., Denver, Colo. 80202.	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	[7] 18.241	14.65
C174-447 (G-4660) F 2-19-74	S. S. C. Gas Producing Co. (successor to Union Texas Petroleum & Texas Pacific Oil Co.), 10601 Shiloh Lane, Corpus Christi, Tex. 78410.	Texas Eastern Transmission Corp., Strauch-Wilcox Field, Bee County, Tex.	24.0	14.65
C174-448 (C-7248) B 2-11-74	J. R. Perkins et al., d.b.a., Perkins Production Co., P.O. Box 878, Duncan, Okla. 73533.	Lone Star Gas Co., Wookey Field, Stephens County, Okla.	Depleted	
C174-449 (C163-1503) F 2-11-74	Petroleum, Inc. (successor to Skelly Oil Co.), 300 West Douglas, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla.	[4] 19.285	14.65
C174-450 (C168-1155) B 2-11-74	Phillips Petroleum Co., Bartlesville, Okla. 74004.	Texas Eastern Transmission Corp., Bird Island Field, Kleburg County, Tex.	Depleted	
C174-451 (C160-418) F 2-11-74	Petroleum, Inc. (successor to Cities Service Oil Co.).	Panhandle Eastern Pipe Line Co., acreage in Texas County, Okla.	[4] 19.7925	14.65

[1] Subject to upward and downward Btu adjustment.
[2] Rate for gas in Oklahoma.
[3] Rate for gas in Texas.
[4] Subject to upward Btu adjustment.
[5] Subject to downward Btu adjustment.
[6] Applicant's high pressure gas well gas became incapable of delivery into Phillips' high pressure gathering system.
[7] Subject to upward and downward Btu adjustment; estimated adjustment is 0.986 cents per M ft³.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.74-5960 Filed 3-18-74;8:45 am]

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

GENERAL SERVICES ADMINISTRATION

[Temporary Reg. G-16]

INTERAGENCY MOTOR POOL SYSTEM

Reduction in Fuel Consumed by Certain Types of Motor Vehicles

1. *Purpose.* This regulation provides revised policies and procedures to be followed to achieve and maintain a 20 percent reduction in fuel consumed by sedans, station wagons, and trucks in the interagency Motor Pool System previously established by FPMR Temporary Regulation G-13, as amended, dated November 28, 1973.

2. *Effective date.* This regulation is effective March 19, 1974.

3. *Expiration date.* This regulation expires December 31, 1974, unless sooner revised or superseded.

4. *Applicability.* The provisions of this regulation apply to all executive agencies. Other Federal agencies are encouraged to conform so that maximum benefits may be realized in reducing fuel consumption by Government-owned and operated motor vehicles.

5. *Background.* In consonance with the President's program to reduce energy consumption by all Federal agencies, GSA promulgated FPMR Temporary Regulation G-13, restricting use of certain types of motor vehicles in the Interagency Motor Pool System. Subsequently, further reductions in energy consumption were imposed which resulted in the issuance of Supplement 1 to Temporary Regulation G-13 on December 27, 1973. This regulation consolidates into a single issuance the basic policies in the above regulation, as amended, and incorporates the requirements established by FMC 74-1, dated January 21, 1974. Also included are appropriate changes resulting from consideration of agency comments.

6. *Procedure modifications.* Certain modifications are incorporated in this regulation among which are:

a. Addition of an appeals procedure,

b. Elimination of the semimonthly reporting requirement, and

c. Establishment of quarterly mileage goals at the agency national headquarters level.

7. *General policy.* All executive agencies participating in the Interagency Motor Pool System shall reduce by 20 percent the number of miles operated by motor vehicles in such systems to achieve a corresponding reduction in fuel consumed. Where agencies fail to achieve this objective, vehicles will be removed from service by GSA in accordance with the criteria established in attachment A. However, such removals will occur only after consultation with national headquarters officials of the affected agencies.

8. *GSA action.* a. GSA regional motor equipment personnel will continue to be available to meet with agency field officials to assist them in realizing the objective stated in paragraph 1.

b. The 20 percent reduction in dispatch service available from interagency motor pools will be maintained. Dispatch services will be refused between pool cities when public transportation will meet the needs of the agency.

9. *Required action by agencies.* a. Agencies shall achieve and maintain a 20 percent reduction in miles operated for each monthly reporting period. This reduction applies to the four basic vehicle classes; i.e., sedans, station wagons, light trucks, and heavy trucks. The basis for calculating such reductions is contained in attachment B.

b. Agencies shall submit GSA Form 494, Monthly Vehicle Use Record, as of the close of each business month, commencing with February 1974. This form shall be mailed so as to be received by the appropriate motor pool on or before the 5th working day after the end of the reporting period.

c. The fuel savings and mileage reduction guidelines in attachment C shall be implemented to the maximum extent feasible commensurate with the achievement of agency missions and the objective stated in paragraph 1.

d. Agencies which have achieved a significant increase in their motor vehicle utilization rate as a result of a decrease in the number of vehicles held, or newly established agencies which have insufficient prior information on which to establish a base line for measuring mileage reduction, should contact the office referenced in paragraph 10 below, for assistance in establishing the appropriate base line.

10. *Assistance.* Agencies may request the assistance of the General Services Administration in complying with the provisions of this regulation by contacting the General Services Administration (FZT), Washington, D.C. 20406, telephone (703) 557-3075.

11. *Appeal procedures.* An agency which believes that it cannot achieve a 20 percent overall reduction in mileage because of extenuating circumstances shall appeal in writing to the Administrator of General Services (A), Washington, D.C. 20405. GSA will review the appeal and forward it with recommendations to the Federal Energy Office for a final decision. Exceptions will be considered for vehicles used in emergencies or essential health services.

12. *Effect on other issuances.* This regulation augments the policy in FPMR 101-39 as it pertains to agency use of motor vehicles in the Interagency Motor Pool System. Further, FPMR Temporary Regulation G-13, dated November 28, 1973, and Supplement 1 thereto, dated December 27, 1973, are canceled; and paragraph 6 of FPMR Temporary Regulation G-15, Reduction in motor vehicle fuel consumption, dated January 28, 1974, should be changed by pen and ink to reflect the number and title of this regulation.

13. *Comments or suggestions.* Agency views concerning the effect of this regulation on agency operations or programs should be submitted to the General Services Administration (FF), Washington, D.C. 20406, no later than April 1, 1974, for consideration and possible incorporation into the permanent regulations.

ARTHUR F. SAMPSON,
Administrator of General Services.

MARCH 12, 1974.

VEHICLE REMOVAL CRITERIA

a. When an agency fails to stay within the assigned mileage ceiling the agency will be required to reduce the number of vehicles in service. The reduction will be determined by the agency's utilization rate (average number of miles traveled per vehicle for the prior month) and by the number of miles the agency has exceeded the ceiling. Figure A-1 indicates the exact number of vehicles to be removed from service.

b. Example: If an agency's utilization rate is 860 miles per vehicle per month and the agency has missed their ceiling by 15,300 miles:

1. Round actual utilization rate to nearest 50 unit interval—860 to 850.

2. Round mileage overage to nearest thousand unit interval—15,300 to 15,000.

3. Locate row 850 in figure A-1 and follow across to the 15,000 column. This intersection of the row and column will indicate the number of vehicles to be removed from service—18.

c. Should an agency fail to meet the mileage ceiling by more than 20,000 miles, the number of vehicles to be withdrawn will be calculated by adding those columns which equal the total overage; i.e., ceiling missed by 25,000 miles in the above example—add column 20 plus column 5 for a total of 30 vehicles to be withdrawn.

d. Vehicles removed from service shall not be replaced by the agency by renting, leasing, or by authorizing the use of privately owned vehicles.

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FIGURE A-1.—*Vehicle removal chart*

VEHICLE REMOVAL CHART, NUMBER OF MILES OVER MILEAGE CEILING

Utilization rate	1,000	2,000	3,000	4,000	5,000	6,000	7,000	8,000	9,000	10,000	11,000	12,000	13,000	14,000	15,000	16,000	17,000	18,000	19,000	20,000
500	2	4	6	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36	38	40
550	2	4	5	7	9	11	13	15	16	18	20	22	24	25	27	29	31	33	35	36
600	2	3	5	7	8	10	12	13	15	17	18	20	22	23	25	27	28	30	32	33
650	2	3	5	6	8	9	11	12	14	15	17	18	20	22	23	25	26	28	29	31
700	2	3	4	6	7	9	10	11	13	14	16	17	19	20	21	23	24	26	27	29
750	2	3	4	5	7	8	9	11	12	13	15	16	17	19	20	21	23	24	25	27
800	1	3	4	5	6	8	9	10	11	13	14	15	16	18	19	20	21	23	24	25
850	1	2	4	5	6	7	8	10	11	12	13	14	15	16	18	19	20	21	22	24
900	1	2	3	4	6	7	8	9	10	11	12	13	14	16	17	18	19	20	21	22
950	1	2	3	4	5	6	7	8	9	11	12	13	14	15	16	17	18	19	20	21
1,000	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1,050	1	2	3	4	5	6	7	8	9	10	10	11	12	13	14	15	16	17	18	19
1,100	1	2	3	4	5	5	6	7	8	9	10	11	12	13	14	15	15	16	17	18
1,150	1	2	3	3	4	5	6	7	8	9	9	10	11	12	13	14	15	16	17	17
1,200	1	2	3	3	4	5	6	7	8	8	9	10	11	12	13	13	14	15	16	17
1,250	1	2	3	3	4	5	6	6	7	8	8	10	10	11	12	13	14	14	15	16
1,300	1	2	2	3	4	5	5	6	7	8	8	9	10	11	12	12	13	14	15	15
1,350	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
1,400	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	14	14
1,450	1	2	2	3	4	4	5	5	6	7	8	8	9	10	10	11	12	12	13	14
1,500	1	2	2	3	4	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
1,550	1	2	2	3	3	4	5	5	6	6	7	8	8	9	10	10	11	12	12	13
1,600	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
1,650	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	12	12
1,700	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
1,750	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	11
1,800	1	1	2	2	3	3	4	4	5	6	6	7	7	8	8	9	9	10	11	11
1,850	1	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	9	10	10	11
1,900	1	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11
1,950	1	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10
2,000	1	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10

MEASUREMENT OF MILEAGE REDUCTION

Agencies must achieve a 20 percent reduction in miles operated in each of the four basic vehicle classes; i.e., sedans, station wagons, light trucks, and heavy trucks. The base line for measuring an agency's mileage reduction will be the miles operated in the corresponding period of the base year (fiscal year 1973) adjusted for subsequent changes in vehicles assigned to the agency. GSA Central Office motor equipment personnel will calculate the adjusted base and mileage ceiling, and disseminate to agency national headquarters on a quarterly basis the mileage ceilings, by vehicle class, for the following quarter. However, agency mileage reductions will be monitored on a monthly basis. When significant fluctuations in an agency's vehicle inventory are noted during a quarter, GSA will review the quarterly mileage ceiling and in consultation with the agency establish a new quarterly mileage ceiling, if appropriate.

The formula for determining the base line and mileage ceiling is as follows:

1. $M \times \frac{V_1}{V_0}$ = Adjusted Base.

2. Adjusted Base x .80 = Mileage Ceiling.

Where:

M = Miles operated in corresponding quarter of base year (FY 73).

V_0 = Number of vehicles assigned in corresponding quarter of base year (FY 73).

V_1 = Number of vehicles assigned at beginning of present reporting quarter.

FUEL SAVING AND MILEAGE REDUCTION GUIDELINES

a. Substitute public transportation whenever possible.

b. Maintain stringent control of vehicle use for official purposes only.

c. Reduce vehicle use through curtailment of low priority programs.

d. Reduce frequency of security patrols, recruitment activities, and other activities not necessary for the safety and welfare of the general public.

e. Reduce recall of vehicles now in storage because of seasonal use.

f. Prohibit use of vehicles on Saturdays, Sundays, and holidays except for essential purposes.

g. Establish tight criteria for the use of air-conditioning in vehicles.

h. Enforce disciplinary action against drivers exceeding 50 miles per hour.

i. Terminate assignment of sedans used mainly in pool cities where public transportation is available. (Dispatch service is to be used where public transportation will not meet requirements.)

j. Replace 8-cylinder sedans used mainly for intracity operation with 6-cylinder sedans by rotating vehicles between using agencies. (Additional rotations will be made when compact sedans now being purchased for pool operations are received.)

k. Review truck assignments to determine whether smaller size vehicles can be used. (This review will emphasize replacement of pickups and other light trucks used for passenger carrying operations.)

l. Review shuttle or group movement operations to ensure passenger carrying vehicles are utilized to rated capacity.

m. Extend engine oil changes to 6,000-mile intervals for vehicles not under warranty.

n. Establish training programs to ensure observance of proper driving and maintenance practices as set forth in FPMR Temporary Regulation G–14, and in GSA Bulletins FPMR G–82 (and Supplement 1) and G–86.

[FR Doc.74–6250 Filed 3–18–74;8:45 am]

NATIONAL CAPITAL PLANNING COMMISSION

[NCPC Files Nos. 0369, 0933]

HISTORIC PRESERVATION

Site and Building Plans Requirements and Urban Renewal Requirements for Proposals

At its meeting on March 7, 1974, the National Capital Planning Commission adopted amendments to its Site and Building Plans Requirements (37 FR 3011) and Urban Renewal Requirements for Proposals (37 FR 7122) relating to procedures for compliance with section 106 of Pub. L. 89–665, approved October 15, 1966 (16 U.S.C. 470 et seq.), and sections 1(3) and 2(b) of Executive Order 11593 of May 13, 1971.

Section 106 of Pub. L. 89–665 requires Federal agencies undertaking, licensing, or funding projects to "take into account the effect of the undertaking on any district, site, building, structure, or object that is included in the National Register" and to "afford the Advisory Council on Historic Preservation * * * a reasonable opportunity to comment with regard to such undertaking."

The first amendment will avoid duplicating consultations with the Advisory Council by the Federal agency submitting site and building plans pursuant to section 5 of the National Capital Planning Act of 1952 and by the Commission, as a Federal licensing agency.

The second and third amendments will insure compliance with Section 106 with respect to District undertakings subject to the Commission's "in lieu of zoning" approval and urban renewal plans and plan modifications respectively.

Adoption of the amendments constitutes partial fulfillment by the Commission of the requirement in Section 1(3) of Executive Order 11593 that Federal agencies, "in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 470i), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures, and objects of historical, architectural or archaeological significance."

The amendments are as follows:

1. Subsection C. of section 3 of the Site and Building Plans Requirements (37 FR 3011) is amended by adding at the end thereof the following:

(6) *Historic Preservation.* Each submission by a Federal agency shall also include a determination by the head of the sponsoring agency, or other authorized official, as to whether the project is subject to section 106 of Pub. L. 89–665, approved October 15, 1966 (16 U.S.C. 470 et seq.), or section 1(3) of section 2(b) of Executive Order 11593 of May 13, 1971. If he so determines, then he shall submit evidence that the procedures for compliance with the applicable law or Executive Order have been initiated. Each submission by a Federal agency of final site and building plans shall include evidence that such procedures for compliance have been completed.

2. Paragraph C of section 6 of the Site and Building Plans Requirements (37 FR 3011) is amended by inserting "(1)" after "C" and by adding a new subparagraph to read as follows:

(2) If the proposed development is a public building to be erected by any agency of the Government of the District of Columbia within the boundaries of the central area of the District, as defined by concurrent action of the Commission and the District of Columbia Council, the Executive Director determines whether the proposed development is subject to Section 106 of Pub. L. 89–665, approved October 15, 1966 (16 U.S.C. 470 et seq.). If he so determines, the Executive Director will initiate procedures for compliance with section 106 of Pub. L. 89–665 at the time of initial submission. Before Commission action on final site and building plans pursuant to D.C. Code, sec. 5–428, procedures for compliance with section 106 shall be completed.

3. Subsection B. of section 2 of the Urban Renewal Requirements for Proposals (37 FR 7122) is amended by adding at the end thereof the following:

(7) *Historic Preservation Report.* A determination by the head or other authorized official of the Agency, or, with respect to proposals made by the Executive Director of the Commission, the Executive Director, as to whether the proposed urban renewal plan or modification(s) to an approved urban renewal plan is subject to section 106 of Pub. L. 89–665, approved October 15, 1966 (16 U.S.C. 470 et seq.). If he so determines, then he shall submit evidence that the procedures for compliance with section 106 of Pub. L. 89–665 have been completed.

DANIEL H. SHEAR,
Secretary.

MARCH 12, 1974.

[FR Doc.74–6276 Filed 3–18–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

REQUESTS FOR CLEARANCE OF REPORTS

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 14, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Instructions for the A–102 Application: Ethnic Heritage Program, Form OE–349, Single Time, Lowry, SEA's LEA's, Institutions of Higher Education, Public and Private Organizations.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Questionnaires RE: Evaluation of Type A and Computer Assisted Nutrient Standard Menus, Form ----, Single Time, Caywood, Students in Grade 5, School Lunch Managers.

DEPARTMENT OF COMMERCE.

Economic Development Administration, Application for Federal Assistance, Form ED–101, Occasional, Lowry, Applicants.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service: Public Health Service Applicant Evaluation Inquiry, Form PHS–3036, Occasional, Caywood, Persons with knowledge of applicants.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:

Beneficiary Information Report, Form SSA 9585, Single Time, Caywood, Staff in all State Mental institutions and schools for retarded.

State Mental Institution Policy Review, Form SSA 9584, Single Time, Caywood, Top staff of all State Mental institutions and schools for the retarded.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Information for the Wholesale Price Index, Form BLS 473C, Monthly, Raynsford, Petroleum Companies.

ENVIRONMENTAL PROTECTION AGENCY

1973 Survey of Needs for Municipal Wastewater Treatment Facilities, Form ----, Single Time, Ellett, Local authorities responsible for sewage collection and treatment.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: KWH Distribution Report—REA Borrowers, Form 334 and 334a, Occasional, Evinger (x), REA Electric Borrowers.

DEPARTMENT OF COMMERCE

Bureau of the Census:

Advance Letter for Non-Skip List Cases, Advance Letter for Potential Skip List, Forms CBR 4AS, CBR–4SL, Monthly, Hulett (x), Retail business firms in selected primary sampling units.

Census Current Business Report, Form CBR–3MNC, Monthly, Hulett (x), Retail business firms in selected primary sampling units.

Survey of Assessed Values, Form GP–33, Single Time, Ellett (x), State officials in charge of assessed values.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service: Terminal Report on Individual Trainee, Form OSH NIH–CA–15, Occasional, Evinger (x), Trainees supported by NCI Training Grants.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–6341 Filed 3–18–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70–5265]

ARKANSAS POWER AND LIGHT CO.

Proposal To Issue and Sell Notes to Banks and to Dealer in Commercial Paper; Exception From Competitive Bidding

Notice is Hereby Given that Arkansas Power & Light Company, Ninth and Louisiana Sts., Little Rock, Ark. 72203 ("Arkansas"), an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed two post-effective amendments to its previously amended declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 6(a) and 7 of the Act and rule 50(a)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the post-effective amendments, which are summarized below, for a complete statement of the proposed transactions.

By Order dated December 15, 1972 (Holding Company Act Release No. 17811), the Commission authorized Arkansas to issue and sell from time to time through May 31, 1974, unsecured short-term promissory notes (including commercial paper) to various commercial banks and/or a dealer in commercial paper, in an aggregate principal amount not exceeding $60 million outstanding at any one time of which not more than $40 million is to consist of commercial paper.

Arkansas now proposes to revise this program and to issue and sell from time to time through May 31, 1975, its unsecured short-term promissory notes (including commercial paper) to various commercial banks and/or a dealer in commercial paper in an aggregate principal amount outstanding at any one time of not more than $85 million, of which not more than $60 million will consist of commercial paper outstanding at any one time. As the notes mature, they will be renewed or to mature not later than February 28,1976) or be repaid out

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of funds generated internally or derived from sales of similar securities or long-term debt and/or equity securities.

Except as herein stated, the terms and conditions of the proposed borrowings are unchanged from those set forth in the amended declaration in this proceeding and authorized by the Commission's Order of December 15, 1972. While no commitments have been made, it is expected that the banks to which such notes will be issued and sold, and the maximum amount to be issued and outstanding at any one time to each such bank, will be substantially as follows:

Name of bank	Maximum amount to be borrowed
Arkansas Bank & Trust Co., Hot Springs, Ark	$825,000
The Commercial National Bank, Little Rock, Ark	800,000
First National Bank in Little Rock, Arkansas	4,000,000
First National Bank of Eastern Arkansas, Forrest City, Ark	320,000
First National Bank of Hot Springs, Hot Springs, Ark	500,000
Irving Trust Co., New York, N.Y.	750,000
Manufacturers Hanover Trust Co., New York, N.Y	25,000,000
National Bank of Commerce, Pine Bluff, Ark	1,000,000
Peoples Bank & Trust Co., Russellville, Ark	300,000
Republic National Bank of Dallas, Texas	5,000,000
Simmons First National Bank, Pine Bluff, Ark	9,000,000
Union National Bank, Little Rock, Ark	1,300,000
Worthen Bank & Trust Co., Little Rock, Ark	3,000,000
Total	51,795,000

It is stated that, except as set forth above, Arkansas will not effect borrowings from banks pursuant to these post-effective amendments until it shall have filed a further post-effective amendment hereto setting forth the name or names of the banks from which such other borrowings are to be effected and the amount thereof and such borrowings shall have been authorized by order of the Commissioner.

Arkansas maintains a working balance with each of the above-named Arkansas banks of approximately 10 percent of the above proposed borrowings, and states that if such balances were maintained solely to satisfy compensating balance requirements, the effective interest cost on such borrowings, assuming an 8.75 percent prime rate, would be 9.7 percent. The above named non-Arkansas banks may require compensating balances of 15 percent to 20 percent of the amount of outstanding loans from those banks. Assuming an 8.75 percent prime rate and a 20 percent compensating balance, the effective interest cost on loans from such banks would be 10.9 percent.

Except as herein provided, the terms and conditions of the issuance and sale of the commercial paper, including the arrangement with Salomon Brothers, as dealers, are unchanged from those set forth in the amended declaration in this proceeding and authorized by the Commission's Order of December 15, 1972.

The net proceeds from the proposed transactions, together with other funds available from time to time to Arkansas from its operations or derived from the issuance and sale of long-term and/or equity securities, will be applied to Arkansas' construction program which is expected to require expenditures of approximately $170 million in 1974, $193 million in 1975, and $242 million in 1976.

Arkansas also proposes that the authority heretofore granted in the Commission's Order to file Rule 24 certificates of notification regarding the issuance and sale of the notes and commercial paper on a quarterly basis be extended to cover the transactions proposed in these post-effective amendments.

It is stated that no special or separable fees, commissions or expenses will be incurred in connection with the proposed transactions. It is further stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 1, 1974, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendments to the previously amended declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the amended declaration, as further amended by these post-effective amendments, or as it may be further amended, may be permitted to become effective in the manner provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6261 Filed 3-18-74;8:45 am]

[File No. 500-1]

BRINCO, LTD.

Notice of Suspension of Trading.

MARCH 11, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Brinco, Ltd. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:45 p.m. e.d.t., March 11, 1974 through midnight e.d.t., March 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6293 Filed 3-18-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Notice of Suspension of Trading

MARCH 12, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½% debentures due 1990, 5½% convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 13, 1974 through March 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6294 Filed 3-18-74;8:45 am]

[70-5464]

GENERAL PUBLIC UTILITIES CORP.

Proposed Cash Capital Contributions to Subsidiary Companies

Notice is hereby given that General Public Utilities Corp., 80 Pine St., New York, N.Y. 10005 ("GPU"), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 12(b) of the Act and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

GPU proposes to make cash capital contributions, from time to time during the period ending December 31, 1974, to certain of its subsidiary companies of up to the following respective aggregate amounts:

Jersey Central Power & Light Co. ("JCP&L")	$35,000,000
Metropolitan Edison Co. ("Met Ed")	60,000,000
Pennsylvania Electric Co. ("Penelec")	30,000,000
Waterford Electric Light Co. ("Waterford")	100,000
Total	125,100,000

During 1974, JCP&L, Met Ed, Penelec, and Waterford will require an aggregate of approximately $500,125,000 for their various construction programs, $30,000,000 for the repayment of maturing long-term debt, and $7,000,000 for sinking fund purposes. The proposed capital contributions of $125,100,000 from GPU, internally generated cash aggregating approximately $80,025,000, and the proceeds (except in the case of Waterford) from proposed sales of first mortgage bonds, debentures, and preferred stock, plus, on an interim basis, the proceeds of bank borrowings, will be applied to these purposes.

The filing states that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions. GPU estimates that the fees and expenses in connection with the proposed transactions will be approximately $5,000.

Notice is further given that any interested person may, not later than April 1, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6262 Filed 3-18-74;8:45 am]

[File No. 500-1]

GRANBY MINING CO., LTD.

Notice of Suspension of Trading

MARCH 11, 1974.

The common stock of Granby Mining Co., Ltd. being traded on the Pacific Coast Stock Exchange and on the Philadelphia Baltimore Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Granby Mining Co., Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 12, 1974 through March 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6295 Filed 3-18-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Notice of Suspension of Trading

MARCH 12, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 13, 1974 through March 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6296 Filed 3-18-74;8:45 am]

[70-5472]

NEW ENGLAND POWER CO.

Proposed Amendment of By-Laws and Order Authorizing Solicitation of Proxies

MARCH 13, 1974.

Notice is hereby given that New England Power Company, 20 Turnpike Road, Westborough, Mass. 01581 ("NEPCO"), an electric utility subsidiary company of New England Electric System ("NEES"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, and 12(c) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

NEPCO proposes to amend its By-laws to increase from 1,000,000 to 1,500,000 shares the aggregate number of shares of Dividend Series Preferred Stock that may be issued without a vote of at least a majority of the total number of shares of said stock then outstanding. The amendment to the By-laws will require the affirmative vote of two-thirds of the now outstanding 6% Cumulative Preferred Stock and common stock voting as one class. NEES, which owns all of the outstanding common stock of NEPCO, has indicated that it will vote in favor of the amendment, thereby assuring such affirmative two-thirds vote. The amendment will also require the affirmative vote of two-thirds of the now outstanding 780,140 shares of Dividend Series Preferred Stock voting as one class. NEPCO deems it advisable that additional authorized shares of its preferred stock be made available to meet its needs for permanent financing occasioned by its substantial construction expenditures.

NEPCO intends to submit the proposed amendment to its stockholders for their approval at a special meeting of stockholders which is to be held on April 17, 1974, in lieu of the annual meeting. In connection therewith, NEPCO proposes, pursuant to Rule 62 under the Act, to solicit proxies from holders of its outstanding Dividend Series Preferred Stock to be voted at the annual meeting.

Expenses to be incurred in connection with the proposed transactions are estimated at $6,500, including services of the system service company, at cost, of $2,200. The declaration states that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

NEPCO has requested that the effectiveness of its declaration with respect to the solicitation of proxies from holders of its Dividend Series Preferred Stock be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than April 5, 1974, request in writing that a hearing be held with respect to the proposed amendment of the By-laws, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles

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from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that NEPCO's declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6297 Filed 3-18-74;8:45 am]

[70-5473]

NORTHEAST UTILITIES

Notice of Proposal To Increase Number of Shares of Authorized Common Stock; Order Authorizing Solicitation of Stockholders' Consent

MARCH 8, 1974.

Notice is hereby given that Northeast Utilities ("Northeast") 174 Brush Hill Ave., West Springfield, Mass. 01089, a registered holding company, has filed a declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

The Declaration of Trust of Northeast Utilities, which serves as Northeast's charter and bylaws, provides that the number of shares of authorized common stock is to be fixed by resolution of Northeast's stockholders. There are currently authorized 53 million shares of common stock, of which 45,876,693 shares are now outstanding. The common stock is Northeast's sole class of common stock. Northeast now proposes to increase the number of shares of authorized common stock to 75 million.

The amended declaration states that the construction program of Northeast's operating subsidiaries will require substantial additional financing over the next few years, which financing Northeast expects will be provided through sales of additional first mortgage bonds and preferred stock by the operating subsidiaries and of additional common stock by Northeast. Northeast currently contemplates issuing approximately 5 million shares of additional common stock in mid-1974, the proceeds of which will be used to make capital contributions to its operating subsidiaries and to reduce short-term borrowings of Northeast. The size and timing of any other future sales of common stock have not been fixed at this time, although Northeast states that, because of restrictions on the amounts of bonds and preferred stock which the operating subsidiaries are permitted to issue, it may be required to provide an increased portion of the financing needs through its own borrowings and sales of additional shares of common stock. Based on projections of financing requirements through 1978, Northeast states that it believes that the proposed increase in authorized common stock will prove sufficient to cover such financing needs over the next three to four year period.

The proposed increase in authorized common stock requires approval of two-thirds of the holders of the presently outstanding common stock. Approval will be sought for the proposal at Northeast's Annual Meeting to be held on April 23, 1974. Northeast proposes to solicit consents from its stockholders for use at such time. The relevant proxy materials have been filed with the Commission, and accelerated action thereon requested, pursuant to Rule 62.

The fees, commissions, and expenses incurred or to be incurred in connection with the proposed transaction will aggregate aproximately $2,500, which includes $1,500 for legal fees. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 2, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing to the Commission that the amended declaration, insofar as it pertains to the solicitation of the consent of Northeast's common stockholders should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the amended declaration regarding the proposed solicitation of the consent of Northeast's common stockholders be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6219 Filed 3-18-74;8:45 am]

[70-5350]

OHIO POWER CO.

Post-Effective Amendment Regarding Issue and Sale of Notes to Banks and Commercial Paper Dealers

MARCH 12, 1974.

Notice is hereby given that Ohio Power Company; 301 Cleveland Ave., SW., Canton, Ohio 44701 ("Ohio"), an electric utility subsidiary company of American Electric Power Company, Inc., a registered holding company, has filed a second post-effective amendment to its application in this proceeding pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the application, as now amended, for a complete statement of the proposed transactions.

By orders dated June 29, 1973, and September 18, 1973 (Holding Company Act Release Nos. 18018 and 18100), the Commission granted Ohio's application requesting that until December 31, 1974, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased to the extent necessary to cover the issuance and sale of notes to banks and to dealers in commercial paper up to $170,000,000 and not in excess of the maximum amount allowable under its Articles of Incorporation and as authorized by its preferred stockholders. Ohio now proposes to issue short-term notes to banks and commercial paper dealers in an aggregate amount not to exceed $215,000,000 outstanding at any one time, including short-term notes presently outstanding. The proposed notes will consist of (1) up to $28,165,000 of bank notes as previously authorized, (2) up to $20,000,000 of new demand notes as described below and (3) the previously authorized commercial paper which may now be issued in an aggregate amount of up to $215,000,000 less the amount of any short-term bank notes outstanding. The notes are to be issued from time to time prior to December 31, 1974, as funds are required, provided that none of the notes will mature later than June 30, 1975.

Ohio proposes to issue and sell its demand notes to the trust departments of Cleveland Trust Company, Cleveland, Ohio and Toledo Trust Company, Toledo, Ohio in maximum amounts of $10,000,000 each. It is stated that each of the bank trust departments has a flow of funds, as fiduciary for various accounts, which would be available for investment in such demand notes. These demand notes will be in the form of promissory notes in denominations of not less than $1,000 bearing an interest rate equivalent to the highest rate paid daily by General Motors Acceptance Corporation on its commercial paper with a maturity of less than 180 days. Notes issued from January 1 to June 30 will mature July 1 of the same year and those issued from July 1 to December 31 will mature on January 1 of the following year. The bank trust departments will have the right to demand payment at any time and Ohio will have the right to repay, without penalty, all or any part of the principal amount of such demand notes outstanding.

On January 14, 1974, the highest rate paid by General Motors Acceptance Corporation on its commercial paper with a maturity of less than 180 days was 9%. This rate was approximately ½% less than the rate at which Ohio was then able to issue commercial paper of comparable maturities and more than 1.5% below the effective rate for bank borrowings based on the current prime rate of 9¾% and compensating balances of 15% to 20%. Based on past experience, Ohio expects that the rate on these demand notes will consistently be lower than the comparable rates for commercial paper and bank borrowings including the effect of compensating balances.

Ohio proposes that certificates of notification under Rule 24 with respect to the issuance of Ohio's demand notes shall be filed quarterly as is presently done with respect to the issuance of Ohio's commercial paper.

No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 4, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6298 Filed 3-18-74;8:45 am]

[File No. 500-1]

PATTERSON CORP.

Suspension of Trading

MARCH 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Patterson Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 11, 1974 through March 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6258 Filed 3-18-74;8:45 am]

[File No. 500-1]

REPUBLIC NATIONAL LIFE INSURANCE CO.

Notice of Suspension of Trading

MARCH 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Republic National Life Insurance Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 9, 1974 through March 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6256 Filed 3-18-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INCORP.

Suspension of Trading

MARCH 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 9, 1974 through March 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6257 Filed 3-18-74;8:45 am]

[812-3590]

SCHOONER CAPITAL CORP.

Filing of Application Pursuant to Section 17(d) of the Act and Rule 17d-1 Thereunder

MARCH 13, 1974.

Notice is hereby given that Schooner Capital Corporation, 141 Milk Street, Boston, Massachusetts 02109 ("Applicant"), a Massachusetts corporation licensed as a small business investment company under the Small Business Investment Act of 1958, has applied for an order of the Commission, pursuant to section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d-1 thereunder, permitting Applicant to purchase $100,000 of convertible debentures of Fire Control Engineering Co. ("Fire Control"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

All of Applicant's stock is owned by Asset Purchase & Management Co. ("APM"), a limited partnership formed under the laws of Massachusetts. Vincent J. Ryan, Jr., the general partner of APM, is president, treasurer, and director of Applicant and owns an estimated 35% beneficial interest in Applicant's stock. Mr. Ryan is also a director of Inventure Capital Corporation ("Inventure"), registered under the Act as a closed-end, non-diversified management investment company, and was its president from 1967 until his resignation on January 9, 1973.

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James R. Kingsdale, a vice-president of Applicant since January, 1973, is a director of Fire Control.

Inventure owns 75,000 shares, or approximately 13.7% of the stock of Fire Control. It acquired these shares by purchasing 25,000 shares at $3 per share on June 9, 1970 and by converting its Fire Control debenture, also acquired on June 9, 1970, into 50,000 shares at $.50 per share in November, 1973. No public market exists for Fire Control's stock. On December 5, 1973, Inventure's stockholders voted to convert Inventure into an open-end investment company. The application states that the management of Inventure intends to reduce Inventure's holdings of restricted securities to not more than 10% of its net assets.

Applicant proposes to invest $100,000 in subordinated debentures of Fire Control convertible at $.50 per share into 200,000 shares. Fire Control currently has 546,618 shares of common stock outstanding. The proposed agreement restricts Fire Control's future borrowings and other corporate actions and requires Fire Control to maintain its net worth and working capital at specified levels. Applicant will be entitled to designate one member of Fire Control's board of directors and, in the case of default of the debentures, to designate a majority of Fire Control's board of directors, so long as the condition of default continues.

Under section 17(d) of the Act and Rule 17d–1 thereunder, it is unlawful for an affiliated person of an affiliated person of a registered investment company to effect any transaction in which such investment company is a joint or joint and several participant without the permission of the Commission. In passing upon applications for orders granting such permission, the Commission is required to consider whether the participation of the investment company in such joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies, and the purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants. Rule 17d–1(c) under the Act defines "joint enterprise or other joint arrangement or profit-sharing plan" to include any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of an affiliated person of such a company, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking, including, but not limited to, any stock purchase plan.

Under section 2(a)(3) of the Act, Applicant is an affiliated person of an affiliated person (Mr. Ryan) of a registered investment company (Inventure). Applicant believes that its proposed investment in Fire Control coupled with Inventure's existing investment in that company might be considered to be a joint enterprise or joint arrangement within the meaning of section 17(d) of the Act and Rule 17d–1 thereunder.

Applicant states that Inventure's board of directors has been informed of the investment opportunity in Fire Control and that Inventure's management has expressed no interest in making an additional investment in Fire Control. Applicant represents that, to the extent its investments in Fire Control would strengthen that company, Applicant would be increasing the potential marketability in Inventure's holdings of Fire Control's stock, thereby facilitating the attainment of Inventure's announced objective of reducing its portfolio of restricted securities.

Applicant further states that the per share conversion price of the Fire Control debentures proposed to be purchased by Applicant is the same as the price at which Inventure converted its Fire Control debentures in November 1973. Applicant also states that the granting of the application would be consistent with the provisions, policies and purposes of the Act, and that Inventure's participation would not be in a basis different from or less advantageous than that of Applicant.

Notice is further given, that any interested person may, not later than April 8, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–6299 Filed 3–18–74;8:45 am]

[File No. 500–1]

U.S. FINANCIAL INC.

Suspension of Trading

MARCH 8, 1974.

The common stock of U.S. Financial Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 10, 1974 through March 19, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–6260 Filed 3–18–74;8:45 am]

[Filed No. 500–]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

MARCH 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 11, 1974 through March 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–6259 Filed 3–18–74;8:45 am]

TARIFF COMMISSION

[337–L–71]

CERTAIN EYE TESTING INSTRUMENTS INCORPORATING REFRACTIVE PRINCIPLES

Notice of Complaint Received

The United States Tariff Commission hereby gives notice of the receipt on February 20, 1974, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by American Optical Corporation, of Southbridge, Massachusetts, alleging unfair methods of competition and unfair acts in the importation and sale of certain eye testing instruments incorporating refractive principles which are embraced within claim 8 of U.S. Patent No. 2,923,200 owned by the complainant. Topcon Instrument Company of America, Inc., 170 5th Avenue, New York, New York has been named as either importing or offering for sale the subject product.

In accordance with the provisions of § 203.3 of its Rules of Practice and Procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the issues raised in the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than April 26, 1974. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown thereon. Such information should be sent to the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: March 14, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc. 74–6306 Filed 3–18–74;8:45 am]

[337–L–59]

SNIPS AND SCISSORS

Notice of Dismissal of Preliminary Inquiry

On March 13, 1974, the U.S. Tariff Commission (Commissioner Leonard dissenting; Commissioner Young not participating) dismissed, without prejudice, preliminary inquiry No. 337–L–59, Snips and Scissors, due to the apparent absence of significant imports of the subject snips and scissors. The preliminary inquiry was instituted on the basis of a complaint filed with the Commission on February 20, 1973, by J. Wiss & Sons Company, Newark, New Jersey, alleging unfair methods of competition and unfair acts in the importation and/or sale of snips and scissors in the United States in violation of section 337 of the Tariff Act of 1930. Notice of the Commission's receipt of complaint and institution of the preliminary inquiry was published in the FEDERAL REGISTER on March 9, 1973 (38 FR 6449).

Issued: March 14, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–6305 Filed 3–18–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OFF LOUISIANA

Oil and Gas Lease Sale #33; Amendment

MARCH 18, 1974.

Reference is made to FEDERAL REGISTER Document 74–4525, appearing in the issue for Monday, February 25, 1974, at pages 7209–7212. The following tracts are deleted from the sale scheduled for March 28, 1974, pending further evaluation of the foundation conditions:

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 8

(Approved June 8, 1954; Revised April 28, 1966)

West Delta area

Tract No.	Block	Description	Acreage
33–165	78	S½	2500
33–166	86	N½	2500
33–167	87	N½	2500
33–168	109	(*)	3500.85

OFFICIAL LEASING MAP, LOUISIANA MAP NO. 9

(Approved June 8, 1954; Revised July 22, 1954; Revised April 28, 1966)

South Pass area

Tract No.	Block	Description	Acreage
33–169	17	(*)	1388.04
33–170	57 and South Pass, South Addition 77.	(*)	3007.52
33–171	58 and South Pass, South Addition 78.	(*)	2362.33
33–172	59	(*)	2564.19

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved:

JOHN C. WHITAKER,
Acting Secretary
of the Interior.

[FR Doc.74–6500 Filed 3–18–74;10:57 am]

Office of the Secretary

NATIONAL WILD AND SCENIC RIVERS SYSTEM

Notice That Allegheny River Does Not Qualify for Inclusion

Notice is hereby given in accordance with section 7(b)(1) of the Wild and Scenic Rivers Act, Public Law 90–542, October 2, 1968, that the Secretary of the Interior has concluded, on the basis of study, that the Allegheny River, Pennsylvania, should not be included in the National Wild and Scenic Rivers System.

Dated: January 23, 1974.

ROGERS C. B. MORTON,
Secretary of the Interior.

[FR Doc.74–6222 Filed 3–18–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 467]

ASSIGNMENT OF HEARINGS

MARCH 14, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after March 19, 1974.

MC 107456 Sub 21, Harry L. Young and Sons, Inc., and MC 129631 Sub 39, Pack Transport, Inc., now assigned April 8, 1974, at Boise, Idaho, will be held at the Holiday Inn, 3300 Vista Avenue, instead of Room 395 Federal Bldg., 550 West Fort Street.

MC 82007 Sub-7, Samuel Cooper Gregg, now assigned March 18, 1974, at Wilmington, Delaware, is cancelled and application dismissed.

MC–1668, Sub 5, Riteway Express, now assigned March 25, 1974, at New York, N.Y., is postponed indefinitely.

MC–124211 Sub 234, Hilt Truck Line, Inc., now assigned April 1, 1974, at Chicago, Ill., is postponed indefinitely.

MC–108937 Sub 39, Murphy Motor Freight Lines, Inc., now assigned May 6, 1974, at St. Paul, Minn., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–6284 Filed 3–18–74;8:45 am]

[No. AB–1 (Sub-No. 15 and 17)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment of Line; Correction

Upon consideration of the record in the above-entitled proceedings and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings, because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq.; and good cause appearing therefore:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Rock and Jefferson Counties, Wis., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of

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the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 21st day of February, 1974.

By the Commission, Commissioner Deason.

[SEAL] ROBERT L. OSWALD, *Secretary.*

No. AB–1 (Sub-No. 17)

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN BELOIT AND EVANSVILLE, WIS., AND BETWEEN AFTON AND JANESVILLE, WIS.

No. AB–1 (Sub-No. 15)

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN JANESVILLE AND FORT ATKINSON, WIS.

The Interstate Commerce Commission hereby gives notice that by order dated February 21, 1974, it has been determined that the proposed abandonments of the lines of the Chicago and North Western Transportation Company between Beloit and Evansville, Wis., (23 miles), Afton and Janesville, Wis. (5 miles), and Janesville and Fort Atkinson, Wis. (15.1 miles), if approved by the Commission, would not constitute a major Federal action significantly the quality of the human environment within the meaning of the National Environmenal Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4322(2)(C) of the NEPA.

It was concluded, among other things, that alternate rail service will continue to be available to most of the major stations along the line, with the possible exception of Footville. The abandonments are not important factors in the long-range development plans for the general area and are consistent with local land use plans in Wisconsin. Applicant has expressed a willingness to accept conditions upon any grant of authority in order to mitigate any adverse effects which might occur. The right-of-way of the rail line, if the abandonment is approved, is ideally suited for such recreational uses as a public bike and hiking trail. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 3, 1974.

[FR Doc.74–6283 Filed 3–18–74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 14, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 3, 1974.

FSA No. 42816—*Grain and Grain Products to Kansas City, Missouri.* Filed by Great Plains Railway Company (No. 2), for itself and interested rail carriers. Rates on grain and grain products, in carloads, as described in the application, from specified points in Nebraska, to Kansas City, Missouri.

Grounds for relief—Carrier competition and rate relationship.

Tariffs—Supplement 16 to Union Pacific Railroad Company tariff 3159–I, I.C.C. No. 5745, and other schedules listed in the application. Rates are published to become effective on April 10, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–6286 Filed 3–18–74;8:45 am]

[Notice No. 46]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 8, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75000. By order of March 14, 1974, the Motor Carrier Board approved the transfer to Nebraska Beef Express, Inc., Ralston, Nebr., of Permit No. MC–134114 (Sub-No. 1) issued to Elmer Wilson, doing business as Nebraska Beef Express, Ralston, Nebr., authorizing the transportation of meat, meat products, and meat byproducts, from Omaha, Nebr., to points in Cook and Du Page Counties, Ill., Cedar Rapids, and Waterloo, Iowa, and Milwaukee, Kenosha, Madison, and Green Bay, Wis. Mr. Arlyn L. Westergren, Attorney at Law, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106.

No. MC–FC–75006. By order of March 13, 1974, the Motor Carrier Board approved the transfer to Maplewood Transfer & Storage Co., Millburn, N.J., of Certificates Nos. MC–4186, MC–4186 (Sub-No. 1), and MC–4186 (Sub-No. 2) issued January 10, 1963, November 7, 1966, and May 3, 1968, respectively, to Edgar Rimback, doing business as Maplewood Transfer & Storage Company, Millburn, N.J., authorizing the transportation of household goods, between points in New Jersey, on the one hand, and, on the other, points in Connecticut, New York, and Pennsylvania; between points in five counties in New Jersey, on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, and the District of Columbia; and between Millburn, N.J., and points in New Jersey within 10 miles of Millburn on the one hand, and, on the other, New York, N.Y., and points in New Jersey and Pennsylvania. Mr. Robert B. Pepper, Registered Practitioner, 168 Woodbridge Avenue, Highland Park, N.J. 08904.

No. MC–FC–75013. By order entered March 13, 1974, the Motor Carrier Board approved the transfer to Grandview Enterprises, Inc., Portland, Oreg., of the operating rights set forth in Permits Nos. MC–128355 (Sub-No. 3) and MC–128355 (Sub-No. 4), issued November 24, 1970, and December 2, 1970, respectively, to Hurliman Trucking Company, a Corporation, San Jose, Calif., authorizing the transportation of automobile and truck parts and accessories, from Chicago and Rockford, Ill., East Chicago and Nappanee, Ind., Davenport, Iowa, Baltimore, Md., Detroit, Grand Rapids, Lansing, Saginaw, and Wyandotte, Mich., Cleveland and Toledo, Ohio, and Milwaukee, Wis., to Grants Pass and Portland, Oreg.; and from Romulus, Mich., Elkhart and Madison, Ind., Quincy and Flora, Ill., Akron and Whitehouse, Ohio, and Dallas, Tex., to Grants Pass and Portland, Oreg., under a continuing contract, or contracts with Auto Wheel Service, Inc. Earle V. White, 2400 SW. Fourth Ave., Portland, Oreg. 97201, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–6285 Filed 3–18–74;8:45 am]

[Notice No. 34]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 1, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published

in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specified as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 26396 (Sub-No. 118 TA), filed February 15, 1974. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Charlotte Vicars (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beehive lumber and beekeeping equipment*, from Polson, Mont., to the International Boundary line between the United States and Canada located at Montana and North Dakota, for 180 days. SUPPORTING SHIPPER: Western Bee Supplies, Inc., P.O. Box 8, Polson, Mont. 59860. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 41406 (Sub-No. 37 TA), filed February 20, 1974. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: William J. Walsh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Granite City and E. St. Louis, Ill., and St. Louis, Mo., to points in Iowa and Missouri and those in the Kansas City, Kans., Commercial Zone, for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority in MC 41406 and Subs 18, 27, and 29 at St. Louis, Mo. SUPPORTING SHIPPER: Granite City Steel Division of National Steel Corporation, 20th & State Street, Granite City, Ill. 62040. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 64932 (Sub-No. 524 TA), filed February 21, 1974. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins, styrenes, anhydrides, alcohols, and glycols*, liquid, in bulk, in tank vehicles, from the plantsite of Marco Chemical at Jacksonville, Ark., to points in Colorado, Iowa, North Carolina, and South Carolina, for 180 days. SUPPORTING SHIPPER: Mr. Jules P. Augsdorfer, Vice President-Marketing, Marco Chemical Division, W. R. Grace & Co., 1711 West Elizabeth Ave., Linden, N.J. 07036. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 64932 (Sub-No. 525 TA), filed February 21, 1974. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemical waste products*, in bulk, in tank vehicles, from Warrick, Ind., to Chicago, Ill., for 90 days. SUPPORTING SHIPPER: Mr. James E. Carr, Corporate Traffic Manager, Nalco Chemical Company, 180 N. Michigan Ave., Chicago, Ill. 60601. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 108859 (Sub-No. 60 TA), filed February 11, 1974. Applicant: CLAIRMONT TRANSFER CO., 1803 Seventh Avenue North, Escanaba, Mich. 49829. Applicant's representative: John L. Bruemmer, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Sault Ste. Marie, Mich., to Warsaw, Ind., and Louisville, Ky., for 180 days.

NOTE.—Applicant intends to tack with present authority between the United States-Canada boundary line at or near Sault Ste. Marie, Ontario. It intends to interline at the two destination points. SUPPORTING SHIPPER: Abitibi Paper Company, Ltd., Toronto-Dominion Centre, Toronto, Ontario, M5K 1B3. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 110420 (Sub-No. 702 TA), filed February 14, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: Fred H. Figge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aqua ammonia* (with additives); and (2) *spent aqua ammonia*, in bulk, in tank vehicles, (1) from Union, Ill., to Calumet, Mich.; Cambridge, Ohio; Northfield, Minn.; and Eau Claire, Wis.; and (2) from Calumet, Mich.; Northfield, Minn.; Cambridge, Ohio; and Eau Claire, Wis., to Joliet and Union, Ill., for 180 days. SUPPORTING SHIPPER: Southern California Chemical Co., Inc., P.O. Box 432, Union, Ill. 60180 (John E. Radigan, Plant Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111231 (Sub-No. 184 TA), filed February 19, 1974. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicant's representative: James B. Blair, 111 Holcomb Street, P.O. Box 869, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Carter County, Mo., to points in Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, Tennessee, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Risby Pallet & Lumber Company, Inc., Box 125, Elsinore, Mo. 63937. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 111729 (Sub-No. 419 TA), filed February 20, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Payroll checks and management reports*, between Indianapolis, Ind., and Hamilton, Mich.; (2) *business papers, records, audit and accounting media of all kinds*, between Bluefield, W. Va., on the one hand, and, on the other, Cumberland, Md.; Coeburn, Norfolk, Richmond, Roanoke, and Salem, Va.; Kingsport, Tenn.; Cincinnati, Cleveland, Columbus, Dayton, Hopedale, Toledo, and Youngstown, Ohio; and Monroeville, Pa.; and (3) *computer parts, business machine parts, assemblies and supplies pertaining thereto*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds, from one consignor to one consignee on any one day; (a) from Pittsburgh, Pa., to Clarksburg, Fairmont, and Morgantown, W. Va.; and (b) from Cleveland, Ohio, to Clarksburg, Fairmont, and Morganville, W. Va., and McKeesport and Monroeville, Pa., for 180 days. SUPPORTING SHIPPERS: Bluefield Supply Company, 100 Bluefield Ave., Bluefield, W. Va.; American Fletcher Sharedata, 450 East Washington Street, Indianapolis, Ind. 46204; IBM, P.O. Box 10, Princeton, N.J. 08540. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112750 (Sub-No. 307 TA), filed February 20, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency and negotiable securities), as are used in the business of banks and banking institutions, (1) between Bettendorf, Cedar Rapids, Council Bluffs, Davenport, Des Moines, Dubuque, Fort Dodge, Mason City, Sioux City, and Waterloo, Iowa, and Omaha, Nebr., on the one hand, and, on

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the other, Sioux Falls, S. Dak., La Crosse, Wis., and points in Blue Earth, Brown, Cottonwood, Dakota, Dodge, Faibault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Jackson, Le Sueur, Martin, Mower, Murray, Nicollet, Nobles, Olmsted, Pipestone, Ramsey, Rice, Rock, Scott, Steele, Wabash, Waseca, Watonwan, and Winona Counties, Minn.; and (2) between points in Missouri and Cairo, Ill., on the one hand, and, on the other, Memphis, Tenn., for 90 days. SUPPORTING SHIPPERS: First National Bank, 55 N. Danny Thomas, Memphis, Tenn.; and Northwest Computer Services, Inc., Lincoln Bank Building, P.O. Box B–1397, Minneapolis, Minn. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 119777 (Sub-No. 287 TA), filed February 22, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L" Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particle board*, from the plantsite of Temple Industries, Inc., at or near Thomson, Ga., to points in Florida, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, Alabama, and Mississippi, for 180 days. SUPPORTING SHIPPER: Mr. Jack H. Hollingsworth, Production Manager, Temple Industries, Inc., Diboll, Tex. 75941. SEND PROTESTS TO: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, Ky. 40202.

No. MC 124328 (Sub-No. 59 TA), filed February 20, 1974. Applicant: BRINK'S INCORPORATED, 234 E. 24th Street, Chicago, Ill. 60616. Applicant's representative: J. G. O'Keefe, O'Hare Plaza, Suite 650, 5725 E. River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Nobel metals*, between Winslow, N.J., Shreveport (Brian), La., and Tulsa, Okla., for 180 days. SUPPORTING SHIPPER: Automotive Products Division of Universal Oil Products Company, 2425 Dempster Street, Des Plaines, Ill. 60016. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Chicago, Ill. 60604.

No. MC 124965 (Sub-No. 3 TA), filed February 20, 1974. Applicant: OIL TRANSPORT, INC., 4419 Bainbridge Boulevard, Chesapeake, Va. 23320. Applicant's representative: Blair P. Wakefield, Suite 1001, First & Merchants National Bank Bldg., Norfolk, Va. 23510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, from the plant site of Foster Grant Co., Inc., at Chesapeake, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia, for 180 days. SUPPORTING SHIPPER: Foster Grant Co., Inc., 289 North Main Street, Leominster, Mass. 01453. SEND PROTESTS TO: District Supervisor Clatin M. Harmon, Bureau of Operations, Interstate Commerce Commission, 10–502 Federal Bldg., Richmond, Va.

No. MC 127577 (Sub-No. 6 TA), filed February 20, 1974. Applicant: D. DONNELLY LIMITED, 191 Murray Street, Montreal 102, Quebec, Canada. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, N.Y. 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in dump vehicles, from Solvay and Syracuse, N.Y., to ports of entry on the International Boundary line between the United States and Canada at or near Alexandria Bay and Champlain, N.Y. RESTRICTED to traffic having an immediate subsequent movement in foreign commerce, for 180 days. SUPPORTING SHIPPER: Allied Chemical Canada, Ltd., 237 Hymus Blvd., Pointe Claire, Quebec, Canada. SEND PROTESTS TO: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 127577 (Sub-No. 7 TA), filed February 20, 1974. Applicant: D. DONNELLY LIMITED, 191 Murray Street, Montreal, 102, Quebec, Canada. Applicant's Representative: W. Norman Charles, 80 Bay Street, Glens Falls, N.Y. 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in bulk, in dump vehicles, from ports of entry on the International Boundary line between the United States and Canada at or near Alexandria Bay and Champlain, N.Y., to Pittsburgh, Pa. RESTRICTED to traffic having an immediate prior movement in foreign commerce, for 180 days. SUPPORTING SHIPPER: Quebec Iron & Titanium Corporation, P.O. Box 560, Sorel, Quebec, Canada. SEND PROTESTS TO: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 133233 (Sub-No. 27 TA), filed February 20, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER INTERPRISES, 805 32d Ave., P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, fittings, and accessories therefor*, from points in Pottawattamie County, Iowa, to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Kansas, Michigan, Missouri, Montana, Nebraska, Nevada, New Mexico, Ohio, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, under continuing contract or contracts with Griffin Pipe Products Co., for 90 days. SUPPORTING SHIPPER: Griffin Pipe Products Co., John A. Keenan, General Traffic Mgr., 2000 Spring Road, Oak Brook, Ill. 60521. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 N. 14th St., Omaha, Nebr. 68102.

No. MC 133828 (Sub-No. 1 TA), filed February 21, 1974. Applicant CASAZZA TRUCKING COMPANY, 1250 Glendale Road, Sparks, Nev. 89431. Applicant's representative: Earl Casazza (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, M.C.C. 209 and 766 and *excavating and logging machinery and equipment*, the transportation of which because of size or weight requires the use of special equipment, between points in Alameda, Butte, Calavaras, Contra Costa, Inyo, Marin, Napa, Plumas, Sacramento, San Mateo, San Joaquin, Santo Clara, Solano, Sonoma, Sutter, Tuolumne and Yuba Counties, Calif., and Churchill and Pershing Counties, Nev., and those in a Washoe County, Nev., on and north of U.S. Highway 40 (Interstate Highway 80), for 180 days.

NOTE.—Applicant proposes to tack the applied for authority with existing authority in MC 133828 at points in Nevada and California.

SUPPORTING SHIPPERS: Graid Equipment Company, 3005 Mill Street, Reno, Nev. 89502; Nevada Tractor Company, 1360 Kleppe Lane, Sparks, Nev.; Pioneer Equipment Company of Nevada, Inc., 525 Kletzke Lane, Reno, Nev. 89502; Case Power & Equipment, 2620 E. 5th St., Reno, Nev. 89502; Cashman Equipment Co., 600 Glendale Road, Sparks, Nev. 89431; and Clarklift-West, Inc., 3781 Mill Street, Reno, Nev. 89502. SEND PROTESTS TO: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operations, Room 203, Federal Building, 705 N. Plaza Street, Carson City, Nev. 89701.

No. MC 133966 (Sub-No. 31 TA), filed Februafy 19, 1974. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys, games, and outdoor swing sets*, from Wilkes-Barre, Pa., to points in Massachusetts, New Jersey, New York, and Ohio, for 150 days. SUPPORTING SHIPPER: Roth American, Inc., 356 N. Pennsylvania Avenue, Wilkes-Barre, Pa. 18703. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 135170 (Sub-No. 2 TA), filed February 19, 1974. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representatives: Hardman, Burke, Kerwin & Towle, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, and accessories and materials, equipment and supplies* used in connection with the manufacture, sale, and distribution of containers, from Philadelphia, Pa., and Baltimore, Md., to Suffolk, Va., and Portsmouth, Va., for 180 days. SUPPORTING SHIPPER: Mr. R. P. Edwards, Asst. Transportation Manager—Operation, American Can Company, American Lane, Greenwich, Conn. 06830. SEND PROTESTS TO: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 135874 (Sub-No. 36 TA), filed February 20, 1974. Applicant: LTL PERISHABLES, INC., 132d & "Q" Streets, Mlg: P.O. Box 37468, 68152, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, Suite 530 Univac Bldg., 7100 West Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and warehouse facilities of the Kitchens of Sara Lee located at Chicago and Deerfield, Ill., to Hutchinson, Wichita, Topeka, Smith Center, Kans., and the Kansas City, Kans.-Kansas City, Mo., commercial zones, for 180 days. SUPPORTING SHIPPER: Kitchens of Sara Lee, Charles G. Sladek, Traffic Services Supervisor, 500 Waukegan Road, Deerfield, Ill. 60015. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza, Omaha, Nebr. 68102.

No. MC 138429 (Sub-No. 7 TA), filed February 21, 1974. Applicant: ASI, INC., P.O. Box 10444, Jacksonville, Fla. 32207. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is marketed by home products distributors from Atlanta, Ga., to points in Florida, South Carolina, North Carolina, Virginia, West Virginia, Tennessee, Alabama, and Mississippi, for 180 days. SUPPORTING SHIPPER: Amway Corporation, 100 Wheaton Drive, Atlanta, Ga. 30336. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 138938 (Sub-No. 1 TA), filed February 13, 1974. Applicant: MID AMERICA MOVERS, INC. 225 So. Franklin, Junction City, Kans. 66441. Applicant's representative: Paul V. Dugan, 2707 W. Douglas, Wichita, Kans. 67213. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied luggage*, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization of unpacking, uncrating, and decontainerization of such traffic, between Junction City, Fort Riley, Kans., on the one hand, and points in Clay, Geary, Dickinson, Marshall, Pottawatomie, Washington, Riley, and Morris Counties Kans., on the other, for 180 days. SUPPORTING SHIPPER: Department of Defense, Procurement Office, Fort Riley, Kans. 66442. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

NOTE.—Applicant does not intend to tack the authority here applied for to another authority held by it or to interline with other carriers.

No. MC 139480 (Sub-No. 1 TA), filed Februray 19, 1974. Applicant: HAROLD WARNKE, P.O. Box 1026, Mitchell, S. Dak. 57301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from Mitchell, S. Dak., to Rochester, Minn.; Melrose Park, Ill.; and Brooklyn, N.Y., for 180 days. SUPPORTING SHIPPER: Dakota Cheese, Inc., 519 S. Sanborn, Mitchell, S. Dak. 57301 (James J. Dee, President). SEND PROTESTS TO: District Supervisor J. L. Hammond. Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 139524 TA, filed February 21, 1974. Applicant: STU'S UNLOADING SERVICE, INC., 9145 Blakeland Road, Littleton, Colo. 80210. Applicant's representative: Robert G. Shepherd, Jr., Suite 1212, United Bank Center, 1700 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor decking, wood beams and arches, architectural paneling, plywoood, lumber, roof decking, steel bulb tees, and hardboard siding*, from the railhead in Englewood, Colo., to sites of construction projects in Colorado, for 180 days. SUPPORTING SHIPPERS: Colorado Plywood Company, 4001 Holly Street, Denver, Colo. 80216; Riebe & Associates, Inc., 2170 S. Delaware St., Denver, Colo. 80223; Metropolitan Lumber Company, Box C, Basalt, Colo. 81621; and General Building Service & Supply, Inc., 1736 Boulder Street, Denver, Colo. 80211. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 139528 TA, filed Februray 22, 1974. Applicant: SCOVILLE OIL COMPANY, P.O. Box 248, London, Ky. 40741. Applicant's representative: Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Gasoline*, in bulk, in tank vehicles, from Knoxville, Tenn., to London, Corbin, Livingston, and Mt. Vernon, Ky.; and (2) *Nos. 1 and 2 fuel oil*, in bulk, in tank vehicles, from Knoxville, Tenn., to London, Ky. for 180 days. SUPPORTING SHIPPER: E. G. Curry, President, Curry Oil Company, P.O. Box 26, London, Ky. 40741. SEND PROTESTS TO: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 139529 TA, filed February 22, 1974. Applicant: C. J. PERRY TRUCKING, 3639 Depot Road, Hayward, Calif. 94540. Applicant's representative: Haradon M. Dillon, 1970 Broadway, Golden West Tower, Oakland, Calif. 94612. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Fabricated structural steel, related accessories and equipment* for The Herrick Corporation of Hayward, Calif., a structural steel supplier and erector. Applicant requests temporary authority to operate from Hayward, Calif., to a construction site located in Nevada approximately one mile northeast of the California-Nevada State line on U.S. Highway 50, South Lake Tahoe, Nev., which project will commence on April 1, 1974, and continue for approximately six months. Applicant plans to use Interstate Route 580 and U.S. Highway 50 between Hayward, Calif., and the job site in Nevada, for 180 days. SUPPORTING SHIPPER: The Herrick Corporation, 25450 Clawiter Road, Hayward, Calif. SEND PROTESTS TO: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

MOTOR CARRIERS OF PASSENGERS

No. MC 139527 TA, filed February 21, 1974. Applicant: M.E.M. ENTERPRISES, INC., 216 South Third Ave., P.O. Box 2304, Yakima, Wash. 98902. Applicant's representative: Richard R. Greiner, 115 North Fourth Avenue, Box 2792, Yakima, Wash. 98902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special operations, in round trips sightseeing and pleasure tours, beginning and ending at points in Kittitas, Benton, Yakima, and King Counties, Wash., and extending to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Colorado, New Mexico, Texas, and Wyoming, including International Border crossing points, between the U.S. and Canada at points in Washington and Idaho, for 180 days. SUPPORTING SHIPPER: Luxury Travel Club, P.O. 2304, Yakima, Wash. 98902. SEND PROTESTS TO: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer

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Courthouse, 555 SW. Yamhill St., Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6288 Filed 3-18-74;8:45 am]

[No. AB-69 (Sub-No. 1); Finance Docket No. 27406]

WESTERN MARYLAND RAILWAY CO., ET AL.

Abandonment of Line

Upon consideration of the record in the above-entitled proceedings and of a staff-prepared threshold environmental assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings, because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Evnronmental Policy Act of 1969, 42 U.S.S. §§ 4321 et seq., and good cause appearing therefore:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in newspapers of general circulation in Mineral and Morgan Counties, W. Va., Allegany and Washington Counties, Md., and Somerset and Fayette Counties, Pa., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 5th day of March 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

No. AB-69 (Sub-No. 1)

WESTERN MARYLAND RAILWAY COMPANY ABANDONMENT OF PORTIONS OF ITS LINE OF RAILROAD BETWEEN TONOLOWAY, MD., AND CONNELLSVILLE, PA. AND BETWEEN RIDGELY, W. VA., AND DAWSON, MD.

Finance Docket No. 27406

WESTERN MARYLAND RAILROAD COMPANY, THE BALTIMORE AND OHIO RAILROAD COMPANY, AND THE BALTIMORE AND OHIO RAILROAD COMPANY IN PENNSYLVANIA APPLICATION FOR WESTERN MARYLAND RAILROAD COMPANY TO ACQUIRE TRACKAGE RIGHTS OVER THE LINE OF THE BALTIMORE AND OHIO RAILROAD COMPANY AND THE BALTIMORE AND OHIO RAILROAD COMPANY IN PENNSYLVANIA BETWEEN CHERRY RUN, W. VA., AND CONNELLSVILLE, PA., AND BETWEEN CUMBERLAND, MD., AND WEST VIRGINIA CENTRAL JUNCTION, W. VA.

The Interstate Commerce Commission hereby gives notice that by order dated March 5, 1974, it has been determined that the proposed abandonment of portions of the line of railroad of the Western Maryland Railway Company between Tonoloway, Md., and Connellsville, Pa., and between Ridgely, W. Va., and Dawson, Md., and distance of approximately 116.55 miles, and the application for Western Maryland Railway Company to acquire trackage rights of the line of railroad of the Baltimore and Ohio Railroad Company and the Baltimore and Ohio Railroad Company in Pennsylvania between Cherry Run, W. Va., and Connellsville, Pa., and between Cumberland, Md., and West Virginia Central Junction, W. Va., a distance of 184.40 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321 et seq., and between Cumberland, Md., and West mental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that inasmuch as the traffic moving over the Western Maryland line will be diverted to the nearby parallel tracks of the Baltimore and Ohio (under the trackage rights agreement), there would be no significant effect on the area's transportation scheme. Approval of the abandonment will facilitate the sale of the Western Maryland right-of-way to a number of public and private groups interested in using the land for conservation and recreational purposes. Furthermore, failure to remove the line will necessitate construction of a railroad tunnel under a new runway to be constructed at the Cumberland Municipal Airport, and it will necessitate construction of a highway underpass near Ohio Pyle, Pa. Approval of these applications will, therefore, be consistent with local and regional land use plans. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 3, 1974.

[FR Doc.74-6287 Filed 3-18-74;8:45 am]

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federal register

TUESDAY, MARCH 19, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 54

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

IMPLEMENTATION OF THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER A—GENERAL

PART 4—IMPLEMENTATION OF THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, became effective January 2, 1971. Its purpose is to provide uniform and equitable land acquisition policies and relocation assistance for displaced persons in connection with Federal or federally-assisted programs.

Pursuant to section 213 of the Act, the Environmental Protection Agency issued interim regulations on August 24, 1971 (36 FR 16626). Although invited, no comments were recieved concerning the interim regulations. Since their publication, the Office of Management and Budget has issued Guidelines for Implementation of the Act (OMB Circular A-103, May 1, 1972). These revised regulations have been based on those guidelines. Additionally, these regulations reflect the Agency's experience to date in implementing the Act and reflect the results of coordination with other Federal agencies to achieve uniformity in implementation.

Pursuant to Office of Management and Budget Circular A-85, "Consultation with heads of State and local governments in development of Federal regulations," the regulations have been reviewed by State and local organizations through the Advisory Commission on Intergovernmental Relations (ACIR). As a result of the single comment received following the ACIR review, regulation 4.600 has been revised to indicate that the acquisition of easements is subject to the policies and procedures governing land acquisition.

These regulations supersede those published as interim regulations August 24, 1971. Interested parties are encouraged to submit written comments concerning the regulations to the Director, Grants Administration Division, Environmental Protection Agency, Washington, D.C. 20460. All submissions received before July 1, 1974, will be considered prior to promulgation of the final regulations and will be available for examination in Room W437E, Waterside Mall West, 401 M Street, SW., Washington, D.C.

Effective date. The interim regulations of this part shall become effective March 19, 1974.

JOHN QUARLES,
Acting Administrator.

MARCH 7, 1974.

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AUTHORITY: Sec. 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646 (84 Stat. 1894).

Subpart A—General

§ 4.100 Purpose and policy.

(a) This part implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which provides for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally-assisted projects and establishes uniform and equitable land acquisition policies for Federal and federally-assisted programs.

(b) In implementing the Act, it is the policy of the Environmental Protection Agency to deal consistently and fairly with all persons whose property is taken for public projects and all persons who are displaced from their homes, businesses or farms.

§ 4.101 Applicability.

This part applies to EPA projects and to EPA assisted projects which after January 1, 1971, cause the displacement of persons or the acquisition of real property.

§ 4.102 Definitions.

As used in this part—

§ 4.102-1 The Act.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646 (84 Stat. 1894) approved January 2, 1971.

§ 4.102-2 Administrator.

The Administrator of the Environmental Protection Agency or his designee.

§ 4.102-3 Business.

A lawful activity, other than a farm operation, conducted primarily,

(a) For the purchase, sale, lease, or rental of personal and real property, or the manufacture, processing, or marketing of products, commodities, or other personal property;

(b) For the sale of services to the public;

(c) By a nonprofit organization; or

(d) Solely for the purposes of section 202(a) of the Act, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted. Section 202(a) provides entitlement to payment for actual reasonable moving and related expenses.

§ 4.102-4 Displacing agency.

The Environmental Protection Agency in the case of an EPA project or a State agency (§ 4.102-14) in the case of a project receiving financial assistance from EPA.

§ 4.102-5 Dwelling.

The place of permanent or customary and usual abode of a person. It includes a single family building, a one-family unit in a multifamily building, a unit of a condominium or co-operative housing project, and any other residential unit, including a mobile home, which is either considered to be real property under State law or which cannot be moved without substantial damage or unreasonable cost.

§ 4.102-6 Economic rent.

The amount of rent a displaced homeowner or tenant would have to pay for a comparable dwelling in an area similar to the neighborhood in which the displacement dwelling is located.

§ 4.102-7 Family.

Two or more individuals who are related by blood, adoption, marriage, or legal guardianship who live together as a family unit. Others who live together as a family unit may be treated as if they were a family, upon determination by the Administrator.

§ 4.102-8 Farm operation.

A lawful activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing those products or commodities in sufficient quantity to be capable of providing at least one-third of the operator's income. Where such operation is obviously a farm operation, however, it need not contribute one-third to the operator's income for him to be eligible for relocation payments.

§ 4.102-9 Federally assisted.

With respect to States or State agencies, assisted by a contract, grant, loan, or contribution by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

§ 4.102-10 Initiation of negotiations.

The date on which the displacing agency makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase real property.

§ 4.102-11 Mortgage.

A lien commonly given to secure an advance on, or the unpaid purchase price of, real property under the laws of the State in which real property is located, together with any credit instruments secured thereby.

§ 4.102-12 Owner.

A person who holds fee title, a life estate, a 99-year lease, or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any such estate or interest, or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the Administrator, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

§ 4.102-13 Person.

Any individual, partnership, corporation or association.

§ 4.102-14 State agency.

A department, public body, agency or instrumentality of a State or of a political subdivision of a State, or any department,. agency or instrumentality of two or more States or of two or more political subdivisions of a State or States, the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency.

§ 4.102-15 Tenant.

An individual or family who rents, or is temporarily in lawful possession of a dwelling, including a sleeping room.

§ 4.103 Displaced person; qualifications.

(a) Subject to the exceptions of paragraphs (d) and (e) of this section, a person qualifies as a displaced person if, after January 1, 1971, he moves from real property, or moves his personal property from real property, as a result of the acquisition of that real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by EPA or with EPA financial assistance.

(b) A person who moves from real property, or moves his personal property from real property, as a result of the acquisition of, or the written order of the acquiring agency to vacate, other real property on which such person conducts a business or farm operation (and the acquisition of that other real property is for an EPA or EPA-assisted project) is a displaced person solely for the purposes of sections 202(a), 202(b) and 205 of the Act. Those sections provide for entitlement to payment for moving and related expenses and to relocation assistance advisory services.

(c) A person may qualify as a displaced person regardless of:

(1) Whether the property is acquired by EPA or by a State agency receiving assistance from EPA;

(2) The name or status of the person who acquires or holds fee title to the property; or

(3) Whether EPA funds contribute to the payment for the property, if the property must be acquired for an EPA or EPA-assisted program or project.

(d) A person, other than the former owner or tenant, who enters into rental occupancy of real property after its ownership passes to the displacing agency, does not qualify as a displaced person for purposes of this part.

(e) A person who enters into occupancy of real property after the initiation of negotiations for that property or after the issuance of a notice of intent to acquire that property by a given date, does not qualify as a displaced person for purposes of this part.

§ 4.104 Appeals.

(a) *EPA administered projects.* Any person aggrieved by a determination made by EPA, in connection with an EPA project or program, concerning the eligibility for, or amount of, any payment to such person under the regulations in this part, may appeal to have his application reviewed by the Administrator. Appeals shall be submitted in writing and addressed to the Administrator, Environmental Protection Agency, Washington, D.C. 20460. No appeal will be considered unless it is received by the Administrator within 90 days of the date of receipt by the person aggrieved of written denial, in whole or in part, of his application for payment. The appeal should include written substantiation. An appeal may be presented by the attorney of the person aggrieved or by the person himself. The Administrator shall promptly issue a decision on the appeal, which decision may either uphold the original determination or allow prompt payment of any amounts which are determined to be due the claimant. The decision will be in writing, and state the facts and law upon which it is based. A copy of the decision will be furnished to the person aggrieved. The decision will constitute the final EPA decision on the application for payment.

(b) *EPA-assisted projects.* An applicant for a payment under an EPA assisted project who is aggrieved by a displacing agency's determination as to the applicant's eligibility for payment or the amount of the payment may appeal that determination in accordance with the procedures established by the displacing agency. Each displacing agency shall establish procedures for reviewing appeals by aggrieved applicants for payments. The procedures shall insure that:

(1) Each applicant has the opportunity for oral and written presentation and the right to have counsel participate in such presentation;

(2) Each appeal will be decided promptly;

(3) Each appeal decision will include a written statement of the reasons upon

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which it is based and a copy of such decision will be furnished the appellant;

(4) Prompt payment is made of any amounts which are determined to be due the claimant.

(5) The agency retains all documents associated with each appeal; and

(6) Each appellant applicant has a final appeal to the head of the displacing agency.

§ 4.105 Records.

Each displacing agency shall maintain relocation records in accordance with the requirements of Appendix A to this part and make them available during regular business hours for inspection by the Administrator. The records shall be retained by the agency for at least 3 years after completion of a project.

§ 4.106 Application for benefits.

Application for benefits under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 are to be made within eighteen months from the date on which the displaced person moves from the real property acquired or to be acquired; or the date the displacing agency makes final payment of all costs of that real property, whichever is the later date. The Administrator may extend this period upon a proper showing of good cause.

§ 4.107 Payment not to be considered income.

Displacing agencies must advise all displaced persons that no payment received under Title II of the Act shall be considered as income for the purposes of the Internal Revenue Code of 1954, or for the purposes of determining eligibility of any person for assistance under the Social Security Act or any other Federal law.

Subpart B—Moving and Related Expenses

§ 4.200 General.

Any displaced person, including one who conducts a business or farm operation, is eligible to receive a payment for moving expense. A displaced person may elect to receive actual reasonable moving and related expenses or a fixed moving expense allowance.

§ 4.201 Payment of actual moving and related expenses.

§ 4.201–1 Allowable moving expenses.

(a) Transportation of individuals, families, and personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles, except where the displacing agency determines that relocation beyond this 50 mile area is justified.

(b) Packing, unpacking, crating, and uncrating of personal property.

(c) Advertising for packing, crating, and transportation when the displacing agency determines that it is necessary.

(d) Storage of personal property for a period generally not to exceed 12 months when the displacing agency determines that storage is necessary in connection with relocation.

(e) Insurance premiums covering loss and damage of personal property while in storage or transit.

(f) Removal, reinstallation, reestablishment, including such modification as deemed necessary by the displacing agency of personal property, and reconnection of utilities for machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personal and that the displacing agency is released from any payment for the property.

(g) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agency or employees) in the process of moving, where insurance to cover such loss or damage is not available.

(h) Such other actual reasonable expenses determined by the Administrator to be allowable and directly attributable to moving because of displacement.

§ 4.201–2 Limitations.

(a) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially, unless the Administrator determines a greater amount is justified.

(b) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement shall not exceed the replacement cost minus the proceeds received from the sale, or the estimated costs of moving, whichever is less.

(c) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, in the judgment of the head of the displacing agency, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals, and similar items of personal property.

(d) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in-place value of the display, consideration should be given to acquiring such display or displays as a part of the real property, unless such acquisition is prohibited by State law.

§ 4.201–3 Nonallowable moving expenses and losses.

No payment will be made under this subpart for:

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures or other improvements in which the displaced person reserves ownership except as otherwise provided by law.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of good-will.

(f) Loss of profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Payment for search cost in connection with locating a replacement dwelling.

(k) Any other expense found by the Administrator not to be a necessary, actual and reasonable cost of moving.

§ 4.201–4 Expenses in searching for replacement business or farm.

(a) Actual reasonable expenses incurred by the displaced person in searching for a replacement business or farm may be allowed as follows:

(1) Actual travel costs.

(2) Extra costs for meals and lodging.

(3) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed $10 per hour.

(4) In the discretion of the displacing agency, necessary broker, real estate, or other professional fees to locate a replacement business or farm operation.

(b) The total amount which a displaced person may be paid for searching expenses may not exceed $500 unless the Administrator determines that a greater amount is justified based on the circumstances involved.

§ 4.201–5 Actual direct losses by business or farm operation.

Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation are reimbursable.

(a) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, or the estimated costs of moving 50 miles, whichever is less.

(b) When the personal property is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement, or the estimated cost of moving 50 miles, whichever is less.

(c) The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

(d) The displaced person must make a bona fide effort to sell personal property not moved.

§ 4.205 Payment of a fixed moving expense allowance.

§ 4.205–1 Occupants of dwellings.

A person displaced from a dwelling can elect in lieu of payment for actual reasonable moving and related expenses:

(a) A dislocation allowance of $200; and

(b) A moving expense allowance, not to exceed $300, based on a moving allowance schedule for the jurisdiction in which displacement occurs.

(1) Moving allowance schedules maintained by the respective State highway departments should be used as the basis for the displacement agency's moving allowance schedules. These schedules should provide for adequacy of reimbursement in every locality.

(2) The Federal Highway Administration will make current schedules available to displacing agencies upon request.

(3) In areas where there are no highway department schedules, the displacing agency shall cooperate with other displacing agencies in the development of a single moving expense schedule for the use of all such agencies.

§ 4.205–2 Business.

A displaced person who conducts a bona fide business may elect, in lieu of payment for actual reasonable moving and related expenses a fixed amount equal to the average annual net income of the business computed in accordance with § 4.206 below but not less than $2,500 or more than $10,000, if that business:

(a) Substantially contributes to the income of the displaced person;

(b) Cannot, in the opinion of the displacing agency, be relocated without substantial loss of existing patronage taking into consideration:

(1) The type of the business;

(2) The nature of its clientele; and

(3) The relative importance of the displacement and proposed relocation sites to the business; and

(c) Is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business which is not being acquired by a State agency or the United States.

(d) Is not an outdoor advertising business.

§ 4.205–3 Farm operations.

(a) A displaced person who conducts a farm operation may elect, in lieu of payment for actual reasonable moving and related expenses, a fixed amount equal to the average annual net earnings of the farm operation, computed in accordance with § 4.206 below, but not less than $2,500 or more than $10,000.

(b) In the case of a partial acquisition and displacement of a farm operation, the fixed allowance described in paragraph (a) of this section may be paid only if the displacing agency finds that:

(1) The displaced activity was a farm operation before the acquisition of the displacement site; and

(2) The property remaining after acquisition is not an economic unit.

§ 4.205–4 Nonprofit organizations.

(a) A displaced person who conducts a nonprofit organization may elect, in lieu of payment for actual reasonable moving and related expenses, a fixed amount equal to the average annual net income of the nonprofit organization computed in accordance with § 4.206 below but not less than $2,500 or more than $10,000.

(b) Where a nonprofit organization is displaced, no payment shall be made under this subpart until after the Administrator determines:

(1) That the nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with nonprofit organizations includes the persons, community or clientele served or affected by the activities of the nonprofit organization.

(2) That the nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

§ 4.206 Computing average annual net income; businesses and farm operations.

(a) The average annual net income of a business or farm operation is its average annual net earnings before Federal, State and local income taxes during the 2 tax years immediately preceding the tax year in which it is displaced. Net earnings include compensation obtained from the business or farm operation by its owner, his spouse, or dependents or in the case of a corporate owner, by the holder of a majority of the common stock, his spouse, or dependents.

(b) For the purpose of determining majority ownership, stock held by an individual, his spouse, and his dependents shall be treated as a unit.

(c) If the 2 tax years immediately preceding displacement are not representative, or if the business or farm operation has not been in operation that long, the displacing agency may, with the concurrence of the Administrator, prescribe some other time period for computing average annual net income.

(d) If a displaced person who conducts a business or farm operation elects to receive a fixed payment under this subpart, he shall provide proof of his earnings from the business or farm operation to the displacing agency. Proof of earnings may be established by income tax returns, certified financial statements, or other similar evidence.

§ 4.210 Application for payment.

(a) Application for payment of moving and related expenses shall be in writing and filed with the displacing agency no later than 18 months after either the date of acquisition of the dwelling, business or farm by the agency or the date the applicant vacated the dwelling, business or farm, whichever is later.

(b) Applications shall include an itemization of the expenses involved and, except as provided in paragraphs (d) and (e) of this section, shall be supported by receipts and such other evidence as the displacing agency may require. Itemization of moving expenses is not required if the displaced person has elected the payment of a fixed moving expense allowance.

(c) A displaced person may not be paid for his moving expenses in advance of the actual move unless the displacing agency finds that a hardship would otherwise result.

(d) If a displaced person, his mover, and the displacing agency agree by prearrangement in writing, the displaced person may submit an unpaid bill for moving expenses for direct payment.

(e) If the displacing agency contracts with independent movers on a schedule basis and provides a displaced person with a list of movers he may choose from to move his personal property, payment shall be made directly to the mover.

Subpart C—Replacement Housing

§ 4.301 Determinations or assurances required before displacement.

(a) No project which will result in the displacement of any person will be approved until the Administrator has determined, in the case of an EPA project, or has received satisfactory assurances, in the case of an EPA supported project, that:

(1) Fair and reasonable relocation payments will be provided to displaced persons as required by Subparts B and C of this part;

(2) Relocation assistance programs offering the services described in Subpart D of this part will be provided for displaced persons;

(3) The public was or will be adequately informed of the relocation payments and services which will be available under Subparts B, C, and D of this part; and

(4) Comparable replacement dwellings will be available, or provided if necessary, a reasonable period in advance of the time any person is to be displaced.

(b) The displacing agency will not proceed with any phase of a project which will cause the displacement of any person until the Administrator has determined, in the case of an EPA project, or has received satisfactory assurances in the case of an EPA-supported project, that replacement housing will be:

(1) Decent, safe, and sanitary (as defined in § 4.303);

(2) Functionally equivalent and substantially the same as the dwelling being acquired (but not excluding newly constructed housing) with respect to:

(i) Number of rooms;

(ii) Area of living space;

(iii) Age, and

(iv) State of repair.

(3) In an area not generally less desirable in regard to public utilities and public and commercial facilities;

(4) Reasonably accessible to the displaced person's place of employment;

(5) Adequate to accommodate the displaced family or individual;

(6) In an equal or better neighborhood;

(7) Available on the market and at rents or prices within the financial means of the families and individuals displaced;

(8) Sufficient in number for the displaced persons who require them;

(9) Consistent with the requirements of Title VIII of the Civil Rights Act of 1968 (Pub. L. 90–204);

(10) Based on a current survey and analysis of available replacement hous-

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ing and in consideration of competing demands on available housing.

(c) In case of emergency, extreme hardship or similar extenuating circumstances assurances of availability may be waived with the concurrence of the Administrator. Any waiver must be supported by appropriate findings and a determination of necessity.

§ 4.302 Replacement housing unavailable.

When it is determined that adequate replacement housing is not available and cannot otherwise be made available, the Administrator may take action or approve action for a State agency to develop replacement housing. The Administrator, in taking or approving any action to develop replacement housing will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development.

§ 4.303 Decent, safe, and sanitary housing requirements.

(a) A decent, safe, and sanitary housekeeping dwelling is one which:

(1) Meets State or local housing codes;

(2) Is sound, clean, and weathertight;

(3) Has a kitchen with fully usable sink;

(4) Has a cooking stove, or utility service connections;

(5) Has a separate complete bathroom;

(6) Has hot and cold running water in the bathroom and kitchen;

(7) Has a continuing and adequate supply of potable water;

(8) Has an adequate and safe wiring system for lighting and other electrical services; and

(9) Has heating as required by climatic conditions and local codes.

(b) A decent, safe, and sanitary nonhousekeeping dwelling is one which:

(1) Meets State or local codes for boarding houses, hotels, or other congregate living;

(2) Has heating as required by climatic conditions and local codes;

(3) Has an adequate and safe wiring system;

(4) Is sound, clean, and weathertight; and

(5) Has use of a complete bathroom with hot and cold running water and affords privacy to a person within it, including a door that can be locked if the facilities are separate from the nonhousekeeping unit.

(c) If the applicable housing code does not meet all the requirements for housekeeping or nonhousekeeping units, as appropriate, but is reasonably comparable, a copy of the local code must be submitted to the Administrator for approval as acceptable standards for decent, safe, and sanitary housing.

§ 4.310 Replacement housing payment for homeowners.

A displaced owner-occupant is eligible for a replacement housing payment, not to exceed $15,000, if he meets both of the following requirements:

(a) Actually owned and occupied the acquired dwelling from which displaced for not less than 180 days prior to the initiation of negotiations for the property.

(b) Purchases and occupies a replacement dwelling, which is decent, safe, and sanitary, not later than the end of the one-year period beginning on the date on which he receives from the displacing agency the final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

§ 4.311 Computation of payment—180-day owners.

The replacement housing payment of not more than $15,000 to a homeowner is comprised of the following:

(a) *Differential payment for comparable replacement dwelling.* This payment is the lower of:

(1) $15,000 less payment for any increased interest costs or incidental expenses (paragraphs b and c of this section).

(2) The amount representing the difference between the acquisition price of the acquired dwelling and the costs of a decent, safe, sanitary, comparable replacement dwelling. (See § 4.330 below for methods of determining replacement dwelling cost).

(3) The amount representing the difference between the acquisition price of the acquired dwelling and the actual purchase price of a decent, safe, sanitary dwelling voluntarily purchased and occupied by the displaced person.

(b) *Interest payment.* If there was a bona fide mortgage (a valid lien on the acquired dwelling for not less than 180 days prior to the initiation of negotiations) the displaced owner-occupant shall be compensated for any increased interest costs including points paid by the purchaser.

(1) The amount payable is the present value of the difference in interest costs and other debt service costs charged for refinancing an amount not more than the balance of the mortgage on the acquired dwelling at the time of acquisition over a period not more than the remaining term of that mortgage.

(2) The present value of the increased interest cost shall be computed at the prevailing interest rate paid on passbook savings deposits by commercial banks in the area in which the replacement dwelling is located.

(3) The interest charge on the new mortgage may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area.

(c) *Incidental expenses.* The displaced owner-occupant shall be reimbursed for actual costs incurred by him incident to purchase of the replacement dwelling. Prepaid expenses and any expense which is part of the finance charge under the Truth in Lending Act, Title I, Pub. L. 90–321, and Regulation "Z" (12 CFR Part 226) issued by the Board of Governors of the Federal Reserve System, may not be reimbursed. Incidental expenses include:

(1) Legal, closing and related costs, including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.

(2) Lenders', FHA or VA, appraisal fees.

(3) FHA or VA application fees.

(4) Certification of structural soundness when required by the lender, FHA or VA.

(5) Credit report.

(6) Title policies or abstract of title.

(7) Escrow agent's fee.

(8) State revenue stamps or sale or transfer taxes.

§ 4.320 Replacement housing payments for tenants and certain others.

(a) A displaced tenant or owner-occupant of a dwelling for less than 180 days is eligible for a replacement housing payment not to exceed $4,000 if he meets both of the following requirements:

(1) Actually occupied the dwelling for not less than 90 days prior to the initiation of negotiations for acquisition of the property.

(2) Is not eligible to receive a payment under § 4.310.

(b) An owner-occupant of a dwelling for not less than 180 days prior to the initiation of negotiations is eligible for a replacement housing payment as a tenant, when he rents, instead of purchases, a decent, safe, and sanitary replacement dwelling not later than the end of the one year period beginning (1) on the date that he receives final payment for the acquired dwelling, or (2) on the date when he moves from the acquired dwelling, whichever is later.

§ 4.321 Computation of rental replacement housing payments.

Eligible displaced tenants or owner-occupants who elect to rent a replacement dwelling may receive a replacement housing payment, not to exceed $4,000, determined as follows:

(a) The amount payable for rent to a displaced tenant, other than a tenant of the displacing agency, is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the average month's rent paid by the displaced tenant for the last 3 months before initiation of negotiations for the acquired dwelling if that rent was reasonable, and if not reasonable, 48 times the monthly economic rent for the dwelling unit as established by the displacing agency.

(b) The amount payable for rent to a displaced tenant of the displacing agency is 48 times the reasonable monthly rent for a comparable replacement dwelling less 48 times the monthly economic rent.

(c) The amount payable for rent to a displaced homeowner is 48 times the reasonable monthly rent for a comparable replacement dwelling less 48 times the monthly economic rent, but not more than the homeowner would receive if he were eligible for a payment under § 4.311.

(d) In no event, however, shall the rental payment, when added to the average month's actual or, if appropriate, economic rent, exceed the actual rent that the displaced person or homeowner pays for the replacement dwelling.

(e) In determining the reasonable monthly rent for a comparable replacement dwelling the displacing agency shall use one of the following methods:

(1) It may establish a schedule of monthly rents for each type of dwelling required. The schedule shall be based on an analysis of the available private market. If more than one agency is administering a project causing displacement in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area.

(2) It may determine a reasonable rent by examining the rent of at least three comparable replacement dwellings available on the private market.

(3) If it finds that the methods described in subparagraphs (1) and (2) of this paragraph are not feasible the displacing agency may propose what it considers to be a feasible method to the Administrator for approval.

§ 4.322 Computation of replacement housing down payment—tenants and 90-day owners.

If the tenant elects to purchase replacement housing within one year from displacement instead of renting, the payment shall be computed by determining the amount necessary to enable him to make a down payment and to cover incidental expenses on the purchase of replacement housing, as follows:

(a) The down payment shall be the amount necessary to make a down payment on a comparable replacement dwelling. Determination of the amount necessary for such down payment shall be based on the amount of down payment that would be required for purchase of the dwelling using a conventional loan.

(b) Incidental expenses of closing the transaction are those described in § 4.311(c).

(c) The amount required to be paid by the purchaser as points or as an origination or loan service fee is includable if such fees are normal to real estate transactions in the area.

(d) The maximum payment may not exceed $4,000 and if more than $2,000 is required, the tenant must match any amount in excess of $2,000 by an equal amount in making the down payment.

(e) The full amount of the replacement housing payment must be applied to the purchase price and incidental costs shown on the closing statement.

§ 4.330 Determination of cost of replacement dwelling.

In determining the reasonable cost of a comparable replacement dwelling available on the private market, the displacing agency shall use one of the following methods:

(a) It may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings which are available on the private market. If more than one agency is administering a project causing displacements in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area. The schedule must be based on a current analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. In large urban areas this analysis may be confined to one area of the city, or may cover several different areas if they are comparable and equally accessible to public services and places of employment. To assure the greatest comparability of dwellings, the analysis shall be divided into classifications by type of construction, number of rooms, and price ranges.

(b) It may determine the reasonable cost of a comparable replacement dwelling by examining the probable selling prices of at least three comparable replacement dwellings which are available. Selection of the dwellings must be made by a qualified employee or agent of the displacing agency who is familiar with real property values and current real estate transactions.

(c) If it finds that the methods described in paragraphs (a) and (b) of this section are not feasible for determining the reasonable cost of a comparable replacement dwelling, it may propose what it considers to be a feasible method to the Administrator for approval.

§ 4.331 Rules for considering land values.

In determining the amount of the replacement housing payment the following provisions shall be applied.

(a) If the dwelling is located on a tract typical for residential use in the area, the maximum replacement housing amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area, less the acquisition price of the acquired property.

(b) If the dwelling is located on a tract larger than typical for residential use in the area, the maximum replacement housing amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area, less the estimated value of the dwelling at the present location on a homesite typical in size for residential use in the area.

(c) If the dwelling is located on a tract where the fair market value is established on a higher and better than residential use, the maximum replacement housing amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for residential use in the area, less the estimated value of the dwelling assuming it was located on a tract typical for residential use in the area.

§ 4.332 Partial use of home for business or farm operation.

(a) In the case of a displaced homeowner or tenant who has allocated part of his dwelling for use in connection with a displaced business or farm operation, a replacement housing payment may not be paid for that part of the property which is allocated to the business or farm operation.

(b) The eligibility of a person to receive moving expense under this part is not affected by this section.

§ 4.333 Multiple occupants of a single dwelling.

(a) If two or more families, or an individual and a family, occupy the same dwelling, each such individual or family that elects to relocate separately is entitled to a separately computed replacement housing payment.

§ 4.334 Multifamily dwelling.

In the case of a displaced homeowner who is required to move from a one-family unit of a multifamily building which he owns, the replacement housing payment shall be based on the cost of a comparable one-family unit in a multifamily building or a single family structure without regard for the number of units in the building being acquired.

§ 4.335 Application and payment.

(a) Upon application by a displaced homeowner or tenant who meets the requirements of this subpart for a replacement housing payment, the displacing agency shall:

(1) If he has purchased or rented, and occupied a decent, safe, and sanitary dwelling, make the payment directly to him, or at his option to the seller or lessor of the decent, safe, and sanitary dwelling; or

(2) If he has purchasd or rented, but not yet occupied a decent, safe, and sanitary dwelling, upon his request make the payment into an escrow account.

(b) The application shall be in writing and filed with the displacing agency within 18 months after the date the applicant was required to vacate an acquired dwelling or 6 months after final adjudication of a condemnation proceeding, whichever is later.

§ 4.336 Certificate of eligibility pending purchase of replacement dwelling.

Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a comparable replacement dwelling, but who is otherwise eligible for a replacement housing payment under this subpart, the displacing agency shall certify to any interested party, financial institution, or lending agency, that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he purchases and occupies a decent, safe, and sanitary dwelling within the prescribed time limit.

§ 4.337 Inspection of replacement dwelling required.

(a) Before making a replacement housing payment to a displaced homeowner or tenant, or releasing a payment from escrow, the displacing agency shall inspect the replacement dwelling to determine whether or not it meets the criteria for decent, safe, and sanitary dwellings. The displacing agency may use the services of any public agency ordinarily engaged in housing inspection to conduct the inspection.

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(b) A determination by the displacing agency that a dwelling meets the criteria for decent, safe, and sanitary housing is solely for the purpose of this subpart and is not a representation for any other purpose.

Subpart D—Relocation Assistance Advisory Services

§ 4.400 Requirements for relocation assistance advisory programs.

The displacing agency must provide a relocation assistance advisory program for displaced persons. The program must provide for:

(a) Explaining to displaced persons the relocation assistance and payments that are available.

(b) Assisting displaced persons to complete applications required for payments;

(c) Determining the needs of displaced persons for relocation assistance.

(d) Informing displaced persons as to the availability and cost of comparable replacement dwellings and comparable locations for displaced business and farm operations;

(e) Assisting each displaced person to obtain and move to a comparable replacement dwelling;

(f) Informing displaced persons as to Federal and State housing programs; and

(g) Providing counsel and advice to displaced persons that will minimize the hardships associated with adjusting to a new location.

§ 4.401 Extension of service.

If a displacing agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, relocation advisory services may be offered such person.

§ 4.402 Displaced person declining to accept relocation services.

A displaced person is not required to accept the relocation services provided for his benefit. He may choose to relocate on his own and still be eligible for payment if the replacement housing meets the occupancy requirements of decent, safe, and sanitary housing and application for payment is within the prescribed time limits.

§ 4.403 Information for displaced persons.

(a) The displacing agency must deliver to each displaced person either in person or by certified mail, return receipt requested:

(1) A brochure or letter explaining the relocation assistance advisory program; and

(2) If it is not included in the brochure, a notice stating the eligibility requirements for payments for replacement housing and moving expenses.

(3) In addition, if the displaced person is a homeowner or tenant, a written statement setting forth the optional types and the actual amount of replacement housing payments to which he is entitled.

(b) The information required by paragraph (a) of this section shall be furnished:

(1) To homeowners not later than the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(2) To tenants within 15 days after the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date as the case may be.

(c) The displacing agency shall notify each displaced person of his right to appeal.

§ 4.404 Public information.

(a) To insure public awareness of its relocation assistance advisory program, the displacing agency shall provide an opportunity for presentation of information and discussion of relocation services and payments at public hearings, prepare a relocation brochure, and give full and adequate public notice of the relocation program for each project to which this part applies.

(b) In areas where a language other than English is predominant, public information shall be published in the predominant language as well as in English.

§ 4.405 Coordination of relocation activities.

(a) When the displacing agency contemplates displacement in a given area, it shall furnish to the appropriate HUD area office information regarding projects which will cause displacement and shall consult with that office concerning the availability of housing. HUD Regional offices should be used in areas not served by an area office.

(1) A directory of HUD Regional and area offices is provided in Appendix B to this part. Subsequent updated directories can be obtained from the Department of Housing and Urban Development.

(b) Pursuant to the requirements and procedures promulgated by Office of Management and Budget Circular A–95 (Revised), the displacing agency shall consult appropriate local officials through the State clearinghouse.

(c) The displacing agency shall designate at least one representative who will meet periodically with the representatives of other displacing agencies to review the impact of their respective programs on the area.

(d) The displacing agency shall establish channels of communication and coordinate its displacement activities with other agencies planning or carrying out relocation in the affected area. The person assigned by the displacing agency to provide relocation assistance for a particular project shall maintain personal contact and exchange information with welfare agencies, urban renewal agencies, redevelopment authorities, public housing authorities, the Federal Housing Administration, the Veterans Administration, the Small Business Administration and other agencies providing services to displaced persons. He shall also collect and maintain information on private replacement properties in the area of the project through personal contact with real estate brokers, real estate boards, property managers, apartment owners and operators, and home building contractors.

§ 4.406 Contracting for relocation services.

(a) To prevent unnecessary expenses and duplication of activities, an agency that is required to provide relocation services or make relocation payments under this part may carry out any of those functions through the facilities, personnel, and services of a Federal, State, or local governmental or private agency having an established organization for conducting relocation assistance programs.

(b) When a central relocation agency is available in the project area or community, the displacing agency shall consider entering into an agreement with such agency. Regional and area offices of the Department of Housing and Urban Development can provide information concerning relocation service agencies. (Appendix B to this part).

(c) If a central relocation agency is not available or is unable, in the judgment of the displacing agency, to provide the necessary services within the time required, the displacing agency may provide relocation services through contracts with another public agency or a private contractor.

§ 4.406–1 Written agreement required.

If the displacing agency elects to provide relocation services or make relocation payments through another agency, it shall enter into a written agreement with that agency. The agreement must be approved by the Administrator and must contain the following:

(a) An obligation on the part of the other agency to perform the services and make the relocation payments in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and this part.

(b) If the contract is with a public agency administering another Federal or federally assisted program, a description of the financial responsibilities of each program to finance the relocation program required by this part.

(c) A provision acknowledging that only those costs directly chargeable to the EPA or EPA assisted project are eligible for EPA funds.

(d) A provision for negotiation of major changes that become necessary in the scope, character, or estimated total costs of the work to be performed.

(e) Clauses required by EPA regulations implementing Title VI of the Civil Rights Act of 1964 (Pub. L. 88–353).

(f) A provision that the records required by Appendix A be retained by the other agency or turned over to the displacing agency and that they be retained for a period of at least 3 years after payment of the final voucher on each project, regardless of which agency retains them.

(g) A provision that the records required by Appendix A to this part be available for inspection by representatives of the Environmental Protection Agency or the General Accounting Office at any reasonable business hour.

(h) Any other provisions required by the Administrator to meet the requirements of EPA regulations and policies applicable to EPA supported projects.

Subpart E—Federally Assisted Projects

§ 4.500 State agency assurances.

The Environmental Protection Agency will not approve a grant, contract, or agreement for an EPA assisted project until the State agency provides the Administrator with satisfactory written assurances that:

(a) For projects resulting in the displacement of any person:

(1) It will adequately inform the public of the relocation payments and services which will be available as set forth in Subparts A, B, C, and D of this part.

(2) It will provide fair and reasonable relocation payments to displaced persons as required by Subparts B and C of this part.

(3) It will provide a relocation assistance program for displaced persons offering services described in Subpart D of this part; and

(4) Comparable replacement dwellings will be available pursuant to Subpart C of this part, or provided if necessary, a reasonable period in advance of the time any person is displaced.

(b) For projects resulting in the acquisition of real property:

(1) It will fully comply with the requirements of Subpart F of this part; and

(2) Adequately inform the public of the acquisition policies, requirements, and payments which will apply to the project.

§ 4.500–1 Inability to provide assurances.

If a State agency is unable to provide the assurances required by § 4.500, for any program or projects that will result in the displacement of any person or the acquisition of any real property, it must furnish the Administrator a statement specifying any provisions of the assurances required by this section which it is unable to provide in whole or in part under the laws of that State. The statement must be supported by an opinion of the Chief Legal Officer of the State agency of the legal inability to provide any part of the required assurances.

§ 4.501 Monitoring.

The Environmental Protection Agency will monitor on a continuing basis, actions taken by State agencies in relation to assurances given for EPA assisted programs and projects to insure conformance with such assurances.

§ 4.502 EPA share of costs.

(a) The cost to a State agency of providing the payments and services required by Subparts B, C, and D of this part, and the additional identifiable cost to a State agency of providing the payments and services required by Subpart F of this part, shall be included as part of the cost of the EPA assisted project and, except as provided in paragraph (b) of this section, the State agency is eligible for EPA financial assistance with respect to those costs in the same manner and to the same extent as other project costs.

(b) If EPA assistance is by grant or contribution, the Environmental Protection Agency will pay a State agency the full amount of the first $25,000 of the cost of providing the payments and services described in this part for any displaced person because of any acquisition or displacement occurring before July 1, 1972.

(c) If the Administrator determines it is necessary for the expeditious completion of a program or project, he may advance to the State agency the EPA share of the cost of any payment of assistance by such State agency pursuant to sections 206, 210, 215, and 305 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

§ 4.503 Use of EPA financial assistance.

(a) The type of interest acquired in real property does not affect the eligibility of related relocation costs for EPA financial assistance provided the interest is sufficient to cause displacement.

(b) EPA financial assistance may not be used to pay a relocated person for any loss that is due to his negligence.

(c) EPA financial assistance may not be used for any payment to a displaced person if that person receives a separate payment which is:

(1) Required by the State law of eminent domain;

(2) Determined by the Administrator to have substantially the same purpose and effect as a payment under this part; and

(3) Otherwise included as a project cost for which financial assistance is available.

Subpart F—Acquisition of Real Property

§ 4.600 Applicability.

The requirements prescribed by this subpart apply to the acquisition of real property (including easements) for EPA administered and EPA assisted projects.

§ 4.601 Acquisition.

§ 4.601–1 Procedures.

In acquiring real property, the displacing agency shall:

(a) Adequately inform the public of the acquisition policies, requirements, and payments which apply to the project;

(b) Make every reasonable effort to acquire real property expeditiously through negotiation;

(c) Before the initiation of negotiations have the real property appraised and give the owner or his representative an opportunity to accompany the appraiser during inspection of the property;

(d) Before the initiation of negotiations, establish an amount which it believes to be just compensation for the real property, and make a prompt offer to acquire the property for that amount;

(e) Before requiring any owner to surrender possession of real property the displacing agency will:

(1) Pay the agreed purchase price; or

(2) Deposit with the court, for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of the property; or

(3) Pay the amount of the award of compensation in a condemnation proceeding for the property.

(f) If interest in real property is to be acquired by exercise of the power of eminent domain, institute formal condemnation proceedings and not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property; and

(g) Offer to acquire the entire property, if acquisition of only part of a property would leave its owner with an uneconomic remnant.

§ 4.601–2 Limitations.

In acquiring real property, the displacing agency may not:

(a) Schedule the construction or development of a public improvement that will require any person lawfully occupying real property to move from a dwelling, or to move his business or farm operation, without giving that person at least 90 days writen notice of the date he is required to move;

(b) If the displacing agency rents acquired real property to the former owner or tenant for a short term or subject to termination by the agency on short notice, charge rent that is more than the fair rental value of the property to a short-term occupant;

(c) Advance the time of condemnation;

(d) Defer negotiations, condemnation, or the deposit of funds in court for use of the owner; or

(e) Take any coercive action to compel an owner to agree to a price for his property.

§ 4.601–3 Appraisal.

(a) As a general rule only one appraisal will be obtained on each tract, unless the displacing agency determines that circumstances require an additional appraisal or appraisals.

(b) Real property acquisition records shall show that the owner or his designated representative has been given an opportunity to accompany the appraiser during his inspection of the property.

(c) Standards for appraisals used in EPA and EPA assisted programs shall be consistent with the current Uniform Appraisal Standards for Federal Land Acquisition published by the Interagency Land Acquisition Conference, U.S. Government Printing Office, Washington, D.C.

§ 4.602 Statement of just compensation.

At the time it makes an offer to purchase real property, the displacing agency shall provide the owner of that property with a written statement of the basis for the amount estimated to be just compensation. The statement shall include the following:

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(a) An identification of the real property and the particular interest being acquired;

(b) A certification, where applicable, that any separately held interest in the real property is not being acquired in whole or in part;

(c) An identification of buildings, structures, and other improvements, including fixtures, removable building equipment, and any trade fixtures which are considered to be part of the real property for which the offer of just compensation is made;

(d) An identification of any real property improvements, including fixtures, not owned by the owner of the land;

(e) An identification of the types and approximate quantity of personal property located on the premises that is not being acquired;

(f) A declaration that the agency's determination of just compensation:

(1) Is based on the fair market value of the property;

(2) Is not less than the approved appraised value of the property;

(3) Disregards any decrease or increase in the fair market value of the property caused by the contemplated project;

(4) In the case of separately held interests in the real property, includes an apportionment of the total just compensation for each of those interests; and

(g) The amount of damages to any remaining real property.

§ 4.603 Equal interest in improvements to be acquired.

In acquiring any interest in real property each displacing agency shall acquire at least an equal interest in all building, structures, or other improvements located on that real property which will be removed or which will be adversely affected by the completed project.

§ 4.604 Notice to occupants.

(a) *Owner-occupants.* Simultaneous with the fair market value offer, owner-occupants of real property to be acquired, shall be furnished in writing, by the displacing agency, an explanation of their rights under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and these regulations.

(b) *Tenants.* Within 15 days following the initiation of negotiations, the displacing agency shall notify affected tenants and occupants, in writing, of the initiation of negotiations and of their rights under the Act of these regulations.

§ 4.605 Acquisition of improvements.

(a) In the case of a building, structure, or other improvement owned by a tenant on real property acquired for a project to which this part applies, the displacing agency shall, subject to paragraph (b) of this section, pay the tenant the larger of:

(1) The fair market value of the improvement, assuming its removal from the property; or

(2) The enhancement of the fair market value of the real property.

(b) A payment may not be made to a tenant under paragraph (a) of this section unless:

(1) The tenant, in consideration for the payment, assigns, transfers, and releases to the displacing agency all his right, title, and interest in the improvement;

(2) The owner of the land involved disclaims all interest in the improvement; and

(3) The payment is not duplicated by any payment otherwise authorized by law.

§ 4.606 Transfer of title expenses.

As soon as possible after real property has been acquired, the displacing agency shall reimburse the owner for:

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the agency;

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(c) The pro-rata portion of any prepaid property taxes which are allocable to a period subsequent to the date of vesting title in the agency or the effective date of possession of the real property by the agency, whichever is the earlier.

§ 4.607 Litigation expenses.

(a) In any condemnation proceeding brought by the displacing agency to acquire real property, it shall reimburse the owner of any right, title, or interest in the real property for his reasonable cost, disbursements, and expenses, including attorney, appraisal, and engineering fees, actually incurred because of the proceeding, if:

(1) The final judgment is that the displacing agency cannot acquire the real property by condemnation; or

(2) The proceeding is abandoned by the displacing agency concerned.

(b) In any inverse condemnation proceeding where the owner of any right, title, or interest in real property receives an award of compensation by judgment or settlement, the displacing agency shall reimburse the plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the proceeding.

§ 4.608 Real property provided by State agency for an EPA project.

(a) Whenever a State agency is obligated to provide the necessary real property incident to an EPA project, the Environmental Protection Agency may not accept that real property until it is determined that the State agency has made all payments and provided all assistance and assurances required of a State Agency by § 4.500.

(b) The State agency shall pay the cost of such requirements in the same manner and to the same extent as the real property acquired for such project, except that in the case of any real property acquisition or displacement occurring prior to July 1, 1972, the Environmental Protection Agency shall pay the first $25,000 of the cost of providing the required payments and assistance.

APPENDIX A—RECORDS

I. *Land acquisition.* For purpose of Title III of the Act, the acquiring agency shall keep a record of the following information concerning each acquisition of any interest in land used for an EPA supported project:

(1) The identification of the property and the estate or interests acquired, including improvements; owners and occupants.

(2) The appraisal.

(3) The offer.

(4) The date and method of acquisition.

(5) The date, amount, and purpose of payments to owners and others.

II. *General information concerning the project.* A displacing agency shall keep a record of the following general information for each EPA administered or EPA assisted project:

(1) Project and parcel identification;

(2) Name and address of each displaced person;

(3) Dates of all personal contacts made with each displaced person;

(4) Date each displaced person is given notice of relocation payments and services.

(5) Name of agency employee who offers relocation assistance.

(6) The date the offer of assistance is declined or accepted, and the name of the individual who accepts or declines the offer.

(7) Date each displaced person is required to move.

(8) Date of actual relocation, and whether relocation was accomplished with the assistance of the displacing agency, other agencies, or without assistance.

(9) Type of tenure held by each displaced person before and after relocation.

III. *Displacement from dwellings.* The displacing agency shall keep a record of the following information concerning each individual or family displaced from a dwelling in connection with the project:

(1) Number in family, or number of individuals.

(2) Type of dwelling.

(3) Fair market value, or monthly rent.

(4) Number of rooms.

IV. *Displaced businesses.* The displacing agency shall keep a record of the following information concerning each business displaced in connection with the project.

(1) Type of business.

(2) Whether or not relocated.

(3) If relocated, distance moved.

(4) Data supporting a determination that a business cannot be relocated without a substantial loss of its existing patronage and that it is not part of a commercial enterprise having at least one other establishment not being acquired by a State agency or the United States.

V. *Moving expenses.* The displacing agency shall keep a record of the following information concerning each payment of moving and related expenses in connection with the project:

(1) The date personal property is moved, and the original and new locations of the personal property.

(2) If personal property is stored temporarily:

(a) The place of storage;

(b) The duration of storage; and

(c) A statement of why storage is necessary.

(3) An account of all moving expenses that are supported by receipted bills or similar evidence of expenses;

(4) Amount of reimbursement claimed, amount allowed, and an explanation of any difference;

(5) In the case of a business or farm operation that receives a fixed allowance in lieu of moving expenses, data underlying the computation of such payment.

VI. *Replacement housing payments.* The displacing agency shall keep a record of the following information concerning each relocation housing payment made in connection with the project:

(1) The date application for payment is received.

(2) The date application for payment is approved or rejected.

(3) Data substantiating the amount of payment.

(4) If replacement housing is purchased, a copy of the closing statement indicating the purchase price, down payment, and incidental expenses.

(5) A copy of the Truth in Lending Statement, or other data, including computations, that confirm any increased interest payment.

APPENDIX B

DIRECTORY—REGIONAL AND AREA OFFICES, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Region I

Regional Administrator James J. Barry, Rm. 800, John F. Kennedy Federal Building, Boston, Massachusetts 02203, Tel. (617) 223-4066.

Area offices:

Connecticut, Hartford 06105: 999 Asylum Avenue, Tel. (203) 244-3638.

Massachusetts, Boston 02114: Bulfinch Building, 15 New Chardon Street, Tel. (617) 223-4111.

New Hampshire, Manchester 03101: Davison Building, 1230 Elm Street, Tel. (603) 669-7681.

Region II

Regional Administrator S. William Green, 26 Federal Plaza, New York, New York 10007, Tel. (212) 264-8068.

Area offices:

New Jersey, Camden 08103: The Parkade Building, 519 Federal Street, Tel. (609) 963-2301.

New Jersey, Newark 07102: Gateway 1 Building, Raymond Plaza, Tel. (201) 645-3010.

New York, Buffalo 14202: Grant Building, 560 Main Street, Tel. (716) 842-3510.

New York, New York 10007: 120 Church Street, Tel. (212) 264-0522.

Commonwealth area office:

Puerto Rico, San Juan 00936: Post Office Box 3869 GPO, 255 Ponce de Leon Avenue, Hato Rey, Puerto Rico, FTS Tel. (Dial Code 106—ask operator for listed number 622-0201). Commercial Number: 622-0201.

Region III

Regional Administrator Theodore R. Robb, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Tel. (215) 597-2560.

Area offices:

District of Columbia, Washington 20005: 1310 L Street, N.W., Tel. (202) 382-4855.

Maryland, Baltimore 21201: Federal Building, 31 Hopkins Plaza, Tel. (301) 962-2121.

Pennsylvania, Philadelphia 19106: Curtis Building, 625 Walnut Street, Tel. (215) 597-2358.

Pennsylvania, Pittsburgh 15222: 1000 Liberty Avenue, Tel. (412) 644-2802.

Virginia, Richmond 23240: 701 East Franklin Street, Post Office Box 10011, Tel. (703) 782-2721.

Region IV

Regional Administrator Edward H. Baxter, Peachtree-Seventh Building, 50 Seventh Street, N.E., Atlanta, Georgia 30323, Tel. (404) 526-5585.

Area offices:

Alabama, Birmingham 35233: Daniel Building, 15 South 20th Street, Tel. (205) 325-3264.

Florida, Jacksonville 32204: Peninsular Plaza, 661 Riverside Avenue, Tel. (904) 791-2626.

Georgia, Atlanta 30303: Peachtree Center Building, 230 Peachtree Street, N.W., Tel. (404) 526-4576.

Kentucky, Louisville 40202: Children's Hospital Foundation Bldg., 601 South Floyd Street, Tel. (502) 582-5254.

Mississippi, Jackson 39202: 301 North Lamar Street, FTS Tel. (601) 948-2267, Commercial Number: 948-7821.

North Carolina, Greensboro 27408: 2309 West Cone Boulevard, Northwest Plaza, FTS Tel. (919) 275-9361, Commercial Number 275-9111.

South Carolina, Columbia 29201: 1801 Main Street, Jefferson Square, FTS Tel. (803) 253-3535, Commercial Number: 253-8371.

Tennessee, Knoxville 37919: One Northshore Building, 1111 Northshore Drive, FTS Tel. (615) 524-4011, Commercial Number: 584-8527.

Region V

Regional Administrator George J. Vavoulis, 300 South Wacker Drive, Chicago, Illinois 60606, Tel. (312) 353-5680.

Area offices:

Illinois, Chicago 60602: 17 North Dearborn Street, Tel. (312) 353-7660.

Indiana, Indianapolis 46205: Willowbrook 5 Building, 4720 Kingsway Drive, Tel. (317) 633-7188.

Michigan, Detroit 48226: 5th Floor, First National Building, 660 Woodward Avenue, Tel. (313) 226-7900.

Minnesota, Minneapolis-St. Paul: Griggs-Midway Building, 1821 University Avenue, St. Paul, Minnesota 55104, Tel. (612) 725-4801.

Ohio, Columbus 43215: 60 East Main Street, Tel. (614) 469-5737.

Wisconsin, Milwaukee 53203: 744 North 4th Street, FTS Tel. (414) 224-3214, Commercial Number: 272-8600.

Region VI

Regional Administrator Richard L. Morgan, Federal Building, 810 Taylor Street, Fort Worth, Texas 76102, Tel. (817) 334-2867.

Area offices:

Arkansas, Little Rock 72201: Union National Bank Building, One Union National Plaza, FTS Tel. (501) 372-5401, Commercial Number: 372-4361.

Louisiana, New Orleans 70113: Plaza Tower, 1001 Howard Avenue, Tel. (504) 527-2062.

Oklahoma, Oklahoma City 73102: 301 North Hudson Street, FTS Tel. (405) 231-4891, Commercial Number: 231-4181.

Texas, Dallas 75202: Room 14-A-18, New Dallas Federal Building, 1100 Commerce Street, Tel. (214) 749-2158.

Texas, San Antonio 78285: Kallison Building, 410 South Main Avenue, Post Office Box 9163, FTS Tel. (512) 225-4665, Commercial Number: 225-5511.

Region VII

Regional Administrator Harry I. Sharrott (Acting), Room 300 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106, Tel. (816) 374-2661.

Area offices:

Kansas, Kansas City 66117: One Gateway Center, 5th and State Streets, Post Office Box 1339, Tel. (816) 374-4355.

Missouri, St. Louis 63101: 210 North 12th Street, Tel. (314) 622-4760.

Nebraska, Omaha 68106: Univac Building, 7100 West Center Road, Tel. (402) 221-4221.

Region VIII

Regional Administrator Robert C. Rosenheim, Federal Building, 1961 Stout Street, Denver, Colorado 80202, Tel. (303) 837-4881.

Region IX

Regional Administrator Robert H. Baida, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, California 94102, Tel. (415) 556-4752.

Area offices:

California, Los Angeles 90057: 2500 Wilshire Boulevard, Tel. (213) 688-5127.

California, San Francisco 94111: 1 Embarcadero Center, Suite 1600, Tel. (415) 556-2238.

Region X

Regional Administrator Oscar P. Pederson, Arcade Plaza Building, 1321 Second Avenue, Seattle, Washington 98101, Tel. (206) 442-5415.

Area offices:

Oregon, Portland 97204: 520 Southwest 6th Avenue, Tel. (503) 226-2726.

Washington, Seattle 98101: Arcade-Plaza Building, 1321 Second Avenue, Tel. (206) 442-7456.

[FR Doc.74-6100 Filed 3-18-74;8:45 am]

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federal register

TUESDAY, MARCH 19, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 54

PART III

DEPARTMENT OF LABOR

OFFICE OF THE SECRETARY

■

Comprehensive Manpower Program and Grants to Areas of High Unemployment

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Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

COMPREHENSIVE MANPOWER PROGRAM AND GRANTS TO AREAS OF HIGH UNEMPLOYMENT

Pursuant to section 602(a) of the Comprehensive Employment and Training Act of 1973 (Public Law 93-203, 87 Stat. 839), which authorizes the Secretary of Labor to prescribe such rules, regulations, guidelines and other published interpretations as he deems necessary to carry out the provisions of this Act, the following regulations are promulgated to faciiitate the implementation of Titles I and II at the earliest possible date.

Title I provides for the establishment of a program to provide comprehensive manpower services throughout the Nation.

Title II provides for the establishment of a program of grants to areas of substantial unemployment throughout the Nation.

Funds under Title I may be used for establishing public employment programs, as part of a comprehensive manpower plan. Funds under Title II may be used to provide manpower training services of the type authorized in Title I.

The Act also contains specific titles relating to the Secretary's responsibility to carry out manpower programs for special target groups (Title III); for the continuation of the Job Corps (Title IV); and for the establishment of a National Commission for Manpower Policy (Title V). Regulations, as necessary, will be issued for these titles at a later date.

Reference to sections of the Act is provided as appropriate in the regulations.

The regulations promulgated herein shall be effective April 18, 1974, and shall, inter alia, supersede the regulations for initial grants under Part 96, which were published February 15, 1974, in the FEDERAL REGISTER, and became effective March 1, 1974. Those regulations published February 15 will continue to be effective until April 18, 1974.

The new Part 96, published herein, relates to the same subject matter as the regulations published February 15 and retains most of the provisions and language originally published February 15. One significant change in Part 96 has been made, however, in response to comments received by the Department. That change amends the Part 96 placement goals by deleting the requirement that a goal be established by each grantee to move persons out of public service employment programs and into unsubsidized employment within 12 months of a person's entrance date. The new language in § 96.33 establishes a placement goal that 50 percent of the participants be placed in unsubsidized employment each year, but contains no language relating to average duration in a public service employment program.

As these regulations relate to public property, loans, benefits or contracts, they have been excepted from the application of the notice and comments provisions of the Administrative Procedure Act, 5 U.S.C. 553(a)(2). The policy of the Department of Labor as stated in 29 CFR 2.7 is not to use this exception as a basis for not giving opportunity for notice and comment. In this case, in order to effect promptly the purposes of the Comprehensive Employment and Training Act, it is contrary to the public interest to delay the issuance of these regulations to the extent necessary for the preparation, receipt and evaluation of the comments. Accordingly they are not issued for comments prior to publication in their final form.

Nevertheless, although these regulations are being published in final form and are made effective on April 18, 1974, it is the policy of the Department of Labor to solicit and consider comments on its regulations. Accordingly, comments will be received, just as though this document were a proposal, until May 4, 1974, after which the comments received will be evaluated and, if warranted, the regulations will be appropriately amended. Meanwhile, however in the interest of expediting the program, these regulations shall remain in force until amended.

Interested persons are invited to submit comments, data or arguments to: Assistant Secretary for Manpower, United States Department of Labor, 6th and D Streets NW., Washington, D.C. 20213. Attention: Pierce A. Quinlan, Acting Associate Manpower Administrator for the Office of Manpower Development Programs.

The regulations set forth below amend Title 29 by adding the following new parts:

Part 94—General Provisions for programs under the Comprehensive Employment and Training Act

Part 95—Programs Under Title I of the Comprehensive Employment and Training Act

Part 96—Programs Under Title II of the Comprehensive Employment and Training Act

Part 97—(Reserved for Title III, Special, Federal Responsibilities)

Part 98—Administrative Provisions for Programs Under Title I and Title II of the Comprehensive Employment Training Act

The new Part 96 makes certain changes in the Part 96 provisions published in the FEDERAL REGISTER, February 15, 1974.

The new Parts 94, 95, 96, and 98, which shall be effective April 18, 1974, read as follows:

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.
94.1 Scope and purpose of the Act.
94.2 Format for the regulations promulgated under the Act.
94.3 Consolidated table of contents for Parts 94-98.
94.4 Definitions.

AUTHORITY: (Pub. L. 93-203, sec. 602(a), 87 Stat. 839), unless otherwise noted.

§ 94.1 Scope and purpose of the Act.

(a) It is the purpose of the Act to provide job training and employment opportunities for economically disadvantaged, unemployed and underemployed persons, and to assure that training and other services lead to maximum employment opportunities and enhance self-sufficiency. The purposes of the Act are to be accomplished by the establishment of a flexible and decentralized system of Federal, State and local programs.

(b) The Act is comprised of six titles as follows:

(1) Title I establishes a program to provide comprehensive manpower services throughout the Nation, including the development and creation of job opportunities, and the training, education and other services needed to enable individuals to secure and retain employment at their maximum capacity.

(2) Title II authorizes public employment and manpower training programs for unemployed and underemployed persons in areas of substantial unemployment.

(3) Title III provides for the establishment and administration by the Secretary of Labor of:

(i) Special programs for Indians, migrant workers and seasonal farmworkers;

(ii) Manpower services for youth, offenders, older workers, persons of limited English-speaking ability and other special target groups; and

(iii) Research, training and evaluation of programs and activities conducted under the Act.

(4) Title IV establishes a Job Corps within the Department of Labor to provide residential and non-residential manpower services for low-income disadvantaged young men and women.

(5) Title V, establishes a National Commission for Manpower Policy. The responsibilities of the Commission include the examination of national manpower issues, the suggestions of ways and means of dealing with such issues and advising the Secretary on national manpower issues.

(6) Title VI, sets forth the general provisions, including applicable definitions, under the Act.

§ 94.2 Format for the regulations promulgated under the Act.

(a) The regulations promulgated to carry out the Act are set forth in Parts 94 through 98 of Title 29, Code of Federal Regulations.

(b) As each substantive Title of the Act provides for the establishment of a specific type of program, the regulations promulgated in Parts 94 through 98 provide for a separate part for each basic type of activity (e.g., Part 95 deals with comprehensive manpower programs; Part 96 deals with Title II programs). Two parts are also included which deal with general matters relating to the Act: Part 94 of this subtitle deals with basic explanatory and definitional matters and Part 98 of this subtitle deals with general administrative matters.

(c) Statutory authority for the regulations contained in this Part 94 may be found in section 602(a) of the Act, as well as other substantive provision of the Act. Applicable statutory provisions, other than section 602(a), are noted generally in these regulations.

§ 94.3 Consolidated table of contents for Parts 94-98.

The table of contents for Parts 94-98 is as follows:

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Sec.
94.1 Scope and purpose of the Act.
94.2 Format for the regulations promulgated under the Act.
94.3 Consolidated table of contents for Parts 94-98.
94.4 Definitions.

PART 95—PROGRAMS UNDER TITLE I, OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—GENERAL

95.1 Scope and purpose of Part 95.
95.2 Allocation of funds.
95.3 Eligibility for funds.
95.4 Data base for determining eligibility.

SUBPART B—GRANTING PLANNING, APPLICATION AND MODIFICATION PROCEDURES

95.10 General.
95.11 Notification of intent to apply for prime sponsorship; consortium agreements.
95.12 Prime sponsor designation.
95.13 Planning process; advisory councils.
95.14 Content and description of grant application.
95.15 Comment and publication procedures relating to submission of grant application.
95.16 Submission of grant application.
95.17 Standards for reviewing grant applications.
95.18 Application approval; grant agreement.
95.19 Application disapproval.
95.20 Use of alternative prime sponsors; services by the Secretary.
95.21 Modification of grant agreement.
95.22 Modification of Comprehensive Manpower Plan.

SUBPART C—PROGRAM OPERATION

95.30 General.
95.31 Basic responsibilities of prime sponsors.
95.32 Eligibility for participation in a Title I Program.
95.33 Types of manpower program activity available.
95.34 Training allowances.
95.35 Wages: minimum duration of training and reasonable expectation of employment.
95.36 General benefits for program participants.
95.37 Prime sponsor review.
95.38 Non-Federal status of participants.
95.39 Safety and health requirements for participants.
95.40 Training for lower wage industries; relocation of industries.
95.41 Prime sponsor contracts and subgrants.
95.42 Cooperative relationships between prime sponsor and other manpower agencies.

SUBPART D—SPECIAL GRANTS TO GOVERNORS

95.50 General.
95.51 Distribution of funds.
95.52 Grant application.
95.53 Application approval and disapproval; grant agreement.
95.54 Modifications; Limitations on use of funds.
95.55 Governor's distribution of vocational education funds.
95.56 Program operations.
95.57 Grant administration.
95.58 Nonfinancial agreement between prime sponsor and Vocational Education Board.
95.59 Coordination with prime sponsor.

PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—GENERAL

96.1 Scope and purpose.
96.2 Allocation of funds.
96.3 Eligibility for funds.

SUBPART B—GRANT APPLICATION

96.10 General.
96.11 Eligible applicant notification.
96.12 Content and description of grant application.
96.13 Comment and publication procedures relating to submission of grant application.
96.14 Submission of grant application.
96.15 Application approval.
96.16 Application disapproval.
96.17 Use of alternative eligible applicants.
96.18 Modification of grant agreements.
96.19 Modification of Comprehensive Title II Plan.

SUBPART C—PROGRAM OPERATION

96.20 General.
96.21 Basic responsibilities of eligible applicant.
96.22 Basic responsibilities of program agents; relationship with eligible applicants.
96.23 Acceptable public employment positions.
96.24 Maintenance of effort.
96.25 Responsibility for selecting participants.
96.26 Special limitations on programs and participant selection.
96.27 Eligibility for participation in a Title II Program.
96.28 Special consideration for most severely disadvantaged persons.
96.29 Serving significant segments of the population.
96.30 Groups to be provided special consideration.
96.31 Training and supportive services.
96.32 Linkages with other manpower programs.
96.33 Placement goals.
96.34 Compensation for participants.
96.35 Working conditions for participants.
96.36 Retirement benefits for participants.
96.37 Maintenance of a merit system.
96.38 Use of Title II funds for programs under Titles I and III-A; summer employment programs.
96.39 Limitation on funds.

SUBPART D—SPECIAL CONDITIONS FOR GRANTS TO INDIAN TRIBES ON FEDERAL AND STATE RESERVATIONS

96.40 General.
96.41 Distribution of funds.
96.42 Eligibility for funds.
96.43 Assistance by the Secretary.
96.44 Nepotism.
96.45 Nondiscrimination.
96.46 Subgrants.
96.47 Comment and publication procedures relating to submission of Indian grant applications.

PART 98—ADMINISTRATIVE PROVISIONS FOR PROGRAMS UNDER TITLE I AND TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

SUBPART A—GRANT ADMINISTRATION

Sec.
98.1 General.
98.2 Payment.
98.3 Letter of credit.
98.4 Payment by Treasury check.
98.5 Financial Management systems.
98.6 Audit and evaluation.
98.7 Reporting requirements in general.
98.8 Quarterly Progress Report.
98.9 Summary of Client Characteristics Report.
98.10 Report of Federal Cash Transactions.
98.11 Reallocation of funds.
98.12 Allowable Federal costs.
98.13 Allocation of allowable costs among program activities.
98.14 Basic personnel standards for prime sponsors and eligible applicants.
98.15 Adjustments in payments.
98.16 Termination of grant.
98.17 Grant close-out procedures.
98.18 Retention of records.
98.19 Program income.
98.20 Procurement standards.
98.21 Nondiscrimination and equal employment opportunities.

SUBPART B—ASSESSMENT AND EVALUATION

98.30 General.
98.31 Responsibilities of the prime sponsor or eligible applicant.
98.32 Responsibilities of the Secretary.
98.33 Limitation.
98.34 Consultation with the Secretary of Health, Education, and Welfare.

SUBPART C—HEARINGS AND JUDICIAL REVIEW

98.40 Purpose and policy.
98.41 Review of plans and applications; violations.
98.42 Complaints; filing of formal allegations; dismissal.
98.43 Form.
98.44 Contents of formal allegations; amendment.
98.45 Investigations.
98.46 Opportunity for hearings; when required.
98.47 Hearings.
98.48 Initial certification, decisions and notices.
98.49 Judicial review.

§ 94.4 Definitions.

The following definitions consistent with 601(a) of the Act, apply to Parts 94 through 98, inclusive;

(a) "Act" means the Comprehensive Employment Training Act of 1973 (P.L. 93-203, 87 Stat. 839).

(b) "Allocation" means the distribution of funds among prime sponsors or eligible applicants according to the formulas contained in the Act.

(c) "ARDM" means the Department of Labor's Assistant Regional Director for Manpower, or his designee, having the responsibility for the area in which a prime sponsor or eligible applicant is located.

"Area of substantial unemployment" means any area, other than in relation to an Indian tribe, which

(a) has a population of at least 10,000 persons,

(b) qualifies for a minimum allocation of $25,000 under Title II of the Act, and

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(c) has a rate of unemployment of at least 6.5 percent for a period of three consecutive months, as determined by the Secretary of Labor at least once each fiscal year.

"Area of substantial unemployment" means, in relation to an Indian tribe, an Indian reservation, as a whole, with a rate of unemployment of at least 6.5 percent for a period of three consecutive months, as determined by the Secretary of Labor at least once each fiscal year.

"Balance of county" means the area within the jurisdiction of a county, as a prime sponsor or eligible applicant, that is not included in the comprehensive manpower plan of another prime sponsor or eligible applicant.

"Balance of State" means the area within the jurisdiction of a State, as a prime sponsor or eligible applicant, which is not included in the comprehensive manpower plan of another prime sponsor or eligible applicant.

"Capital improvement" means any modification, addition, or restoration which increases the usefulness, productivity, or serviceable life of a building, structure, or major item of equipment which is classified for accounting purposes as "fixed asset" and the recorded value is increased by the cost of the improvement and subject to depreciation.

"Certification" means a legally binding statement that certain requirements have been fulfilled.

"Chief elected official" and "chief executive officer" includes their designees.

"Client community" means the group or groups of people to be served by a program or program activity; for example, the unemployed, persons of limited English speaking ability, low-income families, farm workers, migrants, and economically disadvantaged.

"Community-based organizations" means organizations which are representative of communities or significant segments of the communities (for example, Opportunities Industrialization Centers, Urban League, Jobs for Progress, Mainstream, and community action agencies).

"Compensation" as applied to a participant in Title II program means the wages and salary payable, but does not include fringe benefits or supportive services.

"Consortium" means an agreement among local units of government, consistent with the requirements of § 95.3, to plan and operate a comprehensive manpower program under the Act.

"Contractor" means any person, corporation, partnership, or public agency which enters into a contract with the Department, with a grantee, or with a subgrantee under the Act.

"Construction" means the erection, installation, or assembly of a new facility or a major addition, expansion, or extension of an existing facility, and the related site preparation, excavation, filling and landscaping or other land improvements.

"Department" means the United States Department of Labor and includes each of its operating agencies and other organizational units.

"Dependent" means:

(a) Any relative who is a member of the immediate household of and for whom the participant has or has assumed, a responsibility for support: Provided that, the following relatives need not be members of the participant's household, if the participant is the head of family:

(i) parents of the participant head of family;

(ii) children of the participant head of family;

(iii) relatives of the participant head of family who are unemployable because of physical or mental disability; or

(b) any individual who:

(i) is currently being supported by the participant head of family and is a member of the participant's immediate household; and

(ii) During the preceding twelve months, earned less than $750.

"Economically disadvantaged" means a person who is a member of a family:

(a) which receives cash welfare payments, or

(b) whose annual income in relation to family size does not exceed the poverty level determined in accordance with criteria established by the Office of Management and Budget.

"Eligible applicant" for purposes of Title II means a prime sponsor or an Indian tribe on a Federal or State reservation which includes areas of substantial unemployment.

"Employing agency" for purposes of public service employment programs means any employer designated by an eligible applicant, program agent, or other subgrantee, or by the Secretary of Labor to employ participants pursuant to public service employment programs under the Act. The term shall include an eligible applicant, program agent, or other subgrantee when acting as an employer.

"Federal reservation" means lands which have been set aside for Indian tribes and for which the United States is trustee, as identified by the Bureau of Indian Affairs, including non-trust land under the tribal jurisdiction.

"Governor" means the chief executive officer of a State, or his designee.

"Health care" includes but is not limited to preventive and clinical medical treatment, voluntary family planning services, nutritional services, and appropriate psychiatric, psychological and prosthetic services, to the extent any such treatment or services are necessary to enable a participant to obtain or retain employment under the Act.

"Indian tribe" means a tribe, group or band of American Indians or Alaskan natives identified on the basis of historical, geographical or cultural characteristics, or subpart of such a tribe, group or band.

"Low-income level" means an annual income of $7,000 with respect to income in 1969; for any later year it shall mean that amount which bears the same relationship to $7,000 as the Consumer Price Index for that year bears to the Consumer Price Index for 1969, rounded to the nearest $1,000.

"Obligation" means the amount of Federal funds which the Department has legally committed and authorized a prime sponsor or eligible applicant to expend.

"Offender" means any person who is confined in any type of correctional institution, including a community-based facility, or who is subject to any stage of the judicial, correctional or probationary process where manpower training and services may be beneficial, as determined by the Secretary of Labor, after consultation with judicial, correctional, probationary or other appropriate authorities.

"OMB" means the Office of Management and Budget.

"Participant" means an individual who qualifies and receives services or takes part in activities under provisions of the Act.

"Placement" means the hiring of an individual in unsubsidized employment, whether the job is a result of his own effort after intake service or a referral by the prime sponsor or any of its contractors or subgrantees, and whether the individual is hired at the outset of program participation as a result of intake assessment or after receiving program services. There are three levels of placement, based on the expected duration of the job:

(a) *Short-term* placements in jobs which are expected to have a duration of less than three work days;

(b) *Mid-term* (*regular*) placements in jobs which are expected to last from three work days to one-hundred-fifty days, and

(c) *Long-term* placements in jobs which are expected to have a duration of more than one-hundred-fifty days.

Placement does not include referral to another program activity, enrollment in education or training courses not supported under the Act, or entrance into the Armed Forces.

"Poverty level" means the annual income threshold below which families are considered to live in poverty, as determined in accordance with criteria established by the Director of the Office of Management and Budget.

"Prime sponsor" means a unit of government, combinations of units of government, or a rural Concentrated Employment Program grantee, as set forth in § 95.3, which has entered into a grant with the Department to provide comprehensive manpower services under Title I of the Act.

"Professional work" means work performed by an individual acting in a bona fide professional capacity as such term is used in section 13(a)(1) of the Fair Labor Standards Act.

"Program agent" for purposes of Title II means a subgrantee which is a unit of, or a combination of units of, general local government having a population of 50,000 or more, and has an area of substantial unemployment within the jurisdiction.

"Program of demonstrated effectiveness" means a manpower program, including a program conducted by a community based organization, which has a history of providing manpower services to low income persons and the disadvantaged and has demonstrated the capacity to meet contractual goals at reasonable costs.

"Public service" means service normally provided by government and includes, but is not limited to, work in such fields as beautification, conservation, crime prevention and control, education, environmental quality, fire protection, health care, housing and neighborhood improvements, manpower services, park, street and other public facility maintenance, pollution control, prison rehabilitation, public safety, recreation, rural development, solid waste removal, transportation, veteran outreach and other fields of human betterment and community improvement. It excludes building and highway construction work (except that which is normally performed by the prime sponsor or eligible applicant) and other work which inures primarily to the benefit of a private profit-making organization.

"Rate of unemployment" means the number of unemployed persons, as a percentage of the total number of persons in the civilian labor force, as determined by the Secretary.

"Secretary" means the Secretary of the United States Department of Labor or his designee.

"SESA" means State employment security agencies affiliated with the United States Employment Service, established by the Wayner-Peyser Act of 1933, as amended. The term shall include the system of public employment service offices and Unemployment Insurance offices.

"Significant segments" means those groups identified in a prime sponsor's comprehensive manpower plan as being most in need of the services to be provided by the Act.

"Special veteran" means an individual who served in the Armed Forces in Indochina or Korea, including the waters adjacent thereto, on or after August 5, 1964, who received other than a dishonorable discharge.

"State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

"State reservation" means an Indian reservation recognized by the State in which it is located.

"Subgrantee" means any governmental unit which receives a grant from a prime sponsor or eligible applicant under the Act.

"Sufficient size and scope" means an area or combination of areas other than an Indian reservation, which has a population of 10,000 or more persons and qualifies for a minimum allocation under Title II of $25,000.

"Supportive or manpower services" means services which are designed to contribute to the employability of participants, enhance their employment opportunities, assist them to retain employment, and facilitate their movement into permanent employment not subsidized under the Act.

"Underemployed persons" means persons who are working part-time but seeking full-time work or persons who are working full-time but receiving wages below the poverty level. For purposes of Title II and public service employment, persons who are working part-time for the employing agency may be considered underemployed and, as such, be hired only if their selection does not violate the maintenance of effort requirements of the Act.

"Unemployed persons" for Title I activities means, except in the case of welfare recipients, a person who is without a job and who wants and is available for work, defined as follows:

(a) A person who is without a job is a person who did not work during the Calendar week preceding the week in which the determination of his eligibility for participation is made. Except in the case of persons described in the undesignated paragraph following paragraph (c) below, the determination of who wants and is available for work will be made by the prime sponsor or his designee and persons who have been discouraged from seeking work but are currently available for work, shall not be excluded from eligibility.

(b) If a person is confined in a jail, penitentiary or other correctional institution and there is a reasonable expectation that release will follow the completion of training within a reasonable time, he shall be considered unemployed.

(c) A person is not to be considered to be available for work if he is without a job because of participation in an ongoing strike or lock-out at his usual place of employment.

In the case of welfare recipients, and except for purposes of sections 103 and 202 of the Act, the term "unemployed person" means an adult who, or whose family, receives supplemental security income or money payments pursuant to a State plan approved under the Social Security Act, Title IV, (Aid to Families with Dependent Children), or under the Social Security Act, Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled), or would be eligible for such payments according to the standards set forth at 45 CFR Part 233 and 20 CFR Part 416 if both parents were not present in the home, and

(a) Who is available for work and

(b) Who is either without a job or working in a job providing insufficient income to enable such a person and his family to be self-supporting without welfare assistance.

"Unemployed person," for Title II activities, means:

(a) a person who is without a job and who wants and is available for work, and

(b) except for purposes of sections 103 and 202 of the Act, an adult who, or whose family, receives supplemental security income or money payments pursuant to a State plan approved under the Social Security Act, Title IV (Aid to Families with Dependent Children), or under the Social Security Act, Title XVI (Supplemental Security Income for the Aged, Blind, and Disabled) or would be eligible for such payments according to the standards set forth at 45 CFR Part 233 and 20 CFR Part 416 if both parents were not present in the home and

(i) is available for work and

(ii) who is either without a job or working on a job providing insufficient income to enable such a person and his family to be self-supporting without welfare assistance.

(c) A person is "without a job" if, during the 30 days preceding his application or selection, he has worked no more than 10 hours or has earned no more than $30 in any calendar week.

"Unemployment compensation" means the compensation payable for weeks of unemployment in accordance with the provisions of a State or Federal law, including but not limited to the unemployment compensation laws of the several States, the Railroad Unemployment Insurance Act and 5 USC Ch. 85 (Federal employees and ex-servicemen's unemployment compensation). This term shall also extend to payments to unemployed individuals under the Disaster Relief Act and other Federal Acts providing assistance to unemployed individuals either as supplemental to State unemployment compensation or in lieu of such compensation.

"Unit of general local government" means any city, municipality, county, town, township, parish, village, or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers.

"Unsubsidized employment" means employment not financed from funds provided under the Act.

"Wagner-Peyser Act" means "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113), as amended (29 U.S.C. 49 et seq.).

PART 95—PROGRAMS UNDER TITLE I, OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

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AUTHORITY (Pub. Law 93–203, sec. 602(a), 87 Stat. 839), unless otherwise noted.

Subpart A—General

§ 95.1 Scope and purpose of Part 95.

(a) This Part 95 contains the Department of Labor's regulations for the establishment and provision of comprehensive manpower services, including public service employment, under Title I of the Act.

(b) This Part 95 should be read in conjunction with Parts 94 through 98 of this Title 29, Code of Federal Regulations. These parts, in total, comprise the regulations promulgated by the Secretary pursuant to the authority in the Act.

(c) Definitions for abbreviations and major terms may be found in Part 94 of this subtitle.

(d) Statutory authority for the regulations contained in this Part 95 may be found in section 602(a) of the Act, as well as other substantive provisions of the Act. Applicable statutory provisions, other than section 602(a), are noted generally in the regulations in this part.

§ 95.2 Allocation of funds.

(a) *General.* (1) This § 95.2 sets out the procedures for allocating funds under Title I of the Act. Of the funds available for Title I in any fiscal year, eighty percent shall be allocated according to the procedures set forth in paragraph (b) of this section. The remaining twenty percent shall be allocated as set out in paragraphs (c) and (d) of this section (sec. 103).

(2) Allocations made to prime sponsors under this section shall be published in the FEDERAL REGISTER as soon as possible after the enactment of any fiscal year appropriation. The Secretary may publish preliminary allocations to assist prime sponsors in planning for programs under Title I of the Act.

(3) The Secretary may reallocate Title I funds as provided in § 98.11 of this subtitle.

(b) *Prime sponsor basic allocations.* (1) Eighty percent of the funds available under Title I of the Act shall be allocated as provided in this paragraph (b). Funds provided pursuant to this paragraph are for prime sponsors, as defined in § 95.3, except for a limited number of prime sponsors which are Rural Concentrated Employment Programs. This paragraph (b) does not apply to Rural Concentrated Employment Programs.

(2) One percent of the amount available under this paragraph (b) shall be allocated by the Secretary to State prime sponsors for the costs incurred in staffing and servicing State Manpower Services Councils. If such funds exceed the amount needed for these costs, the excess may be used to carry out State services under section 106(c) of the Act. Allocations under this paragraph shall be made according to the paragraph (b)(4) allocation formula.

(3) Not less than $2,000,000 of the funds under this paragraph (b) shall be allocated among Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands, consistent with the factors set out in paragraph (b)(4) of this section.

(4) Allocation formula: Subject to the requirements of paragraph (b)(5) of this subsection, funds remaining after application of paragraph (b) (2) and (3) of this section shall be allocated to prime sponsors according to the following basic formula:

(i) Fifty percent of the funds subject to formula allocation shall be allocated on the basis of each prime sponsor area's proportion of the manpower funds obligated pursuant to the formula for all prime sponsor areas in the prior fiscal year;

(ii) Thirty-seven and one-half percent of the funds of a prime sponsor's proportion of the total number of unemployed persons (as defined by the Bureau of Labor Statistics) in all prime sponsor areas.

(iii) Twelve and one-half percent of the funds subject to the allocation formula shall be allocated on the basis of a prime sponsor's proportion of the number of adults in low income families in all prime sponsor areas;

(5) (i) No prime sponsor shall be allocated an amount under the paragraph (b)(4) allocation formula which is more than 150 percent of the amount of manpower funds obligated in the prior fiscal year for the area served by the prime sponsor; except that if the amount so allocated is less than 50 per cent of the amount of manpower funds to which it is entitled under the (b)(4) allocation formula, such allocation shall be increased to 50 per cent of its entitlement under the formula.

(ii) If any prime sponsor, pursuant to the paragraph (b) (4) and (5) allocation formula, is allocated less than 90 percent of the manpower funds that were obligated to that area in the previous fiscal year, that prime sponsor shall, to the extent feasible, be provided an amount from the Secretary's discretionary fund, set out in paragraph (d) of this section, that will bring its funding during the current fiscal year to the 90 percent level.

(c) *Additional prime sponsor allocations.* The paragraph describes those prime sponsor allocations that are not subject to the basic allocation procedures of paragraph (b).

(1) *Consortia incentive funds.* In order to encourage consortia, as defined in § 95.3, that also comprise substantial portions (e.g., 75%) of labor market areas, the Secretary may use up to 5 percent of the funds available for Title I of the Act to provide additional funding for such consortia. Consortia which do not serve such areas shall not be eligible for additional funds. Prior to making decisions concerning these funds, the ARDM shall consult with the Governors of the appropriate States and afford them an opportunity to make recommendations.

(2) *State manpower services allocation.* The Secretary shall allocate to the States, according to the paragraph (b)(4) allocation formula, four percent of the funds available under Title I of the Act, to enable the States to provide services, as set out in Subpart D of this Part 95.

(3) *Allocations for rural Concentrated Employment Program (CEP) prime sponsors.* The Secretary shall fund a limited number of prime sponsors which are rural Concentrated Employment Programs from any funds available to carry out Title I, except funds allocated under paragraph (b).

(4) *Vocational education allocation.* The Secretary shall allocate to the Governors, according to the paragraph (b)(4) allocation formula, 5 percent of the funds available under Title I, to provide financial assistance for vocational education. Each Governor shall allocate these funds as required in Subpart D of this Part 95.

(d) *Secretary's discretionary fund.* Any funds available under Title I that are not allocated under paragraphs (b) and (c) of this section shall be first utilized by the Secretary to assure each prime sponsor, including a limited number of rural CEP prime sponsors, of funding at the 90 percent level, as set out in paragraph (b)(5)(ii) section. The Secretary shall utilize the remainder of the funds available under this paragraph at his discretion, taking into consideration (1) the provision of incentive funds for multijurisdictional agreements entered into by States, as set out in § 95.3(b) and (d); (2) continued funding through prime sponsors of programs of demonstrated effectiveness, and (3) other factors the Secretary deems necessary to the carrying out of his responsibilities under the Act.

§ 95.3 Eligibility for funds.

(a) Funds may be allocated by the Secretary to prime sponsors (sec. 102). Prime sponsors are:

(1) States;

(2) Units of general local government which have a population of 100,000 or more persons;

(3) (i) Consortia consisting of general local governments which are (A) located in reasonable proximity to each other, (B) each of which retains responsibility for operation of the program, (C) at least one of which has a population of 100,000 or more persons, and (D) which, as a consortium, can plan and operate a comprehensive manpower program that provides administrative and programmatic advantage over other methods of delivering services under the Act;

(ii) A consortium, under this subparagraph (3), which consists of units of local government in more than one State, may be approved by the ARDM after the approval of the Governors of the States involved has been obtained.

(iii) No consortium agreement will be approved if one of the parties to the agreement is a unit of local government which is not eligible to be a prime sponsor under the Act and if, in addition, the effect of the agreement is to render ineligible the prime sponsor otherwise responsible for serving the area of the ineligible local government; provided, however, that nothing in this paragraph shall prohibit the otherwise responsible prime sponsor from granting its consent to such a consortium agreement;

(4) Any unit of general local government, or any combination of such units, without regard to population, which, in exceptional circumstances, is determined by the Secretary, after giving serious consideration to comments from the prime sponsor otherwise responsible for the area and the Governor, (i) to serve a substantial portion (e.g., 75%) of a functioning labor market area or to be a rural area with a high level of unemployment and (ii) to have demonstrated that (A) it has the capability for effectively carrying out a comprehensive manpower program under the Act, evidenced by its effective operation of programs such as a Concentrated Employment Program or other multicomponent program, (B) there is a special need for services provided by the Act (e.g., the area has a high proportion of such groups within the population as older workers, high school dropouts, or has a high unemployment rate, substantial outmigration, or unique commuting problems), and (C) it will afford administrative and programmatic advantages over other methods of delivering services under the Act; and

(5) A limited number of Concentrated Employment Program grantees existing at the time of enactment of the Act, serving rural areas having a high level of unemployment which the Secretary determines have demonstrated through prior performance, a special capability for carrying out programs in such areas and are designated for that purpose.

(b) (1) A State may enter into an agreement with any unit of local government within the State that has a population of at least 100,000 persons in order to provide services within a designated area. Such an agreement may be approved by the ARDM when the parties retain to the extent consistent with State and local law, joint and several responsibility for the program and the ARDM believes that the parties will, pursuant to the agreement, plan and operate a comprehensive manpower program which provides administrative and programmatic advantages over other methods of delivering services under the Act. All requirements for consortia in Parts 94–98 apply to such State multijurisdictional agreements unless otherwise stated.

(2) Incentive funds may be provided for an agreement under paragraph (b)(1) of this section if the agreement includes every eligible prime sponsor in the State.

(c) A consortium which comprises a substantial portion of a labor market (e.g., 75%) shall be eligible for incentive funds, as provided in § 95.2(c)(1). The ARDM shall make such determinations, taking into consideration the definition and listing of labor market areas published by the Department, and the recommendations of the Governors.

(d) Incentive funds for consortia or State agreements shall be a nationally uniform percentage increase of the amount due them under § 95.2(b)(4), but shall not exceed 10 percent of the amount.

(e) No State, unit of general local government, or consortium may apply or be designated as a prime sponsor for any area within its jurisdiction that is also within the jurisdiction of another prime sponsor unless the latter consents or fails to submit an approvable Comprehensive Manpower Plan, or has its plan terminated, in whole or in part, by the Secretary.

(f) Any unit of local government that does not intend to be served by the prime sponsor which would normally serve it under Title I shall inform that prime sponsor of its determination.

§ 95.4 Data base for determining eligibility.

In order to determine prime sponsor eligibility, the Secretary shall use the 1970 official Census or certified up dates as published by the U.S. Bureau of Census.

Subpart B—Grant Planning, Application and Modification Procedures

§ 95.10 General.

This Subpart B provides the procedures for obtaining and modifying a grant to operate programs under Title I of the Act. Specifically, this subpart describes the procedures in the grant award process—from a prime sponsor's initial intent to apply, through the grant application process, to review by the Department, approval or disapproval of the grant, and modification. This subpart also describes the functions of prime sponsor Manpower Planning Councils and State Manpower Services Councils.

§ 95.11 Notification of intent to apply for prime sponsorship; consortium agreements.

(a) For fiscal year 1975, an applicant interested in receiving financial assistance shall submit to the ARDM, the Governor, and the appropriate State A–95 clearinghouses (see OMB circular A–95) a notification of intent to apply for prime sponsorship in the format described in this part. In subsequent fiscal years, the Preapplication for Federal Assistance, Parts I and II, prescribed by OMB Circular A–102, shall be used. In either case, submission shall be by a date set by the Secretary (sec. 102(c)).

(b) All prime sponsor notifications of intent, including those from consortia, shall include the following:

(1) Name and address of each prime sponsor applicant;

(2) Geographical area to be served;

(3) Population to be served;

(4) Name of any ineligible unit of local government, located within the prime sponsor applicant's jurisdiction, that has informed the prime sponsor applicant that it will not be participating in the prime sponsor applicant's plan;

(5) Certification that each prime sponsor applicant, except for a Concentrated Employment Program prime sponsor, has required governmental authority as defined in § 94.3 and will comply with all requirements of law and regulation; and

(6) The signature of the chief elected official(s) or chief executive officer(s), as appropriate, of each prime sponsor applicant. For a consortium, the signature of the chief elected official or chief executive officer of each consortium member is required.

(c) In addition to prime sponsor notifications of intent from consortia of local governments, each consortium shall, prior to execution of the grant, submit to the ARDM for his approval, a formal agreement which includes the following:

(1) A statement that the agreement has been formed under the Comprehensive Employment and Training Act of 1973. Either an agreement shall be written to establish a consortium arrangement for the express purpose of conducting a program under the Act or an existing joint power or other agreement shall be amended to include reference to the Act as part of the agreement;

(2) Identification of the units of government which are parties signatory to the agreement (i.e., the governmental units that are members of a consortium; not those governmental units that are merely served by a consortium;

(3) Identification of any ineligible governmental unit which would normally

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be within the jurisdiction of the consortium but has informed the members of the agreement of its desire not to have services provided through the consortium;

(4) Geographical areas which will be served through the agreement;

(5) Population to be served;

(6) Certification that State and local law permits services under the consortium agreement to be provided within the entire geographical area covered by the agreement, including within the jurisdiction of any local government located within the geographical area covered by the agreement (i.e., that the agreement is not prevented by State or local law from taking effect in the entire geographical area which it intends to serve);

(7) An attached letter from each unit's chief legal officer assuring that each party signatory has the legal authority, under State or local law, to enter into a consortium agreement (these letters are made part of the agreement);

(8) A statement that grant agreements with the Department shall be signed by the chief elected official or chief executive officer of each party to the consortium agreement;

(9) Certification that to the extent consistent with State or local law, each party signatory to the agreement accepts responsibility for the operation of the program (i.e., each member of the consortium, rather than any administrative arm, has ultimate responsibility for the program's operation and success);

(10) A description of the powers, functions and responsibilities reserved by the parties to the agreement and a statement of the procedure by which chief elected officials will participate in the planning and operation of the program, if they so desire; and

(11) A statement of the powers, functions and responsibilities which will be delegated to an administrative entity to operate the program and the name and organizational structure of that entity.

(d)(1) The consortium shall be the prime sponsor under the Act. An administrative unit or one member of the consortium must be designated to operate the program.

(2) The division of powers, functions and responsibilities between the consortium members and the administrative unit must be workable and clearly delineated. The administrative unit may be delegated the power to enter into contracts and subgrants and other necessary agreements, to receive and expend funds, to employ personnel, to organize and train staff, to develop procedures for program planning, operation and assessment and fiscal management of the program, to evaluate program performance and determine resulting need to reallocate resources, and to modify the grant agreement with the Department. Such delegation shall not relieve the members of the consortium of their ultimate responsibility for the use of funds. The administrative arm of the consortium should have responsibilty for the entire operation of the program, but the consortium members shall be reserved the right of evaluation and the decision to reprogram funds.

(e) A consortium established under these regulations shall have a stated duration at least equal to the period of the grant.

(f) All prime sponsor notifications of intent from applicants which are eligible only in exceptional circumstances, as defined in § 95.3(a)(4) of this Part 95, shall, in addition to the requirements of paragraph (b), of this section include in their notifications of intent a statement and justification, that they meet the requirements of § 95.3(a)(4). Consortia formed in exceptional circumstances shall also submit an agreement as required in paragraph (c) of this section.

§ 95.12 Prime sponsor designation.

Upon receipt of a completed notification of intent, the ARDM shall determine whether the applicant is eligible to be designated as a prime sponsor and shall notify the applicant of his determination. A grant application package (§ 95.14(b)) shall be sent to each applicant designated as being eligible for prime sponsorship.

§ 95.13 Planning process; advisory councils.

(a) *General.* To receive financial assistance under Title I of the Act, a prime sponsor applicant shall submit an approvable Comprehensive Manpower Plan, as set out in § 95.14 of this Part 95. In developing such a plan, a prime sponsor applicant shall utilize the advisory councils set out in this section (secs. 104, 105, and 107).

(b) *Planning process.* The prime sponsor shall establish a planning process for the development of its Comprehensive Manpower Plan. That process shall utilize, as appropriate, the advisory councils established in this section and shall also assure the participation in program planning of community-based organizations and the population to be served.

(c) *Prime sponsor Manpower Planning Council.* (1) Each prime sponsor (and prime sponsor applicant) shall appoint a Manpower Planning Council representative of the geographic area to be served. The Planning Council function is advisory. The Council's advisory authority does not free the prime sponsor from its final decisionmaking responsibilities under the Act.

(2) The Planning Council shall advise the prime sponsor in the setting of basic goals, policies and procedures for its program under the Act. It shall make recommendations regarding program plans, and provide for continuing analyses of needs for employment, training and related services in such areas. Planning Councils should monitor all manpower programs under the Act and provide for objective evaluations of manpower and related programs operating in the prime sponsor's area, for the purpose of improving the utilization and coordination of the delivery of such services. The procedures for evaluating programs relating to the Act will be developed in cooperation with the agencies affected. The Planning Council shall make recommendations based upon its analyses to the prime sponsor, which will consider them in the context of its overall decisionmaking responsibility.

(3) Each prime sponsor shall, to the extent practical, include as appointments to its Planning Council members who are representative of the client community, community-based organizations, the Employment Service, education and training agencies and institutions, business, labor, and, where appropriate, agriculture. Persons representative of other interested groups may also be appointed. The prime sponsor shall appoint a chairman of the Planning Council and provide professional, clerical, and technical staff to serve it. Funds for supportive services and related staff costs for the Planning Council may be made available from a prime sponsor's basic allocation.

(d) *State Manpower Services Council.* (1) A State prime sponsor shall establish, in addition to its Planning Council under paragraph (c) of this section, a State Manpower Services Council (SMSC) representative of the geographic area to be served. The SMSC function is advisory and does not relieve the State of its final decision-making responsibilities under the Act. The SMSC shall review and monitor all manpower activities within the State, including those of prime sponsors, and advise and make recommendations concerning manpower activities to the Governor, prime sponsors, State manpower agencies and the public.

(2) Consistent with the requirements of section 107 of the Act, the Governor shall appoint Council members, as follows:

(i) At least one third of the membership of the Council shall be composed of representatives of prime sponsors who have been designated in accordance with procedures agreed upon by such prime sponsors. (All prime sponsors within the State need not be represented; whatever the size of the Council, one-third of its membership shall be representatives of prime sponsors within the State.)

(ii) One representative shall be appointed from each of the following: The State Board of Vocational Education, the State Employment Service, and any State agency the Governor believes has an interest in manpower or manpower-related services within the State.

(iii) Representatives shall be appointed from organized labor, business and industry, the general public, community-based organizations, and from the population to be served under the Act (including representation of persons of limited English-speaking ability when such persons represent a substantial portion of the client population).

(3) The Governor shall appoint a chairman for the Council and provide the Council with professional, technical, and clerical staff. The Council shall meet as it deems necessary.

(4) Council responsibilities shall include, but not be limited to:

(i) Reviewing prime sponsor plans, proposed modifications, and comments thereon;

(ii) Reviewing State agency plans for providing services to prime sponsors;

(iii) Making recommendations for effective coordination of all manpower and manpower-related programs and supportive services within the State;

(iv) Continuously monitoring (A) the operation of programs conducted by prime sponsors in the State and (B) the availability, responsiveness, adequacy and effective coordination of State services provided by all manpower-related agencies;

(v) Submitting an annual report, which will be a public document, to the Governor, prime sponsors, State manpower agencies and such other reports and information to the Governor and prime sponsors as it believes necessary to effectively carry out the Act.

(e) *Combined planning and services councils.* In any State where the State is the only prime sponsor, the prime sponsor Planning Council may also perform the functions of the State Manpower Services Council. In such instances the membership of the prime sponsor Planning Council shall reflect the membership requirements of the State Manpower Services Council.

§ 95.14 Content and description of grant application.

(a) *General.* (1) This section describes the grant application which prime sponsor applicants will use to apply for funds under Title I of the Act. If an applicant is also applying for funds under Title II of the Act, additional requirements set out in Part 96 must also be followed. Procedures for special State grants under Title I are in Subpart D of this Part 95 (sec. 105).

(2) A copy of all forms and instructions are contained in the Forms Preparation Handbook.

(b) *Grant application forms*—(1) *Application for Federal Assistance.* The Application for Federal Assistance identifies the prime sponsor applicant and the amount of funds requested; it provides information concerning the area to be served and the number of people expected to benefit from the program. Forms provided in OMB Circular A-102 for Parts I and II of a grant application for nonconstruction are being used.

(2) *Comprehensive Manpower Plan.* The Comprehensive Manpower Plan is a statement of how the prime sponsor applicant intends to use Title I funds, and to coordinate its activities with other manpower programs and services operating within its jurisdiction. The Comprehensive Manpower Plan consists of the Program Narrative Description, the Program Transition Schedule, the Project Operating Plan, the Program and Occupational Summaries for Public Service Employment, and the Vocational Education Non-Financial Agreement, all described below. For consortium prime sponsors, the approved consortium agreement will be a part of the plan.

(i) *Program Narrative Description.* The Program Narrative Description provides for a narrative outline of the proposed program under the Act. It identifies and explains the manpower problems within the prime sponsor's jurisdiction, describes proposed program activitives and delivery systems to deal with those problems, and projects the results which may be expected from the program. The Program Narrative Description form requires a detailed statement on the program including the following specific items. The Form Preparation Handbook gives detailed instructions for these and other items on the Program Narrative Form:

(A) *Objectives and needs for assistance.* (1) Policy statement on purpose of program;

(2) Description of economic condition;

(3) Description of labor market characteristics;

(4) Assessment of skill shortages;

(5) Definition of manpower needs;

(6) Statement of groups to be served;

(7) Statement on consideration of priority groups; and

(8) Statement of goals to be accomplished.

(B) *Results and benefits expected.* (1) Statement relating planned results to needs;

(2) Description of "other activities" in Project Operating Plan;

(3) Statement of how training and services will provide participants with economic self-sufficiency; and

(4) Explanation of how training will lead to employment and enhance career development.

(C) *Approach:* (1) Description of planning system and participation of community based organizations;

(2) Statement of strategy for accomplishing goals;

(3) Description of each program activity and service;

(4) Description of methods to be used to recruit, select and determine eligibility of participants;

(5) Description of how persons of limited English-speaking ability will be served if they represent a large portion of a Prime Sponsor's program;

(6) Description of consideration given programs of demonstrated effectiveness;

(7) Description of prime sponsor's administrative system;

(8) Description of allowance payment system;

(9) Explanation of any system for accounting for placements;

(10) Explanation of reasons specific delivery agents were selected including area skill centers and justification when other than existing facilities have been selected;

(11) Description of vocational education training and services funded by State Special Grants;

(12) Description of coordination with deliverers of manpower services not supported by the Act;

(13) Justification of administrative costs planned; and

(D) *Geographic location served.* Description of geographical locations to be served.

(E) *Items relating to State applicants.* (1) Description of functions of the State Manpower Services Council;

(2) Description of State Manpower Services to be undertaken; and

(3) Copy of the narrative included with the State's Special Grant.

(F) *Public Service Employment Programs.* (1) Description of target population characteristics and significant segments which need special attention;

(2) Description of unmet public service needs and priorities;

(3) Comparison of types of jobs in public service needs described above.

(4) Justification of funding and job allocation by area;

(5) Description of strategy for matching jobs to special veterans skills;

(6) Description of plan for monitoring services to significant segments; specifically disabled and special veterans and welfare recipients;

(7) Orientation procedures for participants;

(8) Description of determination of rates of compensation when they differ from what is normally paid by employer;

(9) Description of actions to insure compliance with personnel procedures and collective bargaining agreements for jobs above entry level;

(10) Plans to improve and expand employment and advancement opportunities of the target population; and

(11) List of governmental units and union organizations to which the application must be sent for comments.

(ii) *Program Transition Schedule.* The Program Transition Schedule, required only in the plan for fiscal year 1975, requires the prime sponsor to list the categorical manpower programs currently funded under the Manpower Development and Training Act (MDTA) and the Economic Opportunity Act (EOA), indicating those which will be phased into the operation of activities under the Act and those to be phased out. Current programs under MDTA and EOA may be continued only through December 31, 1974, unless the ARDM approves, under special circumstances. The prime sponsor shall also describe the system for ensuring continuity of service for those individuals enrolled in the categorical programs operating at the time of transition.

(iii) *Project Operating Plan.* The Project Operating Plan requires a prime sponsor to provide a quantitative statement of planned expenditures, enrollment levels, and outcomes for program participants. It also requires a prime sponsor to indicate planned expenditures for administration, allowances, wages, fringe benefits, training, and services.

(iv) *Public Service Employment Occupational Summary.* The Occupational Summary requires a prime sponsor operating a public service employment program under the Act to provide a description of proposed job opportunities, occupations and wages, including a comparison of such wages with wages for similar non-subsidized jobs in the employing agency. The prime sponsor shall submit separate summaries for such pro-

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grams under Title I and Title II of the Act.

(v) *Public Service Employment Program Summary.* The Program Summary presents a distribution of public employment jobs, and funds to be provided to prime sponsors and subgrantees. It designates the areas to be served and the population of each area. The prime sponsor shall submit separate summaries for such programs under Title I and Title II of the Act.

(vi) *Assurances and certification.* The Assurance and Certification form is a signature sheet on which the prime sponsor assures and certifies that it will comply with the Act, the regulations of the Department, other applicable laws, and applicable circulars from the Office of Management and Budget and the General Services Administration. The assurances and certifications included on the form are as follows:

(A) Compliance with the Act and Regulations;

(B) Compliance with OMB circulars A–87, A–95, A–102;

(C) Legal authority;

(D) Noncompliance;

(E) Compliance with Title VI of the Civil Rights Act of 1964;

(F) Compliance with the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970;

(G) Compliance with the Hatch Act and restrictions on political activities;

(H) Prohibition on use of position for private gain;

(I) Access of Comptroller General and Secretary to records and documents pertaining to the Act;

(J) Nonsupport of religious facilities;

(K) Maintenance of required health and safety standards;

(L) Provision of appropriate workman's compensation to participants;

(M) Use of funds under the Act to supplement, rather than supplant, funds otherwise available and prohibition on displacement of employed workers by participants employed under the Act;

(N) Training only in occupations which have reasonable expectations for unsubsidized employment and which provides for the development of participants' potential consistent with their capabilities;

(O) Compliance with reporting and record-keeping requirements of the Act and regulations.

(P) Provision of required administrative and accounting controls;

(Q) Compliance with applicable standards for working conditions;

(R) Specific assurances for Title I activities, as required by the Act;

(S) Specific assurances for public service employment programs, as required by the Act;

(T) Special certifications for State applicants, as required by the Act.

§ 95.15 Comments and publication procedures relating to submission of grant application.

(a) As provided in paragraphs (b) and (c) of this section, each prime sponsor applicant shall, no later than the date of its submission of an application to the ARDM, provide an opportunity for comment on the application (secs. 105(c)(2) and 108).

(b)(1) Each prime sponsor shall publish a summary of the grant application package, including the proposed allocation of funds, in a newspaper or newspapers (including minority newspapers, where feasible) which will provide for a general circulation throughout the area to be served by the prime sponsor's plan. Such publication shall be for three consecutive issues and shall include an address and appropriate hours when the complete grant application will be available for review and the place where comments may be directed. The publication shall be made 30 days prior to the submission of the application to the ARDM, except that for Fiscal Year 1975 the publication shall be no later than the date of submission of the application to the ARDM.

(2) The information published shall include the following:

(i) The goals provided in the Project Operating Plan;

(ii) The significant segments of the population to be served, and number of planned participants in each segment;

(iii) The program activities and services to be provided by the program in each geographical area and the funds to be planned for each activity and service;

(iv) The total funds in the grant and distribution by cost categories.

(c)(1) In addition to general newspaper circulation, each prime sponsor applicant shall provide a copy of its application for the purpose of commenting thereon, to the Governor and the appropriate State A–95 clearinghouse(s). It shall provide a summary to appropriate units of local government with a population of at least 10,000 persons.

(2) For grants for fiscal year 1975, a prime sponsor applicant shall submit a copy of its application to the appropriate A–95 clearinghouse at the same time it submits its application to the ARDM. The copy of the application sent to the clearinghouse shall be accompanied by the following statement: "Due to the time constraints on implementation of Titles I and II of the Comprehensive Employment and Training Act of 1973, the program plan(s) required by sections 105, 106, and 205 of the Act is (are) being submitted to the clearinghouse and the Department of Labor simultaneously. Clearinghouses are requested to forward any comments directly to the Assistant Regional Director for Manpower. This review and comment procedure has been approved by the Office of Management and Budget only for FY 1974 Title II and FY 1975 Titles I and II program approval cycles."

(d) Comments pursuant to paragraphs (b) and (c) of this section shall be made to the prime sponsor applicant and the ARDM within 30 days of publication. The prime sponsor should provide copies of these comments to its Advisory Council.

(e) A prime sponsor applicant shall respond to any comment made pursuant to this section. It shall inform any party submitting a substantive comment of whether any plan revision will be made in response to the comment and the reasons for the prime sponsor's determination. All substantive comments and responses will be transmitted to the ARDM with the grant application, unless the comments are received after the application's submission, in which case they will be sent separately to the ARDM.

§ 95.16 Submission of grant application.

(a) Each prime sponsor applicant shall submit its grant application to the ARDM on or before a date set by the Secretary.

(b) A grant application shall include all items set out in § 95.14.

§ 95.17 Standards for reviewing grant applications.

(a) A grant application will be reviewed to determine if it meets the requirements of the Act, the regulations promulgated under the Act, and other applicable law.

(b) In reviewing a grant application as provided in paragraph (a) of this section, the ARDM shall determine whether:

(1) The application is complete.

(2) The needs and priorities identified in the application are supported and justified by the documentation provided by the prime sponsor.

(3) The planned expenditures for program activities are substantiated by documentation of the needs and priorities identified in the application.

(4) The performance goals identified in the application are reasonable in light of past program experience in the same or similar activities and the documentation provided by the prime sponsor.

(5) Appropriate arrangements have been made to involve the population to be served and community-based organizations in the planning process, through both representation on the Prime Sponsor Manpower Planning Council and participation in the specific planning of program.

(6) The prime sponsor applicant's selection of the method of delivery of services is supported by adequate documentation based on availability and capability of delivery agents and appropriateness of services for the population to be served (sec. 105(a)(3)(B)).

(7) Maximum efforts have been made to meet the goals of the prior year's plan; such efforts shall include monitoring, evaluation and remedial activities.

(8) The administrative costs in the application are reasonable and provide, to the maximum extent feasible, for Federal funds to be expended for direct program activities and services, and, if administrative costs exceed 20 percent of total costs, whether the prime sponsor has cited an adequate reason and provided supporting documentation.

(9) The prime sponsor has adequate internal administrative controls, accounting requirements, personnel standards, monitoring and evaluation procedures, availability for in-service training and technical assistance, and such other policies as may be necessary to promote the effective use of funds provided under Title I of the Act.

(10) All parties required to be afforded an opportunity to comment on comprehensive manpower plans have been afforded such an opportunity; and

(11) Any comment on a Comprehensive Manpower Plan evidences noncompliance with the Act, the regulations promulgated pursuant to the Act, or any other applicable law.

§ 95.18 Application approval; grant agreement.

(a) An application for a grant shall be approved if it meets the requirements of the Act, the regulations promulgated under the Act, other applicable law and if the ARDM determines that the prime sponsor has demonstrated maximum efforts to meet the goals of the prior year's plan.

(b) An application for a grant from a consortium, or pursuant to a State multijurisdictional agreement, shall be approved if, in addition, an agreement among the parties has been submitted to and approved by the ARDM.

(c) A prime sponsor applicant and the Governor shall be notified of action taken on the application. If an application is approved, the ARDM shall provide the prime sponsor with a grant agreement, consisting of the Grant Signature Sheet and the Assurances and Certification form, and the Comprehensive Manpower Plan which is included by reference.

(d) The Grant Signature Sheet specifies the amount obligated by the Department, the term of the grant and is signed by the ARDM and the prime sponsor.

§ 95.19 Application disapproval.

(a) An application for a grant shall be disapproved if it fails to meet any requirement of the Act, the regulations promulgated under the Act, or any other applicable law (secs. 105 and 108).

(b) No application shall be disapproved solely because of the percentage of total funds devoted to any allowable program activity.

(c) No application for a grant shall be disapproved until:

(1) The prime sponsor application has been notified that its application fails to meet a requirement of the Act, regulation promulgated under the Act, or other applicable law; and

(2) The prime sponsor applicant is provided with suggestions as to those corrective steps which may be utilized to remedy any defect found in the application; and

(3) The prime sponsor applicant has been provided with a reasonable opportunity, but not less than 30 days, to remedy any defect found in the application, but has failed to do so.

(d) When an application is disapproved, a notice of disapproval shall be transmitted to the prime sponsor and the Governor, accompanied by a statement of the grounds of the disapproval. Such disapproval shall not be effective until notice and opportunity for a hearing has been provided, as required in Subpart C of Part 98.

§ 95.20 Use of alternative prime sponsors; services by the Secretary.

If an application is not filed, as required, or is denied, or if a grant is terminated in whole or in part during a fiscal year, the Secretary may make provision for the funds so released to be used by the State or another alternative prime sponsor to service the area originally to be served by the primary prime sponsor, or the Secretary may serve such an area directly (sec. 110(a)).

§ 95.21 Modification of grant agreement.

(a) The Grant Signature Sheet shall be used as the instrument to modify an existing grant agreement when there is a change in (1) the term of the grant, (2) the amount funded by the grant, or (3) the assurances and certifications included in the grant agreement (secs. 105 and 108).

(b) When the term or amount funded by the grant is changed, the prime sponsor shall also submit revised portions of its Comprehensive Manpower Plan to specifically identify the changes.

(c) When the term or amount funded by a grant is changed the comments and publication procedures provided in § 95.15 shall be followed.

§ 95.22 Modification of Comprehensive Manpower Plan.

(a) *General.* Prime sponsors may make two types of modifications to Comprehensive Manpower Plans: major and minor. An ARDM may require a modification as described in (d) of this section.

(b) *Major plan modification.* (1) When a plan modification falls into one of the following categories it will be considered to be major plan modification:

(i) For grants of $100,000 or less:

(A) When the cumulative transfer of funds among program activities or cost categories exceeds $5,000.

(B) When the total number of individuals to be served, planned enrollment levels for program activities, planned placement terminations, or individuals to be served within significant client groups is to be increased or decreased by 15 percent or more.

(ii) For grants of over $100,000:

(A) When the cumulative transfer of funds among program activities or cost categories exceeds $10,000 or 5 percent of the total grant budget whichever is greater.

(B) When the total number of individuals to be served, planned enrollment levels for program activities, planned placement terminations, or individuals to be served within significant client groups is to be increased or decreased by 15 percent or more.

(2) A prime sponsor desiring a major modification shall submit a revised project operating plan and a narrative explanation of the proposed changes to the ARDM. This modification will be forwarded for comment to the Governor and to other interested units of local government and a summary published in a newspaper of general circulation in the prime sponsor's area. The ARDM shall notify the prime sponsor of final approval or of tentative disapproval within 10 days of receipt of the proposed modification. Final ARDM action on disapproval shall be taken within 30 days of the receipt of the proposed modification. Appeal of any such determination may be obtained through the procedures set out in Part 98 of the regulations.

(c) *Minor plan modification.* A prime sponsor may make any change in its project operating plan which is not set out in paragraph (b) of this section without prior approval, but must show any such change in the first quarterly progress report submitted to the Department after the change has been made. At the same time that this report is submitted, an updated Project Operating Plan will also be submitted. Only those lines and columns affected by the modification shall be shown.

(d) *ARDM required modification.* After consultation with a prime sponsor, modification may be required by the ARDM as necessary to respond to comments received on a grant application after the application has been approved (secs. 105 and 108).

Subpart C—Program Operations

§ 95.30 General.

This subpart sets out the program operation requirements for comprehensive manpower services under Title I of the Act. The utilization of funds under Title I is conditioned upon adherence to the Act, the regulations promulgated under the Act, and other applicable law.

§ 95.31 Basic responsibilities of prime sponsors.

A prime sponsor shall be responsible for:

(a) Compliance with plans and assurances;

(b) Compliance with Part 98 of these regulations;

(c) Establishing priorities for receipt of assistance authorized under the Act taking into account the priorities identified by the Secretary and the significant groups represented among the economically disadvantaged, unemployed and underemployed residing within his jurisdiction;

(d) Designing program operating activities which are, to the maximum extent feasible, consistent with every participant's fullest capabilities and will lead to employment opportunities enabling every participant to become economically self-sufficient, and will contribute to the occupational development or upward mobility of every participant (sec. 101);

(e) Advising every participant of his rights and responsibilities prior to entering the program and granting the opportunity for a fair hearing as provided in § 95.37; and

(f) Making maximum efforts to achieve the provisions of its plan.

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§ 95.32 Eligibility for participation in a Title I program.

(a) A person who is economically disadvantaged, unemployed or underemployed (as defined in § 94.3) may, subject to paragraph (b) of this section participate in a program offered by the prime sponsor under Title I of the Act (secs. 2, 105(a) and 108(d))

(b) For the purpose of participating in a public service employment program under Title I of the Act, participation is permitted for persons who reside, as defined in paragraph (c) of this section, anywhere within the geographical area covered by the prime sponsor's comprehensive plan who are unemployed or underemployed, and are otherwise eligible for participation consistent with the requirements of sections 205(c) and 208 of the Act (sec. 105(a)(5)).

(c) For the purpose of defining residence in paragraph (b) of this section, the term residence shall mean an individual's permanent dwelling place or home, both at the time the individual applies and is selected for participation in a public service employment program under Title I of the Act. In determining whether a particular place is an individual's dwelling place or home, the intention of the individual is the key element. Maintenance of an "address" is not necessarily the same as maintenance of a dwelling place or home.

(d) Citizenship will not be used as a criterion to prevent permanent residents, including permanent resident aliens, from participating in a program to the extent consistent with applicable State or local law.

§ 95.33 Types of manpower program activity available.

(a) A prime sponsor may provide any type of manpower program activity which is consistent with the purposes of Title I of the Act. Such program activities include but are not limited to the development and creation of job opportunities, and the training, education and other services needed to enable an individual to secure and retain employment at his maximum capacity. Program activities should be primarily directed toward the placement of individuals in unsubsidized employment, either directly at the outset of program participation as a result of intake assessment or indirectly through provision of training or services. (sec. 101.)

(b) A prime sponsor may, consistent with these regulations, determine the operating levels and program activities in its area. It may select any of the program activities described in paragraph (d) of this section or devise other activities within the framework of the Act. No prime sponsor plan will be disapproved solely because of the percentage of funds devoted to a particular program activity (sec. 108(c))

(c) A prime sponsor shall develop special program provisions for persons of limited English-speaking ability when such persons constitute a significant portion of a prime sponsor's program. The prime sponsor shall establish operating procedures to ensure (sec. 301(b));

(1) Teaching occupational skills in the primary language of such persons for occupations which do not require a high proficiency in English;

(2) Developing new employment opportunities for persons limited in English-speaking ability;

(3) Developing opportunities for promotion within existing employment situations for such persons;

(4) Disseminating appropriate information and providing job placement and counseling assistance in the primary language of such persons;

(5) Conducting training and employment programs in the primary language of such persons; and

(6) Conducting programs designed to increase the English-speaking ability of such persons.

(d) The basic types of manpower services available to a prime sponsor include, but are not limited to, the following:

(1) *Classroom training.* (i) This program activity includes any training conducted in an institutional setting designed to provide individuals with the technical skills and information required to perform a specific job or group of jobs. It may also include training designed to enhance the employability of individuals by upgrading basic skills, through the provision of courses in, for instance, remedial education, training in the primary language of persons of limited English-speaking ability, or English-as-a-second language training.

(ii) Occupational training shall be designed for occupations in which skill shortages exist (sec. 105(a)(6)) and such training will be provided only for occupations for which there is reasonable expectation of employment (sec. 603(10)). Such determination shall be made by the prime sponsor, utilizing available community resources such as the local SESA office, the National Alliance of Businessmen, etc.

(iii) Allowances and other benefits as provided in § 95.34 may be paid to participants receiving training or education, provided that such allowances are not paid for any course having a duration in excess of 104 weeks (sec. 111(a)).

(iv) Vocational classroom training may be supported with funds provided through (A) the prime sponsor's Title I grant or (B) special grants to Governors for vocational education and services in prime sponsor areas. In order to obtain such services the prime sponsor will negotiate nonfinancial agreements with local Vocational Education Boards utilizing the procedures described in Subpart D of this Part 95.

(2) *On-the-job training.* (i) On-the-job training (OJT) refers to training conducted in a work environment designed to enable individuals to learn a bona fide skill and/or quality for a particular occupation through demonstration and practice. Such training may be conducted on a "hire first, train later" basis, or with ultimate placement with an employer other than the training organization. OJT may involve individuals at the entry level of employment or be used to upgrade present employees into occupations requiring higher skills. Training shall be designed to lead to the maximum development of participants' potentials and to their economic self-sufficiency.

(ii) *Inducements to employers.* Prime sponsors may provide payments or other inducements to public or private employers for the bona fide training and related costs of enrolling individuals in the program; provided that payments to employers organized for profit are only made for the costs of recruiting, training and supportive services which are over and above those normally provided by the employer. Direct subsidization of wages for participants employed by private employers organized for profit is not an allowable expendiutre (sec. 101(5)).

(iii) *Labor organization consultation.* Where appropriate, Labor organizations should be consulted in the design and conduct of on-the-job training programs where collective bargaining agreements exist with the employer.

(iv) *Participant benefits.* Wages and other benefits provided to OJT participants shall be in accordance with conditions specified in § 95.35.

(3) *Subsidized employment.* This program activity includes both transitional public service employment and work experience as defined below.

(i) *Transitional public service employment.* This program activity includes training, services and other activities incident to the subsidized employment of individuals in the public sector. Operating conditions and allowable expenditures, except for residency requirements, applicable when Title I funds are used for this activity are enumerated in Part 96 of these regulations.

(ii) *Work experience.* This program activity, unlike the others discussed above, is not directed primarily at the immediate placement of individuals following completion of participation. Participants in other program activities should be "job ready" when terminated, while work experience participants may have no reasonable prospects for full-time employment, and might be in need of another program activity upon completion. Work experience activities should be addressed, therefore, to enhancing the future employability of less competitive segments of the target population. Typical activities include part-time work for students, exposure to work habits and career possibilities for out-of-school youth, and readjustment to the work environment for older persons. Program outcomes may include return to school for dropouts, enrollment in post-secondary education for high school graduates, enlistment in the military services, adjustments in employer attitudes, placement of older workers in part-time work, or participation in another program activity. Work experience in the private for profit sector is prohibited.

(iii) *Participant benefits.* (A) Wages and benefits for persons employed in a public service program shall be as provided in Part 96.

(B) Allowances and related benefits for persons participating in a work experience program shall be as provided in § 95.34.

(4) *Services to participants.* This program activity is designed to provide supportive manpower services which are needed to enable individuals to obtain or retain employment or to participate in other manpower program activities leading to their eventual placement in unsubsidized employment. Such services include, but are not limited to the following:

(i) *Manpower Services.* (A) Outreach;
(B) Intake and assessment;
(C) Orientation;
(D) Counseling;
(E) Job Development;
(F) Job placement; and
(G) Transportation; and

(ii) *Supportive Services.* (A) Health care and medical services;
(B) Child care;
(C) Residential support;
(D) Assistance in securing bonds;
(E) Family planning services, provided that such services are made available to an enrollee only on a voluntary basis, and are not to be a prerequisite for participation in, or receipt of, any service or benefit from the program; and
(F) Legal services.

(5) *Other activities.* These are program activities which do not fit into any of the above categories, including, but not limited to, the following:

(i) Removal of artificial barriers to employment;
(ii) Job restructuring;
(iii) Revision or establishment of merit systems; and
(iv) Development and implementation of affirmative action plans.

§ 95.34 Training allowances.

(a) *The payment system.* To assure accountability and uniformity, and to facilitate the necessary coordination with other programs, the system for payment of allowances under the Act shall be maintained as a unified system (sec. 111(a)). In addition, the delivery system selected by the prime sponsor shall incorporate a procedure to obtain information concerning receipt of unemployment compensation by participants. The prime sponsor in selecting the delivery system for the payment of participant allowances should give consideration to the use of existing agencies which have experience in operating an allowance payment system. The payment system shall include the following elements:

(1) Determination of entitlement and computation of amount to be paid;
(2) Issuance and distribution of payments;
(3) Maintenance of payment records and preparation of required reports;
(4) Maintenance of a system to detect and collect overpayments; and
(5) Arrangements with other agencies to obtain necessary information to minimize duplication or unauthorized payments. This shall include arrangements with:

(i) The State employment security agency for verification of unemployment compensation benefits;
(ii) Local welfare agencies for verification of public assistance payments;
(iii) Training facilities for submittal of payment requests and certification of attendance; and
(iv) Other units of government for verification of training allowances under other Federal, State or local programs.

(b) *Selection of delivery agent.* The prime sponsor is required to provide a unified allowance payment system either directly or through contract with other organizations as it considers appropriate for its particular circumstances. The prime sponsor may want to give consideration to the Unemployment Insurance service when selecting the delivery agent for allowance payments.

(c) *Eligibility for allowances.* Allowances may be paid to participants receiving classroom training, education or work experience under Title I of the Act.

(d) *Application for unemployment compensation.* Participants should be encouraged to apply for unemployment compensation benefits if they are not already receiving such benefits.

(e) *Basic allowances.* Basic allowances for one week, when added to unemployment compensation payments, if any, shall equal whichever is the highest of:

(1) The minimum wage prescribed by State or local law for employment in the prime sponsor's area; or

(2) The minimum hourly wage set out under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended, multiplied by the number of hours of training, in which the trainee attends as required, or is absent for good cause; provided that for the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific, the provisions of the Fair Labor Standards applicable to those areas shall pertain.

(f) *Dependents allowances.* Basic allowances shall be increased by $5 per week for each dependent over two, up to a maximum of four additional dependents, for a total maximum basic allowance increase of $20 for six or more dependents.

(g) *Incentive allowances for persons receiving public assistance or who are in institutions.* (1) Incentive allowances, at the rate of $30 per week, are in lieu of basic allowances, and shall be paid to participants receiving public assistance who are not WIN participants, or whose needs or income are taken into account in determining such public assistance payments to others. Such allowances shall be disregarded in determining the amount of public assistance payments individuals are entitled to receive under Federal or federally assisted public assistance programs (sec. 111(a)). WIN participants already receive a similar incentive payment from WIN funds.

(2) Incentive allowances, in lieu of basic allowances, but not in excess of such allowances, may be paid institutionalized persons, including prison inmates participating in program activities. The determination as to whether such allowances will be paid, and the amounts thereof, shall be made by the prime sponsor in consultation with officials of the institution. In the case of prison inmates all or part of such payments, as determined by the prime sponsor and the head of the institution, may be held in reserve and delivered upon the participant's release from the institution.

(h) *Additional allowances.* Additional reasonable allowances may be provided to participants in any program activity for meals, travel, transportation, subsistence, emergency and other purposes.

(i) *Adjustments in allowances.* (1) No allowance to which an individual may otherwise be entitled shall be diminished in any respect because of receipt of a separation payment provided under any collective bargaining agreement.

(2) An individual's allowance may be adjusted upward to the degree that the local cost of living exceeds the national norm, as approved by the ARDM.

(3) Allowances may be reduced pro rata for part-time participation in any activity under Title I.

(4) Payment of participant allowances may be reduced pro rata for absence without good cause.

(5) Periodic increases may be provided as an incentive to participation.

(j) *Waivers of allowance payments.* (1) The payment of all or part of the allowances described in this section, except for allowances under paragraph (g)(1) of this section, may be waived by the prime sponsor in accordance with paragraph (j)(2) of this section.

(2) The criteria for a waiver of allowance payments, as provided in paragraph (j)(1) of this section, are as follows:

(i) The participants must have resources from concurrent employment or from other sources which enable them to subsist without such allowance payments; and

(ii) The waiver will increase the number of individuals which may be served and otherwise promote the purposes of the Act.

(3) The prime sponsor will notify in writing affected participants in cases of such waivers.

(k) *Repayments.* Prime sponsors may require participants to repay the amount of any overpayment of allowances under this part. An overpayment not repaid may be set off against any future allowance or other benefits under the Act to which the participant may become entitled. Where the overpayment was made in the absence of fault on the part of the participant, repayment shall be waived where such recovery would be against equity and good conscience or would otherwise defeat the purposes of the program.

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§ 95.35 Wages; minimum duration of training and reasonable expectation of employment.

(a) *Wages.* (1) Participants in public service employment programs shall be paid wages as required by Part 96 of these regulations.

(2) Participants in employment other than public service employment shall be compensated by the employer at such rates, including periodic increases, as are reasonable considering such factors as industry, geographical region, and trainee proficiency (sec. 111(b)). In no event shall the rate be less than the highest of the following:

(i) The minimum wage rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended;

(ii) The State or local minimum wage for the most nearly comparable covered employment;

(iii) The prevailing rates of pay for persons employed in similar occupations by the same employer; or

(iv) The minimum entrance rate for inexperienced workers in the same occupation in the establishment or, if the occupation is new to the establishment, the prevailing entrance rate for the occupation among other establishments in the community or area or, any minimum rate required by an applicable collective bargaining agreement.

(3) For hours spent in the production of goods or services, the rate of compensation to be paid to trainees by employers, public or private, shall be specified in a written agreement entered into by the training or employing facility and the prime sponsor.

(4) Wages in the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific shall be consistent with applicable provisions of the Fair Labor Standards Act of 1938, as amended.

(b) *Duration of training.* An individual shall not be referred for training in an occupation which requires less than two weeks of preemployment training unless there are immediate employment opportunities available in that occupation (sec. 603(8)). Furthermore, no allowances will be paid for any course having a duration in excess of 104 weeks (sec. 111(a)).

(c) *Reasonable expectation of employment.* An individual shall not be referred to training unless the prime sponsor determines, after utilizing available and appropriate community resources, that there is a reasonable expectation of employment for such an individual in the occupation for which the person is being trained (sec. 603(10)).

§ 95.36 General benefits for program participants.

Each participant in a training or employment program under Title I of the Act shall be assured of appropriate workmen's compensation (sec. 603(6)). Each participant in an on-the-job training or public service employment program under Title I of the Act shall be assured of health insurance, unemployment insurance, retirement benefits (except as indicated in § 96.36) and other benefits at the same levels and to the same extent as other employees in the employment situation, and to working conditions and promotional opportunities neither more nor less favorable than such other employees enjoy (secs. 208(a)(4) and 603(5)).

§ 95.37 Prime sponsor review.

Each prime sponsor shall establish a procedure for resolving any issue arising between it and a participant, under Title I of the Act. Such procedures shall include an opportunity for an informal hearing, and a prompt determination of any issue which has not been resolved. When the prime sponsor proposes to take an adverse action against a participant, such procedures shall also include a notice setting forth the grounds for any adverse action proposed to be taken by the prime sponsor and giving the participant an opportunity to respond. No individual subject to the issue resolution requirements of this section may initiate the hearing procedures of Part 98 until all remedies under this section have been exhausted. Final determinations made as a result of the review process shall be provided to the participant in writing.

§ 95.38 Non-Federal status of participants.

Participants in a program under Title I shall not be deemed Federal employees for any purpose including Federal tort claims and shall not be subject to the provisions of law relating to Federal employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal employment benefits.

§ 95.39 Safety and health requirements for participants.

Participants shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or under conditions which are unsanitary or hazardous or dangerous to their safety or health. In the case of participants employed or trained for jobs which are inherently dangerous (e.g., fire or police jobs), participants will be assigned in accordance with appropriate health and safety practices (sec. 603(5)).

§ 95.40 Training for lower wage industries; relocation of industries.

No participant may be enrolled in any activity or service under this Act in any lower wage industry in jobs where prior skill or training is typically not a prerequisite to hiring and where labor turnover is high, nor any authority conferred by this Act be used to assist in any relocation of an establishment from one area to another unless the Secretary determines that such relocation will not result in an increase in unemployment in the area of original location or any other area where it conducts business operations. (sec. 604(a)).

§ 95.41 Prime sponsor contracts and subgrants.

(a) *Contracts.* Contracts may be entered into between the prime sponsor and any party, public or private, for purposes set forth in an approved Comprehensive Manpower Plan.

(b) *Subgrants.* Subgrants may be entered into only between the prime sponsor and units of State and local general government, public agencies and nonprofit organizations.

(c) *Prime sponsor responsibility for development, approval and operation of contracts and subgrants.* The prime sponsor is responsible for development, approval and operation of all contracts and subgrants and shall require that its contractors and subgrantees adhere to the requirements of the Act, regulations promulgated under the Act, and other applicable law. It shall require contractors and subgrantees to maintain effective control and accountability over all funds, property and other assets covered by the contract or subgrant (sec. 105(a)(1)(B)).

(d) *Cancellation.* If a contractor or subgrantee does not comply with any requirement of the Act, the regulations promulgated under the Act, and other applicable law, the prime sponsor shall cancel the contract or subgrant. The prime sponsor may cancel for noncompliance with additional conditions established by the prime sponsor for the contract or subgrant.

(e) *Continuity of service when contract or subgrant is cancelled.* If a contract or subgrant is cancelled, the prime sponsor shall develop procedures for assuring continuity of service to participants and provide adequate notice to affected staff of the change (sec. 105(a)(1)(B)).

(f) *Contracts and subgrants extending beyond the term of the grant.* The nature of certain training programs may make it necessary for contracts or subgrants to be entered into by the prime sponsor which will extend beyond the term of the grant under the Act. The prime sponsor is authorized to enter into contracts or subgrants which extend past the termination date of the grant but such extension shall not exceed one year and shall be subject to the provisions of §§ 98.15 and 98.16. In such cases, the grantee shall continue to be responsible for the administration of such contracts and subgrants.

§ 95.42 Cooperative relationships between prime sponsor and other manpower agencies.

(1) Each prime sponsor shall, to the extent feasible, establish cooperative relationships or linkages with other manpower and manpower-related agencies in the area within its jurisdiction, in particular, with agencies operating programs funded through the Department (sec. 105(a)(3)(D)).

(2) Prime sponsors shall, to the extent feasible, notify the appropriate apprenticeship agency of training activities in apprenticeable occupations (sec. 105(a)(3)(D)).

Subpart D—Special Grants to Governors

§ 95.50 General.

(a) Funds shall be allocated to each State through a special grant for the support of:

(1) Vocational education services for prime sponsors;

(2) The State Manpower Services Council; and

(3) State manpower services.

(b) Funds available under paragraph (a) of this section shall be granted to each Governor in accordance with the formula allocation set out in § 95.2 of these regulations. Each Governor shall distribute these funds as provided in § 95.56. (secs. 103, 106, 107 and 112.)

(c) Provisions generally applicable in these regulations shall apply to special grants under this subpart unless otherwise provided.

§ 95.51 Distribution of funds.

(a) Five percent of the funds available under Title I of the Act shall be allocated to the Governors of the States to provide needed vocational education services for prime sponsors through State Vocational Education Boards as set out in § 95.2. These services are to be provided to participants under Title I of the Act.

(b) State Manpower Services Councils shall be supported with funds as set forth in § 95.2(b)(2).

(c) State manpower services provided under Section 106 of the Act shall be funded as set forth in § 95.2(c)(2).

§ 95.52 Grant application.

(a) Upon notification by the Secretary of the amount of funds available for a special grant to the State, the Governor shall submit a Special Grant Application to the ARDM on a date set by the Secretary. The ARDM shall determine whether the application shall be approved and shall notify the Governor of his determination.

(b) The Special Grant Application shall contain the following:

(1) *Application for Federal Assistance.* Forms provided in OMB Circular A–102 for Parts I and II of a grant application for non-construction projects are being used for the application for the special grant.

(2) *Special Grant Project Operating Plan.* This form will be used for grants for vocational education, State Manpower Services Councils, and State manpower services. The planned participant levels and fund expenditures by cost categories are contained on this form.

(3) *Special Grant Program Narrative.* The narrative for the special grant will be composed of three separate sections as follows:

(i) *Vocational Education Services Program Narrative.* The program narrative contains (A) a summary of all agreements required in § 95.57 between individual prime sponsors and the Vocational Education Board and (B) a copy of each such agreement. The summary should follow the procedures established for the development of individual program narratives supporting each non-financial agreement. If all of the non-financial agreements are not available when the application is submitted, the Governor shall describe the training and services which he expects to be supplied by the Vocational Education Board to each prime sponsor. Non-financial agreements received after the grant is made will be forwarded to the ARDM.

(ii) *State Manpower Services Council Program Narrative.* A description of the arrangements for the State Manpower Services Councils follows:

(A) A listing of members of the Council, identifying the group each member represents;

(B) Identification of the chairman;

(C) A statement of the procedures which will be followed in reviewing prime sponsor plans and making recommendations which will provide more effective overall coordination of manpower services in the State;

(D) A description of the system to be used in monitoring other prime sponsors and State manpower services;

(E) A description of the types of data, materials and information which will be included in the annual report to the Governor;

(F) If the Governor plans to use part of the funds authorized for the Council under section 103(d) of the Act (one percent of the allocation) for section 106 (State Services), the specific use of the funds shall also be described, including the amount and objectives to be accomplished.

(iii) *State Manpower Services Program Narrative.* The narrative for this part will provide a specific description for each activity, the planned costs, and the planned results, and will include:

(A) An explanation of the steps taken to assure that State agencies providing manpower and manpower related services either independently or as subgrantees or contractors will cooperate with prime sponsors and eligible applicants in implementation of the program;

(B) A description of methods which will be developed for the sharing of resources and facilities in order to carry out manpower programs throughout the State. The administration of such programs will be designed to meet the needs of the areas to be served with minimum duplication of the efforts of other prime sponsors and in the most efficient and economical manner;

(C) A description of the arrangements which have been made for coordinating manpower and manpower-related agencies within the State;

(D) An explanation of the arrangements made by the State to assist the Secretary under 38 U.S.C. 2012(a) in requiring each contractor and subcontractor in Title I programs under the Act to list all suitable employment openings in State Employment Service local offices. Fulfillment of this responsibility shall be based upon information developed by the Secretary; (sec. 106(b)(5))

(E) A description of any arrangements for planning areas to service geographical areas within the State, including a description of the roles and responsibilities of the planning area with particular emphasis on the steps taken to assure that plans of all State agencies for delivery of services have been effectively coordinated;

(F) A description of the provisions which have been made for (*1*) coordination with other prime sponsors in the State for manpower services provided by the State in other prime sponsors' areas; (2) exchange of information between State, intra-State and regional planning for economic development, human resource development, education and other relevant areas; and (3) coordination of all manpower plans in the State to eliminate conflict, duplication, and overlapping between programs under this Act and manpower services provided under other statutory authority;

(G) A description of any of the activities allowable under sec. 106(c) of the Act, that the State chooses to provide detailing those activities to be undertaken and the costs and goals of such activities, including:

(*1*) A description of the allowable services under the Act which are being delivered throughout the State by State agencies responsible for employment and training and related services; (sec. 106(c)(1));

(2) A description of any financial assistance the State plans to provide for special programs and services designed to meet the needs of rural areas outside major market areas; (sec. 106(c)(2));

(*3*) A description of the extent to which information will be developed and published regarding economic, industrial and labor market conditions, including but not limited to job opportunities and skill requirements, labor supply in various skills, occupational outlook and employment trends in various occupations, and economic business development and local trends (sec. 106(c)(3));

(*4*) A description of the service to be provided without reimbursement and upon request to any prime sponsor serving an area within the State, such information and technical assistance as may be appropriate to assist any such prime sponsor in developing and implementing its programs under this Act (sec. 106(c)(4)); and

(*5*) A description of any special model training and employment programs and related services, including programs for offenders similar to programs described in section 301(c) of the Act. (sec. 106(c)(5)).

(*4*) *Assurances.* All assurances developed elsewhere in these regulations for Title I apply to and will be included in the special grant application and agreement.

§ 95.53 Application approval and disapproval; grant agreement.

(a) The ARDM shall approve any grant application which meets the following standards and requirements:

(1) It contains all the required forms, information and certifications required by the regulations; and

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(2) It meets the conditions for approval of grant applications under Subpart B of this Part 95.

(b) A special grant agreement shall be signed when the grant application is approved by the ARDM. This agreement is composed of a Special Grant Signature Sheet and a General and Special Assurances Form.

(c) An application for a special grant shall be disapproved if it fails to meet any requirement of the Act, the regulations promulgated under the Act, or any other applicable law. All other conditions set forth in § 95.19 shall apply to the disapproval of special grants.

§ 95.54 Modifications: limitations on use of funds.

A modification to a Governor's special grant may be accomplished in two different ways depending upon the magnitude of the modification:

(a) *Major modifications.* When a modification falls under one of the following categories it will be considered a major modification and will require the prior notification and approval of the ARDM:

(1) A change in the term of the grant;

(2) An increase or decrease in the amount of the grant;

(3) A change in any general or special assurances;

(4) When the cumulative amount of transfers among cost categories exceeds $10,000 or 5 percent of the grant, whichever is greater; or

(5) When there is a 15 percent cumulative change in the number of program participants.

(b) (1) When a modification falls into one of the above categories, the Governor shall have prepared and sent to the ARDM a request for modification. The ARDM shall, within fifteen days of receipt of the request, notify the Governor of his approval or disapproval.

(2) The request for modification will consist of the following: A grant signature sheet; a project operating plan (one for the total project and one for each prime sponsor whose plan is changed); and a program narrative justifying the proposed modification.

(c) *Minor modifications.* Any other modifications shall be considered a minor modification and as such can be made without the prior notification and approval of the ARDM. Such a modification shall be included in the Quarterly Progress Report and a revised Project Operating Plan reflecting only the items to be modified.

(d) *Limitation on use of funds.* (1) Funds for Vocational Education Services may not be used to fund any other activities included in this special grant.

(2) Funds for State Manpower Services Councils may be used for State manpower services to the extent such funds are not needed for the council.

§ 95.55 Governor's distribution of vocational education funds.

(a) (1) Upon notification of the funds available to his State for vocational education, the Governor shall inform the Vocational Education Board and each prime sponsor of the amount of funds available to be spent in each prime sponsor's area. If a prime sponsor elects not to use all or part of the funds provided for its area, it shall notify the Governor who will redistribute the funds among other eligible prime sponsors.

(2) The Governor shall determine the amount of funds to be made available in each prime sponsor area assuring that such funds do not increase by more than 20 percent the amount of funds available to that prime sponsor's area under the basic allocation formula set out in § 95.2 (b).

§ 95.56 Program operations.

(a) *Vocational education services and activities.* (1) The Governor shall provide vocational education funds he receives by special grant to the State Vocational Education Board. The State Vocational Education Board will then provide the training and services detailed in a non-financial agreement with the prime sponsor. This agreement will be developed at the local level between prime sponsors and the Vocational Education Board to provide vocational education services and activities to prime sponsor participants eligible under this Part 95. The agreement will then be forwarded to the Governor, to become part of his special grant application which shall be submitted to the ARDM.

(2) Vocational education services, which may be provided by a State Vocational Education Board, include, but are not limited to, basic or general education, educational programs conducted for offenders, institutional training and supportive services.

(3) If no Vocational Education Board exists within a State, the Governor may provide financial assistance to an alternate agency which serves the same purpose as a State Vocational Education Board.

(b) *State Manpower Services Council.* The Governor shall, from funds available under § 95.2(b)(2), provide staff and other necessary services in support of the Manpower Services Council in performing its functions under section 107 of the Act.

(c) *State manpower services.* The Governor will provide services, activities and projects, as set out in his approved Special Grant Plan program narrative, pursuant to § 95.52(b)(3)(iii).

§ 95.57 Grant administration.

(a) *Funding.* Special grants will be funded in the same way as basic grants under this Part 95.

(b) The requirements relating to grant administration contained in Part 98 are applicable to special grants to Governors, except as provided in Subpart D of Part 95.

(c) *Reports for special grants.* (1) A quarterly progress report containing financial and statistical data is required. The Governor will supply to each prime sponsor to which he is providing services a Quarterly Progress Report for funds expended in its area and will submit a summary Quarterly Progress Report, with copies of the individual prime sponsor reports attached, to the ARDM. These reports will be submitted for each Federal fiscal year quarter, to be submitted no later than thirty days after the end of the reporting quarter. Instructions for completion of this report are in the Forms Preparation Handbook.

§ 95.58 Nonfinancial agreement between prime sponsor and Vocational Education Board.

(a) Upon notification of the funds available for its area, the prime sponsor shall develop a financial, statistical and narrative plan for the expenditure of such funds by the Vocational Education Board in the prime sponsor area. This plan shall be developed consistent with the prime sponsor's Comprehensive Manpower Plan and shall be submitted to the Vocational Education Board for its approval. When approved, the plan will be signed by both the prime sponsor and the Board and will constitute a nonfinancial agreement.

(b) The Vocational Education Board shall provide services to the prime sponsor upon receipt of the necessary funds from the Governor. The nonfinancial agreement will consist of the following three sections:

(1) Prime sponsor vocational education nonfinancial agreement signature sheet;

(2) Vocational education project operating plan; and

(3) Vocational education program narrative.

(c) After the agreement is signed a copy will be sent to the Governor for his review and approval.

(d) The Governor shall develop procedures for the prime sponsors and the Vocational Education Board to follow when they desire to modify the nonfinancial agreement.

(e) The Governor shall develop procedures to assure that the Vocational Education Board provides services consistent with the Governor's vocational education plan and the non-financial agreements between the Board and the prime sponsors.

§ 95.59 Coordination with prime sponsor.

(a) The financial and statistical information from the approved Non-Financial Agreement Project Operating Plan will be entered into the relevant columns of the prime sponsor's basic grant Project Operating Plan as provided in the Forms Preparation Handbook. If the Comprehensive Manpower grant has been signed prior to final approval of the Vocational Education Agreement, a modified prime sponsor's grant Project Operating Plan will be submitted when the vocational education information is available.

(b) Information provided by the Vocational Education Quarterly Progress Report, supplied to the prime sponsor from the Governor, will be entered in the prime sponsor's basic grant Quarterly Progress Report.

PART 96—PROGRAMS UNDER TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

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AUTHORITY: Pub. Law 93–203,, sec. 602(a), 87 Stat. 839, unless otherwise noted.

Subpart A—General

§ 96.1 Scope and purpose.

(a) This part contains the Department of Labor's regulations providing for the establishment and operation of public employment programs, and other manpower programs, under Title II of the Act.

(b) Definitions for every abbreviation and major term may be found in Part 94 of this subtitle.

(c) Statutory authority for the regulations contained in this part is found in the provisions of section 602(a) of the Act, and in such other provisions of the Act as are noted at the end of each substantive provision of these regulations.

(d) These regulations amend the regulations published as Part 96 at 39 FR 5900, February 15, 1974. Each eligible applicant shall either comply with these amendments or notify the Assistant Regional Director for Manpower (ARDM) on or before April 18, 1974, that it cannot so conform, in which case the grant will be terminated (sec. 3(b)).

§ 96.2 Allocation of funds.

(a) Funds appropriated under Title II of the Act are available only for areas of substantial unemployment and may be allocated by the Secretary only to eligible applicants (secs. 204(a) and 204(c)).

(b) (1) At least 80 percent of the funds available under Title II shall be allocated among eligible applicants in accordance with a ratio comparing the number of unemployed persons residing in areas of substantial unemployment within each eligible applicant's jurisdiction to the number of unemployed persons residing in all areas of substantial unemployment (sec. 202(a)).

(2) Funds not allocated as provided in paragraph (b)(1) of this section may be distributed by the Secretary at his discretion taking into account the severity of unemployment in such areas and may include additional areas of substantial unemployment designated by the Secretary after the initial allocation of Title II funds (sec. 202(b)).

(c) An eligible applicant shall distribute to a program agent those funds that are allotted to the eligible applicant due to the level of unemployment within the program agent's jurisdiction, unless the program agent declines to operate a program under Title II of the Act, in which case, the eligible applicant will make other arrangements to serve that jurisdiction (sec. 204(d)(1)).

§ 96.3 Eligibility for funds.

(a) Funds shall be allocated by the Secretary only to eligible applicants. Eligible applicants are those prime sponsors and Indian tribes on Federal or State reservations, as defined in Subpart F of this Part 96, which include areas of substantial unemployment (sec. 204(a)).

(b) For the purpose of allocating funds, the term "eligible applicant" shall include any entity which is eligible to be a prime sponsor under Title I of the Act and Indian tribes on Federal or state reservations as described in § 96.42 (sec. 204(b)).

(c) A State shall not qualify as an eligible applicant for any geographical area within the jurisdiction of any other eligible applicant within the State unless the non-State eligible applicant has not submitted an approvable application for Title II funds (secs. 204(a) and 102(b)(1)).

(d) A unit of general local government shall not qualify as an eligible-applicant with respect to any area within the jurisdiction of another eligible unit of general local government unless such smaller unit has not submitted an approvable application for such areas (secs. 204(b) and 102(b)(2)).

(e)(1) Eligible applicants shall distribute funds to program agents, as provided in § 96.2(c) (sec. 204(d)(1)).

(2) No program agent shall receive or continue to receive funds for any area of substantial unemployment within the jurisdiction of another program agent unless the ARDM determines that the smaller program agent has not carried out its administrative responsibility for developing, funding, overseeing, and monitoring programs within its area, consistent with the application for financial assistance developed by the eligible applicant (secs. 204(d)(3) and 102(b)(2)).

(f)(1) An eligible applicant or program agent, other than a State, whose entire jurisdiction qualifies as an area of substantial unemployment shall, to the extent feasible, allocate funds for identifiable subareas which meet the unemployment rate requirements of areas of substantial unemployment in § 94.3. Such allocation to subareas shall be based on the ratio of the number of unemployed persons residing in each subarea to the total number of unemployed persons within the eligible applicant or program agent's jurisdiction.

(2) Where the eligible applicant is a State that has an unemployment rate for its jurisdiction of at least 6.5 percent, the State shall, to the extent feasible, allocate its funds under Title II to individual areas of substantial unemployment within its jurisdiction. Such allocations shall be based on the ratio of the number of unemployed persons residing in each individual area of substantial unemployment to the sum of unemployed persons residing in all such areas of substantial unemployment within its jurisdiction.

(g) If an eligible applicant finds that there is an area of substantial unemployment within its jurisdiction that has not been designated by the Secretary to receive assistance, it may recommend that such area by considered for assistance by the Secretary. In making any such recommendation, the eligible applicant must include a precise geographical definition of the area to be served and its population. Such a recommendation shall be submitted to the ARDM. The Secretary shall, within a reasonable time, make a determination of the recommendation and inform the eligible applicant of the determination and the reasons therefor.

Subpart B—Grant Application

§ 96.10 General.

This Subpart B provides the procedures for obtaining grants to operate programs under Title II of the Act.

§ 96.11 Eligible applicant notification.

(a) Eligible applicants shall be notified of their eligibility for grants under Title II. At that time, eligible applicants shall inform the ARDM, the Governor, and the State and appropriate metropolitan or

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regional substate clearinghouse, as provided in OMB Circular A–95, of its intention to apply for a grant. If an eligible applicant desires to apply for a grant and so notifies the ARDM, a complete application package with forms and instructions will be furnished to the eligible applicant.

(b) For fiscal year 1974 grants, eligible applicants shall follow procedures contained in the "Announcement of Proposed Financial Assistance and Request for Notice of Intent to Apply for Prime Sponsorship" published at 39 FR 2743, January 23, 1974.

§ 96.12 Content and description of grant application.

(a) The grant application package shall contain:

(1) Application for federal assistance (application face sheet);

(2) Comprehensive Title II Plan;

(3) Assurances, certifications and requirements under section 205(c) of the Act; and

(4) Grant Signature Sheet.

(b) A description of these documents follows:

(1) The application for federal assistance (application face sheet) summarizes specific data concerning the application and provides certain general information necessary for the proper processing of the application. Such information includes identification of the eligible applicant, identification of A–95 clearinghouse (pursuant to OMB circular A–95), Federal funding, and type of assistance.

(2) The Comprehensive Title II Plan consists of a program summary, an occupational summary, project operating plan, and required narrative description of program operations:

(i) The Public Service Employment program summary presents the distribution of public employment jobs, comprehensive manpower services, and funds to be provided eligible applicants and subgrantees. It designates the areas to be served and the population of each.

(ii) The Public Service Employment Occupational Summary provides by occupational title, the number of jobs, monthly wage rates, man-months employed and total monthly wages. It provides for a comparison of such wages with wages for similar non-subsidized jobs in the employing agency.

(iii) The Project Operating Plan provides for a quantitative statement of the planned expenditures, enrollment levels, and outcomes for the participants in the program. In addition, the form contains planned expenditures for the following cost categories: administration, wages, fringe benefits, training and services.

(iv) Narrative descriptions are those required in § 96.14(b)(1).

(3) The Assurances and Certification Form is a signature sheet on which the eligible applicant assures and certifies that it will comply with the Act, the regulations of the Department, and applicable circulars from the Office of Management and Budget and the General Services Administration.

(4) The Grant Signature Sheet specifies the amount of funds obligated by the Department, and the term of the grant. It is signed by the ARDM and the authorized officials of the eligible applicant.

§ 96.13 Comment and publication procedures relating to submission of grant application.

(a) For FY '74 each eligible applicant that plans to apply for a grant shall, no later than the date of its submission of an application to the ARDM, provide an opportunity to comment on its application to the following:

(1) The Governor;

(2) Officials of appropriate units of general local government within the eligible applicant's jurisdiction;

(3) State and appropriate sub-state A–95 clearinghouses;

(4) Officials of labor organizations representing employees who are engaged in similar work in the same area as that proposed to be performed by the eligible applicant (section 206). For FY '76 and subsequent years each eligible applicant shall provide for a 30 day comment period as set forth in § 95.15 of this subtitle.

(b)(1) Each eligible applicant shall provide a copy of its application, for the purpose of commenting thereon, to the Governor, and the State and appropriate sub-state A–95 clearinghouse. It shall also provide a summary to appropriate units of general local government with a population of at least 10,000 persons and officials of appropriate labor organizations described in paragraph (a)(4) of this section. Units of general local government with a population of less than 10,000 persons may comment through the publication procedure set out in paragraph (c) of this section.

(2) For applications under Title II for Fiscal Year 1974 the copy sent to the clearinghouse shall be accompanied by the following statement:

> Due to the time constraints on implementation of Titles I and II of the Comprehensive Employment and Training Act of 1973, the program plan(s) required by section 205 of the Act is (are) being submitted to the clearinghouse and the Department of Labor simultaneously. Clearinghouses are requested to forward any comments directly to the Assistant Regional Director for Manpower. This review and comment procedure has been approved by the Office of Management and Budget only for FY 1974 Title II and FY 1975 Titles I and II program approval cycles.

(c) Each eligible applicant shall publish its program summary in a newspaper or newspapers (including minority newspapers, where feasible) which will provide for general circulation throughout the areas to be served by the eligible applicant's plan. Such publication shall be for 3 consecutive issues and shall include an address and appropriate hours when the complete grant application will be available for review and the place where comments may be directed. The publication shall be made 30 days prior to the submission of the application to the ARDM, except that for Fiscal Year 1975 the publication shall be no later than the date of submission of the application to the ARDM.

(d) Comments pursuant to paragraphs (b) and (c) of this section shall be made to the eligible applicant and the ARDM within 30 days of publication.

(e) An eligible applicant shall respond to any comment made pursuant to this section by providing the commenting party with appropriate information and notice regarding the actions or revisions the applicant intends to take or adopt due to the comment. All such comments and responses shall be transmitted to the ARDM as provided in § 96.14 or, if a comment is received after the application submission, separately to the ARDM.

§ 96.14 Submission of grant application.

(a) Each eligible applicant shall submit its grant application to the ARDM on or before a date set by the Secretary.

(b) Each eligible applicant shall include with its initial grant application:

(1)(i) A narrative description of the eligible applicant's methods to be used to recruit, select, and orient participants, including specific eligibility criteria, and programs to prepare the participants for their job responsibilities;

(ii) A narrative description of the eligible applicant's methods for determining, serving, and monitoring service for significant segments of its population and for groups to be provided special consideration.

(iii) In addition, for full funding of Title II grants in fiscal year 1974 and subsequent years, the program narrative description shall also include a narrative outline which identifies and explains the manpower problems within the eligible applicant's jurisdiction, and describes proposed program activities and delivery systems to deal with those problems and the results which may be expected from the program. The program Narrative Description also provides for a detailed statement on the program, specifically on (A) program objectives, (B) need for assistance, (C) results and benefits expected, (D) approach, (E) geographic area served, (F) a description of Title I and II activities to be financed by Title II funds and (G) the methods, based solely on the criteria established by these regulations, which were used by the eligible applicant in making determinations under § 96.3(f).

(2) Copies of all comments received on its application, and its responses to those comments;

(3) A list of the entities that received a copy of the application for comment, as provided in § 96.13(b) and the date that such copies were transmitted; and

(4) At the earliest possible date, a copy of the newspaper publication made pursuant to § 96.13(c).

§ 96.15 Application approval.

(a) An application for a grant shall be approved if it meets the requirement of the Act, other applicable law, and the regulations promulgated in this Part 96 (sec. 206).

(b) An eligible applicant and the Governor shall be notified of action taken on the application. If an application is approved, the ARDM shall provide a grant agreement to the eligible applicant consisting of the Grant Signature Sheet and the Assurances and Certification Form. The Comprehensive Title II Plan is incorporated by reference in the grant agreement.

§ 96.16 Application disapproval.

(a) An application for a grant shall be disapproved if it fails to meet any requirement of the Act, other applicable law or the regulations promulgated in this Part 96.

(b) No application for a grant shall be disapproved until:

(1) The eligible applicant has been notified that its application fails to meet a requirement of the Act, other applicable law, or of the regulations promulgated under the Act.

(2) The eligible applicant has been provided with suggestions as to those corrective steps which may be utilized to remedy any defect found in the application; and

(3) An eligible applicant has been provided with a reasonable time, but not less than 30 days, to remedy any defect found in the application, but has failed to do so.

(c) When an application is disapproved, a notice of disapproval shall be transmitted to the eligible applicant and the Governor accompanied by a statement of the grounds for the disapproval.

§ 96.17 Use of alternative eligible applicants.

If an application is not filed, as required, or is denied, or if a grant is terminated in whole or in part during a fiscal year, the Secretary may make provision for the funds so released to be used by one or more alternative eligible applicants to serve the area originally to be served by the primary eligible applicant, or the Secretary may serve such an area directly.

§ 96.18 Modification of grant agreements.

(a) The Grant Signature Sheet shall be used as the instrument to modify an existing grant agreement when there is a change in (1) the term of the grant, (2) the amount funded by the grant, or (3) the assurances and certifications included in the grant agreement.

(b) When the term or amount funded by the grant is changed, the eligible applicant shall also submit revised portions of its Comprehensive Title II Plan to specifically identify the changes.

(c) When a major modification is required, the comments and publication procedures provided in this Subpart B shall be followed. (sec. 206)

§ 96.19 Modification of Comprehensive Title II Plan.

(a) *General.* Eligible applicants may make two types of modifications to Comprehensive Title II Plans: Major and minor. An ARDM may require a modification in certain instances.

(b) *Major plan modification.* When a plan modification falls into one of the following categories it will be considered to be a major plan modification:

(1) When the eligible applicant adds or deletes a subgrantee.

(2) For grants of $100,000 or less:

(i) When the cumulative transfer of funds among program activities or cost categories exceeds $5,000.

(ii) When the total number of individuals to be served, planned enrollment levels for program activities, planned placement termination, or individuals to be served within significant client groups is to be increased or decreased by 15 percent or more.

(3) For grants of over $100,000:

(i) When the cumulative transfer of funds among program activities or cost categories exceeds $10,000 or 5 percent of the total grant budget whichever is greater.

(ii) When the total number of individuals to be served, planned enrollment levels for program activities, planned placement terminations or individuals to be served within significant client groups is to be increased or decreased by 15 percent or more.

(4) An eligible applicant desiring a major modification shall submit a revised project operating plan and a narrative explanation of the proposed changes to the ARDM. This modification will be forwarded for comment to the Governor and appropriate interested units in accordance with procedures set forth in § 96.13, and published in a newspaper of general circulation (including minority newspapers when feasible) in the eligible applicant's area. The ARDM shall notify the eligible applicant of final approval or of tentative disapproval within 30 days of the receipt of the proposed modification. Appeal of any such determination may be obtained through the procedures set out in Part 98 of this subtitle.

(c) *Minor plan modification.* An eligible applicant may make any change in its project operating plan which is not set out in paragraph (b) of this section without prior approval, but must show any such change in the first quarterly progress report submitted to the Department after the change has been made.

(d) *Modification required by ARDM.* After consultation with an eligible applicant, modification may be required by the ARDM as necessary to respond to the comments received on a grant application after the application has been approved.

Subpart C—Program Operation

§ 96.20 General.

This Subpart C sets out the program operation requirements for eligible applicants and subrantees. The utilization of funds under Title II of the Act is conditioned upon adherence to the requirements of this subpart, as well as adherence to the Act, other applicable law, and other terms and conditions of the regulations promulgated in this part.

§ 96.21 Basic responsibilities of eligible applicants.

An eligible applicant is responsible for:

(a) Requesting, receiving and administering funds within its jurisdiction (secs. 203(a) and 205(c)(1));

(b) Allocating funds and jobs equitably among public agencies within its jurisdiction (sec. 205(c)(23));

(c) Developing a plan to effectively implement a program of transitional public employment and related training and manpower services (sec. 203(a));

(d) Developing, to the greatest extent possible, new careers and opportunities for career advancement for participants (sec. 205(c)(4));

(e) Performing reviews at 6-month intervals on the status of each participant to assure that the participant's job has potential for advancement or suitable continued employment (sec. 207(a));

(f) Administering or supervising all activities under its approved plan including the establishment of hearing procedures, as set out in § 95.37 of this subtitle, (sec. 205(c)(1));

(g) Assuring that the program will, to the extent feasible, contribute to the elimination of artificial barriers to employment and occupational advancement within its jurisdiction (sec. 205(c)(18)); and

(h) Assuring that employing agencies take reasonable measures to provide information about their job openings with the employment service (sec. 205(c)(5)).

§ 96.22 Basic responsibilities of program agents; relationship with eligible applicants.

(a) A program agent, as defined in Subpart F, shall be delegated by the eligible applicant the administrative responsibility for developing, funding, overseeing and monitoring programs with respect to the funds made available to it under title II of the Act.

(b) A program agent shall carry out its functions consistent with the grant application developed by the eligible applicant in cooperation with the program agent and shall be responsible to the eligible applicant for carrying out its program in a manner consistent with the application (sec. 204(d)(2)).

(c) Irreconcilable differences between an eligible applicant and a program agent shall be submitted to the ARDM.

§ 96.23 Acceptable public employment positions.

(a) Funds provided under Title II shall only be used to fund public service needs which have not been met and to implement new public services (sec. 201).

(b) In developing job opportunities under this Part 96 the following requirements shall apply:

(1) The jobs provided must meet public service needs as defined in the Act and the regulations promulgated in this Part 96 (sec. 205(a));

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(2) Program emphasis shall be on transitional employment: jobs which are likely to lead to regular, unsubsidized employment or opportunities for continued training (secs. 201 and 205(b)(4));

(3) Jobs shall be provided, to the extent feasible, in occupational fields which are most likely to expand within the public or private sector as the unemployment rate recedes (sec. 205(c)(6)).

(4) Jobs shall be allocated equitably to agencies of State and local government and subdivisions thereof, such as educational agencies, within the eligible applicant's jurisdiction, taking into account the number of unemployed persons within each area, their needs and skill levels, the needs of the agencies, and the ratio of jobs in the area at each governmental level (sec. 205(c)(23));

(5) Jobs will not be "deadened", but will contribute to career advancement and the development of the employment potentials of participants. Opportunities for continued training are to be provided to support the upward mobility of participants (secs. 205(a), 205(c)(4), and 208(a)(6)).

(6) No more than one-third of the participants in any program may be employed in a bona fide professional capacity as defined in 29 CFR 541.3 issued pursuant to section 13(a)(1) of the Fair Labor Standards Act of 1938, as amended. The exception to this limitation is the hiring of classroom teachers. (Generally, according to the F.L.S.A., a professional is an individual (i) with a professional education, usually requiring more education than a Bachelor's degree or whose work is original and creative in an artistic field;

(ii) at least 80 percent of whose work requires discretion and judgment and is intellectual in nature, and (iii) who earns at least $140 a week ($125 in Puerto Rico, Virgin Islands, or American Samoa). A less stringent test applies to individuals earning $200 or more a week. Lawyers, doctors and teachers working as such are professional without regard to their earnings (for further explanation see 29 CFR 541.3) (section 205(c)(22));

(7) The program excludes employment in building and highway construction work (except that which is normally performed by the prime sponsor or eligible applicant) and other work which inures primarily to the benefit of a private profit-making organization.

(8) Jobs in each job category shall in no way infringe upon the promotional opportunities which would otherwise be available to persons currently employed in public service jobs not subsidized under Title II (section 205(c)(24));

(9) No job will be filled in other than an entry level position in each job category until applicable personnel procedures and collective bargaining agreements have been complied with (section (c)(24)); and

(10) To the extent feasible the public services provided by the jobs should be designed to serve the residents of the areas of substantial unemployment designated for Title II funds (section 205(c)(3)).

§ 96.24 Maintenance of effort.

(a) Employment funded under Title II of the Act shall only be in addition to employment which would otherwise be financed by the eligible applicant without assistance under this title (sec. 204(c)(25)).

(b) To assure maintenance of effort, a public employment program under Title II of the Act:

(1) Shall result in an increase in employment opportunities over those which would otherwise be available;

(2) Shall not result in the displacement of currently employed workers, including partial displacement such as a reduction in hours of non-overtime work, wages, or employment benefits;

(3) Shall not impair existing contracts for service or result in the substitution of Federal funds for other funds in connection with work that would otherwise be performed; and

(4) Shall not substitute public service jobs for existing federally assisted jobs (sec. 208(a)(1)).

§ 96.25 Responsibility for selecting participants.

(a) Eligible applicants, program agents and other subgrantees, and employing agencies shall be responsible for the selection of participants. To meet this requirement, employing agencies must provide adequate documentation of each applicant's eligibility, and retain in the participant's folder the information on which this documentation of eligibility is based. Employing agencies shall also retain for a reasonable period of time the applications of persons not selected for participation and the reasons for their non-selection (sec. 205(c)(2)).

(b) Adequate documentation shall consist of a signed, and dated, complete application for employment, including the last date of employment, which attests that the information the application contains is true, to the best of the eligible applicant's knowledge.

§ 96.26 Special limitations on programs and participant selection.

(a)(1) *Political activities.* No program under this part may involve political activities, and neither the program nor the funds provided therefore, nor the personnel employed in the administration of the program, shall be in any way or to any extent engaged in the conduct of political activities in contravention of Chapter 15 of Title 5, United States Code. Prohibited activities under this section include, but are not necessarily limited to, the assignment of any participant by an eligible applicant or subgrantee or employing agency to work for or on behalf of a partisan political activity; To take part in voter registration activities; or to participate in other partisan political activities such as lobbying, collecting funds, making speeches, assisting at meetings, and doorbell ringing, and distributing political pamphlets in an effort to persuade others of any political view.

(2) Participants employed in the administration of the program and participants whose principal employment is in connection with an activity financed by other Federal grants or loans are covered by the Hatch Act. Other participants are not precluded from taking an active part in political management or in a political campaign outside of working hours, provided they do not identify themselves as spokesman for any Title II funded program. All participants may take part in nonpartisan activities outside of working hours (sec. 208(g)).

(b) *Sectarian activities.* No participant in any program under this part may be employed in the construction, operation, or maintenance of such part of any facility as is used or will be used for sectarian instruction or as a place of religious worship (sec. 208(h)).

(c) *Place of residence*—(1) *General.* (i) At the time of both application and selection, program participants shall reside in an area of substantial unemployment within the jurisdiction of the eligible applicant or program agent (sec. 205(c)(3)).

(ii) When an eligible applicant receives additional funds as a subgrantee of an adjoining eligible applicant, the recipient eligible applicant shall use these additional funds to hire residents of the eligible area or areas within the donor eligible applicant's jurisdiction. A formal subgrant agreement shall be executed in such cases.

(2) *Consortia of eligible applicants.* In a case where two or more eligible applicants form a consortium to operate a Title II program, within the geographical boundaries of the consortium, residents of any designated area of substantial unemployment within the boundaries of the consortium may be employed at any site within such boundaries; provided that the total amount of funds available for residents of each area of substantial unemployment of each participating eligible applicant equals the amount of funds that the area would have received if the consortium had not been formed.

(3) *Consortia of units of general local government formed in order to qualify as program agents; multijurisdictional eligible applicants.* The provisions of paragraph (c)(1) and (2) of this section shall apply to consortia of units of general local government formed in order to qualify as program agents and to multijurisdictional eligible applicants.

(d) *Political patronage.* No program will be funded if the eligible applicant discriminates with respect to political affiliation. Specifically, no eligible applicant, subgrantee or employing agency may select, reject, or promote a participant based on that individual's political affiliation or beliefs. The selection or advancement of employes as a reward for political services or as a form of political patronage, whether or not the political service or patronage is partisan in nature, is discrimination based on political belief or affiliation, and is prohibited (Sec. 208(f)).

(e) *Nepotism*—(1) *Restriction.* No eligible applicant, subgrantee, or employing agency may hire a person into a Title II funded position if a member of his or her immediate family is employed in an administrative capacity for the same eligible applicant, subgrantee or employing agency. However, where a State or local statute regarding nepotism exists which is more restrictive than this policy, the eligible applicant should follow the State or local statute in lieu of this policy.

(2) *Definitions.* (i) For purposes of this section, the term "member of the immediate family" includes: Wife, husbrother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent and stepchild.

(ii) For the purposes of this section, the term "administrative capacity" includes those who have selection, hiring or supervisory responsibilities for Title II participants, or operational responsibility for the program.

(f) *Nondiscrimination generally.* (1) Every grant made pursuant to this part shall contain a certification statement signed by the grantee concerning the provision of equal employment opportunity under the grant.

(2) No discrimination shall be permitted in any program under this part with respect to race, creed, color, national origin, sex, age, handicap, political affiliation, or beliefs (sections 208(f) 612(a) and 603(1); Vocational Rehabilitation Act).

§ 96.27 Eligibility for participation in a Title II program.

(a) A person residing, as defined in paragraph (d) of this section, in an area of substantial unemployment who has been unemployed for at least 30 days prior to application or who is underemployed is eligible to participate in a program under Title II of the Act (section 205(a)).

(b) A person participating in a public employment program under section 5 or section 6 of the Emergency Employment Act at the time of the grant award under this Act who is currently, or was at the time of his selection for such participation, geographically eligible for participation in a program under Title II of the Act may be transferred into the Title II grant program covering that geographical area, provided that maximum efforts have been made to place such an individual in unsubsidized employment or training.

(c) A participant in an employment program under this Part 96 may change jobs within a particular eligible applicant's jurisdiction without an intervening period of unemployment, but may not be employed in a job for any other eligible applicant without an intervening period of unemployment of at least 30 days.

(d) For the purpose of this section, the term resident shall mean an individual's dwelling place or home, both at the time the individual applies and is selected for participation in a program under Title II of the Act. In determining whether a particular place is an individual's dwelling place or home, the intention of the individual is the key element. Maintenance of an "address" is not necessarily the same as the maintenance of a dwelling place or home.

(e) Citizenship will not be used as a criterion to prevent permanent residents, including permanent resident aliens, from participating in a program under Title II to the extent consistent with applicable State law.

(f) The regulations in this part do not authorize the hiring of any person when any other person is on lay off from the same or any substantially equivalent job (sec. 205 (C)(9)).

§ 96.28 Special consideration for most severely disadvantaged persons.

Special consideration in filling transitional public service jobs under Title II of the Act shall be given to unemployed persons who are the most severely disadvantaged in terms of the length of time they have been unemployed and their prospects for finding employment without assistance under Title II (sec. 205(c)(7)).

§ 96.29 Serving significant segments of the population.

(a) The significant segments of an eligible applicant's population shall be served on an equitable basis. For example, individuals from each significant segment could be placed in programs under Title II in a manner consistent with their incidence in the unemployed population of the eligible applicant or other measures of equity could be utilized (secs. 205(c)(2) and 208(b)).

(b) Each eligible applicant shall monitor its program to assure that the significant segments of its population are being served in accordance with the requirements of this section.

§ 96.30 Groups to be provided special consideration.

(a) *Veterans.* Special consideration shall be given to veterans who served in the Armed Forces in Indochina or Korea, or the waters adjacent thereto, on or after August 5, 1964, and who received other than a dishonorable discharge. These veterans shall be hired in a proportion at least equal to their incidence in the unemployed and underemployed population. In order to insure special consideration for veterans, all job vacancies under Title II, except those to which former employees are being recalled, must be listed with the State Employment Service at least 48 hours before such vacancies are filled. During this period, the Employment Service will refer special veterans. Upon request, the Employment Service may also refer members of other significant segments. All other applicants are to be referred after the 48-hour period. A list of job openings, with the exception of those to which former employees are being recalled, shall be made available from time to time by the eligible applicant, to veterans organizations for the purpose of making those jobs known to the veterans described in this paragraph (sec. 205(c)(5)).

(b) *Welfare recipients.* In designing an eligible applicant's plan and placing individuals in employment under this Part 96, special consideration shall be given to welfare recipients.

(c) *Former manpower trainees.* Special consideration shall be given, in developing an eligible applicant's plan and placing individuals in employment under this Part 96, to persons who have participated in manpower training programs and for whom work opportunities are not otherwise immediately available (sec. 205(c)(9)).

§ 96.31 Training and supportive services.

Eligible applicants, subgrantees, and employing agencies may use granted funds to purchase necessary training and supportive services from public or private organizations, provided that such contracts are not entered into with private for-profit organizations for the employment of participants.

§ 96.32 Linkages with other manpower programs.

An eligible applicant shall, where appropriate, maintain or provide linkages with upgrading and other manpower programs for the purpose of (a) providing public employment participants who want to pursue work with the employer, in the same or similar work, with opportunities to do so and to find permanent, upwardly mobile careers in that field, and (b) providing those persons so employed, who do not wish to pursue permanent careers in such field, with opportunities to seek, prepare for, and obtain work in other fields.

§ 96.33 Placement goals.

(a) Public service employment programs under the Act shall, to the extent feasible, be designed to enable all individuals to move from such employment programs into unsubsidized full-time jobs in the private or public sector, and shall emphasize the development of new careers and career development opportunities (secs. 201 and 205).

(b) Each eligible applicant, program agent, and subgrantee shall be responsible for efforts to place all participants in unsubsidized employment in both the private sector and the public sector, or in training programs.

(c) To carry out the intent of paragraph (b) of this section, each eligible applicant, program agent and subgrantee shall, to the extent consistent with law and applicable collective bargaining agreements, have the goal of accomplishing on an annual basis at least one of the following:

(1) Placing half of the cumulative participants in unsubsidized private or public sector employment; or

(2) Placing participants in half the vacancies occurring in suitable occupations in an eligible applicant, program agent, or subgrantee's permanent work force which are not filled by promotion from within the agency.

§ 96.34 Compensation for participants.

(a) *Minimum wage for participants.* Each participant shall be paid at a rate no less than the highest of the following:

(1) The minimum wage which would be applicable to the employee under the

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Fair Labor Standards Act of 1938, if section 6(a)(1) of the Act applied to the participant and if he were not exempt under section 13 thereof;

(2) The State or local minimum wage for the most nearly comparable covered employment; or

(3) The prevailing rate of pay for persons employed in similar public occupations by the same employer (secs. 208(a)).

(b) *Limitations on participant's salary.* Compensation to any participant from Title II Federal funds is limited to a maximum full-time rate of $10,000 per year, plus the cost of fringe benefits to the extent they do not exceed those paid to workers earning $10,000 a year. This limitation shall also be applicable for participants in public service employment funded under other Titles of the Act.

§ 96.35 Working conditions for participants.

(a) Title II participants shall enjoy working conditions and promotional opportunities neither more nor less favorable than those enjoyed by other employees similarly employed (sec. 208(a)(4)).

(b) When a participant is eligible for a promotion or general salary increase that would mean a salary in excess of $10,000, the participant is entitled to it if other employees similarly employed would be promoted. The employer must pay the amount above $10,000 from his own funds as well as a pro-rated share of the increased fringe benefits. Funds from other titles of the Act shall not be used to supplement the maximum salary limitation for participants.

(c) Every participant must be advised prior to entering upon employment of the name of his employer, and of his rights and benefits in connection with his employment under the Act (sec. 208(a)(8)).

(d) No participant will be required or permitted to work in buildings or surroundings or under working conditions which are unsanitary, hazardous or dangerous to his health or safety. In the case of participants employed in jobs inherently dangerous, e.g., fire or police jobs, participants will be assigned to work in accordance with reasonable safety practices. The provisions of section 2(a)(3) of Pub. Law 89-286 (relating to health and safety conditions) shall apply to such programs or activity (sec. 208(a)(5)).

(e) Participants shall receive the same fringe benefits as other employees of the employing agency similarly employed (e.g., workmen's compensation, health insurance, unemployment insurance, vacations) (sec. 204(a)(4)).

§ 96.36 Retirement benefits for participants.

(a) While the mass payment of retirement benefits is not encouraged, the Act does not prohibit payment into the retirement fund on behalf of Title II participants where such payments are warranted.

(b) Expenditures may be made from Title II funds for payments under the Social Security Act.

(c) Expenditures for retirement fund payments for Title II participants may be made under any of the following conditions:

(1) Payments are for retirement benefits that are part of a consolidated package, including such benefits as health insurance and workmen's compensation, if separation of the benefits is not allowed;

(2) Payments are for participants who are immediately hired as regular employees (that is attain regular employee status, although salary is subsidized by Title II funds);

(3) Payments are for participants whom the employing agency or another employer intends to hire into permanent jobs at some future date, provided that:

(i) Payments on behalf of such participants are made into and retained in a reserve account, and not paid into the retirement fund until the participant has acquired regular employee status; and

(ii) If regular employment occurs with other than the employing agency, retirement fund payments may be allowed only if the participant is employed within the State, and the retirement benefits are portable; and

(4) Payments are for retirement benefits required by Federal, State, or local law, or for retirement plans set up by State or local law which will not permit the exclusion of Title II participants from coverage.

§ 96.37 Maintenance of a merit system.

Each eligible applicant shall assure that it will maintain personnel policies and practices for its employees in accord with State or local laws and regulations that adequately reflect the merit principles set forth in the Intergovernmental Personnel Act of 1970 (Pub. Law 91-648). Public agencies which are eligible applicants may meet this requirement by certifying compliance with the uniform Federal Standards for a Merit System of Personnel Administration (45 CFR Part 70). Those jurisdictions whose personnel systems have not been certified previously as meeting these standards for other grant programs shall certify that they will take necessary action to establish merit-based personnel policies (sec. 208(d)).

§ 96.38 Use of Title II funds for programs under Titles I and III-A: summer employment programs.

(a) Funds available to an eligible applicant may, at its option, be utilized for residents of the areas of substantial unemployment designated under this Part 96 for programs authorized under Title I and Part A of Title III of the Act. Where Title II funds are used for activities authorized under other Titles of the Act, all provisions under this Part 96, shall apply (sec. 210).

(b) An eligible applicant planning to use Title II funds for a summer program shall reflect that decision in its Comprehensive Title II Plan or any modification thereof. The eligible applicant shall specify that the Plan provision or modification is being proposed for the purpose of using Title II funds for its summer program, and shall further specify the amount of Title II funds intended for such use.

§ 96.39 Limitation on funds.

(a) Not less than 90 percent (90%) of the funds appropriated pursuant to Title II of the Act which are used by an eligible applicant for public service employment programs shall be expended for wages and fringe benefits to persons employed in public service jobs (sec. 203(b)).

(b) The remaining 10 percent (10%) may be used for administration, training, or supportive services to participants in public service employment.

(c) An eligible applicant which does not itself administer the entire program may not retain the entire 10 percent (10%) mentioned in paragraph (b) of this section for its own unless this is agreed to by its subgrantees. At least 5 percent (5%) of a subgrantee's grant must be available to it for costs other than wages and fringe benefits.

Subpart D—Special Conditions for Grants to Indian Tribes on Federal and State Reservations

§ 96.40 General.

This Subpart D contains special conditions for grants to Indian tribes on Federal and State reservations. To the extent that any provision of this Subpart D differs from any other provision of this Part 96, the provision of this Subpart D shall govern. In all other matters the requirements of Part 96, apply to this Subpart D.

§ 96.41 Distribution of funds.

(a) Funds for programs under Title II of the Act for Indian tribes on Federal and State reservations shall be determined as follows:

(1) Funds for use under this Subpart D shall be determined on the basis of a ratio taking the total number of unemployed Indians on all Federal and State Indian reservations which have areas of substantial unemployment and comparing this number with the total number of unemployed persons in all eligible applicant jurisdictions under this Part 96.

(2) Funds determined under paragraph (a)(1) of this section shall be allotted for use in the individual Indian reservations which have areas of substantial unemployment on the best available estimates of the population or unemployment on each such reservation as compared to the total population or total unemployment on all such reservations.

(b) No funds shall be granted for any individual reservation which does not have a population of at least 1,000 Indians or is not entitled to a Title III grant of at least $50,000. Such reservations may, however, be combined to qualify for funds as provided in § 96.42 (section 204(c)).

(c) An eligible applicant which represents more than one reservation shall further allocate funds for use among reservations in accordance, to the extent feasible, with the amounts indicated by the Secretary for each reservation.

(d) Within a single reservation, or a consortium of small reservations, the eligible applicant shall allocate granted funds, taking into consideration, to the extent feasible, differences in unemployment among identifiable areas within the reservation (section 204(c)).

§ 96.42 Eligibility for funds.

(a) An independently eligible applicant, shall be an Indian tribe on a Federal or State reservation which includes areas of substantial unemployment. Such tribe must represent at least 1,000 persons or is not entitled to a Title III grant of at least $50,000, and have a governing body possessing the substantive powers which will enable it to carry out a program under this Part 96. A governing body having substantive powers is a body consisting of duly elected representatives who have the authority to provide services and to enter into contracts, and grants on behalf of the individuals who elected them, and who are recognized as having such authority by the appropriate Federal or State agencies (sec. 204(c)).

(b) If an Indian tribe does not have a governing body capable of performing the functions set out in paragraph (a) of this section, or if an Indian tribe declines to administer a program under this part, the eligible applicant for the identified area may be:

(1) The governing body of another reservation on which the tribe is located;

(2) The governing body of another reservation where several Indian tribes have combined into a consortium; or

(3) An intertribal council or organization, business council, statewide or regional organization; or another eligible applicant under this Part 96 within the same geographic area; provided that:

(i) The Indian tribe agrees to such eligible applicant;

(ii) The prospective eligible applicant operates the program in a manner consistent with the requirements of this Subpart D; and

(iii) Such body or organization is capable of performing the functions described in paragraph (a) of this section.

(c) Where a determination is made by the Secretary that a designated Indian eligible applicant does not have the capability to administer a program, the Secretary may reassign that responsibility to another eligible applicant acceptable to the tribe, provided that such applicant is capable of performing the function described in paragraph (a) of this section.

§ 96.43 Assistance by the Secretary.

If an Indian tribe which is an eligible applicant under this Subpart D is unable to submit an application to carry out a program under this Part 96, the Secretary shall assist such eligible applicant in preparing, submitting, and implementing a program (sec. 207(c)).

§ 96.44 Nepotism.

(a) No eligible applicant or subgrantee under this Subpart D shall hire, or permit the hiring of, any person in a position funded under Title II of the Act if a member of the person's immediate family is employed in an administrative capacity by the eligible applicant. For the purposes of this section, the term "immediate family" means wife, husband, son, daughter, mother, father, brother, and sister; the term "administrative capacity" means persons who have selection, hiring, or supervisory responsibilities for participants in a program under this Part 96, or operational responsibility for the program.

(b) If a subgrantee under this Subpart D has a population of less than 1,000 persons and cannot hire program participants without an immediate family member being included, the ARDM may waive the requirement of paragraph (a) of this section if adequate justification is received from such subgrantee that no other persons within the subgrantee's jurisdiction are eligible and available for participation.

(c) Where a tribal policy regarding nepotism exists which is more restrictive than this policy, the eligible applicant shall follow the tribal rule in lieu of this policy.

§ 96.45 Non-discrimination.

Section 96.26(f) shall be applicable to Indian programs funded pursuant to Title II of the Act, except to the extent that such provisions conflict with 42 U.S.C. 2000e(b).

§ 96.46 Subgrants.

In addition to the requirements concerning subgrants, Indian tribes may require that subgrantees agree, to the maximum extent feasible, to hire qualified Indians to provide services called for pursuant to the subgrant in accordance with 42 U.S.C. 2000e-2(i).

§ 96.47 Comment and publication procedures relating to submission of Indian grant applications.

(a) Each eligible Indian applicant who plans to apply for a grant shall, no later than the date of its submission of an application to the ARDM, provide an opportunity to comment on its application to the following officials in accordance with section 206 of the Act:

(1) The Governor;

(2) Appropriate officials of units of general local government; and

(3) Officials of labor organizations representing employees who are engaged in similar work in the same area.

(b) Comments by those individuals and officials listed in paragraph (a) of this section shall be made available to the eligible applicant and the ARDM within thirty days of the receipt of notice of the opportunity to comment.

(c) Eligible Indian applicants shall respond to any comments made pursuant to this section by providing the commenting party with appropriate information and notice regarding the actions or revisions the applicant intends to take or adopt, if any, due to the comment. All such comments and responses shall be transmitted to the ARDM.

PART 98—ADMINISTRATIVE PROVISIONS FOR PROGRAMS UNDER TITLE I AND TITLE II OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Subpart A—Grant Administration

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Subpart A—Grant Administration

§ 98.1 General.

(a) This Subpart A describes Federal requirements relating to the administration of grants by prime sponsors and eligible applicants (secs. 603(14) and 613).

(b) The Secretary will provide each prime sponsor and eligible applicant with the specific procedures to be followed to comply with the requirements of this Subpart A (secs. 603(14) and 613).

§ 98.2 Payment.

Advance payments will be made by either a letter of credit or by U.S. Treasury check to prime sponsors and eligible applicants that demonstrate the willingness and ability to establish procedures which will minimize the time between the transfer of funds to them and their disbursement of such funds.

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§ 98.3 Letter of credit.

(a) Grants will be financed by means of a letter of credit when the following conditions are met:

(1) The grant is for $250,000 or more;

(2) A continuing relationship exists for at least twelve months;

(3) The prime sponsor or eligible applicant can assure that the timing and amount of drawdowns will be as close as possible to disbursement needs;

(4) The prime sponsor or eligible applicant's accounting system will meet the recordkeeping and reporting requirements of this subpart.

§ 98.4 Payment by Treasury check.

(a) A grantee which does not meet the requirements for the letter of credit will be paid by Treasury check. The ARDM will determine whether such payment will be made on an advance or reimbursement basis. In making such a determination the ARDM will consider the adequacy of the prime sponsor or eligible applicant's accounting and recordkeeping system with regard to items 3b and 3c of Attachment J of OMB Circular A–102.

(b) Advance by Treasury check will provide for advanced payments through use of predetermined payment schedules or upon the request of the grantee. When the request method is used, payments will be made to a grantee based upon a request to the regional office.

§ 98.5 Financial management systems.

(a) Each prime sponsor, eligible applicant, and subgrantee shall maintain a financial management system which will provide accurate, current and complete disclosure of the financial results of each grant activity by title of the Act, provide the ability to evaluate the effectiveness of program activities and meet the reporting requirements of this subpart.

(b) Each prime sponsor, eligible applicant, and subgrantee shall maintain its fiscal accounts in a manner sufficient to permit the reports required by the Secretary to be prepared therefrom.

§ 98.6 Audit and evaluation.

(a) The Secretary of Labor, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the State and local government and their subgrantees and contractors which are pertinent to a specific grant program under the Act for the purpose of making surveys, audits, examinations, excerpts and transcripts (sec. 613(2)).

(b) The Secretary shall be responsible for scheduling surveys, audits or examinations of prime sponsors, eligible applicants and their subgrantees and contractors.

(c) The Secretary shall, with reasonable frequency, survey, audit or examine, or arrange for the survey, audit or examination of prime sponsors, eligible applicants and their subgrantees and contractors using city or state auditors; or certified or licensed public accountants. Such surveys, audits, or examinations shall normally be conducted annually but not less than once every two years.

(d) Surveys, audits and examinations will conform to the standards for Audit of Governmental Organizations, Programs, Activities, and Functions, issued by the Comptroller General of the United States and guides issued by the Secretary. Surveys, audits or examinations contracted by the Secretary will conform, at a minimum to the first element of the Comptroller General's Standards: An audit to determine (1) whether financial operations are properly conducted, (2) whether the financial reports are fairly presented, and (3) whether the available information indicates that the entity has not complied with applicable laws, regulations and administrative requirements. Existing audit systems, where acceptable under the Comptroller General's Standards, such as state audits of city and county activities will be used to the maximum possible extent (sec. 613(1)).

§ 98.7 Reporting requirements in general.

Each prime sponsor or eligible applicant will be required to submit three periodic reports which will be used by the Secretary to assess its performance in carrying out the objectives of the Act. These three reports are: (a) The Quarterly Progress Report, (b) The Summary of Client Characteristics Report, and (c) The Report of Federal Cash Transactions (secs. 313(b) and 613). Detailed descriptions of these forms are in the Forms Preparation Handbook.

§ 98.8 Quarterly Progress Report.

(a) The Quarterly Progress Report will be used to measure accomplishments in achieving objectives stated in the Project Operating Plan. It also constitutes the grantee's statement of costs incurred and contains its certification of the correctness of the costs reported.

(b) A prime sponsor or eligible applicant shall include the following items in the report together with a comparison of the same items as they appear in the Project Operation Plan for the period of the report:

(1) The total number of individuals served with granted funds during the grant period;

(2) The total number of individuals (participants) placed in self-sustaining employment at termination from the project and the number entering school, other training or military service;

(3) The level of enrollment associated with the following program activities:

(i) Classroom training;

(ii) On-the-job training;

(iii) Subsidized employment, distinguishing between transitional employment in public service and work experience employment;

(iv) Services to participants; and

(v) Other activities;

(4) The distribution of total accrued expenditures among the following cost categories:

(i) Administration;

(ii) Allowances;

(iii) Wages;

(iv) Fringe benefits;

(v) Training; and

(vi) Services to participants; and

(5) The distribution of services among significant segments of the population.

(c) If performance goals are not being achieved, the ARDM may request additional information from prime sponsors and eligible applicants including reasons for the failure to achieve the goals.

(d) The Quarterly Progress Report will also permit prime sponsors and eligible applicants to report on objectives and accomplishments other than those established by the Secretary. If a prime sponsor or eligible applicant elects to include these other activities in its report, they will be used by the Secretary in his evaluation of the performance of the prime sponsor or eligible applicant's program.

(e) The Quarterly Progress Report will be submitted to coincide with the ending dates of Federal fiscal year quarters. This report should be sent by the prime sponsor or eligible applicant to be received by the ARDM no later than 30 days after the end of the reporting period. If a prime sponsor or eligible applicant's grant period ends at a date other than the Federal fiscal year quarter, a fifth report, covering the entire grant period will be required.

(f) The Quarterly Progress Report will be submitted by the prime sponsor or eligible applicant to the Governor of the State.

(g) Accountability must be maintained by the prime sponsor or eligible applicant for each of the activities authorized under the Act. Therefore, a separate report will be required for Title I and Title II and the special grant.

(h) The Secretary reserves the right to require the submittal of this report by prime sponsors and eligible applicants more frequently than quarterly in cases of major deviation from the Project Operating Plan.

(i) Specific procedures for meeting these reporting requirements will be furnished to each prime sponsor and eligible applicant in the Forms Preparation Handbook.

§ 98.9 Summary of Client Characteristics Report.

(a) The Summary of Client Characteristics Report contains aggregate characteristics data on all participants in the program. The Summary is to be submitted to the ARDM with the Quarterly Progress Report.

(b) The Summary will include characteristics data aggregated for all participants, as set forth in the report form and will include all participants terminating or placed during the reporting period.

(c) The Summary will also aggregate wages before enrollment in the program and after placement and show the median wage for these two categories.

(d) Specific reporting procedures and appropriate definitions will be furnished to each prime sponsor and eligible applicant in the Forms Preparation Handbook.

§ 98.10 Report of Federal Cash Transactions.

(a) Each prime sponsor and eligible applicant shall submit periodically a report of Federal cash transactions. The report will be used to monitor cash advances and to obtain disbursement information. This report will be submitted monthly by each prime sponsor and eligible applicant receiving an annual grant totalling $1 million or more, and quarterly by other prime sponsors and eligible applicants (sec. 613(1)).

(b) Specific reporting procedures will be furnished to each prime sponsor and eligible applicant in the Forms Preparation Handbook.

§ 98.11 Reallocation of funds.

(a) *General.* The Secretary may reallocate funds from a prime sponsor or eligible applicant under the circumstances and in accordance with the procedures described in this section (secs. 103(1) and 602(b)).

(b) *Reallocation based on nonperformance.* (1) Pursuant to section 103(1) of the Act, when the Secretary considers through review of the prime sponsor or eligible applicant's reports, monitoring or auditing of the program that its performance may be inadequate or that it may have failed to comply with the Act or regulations, he shall give due notice and opportunity for a public hearing as provided in § 98.47.

(2) If the Secretary then decides to reallocate funds based on a ground set forth in paragraph (b)(1) of this section, he shall:

(i) Revoke the prime sponsor or eligible applicant's plan for the area, in whole or in part;

(ii) Make no further payments under this Act to the prime sponsor or eligible applicant, to the extent which he deems necessary; and

(iii) Notify the prime sponsor or eligible applicant of the amount of funds which shall be returned from unexpended funds paid to the grantee during that fiscal year.

(3) The Secretary shall make provision for the reallocation of funds to be used by the State or other alternative prime sponsor to service the area which was served by the prime sponsor before the reallocation, or the Secretary may serve such an area directly. (See § 95.20).

(c) *Reallocation based on need.* (1) In a limited number of circumstances the Secretary may determine that the unobligated portion of a prime sponsor or eligible applicant's grant should be reallocated to another area because the funds are not needed where they were originally allocated. Such reallocations may be made only after the ninth month of the fiscal year for which the grant was made.

(2) Before reallocating funds as set forth in paragraph (c)(1) of this section the Secretary must determine that:

(i) The prime sponsor or eligible applicant's plan will be carried out without expending all the funds previously made available for that plan; and,

(ii) The excess funds identified under paragraph (c)(2)(1) of this section cannot reasonably be expected to be needed in the following grant period.

(d) *Reallocation.* When the Secretary determines that funds should be reallocated based on the criteria in paragraph (c) of this section he will take the following actions:

(1) *Notice of intent to reallocate funds.* When the Secretary determines that a reallocation is appropriate he will notify the prime sponsor or eligible applicant and the appropriate Governor of the proposed action to remove funds from the grant. The notice shall include the basis for the proposed reallocation.

(2) *Comments by prime sponsor or eligible applicant and the Governor.* The prime sponsor or eligible applicant and the Governor will be invited to submit comments on a proposed reallocation of funds out of their area. These comments shall be submitted to the appropriate ARDM within 30 days of receipt of the notice. The Secretary shall consider these comments before making a final determination to reallocate.

(3) *Notification of final determination.* After reviewing any comments submitted by the prime sponsor or eligible applicant or Governor, the Secretary will notify them of his decision. A final decision to reallocate funds of a prime sponsor or eligible applicant will be published in the FEDERAL REGISTER.

(4) *Reallocation procedures.* In reallocating such funds to supplement other prime sponsors', or eligible applicant grants, the Secretary shall first consider the need for additional funds by other prime sponsors or eligible applicants within the same State. A decision to increase a prime sponsor or eligible applicant's grant with reallocated funds will not be made without prior consultation with the prime sponsor or eligible applicant as to how the funds will be expended, and prior notification to the Governor. Such a decision will be published in the Federal Register with an announcement of the prime sponsor(s) or eligible applicant(s) receiving additional allocations and the amounts.

§ 98.12 Allowable Federal costs.

(a) *General.* Federal funds granted under the act may be expended only for purposes permitted under the provisions of Subpart 1–15.7 of Title 41 of the Code of Federal Regulations (OMB Circular A–87), except as modified in these regulations. Costs are intended to be directed to increase the employability of of participants.

(b) *Restriction.* Federal funds used for public service employment programs under Title I and for any programs under Title II of the Act shall not be used for the acquisition of, or for the rental or leasing of supplies, equipment, materials or real property, whether these expenses are budgeted as direct cost, indirect cost, or overhead (sec. 208(a)(7)).

(c) *Expenditures for repairs, maintenance and capital improvements and construction.* (1) Title I funds may be expended for building repairs, maintenance and capital improvements. Such costs shall be reported against the administration category. These costs must relate to a facility or building which is used primarily for programs under the Act (sec. 602(b)).

(2) No funds for construction are allowable except as part of a training program in construction occupations and then such costs are allowable only for materials. Construction costs for training programs shall be allowable only when such construction would not normally be performed by an outside contractor.

(d) *Allowable cost categories.* Allowable costs shall be reported against the following cost categories: Administration; wages; training; fringe benefits; allowances; and services (sec. 101).

(1) Costs are allocable to a particular cost category to the extent of benefits received by such category.

(2) All prime sponsors and eligible applicants are required to plan, control and report expenditures against the aforementioned cost categories.

(e) *Costs allowable by each cost category.* Within the restrictions set forth under paragraph (b) of this section, the following are the costs which will be allowable by cost category:

(1) *Administrative costs.* Administrative costs shall be limited to those necessary to effectively operate the program. Costs should not generally exceed 20 percent of the overall percentage of the total funds available for a grant, unless the Program Narrative Description under § 95.14(2)(1) sets forth an explanation of how such additional costs have been determined and a detailed documentation to support that amount (sec. 108(a)(2)).

(i) *Direct and indirect costs.* Included in administrative costs are both direct and indirect costs. Direct costs are those which can be specifically identified as relating to the project and indirect costs are those computed by application of an indirect cost rate. In determining the reasonableness of indirect costs, reliance will be placed on procedures established pursuant to OMB Circular No. A–87, including reliance on determinations made by other Federal agencies under arrangements made pursuant to A–87.

(ii) *Types of costs.* (A) Administrative costs include, but are not limited to, salaries, wages and fringe benefits of program administrators; costs of consumable office supplies used by program staff; costs incurred in the development, preparation, presentation, management and evaluation of the program; the costs of establishing and maintaining accounting and management information systems; cost incurred in the establishment and maintenance of State Manpower Services Councils, and Prime Sponsor Planning Councils; travel of program administrators; rent utilities, custodial services and indirect costs allowable to the program; training of staff and technical assistance to contractor and subgrantee staff; costs of assistance to contractor and subgrantee staff; costs of equipment and ma-

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terial to be used by staff participants excluding training equipment and materials; capital improvements as permitted by these regulations; publication of Comprehensive Manpower Plan; and audit services. Prime sponsors may be able to lower these costs by using participants in the administration of the program. In such event, wages and fringe benefits or allowances for such persons shall be charged to the subsidized employment, either transitional or for work experience.

(2) *Wages.* All wages paid to participants receiving on-the-job training in public or private non-profit organizations, and all wages paid to participants of transitional subsidized employment will be allowed. Wages paid to participants while receiving on-the-job training from a private employer organized for profit cannot be supported by funds under the Act (sec. 101(5)).

(3) *Training.* Training costs include, but are not limited to the following: Salaries and fringe benefits of personnel engaged in providing training and/or counseling, tuition and entrance fees, and books and other teacher's aids.

(4) *Fringe benefits.* Fringe benefit costs include, but are not limited to the following: Annual, sick, court, and military leave pursuant to an approved leave system; employer's contribution for social security employees' life and health insurance plans; unemployment insurance; workmen's compensation insurance; and retirement benefits, provided such benefits are granted under an approved plan.

(5) *Allowances.* All allowances paid to program participants pursuant to § 95.34 of these regulations shall be charged to this cost category.

(6) *Services.* Services' costs include, but are not limited to the following pursuant to § 95.33:

(i) Cost of supportive services such as child care, health care and medical services, residential support, assistance in securing bonds and family planning.

(ii) Cost of manpower services such as outreach, intake and assessment, orientation, counseling, job development and job placement.

§ 98.13 Allocation of allowable costs among program activities.

The program activities against which program costs shall be planned, controlled and reported upon are: Classroom training; on-the-job training; subsidized transitional employment; subsidized work experience; services to participants and other activities. The cost categories under each of these activities are defined in § 98.12(d). The extent to which these cost categories are chargeable to specific program activities is set forth below (sec. 101).

(a) *Classroom training.* Cost categories chargeable are: administration, training, allowances, and services

(b) *On-the-job training.* Cost categories chargeable are: administration, training, services, wages (with public or private nonprofit employers only) and fringe benefits.

(c) *Transitional public service employment.* Cost categories chargeable are: administration, wages, fringe benefits, services and training.

(d) *Work experience.* Cost categories chargeable are: administration, training, allowances, and services.

(e) *Services to participants.* Cost categories chargeable are:

(1) *Allowances.* This includes all allowances paid to participants registered for training for short periods between components.

(2) *Services.* This includes all manpower and supportive services which are not part of another program activity and which are provided to participants by a prime sponsor, eligible applicant, contractor or subgrantee.

(3) *Administration.* This includes all allowable administrative costs directly associated with this activity and a pro rata share of each prime sponsor or eligible applicant's administrative costs under the Act not directly associated with any program activity.

(f) *Other activities.* Cost categories chargeable are: administration, training, allowances, and services.

§ 98.14 Basic personnel standards for prime sponsors and eligible applicants.

(a) Each prime sponsor and eligible applicant shall assure that it will maintain personnel policies and practices for its employees in accord with State and local laws and regulations that adequately reflect the merit principles declared in the Intergovernmental Personnel Act of 1970 (PL 91–648). Prime sponsors may meet its requirement by certifying compliance with the uniform Federal Standards for a Merit System of Personnel Administration (45 CFR Part 70) including any amendments thereto (sec. 604(14)).

(b) Except as provided in paragraph (c) of this section, any prime sponsor or eligible applicant's personnel system that has not been certified previously as meeting these standards for other Federal grant programs shall certify that it will take necessary action to provide for merit based personnel system coverage within a reasonable period.

(c) Any non-governmental prime sponsor or administrative unit for a consortium is not subject to the requirements of paragraph (b) of this section.

(d) Prime sponsors and eligible applicants are encouraged to include on their staffs individuals who are representative of the population to be served by the program.

§ 98.15 Adjustments in payments.

(a) If any funds are expended by a prime sponsor eligible applicant, subgrantee, or employing agency in violation of the Act, the regulations or grant conditions, the Secretary may make necessary adjustments in payments on account of such expenditures (sec. 108(b)(2)).

(b) The Secretary may draw back unexpended funds which have been made available in order to assure that they will be used in accordance with the purposes of the Act, or to prevent further unauthorized or illegal expenditures (secs. 103(h), and 108(b)(2)).

§ 98.16 Termination of grant.

(a) If a prime sponsor or eligible applicant violates or permits a subgrantee or an employing agency to violate the regulations, or grant terms or conditions which the Secretary has issued or shall subsequently issue during the period of the grant, the Secretary may terminate the grant in whole or in part unless the grantee causes such violation to be corrected within a period of 30 days after receipt of notice specifying the violation or the determination of the Secretary, pursuant to a hearing under Part 98, if a hearing has been held.

(b) Termination shall be effected by a notice of termination which shall specify the extent of termination and the date upon which such termination becomes effective. Upon receipt of notice of termination, the grantee shall (1) discontinue further commitments of grant funds to the extent that they relate to the terminated portion of the grant; (2) promptly cancel all subgrants, agreements, and contracts utilizing funds under this grant to the extent that they relate to the terminated portion of the grant; (3) settle, wtih the approval of the Secretary, all outstanding claims arising from such termination; (4) submit, within a reasonable period of time after the receipt of the notice of termination, a termination settlement proposal which shall include a final statement of all unreimbursed costs related to the terminated portion of the grant, but in case of terminations under paragraph (a) of this section will not include the cost of preparing a settlement proposal (secs. 108(b)(2), 110(b) and 602(b)).

§ 98.17 Grant close-out procedures.

(a) The closeout of a grant is the process by which a Federal grantor agency determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the grantor. The following procedures will be complied with during this process of determination.

(b) Upon completion of the legal grant period or at such other termination date determined by the Secretary, the following steps will be taken by each prime sponsor or eligible applicant:

(1) An immediate refund to the ARDM of any unencumbered balance of cash drawn down from the letter of credit or advanced by Treasury checks.

(2) An immediate refund to the ARDM of any interest income earned on the granted money except as provided in § 98.19.

(3) A final Quarterly Progress Report will be prepared for each grant and Title under which programs were conducted under the Act; such reports shall be sent to the ARDM.

(4) A final Report of Federal Cash Transactions shall be prepared and sent to the ARDM.

(5) A final Summary of Client Characteristics Report shall be prepared and sent to the ARDM.

(c) Upon closeout, the regional office will insure that:

(1) Prompt payment is made to the prime sponsor or eligible applicant for reimbursement of costs under the grant being closed out.

(2) After the final reports are received, a settlement is made for any upward or downward adjustments which are made to the Federal share of the costs.

(3) The letter of credit is cancelled.

(4) Final program and fiscal audits are performed as soon as possible after the completion or termination date of the grant.

§ 98.18 Retention of records.

Pursuant to the provisions set forth in Attachment C of Office of Management and Budget Circular A–102, the following shall apply with regard to the retention of records pertaining to any grant program under this Act (Secs. 603(12) and 613).

(a) Financial records, supporting documents, statistical records and all other pertinent records shall be retained for a period of three years. No Federal requirements for records retention which exceed those established by State or local governments shall be otherwise imposed, with the following qualifications:

(1) Records shall be retained beyond the three-year period if audit findings have not been resolved.

(2) Records for nonexpendable property acquired with Federal grant funds shall be retained for three years after its disposition.

(3) When grant program records are transferred to or maintained by the Secretary, the three-year retention requirement will not be applicable to the prime sponsor or eligible applicant which had administered that grant program.

(b) The retention period shall start from the date of submission of the annual or final expenditure report, whichever applies to the particular grant.

(c) The substitution of microfilm copies in lieu of original records may be authorized by the ARDM upon request of the prime sponsor or eligible applicant.

(d) The Secretary will request State and local prime sponsors to transfer grant records to the Department's custody when it is determined that such records have long-term retention value. However, suitable arrangements to avoid duplicate recordkeeping shall be made where the Department and any prime sponsor or eligible applicant needs such records for joint use.

(e) Restrictions will not be placed upon prime sponsors or eligible applicants which will limit public access to their records, unless otherwise required by law or except when such records must remain confidential because of reasons enumerated in OMB Circular A–102.

§ 98.19 Program income.

(a) The State and any agency or instrumentality of a State which is a prime sponsor or eligible applicant shall not be held accountable for interest earned on grant-in-aid funds pending their disbursement for program purposes under the Act (OMB Circular A–102).

(b) Units of local government shall be required to return to the Federal Government interest earned on advances of grant-in-aid funds in accordance with a decision of the Comptroller General of the United States (42 Comp. Gen. 289).

(c) Proceeds from the sale of real and personal property, either provided by the Federal Government or purchased in whole or in part with Federal funds, shall be handled in accordance with Attachment N of OMB Circular A–102 pertaining to Property Management.

(d) Royalties received from copyrights and patents during the grant period shall be retained by the grantee and be added to the funds already committed to the program. After termination or completion of the grant, the Federal share of royalties in excess of $200 received annually shall be returned to the Federal grantor agency. (OMB Circular A–102.)

(e) All other program income earned during the grant period shall be retained by the grantee and, in accordance with the grant agreement, shall be added to funds committed to the project and be used to further program objectives. (OMB Circular A–102.)

(f) The prime sponsor shall record the receipt and expenditure of revenues (such as taxes, special assessments, levies, fines, etc.) as a part of grant project transactions.

§ 98.20 Procurement standards.

The standards to be used for the procurement of supplies, equipment, and other materials and services with Federal grant funds are those described in Attachement O of OMB Circular A–102. These standards are furnished to assure that such materials and services are obtained in compliance with the provisions of applicable Federal laws and Executive orders.

§ 98.21 Nondiscrimination and Equal Employment Opportunities.

(a) No person shall on the ground of race, color, handicap (as defined in paragraph (g) of this section), national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under the Act.

(b) When the Secretary determines that a prime sponsor or eligible applicant has failed to comply with the requirements of paragraph (a) of this section, he shall notify the prime sponsor or eligible applicant of the non-compliance and request the prime sponsor or eligible applicant to secure compliance. If within a reasonable time, not to exceed sixty days, the prime sponsor or eligible applicant fails or refuses to secure compliance, the Secretary may terminate financial assistance under the Act and;

(1) May refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted;

(2) May exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)); and

(3) May take other actions as may be provided by law. (c) When a matter under this section is referred to the Attorney General, or when the Secretary of Labor believes that a pattern or practice of discrimination exists, the Attorney General may bring a civil action in any appropriate United States District Court, including injunctive relief.

(d) The Secretary shall enforce the provisions of paragraph (a) of this section with regard to discrimination on the basis of sex in accordance with section 602 of the Civil Rights Act of 1964. Section 603 of such Act shall apply with respect to any action taken by the Secretary to enforce these provisions.

(e) This section shall not be construed as affecting any other legal remedy that a person may have if that person is excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any program or activity receiving assistance under the Act.

(f) The prime sponsor or eligible applicant shall be responsible for assuring that no discrimination prohibited by this section occurs in any program for which it has responsibility, and shall establish an effective mechanism for this purpose. The prime sponsor or eligible applicant may, as one possible means of establishing this mechanism, assign the responsibility for administering the Equal Employment Opportunity (EEO) program to one individual and require subgrantees and contractors to prepare affirmative action plans. In such cases, the prime sponsor or eligible applicant may include in its comprehensive manpower plan a description of its EEO program and the related affirmative action plans of its subgrantees and contractors, including the procedures established for monitoring these activities.

(g) The term "handicapped individual" means any individual who (1) has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment and (2) can reasonably be expected to benefit in terms of employability from an activity under the Act.

Subpart B—Assessment and Evaluation

§ 98.30 General.

(a) This Subpart B sets forth the assessment and evaluation responsibilities of the prime sponsor of eligible applicant (§ 98.31) and the Secretary of Labor (§ 98.32). The prime sponsor or eligible applicant shall, as part of its general responsibility to carry out the purposes and provisions of the Act, establish adequate program management for the purposes of examining, in a systematic fashion, the performance of its program in meeting the goals and objectives contained in the plan and measuring the effectiveness and impact of its program in resolving manpower problems identified in that plan (secs. 105(a)(1)(B) and 604(14)).

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(b) The Secretary shall assess prime sponsors or eligible applicants to determine whether they are carrying out the purposes and provisions of the Act in accordance with their approved plans. The Secretary shall also evaluate the overall programs and activities conducted under the Act to aid in the overall administration of the Act (secs. 311(c)(d) and 313(b)).

§ 98.31 Responsibilities of the prime sponsor or eligible applicant.

(a) As prescribed under Subpart A of this part, the prime sponsor or eligible applicant shall submit periodic reports on the performance of its program in relation to its plan as required by the Secretary (sec. 313(b), sec. 603(12)). The prime sponsor or eligible applicant shall implement and maintain the necessary recordkeeping required to complete these periodic reports. While such recordkeeping will support reports to the Secretary, it is principally for the use of the prime sponsor or eligible applicant to provide basic internal management information.

(b) The prime sponsor or eligible applicant is required to establish internal program management procedures (sec. 603(14)). Such procedures shall be used by the prime sponsor or eligible applicant in the monitoring of day-to-day operations, to periodically review the performance of the program in relation to program goals and objectives, and to measure the effectiveness and impact of program results in terms of participants, program activities, and the community. The objective of such procedures shall be the improvement of overall program management and effectiveness.

(c) The prime sponsor or eligible applicant shall monitor all activities for which it has been provided funds under the Act to determine whether the assurances and certifications made in its plans and the purposes and provisions of the Act are being met, and to identify problems which may require the prime sponsor or eligible applicant to take corrective action in order to assure such compliance. The prime sponsor or eligible applicant shall fulfill this monitoring function through the use of internal evaluative procedures, the examination of program data, or through such special analysis or checking as it deems necessary and appropriate (sec. 105 (a) and (b), sec. 108(d), and sec. 603).

(d) The prime sponsor or eligible applicant shall cooperate with the Secretary's evaluation and assessments by providing special reports on program activities and operations as requested; the findings of evaluation of effectiveness and impact; and access to its records and program operations.

(e) When the prime sponsor or eligible applicant finds that operations do not equal planned performance, it shall develop and implement appropriate corrective action.

§ 98.32 Responsibilities of the Secretary.

(a) As used in this Section, the term "assessment" refers to the Federal review of plans and performance of individual prime sponsors or eligible applicants, and the term "evaluation" refers to the Federal study of the overall effectiveness and impact of programs and activities under the Act.

(b) The Secretary has the responsibility to determine that the prime sponsor or eligible applicant is operating in general accordance with its approved plan in carrying out the purposes and provisions of the Act, and has demonstrated maximum efforts to implement the provisions in its prior year's plan.

(1) The Secretary shall assess the prime sponsor or eligible applicant's program and activities in order to determine compliance with assurances and certifications of its plan, compliance with the purposes and provisions of the Act, and performance in the achievement of goals and objectives specified in the approved plan (sec. 105, sec. 108(d) and sec. 603)).

(2) Such assessment shall be conducted through the review of required periodic reports and shall be supplemented by special reports from the prime sponsor, or eligible applicant, the examination of records maintained by the prime sponsor or eligible applicant, selective on-site reviews including in certain instances, the investigation of allegations or complaints, or other examination as deemed necessary and appropriate by the Secretary (secs. 311(c)(d), 313(a)(b), 603(12) and 108).

(3) Assessment may also be conducted for purposes of the offering of technical assistance and/or recommendations for corrective actions to prime sponsors or eligible applicants as considered necessary.

(c) The Secretary has the responsibility to provide for the continuing evaluation of all programs and activities conducted pursuant to the Act. Such studies shall include examination of:

(1) Cost in relation to effectiveness;

(2) Impact on communities and participants;

(3) Implication for related programs;

(4) Extent to which needs of various age groups are met;

(5) Adequacy of mechanisms for the delivery of services;

(6) Comparative effectiveness of prime sponsor or eligible applicant programs with similar programs conducted by the Secretary under section 110 or Title III;

(8) Opinions of participants about the strengths and weaknesses of the programs;

(9) Relative and comparative effectiveness of programs under this Act and part C of Title IV of the Social Security Act (Work Incentive Program for welfare recipients) (sec. 313 (a) and (b));

(10) The effectiveness of programs in meeting the employment needs of disadvantaged, unemployed and underemployed persons; and

(11) The extent to which artificial barriers restricting employment and advancement opportunities in agencies receiving funds under the Act have been removed.

(d) The Secretary shall compile, on a State, regional and national basis, information obtained from periodic reports or special reports, surveys, or samples required from prime sponsors or eligible applicants, including information on:

(1) Enrolee characteristics, including age, sex, race, health, education level, and previous work and employment experience;

(2) Duration in training and employment situations including information on the duration of program participation for at least a year following the termination of participation in federally-assisted programs and comparable information on other employees or trainees or participating employers; and

(3) Total dollar cost per trainee, including breakdown between salary or allowance, training and supportive services, and administrative costs (sec. 313(b)).

(e) Evaluations carried out in accordance with paragraph (d) of this section may be conducted directly by Department of Labor staff or through contract, grant or other arrangement, as the Secretary deems necessary or appropriate (sec. 311(c)).

§ 98.33 Limitation.

No prime sponsor or eligible applicant nor the Secretary shall, in arranging for evaluation of any program under the Act, utilize for such evaluation any non-governmental individual institution, or organization which is associated with that program as a consultant, technical advisor or in any similar capacity (sec. 604(c)).

§ 98.34 Consultation with the Secretary of Health, Education, and Welfare.

The Secretary shall consult with the Secretary of Health, Education, and Welfare with respect to arrangements for services of a health, education, or welfare character in plans under this Act. This consultation shall focus on the relationship of such services to be delivered under this Act with those being delivered under other applicable laws for which the Secretary of Health, Education, and Welfare is responsible.

Subpart C—Hearings and Judicial Review

§ 98.40 Purpose and policy.

(a) The regulations set forth in this Subpart C contain the procedures established by the Secretary for carrying out his responsibilities under the Act for the review of comprehensive manpower plans and applications for financial assistance, and for the receipt, investigation, hearing and determination of questions of noncompliance with the requirements of the Act and the regulations promulgated under the authority of the Act (sec. 108).

(b) It is the policy of the Secretary to receive information concerning alleged violations of any title of the Act and the regulations promulgated pursuant thereto from any person, or any unit of Federal, State or local government. Assistance in the filing of a formal allegation may be secured from the appropriate Regional Solicitor, by any person who desires and needs such assistance.

(c) A participant in a program under the Act must exhaust the administrative remedies established by the prime sponsor or eligible applicant for resolving matters in dispute prior to utilizing the procedures under this Subpart C. The filing of such a complaint shall not, however, automatically act as a stay of the decision rendered by the prime sponsor or eligible applicant. A participant may initiate an action under this subpart within 30 days of any final decision by a prime sponsor or eligible applicant.

§ 98.41 Review of plans and applications; violations.

(a) The Secretary shall not finally disapprove any Comprehensive Manpower Plan or application for financial assistance submitted under any title of the Act, or any modifications, or amendments thereof, without first affording the prime sponsor or eligible applicant submitting the plan or application reasonable notice and opportunity for a hearing as provided in § 98.47 et seq.

(b) When information available to the Secretary indicates that a prime sponsor or eligible applicant may be:

(1) Maintaining a pattern or practice of discrimination in violation of section 603(1) or section 612(a) of the Act or otherwise failing to serve equitably the economically disadvantaged, unemployed, or underemployed persons in the area it serves;

(2) Incurring unreasonable administrative costs in the conduct of activities and program, as determined pursuant to regulation;

(3) Failing to give due consideration to continued funding of programs of demonstrated effectiveness including those previously conducted under provisions of law repealed by section 614 of the Act; or

(4) Otherwise materially failing to carry out the purposes and provisions of the Act or regulations issued pursuant to the Act;

he shall, before taking final action on such grounds, notify the prime sponsor or eligible applicant of his proposed action and provide the prime sponsor or eligible applicant a reasonable time within which to respond. All further proceedings shall be conducted as provided in § 98.47 et seq.

(c) Every other person claiming legal injury because of any action under the Act may be heard only by initiating a complaint under § 98.42.

§ 98.42 Complaints; filing of formal allegations; dismissal.

(a) Every complaint by any complainant, whether in writing or not, shall be filed as a formal allegation before the commencement of any investigation or corrective action is required under this part.

(b) All formal allegations shall be filed with the appropriate ARDM. A formal allegation so filed may be withdrawn only with the consent of the Secretary.

(c) A formal allegation pending more than six months after filing because the complainant has failed to cooperate or make himself available during investigation of the matter may be dismissed by the ARDM upon notice to the last known address of the complainant.

§ 98.43 Form.

(a) Every formal allegation shall be in writing and signed by the complainant, and shall be sworn to before a Notary Public, or other duly authorized person. A formal allegation need not be in any particular form, but should be neat, legible and suitable for flat filing.

§ 98.44 Contents of formal allegations; amendment.

(a) The formal allegation should contain the following:

(1) The full name and address of the person making the charge.

(2) The full name and address of the party against whom the formal allegation is made (hereinafter referred to as the respondent(s)).

(3) A clear and concise statement of the facts, including pertinent dates, constituting the alleged unlawful practice.

(4) Where known, the provisions of the Act, regulations, Comprehensive Manpower Plan, and application of the prime sponsor or eligible applicant believed to have been violated.

(5) A statement disclosing whether proceedings involving the acts complained of have been commenced before a State or local authority, and if so, the date of such commencement and the name of the authority.

(6) A statement that the administrative procedures established by the prime sponsor or eligible applicant have been, if applicable, followed to completion by the complainant.

(b) Notwithstanding the provisions of paragraph (a) of this section, a formal allegation will be considered to have been filed when the ARDM receives from the complainant a written statement sufficiently precise to both identify those against whom the allegations are made, and to fairly afford the respondent an opportunity to prepare a defense. A formal allegation may be amended to cure technical defects or omissions, including failure to swear to the allegation, or to clarify and amplify allegations made therein, and such amendments relate back to the original filing date. An amendment alleging additional acts not directly related to or growing out of the subject matter of the original formal allegation will be permitted only where at the date of the amendment the allegation could not have been timely filed as a separate formal allegation and the rights of any respondent will not be prejudiced.

§ 98.45 Investigations.

(a) The ARDM will make a prompt investigation of each formal allegation filed as provided in this part. The investigation may include, where appropriate, a review of pertinent practices and policies of any prime sponsor or eligible applicant, the circumstances under which the possible noncompliance with the Act or regulations issued thereunder occurred, and other factors relevant to a determination as to whether the respondent has failed to comply with requirements of the Act, the regulations, and the Comprehensive Manpower Plan.

(1) If an investigation pursuant to paragraph (a) of this section indicates to the ARDM a failure to comply with the Act, the regulations, or the Comprehensive Manpower Plan, the ARDM will so inform the respondent and the complainant and the matter, will if possible, be resolved by informal means. If informal resolution does not occur within a reasonable period of time, action will be taken as provided in this part or as otherwise provided by law.

(2) If an investigation does not warrant action pursuant to paragraph (a)(1) of this section, the ARDM will so inform the respondent and the complainant in writing.

(b) No prime sponsor or eligible applicant, participant, respondent or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the Act, the regulations, the Comprehensive Manpower Plan, or the application of an eligible applicant because he has made a complaint, formal allegation, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of every complainant shall be kept confidential except to the extent necessary to carry out the purpose of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 98.46 Opportunity for hearings; when required.

An opportunity for a public hearing shall be extended in each of the following instances:

(a) When the ARDM receives a formal allegation from an affected unit of general local government that a prime sponsor or eligible applicant has changed its Comprehensive Manpower Plan so that it no longer complies with section 105 of the Act, or that in the administration of the plan there is a failure to comply substantially with any provision of the plan or with the requirements of section 603 or 604 of the Act and the matter has not been resolved informally within a reasonable period of time; or

(b) After the completion of an investigation, pursuant to § 98.45, of any formal allegation which indicates there is substantial evidence of facts supporting a conclusion of probable cause that a violation of the Act, or regulations issued pursuant thereto, has occurred or is occurring, or is about to occur, and the matter has not been resolved by informal means; or

(c) When the Secretary has reasonable cause to believe that a violation set forth in § 98.41(b) has occurred, or when the Secretary determines that fairness and the effective operation of programs under the Act would be furthered by an

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opportunity for a public hearing, including a finding under § 98.41 that a hearing should be provided.

§ 98.47 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by the Act, or § 98.46, and the issue has not been resolved informally, the Secretary or ARDM shall give reasonable notice by registered or certified mail, return receipt requested, to the affected respondent and complainant, if any. This notice shall advise the respondent of the allegations to be heard, the proposed remedial actions which may be taken, and the matters of fact or law asserted as the basis for the action. The notice shall (1) fix a date not less than 20 days after the date of such notice within which the respondent may request the Secretary or ARDM that the matter be scheduled for hearing, or (2) advise the respondent and the complainant that the matter in question has been set by a Hearings Officer for hearing at a stated place and time. The time and place shall be fixed by a Hearings Officer in accordance with paragraph (b) of this section and shall be subject to change for cause. A respondent may waive a hearing and submit written information and argument for the record. The failure of a respondent to request a hearing under this section or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under this Act and this part and shall be respondent's consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearings.* Hearings shall be held in Washington, D.C., at a time fixed by a Hearings Officer. At the request of the respondent or Department, and upon a determination by the Hearings Officer that the relative conveniences of the respondent and Department so warrant, and no issue presented involves a determination which has been made at the Department's national office or can only be made at the Department's national office, the Hearings Officer may select a place for hearing in the city of the regional office of the Department.

(c) *Right to counsel.* In all proceedings under this section, the respondent and the Department shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with sections 5–8 of the Administrative Procedure Act, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the respondent shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the Hearings Officer conducting the hearings at the outset of or during the hearing.

(2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available, and to subject testimony to test by cross-examination, shall be applied where reasonably necessary by the Hearings Officer conducting the hearing. The Hearings Officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(3) The general provisions governing discovery as provided in the Rules of Civil Procedure for the United States District Court, Title V, 28 U.S.C., Rules 26 through 37, may be made applicable in any hearing conducted under this part to the extent that the Hearings Officer concludes that their use would promote the efficient advancement of the hearing.

(4) When a public officer is a respondent in a hearing in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the proceeding does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantive rights of the parties shall be disregarded. An order of substitution may be entered at any time, but the omission to enter such an order shall not affect the substitution.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies or noncompliance with this part and the regulations of one or more other Federal departments or agencies, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with § 98.48.

(f) *Hearing officers.* Hearings shall be held before an Administrative Law Judge of the Department or by such other person as may be designated by the Secretary.

§ 98.48 Initial certification, decisions and notices.

(a) *Authority of hearing officer to render decision.* The Administrative Law Judge or other designated hearing officer is authorized to make an initial decision unless the Secretary otherwise limits this authority in a particular case.

(b) *Decisions and certifications by hearing officers.* The Administrative Law Judge, or other person designated to hear the matter, shall make an initial decision, if so authorized (see § 98.47(f)) or certify the entire record including his recommended findings of fact, conclusions of laws, and proposed decision to the Secretary for a final decision, and a copy of such initial decision or certification shall be mailed to the respondent and the complainant. When an initial decision is made the respondent may, within 30 days of mailing of such notice of initial decision, file with the Secretary his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Secretary may on his own motion within 45 days after the initial decision serve on the respondent a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. The decision of the Secretary shall be mailed promptly to the respondent and the complainant, if any. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the Secretary.

(c) *Decisions on record or review by the Secretary.* Whenever a record is certified to the Secretary for decision or he reviews an initial decision pursuant to paragraph (a) of this section, the respondent shall be given reasonable opportunity to file with him briefs or other written statements of its contentions. A copy of the final decision of the Secretary shall be given in writing to the respondent and to the complainant, if any.

(d) *Decisions on record where a hearing is waived.* Whenever a hearing is waived under this part a decision shall be made by the Secretary on the record and a copy of such decision shall be given in writing to the respondent, and to the complainant, if any.

(e) *Rulings required.* Each decision of an Administrative Law Judge or the Secretary shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to the Act or regulations issued thereunder with which it is found that the respondent has failed to comply.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved in accordance with the Act, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and regulations issued thereunder, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the respondent determined by such decision to be in default in its performance of an assurance given by it pursuant to the Act or regulations issued thereunder, or to have otherwise failed

to comply with the Act or regulations issued thereunder, unless and until it corrects its noncompliance, and satisfies the Secretary that it will fully comply with the Act and regulations issued thereunder.

§ 98.49 Judicial review.

Action taken pursuant to section 108 of the Act is subject to judicial review as provided in section 109 of the Act. All other action initiated under the Act and regulations issued thereunder shall be final upon a determination by the Secretary.

Signed at Washington, D.C. this 14th day of March 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-6216 Filed 3-18-74;8:45 am]

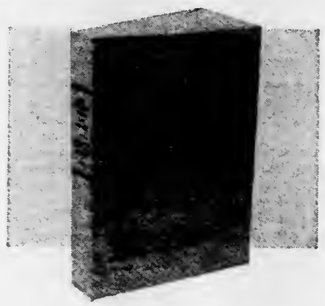
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WASHINGTON, D.C.

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Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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NOTE: There were no items published after Oct. 1, 1972, eligible for inclusion in the LIST OF RULES GOING INTO EFFECT TODAY.

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—National Advisory Food Committee to be held at Rockville, Maryland (open)..... 7443; 2–26–74

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—Cancer Control Education Review Committee to be held at Bethesda, Maryland (open with restrictions). 7820; 2–28–74

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DoD—Advisory Group on Electron Devices: Working Group on Low Power Devices to be held at New York, New York (closed)..... 9213; 3–8–74

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—Department of Defense Wage Committee to be held at Washington, D.C. (closed)..... 7466; 2–26–74

—Scientific Advisory Group to the Joint Strategic Target Planning Staff to be held at Vandenberg AFB, California (closed).. 7977; 3–1–74

—USAF Scientific Advisory Board Tactical Panel to be held at Langley AFB, Virginia (closed) 7466; 2–26–74

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HEW—Medical Radiation Advisory Committee to be held at Boston, Massachusetts (open)..... 7444; 2–26–74

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Interior Department—BLM: Roseburg District Advisory Board to be held at Roseburg, Oregon (open) 7814; 2–28–74

—National Advisory Board on Wild Free-Roaming Horses and Burros to be held at Washington, D.C. (open). 4789; 2–7–74

USDA—Forest Service: Rock Creek Advisory Committee to be held at Drummond, Montana (open) 9485; 3–11–74

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HEW—Dental Drug Products Advisory Committee to be held at Rockville, Maryland (open with restrictions). 7444; 2–26–74

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Interior Department—Forest Service: South Kaibab Grazing Advisory Board to be held at Williams, Arizona (open). 7818; 2–28–74

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Commerce Department—Computer Systems Technical Advisory Committee to be held at Washington, D.C. (open with restrictions)..... 9683; 3–13–74

DoD—Army Corps of Engineers, Winter Navigation Board on Great Lakes and St. Lawrence Seaway to be held at Romulus, Michigan (open with restrictions)..... 9702; 3–13–74

HEW—Coal Mine Health Research Advisory Council to be held at Cincinnati, Ohio (open) 9486; 3–11–74

—National Advisory Veterinary Medicine Committee to be held at Rockville, Maryland (open)..... 7444; 2–26–74

—Venereal Disease Control Advisory Committee to be held at Atlanta, Georgia (open)..... 9850; 3–14–74

—Office of Education: National Advisory Council on Adult Education to be held at Washington, D.C. (open)..... 9567; 3–12–74

Interior Department—Gateway National Recreation Area Advisory Commission to be held at Brooklyn, New York (open)..... 9846; 3–14–74

—BLM: O & C Advisory Board to be held at Portland Oregon (open). 9681; 3–13–74

NIH—National Advisory General Medical Sciences Council to be held at Bethesda, Maryland (open).... 3306; 1–25–74

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Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

NOTE: No acts approved by the President were received by the Office of the Federal Register from Friday, March 8 to Friday, March 15, 1974.

Presidential Documents

Title 3—The President

PROCLAMATION 4275

American Forestry Week and World Forestry Day, 1974

By the President of the United States of America

A Proclamation

Since the first settlers moved onto this continent centuries ago, America's forests have been one of our greatest resources. But no resource is inexhaustible. Only wise conservation and measured use can preserve our country's forest heritage.

One-third of the Nation's land area is still covered with forests. They contribute heavily to the economy and to our high standard of living by providing one-fifth of the industrial raw materials of the Nation. Moreover, our forests have long provided much more than raw materials. They are a source of water for domestic and commercial use; they provide homes and food for wildlife, and forage for livestock; and they have become America's outdoor playground, a haven for campers, hikers, hunters and fishermen.

It is only fitting that every spring we renew our commitment to the preservation of this priceless heritage.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States, do hereby call on all Americans to observe the week of March 17 through 23, 1974, as "American Forestry Week," with activities and ceremonies that recognize the full range of contributions of forests and forestry to the past, to the present, and to the future of America. In conjunction with this commemoration, I ask that we join with other Nations of the world in recognizing March 21, 1974, as "World Forestry Day," an activity sponsored by the European Federation of Agriculture and endorsed by the Food and Agriculture Organization of the United Nations.

To this end, I am directing the Secretary of Agriculture to instruct the Chief of the Forest Service to work with all organizations, institutions, groups, and individuals interested in carrying out appropriate activities

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in joint recognition of "American Forestry Week" and "World Forestry Day."

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of March, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.74-6604 Filed 3-18-74;4:53 pm]

EXECUTIVE ORDER 11771

Extending Diplomatic Privileges and Immunities to the Liaison Office of the People's Republic of China in Washington, D.C., and to Members Thereof

By virtue of the authority vested in me by the act of April 20, 1973 (87 Stat. 24; Public Law 93-22), and as President of the United States, I extend to the Liaison Office of the People's Republic of China in Washington, D.C. and to its members who are duly notified to, and accepted by, the Secretary of State the same privileges and immunities, subject to corresponding conditions and obligations, as are enjoyed by the diplomatic missions accredited to the United States and by members of the staffs thereof. This Executive Order shall be effective as of April 20, 1973.

THE WHITE HOUSE,
March 18, 1974.

Richard Nixon

[FR Doc.74-6533 Filed 3-18-74;12:45 am]

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MEMORANDUM OF MARCH 1, 1974

Delegation of Functions and Allocation of Funds Related to Emergency Security Assistance for Israel

Memorandum for the Secretary of State, the Secretary of Defense

THE WHITE HOUSE,
Washington, March 1, 1974.

NOTE: This memorandum, published at 39 FR 10231, March 19, 1974, is being reprinted to include material which was inadvertently omitted.

You are hereby designated and empowered to exercise the following functions vested in the President by Public Law 93–199, the Emergency Security Assistance Act of 1973, without the approval, ratification, or other action of the President. Functions not expressly delegated herein are reserved to the President.

1. Functions delegated to the Secretary of State:

   (a) the function of reporting to the Congress any determinations made by the President under Section 2 of the Act;
   (b) the function conferred in Section 6 of the Act.

2. Functions delegated to the Secretary of Defense:

   the function of providing military assistance or foreign military sales credits as determined by the President.

Pursuant to the authority contained in Public Law 93–240, the Foreign Assistance and Related Programs Appropriation Act, 1974, I hereby allocate from the appropriation for "Emergency Security Assistance for Israel" to the Secretary of Defense, $2,200,000,000.00. This allocation is subject to the limitations imposed by the provisos in the provision appropriating these funds and subject to apportionment of the necessary funds by the Office of Management and Budget. I direct the Secretary of Defense to allocate to the Secretary of State such sums from the $2,200,000,000.00 as may be necessary from time to time for payment by the United States of its share of the expenses of the United Nations Emergency Force in the Middle East, as apportioned by the United Nations in accordance with article 17 of the United Nations Charter as authorized in Section 6 of Public Law 93–199, the Emergency Security Assistance Act of 1973.

This memorandum shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.74–6402 Filed 3–18–74;8:45 am]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one additional position of Secretary to the Attorney General is excepted under Schedule C.

Effective on March 20, 1974, § 213.3310 (a) (5) is amended as set out below.

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* • • •

(5) Four Secretaries for the Attorney General.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6445 Filed 3–19–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Confidential Assistant to the Secretary (Interdepartmental Activities) is excepted under Schedule C.

Effective on March 20, 1974, § 213.3312 (a) (15) is added as set out below.

§ 213.3312 Department of Interior.

(a) *Office of the Secretary.* • • •

(15) One Confidential Assistant to the Secretary (Interdepartmental Activities).

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6449 Filed 3–19–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one additional position of Confidential Assistant to the Secretary is excepted under Schedule C.

Effective March 20, 1974, § 213.3313 (a) (5) is amended as set out below.

§ 213.3313 Department of Agriculture.

(a) *Office of the Secretary.* • • •

(5) Five Confidential Assistants to the Secretary.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6444 Filed 3–19–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Private Secretary to the Director, Office of Telecommunications is excepted under Schedule C.

Effective on March 20, 1974, § 213.3314 (b) is added as set out below.

§ 213.3314 Department of Commerce.

• • • • • •

(b) *Office of Telecommunications.* (1) Private Secretary to the Director.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6448 Filed 3–19–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Confidential Assistant to the Commissioner of Patents is reestablished and excepted under Schedule C.

Effective on March 20, 1974, § 213.3314 (h) is added as set out below.

§ 213.3314 Department of Commerce.

• • • • • •

(h) *Patent Office.* (1) One Private Secretary (Confidential Assistant) to the Commissioner of Patents.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6450 Filed 3–19–74;8:45 am]

PART 213—EXCEPTED SERVICE

Federal Power Commission

Section 213.3329 is amended to show that one position of Secretary to the Assistant Executive Director (Regulatory Information System and Administration) is excepted under Schedule C.

Effective on March 20, 1974, § 213.3329 (c) is added as set out below.

§ 213.3329 Federal Power Commission.

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(c) One secretary to the Assistant Executive Director (Regulatory Information System and Administration)

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(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6447 Filed 3–19–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Secretary to the Special Assistant to the Administrator, Federal Railroad Administration, is excepted under Schedule C.

Effective on March 20, 1974, § 213.3394 (e) (8) is added as set out below.

§ 213.3394 Department of Transportation.

• • • • • •

(e) *Federal Railroad Administration.* • • •

(8) One Secretary to the Special Assistant to the Administrator.

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6648 Filed 3–19–74;8:45 am]

PART 539—CONVERSIONS BETWEEN PAY SYSTEMS

PART 550—PAY ADMINISTRATION (GENERAL)

CFR Corrections

Section 539.203(d) in the second to the last sentence in 5 CFR (page 181) the reference to "§ 531.202(m)" should read "§ 531.202".

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Section 550.342(b), the fifth line as it appears in 5 CFR (page 195) reads "Executive Order 11634", it should read "Executive Order 11636".

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6451 Filed 3-19-74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

PART 152—PHASE IV PAY REGULATIONS

Exemption of Canned Fruit and Vegetable Industries

The purpose of these amendments is to exempt prices charged for canned fruits and vegetables as described in the Standard Industrial Classification (SIC) Manual, 1972 edition, under Industry No. 2033 by the manufacturers of those products and to provide a parallel exemption under the pay regulations.

The primary reason for the price exemption is that canned fruits and vegetables are currently in very short supply. Acreage contracts which will determine the supply of canned vegetables through the summer of 1975 are currently being negotiated. Vegetable canners are faced with increasingly high costs largely because of competition with crops such as wheat, soybeans, and cotton, the prices of which have risen dramatically since last year. The prices of these alternate crops are less restricted by controls than are the prices of vegetables for canning. This is because the former are freely traded on commodities exchanges and further resold in unprocessed form under the agricultural products exemption. While the sale by the farmer of vegetables to the cannery is also exempt under the same exemption, the sale by the canner is not exempt, and this fact usually serves to moderate the price which the canner can pay the farmer. It is expected that the exemption of canned vegetables will provide the necessary incentive for canners to increase acreage devoted to the production of vegetables.

Second, the Council has received commitments to increase production from firms producing more than 30 percent of the total output of canned fruits and vegetables. These firms have committed to increase production as much as 25 percent over last year's production on some product lines. In every case, canners have agreed in writing to increase their overall acreage if decontrolled.

Finally, major canners have committed not to raise prices above those authorized on March 1, 1974, on any product lines until the new crop becomes available. The Council expects that price increases on the new crop will be restricted to the levels needed to cover increased costs of production.

Jams, jellies, marmalade, and preserves are not included in this exemption primarily because these products are not subject to the same seasonal supply problems as canned fruits and vegetables.

Although the prospect of increased acreage which is applicable to vegetable production under this exemption does not apply readily to production of most fruits, canned fruits are included with vegetables in this exemption because most of the firms which are engaged in canning process both fruits and vegetables. The Council therefore deems it appropriate to apply the exemption to the canned fruits and vegetables product line as a whole.

This exemption does not apply to prices charged or wages paid by a firm which is primarily engaged in food wholesaling or retailing and which also manufactures canned fruits and vegetables. For example, a retail grocery chain which packs the fruits and vegetables which it sells under its own label remains unaffected by these amendments.

The exemption appears as the first paragraph of § 150.58, "Additional price adjustments". This new exemption section continues the growing list of exempt sales which has been set forth heretofore under § 150.54. The Council is adding the new section for ease of citation in preference to further extending § 150.54.

Under §§ 150.11(e) and 150.161(b), a firm with revenues in its most recent fiscal year from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless it derived both less than $50 million in annual sales or revenues from the sale or lease of nonexempt items and 90 percent or more of its sales or revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables manufacturing industry. The exemption is set forth in new § 152.39f. "Establishment in the canned fruits and vegetables manufacturing industry" is defined as an establishment primarily engaged in the canning or manufacturing of fruits and vegetables and classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 2033 (Canned Fruits, Vegetables, Preserves, Jams, and Jellies). The term does not include an establishment primarily engaged in the manufacturing of preserves, jams, jellies, or marmalade. The exemption is inapplicable to any employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any employee whose duties and responsibilities are not of a type exclusively performed in or related to the canned fruits and vegetables manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within the exemption. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables manufacturing industry or in support thereof. In addition, the exemption is not applicable to pay adjustments that are the subject of a report or request for approval filed with the Council prior to March 18, 1974, or pay adjustments that are scheduled to be effective prior to such date and a report or request for approval is required, including pay adjustments for which a report is required pursuant to § 152.76(c)(2). If parties negotiate a contract on or after March 18, 1974, which provides for pay adjustments scheduled to be effective prior to such date, a report or request for approval shall be filed with the Council in accordance with the provisions of the special rules applicable to the food industry, set forth in Subpart H of Part 152.

The wage exemption is also inapplicable if pay adjustments with respect to an appropriate employee unit are the subject of a decision and order of the Council. The exemption is further inapplicable to pay adjustments to employees of an establishment in the canned fruits and vegetables manufacturing industry which is controlled, directly or indirectly, by a firm primarily engaged in the wholesale or retail sale of food. Contract provisions which depend for their operation on the modification or termination of any rules, regulations, or orders of the Economic Stabilization Program are inoperative. In cases of uncertainty of application, inquiries concerning the scope of coverage of the pay exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

As with all exemptions from Phase IV controls, firms subject to this amendment remain subject to review for compliance with appropriate regulations in effect prior to these exemptions. A firm affected by these amendments will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by these exemptions alleged to be in violation of stabilization rules in effect prior to these exemptions is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds, and possible penalty of $2,500 for each stabilization violation.

The Council retains the authority to reestablish price and wage controls over any of the industries exempt by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these amendments. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, 6 CFR Parts 150 and 152 are amended as set forth herein, effective March 18, 1974.

Issued in Washington, D.C., on March 18, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

1. In 6 CFR Part 150, a new § 150.58 is added to Subpart D to read as follows:

§ 150.58 Additional price adjustments.

(a) *Canned fruits and vegetables.* The prices which manufacturers of the following products charge for those products are exempt: The products listed in the SIC Manual, 1972 edition, under Industry No. 2033, except jams, jellies, marmalade, and preserves. This exemption does not apply to a firm primarily engaged in food wholesaling or retailing which also manufactures canned fruits and vegetables.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.39f to read as follows:

§ 152.39f Canned fruits and vegetables manufacturing industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the canned fruits and vegetables manufacturing industry.* For purposes of this section, "Establishment in the canned fruits and vegetables manufacturing industry" means an establishment primarily engaged in the canning or manufacturing of fruits and vegetables and classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 2033 (Canned Fruits, Vegetables, Preserves, Jams, and Jellies). Notwithstanding the preceding sentence, such term does not include an establishment primarily engaged in the manufacturing of preserves, jams, jellies, or marmalade.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables manufacturing industry or in support of such operation only if such employee is employed at an establishment in the canned fruits and vegetables manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of §§ 152.124, 151.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the canned fruits and vegetables manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the canned fruits and vegetables manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables manufacturing industry or in support of such operation.

(5) Pay adjustments with respect to which a report or request for approval has been filed or a challenge has been made or issued prior to March 18, 1974, pursuant to the provisions of Subpart F of Part 130 of this chapter, or Subpart H of this part.

(6) Pay adjustments scheduled to be effective prior to March 18, 1974, for which a report or request for approval is required pursuant to the provisions of Subpart H of this part, including pay adjustments with respect to which a report is required pursuant to § 152.76(c)(2).

(7) Pay adjustments with respect to an appropriate employee unit which is subject to a decision and order of the Council or its delegate—

(i) Issued prior to March 18, 1974; or

(ii) Issued on or after March 18, 1974, with respect to pay adjustments which are the subject of a report, request for approval, or challenge described in paragraphs (d) (5) or (6) of this section.

The limitation set forth in this paragraph (d)(7) shall be applicable for the period covered by such decision and order.

(8) Employees engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables manufacturing industry if such establishment is controlled directly or indirectly by a firm primarily engaged in the wholesale or retail sale of food.

(e) *Certain contract provisions.* Contract provisions which depend for their operation upon the modification or termination of the Economic Stabilization Act of 1970, as amended, or of any rules, regulations, or orders of the Council, and which affect employees engaged on a regular and continuing basis in the operation of an establishment in the canned fruits and vegetables industry, are inoperative as unreasonably inconsistent with the goals of the Economic Stabilization Program.

(f) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 18, 1974.

[FR Doc.74-6574 Filed 3-18-74;4:00 pm]

PART 152—PHASE IV PAY REGULATIONS

Exemption of Paper and Allied Products and Waste Paper

Correction

On page 9967 of the issue for Friday, March 15, 1974, a correction was published correcting FR Doc. 74-5817, which appeared at page 9535 of the issue for Tuesday, March 12, 1974. The headings of this correction should have read as set forth above, and in the third line of the correction the reference to "§ 150.40v" should have read "§ 152.40v".

Title 7—Agriculture

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER I—DETERMINATION OF PRICES

[Docket No. SH-322]

PART 877—SUGARCANE: PUERTO RICO

Fair and Reasonable Prices for 1973-74 Crop

The Sugar Act of 1948, as amended, requires producers who also process sugarcane grown by other producers to pay prices determined by the Secretary of Agriculture to be fair and reasonable as one of the conditions for receiving Sugar Act payments on their own production.

Such determination may not be made until after investigation and opportunity for interested persons to testify on the fair and reasonable prices to be paid under either purchase or toll agreements. A public hearing was held in San Juan, Puerto Rico, on November 29, 1973.

The determination, which is applicable to the 1973-74 crop of Puerto Rican sugarcane, continues the provisions of the 1972-73 crop determination.

Pursuant to the provisions of section 301(c)(2) of the Sugar Act of 1948 (7 U.S.C. 1131(c)(2)), as amended, (herein referred to as "act"), after investigation, and due consideration of evidence presented at the public hearing held in San Juan, Puerto Rico, on November 29, 1973, the following determination is hereby issued.

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The regulations previously appearing in these sections under "Determination of Prices; Sugarcane; Puerto Rico" remain in full force and effect as to the time period to which they were applicable.

Sec.
877.21 General requirements.
877.22 Definitions.
877.23 Payment for sugarcane.
877.24 Payment for molasses.
877.25 Determination of net sugarcane.
877.26 Services and allowances to producers.
877.27 Reporting requirements.
877.28 Applicability.
877.29 Procedures for checking compliance.
877.30 Subterfuge.

AUTHORITY: Secs. 877.21 to 877.30 issued under secs. 301, 403, 61 Stat. 929, as amended, 932; (7 U.S.C. 1131, 1153).

§ 877.21 General requirements.

A producer of sugarcane in Puerto Rico who is also a processor of sugarcane, to which this part applies as provided in § 877.28 of this part (herein referred to as "processor"), shall have paid or contracted to pay for sugarcane of the 1973–74 crop grown by other producers and processed by him, prices not less than those determined in accordance with the following requirements.

§ 877.22 Definitions.

For the purpose of this part, the term:

(a) "Price of raw sugar" means the simple average of the daily spot price quotations for sugar deliverable under the New York Coffee and Sugar Exchange No. 10 domestic contract (bulk sugar) for the period January 1, 1974, through December 31, 1974, except that if the Director of the Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, determines that any such price quotation does not reflect the true market value of raw sugar because of inadequate volume or other factors, he may designate the price to be effective under this determination which he determines will reflect the true market value of raw sugar.

(b) "Sugar yield period" means any period not exceeding one calendar month as may be elected by the processor to determine the yield of raw sugar. The period adopted by the processor shall be used uniformly throughout the grinding season. In instances where odd days occur because a processor begins or ends grinding on a day which does not correspond with the beginning or ending of the sugar yield period, or grinding is interrupted because of holidays or for other reasons, such odd days shall be included either in the prior or subsequent sugar yield period, or treated as a separate sugar yield period.

(c) "Raw sugar" means raw sugar, 96° basis.

(d) "Yield of raw sugar" means the yield of raw sugar per 100 pounds of net sugarcane determined for the sugar yield period in accordance with the formulae set forth in Schedule A attached hereto and made a part hereof.

(e) "Inferior varieties of sugarcane" means sugarcane of Saccharum Spontaneum or Saccharum Sinense variety (including sugarcane of the Japanese, Uba, Kavangerie, Zuinga, Caledonia, Coimbatore 213, and Coimbatore 281 varieties).

(f) "Net sugarcane" means (1) the gross weight of the sugarcane delivered to the mill determined to contain a quantity of trash not in excess of five percent of the gross weight, or (2) the gross weight of the sugarcane delivered to the mill less the quantity of trash determined to be in excess of five percent of such gross weight.

(g) "Trash" means green or dried leaves, sugarcane tops above the last formed joint, soil, stones, and all other extraneous material.

(h) "Area office" means Caribbean Area Agricultural Stabilization and Conservation Service Office, P.O. Box 11188, Santurce, Puerto Rico 00910.

§ 877.23 Payment for sugarcane.

(a) The payment for net sugarcane delivered by the producer to the processor shall be made either by the delivery to the producer of his share of raw sugar or by the payment to the producer of the money value of his share of raw sugar, whichever method is agreed upon by the producer and the processor.

(b) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of 9 pounds or more, the producer's share of raw sugar shall be not less than the quantity of raw sugar determined by applying the following applicable percentage to the yield of raw sugar of the producer's net sugarcane:

Pounds of raw sugar per 100 pounds of net sugarcane	*Percentage*
9.0	63.0
9.5	63.5
10.0	64.0
10.5	64.5
11.0	65.0
11.5	65.5
12.0	66.0
12.5	66.5
13.0	67.0
13.5 and over	67.5

Intermediate points within the above scale are to be interpolated to the nearest one-tenth point.

(c) For each 100 pounds of net sugarcane (including inferior varieties of sugarcane) having a yield of raw sugar of less than 9 pounds, the producer's share of raw sugar shall be not less than the quantity determined by subtracting 3½ pounds of raw sugar from the yield of raw sugar of the producer's net sugarcane.

(d) If settlement with the producer is made in sugar, delivery shall be made, loaded in the producer's vehicle, at the mill where the sugar is produced, unless the producer and processor agree in writing to delivery at another mill: *Provided*, That the processor shall bear any increase in marketing costs resulting from such agreement.

(e) If settlement with the producer is made in cash, the processor shall pay to the producer the money value of his share of raw sugar determined on the basis of the price of raw sugar converted to an f.o.b. mill price by subtracting therefrom the admissible deductions for selling and delivery expenses on raw sugar in accordance with Schedule B, attached hereto and made a part hereof.

§ 877.24 Payment for molasses.

For each ton of net sugarcane delivered the processor shall either deliver to the producer 66 percent of the average production of blackstrap molasses per ton of net sugarcane of the 1973–74 crop processed at each mill or shall pay to the producer the money value of such quantity of molasses, whichever method is agreed upon between the producer and the processor. If settlement with the producer is made in cash, such settlement shall be based upon the average gross proceeds from the sales of molasses less the admissible deductions for selling and delivery expenses in accordance with Schedule C, attached hereto and made a part hereof. A processor operating more than one mill shall compute the average gross proceeds per gallon from the sales of molasses produced at all mills operated by such processor and shall compute the net proceeds per gallon separately for each mill operated by such processor. If a processor has not sold 1973–74 crop molasses by the time he is required to submit to the Area office a statement as required by § 877.27(b), he shall have made a provisional molasses payment to producers based upon not less than 85 percent of the average of the net proceeds per gallon realized by all other processors in Puerto Rico who made cash settlements for 1973–74 crop molasses, as determined by the Director of the Area office. Final settlement with such producers shall be made promptly after the 1973–74 crop molasses has been sold, based upon the average net proceeds therefrom and the processor shall promptly submit to the Area office a statement as required by § 877.27(b). In the event a processor has transferred all or part of its 1973–74 production of molasses to an affiliate, molasses payments to growers shall be based on the price of the molasses transferred to the affiliate, but such price shall not be less than the average net proceeds per gallon as determined by the Director of the Area office for all processors who sold 1973–74 crop molasses. Where payment is based on the average net proceeds of all processors who sold molasses, the processor is required to make a provisional molasses payment not later than June 1, 1975, based upon not less than 85 percent of the estimated average of net proceeds per gallon realized by all other processors in Puerto Rico, as determined by the Director of the Area office from reports submitted under provisions of § 877.27(b). Processor is further required to make a final molasses payment in the amount necessary to base the total molasses payment upon a price not less than the average net proceeds per gallon for all processors who sold the 1973–74 crop of molasses after the Area office has determined such net proceeds and notified the processor.

§ 877.25 Determination of net sugarcane.

(a) The net sugarcane of each producer (including the processor) which is delivered to the mill each day shall be determined as follows: The processor jointly with a representative designated by the producers or the producer organization in any mill area, shall examine the sugarcane deliveries and estimate whether the deliveries contain a quantity of trash (1) not in excess of five percent of the gross weight, or (2) in excess of five percent of the gross weight. In the absence of a producer representative the processor shall have full responsibility for examining such sugarcane deliveries and for making such estimates. As to the deliveries of sugarcane of any producer which are estimated to contain trash not in excess of five percent, the gross weight of the sugarcane delivered shall also be the net weight. As to the deliveries of sugarcane of any producer estimated by both the processor and the representative of producers or by either of such parties to contain trash in excess of five percent, the net weight shall be determined by taking a representative sample of not less than 100 pounds of sugarcane from one or more of the deliveries deemed to be representative and separating therefrom all trash. The weight of trash which is removed from the sample of sugarcane shall be expressed as a percentage of the gross weight of the sample. The net weight of the sugarcane delivery from which the sample was taken shall be determined by deducting from the gross weight of such sugarcane, a percentage thereof which represents the excess, if any, of the trash over five percent, and the same adjustments as determined above shall be applied to the gross weight of all other deliveries delivered by that producer during the same day or in the case of sugarcane handled in bulk during the same sugar yield period, which are estimated to contain trash content reasonably similar to the delivery from which the sample was taken.

(b) With respect to the sample taken as provided in paragraph (a) of this section, the processor shall make a separate determination of the weight of soil and stones contained in such sample and may charge the producer five cents per ton of net sugarcane delivered which is represented by the sample for each one percent, fractions in proportion, by which the weight of soil and stones is in excess of one percent of the gross weight of the sample.

(c) The processor may charge the producer 66 percent of the actual cost, but not to exceed $2.64, for each sample taken for trash including soil and stones to cover the cost of sampling and measuring the actual quantity of trash.

(d) Notwithstanding the foregoing paragraphs of this section, in cases where the direct cane analysis method is used, gross weight will also be net weight.

§ 877.26 Services and allowances to producers.

(a) When payment is made to the producer by the delivery of raw sugar, the processor shall store and insure all such sugar through December 31, 1974, and shall bear the cost thereof.

(b) The costs of services which were borne by the processor for the 1972–73 crop shall be borne for the 1973–74 crop.

(c) Allowances made to producers by the processor for the 1972–73 crop shall be made for the 1973–74 crop at the rates which were effective under comparable conditions in 1972–73; except that the processor is given the option of paying hauling allowances to producers on either (1) the gross weight of sugarcane, or (2) in cases where a bulk trash determination, as provided in section 877.25 (a) is made, the net weight of sugarcane as determined by deducting from the gross weight the amount of trash that is in excess of five percent: *Provided*, That if the processor elects to pay allowances on the net weight, the allowance shall be computed at not less than the rates established in Rule 12 of the Sugar Board of Puerto Rico plus ten percent of such rates. The method of paying hauling allowances elected by the processor shall be used uniformly throughout the grinding season.

(d) Nothing in paragraphs (b) or (c) of this section shall be construed as prohibiting negotiations between the processor and producer with respect to the amount of services or allowances to be made to the producer, any change to be approved in writing by the Area office upon a determination by the Director of the Area office that the change is fair and reasonable.

§ 877.27 Reporting requirements.

(a) The processor shall submit to the Area office a statement as to whether settlement with producers is to be made in sugar or in cash, together with a statement as to the sugar yield period which will be used during the grinding season. Such information shall be submitted not later than April 3, 1974, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

(b) If the processor makes settlement in cash, he shall submit in duplicate to the Area office statements verified by a Certified Public Accountant of the gross proceeds from the sales of molasses and the deductions made in determining the f.o.b. mill price of sugar and the net proceeds from molasses. Such statements shall be submitted not later than June 1, 1975, except that if the Director of the Area office determines that the failure to submit such statement by such date was unintentional, an extension of time may be granted by the Area office.

(c) The processor shall submit to the Area office a statement as to the option he elects in making hauling allowances to producers during the grinding season. Such information shall be submitted not later than April 3, 1974.

§ 877.28 Applicability.

The requirements of this part are applicable to all sugarcane purchased from other producers and processed by a processor who produces sugarcane (a processor-producer is defined in 7 CFR 893.1); and to sugarcane purchased by a cooperative processor from non-members. The requirements are not applicable to sugarcane processed by a cooperative processor for its members.

§ 877.29 Procedures for checking compliance.

The procedures to be followed by the Caribbean Area ASCS Office in checking compliance with the requirements of this part are set forth under the heading Part 8—"Fair Price Determination" in Handbook 5–SU, issued by the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service. Handbook 5–SU may be inspected at and copies obtained from the Caribbean Area ASCS Office, P.O. Box 11188, Santurce, Puerto Rico 00910.

§ 877.30 Subterfuge.

The processor shall not reduce the returns to the producer below those determined in accordance with the requirements of this Part through any subterfuge or device whatsoever.

STATEMENT OF BASES AND CONSIDERATIONS

General. The foregoing determination establishes the fair and reasonable price requirements which must be met, as one of the conditions for payment under the act, by a producer who processes sugarcane of the 1973–74 crop grown by other producers.

Requirements of the act. Section 301 (c)(2) of the act provides as a condition for payment, that the producer on the farm who is also directly or indirectly a processor of sugarcane, as may be determined by the Secretary, shall have paid, or contracted to pay under either purchase or toll agreements, for sugarcane grown by other producers and processed by him at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing.

1973–74 price determination. This determination continues the provisions of the prior determination.

A public hearing was held in San Juan, Puerto Rico, on November 29, 1973 at which interested persons were afforded the opportunity to present testimony and make recommendations with respect to fair and reasonable prices for the 1973–74 crop of sugarcane. Representatives of the Puerto Rico Farm Bureau recommended that the present system of basing selling and delivery expenses for all independent producers on an average of such expenses for all mills be changed to require that all independent producer sugar be considered as marketed within Puerto Rico for the local market and that any amount of raw sugar marketed in the Continental U.S. be considered as processor sugar, making it necessary

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for the mills shipping raw sugar to the mainland to absorb any and all selling and delivery expenses so incurred. They estimate that such a move would increase income to the independent cane farmers in Puerto Rico by about $1.0 million. They further recommended that no basic changes be made in the present payment scale contained in the determination, but that increases be allowed in accordance with any increases authorized in transportation costs; i.e., an escalator clause to allow for increased cane hauling charges resulting from increased fuel costs.

The Sugar Corporation of Puerto Rico, an agency of the Commonwealth government, filed a supplemental brief which states that the Corporation was formed as a subsidiary of the Land Authority of Puerto Rico on February 1, 1973 to oversee the rehabilitation of the Island's sugar industry. The Sugar Corporation is the largest producer in Puerto Rico, operating all mills and refineries, and accounting for more than 70 percent of total sugar production. In its brief, the Sugar Corporation states that the present method of basing deductible selling and delivery expenses for mills shipping less than 20 percent of their sugar to mainland refineries on the average of such expenses incurred by mills shipping 20 percent or more to the mainland is appropriate and equitable and should not be changed. It states that during the 1972–73 crop season an estimated 30,000 tons of raw sugar will be marketed in the Continental U.S. from the Coloso, Guanica, and Plata mills. It maintains that the selling and delivery expenses incurred should serve as the basis for determining these expenses for the other ten mills that operated during the 1972–73 season, inasmuch as exclusion of the shipping and delivery expenses would in turn increase the price of refined sugar in the Commonwealth.

Consideration has been given to the recommendations made at the public hearing; to data on the returns, costs, and profits or losses of producing and processing sugarcane obtained by field survey for prior crops and recast in terms of price and production conditions likely to prevail for the 1973–74 crop; and to other relevant factors. Total sugar production continues to decline each year in Puerto Rico. The 252,200 tons of sugar produced from the 1972–73 crop was the smallest crop since the early 1900's. The average yield of raw sugar per ton of cane increased from 135 pounds in 1971–72 to 139 pounds in 1972–73, but compares poorly with the level of 204 pounds achieved in 1960–61.

This determination continues the provisions of the 1972–73 determination. The recommendation of the Farm Bureau that all independent producer sugar be considered as marketed locally and, therefore, exempted from deductions for selling and delivery expenses has not been adopted. The Department's responsibility for determining a fair and reasonable price will not permit adoption of the recommendation of the Farm Bureau without a corresponding change in the sharing relationship between the independent growers and the sugar mills.

The recommendation for an escalator clause to allow for increased cane hauling charges resulting from increased fuel costs has not been adopted. The Department will continue to issue price determinations for Puerto Rico on a yearly basis, and will evaluate this new factor resulting from the "energy crisis" in the context of how it affects the sharing relationship between producers and processors.

On the basis of an examination of all pertinent factors, the provisions of this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the price provisions of the Sugar Act of 1948, as amended.

NOTE: The recordkeeping and reporting requirements of these regulations have been approved by, and subsequent recordkeeping and reporting requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This determination shall become effective on March 20, 1974, and is applicable to the 1973–74 crop of Puerto Rican sugarcane.

Signed at Washington, D.C. on March 15, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

SCHEDULE A

FORMULAE FOR DETERMINING THE "YIELD OF RAW SUGAR" FOR EACH PRODUCER

(A) Where a continuous sample of the first expressed or crusher juice of the deliveries of sugarcane by a producer is used, the formula for determining the yield of raw sugar shall be:

$$R=TI\ (S-0.3B)F$$

Where:
R=Yield of raw sugar, 96° basis;
S=Polarization of the first expressed or crusher juice obtained from the sugarcane of each producer;
B=Brix of the first expressed or crusher juice obtained from the sugarcane of each producer;
T=Trash correction factor which varies inversely with the amount of trash contained in the sugarcane of each producer from 1.0 for sugarcane which contains an amount of trash not in excess of 5 percent of the gross weight of sugarcane to 0.76075 for sugarcane which contains an amount of trash in excess of 30 percent: *Provided*, That where sugarcane has been subjected to a washing process prior to milling, the amount of trash that is soil shall be excluded in determining the correction factor.
I=Inferior sugarcane correction factor which is applied only to inferior varieties of sugarcane of each producer and is determined as follows:

(a) When the purity, P, (where P=100 S÷B), of the first expressed or crusher juice of sugarcane is equal to 75 or more, the factor, I=0.9; or

(b) When the purity, P, (where P=100 S÷B), of the first expressed or crusher juice of such sugarcane is less than 75, the factor, I=0.9−0.02 (75−P);

F=Yield factor which is determined as follows:

(a) Determine the "tentative recovery of raw sugar," 96° basis, for each producer delivering sugarcane during the settlement period from the product of the formula (S−0.3B), the number of hundredweights of net sugarcane, the applicable trash correction factor, T; and where applicable the inferior sugarcane correction factor, I; and

(b) Divide the pounds of raw sugar, 96° basis, produced at the mill during the applicable settlement period by the sum of the "tentative recoveries of raw sugar" for all producers to obtain the yield factor, F.

If part of the sugarcane delivered by producers is subjected to a washing process prior to milling, the polarization and brix of the resulting dilute first expressed or crusher juice of such sugarcane shall be converted to an undiluted first expressed or crusher juice basis by application of dilution compensation factors (DCF) computed as follows:

$$\text{Brix DCF}=\frac{\text{Brix of undiluted first expressed or crusher juice sample}}{\text{Brix of diluted first expressed or crusher juice sample}}$$

$$\text{Pol DCF}=\frac{\text{Pol of undiluted first expressed or crusher juice sample}}{\text{Pol of diluted first expressed or crusher juice sample}}$$

A written description of procedures and the frequency of sampling sugarcane to be used in determining DCF factors shall be submitted by the processor to the Area office and shall be subject to approval of that office.

(B) Where the "direct cane analysis" method is used the sampling of sugarcane delivered by producers must be by the core sampler method and the formula for determining the yield of raw sugar shall be:

$$R=F\ [S-0.3\ (B+0.1\ f_c)\ ]$$

Where:
R=96° Yield % Cane, or yield of raw sugar, 96° basis;
S=Pol % Cane;
B=Brix % Cane;
f_c=Fiber % Cane;

F=Factor calculated using the values obtained during the liquidation period, weighted on the basis of the net weight of cane and substituted at the right side of the following equation:

$$F=\frac{R}{S-0.3\ (B+0.1\ f_c)}$$

Whenever the "direct cane analysis" method is used, no adjustments in the cane weight and yield shall be made for purposes of determining the yield of raw sugar.

(C) Where the sugarcane delivered by producers is sampled by hand or machine and the juice is extracted by a laboratory hand mill, the yield of raw sugar may be determined in accordance with the formula provided under (A) above after the sample mill juice Brix and sucrose for each producer has been factored to a first expressed or crusher juice basis.

(D) Where sugarcane is handled in bulk, the procedures for sampling the deliveries of sugarcane by a producer shall be representative of all the deliveries of sugarcane of such producer.

(E) All the sugarcane delivered by a producer during the settlement period shall be considered in determining the yield of raw sugar for the period, including that sugarcane for which a negative yield is obtained when applying the formulae set forth in the preceding paragraphs.

SCHEDULE B

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES ON RAW SUGAR

Admissible deductions for selling and delivery expenses in connection with the payment for sugarcane provided in § 877.23 of the 1973–74 price determination are limited to the sum of the following expenses for each mill operated by a processor, net of any receipts which reduce such expenses:

(1) Freight from the mill directly to the bulk raw sugar loading terminal, including the cost of covering cars or trucks where necessary;

(2) The cost of receiving, handling, and loading aboard ship at the bulk terminal at the rates established by the Puerto Rico Public Service Commission and in effect at the time the sugar is delivered to the bulk sugar terminal facility:

(3) Ocean freight;

(4) Unloading at destination;

(5) Freight demurrage resulting from causes beyond the control of the shipper;

(6) Reclaiming, weighing, and loading at mill or where stored;

(7) Shore risk, marine and war risk insurance;

(8) Brokerage or commission and exchange;

(9) Weighing, testing, and sampling at destination;

When any of the necessary services included in items (1), (3), (4), (5) or (8) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for the facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pension, bonuses, and vacation expenses properly allocable to such labor;

(4) Direct supplies; and

(5) Depreciation (at rates allowed by the taxing authority), property taxes, and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also used for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities properly apportionable to the necessary service shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the costs incurred by the processor in furnishing the necessary service in the event that the costs incurred therefor cannot be accurately determined.

In determining the f.o.b. mill price of raw sugar sold or processed in Puerto Rico, equivalent selling and delivery expenses as approved by the Director of the Area office shall be computed as follows:

(1) If the processor delivers 20 percent or more of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be the average of the admissible selling and delivery expenses as approved by the Director of the Area office for that quantity of raw sugar produced by the mill which was delivered to mainland refiners.

(2) If the processor delivers less than 20 percent of the total quantity of raw sugar produced by the mill to mainland refiners, the allowable per hundredweight selling and delivery expenses to be applied to such total quantity shall be an amount equal to the average of the admissible selling and delivery expenses approved by the Director of the Area office for all 1973–74 crop raw sugar produced in Puerto Rico which was delivered to mainland refiners except that such average of all selling and delivery expenses shall be increased (or reduced as appropriate) by an amount representing the difference between the estimated per hundredweight inland transportation costs which would have been incurred by the processor had all such 1973–74 crop raw sugar been delivered to the bulk sugar terminal to which the Area office determines the sugar could have been transported at the lowest inland transportation costs, and the average per hundredweight of all admissible inland transportation costs for all 1973–74 crop raw sugar that was delivered to the mainland. The average of the admissible selling and delivery expenses shall, as provided above, be increased when the estimated inland transportation costs are greater than such average, and be reduced when the estimated inland transportation costs are less than such average.

The statement as required by § 877.27 of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that as a result of the audit performed on the books of Central ---------- as of ----------, the deductions as set forth herein are properly chargeable as selling and delivery expenses for sugar in accordance with the determination of fair and reasonable prices for the 1973–74 crop of Puerto Rican sugarcane.

SCHEDULE C

ADMISSIBLE DEDUCTIONS FOR SELLING AND DELIVERY EXPENSES FOR MOLASSES

Admissible deductions for selling and delivery expenses in connection with the molasses payment provided in § 877.24 of the 1973–74 price determination are limited to the sum of the following expenses actually incurred at each mill operated by a processor, net of any receipts which reduce such expenses:

(1) Operation of pumps to deliver molasses from mill tank to shipside or other delivery point;

(2) Freight incurred or which would have been incurred on direct shipment from tanks located at the mill to shipside, or to a waterfront tank facility, or to local buyers when such molasses is sold on a delivered price basis;

(3) Operation of tank barges, tugs, or other marine equipment used in delivering molasses to shipside;

(4) Weighing and testing;

(5) Wharfage, including charges arising from utilization of waterfront facilities such as pipelines (including fees paid for right of way privileges), pumps, and tanks (a) to store molasses in anticipation of shipment; and (b) to deliver such molasses within the hold of the ship;

(6) Shore risk insurance (limited in coverage from mill to shipside);

(7) Freight demurrage resulting from causes beyond the control of the shipper;

(8) Brokerage paid to a bona fide broker.

When any of the necessary services included in items (1) through (8) above are furnished by the processor, costs incurred may include for each of the services rendered:

(1) Direct and immediate supervisory labor;

(2) Maintenance labor and supplies required for facilities used;

(3) Taxes and insurance assessed or charged to the processor on such labor and a proportionate share of retirement and pensions, bonuses and vacation expenses properly allocable to such labor;

(4) Fuel, energy or direct supplies; and

(5) Depreciation (at rates allowed by the taxing authorities), property taxes and property insurance on the facilities used.

Administrative expenses and interest shall be excluded from the computation of costs. In the event that facilities used in providing the necessary services are also use for other purposes by the processor, only that portion of the maintenance, depreciation, property taxes, and property insurance of such facilities, properly apportionable to the necessary service, shall be allowed.

The Director of the Area office may permit the use of the lowest rate charged by a public utility or carrier for comparable service in lieu of the cost incurred by the processor in furnishing the necessary service in the event that the costs incurred therefore cannot be accurately determined.

The statement as required by § 877.27 of the determination shall include the following certification:

CERTIFICATION

I, hereby certify that, as the result of the audit performed on the books of Central ---------- as of ----------, the gross proceeds from the sales of molasses as herein stated are true and correct and the deductions set forth herein are properly chargeable as selling and delivery expenses for molasses in accordance with the determination of fair and reasonable prices for the 1973–74 crop of Puerto Rican sugarcane.

[FR Doc.74-6368 Filed 3-19-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 991—HANDLING OF HOPS OF DOMESTIC PRODUCTION

Salable Quantity and Allotment Percentage for the 1974–75 Marketing Year

Notice was published in the February 19, 1974, issue of the FEDERAL REGISTER (39 FR 6118) regarding a proposal to establish, for the 1974–75 marketing year, beginning August 1, 1974, a salable quantity of 60,270,000 pounds, and an allotment percentage of 100 percent, for hops grown in Washington, Oregon, Idaho, and California. The salable quantity is the total quantity of hops that may be freely marketed from any crop grown in those states and handled by handlers. The salable quantity is prorated among producers by applying the allotment percentage to each producer's allotment base.

The salable quantity and allotment percentage herein established are based on a recommendation of the Hop Administrative Committee and other available information in accordance with provisions of Marketing Order No. 991, as amended (7 CFR Part 991), regulating the handling of hops of domestic production, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons the opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

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The salable quantity and allotment percentage are derived from the following Committee determinations for the marketing year beginning August 1, 1974:

(1) Total domestic consumption of 37,500,000 pounds of hops;

(2) Minus imports of 10,000,000 pounds of hops to result in domestic consumption of U.S. hops of 27,500,000 pounds;

(3) Plus total U.S. exports of 29,000,000 pounds of hops to equal 56,500,000 pounds total usage of U.S. hops;

(4) Minus a desirable inventory adjustment, as of September 1, 1975, of 1,500,000 pounds;

(5) Plus an adjustment of 5,270,000 pounds to provide for adequate supplies should some producer allotments of hops not be fully produced.

Thus, the salable quantity during the 1974–75 marketing year would be 60,270,000 pounds.

The proposed salable percentage is computed by subtracting from this salable quantity 1,000,000 pounds for additional allotment bases (for hops of the Fuggle variety pursuant to §§ 991.138(b) and 991.138c and dividing the remainder by 59,270,000 pounds, the total of all allotment bases less the 1,000,000 pound additional allotment bases for Fuggle variety hops.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, the applicable provisions of the marketing order, and other available information, it is found that to establish a salable quantity and allotment percentage as hereinafter set forth will tend to effectuate the declared policy of the act.

Therefore, the salable quantity and allotment percentage to be applicable to the 1974–75 marketing year (August 1, 1974–July 31, 1975) are established as follows:

§ 991.212 Allotment percentage and salable quantity for hops during the marketing year beginning August 1, 1974.

The allotment percentage during the marketing year beginning August 1, 1974, shall be 100 percent, and the salable quantity shall be 60,270,000 pounds.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated March 14, 1974, to become effective April 30, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.74–6441 Filed 3–19–74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[MILK ORDER NO. 30]

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

Temporary Revision of Shipping Percentages

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.11(b)(6) of the order regulating the handling of milk in the Chicago Regional marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 9198) concerning a proposed decrease in the supply plant shipping percentages for the month of March 1974. Interested persons were afforded an opportunity to file written data, views, and arguments thereon. None were filed in opposition.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of March 1974 the supply plant shipping percentage of 20 percent that is applicable during the months of January, February and March to a plant that was a pool plant during each of the preceding months of August through December shall be decreased to 10 percent and the shipping requirement of 10 percent applicable to each plant in a unit or two or more plants pursuant to § 1030.11(b)(7)(iii) shall be reduced to zero.

Pursuant to the provisions of § 1030.11(b)(6) the supply plant shipping percentages set forth in § 1030.11(b)(4) and § 1030.11(b)(7)(iii) shall be increased or decreased by up to 10 percentage points during the months of August–March if necessary to obtain needed shipments or to prevent uneconomic shipments.

Central Milk Sales Agency (CMSA), a group of cooperative associations representing over 75 percent of the producers supplying the Chicago Regional market, requested that the Director of the Dairy Division investigate the need to reduce the supply plant shipping percentage for the month of March 1974. CMSA states that a downward revision of 10 percentage points in the supply plant shipping percentage and in the shipping percentage applicable to individual plants within a unit is necessary to prevent uneconomic shipments of milk during the month of March 1974.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In recent months, however, Class I sales have been significantly below a year ago. In January, for instance, producer milk pooled as Class I was more than 4 percent below January 1973. Thus, there is a reduced demand for such supply plant milk in Class I use and a reduction in required shipments is, accordingly, appropriate.

CMSA estimates that shipments of milk from supply plants to distributing plants in February are 16.9 percent below such shipments in January, and are more than 26 percent below such shipments in February 1973. It is expected, therefore, that the percentage of supply plant milk needed to be shipped to distributing plants from many supply plants during March 1974 will be less than the required 20 percent.

A reduction in the required shipments of supply plant milk during the month of March will allow greater flexibility in obtaining milk as among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

It is concluded that it is necessary to reduce the pool supply plant shipping percentages by 10 percent for the month of March 1974 to prevent uneconomic shipments.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that during March 1974 it will prevent uneconomic shipments to pool distributing plants;

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the month of March 1974.

It is therefore ordered, That the aforesaid provision of the order is hereby revised for March 1974.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 604–674)

Effective date: March 20, 1974.

Signed at Washington, D.C., on: March 14, 1974.

H. L. FOREST,
Director, Dairy Division.

[FR Doc.74–6369 Filed 3–19–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 12660; Amdt. 39–1803]

PART 39—AIRWORTHINESS DIRECTIVES

Dowty Rotol Propellers

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of sets of rollers after each report of significant propeller induced vibration in flight, repetitive replacement of sets of rollers, inspections for broken rollers and proper preload in bearing assemblies, and replacement of propeller blades and blade retaining bolts, if necessary, until through hardened sets of rollers are installed on Dowty Rotol type (c) R.209/4–40–4.5/2 propellers was published in the FEDERAL REGISTER on April 5, 1973 (38 FR 8667).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

DOWTY ROTOL. Applies to Dowty Rotol type (c) R.209/4–40–4.5/2 propellers installed on, but not necessarily limited to, Nihon Model YS–11 and YS–11A Series airplanes equipped with Rolls-Royce Dart Model 542 Series engines.

Compliance is required as indicated.

To prevent propeller failure and cracking of full width case hardened rollers in the bottom (C.F.) race of the propeller blade bearings accomplish the following:

(a) For propellers having blade bearing assemblies that incorporate Modification No. (c) VP2416 (SB61–509) or Modification No. (c) VP2677 (SB61–709) having sets of rollers P/N's 601026724 or 601026940, comply with paragraphs (b) and (c)—

(1) Before further flight, after each report of significant propeller induced vibration in flight, except that the airplane may be flown in accordance with FAR § 21.197 to a base where the repair can be performed; and

(2) If initial compliance is not required by paragraph (a)(1), within the next 600 hours' time in service after the effective date of this AD or before the accumulation of 2,000 hours' time in service on blade bearing bottom (C.F.) race rollers, whichever occurs later.

(b) Replace sets of rollers specified in paragraph (a) in accordance with Dowty Rotol Service Bulletin No. 61–542–8, Revision 2, dated December 20, 1972, or an FAA-approved equivalent—

(1) With new parts of the same part number and thereafter continue to replace sets of rollers specified in paragraph (a) in accordance with subparagraph (a)(1) and at intervals not to exceed 2,000 hours' time in service on blade bearing bottom (C.F.) race rollers, and comply with paragraph (c) at each replacement; or

(2) With through hardened sets of rollers which incorporate Modification No. (c) VP2762 (SB61–771) or Modification No. (c) VP2814 (SB61–795).

(c) At each set of roller replacement required by paragraphs (a) and (b), determine the number of broken rollers and the preload in each bearing assembly in accordance with Dowty Rotol Service Bulletin No. 61–542–8, Revision 2, dated December 20, 1972 or an FAA-approved equivalent. If ten or more rollers are found to be broken or if the preload is found to be less than .0035 inches, before further flight remove the associated propeller blade and blade retaining bolt from service, mark them in a manner that will prevent their further use, and replace them with parts of the same part number or FAA-approved equivalents.

(d) The replacement of sets of rollers required by paragraphs (a) and (b) and the inspections required by paragraph (c) may be discontinued when through hardened sets of rollers which incorporate Modification No. (c) VP2762 (SB61–771) or Modification No. (c) VP2814 (SB61–795) are installed in accordance with Dowty Rotol Service Bulletin No. 61–542–8, Revision 2, dated December 20, 1972 or an FAA-approved equivalent.

This amendment becomes effective April 19, 1974.

Issued in Washington, D.C., on March 14, 1974.

C. R. MELUGIN, JR.,
Acting Director,
Flight Standards Service.

[FR Doc.74–6424 Filed 3–19–74;8:45 am]

[Airspace Docket No. 74–SO–25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the NAS Albany, Ga., control zone.

The NAS Albany control zone is described in § 71.171 (39 FR 354). In the description, an extension is predicated on the 031° bearing from NAS Albany UHF Radio Beacon. The procedure for which this extension was designated to provide controlled airspace protection for aircraft executing the HI–NDB(UHF)RWY 22 Instrument Approach Procedure has been cancelled. It is necessary to alter the description by revoking this extension. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (39 FR 354), the NAS Albany, Ga., control zone is amended to read:

NAS ALBANY, GA.

Within a 5-mile radius of NAS Albany (lat. 31°35'50" N., long. 84°05'06" W.).

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on March 11, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74–6315 Filed 3–19–74;8:45 am]

[Airspace Docket No. 74–SO–29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Valdosta, Ga. (Moody AFB) control zone and the Valdosta, Ga., transition area.

The Valdosta (Moody AFB) control zone is described in § 71.171 (39 FR 354) and the Valdosta transition area is described in § 71.181 (39 FR 440). In each description, an extension is predicated on Moody VOR 173° radial. The VOR Runway 36R Instrument Approach Procedure final approach radial has been changed to Moody VOR 178°. It is necessary to alter the descriptions to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (39 FR 354), the Valdosta, Ga. (Moody AFB) control zone and in § 71.181 (39 FR 440), the Valdosta, Ga., transition area are amended as follows: "• • • 173° radial • • •" is deleted and "• • • 178° radial • • •" is substituted therefor, wherever it appears.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on March 12, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74–6317 Filed 3–19–74;8:45 am]

[Airspace Docket No. 74–RM–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On January 31, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 3966) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the transition area at Great Falls, Mont.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., May 23, 1974.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c) Department of Transportation Act (49 U.S.C. 1656(c))

Issued in Aurora, Colorado, on March 11, 1974.

M. M. MARTIN,
Director,
Rocky Mountain Region.

In § 71.181 (39 FR 440) amend the 700-foot transition area for Great Falls, Mont., to read as follows:

GREAT FALLS, MONT.

That airspace extending upward from 700 feet above the surface within a 17-mile radius of Malmstrom AFB (latitude 47°30'05" N., longitude 111°11'20" W.), within 3.5 miles each side of the Truly RBN 180° bearing, extending from the 17-mile radius area to 9 miles south of the RBN and within 3 miles each side of the Great Falls VOR 157° radial, extending from the 17-mile radius area to 21.5 miles southeast of the VOR.

[FR Doc.74–6316 Filed 3–19–74;8:45 am]

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[Airspace Docket No. 74-WA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Effective Date

On February 1, 1974, FR Doc. 74-2675 was published in the FEDERAL REGISTER (39 FR 4075), amending Part 71 of the Federal Aviation regulations, by redescribing V-69 and V-69W between Shreveport, La., and El Dorado, Ark., effective May 23, 1974. Due to technical problems, commissioning of the Monroe, La., VORTAC has been delayed from May 23, 1974, to July 18, 1974, thereby delaying the realignment of the VOR Federal Airways associated with that VORTAC. V-69 and V-69W will be realigned simultaneously with the relocation of the Monroe VORTAC, and action is taken herein to amend the effective date for the realignment of these airways.

Since the delay of the commissioning date of the relocated VORTAC due to technical problems is an administrative matter within the normal expertise of the FAA, and is one upon which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary and this amendment to the FEDERAL REGISTER Document may become effective immediately.

In consideration of the foregoing, effective on March 20, 1974, FR Doc. 74-2675 is amended, as follows: "effective 0901 G.m.t., May 23, 1974," is deleted and "effective 0901 G.m.t., July 18, 1974," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on March 13, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-6320 Filed 3-19-74;8:45 am]

[Docket No. 13573; Amdt. No. 908]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.21 is amended by originating, amending, or canceling the following L/MF SIAPs, effective March 7, 1974.

Fairbanks, Alaska—Fairbanks Int'l. Arpt., LFR-A, Amdt. 9

2. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, effective May 2, 1974:

Beckley, W. Va.—Raleigh County Memorial Arpt., VOR Rwy 10, Amdt. 6
Butte, Mont.—Bert Mooney Silver Bow Co. Arpt., VOR Rwy 11, Amdt. 1
Helena, Mont.—Helena Arpt., VOR-A, Amdt. 10
Helena, Mont.—Helena Arpt., VOR/DME B, Amdt. 2
Minneapolis, Minn.—Crystal Arpt., VOR-A, Amdt. 5
Minneapolis, Minn.—Aneka County Janes Field, VOR Rwy 6, Amdt. 5
Montgomery, Ala.—Dannelly Field, VOR Rwy 33, Amdt. 16
New Haven, Conn.—Tweed-New Haven Arpt., VOR Rwy 2, Amdt. 14
So. St. Paul, Minn.—So. St. Paul Municipal-Richard E. Fleming Field, VOR-A, Amdt 6
So. St. Paul, Minn.—So. St. Paul Municipal-Richard E. Fleming Field, VOR-B, Amdt. 6
St. Paul, Minn.—Lake Elmo Arpt., VOR-A, Amdt. 2

• • • effective March 28, 1974:

Memphis, Tenn.—Memphis Int'l. Arpt., VOR Rwy 35L, Amdt. 1
Ruston, La.—Ruston Municipal Arpt., VOR Rwy 34, Orig.

• • • effective March 13, 1974:

Princeton, N.J.—Princeton Arpt., VOR-A, Amdt. 3

• • • effective March 12, 1974:

Eureka, Calif.—Murray Field, VOR-A, Amdt. 2

3. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective May 2, 1974:

Helena, Mont.—Helena Arpt., LOC/DME Rwy 26, Amdt. 1, canceled
Montgomery, Ala.—Dannelly Field, LOC (BC) Rwy 27, Amdt. 5

• • • effective March 4, 1974:

Moline, Ill.—Quad-City Arpt., LOC (BC) Rwy 27, Amdt. 14

4. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective May 2, 1974:

Phoenix, Ariz.—Phoenix Sky Harbor Int'l. Arpt., NDB-A, Amdt. 1, canceled

• • • effective April 18, 1974:

Manhattan, Kans.—Manhattan Municipal Arpt., NDB Rwy 31, Amdt. 9

• • • effective April 4, 1974:

Red Oak, Iowa—Red Oak Municipal Arpt., NDB Rwy 17, Orig.

• • • effective March 13, 1974:

Kankakee, Ill.—Greater Kankakee Arpt., NDB Rwy 4, Amdt. 3

• • • effective March 4, 1974:

Moline, Ill.—Quad-City Arpt., NDB Rwy 9, Amdt. 18

5. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective May 2, 1974:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 8, Amdt. 44
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 9R, Amdt. 4
Helena, Mont.—Helena Arpt., ILS Rwy 26, Amdt. 2
New Haven, Conn.—Tweed-New Haven Arpt., ILS Rwy 2, Amdt. 3
New York, N.Y.—LaGuardia Arpt., ILS Rwy 22, Amdt. 11

• • • effective March 28, 1974:

Covington, Ky.—Greater Cincinnati Arpt., ILS Rwy 36, Amdt. 26
Los Angeles, Calif.—Los Angeles Int'l. Arpt., ILS Rwy 6R, Amdt. 2
Memphis, Tenn.—Memphis Int'l. Arpt., ILS Rwy 35L, Amdt. 1

• • • effective March 4, 1974:

Moline, Ill.—Quad-City Arpt., ILS Rwy 9, Amdt. 18

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective March 4, 1974:

Moline, Ill.—Quad-City Arpt., RNAV Rwy 30, Amdt. 2

CORRECTION: In Docket No. 13571, Amendment 907, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER under § 97.23, effective April 25, 1974—Change effective date of Nome, Alaska—Nome Arpt., VOR Rwy 27, Amdt. 9, to March 28, 1974.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on March 14, 1974.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the FEDERAL REGISTER on May 12, 1969.

[FR Doc.74-6423 Filed 3-19-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-395; Order 469]

PARTS 141—STATEMENTS AND REPORTS (SCHEDULES)

Uniform Systems of Accounts; Equity Method of Accounting for Long-Term Investments in Subsidiaries; Correction

Correction

In FR Doc. 74-5313, correcting FR Doc. 73-2660 and appearing at page 8916 of the issue for Thursday, March 7, 1974, the date below the headings should read "February 21, 1973.".

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-97]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

PART 6—AIR COMMERCE REGULATIONS

Containerized and Palletized Cargo

On August 3, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 20895), which proposed to amend §§ 4.7a, 4.63, and 6.6 of the Customs regulations to provide for the use of qualifying words on vessel and aircraft cargo manifests covering containerized or palletized cargo for the purpose of indicating that the manifests were prepared on the basis of information furnished by the shipper.

Interested persons were given 30 days from the date of publication of the notice to submit relevant written data, views, or arguments regarding the proposal. After consideration of all comments received, it has been determined that the proposed amendments should be adopted as set forth in the notice except for the following two changes:

1. The abbreviation for "shipper's load and count" in § 4.7a(c)(2) is changed from "'SLC'" to "'SLAC'".

2. In §§ 4.7a(c) and 6.6(c), the word "liability" is changed to "responsibility".

The proposed amendments, modified to include these changes, are adopted as set forth below.

Effective date. These amendments shall become effective on April 19, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 12, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

1. Section 4.7a, Customs Regulations, is amended by adding a new paragraph (c) to read as follows:

§ 4.7a Inward foreign manifest; information required; alternative forms.

• • • • • •

(c) *United States Customs Inward Foreign Manifest.* For shipments of containerized or palletized cargo, Customs officers shall accept United States Customs Inward Foreign Manifest, Customs Form 7527-A, or Inward Foreign Manifest, Customs Form 7527-B, which indicate that the manifest has been prepared on the basis of information furnished by the shipper, although the use of words of qualification in no way limits the responsibility of a master to submit accurate manifests or in any way qualifies the oath taken by the master as to the accuracy of his manifest.

(1) If the inward manifest covers only containerized or palletized cargo, the following statement may be placed on the manifest:

The information appearing on the manifest relating to the quantity and description of the cargo is in each instance based on the shipper's load and count. I have no knowledge or information which would lead me to believe or to suspect that the information furnished by the shipper is incomplete, inaccurate, or false in any way.

(2) If the manifest covers conventional cargo and containerized or palletized cargo, or both, the use of the abbreviation "SLAC" for "shipper's load and count," or an appropriate abbreviation if similiar words are used, is approved provided the abbreviation is placed next to each containerized or palletized shipment on the manifest and the following statement is placed on the manifest:

The information appearing on this manifest relating to the quantity and description of cargo preceded by the abbreviation "SLAC" is in each instance based on the shipper's load and count. I have no information which would lead me to believe or to suspect that the information furnished by the shipper is incomplete, inaccurate, or false in any way.

The statements specified in paragraph (c)(1) and (2) of this section shall be placed on the last page of the inward manifest. Words similar to "the shipper's load and count" may be substituted for those words in the statements, although vague expressions such as "said to contain" or "accepted as containing" are not acceptable. The use of an asterisk or other character instead of appropriate abbreviations, such as "SLAC," is not acceptable.

(R.S. 251, as amended, secs. 431, 624, 46 Stat. 710, as amended, 759; 19 U.S.C. 66, 1431, 1624)

2. Section 4.63 is amended by adding a new paragraph (f) to read as follows:

§ 4.63 Outward cargo declaration; shippers' export declaration.

• • • • • •

(f) Customs officers shall accept an outward manifest covering containerized or palletized cargo which indicates by the use of appropriate words of qualification (see § 4.7a(c)) that the manifest has been prepared on the basis of information furnished by the shipper.

(R.S. 251, as amended, R.S. 4197, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624, 46 U.S.C. 91)

3. Section 6.6 is amended by adding a new paragraph (c) to read as follows:

§ 6.6 Documents: form.

• • • • • •

(c) Customs officers shall accept an inward or outward air cargo manifest covering containerized or palletized cargo which indicates by the use of appropriate words of qualification (see § 4.7a(c) of this chapter) that the manifest has been prepared on the basis of information furnished by the shipper. However, the use of qualifying words in no way limits the responsibility to submit accurate manifests or in any way qualifies the declaration as to the accuracy of the manifest.

(Sec 431, 46 Stat. 710, as amended; 19 U.S.C. 1431)

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799, as amended; 19 U.S.C. 66, 1624, 49 U.S.C. 1509)

[FR Doc.74-6432 Filed 3-19-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 50—FROZEN VEGETABLES

Establishment of Definitions and Standards of Identity and Quality for Frozen Peas

Correction

In FR Doc. 74-2138 appearing at page 3541 in the issue of Monday, January 28, 1974, make the following changes:

1. In the table in § 50.1(f):

a. Delete the heading "Acceptable Quality Level 6.5".

b. Delete the heading "Number of primary containers:" and add "(Primary container)" directly below the heading "Lot size".

c. The heading "size of container" should read "size container".

d. The two letters "*n*" and the two letters "c" should appear directly above the columns of figures.

2. The heading to the table in § 50.2(b) should read "Round hole sieve size through which peas will pass."

3. In § 50.3, after the last line of paragraph (b), insert, as a separate paragraph, "(c) Alcohol-insoluble solids determinations.".

4. In § 50.3(c)(1)(ii) delete the footnote "3".

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

RESTRUCTURING OF CHAPTER

In order to accommodate new material which will be forthcoming soon, Chapter

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I of Title 23 is amended by redesignating the present parts within that chapter as set forth below:

Present Part:	Redesignated as Part:
2 Statement of policy as to administrative action to be taken by the Federal Highway Administrator in instances of irregularities.	16 Statement of policy as to administrative action to be taken by the Federal Highway Administrator in instances of irregularities.
15 Regulations for administering forest highways.	(Subchapter G 660—Subpart A—Regulations for administering forest highways.
25 National bridge inspection standards..	(Subchapter G) 650—Subpart C—National bridge inspection standards.
305 Secondary road plan	(Subchapter G) 642 Secondary road plan.
424 Utilities, railroads, highway/railroad grade crossings.	(Subchapter G) 645 Utilities, railroads, highway/railroad grade crossings.
720 (Subpart E) Use of Airspace	713 Subpart B—Use of Airspace.

Chapter I of Title 23 is restructured as set forth below:

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

1—General (formerly titled: Administration of Federal Aid for Highways).

Part
2–15 [Reserved]
16—Statement of policy as to administrative action to be taken by the Federal Highway Administrator in instances of irregularities.
17–99 [Reserved]

SUBCHAPTER B—PAYMENT PROCEDURES

100–199 [Reserved]

SUBCHAPTER C—CIVIL RIGHTS

200–249 [Reserved]

SUBCHAPTER D—NATIONAL HIGHWAY INSTITUTE

250–399 [Reserved]

SUBCHAPTER E—PLANNING

400–499 [Reserved]

SUBCHAPTER F—RESEARCH AND DEVELOPMENT

500–599 [Reserved]

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

600–641 [Reserved]
642—Secondary Road Plan.
643–644 [Reserved]
645—Utilities, Railroads, Highway/Railroad Grade Crossings.
646–649 [Reserved]
650—Bridge and Roadway Structures.
651–657 [Reserved]
658—Speed Limits.
659 [Reserved]
660—Special Programs (Direct Federal)..
661–699 [Reserved]

SUBCHAPTER H—RIGHT-OF-WAY AND ENVIRONMENT

700–712 [Reserved]
713—Right-of-way—Property Management.
714–719 [Reserved]
720—Appraisal (formerly titled: Land Acquisition).
721–739 [Reserved]
740—Relocation Assistance.
741–749 [Reserved]
750—Highway Beautification.
751–764 [Reserved]
765—Archeological and Paleontological Salvage.
766–769 [Reserved]
770—Air Quality Guidelines for Use in Federal-Aid Highway Programs.
771 [Reserved]
772—Noise Standards and Procedures.
Part
773–789 [Reserved]
790—Public Hearings (Corridor and Design).
791–794 [Reserved]
795—Action Plan—Process Guidelines.
796–799 [Reserved]

SUBCHAPTER I—PUBLIC TRANSPORTATION

800—899 [Reserved]

This document hereby supersedes FR Doc. 74–5088 titled Redesignation of Right-of-Way and Environment appearing at page 8611 of the FEDERAL REGISTER issue of March 6, 1974, which document is hereby rescinded.

Effective date: March 20, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74–6429 Filed 3–19–74;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order 563–74]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Designating Officials To Act as Attorney General

This order amends the Department regulations designating officials of the Department of Justice to act as Attorney General in case of a vacancy in that Office.

By virtue of the authority vested in me by 28 U.S.C. 508, paragraph (a) of § 0.132 of 28 CFR Chapter I, is amended to read as follows:

§ 0.132 Designating officials to perform the functions and duties of certain offices in case of vacancy therein.

(a) In case of vacancy in the office of Attorney General, the Deputy Attorney General shall, pursuant to 28 U.S.C. 508, perform the functions and duties of and act as Attorney General. In case of vacancy in both the office of Attorney General and the office of Deputy Attorney General, the Solicitor General shall perform the functions and duties of and act as Attorney General.

* * * * *

Dated: March 12, 1974.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.74–6334 Filed 3–19–74;8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 295—USE OF OFF-ROAD VEHICLES

Operating Conditions

In a notice of proposed rulemaking published on October 23, 1973 (38 FR 29232), the Forest Service requested public comment on a proposal for operating conditions of off-road vehicles on National Forest System lands.

Comments were received from governmental Agencies (national, State, and local), organizations, companies, and formal groups, as well as many private individuals. The majority of respondents expressed support for the regulations in general, but numerous suggestions were made for change or improvement.

Section 295.6, *Operating Conditions*, had been reserved in newly promulgated Part 295 as published in the FEDERAL REGISTER on September 25, 1973 (38 FR 26723). Part 295 contains definitions and regulations which apply to § 295.6.

The proposed § 295.6 has been rephrased in language which will clearly specify prohibition of given action in the operation of off-road vehicles. Several subheadings have been added to help clarify the meaning of the regulations and avoid ambiguity.

Several respondents misunderstood the licensing provisions. Accordingly, the language was changed to reflect the Forest Service intent that no new licensing be proposed, but that off-road vehicles operating on National Forest System lands comply with the State laws which apply to the licensing and operation of such vehicles. The language regarding operation by young people has been revised. Its intent is that protection of land, wildlife, and vegetational resources will be enhanced when young riders are accompanied or supervised by a mature person who should be better able to understand the complex ecological relationships and advise on proper conduct. This provides a place for young people to ride even though some respondents recommended excluding them.

In response to some respondents' contention that paragraph (a)(1) of § 295.6 was vague and reflected "street standards" for operation of vehicles, renumbered paragraph (c) provides more descriptive language which will help protect and reduce conflicts with other users of the National Forests.

Some respondents opposed setting any speed limits for off-road vehicles outside campgrounds. The intent is to protect soil, vegetation, and wildlife resources on specific areas where local Forest Officers determine the need and post the speed limits.

There were many comments about excessive damage to land, wildlife, and vegetative resources in paragraph (a)(4). In renumbered paragraph (f) of this section rewording makes this subsection apply where excessive damage is created by the operation of off-road vehicles, rather than when such damage is likely.

The Forest Service Manual 2351.5 provides for meeting applicable local resource standards for air, noise, plant cover, soil stability, water quality, fish and wildlife, and esthetics.

Many commented that the word "excessive" should be deleted from paragraph (f) of this section in relating to damage. Strictly interpreted, a regulation so worded could be used to eliminate off-road vehicles from use of the National Forests. This is not consistent with Executive Order 11644 and its direction to designate areas and trails on public lands where off-road vehicles can be used as well as where such vehicles are restricted or prohibited.

Proposal paragraph (c) regarding the use of mufflers and spark arresters was divided into two new subsections to improve clarity. Operable mufflers are required for internal combustion engines in paragraph (h). A spark arrester may be required for internal and external combustion engines as determined by the Forest Officer at the time when areas and trails are designated for off-road vehicles use. This will allow designations and requirements which will meet specific local needs. For example, an area designated for off-road vehicles use during the period from October to April when at least 4 inches of snow is on the ground may not require spark arresters. In general, spark arresters may not be needed on snowmobiles. An addition to paragraph (i) provides that the Forest Service will determine whether spark arresters meet the prescribed standards.

Proposal paragraph (d) has been renumbered as paragraph (j) and reworded to provide that an operable braking system is required in recognition that some off-road vehicles rely upon engine compression for reducing speed rather than brakes. When a vehicle uses brakes for reducing speed, they must be in operable condition. Paragraph (k) provides for operable headlights and a taillight when off-road vehicles are used during hours of darkness even though this time of use may be minimal.

Paragraph (f) has been renumbered as paragraph (l) and reworded to reflect suggestions of the Environmental Protection Agency (EPA). Noise emission standards refer to the sound emitted from the off-road vehicle. Environmental noise refers to combinations of sound in the environment and may include off-road vehicles in addition to other sources of sound. We understand that noise emission standards will be proposed by EPA for adoption in 1974. Many respondents asked for requirements of snow depth before operation of snowmobiles and that off-road vehicles be prohibited during soil moisture conditions conducive to rutting of soil and erosion. Such provisions will be made when local situations are considered and when areas and trails are designated following public participation as indicated in §§ 295.3 and 295.4.

Suggestions that these regulations require insurance for bodily injury, property damage and liability for uninsured vehicles, and that reflectorized material be mandatory on off-road vehicles, were considered. Such requirements would be applicable under paragraph (g) when States enact the necessary laws and regulations.

Several suggested that the Forest Service conduct training courses for off-road vehicle operation similar to extant hunter-safety training conducted in many States. The International Snowmobile Industry Association has developed programs to educate snowmobile operators and to require youthful snowmobile operators to obtain safety certificates. Other interested industry associations and responsible groups might consider similar programs for other types of off-road vehicles.

The final consideration relates to adding a sentence to the end of § 295.3, *Planning designation of areas and trails*, to make explicit an understanding that was intended and can be inferred in §§ 295.1–295.9. The authority to designate areas and trails where off-road vehicles can be used, and where they are restricted or prohibited, was delegated by administrative instructions in the Forest Service Manual, Chapter 2350, by the Chief to Regional Foresters and Forest Supervisors. These officials would plan the designation of areas and trails, achieve public participation, review of proposals and then adopt the designations, and make information of these actions available to the public. The sentence to be added at the end of § 295.3 makes explicit that Regional Foresters and Forest Supervisors are authorized to make the designations. Because this addition embodies direction implicit in the existing §§ 295.1 to 295.9, formal rulemaking procedures are unnecessary.

In consideration of the foregoing, 36 CFR Part 295 is amended as follows:

1. Section 295.3 is amended by adding a sentence at the end of the section to read as follows:

§ 295.3 Planning designation of areas and trails.

* * * Regional Foresters and Forest Supervisors are authorized to designate areas and trails for off-road vehicles use, use restrictions, and closures to any or all types of such use.

2. Proposed 295.6 is adopted, as changed, to read as follows:

§ 295.6 Operating conditions.

The following acts are prohibited when off-road vehicles are operated on areas or trails of National Forest System lands:

(a) Operation without a valid operator's license or learner's permit if required by the laws of the State in which the vehicle is being operated for that particular type of off-road vehicle;

(b) Operation by an unlicensed person under 18 years of age unless accompanied by or within sight of a responsible adult who has a valid operators license if a license is required by the State for the type of vehicle being operated;

(c) Operation in a manner disregarding the rights and safety of others, or so as to endanger, or be likely to endanger, any person or property;

(d) Operation in excess of established speed limits;

(e) Operation while the operator is under the influence of alcohol or drugs;

(f) Operation in a manner creating excessive damage or disturbance of the land, wildlife, or vegetative resources;

(g) Operation not in conformance with applicable State laws and regulation requirements established for off-road vehicles;

(h) Operation when an internal combustion engine is not equipped with a properly installed muffler in good working condition;

(i) Operation when an internal or external combustion engine is not equipped with a properly installed spark arrester, provided that such equipment is specified when an area or trail is designated for use by off-road vehicles. Such spark arrester shall meet and be qualified to either the Department of Agriculture, Forest Service Standard 5100-1a, or the 80 percent efficiency level when determined in accordance with the appropriate Society of Automotive Engineers (SAE) Recommended Practices J335 or J350. Qualification of spark arresters to either the Forest Service Standard of SAE Recommended Practices shall be determined by the Forest Service;

(j) Operation without an operable braking system;

(k) Operation from one-half hour after sunset to one-half hour before sunrise without working headlights and taillight;

(l) Operation which does not comply with:

(1) Any applicable noise emission standard established by the Administrator, Environmental Protection Agency, under authority of section 6 of the Noise Control Act of 1972 (Pub. L. 92–574);

(2) Any applicable U.S. Department of Agriculture or State standards for permissible levels of environmental noise. In case of overlapping standards, the most stringent standards will govern.

Effective date. This amendment is effective March 20, 1974.

Dated: March 14, 1974.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

[FR Doc.74–6371 Filed 3–19–74;8:45 am]

Title 42—Public Health

CHAPTER I—PUBLIC HEALTH SERVICE, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 50—POLICIES OF GENERAL APPLICABILITY

Sterilization of Persons by Federally Assisted Family Planning Projects; Third Deferral of Effective Date

This notice defers for an additional 30 days the effective date of regulations published and effective on February 6, 1974 on sterilization restrictions in fed-

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erally funded programs and projects (39 FR 4730, 4733).

The effective date of the regulations has previously been delayed for 30 days (39 FR 5315) and 10 days (39 FR 9178, March 8, 1974) to permit resolution by the United States District Court for the District of Columbia of legal issues raised in Relf v. Weinberger, Civil Action No. 1557–73, and in National Welfare Rights Organization v. Weinberger, Civil Action No. 74–243.

On March 15, 1974 the United States District Court entered its judgment and order in the two lawsuits referred to above declaring that the family planning sections of the Public Health Service Act (42 U.S.C. 300 et seq., 708(a)(3)) and of the Social Security Act (42 U.S.C. 602(a)(15), 1396d(a)(4)(C)) do not authorize the provision of Federal funds for the sterilization of any person who (1) has been judicially declared mentally incompetent, or (2) is in fact legally incompetent under the applicable state laws to give informed and binding consent to the performance of such an operation because of age or mental capacity. The court further ordered that the officials of this Department be enjoined from providing funds under the aforesaid family planning sections for the sterilization of either of the two categories of persons just described. The court further ordered that the sterilization restriction regulations be amended to conform with the directives just described and that they further be amended to state that Federal funds will not be provided under the aforesaid family planning sections for the sterilization of a legally competent person without requiring that such person be advised at the outset and prior to the solicitation or receipt of his or her consent to such an operation that no benefits provided by programs or projects receiving Federal funds may be withdrawn or withheld by reason of his or her decision not to be sterilized, and without further requiring that such advice also appear prominently at the top of the consent document mentioned in those regulations.

In order for the Department, in compliance with the order of the United States District Court, to consider what action must be taken to amend its sterilization restriction regulations, and to take such action, I have determined that their effect should be delayed an additional 30 days. Accordingly, notice is hereby given that the effective date of the regulations is delayed for an additional 30 days until April 17, 1974, and the previous notice of the Department on Sterilization Guidelines—Departmental Policy, 38 FR 20903, is continued in effect until that date.

Dated: March 15, 1974.

FRANK CARLUCCI,
Acting Secretary.

[FR Doc.74–6592 Filed 3–19–74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

PART 137—SUSPENSION AND REVOCATION PROCEEDINGS

Time for Filing, Contents, etc.

CFR Correction

In § 137.30–1 appearing on page 577 of 46 CFR Ch. I, revised as of October 1, 1973, the second line of paragraph (g) was inadvertently omitted. The second line of paragraph (g) should be inserted to read as follows: "neither the investigating officer nor the".

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

Sterilization of Persons by Federally Assisted Family Planning Projects; Third Deferral of Effective Date

CROSS REFERENCE: For a document issued jointly by the Public Health Service and the Social and Rehabilitation Service concerning restrictions applicable to deferral of effective date for sterilization procedures in federally assisted family planning projects, see FR Doc. 74–6592, *supra*.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Correct Addresses of Common Carrier Bureau Field Offices

1. This order is for the purpose of correcting the addresses of the New York Field Office and the St. Louis Field Office of the Common Carrier Bureau as set forth in § 0.93 of the Commission's rules and regulations.

2. Authority for this amendment is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules. The prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply inasmuch as this amendment is editorial.

3. Consequently, *it is ordered*, effective March 26, 1974, that §0.93 is amended to read as set forth below:

§ 0.93 Field offices.

Common Carrier Bureau field offices are located in Room 1309X, 90 Church Street, New York, N.Y. 10007; and Room 546, 210 N. Twelfth Street, St. Louis, Mo. 63101.

Adopted: March 12, 1974.

Released: March 13, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

[FR Doc.74–6398 Filed 3–19–74;8:45 am]

[Docket No. 19810; RM–2153]

PART 73—RADIO BROADCAST SERVICES

TV Station in Myrtle Beach, S.C.; Table of Assignments

In the matter of amendment of § 73.606(b), television table of assignments, TV broadcast stations (Myrtle Beach, South Carolina).

1. On September 6, 1973, the Commission adopted a notice of proposed rulemaking in the above-entitled matter (FCC 73–911, 38 FR 26008) proposing to amend the Television Table of Assignments contained in § 73.606(b) of the Commission's rules by assigning Channel 43 to Myrtle Beach, South Carolina as its first commercial television assignment. Comment and reply comment dates were designated as October 23 and November 1, 1973. These dates were extended to October 30 and November 8, 1973, respectively. The Notice was issued in response to a petition for rulemaking, RM–2153, by Greater Myrtle Beach Television Corporation (Myrtle Beach) which proposes to apply for a construction permit to operate a station on Channel 43 at Myrtle Beach if the channel is assigned.

2. Myrtle Beach and Platt Broadcasting Company, Inc. (Platt) [1] filed supporting comments. No comments in opposition were received. In the Notice it was pointed out that the various statistics cited by Myrtle Beach in its petition as to the growth of Myrtle Beach and other communities in the area (including Myrtle Beach Base and Surfside Beach Town) and various population divisions (the Myrtle Beach Division, Lois West Division, Lois South Division, and Lois East Division), and the abundance of other information submitted showing the tremendous growth of the Myrtle Beach area was sufficient enough indication of the need for an assignment for the Commission to propose making an assignment to Myrtle Beach. However, since channel assignments are made to a specific community, Myrtle Beach was requested to furnish data and information in its comments specifying the relationship of the various communities and population areas to the city of Myrtle Beach, the length of the tourist season, and the breakdown of statistics between the city of Myrtle Beach and county district of Myrtle Beach. Both Myrtle Beach and Platt have responded with the necessary exhibits (maps and population tables) in answer to the request of the Notice and thereby leave no doubt as to the merits of an assignment to Myrtle Beach. In addition both Myrtle Beach and Platt state that applications will be filed for authority to construct and operate a station if an assignment is made.

[1] Platt is a South Carolina corporation which has been formed for the purpose of obtaining authorizations to construct and operate a UHF television broadcast station at Myrtle Beach, South Carolina. The sole stockholders of the company are Dr. and Mrs. V. F. Platt, Jr.

3. Myrtle Beach is located in an area where unassigned but available UHF television broadcast channels are not considered scarce. Of the 14 channels available for assignment to Myrtle Beach, Channel 43 appears to be the most efficient assignment. Its assignment meets all minimum mileage separation requirements of the Commission's rules, requires no channel juggling of existing assignments in the Table, and has the least adverse preclusionary effect on possible channel assignments to other cities within the assignment area.

4. In view of the foregoing, the Commission believes that the public interest would be served by assigning Channel 43 to Myrtle Beach, South Carolina. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended, *it is ordered*, That, effective April 19, 1974, the Table of Assignments in § 73.606(b) of the Commission's rules is amended insofar as the city listed below is concerned to read as follows:

City	*Channel No.*
Myrtle Beach, South Carolina	43

5. *It is further ordered*, That this proceeding IS TERMINATED.

Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.

Adopted: March 7, 1974.

Released: March 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–6393 Filed 3–19–74;8:45 am]

[Docket No. 19826; RM–2214]

PART 73—RADIO BROADCAST SERVICES

TV Station in Wheeling, W. Va.; Table of Assignments

In the matter of amendment of § 73.606(b), table of assignments, Television Broadcast Stations. (Wheeling, West Virginia)

1. The Commission here considers the notice of proposed rule making, adopted September 11, 1973 (FCC 73–953), proposing amendment of the Television Table of Assignments (§73.606(b) of the Commission's rules and regulations) to reserve Channel 41 at Wheeling, West Virginia, for noncommercial educational use. The only comments filed are those of the petitioner West Virginia Board of Regents, which as pertinent here is the licensee of noncommercial educational television broadcast Station WWVU–TV, Morgantown, West Virginia, and translator Station W41AA, Channel 41 at Wheeling.

2. The issues are as stated in the Notice. Wheeling, population 48,188, has three television assignments: Channels 7, 14, and 41; Channel 7 is occupied by Station WTRF–TV; Channel 14 is unavailable for use pending further action in Docket No. 18261 which concerns the use of that channel for the land mobile service; and Channel 41 is licensed to the West Virginia Board of Regents as Translator Station W41AA.

3. The West Virginia Board of Regents more or less reiterates the information previously stated in its petition and briefly outlined in our Notice. As part of its program to provide a permanent state-wide system of educational television for West Virginia, the Board of Regents together with the West Virginia Educational Broadcasting Authority [1] is constructing a seven station translator network throughout the state for the purpose of extending the programming of Station WWVU–TV to areas unserved in West Virginia by educational television. WWVU–TV broadcasts 77 hours of weekly programming including a full week-day school service, programming from the Public Broadcasting Service, the Eastern Educational Television Network, and the Public Television Library. As concerns the instant proposal, the translator network would extend educational programming (which as of the date of the petition served approximately 85 percent of the state's population) to ten additional counties in the Northern Panhandle. Local commercial television service at Wheeling is provided by Wheeling's Station WTRF–TV as well as many out-of-state stations including Stations WSRB–TV, Channel 9, Steubenville, Ohio, and stations at Pittsburgh, Pennsylvania, and Youngstown, Ohio. Station W41AA on Channel 41 provides educational noncommercial service. The Board of Regents as part of its comments includes letters of support from sixteen educational authorities and community leaders.

4. As stated in the Notice, the purpose of the proceeding is that the Board of Regents wants to assure itself that Channel 41 is reserved for noncommercial use with the possibility of the translator being activated as a broadcast station. In the circumstances, it would appear that the public interest, convenience, and necessity would be served by reserving Channel 41 at Wheeling, West Virginia, for noncommercial educational use.

5. In view of the foregoing and pursuant to authority found in §§ 4(i), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, § 73.606(b) of the Commission's Rules and Regulations, the Television Table of Assignments, as concerns Wheeling, West Virginia, is amended, effective April 19, 1974, as follows:

City	*Channel No.*
Wheeling, West Virginia	7, 14 [2], *41

6. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 7, 1974.

Released: March 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–6394 Filed 3–19–74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

De Soto National Wildlife Refuge, Iowa and Nebr.

The following special regulations are issued and are effective on March 20, 1974.

§ 28.28 Special regulations, public access, use, and recreation, for individual wildlife refuge areas.

IOWA–NEBRASKA

DE SOTO NATIONAL WILDLIFE REFUGE

Public recreational activities on DeSoto National Wildlife Refuge, Missouri Valley, Iowa, are permitted from April 15 through September 30, 1974, inclusive, subject to the following special conditions:

(1) *Authorized activities.* Public recreational activities are limited to fishing, picnicking, swimming, boating, water skiing, sightseeing, mushroom picking, and nature observation.

(2) *Open season.* The open season for general public recreation use is from April 15, 1974, through September 30, 1974. During this period, the area is open daily from 6 a.m. through 10 p.m., C.D.S.T. Between the dates of September 16 and September 30, 1974, all water oriented recreational activities, except boat and bank fishing, are prohibited. Swimming will be permitted from May 25 and September 2, 1974, between the hours of 11 a.m. and 7 p.m., and only in the designated beach area. Admittance onto the refuge is prohibited one hour prior to the scheduled closing time. Two separate mushroom picking areas are open daily to the public during the month of May, hours of use are the same as for the general use area.

(3) *Open area.* The area open for general public use comprises approximately 2,000 acres and the special mushroom

[1] The latter is the licensee of noncommercial educational Station WMUL–TV, Channel *33, Huntington, and WSWP–TV, Channel *9, Grandview, West Virginia.

[2] Following the decision in Docket No. 18261, channels so indicated will not be available for television use until further action by the Commission.

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picking areas comprise approximately 1,100 acres. These areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West 6th Avenue, Denver, Colorado 80215. Maps of the open areas are also posted or available for handout at entrance points.

(4) *Access.* Entry onto the open area is permitted only at gates or points of entry specifically posted for this purpose.

(5) *Other provisions.* (a) The use of air mattresses, innertubes, beach balls and all other flotation devices, other than life preservers, is prohibited on refuge waters.

(b) The possession of bottles or cans is prohibited on the designated swimming beach.

(c) The use of fire is permitted, but only in grills.

(d) Access to refuge waters with air boats or house boats is prohibited.

(e) Access to refuge waters with boats that have toilets that flush directly into the water is prohibited, unless such toilets are sealed from use.

(f) The maximum number of power boats greater than 25 horsepower that will be permitted on refuge waters at any one time is 100. Power boats above 25 horsepower may be launched only at the designated launching ramp at the south beach.

(g) The possession of open alcoholic beverages is prohibited on any boat propelled by mechanical power while the craft is in operation.

(h) The lake being long and narrow requires that all boaters keep to the right and maintain a highway type traffic pattern. Turns shall always be made to the operator's left except when beaching or docking a boat.

(i) A portion of the refuge lake is posted as a "No Wake Zone". Boaters using this area shall travel at an idling speed sufficiently slow to prevent a wake that would rock another boat.

(j) All boats are prohibited from loading or unloading passengers from the swimming area.

(k) All boat and bank fishermen will be permitted to use the entire lake.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in 50 CFR 28, and are effective through September 30, 1974.

JAMES E. FRATES,
Refuge Manager, DeSoto National Wildlife Refuge, Missouri Valley, Iowa.

MARCH 11, 1974.

[FR Doc.74-6330 Filed 3-19-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Reseller Rule in Puerto Rico

This amendment to 10 CFR 212.91 is to make clear that the special provisions of that regulation under which certain entities of a refiner may be considered to be resellers shall not apply to any entity of a refiner which operates in Puerto Rico and which is owned or controlled by a refiner that is subject to the price regulations of Subpart E of Part 212 of the Federal Energy Office.

This action is being taken to insure that the Puerto Rican subsidiaries of refiners will be subject to the price regulations applicable to refiners until a determination is made as to whether such treatment is appropriate. The question of whether certain Puerto Rican subsidiaries of refiners should be considered as refiners, as resellers, or should be subject to some other form of price regulation, involves difficult questions which can best be resolved in a public rulemaking proceeding. A notice of proposed rulemaking and public hearing is therefore also being issued today, and it is intended to elicit information upon which a final decision with respect to this issue will be made.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum price regulations and to preserve the present price structure in Puerto Rico pending resolution of the rulemaking proceeding referred to above, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 47, 39 FR 24)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below effective immediately.

Issued in Washington, D.C., March 18, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Section 212.91 is amended to read as follows:

§ 212.91 Applicability.

This subpart applies to each sale of a covered product (other than the first sale of crude petroleum) by resellers, reseller-retailers, and retailers, and to each sale of crude petroleum (other than the first sale) by a refiner. For purposes of this subpart, "reseller" includes any entity of a refiner (other than an entity which operates in Puerto Rico) which is engaged in the business of purchasing and reselling covered products, provided that the entity does not purchase more than 5 percent of such covered products from the refiner including any entities which it directly or indirectly controls and provided further that the entity has historically and consistently exercised the exclusive price authority with respect to sales by the entity.

[FR Doc.74-6633 Filed 3-19-74;11:32 am]

[APPENDIX; RULINGS]
[RULING 1974-7]

TRUCK STOP LEASES

FACTS. Firm A is the lessee operator of a truck stop facility which provides retail fuel sales of gasoline and diesel fuel, restaurant services, vehicle repair facilities and other sales and service activities. Firm A leased the real property used for its truck stop facility under a single lease which, under the terms prevailing on May 15, 1973, provided for rental of the entire property, with the rent based on a percentage of total sales of fuel and a percentage of total sales of other products and services, subject to a certain minimum dollar amount.

Upon the expiration of this lease, after the implementation of the Cost of Living Council Phase IV rules for petroleum product prices which were subsequently uncorporated into the FEO regulations as Subpart G of 10 CFR Part 212, the lessor seeks to establish a new lease for the truck stop which (1) treats the fuel sales portion of the real property as a separate property, with a separate and higher rental than was formerly required; and (2) treats the non-fuel sales portion of the real property as a separate property, with a separate and higher rental than was formerly required.

ISSUE #1. May the lessor establish separate rents for different uses of real property which was under a single lease for several uses on May 15, 1973?

ISSUE #2. May the lessor increase the rent above that which prevailed on May 15, 1973, either for the fuel sales portion of the real property or for the non-fuel sales portion of the real property, pursuant to an escalation clause or termination clause in the lease agreement in effect on May 15, 1973, or otherwise?

RULING. No. A lessor of real property used in retailing gasoline may not now treat separately uses of real property that were formerly treated in a single lease agreement, nor may it raise the rent with respect to any use of such property beyond the rent charged pursuant to the contractual terms prevailing on May 15, 1973.

The real property covered by the single lease in effect on May 15, 1973, is regarded as the "real property used in retailing gasoline," as to which the lessor may not increase the rent under 10 CFR 212.103. The fact that the old lease provided separate formulas for the rent attributable to the particular uses of the real property does not provide a basis for the lessor to make separate leases for these uses or to increase the rent, either separately or together, for these uses. The separate rental terms for different uses of the real property are included among "the contractual terms prevailing on May 15, 1973" which, under 10 CFR 212.102 define the "base rent with respect to a lease of real property used in the retailing of gasoline" which a lessor may not increase, under 10 CFR 212.103.

Thus, a lessor which leased real property used in the retailing of gasoline—irrespective of other uses of the real property—may not exceed in any respect the rental for either the "fuel area" or the "non-fuel area", that was being charged on May 15, 1973, pursuant to the contractual terms prevailing on May 15, 1973.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

MARCH 16, 1974.

[FR Doc.74-6634 Filed 3-19-74;11:32 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

United States Customs Service

[19 CFR Part 19]

SMELTING AND REFINING WAREHOUSES

Filing of a Monthly Statement by the Principal of Two or More Bonded Warehouses Under the Same Blanket Bond

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), and sections 312, 624, 46 Stat. 692, as amended, 759 (19 U.S.C. 1312, 1624), it is proposed to amend § 19.17(g) of the Customs regulations to require that, where two or more bonded smelting and refining warehouses are included under one blanket smelting and refining bond, the principal shall set forth the bonded charges for each plant in an overall monthly statement filed with Customs.

Section 19.17(g) currently provides that where two or more smelting and refining warehouses are included under one blanket smelting and refining bond, the principal of these warehouses shall file with Customs an overall monthly statement showing, as of the close of the preceding month, the inventory of all metals on hand at each plant covered by the blanket bond and the total of bonded charges for all plants. Each Customs district is responsible for ascertaining the accuracy of the inventory report with regard to the amounts held at smelting and refining plants within the district. However, because companies report only the total sum of bonded charges, the individual district offices are unable to determine whether all bonded charges in their districts have been included in the total. To enable the district offices to determine whether all bonded charges in their district have been included in the monthly statement, the proposed amendment requires that the monthly statement submitted by the principal of two or more bonded smelting and refining warehouses show the bonded charges for each plant covered under its blanket bond.

Accordingly, it is proposed to revise paragraph (g) of § 19.17 of the Customs regulations to read as follows:

§ 19.17 Application to establish warehouse; bond.

• • • • •

(g) Where two or more smelting and refining warehouses are included under one blanket smelting and refining bond, an overall statement shall be filed by the principal of the warehouses with Headquarters, United States Customs Service, and with each district director involved, by the 28th of each month, showing as of the close of the preceding month the inventory of all metals on hand at each plant covered by the blanket bond, and the bond charges at each of the plants. Each district director in whose district one or more plants are located shall be responsible for verifying the accuracy of the inventory report insofar as the amounts held at plants under his jurisdiction are concerned. All discrepancies which cannot be reconciled by the district director shall be reported immediately to Headquarters, United States Customs Service. If Headquarters finds that the aggregate quantity of dutiable metal at the several plants does not equal the quantity charged against the blanket bond, duties shall be collected for the quantity determined to be deficient.

Prior to the adoption of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before April 19, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)) at the Regulations Division, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: March 12, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-6431 Filed 3-19-74;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 242]

SPECIAL INQUIRY OFFICERS

Authority to Determine Deportability

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of § 242.8(a) pertaining to the authority of special inquiry officers.

Although it has been the Service view that in deportation proceedings conducted under the present regulations special inquiry officers have authority, as an incident of determining deportability to dispose of any contentions invoking Articles 32 and 33 of the Convention Relating to the Status of Refugees, litigants have questioned that interpretation of the regulations. In order to remove such doubts and to end unnecessary litigation, the amendment is being proposed so that such authority will be expressly stated. The proposed amendment is not intended as a concession that in any particular situation Article 32 or 33 enlarges or adds to the rights of an alien under the immigration laws of the United States.

In accordance with section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100-C, 425 Eye Street NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received by April 19, 1974, will be considered.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

In § 242.8(a), the first sentence is amended to read as follows:

§ 242.8 Special inquiry officers.

(a) *Authority.* In any proceeding conducted under this part the special inquiry officer shall have the authority to determine deportability and to make decisions, including orders of deportation as provided by section 242(b) of the Act; to consider claims for relief from deportation under Articles 32 and 33 of the Convention Relating to the Status of Refugees, as amended by the Protocol Relating to the Status of Refugees; to reinstate orders of deportation as provided by section 242(f) of the Act; to determine applications under sections 244, 245, and 249 of the Act; to determine the country to which an alien's deportation will be directed in accordance with section 243(a) of the Act; to order temporary withholding of deportation pursuant to section 243(h) of the Act, and to take any other action consistent with applicable provisions of law and regulation as may be appropriate to the disposition of the case. • • •

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: March 14, 1974.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.74-6357 Filed 3-19-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

WIND RIVER IRRIGATION PROJECT, WYO.

Operation and Maintenance Charges

Correction

In FR Doc. 74-4556 appearing on page 7583 of the issue for Wednesday, February 27, 1974, immediately following the 22d line of the first paragraph, which reads "the LeClair-Riverton Irrigation District", insert "assessment charges for Indian land for".

Bureau of Land Management

[43 CFR Part 3500]

LEASING OF MINERALS OTHER THAN OIL AND GAS; GENERAL

Use of Identification Numbers

The purpose of this proposed amendment is to require applicants for a lease under 43 CFR 3500 to supply an identification number. Holders of existing leases would be required to supply such number upon written request.

The proposed amendment would simplify procedures and reduce administrative costs in computing acreages held by individuals or companies, in compliance with limitations on holdings provided by law. (30 U.S.C. 181 et seq. and 30 U.S.C. 351–359.) The present system relies on the applicant's name as stated on the application or lease. Slight variations in names or different addresses result in separate computer reports. Substantial effort is then required to manually compute aggregate acreages. The proposed system would result in one complete computer report.

In accordance with the Department's policy on public participation in rulemaking (36 FR 8336) interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until April 19, 1974.

Copies of comments, suggestions, or objections made pursuant to this notice will be available for public inspection in the Office of Public Affairs, Bureau of Land Management, Room 5643, Interior Building, Washington, D.C., during regular business hours (7:45 a.m.–4:15 p.m.).

It is hereby determined that the publication of this proposed rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

In 43 CFR Chapter II, Part 3500 is amended by adding § 3502.7a.

§ 3502.7a Identification number.

Each applicant for lease or permit or each successful bidder in a competitive lease sale must submit an identification number with his application or bid. For an individual this number shall be his Social Security number. For a corporation, partnership, or association, the number shall be its Internal Revenue Service Employer identification number. Subsidiaries shall file both their own IRS number and that of their parent corporation. Lessees and permittees of all previously issued leases or permits shall submit their identification numbers within 30 days of receipt of a request from the appropriate Bureau office.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 14, 1974.

[FR Doc.74-6327 Filed 3-19-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 932]

[Docket No. AO-352-A2]

HANDLING OLIVES GROWN IN CALIFORNIA

Cancellation of Hearing and Termination of Proceeding

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the rules of practice and procedure, as amended, governing proceedings to fromulate marketing agreements and orders (7 CFR Part 900), a notice setting forth certain proposals, and a location, date, and time for a public hearing thereon was published in the FEDERAL REGISTER (36 FR 3199), with respect to proposed further amendment of the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), regulating the handling of olives grown in California. The proposals were submitted by the Olive Administrative Committee, the administrative agency established pursuant to the marketing agreement and order.

During the course of said hearing, Consolidated Olive Growers, Inc. (a cooperative now trading as Lindsay Olive Growers) introduced a modification of material issue 8 (relative to amending § 932.52 *Outgoing regulations*) which modification would have broadened the scope of the original proposal on that issue. Supporting and opposing testimony was received on the proposed modification and numerous briefs were filed.

On July 21, 1971, the Deputy Administrator, Regulatory Programs, issued a recommended decision (36 FR 13839) which included the aforesaid modification. Subsequently, the Olive Administrative Committee, on the basis of a majority vote within the committee, filed an exception to the proposed modification which had been included in the recommended decision. Recommendation of the proposed modification was withdrawn by the final (Secretary's) decision of September 3, 1971 (36 FR 18093). Said decision also ordered that the olive industry be provided with further opportunity to present evidence on material issue 8 and set December 8, 1971, as the tentative date for reopening the hearing.

Prior to the scheduled date for reopening the hearing, Consolidated Olive Growers, Inc., forwarded to the Department a request for indefinite postponement of the hearing pending resolution of differences among principals in the industry and development of support of its proposal. On December 2, 1971, the Deputy Administrator, Regulatory Programs, issued a Notice of Postponement of Hearing With Respect to Proposed Further Amendment of the Marketing Agreement and Order (36 FR 23222).

The economic situation, particularly as it relates to the olive industry, has changed greatly since 1971 and the matter is no longer being pursued actively by Lindsay Olive Growers. Accordingly, the firm, on February 11, 1974, forwarded to this Department a request for termination of the proceeding.

In view of the foregoing it is concluded that no useful purpose would be served by further indefinite postponement of a reopened hearing. Therefore, the notice of a reopened hearing with respect to material issue 8 (36 FR 18093), including the postponement thereof (36 FR 23222), is hereby withdrawn and the proceeding terminated.

Done at Washington, D.C., this 14th day of March 1974.

JOHN C. BLUM,
Deputy Administrator Regulatory Programs.

[FR Doc.74-6370 Filed 3-19-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 253]

AID TO FISHERIES

Commercial Fisheries Research and Development

Notice is hereby given that it is proposed to revise Part 253, Subchapter F, Chapter II of Title 50 of the Code of Federal Regulations. This revision is pursuant to section 8 of the Commercial Fisheries Research and Development Act of 1964, as amended (16 U.S.C. 779–779f).

Part 253 sets forth procedures to be used by the Secretary in providing financial assistance to State agencies for research and development of the commercial fisheries resources of the Nation. The proposed revision, among other things, would permit a State to voluntarily release funds available to it under subsection 5(a) of the Act so that such funds may be made available to any other State. Section 253.4(a) is revised as follows:

§ 253.4 Use of funds.

(a) *Apportionment of subsection 4(a) funds.* (1) On July 1 of each year, or as soon thereafter as practicable, the Secretary shall notify the respective States of the amount of funds authorized under subsection 4(a) of the Act and apportioned to each State under subsection 5(a) of the Act. Funds apportioned to a State in any fiscal year shall remain

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available to it for obligation until the end of the succeeding fiscal year.

(2) Any State which is unable to use any or all of the funds apportioned to it may voluntarily release all or any part of such apportioned funds. Such release must be in writing and signed by the State official in charge of the agency designated under Section 253.3(a) of these regulations or some other appropriate State official. Any apportioned funds released by a State may be made available by the Secretary to any other State, to supplement the funds apportioned to such other State in the fiscal year in which the released funds were apportioned, when the Secretary determines that such State is able to make prompt and effective use of such funds to carry out the purposes of the Act: *Provided, however,* That in the fiscal year in which such released funds were apportioned, no State may have available to it funds in excess of 6 percent of the total funds apportioned in that fiscal year. The voluntary release of apportioned funds by a State shall not affect the apportionment of funds to that State or any other State in succeeding fiscal years.

Interested persons may submit written comments, suggestions, or objections concerning this proposed revision to the Director, National Marine Fisheries Service, Washington, D.C. 20235, until the close of business on April 8, 1974.

Issued at Washington, D.C. and dated March 15, 1974.

ROBERT W. SCHONING,
Director, National Marine Fisheries Service.

[FR Doc.74-6377 Filed 3-19-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-SW-9]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to alter the Big Spring, Tex., control zone.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before April 19, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation regulations as hereinafter set forth.

In § 71.171 (39 FR 354), the Big Spring, Tex., control zone is amended to read:

BIG SPRING, TEX.

That air space within a 5-mile radius of Webb AFB, Big Spring, Tex. (latitude 32°12'51" N., longitude 101°31'24" W.); within a 5-mile radius of Howard County Airport, Big Spring, Tex. (latitude 32°18'05" N., longitude 101°26'20" W.); within 2 miles each side of the Big Spring VORTAC 190° T (180° M) radial extending from the Webb AFB 5-mile radius zone to 1 mile S of the VORTAC; within 2 miles each side of the Big Spring VORTAC 151° T (141° M) radial extending from the Howard County Airport 5-mile radius zone to the VORTAC; within 3 miles each side of the Webb VORTAC 007° T (357° M) radial extending from the Webb AFB 5-mile radius zone to 8 miles N of the VORTAC; and within 3 miles each side of the Webb VORTAC 177° T (167° M) radial extending from the Webb AFB 5-mile radius zone to 8 miles S of the VORTAC. This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Alteration of the Big Spring control zone is necessary due to relocation of the Webb. Tex., VORTAC and the adjustments to the instrument approach procedures predicated thereon. Alteration of the control zone will provide the necessary controlled airspace to contain the instrument approach procedures.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX., on March 11, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-6319 Filed 3-19-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-27]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations that would alter the Cherry Point, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 19, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Cherry Point transition area described in § 71.181 (39 FR 440) would be amended as follows: "* * * longitude 76°53'00" W.); * * *" would be deleted and "* * * longitude 76°53'00" W.); within a 6-mile radius of Beaufort-Morehead City Airport, Beaufort, N.C. (latitude 34°44'00" N., longitude 76°39'45" W.); within 3 miles each side of the 132° bearing from Marine Cherry Point RBN, extending from the 6-mile radius area to the 8.5-mile radius area * * *" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Beaufort-Morehead City Airport. A prescribed instrument approach procedure to this airport, utilizing the Marine Cherry Point Nondirectional Radio Beacon, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 12, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-6318 Filed 3-19-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

NORTH CAROLINA STATE IMPLEMENTATION PLAN

Proposed Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of North Carolina's State Implementation Plan.

On November 2, 1973, pursuant to 40 CFR 51.15 and 51.6, the State of North Carolina submitted for the Environmental Protection Agency's approval additional compliance schedules. This publication proposes that certain of the compliance schedules be approved. Each proposed compliance schedule establishes a date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated in the succeeding tables under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the tables below do not list these interim dates, the actual compliance schedules do.

The schedules in table (a) of this notice are additions to the table published in the FEDERAL REGISTER of June 20, 1973, (38 FR 16144) as satisfying the compliance schedule requirements for State implementation plans. This list of June 20 is also amended in this publication by the deletion of certain schedules for which the final compliance date has been extended. This group of schedules is here presented in a new table (b) as satisfying the requirements for revisions in State implementation plans. In no case does the extension exceed one year beyond the previous final compliance date, and in most cases the extension is in the range of three to six months.

All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
Region IV
1421 Peachtree Street NE.
Atlanta, Georgia 30309

State of North Carolina
Office of Water and Air Resources
226 West Jones Street
Raleigh, North Carolina 27611

Each compliance schedule has been adopted by the Water and Air Quality Control Committee of the Board of Water and Air Resources and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. Each also satisfies the substantive requirements of 40 CFR Part 51 pertaining to compliance schedules, and has been determined to be consistent with the approved control strategies for the State of North Carolina.

All interested parties are encouraged to submit written comments on the proposed compliance schedules. These comments will be weighed carefully by EPA before the agency decides to approve or disapprove these changes in the North Carolina plan. Comments will be accepted through April 19, 1974. These should be addressed to the Director, Air and Water Programs Division, Environmental Protection Agency, Region IV, 1421 Peachtree Street NE., Atlanta, Georgia 30309, Attention: Mr. Thomas A. Strickland.

(42 U.S.C. 1857c-5)

Dated: March 11, 1974.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend Part 52 of 40 CFR Chapter I as follows:

1. Section 52.1774 is amended by adding new lines in correct alphabetical sequence to the table in paragraph (a) and by deleting from this table certain lines which, in revised form, constitute a new paragraph (b), as follows:

§ 52.1774 Compliance schedules.

(a) * * *

North Carolina

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Alamance County						
Alamance Knit Fabrics	Burlington	T-2222	II-2.2 IV-2.60	June 27, 1973	Immediately	Feb. 20, 1974
Cone Mills Corp.: Granite Plant.	Haw River	T-2235	II-2.2 IV-1.10 IV-2.40	do	do	Sept. 1, 1974
Tarbardrey Plant	do	T-2237	II-2.2 IV-1.10 IV-2.40	do	do	Do
Dan River, Inc., Webco Knit Division.	Burlington	T-2248	II-2.2 II-5.2 IV-2.30	do	do	Feb. 28, 1974
Glen Raven Mills: Altamahaw Division	Altamahaw	T-2234	II-2.2 IV-1.10	do	do	Oct. 22, 1973
Finishing Division	Glen Raven	T-2229	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	Do.
Winn-Dixie Raleigh, Inc. Store No. 874	Burlington	T-2364	IV-1.30	do	do	Dec. 15, 1973
Store No. 879	Graham	T-2370	IV-1.30	do	do	Do.
Anson County						
Burlington Industries: Ballet Hosiery Plant	Wadesboro	T-2344	II-1.3	June 29, 1973	Immediately	June 1, 1974
Kenville, Inc.	Lilesville	T-2317	II-2.2 IV-2.30	do	do	June 30, 1974
Wansona Manufacturing Corp.	Wadesboro	T-2296	II-2.2	do	do	Dec. 1, 1974
Ashe County						
Thomasville Furniture Industries, Inc., Phenix Chair Plant.	West Jefferson	T-2254	II-2.2 II-5.2 IV-1.10 IV-2.40 IV-2.30 IV-2.60	June 27, 1973	Immediately	Jan. 1, 1974
Beaufort County						
Cargill, Inc.	Belhaven	T-2392	IV-2.30	July 27, 1973	Immediately	Aug. 1, 1974
Do.	Washington	T-2391	IV-2.30	do	do	Do.
Singer Furniture Division	do	T-2198	II-2.2 IV-1.10	June 27, 1973	do	Dec. 1, 1973
Bladen County						
Winn-Dixie Raleigh, Inc., No. 840.	Elizabethtown	T-2358	IV-1.30	June 29, 1973	Immediately	Nov. 1, 1973
Veeder-Root Co	do	T-2228	IV-2.60	June 27, 1973	do	Dec. 10, 1973
Brunswick County						
Royster Co	Navassa	T-2393	II-2.2 II-5.2 IV-1.50	July 27, 1973	Immediately	Oct. 1, 1974

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Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Cabarrus County						
Folls, Inc	Harrisburg	T-2318	II-2.2 IV-2.30	June 28, 1973	Immediately	Jan. 30, 1974
Kerr Industries, Inc.:						
(a) Tenter frames 3, 4, 5	Concord	T-2337	IV-2.30 II-2.2	June 29, 1973	do	Feb. 1, 1974
(b) Thermosol ovens 1, 3	do	T-2337	II-2.2 IV-2.30	do	do	Apr. 1, 1974
(c) Boilers 1 and 2	do	T-2337	II-2.2 IV-1.10	do	do	May 1, 1974
Plant 1A	do	T-2323	II-2.2 IV-2.30	do	do	Dec. 1, 1973
Plant 2:						
(a) Tenter frame	do	T-2324	II-2.2 IV-2.30	do	do	June 1, 1974
(b) Drum dryer	do	T-2324	II-2.2 IV-2.30	do	do	June 30, 1974
Oliver Martin Co., Inc	do	T-2321	II-2.2 IV-2.30	June 28, 1973	do	Dec. 31, 1973
Chatham County						
Evans Products Co	Moncure	T-2286	II-2.2 IV-2.40 IV-1.10	June 28, 1973	Immediately	Dec. 31, 1974
Cherokee County						
Bernhardt Industries, Inc., Mundy Lumber Co.	Marble	T-2275	II-2.2 IV-2.40 IV-1.10 IV-1.20	June 27, 1973	Immediately	Apr. 1, 1974
Chowan County						
Rose Brothers Paving Co., Inc.	Edenton	T-2206	II-2.2 II-5.2 IV-2.60 IV-1.40 IV-2.10	June 27, 1973	Immediately	Mar. 15, 1974
The United Piece & Dye Works.	do	T-2221	II-2.2 II-5.2 IV-1.10 IV-2.40 IV-2.60	do	do	Dec. 31, 1974
Columbus County						
Crown Knitwear, Inc	Chadbourn	T-2196	II-1.3	June 27, 1973	Immediately	Dec. 31, 1973
Burrough's Tire Service	Whiteville	T-2219	II-1.3	do	do	Do
Cumberland County						
Cobb Paving Co	Fayetteville	T-1631	IV-1.40	May 8, 1972	Immediately	Dec. 31, 1973
Cumberland County Board of Education:						
(a) Beaver Dam School	Roseboro	T-1594	II-2.2 IV-1.10 IV-2.40	May 5, 1972	do	Oct. 1, 1973
(b) Lillian Black School	Springdale	T-1595	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(c) Brentwood School	Fayetteville	T-1596	II-2.2 IV-1.10 IV-2.240	do	do	Do.
(d) Cashwell School	Hope Mills	T-1597	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(e) Cedar Creek School	Fayetteville	T-1598	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(f) College Lakes School	do	T-1599	II-2.2 IV-1.10 IV-2.10	do	do	Do.
(g) Cumberland Mills School.	do	T-1600	II-2.2 IV-1.10 IV-2.10	do	do	Do.
(h) District No. 7 School	Wade	T-1602	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(i) Legion Road School	Hope Mills	T-1601	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(j) Les Maxwell Administration Bldg.	Fayetteville	T-1621	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(k) Oakdale School	do	T-1609	II-2.2 IV-1.10 IV-2.40	do	do	Do.

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
(l) Pine Fort School	do	T-1610	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(m) Raleigh Road School	Linden	T-1611	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(n) Reilly Road School	Fayetteville	T-1612	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(o) Seabrook School	do	T-1618	II-2.2 IV-1.10 IV-2.40	do	do	Do.
(p) Stedman School	Stedman	T-1615	II-2.2 IV-1.10 IV-2.40	do	do	Do.
Winn-Dixie Raleigh, Inc.						
Store No. 877	Fayetteville	T-2353	IV-1.30	June 29, 1973	do	Nov. 1, 1973
Store No. 880	do	T-2355	IV-1.30	do	do	Do.
Store No. 895	do	T-2356	IV-1.30	do	do	Do.
Currituck County						
Beach Paving Co	Spot	T-2220	II-2.2 II-5.2 IV-1.40 IV-2.40	June 27, 1973	Immediately	Nov. 30, 1973
Davidson County						
Burlington Industries, Inc.:						
Colony Craft Plant	Denton	T-2316	IV-2.60	June 28, 1973	Immediately	Dec. 31, 1973
Raleigh Road Plant	Lexington	T-2325	IV-2.60	June 29, 1973	do	Do.
Table Plant	do	T-2315	IV-2.60	June 28, 1973	do	Do.
United Plant:						
(a) Hydrocarbons	do	T-2322	IV-2.60	do	do	Do.
(b) Cyclones	do	T-2322	IV-2.60	do	do	July 1, 1974
Carolina Panel Co., Inc	do	T-2326	II-2.2 IV-1.10	June 29, 1973	do	Dec. 31, 1973
Conner Carving Co., Inc	Thomasville	T-2327	II-2.2 IV-2.30	do	do	April 1, 1974
Kepley-Frank Hardwood Co., Inc.	Lexington	T-2328	II-1.3	do	do	May 1, 1974
Masonite Corp	Thomasville	T-2329	IV-2.60	do	do	Dec. 1, 1973
Thomasville Furniture Industries, Inc.:						
Plant A	do	T-2334	IV-2.60	do	do	Jan. 1, 1974
Plant B	do	T-2336	IV-2.60	do	do	Do.
Plant C	do	T-2335	IV-2.60	do	do	Do.
Plant D	do	T-2330	IV-2.60	do	do	Do.
Plant L	do	T-2331	IV-2.60	do	do	Do.
Plant T	do	T-2333	IV-2.60	do	do	Do.
Davie County						
Lowe's Food Store No. 17	Mocksville	T-2346	II-1.3	June 29, 1973	Immediately	Apr. 30, 1974
Edgecombe County						
Carolina Tire Co	Rocky Mount	T-2247	II-2.2 II-5.2 IV-2.30	June 27, 1973	Immediately	Oct. 15, 1973
Edgecombe General Hospital	Tarboro	T-2298	IV-1.30	June 28, 1973	do	Nov. 6, 1973
Kaiser Agricultural Chemicals.	Rocky Mount	T-2233	II-2.2 II-5.2 IV-1.50 IV-2.30	June 27, 1973	do	Dec. 1, 1973
Planters Oil Mill, Inc.:						
(a) Meal room operation	do	T-2379	II-2.2 II-5.2 IV-2.30	June 29, 1973	do	Oct. 1, 1973
(b) Lint handling operation	do	T-2379	II-2.2 II-5.2	do	do	Oct. 1, 1974
F. S. Royster Merchantile Co., Inc.	Tarboro	T-2380	IV-2.30 II-2.2 II-5.2 IV-1.50	do	do	Dec. 31, 1973
Winn-Dixie Raleigh, Inc., Store No. 833.	do	T-2365	IV-1.30	do	do	Dec. 15, 1973
Franklin County						
Louisburg College	Louisburg	T-2289	II-2.2 IV-1.10 IV-2.40	June 28, 1973	Immediately	Oct. 1, 1973

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Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Gaston County						
Gaston County schools:						
(a) Bessemer City Central Gym.	Bessemer City		II-2.2 IV-1.10	Apr. 10, 1973	Immediately	June 30, 1974
(b) Costner Elementary	Dallas		II-2.2 IV-1.10	do	do	Do.
(c) Cramerton School Gym.	Cramerton		II-2.2 IV-1.10	do	do	Do.
(d) Lowell Elementary Gym.	Lowell		II-2.2 IV-1.10	do	do	Do.
(e) Lowell Elementary Bldg.	do		II-2.2 IV-1.10	do	do	Do.
(f) Lowell Elementary Office Bldg.	do		II-2.2 IV-1.10	do	do	Do.
(g) North Belmont Cafeteria.	North Belmont		II-2.2 IV-1.10	do	do	Do.
(h) North Belmont Office Bldg.	do		II-2.2 IV-1.10	do	do	Do.
(i) North Belmont Primary Bldg.	do		II-2.2 IV-1.10	do	do	Do.
(j) Mount Holly High Gym.	Mount Holly		II-2.2 IV-1.10	do	do	Do.
(k) Mount Holly High Auditorium.	do		II-2.2 IV-1.10	do	do	Do.
(l) Mount Holly High School Old Bldg.	do		II-2.2 IV-1.10	do	do	Do.
(m) Pleasant Ridge	Gastonia		II-2.2 IV-1.10	do	do	Do.
(n) Robinson School	do		II-2.2 IV-1.10	do	do	Do.
(o) Springfield	Stanley		II-2.2 IV-1.10	do	do	Do.
Gates County						
Ashton Lewis Lumber Co.	Gatesville	T-742	II-1.3	Apr. 7, 1971	Immediately	Mar. 1, 1973
Graham County						
Bemis Hardwood Lumber Co.:						
(a) Open burning	Robbinsville	T-2279	II-1.3	June 28, 1973	Immediately	Sept. 1, 1973
(b) Fuel combustion	do	T-2279	II-2.2 IV-1.30	do	do	Dec. 31, 1973
Granville County						
Winn-Dixie Raleigh, Inc., store No. 845.	Oxford	T-2371	IV-1.30	June 29, 1973	Immediately	Dec. 15, 1973
Halifax County						
Upjegraff Southern, Inc.	Roanoke Rapids.	T-2249	IV-2.60	June 27, 1973	Immediately	Dec. 31, 1973
Winn-Dixie Raleigh, Inc., store No. 837.	do	T-2373	IV-1.30	June 29, 1973	do	Dec. 15, 1973
J. P. Stevens Co., Inc., Patterson Plant.	do	T-782	IV-1.10 IV-2.40	Apr. 15, 1971	do	July 15, 1973
Harnett County						
Alphin Brothers, Inc.	Dunn	T-2283	IV-1.30	June 28, 1973	Immediately	Oct. 31, 1973
Winn-Dixie Raleigh, Inc., store No. 897.	do	T-2349	IV-1.30	June 29, 1973	do	Nov. 1, 1973
Haywood County						
U.S. Plywood, Champion Papers, Inc.	Canton	T-792	II-2.2 IV-1.10 IV-2.40	Apr. 16, 1971	Immediately	June 30, 1973
Henderson County						
General Electric Co., Lighting Systems Division.	Hendersonville	T-2266	II-2.2 II-5.2 IV-2.60 IV-2.30	June 27, 1973	Immediately	Apr. 1, 1974
Hertford County						
Rose Brothers Paving Co., Inc.	Murfreesboro	T-2291	II-2.2 II-5.2 IV-1.10 IV-2.10 IV-2.60	June 27, 1973	Immediately	Mar. 15, 1974

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Iredell County						
Bernhart Furniture Industries, plant No. 4.	Statesville	T-2332	IV-2.60	June 29, 1973	Immediately	Oct. 31, 1973
Gilliam Furniture, Inc.	do	T-2341	II-2.2 IV-1.10 IV-2.40	do	do	Oct. 30, 1973
Lowe's Food Stores, Inc.:						
Store No. 7	do	T-2345	II-1.3	do	do	Apr. 30, 1974
Store No. 16	do	T-2347	II-1.3	do	do	Do.
A. L. Shaver & Sons, Inc.	do	T-2340	II-2.2 IV-1.10	do	do	July 1, 1974
Statesville Chair Co.	do	T-2301	IV-2.60	June 28, 1973	do	Dec. 31, 1973
Superba Print Works	Mooresville	T-2306	IV-2.30	June 29, 1973	do	June 30, 1974
Troutman Chair Co.	Troutman	T-2339	II-2.2	do	do	Dec. 31, 1974
Jackson County						
Champion International Corp., Drexel Enterprises.	Whittier	T-2271	II-2.2 IV-1.10	June 27, 1973	Immediately	Nov. 30, 1973
Johnston County						
Gurley's Inc.	Selma	T-2285	IV-2.30	June 29, 1973	Immediately	June 30, 1974
T. E. Johnson Lumber Co.	Four Oaks	T-2230	II-1.3	June 27, 1973	do	Dec. 31, 1973
Ranch Redwood	Smithfield	T-2231	IV-2.60	do	do	Nov. 1, 1973
Winn-Dixie Raleigh Inc., No. 881.	do	T-2372	IV-1.30	June 29, 1973	do	Oct. 15, 1973
Lee county						
Carnes Corp.	Sanford	T-2239	IV-2.60	June 27, 1973	Immediately	Nov. 30, 1973
John W. Eshelman & Sons, Inc.	do	T-2236	IV-2.30	do	do	Nov. 1, 1973
Sanford City Board of Education, Sanford Central High School.	do	T-522	II-2.2 IV-1.10 IV-2.40	Mar. 8, 1971	do	Dec. 31, 1973
Lincoln County						
Leslie Fay, Inc.	Lincolnton	T-2309	II-2.2 IV-2.30	June 29, 1973	Immediately	Mar. 1, 1974
Lowe's Food Store No. 10.	do	T-2348	II-1.3	do	do	Apr. 30, 1974
McDowell County						
International Musical Instruments.	Marion	T-2280	II-2.2 II-5.2 IV-2.60 IV-2.30	June 28, 1973	Immediately	Dec. 31, 1973
Marmont Furniture, Inc.	do	T-2273	II-2.2 II-5.2 IV-2.60 IV-2.30	do	do	Oct. 30, 1973
Marion Manufacturing Co.	do	T-2257	II-2.2 IV-1.10 IV-2.40	June 27, 1973	do	June 30, 1974
McDowell County Court House.	do	T-2261	II-2.2 IV-1.10 IV-2.40	do	do	May 15, 1974
Pine Valley Division of Ethan Allen, plant No. 1.	Old Fort	T-2264	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	Dec. 31, 1973
Macon County						
Zickgraf Hardwood Co.:						
(a) Woodworking plant	Franklin	T-1956	II-2.2 IV-2.30	Dec. 13, 1972	Immediately	June 30, 1973
(b) Woodwaste boilers	do	T-1956	II-2.2 IV-1.10	do	do	Aug. 1, 1973
Madison County						
Tri-County Concrete Co.	Mars Hill	T-2274	II-2.2 IV-2.30	June 27, 1973	Immediately	Dec. 31, 1973
Moore County						
Glendon Pyrophyllite, Inc.	Glendon	T-2242	IV-2.30	June 27, 1973	Immediately	Oct. 1, 1973
Fletcher Southern	Southern Pines	T-2233	IV-2.30	do	do	Dec. 31, 1973
Winn-Dixie Raleigh, Inc., store No. 855.	Raleigh	T-2354	IV-1.30	June 29, 1973	do	Dec. 15, 1973
Moore County						
Town of Vass	Vass	T-107	II-1.3	Oct. 30, 1970	Immediately	June 30, 1973

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Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Nash County						
Whitakers Gin Co	Whitakers	T-2118	II-2.2 IV-2.30	Mar. 2, 1973	Immediately	June 1, 1973
Nashville Building Supply Co.	Nashville	T-2094	II-2.2 IV-2.30	do	do	Dec. 30, 1973
Miller Manufacturing Co	do	T-2290	II-2.2 IV-1.10 IV-2.40	June 28, 1973	do	Dec. 31, 1973
New Hanover County						
Sun Oil Co. of Pennsylvania	Wilmington	T-2210	IV-2.60	June 27, 1973	Immediately	Jan. 4, 1974
Northampton County						
Clary Lumber Co	Gaston	T-2245	II-1.3	June 27, 1973	Immediately	Dec. 31, 1973
Vircar Plant Foods, Inc	Severn	T-2250	II-2.2 IV-2.30	do	do	Do.
Orange County						
Cone Mills Corp., Eno Plant	Hillsborough	T-2253	II-2.2 IV-1.10 IV-2.40	June 27, 1973	Immediately	Sept. 1, 1974
Pasquotank County						
IXL Furniture Co	Elizabeth City	T-2208	IV-2.60	June 27, 1973	Immediately	Dec. 31, 1973
Person County						
Roxboro Concrete Services, Inc.:						
Burch Ave. Plant	Roxboro	T-2240	II-2.2 IV-2.30	June 27, 1973	Immediately	Oct. 1, 1974
Depot St. Plant	do	T-2243	II-2.2 IV-2.30	do	do	July 1, 1974
Pitt County						
Cox Trailers, Inc	Grifton	T-2212	IV-2.60	June 27, 1973	Immediately	Dec. 31, 1973
Fountain Milling Co	Fountain	T-2217	II-1.3	do	do	Do.
Garris-Evans Lumber Co	Greenville	T-2213	II-2.2 IV-1.10	do	do	Feb. 1, 1974
International Paper Co.:						
(a) Sander operation	Farmville	T-2202	II-2.2 IV-1.10 IV-2.00 IV-2.30	do	do	July 1, 1974
(b) Process steam boiler	do	T-2202	II-2.2 IV-1.10 IV-2.00 IV-2.30	do	do	Jan. 1, 1975
Union Carbide Corp	Greenville	T-2215	IV-2.60	do	do	July 15, 1974
Polk County						
Southern Mercerizing Co	Tryon	T-2282	II-2.2 IV-1.10 IV-2.40	June 28, 1973	Immediately	Dec. 31, 1973
Randolph County						
Carrick Turning Works, Inc.	High Point	T-2308	IV-2.60	June 29, 1973	Immediately	Dec. 31, 1973
Gregson Manufacturing Co	Liberty	T-2305	II-2.2 IV-1.10 IV-2.40	June 28, 1973	do	Feb. 1, 1974
High Point Furniture Industries.	High Point	T-2314	IV-2.60	June 29, 1973	do	Dec. 31, 1973
Liberty Bi-Rite	Liberty	T-2342	II-1.3	do	do	Apr. 1, 1974
Liberty Chair Corp	do	T-2313	IV-2.60	do	do	Dec. 31, 1973
P & P Chair Co	Asheboro	T-2312	IV-2.60	do	do	Do.
Texfi Industries	Liberty	T-2388	II-2.2 IV-2.30	do	do	Oct. 1, 1974
Richmond County						
Southeastern Asphalt & Concrete Co., Inc.	Rockingham	T-2311	II-2.2 IV-1.40	June 29, 1973	Immediately	Apr. 1, 1974
Robeson County						
Texfi Textured Fibers	Lumberton	T-2386	II-2.2	June 29, 1973	Immediately	Oct. 31, 1974
Winn-Dixie Raleigh, Inc., Elm and Walnut Sts.	do	T-2357	IV-1.30	do	do	Nov. 1, 1973
Winn-Dixie Raleigh, Inc., 1000 Pine St.	do	T-2359	IV-1.30	do	do	Do.
Wakulla Gin Co	Wakulla	T-2001	II-2.2 IV-2.30	Dec. 15, 1972	do	June 1, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Rutherford County						
Haynes Plant, Cone Mills Corp.	Henrietta	T-2255	II-2.2 IV-1.10 IV-2.40	June 27, 1973	Immediately	Sept. 1, 1976
The General Fireproofing Co.	Forest City	T-2262	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	Jan. 31, 1974
Rutherford Furniture Co., Inc.	Rutherfordton	T-2273	II-2.2 IV-1.10 IV-2.40	do	do	Oct. 15, 1973
Sampson County						
Coharie Mill & Supply Co	Clinton	T-2375	IV-2.30	June 29, 1973	Immediately	July 31, 1974
Fashion Farms, Inc	do	T-2226	IV-2.60	do	do	Dec. 31, 1973
McGill Brothers, Inc	Harrells	T-2227	II-1.3	June 27, 1973	do	Do.
Newton Grove Grain & Feed	Newton Grove	T-2284	IV-2.60	June 28, 1973	do	July 1, 1974
Salemburg Milling Co	Salemburg	T-2376	IV-2.30	June 29, 1973	do	Do.
H. J. Underwood Co	Clinton	T-2377	IV-2.30	do	do	Do.
Winn-Dixie Raleigh, Inc., store No. 838.	do	T-2351	IV-1.30	do	do	Nov. 1, 1973
Scotland County						
Cox Furniture	Maxton	T-2224	IV-2.60 IV-2.30	June 27, 1973	Immediately	Dec. 31, 1973
Winn-Dixie Raleigh, Inc., store No. 823.	Laurinburg	T-2350	IV-1.30	June 29, 1973	do	Nov. 1, 1973
Waverly Mills, Inc	do	T-1996	II-2.2 IV-1.10 IV-2.40	Dec. 14, 1972	do	May 1, 1973
Stanly County						
Albemarle Scrap Metals	Albemarle	T-2310	II-2.2 IV-2.30	June 29, 1973	Immediately	Dec. 1, 1973
Surry County						
Surry County Board of Education, Westfield Elementary School:						
(1) Open burning	Westfield	T-1556	II-1.3	Apr. 28, 1972	Immediately	June 1, 1972
(2) Fuel combustion	do	T-1556	II-2.2 IV-1.10 II-5.2 IV-2.40	do	do	Sept. 1, 1973
Lowe's Food Stores, Inc., store No. 11.	Mount Airy	T-2343	II-1.3	June 28, 1973	do	Apr. 30, 1974
Oro Manufacturing Co	Monroe	T-2307	II-2.60	June 29, 1973	do	Dec. 31, 1973
Swain County						
Consolidated Furniture Industries.	Bryson City	T-2169	II-2.2 II-5.2 IV-2.60	Mar. 2, 1973	Immediately	Dec. 31, 1973
Vance County						
Vance County Board of Education, L. B. Yancey.	Henderson	T-1734	II-2.2 IV-1.10 IV-2.40	June 9, 1972	Immediately	Sept. 30, 1973

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Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Wake County						
Beckanna Apartments	Raleigh	T-2287	IV-1.30	June 28, 1973	Immediately	Dec. 30, 1973
Carolina Culvert Manufacturing, Inc.	do	T-2294	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	Jan. 31, 1974
ESB, Inc., EMED	do	T-2381	II-2.2 II-5.2 IV-2.30 IV-2.40	June 29, 1973	do	Dec. 31, 1973
Raleigh Public Schools:						
(a) Barbee School	do	T-2252	II-2.2 IV-1.10 IV-2.40	June 27, 1973	do	Sept. 30, 1973
(b) Eliza Poole School	do	T-2251	II-2.2 IV-1.10 IV-2.40	do	do	Do.
North Carolina State Department of Correction, Central Prison:	do	T-2387	IV-2.60	June 29, 1973	do	June 1, 1974
(a) Paint manufacturing	do	T-2387	IV-2.60	do	do	Feb. 1, 1974
(b) License painting	do	T-2291	IV-1.30	June 28, 1973	do	Dec. 31, 1973
Rex Hospital	do	T-2297	II-2.2 IV-1.30	do	do	June 1, 1974
Wake Memorial Hospital	do	T-2288	II-2.2 IV-1.10 IV-2.40	do	do	Nov. 1, 1973
Wenco Furniture Co	Wendell	T-2292	II-2.2 IV-2.00	do	do	Aug. 31, 1974
Winn-Dixie Raleigh, Inc., store No. 846.	Zebulon	T-2369	IV-1.30	June 29, 1973	do	Oct. 15, 1973
Winn-Dixie Raleigh, Inc.:						
(a) Store No. 852	Raleigh	T-2363	IV-1.30	do	do	Do.
(b) Store No. 853	do	T-2362	IV-1.30	do	do	Do.
(c) Store No. 854	do	T-2361	IV-1.30	do	do	Do.
(d) Store No. 857	do	T-2360	IV-1.30	do	do	Do.
(e) Store No. 858	do	T-2368	IV-1.30	do	do	Do.
(f) Store No. 859	do	T-2367	IV-1.30	do	do	Do.
(g) Store No. 864	do	T-2366	IV-1.30	do	do	Do.
Panels, Inc	do	T-2100	II-2.2 IV-2.00	Mar. 2, 1973	do	June 1, 1973
Ward Transformer	do	T-2114	II-1.3	do	do	Do.
Westinghouse Electric Corp., Westinghouse Meter Division.	do	T-2153	II-5.2 IV-2.60	do	do	Sept. 1, 1973
Wayne County						
Boling Chair Co.	Mount Olive	T-2214	IV-2.60	June 27, 1973	Immediately	Dec. 31, 1973
Wilson County						
Wilson City Board of Education:						
(a) Margaret Hearre School	Wilson	T-809	II-2.2 IV-1.10	Apr. 19, 1971	Immediately	Sept. 1, 1973
(b) Woodard School	do	T-810	II-2.2	do	do	Do.
Wilson County Board of Education:						
(a) Sims School	Sims	T-963	II-1.3	May 4, 1971	do	Dec. 31, 1972
		T-963	II-2.2 IV-1.10	do	do	Dec. 31, 1973
(b) Lamms School	Wilson	T-964	II-1.3	do	do	Dec. 31, 1972
		T-964	II-2.2 IV-1.10	do	do	Dec. 31, 1973
(c) Barkley Gin Co	Elm City	T-2009	II-2.2 IV-2.30	Mar. 2, 1973	do	Sept. 1, 1973
(d) Silver Lake Gin	do	T-2156	II-2.2 IV-2.30	do	do	Aug. 15, 1973
(e) Blue Bell, Inc	Wilson	T-2097	II-1.3	do	do	June 30, 1973
North Carolina Highway Commission, Asphalt Mix Plant.	do	T-1862	II-2.2 IV-1.40	Aug. 25, 1972	do	Dec. 31, 1972
Wilson County						
Wallace-Murry Corp., Fiberglass Division.	Wilson	T-2256	IV-2.60	June 28, 1973	Immediately	Mar. 31, 1974
Hardee's of Wilson, Herring Ave.	do	T-2286	II-2.2 II-5.2 IV-2.30	do	do	Jan. 15, 1974
Hardee's of Wilson, Tarboro St.	do	T-2285	II-2.2 II-5.2 IV-2.3	do	do	Do.
Winn-Dixie Raleigh, Inc., store No. 888.	do	T-2352	IV-1.30	June 29, 1973	do	Dec. 15, 1973
Kaiser Agriculture	do	T-1911	II-2.2 IV-2.30	Dec. 11, 1972	do	Sept. 1, 1973

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Wilkes County						
Lowe's Food Store, Inc., store No. 5.	North Wilkesboro.	T-1949	II-1.3	Dec. 12, 1972	Immediately	Sept. 1, 1973
American Drew, Inc.:						
(a) Plant No. 1	do	T-2258	II-2.2 II-5.2 IV-2.30 IV-2.60	June 27, 1973	do	Dec. 31, 1973
(b) Plant No. 2	do	T-2259	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	Do.
Key City Furniture Co	do	T-2260	II-2.2 II-5.2 IV-2.30 IV-2.60	do	do	Do.
W. B. McElwee	do	T-2272	II-2.2 IV-1.10 IV-2.40	do	do	Jan. 31, 1974
Phillips Tire Service	do	T-2277	II-1.3 II-5.2 IV-2.30	June 28, 1973	do	Dec. 1, 1973
Yancey County						
Tri-County Concrete Co.	Burnsville	T-2263	II-2.2 IV-2.30	June 27, 1973	Immediately	Dec. 31, 1973

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 and § 51.6 of this chapter. All regulations cited are air pollution control regulations of the State.

Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Alamance County						
Alamance Ready-Mix Concrete Co., Inc.	Graham	T-1951	II-2.2 IV-1.90 IV-2.30	Dec. 13, 1972	Immediately	Oct. 31, 1973
Acme Feed Mills, Inc.	Burlington	T-2035	II-2.2 IV-2.30	Jan. 5, 1973	do	Do.
Ashe County						
Weaver Manufacturing Co., Inc.	West Jefferson	T-2163	II-2.2 IV-2.30	Mar. 2, 1973	Immediately	Dec. 31, 1973
Chatham County						
Lee Paving Co.	Pittsboro	T-1974	II-2.2 IV-1.40	Dec. 13, 1972	Immediately	Sept. 15, 1973
Columbus County						
Town of Lake Waccamaw	Lake Waccamaw.	T-266	II-1.3	Jan. 8, 1971	Immediately	Jan. 1, 1974
Johnston County						
Overton Co.	Kenly	T-1428	II-2.2 IV-1.10 IV-2.40	Oct. 15, 1971	Immediately	Nov. 1, 1973
Lincoln County						
Cochrane Furniture Co., Inc.	Lincolnton	T-2023	II-2.2 IV-1.10 IV-2.40	Jan. 5, 1973	Immediately	Oct. 30, 1973
New Hanover County						
Corbett Lumber Corp.	Wilmington	T-2084	II-2.2 IV-1.10	Mar. 2, 1973	Immediately	Dec. 31, 1973
Exxon Co. (Humble Oil)	do	T-2060	IV-2.60	do	do	Nov. 1, 1973
Pender County						
C. H. Clark & Son, Inc.	Rocky Point	T-265	II-1.3	Jan. 8, 1971	Immediately	Dec. 31, 1973
Pitt County						
Town of Farmville	Farmville	T-294	II-1.3	Jan. 19, 1971	Immediately	Mar. 31, 1974
Town of Grimesland	Grimesland	T-228	II-1.3	Dec. 28, 1970	do	Do.
Town of Fountain	Fountain	T-133	II-1.3	Nov. 10, 1970	do	Do.

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Source	Location	Permit No.	Regulations involved	Date of adoption	Effective date	Final compliance date
Richmond County						
Standard Foundry & Manufacturing Co.	Rockingham....	T-1841	II-2.2 II-5.2 IV-2.20 IV-2.30 IV-2.40	July 19, 1972	Immediately..	Feb. 28, 1974
Rutherford County						
N. C. Display Fixture Co....	Forest City.....	T-2168	II-2.2 II-5.2 IV-2.60	Mar. 2, 1973	Immediately.	May 31, 1974
Wright Veneer Co., Inc.....	Spindale..	T-1878	II-2.2 IV-1.10 IV-2.10	Apr. 11, 1972	do.	Apr. 1, 1974
Wilkes County						
W. E. Sale & Sons, Inc.....	Ronda	T-2031	II-2.2 IV-1.10 IV-2.40	Jan. 5, 1973	Immediately..	Apr. 1, 1974

[FR Doc.74-5971 Filed 3-19-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 83]

[Docket No. 19946]

SHIP STATIONS

Proposal Relating to Frequencies; Correction

In the matter of amendment of Parts 2 and 83—to make available the frequency 157.1 MHz for use by non-Government ship stations; to require that 157.1 MHz be fitted in VHF equipment first installed in ship stations after July 1, 1974; and to designate 156.3 MHz for search and rescue communications.

The notice of proposed rule making, FCC 74-193, in the above matter, released March 6, 1974, and published in the FEDERAL REGISTER on March 11, 1974 (39 FR 9462), is corrected as follows: Paragraph 3 is deleted in its entirety and the following paragraph 3 is substituted.

3. Under this proposal, the VHF ship station licensee would be required (see § 83.106) to fit the frequencies 156.8, 156.3 and 157.1 MHz, one or more working frequencies, and all other frequencies necessary for the service of that vessel. While we are not proposing that 157.1 MHz be installed aboard vessels which are currently fitted with VHF; we anticipate that many will install 157.1 MHz for convenience in communications with the United States Coast Guard. The frequency 157.1 MHz will be limited in usage to communications with U.S. Coast Guard coast stations or intership with U.S. Coast Guard ship stations. Further, use of 157.1 MHz by vessels to communicate with the Coast Guard is expected to substantially reduce the number of such communications now being made on 156.8 MHz. While reduction of the loading on 156.8 MHz is highly desirable, we would stress that the Commission is not proposing or amending its rules to permit a ship station to shift its receiver watch from 156.8 MHz to 157.1 MHz. When a Coast Guard station, either ship or coast station, desires to contact a non-Government ship station, the Coast Guard will normally originate the call on 156.8 MHz; similarly, a non-Government ship station will originate calls to a Coast Guard station on 156.8 MHz.

Released: March 13, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6395 Filed 3-19-74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 303]

[Docket No. 206-14]

FIBER PRODUCTS IDENTIFICATION

Special Types of Products

Notice of proposed amendment of § 303.10, *Fiber content of special types of products*, to Cover Certain Graft Copolymer Man-made Fibers (Toyobo Co., Ltd., Applicant).

On February 2, 1971, Toyobo Co., Ltd., a corporation of Japan with principal offices at 8 Dojima Hamadori, 2 Chome, Kita-Ku, Osaka, Japan, filed an application pursuant to § 303.8 (16 CFR 303.8) of the rules and regulations under the Textile Fiber Products Identification Act, 72 Stat. 1717, et seq., 79 Stat. 124, 15 U.S.C. 70, et seq. (hereinafter referred to as "Act"), requesting that 16 CFR 303.7, setting forth generic names and definitions of manufactured textile fibers, be amended by adding thereto a new generic name and definition to cover its fiber called "Chinon" or "K-6." According to the application the fiber is comprised of about 30 percent by weight of casein which has been chemically modified by the grafting thereon of vinyl monomers, including acrylonitrile. The new generic definition proposed by applicant is as follows:

A manufactured fiber in which the fiber-forming substance is a graft copolymer of protein and vinyl monomers, the protein comprising 25 to 60 percent by weight of the fiber and the vinyl monomers comprising 40 to 75 percent by weight, at least one half the vinyl monomers by weight comprising acrylonitrile.

By letter of April 5, 1971, the Commission assigned to applicant's fiber the temporary designation "TO-0001," in accordance with § 303.8 (16 CFR 303.8) of the Commission's rules and regulations under the Act.

On February 25, 1972, a notice of proposed rule making was issued by the Commission in this proceeding and subsequently published in the FEDERAL REGISTER at 37 FR 4725. Such notice announced that the Commission was considering matters raised by the application and that interested parties could participate by submitting their views, arguments, or other pertinent data, in writing, to the Commission.

Applicant has provided the following description of its fiber.

• • • [T]he new fiber is prepared as described in • • • U.S. Patent 3,104,154 [Sept. 17, 1963] • • • issued to Toyo Spinning Co., Ltd., applicant's previous name. The process for making the fiber involves dissolving in zinc chloride solution casein, a naturally occurring protein found in milk, and vinyl monomers which are predominantly acrylonitrile. The vinyl monomers are then polymerized in the solution to form a graft copolymer i.e. chains of the vinyl polymer project from protein molecules and together constitute a single polymeric mass which is in solution and which is extruded to form filaments.

The resulting filaments are a chemical hybrid, i.e. they are neither protein nor acrylic fiber. Thus, the product is not a mixture of the two materials and it is not possible to isolate or even to regenerate by chemical means the protein portion and the vinyl or acrylonitrile monomer portion, i.e. the chemical reaction involved is irreversible.

In the final fiber about 25-60 percent by weight comes from the initial protein, and about 40-75 percent from vinyl monomer units of which at least one-half by weight are acrylonitrile units.

The only party (other than applicant) who made submittals in this proceeding as E. I. du Pont de Nemours & Co., Inc. Du Pont recommended that paragraph (g) of § 303.7, the azlon definition, be amended to include applicant's fiber and that paragraph (b) thereof, the modacrylic definition, be amended to exclude the fiber.

After a thorough study of this matter, it has been tentatively determined by the Commission that TO-0001 should, for purposes of the Act and regulations thereunder, be designated in terms of what it is, i.e., a graft copolymer of azlon and acrylic (or azlon and modacrylic, if the acrylonitrile monomers of the vinyl component are less than 85 percent, but more than 35 percent by weight of such component), rather than by a new generic name. Therefore, the Commission proposes that a new paragraph, paragraph (d), be added to § 303.10 [16 CFR 303.10] so as generally to extend the coverage of this section to fibers composed of graft copolymers. The proposed new paragraph reads as follows:

§ 303.10 Fiber content of special types of products.

• • • • • •

(d) (1) Where a manufactured textile fiber is essentially a graft copolymer, the components of which, if appearing as separate fibers, would each fall within different existing definitions of textile fibers as set forth in § 303.7, the fiber content disclosure as to such fiber shall, for all purposes under these rules and the Act, (i) disclose that it is a graft copolymer fiber, (ii) set out the components contained in the fiber by appropriate generic names specified in § 303.7 in order of their predominance by weight, and (iii) set out the respective percentages of such components by weight.

(2) Examples of proper fiber content designations under this paragraph are:

100% Graft Fiber
(70% Acrylic, 30% Azlon)

80% Graft Fiber (70% Acrylic, 30% Azlon)
15% Polyester
5% Rayon

Interested parties may participate in this proceeding by submitting in writing on or before May 20, 1974, their views, arguments, or other pertinent data to the Division of Special Statutes, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580.

This action is taken pursuant to section 7(c) of the Act, 72 Stat. 1721, 15 U.S.C. 70e(c), in accordance with 5 U.S.C. 553 and Subpart B of Part 1 of the Commission's procedures and rules of practice, 16 CFR 1.11, et seq.

By direction of the Commission, dated March 12, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-6313 Filed 3-19-74;8:45 am]

POSTAL SERVICE

[39 CFR Part 777]

Relocation Assistance Procedures

In order to facilitate and promote compliance on a voluntary basis with the requirements of Titles I and II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646, 84 Stat. 1894; 42 U.S.C. 4601-38 (1970)), the Postal Service has proposed regulations to be used by all elements of the Service in providing relocation assistance for persons displaced as a result of Postal Service facility programs.

Interested persons are invited to submit such written comments and suggestions concerning the proposed regulations as they may desire. Communications should identify the subject matter by the above title and should be submitted on or before May 15, 1974, in duplicate to Director, Office of Real Estate, Real Estate and Buildings Department, Room 7575, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260. The proposals contained in this notice may be changed in light of the comments received.

Following are the specific regulations proposed by the Postal Service. It is planned to codify the regulations under a new Part 777 in Subchapter K of Title 39, Code of Federal Regulations, when they are adopted.

ROGER P. CRAIG,
Deputy General Counsel.

Accordingly, it is proposed to amend the regulations of the Postal Service as follows: In 39 CFR, Part 777 is added to Subchapter K, Special Regulations and reads as follows:

PART 777—RELOCATION ASSISTANCE PROCEDURES

Sec.
777.1 Purpose and policy.
777.2 General procedures.
777.3 Information on relocation assistance
777.4 Definitions.
777.5 Project development.
777.6 Moving and related expenses.
777.7 Replacement housing payments for owner-occupants.
777.8 Replacement housing payments for non-eligible owner-occupants.
777.9 Replacement housing payments for tenants and certain others.
777.10 Relocation assistance advisory services.
777.11 Appeals.

AUTHORITY: 39 U.S.C. 401.

§ 777.1 Purpose and policy.

(a) The purpose of these regulations is to establish policy guidance for implementation of titles I and II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646; 84 Stat. 1894; 42 U.S.C. 4601-38 (1970)), hereinafter referred to as the Act, to assure prompt and equitable relocation assistance for persons displaced as a result of United States Postal Service facility programs. Regulations pertaining to Title III of the Act which relate to uniform real property acquisition policies are set forth in section 18, Postal Contracting Manual, Publication 41. All references herein to sections or subsections are references to sections to subsections of this regulation, unless otherwise noted.

(b) To the extent that the Act is a Federal law "dealing with public or Federal contracts, property, works • • • budgets or funds" within the meaning of 39 U.S.C. 410(a), it and any Executive Orders or other regulations based upon it are inapplicable to the exercise of the powers of the Postal Service. However, it is the policy of the Postal Service to comply voluntarily with the Act, orders and regulations to the extent practical and feasible, consistent with the public interest and fulfillment of the primary mission of the Postal Service.

(c) The rules, policies, and procedures contained herein are intended to establish means to provide relocation services and payments for replacement housing and moving and incidental expenses in order that individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

(d) The regulations embodied in this part, adopted in furtherance of the policy of voluntary compliance, shall not be deemed to be a consent to suit by a party outside the Postal Service and are not enforceable against the Postal Service by such a party. No party outside the Postal Service is authorized to use noncompliance with these regulations against the Postal Service in any manner.

§ 777.2 General procedures.

Procedures, policies and forms prescribed in Section 18 of the Postal Contracting Manual relating to the acquisition of real property and interests therein will be followed, except as they are modified by this regulation.

(a) A written notice of displacement must be given to each individual, family, business, or farm operation to be displaced. Such notice shall be served personally or by registered mail at the earliest possible time.

(b) In order to qualify for benefits under Title II of the Act, as a displaced person, either of two conditions must be fulfilled:

(1) The person must have moved (or moved his personal property) as a result of the receipt of a written notice to vacate which notice may have been given before or after initiation of negotiations for acquisition of the property as prescribed by regulations. (When negotiations are initiated prior to issuance of a written notice, all persons contacted should be advised that the benefits of the Act are available only when the person moves subsequent to receipt of a written notice); or

(2) The subject real property must, in fact, have been acquired, and the person must have moved as a result of its acquisition (except in those instances covered by sections 217 and 219 of the Act). A move made after acceptance of an offer to sell (contract of purchase) but before closing is a move made as the result of acquisition of subject property.

(c) In addition, certain of the benefits provided by Title II of the Act are available as follows:

(1) Whenever the acquisition of, or notice to move from, real property used for a business or farm operation causes any person to move from the other real property used for his dwelling, or to move his personal property from such other real property, such person may receive the benefits provided by sections 202(a) and (b) and 205 of the Act.

(2) If it is determined that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, such person may receive advisory services under section 205(c) of the Act.

(d) Contracts or options to purchase real property shall not incorporate provisions for making payments for relocation costs and related costs in Title II of the Act. Appraisers shall not give consideration to, nor include in their real property appraisals, any allowances for the benefits provided by Title II. In the event of condemnation the estimated compensation shall be determined solely

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on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under Title II of the Act. Insofar as practicable, a person negotiating for the acquisition of real property will not negotiate the relocation benefits to which a displaced person may be entitled.

(e) Applications for benefits under the Act must be made within 18 months from the date on which the displaced person moves from the real property acquired or to be acquired. The Contracting Officer may extend this period upon a proper showing of good cause.

(f) A displaced person who makes proper application will be paid promptly after a move and, in hardship cases, as determined by the Contracting Officer, an advance of funds may be authorized. Final settlement will be adjusted accordingly.

(g) The provisions of the Act apply to the acquisition of all real property for, and the relocation of, all persons displaced by Postal Service projects.

(h) Relocation benefits under title II of the Act available in leasehold cases depend upon the circumstances under which the leasing action takes place. In cases where the Postal Service initiates action to lease a specific property, all pertinent provision of title II of the Act apply to both owners and tenants. In cases where the owner voluntarily offers his property for lease to the Postal Service or in response to any open advertisement by the Postal Service, any tenants who are displaced are entitled to benefits under title II of the Act. The owner in such a case is not entitled to title II benefits.

(i) The Director, Office of Real Estate, shall provide for the periodic review of all programs for which he is responsible to insure compliance with the provisions of titles II and III of the Act.

§ 777.3 Information on relocation assistance.

The Contracting Officer shall insure that the public receives adequate knowledge of programs involving relocations and that persons to be displaced be fully informed, at the earliest possible time, of such matters as the relocation payments and assistance available; the specific plans and procedures for assuring that suitable replacement housing will be available for homeowners and tenants, in advance of displacement; the eligibility requirements and procedures for obtaining such payments and assistance; and the right of administrative review of appeal in accordance with § 777.11.

§ 777.4 Definitions.

For the purposes of these instructions the following items are defined:

(a) "The Act" means the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, P.L. 91-646.

(b) The term "Contracting Officer" means the Postal Service official authorized to acquire real property in question and to administer the associated relocation program. Such term includes a duly appointed successor or authorized representative.

(c) The term "person" means any individual, partnership, corporation, or association.

(d) The term "displaced person" means any person or family who, on or after January 2, 1971, moves from real property or moves his personal property from real property as a result of:

(1) Postal Service acquisition of such property in whole or in part; or

(2) Receiving a written notice to vacate from the Postal Service.

(e) A "family" means two or more individuals who are related by blood, adoption, marriage, or legal guardianship who live together as a family unit. If the Contracting Officer considers that circumstances warrant, others who live together as a family unit may be treated as if they were a family for the purpose of determining benefits under Title II of the Act.

(f) The term "business" means any lawful activity, excepting a farm operation, conducted primarily—

(1) For the purchase, sale, lease or rental of personal or real property, or for the manufacture, processing, storage or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a non-profit organization, or

(4) Solely for the purpose of § 777.6(e) of these regulations for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property or services, by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(g) The term "farm operation" means any activity conducted solely or primarily for the production of one or more agriculture products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(h) The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(i) The term "comparable replacement dwelling" means one which is:

(1) Decent, safe and sanitary.

(2) When compared to the dwelling being taken, functionally equivalent and substantially the same with respect to:

(i) Number of rooms,

(ii) Area of living space,

(iii) Age,

(iv) State of repairs.

(3) Open to all persons regardless of race, color, religion, sex, or national origin and consistent wth the requirements of the Civil Rights Act of 1964 and of title VIII of the Civil Rights Act of 1968.

(4) In areas not generally less desirable than the dwelling to be acquired in regard to:

(i) Public utilities,

(ii) Public and commercial facilities.

(5) Reasonably accessible to the displaced person's place of employment.

(6) Available on the market to the displaced person.

(7) Within the financial means of the displaced family or individual.

(j) The term "initiation of negotiation" for a property means the date of the first personal contact by the Postal Service representative with the owner or his representative where price was discussed.

(k) The term "decent, safe and sanitary" where applied to a dwelling means one which is in sound, clean and weathertight condition, and which meets applicable State and local building, plumbing, electrical, housing and occupancy codes and similar ordinances and regulations. Where the local codes do not contain minimum standards or where the standards are inadequate, the following criteria may be used by the Contracting Officer in determining if a dwelling unit is decent, safe and sanitary;

(1) A housekeeping unit must include a kitchen with fully usable sink; a stove, or connection for same; a separate complete bathroom; hot and cold running water in both the bath and kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(2) A nonhousekeeping unit is one which meets local code standards for boarding houses or other congregate living. As a minimum it must include complete bathroom facilities with hot and cold running water which provides privacy, including a door that can be locked if such facilities are separate from the unit; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(l) "Dwelling" means the place of permanent or customary and usual abode of a person or persons. It includes a single-family building, a one-family unit in a multi-family building; a unit of condominium, or cooperative housing project; a mobile home, or any other residential unit. Part-time and seasonal homes are not included.

(m) "Owner" means a person who holds fee title, a life estate, a 99-year lease, or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any such estates or interests, or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the Contracting Officer, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance, or operation of law, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(n) Section 205(c)(3) of the Act requires that the replacement dwelling is within the financial means of the displaced individual or family. In making this determination, the average monthly rental or housing cost (e.g., monthly mortgage payments, insurance for the dwelling unit, property taxes, and other reasonable recurring related expenses) which the displaced person will be required to pay, in general, should not exceed 25 percent of the monthly gross income or the present ratio of housing payment to the income of the displaced family or individual, including supplemental payments made by public agencies.

(o) "Economic rent" is the amount of rent a displaced tenant would have had to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit to be acquired is located.

§ 777.5 Project development.

(a) *Availability.* The Postal Service will not proceed with a phase of any project, which phase will cause the displacement of any person, until it has been determined with a reasonable period of time prior to displacement that there will be available to the persons displaced comparable replacement dwellings. This determination or assurance shall be based on a current survey and analysis of available replacement housing.

(b) *Waiver.* The determination required by § 777.5(a) may be waived only in emergency or other extraordinary situations where immediate possession of real property is of crucial importance. The determination of emergency will be made by Headquarters, after receipt of appropriate findings and recommendation for the necessity of the waiver by the General Manager, Regional Real Estate Division.

§ 777.6 Moving and related expenses.

(a) *Moving expense.* Any displaced person, upon application, may receive payments for the actual reasonable expenses in moving himself, his family, business, farm operation or other personal property subject to the limitations in paragraph (a)(2) of this section and the exclusions in paragraph (c) of this section. A person who lives on his business or farm property may be eligible for both moving and related expenses as a dwelling occupant in addition to being eligible for payment with respect to displacement from a business or farm operation.

(1) The following moving expenses will be allowed:

(i) Transportation of individuals, families, and personal property from the acquired site, not to exceed a distance of 50 miles, except where the Contracting Officer determines that relocation beyond the 50-mile area is justified.

(ii) Packing, crating, and uncrating of personal property.

(iii) Advertising for packing, crating, uncrating and transportation when the Contracting Officer determines that it is necessary.

(iv) Storage of personal property for a period generally not to exceed twelve months when the Contracting Officer determines that storage is necessary in connection with relocation.

(v) Insurance premiums covering loss and damage of personal property while in storage or transit.

(vi) Removal, reinstallation and reestablishment, including such modification as deemed necessary by the Contracting Officer, of machinery, equipment, appliances and other items, not acquired as real property, including reconnection of utilities, and which were not acquired by the Postal Service. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to state in writing that the property is personalty and that the Postal Service is released from any payment for the property.

(vii) Property lost, stolen, or damaged, (not caused by the fault or negligence of the displaced person, his agents or employees) in the process of moving, where insurance to cover such loss or damage is not commercially available.

(viii) Such other reasonable expenses which in the opinion of the Contracting Officer were necessarily incurred by the displaced person.

(2) The following items are limitations on moving and related expenses:

(i) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially. The moving cost to the displaced person shall be supported by receipted bills or other proof of expenses incurred.

(ii) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, and the business or farm operation is re-established, reimbursement shall not exceed the replacement cost, minus the proceeds received from the sale, or the cost of moving the item, whichever is less.

(iii) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to value in the judgment of the Contracting Officer, the allowable reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals and similar types of personal property.

(b) *Actual direct losses by business or farm operation.* Any displaced person, upon application, may receive payments for actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, subject to the exclusions in paragraph (c) of this section and with a limitation to be determined by the Contracting Officer subject to the following criteria:

(1) When the displaced person does not move personal property, he shall be required to make a bona fide effort to sell it, and will be reimbursed for the reasonable sale costs incurred.

(2) When personal property is sold and the business or farm operation reestablished, the displaced person is entitled to the payment provided in paragraph (a)(2)(ii) of this section.

(3) When the business or farm operation is discontinued, the displaced person is entitled to the differences between the in place value of the personal property and the sale proceeds, or the estimated cost of moving 50 miles, whichever is less.

(4) When the personal property is abandoned, the displaced person is entitled to payment for the difference between the in place value and the amount which would have been received from the sale of the item, or the cost of moving 50 miles, whichever is less.

(c) *Exclusions from moving expenses and losses.* The following items shall not be included in determining moving expenses or losses of personal property:

(1) Additional expenses incurred because of living in a new location.

(2) Cost of moving structures, improvements or other real property in which the displaced person reserved ownership.

(3) Improvements to the replacement site, except when required by law.

(4) Interest on loans to cover moving expenses.

(5) Loss of goodwill.

(6) Loss of profits.

(7) Loss of trained employees.

(8) Personal injury.

(9) Cost of preparing the application for moving and related expenses.

(10) Cost of searching for a new dwelling.

(11) Such other items as the Contracting Officer determines should be excluded.

(d) *Expenses in searching for replacement business or farm.* Any displaced person, upon application, may receive payments for actual reasonable expenses in searching for replacement business or farm.

(1) *To be allowed.* (i) Actual travel costs.

(ii) Costs for meals and lodging away from home.

(iii) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed $10 per hour.

(iv) Broker, realtor, or other professional fees to locate a replacement business or farm operation, when the Contracting Officer determines it is necessary and authorizes such fees in writing prior to their incurrence.

(2) *Limitation.* The total amount which a displaced person may be paid for searching expenses shall not exceed $500, unless the Contracting Officer determines

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that a greater amount is justified based on the circumstances involved.

(e) *Payment in lieu of moving and related expenses*—(1) *Dwellings.* Any displaced person eligible for payments under paragraph (a) of this section may apply to receive a moving expense allowance not to exceed $300 and a dislocation allowance of $200 in lieu of the payments authorized by paragraph (a) of this section. Acceptance of such allowance shall constitute a waiver of the payments authorized by that section.

(i) The moving expense allowance will be based on the moving allowance schedule maintained by the State Highway Department of the State concerned. The General Manager, Real Estate Division, of each Region will maintain the current moving allowance schedules of the States within the region.

(ii) Where there are no State highway department schedules, the Contracting Officer may join with other Federal agencies, if any, causing displacement in the locale in the development of a single moving expense schedule for the use of all displacing agencies.

(iii) A displaced person who elects to receive a moving expense allowance based on a schedule shall be paid under the schedule used in the jurisdiction in which the displacement occurs, regardless of where he relocates.

(iv) Only one dislocation allowance will be paid per dwelling unit regardless of the number of persons or families in occupancy.

(2) *Business and farm operation.* Any displaced person eligible for payments under paragraph (a) of this section who is displaced from his place of business or from his farm operation may apply to receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that payment shall not be less than $2,500 nor more than $10,000, in lieu of the payments authorized by paragraphs (a), (b), and (d) of this section and subject to the following conditions:

(i) A business, in order to qualify as displaced person for payment under this Section, must contribute at least ⅓ of the average annual total gross to the income of the displaced owner. This standard eliminates those part-time family occupations which do not contribute materially to a displaced person's income.

(ii) Loss of existing patronage. No fixed payment to a business can be made unless the Contracting Officer determines that the business cannot be relocated without a substantial loss of existing patronage, and that it is not a part of a commercial enterprise having at least one other establishment engaged in a similar business not being acquired. Such determination shall be made by the Contracting Officer only after consideration of all pertinent circumstances, including the following factors:

(A) The type of business conducted by the displaced concern.

(B) The nature of the clientele of the displaced concern.

(C) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced business.

(iii) Average annual net earnings as used herein means one-half of any net earnings of the business or farm operation, before Federal, State and local income taxes, during the two taxable years immediately preceding the taxable year in which the displacement occurs or during such other period as the Contracting Officer determines to be more equitable for establishing such earnings and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period. Income derived from capital gains resulting from liquidation in anticipation of Postal Service acquisition should be excluded. Normal capital gains may be included as a part of earnings if the gain occurred as a normal incident to the business or farm operation. If a business or farm operation has no net earnings or has suffered losses during the period used in the computation, it may nevertheless receive the $2,500 minimum payment.

(iv) Where a non-profit organization is displaced, no payment shall be made until after Contracting Officer has determined:

(A) That the non-profit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used here means the persons, community or clientele served or affected by the activities of the non-profit organization.

(B) That the non-profit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity. This restriction shall not apply to such organizations that customarily serve through multiple locations within a general area, for example churches.

(v) Farms—partial acquisition. In the case where an entire farm operation is not acquired, this payment shall be made only if the Contracting Officer determines that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the definition of a farm operation.

§ 777.7 Replacement housing payments for owner-occupants.

(a) In addition to other payments authorized by these regulations an additional payment, not in excess of $15,000 shall be made, upon application, to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than one hundred and eighty days prior to the initiation of negotiations for the acquisition of the property. A displaced owner-occupant who is determined to be ineligible for payment under this Section may be eligible for a payment under § 777.8. The payment will include the following elements:

(1) The amount, if any, which represents the difference between the acquisition price of the acquired dwelling and the reasonable cost of a comparable replacement dwelling.

(2) The amount, if any, which will compensate the displaced owner-occupant for any increased interest costs in acquiring the comparable replacement dwelling.

(3) Actual costs reasonably incurred incident to the purchase of the replacement dwelling.

(b) The additional payment authorized shall be made only to such displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of (1) one year from the date he is given final payment of all costs for the acquired dwelling, or (2) on the date which he moves from the acquired dwelling, whichever is the later date.

(c) A displaced person may, in lieu of purchasing a comparable decent, safe and sanitary replacement dwelling, contract for the rehabilitation of an existing dwelling purchased by him, contract for the purchase of a dwelling to be constructed on a site provided by a builder or developer or contract for the construction of a dwelling on a site which he owns or acquires for that purpose. If the date of completion of rehabilitation of construction of a replacement dwelling is delayed, for reasons not within the reasonable control of the displaced person, beyond the time required for eligibility for payment, the Contracting Officer may determine the date of occupancy as the date the displaced person enters into a contract for such rehabilitation and construction, or for the purchase.

(d) *Computation of replacement housing payment.* The Contracting Officer may establish the amount necessary to purchase a comparable replacement dwelling by the use of a schedule or by a comparative method.

(1) Schedule method. The Contracting Officer may establish a schedule of reasonable acquisition cost for comparable replacement dwellings in the various types of dwellings required and available on the private market. The schedule will be based on a current analysis of the market sufficient to determine an amount for each type of dwelling required. When more than one Federal agency is causing the displacement in a community or an area, the Postal Service may cooperate with other agencies on the mehod for computing the replacement housing payment and may use the uniform schedules of housing in the community or areas developed by such cooperation.

(2) Comparative method. The Contracting Officer may determine the economic price of a comparable replacement dwelling by selecting a dwelling or dwellings most representative of the dwelling unit acquired, available to the displaced person and which meets the definition of comparable replacement dwelling. Asking prices are to be adjusted to reflect actual market sales experience. A single dwelling shall only be used when additional comparable dwellings are not available.

(3) When neither of the above methods is feasible, the Contracting Officer shall develop criteria for computing the payment.

(e) *Limitations.* The amount established as the differential payment for the replacement housing establishes the upper limit of this portion of the replacement housing payment.

(1) If the displaced person voluntarily purchases and occupies a decent, safe and sanitary dwelling at a price less than the reasonable acquisition cost of comparable replacements dwellings, the differential payment will be that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(2) If the displaced person voluntarily purchases and occupies a decent, safe and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential housing payment will be made.

(3) If a displaced person voluntarily purchases and occupies a decent, safe and sanitary dwelling at a price greater than the reasonable acquisition cost of comparable replacement dwellings, the differential payment will be limited to the difference between the amount of a comparable replacement dwelling and the acquisition price of the acquired dwelling.

(4) If the acquired dwelling is located on a tract larger than typical for residential use in the area, the maximum differential replacement housing amount payable is the market value of a comparable replacement dwelling on a tract typical for the area, less the market value of the dwelling at the present location on a homesite typical in size for residential use in the area.

(5) If the acquired dwelling is located on a tract where the use is established to be higher and better than residential use, the maximum replacement housing amount payable is the market value of a comparable replacement dwelling on a tract typical for residential use in the area, less the market value of the acquired dwelling assuming it was located on a tract typical for residential use in the area.

(f) *Interest payment.* The Contracting Officer shall determine the amount, if any necessary, to compensate a displaced person for increased interest cost. The interest payment shall be based on the present value of the interest differential including points paid by the purchaser on the amount of the new loan, not to exceed the unpaid balance of the previous mortgage for its remaining term as of the date of acquisition. Such payment shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage, which is one constituting a valid lien on the property for not less than 180 days prior to the initiation of negotiations.

(1) In no event shall the payment be calculated on an interest rate greater than the prevailing conventional mortgage rate charged by commercial banks in the locale of the replacement dwelling and which is available to the displaced person.

(2) The discount rate to determine present value shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area where the replacement dwelling is located.

(g) *Incidental expenses.* The incidental expense payment is the amount necessary to reimburse the homeowner for actual costs incurred by him incident to the purchase of the replacement dwelling such as:

(1) Legal, closing, and related costs including title search, and preparing conveyance contracts, notary fees, surveys, preparing plats, and charges incident to recordation.

(2) Lenders, FHA, or VA appraisal fees.

(3) FHA application fee.

(4) Certification of structural soundness when required by lender, FHA or VA.

(5) Credit report.

(6) Title policies or abstract of title.

(7) Escrow agent's fee.

(8) State revenue stamps or sale or transfer taxes. No fee, cost, charge, or expense is reimbursable as an incidental expense which is determined to be a part of the finance charge under the Truth in Lending Act, Title I, Public Law 90–321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System. Prepaid items such as insurance and tax escrow are also excluded.

§ 777.8 Replacement housing payments for non-eligible owner-occupants.

(a) *Rental by displaced owner-occupant.* A displaced owner-occupant not eligible under § 777.7 because he elects not to purchase a replacement dwelling, but who wishes to rent may receive a rental replacement housing payment not to exceed $4,000. The payment shall be computed in the same manner as shown § 777.9 except that present rental rate shall be economic rent as determined by market data.

(b) *Non-qualifying owner-occupant.* (1) A displaced owner-occupant who does not qualify for a replacement housing payment under § 777.7 because of the 180-day occupancy requirement and who elects to rent may be eligible for a rental replacement housing payment under § 777.9 if he meets the occupancy requirement of that Section. The payment will be computed in the same manner as shown in § 777.9 except that the present rental rate shall be economic rent as determined by market data.

(2) A displaced owner-occupant who does not qualify for a replacement housing payment under § 777.7 because of the 180-day occupancy requirement and who elects to purchase a replacement dwelling may be eligible for a replacement housing downpayment under § 777.9 if he meets the occupancy requirement of that Section. The payment will be computed in the same manner as shown in § 777.9.

§ 777.9 Replacement housing payments for tenants and certain others.

(a) *Eligibility.* Any person displaced from any dwelling not eligible under § 777.7 is eligible for either of the payments authorized under this Section if such dwelling was actually and lawfully occupied by such displaced person for not less than 90 days prior to the initiation of negotiations for acquisition of such dwelling. Such payments will be made only if the displaced person occupies a comparable replacement dwelling not later than the end of (1) one year from the date he is given final payment of the purchase price and related incidental expenses of the acquired dwelling, or (2) of the date which he moves from the acquired dwelling, whichever, is the later date.

(b) *Computation of rental replacement housing payment.* A displaced person eligible under this Section is eligible to receive, upon application, in addition to amounts otherwise authorized, the amount necessary to enable him to leave or rent a comparable replacement dwelling for a period of four years, but not to exceed $4,000.

(1) *Determination of comparable rent.* The Contracting Officer may establish the amount necessary to rent a comparable replacement dwelling by establishing a schedule or by using a comparative method. When more than one Federal agency is causing the displacement in a community or an area, the Postal Service may cooperate with other agencies on the method for computing the rental replacement housing payment and may use the uniform schedules of average rental housing in the community or area.

(i) *Schedule method.* The Contracting Officer may establish a rental schedule for renting comparable replacement dwellings in the various types of dwellings required and available on the private market. The schedule should be based on a current analysis of the market to determine an amount for each type of dwelling required.

(ii) *Comparative method.* The Contracting Officer may determine the average month's rent by selecting one or more dwellings representative of the dwelling unit acquired, which is available on the private market and meets the definition of a comparable replacement dwelling.

(iii) *Alternate to paragraph (b)(1)(i) and (ii) of this section.* When neither method is feasible, the Contracting Officer shall develop criteria for computing the payment in such instances.

(2) *Calculation of payment.* The rental replacement housing payment should be computed by determining by one of the methods set out above, the amount necessary to rent a comparable replacement dwelling for four years, and subtracting from such amount 48 times the average month's rent paid by the displaced tenant in the last three months prior to initiation of negotiation if such rent is reasonable, and if not reasonable, 48 times the economic rent for the oc-

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cupied dwelling unit as established by the Contracting Officer.

(3) *Exceptions.* The Contracting Officer may establish the average month's rent by using more than three months, if he deems it advisable. If rent is being paid to the Postal Service or to any other agency of Federal, State, or local government, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(4) *Disbursement of rental replacement housing payment.* All rental replacement housing payments $1,000 or less will be made by lump sum payment. Those in excess of $1,000 will be made in four equal annual installments commencing upon approval of the application. However, the Contracting Officer may authorize lump sum payment regardless of the amount when in his opinion circumstances warrant.

(c) *Replacement housing downpayment.* A displaced person eligible under this section who elects to purchase instead of renting is eligible to receive, upon application, the amount necessary to enable him to make a downpayment on the purchase of a replacement dwelling but not to exceed $4,000, except that if such amount exceeds $2,000, such person must equally match any such amount in excess of $2,000, in making the downpayment. The payment shall be computed by determining the amount necessary to enable him to make a downpayment and to cover incidental expenses on the purchase of replacement housing.

(1) *Downpayment portion.* The maximum downpayment available under this Section shall be the amount required for a conventional loan on a comparable replacement dwelling. The Contracting Officer shall determine the amount by establishing the value of a comparable replacement dwelling as set out in this section, and determining the downpayment required on a mortgage loan available to the displaced person on such comparable dwelling by commercial banks in the general area in which the replacement dwelling is located.

(2) *Incidental expenses.* Incidental expenses of closing the transaction are those as described in § 777.7(g).

(3) *Application of payment.* The full amount of the payment made under this Section must be applied to the purchase price of the dwelling and such downpayment and incidental costs shown on the closing statement.

§ 777.10 Relocation assistance advisory services.

(a) *Services.* Whenever the acquisition of real property for a program or project undertaken by the Postal Service will result in displacement of a person, the Contracting Officer shall provide relocation assistance and other advisory service to the displaced persons in order to minimize hardships to such persons, which shall include such measures, facilities, or services as may be necessary or appropriate in order to:

(1) Determine the need, if any, of displaced persons for relocation assistance;

(2) Provide current and continuing information on the availability, prices, and rentals of comparable decent, safe and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

(3) Assure that, within a reasonable period of time prior to displacement, there will be available comparable replacement dwellings, except that assurance may be waived as specified in § 777.5;

(4) Assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(5) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons;

(6) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation;

(7) Assist displaced persons in preparation and submission of claims for benefits;

(8) Prior to initiation of acquisition, provide persons, who are potential displacees, a brochure or pamphlet outlining the benefits to which they may be entitled under the Act and information concerning other assistance which might be furnished them. Such brochures should contain information that any payment received under Title II of the Act will not be considered as income for the purpose of the Internal Revenue Code of 1954, or for the purpose of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

(b) *Cooperation with other Government agencies.* In providing the above services, the Contracting Officer may consult State and local relocation agencies to determine the availability of housing resources and to assure coordination of all relocation activities in the community. When more than one Federal agency is causing displacement in a community or area, the Contracting Officer in cooperation with the heads of other agencies involved, shall take positive action to assure the maximum coordination of relocation activities. To assure simplification and coordination in administering relocation activities, the Contracting Officer, acting in conjunction with other Federal agencies, should consider contracting with a single agency to assume full responsibility for providing relocation services and assistance in a given community or area.

§ 777.11 Appeals.

Persons aggrieved by a determination as to their eligibility for a relocation payment or by the amount of such payment must be advised of their right to have their application reviewed in accordance with section 213(b)(3) of the Act. Any such grievance must be submitted within twelve months of denial of all or part of a relocation claim. When such grievances develop every effort should be made to resolve them at the regional level; however, when the grievance cannot be resolved, it should be referred to Headquarters. In referring appeals of aggrieved applicants to Headquarters, the applicant's case file must be submitted together with a complete report outlining the nature of the grievance. The file and report will be submitted to the attention of Director, Office of Real Estate, who will issue a dispositive decision on the matter. Such decision shall not be subject to further administrative review or appeal.

[FR Doc.74-6312 Filed 3-19-74;8:45 am]

FEDERAL ENERGY OFFICE

[10 CFR Part 212]

PUERTO RICO

Proposed Price Regulations and Public Hearing

Notice is hereby given that the Federal Energy Office will receive written comments and hold a public hearing in San Juan, Puerto Rico with respect to whether certain entities operating in Puerto Rico which are owned or controlled by refiners should be subject to the price regulations applicable to refiners, to the price regulations applicable to resellers, or to some other form of price regulation. By an amendment to the rule with respect to resellers, the Federal Energy Office today has made clear that certain of such entities are subject to the refiner price regulations, and this proceeding is to determine whether that treatment or some other treatment under the Mandatory Petroleum Price Regulations is appropriate.

The background of this proceeding and some of the issues it raises are as follows:

Certain refiners subject to the price regulations of Subpart E own, control, or are otherwise affiliated with entities which operate in Puerto Rico.

Certain of these entities purchase the products they sell in Puerto Rico from Commonwealth Oil and Refining Company (CORCO) and/or from Gulf Oil Company, both of which produce gasoline in Puerto Rico. Certain of these entities also supply crude oil to CORCO, either themselves or through related entities, under various contractual terms.

If the entities which purchase the products they sell in Puerto Rico from CORCO and Gulf were to be treated as resellers, they would be permitted, generally, to pass through directly to their customers the cost of the products they purchase. If such entities were to be treated as refiners, the cost of the products purchased in Puerto Rico would be included as part of the affiliated refiner's overall cost of its products, and would be passed through to all customers of the refiner, throughout the United States, including Puerto Rico.

Because CORCO refines principally Venezuelan crude oil which is exempt from price regulation, its products are being sold at generally higher prices than the prices charged by refiners which use domestic crude oil subject to price regulation. Thus, if the entities of a refiner operating in Puerto Rico are treated separately under the price regulations as "resellers," the prices charged in Puerto Rico would generally reflect the higher prices of exempt crude oil, whereas if they are treated as part of their affiliated "refiners," the prices charged in Puerto Rico would generally reflect the lower average price of all crude oil, both domestic and foreign, of that refiner.

On the one hand, it may be urged that Puerto Rico should not pay prices that reflect directly the higher prices of foreign crude oil. On the other hand, it may be urged that the entities operating in Puerto Rico have historically been treated as separate entities and that not to treat them now as resellers would require them to face financial hardship in Puerto Rico.

Among the relevant facts which the interested parties to this proceeding should address themselves to are the following:

(1) The place in the overall corporate structure of the refiner which is occupied by the Puerto Rican entity of the refiner and by the entity of the refiner, if any, which has supplied crude oil or other products to Puerto Rico.

(2) The arrangements under which the Puerto Rican entity and/or other entities, have historically supplied and/or purchased crude oil and other products in Puerto Rico, the identity and quantities of such products and where they are sold, and the effects of the Mandatory Petroleum Allocation Program on the current operation of such arrangements.

(3) The extent to which profits and/or losses of the Puerto Rican entity of a refiner, and/or of related entities which have supplied or purchased products in Puerto Rico, have gone to the refiner.

(4) The effects of any proposed rule on prices in Puerto Rico, on prices in the United States mainland, on the overall market structure in Puerto Rico, on the entities operating in Puerto Rico, and on the refiners and their related entities.

(5) The historical relationship of prices charged and changes in prices charged by Puerto Rican entities to prices charged and changes in prices charged by the refiner in the United States mainland.

Information concerning the filing of written comments and the time and place of the public hearing in San Juan, Puerto Rico, which is tentatively scheduled for April 4 and 5, 1974, will be published as soon as the necessary arrangements have been made. This notice is being issued today so that all interested parties will have as much advance notice as possible, consistent with the expedited treatment which is planned for this proceeding.

Issued at Washington, D.C., on March 18, 1974.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-6632 Filed 3-19-74;11:32 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-120]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Notice of Meeting

The Government Advisory Committee on International Book and Library Programs will meet in open session in Room 634 in the United States Information Agency, 1717 H Street, NW., Washington, D.C. from 9 a.m. to 4:30 p.m. on April 4, 1974.

The committee will discuss international book exhibits, plans for the November 1974 meeting of the International Federation of Library Associations, forthcoming meetings on satellite communications and report on publishing in Mexico.

Dated: March 11, 1974.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.74-6331 Filed 3-19-74;8:45 am]

[Public Notice CM-121]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Notice of Meeting

The Department of State announces a scheduled meeting of U.S. CCITT Study Group 1 (U.S. Government Regulatory Problems) concerned with preparation for a meeting of a Working Party of CCITT Study Group III of the International Telecommunication Union to be held in Geneva, Switzerland, June 10–14, 1974. The meeting will take place on Tuesday, April 16, 1974 at 10 a.m. in Room 621 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C.

This meeting of Study Group I will address matters related to general tariff principles covering the lease of telecommunication circuits. The agenda will include approval of one or more U.S. Contributions to the aforementioned meeting of the Working Party and the completion of the U.S. response to a questionnaire on CCITT Recommendation D.1 issued by Study Group III.

Members of the general public who desire to attend the meeting on April 16 will be admitted up to the limit of the meeting room.

Dated: March 11, 1974.

RICHARD T. BLACK,
Chairman,
U.S. National Committee.

[Filed Doc.74-6332 Filed 3-19-74;8:45 am]

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Treasury Department Order 229-1]

FISCAL SERVICE

Reorganization

By virtue of the authority vested in me as Secretary of the Treasury, including particularly the authority conferred in Reorganization Plan No. 26 of 1950, as amended (31 U.S.C. 1001, note), it is ordered that:

1. The functions assigned to the Office of the Treasurer of the United States by paragraph 2 of Treasury Order No. 229, dated January 14, 1974, are transferred to the Bureau of Government Financial Operations. The latter bureau shall make periodic reports to the Treasurer of the United States showing currency held in custody, issued, retired, and in circulation.

2. The securities functions that are performed in the Securities Division of the Bureau of Government Financial Operations are transferred to the Bureau of the Public Debt.

3. Any provisions of law and all regulations issued with respect to the functions transferred hereby, which are in effect on the effective date of this Order, shall continue in effect until amended or superseded.

4. As determined by the Assistant Secretary for Administration, the positions, personnel, records, property, funds, and other resources related to the functions transferred hereby are transferred with the functions.

5. This Order is effective as of the first day of the first pay period following the date of this Order.

Dated: March 11, 1974.

[SEAL] GEORGE P. SCHULTZ,
Secretary of the Treasury.

[FR Doc.74-6430 Filed 3-19-74;8:45 am]

Office of the Secretary

PORTABLE ELECTRIC TYPEWRITERS FROM JAPAN

Antidumping Proceeding

On February 14, 1974, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that portable electric typewriters from Japan are being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the U.S. Customs Service is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the constructed value.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

MARCH 18, 1974.

[FR Doc.74-6605 Filed 3-19-74;9:12 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Notice of Meetings

MARCH 14, 1974.

The Air Force Systems Command Science and Technology Advisory Group will hold a closed meeting on March 22, 1974, from 9 a.m. until 5 p.m., at the Air Force Cambridge Research Laboratories, L. G. Hanscom Field, Maine.

The Group will hold classified discussions and receive competition sensitive information on the Air Force Cambridge Research Laboratories Program.

The USAF Scientific Advisory Board Geophysics Panel Task Group on Meteorological Effects on Microwave Propagation will hold a closed meeting on April 10, 1974, from 8:30 a.m. until 4:30 p.m., at the Pentagon, Washington, D.C.

The Committee will receive classified briefings on forecast capabilities and research efforts on meteorological effects on microwave propagation systems.

For further information, please contact the Scientific Advisory Board Secretariat at 202-697-8404.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of the Judge Advocate General.

[FR Doc.74-6333 Filed 3-19-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

HOWARD UNIVERSITY MEDICAL SCHOOL

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00178-99-46500. Applicant: Howard University Medical School, 520 W Street NW., Washington, D.C. 20001. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used in graduate course in ultrastructure to train students in the techniques of electron microscopy including fixation, embedding, sectioning and the use of the electron microscope.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientic value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: Examination of the applicant's thin sections under the electron microscope will provide optimal information when such sections are uniform in thickness and have smoothly cut surfaces. Conditions for obtaining high quality sections depend to a large extent on the properties of the specimen being sectioned (e.g., hardness, consistency, toughness etc.), the properties of the embedding media and the geometry of the block. In connection with a prior case (Docket No. 69-00118-33-46500) which relates to the duty-free entry of a similar foreign article, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69-00665-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70-00077-33-46500) relating to the duty-free entry of a similar foreign article, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." The foreign article has a cutting speed range of 0.5 to 10 millimeters/second (mm/sec.). The most closely comparable domestic instrument is the Model MT-2B ultramicrotome manufactured by Ivan Sorvall, Inc. (Sorvall). The Sorvall Model MT-2B ultramicrotome has a cutting speed range of 0.09 to 3.2 mm/sec. We are advised by HEW in its memorandum of February 8, 1974 that cutting speeds in the excess of 4 mm/sec. are pertinent to the applicant's research studies. We, therefore, find that the Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-6383 Filed 3-19-74;8:45 am]

MEDICAL COLLEGE OF OHIO, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00200-33-46500. Applicant: Medical College of Ohio at Toledo, P.O. Box 6190, 945 S. Detroit Avenue, Toeldo, Ohio 43614. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used to section single light microscopically pre-selected cells or structures of 50 Angstrom units thickness or less for electron microscopy as part of research involving such phenomena as elucidation of melanogenesis of tissue cultures of malignant cells during their cell cycles. The article will also be used to obtain aforementioned thin sections of various tissues in order to demonstrate disease processes on electron microscopic level; which will serve as a very significant visual aid in education of medical students in formal classes as well as in training programs of resident physicians. Application received by Commissioner of Customs: November 5, 1973. Advice submitted by the Department of Health, Education, and Welfare on: February 15, 1974.

Docket Number: 74-00202-33-46500. Applicant: State University of New York, Stony Brook, N.Y. 11790. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section a variety of pathological specimens from many injured tissues and organs. Investigations will be conducted on the overall structure and detailed structure of plasma membranes, internal membranes, myofilaments, basal lamina and nuclei. A number of different experiments in which ultrastructural lesions in plasma membranes will be created and the detailed changes occurring in the damaged membrane and in the remainder of the cell assessed will be performed. Studies of changes in nucleus and cytoplasm after exposure to carcinogens will also be conducted. Application received by Commissioner of Customs: November 7, 1973. Advice submitted by Department of Health, Education, and Welfare on: February 15, 1974.

Docket Number: 74-00203-33-46500. Applicant: University of Kansas Medical Center, Department of Pathology and Oncology, 39th and Rainbow Boulevard, Kansas City, Kansas 66103. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section a variety of tissues used in ultrastructural studies. The tissues include substances of variable density, including lymph node, bone, kidney, embryos and a variety of neoplasms from both humans and experimental animals. The tissues will be sampled to determine pathologenetic mechanisms of diseased tissues. Materials such as filaments, crystals, viruses and immune complexes will be searched for in neoplasms and other organs and tissues. Application received by Commissioner of Customs: November 7, 1973. Advice submitted by Department of Health, Education, and Welfare on: February 15, 1974.

Docket Number: 74-00204-33-46500. Applicant: University of Wisconsin (Madison), Madison, Wisconsin 53706. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to section brain and spinal cord tissue of guinea pigs being fed methyl mercury, the bony noses of tuna fish suffering from "puffy snout" disease, the skin of sharks having an unidentified epidermal ulcer disease and the soft tissue of calves and cattle being fed various mycotoxins. The materials vary in hardness from the tooth-like epidermal structure (denticles) of sharks skin and the bony nasal bones of tuna, to the very soft brain tissue. Application received by Commissioner of Customs: November 2, 1973. Advice sub-

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mitted by Department of Health, Education, and Welfare on: February 15, 1974.

Docket Number: 74–00206–33–46500. Applicant: University of Pennsylvania, Department of Neurology, 3400 Spruce Street, Philadelphia, Pa. 19104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological, mainly mammalian tissues derived from humans that exhibit both normal and pathologic structure. The experiments to be conducted include experiments on the development of muscle in animals and the study of muscular dystrophy, glycogen storage disease and mitochondrial disorders in humans. Application received by Commissioner of Customs: November 6, 1973. Advice submitted by Department of Health, Education, and Welfare on: February 15, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 millimeters/second (mm/sec) to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the Model MT–2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT–2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block. In connection with a prior application (Docket No. 69–00118–33–46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] obvious factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned." In connection with another prior case (Docket No. 69–00665–33–46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (Docket No. 70–00077–33–46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall Model MT–2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or appartus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74–6388 Filed 3–19–74;8:45 am]

MIDLAND MACROMOLECULAR INSTITUTE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73–00522–33–63550. Applicant: Midland Macromolecular Institute, 1910 West St. Andrews Drive, Midland, Mich. 48640. Article: Jasco Recording Spectropolarimeter, Model J–20. Manufacturer: Japan Spectroscopic Company, Japan. Intended use of article: The article is intended to be used for fundamental studies on the conformation and/or configuration of synthetic and naturally occurring (biological) macromolecules in solution. These will be determined from the optical rotatory dispersion (ORD) and circular dichroism (CD) properties of the macromolecules. Studies will be made by subjecting polymer samples to changes in solvent, temperature, and chemical treatment. Related polymer samples with differing chemical or biological histories will be similarly evaluated. Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capabilities to make both optical rotary dispersion (ORD) and circular dichroism (CD) measurements in the same instrument. The National Bureau of Standards (NBS) advised in its memorandum dated February 19, 1974 that the capability described above is pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74–6387 Filed 3–19–74;8:45 am]

TEXAS A & M UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73–00365–01–07500. Applicant: Texas A & M University, College Station, Tex. 77843. Article: Precision Calorimetry System, LKB 8700. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in several research projects which include the following:

(1) Measurements of heat of formation of complexes in aqueous solutions by titration calorimetry.

(2) Measurements of heat and equilibrium constants of ionization of weak organic acids and bases by both titration and batch calorimetry.

(3) Measurements of heats and equilibrium constants of enzyme catalyzed reactions by both titration and batch calorimetry.

(4) Measurement of heats of vaporization of a series of hydrocarbons and their halogen derivatives.

Further studies anticipated include:

(1) Semi-micro scale heats of combustion of organic phosphorous compounds of importance in biochemistry.

(2) Heats of mixing of volatile nonelectrolytes in order to test theories of solutions.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is capable of measuring heats of vaporization and heats of reaction of solutions under pressure. We are advised by the National Bureau of Standards (NBS) in its memorandum dated February 15, 1974 that the characteristics of the article described above are pertinent to the applicant's intended program of thermochemical research. The most closely comparable domestic instrument available at the time the foreign article was ordered was the Model 1000B solution calorimeter manufactured by Tronac, Incorporated (Tronac). At the time of order the Model 1000B did not have the capability for measuring heats of vaporization; nor was an accessory available to provide this capability. Further, the Tronac instrument did not have the capability of measuring heats of solution under pressure. We therefore find that the 1000B was not of equivalent scientific value to the foreign article for the applicant's intended purposes at the time the foreign article was ordered. NBS further advises that it knows of no instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74–6386 Filed 3–19–74;8:45 am]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74–00220–98–41700. Applicant: The University of Chicago, The James Franck Institute, 5640 S. Ellis Avenue, Chicago, Illinois 60637. Article: Electro Photonics Model SUA–10 Mode Locked Oscillator. Manufacturer: Electro-Photonics Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of the reaction kinetics and energy transfer in photoexcited molecules. In particular, the cis-trans isomerization in linear polyene molecules will be studied by observing Raman scattering of light off the photoexcited molecule. The objective of these experiments is a better understanding of the primary visual process by understanding the photochemistry of molecules which model the visual chromophore.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides frequency characterized light pulses of several picoseconds duration. The most closely comparable domestic instrument is a dye laser system manufactured by Candela Corporation (Candela). The shortest pulse provided by the Candela system is on the order of 100 nanoseconds. We are advised by the National Bureau of Standards (NBS) in its memorandum dated February 20, 1974, that the shorter pulse duration capability of the article is pertinent to the applicant's studies involving processes occurring in the picosecond range. We therefore, find that the Candela laser system is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74–6385 Filed 3–19–74;8:45 am]

UNIVERSITY OF MINNESOTA, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Nitrogen 15 Analyzers

The following is a consolidated decision on applications for duty-free entry of Nitrogen 15 Analyzers pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 73–00326–01–01100. Applicant: University of Minnesota, Department of Soil Science, St. Paul, Minn. 55101. Article: Nitrogen-15 analyzer complete with Isocommerz Sample Prep Kit. Manufacturer: Isocommerz, East Germany. Intended use of article: The article is intended to be used to analyze samples for N–15/N–14 ratios in samples where N–15 enriched compounds have been introduced for tracer studies. The relative abundance of N–15 and N–14 will be determined using an emission principle. Application received by Commissioner of Customs: January 9, 1973. Advice submitted by the National Bureau of Standards on: February 19, 1974.

Docket Number: 73–00430–01–01100. Applicant: University of Alaska, Fairbanks, Alaska 99701. Article: Nitrogen 15 Analyzer, Model NIA and accessories. Manufacturer: Japan Spectroscopic Co., Ltd., Japan. Intended use of article: The article is intended to be used to further ongoing studies of the marine and lacustrine nitrogen cycle with particular emphasis placed on cycling of nitrogen in northern production waters such as Prince William Sound, Gulf of Alaska, Bering Sea, Arctic Ocean, and arctic and alpine lakes. 15/N studies in the area of nitrogen pollution and sewage treatment in cold climates will also be initiated. A study of the productivity and nutrient cycling of seagrass has been started. Extensive studies of the fresh water nitrogen cycle in Alaskan environments using 15/N are also to be continued. The article will also be used for educational purposes in a course entitled *"Stable Isotope Tracer Techniques."* Application received by Commissioner of Customs: March 5, 1973. Advice submitted by the National Bureau of Standards on: February 19, 1974.

Docket Number: 73–00468–01–01100. Applicant: University of Minnesota, Department of Chemistry, Minneapolis, Minn. 55455. Article: Nitrogen-15 analyzer. Manufacturer: Isocommerz, East Germany. Intended use of article: The article is intended to be used for the analysis of the amount of nitrogen-15, an isotope of natural nitrogen, which is found in compounds isolated from plants which have been previously fed N–15 labelled compounds. The objective of this research is to learn about the fate of alkaloids such as nicotine, in the tobacco plant. Application received by Commissioner of Customs: April 2, 1973. Advice submitted by the National Bureau of Standards on: February 19, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each foreign article is capable of determining the abundance of ^{15}N (Nitrogen 15) relative to that of ^{14}N. The National Bureau of Standards

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advised in the cited memoranda that the capability described above is pertinent to the purpose for which each of the articles is intended to be used. NBS also advised that it knows of no domestically manufactured instrument which is scientifically equivalent to any of the foreign articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-6382 Filed 3-19-74;8:45 am]

V.A. HOSPITAL, IOWA CITY, IOWA

Notice of Decision on Application for Duty-Freee Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00214-00-46040. Applicant: Veterans Adminstration Hospital, Highway 6, Iowa City, IA 52240. Article: Rotating Specimen Stage for Elmiskop 101, Electron Microscope. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is an accessory to an existing electron microscope to be used to rotate specimen tissue as 360 degrees in the microscope during oral disease projects and pathology projects.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-6384 Filed 3-19-74;8:45 am]

AGENT/DISTRIBUTION SERVICE

Rate Increase

Effective April 1, 1974, the price of the Agent/Distributor Service (ADS) will be increased from $10 to $25. The ADS provides the U.S. business community with up to three names of selected overseas firms which have expressed interest in the proposal to act as representatives (agents) or distributors.

The names of selected prospects are obtained by the U.S. Foreign Service, telegraphed to the Department of Commerce, processed, and submitted to the applicant through the appropriate Regional or District Office of the Department of Commerce. Request forms (DIB-424R) are available from the nearest Department of Commerce Regional or District Office. These offices assist in the preparation of the form and in the selection of export markets.

(Catalog of Federal Domestic Assistance Program No. 11.113, International Commercial Information.)

Dated: March 13, 1974.

MURRAY P. RENNERT,
Acting Deputy Assistant Secretary for International Commerce.

[FR Doc.74-6339 Filed 3-19-74;8:45 am]

Patent Office

PUBLIC ADVISORY COMMITTEE FOR TRADEMARK AFFAIRS

Meeting

The Public Advisory Committee for Trademark Affairs was established by the Secretary of Commerce to advise the Patent Office of the Department of Commerce on steps which can be taken in order to increase the efficiency and effectiveness of the administration of the Trademark Act and to provide a continuing source of knowledge from the private sector to the Government in the field.

The next meeting will be held on March 28th and 29th, 1974, at the Morgan Guarantee Bank, New York City, New York, beginning at 9 a.m. each day in the Board Room.

The following agenda is to be considered:

1. Improved systems for recordation and retrieval of information relating to trademark registrations and improved systems for keeping records and production information.
2. Continuation of the WIPO Working Group on Mechanized Trademark Searching.
3. Examiners' training course.
4. Examiners' field trip program.
5. Quality Review Program.
6. Training of examiners in the International Classification System.
7. Status of the Mail Room and recommendations relating thereto.
8. Subcommittee report on Section 8 requirements re specimens, use, and the notice to registrants.
9. Report on the status of Trademark Operations and implementation of the prior Advisory Committee recommendations relating thereto with particular emphasis on recommendations not implemented relating to organization, processing and search room matters.
10. Review of status and content of the new Trademark Manual of Examining Procedures.

The membership of the Advisory Committee consists of nine members of the Patent Office—Trademark Affairs Committee of the United States Trademark Association.

Meetings of the Advisory Committee are open to the public. Public attendance, depending on available space, may be limited to those persons who have notified the Advisory Committee Management Officer in writing, prior to the meeting, of their intention to attend the March 28-29 meeting.

Any member of the public may file a written statement with the Committee before, during, or after the meeting, and, to the extent that time for the meeting permits, the Committee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Committee Meeting should be addressed to Mr. Rene D. Tegtmeyer, Committee Management Officer for Trademark Affairs, Room 3-11D27, U.S. Patent Office, Washington, D.C. 20231.

Dated: March 5, 1974.

C. MARSHALL DANN,
Commissioner of Patents.

Approved: March 15, 1974.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.74-6379 Filed 3-19-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 4H2967]

OAKITE PRODUCTS, INC.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4H2967) has been filed by Oakite Products, Inc., 50 Valley Road, Berkeley Heights, NJ 07922, proposing that § 121.2547 *Sanitizing solutions* (21 CFR 121.2547) be amended to provide for the safe use of sodium dodecylbenzene sulfonate as a component of sanitizing solutions intended for use on food-processing equipment and utensils and on glass bottles and other glass containers intended for holding milk.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: March 12, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-6337 Filed 3-19-74;8:45 am]

[FAP 3B2895]

WITCO CHEMICAL CORP.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice* of the procedural food additive regulations (21 CFR 121.52), Witco Chemical Corp., Organics Division, 400 North Michigan Ave., Chicago IL 60611, has withdrawn its petition (FAP 3B2895), notice of which was published in the FEDERAL REGISTER of May 30, 1973 (38 FR 14181), proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of calcium isostearate and *n*-decanol as adjuvants or modifiers of aqueous calcium stearate dispersions intended for use as components of coatings for paper and paperboard in contact with food.

Dated: March 12, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-6338 Filed 3-19-74;8:45 am]

National Institutes of Health

ANIMAL RESOURCES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Animal Resources Advisory Committee, Division of Research Resources, May 6-7, 1974, National Institutes of Health, Building 31, Conference Room 2. The meeting will be open to the public on May 6 from 9 a.m. to 10:30 a.m., during which time there will be a brief staff presentation on the current status of the Animal Resources Program. The Committee will select future meeting dates. The meeting will be closed to the public from 10:30 a.m. to 5 p.m. on May 6 and from 9 a.m. to 5 p.m. on May 7 to review, discuss, and evaluate and/or rank grant applications in accordance with provisions set forth in section 552(b)4 of Title 5, U.S. Code, and section 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mr. James Augustine, Health and Science Reports Officer, Division of Research Resources, Building 31, Room 5B39, Bethesda, Maryland 20014, 496-5545, will provide summaries of the meeting and rosters of the Committee members.

Dr. John E. Holman, Executive Secretary of the Committee, Building 31, Room 5B35, Bethesda, Maryland 20014, 496-5507, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.306, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6352 Filed 3-19-74;8:45 am]

ARTIFICIAL KIDNEY-CHRONIC UREMIA ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Artificial Kidney-Chronic Uremia Advisory Committee, National Institute of Arthritis, Metabolism, and Digestive Diseases, April 16-19, 1974, National Institutes of Health, Building 31, Room 9A51. This meeting will be open to the public on April 16 from 9 a.m. to 10 a.m. to discuss administrative reports. Attendance by the public will be limited to space available. The meeting will be closed to the public on April 16 from 10 a.m. until adjournment, and from 9 a.m. until adjournment on April 17, 18, 19, to discuss and review artificial kidney contract proposals in accordance with the provisions set forth in section 552(b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92-463.

Mr. Victor Wartofsky, Information Officer, NIAMDD, NIH, Building 31, Room 9A04, Bethesda, Maryland 20014, (301) 496-3583, will provide summaries of meetings and rosters of committee members.

(Catalog of Federal Domestic Assistance Program No. 13.828, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6354 Filed 3-19-74;8:45 am]

BREAST CANCER EPIDEMIOLOGY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Breast Cancer Epidemiology Committee, National Cancer Institute, April 23, 1974, 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 1 p.m. to 5 p.m., April 23, 1974, to discuss ideas for new projects and Request for Proposals for Fiscal Year 1975, and closed to the public from 9 a.m. to noon, April 23, 1974, to review research contract proposals in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Bernice T. Radovich, Executive Secretary, Landow Building, Room B-404, National Institutes of Health, Bethesda, Maryland 20014 (301-496-6773 will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6355 Filed 3-19-74;8:45 am]

CANCER CONTROL EDUCATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Education Review Committee, National Cancer Institute, April 26, 1974, 8:30 a.m., National Institutes of Health, Building 1, Wilson Hall. This meeting will be open to the public from 8:30 a.m. to 10:30 a.m., April 26, 1974, to discuss minutes of last meeting, announcements, program report and future meeting dates and closed to the public from 10:30 a.m. to 5 p.m., April 26, 1974, to review applications for contracts in the fields of education and training in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301/496-5708) will furnish summaries of the open/closed meeting and a roster of committee members.

Margaret H. Edwards, M.D., Executive Secretary, Blair Building, Room 729, National Institutes of Health, Silver Spring, Maryland 20910 (301/427-8080) will provide substantive program information.

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(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6353 Filed 3-19-74;8:45 am]

CANCER CONTROL TREATMENT AND REHABILITATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Control Treatment and Rehabilitation Review Committee, National Cancer Institute, April 25-26, 1974, 8:30 a.m. to 5 p.m., Holiday Inn, 8777 Georgia Avenue, Silver Spring, Maryland 20910, Silver Room—North. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., April 25, 1974, to discuss the activities of the Cancer Control Treatment and Rehabilitation Branches. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:30 a.m. to 5 p.m. on April 25, 1974, and from 8:30 a.m. to 5 p.m. on April 26, 1974, to review contracts in the field of cancer treatment in accordance with the provisions set forth in section 552 (b)(4) Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Joseph W. Cullen, Executive Secretary, Blair Building, 8300 Colesville Road, Silver Spring, Maryland 20910 (301/427-7477), will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6346 Filed 3-19-74;8:45 am]

CANCER TREATMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Cancer Treatment Advisory Committee, National Cancer Institute, April 29-30, 1974, 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 10. The meeting will be open to the public and is being set up to discuss the National Cancer Program responsibilities of the Division of Cancer Treatment in therapeutic trials involving surgery, radiation, chemotherapy or immunotherapy. Also on the agenda will be discussion of the peer review for Division contracts. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A-16, National Institutes of Health, Bethesda, Maryland 20014 (301-496-5708) will furnish summaries of the open meeting and roster of subcommittee members.

Dr. C. Gorden Zubrod, Executive Secretary, Building 31, Room 3A-52, National Institutes of Health, Bethesda, Maryland 20014 (301-496-4291) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6349 Filed 3-19-74;8:45 am]

CONTRACEPTIVE EVALUATION RESEARCH CONTRACT REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Contraceptive Evaluation Research Contract Review Committee, National Institute of Child Health and Human Development, April 25, 1974, National Institutes of Health, Landow Building, Conference Room A-809. The entire meeting will be open to the public from 9 a.m. to 5 p.m. on April 25, to discuss objectives of the committee and for scientific presentations by staff members and committee members. Attendance by the public will be limited to space available.

Ms. Patricia Newman, Information Officer, National Institute of Child Health and Human Development, Landow Building, Room A-804A, National Institutes of Health, 496-5133, will provide summaries of the meeting and rosters of the committee members.

Dr. Heinz Berendes, Executive Secretary of the Committee, Landow Building, Room A-716, National Institutes of Health, 496-4924, will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.832, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6347 Filed 3-19-74;8:45 am]

DIAGNOSTIC RESEARCH ADVISORY GROUP

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Diagnostic Research Advisory Group, National Cancer Institute, April 4-5, 1974, 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m. to 11 a.m., April 4, 1974, to discuss six new Requests for Proposal concerning screening and detection of cancer. Attendance by the public will be limited to space available. The meeting will be closed to the public from 11 a.m. to close of meeting April 5, 1974, to review contract proposals in the fields of screening and detection of cancer, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92-463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Irvin Plough, Executive Secretary, Building 31, Room 3A04, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1591) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6356 Filed 3-19-74;8:45 am]

DIAGNOSTIC RESEARCH ADVISORY GROUP SUBCOMMITTEE ON BREAST CANCER DEMONSTRATION PROJECTS

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Diagnostic Research Advisory Group's Sub-committee on Breast Cancer Demonstration Projects, National Cancer Institute, April 3, 1974, 9 a.m. to 5 p.m., National Institutes of Health, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland, Room C418. This meeting will be open to the public from 9 a.m., to 5 p.m., April 3, 1974, to discuss and review the possibility of revising protocols and forms associated with National Cancer Institute funded Breast Cancer Demonstration Projects. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the meeting and roster of committee members.

Dr. Irvin Plough, Executive Secretary, Building 31, Room 3A04, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1591) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6344 Filed 3-19-74;8:45 am]

HEART AND LUNG PROGRAM—PROJECT COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-436, notice is hereby given of the meeting of the Heart and Lung Program—Project Committee, National Heart and Lung Institute, May 3-4, 1974, National Institutes of Health, Building 31, Conference Room 9. This meeting will be open to the public on May 3 from 8 a.m. to 9:30 a.m. to discuss administrative details. Attendance by the public will be limited to space available. The meeting will be closed to the public on May 3 from 9:30 a.m. to adjournment on May 4 to review research grant applications in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463.

The information Officer who will furnish summaries of the meeting and rosters of Committee members is Mr. Hugh Jackson, National Heart and Lung Institute, Room C918, Landow Building, phone 496-4236. The Executive Secretary from whom substantive information may be obtained is Dr. Arthur W. Merrick, NHLI, Room 655, Westwood Building, phone 496-7351.

Dated: March 11, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.346, National Institutes of Health.)

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6351 Filed 3-19-74;8:45 am]

PERIODONTAL DISEASES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Periodontal Diseases Advisory Committee, National Institute of Dental Research, May 6 and 7, 1974, National Institutes of Health, Building 31-C, Conference Room 8. This meeting will be open to the public from 9 a.m. to 5 p.m. on May 6 and from 9 a.m. to 12:30 p.m. on May 7, to discuss research progress and research plans in periodontal disease with particular attention to manpower needs for future periodontal disease research. The Committee will also consider the results of a recent workshop to assess research progress on the role of immunological mechanisms in periodontal disease. Attendance by the public will be limited to space available. The Executive Secretary from whom substantive program information may be obtained is: Dr. Anthony A. Rizzo, Scientist-Administrator, Extramural Programs, National Institutes of Dental Research, National Institutes of Health, Westwood Building, Room 521, Bethesda, Maryland 20014.

(Catalog of Federal Domestic Assistance Program No. 13.325 and 13.827 National Institutes of Health.)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6348 Filed 3-19-74;8:45 am]

POPULATION RESEARCH COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Population Research Committee, National Institute of Child Health and Human Development, April 26, 1974, National Institutes of Health, Landow Building, Conference Room C-418. This meeting will be open to the public on April 26 from 9 a.m. to 10:30 a.m. to discuss the program status and projections for Population Research Centers and Program Projects. Attendance by the public will be limited to space available. The meeting will be closed to the public on April 26 from 10:30 a.m. to adjournment on April 26 to discuss and evaluate research grant applications in accordance with the provisions set forth in section 552 (b)4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463.

Mrs. Majorie Neff, Committee Management Officer, NICHD, Landow Building, Room C-603, National Institutes of Health, 496-1756, will provide summaries of meetings and rosters of committee members.

Mrs. Marjorie Neff, Committee Mantary, Room C-729, Landow Building, National Institutes of Health, 496-6515, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.317, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74-6350 Filed 3-19-74;8:45 am]

Office of the Secretary

HEALTH SERVICES ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

This amendment to the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, reflects the implementation of the Reorganization Order effective July 1, 1973 signed by Acting Secretary Frank Carlucci (36 FR 18261, July 9, 1973), with respect to the organization of the Health Services Administration as an operating health agency of the Department. There is hereby established a new Part 3, Health Services Administration, as set forth below.

Sec. 3-A *Mission.* The Health Services Administration (3000) provides a national focus for programs and health services for all people of the United States with emphasis on achieving the integration of service delivery and public and private financing systems to assure their responsiveness to the needs of individuals and families in all levels of society.

To these ends, the Health Services Administration (3000): (1) Administers health service delivery programs supported by project grants, contracts or other arrangements; (2) provides leadership to and supports efforts designed to integrate health service delivery programs with public and private health financing programs; (3) administers formula grant-supported health services programs; (4) assures quality and contain costs of service provided through the public financing programs; (5) provides or arranges for personal health services, including both hospital and out-patient care, to designated beneficiaries; and (6) provides advice and support to the Assistant Secretary for Health in the formulation of health policies.

Sec. 3-B *Organization and functions.* The Health Services Administration (3000) is directed by an Administrator (HSA) who is responsible to the Assistant Secretary for Health. The Administration consists of the following major components, with functions as indicated:

OFFICE OF THE ADMINISTRATOR (3AA0)

Provides leadership and direction to the programs and activities of the Health Services Administration.

Immediate Office of the Administrator (3AA1). (1) Manages and directs the activities of the Health Services Administration; (2) provides leadership for the execution of Administration responsibilities related to the conduct and improvement of health services for the people of all socioeconomic levels in the United States; and (3) provides advice and support to the Assistant Secretary for Health in coordinating health services facilities and in the formulation of national health policy.

Executive Secretariat (3AA105). (1) Serves as the focal point in the control of written communications from and to the Administrator including their receipt, review, action assignment and follow-up to insure timely and appropriate action; (2) establishes standards for and insures the quality of written communications throughout the Administration; (3) maintains for the Administrator a docket of pending requests and a structured device for insuring timeliness of response; (4) plans, develops and maintains a central system of response to public and official requests for program information and guidance; (5) establishes and main-

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tains central files for the Administrator; and (6) establishes and assures implementation of Administration correspondence procedures and policies.

Office of Equal Employment Opportunity (3AA107). (1) Provides leadership and policy and program direction to Equal Employment Opportunity Programs of the Health Services Administration; (2) provides staff advice and support to the Administrator in executing Federal equal employment opportunity policies; (3) plans and develops programs and procedures designed to eliminate discriminatory employment practices; (4) receives and provides for the investigation of complaints of alleged discrimination; and (5) maintains liaison with the Equal Employment Opportunity staff of the Assistant Secretary for Health regarding program administration and the resolution of complaints.

Office of Communications and Public Affairs (3AA3). Under the direction of the Associate Administrator for Communications and Public Affairs, who is a member of the Administrator's immediate staff: (1) Provides leadership and general policy and program direction, conducts and coordinates communications and public affairs activities of the Health Services Administration; (2) provides communications and public affairs expertise, and staff advice and support to the Administrator in program and policy formulation and execution; (3) develops and implements policies related to external media relations and internal employee communications; (4) establishes and implements procedures for development, review, processing, quality control, and dissemination of HSA communications materials; (5) serves as Communications and Public Affairs Officer for the Administrator including the establishment and maintenance of productive relationships with the communications media; (6) provides central communications services to all HSA programs in such areas as graphics and audio-visual; and (7) serves as focal point for coordination of HSA communications activities with those of other health agencies within HEW and with regional, State, local, voluntary and professional organizations.

Office of Public Information (3AA303). (1) Provides information to the news gathering and reporting media on HSA activities; (2) prepares news releases and other news material issued by the Administrator and other key officials of HSA; (3) coordinates and arranges news conferences, briefings, interviews, and appearance of the Administrator and key HSA officials on radio and television and with the print media, and (4) carries out projects on special information programs.

Office of Editorial Operations (3AA305). (1) Develops and coordinates the application of HSA policies, plans, and strategies for dissemination of health information to the public; (2) plans the preparation of, coordinates the gathering of material for, edits, and produces both public and scientific publications with HSA-wide implications; (3) prepares speech material and background information for the Administrator and other key HSA officials; and (4) prepares fact sheets on various elements of the Agency for dissemination internally and externally.

Office of Service Support (3AA307). (1) Develops and implements policies and practices for coordinating, reviewing, and approving publishing plans and activities; (2) reviews and approves distribution plans for health publications produced by the Agency; (3) maintains liaison with key HSA officials to foster informational programs and activities; (4) establishes and provides technical assistance on standards, procedures, and systems governing the management of public affairs operations within HSA; and (5) insures effectiveness of public affairs programs and operations through ongoing evaluation for accuracy and appropriateness.

Office of Audiovisual Communications (3AA309). (1) Develops and implements policies and guidelines on the use of audiovisual materials in fostering HSA programs and projects; (2) provides technical assistance to HSA operating Bureaus on the application of audiovisual techniques and the production of audiovisual materials; and (3) provides complete audiovisual services as required, including the planning and production of audiovisual materials for use by the media and the overseeing of production of audiovisual materials by contractors.

Office of Planning, Evaluation and Legislation (3AA5). Under the direction of the Associate Administrator for Planning, Evaluation and Legislation who is a member of the Administrator's immediate staff: (1) Serves as the Administrator's primary staff unit and principal source of advice on program planning, program evaluation, operational planning, regulation development, and legislative affairs; (2) develops in collaboration with financial management staff the long-range program and financial plan for the Administration; (3) oversees, in coordination with the Office of the Assistant Secretary for Health, communications between HSA and higher levels of government (including the Office of the Secretary, the Office of Management and Budget, and Congress) on all matters that involve long range plans, the regulation development process, evaluations of program performance, or legislative affairs; (4) develops long range goals, objectives, and priorities for HSA; (5) directs all activities within HSA which have the goal of comparing the costs of the agency's programs with their benefits, including the preparation and implementation of comprehensive program evaluation plans; (6) oversees the development of annual operating objectives and coordinates HSA's participation in the operational planning system; (7) directs all the legislative affairs of HSA, including the development of legislative proposals and a legislative program; (8) acts as the focal point in HSA for the preparation, development, and monitoring of program regulations; and (9) conducts policy analyses and develops policy positions in programmatic areas for HSA.

Office of Analysis (3AA503). (1) Participates in the analysis of policy issues in the planning, evaluation, regulation, and legislative areas, using its own staff expertise on each one of HSA's programs; (2) provides technical assistance to support the statistical, economic, operations research, and other scientific analyses of policy questions undertaken in HSA; (3) provides technical assistance to the other components of the Office of Planning, Evaluation, and Legislation; (4) analyzes trends and makes forecasts about national health services delivery systems for use in the program management and decision-making process; and (5) develops appropriate roles for Federal health service delivery programs in achieving solutions to problems of illness and disease.

Office of Evaluation and Operational Planning (3AA505). (1) Serves as the Administrator's primary staff unit and principal source of advice on operational planning and program evaluation; (2) oversees communications between HSA and higher levels of government on all matters that involve operational objectives or evaluations of program performance; (3) maintains liaison with other Federal and non-Federal health agencies on matters within its area of responsibility; (4) directs all activities within HSA which have the goal of comparing the costs of the agency's programs with their benefits; (5) identifies for the Administrator any missing program performance data required for use in the management and direction of HSA programs; (6) prepares and implements comprehensive program evaluation strategies to obtain needed evaluative data; (7) monitors on-going information systems which produce evaluative data about the agency's programs; (8) performs analyses of the impact of agency programs on specific groups within the population including minorities; (9) oversees the development of annual operating objectives and coordinates HSA's participation in the operational planning system; (10) collects and analyzes periodic reports of progress toward the achievement of annual objectives; (11) identifies problem areas in achieving operational objectives and recommends actions to be taken in response to those problems; and (12) provides staff support for the Administrator on matters involving management conferences with higher level officials.

Office of Program Planning (3AA507). (1) Serves as the Administrator's primary staff unit and principal source of advice on program planning; (2) oversees communications between HSA and higher levels of government on all matters that involve program plans; (3) maintains liaison with other Federal and non-Federal health agencies on matters within its areas of responsibility; (4)

develops long range goals, objectives, and priorities for HSA; (5) develops in collaboration with financial management staff the long-range program and financial plan for the Administration; (6) analyzes budgetary data with regard to planning guidelines; (7) prepares policy analysis papers and other planning documents as required in HSA's forward planning process and (8) collaborates with the Office of Management in the development of the current and budget year financial plans.

Office of Legislation (3AA509). (1) Serves as the Administrator's primary staff unit and principal source of advice on legislative affairs; (2) acts as the focal point in the agency for the preparation, development, and monitoring of HSA's regulations; (3) oversees communications between HSA and higher levels of government on all matters that involve legislative affairs and regulation development; (4) oversees the legislative affairs of HSA; (5) develops legislative proposals and a legislative program for HSA's area of responsibility; (6) prepares HSA's analyses, position papers, and reports on proposed legislation; (7) assists in the preparation of testimony and backup materials on HSA legislative program for presentation to Congressional Committees; (8) monitors hearings and Congressional activities affecting HSA; (9) coordinates the preparation of information requested by, and provides technical assistance to, Congressional Committees, Members of Congress, or their staffs in relation to HSA's legislative program and (10) coordinates the distribution of legislative materials and serves as a legislative reference center.

Office of Management (3AA9). Under the direction of the Associate Administrator for Management, who is a member of the Administrator's immediate staff: (1) Provides Administration-wide leadership, program direction, and coordination of all phases of management; (2) provides management expertise, and staff advice and support to the Administrator in program and policy formulation and execution; (3) plans, directs and coordinates the Administration's activities in the areas of management policy, financial management, personnel management, grants and contracts management, procurement, real and personal property accountability and management, systems management, and administrative services; (4) plans and conducts an Equal Employment Opportunity program for the Office of the Administrator; and (5) provides direction to the Executive Officer for the Office of the Administrator.

Office of Contracts and Grants (3AA903). (1) Formulates and issues Administration policies, procedures, standards and instructions for procurement management (including negotiated contracts) and grants management; (2) provides advice and consultation on interpretation and application of regulatory issuances, and Department and PHS policies and procedures affecting procurement (contracting) and grants management; (3) establishes standards and guides for, and evaluates the Administration's grants and procurement management operations; (4) compiles, analyzes and publishes data essential to the administration of contracting and grants activities; (5) executes, administers and terminates negotiated contracts; (6) reviews and recommends action concerning requests for waivers, appeals, deviations, determinations and findings, and protects against awards required to be directed to the Office of the Secretary; (7) coordinates Administration positions and actions with respect to grants audit requirements and results; and (8) exercises surveillance over the exercise of delegated procurement authorities by HSA filed installations.

Office of Financial Management (3AA905). (1) Collaborates in the development of the long range program and financial plan for the Administration; (2) develops policies and instructions for budget preparation and presentation; (3) prepares budget submissions; (4) participates in budget hearings; (5) allocates resources, dollars and positions; (6) manages a system of budgetary fund and position controls; (7) directs planning and implementation of fiscal systems and procedures; (8) provides accounting services for activities of the Office of the Assistant Secretary for Health, Health Services Administration, Health Resources Administration, Alcohol, Drug Abuse, and Mental Health Administration, and Center for Disease Control; (9) prepares financial reports; (10) participates in development of policies and procedures concerning financial aspects of grants and negotiated contracts; (11) furnishes financial advice to contracting officers; and (12) maintains liaison with the Office of the Assistant Secretary for Health, Office of the Secretary, and Office of Management and Budget.

Office of Management Policy (3AA907). (1) Conducts organization and management studies and surveys; (2) initiates or reviews proposals for establishing or modifying organizational structure or function, delegations of authority, and management objectives, policies, and standards; (3) negotiates solutions to intra- and inter-agency problems of organization, functions, delegations, procedures, or coordination; (4) conducts Administration-wide management improvement programs including manpower utilization and productivity measurement; (5) participates in program and legislative planning to assure recognition of management problems; (6) manages the documentation and issuance system of the Administration; (7) provides staff support in the establishment, organization, operation, and termination of HSA public advisory committees; and (8) conducts the records and forms management programs of the Administration.

Office of Personnel (3AA909). (1) Plans, directs, and coordinates personnel management programs to meet the particular needs of the Health Services Administration; (2) provides personnel management advisory services to the Administrator, Associate Administrator for Management, and other key officials throughout the Administration; (3) develops policies, procedures, and standards for personnel matters involving both Commissioned Officers and civil service employees in those areas where special Health Services Administration requirements exist; (4) provides staff guidance and support to headquarters and field components in the areas of manpower planning, employment, employee development, upward mobility, labor relations, employee relations, security, position and pay management and in the self-evaluation of personnel activities; and (5) maintains liaison with the Office of the Assistant Secretary for Health, the Office of the Secretary, the Civil Service Commission, and other agencies concerned with personnel management.

Office of Property Management (3AA911). (1) Plans, directs, and coordinates property management programs (including personal and real property) covering Headquarters and field activities; (2) provides advice on matters relating to the development and execution of property management policies and programs; (3) develops procedures and provides training for property management operations; (4) interprets regulatory issuances and provides guidance and technical assistance in property management areas; (5) evaluates Health Services Administration property management programs, systems and activities (including on-site reviews); (6) administers a Health Services Administration-wide program for safety management; (7) administers the Perry Point Supply Service Center and (8) maintains necessary liaison with other organizations concerned with property management activities.

Office of Systems Management (3AA913). (1) Serves as the focal point in HSA for the development of Agency-wide systems and for ADP policy, planning, and evaluation; (2) Facilitates coordination within the Administration to ensure compatibility between Administration, PHS, and Department ADP activities; (3) Develops HSA information systems; (4) Develops and implements an HSA ADP evaluation program to evaluate ADP resource utilization and to assess the utility of computer application systems; (5) Establishes the Data Base Administration program within HSA; (6) Develops, operates, and manages the Parklawn central computer facility performing a service function for CDC, HRA, HSA, OASH, and ADAMHA, and providing services to other Federal components as requested; (7) Coordinates with officials of these organizations to ensure that operational equipment and systems needs are met and that adjustments are made as changes in Program emphasis occur; (8) Participates in the development of Public Health Service-wide information systems; (9) Evaluates and obtains data management systems and other software to meet user information system requirements; (10) Participates in audits of information systems; (11) Participates in the development and implementation of a PHS National-wide communications network; and (12) De-

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velops and implements a program to evaluate ADP resource utilization within the Parklawn complex.

Executive Office (3AA915). (a) For the Office of the Administrator plans, directs, and coordinates administrative management activities; (b) Provides administrative management services including personnel, financial, materiel management and general administrative services; (c) Develops and implements management policies, procedures, systems and practices; (d) Serves as the focal point for liaison with the Office of the Assistant Secretary for Health on financial, personnel, organization, supply, and other management concerns of OA; and (e) Acts for the Associate Administrator for Management concerning space, parking, and communications management for HSA headquarters and represents him in matters relating to the management of the Parklawn Building.

BUREAU OF COMMUNITY HEALTH SERVICES (3B00)

The Bureau of Community Health Services serves as a national focus for efforts to improve the organization and delivery of health services in the context of the major health care financing programs. To this end, the Bureau (1) facilitates the development of locally-based programs of health services delivery; (2) initiates activities which provide alternate methods of health service delivery and health maintenance; (3) enhances the capacity of existing health service programs for full participation in the major public health financing systems—Medicare and Medicaid; (4) administers programs providing specific services to specific populations including family planning, maternal and child health care, and migrant care; (5) directs programs, including the National Health Service Corps, which assure accessibility to health care in underserved areas; and (6) improves quality and contains costs of services provided in grant-initiated health service delivery programs.

Office of the Director (3B01). (1) Provides leadership and direction for Bureau activities including Equal Employment Opportunity, and control of written communications; (2) provides guidance and coordination to each major categorial program provided for by legislation or appropriation, by acting as a central point of reference for program continuity and information; (3) establishes program policies, goals and objectives; (4) provides program development and support services for Bureau activities; (5) communicates and interprets program policies, guidelines, and priorities to Regional Offices; (6) stimulates, coordinates and evaluates development and progress of the Bureau activities; (7) maintains relationships with HSA, other HEW operating agencies, other Federal agencies, and through the Regional Offices, State and local governments, consumer groups, and national organizations concerned with health affairs.

Program Office for National Health Service Corps (3B04); Program Office for Maternal and Child Health (3B05); Program Office for Family Planning (3B06); Program Office for Migrant Health (3B07); Program Office for Neighborhood Health Centers (3B08); Program Office for Health Maintenance Organizations (3B09).

Under the direction of an Associate Bureau Director who is a member of the Bureau Director's immediate staff: (1) Carries out the Bureau of Community Health Service's nationwide role in efforts to improve the organization and delivery of health services by serving as both the advocate and point of accountability for the specific categorical programs; (2) develops and establishes national policies and objectives for such programs; (3) provides leadership and direction for legislative activities in the program area, including both the development of proposals and plans and the interpretation of enacted legislation and reports; (4) develops long and short-range program goals and objectives; (5) is accountable for the administration of funds and other resources for grants, contracts, and technical assistance, utilizing the full resources of the Bureau in fulfilling the program's mission and responsibilities; (6) tracks BCHS and Regional Office activities in program matters to insure that delegated responsibilities are being carried out, including direct and indirect communications, Regional Office conferences and field visits as warranted; (7) coordinates the development of, and establishes regulations, guidelines, and standards for professional services, and for the effective organization and administration of health programs, and the improvement of health services and staff development specific to the program of concern; (8) interprets policies, regulations, guidelines, standards, and priorities to higher echelons, within PHS, to Regional Offices, grantee agencies, institutions and organizations; (9) provides coordination with other programs providing health services including voluntary official and other community agencies; (10) establishes and provides liaison in program matters with other programs within BCHS and HSA, within PHS, with the Department and with other Federal agencies, consumer groups and national organizations concerned with health matters, and through the Regional Offices, with State and local governments.

Office of Program Support (3B19). (1) Plans, directs, and evaluates the administrative management support activities of the Bureau; (2) provides guidance to the Bureau on financial management activities, including program policy interpretation in budget formulation and execution, preparation of program planning and budgeting data and financial management of grants; (3) participates and advises the Bureau Director in the allocation of the Bureau's personnel and funding resources; (4) interprets and implements agency management policies, procedures and systems and develops additional policies and procedures to satisfy other internal management requirements of the Bureau; (5) interprets policy and provides direction in the conduct of the Bureau's contract and formula and project grant activities; (6) provides program support services to the operating components of the Bureau on matters relating to the professional public and other Federal and non-Federal organizations; (7) provides administrative support services to the programs of the Bureau in the conduct of day-to-day operations; (8) serves as the Bureau Director's principal advisor on all matters relating to Bureau management and administrative support activities; and (9) maintains close liaison with the Associate Administrator for Management, HSA, with other officials of the Office of the Administrator, HSA, and as required and appropriate with officials of the Office of Assistant Secretary for Health and the Office of the Secretary on matters relating to the Bureau management and administrative support activities.

Office of Program Development (3B31). (1) Serves as the Bureau Director's principal staff arm for program planning and coordination, including the development of program alternatives and policy positions; (2) oversees planning and tracking functions in support of policy formulation and program implementation; (3) advises the Bureau Director and his immediate staff on program policy and operational implications arising from activities of the Office; (4) collaborates with the Program Support Office in the development and implementation of the 5-year program and financial plan for the Bureau's program planning and budgeting system; (5) coordinates the development of legislative program with planning; and (6) conducts special inquiries and studies.

Division of Policy Development (3B41). (1) Directs and administers the development of (a) policy, regulations, guidelines, related standards necessary for the operation, management and evaluation of legislated health care programs administered by the Bureau; and (b) criteria, methods and guides for program performance, and for the annual allocation of funding resources; (2) provides related consultation to Regional Office staffs, and through the Regional Offices, to State and local agencies, grantees and other representatives of the health care delivery system.

Division of Clinical Services (3B45). (1) Plans, directs, administers and coordinates the Bureau's Clinical Services and related professional health care activities at both the national and international level through programs of grants, contracts and direct staff consultation, guidance and technical assistance support; (2) establishes program objectives, standards and policies for guidance, through the Regional Offices, of state, local and other concerned organizations; (3) administers programs for: (a) research and development, (b) applied research in maternal and child health, crippled children and family planning

services; (c) staff training and development for regional, state and local agencies and grantees, and (d) areas of special concern such as mental retardation, lead poisoning, metabolic disorders, etc.; (4) collaborates in the development and dissemination of materials on research findings, trends and developments and other appropriate informational and educational matters.

Division of Health Services Financing (3B51). (1) Directs and administers the development of (a) policy, standards, and strategies in the organization and administration of financial and related business management aspects of health care programs administered by the Bureau, (b) mechanisms for determining the need, the present status, and the potential capability for maximizing third party reimbursement, (c) new or improved technologies, and practices for management of financial systems, and (d) measures and indicators of the effectiveness of these systems; (2) provides related technical advice and consultation to Regional Office staffs, and through Regional Offices to State and local agencies, grantees and other representatives of the health care delivery system; (3) collaborates with other Bureau organizations to facilitate the use and dissemination of research findings and to inform the public about the health delivery needs, trends, and developments of special population groups served by the Bureau.

Division of Organization Development (3B55). (1) Directs and administers a program to improve the organization and structure of health care delivery systems based on analyses of deficiencies in existing systems so as to reduce costs and increase quality and efficiency; (2) participates in the development and assessment of measures and indicators of program effectiveness; (3) provides related consultation to Associate Bureau Directors, PHS Regional Office staffs, State and local agencies, grantees and other representatives of the health care delivery system.

Division of Monitoring and Analysis (3B59). (1) Plans, directs, and administers: (a) the development, management, and application of evaluative tools and indicators to measure State, local and other grantee performance, (b) the monitoring, through Regional Offices, of the performance of Bureau health care projects, including PHS Regional Office management of these projects, as it relates to the efficiency and quality of services provided, and (c) the conducting of analyses and studies designed to supplement knowledge of existing patterns and trends in health care delivery systems in order to identify gaps in services and develop cost and quality comparisons and relative benefits of delivery mechanisms; and (2) provides and coordinates consultative services to PHS Regional Offices, and through the Regional Offices, to State and local agencies, and others responsible for the health care delivery system.

BUREAU OF QUALITY ASSURANCE (3H00)

Provides national leadership and direction to efforts to assure that health care services provided under the Medicare, Medicaid, and other Federal programs are medically necessary and furnished in the most economical manner consistent with recognized professional standards of care, and serves as the national focus for assuring accountability to health care consumers for the quality of health care services. To this end, the Bureau: (1) In coordination with the Social Security Administration (SSA) the Social and Rehabilitation Service (SRS), and components of the Public Health Service (PHS): (a) Develops quality assurance standards and appropriate health policies, coordinates their implementation among the health programs for which the Federal government has responsibility, and evaluates their impact on the utilization, quality, and cost of health care services; (b) develops conditions and standards of participation for providers and suppliers of health services under the Medicare and Medicaid programs, including health and safety standards, and coordinates their application, monitoring, and appraisal; (c) develops, interprets, and implements policies for professional standards review and related peer review and utilization review programs under Medicare and Medicaid including responsibility for entering into agreements with Professional Standards Review Organizations (PSROs) and Professional Standards Review (PSR) State Councils; (d) develops, interprets, and evaluates health care and health-related policies with respect to the implementation of the End-Stage Renal Disease provision of the Social Security Act, and coordinates with Medicare the implementation and monitoring of these policies; (e) develops and implements principles of reimbursement for PSROs, PSR State Councils, and develops policies with respect to the operational aspects of peer and utilization review programs including their monitoring, and evaluation; (2) identifies issues for Office of the General Counsel (OGC) analysis on such legal and technical aspects as peer review, utilization review and health standards policies; (3) determines information and data reporting, collection, and systems requirements for PSRO, and coordinates their implementation with SSA, SRS, and the Health Resources Administration (HRA); (4) in cooperation with SSA and HRA, determines information requirements and develops systems to implement such requirements to assure the quality of services provided under the End-Stage Renal Disease Program: (5) coordinates activities of other agenices involved in the monitoring and appraisal of peer review and health-related Federal programs to determine the impact on quality, utilization, access, and cost of care; (6) in collaboration with HRA undertakes demonstration and research projects to develop improved methods and techniques for conducting peer review and assuring quality of care; (7) conducts ongoing programs of informational and technical advice and assistance to peer review organizations and the medical community generally; (2) provides programmatic and technical direction to the PHS Regional Office staffs responsible for peer review and health standards programs; and (9) provides analytic and technical support to the National Professional Standards Review Council.

Office of the Director (3H01). (1) Provides leadership and general direction to Bureau activities including Equal Employment Opportunity and the control of written communication, and provides guidance and coordination to each major Bureau component by acting as a central point of reference for program continuity and information; (2) establishes Bureau policies, goals, and objectives; (3) communicates and interprets program policies, guidelines, and priorities to PHS Regional Offices; (4) coordinates and evaluates development and progress of the Bureau activities; and (5) maintains relationships with other HEW operating agencies, other Federal agencies, State and local governments, consumer groups, and national organizations concerned with health affairs.

Office of Program Support (3H19). (1) Plans, directs, and evaluates the administrative management support activities of the Bureau; (2) Provides guidance to the Bureau on financial management activities, including program policy interpretation in budget formulation and execution, preparation of program planning and budgeting data and financial management of agreements; (3) participates and advises the Bureau Director in the allocation of the Bureau's personnel and funding resources; (4) interprets and implements agency management policies, procedures and systems and develops additional policies and procedures to satisfy other internal management requirements of the Bureau; (5) interprets policy and provides direction in the conduct of the Bureau's contract and agreement activities; (6) provides program support services to the operating components of the Bureau on matters relating to the professional public and other Federal and non-Federal organizations; (7) provides administrative support services to the programs of the Bureau in the conduct of day-to-day operations; (8) serves as the Bureau Director's principal advisor on all matters relating to Bureau management and administrative support activities; and (9) maintains close liaison with the Associate Administrator for Management, HSA, with other officials of the Office of the Administrator, HSA, and as required and appropriate with officials of the Office of Assistant Secretary for Health and the Office of the Secretary on matters relating to the Bureau management and administrative support activities.

Office of Program Development (3H31). (1) Serves as the Bureau Director's principal staff arm for program planning and coordination, including the development of program alternatives and policy positions; (2) oversees planning and tracking functions in support of policy formulation and program implementation; (3) advises the Bureau Director and his immediate staff on program policy and operational implications arising from activities of the Bureau; (4) collaborates with the Office of Program Support and operating Divisions in the

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development and implementation of the 5-year program and financial plan for the Bureau's program planning and budgeting system; (5) coordinates the development of information relating to the legislative needs of the Bureau; and (6) conducts special inquiries and studies.

Division of Provider Standards and Certification (3H41). (1) In coordination with SSA, SRS, and components of PHS, develops, evaluates, and implements health and safety standards and other medical care policies for providers and suppliers of health services under Medicare, Medicaid, and other Federal reimbursement and support programs; (2) in participation with SSA, SRS, and other components of HEW, administers, monitors and evaluates the HEW health provider and supplier certification programs; (3) participates with SSA and SRS in the conduct of training, informational, and other activities for improving the provider and supplier certification program; (4) provides consultation on provider and supplier standards and their implementation to other Federal agencies, Regional Offices, State health departments, and other State and local agencies; (5) in cooperation with SSA, plans, develops, and implements the medical and other health-related policies for the End-Stage Rental Disease Program; and (6) participates as the Bureau focal point in policy operations and procedural matters relative to long-term care activities.

Division of Peer Review (3H43). In coordination with SRS and SSA: (1) Plans, directs, and develops peer review and quality assurance policies, including utilization review, medical review, and independent professional review; (2) develops policies and procedures for the application of norms and professional standards of care; and (3) defines and develops policies and procedures related to the application and implementation of peer review programs.

Division of PSRO Program Operations (3H45). (1) Coordinates with SSA and SRS the implementation and ongoing operational activities of Federal programs, including Medicare and Medicaid, with respect to peer and utilization programs, and other quality assurance policies; (2) develops, implements, and applies with SSA and SRS on an ongoing basis policies relating to fiscal management of peer review program, including the principles of reimbursement for PSROs and PSR State Councils, the budgeting, accounting, reports management, statistical reporting, and auditing requirements applicable to such peer review organizations and PSR State Councils; (3) directs the administration in coordination with SSA–SRS, and evaluation of peer review and quality assurance program management policies including the application of policies and guidelines relating to the organization, membership, and management of PSROs and State Councils, the negotiation of PSRO agreements in collaboration with PHS Regional staff, and the coordination with the Office of Regional Operations, Office of the Assistant Secretary for Health, the Regional operations and relationships among SSA–SRS–PHS Regional staffs; (4) provides advice and assistance to PHS Regional offices, PSROs, and State Councils with respect to fiscal and program management activities; and (5) prepares issues for OGC analyses relating to legal aspects of peer review and quality assurance and coordinates with SSA–SRS–OGC the development of appropriate policies with respect to legal aspects of peer review and quality assurance programs.

Division of Program Appraisal and Data Planning (3H47). (1) Develops, in collaboration with SSA–SRS–HRA, peer review data systems policies, procedures, and requirements, including specifications of peer review data systems required for effective implementation of the PSRO provisions of the Social Security Act; (2) in coordination with other appropriate components of DHEW, develops policies for the evaluation and evaluates the impact of peer review activities on the utilization, quality and cost of health services; (3) coordinates the development, monitoring, and evaluation of peer review demonstration projects, experimental projects and special research projects designed to elicit information or data relevant to the formulation and implementation of policies on peer review, health standards, and the End-Stage Renal Disease Program; (4) in collaboration with SSA, and other Bureau components, assists in evaluating the impact of End-State Renal Disease Program; and (5) designs and implements statistical and other reporting systems necessary to carry out effectively health program monitoring and evaluation activities.

INDIAN HEALTH SERVICE (3S00)

The Indian Health Service (IHS) assures a comprehensive health services delivery system for American Indians and Alaska Natives with sufficient options to provide for maximum tribal involvement in meeting their health needs. The goal for the Indian Health Service is to raise the health level of the Indian and Alaska Native people to the highest possible level.

To carry out its mission and to attain its goal, the Indian Health Service: (1) Assists Indian tribes in developing their capacity to man and manage their health programs through activities including health and management training, technical-assistance, and human resource development; (2) facilitates and assists Indian tribes in coordinating health planning, in obtaining and utilizing health resources available through Federal, State, and local programs, in operation of comprehensive health programs, and in health program evaluation; (3) provides comprehensive health care services, including hospital and ambulatory medical care, preventive and rehabilitative services, and development of community sanitation facilities; (4) serves as the principal Federal advocate for Indians in the health field to assure comprehensive health services for American Indians and Alaska Natives.

Office of the Director (3S01). Provides overall direction and leadership for the Indian Health Service by: (1) Establishing goals, objectives, policies and priorities in pursuit of the IHS mission; (2) delivering high quality, comprehensive health services; (3) coordinating the Indian Health Service activities and resources internally and externally with those of other governmental and nongovernmental programs, promoting optimum utilization of all available health resources; (4) developing and demonstrating alternative methods and techniques of health services management and delivery providing Indian tribes and other Indian community groups with optional ways of participating in the Indian health program; and (5) developing individual and tribal capacities to participate in the operation commensurate with means and modalities which they deem appropriate to their needs and circumstances.

Office of Tribal Affairs (3S11). The Office: (1) Advises on the tribal affairs implications of Service policies, plans, and programs and operations; (2) coordinates the development of optimal, supportive relationships with tribal governments, intertribal governing bodies, national Indian interest groups, and other individuals and groups interested and active in Indian affairs; (3) participates in the Service-wide executive policy formulation and execution.

Office of Program Support (3S19). The Office: (1) Provides management support services for the Indian Health Service; (2) maintains official policy manuals; (3) advises on the management services implications of the Service policies, plans, programs and operations.

Office of Research and Development (3S20). The Office: (1) Develops and demonstrates new methods and techniques for Indian community participation in and management of their health program; (2) provides consultation and technical assistance to all operating and management levels of the Indian Health Service and Indian tribes in the evaluation, design and implication of health management systems and health delivery systems; (3) coordinates health research and development activities within the Service directed to the improvement of the health of the Indian people.

Division of Program Formulation (3S32). (1) Coordinates formulation of Service-wide executive policy and participates in its execution; (2) coordinates the development of program strategies and innovative directions for the Service, and advises on the strategic implications of program and management policies, plans and operations; (3) assists in the formulation, and evaluation of legislation and regulations; (4) provides Service-wide leadership in the development of long-range plans and planning strategies, and the evaluation of health needs and operations in relation to Service strategies, policies and long-range plans.

Division of Program Operations (3S34). (1) Participates in Service-wide executive policy formulation and execution; (2) advises on the operational implications of the Service's plans, programs and operations; (3) provides Service-wide leadership in program operations and internal coordination in relation to Service goals, objectives, policies and priorities; (4) provides direction and coordination for day-to-day operations of Area Offices.

Division of Indian Community Development (3S42). (1) Participates in Service-wide executive policy formulation, and execution; (2) identified the needs for and characteristics of optional methods and techniques for Indian program participation; (3) implements new methods and techniques for Indian community participation in and management of their health programs; (4) coordinates provision of technical assistance, training and consultation to tribes and other Indian communities desiring to implement local control options; (5) advises on the Indian community development implications of the Service's plans, programs and operations; (6) provides direction and coordination for day-to-day operations of special programs.

Division of Resource Coordination (3S44). (1) Participates in the Service-wide executive policy formulation and execution; (2) provides leadership in coordinating development of optimal liaison with governmental agencies and organizations within the Department of Health, Education, and Welfare and without, which have authorities, programs and resources applicable, or potentially applicable to Indian health needs; (3) advises on the resource coordination implications of Service policies, plans, programs and operations; (4) coordinates development of the Service budget; (5) coordinates the development and implementation of health services standards, quality control, evaluation of health programs, and operational planning activities.

BUREAU OF MEDICAL SERVICES (3U00)

The Bureau of Medical Services provides direct health care services and support for such services to certain legal beneficiaries of the Public Health Service, including meeting the occupational health needs of Federal employees, and provides national leadership to assist and encourage the development of comprehensive area emergency medical services systems. To this end the Bureau provides: (1) Comprehensive direct health care for designated Federal beneficiaries and selected community groups; (2) Occupational health care and safety services for Federal employees; (3) Training for health services personnel; (4) The conduct of intramural clinical and health services research; (5) National leadership for assistance and guidance in the development, improvement, expansion, and integration of comprehensive area emergency medical services systems.

Office of the Director (3U01). (1) Provides leadership and general direction to Bureau activities, including Equal Employment Opportunity and the control of written communication, and provides guidance and coordination to each major Bureau component by acting as a central point of reference for program continuity and information; (2) Establishes Bureau policies, goals, and objectives; (3) Communicates and interprets program policies, guidelines, and priorities to the PHS Regional Offices; (4) Coordinates and evaluates development and progress of the Bureau activities; and (5) Develops and directs a comprehensive medical program for prisoners in Federal prisons and correctional institutions; and development and progress of the Bureau activities; and (6) Maintains relationships with other HEW operating agencies, other Federal agencies, State and local governments, consumer groups, and national organizations concerned with health affairs.

Office of Program Development (3U14) Provides staff support to the Bureau Director for: (1) Program planning and evaluation, including development of improved methodologies for planning and evaluation; (2) consultation and guidance in policy development for the Bureau; and (3) leadership, guidance, and coordination for Bureau professional and technical health manpower development responsibilities.

Office of Program Support (3U19) Plans, directs, and coordinates the Bureau's management activities, including: (1) The development, coordination, and evaluation of administrative program, policies and procedures; (2) the conduct and coordination of the Bureau's financial management, materiel management, and data management programs; (3) participation in administrative staff recruitment, training and assignment; (4) provision of consultative services to and continuing liaison with other programs of the Public Health Service; (5) provision of architectural and engineering services in collaboration with the PHS Office of Resource Management; and (6) the formulation, implementation, coordination, and evaluation of legislation, regulations, policies, instructions, and procedures as they affect the Bureau.

Division of Federal Employee Health (3U45). (1) Provides on, and stimulates the development of, and improved occupational health and safety programs throughout the Government; (2) elevates upon request Federal agency occupational health services in relation to standards; (3) administers employee occupational health programs for other Federal agencies on a reimbursable basis; (4) conducts research studies, training and demonstration projects; (5) develops occupational medical standards and methods for Federal employee occupational health programs; and (6) promotes activities designed to protect the working health and safety of Federal employees in order to maximize their productivity.

Division of Hospitals and Clinics (3U55). (1) Directs and coordinates the provision of direct health and medical services to certain legal authorized beneficiaries in PHS hospitals and outpatient clinics, including care by contract physicians and hospitals; (2) coordinates, with other elements of the Bureau, the requirements and resources necessary for effective beneficiary services; (3) provides for training and manpower development, the coordination of research activities, and special health programs and projects of the Bureau; and (4) develops and directs a comprehensive medical services program for Federal employees who sustain an injury or illness as a result of their employment and provides technical advice in the adjudication of compensation claims.

Division of Emergency Medical Services (3U61). Provides national leadership for assistance, guidance, and encouragement in the development, improvement, expansion, and integration of comprehensive area emergency medical services systems to meet the needs of States and local communities and other eligible entities pursuant to the Emergency Medical Services Systems Act of 1973 (Pub. L. 93–154). To this end: (1) Serves as the focal point within the Department for the development of objectives, plans, and policies for all aspects of an emergency medical services systems program; (2) promulgates national standards and guidelines for emergency medical services systems; (3) coordinates emergency medical services systems activities within the Department and with Federal and other agencies, consumer groups, and professional organizations; (4) provides staff and support for the Interagency Committee on Emergency Medical Services; (5) collects, analyzes, catalogues and disseminates all data useful in the development and operation of emergency medical services systems; (6) provides budget authority and technical cooperation to the Health Resources Administration for implementation of emergency medical services systems research and training; (7) through the PHS Regional Offices, provides grants and contracts to States, communities, and other eligible entities in the planning, development, initial operation, and improvement and expansion of their emergency medical services systems and subsystems; (8) through the PHS Regional Offices and the Headquarters office, provides technical assistance and consultation to States, communities, and organizations in the development of emergency medical services systems and subsystems.

Division of Coast Guard Medical Services (3U71). (1) Develops and directs a comprehensive medical program for military personnel of the Coast Guard; and (2) provides medical and dental care to Coast Guard military personnel and eligible dependents through hospitals, clinics, infirmaries, sick bays, motorized dental units, and contract resources located throughout the United States and foreign countries and aboard Coast Guard vessels.

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Sec. 3–C *Order of succession.* During the absence or disability of the Administrator or in the even of a vacancy in that office the first official listed below who is available shall act as Administrator, except that during a planned period of absence the Administrator may specify a different order of succession.

(1) Deputy Administrator; (2) Associate Administrator; (3) Director of Indian Health Service; (4) Director of Federal Health Programs Service; (5) Director of the Bureau of Community Health Services; and (6) Director of the Bureau of Quality Assurance.

Sec. 3–D *Delegations of authorities.* (1) The Administrator shall continue to exercise all authorities given to him under the Reorganization Order, effective July 1, 1973 (38 FR 18261, July 9, 1973), and under the Redelegation by the Assistant Secretary for Health, effective July 1, 1973 (38 FR 18260, July 9, 1973). All delegations or redelegations to any other officer or employee of the Health Services Administration which were in effect immediately prior to July 1, 1973, continue in effect in them or their successors, pending issuances of redelegations.

Dated: March 12, 1974.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74–6373 Filed 3–19–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE; AD HOC TASK FORCE ON ADJUDICATION

Notice of Public Meeting

On March 29–30, 1974, the National Highway Safety Advisory Committee's Ad Hoc Task Force on Adjudication will hold an open meeting at the Rodeway Inn, 29th and Chinden Boulevard, Boise, Idaho.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

The Ad Hoc Task Force on Adjudication will meet on March 29 from 9 a.m. to 5 p.m. and on March 30 from 9 a.m. to 12 noon at the Rodeway Inn in the Bannock Room with the following agenda:

Traffic Offense Adjudication and Rehabilitation Alternatives for Problem Drivers
New Business

The above meetings will be held, subject to approval by the Secretary of Transportation.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92–463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: March 15, 1974.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.74–6452 Filed 3–19–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. STN 50–437]

OFFSHORE POWER SYSTEMS

Notice of Exception

Section 105c(7) of the Atomic Energy Act of 1954, as amended (the Act), provides that the Atomic Energy Commission may, with the approval of the Attorney General, except from any of the requirements of section 105c of the Act such classes or types of licenses as the Commission may determine would not significantly affect the applicant's activities under the antitrust laws as specified in subsection 105a.

An application for a manufacturing license has been submitted to the Commission by Offshore Power Systems (the applicant) a joint venture between Westinghouse Electric Corp. and Tenneco Power Systems, Inc. In the application Offshore Power Systems requests authority to manufacture eight utilization facilities to be sold to one or more utilities for operation in a marine environment.

Subsequent to the filing of the application the applicant requested, pursuant to 28 CFR Part 50, that the Department of Justice perform a business review to determine the Antitrust Division's enforcement intentions with respect to the joint venture. The Department of Justice has completed its business review process, and, on the basis thereof, rendered favorable advice to the applicant in a letter dated October 5, 1973. A copy of the Department's letter is on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

On the basis of favorable antitrust review by the Department of Justice, the Commission has determined that the class or type of license reflected in the application submitted by Offshore Power Systems would not significantly affect the applicant's activities under the antitrust laws as specified in section 105a of the Act and, accordingly, has, with the approval of the Attorney General, excepted such class or type from the requirements of section 105c of the Act.

This determination applies only to the above-described class or type of manufacturing license as reviewed by the Department of Justice. The provisions of section 105c of the Act remain fully applicable in regard to applications for the construction and operation of facilities manufactured pursuant to such manufacturing licenses.

(Sec. 105c(7), 84 Stat. 1473 (42 USC 2135(c)(7))

Dated at Germantown, Maryland, this 14th day of March, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74–6325 Filed 3–19–74;8:45 am]

[Docket No. 50–201]

NUCLEAR FUEL SERVICES, INC. AND NEW YORK STATE ATOMIC AND SPACE DEVELOPMENT AUTHORITY

License No. CSF–1; Applications for Amendments; Conversion to Full-Term Operating License; Time for Submission of Views on Antitrust Matter

Nuclear Fuel Services, Inc., and New York State Atomic and Space Development Authority (the applicants), have filed applications for amendments to License No. CSF–1, including any construction permit required for authorization to perform certain modifications to the West Valley Fuel Reprocessing Plant and authorization to operate the modified Facility for a term of 40 years. Pursuant to the Commission's order of November 13, 1973, published in the FEDERAL REGISTER on November 20, 1973 (38 FR 31985), the applications will be processed in accordance with the requirements of section 103 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations pertaining to applications for a license pursuant to section 103 of the Act.

An application was tendered by Nuclear Fuel Services, Inc., on October 3, 1973. Following a preliminary review for completeness, it was amended and resubmitted on December 13, 1973. The application for the New York State Atomic and Space Development Authority was submitted on December 13, 1973. The applications were docketed on December 17, 1973.

The West Valley Fuel Reprocessing Plant is located in the Western New York Nuclear Service Center in the town of Ashford, near Riceville, Cattaraugus County, New York, about thirty miles south of Buffalo. After modification, the reprocessing facility will have an operating capacity of approximately 750 metric tons of uranium per year.

A Note of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the applications presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attn: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, Regulation, on or before May 20, 1974.

The request should be filed in connection with Docket No. 50–201A.

Copies of the applications are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Memorial Library of Little Valley, Main Street, Little Valley, New York.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969, and the regulations of the Commission in Appendix D to 10 CFR part 50, an environmental report dated December 13, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed modifications and subsequent operation of the modified West Valley Fuel Reprocessing Plant is also being made available at the State Clearinghouse, New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and at the Southern Tier West Regional Planning Board, 303 Court Street, Little Valley, New York 14755.

After the report has been analyzed by the Commission's Director of Regulations or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission, will among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 5th day of March 1974.

For the Atomic Energy Commission.

LELAND C. ROUSE,
Chief, Fuel Fabrication and Reprocessing Branch, Directorate of Licensing.

[FR Doc.74–6324 Filed 3–19–74;8:45 am]

[Docket Nos. STN 50–477, STN 50–478]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Receipt of Application for Site Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

Public Service Electric and Gas Company (the applicant), on behalf of itself and Atlantic City Electric Company and Jersey Central Power & Light Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on March 1, 1974, for authorization to construct all necessary site related structures and to install two floating nuclear power plants, each of which incorporates a pressurized water reactor. An application filed by Offshore Power Systems for a license to manufacture these and other floating nuclear plants is currently under review. The floating nuclear plants will be manufactured in Jacksonville, Florida, and towed to selected sites. The Public Service Electric and Gas Company application was tendered on December 19, 1973. Following a preliminary review for completeness, the application was found acceptable for docketing on February 11, 1974.

The application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants, wherein applications may be filed utilizing reactors manufactured at a location different from where they will eventually be located. Docket Nos. STN 50–477 and STN 50–478 have been assigned to the application and should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Atlantic Generating Station, Units 1 and 2, are to be moored behind a protective breakwater in the Atlantic Ocean approximately 2.8 statute miles off the southeastern coast of New Jersey. Each unit is to be designed for initial operation at 3411 megawatts thermal and a net electrical output of approximately 1150 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before May 20, 1974. The request should be filed in connection with Docket Nos. STN 50–477A and STN 50–478A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Stockton State College Library, Pomona, New Jersey 08240.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated March 1, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Division of State and Regional Planning, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey, 08625.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 7th day of March 1974.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Light Water Reactors Group 13, Directorate of Licensing.

[FR Doc.74–6323 Filed 3–19–74;8:45 am]

[Docket No. 50–201]

NUCLEAR FUEL SERVICES, INC., AND NEW YORK STATE ATOMIC AND SPACE DEVELOPMENT AUTHORITY

Applications for Construction Permit; Consideration of Conversion of License; Hearings

Pursuant to the Atomic Energy Act of 1954 as amended (the Act), and the regulations in Title 10 (CFR Part 50 Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board), to consider the applications filed under the Act by Nuclear Fuel Services, Inc., and the New York State Atomic and Space Development Authority (the applicants), for a construction permit to perform certain modifications of the subject nuclear fuel reprocessing facility.

The facility is located in the Western New York Nuclear Service Center in the town of Ashford, near Riceville, Cattaraugus County, New York, about thirty miles from Buffalo. The facility is currently authorized under Provisional Operating License No. CSF–1 to operate at a capacity of about 300 metric tons of uranium per year. The modifications which would be authorized by the construction permit would increase the operating capacity to approximately 750 metric tons of uranium per year. The hearing which will be scheduled to begin in the vicinity of the site of the facility, will be conducted by a Board (Board designated by the Chairman of the Atomic Safety and Licensing Board Panel), consisting of Dr. Hugh C. Paxton, Dr. William E. Martin, and Thomas W. Reilly, Esq., Chairman.

Pursuant to 10 CFR § 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commis-

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sion. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's Regulatory staff of a favorable safety evaluation of the applications and an environmental review, and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of a construction permit to the applicants:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR § 50.35(a): (a) The applicants have described the proposed modifications of the facility including, but not limited to, the principal architectural and engineering criteria for the design, and have identified the major features or components incorporated in the modified facility for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in amendments to the safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicants and the applicants have identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the applications for completion of modifications to the facility, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed modifications can be made and the modified facility can be operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicants are technically qualified to design and construct the proposed modifications to the facility;

3. Whether the applicants are financially qualified to design and construct the proposed modifications to the facility; and

4. Whether the issuance of a permit for construction of the modifications to the facility will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permit should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR § 2.4(n), the Board will determine: (1) Without conducting a de novo evaluation of the construction permit applications, whether the applications and the record of the proceeding contain sufficient information, the review of the applications by the Commission's regulatory staff has been adequate to support the proposed findings to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permit proposed by the Director of Regulation; and (2) whether the review conducted by the Commission pursuant to NEPA has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether a construction permit should be issued to the applicants.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50: (1) Determine whether the requirements of section 102 (2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether a construction permit should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing, and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement for the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, and others in the manner specified below not later than April 19, 1974.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all rights of the applicant's to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary on or before April 19, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a) (1)–(4) and 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicants by April 9, 1974.

CONSIDERATION OF CONVERSION OF PROVISIONAL OPERATING LICENSE TO FULL-TERM OPERATING LICENSE

The Atomic Energy Commission (the Commission) will also consider the issuance of a full-term operating license to the applicants which would authorize the applicants to possess, use and operate the modified facility for a term of forty (40) years, upon the receipt of a

report on the applications from the Advisory Committee on Reactor Safeguards (ACRS), the submission of a favorable safety evaluation of the applications by the Commission's Director of Licensing, the completion of the environmental review required by the Commission's Regulations in 10 CFR Part 50, Appendix D, and the finding by the Commission that the applications for the full-term facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's Regulation in 10 CFR Chapter I.

Prior to issuance of the foregoing amended operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the applications, as amended, and the provisions of the above-noted construction permit. In addition, the full-term license will not be issued until the Commission has made the Findings, reflecting its review of the applications under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public.

On or before April 19, 1974, the applicants may file a request for a hearing, and any person whose interests may be affected by this proceeding may file a petition for leave to intervene with respect to the proposed issuance of a full-term facility operating license. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of 10 CFR 2.714 as described in more detail above and must be filed with the Secretary of the Commission and others as specified below.

A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a) (1)–(4) and 2.714(d).

If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this Notice, the Board designated for the Construction Permit hearing will rule on the request and/or petition, and will issue a Notice of hearing or an appropriate Order.

In view of the joint application for a Construction Permit and full-term operating license for the modified facility, this joint notice is being issued at this time. Persons desiring to participate under 10 CFR 2.714 or 2.715 in both the Construction Permit proceeding and Operating License proceeding, if any, must clearly so indicate in any request for a hearing and/or petition for leave to intervene.

GENERAL MATTERS

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Newman, Reis and Axelrad, 1025 Connecticut Avenue, Washington, D.C. 20036, attorneys for Nuclear Fuel Services Inc., and to Debevoise, Plimpton, Lyons & Gates, 229 Park Avenue, New York, N.Y. 10017, ATTN: Oscar M. Ruebhausen, Esq., attorneys for New York State Atomic and Space Development Authority.

For further details, see the applications for amendments to Provisional Operating License No. CSF–1 dated December 13, 1973, and amendments thereto, and the applicants' environmental report dated December 13, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents are also available at the Memorial Library of Little Valley, Main Street, Little Valley, New York, for inspection by members of the public between the hours of 2 p.m. and 5 p.m., Monday, Tuesday, Thursday, and Friday and from 7 p.m. to 9 p.m. on Monday and Friday.

As they become available, a copy of the safety evaluation report(s) by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report(s) of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permit, the proposed amended facility operating license, the transcripts of the prehearing conferences and of the hearing, and other relevant documents will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report(s), the Commission's final environmental statement(s), the proposed construction permit, the proposed amended facility operating license, and the ACRS report(s) may be obtained, when available, by request to the Deputy Director for Fuels and Materials, Directorate of Licensing; Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Maryland, this 8th day of March, 1974.

U.S. ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-6425 Filed 3-19-74;8:45 am]

[Docket Nos. STN 50-477, STN 50-478]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Hearing on Application for Site Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in 10 CFR Part 50, Licensing of Production and Utilization Facilities, and Part 2, Rules of Practice, notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Public Service Electric and Gas Company on behalf of itself, Atlantic City Electric Company, and Jersey Central Power and Light Company for permits to construct site related structures and to install two floating nuclear power plants, each of which incorporates a pressurized water reactor designated as the Atlantic Generating Station, Units 1 and 2. The reactors will be manufactured in Jacksonville, Florida, and towed to the site. Each reactor will be designed for initial operation at 3411 thermal megawatts with a net electrical output of approximately 1150 megawatts. The proposed facilities are to be mounted on a platform and moored behind a protective breakwater in the Atlantic Ocean approximately 2.8 statute miles off the southeastern coast of New Jersey. The application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants, wherein applications may be filed utilizing reactors manufactured at a location different from where they will eventually be located.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board, which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Dr. Marvin M. Mann, Dr. John R. Lyman, and Daniel M. Head, Esq., Chairman.

Pursuant to 10 CFR 2.785, and Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1–3, a negative finding on Item 4, and affirmative findings on Items 5 and 6 specified below as a basis for the issuance of construction permits to the applicant:

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

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(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

6. Whether the proposed site on which the facilities are to be operated falls within the postulated site parameters specified in the application filed by Offshore Power Systems for a manufacturing license.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine: (1) Without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's regulatory staff has been adequate to support the proposed findings to be made by the Director of Regulation on Items 1–4 and 6 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned, the issuance of the construction permits proposed by the Director of Regulation; and (2) Whether the review conducted by the Commission pursuant to NEPA has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–6 above as a basis for determining whether the construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50: (1) Determine whether the requirements of section 102(2)(C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

As indicated above, the reactors will be manufactured in Jacksonville, Florida. The application by Offshore Power Systems for a manufacturing license is presently pending before another Atomic Safety and Licensing Board (Docket No. STN 50–437). The Commission will treat as resolved in this proceeding those matters which have been resolved in the manufacturing license proceeding unless there exists significant new information that substantially affects the conclusions reached at the earlier manufacturing license proceeding or other good cause. This proceeding, but not the manufacturing license proceeding, will consider the specific site proposed for the Atlantic Generating Station.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–6 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others in the manner specified below.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by April 19, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by April 9, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Troy B. Conner, Jr., Esq., Conner, Hadlock & Knotts, 1747 Pennsylvania Avenue, NW., Washington, D.C. 20006 and Richard Fryling, Jr., Esq., 80 Park Place, Newark, New Jersey 07101, attorneys for the applicant.

For further details, see the application for construction permits dated March 1, 1974, and the applicant's environmental report dated March 1, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., between the hours of 8:30 a.m. and 5 p.m. on weekdays. Copies of those documents are also available at the Stockton State College, Pomona, New Jersey 08240, for inspection by members of the public between the hours of 8 a.m. and 10 p.m. Monday through Thursday, 8 a.m. and 6 p.m. on Friday, 9 a.m. and 4 p.m. on Saturday and 2 p.m. and 10 p.m. on Sunday. As they become available, a copy of the safety evaluation report by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report and the Commission's final environmental statement, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Maryland, this 11th day of March, 1974.

U.S. ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-6426 Filed 3-19-74;8:45 am]

PRODUCTS

Notice of Issuance and Availability of Regulatory Guides

The Atomic Energy Commission has issued two new guides, Regulatory Guide 6.1, Leak Testing Radioactive Brachytherapy Sources, and Regulatory Guide 6.2, Integrity and Test Specifications for Selected Brachytherapy Sources, in its Regulatory Guide series. This series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guides are the first to be issued in Division 6, Products, of the Regulatory Guide series. Regulatory Guides 6.1 and 6.2 indicate acceptability, subject to conditions, of the use of American National Standards Institute standards N44.2–1973 and N44.1–1973, respectively, in implementing certain parts of the Commission's regulations.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 6 Regulatory Guides currently being developed include the following:

Guide to the Contents of Applications for Licenses for Radioisotopic Power Generators for Certain Land and Sea Uses.
Containment of Byproduct Material in Certain Devices to be Distributed for Use Under General License
Quality Control Sampling Procedures for Exempted and Generally Licensed Items Containing Byproduct Material

(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 12th day of March 1974.

For the Atomic Energy Commission,
LESTER ROGERS,
Directory of Regulatory Standards.

[FR Doc.74-6427 Filed 3-19-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Dockets 26404; 26454; Order 74-3-67]

MILITARY FURLOUGH FARES

Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of March 1974.

In the matter of military furlough fares proposed by various carriers.

By tariff revisions[1] marked to become effective March 15, 1974, Delta Air Lines, Inc. (Delta) and United Air Lines, Inc. (United) propose major modifications in the current military fares program.[2] United's proposal, applicable on and after April 1, 1974, would offer a 25 percent discount from the normal coach fare level on a reservation basis, except on Fridays and Sundays when military traffic will be carried on a standby basis only.[3] As is now the case, military passengers will continue to be accommodated in the first-class section on a standby basis in the event space is not available in coach; will be permitted to travel during all holiday periods; and will be afforded reservations (regardless of day) if traveling on emergency leave. Delta's proposal is the same, except that it does not propose to black out reservations on Fridays and Sundays.

In support of their proposals, United and Delta allege, inter alia, that a uniform policy on the acceptance of military traffic will eliminate a source of possible confusion and irritation that results from the present two-level system; aid in simplifying tariff application; smooth out the boarding process; and ensure that military fares are more consistent with reductions in both the civilian discount structure and in the available airline capacity necessitated by the current fuel shortage.

United further alleges that income levels of military personnel have increased substantially in recent years, to a point where they now compare favorably with those of civilian employees. Consequently, United argues, it is no longer in the public interest to risk displacement of full-fare traffic for the personal benefit of military passengers. To the contrary, it is allegedly imperative that the military-discount program carry a realistic financial burden. United views this objective as increasingly important in light of the present fuel shortage and its effect in reducing overall available capacity (particularly during peak travel periods). Applying various profit impact criteria and employing several costing methods, United has estimated that its proposal will yield an approximate contribution to pre-tax earnings of between $2.9 million and $5.6 million.

The Department of Defense (DOD) has filed complaints against both proposals requesting suspension and investigation. In support thereof, the complainant alleges, inter alia, that the new program fails to conform to either the present or future needs of the national defense; that the Board has previously determined national defense considerations to be of paramount importance in assessing the reasonableness of military discount-fare levels; and that, in the case of United's proposal, the imposition of identical rate levels for both reservation and standby traffic is unlawful. DOD also refutes United's argument that the current program is no longer necessary or reasonable in light of the increased income levels of military personnel. It is DOD's contention that the current military-discount program significantly contributes to attracting and keeping individuals within the volunteer framework; abolition of the standby program and unwarranted increases in the reservation program could only compound the military's need for salary increases as well as contribute to a deterioration in the morale and welfare of servicemen stationed far from home.

United and Delta have answered DOD's complaints alleging, inter alia, that the economic justifications for their proposals are in full accordance with the Board's Economic Regulations; that ap-

[1] Revisions to Airline Tariff Publishers, Inc., Agent, C.A.B. Nos. 142 and 202.

[2] Other carriers which have filed to match the proposals include American Airlines, Inc., Continental Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Western Air Lines, Inc., and Frontier Airlines, Inc.

[3] Currently, military standby fares are offered at a 50 percent discount from the applicable coach fare; military reservation fares provide a 33⅓ percent discount and are generally blacked out during peak travel periods, *e.g.*, 2 p.m. through midnight Fridays and Sundays.

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propriate consideration of the national interest has been included in their justifications; that the plethora of benefits which allegedly accrue to the military under the current discount program will continue under the revised program; and that there is no legal requirement that the new military-fare discount be identical to that offered previously. United further alleges that DOD's argument for suspension and investigation purely as a matter of "fairness alone" is without merit, since established Board procedures adequately satisfy the requirements of due process. It is United's contention, therefore, that allowing DOD its "day in court" is neither required nor warranted since the complaint fails to establish that the revised tariff is in any way unlawful.

Upon consideration of the tariffs, the complaints, the carriers' answers thereto, and all other relevant matters, the Board concludes that the complaints have not set forth sufficient facts to warrant investigation and hence the request therefor, and consequently the request for suspension, will be denied and the complaints dismissed.[4]

A major thrust of DOD's complaint concerns the question of whether the instant proposals adequately consider issues of national defense as required by section 102(a) of the Federal Aviation Act of 1958.[5] The facts support United's contention, however, that military-discount fares are not, per se, specifically mandated by the Act. They are not among those specifically enumerated in section 403(b); and in any event, with respect to those particular categories specified, this section is permissive rather than obligatory.

DOD also argues that the proposed fare level will deprive military personnel of the same discount opportunities extended to other members of the traveling public. The Board is unable to concur in DOD's position in this regard, since military personnel can always avail themselves of those fare programs such as night coach or excursion fares which are available to all segments of the public and which offer significant discounts from the normal coach fare. Moreover, even assuming that national defense considerations still justify the existence of military fares, this does not necessarily require continuation of special fares at levels which are uneconomic and considerably out of line with other discount fares.

At the time the current military-fare program was introduced in the early to mid 1960's, the United States was involved in the Vietnam conflict, military draft was prevalent, and the level of salaries paid military personnel was considerably below that of civilian employees. The current environment, however, significantly differs from that of the past; the United States' military involvement in Vietnam has ended, the imposition of the draft was terminated on June 30, 1973, and current salaries offered the military are considerably more in line with those of the civilian work force. For these reasons, we are not persuaded that the instant tariff proposals will adversely impact on the national defense, nor cause undue financial hardship to servicemen who desire or require a means of rapid and inexpensive air transportation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 102(a), 204(a), 403, 404, and 1002 thereof,

It is ordered That:

1. The complaints in Dockets 26404 and 26454 be and hereby are dismissed; and

2. Copies of this order be served upon the Department of Defense, Delta Air Lines, Inc., and United Air Lines, Inc., as well as American Airlines, Inc., Continental Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Western Air Lines, Inc., and Frontier Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

O'Melia member, dissented.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-6433 Filed 3-19-74;8:45 am]

[Docket 26470; Order 74-3-68]

NORTHWEST AIRLINES INC., ET AL.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 1st day of March, 1974.

Transpacific passenger fares proposed by Northwest Airlines, Inc., Philippine Air Lines, Inc. and China Airlines, Ltd.

On January 31, 1974, Northwest Airlines, Inc. (Northwest), Philippine Air Lines, Inc. (PAL) and China Airlines, Ltd. (CAL), filed tariff revisions[1] which would implement an order from the Government of the Republic of the Philippines to make available special fares to persons holding a valid Philippine passport and maintaining permanent residence in the United States or Canada in connection with the Philippine-Government-sponsored "Operation Homecoming." The fares, at round-trip levels of $555 (West Coast gateway cities to Manila) and $464 (Honolulu to Manila), would be subject to a minimum/maximum-stay requirement of 30–90 days, permit no stopovers, and would be available only to groups of at least ten persons holding valid Philippine passports or U.S. passports with evidence of Philippine ancestry, their spouses and/or dependents.[2]

In support of its new filing, Northwest alleges that the "Homecoming Fare" has provided that carrier with $609,550 in new revenue over a two-month period; that the fare has been particularly effective in generation of Hawaii-Manila traffic; and that it permits travel of Philippine ethnic persons in the interest of better relations between the United States and the Philippine people.

Pan American World Airways, Inc., (Pan American) has filed a complaint, Docket 26395, requesting investigation and suspension on the grounds that the proposed fares are both unjustly discriminatory and unreasonable. Pan American alleges that since, of the three filing carriers, PAL is the only carrier able to offer direct U.S.-Phillippines service, it is clear that PAL is the primary party in interest; the proposed fares are patently discriminatory in that the fares would be available only to Philippine nationals; the proposed fares will be highly prejudicial to Pan American in that they represent a substantial reduction from presently effective fares; the proposed fares are uneconomic and appear to be an integral part of the Philippine Government's attempt to prejudice the competitive position of U.S. carriers in the Philippine market in which serious capacity limitations have been imposed upon U.S. carriers. Because of this latter factor, Pan American will be unable to benefit significantly, if at all, even were such drastically reduced group fares to prove generative.

In response to Pan American's complaint, PAL alleges that the subject tariffs were filed on the initiative of Northwest; the fares are generative and have provided additional revenues to Northwest; the alleged prejudice to Pan American can be completely cured by its subscription to these fares; Pan American would benefit from the influx of new business and the fares would be economic. Finally, PAL states that the Homecoming program is one of national importance to the Philippines, and the Philippine Government and the Board must take into consideration any applicable requirements of foreign countries and weigh such requirements in the balance.

Although PAL indicates that the fares complained against may be superficially discriminatory, it alleges that the advantages lie more in the absence of restrictive conditions and limitations than in the level. The fares at issue are alleged to be far less discriminatory than the military dependents' fares to Manila, which are less than the fares at issue and

[4] However, the Board has determined to require the carriers to amend the effectiveness of the tariffs to a date not earlier than April 16, 1974.

[5] The Declaration of Policy in section 102 states in part: "In the exercise and performance of its powers and duties under this Act, the Board shall consider the following, among other things, as being in the public interest . . . (a) the encouragement and development of an air-transportation system properly adapted to the present and future needs of the foreign and domestic commerce of the United States, of the Postal Service, and of the national defense."

[1] Air Tariffs Corporation, Agent, Tariff C.A.B. No. 44. See Appendix.

[2] Similar fares have been in effect since November 28, 1973, at somewhat lower levels, and are presently marked to expire on February 28, 1974. The Board did not take any action against the fares due to their very limited duration and application limited to the low season.

available under more favorable conditions of travel. The transpacific fares for dependents of U.S. military personnel are in furtherance of the government policy of the United States in the same fashion that the Homecoming fares are in support of the Philippine national policy of promoting home visits by its citizens. Northwest has not submitted an answer to Pan America's complaint.

Upon consideration of the tariffs, the complaint, the answer, and all relevant factors, the Board finds that the fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial and should be suspended pending investigation. The limitation on availability of the fares to U.S. residents/citizens of Philippine origin or background raises a clear question of discrimination against other United States residents not eligible for the fares. On the other hand, the concept of special discounted fares for the military and their dependents has been tested on various occasions by the Board and the courts and has not been found to constitute an unjust discrimination. In any event, it may be noted that the cited military fares are presently under investigation in Military Overseas Fares, Docket 25904.

In view of the fact that our action herein rests on the issue of prima facie unjust discrimination, we need not reach the question of reasonableness of the fares. This issue, however, will be included in the investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 801 and 1002(j) thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions on the tariff pages specified in the Appendix and rules, regulations and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to take appropriate action to prevent the use of such fares and provisions or rules, regulations, or practices;

2. Pending hearing and decision by the Board, the fares and provisions on the tariff pages specified in the Appendix[1] are suspended and their use deferred to and including March 15, 1975 unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. This order shall be submitted to the President[2] and shall be come effective March 16, 1974;

4. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be served upon Philippine Air Lines, Inc., China Airlines, Ltd., Pan American World Airways, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.74-6434 Filed 3-19-74;8:45 am]

[Docket 25881]

AMERICAN AIRLINES, INC. AND HUGHES AIR CORP.

Notice of Hearing

In the matter of American Airlines, Inc. and Hughes Air Corp. d/b/a Hughes Airwest Route Exchange Agreement.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in this proceeding is assigned to be held on April 2, 1974, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

Dated at Washington, D.C., March 14, 1974.

[SEAL] ALEXANDER N. ARGERAKIS,
Administrative Law Judge.

[FR Doc.74-6435 Filed 3-19-74;8:45 am]

[Docket 26238; Order 74-2-118]

AIRLINES PARTICIPATING IN AIR EXPRESS SERVICE

Order Authorizing Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of February 1974.

Petition of Airlines participating in air express service for authorization of inter-carrier discussions concerning the creation of industry-wide priority cargo service.

In Order 73-12-36, adopted December 7, 1973, the Board decided the Express Service Investigation, Docket 22388. The Board found, inter alia, that the certificated air carriers providing scheduled interstate and overseas air transportation are under an obligation to offer priority service, under tariffs so providing, as part of their duty to provide adequate interstate and overseas air transportation.[1] The Board recognized that some inter-airline coordination would be necessary and, accordingly, stated its receptivity to requests for inter-carrier discussions about the provision of highly expedited priority cargo service.[2]

The airlines participating in the present air express service have now filed a petition requesting Board authorization for such discussions.[3] The petition asks for authorization to enter into inter-carrier discussions concerning the creation of an industry-wide priority cargo service. It says these discussions would principally concern operational problems involved in the interlining of priority cargo traffic. The division of rates between interlining carriers, and the tariff structure with respect to the size and weight of shipments and types of commodities would be considered and discussed, but rate levels would not be discussed in the initial phases of these meetings.

The petition says that the presence of observers from the Board or other governmental agencies at the meetings would not be objected to, but that there does not appear to be any necessity for shipper representatives to be present at these meetings. The petition also asserts that air express service may terminate in the immediate future, and that in order to avoid a lapse in priority cargo service it is requested that the airlines be authorized to meet at the earliest date possible, and that the Board issue the discussion authorization without allowing the usual time for replies to the petition.[4]

Responses to this petition have been received from the Air Freight Forwarders Association (AFFA), the Society of American Florists (SAF), the Pet Industry Parties (PIP),[5] the National Air Transportation Conferences, Inc. (NATC),[6] and REA Express, Inc. (REA).

AFFA requests that it be given the opportunity to participate in the requested discussions because of the nature of the subjects to be discussed and the air freight forwarders' interest and concern with those subjects. It contends that air freight forwarders can be expected to be the major users and marketers of the highly expedited service that the airlines will discuss. AFFA says that there will have to be substantial cooperation between air freight forwarders and the airlines in the planning as well as the use of the new expedited service, and that this can only be accomplished by its participation in, not merely observance of, the discussions.

SAF also asks for participation in the discussions. It says that florists have a vital interest in future space alloca-

[1] Filed as part of the original document.

[2] This order was submitted to the President on March 4, 1974.

[1] Order 73-12-36, at page 41, finding number 6.

[2] Id., at page 39.

[3] These airlines are Air Canada, Airlift International, Alaska, Allegheny, American, Aspen, Braniff, Air France, Continental, Delta, Eastern, Flying Tiger, Frontier, Hughes Airwest, National, New York Airways, North Central, Northwest, Ozark, Pan American, Piedmont, SFO Helicopter Airlines, Seaboard World, Southern, Texas International, Trans World, United, and Western.

[4] Since replies have already been received within the usual time, this request need not be considered.

[5] PIP consists of two corporations and twenty membership organizations whose members market live animals and related supplies throughout the world utilizing air transportation services.

[6] NATC is a trade association of Part 298 commuter air carriers and air taxi operators.

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tions and priorities and that airline discussions without shipper impact would be nonproductive.

PIP supports the petition provided that interested shipper parties be permitted to participate in all inter-carrier discussions concerning the creation of priority air cargo service. They say the substitution of priority service by the airlines for air express service and the details of the new service will have a direct effect on the continued usage of air transportation by live animal shippers and that PIP should, therefore, be allowed to participate with the airlines in the creation of the new service.

NATC supports the petition if conditioned by a requirement that NATC representatives be authorized to participate in the discussions. It argues that the interest of NATC and individual Part 298 carriers as transporters of increasing quantities of cargo, an estimated 80 percent of which is interlined with certificated air carriers, necessitates that they be participants in these discussions. NATC says that relationships between Part 298 air carriers and certificated air carriers can be coordinated and problems resolved most effectively at these discussions, and that its participation will not complicate or otherwise adversely affect or delay the course of the discussions.

REA moves that the petition be rejected as improperly filed in Docket 26238, or in the alternative, that it be consolidated with the Express Service Investigation. It argues that since the new priority service to be discussed is a condition precedent to the termination of air express and since the requested discussions would implement Order 73–12–36, a request for discussion authorization can only properly be considered in the Express Service case. Alternatively, REA moves to consolidate the petition with that case so that the Board can determine whether the plan for priority service developed by the airlines is adequate on the basis of the record in Express Service and is implemented to provide a reasonable transition from air express. REA incorporates by reference its petition for reconsideration of Order 73–12–36, wherein it alleges that the Board does not yet know if the new priority service will provide an adequate replacement for air express service, and says that the airlines should be directed to submit their plans by March 1, 1974. REA also says that shippers should be permitted to participate in or observe the inter-carrier discussions.[1]

REA's motions will be denied. The petition herein results from the decision of the Board in the Express Service Investigation, but there is no reason why it must or should be considered only in the context of that proceeding. The requested discussions will consider the formulation of a new type of service which the Board has found certificated scheduled air carriers under an obligation to provide. The Board can monitor the progress of the discussions sought herein while it considers REA's petition for reconsideration and any other matters in the Express Service Investigation, without placing both in the same docket or consolidating them.

For the reasons stated in the Express Service Investigation order, the requested discussion authorization will be granted, excluding the discussion of rate level, structure and division matters.[2] We are authorizing discussion of types of commodities to the extent that operational questions, such as interline handling of extraordinary items, may be involved. It is our view that an industry-wide priority service should be available for all commodities now carried in air express.

Since the actual airport-to-airport movement of priority freight would be effected by the certificated scheduled carriers, they shall be the "participants" in the discussions. However, we recognize the importance of the roles of air freight forwarders and air taxi operators in the movement of air cargo, and we feel that in addition to being allowed to observe the discussions, they and other interested persons shall be allowed to make oral presentations to the discussants. We leave to the discussants the formulation of rules for such oral comments, e.g. whether ad hoc comments from the floor will be allowed or whether more formal presentations will be preferred. However, we will expect the filing of such ground rules and an agenda of each noncontinuous meeting to be filed in this Docket no later than 7 calendar days prior to the holding of such meeting; and a copy of such filing will be required to be served on the present parties to this proceeding and any other persons who previously have made request for such service to counsel for the instant air carrier petitioners.[3]

Finally, we wish to note the pendency of the Petition of the Humane Society in Docket 26244 pertaining to the establishment of a priority air freight service for live animals. We do not rule on that petition at this time. But we do believe that the relief sought therein is relevant to the instant petition insofar as it pertains to the genre of topics to be discussed. Therefore, in the discussions authorized by this order, we shall allow the carriers to consider the degree of priority, if any, which live animals should be given when shipped in the agreed-upon priority service.

The participants in these discussions will be required to submit any agreement or agreements resulting from these discussions for Board approval and such agreement or agreements shall not become effective unless and until approved by the Board. This will enable all interested persons to submit comments to the Board, in accordance with Subpart P of the Board's rules of practice (14 CFR 302.1601 through 302.1608), in support of or in opposition to Board approval of any proposed agreement.

Accordingly, it is ordered That:

1. The petition herein for authorization of inter-carrier discussions concerning the creation of industry-wide priority air cargo service be and it hereby is granted, subject to the following conditions:

(a) All air carriers and foreign air carriers presently participating in air express service shall be permitted to participate in each of these discussion meetings;

(b) These discussions shall not include the subjects of rate level, structure, or division: *Provided*, That they may consider types of commodities, if such consideration is limited to operational matters, such as the interline handling of extraordinary items: *And provided further*, That the discussions may consider the degree of priority, if any, which live animals should be given when shipped in any new priority service;

(c) These discussions shall take place in Washington, D.C., at a date, time, and place determined by the participants;

(d) Representatives of the Board, any other governmental body, and any other interested person shall be permitted to attend each of these discussion meetings as observers;

(e) Notices, agenda, and ground rules for the oral expression by interested persons of views to the participants pertaining to each noncontinuous meeting authorized herein shall be sent (1) to all carriers eligible to participate in these discussions, (2) to the Board's Docket Section, (3) to all persons who responded to the petition herein; and (4) to all other persons who so request; such items shall be filed with the Board and sent not later than seven calendar days before each meeting;

(f) Complete and detailed minutes of these discussions shall be maintained by the participants, and such minutes shall be filed with the Board's Docket Section and shall also be sent to all other persons who so request, within five business days from the date of each meeting;

(g) Any agreement or agreements reached as a result of the discussions authorized herein shall be filed with the Board, pursuant to the requirements of section 412(a) of the Act (49 U.S.C. 1382) and Part 261 of the Board's economic Regulations (14 CFR 261) and Subpart P of the Board's Rules of Practice (14 CFR 302.1601 through 302.1608), and shall not become effective unless and until approved by the Board pursuant to section 412(b) of the Act;

(h) The authorization granted herein shall expire after July 31, 1974; and

(i) The authorization granted herein may be extended, modified, or revoked at any time by the Board or by the Director of its Bureau of Operating Rights (action by the Director of the Bureau of Operating Rights to be subject to the procedures for review of staff action contained in Subpart C of 14 CFR 385).

2. Except to the extent granted herein, all other motions and requests for relief in this docket be and they hereby are denied.

This order shall be served on all certificated scheduled air carriers and on all parties to the Express Service Investigation, Docket 22388, and on the United States Departments of Commerce, Defense, Transportation and Justice and the United States Postal Service. This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.74–6565 Filed 3–19–74;8:45 am]

[1] The petitioners answered REA's motions, arguing that their petition should not be considered as part of the Express Service case and that Order 73–12–36 does not make the establishment by the airlines of a priority cargo service a condition precedent to the effectiveness of that order. Emery Air Freight Corporation has also filed an answer, opposing REA's motions for similar reasons.

[2] The exclusion of rate matters from the discussion authorization is based on the applicants' statements that they do not intend to discuss rates in the initial phases of their meetings, and our conclusion that such discussion would not be necessary at this time. If an expansion of this authorization is deemed necessary at a later time, the airlines can submit an application, and supporting arguments therefor, then.

[3] Expansion of the "participant" status might unduly complicate the discussions, and is not necessary. The interests of those parties who have expressed interest in these discussions will be adequately served by the procedures described herein, including their rights to comment on any agreement resulting from these discussions (see 14 CFR 302.1608), and, of course, their rights to informally express their views to the airlines at any time, which rights are not in any way derogated by this order.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

MARCH 14, 1973.

On April 30, 1973, there was published in the FEDERAL REGISTER (38 FR 10666), a letter dated April 25, 1973, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Mexico and exported to the United States during the twelve-month period beginning May 1, 1973. That letter was amended on November 15, 1973 (38 FR 32527). As set forth in the letter of April 25, 1973, the levels of restraint are subject to adjustment pursuant to paragraph 8(a) of the Bilateral Cotton Textile Agreement of June 29, 1971, as amended, between the Governments of the United States and Mexico, which provides for the limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, at the request of the Government of Mexico and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of March 14, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the levels of restraint applicable to cotton textile products in Category 22/23 and Category 26/27 and part of 64 (knit fabrics) for the twelve-month period which began on May 1, 1973.

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 14, 1974.

DEAR MR. COMMISSIONER: On April 25, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning May 1, 1973, of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Mexico, in excess of designated levels of restraint. These levels were amended by the directive of November 15, 1973. The Chairman also advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 8(a) of the Bilateral Cotton Textile Agreement of June 29, 1971, as amended, between the Governments of the United States and Mexico, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed further to increase, effective as soon as possible, the levels of restraint, as amended, established in the directive of November 15, 1973 for Category 22/23 by 643,781 square yards and Category 26/27 and part of 64 (knit fabrics) by 899,062 square yards. The level of restraint for Categories 5–27 and part of 64 should also be increased to 1,542,843 square yards.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74–6437 Filed 3–19–74;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of June 29, 1971, as amended, between the Governments of the United States and Mexico which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

MARCH 14, 1973.

On January 2, 1974, there was published in the FEDERAL REGISTER (39 FR 28) a letter dated December 27, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, authorizing increases in the levels of restraint applicable to certain specified categories from a number of countries pursuant to an ad hoc offer by the United States Government to each of its cotton textile bilateral agreement partners to permit export to the United States of additional quantities of cotton yarn and/or cotton fabric, not to exceed in total amount five (5) percent of the country's current-year aggregate agreement ceiling. Among the categories and yardages indicated was a request for 1,407,763 square yards to be applied to Category 26/27 and part of 64 from Mexico. That notation should have read as follows:

Country	Category	Additional amount
Mexico	26/27 and part of 64 (knit fabrics).	1,407,763 square yards of which not more than 1,000,000 square yards shall be in Category 26 (duck).

Accordingly, there is published below a letter of March 14, 1974, from the Chairman, Committee for the Implementation of Textile Agreements to the Commissioner of Customs further amending the directive of December 27, 1973, to account for this adjustment. This directive was previously amended on January 18, 1974 (39 FR 2795).

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 14, 1974.

DEAR MR. COMMISSIONER: This directive further amends but does not cancel the directive issued to you on December 27, 1973, by the Chairman of the Committee for the Implementation of Textile Agreements pursuant to an offer by the United States Government to all bilateral cotton textile agreement partners to export on a one-time basis additional cotton yarn and/or fabric, not to exceed in total amount five percent of the current-year aggregate agreement ceiling of each country. The directive of December 27, 1973, was previously amended on January 18, 1974.

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Paragraph 2 of the directive of December 27, 1973, is hereby amended to change the entry for Category 26/27 and Part of 64 from Mexico to read as follows:

Country	Category	Additional amount
Mexico	26/27 and part of 64 (knit fabrics).	1,407,763 square yards of which not more than 1,000,000 square yards shall be in Category 26 (duck).[1]

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation if such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

ALAN POLANSKY,
Acting Chairman, Committee for the Implementation of Textile Agreements, and Acting Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-6436 Filed 3-19-74;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Notice of Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed additions of the following services to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICES

INDUSTRIAL CLASS 0782

Grounds Maintenance
U.S. Courthouse and Federal Building
Rapid City, South Dakota

Janitorial/Custodial
U.S. Courthouse and Federal Building
Rapid City, South Dakota

INDUSTRIAL CLASS 7349

Comments and views regarding these proposed additions may be filed with the Committee not later on or before April 19, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.74-6392 Filed 3-19-74;8:45 am]

PROCUREMENT LIST 1974

Addition to Procurement List

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038), was published in the FEDERAL REGISTER on January 21, 1974 (39 FR 2397).

Pursuant to the above notice the following commodity is added to Procurement List 1974.

COMMODITY

Class 8440:

	Price
Neckties, Men's (IB):	
8440-216-6130 ----------each--	$0.92
8440-316-2519 ----------do----	.92

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.74-6390 Filed 3-19-74;8:45 am]

PROCUREMENT LIST 1974

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1974, November 29, 1973 (38 FR 33038).

SERVICE

INDUSTRIAL CLASS 7349

Quarters Cleaning
Fort Ord, California

Comments and views regarding this proposed addition may be filed with the Committee not later than April 19, 1974. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.74-6391 Filed 3-19-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/26]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION; DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before May 20, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under Section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held on or before May 20, 1974, before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received on or before May 20, 1974, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after May 20, 1974.

APPLICATIONS RECEIVED

EPA Reg. No. 11556-34. Chemagro Division of Baychem Corporation, Animal Health Department, P.O. Box 2037, Shawnee Mission, Kansas 66201. "Tiguvon Brand of fenthion Animal Insecticide Pour-On. Active Ingredients: fenthion (*O,O*-Dimethyl *O*-[4-(methylthio)-*m*-tolyl] phosphorothioate) 3 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11760-R. Edsan Chemical Co., Inc., 438 East St., New Haven, Connecticut 06511. "Edsan QA Disinfectant-Cleaner - Sanitizer-Fungicide-Deodorant." Active Ingredients: n-Alkyl (50 percent C14, 40 percent C12, 10 percent C16) dimethyl benzyl ammonium chloride 5.0 percent; Tetrasodium salt of ethylene tetraacetic acid 2.3 percent; Sodium carbonate 2.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11760-E. Edsan Chemical Co., Inc., 438 East St., New Haven, Connecticut 06511. "Edsan Triple-D Disinfectant-Detergent-Deodorant." Active Ingredients: n-Alkyl (50 percent C14, 40 percent C12, 10 percent C16) dimethyl benzyl ammonium chloride 4.8 percent; Sodium carbonate 3.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9411-T. Kenco Chemical Co., Inc., P.O. Box 912, Schenectady, New York 12301. "Kenco SP 56 New Fire Resistant Concentrated Pool Chlorine." Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent; available chlorine 56 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5967-RNA. Moyer Chemical Company, P.O. Box 945, San Jose, California 95108. "Moyer Copper Sulfate." Active Ingredients: Copper expressed as elemental 53.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RNT. Moyer Chemical Company, P.O. Box 945, San Jose, California 95108. Cuzn Dust No. 20. Active Ingredients: Copper expressed as elemental 3.8 percent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: March 13, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-6156 Filed 3-19-74;8:45 am]

MONTANA; CONTROL OF DISCHARGES OF POLLUTANTS TO NAVIGABLE WATERS

Public Hearing and Request for Approval of State Program

A public hearing to consider the request of the State of Montana for State Program Approval to participate in the National Pollutant Discharge Elimination System (NPDES) permit program for the control and abatement of discharges into waters of the State in compliance with the 1972 Amendments to the Federal Water Pollution Control Act, 33 U.S.C.A. sections 1251-1376 (Supp. 1973) (hereinafter, the Act) will be held on Saturday, April 20, 1974 at 9:30 a.m. in the Highway Department Auditorium at 6th and Roberts Streets, Helena, Montana.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES permit program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. Among other authorities, the State must have: (1) Adequate authority to issue permits which comply with all pertinent requirements of the Act, (2) adequate authority, including civil and criminal penalties, to abate violations of permits or the permit program, and (3) authority to insure that the Administrator, the public, or any other affected State, and other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. Also, the State must have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES were published at 37 FR 28390, December 22, 1972 (40 CFR Part 124).

The State of Montana has submitted a full and complete Request for State Program Approval and proposes that the Department of Health and Environmental Sciences, Cogswell Building, Helena, Montana 59601, operate the NPDES program.

Governor Judge's request and the program description is available for inspection at the following locations:

(1) U.S. Environmental Protection Agency, Enforcement Division, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

(2) Montana Department of Health and Environmental Services, Water Quality Bureau, Board of Health Building, Helena, Montana 59601.

(3) Montana Department of Health and Environmental Services, Water Quality Bureau, 3302 Second Avenue North, Billings, Montana 59101.

(4) Montana Department of Health and Environmental Sciences, Water Quality Bureau, M & M Building, 540 Sixth Avenue East, Kalispell, Montana 59901.

(5) Missoula City-County Health Department, Courthouse Annex, Room 301, Missoula, Montana 59801.

(6) City-County Health Department, 1130 Seventeenth Avenue South, Great Falls, Montana 59405.

The public hearing panel will consist of the Administrator or his representative who will serve as the Presiding Officer, the Director of the Montana Department of Health and Environmental Sciences or his representative, and the Regional Administrator, Region VIII, or his representative.

All interested persons wishing to attend, to comment upon, or to object to this State request are invited to attend the public hearing. Written comments may be presented at the hearing or submitted by April 29, 1974, either in person or by mail to the Regional Office of the U.S. Environmental Protection Agency, Enforcement Division, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203, Attention: David Robbins.

Oral statements will be received and considered, but for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to bring additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted.

All comments or objections received by April 29, 1974, or presented at the public hearing will be considered by EPA before taking final action on the Montana request for State Program Approval.

Please bring the foregoing to the attention of persons whom you know would be interested.

Dated: March 15, 1974.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.74-6376 Filed 3-19-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-238]

ANNUAL PERFORMANCE TESTS

Acceptable Testing Procedures

MARCH 8, 1974.

The Commission, in its February, 1972, Cable Television Report & Order, called for annual performance tests directed at determining the extent to which cable systems were complying with its technical standards. The rules that were then adopted also stated methods for testing compliance and afforded flexibility for alternative methods. We adopted a flexible approach to determining system performance and, as the rules indicate; alternative test procedures which could be fully justified would be permitted. However, at the same time, we stated that the procedures for determining compliance with our radiation standards outlined in the rules, should be followed strictly or, if special circumstances necessitate divergence from established procedures, the alternate procedures should be thoroughly justified. The procedure for measuring radiation is that which has been embodied for years in Part 15 of the rules and is now reflected in Part 76 of the rules. The tests are to be performed by March 31, 1974.

Recent work, as yet incomplete, has indicated that alternative testing methods may be available which show sufficient sensitivity to demonstrate compliance with Commission standards. One procedure being investigated would test for radiation by use of a mobile facility with an atenna and standard television receiver for visual detection. Different procedures apparently may be necessary depending on the size and location of the system (e.g., underground or aerial cable, apartment houses, etc.). A more flexible approach on our part allowing these alternative procedures to be developed may better accomplish our objectives.

Accordingly, with reference to the tests to be performed by March 31, 1974, the Commission is of the view that fully justified alternative methods of detection and testing for radiation should be encouraged, the alternative methods to be measured against the prescribed method to determine adequacy. We anticipate that the data engendered by the alternative tests will be of significant assistance to the Cable Technical Advisory Committee (CTAC) in evaluating appropriate test procedures.

Action by the Commission March 7, 1974. Commissioners Burch (Chairman), Lee, Reid and Wiley with Commissioner Hooks concurring.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6399 Filed 3-19-74;8:45 am]

V 39 55 MAR 20 74 XUM

[Docket No. 19787; Filed No. BL–13 137]

CHESAPEAKE-PORTSMOUTH BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In re application of Chesapeake-Portsmouth Broadcasting Corporation, Portsmouth, Virginia, for broadcast license for WPMH(AM).

1. The Commission designated the application of Chesapeake-Portsmouth Broadcasting Corporation (Chesapeake-Portsmouth) for a broadcast license for Station WPMH(AM)[1] Portsmouth, Virginia, for hearing by Order and Notice of Apparent Liability, FCC 73–748, released July 25, 1973, on numerous issues including an adequate supervision and control issue.[2] Presently before the Review Board is the Broadcast Bureau's request for enlargement of issues, filed December 10, 1973, which seeks issues to determine whether Chesapeake-Portsmouth violated rule 73.93 and section 318 of the Communications Act by allowing an unlicensed employee to operate its transmitter and whether it violated rule 73.113 by sanctioning improper logging practices.[3]

2. In support of both requested issues, the Bureau submits the affidavit of Larry V. Bashford, a former WPMH(AM) employee. Bashford, in his affidavit, avers that, in September, 1971, he was asked by Jack Walters, WPMH(AM)'s station manager, to man the station's transmitter and make periodic meter readings. Bashford states that although he informed Walters that he was not a licensed engineer, Walters assured him that he would be under the supervision of the station's engineer, Ralph D. Epperson.[4] Bashford alleges that Epperson gave him "brief instructions" to perform, inter alia, the following tasks: (1) The making of periodic readings and entering them on an "unofficial log"; (2) The making of necessary adjustments on the dials if the signals and other electrical data "drifted from the norm"; and (3) The playing of the station's call letters. Furthermore, Bashford claims, Epperson transferred his figures from the "unofficial" to the official log and signed the log, and Epperson also made changes in his figures "every day as they did not sound right." Also, Bashford states that on some mornings he activated the transmitter but more frequently he deactivated it at the end of the day. Finally, Bashford avers, after the first day, he was left substantially on his own. Based on the above allegations, the Bureau argues that Chesapeake-Portsmouth has violated section 318 of the Act and Commission rules 73.93 and 73.113, which clearly preclude the above enumerated activities by a non-licensed radio operator; therefore, the Bureau urges, the requested issues are warranted. The Bureau further requests the Board to make it "explicit" that the questions raised by the requests are also relevant to the "permittee responsibility issue."[5] Finally, the Bureau submits that it is filing its request as soon as possible following receipt of Bashford's affidavit on November 16, 1973.

3. In opposition,[6] Chesapeake-Portsmouth argues that the Bureau has not presented any persuasive arguments that good cause exists for granting its late filed pleading. The designation Order was released some five months prior to the Bureau's receipt of Bashford's affidavit on November 16, 1973; yet the Bureau does not set forth any reasons why it could not obtain the affidavit during this period, Chesapeake-Portsmouth argues. Furthermore, Chesapeake-Portsmouth alleges, almost one year elapsed between the time the Commission conducted its investigation of the station in August, 1972, and the release of the designation Order, but the Commission did not deem it appropriate to include the matters raised in Bashford's affidavit in the designation Order. Finally, Chesapeake-Portsmouth asserts that "the attempt to add this issue at this time violates the due process safeguards already provided by the Commision in this proceeding." In support of this assertion, Chesapeake-Portsmouth states that the Commission specified a forfeiture provision in this proceeding in order to provide "flexibility" in the sanctions the Commission can impose. If the Bureau's requested issues are added, Chesapeake-Portsmouth alleges, this flexibility is removed because the events alleged by the Bureau took place over two years ago, prior to the running of the one-year statute of limitations for the imposition of forfeitures provided by section 503(b) (3) of the Communications Act of 1934, as amended. Consequently, Chesapeake-Portsmouth concludes, if all issues designated against it were resolved in its favor except for these requested issues, the only remedy open to the Administrative Law Judge would be denial of its application.

4. In reply, the Bureau argues that "good cause" under Rule 1,229(b) does exist for the Board's consideration of its late filed pleading. The allegations the Bureau raises first came to its attention when Bashford, sua sponte, telephoned the Commission's Norfolk District Office on October 29, 1973, the Bureau explains. On October 30, the Bureau states, it contacted Bashford and requested the affidavit attached to the instant request. The Bureau concludes that it acted as quickly as possible after receipt of Bashford's affidavit in filing its request.

5. Initially the Board finds that the Broadcast Bureau has demonstrated good cause to justify the late filing of its request. It is apparent that the Bureau acted as expeditiously as possible in filing its request after first learning from Bashford of the underlying events. Therefore, the Board will accept its petition. The Board cannot accept Chesapeake-Portsmouth's argument that because forfeiture cannot be imposed due to the one-year statute of limitations (section 503(b)(3) of the Communications Act), the Board should not add the requested issues. The presence or absence of a forfeiture provision does not preclude the Board from considering the potentially disqualifying aspects of an applicant's conduct, including alleged rule violations. See The Court House Broadcasting Company, 21 FCC 2d 792, 18 RR 2d 616 (1970), and United Television Company, Inc., 23 FCC 2d 493, 19 RR 2d 86 (1970). In fact in no case would forfeiture be imposed as a lesser penalty in a situation warranting denial; thus, the absence of forfeiture as a sanction could in fact inure to the applicant's benefit since one possible sanction is removed.[7] See Belk Broadcasting Company, 29 FCC 2d 150, 21 RR 2d 1971). Turning to the merits,[8] the Board is of the opinion that the Bureau's allegations raise sufficient questions of fact to warrant addition of the requested issues. Chesapeake-Portsmouth has not presented any arguments or circumstances to rebut the allegations set forth in Bashford's affidavit and the arguments made by the Bureau in its request. Consequently, the Board believes the issues in this proceeding should be enlarged to encompass the requested rules 73.93 and 73.113 issues. See Harvit Broadcasting Corporation, 31 FCC 2d 876, 22 RR 2d 1062 (1971); and Glen West, 31 FCC 2d 803, 19 RR 2d 1131 (1970). Furthermore, we agree with the Bureau that evidence adduced under these issues may have relevance to the adequate supervision and control issue and may accordingly be considered thereunder.

6. *Accordingly, it is ordered,* That the motion for extension of time and acceptance of late filing, filed January 3, 1974, by Chesapeake-Portsmouth Broadcasting Corporation, is granted, and opposition, filed January 3, 1974, by Chesapeake-Portsmouth Broadcasting Corporation is accepted; and

7. *It is further ordered,* That the request for acceptance of additional pleading and applicant's response to Broadcast Bureau's reply, filed January 28, 1974, by Chesapeake-Portsmouth, is denied; and

8. *It is further ordered,* That the Broadcast Bureau's request for enlargement of issues, filed December 10, 1973, is granted, and that the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine whether maintenance on and adjustment of the transmitter of WPMH(AM) have been undertaken by unauthorized personnel in violation of § 73.93 of the rules;

(b) To determine whether an unlicensed employee made log entries and whether revisions were made in recorded log entries by one who did not make the original entries in violation of § 73.113 of the rules.

9. *It is further ordered,* That the burden of proceeding with the introduction of evidence under the added issues shall be on the Broadcast Bureau, and the burden of proof shall be on Chesapeake-Portsmouth Broadcasting Corporation.

Adopted: March 6, 1974.

Released: March 11, 1974.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.74–6401 Filed 3–19–74;8:45 am]

[1] The construction permit under which Chesapeake-Portsmouth filed its present application for license was granted November 18, 1971. The application for license was filed on December 8, 1971. Station WPMH(AM) began operation in January, 1972, under program test authority.

[2] The issue seeks:

(a) To determine whether the applicant has exercised adequate control and supervision over the policies, practices and other operation of Station WPMH consistent with the degree of responsibility expected of a permittee.

[3] Also before the Review Board are the following related pleadings: (a) opposition, filed January 3, 1974, by Chesapeake-Portsmouth; (b) motion for extension of time and acceptance of late filing, filed January 3, 1974, by Chesapeake-Portsmouth; (c) Broadcast Bureau's reply, filed January 15, 1974; and (d) request for acceptance of additional pleading and response, filed Januray 28, 1974, by Chesapeake-Portsmouth.

[4] Epperson is president and 25 percent stockholder of the permittee.

[5] See note 2, *supra.*

[6] Chesapeake-Portsmouth filed, on January 3, 1973, a motion for extension of time and acceptance of its late filed opposition. There is no opposition to the motion; therefore, the Board will grant it and consider the pleading.

[7] Nor do we agree with the applicant's contention that if all the issues, except those requested herein, were resolved in the applicant's favor, the Commission would still be compelled to deny the license. The violations would warrant denials only if all the circumstances established that the applicant does not possess the qualifications necessary to be a Commission licensee.

[8] Chesapeake-Portsmouth's response to the Bureau's reply is an unauthorized pleading under our Rules. Accordingly, it is rejected. See rule 1.45(c).

PANEL 3—CTAC COMMITTEE

Notice of Meeting

MARCH 12, 1974.

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of the Panel 3 Committee of the Cable Television Technical Advisory Committee on Thursday, April 4, 1974, to be held at the Corporation for Public Broadcasting, 888 16th Street, NW., Washington, D.C., beginning at 10 a.m.

(1) Review of Technical Note Draft Revisions
- a. Direct Pickup
- b. Adjacent Channel Rejection
- c. Oscillator Voltage; Spurious Responses
- d. Economics of Tuners
- e. Deflection and Color Sync

(2) Identification of Missing and Deficient Data Required for the above Technical Notes
(3) Liaison Reports from Other Committees
(4) Task Assignments and Scheduling
(5) Other Business

Any member of the public may attend or may file written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Inquiries may be directed to Mr. S. R. Effros, FCC, 1919 M Street, NW., Washington, D.C., 20554. Telephone No. 202–632–6468.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–6400 Filed 3–19–74;8:45 am]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Canadian List No. 319.

FEBRUARY 18, 1974.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		620 kHz							
(New)	Sudbury, Ontario, N. 46°26'00", W. 80°55'55".	10D/5N	DA-1	U	III				E.I.O. 2-18-75.
		730 kHz							
CHIR (increase in power—PO 730 kHz, 0.25, DA-N).	Leamington, Ontario, N. 42°00'30", W. 82°33'40".	0.5	DA-N	N	II				E.I.O. 2-18-75.
		850 kHz							
CFCL (change of frequency—PO 620 kHz, 10D/5N, DA-2).	Timmins, Ontario, N. 48°26'50", W. 81°23'06".	10	DA-N	U	II				E.I.O. 2-18-75.
		920 kHz							
CJCJ (increase in day—time power—PO 920 kHz, 1 Kw, DA-1).	Woodstock, New Brunswick, N. 46°07'30", W. 67°35'10".	10D/1N	DA-2	U	III				E.I.O. 2-18-75.
		1190 kHz							
CJMR (assignment of call letters).	Mississauga, Ontario, N. 43°26'10", W. 79°43'06".	10	DA-D	D	II				
		1250 kHz							
CHVD (now in operation)	Dolbeau, Province of Quebec, N. 48°51'48", W. 72°16'06".	10D/0.25N	ND-190	U	IV	190	120	320	
		1240 kHz							
CFEK (now in operation)	Fernie, British Columbia, N. 49°31'36", W. 115°02'40".	1D/0.5N	DA-1	U	IV				
		1240 kHz							
(New)	Mackenzie, British Columbia, N. 55°20'48", W. 123°06'54".	1D/0.25N	ND-182	U	IV	150	120	318	E.I.O. 2-18-75.
		1360 kHz							
(New)	Ste. Marie de Beauce, Province of Quebec, N. 46°24'00", W. 70°58'12".	10D/5N	DA-2	U	III				E.I.O. 2-18-75.
		1570 kHz							
(New)	Taber, Alberta, N. 49°45'38", W. 112°16'10".	5	DA-N	U	II				E.I.O. 2-18-75.

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–6398 Filed 3–19–74;8:45 am]

V 39 55 MAR 20 74 XUM

FEDERAL MARITIME COMMISSION

IBERIAN/U.S. NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Modification of Agreement

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 9, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:
Stanley O. Sher, Esq.
Billig, Sher & Jones, P. C.
Suite 300
1126 Sixteenth Street, N.W.
Washington, D.C. 20036

Agreement No. 9615–10, among the member lines of the above named conference, changes the method of selecting the conference Chairman; establishes the office of Vice Chairman; provides for a Housekeeping Committee, a Spanish Central Committee, a Portuguese Central Committee, a New York Committee, an Inland Committee and Local Port Committees to deal with the aspects of conference business implied by their titles but without authority to make decisions; divides meetings into Owners' and Principals' categories and sets forth rules and voting procedures governing telephone, telex and correspondence polls of members.

By order of the Federal Maritime Commission.

Dated: March 14, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6439 Filed 3-19-74;8:45 am]

SEA-LAND SERVICE, INC. AND CHINESE MARITIME TRANSPORT, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans. Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 9, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Gerald A. Malia, Esquire
Ragan & Mason
The Farragut Building
900 Seventeenth Street, N.W.
Washington, D.C. 20006

Agreement No. T–2719–1, between Sea-Land Service, Inc. (Sea-Land) and Chinese Maritime Transport, Ltd. (CMT) modifies the parties' basic agreement providing for the joint use of Number 66 Wharf, Kaohsiung, Taiwan, by both parties. The purpose of the modification is to delete all references to CMT's identity as agent for Orient Overseas Line, Inc. and Orient Overseas Line, Ltd. and provisions in the agreement providing for third-party use and assignment of the facility. Filed along with Agreement No. T–2719–1 is a guaranty by Orient Overseas Line, Inc. guaranteeing the performance by CMT of its obligations under the agreement.

By order of the Federal Maritime Commission.

Dated: March 15, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6438 Filed 3-19-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G–8817, etc.]

ABANDONMENTS OF SERVICE AND TERMINATIONS OF SALES

Certain Companies

MARCH 12, 1974.

Each Applicant herein has filed pursuant to section 7(b) of the Natural Gas Act an application for permission and approval to abandon service or a petition to amend an order issuing a certificate of public convenience and necessity by deleting therefrom authorization to sell natural gas from certain acreage, all as more fully set forth in the tabulation and in the applications and petitions to amend in this proceeding.

Some applicants have on file with the Commission FPC gas rate schedules and others are making sales under small producer certificates. In cases where Applicants propose to abandon service completely and have rate schedules, the certificates authorizing such sales will be terminated and the related rate schedules.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention or protest to the granting of the applications or petitions has been filed.

At a hearing held on March 6, 1974, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications and petitions and exhibits thereto, submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission.

(2) The sales of natural gas proposed to be abandoned, as hereinbefore described and as more fully described in the applications and in the tabulation herein, are subject to the requirements of subsection (b) of section 7 of the Natural Gas Act.

(3) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity in various dockets involved herein should be amended as hereinafter ordered.

(4) The abandonments proposed by Applicants herein are permitted by the public convenience and necessity and should be approved as hereinafter ordered.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates, other than small producer certificates, heretofore issued to Applicants relating to the complete abandonments hereinafter permitted and approved should be terminated.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the FPC gas rate schedule supplements related to the authorizations hereinafter granted should be accepted for filing.

The Commission orders:

(A) Permission for and approval of the abandonments of service by Applicants, as hereinbefore described and as more fully described in the applications and tabulation herein, are granted.

(B) The orders issuing certificates of public convenience and necessity in various dockets are amended by deleting therefrom authorization to sell natural gas as more fully described in the petitions to amend and in the tabulation herein. In all other respects said orders shall remain in full force and effect.

(C) The certificates issued in the following dockets which are related to the abandonment authorizations granted herein are terminated and the related rate schedules are cancelled:

Abandonment authorization	*Terminated certificate*
CI70–652	CI70–652.[1]
CI73–463	CI72–49.
CI73–535	G–2585.
CI73–636	G–18058.
CI73–753	G–13335.
CI74–171	G–5325.
CI74–179	CI63–1475.
CI74–192	CI64–3.
CI74–193	G–6664.
CI74–201	G–14142.
CI74–202	CI61–230.
CI74–203	CI62–407.
CI74–211	G–15159.
CI74–216	CI72–121.
CI74–243	G–13633.[2]
CI74–267	CI60–206.
CI74–305	CI64–1412.
CI74–308	G–11864.
CI74–315	G–2657.
CI74–335	G–11823.
CI74–338	CI73–288.
CI74–343	G–17401.

[1] Temporary certificate.
[2] Certificate terminated only with respect to sales under Pennzoil Producing Company FPC Gas Rate Schedule No. 149.

(D) Applicant in Docket No. CI74–243 is not relieved of any refund obligations related to the Commission's Opinion No. 682 issued January 11, 1974, in Docket No. RP70–13 as a result of the abandonment permitted and approved herein.

(E) Applicant in Docket No. CI73–636 is not relieved of any refund obligations in Docket No. G–18058 as a result of the abandonment permitted and approved herein.

(F) The rate schedule supplements related to the authorizations granted herein are accepted for filing, all as more fully set forth in the tabulation herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	FPC gas rate schedule: Description and date of document[1]	No.	Supp.
G–8817 D, 9–10–73	The California Co., a division of Chevron Oil Co. (Operator), et al.	Tennessee Gas Pipeline Co., a division of Tenneco Inc. Cut Off and Dixon Bay Fields, Lafourche and Plaquemines Parishes, La.	Notice of partial cancellation. 9–6–73	4	56
G–12654 D, 11–16–73	Mobil Oil Corp.	United Gas Pipe Line Co., Pistol Ridge Field, Forrest County, Miss.	Notice of partial cancellation. 11–14–73[1]	120	14
CI70–652 B, 11–26–73	Petroleum, Inc. (Operator) et al.	Transwestern Pipeline Co., Ivanhoe Field, Beaver County, Okla.	Notice of cancellation 11–20–73[2 3]	62	5
CI73–163 B 12–29–73	Perry R. Bass	Steeple Oil & Gas Corp., John Schneider Gas Unit, Bee County, Tex.	Notice of cancellation (Undated).[3]	24	2
CI73–535 B, 2–12–73	Gulf Oil Corp.	Montana-Dakota Utilities Co., acreage in Big Horn and Washakie, Counties, Wyo.	Notice of cancellation. 2–8–73[2 3]	211	11
CI73–636 B, 3–23–73	Alamo Petroleum Co.[4]	Transcontinental Gas Pipe Line Corp., Raceland Field, Lafourche Parish, La.	Notice of cancellation.[4 5]	[6] 1	4
CI73–753 B, 5–3–73	Mobil Oil Corp. (Operator) et al.	Arkansas Louisiana Gas Co., Colquitt Field, Claiborne Parish, La.	Notice of cancellation. 5–1–73.[3]	291	9
CI174–171 B, 9–10–73	Skelly Oil Co.	Lone Star Gas Co., Isaac Wilson Lease, Stephens County, Okla.	Notice of cancellation (undated).[3]	55	2
CI74–179 B, 9–13–73	J. M. Huber Corp.	Panhandle Eastern Pipe Line Co., Kismet Northwest Field, Seward County, Kans.	Notice of cancellation. 9–11–73[2 3]	56	5
CI174–192 B, 9–19–73	Texaco, Inc.	Arkansas Louisiana Gas Co., North Carter Field, Beckham County, Okla.	Notice of cancellation. 9–17–73[2 3]	316	7
CI74–193 B, 9–17–73	Sun Oil Co.	Texas Eastern Transmission Corp., Delhi Field, Richland Parish, La.	Notice of cancellation. 9–12–73[2 3]	36	21
CI74–201 B, 9–24–73	Quintin Little	Lone Star Gas Co., Sherman Field, Grayson County, Tex.	Notice of cancellation. 9–20–73[2 3]	1	2
CI74–202 B, 9–26–73	Edwin L. Cox (operator) et al.	Panhandle Eastern Pipe Line Co., Carthage Field, Texas County, Okla.	Notice of cancellation. 9–21–73[2 3]	32	7
CI74–203 B, 10–1–73	Texaco, Inc.	Transcontinental Gas Pipe Line Corp., Bayou Couba Field, St. Charles, Parish, La.	Notice of cancellation. 10–2–73[2 3]	250	13
CI74–211 B 10–5–73	Ashland Oil, Inc.	Texas Eastern Transmission Corp., Mud Flats Field, Aransas County, Tex.	Notice of cancellation. 10–2–73[2 3]	221	7
CI74–216 B 10–1–73	Perry R. Bass	Michigan Wisconsin Pipe Line Co., Deep Bayou Field, Cameron Parish, La.	Notice of cancellation (Undated).[3]	25	5
CI74–243 B 9–28–73	Pennzoil Producing Co.	United Gas Pipe Line Co., Monroe Field, Ouachita Parish, La.	Notice of cancellation 9–26–73[2 3 5]	149	21
CI74–267 B 10–10–73	Ashland Oil, Inc. (Operator) et al.	South Texas Natural Gas Gathering Co., Schuster Field, Hidalgo County, Tex.	Notice of cancellation. 10–15–73[2 3]	226	6
CI74–305 B 11–9–73	Robert L. Zinn (Operator) et al.	United Gas Pipe Line Co., West Tecolote Field, Jim Wells County, Tex.	Notice of cancellation. 9–26–73[2 3]	1	3
CI74–308 B 11–16–73	Mobil Oil Corp.	Lone Star Gas Co., Cruce, Doyle, and Katie Fields, Stephens and Garvin Counties, Okla.	Notice of cancellation. 11–14–73[2 3]	8	12
CI74–315 B 11–15–73	Edwin L. Cox (Operator) et al.	Lone Star Gas Co., Roady Northeast Field, Garvin County, Okla.	Notice of cancellation. 11–12–73[3]	42	3
CI74–330 B 11–23–73	Prudential Drilling Co.	Trunkline Gas Co., Goodwin Field, Newton County, Tex.	[3] [10] [11]	----	----
CI74–335 B 11–19–73	Marathon Oil Co. (Operator) et al.	Arkansas Louisiana Gas Co., East Haynesville Field, Claiborne Parish, La.	Notice of cancellation. 11–15–73[3]	20	14
CI74–336 B 11–23–73	Prudential Drilling Co.	Texas Eastern Transmission Corp., Hankamer Ranch Field, Newton County, Tex.	[3] [10]	----	----
CI74–338 B 11–19–73	Mountain Petroleum, Ltd. (1972).	Kansas-Nebraska Natural Gas Co., Inc., Fleming Area, Logan County, Colo.	Notice of cancellation. 11–16–73[2 7]	1	1

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

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Docket No. and date filed	Applican,	Purchaser and location	FPC gas rate schedule: Description and date of document	No.	Supp.
C174-343 B 12-6-73	Mobil Oil Corp.	Texas Gas Transmission Corp., East Cameron Block 4 Field, Cameron Parish, offshore Louisiana	Notice of cancellation. 12-4-73.[3] [7]	208	14
C174-356 B 12-18-73	Southland Royalty Co.	Natural Gas Pipeline Co. of America, Elms Field, Live Oak County, Tex.	[3] [10]		

[1] Unless otherwise stated, the effective date is the date of this order.
[2] Includes buyer's concurrence.
[3] Depleted.
[4] Successor to Sword Co. et al.
[5] Application treated as notice of cancellation.
[6] Currently on file as Sword Co. et al., FPC Gas Rate Schedule No. 1.
[7] Acreage is nonproductive.
[8] Applicant no longer owns lands and leaseholds subject to the contract.
[9] Leases released.
[10] Small producer abandonment; there is no active rate schedule on file with the Commission for this sale.
[11] Pressure has continually declined and it is no longer economically feasible to suppply gas under any circumstances.

[FR Doc.74-6215 Filed 3-19-74;8:45 am]

[Project No. 1894]

SOUTH CAROLINA ELECTRIC & GAS CO.

Availability of Environmental Impact Statement

Notice is hereby given that on March 20, 1974, as required by Commission Rules and Regulations under Order 415-C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to Section 102(2) (C) of the National Environmental Policy Act of 1969 (Public Law 91-100) was placed in the public files of the Federal Power Commission. This statement deals with an application filed by South Carolina Electric & Gas Company on July 26, 1972, requesting (1) a new license under Section 15 of the Federal Power Act for the existing Parr Hydroelectric Project (FPC No. 1894) located on the Broad River in Fairfield and Newberry Counties, South Carolina; requesting (2) authorization to construct and include within the new license a pumped-storage project utilizing the existing Parr reservoir enlarged to serve as the lower pool; and requesting (3) authorization to use the upper reservoir of the pumped-storage project as a cooling impoundment for a proposed nuclear electric power plant (A.E.C. Docket No. 50-395).

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C., 20426 and in its Atlanta Regional Office located at 730 Peachtree Street NE., Atlanta, Georgia 30308. Copies may be ordered from the Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6211 Filed 3-19-74;8:45 am]

[Docket No. RI74-46]

DALPORT OIL CORP.

Notice of Extension of Time and Postponement of Hearing

MARCH 13, 1974.

On March 12, 1974, Staff Counsel filed a motion to postpone the procedural dates fixed by Order issued February 26, 1974, as amended by an errata notice issued February 28, 1974, in the above-designated matter. Dalport Oil Corporation concurs in the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of direct testimony and evidence by Dalport, April 23, 1974.
Service of direct testimony, testimony by Staff and any interveners opposing the application, April 30, 1974.
Service of rebuttal testimony and evidence, May 7, 1974.
Hearing, May 14, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6422 Filed 3-19-74;8:45 am]

[Docket No. CP74-94]

UNITED GAS PIPE LINE CO. ET AL.

Notice of Extension of Time

MARCH 13, 1974.

United Gas Pipe Line Company, Complainant, v. Billy J. McCombs, R. James Stillings, d/b/a Gastill Company, David A. Onsguard, Basin Petroleum Corporation, Louis H. Haring, Jr., National Exploration Company, E. I. du Pont de Nemours & Company and Bill Forney, Respondents.

On March 11, 1974, The McCombs Group filed a motion for reconsideration of order granting Staff's appeal rescheduling briefs and fixing date for initial decision and exceptions.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Initial simultaneous briefs, March 21, 1974.
Reply briefs, April 4, 1974.
Decision of Presiding Administrative Law Judge, May 7, 1974.
Briefs on exceptions, May 28, 1974.
Briefs opposing exceptions, June 7, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6421 Filed 3-19-74;8:45 am]

[Docket No. E-8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Order Affirming in Part and Amending Prior Order

MARCH 14, 1974.

On October 12, 1973, Cambridge Electric Light Company (Cambridge) filed in this docket a proposed change of rates to certain jurisdictional customers. The changes include a proposed fuel adjustment clause. By order of December 13, 1973, the Commission suspended the proposed changes for five months (until May 14, 1974), set the matter for hearing, and ordered Cambridge to file, within 30 days, a revised fuel adjustment clause to conform with the Commission's Opinion No. 633.

In purported compliance with the Commission's December 13 order, Cambridge on January 11, 1974, tendered for filing a revised fuel clause and, concurrently, an increase in the energy charges associated therewith. Notice of this filing was issued on January 20, 1974, with comments due on or before February 5, 1974.

On February 5, 1974, the Town of Belmont, Massachusetts (Belmont) filed a response stating that (1) the revised fuel adjustment clause does not meet the intent and purpose of Commission Opinion No. 633, and (2) that Cambridge has failed to show that the revised energy charges and resulting revenues are just and reasonable. Belmont states, however, that it has no objection to permitting the new fuel adjustment clause to become effective, subject to refund, as of May 14, 1974.

On February 7, 1974, the Commission issued a letter Order accepting Cambridge's revised fuel clause for filing, to be effective as of May 14, 1974. An additional review of the revised fuel clause in light of the allegations contained in Belmont's response indicates that Cambridge's revised fuel clause does conform to the directives of Opinion No. 633. The proposed increased energy charges reflect the increased base fuel cost specified in the revised fuel adjustment clause. We therefore reaffirm our Order of February 7, 1974, accepting Cambridge's revised fuel clause as of May 14, 1974, as being consistent with Opinion No. 633. We note, however, that the letter Order of February 7, 1974 erroneously states that the acceptance for filing of the revised fuel clause and energy charge adjustments terminates Docket No. E-8445. We shall herein amend that letter Order to delete such statement.

The action taken herein is without prejudice to Belmont's right to challenge the proposed level of rates and charges sought by Cambridge in this proceeding.

The Commission finds:

(1) Good cause exists to affirm the Commission's letter Order of February 7, 1974, to accept Cambridge's revised fuel clause for filing, effective May 14, 1974.

(2) Good cause exists to amend the Commission's letter Order of February 7, 1974, to delete the reference to termination of Docket No. E-8445.

The Commission orders:

(A) The Commission's letter Order of February 7, 1974, is hereby affirmed to accept Cambridge's revised fuel clause as of May 14, 1974.

(B) The Commission's letter Order of February 7, 1974, is hereby amended to delete the reference to termination of of Docket No. E-8445.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6407 Filed 3-19-74;8:45 am]

[Docket No. E-8650]

COLUMBUS AND SOUTHERN OHIO ELECTRIC CO.

Notice of Proposed Change in Rates

MARCH 13, 1974.

Take notice that on March 4, 1974 Columbus and Southern Ohio Electric Company (C&S) tendered for filing proposed changes in rate schedules for municipal wholesale services to the Cities of Westerville and Jackson and the Village of Glouster.

C&S asserts that the filing is in accordance with Part 35 of the Commission's Regulations. C&S states that the contracts will supersede contracts presently on file with this Commission which terminate according to their terms on May 1, 1974 with respect to Westerville and June 30, 1974 with respect to Glouster and Jackson. The agreement of the parties served under the proposed contracts had not been secured as of the date of the filing.

C&S requests an effective date for the proposed contracts of May 1, 1974 with respect to Westerville and June 30, 1974 with respect to Glouster and Jackson.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 26, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6404 Filed 3-19-74;8:45 am]

[Docket No. CP74-220]

EL PASO NATURAL GAS CO.

Notice of Application

MARCH 13, 1974.

Take notice that on February 27, 1974, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed an application in Docket No. CP74-220 pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain meter station facilities and for a certificate of public convenience and necessity authorizing the sale for resale of reapportioned volumes of natural gas, by community, to General Utilities, Inc. (General Utilities), in Graham and Greenlee Counties, Arizona, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant proposes to abandon, by removal and salvage, the Rural Electrification Administration (REA) Power Plant Meter Station and the sale and delivery of natural gas to General Utilities at such location in Graham County, Arizona. Said facilities consist of one 500 B standard positive displacement type meter station, with appurtenances, located on Applicant's 10¾-inch O.D. Globe-Miami pipeline. Applicant states that natural gas service at such location is no longer required due to the dismantling of the subject power plant; and, therefore, applicant and General Utilities have agreed to abandon said meter station. The application states that the total cost of the removal and salvage of such facilities is estimated to be $200.

The application states further that Ap-Applicant, at the request of General Utilities, proposes to reapportion, by community the quantities of natural gas now authorized to be delivered to general Utilities at certain locations for resale and general distribution to Priority 1 and 2 consumers in Graham and Greenlee Counties, Arizona. Applicant states that the proposed reapportionment will allow General Utilities to utilize the existing contract quantities where service to Priority 1 and 2 customer needs exist, thereby, providing a more reliable and adequate natural gas service without requiring the installation of additional facilities by Applicant or General Utilities.

The application states that no interruption, reduction or termination of natural gas service presently rendered by Applicant to any of its customers, other than that which has been terminated by mutual agreement, will result upon effectuation of the abandonment and the reapportionment of contract quantities proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing herein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6405 Filed 3-19-74;8:45 am]

[Docket No. E-8648]

DUKE POWER CO.

Notice of Filing Fuel Conservation Rate Schedule

MARCH 13, 1974.

Take notice that Duke Power Company (Duke) on March 1, 1974, tendered for filing a FCE (Fuel Conservation Energy) Rate Schedule. The said Schedule proposes to make available to interconnected public utilities companies energy during off-peak hours in such amounts as Duke determines are available while maintaining adequate supplies for its regular customers. The said Schedule sets forth the formula upon which the rate for such deliveries will be determined. Duke states that it is not necessary to install new facilities or modify existing ones to supply the FCE service.

Duke proposes an effective date of April 1, 1974, for its FCE Rate Schedule.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6406 Filed 3-19-74;8:45 am]

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[Docket No. CP74-222]

IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Application

MARCH 13, 1974.

Take notice that on March 1, 1974, Iowa-Illinois Gas and Electric Company (Applicant), 206 East Second Street, P.O. Box 4350, Davenport, Iowa 52808, filed in Docket No. CP74-222 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline segments in the Davenport, Iowa area, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that due to the relocation of the Linwood Station delivery point in 1969 by Natural Gas Pipeline Company of America, as requested by Applicant, to a point approximately two miles north of its original location in the flood plains of the Mississippi River, certain of Applicant's facilities are no longer required for the delivery of natural gas. Applicant, therefore, proposes to abandon approximately 2.63 miles of eight-inch pipeline of which 9,550 feet of pipe located primarily in the rural area of Scott County, Iowa, will be abandoned in place and the remaining 4,350 feet of pipe located within the municipal limits of Buffalo, Iowa, will be converted from high-pressure pipeline service to 100-pound distribution service. Applicant further proposes to abandon approximately 3.13 miles of 10-inch pipeline located primarily within the municipal limits of Davenport of which 3,200 feet of pipe will be abandoned in place and the remaining 13,320 feet of pipe will be converted from high-pressure service to 100-pound distribution service.

Applicant states that no additional gas deliveries or requirements will result from the proposed abandonment and that no distribution service will be impaired as a result of the abandonment.

Any person desiring to be heard or to make any protest with reference with said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6408 Filed 3-19-74;8:45 am]

[Docket No. E-8365]

KANSAS CITY POWER & LIGHT CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 13, 1974.

On March 5, 1974, Staff Counsel requested a postponement of the procedural dates fixed by notice issued January 29, 1974, in the above-designated matter. The motion states that it was agreed upon at an informal conference that the parties would join the staff's request for a further extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Staff Service of Testimony, March 22, 1974.
Interveners Service of Testimony, April 5, 1974.
Company Rebuttal Testimony, April 19, 1974.
Prehearing Conference, May 6, 1974 (10 a.m. e.d.t.).
Hearing, May 6, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6409 Filed 3-19-74;8:45 am]

[Docket No. RP74-26]

LOUISIANA-NEVADA TRANSIT CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 13, 1974.

On February 22, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued October 31, 1974, in the above-designated matter. On February 27, 1974, a notice was issued deferring the procedural dates pending action on the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Evidence by Staff, May 17, 1974.
Prehearing Conference, May 29, 1974 (10 a.m. e.d.t.).
Service of Intervener evidence, June 3, 1974.
Service of Company rebuttal, June 17, 1974.
Hearing, July 9, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6410 Filed 3-19-74;8:45 am]

[Docket No. E-7690]

NEPOOL POWER POOL AGREEMENT

Notice of Extension of Time and Postponement of Hearing

MARCH 13, 1974.

On March 6, 1974, the New England Power Pool Executive Committee (NEPOOL) filed a motion for an extension of time for filing its testimony as required by the order issued January 22, 1974 in the above-designated matter. The motion states that the Municipal Petitioners and Staff have no objection to the requested extension. On March 11, 1974, Staff Counsel filed a reply to the above motion stating that Staff does not object provided that the other procedural dates are extended accordingly.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Direct testimony and exhibits by NEPOOL, March 26, 1974.
Direct testimony by Staff, April 23, 1974.
Hearing, May 7, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6411 Filed 3-19-74;8:45 am]

[Docket No. RP73-48]

NORTHERN NATURAL GAS CO.

Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

MARCH 13, 1974.

Take notice that Northern Natural Gas Company, (Northern), on March 1, 1974 tendered for filing Fourth Revised Sheet No. 3a of its F.P.C. Gas Tariff, Volume No. 4. Northern asserts that the proposed change, to become effective April 1, 1974, would increase annual revenues from jurisdictional sales and service by $25,731. The increase of 2.20¢ per MCF reflects an increase of the wholesale F-2 rate for gas purchased from Colorado Interstate Gas Company. Northern alleges that this rate increase filing is being made pursuant to Paragraph 19 of the General Terms and Conditions contained in Northern's F.P.C. Gas Tariff, Original Volume No. 4.

Northern also included in its filing Substitute Fourth Revised Sheet No. 3a to its F.P.C. Gas Tariff, Volume No. 4. Northern has requested that this alternate Sheet be allowed to become effective should Colorado Interstate obtain approval from the F.P.C. to place into effect on April 1, 1974, an alternate increase of .59¢ per MCF.

Copies of the filing were served upon the Gas Utility Customers and Interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6412 Filed 3-19-74;8:45 am]

[Docket No. E-7777]

PACIFIC GAS AND ELECTRIC CO.

Order Granting Motion for Extraordinary Relief and Instituting Investigation

MARCH 14, 1974.

We have before us a "Motion for Extraordinary Relief" which is an appeal from the presiding administrative law judge's denial of a request to certify to us his ruling granting the Commission staff's motion (Tr. 30) "to dismiss and remove from this proceeding all matters dealing with the issue of anticompetitive activities as they have been set forth by the intervenors." Due to the scope and importance of his ruling, we find that there exist "extraordinary circumstances" within the meaning of § 1.28(a) of our rules of practice and procedure and, accordingly, we shall consider this appeal on the merits.

On September 29, 1972, Pacific Gas and Electric Company (PG&E) tendered for filing revised tariff sheets embodying a 22 percent wholesale rate increase. On November 10, 1972, certain of its jurisdictional customers, namely, the cities of Alameda, Healdsburg, Lodi, Lompoc, Santa Clara and Ukiah, California (Cities) filed a document entitled in part "Motion to Reject, Protest, Request for Hearing and Five Months Suspension, and Petition to Intervene" alleging, among other matters, that PG&E was engaging in anticompetitive behavior. Cities alleged that such behavior included PG&E's proposing a wholesale rate so high that its wholesale customers would be unable to compete with PG&E for large industrial retail loads and, consequently, they would be caught in a competitive "price squeeze". Cities asked that we reject the filing because of PG&E's alleged anticompetitive behavior or, if we accept it, that we condition our acceptance on PG&E's elimination of its alleged anticompetitive behavior. On the same day Northern California Power Agency (NCPA), an agency of the State of California, filed a "Petition for Intervention" on behalf of the Cities of Biggs, Gridley, Palo Alto, Redding, and Roseville, California, and Plumas-Sierra Rural Electric Cooperative, also alleging that PG&E was engaging in anticompetitive behavior.

On November 27, 1972, after considering PG&E's answers denying the allegations, we accepted the filing without the conditions proposed by Cities, permitted the interventions, suspended the rate increase for the maximum statutory period until April 28, 1973, and set the matter for hearing, stating that "the issues raised by the pleadings • • • may require development in evidentiary proceedings". In its "Application for Rehearing" filed December 27, 1972, Cities complained of our failure to say why we had not imposed conditions on our acceptance of PG&E's filing and enlarged its request for relief by asking that we "require interim modification of the new rates so as to avoid unlawful discrimination and price squeeze". On January 26, 1973, we denied Cities' "Application for Rehearing" stating that

> Cities' proposed conditions presuppose anticompetitive behavior on the part of Pacific Gas & Electric Company, a matter which cannot be properly ruled upon without development of the issue in an evidentiary proceeding.

Cities, on March 7, 1973, filed a petition in the United States Court of Appeals for the District or Columbia Circuit (Docket No. 73-1246) to review the orders which we issued on November 27, 1972, and January 26, 1973. On April 16, 1973, we moved to dismiss that petition, arguing that the orders in question were not sufficiently definitive to be reviewable, and even assuming, arguendo, that the orders were not interlocutory, they were nevetheless a nonreviewable exercise of the Commission's discretionary suspension power. We stated in the motion that "• • • until the Commission has had an opportunity to consider at an evidentiary hearing the issue of anti-competitive behavior and to rule upon the justness and reasonableness of PG&E's rates, such issues can hardly be considered definitive or ripe for review". On July 5, 1973, the Court of Appeals summarily granted our motion and dismissed Cities' petition.

At the prehearing conference in this proceeding on September 25, 1973, Staff moved "to dismiss and remove from this proceeding all matters dealing with the issue of anticompetitive activities as they have been set forth by the intervenors." On September 28, 1973, the presiding judge granted the staff's motion, stating that "[a]nticompetitive activities are dismissed from consideration in this case • • •" On October 10, 1973, Cities and NCPA filed a "Request for Certification," proffering forty-seven issues of alleged anticompetitive conduct. They took issue with the presiding judge's refusal to consider anticompetitive matters where full relief could not be granted, claiming that if such matters are raised they must be considered if some appropriate relief can be granted. On October 30, 1973, the presiding judge denied the request on the ground that the necessity for prompt Commission action had not been shown.

Cities' and NCPA's "Motion for Extraordinary Relief" followed on November 7, 1973, asserting that their claim that extraordinary circumstances exist for prompt Commission action is based on the significant limiting effect of the presiding judge's ruling on the scope of the proceeding as previously defined in (1) the orders which we issued on November 27, 1972, and January 26, 1973, and (2) the motion which we filed in the Court of Appeals on April 16, 1973, to dismiss Cities' petition to review those orders.

Staff opposes Cities' and NCPA's "Motion for Extraordinary Relief" relying on the orders which we issued in Southern California Edison Company, on September 21, 1973, and November 2, 1973, and in Arkansas Power and Light Company, Docket No. E-8250, E-8071 and E-8142, on October 29, 1973. PG&E also opposes the motion on the basis that the presiding judge's ruling is consistent with the order which we issued in Southern California, supra. PG&E argues that we did not commit ourselves to accepting all evidence of anticompetitive activities by stating in the orders which we issued in this proceeding on November 27, 1972, and January 26, 1973, that the issues raised by the intervenors may require development, and that Cities' proposed conditions cannot be ruled upon without their development in an evidentiary proceeding. Furthermore, PG&E contends that the presiding judge's ruling is consistent with Gulf States Utilities Co. v. F.P.C., 411 U.S. 747, decided May 14, 1973, in which it was held that we are required to consider, in appropriate circumstances, the anticompetitive effects of regulated aspects of interstate utility operations pursuant to section 205 and 206, among other sections, of the Federal Power Act.

In Southern California and Arkansas Power, supra, the proponents of a "price squeeze" issue asked us to remedy an alleged anticompetitive wholesale rate by fixing the rate based upon the wholesaler's direct large industrial retail rates. A review of excerpts from the record (Attachment B to Cities Motion) indicates that, while Cities and NCPA have not requested the precise relief requested in Southern California and Arkansas, it is clear that Cities and NCPA have attempted to introduce evidence to relieve or compensate for an alleged "price squeeze" by adjusting wholesale rate levels on other than a cost-plus-fair return basis. As we have indicated on numerous occasions, our standard in setting wholesale rates is that any wholesale rate level must be predicated on proof of costs associated with wholesale service plus a fair return. Cities and NCPA have been given an opportunity to present such evidence. We find, therefore, that the presiding Judge's ruling related to "price squeeze" evidence is correct.

We note however, that it appears from Cities' and NCPA's motion for extraordinary relief that anticompetitive issues other than the alleged "price squeeze" have been raised. Cities and NCPA have also alleged, inter alia, that PG&E has entered into various contracts [1]

[1] PG&E contracts with: San Diego Gas & Electric and Southern California Edison Company (FPC Rate Schedule No. 27); United States Bureau of Reclamation (FPC Electric Tariff Original Volume No. 4); Sacramento Municipal Utility District (FPC Rate Schedule No. 45); and Southern California Edison and San Diego Gas and Electric, Seven Party Rate Agreement (FPC Rate Schedule No. 105).

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which, through their alleged restrictive and anticompetitive nature, have strengthened a purported monopoly over generation and transmission facilities in northern and central California to the detriment of Cities and NCPA. The relief either requested or implied by the various allegations would entail: (1) the adjustment of PG&E's rates to Cities and NCPA to account for the alleged anticompetitive activities; (2) the direction by this Commission to PG&E to wheel power; and (3) the review and possible amendment of the above mentioned contracts to remove anticompetitive provisions.

With regard to (1) supra, as previously stated, this Commission, in designing wholesale rates, utilizes a cost plus-fair reasonable rates and does not have the authority under the Act to make the type of adjustment Cities . . . and NCPA are impliedly urging upon us. To the extent that the costs associated with service to Cities and NCPA are lower than those claimed by PG&E, then a rate adjustment would be appropriate. However, evidence relating to alleged anticompetitive activities does not serve to prove or disprove the propriety of a wholesale rate level. Further, with respect to wheeling, it has been determined that the Commission does not have the authority to order wheeling (Cf. Otter Tail Power Co. v. U.S., 410 U.S. 366 (1973)). However, the Commission may have the authority, in proper circumstances, to amend certain provisions of contracts on file with this Commission (Cf. Carolina Power & Light Company, Docket No. E–7918, order issued March 12, 1973). We note that the contracts specifically complained of here are on file with this Commission and that relief might be granted if the allegations are satisfactorily proved at hearing. Since, however, such relief is unrelated to the determination of just and reasonable rates presently being made in the proceeding, we shall institute, in a second phase of the proceeding, an investigation of the contracts in question pursuant to section 206 of the Federal Power Act. In serving its evidence, Cities and NCPA shall indicate precisely which provisions of the contracts are allegedly improper and the manner in which the provisions are proposed to be amended. All evidence shall, of course, be subject to appropriate motions regarding our jurisdiction over the contract issues so raised as well as the relevancy and materiality of the evidence adduced.[2]

[2] We note that, with respect to the contract with the Sacramento Municipal Utility District (FPC Rate Schedule No. 45), NCPA has previously raised certain issues relating to alleged anticompetitive provisions contained in this contract. In Northern California Power Agency v. F.P.C., D.C. Cir. No. 73–1765, the Commission has taken the position that the contract provisions that NCPA urged the Commission to review in a proceeding before the Commisison relate to service over which the Commission does not exercise jurisdiction and therefore the Commission was without power to grant the relief requested.

We view with deep seriousness and concern the charges made by Cities against PG&E and believe they warrant a full and complete investigation. The section 206 proceeding herein ordered will allow for such investigation and provide the appropriate forum for the presentation and development of a complete evidentiary record concerning the alleged anticompetitive activity and conduct of PG&E. If, for example, after hearing and decision PG&E is found, by virtue of contract provisions subject to FPC jurisdiction, to have restricted the ability of its customers to develop their own generation, or limited customers access to alternate supply sources, this Commission will not hestitate to order contract reform or other measures as are necessary to eliminate such practices.

We view our position as being consistent with the orders which we issued in this proceeding on November 27, 1972, and January 26, 1973, as well as the position which we took in the Court of Appeals, all of which predated the Supreme Court's guidance in Gulf States, supra. We indicated in those orders that we would consider all issues including the anticompetitive issue, but we did not intend to relieve those who would offer evidence to establish violations of antitrust policy from their traditional burden of establishing the relevancy of such evidence to the issues in the proceeding, including their relevancy to the specific relief which we have the power and authority to grant. Nor did we intend to preclude the administrative law judge from performing his traditional and essential function of sifting the evidence as it is offered and inquiring into the prospective relevancy of particular evidence when such relevancy is not readily apparent. Whenever proposed evidence fails to suggest relief which we have the power and authority to grant, it is the duty of the administrative law judge to exclude it from the record of the proceeding.

POLITICAL ACTIVITY ISSUE

Cities asks, as part of its Motion for Extraordinary Relief, that we reverse that portion of the presiding judge's ruling on November 2, 1973, which denied Cities' discovery request that PG&E

Provide documents which indicate any plan or activity by PG&E or its officers or employees since January 1, 1960 related to the obtaining from PG&E's officers or employees of contributions to any candidates for political office (local, state or federal).

PG&E states in its Response (1) that in a recent filing Cities sufficiently narrowed its request to permit PG&E to respond, and (2) that PG&E

Pursues no activities whatever to elicit compulsory political contributions from its officers, employees or any other persons and, therefore, that it has no documents of the sort which Cities have requested.

It appears from PG&E's Response that the issue sought to be raised has become moot and, consequently, we make no other findings and issue no orders in connection with this aspect of Cities' and NCPA's Motion for Extraordinary Relief.

The Commission orders:

(A) The Motion for Extraordinary Relief which was filed by the Cities of Alameda, Healdsburg, Lodi, Lompoc, Santa Clara and Ukiah, California, and the Northern California Power Agency on November 7, 1973, is granted and the ruling which the presiding administrative law judge issued on September 28, 1973, granting the motion which the Commission Staff made at the prehearing conference on September 25, 1973, is reversed only to the extent required to permit an investigation under Section 206 of the Federal Power Act, in a second phase of this proceeding, of the jurisdictional contracts in question cited in Cities' Motion for Extraordinary Relief.

(B) An investigation under section 206 of the Federal Power Act into the justness and reasonableness of the terms and conditions of the contracts identified in Cities' and NCPA's Motion for Extraordinary Relief is hereby instituted as a separate phase of this proceeding. Cities and NCPA shall file testimony and exhibits in support of its allegations concerning the subject contracts on or before April 23, 1974. Staff evidence, if any, shall be served on or before May 7, 1974. Rebuttal evidence shall be served on or before May 21, 1974. Cross examination of the testimony and exhibits filed shall take place on June 4, 1974, before the Presiding Administrative Law Judge presently designated in this docket, as such other Administrative Law Judge as may be assigned in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6413 Filed 3–19–74;8:45 am]

[Docket No. E–8649]

PACIFIC POWER AND LIGHT CO.

Notice of Application

MARCH 13, 1974.

Take notice that on March 4, 1974, Pacific Power and Light Company (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana and Idaho, with its principal business office at Portland, Oregon, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing borrowings in an aggregate principal amount not exceeding $35,000,000 at any one time outstanding under a Loan Facility with certain banks.

Under such Loan Facility, Applicant would have the right to make borrowings not exceeding $35,000,000 at any one time outstanding through drawings under a revolving standby Loan Facility evidenced by a Letter Agreement to be dated as of March 18, 1974, between Applicant and White, Weld & Co., Limited as Agent for the Banks listed in said Letter Agreement. The duration of the Loan Facility would be for a period of 18 months from the date thereof until October 1, 1975. Under the Loan Facility, Applicant would have the right to make drawings from time to time in the amount of $1,000,000, or multiples thereof, for a period of one, three or six months, at Applicant's option, which borrowings would mature and be repaid on the last day of the chosen period, but in no event later than the termination date of the Loan Facility. Each drawing would be advanced by the Banks in the proportions to their respective commitments as set forth in said Letter Agreement.

Interest would be payable on each drawing at a rate per annum equal to a margin of ⅝ of 1 percent per annum plus the rate equal to the arithmetic mean (which, if not a whole multiple of 1/16 of 1 percent, would be increased to the nearest whole multiple of 1/16 of 1 percent) of the rates at which deposits in United States Dollars are offered by prime banks in the London interbank market for periods of one, three or six months, whichever is appropriate, and would be fixed at 11 a.m. (London time) two business days prior to the date on which the drawing is made. The interest would be payable on each drawing from the date thereof until actual repayment and would be calculated on the basis of the actual number of days elapsed divided by 360. Applicant will be under no requirement or understanding to maintain compensating balances with the Banks.

Applicant would pay a commitment commission in United States Dollars at the rate of ¼ percent per annum from the date of acceptance by Applicant until the termination of the Loan Facility calculated on the basis of the actual number of days elapsed divided by 360 and on the daily unused portion of the Loan Facility payable ninety days in arrears from the date of signing the Letter Agreement for the Loan Facility.

Proceeds from the borrowings to be made under the Loan Facility would be used, in part, to temporarily finance Applicant's construction expenditures for 1974 presently estimated at $259,589,000. The balance of funds required to meet estimated 1974 construction expenditures is expected to come, in part, from short-term borrowings presently authorized by the Commission and as the Commission may further authorize, and from further permanent financing later in 1974 of a type and magnitude not yet finally determined.

Any person desiring to be heard or to make any protest with reference to this application should, on or before April 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6414 Filed 3–19–74;8:45 am]

[Docket No. CP74–225]

PENNSYLVANIA GAS CO.

Notice of Application

MARCH 13, 1974.

Take notice that on March 4, 1974, Pennsylvania Gas Company (Applicant), 213 Second Avenue, Warren, Pennsylvania 16365, filed in Docket No. CP74–225 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon a total of 21 miles of existing pipelines located in Erie County, Pennsylvania, and for a certificate of public convenience and necessity authorizing Applicant to construct and operate 7.1 miles of replacement pipelines, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon approximately 21 miles of parallel 8-inch 10-inch, 12-inch transmission pipeline extending between Applicant's regulator station on Stuart Road near Wattsburg, Pennsylvania, and the regulator station near Phillipsville, Pennsylvania, and replace said pipeline with two sections totaling 7.1 miles of new 20-inch transmission pipeline. Applicant states that the proposed 20-inch pipeline sections will replace 21 miles of existing bare transmission pipeline up to 88 years old which, pursuant to Department of Transportation safety regulations, would require an investment of $205,000 for cathodic protection. The application states that this proposed construction will obviate the necessity of such an expenditure while increasing Applicant's transmission capacity from its supply areas to its main marketing areas of Erie, Pennsylvania, and Jamestown, New York.

Applicant estimates the cost for construction of the proposed 20-inch transmission pipeline will be $1,000,000, which Applicant intends to finance in part out of available company funds, and in part, from funds to be obtained by issuing to its parent corporation, National Fuel Gas Company, notes or stock, or both, at face or par value.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6415 Filed 3–19–74;8:45 am]

[Docket No. E–8646]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Notice of Filing of Supplement to Rate Schedule

MARCH 13, 1974.

Take notice that Public Service Company of Oklahoma (PSCO) on March 1, 1974 tendered for filing a Supplement to its Rate Schedule FPC No. 186. The said Supplement is an agreement between PSCO and Union Electric Company (Union) for the sale to Union of 100 MV of capacity during the period April 1, 1974 to March 31, 1975. The Supplement calls for a demand charge at the rate of $1.50 per kilowatt of capacity per month regardless of unit availability. In addition, Union is to pay PSCO the preceding monthly average cost of fuel plus 1.32 mills for various operational costs for each kilowatt hour of energy scheduled. The Supplement contains a conservation clause in which Union agrees to redeliver to PSCO energy generated on coal-fired capacity in an amount equal to one-half the amount of energy Union receives from PSCO under the agreement. PSCO purposes an effective date of April 1, 1974 for this Supplement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the

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Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6416 Filed 3-19-74;8:45 am]

[Docket No. E-8645]

PUGET SOUND POWER AND LIGHT CO.

Notice of Filing of Agreement

MARCH 13, 1974.

Take notice that on February 27, 1974 Puget Sound Power and Light Company (PSP) tendered for filing an agreement between PSP and Southern California Edison Company (SCE). The said Agreement is for the sale of energy by PSP to SCE. The rates for and the amounts of such energy will be established by the parties, but in no event, will the rate exceed six mills per kilowatt-hour at the point of delivery, the Oregon-California border.

PSP proposes an effective date of February 28, 1974 for this Agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6417 Filed 3-19-74;8:45 am]

[Docket No. CP73-225]

TEXAS GAS TRANSMISSION CORP.

Notice of Petition To Amend

MARCH 13, 1974.

Take notice that on March 1, 1974, Texas Gas Transmission Corporation (Petitioner), P.O. Box 1160, Owensboro, Kentucky 42301, filed a petition to amend the order issuing a certificate of public convenience and necessity in Docket No. CP73-225 pursuant to section 7(c) of the Natural Gas Act on July 19, 1973 (50 FPC ----) by authorizing Petitioner to continue to exchange natural gas with Terre Haute Gas Corporation (Terre Haute), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued July 19, 1973, Petitioner was authorized to transport and exchange up to 2,000 Mcf of natural gas per day with Terre Haute, pursuant to an exchange agreement between the parties dated December 8, 1973, for a period ending December 15, 1973. Petitioner requests authorization to extend this simultaneous exchange of gas with Terre Haute for a period beginning December 16, 1973, through May 1, 1975, as provided in a letter agreement between the parties dated December 15, 1973.

Petitioner states that such an extension is needed due to operating conditions of Terre Haute's system and in order for Panhandle Eastern Pipe Line Company to test the feasibility of the Calcutta Carbon Storage Field located in Parke and Clay Counties, Indiana, near Brazil, Indiana.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6418 Filed 3-19-74;8:45 am]

[Docket No. CP74-214]

UNITED GAS PIPE LINE CO.

Notice of Application

MARCH 13, 1974.

Take notice that on February 25, 1974, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP74-214 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon pipeline sections on Applicant's system in east Texas and North Louisiana and for a certificate of public convenience and necessity authorizing the installation and operation of meter and regulating facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon certain segments of its pipeline system which are no longer needed in Applicant's operations. Applicant states that by such abandonments Applicant will avoid certain expenditures for cathodic protection of the pipe required by the Office of Pipeline Safety of the U.S. Department of Transportation which would otherwise be required.

Applicant proposes to abandon in place, 6,683 feet of the 8-inch Waskom-Tyler line located near Tyler, Smith County, Texas, and 2,270 feet of the 4-inch Kangerga Field transmission line in Rusk County, Texas. Applicant proposes, in addition, to abandon and sell to Louisiana Gas Service Company 494 feet of the Tallulah, Louisiana 4-inch tap line near Tallulah, Madison Parish, Louisiana; 10,433 feet of the 4-inch Richland Field transmission line to the Winnsboro line located in Richland Parish, Louisiana, where Applicant proposes to install meter and regulating facilities estimated to cost $840 to serve this low pressure line from the 4-inch Winnsboro line; and 145,685 feet of the 7-inch line located in Ouachita and Jackson Parishes, Louisiana, where Applicant proposes to install meter and regulating facilities estimated to cost $4,310 to serve this low pressure 7-inch line from the 30-inch South-North line.

Applicant states that installation of the proposed meter and regulating facilities will allow Applicant to provide for continued service to those pipelines being sold. The application states that two domestic farm tap customers on the 8-inch Waskom-Tyler line, and seven such customers on the 4-inch Kangerga Field transmission line whose service will be terminated will be furnished with propane storage tanks by Applicant.

Applicant states further that the remainder of the domestic farm tap customers presently on the section of Waskom-Tyler line being abandoned will continue to be served by connections to the distributor, United Gas, Inc., from another part of Applicant's pipeline system. Domestic farm tap customers on the 4-inch Richland Field transmission line to the Winnsboro line and on the 7-inch Hodge line will continue to be served by Louisiana Gas Service Company through the facilities being sold by Applicant and through the proposed meter and regulating facilities to be installed by Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6420 Filed 3-19-74;8:45 am]

[Docket No. RP74-37-10]

UNITED GAS PIPE LINE CO. (UNITED GAS, INC. ON BEHALF OF B. C. ROGERS AND SONS, INC.)

Notice of Petition for Extraordinary Relief

MARCH 13, 1974.

Take notice that on March 4, 1974 United Gas, Inc. (UGI) filed a petition for extraordinary relief on behalf of B. C. Rogers and Sons, Inc. (Rogers) seeking an additional annual supply of 193,000 Mcf of natural gas from United Gas Pipe Line Company (United).

Rogers is located in Morton, Mississippi and supplied by UGI which in turn is supplied by United. Its base requirement, as established by United, is 83,566 Mcf/per year and Morton's entire base requirement is 271,912 Mcf/per year. The requested additional service would increase Rogers' base requirements to a total exceeding that which the town of Morton is allotted (277,000; 271,912) and UGI states that it cannot supply this increase. The additional supplies would be used for operating a soon to be completed rendering plant at the Rogers' poultry processing complex. The rendering plant will be used to dispose of waste materials and Rogers states that the entire complex will necessarily be closed if it cannot dispose of the waste products through this plant (all as more fully set out in the attachment to UGI's petition which is on file with the Commission and open for public inspection).

Any person desiring to be heard or to make protest with reference to said petition should on or before March 28, 1974, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6419 Filed 3-19-74;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA FINANCIAL GROUP, INC.

Order Approving Acquisition of Bank

Alabama Financial Group, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 88.2 percent of the voting shares of The Sand Mountain Bank, Boaz, Alabama ("Bank").

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Alabama controls seven banks which have deposits of $683.3 million or 9.7 percent of deposits in all commercial banks of the state. (Banking data are as of June 30, 1973, and reflect acquisitions and formations approved by the Board through February 1, 1974.) Acquisition of Bank having deposits of $23.1 million would increase Applicant's share of Alabama commercial bank deposits by less than one percent and would not change Applicant's rank among other banking organizations in the state in aggregate commercial bank deposits. No undue concentration of banking resources in Alabama would result.

Applicant is seeking to make its initial entry into the Marshall County banking market, which is located in the northeastern part of Alabama. Applicant, in acquiring Bank, the third largest bank in the market, with deposits representing 20.8 percent of commercial bank deposits in the market, will not be gaining a dominant position.

Applicant's closest subsidiary bank is at Anniston, Alabama, 41 miles southeast of Bank. No competition exists between Applicant's banking subsidiaries and Bank, and it is not likely that significant future competition would develop between them because of the distances involved and Alabama's restrictive branching laws. The acquisition would be procompetitive by breaking an existing affiliation with another bank in the market, and would have no adverse competitive effects.

The financial and managerial resources and prospects of Applicant, its subsidiaries and Bank are satisfactory; future prospects appear favorable in that Applicant will make available to Bank its managerial resources. The proposed affiliation with Applicant will allow Bank to initiate a 24-hour automatic teller service and offer corporate services to branches of national concerns located in the market. Considerations relating to convenience and needs of the community to be served lend weight toward approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transactions shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective March 12, 1974.

[SEAL] KYLE K. FOSSUM,
First Vice President.

[FR Doc.74-6358 Filed 3-19-74;8:45 am]

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank

Barnett Banks of Florida, Inc., Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Barnett Bank of South Orlando, Orlando, Florida, a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest bank holding company in Florida, controls 52 banks with aggregate deposits of $1.6 billion, representing 7.8 per cent of total deposits of commercial banks in the State.[1] Since Bank is a proposed new bank, no existing competition will be eliminated nor would Applicant's share of Statewide deposits be increased.

Applicant presently controls five banking subsidiaries in the Orlando banking market (comprising Orange and south Seminole Counties). Applicant does not

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through February 28, 1974.

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dominate the market as it controls but 12.3 per cent of market deposits. In contrast, the largest banking institution in the market controls approximately 40 per cent of the area's commercial bank deposits. None of Applicant's banking subsidiaries presently draw any significant amount of business from the proposed service area of Bank. It appears that no significant existing competition would be eliminated nor significant potential competition foreclosed, nor would there be any undue adverse effects on any competing banks. Based on the record before it, the Board concludes that consummation of the proposed acquisition would not adversely effect competition in any relevant area.

The financial and managerial resources and prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory, particularly in view of Applicant's commitments to inject capital into certain of its subsidiaries. Thus, considerations relating to banking factors are consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval as Bank will offer an alternative source of full banking services to residents of the area. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, and (c) Barnett Bank of South Orlando, Orlando, Florida, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective March 13, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6360 Filed 3-19-74;8:45 am]

FIRST AT ORLANDO CORP.

Order Approving Acquisition of Bank

First at Orlando Corporation, Orlando, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Citizens National Bank of Naples, Naples, Florida ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act, and the time for comment has expired. The Federal Reserve Bank of Atlanta, acting pursuant to delegated authority for the Board, has considered the application and comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the third largest banking organization in Florida, and controls thirty-nine subsidiary banks with deposits of $1.5 billion, representing 7.14 percent of total deposits in commercial banks in the state. (Banking data are as of June 30, 1973, adjusted to reflect holding company formations and acquisitions approved by the Board through February 1, 1974.) The proposed acquisition of Bank, having deposits of $28.6 million, would not result in a significant increase in the concentration of banking resources in Florida, and would not change Applicant's rank in amount of deposits held by banking organizations in the state.

The relevant banking market is Collier County, Florida, excluding the town of Immokalee; Naples is the county seat. Bank is the third largest of six banks now in the market, and its deposits represent 13 percent of commercial bank deposits in the market. Applicant in acquiring Bank will not gain a dominant position, and the acquisition will end Bank's affiliation with the second largest bank in the market, which holds 33 percent of market deposits.

Applicant's closest subsidiary bank is located in Miami, 110 miles to the east. Applicant's nonbanking subsidiaries derive no business from the service area of Bank. Because of the distance and Florida's prohibitions against branch banking, it is not likely that future competition would arise between Bank and Applicant's subsidiaries. Accordingly, approval of the application would have no adverse competitive effects.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory and consistent with approval, especially in view of Applicant's commitments to furnish additional capital to its other subsidiary banks. Customers of Bank will have access to trust services, investment advisory services, and mortgage financing through Applicant's subsidiaries, and Bank would be enabled to meet the borrowing needs of its largest customers. Considerations related to the convenience and needs of the community to be served thus lend some weight toward approval of the application. In the judgment of this Federal Reserve Bank, the application is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after such date, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta, acting under delegated authority for the Board of Governors of the Federal Reserve System, effective March 8, 1974.

[SEAL] MONROE KIMBREL,
President.

[FR Doc.74-6363 Filed 3-13-74;8:45 am]

BUSINESS ADMINISTRATIVE NEEDS OF KANSAS, LTD.

Formation of Bank Holding Company

Business Administrative Needs of Kansas, Ltd., Wichita, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 65.2 percent or more of the voting shares of The State Bank of Lancaster, Lancaster, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20051 to be received not later than April 9, 1974.

Board of Governors of the Federal Reserve System, March 12, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6364 Filed 3-19-74;8:45 am]

COMMUNITY BANKS OF FLORIDA, INC.

Acquisition of Bank

Community Banks of Florida, Inc., Seminole, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Redington Community Bank, Redington Shores, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 10, 1974.

Board of Governors of the Federal Reserve System, March 14, 1974.

[SEAL] THEODORE E. ALLISON,
Asssitant Secretary of the Board.

[FR Doc.74-6326 Filed 3-19-74;8:45 am]

FIRST AT ORLANDO CORPORATION ORLANDO, FLORIDA

Order Approving Acquisition of Bank

First at Orlando Corporation, Orlando, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The First American Bank of Pensacola, Pensacola, Florida ("Bank").

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and this Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Florida, controls 39 banks having deposits of $1.5 billion or 7.1 percent of deposits in all commercial banks of the state. (Banking data are as of June 30, 1973, and reflect acquisitions and formations approved by the Board through February 1, 1974). Acquisition of Bank, having deposits of $12.3 million, would increase Applicant's share of Florida commercial bank deposits by less than one percent, and would not change Applicant's rank among other banking organizations in the state in aggregate commercial bank deposits. No undue concentration of banking resources in Florida would result.

Applicant is seeking to make its initial entry into the Pensacola market which includes Escambia and Santa Rosa Counties in the northwestern part of Florida. Applicant, in acquiring Bank, the sixth largest of 16 banks in the market, with deposits representing 3.8 percent of commercial bank deposits in the market, will not be gaining a dominant position.

Applicant's closest subsidiary bank is at Gainesville, Florida, 347 miles southeast of Bank. No competition exists between Applicant's subsidiaries and Bank, and it is not likely that future competition would develop between them because of the distances involved and Florida's restrictive branching laws. The acquisition would have no adverse competitive effects.

The financial and managerial resources and prospects of Applicant, its subsidiaries and Bank are satisfactory in light of Applicant's commitment to increase capital in its other subsidiary banks; future prospects appear favorable. There is no evidence that the banking needs of the community are not being served; however the proposed affiliation with Applicant will help Bank improve the quality of the services it is currently providing. Also, Bank's customers will have access to mortgage services, trust services, and investment advisory services through Applicant's subsidiaries. Considerations relating to convenience and needs of the community to be served lend weight toward approval of the application. It is this Federal Reserve Bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Federal Reserve Bank of Atlanta acting under delegated authority for the Board of Governors of the Federal Reserve System, effective March 12, 1974.

[SEAL] KYLE K. FOSSUM,
First Vice President.

[FR Doc.74-6359 Filed 3-19-74;8:45 am]

FIRST VIRGINIA BANKSHARES CORP.

Order Approving Retention of Arlington Mortgage Company

First Virginia Bankshares Corporation, Falls Church, Virginia, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain all of the voting shares of Arlington Mortgage Company, Falls Church, Virginia ("Company"), a company that engages in the following activities: origination and acquisition of both FHA and VA-insured and conventional real estate loans (including construction loans), and servicing of all types of real estate loans. Such activities have been determined by the Board to be closely related to banking (12 CFR Part 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 Federal Register 1487). The time for filing comments and views has expired, and none has been timely received.

Applicant directly acquired Company in 1968 under authority of § 4(c)(5) of the Act.[1] Applicant seeks permission through this application to operate Company under the broader authority contained in § 4(c)(8) of the Act. In considering a proposal for the retention of shares in a nonbanking company under § 4(c)(8) of the Act, the Board must find that the proposed retention of the nonbanking company could reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects such as an undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.

Applicant, the sixth largest banking organization in Virginia, controls 23 banks with aggregate deposits of $761 million, representing 6.7 per cent of total deposits in commercial banks in Virginia.[2] Applicant's nonbanking subsidiaries engage in activities including mortgage lending, consumer finance, leasing, advisor to real estate investment trust, the sale of insurance, and holding title to bank premises.

Company (assets of $16 million as of December 31, 1972) is headquartered in Falls Church, Virginia, a suburb of Washington, D.C., and ranked as the 135th largest mortgage company in the United States based on a mortgage servicing volume of $212 million as of June 30, 1973.[3] The principal competitive effects of Applicant's proposal are limited to the Washington, D.C., SMSA. In 1968, Applicant's lead bank, First Virginia Bank, Falls Church, Virginia ("Bank"), originated a total of approximately $4.6 million of 1–4 family residential mortgage loans and $4.7 million of mortgage loans on multi-family and non-residential property in the Washington, D.C., SMSA; during the same period and within the same area, Company originated about $11 million of 1–4 family residential mortgage loans and $15 million of mortgage loans on multi-family and nonresidential property. Comparable figures for 1972 indicate that Bank and Company originated approximately $18 million and $13 million of 1–4 family residential mortgage loans, and approximately $2 million and $71 million of mortgage loans on multi-family and nonresidential property, respectively.[4] In view of the large number of mortgage lenders in the relevant market (over 100), the relatively small share of the residential mortgage market that Applicant and Company hold combined (under 2 per cent), and the fact that the mortgage loan market for multi-family and nonresidential property is national in scope, it appears that no meaningful existing competition was eliminated, nor was substantial competition foreclosed, in the Washington, D.C. area through Applicant's acquisition of Company.

First Virginia Mortgage Company ("Mortgage"), a subsidiary of Bank, offers FHA and VA-insured mortgage loans and 90–95 percent residential financing to customers of Applicant's subsidiary banks operating outside the Washington, D.C., SMSA. However, the amount of such loans originated by Mortgage dur-

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[2] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland, and Wallich.

[1] Section 4(c)(5) of the Act generally permits a bank holding company to acquire, without Board approval, "shares which are of the kinds and amounts eligible for investment by national banking associations under the provisions of section 5136 of the Revised Statutes".

[2] All banking data are as of June 30, 1973, adjusted to reflect holding company acquisitions and formations approved through February 28, 1974.

[3] Since its acquisition by Applicant, Company has established additional offices *de novo* in each of the following: Virginia Beach, Virginia; Orlando, Florida; and Birmingham, Alabama. However, these offices serve only as loan production offices, soliciting loans and preparing credit, appraisal, and feasibility information for the originations at the Company's principal office in Falls Church. The application herein contemplates converting these three offices to full service mortgage lending offices.

[4] Applicant has two other subsidiary banks in the Washington, D.C., SMSA (combined deposits of $46 million), and in 1972 they had in the aggregate about $6 million of residential mortgage loans in the market area.

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ing 1972 amounted to only about $900,000. First Advisors, Inc. ("First Advisors"), a direct subsidiary of Applicant, acts as advisor to Mortgage and a publicly-owned real estate investment trust. First Advisors also originates, as exclusive agent for the trust, commercial real estate and construction loans and, as a result, there is a slight overlap in this type of loan activity between First Advisors and Company; but the amount of direct competition appears to be insignificant, particularly in view of the fact that the market for such loans is national in scope. On the basis of the foregoing and other facts of record, the Board concludes that the proposal would have no significant adverse effects on existing or potential competition in any relevant area.

There is no evidence in the record to indicate that the proposed retention of Company by Applicant would lead to an undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects. On the contrary, the affiliation of Company with Applicant has resulted in benefits to the public in the form of expanded services and increased lending capabilities since Applicant has provided Company with substantial capital thereby increasing the volume of Company's loan originations. Moreover, approval herein will enable Company to convert its Virginia Beach, Orlando, and Birmingham loan production offices to full service status, thus resulting in greater convenience to the public and more efficient processing of loan applications. These public benefits lend weight for approval herein.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,* effective March 13, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6367 Filed 3-19-74;8:45 am]

GREAT LAKES BANCSHARES, INC.

Acquisition of Bank

Great Lakes Bancshares, Inc., Cleveland, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the Dime Bank, Canton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 8, 1974.

Board of Governors of the Federal Reserve System, March 13, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6361 Filed 3-19-74;8:45 am]

SECURITY BANCORP, INC.

Proposed Acquisition of United Bankers Life Insurance Co.

Security Bancorp, Inc., Southgate, Michigan, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of United Bankers Life Insurance Company, Phoenix, Arizona. Notice of the application was published on February 20, 1974, in The Mellus Newspapers, a newspaper circulated in Southgate, Michigan.

Applicant states that the proposed subsidiary would engage in the activity of underwriting, as reinsurer, of credit life and disability insurance in connection with loans made by the credit extending subsidiaries of Security Bancorp, Inc. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 10, 1974.

Board of Governors of the Federal Reserve System, March 13, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6366 Filed 3-19-74;8:45 am]

UNITED FIRST FLORIDA BANKS, INC.

Acquisition of Bank

United First Florida Banks, Inc., Tampa, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of First National Bank of Merritt Island, Merritt Island, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 10, 1974.

Board of Governors of the Federal Reserve System, March 13, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6365 Filed 3-19-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES FOR THE OFFICE OF OPERATING PROGRAMS

Notice of Meeting

MARCH 13, 1974.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Public Advisory Panel on Architectural and Engineering Services for the Office of Operating Programs, March 28, 1974, from 9:30 a.m. to 12:30 p.m., Room 5318, General Services Administration Building, 18th and F Streets NW., Washington, D.C. This meeting will be for the purpose of considering Architect-Engineer firms to provide design services for the proposed Expansion and Refurbishing, IRS Cafeteria, Philadelphia, Pennsylvania (GS-00B-02517).

The meeting will be closed to the public in accordance with the provisions set forth in section 10(d) of Pub. L. 92-463.

CLAUDE G. BERNIER,
Acting Chief, Design Branch.

[FR Doc.74-6342 Filed 3-19-74;8:45 am]

* Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland and Wallich.

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES FOR THE OFFICE OF OPERATING PROGRAMS

Notice of Meeting

MARCH 13, 1974.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Public Advisory Panel on Architectural and Engineering Services for the Office of Operating Programs, March 25 and 26, 1974, from 10 a.m. to 4:30 p.m., Room 4040, General Services Administration Building, 18th and F Streets, NW., Washington, D.C. 20405. This meeting will be for the purpose of considering Architect-Engineer firms to provide a study and design services for the proposed Modernization of Department of Health, Education, and Welfare Headquarters Buildings (North and South and Federal Building No. 1), Washington, D.C. (GS-00B-02519).

The meeting will be closed to the public in accordance with the provisions set forth in Section 10(d) of Pub. L. 92-463.

CLAUDE G. BERNIER,
Acting Chief, Design Branch.

[FR Doc.74-6343 Filed 3-19-74;8:45 am]

NATIONAL ARCHIVES TRUST FUND BOARD; AMERICANA COMMITTEE FOR THE NATIONAL ARCHIVES

Notice of Meeting

Notice is hereby given that the Americana Committee for the National Archives will meet at the time and place indicated. Anyone interested in attending or wishing additional information should contact the person shown below.

AMERICANA COMMITTEE FOR THE NATIONAL ARCHIVES

Meeting date: April 17, 1974.
Time: 10 a.m.-1 p.m.
Place: National Archives Building, 8th and Pennsylvania Avenue NW., Washington, DC 20408.
Agenda: Discussion of accomplishments of the Americana Project and future plans.
For further information contact: Dr. Frederic Greenhut, Americana Officer, National Archives Trust Fund Board, Washington, DC 20408, 202-962-6078.

Issued in Washington, D.C. on March 13, 1974.

JAMES B. RHOADS,
Chairman, National Archives Trust Fund Board.

[FR Doc.74-6389 Filed 3-19-74;8:45 am]

EXECUTIVE BRANCH POSITION ON COMMISSION ON GOVERNMENT PROCEDURE RECOMMENDATIONS

Correction

In FR Doc. 74-5601 appearing on page 9584 in the issue of Tuesday, March 12, 1974, in the sixth paragraph insert the following line after line 6: "wide common approach in the final regu-".

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

B & B COAL CO. ET AL.

Applications for Initial Permits; Electric Face Equipment Standard; Opportunity for Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4056-000, B & B COAL COMPANY, Fodder Stack Mountain Mine No. 2, Mine ID No. 40 00422 0, Petros, Tennessee.
(2) ICP Docket No. 4136-000, #10 COAL MINING CORPORATION, Mine No. 11, Mine ID No. 46 02060 0, Bradshaw, West Virginia.
(3) ICP Docket No. 4138-000, #10 COAL MINING CORPORATION, Dry Fork No. 2 Mine, Mine ID No. 46 03786 0, Bradshaw, West Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91-173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed on or before April 4, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman, Interim Compliance Panel.

MARCH 15, 1974.

[FR Doc.74-6314 Filed 3-19-74;8:45 am]

MARINE MAMMAL COMMISSION

ESTABLISHMENT AND FUNCTIONS; SOLICITATION OF PROPOSALS FOR RESEARCH PROJECTS AND STUDIES

The Marine Mammal Protection Act of 1972 (P.L. 92-522; 16 U.S.C. 1361; 86 Stat. 1027) sets forth a national policy to prevent marine mammal species and population stocks from diminishing, as a result of human activities, beyond the point at which they cease to be a significant functioning element in the marine ecosystem. Congress directed that the primary objective of marine mammal management should be to maintain the health and stability of the marine ecosystem and, whenever consistent with this primary objective, to reach and maintain optimum sustainable populations of marine mammals within the optimum carrying capacity of the habitats.

Title II of the Act established the Marine Mammal Commission for the purpose of developing, reviewing, and making recommendations on activities and policy to assure that the objectives of the Act relating to the protection and conservation of marine mammals are achieved.

At present, there are two Commissioners, Dr. Victor B. Scheffer (Chairman) and Dr. A. Starker Leopold. In accordance with the Act, a third will be named.

The Commission has appointed a nine-member Committee of Scientific Advisors on Marine Mammals: Dr. George A. Bartholomew, Mr. John J. Burns, Dr. Douglas G. Chapman (Chairman), Mr. Jack W. Lentfer, Dr. Kenneth S. Norris, Dr. G. Carleton Ray, Mr. William E. Schevill, Dr. Donald B. Siniff, and Dr. Jesse R. White. The Committee, composed of scientists knowledgeable in marine ecology and marine mammal affairs, is consulted on studies, recommendations, research, and applications for permits requested under the Act.

In late January 1974, John R. Twiss, Jr., was named Executive Director and Robert Eisenbud was named General Counsel. The Commission offices are located at 1625 Eye Street, N.W., Washington, D.C. 20006 (202/382-4475).

RESPONSIBILITIES OF THE COMMISSION

The Act charges the Secretary of Commerce with responsibilities for the protection and conservation of whales, porpoises, seals, and sea lions and the Secretary of the Interior with responsibilities for the protection and conservation of sea otters, walruses, polar bears, manatees, and dugongs. These responsibilities have been delegated by the Secretaries to the Director of the National Marine Fisheries Service and the Director of the Bureau of Sport Fisheries and Wildlife, respectively.

The functions of the Commission with respect to these Departments and other responsibilities and activities of the Commission may be summarized as follows:

A. POLICY REVIEW AND RECOMMENDATIONS

1. *Permits for taking and importing marine mammals.* A central feature of the Act is the provision for a moratorium on the taking and importation of marine mammals and marine mammal products except for such taking by certain Indians, Aleuts, and Eskimos for subsistence and/or native handicrafts and clothing purposes. During the moratorium, no permit for taking or importing may be issued by the Secretaries of Commerce or Interior for purposes of scientific research or public display unless it is first reviewed by the Commission and Committee of Scientific Advisors with reference to the purposes of the Act to maintain the optimum sustainable population within the optimum carrying capacity of the habitat. (Section 2(6); section 101(a); Section 104)

2. *Waiver of moratorium.* The Secretaries of Commerce and the Interior are

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authorized and directed to waive the moratorium so as to allow the taking or importing of any marine mammal or marine mammal product, if, in consultation with the Commission, it is determined that such a waiver would be consistent with the purposes and policies of the Act. Such a determination, after a hearing, must be based upon considerations of the distribution, abundance, breeding habits and migratory patterns of marine mammals, as well as the optimum carrying capacity of the habitat. (Section 101 (3) (A); section 103(d)).

3. *Incidental taking of marine mammals in commercial fishing operations.* The Act directs the Secretary of Commerce to develop regulations, in consultation with the Commission, so as to reduce to the lowest practicable level the taking of marine mammals incidental to commercial fishing operations. (Section 101(a) (2); section 111(b)) The Secretary is directed to request the Committee of Scientific Advisors to prepare detailed estimates of the number of marine mammals killed or seriously injured under existing commercial fishing technology and under the technology which shall be required after October 21, 1974, so as to pose the least practicable hazard to marine mammals, with a goal of reducing incidental kill and serious injury to insignificant levels approaching zero. The Secretary of Treasury is directed to ban the importation of commercial fish or fish products which have been caught with technology which results in incidental kill or serious injury levels which exceed U.S. standards. (Section 101(a) (2))

4. *Regulations for taking and importing marine mammals.* The Secretaries of Commerce and the Interior are directed to consult with the Commission in prescribing regulations with respect to the taking and importing of animals from each species of marine mammal so as to insure that any such taking and/or importing will not be to the disadvantage of those species and population stocks and will otherwise be consistent with the purpose and policies of the Act. (Section 103) The secretaries are directed to require, in consultation with the Commission, humane treatment of marine mammals taken and/or maintained in captivity pursuant to regulations and permits so as to assure the least possible degree of pain and suffering practicable to the mammal involved. (Section 3(4); section 102(b) (4); section 103(c) (4); section 104 (b) (2) (B) and (c))

5. *Existing laws and international efforts.* The Act directs the Commission to review and study the activities of the United States pursuant to existing laws and international conventions relating to marine mammals and to recommend to the Secretary of State appropriate policies regarding existing international arrangements for the protection and conservation of marine mammals. (Section 108(b) (1) (A); section 202(a) (1), (5))

6. *Endangered species.* The Act directs the Commission to recommend, with regard to marine mammals, to the Secretary of the Interior such revisions of the Endangered Species List as may be appropriate. (Section 202(a) (6))

7. *Protection of Indians, Eskimos and Aleuts.* The Act directs the Commission to recommend such additional measures as it deems necessary or desirable, consistent with the policies of the Act, to protect certain Indians, Eskimos and Aleuts whose livelihood may be adversely affected by actions taken pursuant to the Act. (Section 202(7))

8. *Conditions of stocks, methods of protection, and humane means of taking marine mammals.* The Act directs the Commission to conduct a continuing review of: the conditions of stocks of marine mammals with reference to the goal of maintaining optimum sustainable populations within the optimum carrying capacity of the habitat; methods for their protection and conservation; and humane means of taking marine mammals. (Section 202(a) (2))

9. *Other necessary or desirable studies and actions.* The Act directs the Commission to undertake or cause to be undertaken such other studies as it deems necessary or desirable in connection with its responsibilities under the Act and to recommend to Federal officials such steps as it deems necessary or desirable for the protection and conservation of marine mammals. (Section 202(a) (3), (4))

B. STUDIES AND RESEARCH PROGRAMS

Reliable information concerning species levels and stocks of marine mammals, the ecosystem of which they are a part, and the human activities which influence them is essential to the fulfillment of the purposes and policies of the Act and the Commission's broad mandate to review, study, and recommend actions and policies relating to the protection and conservation of marine mammals.

Congress recognized that there is inadequate knowledge of the biology, ecology, and population dynamics, as well as present population levels, of marine mammals, and of the factors which influence their ability to reproduce and sustain their role in the marine ecosystem. (Section 3) The Act therefore directs that two-thirds of the funds appropriated to the Commission for each fiscal year shall be expended on research and studies relating to the protection and conservation of marine mammals so as to develop and evaluate this urgently needed information. (Section 207) In addition to its responsibilities to undertake studies and research (Section 202 (a) (2), (3)), the Commission is directed to review all applications for permits for scientific research (Section 202(a) (2)), and all research programs conducted or proposed to be conducted under the authority of the Act. (Section 202(a) (2); section 110(b))

The Commission is given access to all studies and data compiled by Federal agencies regarding marine mammals, and is directed to take every feasible step to avoid duplication of research. (Section 205) Recommendations made by the Commission to Federal officials, based upon research, study and access to information, must be responded to within 120 days after receipt thereof; a detailed explanation must be provided to the Commission by those Federal officials if such recommendations are not followed or adopted. (Section 202(d))

SUBMISSION OF PROPOSALS FOR RESEARCH PROJECTS AND STUDIES

The Commission has defined certain areas of study and research which merit concentrated effort because of their critical importance to the evaluation of the present situation and planning of effective marine mammal conservation programs.

A decision by the Commission to award funds for support of research in these and other areas involving work with marine mammals and/or marine mammal products does not satisfy the permit requirements of the Act. A permit to conduct such research, where required by the Act, must be obtained from the National Marine Fisheries Service or Bureau of Sport Fisheries and Wildlife, as appropriate.

In order to be considered favorably, proposals tendered to the Commission should be designed to serve the protection and conservation goals of the Marine Mammal Protection Act and should be directed to one or more of the following areas:

A. STATUS OF MARINE MAMMALS

1. *Census methods.* One of the most challenging goals in planning for the conservation of marine mammals is the acquisition of reliable data on population and trends of each species. New methodology is desperately needed, and proposals for testing innovative census methods will be given high priority.

2. *Delineation of population stocks.* Many marine mammals are geographically localized and many populations of a single species often exist, each occupying a different geographic sector of the marine environment. Clearly, one population may be threatened while the species as a whole is not. Delineation of discrete populations and their relative status is an important consideration for the planning of a conservation program.

3. *Migrations.* Some marine mammals make extensive seasonal migrations which must be detailed if total ecosystem relationships are to be understood.

4. *Checklist of marine mammals.* A systematic list of the species and subspecies of marine mammals is essential to planning for their conservation.

B. ECOLOGY OF MARINE MAMMALS

1. *Ecosystem relations.* Marine mammals are an integral part of the marine environment. They require, among other things, food, as well as places to breed, to escape disturbance, to find shelter from predators, and merely to rest. Research on the habitat requirements of individual species is desirable.

2. *Population dynamics.* Marine mammals, like all other living organisms, maintain their populations by producing young at a rate that offsets mortality. What are the rates of recruitment and mortality in individual populations? To what extent are recruitment and mortality related to the density of these populations?

3. *Optimum sustainable population and optimum carrying capacity.* Both (1) and (2) above, as well as [A] above, are relevant considerations in determining the optimum sustainable populations of marine mammals and the optimum carrying capacity of the habitat. Data and methodology for these purposes are urgently needed. The parameters of this new standard which departs from the traditional concepts of maximum sustainable yield management should be delineated and data gathered.

4. *Physiology.* Each kind of marine mammal is physiologically adapted to the environment in which it lives. What are these adaptations? To what extent are they subject to compensation and modification? For example, how can the northern fur seal, adapted to subarctic waters, survive and reproduce on the California Channel Islands?

5. *Behavior.* Studies of marine mammals have revealed many remarkable facets of adaptive behavior. The schooling of porpoises, the social structure of breeding colonies of seals, and the acoustic echo-location and communication systems of whales are examples. All of this knowledge is of scientific interest and much of it is relevant to conservation programs.

6. *Pathology.* Marine mammals are subject to the attack of many diseases and parasites whose impact is relevant to conservation in the wild and in captivity.

7. *Habitat deterioration.* Oil spills, pesticides, herbicides, and other environmental contaminants, as well as habitat destruction by man, may depress wild populations of marine mammals. Knowledge of the extent and nature of habitat deterioration and its effects is essential for effective conservation planning.

8. *Harassment and disturbance.* There is abundant evidence that many species of marine mammals are highly sensitive to human disturbance. An increasingly important facet of management is the regulation of visitation and other human use of critical areas of marine mammal concentrations. Identification of these critical areas and adverse impacts is needed.

C. MANAGEMENT OF MARINE MAMMALS

1. *Protection.* Some species are obviously in need of complete protection, not only from exploitation, but from harrassment and disturbance. It is important that data bases be promptly developed to identify species and populations in need of protection and preservation.

2. *Consumptive use by man.* Other species may be potentially capable of sustaining regulated taking under rational management. The optimum population level, optimum carrying capacity of the habitat, population status and trend, and potential yield rate are needed for each species where taking is in progress or is contemplated.

3. *Incidental taking of marine mammals in commercial fishing operations and other activities.* Certain species or population stocks of marine mammals are subject to incidental taking in the course of commercial fishing operations and other activities. For example, studies of the level of mortality or injury of porpoises in the course of commercial tuna fishing operations, and methods of reducing or preventing it, will be given high priority. Similar problems involving the taking of marine mammals in fishing operations or other activities, such as the mortality or injury of manatees caused by boat propellers, warrant study.

4. *Socio-economic aspects of exploitation and protection.* The Marine Mammal Protection Act permits the taking of marine mammals by northwest-coastal Indians, Aleuts and Eskimos for certain purposes. The social and economic significance of such taking, the impact of the Act upon such people, and the status of the species or population stock in question, must be assessed.

5. *Domestic and international law.* Existing domestic laws and international treaties and agreements affect management of many species of marine mammals. A review and evaluation of these laws, activities conducted pursuant to these authorities, and the extent to which they are consistent with the Marine Mammal Protection Act are needed.

6. *Maintenance of captive stocks.* There is much to be learned about the feeding, care, sanitation, transport, disease prophylaxis, and husbandry of marine mammals held in captivity. Advances in this field of study can serve to extend the health and longevity of captive animals and thereby reduce the number taken from the wild for display, education, and study.

7. *Humane taking and treatment.* Identification and development of humane means of taking, transporting, and caring for marine mammals so as to assure the least possible degree of pain and suffering practicable to the mammal involved is essential for effective protection and conservation of marine mammals.

Information concerning guidelines and format for submission of proposals can be obtained from the Marine Mammal Commission, Suite 307, 1625 Eye Street, N.W., Washington, D.C. 20006 (202/382-4475).

JOHN R. TWISS, Jr.,
Executive Director,
Marine Mammal Commission.

MARCH 15, 1974.

[FR Doc.74-6442 Filed 3-19-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE FOR RESEARCH

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Committee for Research to be held at 9 a.m. on March 28 and 29, 1974, in Room 616 at 5225 Wisconsin Avenue, NW., Washington, D.C. 20550.

The purpose of this Committee is to provide advice and recommendations concerning research activities and potential in the U.S. and to consult on problems in the administration of research support.

The agenda for this meeting shall include:

MARCH 28

9:00 Welcome: Committee Chairman.
9:05 Review of Committee Recommendations and Suggestions from October meeting with Foundation Comment: Committee Chairman.
9:35 Presentation of Report of Task Group No. 1 ("Long Range Planning Equipment"): Task Group Chairman.
11:00 Presentation of Report of Task Group No. 2 ("Impact of NSF Research Support on Advancement of Science"): Task Group Chairman.
12:30 Recess for Lunch.
1:45 Presentation of Report by Task Group No. 3 ("Post Grant Evaluation"): Task Group Chairman.
3:30 Discussion of NSF Plans for Support of Energy Related Research: Assistant Director for Research Applications and Head, Office of Energy-Related General Research, AD/R.
4:15 Presentation of Program Areas for Further Study: Assistant Director for National and International Programs.
4:30 Assignment of Tasks and Committee members to Task Groups and Instructions to Task Groups: Chairman.
5:00 Adjournment.

MARCH 29

9:00 Review of NSF Graduate Education Program (Joint Session with Advisory Committee for Science Education): Assistant Director for Education.
10:45 Discussion of the Quality of Higher Education in the Sciences (Joint Session with Advisory Committee for Science Education): Chairman, Advisory Committee for Science Education.
11:30 Task Groups convene for Initial Discussion of Problem Areas with NSF Staff.
3:30 Presentation to Full Committee on Problem Selection and Plans for Developing Reports: Task Group Chairmen.
3:45 Arrange for date of next meeting and adjournment: Chairman.

This meeting shall be open to the public. Individuals who wish to attend should inform Mr. Leonard F. Gardner, Special Assistant, 202-632-4278 or Room 320, 1800 G Street NW., Washington, D.C. 20550 prior to the meeting. Persons requiring further information concerning this Committee should contact Mr. Leonard F. Gardner at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K-720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director
for Administration.

MARCH 6, 1974.

[FR Doc.74-6374 Filed 3-19-74;8:45 am]

V 39 55 MAR 20 74 XUM

ADVISORY COMMITTEE FOR SCIENCE EDUCATION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Advisory Committee for Science Education to be held at 9 a.m. on March 28 and 29, 1974, in Room 651 at 5225 Wisconsin Avenue NW., Washington, D.C. 20550.

The purpose of this Committee is to provide advice and recommendations concerning the impact of all Foundation activities relating to education in the sciences in U.S. schools, colleges and universities.

The agenda for this meeting shall include:

MARCH 28

9:00 Presentation of Status of Directorate: Assistant Director for Education.
9:30 Discussion of Committee Activities: Chairman.
10:00 Science Education of Women and Minorities: Chairman and AD/E Staff.
12:30 Recess for Lunch.
1:30 Problem-Oriented Education in the Sciences: Assistant Director for Education.
2:30 Committee Objectives and Plans, 1974: Chairman.
4:30 Business Session.
5:00 Adjournment.

MARCH 29

9:00 Graduate Education Program Review (Joint Meeting with Advisory Committee for Research): Assistant Director for Education and Staff.
10:45 Discussion of Quality of Higher Education in the Sciences (Joint Meeting with Advisory Committee for Research): Chairman.
11:30 Discussion of Quality of Higher Education in the Sciences: Advisory Committee for Science Education.
12:00 Other Business.
12:30 Adjournment.

This meeting shall be open to the public. Individuals who wish to attend should inform Mrs. Frances O. Watts, Administrative Officer, AD/E, Room 600, 5225 Wisconsin Avenue, NW., Washington, D.C. 20550 prior to the meeting. Persons requiring further information concerning this Committee should contact Mrs. Frances O. Watts at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Room K–720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

MARCH 6, 1974.

[FR Doc.74–6375 Filed 3–19–74;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SA–443]

AIRCRAFT ACCIDENT AT JOHNSTOWN, PA.

Notice of Second Change of Hearing Date

In the matter of investigation of accident involving an Air East, Inc., Beechcraft 99A of United States Registry N125AE, at Johnstown, Pennsylvania, January 6, 1974.

Notice is hereby given that the date of the Accident Investigation Hearing on the above matter is changed from April 2, 1974, to April 23, 1974. The hearing will commence on the latter date at 9 a.m., e.d.t., in the Heritage Room of the Holiday Inn, 1540 Scalp Avenue, Johnstown, Pennsylvania.

Dated this 13th day of March 1974.

[SEAL] LESLIE D. KAMPSCHROR,
Hearing Officer.

[FR Doc.74–6340 Filed 3–19–74;8:45 am]

PRESIDENT'S COMMISSION ON WHITE HOUSE FELLOWS

REGIONAL SELECTION MEETINGS

Pursuant to Public Law 92–463, notice is hereby given that Regional Selection Meetings for the President's Commission on White House Fellows will be held in each of the eleven U.S. Civil Service regions during the week of March 18, 1974. The date and place of each meeting is as follows:

Monday, March 18, 8:45 a.m.
University Club
1683 Sherman
Denver, Colorado

Monday, March 18, 8:30 a.m.
Two Turtle Creek Village, Suite 1605
Corner of Turtle Creek and Blackburn Street
Dallas, Texas

Monday, March 18, 8:30 a.m.
Jewel Companies, Inc.
O'Hare Plaza
5725 East River Road
Chicago, Illinois

Tuesday, March 19, 8:30 a.m.
U.S. Civil Service Commission, Room 1036
Post Office and Courthouse Building
Boston, Massachusetts

Tuesday, March 19, 8:30 a.m.
Alston, Miller & Gaines
National Bank Building
Atlanta, Georgia 30303

Wednesday, March 20, 8:45 a.m.
McKinsey & Co.
245 Park Avenue at 46th Street
New York, New York

Wednesday, March 20, 9:00 a.m.
Union Forge
Broad & Sampson, Lincoln Memorial Room
Philadelphia, Pa.

Wednesday, March 20, 8:30 a.m.
Boeing Aircraft Company
Seattle, Washington

Thursday, March 21, 8:00 a.m.
U.S. Civil Service Commission
Federal Building
450 Golden Gate Avenue
San Francisco, California

Saturday, March 23, 8:30 a.m.
Missouri Athletic Club, Board Room
405 Washington Avenue
St. Louis, Mo.

Saturday, March 23, 8:30 a.m.
Georgetown University
Office of the President
Washington, D.C.

These selection meetings are part of the screening process of the White House Fellows program. In these meetings, selected applicants to the program are interviewed by a panel of five to seven outstanding community leaders in each region. At the conclusion of the interviews, each regional panel recommends to the President's Commission on White House Fellows those candidates who should continue in the competition.

It has been determined that, due to the very nature of the screening process where personnel records and confidential character references must be used, the content of these meetings falls within the provisions of section 552(b)(6) of Title 5 of the United States code and that these meetings will be closed to the public.

CARL GRANT,
Director.

[FR Doc.74–6443 Filed 3–19–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS
List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 15, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Survey of Reimbursement and Certification Functions, Food Stamp Program, Form ------, Occasional, Lowry, County/State dept. public welfare caseworkers.

REVISIONS

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Retail Outlet Gasoline Survey, Form BLS 3036A and 3036B, Bi-monthly, Weiner, Retail gasoline outlets.

VETERANS ADMINISTRATION

Supplemental Physical Examination Report, Form VA 29–8146, Occasional, Caywood, Veteran applicant.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Monthly Retail Inventory Reports, Forms BUS 10A, BUS 11A, BUS 207, BUS 10L, BUS 11L, Monthly, Evinger, Retail businesses.

Legal, Medical, Dental, Other Services; Medical Institutions, Educational Institutions Classification Report, Forms BUS 41, BUS 42, BUS 43, and BUS 44, Monthly, Evinger. Medical, Legal and educational establishment.
Non-profit Educational Institutions Report, Form BUS 84, Quarterly, Evinger, Educational institutions.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Digest of Selected Pension Plans, Form BLS 2774, Occasional, Evinger, Private pension plan administrators.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–6549 Filed 3–19–74;8:45 am]

TARIFF COMMISSION

[332–70]

BRUSSELS TARIFF NOMENCLATURE

Public Notice of Hearings

The U.S. Tariff Commission hereby gives notice that preliminary drafts of the following chapters of the Tariff Schedules of the United States (TSUS) converted to the format of the Brussels Tariff Nomenclature (BTN):

Chapter 25: Salt; sulfur; earths and stone; plastering materials, lime, and cement.
Chapter 68: Articles of stone, of plaster, of cement, of asbestos, of mica, and of similar materials.
Chapter 69: Ceramic products.
Chapter 70: Glass and glassware.
Chapter 72: Coin.
Chapter 97: Toys, games, and sports requisites, and parts thereof.

are being released today and that public hearings thereon will begin at 10 a.m., e.d.t., on April 15, 1974, in the Hearing Room of the Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. The purpose of this hearing is to obtain the comments and views of interested parties on the preliminary draft conversion.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than April 8, 1974. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after April 8, 1974. Any person who fails to receive such notification by April 11, 1974, should immediately communicate with the Office of the Secretary of the Commission.

In its public notice issued March 8, 1974, regarding hearings on other chapters of the draft converted schedules (39 FR 9719 of March 13, 1974) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of March 8, 1974, applies to the hearings on the chapters being released today to the extent that it is applicable.

As each of the chapters is completed and released, copies thereof are made available for public inspection at the offices of the Commission in Washington, D.C. and New York, N.Y.; at all field offices of the Department of Commerce; and at the offices of Regional and District Directors of Customs. The locations of these offices are listed in the notice of March 8, 1974.

By order of the Commission.

Issued: March 15, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–6380 Filed 3–19–74;8:45 am]

[TEA–F–61]

CAPITOL FOOTWEAR CORP.

Notice of Investigation and Hearing

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the Capitol Footwear Corp., Worcester, Massachusetts, the United States Tariff Commission, on March 14, 1974, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for men (of the types provided for in items 700.35 and 700.55 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

A public hearing in connection with this investigation will be held beginning at 10 a.m., e.d.t., on April 11, 1974, in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C. 20436, not later than noon, Friday, April 5, 1974.

The petition filed in this case is available for inspection at the Office of the Secreatry, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C. 20436, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: March 15, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–6381 Filed 3–19–74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

FRED BRAUN WORKSHOPS, INC.

Investigation of Eligibility of Workers for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of the Fred Braun Workshops, Inc., New York, New York (TEA–W–223). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before March 29, 1974.

Signed at Washington, D.C. this 11th day of March 1974.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.74–6372 Filed 3–19–74;8:45 am]

V 39 155 MAR 20 74 XUM

CUMULATIVE LIST OF PARTS AFFECTED—MARCH

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federal register

WEDNESDAY, MARCH 20, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 55

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

GRAIN MILLS POINT SOURCE CATEGORY

Effluent Limitations Guidelines and Standards

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 406—GRAIN MILLS POINT SOURCE CATEGORY

On December 4, 1973, notice was published in the FEDERAL REGISTER (38 FR 33438), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, and parboiled rice processing subcategories of the grain mills category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the grain mills category of point sources by amending 40 CFR Chapter I, Subchapter N, to add a new Part 406. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307 (c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202), and in the notice of proposed rulemaking for the corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, and parboiled rice processing subcategories. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Grain Processing Segment of the Grain Mills Point Source Category" (December 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Grain milling industry (August, 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the request for comments which was made in the preamble to the proposed regulation: Corn Refiners Association, American Corn Millers Federation, U.S. Department of Commerce, Distilled Spirits Council of the United States, Inc., and U.S. Department of Agriculture.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and EPA's response to those comments.

(1) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a different approach be taken in the development of effluent guidelines.

The committee's proposal is under evaluation as a contribution toward future refinements on guidelines for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(2) A commenter pointed out a discrepancy in the rationale for the "best practicable" limitations in the corn wet milling subcategory. The Development Document claimed that the recommended technology, if applied to an existing source, would result in a monthly average discharge of 30 to 50 lbs/MSBu for both the BOD5 and TSS parameters. The limitations, however, are 35 lbs/MSBu of TSS and 50 lbs/MSBu of BOD5. It was argued that since EPA is only certain that the 50 lb limit can be attained, the TSS limitation should be changed from 35 to 50 lbs/MSBu.

EPA has carefully reviewed this comment and found it to be justified. Consequently, the best practicable limitation for TSS in the corn wet milling subcategory has been changed from 30 to 50 lbs/MSBu. EPA believes that while the 30 lb limit might be attainable, the technology is not yet available to achieve this effluent level on a routine basis. Currently, many of the existing treatment systems exceed 50 lbs of TSS/MSBu but it is the opinion of EPA, that this is due to inadequate in-plant controls and operation of the treatment systems, and in some cases the discharge of untreated barometric cooling water. With proper operation, and recycling of barometric cooling water where necessary, the limitation of 50 lbs of TSS/MSBu is achievable and represents a substantial improvement over the present levels of treatment.

(3) Industry objected to the method EPA used to calculate an average raw waste load for the corn wet milling subcategory. EPA based its typical raw waste load on the average raw waste loads for one year at 12 corn wet mills. Industry claimed that such an average is unfair to more than half the plants in the industry, and ignores the fact that the raw waste load can vary by as much as three to ten times the average of any particular plant.

EPA believes that the method used to develop the standard raw waste load is fair and reasonable. All 17 plants in the industry were given the opportunity to submit information on the characteristics of their waste. Twelve of these plants transmitted usable information on their raw waste load to EPA. Careful evaluation of the data showed that these plants could not be further subcategorized on the basis of size or age of facility, nor on the basis of product mix. Consequently, a standard raw waste load was calculated using an average of the available data. EPA recognized the complexity of the various processes of corn wet milling and therefore, decided that the standard raw waste load should be based on the broadest data base available, i.e., an average of 12 plants, rather than on one or two of the better operations.

It is true that large fluctuations in raw waste load may occur in corn wet mills. The variations in raw waste load at any plant around an average figure are only important insofar as they affect the treatment system. As described in section VII of the Development Document, these variations can be minimized by proper in-plant control and a properly designed and operated treatment system.

(4) Industry also claimed that none of the three existing treatment plants in the corn wet milling subcategory could meet the 1977 standards contrary to the claims of EPA. It was alleged that one of these plants operating under a Federal demonstration grant has shown that it cannot meet the effluent levels required by the proposed limitations.

EPA evaluated this demonstration project during its initial stages of operation. The treatment plant was found to be overloaded, and subsequent efforts by the manufacturer reduced the raw waste load normally discharged to the treatment system. While pollutant concentrations in this effluent were reduced, large quantities of pollutants in barometric cooling water continued to be discharged untreated. As discussed in the Development Document, plants with barometric cooling water can drastically reduce their pollutant discharge by recycling this water through cooling towers with the blowdown sent to the treatment system. If this were done at the above plant, even assuming no BOD removal in the cooling tower through biological action, the limitations could be achieved. It is the

Agency's opinion that any of the plants in this subcategory with an adequate treatment system can meet the effluent limitations, provided that proper in-plant efforts are made to prevent excess raw waste from being discharged to the plant waste water treatment system.

(5) Industry claimed that the costs of treatment in the corn wet milling subcategory are underestimated and, in particular, the costs of in-plant controls are not included.

In addition to the comments EPA made in the preamble to the proposed regulation, the following factors are important. The economic impact analysis of the cost of meeting the proposed limitations was based on the construction of complete treatment systems using the best practicable technology currently available. This technology is equalization, activated sludge, and, when necessary, recirculating cooling water systems. In the corn wet milling industry, the actual costs of meeting the limitations will be less than estimated. Since all plants discharging to streams have some treatment, the cost of meeting the 1977 limitations will be reduced by an amount equal to the cost of the system they already have in place. The additional treatment may include cooling towers for recycling barometric cooling water, and an expanded treatment system to handle the blowdown from this cooling tower.

As far as in-plant controls are concerned, the typical plant selected for the calculation assumed good in-plant control. Some plants in the industry already have these controls. Others do not and would have an additional cost depending on the specific circumstances of the plant.

(6) A commenter pointed out that in a few dry corn mills additional processing occurs which is not covered in the Development Document. It was argued that a few of the larger mills further process the grits, meal and flour through expanders and/or extruders. Additional waste waters are generated by air pollution control equipment. Since such processing is not an integral part of the basic milling sequence as described in the Development Document, such wastes should be specifically excluded from the final regulations.

EPA agrees with this comment and the final regulations published below exclude waste waters from air pollution control equipment on expanders and/or extruders in the corn dry milling subcategory. Additional limitations to cover these waste waters cannot be made at this time for lack of adequate information.

(b) *Revision of the proposed regulations prior to promulgation.* As a result of public comments, continuing review and evaluation of the proposed regulation by EPA, the following changes have been made in the regulation.

(1) Sections 406.11, 406.21, 406.31, 406.41, 406.51, and 406.61 entitled "Specialized Definitions," now include references to general definitions, abbreviations, and methods of analysis in 40 CFR Part 401 which reduces the need for some specialized definitions in this regulation.

(2) The "best practicable" limitations for the corn wet milling subcategory have been changed. The average monthly limitation for TSS has been raised from 35 to 50 lbs/MSBu. This decision was made recognizing that solids separation is a difficult problem in this industry. While EPA feels that this problem is solvable by the methods suggested in the Development Document, sufficient uncertainty exists to raise the TSS limitation to the same level as the BOD5. This results in an effluent concentration of 125 mg/l for a typical plant. The daily maximum figure is three times the monthly limitation or 150 lbs/MSBu.

(3) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(4) In the corn dry milling subcategory, waste waters from air pollution control equipment on expanders and extruders have been excluded from the limitations. Insufficient data exists upon which to base limitations. The change is reflected in § 406.20.

(c) *Economic impact.* The changes to the regulations mentioned above will not affect the results of the economic analysis prepared for the proposed regulation. The only subcategory affected by the revisions is the corn wet milling subcategory. Since the revision to the "best practicable" limitations raised the allowable discharge of TSS for 1977, the cost to be incurred by industry will be somewhat less than anticipated in the proposed regulations.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the grain processing segment of the grain mills point source category are discussed in section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Grain processing Segment of the Grain Mills Point Source Category" (March 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Grain Milling Industry" (August 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the grain milling industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of section 304(c) of the Act, a manual entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Grain Processing Segment of the Grain Mills Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401 for a nominal fee.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, subchapter N is hereby amended by adding a new Part 406, Grain Mills Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective May 20, 1974.

Dated: March 12, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—Corn Wet Milling Subcategory

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406.11 Specialized definitions.
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406.21 Specialized definitions.
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406.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
406.64 [Reserved]
406.65 Standards of performance for new sources.
406.66 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c), 307(c), Federal Water Pollution Control Act, as amended; 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c), 1317(c); 86 Stat. 816 *et seq.*; Pub. L. 92-500.

Subpart A—Corn Wet Milling Subcategory

§ 406.10 Applicability; description of the corn wet milling subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which shelled corn is steeped in a dilute solution of sulfurous acid and then processed by wet means into such products as animal feed, regular and modified starches, corn oil, corn syrup, and dextrose.

§ 406.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "corn" shall mean the shelled corn delivered to a plant before processing.

(c) The term "standard bushel" shall mean a bushel of shelled corn weighing 56 pounds.

(d) The abbreviation "MSBu" shall mean 1000 standard bushels.

§ 406.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator (or the State) shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD5	2.67	0.89
TSS	2.67	.89
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stdbu of corn)	
BOD5	150	50
TSS	150	50
pH	Within the range 6.0 to 9.0.	

§ 406.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD5	1.08	0.36
TSS	.54	.18
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stdbu of corn)	
BOD5	60	20
TSS	30	10
pH	Within the range 6.0 to 9.0.	

§ 406.14 [Reserved]

§ 406.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD5	1.08	0.36
TSS	.54	.18
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stdbu of corn)	
BOD5	60	20
TSS	30	10
pH	Within the range 6.0 to 9.0.	

§ 406.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the corn wet milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.15: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Corn Dry Milling Subcategory

§ 406.20 Applicability; description of the corn dry milling subcategory.

(a) The provisions of this subpart are applicable to discharges resulting from the process in which shelled corn is washed and subsequently milled by dry processes into such products as corn meal, grits, flour, oil, and animal feed.

(b) The provisions of this subpart do not apply to discharges from subsequent manufacturing operations to produce expanded or extruded feed or feed products.

§ 406.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "corn" shall mean the shelled corn delivered to a plant before processing.

(c) The term "standard bushel" shall mean a bushel of shelled corn weighing 56 pounds.

(d) The abbreviation "MSBu" shall mean 1000 standard bushels.

§ 406.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator (or the State) shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD5	0.21	0.07
TSS	.18	.06
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stdbu of corn)	
BOD5	12.0	4.0
TSS	10.5	3.5
pH	Within the range 6.0 to 9.0.	

§ 406.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD5	0.11	0.036
TSS	.054	.018
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stdbu of corn)	
BOD5	6.0	2.0
TSS	3.0	1.0
pH	Within the range 6.0 to 9.0.	

§ 406.24 [Reserved]

§ 406.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of corn)	
BOD5	0.11	0.036
TSS	.054	.018
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stdbu of corn)	
BOD5	6.0	2.0
TSS	3.0	1.0
pH	Within the range 6.0 to 9.0.	

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§ 406.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the corn dry milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.25: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Normal Wheat Flour Milling Subcategory

§ 406.30 Applicability; description of the normal wheat flour milling subcategory.

The provisions of this subpart are applicable to discharges resulting from the processes in which wheat and other grains are milled by dry processes into flour and millfeed.

§ 406.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 406.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, to develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 406.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 406.34 [Reserved]

§ 406.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 406.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the normal wheat flour milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.35: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart D—Bulgur Wheat Flour Milling Subcategory

§ 406.40 Applicability; description of the bulgur wheat flour milling subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which wheat is parboiled, dried, and partially debranned in the production of bulgur.

§ 406.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as proveded below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "wheat" shall mean wheat delivered to a plant before processing.

(c) The term "standard bushel" shall mean a bushel of wheat weighing 60 pounds.

(d) The abbreviation "MSBu" shall mean 1,000 standard bushels.

§ 406.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of wheat)	
BOD5	0.025	0.0083
TSS	.025	.0083
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 stdbu of wheat)	
BOD5	1.50	0.50
TSS	1.50	.50
pH	Within the range 6.0 to 9.0.	

§ 406.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of wheat)	
BOD5	0.015	0.005
TSS	.0099	.0033
pH	Within the range 6.0 to 9.0	
	English units (pounds per 1,000 stdbu of wheat)	
BOD5	0.90	0.30
TSS	.60	.20
pH	Within the range 6.0 to 9.0.	

§ 406.44 [Reserved]

§ 406.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of wheat)	
BOD5	0.015	0.005
TSS	.0099	.0033
pH	Within the range 6.0 to 9.0	
	English units (pounds per 1,000 stdbu of wheat)	
BOD5	0.90	0.30
TSS	.60	.20
pH	Within the range 6.0 to 9.0.	

§ 406.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the bulgur wheat flour milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.45: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart E—Normal Rice Milling Subcategory

§ 406.50 Applicability; description of the normal rice milling subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which rice is cleaned and milled by dry processes.

§ 406.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 406.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator (or the State) shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 406.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

§ 406.54 [Reserved]

§ 406.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties which may be discharged by a new source sub-

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ject to the provisions of this subpart: there shall be no discharge of process waste water pollutants to navigable waters.

§ 406.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the normal rice milling subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this Chapter, except that, for the purpose of this section, § 128.133 of this Chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.55: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart F—Parboiled Rice Processing Subcategory

§ 406.60 Applicability; description of the parboiled rice processing subcategory.

The provisions of this subpart are applicable to discharges resulting from the process in which rice is cleaned, cooked and dried before being milled.

§ 406.61 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "rice" shall mean rice delivered to a plant before processing.

(c) The abbreviation "cwt" shall mean hundred weight.

§ 406.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator (or the State) shall establish for the discharged effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of rice)	
BOD5	0.42	0.14
TSS	.24	.08
pH	Within the range 6.0 to 9.0.	
	English units (pounds per hundredweight of rice)	
BOD5	0.042	0.014
TSS	.024	.008
pH	Within the range 6.0 to 9.0.	

§ 406.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of rice)	
BOD5	0.21	0.07
TSS	.09	.03
pH	Within the range 6.0 to 9.0.	
	English units (pounds per hundredweight of rice)	
BOD5	0.021	0.007
TSS	.009	.003
pH	Within the range 6.0 to 9.0.	

§ 406.64 [Reserved]

§ 406.65 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of rice)	
BOD5	0.21	0.07
TSS	.09	.03
pH	Within the range 6.0 to 9.0.	
	English units (pounds per hundredweight of rice)	
BOD5	0.021	0.007
TSS	.009	.003
pH	Within the range 6.0 to 9.0.	

§ 406.66 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the parboiled rice processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 406.65: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.74-6236 Filed 3-19-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 406]

GRAIN MILLS POINT SOURCE CATEGORY

Application of Effluent Limitations Guidelines for Existing Sources to Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 406, Grain Mills Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, parboiled rice processing, subcategories of the grain mills point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 406) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 406.15, 406.25, 406.35, 406.45, 406.55, and 406.65 of the proposed regulation for point sources within the corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, parboiled rice processing, subcategories (December 4, 1973; 38 FR 33438), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 406.16, 406.26, 406.36, 406.46, 406.56, and 406.66 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Grain Processing Segment of the Grain Mills Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Grain Milling Industry" (August 1973), was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653) The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the milling of grain, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standards and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standards proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and

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the potential effects of those costs on the price and production of grain products. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER.

To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the grain mills category (38 FR 33438; December 4, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 406) which currently is being published in the rules and regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the corn wet milling, corn dry milling, normal wheat flour milling, bulgur wheat flour milling, normal rice milling, parboiled rice processing subcategories, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) differences between direct dischargers and plants utilizing municipal systems which affect the particability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document, the process waste waters from the grain processing segment of the grain mills point source category do not contain process waste water pollutants in sufficient concentrations to interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. Therefore, no condition is deemed to preclude the discharge of process waste water from the corn wet milling, corn dry milling, normal wheat flow milling, bulgur wheat flour milling, normal rice milling, and parboiled rice processing subcategories to publicly owned treatment works.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304, and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR 406 be amended to add §§ 406.14, 406.24, 406.34, 406.44, 406.54, and 406.64 as set forth below. All comments received on or before April 19, 1974, will be considered.

Dated: March 12, 1974.

JOHN QUARLES,
Acting Administrator.

40 CFR 406 is proposed to be amended by adding the following sections:

Sec.
406.14 Pretreatment standards for existing sources.
406.24 Pretreatment standards for existing sources.
406.34 Pretreatment standards for existing sources.
406.44 Pretreatment standards for existing sources.
406.54 Pretreatment standards for existing sources.
406.64 Pretreatment standards for existing sources.

§ 406.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 406.12 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 406.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 406.22 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 406.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 406.32 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 406.44 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 406.42 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 406.54 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 406.52 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 406.64 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 406.62 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

[FR Doc.74-6235 Filed 3-19-74;8:45 am]

federal register

WEDNESDAY, MARCH 20, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 55

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

LIQUID AND CRYSTALLINE CANE SUGAR REFINING SUBCATEGORY

Effluent Limitations Guidelines and Proposed Pretreatment Standards

No. 55—Pt. III——1

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 409—SUGAR PROCESSING POINT SOURCE CATEGORY

Liquid and Crystalline Cane Sugar Refining Subcategory

On December 7, 1973, notice was published in the FEDERAL REGISTER (38 FR 33846) that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the crystalline cane sugar and liquid cane sugar refining subcategories of the sugar processing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the sugar processing category of point sources, by amending 40 CFR Chapter I, Subchapter N, Part 409 to add new subparts B and C. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307(b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the crystalline cane sugar refining subcategory and the liquid cane sugar refining subcategory. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Cane Sugar Refining Segment of the Sugar Processing Point Source Category" (December 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Cane Sugar Refining Industry" (October 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

The regulation as promulgated contains minor but significant departures from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggestions were not adopted.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: U.S. Department of Commerce, U.S. Water Resources Council, California and Hawaiian Sugar Company, United States Cane Sugar Refiners' Association, Tate and Lyle Technical Services, Ltd., Amstar Sugar Corporation, Imperial Sugar Company, State of Hawaii, and the Effluent Standards and Water Quality Information Advisory Committee.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to those comments.

(1) Several commenters raised no objection to the guidelines as proposed.

(2) One commenter questioned the subcategorization into liquid and crystalline refining, and the more stringent standards laid down for crystalline cane sugar refineries.

The guidelines are actually more stringent (lower numbers, higher treatment efficiency) for liquid refining. These are two distinct unit operations with correspondingly different raw waste loads and water usage. Data pertaining to water usage and raw waste loadings further substantiate the subcategorization.

(3) Several commenters stated that the practicability of biological treatment of refinery wastes has not yet been demonstrated.

It is true that no member of the cane sugar refining subcategories is presently employing the technology described as BPCTCA. However, the technology itself is widely available and practiced in other industries with similar raw waste characteristics—for example, the grain milling and the citrus and potato industries. There are no characteristics of the refinery waste waters that would render them untreatable by the biological treatment system described.

(4) One commenter questioned the achievability and availability of biological treatment of sugar refining process water in conjunction with blowdown from cooling water recycle systems followed by sand filtration (BATEA), stating that it has not been physically demonstrated.

This is proven technology, currently being practiced within the grain milling, the oil refining, and the soaps and detergents industries. Although the economic situation of the industry precludes the establishment of this technology as BPCTCA, it has been so thoroughly demonstrated that there is little doubt that it can be utilized by 1983 within this industry segment. The technology upon which BATEA is established is proven and has been studied in terms of an economic impact analysis and found to be acceptable.

(5) Several commenters expressed the opinion that the effluent guidelines should be established as net rather than gross limitations.

It was the intention of the proposed effluent limitations guidelines (BPCTCA) that the barometric condenser cooling water stream be handled as net (the addition of pollutants). This is because for BPCTCA, control of entrained BOD5 in condenser water rather than treatment is specified. The regulations have been modified to better reflect their intentions, including a separate set of regulations for those refineries which discharge barometric condenser cooling water only. For BPCTCA for both subcategories, the basis of the effluent limitations guidelines is as follows. The BOD5 limitation is determined by the addition of the net BOD5 attributed to the barometric condenser cooling water together with that amount of BOD5 attributed to the treated process water. The TSS limitation is that amount of TSS attributed to the treated process water. Where the barometric condenser cooling water and process water streams are mixed and impossible to measure separately prior to discharge, the values should be considered net.

The pollutant levels established for: the process water stream for BPCTCA, for BATEA, and for new source performance standards for both the crystalline and liquid subcategories reflect values which should not be exceeded because treatment of the entire waste stream is specified. Treatment produces a relatively constant effluent regardless of influent concentration.

(6) The comment was made that the ratio of maximum daily to average monthly limits is far too liberal.

Further analysis of activated sludge treatment systems handling similar waste streams to cane sugar refining process waters was accomplished. Based on engineering judgment and experience with similar waste treatment systems in other industrial categories the following ratios of daily maximum to monthly average limitations are established. Barometric condenser cooling water will be three (3) times the monthly average for BOD5 for both subcategories. Process water will be two (2) times the monthly average for BOD5 and three (3) times the monthly average for TSS for both subcategories.

(7) It was recommended that effluent limitations be established for settleable solids (SS) rather than for total suspended nonfilterable solids (TSS).

Settleable solids, unlike TSS, does not measure the treatment efficiency of a biological treatment system. There should be no measurable settleable solids in the overflow from a secondary clarifier used in a biological treatment system. It would be meaningless to establish a standard for a parameter which does not measure the degree of treatment achieved by the treatment system.

(8) It was recommended that the BOD5 monthly limitation (BPCTCA) be based on an effluent concentration ranging from 60–113 mg/l from the biological treatment system for both the crystalline and liquid cane sugar refining subcategories.

The effluent levels from treatment of process water by an activated sludge or other biological treatment system (BPCTCA) have been modified so that crystalline cane sugar refineries are required to meet effluent levels of 60 mg/l for both BOD5 and TSS and liquid cane sugar refineries are required to meet effluent levels of 100 mg/l for both BOD5 and TSS. These levels are approximately double those in the proposed regulation. This modification of the guidelines is required because no one currently operates a biological system to treat refinery wastes. EPA continues to believe that a properly designed and operated system of the type described would meet the limitations set forth in the proposed guidelines. The revision of the limitations in the final guidelines is not intended to allow any lesser degree of treatment. The same system should be used, and the system should be designed so as to achieve the proposed guidelines. The revision is intended only to take into account operational problems which might be encountered in adapting the specified technology to this industry.

(9) One commenter questioned the use of cooling towers as a part of BATEA stating that a barometric condenser discharge stream of 24,000,000 gallons per day at 10 mg/l of BOD5 is better than 480,000 gallons per day at 30 mg/l (or that flow rate and corresponding BOD5 concentration resulting from the biological treatment of the cooling tower blowdown stream).

The use of cooling towers and subsequent biological treatment of the blowdown stream results in a reduction by 94% of the BOD5 reaching the receiving water body. EPA policy is that dilution is not a suitable form of treatment. By concentrating this waste stream in a relatively small blowdown stream, it is more easily and cheaply treatable biologically. This is "practicable" technology being utilized in the oil refining, grain milling, and soaps and detergents industries. Some segments of the cane sugar refining industry practice the recycle of barometric condenser cooling water and discharge of the cooling tower blowdown to municipal treatment systems or total impoundage lagoons.

(10) One commenter questioned the effluent levels proposed for BATEA stating that the limitations were not consistent with EPA's definition of "secondary treatment".

The guidelines for BATEA need not be consistent with the "secondary treatment" definition under section 304(d) of the Act. Instead, they must meet the requirements set forth in section 304(b) of the Act.

(11) One commenter felt that while sand filtration is mentioned as the BATEA, this should not preclude the use of other polishing methods to meet the standards. The Agency has not required any treatment method to be employed by industry to achieve the guidelines. Many other polishing methods exist and the guidelines may be achieved by means other than those specified in the development document.

(12) It was recommended that BOD5 under the BATEA be limited to 0.16 lb/ton, or double the proposed limitation, based on a lesser treatment efficiency.

The expected degree of treatment based on the BATEA has been re-evaluated and modified. Based on improved operation of the properly designed biological treatment system, effluent BOD5 levels of 40 mg/l for the model crystalline and 75 mg/l for the model liquid cane sugar refinery are determined to be realistic. No credit for BOD5 removal with the solids removed in the sand polishing operation is assumed. This is because of the uncertainty at present of the ratio of soluble to insoluble BOD5 in the effluent from the biological treatment system.

(13) The comment was made that the raw waste load baseline value with regard to filter cake slurry assumed the universal installation of filter aid recycle systems.

Upon re-analysis of the filter cake slurry stream, it was found that a calculational error appeared in the development document. Because the proposed guidelines are based on the complete retention with no allowable discharge of this stream, no change in the allowable effluent discharge results.

(14) Various commenters stated that the assumed barometric flows are either too low or too high.

The barometric condenser water flows designed for in the development document have the following bases: (1) Average flows were based on an average of all reliable flow information available, and (2) Model flows were based on the average flows of those refineries deemed to be exemplary in terms of BOD5 entrainment control.

In any event, the amount of BOD entrained is not a function of flow rate, but of sucrose carry-over. The model flows are technically sound for the basis of guidelines establishment and the development of cost data.

(15) One commenter objected to the statement that the investment costs associated with hook-up to a municipal treatment system are zero.

This assumption was made and applied only to those facilities which currently have hook-up. Therefore, the incremental investment cost is zero for these refineries.

(16) The comment was made that the capital and operating costs of treatment appear to be understated.

The Agency has reexamined the cost data and finds that these data are accurate and substantiate the reasonableness of the proposed regulations.

(17) The comment was made that the energy required to treat wastes and operate cooling towers will add a burden to our present crisis.

It has been estimated that the additional energy to achieve the BPCTCA limitations ranges from between 0.6 and 0.84 percent of the current industry energy usage. To achieve the BATEA limitations, the estimated additional energy required ranges from between 1.6 and 6.1 percent of the current industry energy usage. These energy requirements were reviewed by the Agency and judged to be not excessive.

(18) The comment was made that cooling towers sometimes cause fogging and noise problems.

For some locations, some of the time, these problems may be encountered. However, through proper design these effects can be minimized.

(19) The State of Hawaii stated that they are opposed to the installation of a cooling tower at a refinery in Aiea, Hawaii. The State would want to review the alternative of reclaiming the refinery's barometric condenser cooling water stream through the irrigation of public parks and recreational facilities in the area.

The EPA's guidelines limit only the quantity and quality of the pollutants which may be discharged. Dischargers may employ any technology, including land disposal or other alternatives, which will result in compliance with such limitations.

(20) The comment was made that settled activated bacterial sludge is very dilute, and its disposal is not simply a matter of landfill.

There are many ways in which settled activated bacterial sludge may be handled—sludge thickening, rotary vacuum filtration, centrifugation, sludge drying—with the resulting solids either landfilled or used as a soil supplement.

(21) The State of Hawaii recommended that the implementation of the proposed effluent limitations guidelines be postponed until the energy requirements are clearly known and fuel allocations for these purposes assured.

These guidelines are not self-executing, but must be implemented through NPDES permits. Under the Act, BPCTCA must be achieved by July 1, 1977. However, in permit issuance, such factors as fuel allocations and availability may be taken into account in specifying specific compliance dates prior to that time. As previously indicated, the energy requirements associated with the required technology are not excessive.

(22) One commenter objected to the assumptions in the economic impact analysis regarding the cost of capital,

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land salvage values, and plant salvage values.

The Agency has reviewed these assumptions used in the economic impact analysis and found them to be substantially correct. The cost of capital used in the analysis is based upon the rate of return experienced in this particular industry, rather than the rate of return for the entire food processing industry. Any difference in land and plant salvage values were determined to be insignificant for the economic impact analysis.

(b) *Revision of the proposed regulation prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) The effluent levels from treatment of process waste water by an activated sludge or other biological treatment system (BPCTCA) have been modified so that crystalline cane sugar refineries are required to meet levels of 60 mg/l for both BOD5 and TSS and liquid cane sugar refineries are required to meet effluent levels of 100 mg/1 for both BOD5 and TSS.

These levels are approximately double those in the proposed regulation. The modification of the guidelines is required because no one currently operates a biological system to treat refinery wastes. EPA continues to believe that a properly designed and operated system of the type described would meet the limitations set forth in the proposed guidelines. The revision of the limitations in the final guidelines is not intended to allow any lesser degree of treatment. The same system should be used, and the system should be designed so as to achieve the proposed guidelines. The revision is intended only to take into account operational problems which might be encountered in adapting the specified technology to this industry.

(2) The effluent levels for BOD5 resulting from the application of BATEA have been modified.

Based on improved operation of the properly designed biological treatment system, effluent BOD5 levels of 40 mg/1 for crystalline and 75 mg/1 for liquid cane sugar refineries are determined to be more realistic.

No credit for BOD5 removal with the solids removed in the sand polishing operation is assumed. This is because of the uncertainty at present of the ratio of soluble to insoluble BOD5 in the effluent from the biological treatment system.

(3) Based on an analysis of biological treatment systems operating on wastes similar in nature to cane sugar refining wastes and on engineering judgment, the following ratios of daily maxium to monthly average limitations are established.

Barometric condenser cooling water will be three (3) times the monthly average for BOD5 for both subcategories.

Process water will be two (2) times the monthly average for BOD5 and three (3) times the monthly average for TSS for both subcategories.

(4) Section 304(b)(1)(B)z of the Act provides for "guidelines" to implement the uniform national standards of Section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology.

In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers.

Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The above listed changes will not significantly affect the conclusions of the economic study prepared for the proposed regulations. In addition, it has been learned that one cane sugar refinery considered to be impacted, under the assumption that a complete treatment system for treating its process waste water stream was necessary, is no longer impacted. The projected availability of a municipal treatment system at a reasonable initial and operational cost precludes the previously expected economic impact.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the cane sugar refining segment of the sugar processing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Cane Sugar Refining Segment of the Sugar Processing Point Source Category" (March 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's Waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines, Cane Sugar Refining Industry" (October, 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the cane sugar refining industry.

The Agency believes that the benefit of thus reducing the pollutants discharged justifies the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of Section 304(c) of the Act a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Cane Sugar Refining Segment of the Sugar Processing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C., 20401 for a nominal fee.

FINAL RULEMAKING

In consideration of the foregoing, 40 CFR Chapter 1, Subchapter N, Part 409 is amended by adding Subparts B and C to read as set forth below. This final regulation is promulgated as set forth below and shall be effective May 20, 1974.

Dated: March 12, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart B—Crystalline Cane Sugar Refining Subcategory

Sec.

409.20 Applicability; description of the crystalline cane sugar refining subcategory.
409.21 Specialized definitions.
409.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
409.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.24 [Reserved]
409.25 Standards of performance for new sources.
409.26 Pretreatment standards for new sources.

Subpart C—Liquid Cane Sugar Refining Subcategory

409.30 Applicability: description of the liquid cane sugar refining subcategory.
409.31 Specialized definitions.
409.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
409.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
409.34 [Reserved]
409.35 Standards of performance for new sources.
409.36 Pretreatment standards for new sources.

Subpart B—Crystalline Cane Sugar Refining Subcategory

§ 409.20 Applicability; description of the crystalline cane sugar refining subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of raw cane sugar into crystalline refined sugar.

§ 409.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) Net shall mean the addition of pollutants.

(c) Melt shall mean that amount of raw material (raw sugar) contained within aqueous solution at the beginning of the process for production of refined cane sugar.

§ 409.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any crystalline cane sugar refinery discharging both barometric condenser cooling water and other process waters shall meet the following limitations. The BOD5 limitation is determined by the addition of the net BOD5 attributed to the barometric condenser cooling water to that amount of BOD5 attributed to the treated process water. The TSS limitation is that amount of TSS attributed to the treated process water. Where the barometric condenser cooling water and process water streams are mixed and impossible to measure separately prior to discharge, the values should be considered net.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of melt)	
BOD5	1.49	0.43
TSS	.27	0.09
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of melt)	
BOD5	2.38	0.86
TSS	.54	.18
pH	Within the range 6.0 to 9.0.	

(2) Any crystalline cane sugar refinery discharging barometric condenser cooling water only should be required to achieve the following net limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of melt)	
BOD5	1.02	0.34
	English units (Pounds per ton of melt)	
BOD5	2.04	0.68

§ 409.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of melt)	
BOD5	0.18	0.09
TSS	.11	.035
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of melt)	
BOD5	0.36	0.18
TSS	.21	.07
pH	Within the range 6.0 to 9.0.	

§ 409.24 [Reserved]

§ 409.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of melt)	
BOD5	0.18	0.09
TSS	.11	.035
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of melt)	
BOD5	0.36	0.18
TSS	.21	.07
pH	Within the range 6.0 to 9.0.	

§ 409.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the crystalline cane sugar refining subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 409.25; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

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Subpart C—Liquid Cane Sugar Refining Subcategory

§ 409.30 Applicability; description of the liquid cane sugar refining subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of raw cane sugar into liquid refined sugar.

§ 409.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) Net shall mean the addition of pollutants.

(c) Melt shall mean that amount of raw material (raw sugar) contained within aqueous solution at the beginning of the process for production of refined cane sugar.

§ 409.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

(1) Any liquid cane sugar refinery discharging both barometric condenser cooling water and other process waters shall meet the following limitations. The BOD5 limitation is determined by the addition of the net BOD5 attributed to the barometric condenser cooling water to that amount of BOD5 attributed to the treated process water. The TSS limitation is that amount of TSS attributed to the treated process water. Where the barometric condenser cooling water and process water streams are mixed and impossible to measure separately prior to discharge, the values should be considered net.

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of melt)	
BOD5	0.78	0.32
TSS	.50	.17
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of melt)	
BOD5	1.56	0.63
TSS	.99	.33
pH	Within the range 6.0 to 9.0.	

(2) Any liquid cane sugar refinery discharging barometric condenser cooling water only shall meet the following net limitations:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of melt)	
BOD5	0.45	0.15
	English units (pounds per ton of melt)	
BOD5	0.90	0.30

§ 409.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of melt)	
BOD5	0.30	0.15
TSS	.09	.03
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of melt)	
BOD5	0.60	0.30
TSS	.18	.06
pH	Within the range 6.0 to 9.0.	

§ 409.34 [Reserved]

§ 409.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of melt)	
BOD5	0.30	0.15
TSS	.09	.03
pH	Within the range 6.0 to 9.0.	
	English units (pounds per ton of melt)	
BOD5	0.60	0.30
TSS	.18	.06
pH	Within the range 6.0 to 9.0.	

§ 409.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the liquid cane sugar refining subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128, of this chapter, except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 409.35; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.74-6234 Filed 3-19-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 409]

SUGAR PROCESSING POINT SOURCE CATEGORY

Pretreatment Standards for Incompatible Pollutants

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act) 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 409, Sugar Processing Point Source Category, establishing for Subparts B and C therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the crystalline cane sugar refining subcategory and the liquid cane sugar refining subcategory of the sugar processing point source category. The latter regulation applies to the portion of a discharge which is directed to navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 409) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by the promulgated effluent limitation guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant: and provided further that when the effluent limitations guidelines for each industry are promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of section 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is appropriate to support the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 409.25 and 409.35 of the proposed regulation for point sources within the crystalline cane sugar refining subcategory and the liquid cane sugar refining subcategory (December 7, 1973; 38 FR 33846), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 409.26 and 409.36 which states the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Cane Sugar Refining Segment of the Sugar Processing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Cane Sugar Refining Industry", (October, 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia, 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public. (38 FR 15653) The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedure contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the processing of refined cane sugar, the characteristics of these pollutants, and the degree of pollutant reduction attainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of refined cane sugar. The two reports exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these

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documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the sugar processing point source category (38 FR 33846; December 7, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 409) which currently is being published in the rules and regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction attainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the crystalline cane sugar refining subcategory and the liquid cane sugar refining subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

For plants in the crystalline cane sugar refining subcategory and the liquid cane sugar refining subcategory, all pollutants controlled by these guidelines have been designated as compatible pollutants (40 CFR 128.121). Accordingly, the first option is appropriate and the guidelines should not apply. However, even though the filter cake slurry waste water stream is considered to be compatible, the extremely high concentrations of BOD5 and TSS therein could, in some cases, interfere with the operation of publicly owned treatment works. These special situations should be controlled by the operators of the treatment works involved. Such control should not pose undue difficulty since the highly concentrated waste can be dry handled and disposed of as a solid waste.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 409 be amended to add §§ 409.24 and 409.34 as set forth below. All comments received on or before April 19, 1974, will be considered.

Dated: March 12, 1974.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend 40 CFR Part 409 by adding the following sections:

* * * * *

Sec.
409.24 Pretreatment standards for existing sources.
409.34 Pretreatment standards for existing sources.

* * * * *

§ 409.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 409.22 above shall not apply and, subject to the provisions of Part 218 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

§ 409.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 409.32 above shall not apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

[FR Doc.74-6233 Filed 3-19-74;8:45 am]

federal register

WEDNESDAY, MARCH 20, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 55

PART IV

FEDERAL ENERGY OFFICE

■

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Suppliers Percentage Notice

No. 55—Pt. IV——1

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FEDERAL ENERGY OFFICE

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Suppliers Percentage Notice

Pursuant to the provisions of 10 CFR 211.163(b), 211.164 and 211.165(d)(2), the Federal Energy Office (FEO) hereby provides notice of the volumes of residual fuel oil allocated to each utility for April 1974, and the percentages of such volumes required to be supplied by each supplier for delivery in April 1974. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities, pursuant to the criteria of 10 CFR 205.24 and are reflected in the Appendix.

The utility allocations were determined after review of the impact or reduced fuel supplies between utility and non-utility uses of residual fuel oil. In calculating the allocation level for each utility the FEO considered all of the factors enumerated in 10 CFR 211.163(b) and also the following other factors:

1. The data contained in the revised Federal Power Commission (FPC) form 23 and addendum thereto submitted by utilities for April;

2. Utility residual fuel oil requirements were assumed to be reduced as a result of conservation efforts by utilities designed to achieve at least seven (7) percent load reduction below normal trends;

3. Residual fuel oil needs for utilities were assumed to be reduced as a result of contemplated power purchases from coal and hydro-based utility systems which were considered feasible by the Federal Power Commission;

4. Again recognizing the utilities' need for inventory buildups, an incremental increase has been included in the scheduled delivery levels for April. The individual utility inventory buildup is based upon an amount equal to approximately 10 percent of the utility projected burn rate for the month.

The amounts shown in the Appendix are the quantities of fuel oil to be delivered to the utility listed during the month of April 1974. Some utilities will not receive any allocation for April. This is due to either the fact that these utilities burn other fuels primarily, and use residual fuel oil only for stand-by inventory purposes, or the fact that these utilities use residual fuel oil only in small percentages of the plant's capacity. In some of the latter instances, even the small amount of residual fuel oil involved is eliminated by the conservation guides established for utilities. April delivery levels were limited in some instances so as not to exceed utility storage capacity plus recommended FEO burn level.

The Appendix provides the name of the suppliers obligated to supply each utility and the supplier's percentage and volume of the month's allocation. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEO burn for the month of April. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume. The fifth column provides the total volume for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parenthesis. The supplier in parenthesis is presumed, on the basis of the best information available, to be the source of supply for certain resellers supplying utility end-users. This information is provided for the convenience of such suppliers and the FEO requests any additions or corrections in this regard be forwarded to: Residual Fuels Manager for Utilities, P.O. Box 2887, Washington, D.C. 20013.

The Appendix also contains for the month of April the FEO recommended total residual fuel oil burn after conservation adjustments for the utility. Residual fuel oil delivery levels are keyed to the FEO burn. Thus, in April because of the proposed inventory buildup most utility companies are being allocated delivery levels in excess of the FEO recommended burn. The excess amounts are intended as an incremental addition to inventory. Adjustments have been made in the allocation levels of certain utilities to reflect necessary corrections in the delivery levels authorized in February and March.

FEO expects the utilities to consume supplies at or below FEO burn levels which are based on the utilities' proposed burn less adjustments for conservation efforts. Where a utility fails to encourage conservation to observe FEO burn levels, its allocation for following months will be appropriately adjusted downward. FEO will consider special circumstances such as unexpected outages which may cause fuel consumption to exceed FEO burn levels in any month.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of FPC Form 23. Prior to publication of the May allocation list any utility which requires residual fuel must submit a revised Form 23 to the FEO and FPC, to reflect any changes in need resulting from the April allocation or other factors which would assure updated information. As an addendum to the Form 23 revision, each utility must include the following data:

APRIL

ADDENDUM

(1) Actual March 1974 data showing:
(a) Net energy for load;
(b) Net generation from heavy oil;
(c) Heavy oil consumption for generation;
(d) Heavy oil deliveries in the month separately by suppliers and sulphur content;
(e) Heavy oil deliveries scheduled during the 12-day grace period; and
(f) Heavy fuel oil stock at the end of the month including any fuel to be delivered and credited to the March allocation.

(2)(a) Lists of both (a) total and (b) maximum usable heavy oil storage capacity on-site or near-site in utility-owned or leased tanks;
(b) Total capacity of any other off-site utility-owned or leased storage tanks; and
(c) The minimum inventory level desired by the utility to meet forseeable logistic and operational problems.

(3) Lists disclosing the names of suppliers under contract, the contract termination dates and contract delivery levels through October 31, 1974.

A copy of the revised Form 23 with addendum must be mailed to both the FEO and FPC by April 5, 1974. Any Form 23 received after April 10, 1974, may be limited to consideration in connection with the utility allocation program for June. Reports should be addressed to "Data Collection," FEO, Box 2887, Washington, D.C. 20013.

Issued in Washington, D.C., March 18, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

APPENDIX

RESIDUAL FUEL OIL ALLOCATIONS TO UTILITIES FOR THE MONTH OF APRIL, 1974

	RECOMMENDED FEO BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
NORTHEAST UTILITIES	1,427,126			1,356,726
AMERADA HESS CORP		68.0	922,574	
TAD JONES CO (GULF)		21.0	284,912	
WYATT INC-(EXXON)		10.0	135,673	
H N HARTWELL&SON INC		1.0	13,567	
UNITED ILLUMINATING CO	661,344			731,544
TEXACO		87.0	636,443	
WYATT INC (EXXON)		13.0	95,101	
MAINE				
BANGOR HYDRO ELEC. CO.	30,357			37,227
SPRAGUE		100.0	37,227	
CENTRAL MAINE POWER CO.	257,619			284,319
TEXACO		100.0	284,319	
MAINE PUBLIC SERVICE CO.	74			758
DEAD RIV.O.(SPRAGUE)		100.0	758	
MASSACHUSETTS				
BOSTON EDISON CO.	1,195,848			1,518,006
WHITE FUEL (TEXACO)		46.0	698,283	
EXXON		42.0	637,563	
SPRAGUE		12.0	182,161	
BRAINTREE ELEC. LT. DEPT.	5,134			6,938
CK SMITH(GOLD.EAGLE)		100.0	6,938	
E.UTIL.ASSOC.(MONTAUP&BLACKS	240,846			272,846
TEXACO		100.0	272,846	
FITCHBURG GAS & EL.	16,821			18,721
NORTHEAST PETROLEUM		100.0	18,721	
HOLYOKE GAS AND ELECTRIC	11,113			12,306
WYATT INC (EXXON)		100.0	12,306	
NEW ENG. ELEC	999,552			1,104,252
ASIATIC PETRO CORP		60.0	662,551	
GOLD.EAGLE		40.0	441,701	
NEW ENG. G & E	487,841			538,541
NEW ENGLAND PETRO		84.8	456,683	
WHITE FUEL(TEXACO)		15.2	81,858	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
PEABODY ELECTRIC LT DEPT	1,785			4,361
PICKERING(NEPCO)		100.0	4,361	
TAUNTON MUN. LT.	39,494			43,894
QUINCY OIL CO (EXXON		100.0	43,894	
NEW HAMPSHIRE				
PUB SER OF N.H.	65,536			65,536
SPRAGUE		26.3	17,236	
CONOCO		73.7	48,300	
NEW YORK				
CENTRAL HUDSON GAS & ELEC CO	341,971			381,379
AMERADA HESS CORP		100.0	381,379	
CONSOL EDISON OF NY	3,490,333			3,898,233
NEW ENGLAND PETRO		45.5	1,773,696	
EXXON		20.8	810,832	
AMERADA HESS CORP		22.3	869,306	
TEXACO		11.4	444,399	
FREEPORT, VILLAGE OF	17,000			19,657
BURNS BROS O.(NEPCO)		100.0	19,657	
LAWRENCE PARK HEAT & LIGHT	0			0
LONG ISLAND LIGHT CO.	1,356,342			1,509,842
NEW ENGLAND PETRO		100.0	1,509,842	
NIAGARA MOHAWK POWER CO.	176,582			245,263
NEW ENGLAND PETRO		100.0	245,263	
ORANGE & ROCKLAND UTILITIES	131,732			184,194
NEW ENGLAND PETRO		31.63	58,261	
HOWARD FUEL CORP		68.37	125,933	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
ROCHESTER GAS & ELECTRIC	0			2,325
ALLIED O		29.7	691	
MONOCO OIL COMPANY		70.3	1,634	
RHODE ISLAND				
NEWPORT ELECTRIC CORP	7,250			18,240
CK SMITH		100.0	18,240	
VERMONT				
CENTRAL VERMONT PUB SERV	0			0

2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

DELAWARE				
DELMARVA PWR & LT	622,458			693,986
STEUART PETROLEUM CO		22.0	152,677	
TEXACO		5.0	34,699	
GULF		8.0	55,519	
CONOCO		65.0	451,091	
DOVER, CITY OF	26,329			29,186
TEXACO		100.0	29,186	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	982,838			1,085,638
ASIATIC PETRO CORP		79.0	857,654	
STEUART PETROLEUM CO		21.0	227,984	
MARYLAND				
BALTIMORE GAS & ELECTRIC	1,072,056			1,188,330
AMERADA HESS CORP		52.7	626,250	
EXXON		47.3	562,080	
NEW JERSEY				
ATLANTIC CITY ELECTRIC COMPA	151,499			172,985
AMERADA HESS CORP		100.0	172,985	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
GPU INTEGRATED SYSTEM	500,736			556,282
AMERADA HESS CORP		94.0	522,905	
SWANN OIL INC		5.0	27,814	
SHIPLEY-HUMBLE		1.0	5,563	
PUBLIC SERVICE ELECTRIC	1,384,000			1,529,400
AMERADA HESS CORP		83.4	1,275,520	
EXXON		16.6	253,880	
VINELAND, CITY OF ELEC.	47,607			52,807
SWANN OIL INC		100.0	52,807	
PENNSYLVANIA				
PHILADELPHIA ELECTRIC CO.	926,671			1,183,180
ARCO		28.5	337,206	
AMERADA HESS CORP		21.5	254,384	
GULF		9.0	106,486	
NEW ENGLAND PETRO		2.1	24,847	
TEXACO		24.0	283,963	
CONOCO		14.9	176,294	

3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)

FLORIDA				
FLORIDA KEYS ELEC COOP	4,425			5,337
BELCHER OIL(EXXON)		100.0	5,337	
FLORIDA P & L	1,523,730			1,725,234
EXXON		15.0	258,785	
BELCHER OIL(EXXON)		85.0	1,466,449	
FLORIDA POWER CORPORATION	1,338,626			1,497,946
EXXON		60.0	898,768	
AMERADA HESS CORP		40.0	599,178	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
FORT PIERCE, CITY OF	23,200			29,190
NEW ENGLAND PETRO		100.0	29,190	
GAINESVILLE, CITY OF	29,029			33,189
EASTERN SEABOARD		100.0	33,189	
GULF POWER CO.	0			993
BAKER SERVICE(EXXON)		100.0	993	
JACKSONVILLE ELEC. AUTH.	567,563			625,965
VEN FUEL INC		82.6	517,047	
CONOCO		17.4	108,918	
KEY WEST UTILITIES	56,068			61,916
STD.OIL-KY		100.0	61,916	
LAKE WORTH UTIL AUTHORITY	0			95
BELCHER OIL(EXXON)		100.0	95	
LAKELAND LIGHT & WTR DEPT	85,133			85,133
BELCHER(STD.OIL-KY)		100.0	85,133	
NEW SMYRNA BEACH	0			0
ORLANDO UTILITIES COMM.	233,010			257,025
NEW ENGLAND PETRO		100.0	257,025	
SEBRING UTILITIES COMM.	4,384			4,836
UNION OIL OF CA		100.0	4,836	
TALLAHASSEE, CITY OF	53,422			59,096
UNION OIL OF CA		100.0	59,096	
TAMPA ELECTRIC CO.	0			10,890
WESTERN (STD.OIL-KY)		100.0	10,890	
VERO BEACH MUNICIPAL POWER	13,471			14,909
BELCHER OIL(EXXON)		100.0	14,909	
GEORGIA				
GEORGIA POWER COMPANY	0			7,956

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
SAVANNAH ELECTRIC & POWER CO	170,370			170,370
COLONIAL OIL(EXXON)		100.0	170,370	
MISSISSIPPI				
MISSISSIPPI POWER CO.	15,000			18,000
ERGON(INTL TRADING)		45.0	8,100	
BAKER SERVICE(EXXON)		55.0	9,900	
SOUTH MISSISSIPPI ELEC	89,300			148,525
SOUTHLND OIL		83.0	123,276	
AMERADA HESS CORP		17.0	25,249	
NORTH CAROLINA				
CAROLINA POWER & LT.	2,353			31,413
EXXON		100.0	31,413	
SOUTH CAROLINA				
S.CAROLINA ELEC & GAS CO	320,414			363,014
EXXON		100.0	363,014	
S.CAROLINA PUB SERV AUTH	1,226			3,916
AMERADA HESS CORP		100.0	3,916	
VIRGINIA				
VIRGINIA ELECTRIC POWER	1,316,999			1,481,299
EXXON		68.6	1,016,171	
AMERADA HESS CORP		24.2	358,474	
AMOCO		7.2	106,654	

4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)

ARKANSAS				
ARKANSAS ELEC COOP	54,379			63,579
LOGICON INC (SHELL)		80.0	50,863	
E L BRIDE(TEXACO)		20.0	12,716	
JONESBORO WATER AND LIGHT PL	0			20
DELTA REFINING CO		83.0	17	
E L BRIDE(MIDLAND)		17.0	3	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
COLORADO				
CT&U, S.COLO PWR DIV.	0			0
KANSAS				
CENTRAL KANSAS PWR	0			0
CHANUTE,CITY OF	1,400			2,107
MID AMER.REFINING		100.0	2,107	
CLAY CENTER LT&WTR	100			110
CARTER WTR		100.0	110	
COFFEYVILLE LT & PWR	1,952			2,232
CRA-FARMLAND		100.0	2,232	
CT&U, WESTERN PWR DIV	0			0
KANSAS GAS & ELEC	0			0
KANSAS POWER & LIGHT	0			1,200
PHILLIPS PETROLEUM		46.1	553	
GR.PLS		38.4	461	
NTL COOP REFINERY		15.5	186	
LARNED WTR & ELEC	155			417
CARTER WTR		100.0	417	
MCPHERSON BD OF PUB UTIL	1,510			1,830
NTL COOP REFINERY		100.0	1,830	
OTTAWA WTR & LT	0			0
LOUISIANA				
CENTRAL LOUISIANA ELECTRIC C	0			0
JONESBORO POWER & LIGHT	0			0
MIDDLE SOUTH SERVICES	1,215,409			1,399,751
MURPHY OIL CORP		30.0	419,925	
TAUBER OIL CO		20.5	286,949	
SHELL		21.3	298,147	
EXXON		12.9	180,568	
GULF		9.5	132,976	
ERGON INC (EXXON)		3.8	53,191	
E L BRIDE(OKC REF.)		1.7	23,796	
REESE OIL(SUN OIL)		.3	4,199	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
SOUTHWESTERN ELECTRIC POWER	0			1,000
MISSISSIPPI				
CLARKSDALE WTR & LT	663			756
SOUTHLND OIL		100.0	756	
YAZOO CITY PUB SERV.	0			0
MISSOURI				
EMPIRE DIST ELEC	0			0
ST JOSEPH LT & PWR	0			35
E L BRIDE		100.0	35	
OKLAHOMA				
BLACKWELL WTR & LT	0			0
OKLAHOMA GAS & ELEC	0			0
WESTERN FARMERS ELEC COOP	0			0
TEXAS				
GULF STATES UTILITIES	119,661			169,661
COASTAL STATES MKTG		37.5	63,623	
TENNECO		16.1	27,315	
UNITED PETRO DISTRIB		4.0	6,786	
EXXON		20.1	34,102	
SOUTH HAMPTON CO		22.3	37,834	

5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

AUSTIN CITY ELEC DEPT	36,000			52,000
TESORO		100.0	52,000	
BRYAN, CITY OF	0			0
COMMUNITY PUB SERV	6			601
STD.OIL-TEXAS		100.0	601	
DALLAS POWER &LT.	0			2,000
FORT WORTH REFINING		18.2	364	
KERR MCGEE OIL CO		18.9	378	
J&W REFINING		47.2	944	
BEE OIL&REFINING		15.6	312	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
EL PASO ELECTRIC	55,890			61,246
STD.OIL-TEXAS		74.5	45,628	
TESORO		25.5	15,618	
GARLAND,CITY OF	0			0
LOWER COLORADO RIVER AUTH	0			0
MEDINA ELEC COOP	0			0
SAN ANTONIO PUB SERV	0			2,880
TESORO		100.0	2,880	
TEXAS ELEC SERV	0			0
TEXAS PWR & LT	0			0
WEST TEXAS UTIL	5,065			9,165
PRIDE REFINING INC		100.0	9,165	

6. MID-AMERICA INTERPOOL NETWORK (MAIN)

ILLINOIS				
COMMONWEALTH EDISON CO.	0			34,000
ALLIED O.		98.0	33,320	
CLARK OIL&REF.CORP		2.0	680	
ILLINOIS POWER CO	0			5,400
ALLIED O.		100.0	5,400	
MISSOURI				
UNION ELECTRIC	0			0

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
WISCONSIN				
LAKE SUPERIOR DIST PWR	4,084			4,566
DOME PETROLEUM		100.0	4,566	
WISCONSIN ELEC PWR	0			5
INDUST FUEL&ASPHALT		100.0	5	

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA				
ATLANTIC MUNICIPAL UTILITIES	0			0
INTERSTATE POWER	0			0
LAMONI MUNIC	0			12
STD.OIL(IND)		100.0	12	
MINNESOTA				
AUSTIN UTILITIES	0			165
NORTHWESTERN REF		48.3	80	
GUSTAFSON OIL CO		33.0	54	
W H BARBER		18.7	31	
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	186			231
E L BRIDE		100.0	231	
MINNESOTA PWR & LT	36,342			39,976
MURPHY OIL		100.0	39,976	
NORTHERN STATES PWR	0			2,675
E L BRIDE(TEXACO,WC)		100.0	2,675	
OWATONNA MUN UTIL	928			1,047
NORTHWESTERN REF		60.0	628	
GUSTAFSON OIL CO		40.0	419	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
WORTHINGTON, CITY OF	2,125			2,639
ALLIED O.		100.0	2,639	
NEBRASKA				
CENTRAL NEBRASKA PUBLIC	0			0
FAIRBURY LT & WTR	544			639
CARTER WTR(TEXACO)		100.0	639	
GRAND ISLAND ELEC	0			0
HASTINGS UTILITIES DEPT	0			0
LINCOLN ELECTRIC SYSTEM	0			100
E. L. BRIDE COMPANY				
NEBRASKA PUBLIC POWER DISTRI	0			0
OMAHA PUB PWR DIST	0			0

8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)

MICHIGAN				
CLINTON LT & WTR	553			724
CRYSTAL REFINING CO		100.0	724	
CONSUMERS POWER	199,101			225,302
CONSUMERS PWR-CRUDE		54.0	121,663	
LAKESIDE REFINING CO		14.0	31,542	
OSCEOLA REFINING CO		8.0	18,024	
TOTAL-LEONARD INC		4.0	9,012	
MURPHY MI.DIV.AMOCO		6.0	13,518	
ENTERPRISE OIL CO		6.0	13,518	
BORON OIL(STANDARD)		3.0	6,759	
INDUST FUEL&ASPHALT		2.0	4,506	
RUPP OIL COMPANY		2.0	4,506	
GLADIEUX REF		1.0	2,253	
DETROIT EDISON CO.	910,093			1,024,527
SUN OIL		70.0	717,169	
CANADIAN FUEL MKTRS		9.9	101,428	
ENTERPRISE OIL CO		4.8	49,177	
PETRO PRODUCTS		5.4	55,324	
MARATHON OIL		9.9	101,428	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
GRAND HAVEN BD PUB	2,506			2,792
OSCEOLA REF		100.0	2,792	
HILLSDALE BD OF PUB WORKS	2,440			2,685
LEWIS(GLADIEUX REF)		100.0	2,685	
OHIO				
CLEVELAND ELEC ILLUMIN	140,143			182,974
ALLIED O.(ASHLAND)		100.0	182,974	
TOLEDO EDISON	7,521			8,594
SUN OIL		100.0	8,594	
PENNSYLVANIA				
ALLEGHENY POWER SERVICE	0			5,000
ALLIED O.(NEPCO)		100.0	5,000	
9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)				
ARIZONA				
ARIZONA PUBLIC SERVICE CO.	0			187,000
UNION OIL OF CAL		63.0	117,810	
PACIFIC SOUTHWEST		16.5	30,855	
SAN JOAQUIN REF		16.5	30,855	
BASIN FUELS		4.0	7,480	
SALT RIVER PROJECT	0			160,000
TESORO		12.4	19,840	
DOUGLAS OIL CO		2.8	4,480	
EDGINGTON OIL CO		5.6	8,960	
GUSTAFSON OIL CO		.9	1,440	
MACMILLAN		17.0	27,200	
POWERINE OIL CO		12.5	20,000	
LITTLE AMERICA		19.7	31,520	
SAN JOAQUIN REF		29.1	46,560	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
TUCSON GAS & ELEC	244,481			272,195
GOLDEN GATE PETRO		22.0	59,883	
NAVAJO REFINING		5.0	13,610	
TOSCO		43.0	117,044	
UNION OIL OF CA		25.0	68,049	
HOLLAND OIL(TOSCO)		5.0	13,610	
CALIFORNIA				
BURBANK CITY PUBLIC SER.	32,000			45,280
CARSON(GOLD.EAGLE)		100.0	45,280	
GLENDALE PUBLIC SERVICES	82,000			90,978
POWERINE OIL CO		100.0	90,978	
IMPERIAL IRRIGATION DISTR	52,000			63,576
CRESCENT REF&O(GULF)		100.0	63,576	
LOS ANGELES DEPT OF WATER &	1,513,821			1,692,621
ARCO		43.5	736,290	
COASTAL STATES MKTG		27.2	460,393	
EDGINGTON OIL CO		15.3	258,971	
PETROBAY		5.5	93,094	
NEWHALL REFINING CO		3.6	60,934	
SAN JOAQUIN REF		2.6	44,008	
POWERINE OIL CO		2.3	38,930	
PACIFIC GAS & ELECTRIC CO	1,197,734			1,377,734
ARCO		71.3	982,324	
UNION OIL OF CA		4.7	64,754	
PHILLIPS PETROLEUM		24.0	330,656	
PASADENA POWER CO.	60,087			75,789
GOLD.EAGLE		100.0	75,789	
SAN DIEGO GAS & ELECTRIC CO.	530,087			594,187
UNION OIL OF CA		29.8	177,068	
HIRI		16.2	96,258	
EDGINGTON OIL CO		21.3	126,562	
TESORO		32.7	194,299	

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	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
SOUTHERN CALIF EDISON	3,314,513			3,685,013
STD.OIL-CAL		59.1	2,177,843	
TEXACO		8.0	294,801	
ARCO		6.4	235,841	
EXXON		16.7	615,397	
PACIFIC RESOURCES		5.6	206,361	
MACMILLAN R.F.OIL		2.4	88,440	
CONOCO		1.8	66,330	
COLORADO				
COLORADO SPRINGS LT & PWR	0			0
LAMAR LT & PWR	0			0
PUB SERV COLORADO	11,905			13,096
PLATEAU INC		100.0	13,096	
MONTANA				
MONTANA POWER	0			0
NEVADA				
NEVADA POWER COMPANY	0			665
GUSTAFSON OIL CO		54.0	359	
HUSKY OIL COMPANY		46.0	306	
SIERRA PACIFIC POWER	4,262			6,018
GOLDEN GATE PETRO		100.0	6,018	
NEW MEXICO				
PLAINS ELEC GEN & TR SM	0			29
PLATEAU INC		97.8	28	
CARIBOU 4 CORNERS		2.2	1	

	RECOMMENDED FED BURN	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
PUB SERV NEW MEXICO	0			0
OREGON				
PACIFIC POWER & LIGHT CO	0			28
STD.OIL(IND)		100.0	28	
UTAH				
UTAH POWER &LIGHT CO.	10,000			10,000
BLACKLINE ASPH.SALES		100.0	10,000	
WASHINGTON				
PUGET SOUND POWER &LIGHT CO.	0			0
SEATTLE DEPT OF LI	0			0
TACOMA DEPT OF PUBLIC UTILIT	0			0

10. ASCC

HAWAII				
HAWAIIAN ELECTRIC COMPANY	601,594			664,394
STD.OIL-CA		100.0	664,394	
HILO ELEC LT	39,727			44,049
STD.OIL-CA		100.0	44,049	

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	RECOMMENDED FED BURN.	PCT	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
KAUAI ELECTRIC	10,725			12,015
STD.OIL--CA		100.0	12,015	
MAUI ELECTRIC	31,512			34,762
STD.OIL-CA		100.0	34,762	

11. NOT OTHERWISE CLASSIFIED

UNK				
GUAM PWR AUTH	75,169			86,169
U.S.NAVY		100.0	86,169	
PUERTO RICO WATER RESOURCES	1,595,045			1,766,886
COMMONWEALTH OIL		50.0	883,443	
PUERTO RICO SUN OIL		30.0	530,066	
CARIBBEAN GULF REF		20.0	353,377	
ST CROIX, V.I. WTR PWR	29,258			32,966
AMERADA HESS CORP		100.0	32,966	
ST THOMAS, V.I. WTR PWR	35,790			40,047
AMERADA HESS CORP		100.0	40,047	

[FR Doc.74-6635 Filed 3-19-74;11:43 am]

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federal register

THURSDAY, MARCH 21, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 56

Pages 10547–10870

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

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federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Amdt. 1]

PART 966—TOMATOES GROWN IN FLORIDA

Increase in Expenses

This document amends the budget of the Florida Tomato Committee and authorizes the committee to spend not more than $157,000 for its operations during the fiscal period ending July 31, 1974.

The committee was established under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in designated counties in the State of Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

Notice was published in the March 7 FEDERAL REGISTER (39 FR 8937) regarding the proposal. It afforded interested persons an opportunity to file written comments not later than March 14, 1974. None was filed.

After consideration of all relevant matters, including the proposals set forth in the notice, it is found that the following should be issued:

Expenses, as amended. In § 966.210 (38 FR 29214) paragraph (a) is hereby amended as follows:

§ 966.210 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period ending July 31, 1974, by the Florida Tomato Committee for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to $157,000.

* * * * *

It is hereby found that good cause exists for not postponing the effective date of this section until April 22, 1974 (5 U.S.C. 553) since it is urgent that the funds be made available as soon as possible for a market research project prior to the end of the shipping period.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: March 15, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 74-6542 Filed 3-20-74;8:45 am]

[Milk Order No. 79]

PART 1079—MILK IN THE DES MOINES, IOWA, MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Des Moines, Iowa, marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 8165) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of March 1974 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1079.14, the word "distributing", which appears twice in the preamble, three times in paragraph (a) and twice in paragraph (b); and in paragraphs (a) and (b), the words "50 percent in September through March and 100 percent in April through August of".

STATEMENT OF CONSIDERATION

This suspension action relaxes the limits on diversion of producer milk by the operator of a pool plant and by a cooperative association with respect to the milk of producers diverted for their respective accounts during the month of March 1974.

At present milk diverted by a cooperative association during the months of September through March may not exceed 50 percent of the larger of: (1) The total quantity of its member milk received at all pool distributing plants during the current month, or (2) the average daily quantity of its member milk received at all pool distributing plants during the previous month multiplied by the number of days in the current month. Similarly, the operator of a pool distributing plant may not divert more than 50 percent of the larger of: (1) The total quantity of producer milk received at such plant during the current month from producers who are not members of a cooperative association which has diverted milk during the month, or (2) the average daily quantity of producer milk received at such plant during the previous month multiplied by the number of days in the current month from producers who are not members of a cooperative association which has diverted milk in the current month. Diversion of producer milk is presently restricted to pool distributing plant operators and cooperative associations diverting milk for their account.

Suspension action on diversion limits that apply to milk handled by a cooperative was requested by Mid-America Dairymen, Inc., a cooperative association representing the majority of producers on the Des Moines market.

Reserve milk supplies on the market have increased markedly in recent months. For example, producer milk pooled on the market during December 1973 was almost 30 percent greater than during December 1972, while producer milk utilized in Class I decreased by 2.7 percent during this same period. Consequently, the proportion of the milk associated with the Des Moines order that needs to be moved to nonpool manufacturing plants during March is greater than can be accommodated under the diversion limits provided in the order.

Relaxation of diversion privileges was considered, among other issues, at a hearing held in May of 1973, at which evidence was adduced to the effect that greater diversion allowances during all months of the year, applicable to proprietary handlers as well as to cooperative associations, is necessary. Therefore, in the notice of proposed suspension issued February 24, 1974 (39 FR 8165), data, views, and arguments were invited on the propriety of suspending the diversion limitations applicable to both cooperative associations and proprietary handlers as contained in § 1079.14 of the order.

A proprietary handler who filed data, views, and arguments requested that the diversion limit also be relaxed with respect to all pool plant operators. It is concluded that the diversion limits should be relaxed by suspension action during March, pending completion of such amendatory proceedings.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that it would facilitate handling of the market's reserve supply of milk during March 1974;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

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(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective for the month of March 1974.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the month of March 1974.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Effective date: March 21, 1974.

Signed at Washington, D.C., on March 18, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74–6543 Filed 3–20–74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 129]

PART 1129—MILK IN THE AUSTIN-WACO, TEXAS, MARKETING AREA

Order Suspending Certain Provisions

This order suspending certain provisions is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Austin-Waco marketing area.

It is hereby found and determined that for the months of April through July 1974 the following provisions of the order do not tend to effectuate the declared policy of the Act:

In § 1129.20, which defines a "fluid milk product", the language "cultured sour cream."

STATEMENT OF CONSIDERATION

This action will continue through July 1974 the current suspension which results in milk used in cultured sour cream being classified under the order as Class II milk rather than Class I milk. The current suspension, which became effective October 1, 1973, expires March 31, 1974.

Continuation of the suspension was requested by a pool plant operator regulated under the Austin-Waco order. This handler sells sour cream in the Austin-Waco market in competition with handlers regulated under the North Texas and San Antonio Federal orders. Such orders classify milk used in sour cream in Class II. By continuing the present Class II classification of sour cream under the Austin-Waco order, the class price for milk in such use will remain closely aligned with the price of milk so used under such other orders.

In the Department's final decision issued February 19, 1974, (39 FR 8452, 8712, 9012), it was concluded that a uniform plan for classifying milk should be adopted in 32 markets, including the Austin-Waco and other Texas markets. Under this plan, sour cream would be included in the same class under all 32 orders. Final action on the 32-market proceeding is still pending. In this circumstance, the suspension of sour cream from the fluid milk product definition should be continued until the classification differences are resolved through the amendment procedure.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) This suspension continues a suspension now in effect. Moreover, it carries out the intent of a final decision issued by the Department on February 19, 1974, in which it was concluded that a uniform plan for classifying milk, including the same classification of sour cream, should be adopted for Austin-Waco and other Texas markets.

Therefore, good cause exists for making this order effective April 1, 1974.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of April through July 1974.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Effective date: April 1, 1974

Signed at Washington, D.C., on March 18, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74–6544 Filed 3–20–74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATION

[FHA Instructions 471.2 and 471.3; AL–597(471)]

PART 1874—ASSIGNMENT OF INSURED MORTGAGES

Deletion of Part

"Assignment of Insured Mortgages," (31 FR 14239), is deleted from Chapter XVIII of Title 7 of the Code of Federal Regulations. The regulations contained in Part 1874 are obsolete as the Farmers Home Administration no longer assigns the mortgage with the sale of insured notes.

Inasmuch as this deletion does not have a direct effect on the public, and is a deletion of regulations no longer in use, it has been determined that the publication of the deletion of this part is unnecessary.

((7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442); Delegation of Authority by the Secretary of Agriculture, 38 FR 14944, 14948, 7 CFR 2.23; Delegation of Authority by the Assistant Secretary for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

Effective Date. This deletion shall be effective on March 21, 1974.

Dated: March 8, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–6540 Filed 3–20–74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

PART 115—PROCEDURES FOR REVIEW OF CERTAIN NUCLEAR REACTORS EXEMPTED FROM LICENSING REQUIREMENTS

Amendments and Change Procedures for Facility Licenses and Authorizations

On August 24, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 22796) proposed amendments to its regulations in 10 CFR Part 50, Licensing of Production and Utilization Facilities, and 10 CFR Part 115, Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements, which would simplify the procedural process for AEC authorization of changes in production and utilization facilities and technical specifications relating to such facilities. The proposed amendments to Part 50 would continue to permit facility licensees, pursuant to § 50.59 of Part 50, to make changes in the facility and perform tests and experiments not described in the safety analysis report without prior Commission approval unless the change, test or experiment involves an unreviewed safety question or a change in the technical specifications. For proposed changes, tests or experiments which involve an unreviewed safety question or a change in technical specifications, an amendment to the operating license would be required, pursuant to § 50.90. With respect to an application for amendment of a license which involves a significant hazards consideration, the Commission would act upon the application for amendment after giving notice of its proposed action, as required by section 189 of the Atomic Energy Act of 1954, as amended and § 2.105 of 10 CFR Part 2. Notice of issuance of an amendment which did not involve a significant hazards consideration would be published in the FEDERAL REGISTER pursuant to § 2.106 of 10 CFR Part 2.

After consideration of the comments received and other factors involved, the Commission has adopted the amendments as published for comment.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to 10 CFR Parts 50 and 115 are published as a document subject to codification.

1. Paragraph (a) of § 50.58 is revised to read as follows:

§ 50.58 Hearings and report of the Advisory Committee on Reactor Safeguards.

(a) Each application for a construction permit or an operating license for a facility which is of a type described in § 50.21(b) or § 50.22, or for a testing facility, shall be referred to the Advisory Committee on Reactor Safeguards for a review and report. An application for an amendment to such a construction permit or operating license may be referred to the Advisory Committee on Reactor Safeguards for review and report. Any report shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure.

• • • • • •

2. Section 50.59 is revised to read as follows:

§ 50.59 Changes, tests and experiments.

(a) (1) The holder of a license authorizing operation of a production or utilization facility may (i) make changes in the facility as described in the safety analysis report, (ii) make changes in the procedures as described in the safety analysis report, and (iii) conduct tests or experiments not described in the safety analysis report, without prior Commission approval, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question.

(2) A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident of malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (ii) if a possibility for an accident or malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (iii) if the margin of safety as defined in the basis for any technical specification is reduced.

(b) The licensee shall maintain records of changes in the facility and of changes in procedures made pursuant to this section, to the extent that such changes constitute changes in the facility as described in the safety analysis report or constitute changes in procedures as described in the safety analysis report. The licensee shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records shall include a written safety evaluation which provides the bases for the determination that the change, test or experiment does not involve an unreviewed safety question. The licensee shall furnish to the Commisison, annually or at such shorter intervals as may be specified in the license, a report containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each. Any report submitted by a licensee pursuant to this paragraph will be made a part of the public record of the licensing proceeding. In addition to a signed original, 39 copies of each report of changes in a facility of the type described in § 50.21(b) or § 50.22 or a testing facility, and 12 copies of each report of changes in any other facility, shall be filed.

(c) The holder of a license authorizing operation of a production or utilization facility who desires (1) a change in technical specifications or (2) to make a change in the facility or the procedures described in the safety analysis report or to conduct tests or experiments not described in the safety analysis report, which involve an unreviewed safety question or a change in technical specifications, shall submit an application for amendment of his license pursuant to § 50.90.

3. A sentence is added to the end of § 50.91 to read as follows:

§ 50.91 Issuance of amendment.

• • • In determining whether an amendment to a license or construction permit will be issued to the applicant the Commission will be guided by the considerations which govern the issuance of initial licenses or construction permits, to the extent applicable and appropriate. If the application involves the material alteration of a licensed facility, a construction permit will be issued prior to the issuance of the amendment to the license. If the amendment involves a significant hazards consideration, the Commission will give notice of its proposed action pursuant to § 2.105 of this chapter before acting thereon. The notice will be issued as soon as practicable after the application has been docketed.

4. Paragraph (a) of § 115.46 is amended to read as follows:

§ 115.46 Hearing and report of the Advisory Committee on Reactor Safeguards.

(a) Each application for an authorization to construct or operate a nuclear reactor subject to this part shall be referred to the Advisory Committee on Reactor Safeguards for a review and report. An application for an amendment to such a construction authorization or operating authorization may be referred to the Advisory Committee on Reactor Safeguards for review and report. Any report shall be made part of the record of the application and available to the public, except to the extent that security classification prevents disclosure.

• • • • • •

5. Section 115.47 is revised to read as follows:

§ 115.47 Changes, tests and experiments.

(a) (1) The holder of an operating authorization may (i) make changes in the facility as described in the safety analysis report, (ii) make changes in the procedures as described in the safety analysis report, and (iii) conduct tests and experiments not described in the safety analysis report, unless the proposed change, test or experiment involves a change in the technical specifications incorporated in the license or an unreviewed safety question.

(2) A proposed change, test, or experiment shall be deemed to involve an unreviewed safety question (i) if the probability of occurrence or the consequences of an accident or malfunction of equipment important to safety previously evaluated in the safety analysis report may be increased; or (ii) if a possibility for an accident of malfunction of a different type than any evaluated previously in the safety analysis report may be created; or (iii) if the margin of safety as defined in the basis for any technical specification of a nuclear reactor is reduced.

(b) The holder of the authorization shall maintain records of changes in the facility and of changes in procedures made pursuant to paragraph (a) of this section, to the extent that such changes constitute changes in the facility as described in the safety analysis report of constitute changes in procedures described in the safety analysis report. The holder of the authorization shall also maintain records of tests and experiments carried out pursuant to paragraph (a) of this section. These records shall include a written safety evaluation which provides the bases for the determination that the change, test or experiment does not involve an unreviewed safety question. The holder of the authorization shall furnish the Commission, annually or at such shorter intervals as may be specified in the authorization, a report containing a brief description of such changes, tests and experiments, including a summary of the safety evaluation of each. Any report submitted by a holder of an authorization pursuant to this paragraph will be made a part of the public record of the authorization proceeding. In addition to a signed original 39 copies of each report shall be filed.

(c) The holder of an authorization who desires a change in technical specifications or who desires to make a change in the facility or the procedures described in the safety analysis report, or conduct tests or experiments not described in the safety analysis report, which involve an unreviewed safety question or a change in technical specifications, shall submit an application for amendment of his authorization pursuant to § 115.60.

6. Section 115.61 is revised to read as follows:

§ 115.61 Issuance of amendment.

In determining whether an amendment to an authorization will be issued to the applicant, the Commission will be guided by the considerations which govern the issuance of authorizations, to the extent applicable and appropriate. If the application involves the material alteration of a nuclear reactor, a construction authorization will be issued prior to issuance of the amendment to the authorization. If the amendment involves a significant hazards considera-

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tion the Commission will give notice of its proposed action pursuant to § 2.105 of this chapter before acting thereon. The notice will be issued as soon as practicable after the application has been docketed.

Effective date. The foregoing amendments shall become effective on April 22, 1974.

(Secs. 161, 182, 189; 68 Stat. 948, 953, 955; 71 Stat. 576; 76 Stat. 409; Pub. L. 83-703, 85 256, 87-615 (42 U.S.C. 2201, 2232, 2239)).

Dated at Germantown, Md. this 18th day of March 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-6550 Filed 3-20-74:8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

FERROUS SCRAP

I. *Extension of deadline for submission of first quarter 1974 ferrous scrap license applications by historic exporters.* The FEDERAL REGISTER of January 16, 1974, required that exporters submit applications for validated licenses against their quota shares for the first quarter 1974 no later than March 10, 1974. To assure that exporters and their foreign customers have ample time to make satisfactory arrangements, this deadline is hereby extended to 5:00 p.m., e.d.t. March 29, 1974. Any quota shares for which license applications have not been physically received in the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, by this new deadline will be withdrawn, and the appropriate country quotas will be reduced accordingly.

II. *Restriction on extension of licenses issued in 1973 to export ferrous scrap.* The FEDERAL REGISTER of January 16, 1974 announced the method of licensing exports of ferrous scrap for the first quarter 1974. Included in that Bulletin was a statement of policy to the effect that in appropriate cases, upon a showing of delay due to difficulties in arranging shipment or other sufficient cause, licenses issued for export of ferrous scrap during 1973 might be extended through February 28, 1974, upon application by the exporter. The extremely strong domestic demand for scrap, coupled with what appears to be an abnormal seasonal decline in scrap collections and a reduction in prompt industrial scrap from the automobile industry, caused the Office of Export Administration to reconsider this policy. Accordingly, since mid-January, the Office of Export Administration has severely restricted extensions of ferrous scrap licenses issued in 1973.

III. *Revision of requirements for submission of past histories of ferrous scrap exports.* The FEDERAL REGISTER of December 6, 1973 announced that exporters who had exported shipments of ferrous scrap during the period July 1, 1970 to June 30, 1973, would be considered for shares of the first quarter 1974 quotas if they submitted reports of such shipments by December 17, 1973. Those exporters who submitted their reports in a timely manner will automatically be considered for eligibility to receive second quarter 1974 ferrous scrap quota shares on the basis of their previous report.

The regulations are revised to permit those exporters with a history of shipments during the base period who did not submit statements by the December 17 deadline to submit reports of such exports for consideration in the allocation of quota shares for subsequent quarters. Such reports must be submitted in accordance with § 377.4A(a), as herein revised, no later than March 22, 1974, for consideration with respect to the second quarter 1974, or, for subsequent quarters, by the 17th day of the month prior to the start of any such quarter for which the exporter wishes to be considered.

IV. *Elaboration of rules for ex-quota licensing of ferrous scrap derived from ship-breaking activity.* The FEDERAL REGISTER of January 16, 1974, announced a system whereby an exporter engaged within the United States in ship-breaking activity may apply for validated licenses to export ferrous scrap in excess of his quota shares. Upon submission of production documentation, such licenses may be granted pursuant to the rules of § 377.4A(d), as herein revised, for up to 50 percent of an exporter's increase in domestic production of scrap from ship-breaking in 1974 over his 1973 level. This issuance revises § 377.4A(d) of the Export Administration Regulations to clarify the nature of the documentation required, the manner of submission, and the system for issuing export licenses.[1]

V. *Ships sold by the maritime administration for scrapping abroad.* No person may, after March 13, 1974, export a ship purchased from the U.S. Maritime Administration for scrapping abroad without a validated license for export with respect to the ferrous scrap content of such ship. With respect to ship sales made during the first quarter 1974, export licenses will be issued against the quota for that quarter upon application by the exporter, identifying the purchaser of the ship and the approximate ferrous scrap content of such ship in short tons, and indicating the terms and date of sale. A quota set-aside of 50,000 short tons for the second quarter 1974 shall be reserved for, and shall limit with respect to ferrous scrap content, the export of ships purchased during such quarter from the U.S. Maritime Administration for scrapping abroad. Application for licenses against the quotas shall be in accordance with § 377.4A(c). Such applications shall indicate the terms and date of sale, the identity of the purchaser, and the approximate ferrous scrap content of the ship. The information set forth on applications will be verified by the U.S. Maritime Administration before issuance of any license. All licenses will have a validity period of 90 days from the date of issuance.

The Commodity Control List is hereby revised as set forth below, effective 12:01 a.m., e.d.t., March 14, 1974, to require a validated license for export of such vessels for scrapping.

VI. *Exclusion of commodities under short supply controls from the technical data written assurance requirement of general license GTDR.* Under current rules with respect to General License *GTDR*, before exporting technical data relating to those commodities identified by the symbol "W" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below," an exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be exported, directly or indirectly, to Country Group Z or reexported, directly or indirectly, to Country Group Q, W, Y, or Z.

This requirement for a written assurance is revised to exclude technical data relating to those commodities listed in Supplement No. 1 to Part 377 as being under short supply controls. As a result, such technical data may be shipped under the provisions of General License GTDR notwithstanding the imposition of short supply controls.

VII. *Additional quota allocations for shipments of ferrous scrap to certain destinations in the first quarter 1974.* The FEDERAL REGISTER of December 6, 1973 announced that a quota set-aside of 100,000 short tons of ferrous scrap had been earmarked for use during the first quarter 1974 for contingencies and hardships. In recognition of the legitimate needs of certain developing countries, additional quota allocations of ferrous scrap have been authorized for export licensing to the following destinations under the rules of § 377.4A: Thailand—20,000 short tons, Bangladesh—6,170 short tons, Pakistan—12,000 short tons, Philippines—12,000 short tons, Venezuela—15,000 short tons, and the People's Republic of China—40,000 short tons (the additional 5,170 short tons were added to contingency from duplication in individual quota shares discovered as a result of audits). Further, at the request of the European Community, the total quota for the Community has now been allocated to Italy, following advice from the Community that the United Kingdom will not be importing scrap from the United States during the first quarter 1974. Exporters who are eligible to participate in these revised quota allocations based upon their past participation export history have been advised of their revised quota shares for shipments to these destinations.

VIII. *Export control of shipments from Foreign-Trade Zones.* Section 370.6 of the Export Administration Regulations provides that commodities of foreign origin that enter a U.S. foreign-trade zone with no customs entry being made, may be exported from the foreign-trade zone without a validated export license, unless a validated license is required by paragraph (a), (b), (c), or (d) of such section. Section 370.6 is hereby revised to provide that commodities listed in Supplement No. 1 to Part 377 require a validated license for export from foreign-trade zones, unless such commodities could be exported from the customs territory of the United States under a general license. In addition, the definition of "United States" is refined and an explanatory note is added to clarify that goods of U.S. origin, and certain goods produced in foreign-trade zones, are subject to the same export controls as if they were located within U.S. customs territory.

IX. *Exclusion of commodities under short supply control from shipment under certain general license provisions.* In order to restrict effectively the export of those commodities listed in Supplement No. 1 to Part 377 as being under short supply control, the Export Administration Regulations are revised to prohibit the export of such commodities to any destination under a general license, except as authorized under the provisions of general licenses "GLV, GUS, GTF-US, GLR, GMS, SHIP STORES or PLANE STORES." Therefore, a validated license is now required for all export shipments of short supply commodities not otherwise authorized under the provisions of the above-mentioned general licenses.

X. *Revision of shipping tolerance allowance for partial shipments.* Section 386.7(c) of the Export Administration Regulations requires that when partial shipments are made against a license, the shipping tolerance may be applied against the unshipped balance only, except that for iron and steel products and tin plate, the tolerance is allowed on the full amount licensed. This exception is hereby deleted, as it is inapplicable to ferrous scrap under short supply control, and is not of significant value to exporters of the few other such products under validated license control for strategic reasons.

Accordingly, the Export Administration Regulations (15 CFR Parts 370, 371, 377, 379, 386, and 399) are amended as follows:

PART 370—EXPORT LICENSING POLICY AND RELATED INFORMATION

1. Paragraph (a)(4) of § 370.2 is revised to read as follows:

§ 370.2 Definitions of terms.

(a) The following are definitions of terms as used in the Export Administration Regulations: • • •

(4) *United States.* Unless otherwise stated, the 50 states, the District of Columbia, the Canal Zone, Puerto Rico, and all territories, dependencies, and possessions of the United States, including U.S. foreign-trade zones established pursuant to 19 U.S.C. 81A–81U.

• • • • • •

2. Paragraph (f)(2) and (3)(i) of § 370.10 is revised to read as follows:

§ 370.10 Exports controlled by U.S. Government Agencies other than the Office of Export Administration.

• • • • • •

(f) *Watercraft.* Regulations administered by the U.S. Maritime Administration, Washington, D.C. 20235, and other agencies as listed below govern the export of watercraft: • • •

(2) *Export Authorization by U.S. Maritime Administration and Office of Export Administration.* Watercraft (including vessels of war) exported for the purpose of scrapping, dismantling, dismembering, or destroying the hulls or hulks thereof, require export authorization from both the Office of Export Administration and the U.S. Maritime Administration if (i) the vessel will be exported to Country Group W, Y, or Z (see Supplement No. 1 to Part 370 for country group designations) or (ii) the vessel has been sold by the U.S. Maritime Administration for scrapping abroad.

(3) *Export authorization by U.S. Maritime Administration only.* (i) Watercraft described in subparagraph (2) of this paragraph, except those sold by the U.S. Maritime Administration for scrapping abroad, when exported to destinations other than those in Country Group W, Y, or Z, require export authorization from the U.S. Maritime Administration only.

• • • • • •

3. Section 370.6 is amended by revising the material preceding paragraph (a) and by adding a new paragraph (e) to such section. This revised and added material reads as follows:

§ 370.6 Shipments entering Foreign-Trade Zones.

Shipments of commodities or technical data of foreign origin for which no customs entry has been made and that enter a U.S. foreign-trade zone may be exported from the foreign-trade zone without a validated export license except as described below.

NOTE: Commodities originating in the U.S. and located in a foreign-trade zone are subject to U.S. export control requirements. Those commodities otherwise considered to be of foreign origin that, as a result of processing, manufacturing, or assembly while in a U.S. foreign-trade zone, have been so altered that they have either been substantially enhanced in value or have lost their original identity with respect to form, are no longer deemed to be of foreign origin. They are, therefore, subject to U.S. export licensing requirements when exported from the foreign-trade zone.

• • • • • •

(e) *Commodities under short supply control.* A shipment of any commodity listed in Supplement No. 1 to Part 377 of this chapter as under short supply control requires a validated license if the shipment could not be made from the customs territory of the United States to the intended destination under the provisions of a general license.

PART 371—GENERAL LICENSES

4. Paragraph (c) of § 371.2 is amended by adding a new subparagraph (9) thereto to read as follows:

§ 371.2 General provisions.

• • • • • •

(c) *Prohibited shipments.* No general license may be used to effect an export to any destination if: • • •

(9) The commodity is listed in Supplement No. 1 to Part 377 of this Chapter as being under short supply control, unless the export is authorized under the provisions of general licenses *GLV, GUS, GTF-US, GLR, GMS, SHIP STORES* or *PLANE STORES.*

• • • • • •

PART 377—SHORT SUPPLY CONTROLS

5. Paragraph (b) of § 377.1 is revised to read as follows:

§ 377.1 General provisions.

• • • • • •

(b) *Commodities subject to short supply quota controls.* Commodities currently under short supply quota controls are listed in Supplement No. 1 to this Part 377. Generally, an exporter's share of any quantitative quota that may be established shall be allocated in accordance with the Past Participation in Exports Licensing Method described in § 377.2. The Office of Export Administration may authorize commodities subject to quantitative restriction to be licensed without regard thereto, if they were manufactured or processed in, and are being shipped from, a U.S. foreign trade zone, or if they are ineligible for shipment under General License solely because of the limitations of § 371.2(c)(9) of this chapter.

• • • • • •

6. Section 377.4A is amended:

a. By striking the words "FIRST QUARTER" from the title,

b. By striking "a letter of quota participation for the first quarter of 1974" in the last sentence of the portion of paragraph (b) of such section that precedes subparagraph (1) of such paragraph, and inserting in lieu thereof "a letter of quota participation for the applicable quarter,"

c. By striking "the first quarter 1974 ferrous scrap quota for the Community is to be allocated, notwithstanding past trade patterns, only to Italy and the United Kingdom in a ratio of approximately 7 to 1" in the third sentence of paragraph (b)(1) of such section, and inserting in lieu thereof "ferrous scrap quotas for the Community are allocated, notwithstanding past trade patterns, to member countries in the proportions determined by the Community,"; and by striking "for those two countries" in the fourth sentence of such paragraph (b)(1), and inserting in lieu thereof "as so determined",

d. By striking "of 100,000 short tons has been earmarked for use during the first quarter" in paragraph (e) of such

[1] These requirements have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

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section, and inserting in lieu thereof "as specified in Supplement No. 1 shall be earmarked for use during each calendar quarter",

e. By striking "no later than March 31, 1974" in paragraph (f) of such section, and

f. By revising paragraphs (a) and (d) of such section to read as follows:

§ 377.4A Ferrous scrap export licensing system for 1974.

(a) *Statement of past participation.* Shares of quarterly quotas for the ferrous scrap commodities listed in Supplement No. 1 as subject to quota restriction are, pursuant to the rules of this section, assigned to exporters who have submitted statements of past participation, Form DIB–664P, covering their exports of such commodities during the base period July 1, 1970 to June 30, 1973. To be considered for shares in any particular calendar quarter and, automatically, in all subsequent quarters, exporters must timely file a properly executed statement in accordance with the provisions of this paragraph and § 377.2. Such statements must be actually received by the Office of Export Administration, PO Box 7138, Ben Franklin Station, Washington, D.C. 20044, by the 17th day of the month prior to the start of a calendar quarter in order to be considered timely filed with respect to the allocation of quota for such quarter and all succeeding quarters, except that statements with respect to the second quarter 1974 will be accepted until March 22, 1974. Forms not received by the dates specified herein will be held over until the succeeding quarter in the event quotas are established therefor. The statement on Form DIB–664P shall indicate (separately for each foreign country of destination, including Canada and countries that are members of the European Community) the quantities (in short tons) of each category of ferrous scrap (other than stainless steel scrap), by Schedule B number, that the exporter exported to each such country during each calendar month during the period July 1, 1970 to June 30, 1973. The statement must be signed by an authorized representative of the exporter. The statement will be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended. A separate Form DIB–664P shall be submitted for each of the Schedule B classifications listed in Supplement No. 1 for which the exporter is seeking quota share. For purposes of the statement, a party normally shall be considered to have been the exporter with respect to those shipments during the base period for which such party was named as the exporter on the Shipper's Export Declaration (Commerce Form 7525–V) filed in accordance with Part 386 of this Chapter.

* * * * * *

(d) *Special rules with respect to ships.*—(1) *Domestic ship-breaking.* In order to encourage increased production of ferrous scrap, a special rule is established to allow any person engaged within the United States in ship-breaking activity (the conversion of ships to scrap metal) to apply for validated licenses to export ferrous scrap in excess of his quota shares. Such licenses may be issued to the extent of 50 percent of the increase in such person's domestic production of ferrous scrap from ship-breaking during the first calendar quarter of 1974 over his production from such activity during the first calendar quarter of 1973. For succeeding quarters any increase in production over the corresponding quarter in 1973 will be adjusted to reflect decreases in 1974 production during preceding quarters. Licenses may then be issued to the extent of 50 percent of such increase, as adjusted. In order to receive a license under this rule, such person shall file an application in accordance with paragraph (c) of this section, accompanied by: (i) With the first application under this provision, a sworn affidavit by the applicant showing his domestic ship-breaking tonnage in 1973, which indicates by calendar quarter the quantity of scrap dismantled and removed from vessels; and (ii) with the first application following the end of a calendar quarter, a sworn affidavit by the applicant showing his domestic ship-breaking tonnage in each of the completed calendar quarters of 1974. Any submission under this provision shall be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended. Although the Office of Export Administration reserves the right to limit such licenses by destination and type of scrap if in its opinion such action is warranted, it is anticipated that generally licenses will be issued for the type and destination specified in the application. The ship-breaking tonnage of all members of an affiliated group of companies shall be attributed to such group as a whole, which shall for this purpose be treated as a single entity. Only the controlling member of such group may submit an application under this provision in behalf of the group. The controlling member may, however, designate any member to receive a license for a specific portion of the tonnage for which the group is eligible.

(2) *Ships sold by the Maritime Administration for scrapping abroad.* No person may, after March 13, 1974, export a ship purchased from the U.S. Maritime Administration for scrapping abroad without a validated license for export with respect to the ferrous scrap content of such ship. With respect to ship sales made during the first quarter 1974, export licenses will be issued against the quota for that quarter upon application by the exporter. With respect to the second quarter 1974 and for any subsequent quarters for which quota restrictions on the export of ferrous scrap may be imposed, a quota set-aside as specified in Supplement No. 1 shall be reserved for, and shall limit, with respect to ferrous scrap content, the export of ships purchased during such quarter from the U.S. Maritime Administration for scrapping abroad. Upon the award of a ship for scrapping abroad, the U.S. exporter shall file an application in accordance with paragraph (c) of this section, which shall indicate the terms and date of sale, the identity of the purchaser, and the approximate ferrous scrap content of the ship. Licenses shall be issued by the Office of Export Administration upon verification by the U.S. Maritime Administration of the information on the application.

* * * * * *

7. The list of submission dates and the table of quotas in the portion of Supplement No. 1 to Part 377 that relates to "Ferrous Scrap" are amended to read as follows:

SUBMISSION DATES

Orders for first quarter 1974 shipment, not prior to January 1, 1974, and not later than:

Historical Exporters---------- Mar. 29, 1974

* * * * * *

INDIVIDUAL FOREIGN COUNTRY QUOTAS AND QUOTA RESERVES (IN SHORT TONS)

Country	First Quarter, 1974
Angola	900
Argentina	34,800
Bangladesh	10,000
Brazil	5,200
Canada	200,300
Chile	1,600
China, People's Republic of	49,400
Colombia	700
Dominican Republic	1,300
European Community:	
United Kingdom	0
Italy	197,400
Greece	22,800
Hong Kong	2,600
Japan	623,300
Korean Republic	123,700
Liberia	600
Mexico	165,000
New Zealand	5,200
Pakistan	16,340
Peru	1,000
Philippines	14,600
Singapore	1,900
Spain	182,000
Sweden	7,700
Taiwan	100,700
Thailand	34,800
Turkey	27,600
Venezuela	65,000
Yugoslavia	7,000
All Other Countries	1,800
Contingencies	[1] 100,000
Ships for Scrapping	N/A

[1] Quantity originally authorized before any subsequent reassignment to specific countries.

* * * * * *

PART 379—TECHNICAL DATA

8. Paragraph (e)(2) of § 379.4 is amended by adding a new subdivision (v)(c) thereto, to read as follows:

§ 379.4 General License GTDR: technical data under restriction.

* * * * * *

(e) *Written assurance requirements.* * * *

(2) *Requirement of written assurance for certain additional products and destinations.* * * *

(v) The limitations set forth in this § 379.4(e)(2) do not apply to the export of: * * *

(c) Technical data relating to those commodities listed in Supplement No. 1 to Part 377 as being under short supply controls.

* * * * * *

PART 386—EXPORT CLEARANCE

9. Paragraph (c) of § 386.7 is revised to read as follows:

§ 386.7 Shipping tolerance.

* * * * * *

(c) *Partial shipments.* Whenever one or more partial shipments of the licensed commodity has been made, the tolerance applies only to the unshipped balance.

* * * * * *

PART 399—COMMODITIES CONTROL LIST AND RELATED MATTERS

Accordingly, the commodity control list of § 399.1 of the Export Administration Regulations is amended to read as follows:

§ 399.1 Commodity control list; incorporation by reference.

* * * * * *

Department of Commerce, export control commodity number and commodity description	Unit	Processing No.	Validated license required for country groups shown below	GLV dollar value limits for shipments to country groups T	V	Q
* * * *						
735(2)B Ships, boats, and other vessels purchased from the U.S. Maritime Administration for breaking up (for scrapping) (specify unit of quantity in short tons of ferrous scrap content).	S. ton.	202	QSTVWYZ and Canada.	0	0	0
* * * *						

Effective date of action: March 13, 1974.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.74–6559 Filed 3–20–74;8:45 am]

Title 20—Employees' Benefits

CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR

SUBCHAPTER A—LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

PART 702—ADMINISTRATION AND PROCEDURES

Changes in Compensation Districts

Section 702.101 of Part 702, Title 20 of the Code of Federal Regulations, establishing compensation districts pursuant to section 39(b) of the Longshoremen's and Harbor Workers' Compensation Act for the purpose of administration of said Act and its extensions, is hereby amended in the manner indicated below.

The boundaries of District Nos. 6 and 7 are revised. In District No. 8, the headquarters city is changed. These changes are deemed appropriate for improved administration.

The provisions of 5 U.S.C. 553 for notice, public procedure, and delayed effective date are not applicable to rules of agency organization and personnel matters. Accordingly, the amendment shall become effective immediately.

1. Section 702.101 of Part 702, 20 CFR, is amended to read as follows:

§ 702.101 Establishment of compensation districts.

* * * * * *

District No. 6. Comprises the States of North Carolina, Kentucky, Tennessee, South Carolina, Georgia, Florida, Alabama, and Mississippi; with headquarters at Jacksonville, Florida.

District No. 7. Comprises the States of Arkansas and Louisiana; with headquarters at New Orleans, Louisiana.

District No. 8. Comprises the States of Texas, Oklahoma, and New Mexico; with headquarters at Houston, Texas.

* * * * * *

(33 U.S.C. 939(b), Secretary of Labor's Order No. 13–71, 36 FR 8755)

Signed at Washington, D.C. this 13th day of March 1974.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.74–6569 Filed 3–20–74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT-FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R–74–261]

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS

Subpart A—Eligibility Requirements for Mortgage Insurance

GUIDELINES FOR ASSISTED ADMISSION

The Department is amending Part 236 to add guidelines for assisted admission with respect to projects before final endorsement for mortgage insurance which correspond to the guidelines for assisted admission after final endorsement which are contained in § 425.22 of Part 425 of Title 24 published in the FEDERAL REGISTER at page 3675 on January 29, 1974. The amendments to Part 236 are the same as the amendments to Part 425 published on January 29, 1974 in the FEDERAL REGISTER. The latter amendments were published for comment, and such comments were considered before the amendments were made effective. Therefore, it is unnecessary to provide for comment and public procedure, and good cause exists for making these amendments to Part 236 effective upon publication.

Part 236 is amended as follows:

1. The list of sections of Subpart A of Part 236 is amended by adding a new section to read as follows:

Sec.
236.72 Guidelines for assisted admission.

2. Section 236.2 is amended by adding a new paragraph (h) to read as follows:

§ 236.2 Definitions used in this subpart.

* * * * * *

(h) "Assisted admission" means admission at a rent that is less than the fair market monthly rental charge.

3. Section 236.72 is added to read as follows:

§ 236.72 Guidelines for assisted admission.

(a) *Maximum Income.* The adjusted income of an applicant shall not exceed the maximum income limits established by the Secretary for the project locality.

(b) *Ability to pay rent.* The project owner or his managing agent may, at his discretion, admit an applicant for assisted admission whose adjusted income meets the requirement in paragraph (a) of this section if, in his judgment, the applicant has an adequate income to pay the basic monthly rental charge. If the applicant's income appears inadequate, the factors listed below, in addition to the applicant's income, shall be taken into consideration in making a determination of whether he will be able to pay the basic monthly rental charge. The project owner or his managing agent shall maintain supporting written documentation for the decision to admit or reject an applicant for assisted admission based upon these factors.

(1) A local welfare or other agency has agreed to pay all or a portion of the basic monthly rental charge.

(2) The applicant is 62 years of age or older.

(3) The applicant is a qualified tenant on whose behalf the project owner will receive rent supplement payments under Part 215 of this title.

(4) The applicant has established a history of rent-paying ability at levels equal to or greater than basic rent.

(5) The applicant has sufficient income, when considered together with other assets, to pay the basic monthly rental charge for a reasonable period.

(6) The applicant receives food stamps, surplus commodities or similar

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benefits that favorably affect the applicant's ability to pay rent.

(7) Such other factors as, in the judgment of the project owner or his managing agent, bear favorably upon the applicant's ability to pay rent.

(c) *Preference for applicants within lowest practicable income limits.* The project owner or his managing agent shall accord a preference to applicants for assisted admission whose incomes are within the lowest practicable income limits and who meet the requirements of paragraphs (a) and (b) of this section.

(Sec. 211, 52 Stat. 23; (12 U.S.C. 1715b); sec. 236, 82 Stat. 498, as amended; (12 U.S.C. 1715z–1))

Effective date. These amendments shall become effective on March 21, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit-Federal Housing Commissioner.

[FR Doc.74–6578 Filed 3–20–74;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER A—ADMINISTRATION

PART 809c—ELEMENTARY AND SECONDARY EDUCATION OF DEPENDENTS IN OVERSEA AREAS

This revision expands the definitions; revises and expands the responsibilities of the Department of the Air Force; updates eligibility for enrollment criteria; adds School Lunch and Adult Education Programs; revises other Education Programs; and updates the implementation of pertinent Department of Defense directives.

Part 809c, Subchapter A, of Chapter VII of Title 32 of the Code of Federal Regulations is revised to read as follows:

Subpart A—General Information

Sec.
809c.1 Purpose.
809c.2 Definitions.

Subpart B—Responsibilities for Dependent Education

809c.3 Department of Defense (DOD) responsibilities.
809c.4 Department of the Air Force responsibilities.
809c.5 Headquarters United States Air Force responsibilities.
809c.6 Commander-in-Chief Pacific Area Force responsibilities.
809c.7 Pacific Area Director responsibilities.
809c.8 Major command responsibilities, worldwide.
809c.9 Oversea installation commander responsibilities, worldwide.

Subpart C—Mission and Concept of Operation

809c.10 Mission.
809c.11 Concept of operation.
809c.12 Advisory councils.
809c.13 Establishing Air Force-operated schools.
809c.14 Discontinuing Air Force-operated schools.
809c.15 Eligibility for enrollment.
809c.16 Educational program.
809c.17 Manpower and personnel administration.
809c.18 Employing school professional personnel.
809c.19 Obtaining school facilities.
809c.20 School fire prevention and safety programs.
809c.21 Procuring supplies and equipment.
809c.22 School transportation.
809c.23 Summer school.
809c.24 Maintaining records.

Subpart D—Tuition-Fee Schools and Correspondence Courses

809c.25 Tuition-fee schools.
809c.26 Correspondence courses.

Subpart E—Budgeting and Funding

809c.27 Appropriated fund support.
809c.28 Nonappropriated and other funds.
809c.29 Charges to parents.
809c.30 Reimbursements to parents.

AUTHORITY: 10 U.S.C. 8012.

Subpart A—General Information

§ 809c.1 Purpose.

This part states policies and explains how elementary and secondary education for Department of Defense dependents is provided in Air Force-operated schools in the Pacific School Area. It also states policies for commands to provide logistic support for dependents schools on Air Force installations in the European and Atlantic School Areas. It implements Part 69 of this title.

§ 809c.2 Definitions.

For the purposes of this part, the following terms apply:

(a) *Air Force-operated schools.* Service-operated schools located in the Pacific School Area, regardless of installation affiliation, including all countries and locations in the Pacific and Far East to 90° E Longitude which are funded from Air Force appropriated funds and manned from Air Force manpower resources.

(b) *Army-operated schools.* Service-operated schools located in the European School Area, regardless of installation affiliation, including all countries and locations in Europe, Africa, and Asia to 90° E Longitude which are funded from Army appropriated funds and manned from Army manpower resources.

(c) *Navy-operated schools.* Service operated schools located in the Atlantic School Area, regardless of installation affiliation, including all oversea countries and locations in the Atlantic and in North, Central, and South America which are funded from Navy appropriated funds and manned from Navy manpower resources.

(d) *Tuition-fee or tuition contract school.* A private or public school that provides elementary or secondary education to eligible dependents and to which tuition and associated costs are paid from appropriated funds under an Air Force contract agreement with the school.

(e) *Pacific School Area.* See paragraph (a) of this section.

(f) *European School Area.* See paragraph (b) of this section.

(g) *Atlantic School Area.* See paragraph (c) of this section.

(h) *Oversea areas.* Areas outside the continental limits of the United States except Alaska, Hawaii, Puerto Rico, Guam, the Virgin Islands, and Wake Island.

(i) *Elementary and secondary education.* Education at Government expense for grades kindergarten through 12 which may be offered in service-operated schools, tuition-fee schools, or through correspondence courses appropriate for the grade level.

(j) *School professional personnel.* Civilian personnel employed in service-operated schools, and paid from appropriated funds, on either a school or calendar year basis. Their duties involve classroom or other instructional functions; administration, supervision, or direction of school programs; or other school positions which require academic credits in educational theory and practice.

(k) *Logistic support.* Include the provision, acquisition, or construction of suitable and adequate school facilities; dormitories (when required); area and district offices; all equipment normally attached to the building; services, such as maintenance and repair of facilities, custodial, transportation of students, utilities, school lunch programs (where required); housing for school personnel; external school supply support and other logistics services necessary to enable the Area Director to accomplish his mission.

(l) *Geographic manager.* Secretaries of military departments or their designees.

(m) *Identification of schools.* For identifying and manning purposes, the following school organizational patterns will apply. Regardless of level, all grades under the supervision of the same administrative head will be considered a separate school entity. All schools in the Pacific Area will be known as Air Force-operated schools.

(1) *Elementary school.* A school comprised of any span of grades not above grade 8.

(2) *Middle schools.* Separately organized middle schools (grades 5–8) are authorized, but are considered elementary schools for manning purposes. All staffing criteria applicable to elementary schools will be utilized, including specialists.

(3) *Junior high school.* A school intermediate between the elementary and high schools, usually grades 7, 8, and 9.

(4) *High school.* A school comprised of any span of grades beginning with the next grade following the elementary, middle, or junior high school at that location and ending with or below grade 12. Such high schools may be organized as junior-senior high schools or as senior high schools.

(n) *Correspondence courses.* Elementary or secondary education provided through home study courses and procured from appropriated funds with the approval of the Area Director.

(o) *Space required.* Pupil spaces which must be provided in a dependents school and for which personnel, materials, and facilities must be programmed.

(p) *Space available.* Pupil spaces available in a dependents school which may be occupied without programming additional personnel, equipment, materials, or facilities, and without degrading the learning opportunities of the space required pupils.

(q) *Dependent.* One who:

(1) Will reach his (her) fifth birthday, but not his (her) twenty-first birthday, by December 31 of the current year, or is handicapped (regardless of age) and enrolled in a special education program for the handicapped, and

(2) Is the child, step-child, legally adopted child, wife, husband, or legal ward of a sponsor or is resident in the household of a sponsor who stands in loco parentis, and

(3) Is dependent on the sponsor for more than one-half of his (her) support.

(r) *DOD dependent.* One who is the dependent, as defined in paragraph (q) of this section, of a member of the Armed Forces who is on active duty and stationed overseas or a DOD civilian employee who is a U.S. citizen or immigrant alien stationed overseas and paid from appropriated funds.

(s) *Handicapped child.* A dependent child having mental, emotional, or physical disability, and whose special learning needs cannot be met adequately through the regular instructional program. This category includes educable and trainable children. An educable child is one who can benefit from an academic program modified to suit his needs. A trainable pupil is one who cannot benefit from an academic program, regardless of extent of modification, and probably cannot achieve literacy, but who can be trained. The Area Director will establish the lower levels of educability and trainability, based on the experience of the school system.

(t) *Basic testing program.* The administration of mandatory tests for students attending DOD oversea dependents schools.

(u) *Optional testing program.* The administration of prognostic and readiness, multifactor, special purpose aptitude tests, and criterion referenced tests, to individual students, or select student groups attending DOD oversea dependents schools, as determined by teachers, guidance counselors, and administrators.

Subpart B—Responsibilities for Dependent Education

§ 809c.3 Department of Defense (DOD) responsibilities.

Under the direction of the Secretary of Defense:

(a) The Assistant Secretary of Defense (Manpower and Reserve Affairs) (ASD/M&RA) is responsible for establishing policies for the organization, operation, and administration of the Pacific Area Overseas Dependents Schools System of the Department of Defense.

(b) The Assistant Secretary of Defense (Installations and Logistics) (ASD/I&L) is responsible for establishing policies for the logistical support of the Overseas Dependents Schools System of the Department of Defense.

§ 809c.4 Department of the Air Force responsibilities.

Under the direction of the Secretary of the Air Force:

(a) The Assistant Secretary of the Air Force (Manpower and Reserve Affairs) is responsible for the operation and administration of all dependents schools and for providing tuition-fee schooling and correspondence courses in the Pacific Area, including all countries in the Far East to 90° E Longitude, Australia, and New Zealand.

(b) The Assistant Secretary of the Air Force (Financial Management) is responsible for programming, budgeting, and funding all the appropriated costs of the Pacific Area Dependents Schools except for military construction and military personnel requirements of Army, Navy, or Marine Corps and any other costs incurred in support of the program.

§ 809c.5 Headquarters United States Air Force responsibilities.

The Dependents School Function (DPPEB), is designated the Air Staff Office of Primary Responsibility (OPR) for the Pacific Area Dependents Education System. General supervision, policy, and program guidance for operating the dependents education program in the Pacific School area in accordance with ASD/M&RA standards and logistic support for which the Air Force is responsible will be provided by the appropriate Air Staff office.

§ 809c.6 Commander-in-Chief Pacific Air Forces responsibilities.

The Commander-in-Chief, Pacific Air Forces is delegated responsibility for the operation and administration of all dependents schools and for providing tuition-fee schooling and correspondence courses for all Department of Defense dependents in the Pacific area, including all countries in the Far East to 90° E Longitude, Australia, and New Zealand.

§ 809c.7 Pacific Area Director responsibilities.

The Pacific Area Director is responsible to CINCPACAF for the total educational program for eligible DOD dependents in the Pacific Area. Under the direction of CINCPACAF and with the appropriate Pacific Air Force staff assistance, the Area Director organizes, administers, and supervises the total education program of all dependents schools in the Pacific Area, regardless of location and service affiliation of the host installation. In this regard, he is responsible for the overall personnel management direction of the dependents schools system, Pacific Area, in accordance with civilian personnel regulations and the functional organization of area and district staffs.

§ 809c.8 Major command responsibilities, worldwide.

(a) Program, budget, and fund all nonreimbursable logistics support. Furnish, on a reimbursable basis, other logistic support for schools established on their respective installations as agreed on with the geographic manager.

(b) Program, budget, and fund the construction of school facilities costing in excess of $50,000 on their respective bases. A suitable school facility contains all equipment authorized to be included as installed equipment. All investment items, other than those in the military construction account are budgeted and funded by the Department having geographic responsibility.

(c) Insure that base and station commanders appoint dependents schools officers and furnish adequate staff support to schools in their areas of responsibility. Personnel are assigned external school support duties on a part-time basis (less than 50 percent of their duty time).

NOTE: The above responsibilities are equivalent to the responsibilities of Army and Navy commands in the Pacific Area.

§ 809c.9 Oversea installation commanders responsibilities, worldwide.

The Commander of each post, station, or base is responsible for the welfare and safety of all assigned, attached, and tenant personnel of his command and their dependents. Each military department, through the appointed area director/superintendent, is responsible for the dependents education program offered through the schools located on any service's facility in the geographic area assigned to that department. The local commander is responsible for providing all necessary resources, including military construction, facilities, funds (reimbursable) and necessary staff support and guidance. Local commanders provide support of the local school principals as needed to assure student discipline, sponsor support, and an effective educational program.

Subpart C—Mission and Concept of Operation

§ 809c.10 Mission.

The mission of the DOD Overseas Dependents School System is to maintain oversea schools which provide educational opportunities (kindergarten through grade 12) of high quality and to maintain such schools in sufficient numbers and types, properly staffed and equipped to provide quality education for eligible dependent children of U.S. military and civilian personnel of the DOD stationed in overseas areas in accordance with DOD-wide standards.

§ 809c.11 Concept of operation.

The Overseas Dependents Schools System is divided into three geographical areas—European, Atlantic, and Pacific—with operational and administrative responsibility for each being assigned to the Departments of the Army, Navy, and Air Force respectively. The Secretaries of the respective military departments or their designees are termed the geographic managers of these areas.

§ 809c.12 Advisory councils.

These councils may be established as required in accordance with Air Force regulation (AFR) 25–7 (Air Force Com-

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mittee Management Program). Councils may consist of any desired number and composition of individuals. However, representation of all services should be included, and, because of the nature of local command involvement, members representing key functions, such as supply, engineering, personnel, and comptroller should be included.

§ 809c.13 Establishing Air Force-operated schools.

(a) A dependents school may be established if:

(1) No local English-speaking school is available which would provide a free and adequate education; and

(2) The number of eligible minor dependents requiring schooling is at least:

(i) Twenty for an elementary school;

(ii) Forty for a secondary school; or

(3) In the opinion of the Area Director with concurrence of HQ USAF/DPPEB, establishing a school would serve the best interest of the pupils regardless of the numbers indicated above.

(b) Other factors to be considered in establishing a school:

(1) Availability of facilities.

(2) Concentration or dispersal of pupils.

(3) Support expected from the local command.

(c) Establishment of service-operated student dormitories providing free room and board for eligible dependent students may be made when the Area Director determines that establishing a dormitory would serve the best interest of the pupils. Local commanders make necessary financial and logistic support arrangements for dormitories located on their installations. DOD Dependents Schools funds are used to finance the service-operated student dormitories except for transportation to and from the domicile of sponsor to the dormitory school.

§ 809c.14 Discontinuing Air Force-operated schools.

(a) A school is disestablished when the average enrollment of eligible dependents drops for an entire school year below the minimum enrollment criteria established in § 809c.13(a) of this section. HQ USAF must concur in all discontinuance actions.

(b) Other factors to be considered in disestablishing a school:

(1) Availability and appropriations of alternative education arrangements.

(2) Economy.

(3) Degree of concurrence or nonconcurrence of the local command being served.

§ 809c.15 Eligibility for enrollment.

Dependents who will be at least 5, but not yet 21 years of age by December 31 of the current year (or handicapped dependents, regardless of age, who are to be enrolled in a preschool, regular school, or postschool program) may be enrolled in dependents schools under the conditions prescribed and the priorities indicated in this section. These provisions do not preclude admission of a first grade or kindergarten pupil who transfers within the school year from a school with different age enrollment criteria. Not all categories of personnel can clearly be assigned to the following priorities.

(a) *Priority I—Space required, tuition-free.*

(1) The following may attend a DOD Overseas Dependents School on a space-required, tuition-free basis, except when the presence of the dependents in the oversea area is prohibited by command policies.

(i) Eligible dependents of the U.S. military personnel who are on active duty and stationed overseas when authorized transportation at Government expense to or from an overseas area. Dependents of members of the Coast Guard stationed overseas are authorized tuition-free schooling, when that service is operating as a service in the Navy, and also dependents of members of Coast and Geodetic Survey stationed overseas when that service is serving with one of the Armed Forces.

(ii) Eligible dependents of U.S. citizens or immigrant aliens, as defined in 8 U.S.C. 1101(a)(15), who are employees of the DOD stationed overseas and who are paid from appropriated funds when authorized transportation at Government expense to or from an overseas area.

(2) Eligible dependents in categories listed in paragraph (a)(1)(i) and (ii) of this section who are in an oversea area to which they were not authorized Government transportation, but who acquire entitlement to transportation at Government expense from the overseas area, are authorized space-required, tuition-free education commencing with the date the official determination of entitlement was made.

(3) If DOD dependents are authorized to accompany sponsors to the area of sponsor's assignment, such dependents ordinarily will not be entitled to space-required, tuition-free education in another foreign area. Any exception to this policy must be approved by the Assistant Secretary of Defense (Manpower and Reserve Affairs). Similarly, such dependents are not eligible for receipt of education at tuition-fee schools at Government expense.

(4) Eligible dependents in categories listed in subparagraph (1)(i), (1)(ii) and (2) of this paragraph also are eligible for education in a tuition-fee school at Government expense in that same oversea area.

(5) Dependents who are authorized attendance in a DOD Overseas Dependents School or in a tuition-fee school may complete the current school year if, during the year, the sponsor is transferred while on active duty.

(6) Dependents of a sponsor who is detained by a foreign power or who is declared missing-in-action may remain in a DOD overseas dependents school or in a tuition-fee school at Government expense for as long as the detention or missing status continues to exist. In the above situations, proper authorization for the dependent to remain must be obtained from the local dependents school officials and the local military commander.

(7) Dependents of civilian or military personnel of the DOD who died while entitled to compensation or active duty pay may attend a DOD overseas dependents school, on a space-required, tuition-free basis, including dormitory schools, without time limitation on the number of years of attendance, as follows:

(i) If the civilian or military personnel died on or before January 11, 1971, while entitled to compensation or active duty pay, the surviving spouse, who was residing in the oversea area at the time of the DOD member's death, or is now or was a citizen of a foreign country and returns to the country of origin, may enroll the dependents of the deceased person at any time.

(ii) If the civilian or military personnel died after January 11, 1971, while entitled to compensation or active duty pay, the surviving spouse, who was residing in the oversea area at the time of the member's death or is now or was a citizen of foreign country and returns to the country of origin, must enroll the dependents of the deceased personnel within 1 year after the date of death.

(iii) Documentary evidence indicating dependency status and date of death of the civilian or military personnel must be presented to the appropriate DOD oversea dependents school official at the time of enrollment.

(b) *Priority II—Space-required, tuition paying.* The following may attend a DOD Overseas Dependents School on a space-required, tuition-paying basis:

(1) Dependents of employees of other United States governmental agencies stationed overseas who are eligible to receive an educational allowance for their dependents under the State Department Standardized Regulations (Government Civilians, Foreign Areas).

(2) Dependents of United States citizen or immigrant-alien sponsors who are employed under contracts or other agreements with the DOD which authorize dependent education on a tuition basis in DOD Overseas Dependents Schools, such as the following.

(i) American Red Cross personnel.

(ii) Contract technical services and contract maintenance personnel.

(iii) Employees of nonappropriated fund activities.

(iv) United Seamen's Service.

(v) Employees of credit unions authorized to operate on-military installations overseas.

(3) DOD dependents who do not qualify as Priority I and cannot be accommodated as Priority IV.

(4) Dependents of third-state national military and civilian personnel accompanying or serving with the United States Armed Forces overseas when approved by the major oversea commander and by the appropriate DOD Dependents Schools geographical area manager.

(c) *Priority III—Space available, tuition paying.* At the discretion of the local dependents school authorities and when consistent with the local military commander's policy concerning access

to the installation and agreements with the host government concerned, the following may be enrolled, in the priority given, on payment of the established tuition:

(1) Dependents of United States citizens residing in the overseas area including dependents of retired United States military personnel.

(2) Dependents of United States citizen or immigrant-alien sponsors who are employed under contracts or other agreements with the DOD, but whose contracts do not authorize dependent education on a tuition-fee space-required basis in a DOD Overseas Dependents School.

(3) Dependents of foreign nationals, when there is no objection from the host country, and when such inclusion does not displace or prevent inclusion of United States citizen-sponsored dependents seeking admission on the same basis at the same time.

(d) *Priority IV—Space-available, tuition-free.* Military or civilian personnel who are stationed in an oversea area to which their dependents are not authorized transportation at Government expense, and who have elected to transport their dependents at their own expense to an oversea area, or who acquired such dependents locally, are authorized space-available, tuition-free education in service-operated schools for their dependents if their presence is not prohibited by command policy. Enrollment is subject to the approval of the local dependents school officials.

§ 809c.16 Educational program.

(a) *General information.* (1) Pattern the educational program after the best programs currently provided in the United States. Special classes not normally available without charge to all children in public schools in the United States will not be provided from appropriated funds. (Exception: The Host Nation Program.)

(2) Maintain sufficiently high standards in Pacific Area dependents schools to assure that the policies and standards of the North Central Association of Colleges and Secondary Schools are fully met for continued accreditation of the schools.

(3) Standards are established by the Area Director for elementary and middle schools in the Pacific Area. The schools are evaluated to assure adherence to those standards. A concerted effort will be made to assure that support of schools below high school level will not be eroded in deference to the necessity for meeting standards for the accreditation of high schools. Failure to meet the standards established for elementary and middle schools will be viewed with the same degree of concern as when high school accreditation standards are not met.

(4) In planning educational experiences, maximum use will be made of community resources which are unique to each dependents school because of its oversea location. Also provisions will be made in the curriculum to acquaint the pupils with the language, culture, and customs of the host nation. The Area Director continually evaluates the effectiveness of the curriculum.

(b) *The kindergarten program.* (1) The regular school term for kindergarten teachers is the same as for other classroom teachers; however, kindergarten classes may begin 1 week later in the fall and close 1 week earlier in the spring so that teachers can perform the professional duties required to open and close kindergarten.

(2) Kindergarten classes meet either during the morning or afternoon. Normally, class sessions are 2½ hours daily, including rest periods.

(3) Kindergarten is not required for enrollment in the first grade in oversea dependents schools.

(4) A nominal charge may be made to parents for snacks and drinks.

(c) *The school health program* (1) A comprehensive school health program must be an integral part of each oversea dependents school within the Pacific Area, and will include:

(i) Health education for all students.

(ii) School nurses who serve as health specialists on local school faculties.

(2) Administration and supervision of the program.

(i) Administrative supervision of the health program in each school is the responsibility of the school principal.

(ii) Technical direction and supervision pertaining to medical matters is the responsibility of the senior medical officer of the installation.

(iii) Appropriate and qualified above-school-level administrative personnel are selected and designated by the Area Director. These personnel are responsible for the implementation and evaluation of the School Health Program throughout the Pacific Area under the administrative supervision of the Area Director, and maintain communication and cooperation with all levels of school and medical administration.

(iv) School nurses. School nurses are assigned to Pacific Area dependents schools according to staffing guidance contained in AFM 26-3 (Air Force Manpower Standards). The school nurse gives leadership and guidance, under the administration of the school principal, in the development and maintenance of the local school health program in accordance with applicable regulations and guidelines.

(v) Cooperating professionals. In the absence of above-school-level administrative personnel specifically assigned to this program at area or district level, administrative direction is provided by the pupil personnel services function. The District Superintendent designates a professional in the district office to assume the duties of liaison for the School Health Program. At all administrative levels there will be maximum cooperation among professionals who have responsibilities for any phase of the School Health Program or activities related to it. Such professionals include school counsellors, social workers, psychologists, teachers, curriculum coordinators, principals, assistant principals and medical officers.

(3) Included in the health program.

(i) Activities which:

(A) Appraise the health status of students;

(B) Counsel students, parents, and others concerning appraisal findings;

(C) Encourage the correction of remediable defects;

(D) Assist in identifying exceptional children;

(E) Help prevent and control disease; and

(F) Provide emergency care in cases of injury or sudden illness.

(ii) Service such as: (A) Preventive medicine;

(B) Vision and audiometric screening;

(C) Tuberculin testing;

(D) Physical fitness testing;

(E) Dental checks;

(F) Examination and identification of candidates for special education classes and for participation in school athletics; and

(G) Adequate health records on all students.

(d) *Testing program.* (1) *Basic testing program.* Administer tests to a representative sample of students in grades 2, 4, 6, 8, 9, and 11 of the DOD oversea dependents schools during May of each year.

(2) *Optional testing program.* Program other tests for special uses according to the needs of local, district, and area levels.

(3) *Report on oversea dependents school basic and optional testing program.* Furnish HQ USAF an annual report on the nature, extent, and pertinent results of the optional testing program at June 15 of each year.

(e) *Work-study program.* Establish work-study programs in oversea dependents high schools consistent with the following goals:

(1) Provision of an on-going, educational program for high school students to help them experience and understand the world of work.

(2) Development of a cooperative school-trainer relationship in the community.

(3) Establishment of competent industrial and governmental agency supervision of work-study participants in coordination with the school.

(4) Establishment of work-study opportunities for students at all levels of ability and achievement.

NOTE: The work-study program may be conducted beyond the calendar limits of the prescribed school year.

(f) *School lunch program.* School lunch programs are established by the Area Director where he has determined that the need, facilities, and local support for such programs exist. In establishing school lunch programs, he coordinates with the agency which has been designated to provide the lunches and with the installation commander. By agreement between the U.S. Department of Agriculture (USDA) and the Air

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Force, USDA food commodities are made available for use in school lunch programs. Title to donated commodities passes from USDA to the Air Force on acceptance at the time and place of delivery. These commodities are not sold, exchanged, or dispensed of in any manner other than being sold as food in the dependents schools lunch program, unless with the prior approval of USDA. Periodic reports of receipt are submitted to USDA in accordance with USDA instructions.

(g) *Predischarge education program (PREP).*—(1) *General.* At each location where sufficient potential exists for such a program, PREP for servicemen, adult dependents and other U.S. Government employees will be implemented under the aegis of DOD dependents high schools. The objectives of the program are to satisfy academic requirements for acquisition of a high school diploma or to provide refresher or make-up courses needed to enter technical, vocational, or college-level educational program. All North Central Association requirements for accreditation of high school diploma offerings must be followed. Adult students will not utilize facilities of a dependents school for PREP courses while minor dependents are attending classes.

(2) *Conduct of program.* Adult students may not be graduated from a dependents high school until a minimum of two units have been earned in residence. Schedule classes in accordance with policies established by the Area Director.

(3) *Tuition-fees.* The Veteran's Administration (VA) remunerates the military students directly, covering the established tuition fees, on submission by the student to the VA of the required VA documents. The tuition fee charged may include the compensation paid to teachers, administrators, and clerical assistants, costs of books and instructional materials peculiar to the course and operational costs. The funds which military students received from the VA to defray tuition costs, as well as tuition payments made by adult dependents and U.S. Government employees participating in the PREP program shall be deposited in an appropriated fund account of the dependents schools which is administered by the school principal or the appropriate district superintendent in accordance with policies and procedures established by the Area Director.

(4) *Procurement of teachers, administrators, and clerical assistants.* Teachers to conduct PREP courses are procured from regular faculty members of the dependents school and other qualified, locally available teachers: The Area Director selects qualified personnel for PREP administrative positions. First consideration is given to qualified, interested applicants locally available. Administrators are appointed on a full-time (12 month) basis in accordance with Air Force Civilian Personnel and Civil Service regulations. U.S. civilians and foreign national personnel to fill clerical and other support positions are employed locally in accordance with local civilian personnel procedures and policies established by the Area Director.

§ 809c.17 Manpower and personnel administration.

(a) Civilian personnel. (1) Subject to the annual funding limitation and staffing criteria directed by ASD/M&RA dependents schools are manned according to AFM 26-3 (Air Force Manpower Standards).

(2) Air Force Supplement to Basic Federal Personnel Manual, chapter 302, subchapter 6 and appropriate Air Force regulations lists the criteria for civilian personnel administration. Agreements in accordance with pertinent AF and DOD regulations and directives are made between services concerned for host installation personnel offices to service school personnel.

(b) Military personnel. (1) Consistent with Air Force necessity, and subject to the annual funding limitation, Air Force military personnel may be authorized and assigned on a full-time basis to logistics and other duties required for the internal operation of dependents schools, or in the District or Area offices, in the Pacific Area when positions are authorized by AFM 26-3.

(2) Under similar conditions and restrictions as outlined in subparagraph (1) of this paragraph, commanders of host installations located in the European or Atlantic School Areas may assign military personnel to duties in support of dependents schools, external to the school operation, on a part-time basis (less than 50 percent of their time) as an additional duty.

(3) Support rendered by Air Force installations in the European or Atlantic Areas will be in the areas for which support generally is provided for other operational activities by the installation staff and service organizations.

(c) The following policy applies in administering the dependents school program in the Pacific School Area. School-level spaces are not programmed for use above school level except as part of a plan to provide training of teachers or other professional personnel selected for above-school-level administration.

§ 809c.18 Employing school professional personnel.

(a) *School level personnel.*—(1) *Pub. L. 86-91 personnel.* Based on requisitions submitted by the Area Director, Oversea Recruitment Center, Department of the Army, recruits and selects school-level professional personnel (with the exception of school administrators—principals and assistant principals) and arranges for inter-area transfers. The Director, Dependents Education, Office of the Secretary of Defense (Education) annually issues criteria and procedures for inter-area transfers.

(2) *Administrators.* The Area Director considers and selects fully qualified personnel within the Pacific Area School system for these positions in accordance with Air Force Civilian Personnel and Civil Service regulations. If recruitment outside the Pacific Area school system is necessary, the Oversea Recruitment Center makes available a list of qualified applicants.

(3) *Support personnel.* U.S. civilian and foreign national personnel to fill clerical supply, and other such functions are employed locally in accordance with local Air Force and command policy.

(b) *District and area staffs.* The Director, through civilian personnel and other recruiting channels available to him, recruits, selects and assigns above-school-level professional personnel.

(c) *Area Director and Deputy Area Director HQ PACAF recruit for these positions.* Resumes of individuals under active consideration are forwarded to HQ USAF for review and concurrence. HQ PACAF makes the final selection with the concurrence of HQ USAF.

(d) *Support personnel.* Support personnel for district and area staffs are recruited and selected in accordance with Air Force and local command civilian personnel regulations.

§ 809c.19 Obtaining school facilities.

(a) *Military construction program (MCP).* Requests are submitted for MCP funds to construct school facilities according to instructions on the MCP for the budget fiscal year. AFM 86-2 (Standard Facility Requirements) establishes criteria for dependents school facilities.

(b) *Relocatable classrooms (or suitable substitutes).* These classrooms may be procured when recommended by the major commander and approved by HQ USAF.

§ 809c.20 School fire prevention and safety programs.

(a) The responsibility for assuring that adequate precautions are taken to eliminate existing and potential fire and ground and safety hazards in the school plant reposes jointly with the local base and school operating officials. General policies and procedures covering fire protection are contained in AFM 92-1 (Fire Protection Program Operational Procedures). Policies and procedures pertaining to safety and accident prevention are found in AFM 127-101 (Industrial Safety Accident Prevention Handbook).

(b) In conjunction with responsibilities outlined in applicable service directives, area directors/superintendent establish internal policies to:

(1) Assure that all combustible draperies and other window coverings are flameproofed.

(2) Develop and implement a fire and accident prevention and environmental safety program under the guidance and with the coordination of the appropriate Fire Protection, Safety and Bioenvironmental staff agencies.

(3) Designate a member of each district office to serve as School Fire Protection and Accident Prevention Officers.

(4) Arrange for an integrated semi-annual inspection of each school by personnel from the host installation Civil Engineers, Ground Safety and Bioenvironmental agencies.

(5) Principals, in conjunction with local fire prevention officers inspect school buildings before the beginning of each school term, and monthly thereafter.

(6) Conduct fire drills, to include proper evacuation procedures and simulation of actual conditions weekly during the first month of the school term, and monthly thereafter.

(7) Conduct a program of safety, fire, and accident prevention education for all students.

§ 809c.21 Procuring supplies and equipment.

School-unique and standard items of equipment are requisitioned, controlled, and managed in accordance with the procedures outlined in AFM 67-1 (USAF Supply Manual).

§ 809c.22 School transportation.

Transportation of eligible pupils to and from school on a daily commuting basis is provided by the host installation. The cost of this transportation is chargeable to the dependents education program, and is reimbursable by the geographic manager. Commercial contracts may be entered into by the installation commander, or directly by the geographic manager.

§ 809c.23 Summer school.

(a) *Remedial and makeup.* (1) Summer school is authorized, tuition-free, for remedial and makeup work by dependent children described in § 809c.15(a), who are recommended by the teacher and approved by the principal.

(2) Summer school meets for no more than 30 days; the school, or a given class may be of shorter duration if needs of the pupils can be met by the shorter term. A command-wide average of at least 10 pupils per class must be maintained.

(3) Qualified teachers and adequate supervision must be available. Secondary classes for credit must conform to North Central Association requirements.

(4) The categories of dependent children described in § 809c.15(b) and (c) are charged tuition at a proportional cost of the tuition charges during the regular school year.

(b) *Enrichment and acceleration.* Summer school is authorized on a tuition basis for all dependent children described in § 809c.15. Tuition is charged at the same rate charged for non-DOD students referred to in pargaraph (a)(4) of this section.

§ 809c.24 Maintaining records.

Air Force-operated schools maintain essential background and academic records on each student.

Subpart D—Tuition-Fee Schools and Correspondence Courses

§ 809c.25 Tuition-fee schools.

(a) *Criteria for use.* In areas where there are no service-operated schools, contracts may be negotiated with local tuition-fee schools for the education (including daily authorized transportation to and from the school) of eligible dependents. In areas where Air Force-operated schools, including high schools with dormitory facilities, are available, maximum use will be made of such facilities. Contracting with tuition-fee schools in areas where service-operated schools exist is authorized only when:

(1) Air Force-operated schools are operating at maximum capacity.

(2) Adequate educational services are not offered at the Air Force-operated school for handicapped children, or

(3) Air Force-operated schools are not considered available. Nonavailability may be determined when either of the following conditions exist:

(i) The Area Director determines that daily commuting time to an Air Force-operated school is unreasonable.

(ii) In the case of dormitory schools, when space is available, but it is determined that because of the youthfulness or immaturity of the child, or unfeasible transportation arrangements (cost, extreme distance, unavailability, scheduling, or inappropriate routing), attendance at the Air Force-operated school would not be in the best interest of the child or the sponsor.

(b) *Criteria for approval.* (1) Elementary schools should conform to reasonable American sandards.

(2) Secondary schools should meet the standards for accreditation prescribed by the North Central Association of Colleges and Secondary Schools.

(3) The curriculum should include instruction to American history, civics, government, and other subjects designed to provide an American-type education.

(4) Schools should be reasonably accessible to pupils' homes to minimize undue hazards and expense of transportation.

(5) General instruction should be in English.

(6) Physical facilities should meet reasonable standards of safety, health, and educational requirements.

§ 809c.26 Correspondence courses.

If neither service-operated dependents schools nor adequate tuition-fee schools are available, the area superintendent procures correspondence courses offered by educational institutions that are accredited by a state department of education or a regional accrediting association. Such correspondence courses also may be procured to supplement the curricula of tuition-fee schools or small service-operated schools where course offerings are limited in particular subject areas which normally are part of the required curriculum in the United States.

Subpart E—Budgeting and Funding

§ 809c.27 Appropriated fund support.

PACAF budgets and funds for Air Force-operated schools, tuition-fee schools, and correspondence courses in the Pacific School Area are explained in § 809c.2. Adequate school facilities include fixed installed equipment, and do not include movable or portable supplies and equipment used in operating the school.

§ 809c.28 Nonappropriated and other funds.

Use will not be made of nonappropriated military welfare funds or funds derived from payments related to PREP to defray dependents schools costs that are chargeable to Air Force appropriated funds. Nonappropriated welfare funds and contributions and donations from individuals and private organizations (for example, PTAs and clubs) may be used to fund those school activities and special projects that normally are not provided by comparable tax-supported schools in the United States. Property donated to dependents schools is accepted and accounted for in accordance with provision of AFM 11-26 (Gifts to the Department of the Air Force), (See Part 825a of this chapter), AFM 67-1 (USAF Supply Manual) and AFM 93-1 (Air Force Real Property Accountable Reports).

§ 809c.29 Charges to parents.

Parents of children who meet the criteria in § 809c.15(a) will not be responsible for any costs that are chargeable to the annual funding limitation. Parents of children who do not meet those criteria are charged a tuition fee for each child attending an Air Force-operated school. The tuition fee for dependents of employees of Federal Government agencies other than DOD provide, for recovery of a proportionate (per pupil) share of all operating and administrative costs for education space-required pupils in service-operated schools. This per pupil cost is determined by dividing the estimated O&M costs which are charged against space-required dependents education (minus tuition and transportation costs charged against contract education and costs of correspondence courses) by the number of space-required pupils. For dependents of personnel who are not employed by the Federal Government, the tuition rate is the above-determined rate plus an additional amount which provides for the recovery of a proportionate (per pupil) share of capital investment costs. The additive tuition charge for recoupment of capital investment is established by OSD based on formulas developed by the military departments, and applies uniformly to all DOD dependents schools world-wide. The tuition rate for Federally related dependents is developed annually by the Director, Pacific Area. Tuition fees for kindergarten are one-half of the amount charged pupils in grades 1-12. District superintendents are authorized to disenroll non-DOD tuition paying students when tuition payments are not made in accordance with the established tuition payment schedule.

§ 809c.30 Reimbursements to parents.

Parents are not reimbursed from appropriated funds for costs that are chargeable to appropriated funds and the annual funding limitation.

By order of the Secretary of the Air Force.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-6467 Filed 3-20-74;8:45 am]

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Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 164—INDEMNITY CLAIMS

Filing Insured (Including C.O.D.) Mail Claims

Correction

In FR Doc. 74-6109 appearing at page 10132 in the issue of Monday, March 18, 1974, in the third line of § 164.2(f), the word "matter" should read "mailer".

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 103—RESEARCH AND TRAINING, EXEMPLARY AND CURRICULUM DEVELOPMENT PROGRAMS IN VOCATIONAL EDUCATION

Appendix A—Exemplary Projects in Vocational Education Additional Criteria

On November 7, 1973 there was published in the FEDERAL REGISTER at 38 FR 30747, a notice of proposed rulemaking which set forth additional criteria (and closing date) for applications for grants under Part D of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1302 (c). The additional criteria were set forth in a proposed Appendix A to Part 103 of the regulations, 45 CFR Part 103.

Interested persons were given until November 27, 1973 to submit comments, suggestions, or objections to the proposed criteria. No comments were received.

The criteria therefore, are issued as originally published without change, as set forth below.

Effective date. Since the criteria are to be issued as originally published in the FEDERAL REGISTER under notice of proposed rulemaking without change, the criteria shall be effective March 21, 1974.

(Catalog of Federal Domestic Assistance No. 13.502; Vocational Exemplary Projects)

Dated: January 28, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: March 15, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

APPENDIX A—EXEMPLARY PROJECTS IN VOCATIONAL EDUCATION ADDITIONAL CRITERIA

In the making of awards from funds available for the program (in addition to consideration of the criteria in 45 CFR 103.25 and 100.a26(b)) priority will be given to projects which include a strong guidance and counseling emphasis and which involve in one operational setting a coordinated set of activities designed to carry out of all of the following purposes.

a. To increase the self awareness of each student, to develop in each student favorable attitudes about the personal, social, and economic significance of work, and to assist each student in developing and practicing appropriate career decisionmaking skills.

b. To increase the career awareness of students at the elementary school level in terms of the broad range of options open to them in the world of work.

c. To provide, at the junior high or middle school level, career orientation and meaningful exploratory experiences for students.

d. To provide, at grade levels 10 through 14, job preparation in a wide variety of occupational areas, with special emphasis on innovative approaches to the provisions of work experience and/or cooperative education opportunities for all students.

e. To insure the placement of all existing students in either: (1) A job, (2) a postsecondary occupational program, or (3) a baccalaureate program.

(20 U.S.C. 1301, 1303(a).)

Each project may be designed for a duration of up to three years, with the understanding that only the first 12 months of activity will be supported with fiscal year 1974 funds. Support for the proposed second and third years of each project will be dependent upon availability of appropriations and satisfactory progress in the implementation of the earlier stages of the project. Since comprehensive exemplary projects will require substantial financial resources, consideration should be given in the project design to the possible coordination with relevant programs supported from other sources.

(20 U.S.C. 1301.)

[FR Doc.74-6591 Filed 3-20-74;8:45 am]

PART 174—EDUCATION PROFESSIONS DEVELOPMENT

Notice of proposed rulemaking was published in the FEDERAL REGISTER on July 2, 1973 (38 FR 17502–17508) setting forth regulations governing the awarding of funds, except for the Teacher Corps Program, under the Education Professions Development Act (Title V of the Higher Education Act of 1965, as amended, 20 U.S.C. 1091–1092, 1108 et seq.). Interested persons were invited to submit written comment to the Office of Education regarding the proposed regulations.

A. *Summary of comments—Office of Education response.* The following comments were received by the Office of Education regarding the proposed regulations. After the summary of each comment, a response is set forth stating changes which have been made in the regulations or the reasons why no change is deemed necessary.

1. Section 174.60 *Scope Comment.* A commenter suggested that the first sentence of § 174.60(a), which provides that the Commissioner will award fellowships "for graduate study leading to an advanced degree," is too restrictive. He suggests that fellowships be awarded "for graduate study in an approved program."

Response. The language used is required by statute. Section 522 of Title V of the Higher Education Act of 1965 (20 U.S.C. 1112), provides that "The Commissioner is authorized to award fellowships in accordance with the provisions of this part for graduate study leading to an advanced degree * * *."

Comment. A commenter viewed the definition of "career in elementary and secondary education or in postsecondary vocational education" in § 174.60(b)(2) as perhaps excluding certified and employed teachers thereby causing such persons to be ineligible for fellowships in education administration.

Response. It is clear that a certified and employed teacher has a "career in elementary and secondary education or in postsecondary vocational education" and is therefore not ineligible, on that account, to receive a fellowship.

Comment. A commenter suggested that "coordinating work experience programs" be added to the list of pertinent career fields.

Response. Section 174.60(b)(2) will be amended to add "coordinating work-experience programs" to the list of career fields.

2. Section 174.61 *Approved programs. Comment.* A commenter suggested that the criteria defining an "approvable program" in § 174.61(b) be expanded to include the following: "the proposed program must be acceptable for the purposes of teaching certification in the State in which the institution is located."

Response. It is felt that the addition of the proposed criteria would be inappropriate since the program is open to teachers who are already certified and to persons who plan to enter careers in elementary and secondary education and postsecondary vocational education other than teaching.

3. Section 174.64 *Payments of stipends to fellows. Comment.* A commenter notes that § 174.64(a) provides that the payment of stipends after the first year is conditional upon the availability of appropriations. He suggests that if the situation arises where funds are not available to fully fund stipends the work restriction of § 174.64(e) be lifted.

Response. The provisions of § 176.64 (e) limiting outside or more than part-time work is required by § 527 of Title V of the Higher Education Act (20 U.S.C. 1117).

4. Section 174.243 *Scope. Comment.* A commenter asks whether a leadership development award must be made for three years and whether that three year period must be consecutive. In addition, it is suggested that a combination of work and training be permitted.

Response. Section 174.243 provides that leadership development awards may be granted for periods of up to three years; a lesser period is certainly allowed. Furthermore, if part of the advanced training program of an institution of higher education includes work experience that work experience would be permitted.

B. The General Provisions for Office of Education Programs, published in the FEDERAL REGISTER of November 6, 1973, (38 FR 30654 et seq.), have caused the following changes:

1. Section 174.2, is changed by deleting paragraphs (b), (c), (e), (l), and (m).

2. Section 174.4, is changed by deleting paragraphs (a), (b), (c), (d), except (d)(1) and (3), (e), (f), (g), (h), and (i).

3. Section 174.66 is changed by revising the first sentence to read "Institutions attended by fellowship recipients shall, in addition to those changes specified in Part 100a of this chapter, promptly report any changes in the continued eligibility of a fellowship holder:"

4. Section 174.67, is changed by deleting paragraph (b).

5. Section 174.83, is changed by inserting after the word "evaluated" the words "in addition to the criteria set forth in § 100a.26(b) of this chapter." in the introductory sentence.

B. The General Provisions for Office of Education Programs, published in the FEDERAL REGISTER of November 6, 1973, have caused the following changes:

1. Section 174.2, is changed by deleting paragraphs (b), (c), (e), (l), and (m).

2. Section 174.4, is changed by deleting paragraphs (a), (b), (c), (d), except (d)(1) and (3), (e), (f), (g), (h), and (i).

3. Section 174.66 is changed by revising the first sentence to read "Institutions attended by fellowship recipients shall, in addition to those changes specified in Part 100a of this chapter, promptly report any changes in the continued eligibility of a fellowship holder:"

4. Section 174.67, is changed by deleting paragraph (b).

5. Section 174.83, is changed by inserting after the word "evaluated" the words "in addition to the criteria set forth in § 100a.26(b) of this chapter." in the introductory sentence.

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended as set forth below.

These regulations will become effective March 21, 1974.

(Catalog of Federal Domestic Assistance Program Nos. 13.416, Education Personnel Development (categorical); 13.546, Teachers for Indian Children; 13.506, Bilingual Education; 13.503, Leadership Development for Vocational-Education; 13.504, State Systems Personnel Development for Vocational Education; 13.417, Exceptional Children; 13.545, New Careers in Education)

Dated: February 21, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: March 15, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by adding Part 174 which reads as follows:

Grants or contracts made pursuant to the regulations set forth below are subject to the regulation in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (P.L. 88–352).

Subpart A–1—General Provisions

Sec.
174.1 General purpose.
174.2 General definitions.
174.3 Limitations on payments.
174.4 General provisions.
174.5–174.10 [Reserved]

Subpart A–2—Attracting Qualified Persons to the Field of Education

174.11 Applicability and program purpose.
174.12 Types of recruitment projects.
174.13 Eligible entities.
174.14–174.19 [Reserved]

Subpart B—Attracting and Qualifying Teachers To Meet Critical Teacher Shortages

Sec.
174.20–174.59 [Reserved]

Subpart C—Graduate Fellowships and Grants for Strengthening Graduate Programs in Education

174.60 Scope.
174.61 Approved programs.
174.62 Allocation of fellowships.
174.63 Award of fellowships to individuals.
174.64 Payments of stipends to fellows.
174.65 Institutional allowance.
174.66 Reports of institutions sponsoring fellowships.
174.67 Strengthening graduate programs.
174.68–174.79 [Reserved]

Subpart D—Improving Training Opportunities for Personnel Serving in Programs of Education Other Than Higher Education

174.80 Scope
174.81 Eligible participants in training programs.
174.82 Advanced training and retraining programs.
174.83 Criteria for approval of training programs.
174.84 Distribution of grants and contracts.
174.85 Programs for teachers of children living on Indian reservations.
174.86 Programs for teachers of children with limited English speaking ability.
174.87–174.199 [Reserved]

Subpart E—Training Programs for Higher Education Personnel

174.200–174.240 (Reserved)

Subpart F—Training and Development Programs for Vocational Education Personnel

174.241 Applicability and program purpose.
174.242 Special definitions.
LEADERSHIP DEVELOPMENT AWARDS
174.243 Scope.
174.244 Selection.
174.245 Institutional eligibility and approval.
174.246 Allocation of awards.
174.247 Eligibility of individuals.
174.248 Stipends to individuals.
174.249 Conditions for continued eligibility.
COOPERATIVE DEVELOPMENT AWARDS, EXCHANGE, PROGRAMS, INSTITUTES, AND IN-SERVICE EDUCATION FOR VOCATIONAL EDUCATION TEACHERS, SUPERVISORS, COORDINATORS, AND ADMINISTRATORS
174.250 General nature of training grants.
174.251 Types of training programs.
174.252 Requirements for grant applications.

AUTHORITY: 20 U.S.C. 1091–1092; 1107a–1119a–1; 1119c–1119c–4; 1141, 1142, 1144(b), 1231 et. seq., unless otherwise noted.

Subpart A–1—General Provisions

§ 174.1 General purpose.

Regulations in this part govern programs carried out under the Education Professions Development Act (title V of the Higher Education Act of 1965), except Teacher Corps programs. The general purpose of these programs is to improve the quality of education and to help meet critical shortages of adequately trained educational personnel by (a) developing information on the actual needs for educational personnel, both present and long-range; (b) providing a broad range of high quality training and retraining opportunities responsive to changing manpower needs; (c) attracting a greater number of qualified persons into the education professions; (d) attracting persons who can stimulate creativity in the arts and other skills to undertake short-term or long-term assignments in education; and (e) helping to make educational personnel training programs more responsive to the needs of schools and colleges.

(20 U.S.C. 1091)

§ 174.2 General definitions.

As used in this Part:

(a) "Act" means title V of the Higher Education Act of 1965 as amended (20 U.S.C. 1091 et seq.).

(b) "Dependent," for purposes of payment of a dependency allowance, means any of the following persons over half of whose support, for the calendar year in which the school year begins, was received from the fellow or participant:

(1) A spouse,

(2) A child, or descendant of such child, or stepchild,

(3) A brother or sister,

(4) A brother or sister by the half blood,

(5) A stepbrother or stepsister,

(6) A parent, or ancestor of such parent,

(7) A stepfather or stepmother,

(8) A son or daughter of fellow's or participant's brother or sister,

(9) A brother or sister of fellow's or participant's father or mother,

(10) A son-in-law, or daughter-in-law, or father-in-law, or mother-in-law, or brother-in-law, or sister-in-law,

(11) A person (other than the fellow's or participant's spouse) who, during the fellow's or participant's entire calendar year, lives in the fellow's or participant's home and is a member of the fellow's or participant's household (but not if the relationship between the person and the fellow or participant is in violation of local law), or

(12) A cousin (descendant of a brother or sister of the fellow's or participant's father or mother) who during the fellow's or participant's calendar year, is receiving institutional care on account of a physical or mental disability, and before receiving such care was a member of the same household as the fellow or participant.

(13) A legally adopted child or a child placed in the fellow's or participant's home for adoption by an authorized agency is considered to be a child by blood.

(14) A citizen of a foreign country may not be claimed as a dependent, unless he is a resident of the United States, Canada or Mexico, or Panama or the Canal Zone, at some time during the calendar year in which the school year of the fellow or participant begins, or is a resident of the Philippines, born to or adopted by, a fellow or participant while he was a member of the Armed Forces, before January 1, 1956, or is an alien child legally adopted by and living with a fellow or participant as a member of his household for the entire calendar year.

(c) "Fellowship" means an award under this Part to a student to enable him to carry out a full-time program of graduate study.

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(d) "Fellowship year" is a study period approximately equal to 12 consecutive months beginning either in the summer or fall.

(e) "Institution of higher education" or "institution" means an educational institution in any State which meets the requirements set forth in § 1201(a) of the Higher Education Act of 1965 as amended.

(20 U.S.C. 1141(a))

(f) "Institutional allowance" means a monetary amount provided to an institution in conjunction with a pre-doctoral fellowship awarded to an individual to study at the institution. It is made in lieu of tuition and all other fees required of all students of similar standing.

(g) "Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. The term also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

(20 U.S.C. 1141(g))

(h) National Advisory Council on Education Professions Development is the Presidentially appointed advisory body established by the Act to review Federal programs for training educational personnel, to evaluate the effectiveness of such programs in meeting needs and achieving improved quality, and to advise the Secretary and the Commissioner on related policy matters.

(20 U.S.C. 1091(a))

(i) "State" includes in addition to the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, and the Virgin Islands.

(20 U.S.C. 1141(b))

(j) "State educational agency" means the State Board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools; or, if there is no such agency or officer, an agency or officer designated by the Governor or by State Law.

(20 U.S.C. 1141(h))

(k) "Stipend" means the allowance paid to a participant or fellow for subsistance and other expenses for such participants and their dependents as the Commissioner may determine to be consistent with prevailing practices under comparable Federally supported programs.

(l) "Teacher aide" means a person who assists a teacher in the performance of his professional teaching or administrative duties or in any other activity which assists a teacher in the teaching-learning process. For the purposes of this subsection, the term "teacher" includes other educational personnel such as librarians, counselors, school social workers, child psychologists, educational media specialists, and school nurses, as well as classroom teachers. The term "teacher aide" does not include persons in positions such as clerk to a principal, food-handlers in a cafeteria, or other jobs not related to the teaching-learning process.

(20 U.S.C. 1091 et seq. except where otherwise noted)

§ 174.3 Limitations on payments.

(a) No payment may be made under this part for religious worship or instruction or training for a religious vocation or to teach theological subjects. No fellowship shall be awarded for study at a school or department of divinity. For the purposes of this section, the term "school or department of divinity" means an institution or department or branch of an institution whose program is specifically for the education of students to prepare them to become ministers of religion or enter upon some other religious vocation or to prepare them to teach theological subjects.

(20 U.S.C. 1092, 1116)

(b) Except for veterans and war orphans who are receiving educational assistance benefits provided by the Veterans Administration under Chapters 34 and 35 of Title 38 of the United States Code, participants or fellows who are receiving any other direct Federal educational benefits may not, concurrently, receive stipends under this part. "Direct Federal educational benefits," as used in this paragraph do not include loans made or insured under Federally assisted programs.

(20 U.S.C. 1091 et seq.)

§ 174.4 General Provisions.

(a) *General provisions regulations.* Assistance under this part is subject to applicable provisions of Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(b) *Allowable costs for programs other than fellowship programs or leadership development awards.* (1) Funds paid under this part for support of institutes, short-term training programs, or special projects shall be used only for the purposes set forth in the final plan of operation as approved by the Commissioner.

(2) Participants in training programs supported under this part may not be charged tuition. If the payment of tuition by all students at an institution is required as a matter of State law, tuition may be paid for the participant and the amount thereof may be included as an allowable cost in lieu of an equal amount of otherwise allowable costs.

(20 U.S.C. 1091 et seq.)

§ 174.5–174.10 [Reserved]

Subpart A–2—Attracting Qualified Persons to the Field of Education

§ 174.11 Applicability and program purpose.

The purpose of the programs conducted under this subpart is to improve the quality of education and to help meet critical shortages of adequately trained educational personnel by attracting a greater number of qualified persons into the education professions and by attracting persons who can stimulate creativity in the arts and other skills to undertake short-term or long-term asignments in education.

(20 U.S.C. 1091)

§ 174.12 Types of recruitment projects.

The Commissioner may support programs or projects that will make an especially significant contribution to recruitment for the education professions by (a) identifying capable youth in secondary schools who may be interested in careers in education and encouraging them to pursue postsecondary education in preparation for such careers; (b) publicizing available opportunities for careers in the field of education; (c) encouraging qualified persons to enter or reenter the field of education; or (d) encouraging artists, craftsmen, artisans, scientists, persons from other professions and vocations, and homemakers to undertake teaching or related assignments on a part-time basis or for temporary periods.

(20 U.S.C. 1091c)

§ 174.13 Eligible entities.

The Commissioner may award grants to, or enter into contracts with, State or local educational agencies, institutions of higher education, or other public or nonprofit private agencies, organizations, or institutions, and is authorized to enter into contracts with private agencies, institutions, or organizations organized for profit (after consultation with the National Advisory Council on Education Professions Development, see § 174.2(k)) when he determines that such contract will make an especially significant contribution to attaining the objectives of this subpart.

(20 U.S.C. 1091c)

§ 174.14–174.19 [Reserved]

Subpart B—Attracting and Qualifying Teachers To Meet Critical Teacher Shortages

§ 174.20–174.59 [Reserved]

Subpart C—Graduate Fellowships and Grants for Strengthening Graduate Programs in Education

§ 174.60 Scope.

(a) The Commissioner will award fellowships under this subpart for graduate study leading to an advanced degree for persons who are pursuing or plan to pursue a career in elementary and secondary education or post-secondary vocational education. The Commissioner will allocate fellowships to institutions of higher education having graduate programs approved under § 174.61 for the use of individuals accepted into such programs. Not less than 5 percent of the amounts available for the purposes of this subpart shall be used for the training of teachers for service in programs for children with limited English speaking ability.

(20 U.S.C. 1091(b) (7, 1122))

(b) For purposes of this subpart

(1) "Elementary and secondary education" includes preschool and adult and vocational education and

(2) "Career in elementary and secondary education or in postsecondary vocational education" means a career of teaching in elementary or secondary schools (including teaching in preschool and adult and vocational education programs, and including teaching children of limited English-speaking ability) or in postsecondary vocational schools, a career of teaching, guiding, or supervising such teachers or persons who plan to become such teachers, a career in the administration of such schools, a career in fields which are directly related to teaching in such schools, such as library science, school nursing, school social work, guidance and counseling, educational media (including educational and instructional television and radio), child development, and special education for handicapped children and for gifted and talented children, or a career in coordinating work-experience programs.

(20 U.S.C. 1111)

§ 174.61 Approved programs.

(a) An institution of higher education that wishes to have its graduate program approved for the purposes of receiving fellowships under this subpart shall submit an application to the Commissioner in such form and containing such information as the Commissioner shall prescribe.

(b) The Commissioner will approve an application submitted in paragraph (a) of this section only upon a finding that the graduate program described in the application—

(1) Will substantially further the objective of improving the quality of education of persons who are pursuing or intend to pursue a career in elementary and secondary education or postsecondary vocational education;

(2) Gives emphasis to high-quality substantive courses;

(3) Is of high quality and either is in effect or readily attainable; and

(4) Will accept for study only those persons who demonstrate a serious intent to pursue or to continue a career in elementary and secondary education or postsecondary vocational education.

(c) Program approval is subject to termination or suspension if the program is not developed or operated substantially in accordance with the information submitted in paragraph (a) of this section or in compliance with the requirements of paragraph (b) of this section.

(20 U.S.C. 1114)

§ 174.62 Allocation of fellowships.

The Commissioner will allocate fellowships to institutions of higher education having approved graduate programs in such a manner as will:

(1) Best provide an equitable distribution of such fellowships throughout the States taking into account such factors as the number of children in each State aged three to seventeen and the undergraduate student enrollment in institutions of higher education in each State; except that to the extent that the National Advisory Council on Education Professions Development (see § 174.2(k)) determines that an urgent need for a certain category of educational personnel is unlikely to be met without preference in favor of such a category over other categories of educational personnel, the Commissioner may give preference to programs designed to meet that need, but in no case shall such preferred programs constitute more than 50 per centum of the total number of fellowships awarded in any fiscal year.

(20 U.S.C. 1113)

(2) Encourage experienced teachers in elementary or secondary schools or postsecondary vocational schools and other experienced personnel in elementary or secondary education or postsecondary vocational education to enter graduate programs, attract recent college graduates to pursue a career in elementary and secondary education or postsecondary vocational education, and afford opportunities for college graduates engaged in other occupations or activities to pursue or return to a career in elementary and secondary education or postsecondary vocational education.

(20 U.S.C. 1113)

§ 174.63 Award of fellowships to individuals.

(a) *Applications and Selection.* Applications for fellowships should be submitted directly to participating institutions which will select the fellows.

(b) *Eligibility.* In order to be eligible for a fellowship, at the time the applicant is to commence study he or she must be:

(1) Accepted at the nominating institution for full-time graduate study in an approved program leading to an advanced degree,

(2) Pursuing or intending to pursue a career in elementary or secondary education, as defined in § 174.60(b)(2)) in a State, and

(3) Either a citizen or national of the United States or be in the United States for other than a temporary purpose and have the intention of becoming a permanent resident thereof, or be a permanent resident of the Trust Territories of the Pacific Islands.

(c) *Reinstatement of a fellowship following interruption of study.* (1) *Military service.* When feasible and subject to the availability of funds, a fellow whose fellowship tenure is interrupted by voluntary or involuntary military service will, upon his release from military duty, be reinstated to complete the remainder of his tenure.

(2) *Qualifying non-military service.* Fellows who satisfy their military obligation as commissioned officers in the Public Health Service or Environmental Science Services Administration or by performing alternate service as duly classified conscientious objectors will be eligible for reinstatement on the same basis as if their tenure had been interrupted by voluntary or involuntary military service.

(3) *Other interruptions.* Upon request the Commissioner may approve the reinstatement of fellows whose tenure is interrupted for reasons other than those given in paragraph (c)(1) and (2) of this section, provided good cause exists for such interruption.

(20 U.S.C. 1113, 1117)

§ 174.64 Payments of stipends and allowances to fellows.

(a) Payments of stipends and allowances after the first year of the fellowship are conditioned upon the availability of Federal appropriations.

(b) Each fellow will receive a stipend and where applicable an allowance for dependents consistent with that provided under comparable Federally supported programs, as determined by the Commissioner. However, a fellow may not receive a stipend or such allowances, during the period of full-time paid internship.

(c) Institutions shall make payments only to fellows who are enrolled and in good standing in the approved programs. A fellow shall not be entitled to payment with respect to any period during which he has failed to meet the conditions of paragraphs (d) and (e) of this section. Adjustments in the amount of an allowance payable to a fellow because of an increase or decrease in the number of his dependents shall be made effective as of the date when the change occurs, and the amount of the adjustment shall be reflected in the next regularly scheduled payment, if any.

(d) *Conditions for continued eligibility.* In order to remain eligible for payments, a fellow:

(1) Must maintain satisfactory progress in his approved graduate program; and

(2) Must continue to pursue a full-time course of study without gainful employment except as provided in paragraph (e) of this section.

(e) *Outside or part-time work.* A fellow may not engage in gainful employment during the period of his fellowship, except such part-time teaching, research, or similar activities which are related to his approved program, which have been approved by the Commissioner and which do not unnecessarily prolong his period of training. Limitations with respect to gainful employment do not apply to periods not covered by the fellowship stipend.

(20 U.S.C. 1115, 1117)

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§ 174.65 Institutional allowance.

The Commissioner will pay an allowance to the institution each fellow is attending in such amount as he determines to be consistent with prevailing practices under comparable Federally supported programs. The institutional allowance is made in lieu of tuition and all fees that would otherwise be required of a fellow. Payment of the allowance will be made in such installments and at such times as the Commissioner, may, from time to time, authorize.

(20 U.S.C. 1115(b))

§ 174.66 Reports of institutions sponsoring fellowships.

Institutions attended by fellowship recipients shall in addition to those changes specified in Part 100 of this chapter, promptly report any changes in continued eligibility of a fellowship holder.

(20 U.S.C. 1117)

§ 174.67 Strengthening graduate programs.

For the purpose of obtaining an appropriate geographical distribution of high-quality programs for the training of personnel for elementary or secondary education, the Commissioner may make grants to and contracts with institutions of higher education to pay part of the cost of developing or strengthening graduate programs which meet or, as a result of the assistance received under this subsection will be enabled to meet, the requirements of § 174.61.

(20 U.S.C. 1114(b))

§ 174.68–174.79 [Reserved]

Subpart D—Improving Training Opportunities for Personnel Serving in Programs of Education Other Than Higher Education

§ 174.80 Scope.

(a) The Commissioner may make grants to, or contracts with, institutions of higher education and State educational agencies, and local educational agencies (and with respect to programs covered by § 174.85 other public or private nonprofit agencies and organizations) for carrying out programs or projects to improve the qualifications of persons who are serving or preparing to serve in educational programs in elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools or to supervise and train persons so serving.

(b) Grants and contracts with local educational agencies may be awarded only if the Commissioner has consulted the State educational agency and that agency is satisfied that the programs and projects of the local educational agency will be coordinated with programs or projects carried out under the Teacher Corps program (20 U.S.C. 1101 et seq.) and under part B–2 of the Act if there are such programs funded in the State.

(20 U.S.C. 1119)

§ 174.81 Eligible participants in training programs.

(a) Funds provided under this subpart may be used to support programs to train persons who are serving or preparing to serve in educational programs in elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools, or to provide training for the trainers of teachers.

(b) Persons who are serving or preparing to serve in educational programs in both public and private elementary and secondary schools (including preschool and adult and vocational education programs) or postsecondary vocational schools are eligible to be enrolled in programs supported under this subpart.

(20 U.S.C. 1119)

§ 174.82 Advanced training and retraining programs.

(a) Programs or projects authorized under this subpart may include, among others—

(1) Programs or projects to train or retrain teachers, or supervisors or trainers of teachers, in any subject generally taught in the schools;

(2) Programs or projects to train or retrain other educational personnel in such fields as guidance and counseling (including occupational counseling), school social work, child psychology, remedial speech and reading, child development, and educational media (including educational or instructional television or radio);

(3) Programs or projects to train teacher aides and other non-professional educational personnel;

(4) Programs or projects to provide training and preparation for persons participating in educational programs for children of preschool age;

(5) Programs or projects to prepare teachers and other educational personnel to meet the special needs of the socially, culturally, and economically disadvantaged;

(6) Programs or projects to prepare teachers and other educational personnel to meet the special needs of exceptionally gifted students;

(7) Programs or projects to train and retrain persons engaging in programs of special education for the handicapped;

(8) Programs or projects to train or retrain persons engaging in special educational programs for children of limited English-speaking ability;

(9) Programs or projects to provide inservice and other training and preparation for school administrators;

(10) Programs or projects to prepare artists, craftsmen, scientists, artisans, or persons from other professions or vocations, or home-makers to teach or otherwise assist in programs or projects of education on a long-term, short-term, or part-time basis;

(11) Programs or projects (including cooperative arrangements or consortia between institutions of higher education, junior and community colleges, or between such institutions and State or local educational agencies and nonprofit education associations) for the improvement of undergraduate programs for preparing educational personnel, including design, development and evaluation of exemplary undergraduate training programs, introduction of high quality and more effective curricula and curricular materials, and the provision of increased opportunities for practical teaching experience for prospective teachers in elementary and secondary schools; and

(12) Programs and projects designed to meet the need for the training of teachers for participation in education programs for migratory children of migratory agricultural workers, including teacher exchange programs.

(20 U.S.C. 1119)

(b) Funds provided pursuant to a grant or a contract under this section may be used only to pay the cost of—

(1) Short-term or regular session (including part-time) institutes;

(2) Other preservice and inservice training programs or projects designed to improve the qualifications of persons entering and re-entering the field of elementary and secondary education or postsecondary vocational education, except that funds may not be used for seminars, symposia, workshops or conferences unless they are part of a continuing program of inservice or preservice training;

(3) Projects or programs to improve undergraduate or other programs for training educational personnel; or

(4) Such activities as may be necessary to carry out programs and projects designed to meet the need for the training of teachers for participation in education programs for migratory children of migratory agricultural workers, including teacher exchange programs to the extent such activities are not inconsistent with the other provisions of this Act.

(c) *Stipends.* Grants or contracts under this subpart may include provisions for the payment to participants of such stipends as the Commissioner may determine to be consistent with prevailing practices under comparable Federally supported programs.

(20 U.S.C. 1119)

§ 174.83 Criteria for approval of training programs.

The criteria upon which applications will be evaluated in addition to the criteria set forth in § 100a.26(b) of this chapter, will include the following:

(1) The extent to which there is evidence of cooperative planning and of the maximum use and coordination of resource and competencies of educational agencies and institutions involved;

(2) The extent to which there is expertise or has been previous experience in conducting the type of program for which application is made and the extent of planning for operation of the program; however, this criterion will not preclude awards to developing or evolving institutions where there is a reasonable probability that such institutions will be able successfully to conduct the program;

(3) The extent to which the program incorporates innovative concepts and techniques designed to meet current problems experienced in the Nation's schools;

(4) The extent to which the proposed program could meet current or prospective national, regional, local or State needs for educational personnel with the training which such a program would provide;

(5) The extent to which there is demonstrated institutional commitment to increasing support of the proposed program; and

(20 U.S.C. 1119)

§ 174.84 Distribution of grants and contracts.

In making grants and contracts for programs and projects under this subpart, the Commissioner will seek to achieve an equitable geographical distribution of training opportunities throughout the Nation, taking into account the number of children in each State who are aged three to seventeen.

(20 U.S.C. 1119(a–1))

§ 174.85 Programs for teachers of children living on Indian reservations.

Not less than 5 per centum of the funds available for the purposes of this subpart shall be used for grants to, and contracts with institutions of higher education and other public and private non-profit agencies and organizations for the purpose of preparing persons to serve as teachers of children living on reservations serviced by elementary and secondary schools for Indian children operated or supported by the Department of the Interior, including public and private schools operated by Indian tribes and by nonprofit institutions and organizations of Indian tribes. In carrying out the provisions of this section, preference shall be given to the training of Indians.

(20 U.S.C. 1119a)

§ 174.86 Programs for teachers of children with limited English speaking ability.

Not less than 5 per centum of the funds available for the purposes of this subpart shall be allocated for the training of teachers for service in programs for children with limited English speaking ability.

(20 U.S.C. 1091(b)(7))

§ 174.87–174.199 [Reserved]

Subpart F—Training and Development Programs for Vocational Education Personnel

§ 174.241 Applicability and program purpose.

The purpose of the programs covered by this subpart is to provide opportunities for experienced vocational educators to spend full-time in advanced study of vocational education for a period not to exceed three years in length; to provide opportunities to up-date the occupational competencies of vocational education teachers through exchanges of personnel between vocational education programs and commercial, industrial, or other public or private employment related to the subject matter of vocational education; and to provide programs of inservice teacher education and short-term institutes for vocational education personnel.

(20 U.S.C. 1119c)

§ 174.242 Special definition.

"State board" means the State board designated or created by State law as the sole State agency responsible for the administration of vocational education, or for supervision of the administration thereof by local educational agencies in the State.

(20 U.S.C. 1119c–2)

§ 174.243 Leadership Development Awards.

In order to meet the needs in all States for qualified vocational education personnel (including administrators, supervisors, teacher educators, researchers and instructors in vocational education) the Commissioner will make leadership development awards to enable experienced vocational educators to spend up to three years in advanced study at an institution of higher education.

(20 U.S.C. 1119c–1119c–1)

§ 174.244 Selection.

Applications for Leadership Development awards shall be submitted to the State Board of Vocational Education for the state in which the applicant is employed or is assured of employment. The State Board shall evaluate the applications and make recommendations to the Commissioner as to which applicants it believes should be awarded grants. The Commissioner will make awards within the apportionment made under § 174.245 and only with respect to persons who meet the conditions of § 174.246.

(20 U.S.C. 1119c–1)

§ 174.245 Allocation of awards.

In order to meet the needs for qualified vocational education personnel such as teachers, administrators, supervisors, teacher educators, researchers, and instructors in vocational education programs in all the States, the Commissioner in carrying out this subpart will apportion leadership development awards equitably among the States, taking into account such factors as the State's vocational education enrollments and the incidence of youth unemployment and school dropouts in each State.

(20 U.S.C. 1119c–1)

§ 174.246 Eligibility of individuals.

(a) The Commissioner will make available leadership development awards in accordance with the provisions of this subpart only upon his determination that the persons selected for such awards

(1) Have had not less than two years of experience in vocational education or in industrial training, or military technical training; or, in the case of researchers, experience in social science research which is applicable to vocational education; or

(2) Are currently employed or are reasonably assured of employment in vocational education and have successfully completed, as a minimum, a baccalaureate degree program; or

(3) Are recommended by their employer, or others, as having leadership potential in the field of vocational education and are eligible for admission as graduate students to a program of higher education approved by the Commissioner pursuant to § 174.247.

(b) In order to receive a leadership development award the person selected shall enroll in an approved vocational educational leadership development program, subject to the provisions of § 174.250 of this subpart.

(20 U.S.C. 1119c–1)

§ 174.247 Stipends to individuals.

The Commissioner will pay to persons selected for leadership development awards a stipend of $3,500 for each academic year of study, plus an allowance of $400 for each dependent. An additional stipend of $700 plus $100 for each dependent may be awarded for the summer.

(20 U.S.C. 1119c–1)

§ 174.248 Conditions for continued eligibility.

Leadership development awards to participate may be available for a period not to exceed three full years. Beyond the first year the award will be subject to the continued availability of Federal funds and satisfactory participation. The Commissioner will determine that a participant is maintaining satisfactory participation only during such periods as he finds that:

(a) The participant is maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field of vocational education in an institution of higher education, and

(b) The participant is not engaging in gainful employment, other than part-time employment by such institution in teaching, research, or similar activities approved by the Commissioner.

(20 U.S.C. 1119c–1)

§ 174.249 Institutional allowance.

The Commissioner will (in addition to the stipend paid to a person under § 174.247) pay to the institution at which such person is pursuing his course of study an institutional allowance. The institutional allowance is made in lieu of tuition and all fees that would otherwise be required of the student. Payments will be made in such amounts and at such times as the Commissioner may, from time to time, determine to be consistent with prevailing practices under comparable Federally supported programs; however, one institutional allowance will not exceed $3,500 per academic year.

(20 U.S.C. 1119c–1)

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§ 174.250 Institutional eligibility and approval.

The Commissioner will approve the vocational education leadership development programs of an institution of higher education only upon finding that:

(a) The institution offers a comprehensive program in vocational education with adequate supporting services and disciplines such as education administration, guidance and counseling, research, and curriculum development;

(b) Such program is designed to further substantially the objective of improving vocational education through providing opportunities for graduate training of vocational education teachers, supervisors, and administrators, and of university level vocational education teacher educators and researchers;

(c) Such program is conducted by a school of graduate study in the institution of higher education; and,

(d) Such program is approved also by the State board in the State where the institution is located.

(20 U.S.C. 1119c–1)

§ 174.251 Cooperative Development Awards, Exchange Programs, Institutes, and Inservice Education for Vocational Education Teachers, Supervisors, Coordinators and Administrators.

(a) The Commissioner may award grants to State boards to pay the cost of carrying out cooperative arrangements for the training or retraining of experienced vocational education personnel such as teachers, teacher educators, administrators, supervisors, coordinators, and other personnel, in order to strengthen education programs supported under this subpart and the administration of schools offering vocational education. Such cooperative arrangements may be between schools offering vocational education and private business or industry, commercial enterprises, or with other educational institutions (including those for the handicapped and delinquent).

(b) Each cooperating agency or enterprise shall attest to the accuracy of so much of a proposed cooperative arrangement as is related to its undertaking by signature of an authorized official on the application of the sponsoring State board.

(20 U.S.C. 1119c–2)

§ 174.252 Types of training programs.

Grants under this section may be used for projects and activities such as:

(1) Exchange of vocational education teachers and other staff members with skilled technicians or supervisors in industry (including mutual arrangements for preserving employment and retirement status, and other employment benefits during the period of exchange), and the development and operation of cooperative programs involving periods of teaching in schools providing vocational education and of experience in commercial, industrial or other public or private employment related to the subject matter taught in such school;

(2) Inservice training programs for vocational education teachers and other staff members to improve the quality of instruction, supervision, and administration of vocational education programs; and

(3) Short-term or regular-session institutes, or other preservice and inservice training programs or projects designed to improve the qualifications of persons entering and reentering the field of vocational education.

(20 U.S.C. 1119c–2)

§ 174.253 Requirements for grant applications.

(a) Sets forth a program for carrying out one or more projects or activities which meet the requirements of § 174.252 and provides for such methods of administration as are necessary for the development of effective vocational education leadership personnel.

(b) Sets forth policies and procedures which assure that Federal funds made available under this subpart for any fiscal year will be so used as to supplement or add to the level of funds that would, in the absence of such Federal funds, be made available for purposes which meet the requirements of § 174.252 and in no case supplant such funds;

(c) Provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this subpart; and

(d) Provides for making such reports, in such form and containing such information as the Commissioner may require to carry out his functions under this subpart, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(20 U.S.C. 1119c–2)

[FR Doc.74–6593 Filed 3–20–74;8:45 am]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Orders 58 and 59, Rev. 2 and 5, Amdts. 1 and 3]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

Approval of Certain Transactions

Part 221 of Title 46 of the Code of Federal Regulations which prescribes regulations governing the foreign transfer of certain vessels is hereby amended.

Section 37 of the Shipping Act, 1916, as amended (the Act) (46 U.S.C. 835) requires the Assistant Secretary for Maritime Affairs to approve the sale, mortgage, charter or delivery of a vessel owned by a United States citizen or documented under the laws of the United States to a person not a citizen of the United States, or the transfer to foreign registry of any such vessel, or any subsequent transfer of a vessel for which such approval was granted.

The purpose of this amendment is to withdraw the approval granted by 46 CFR 221.4 as required by section 37 of the Act with respect to vessels which are or will be engaged in the fishing industry, and to conform the Appendix to 46 CFR 221.7 to a prior amendment made to 46 CFR 221.4 (37 FR 2851, December 29, 1972). Henceforth, approval of the transfer of such vessels will be handled on a vessel-by-vessel basis.

The United States is a co-founder and member of the InterAmerican Tropical Tuna Commission and has substantial interest in enforcing the rules of the Commission regulating the commercial fishing of tuna. Previously, fishing vessels built in the United States for delivery to persons other than United States citizens, and existing vessels transferred from the United States to foreign registry and ownership, have been used in violation of the Commission's rules. In order not to encourage a rush of such transfers engendered by a notice period, which would be contrary to the public interest, this amendment is effective immediately without notice of proposed rule making (5 U.S.C. 553(b)(3)).

Part 221 of Title 46 is amended as follows:

1. Paragraphs (a), (b), (c), and (d) of § 221.4 are revised to read as follows:

§ 221.4 Approval of certain transactions covered by section 37, Shipping Act, 1916, as amended.

The Department of Commerce, Maritime Administration, hereby grants approval under section 37 of the Shipping Act, 1916, as amended (40 Stat. 901, 46 U.S.C. 835) to the following transactions:

(a) The sale, mortgage, lease, charter, delivery, or transfer, or agreement for the sale, mortgage, lease, charter, delivery, or transfer, to any person not a citizen of the United States of a vessel having an overall length of 65 feet or less other than a vessel that is or will be engaged in the fishing industry, or any interest therein, owned in whole or in part by any person a citizen of the United States, or of any state, territory, district or possession thereof, and which is not documented under the laws of the United States, or the last documentation of which was not under the laws of the United States; and the transfer to or placing under foreign registry or flag of any such vessel;

(b) The making of an agreement or the effecting of an understanding whereby there is vested in or for the benefit of any person not a citizen of the United States, the controlling interest in or the majority of the voting power in a corporation which is organized under the laws of the United States or any state, territory, district or possession thereof, and which owns a vessel described in paragraph (a) of this section;

(c) The entrance into any contract, agreement or understanding to construct within the United States a vessel of any size other than a vessel that will be engaged in the fishing industry for, or to be delivered to, a person not a citizen of the United States; and the transfer to or placing under foreign registry or flag of any such vessel;

(d) The departure from any port of the United States of any vessel other than a vessel that is or will be engaged in the fishing industry which was constructed in whole or in part within the United States, has not been documented under the laws of the United States, and has never been cleared for any foreign port.

* * * * *

2. The first sentence of paragraph A of section II of the Appendix to § 221.7 is amended to read as follows:

A. Transfer of existing vessels of 3,000 gross tons or over to either foreign ownership or registry or both.

* * * * *

Effective date. This amendment shall become effective March 21, 1974.

(Authority: Sec. 43, Shipping Act, 1916, as amended (75 Stat. 766, 46 U.S.C. 841(a)), Reorganization Plan No. 21 of 1950 (64 Stat. 1273), Reorganization Plan No. 7 of 1961 (75 Stat. 842) as amended by Pub. L. 91–469 (84 Stat. 1036), Department of Commerce Order 10–8 (38 FR 19707, July 23, 1973).

Dated: March 15, 1974.

By Order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.74–6602 Filed 3–20–74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74–261]

RADIO AND TELEVISION BROADCASTING

Miscellaneous Amendments

In the matter of re-regulation of radio and television broadcasting.

1. As a result of the continuing study by its Task Force on the re-regulation of broadcaseting, the Commission has under consideration the matter of amending certain provisions in Parts 0, 1, 73 and 74 of its rules and regulations.

2. These amendments up-date certain rules, and delete parts of others which are no longer applicable.

3. The following rule changes will be made for the reasons stated:

(a) In § 0.314 *Authority delegated to the Engineers in Charge*, paragraph (b) refers to the delegated authority of EIC's to act on requests for temporary permission to operate standard and FM broadcast stations with licensed operators of lesser grade than required by the rules, or for waivers of other technical requirements of operators at such stations. The rule, as it is stated, inadvertently omits reference to operators at noncommercial educational FM stations.

(1) This omission of a reference to noncommercial educational FM stations could incorrectly be interpreted to mean that this type station is excluded from making such requests or asking for such waivers. This is not the case. Changes are made naming this service in the rules along with standard and FM.

(b) In § 1.547 *Application for permission to use lesser grade operators*, paragraph (a) refers to applications for temporary permission to operate standard and FM broadcast stations with licensed operators of lesser grade than normally required by the Commission's rules. The rule, as it is stated, inadvertently omits reference to noncommercial educational FM stations.

(1) The omission could be incorrectly interpreted to mean that this type station is excluded from making such applications. This is not the case. Changes are made in the rule to specify this service along with standard and FM stations.

(c) When a licensee applies for permission to use a lesser grade operator than normally required by the rules, he must submit, in writing, a request including specific information (§ 1.547(c)(4)). The licensee must show "that at least one first class operator will be employed full time at the station * * *". All AM, FM, and noncommercial educational FM stations are not required to employ a first class operator full time. Section 1.547(c)(4) is amended to conform with existing rules concerning operator requirements.

Amendment is also made which allows for appointment of a substitute operator, on a pro-tem, non-fulltime basis in the event the station's regularly employed operator is incapacitated. The substitute adequately fulfills the station operator requirement for the purposes of the showing.

(1) The operator showing now conforms to the operator's rules in the AM, FM and noncommercial educational FM services. The amendment, allowing a substitute operator for the incapacitated regular operator, clarifies the requirements for substituting temporarily for a station operator who is off duty due to illness or injury.

(d) The requirement that the chief operator at a station to which temporary permission has been granted to operate with licensed operators of a lesser grade than normally required by Commission rules, must mail written certification to the Engineer in Charge of the district regarding the lesser grade operator is deleted. (§ 1.547(d).) This certification sets forth the operator's name and license number, and states he has the ability to perform the normal operation of the station.

(1) Such certification are not needed and elimination of the requirement relieves the Commission and the licensee of an unnecessary paper work burden.

(e) Sections 73.52(a); 73.267(c); 73.567(c) and 73.689(b)(3) state that, in emergencies, AM, FM, noncommercial educational FM and TV stations may be operated at reduced power for a period of up to 10 days without further authority from the Commission. If authorized power cannot be restored within 10 days, written request to the Commission in Washington, D.C. must be made by the licensee for formal authorization to continue lower power operation until the problem is remedied. A change in the rules is made here which permits the permittee or licensee to operate at lower power for 30 days without further authority from the Commission, provided he notifies the Commission not later than the 10th day of lower power operation. In the event that normal power is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission of this date.

(1) This change relieves the FCC of the administrative detail of formally authorizing, in writing, continued operation on lower power upon receipt of 10 day notifications. The staff will save many work hours via this relief.

(f) Sections 73.71(b); 73.261(b) and 73.651(a)(3) state that AM, FM and TV stations may, in the event it is impossible to adhere to their operating schedules due to situations beyond their control, limit or discontinue operation for 10 days without further authority from the Commission. The rules further state that if the licensee finds it impossible to return to his normal schedule within 10 days, request for authority must be made from the Commission in Washington, D.C. for such additional time as may be deemed necessary to remedy the cause of the problem. A modification in the rules is made here which permits licensees to limit or discontinue their operating schedules for a period of not more than 30 days without further authority from the Commission, provided notification is sent to the Commission no later than the 10th day of the limited or discontinued schedule. During such period the licensee must strictly adhere to the requirements of the station license pertaining to the lighting of antenna structures. Further, the licensee must notify the Commission, in writing, of the date of return to his authorized operating schedule if such occurs prior to the expiration of the 30 day period.

(1) This change relieves the Commission of the administrative detail of formally authorizing, in writing, limited operation or discontinued operation upon receipt of 10 day notifications. The staff will save many work hours via this relief.

(g) Under the existing rules, a station's chief operator must review each day's operating log within prescribed time periods (24 or 72 hours) and sign and date it after completion of such review. (§§ 73.93(h)(4)(iv); 73.265(d)(5)(iv) and 73.565(d)(5)(iv).) The rules are amended to include the time of the chief operator's review, as well as the date and his signature.

(1) The Field Operations Bureau has been unable to determine if the review of the station's operating log by the chief operator has been within the period prescribed. The addition of the time of the log review will enable field inspectors to accurately ascertain if this time provision of the rule is being carried out.

(h) Sections 73.113(e); 73.283(e) and 73.583(e) are amended to include the

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time of the chief operator's review of the operating log as well as the date and his signature thereon.

(l) There is a cross reference in these three Operating Log sections to rules regarding Operator Requirements in §§ 73.93(h)(4)(iv); 73.265(d)(5)(iv); 73.565(d)(5)(iv)—(as amended in (g) above). The notation of the time of the chief operator's review of the logs, added to his signature and the date of the review, conforms to the requirements in these revised sections.

(i) Sections 73.114(b) and 73.284(b) are amended to correct a reference to §§ 73.93(e) and 73.265(e) respectively, concerning the weekly inspections of transmitting systems and monitoring equipment.

(l) The references should be to §§ 73.93(j) and 73.265(h) respectively.

(j) Section 73.310(a) is amended to delete the paragraph heading *FFM broadcast station* and the definition therein. In its place is inserted the corrected heading *FM broadcast channel*, followed by a revised definition.

(l) The definition *FFM broadcast station* is a misprint and is removed from the rules. The heading of the section is corrected to read *FM broadcast channel*. The old definition is deleted and a more exact definition is inserted in its place.

(k) In Subpart E—Aural Broadcast STL and Intercity Relay Stations, § 74.533(b)(4) provides that whenever an unattended aural broadcast STL or intercity relay station is in operation appropriate observations shall be made at the receiving end of the circuit, at intervals not exceeding one hour, by the operator. This is changed to require the appropriate observations at intervals not exceeding three hours.

(l) With the performance and reliability of equipment in general use today, we find no need for more frequent observations than once every three hours. Also, this modification conforms with the change from every 30 minute meter readings to three hour meter readings in the operating logging rules in the AM, FM, non-commercial educational FM and TV services.

(l) Section 73.603(a) is amended to correct the frequency band for television channel 69 from 800–809 MHz to 800–806 MHz.

(l) The designation, as shown in the present rule, is incorrect.

(m) In Subpart F—Television Auxiliary Broadcast Stations, Section 74.635(a)(4) states that one of the conditions pertaining to unattended operation of TV intercity relay stations and TV STL stations, is the requirement that appropriate observations shall be made at the receiving end of the circuit, at intervals not exceeding one hour, by the operator. This is changed to require the appropriate observations at intervals of not more than three hours.

(l) There is no need for more frequent observations than once every three hours in view of the performance and reliability of equipment in use today. This modification conforms with the change from 30 minute meter readings to three hour meter readings in the operating log rules in the AM, FM, noncommercial educational FM and TV services.

4. Amendments hereby adopted are editorial revisions, and deletions and relaxations of existing rule provisions which we consider no longer necessary. We believe they will inure to the benefit of many and to the detriment of none, and that they will better serve the public interest. Therefore, prior notice of rulemaking and public procedure thereon, are unnecessary, pursuant to the Administrative Procedure and Judicial Review provisions of 5 U.S.C. 553(b)(3)(B).

5. Therefore, *It is ordered*, That, pursuant to sections 4(i) and 303(j) and (r) of the Communications Act of 1934, as amended, Parts 0, 73, and 74 of the Commission's Rules and Regulations are amended as set forth in the attached Appendix, effective April 29, 1974.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Adopted: March 13, 1974.

Released: March 15, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

PART 0—COMMISSION ORGANIZATION

1. Section 0.314(b) is amended to read as follows:

§ 0.314 Authority delegated to the engineers in charge.

• • • • • •

(b) For temporary permission to operate standard, FM and noncommercial educational FM broadcast stations with licensed operators of lesser grade than normally required by the Commission's rules or for waiver of other technical requirements of operators at such stations.

• • • • •

PART 1—PRACTICE AND PROCEDURE

2. Section 1.547(d) is deleted and (a) and (c)(4) are amended to read as follows:

§ 1.547 Application for permission to use lesser grade operators.

(a) Application for temporary permission to operate standard, FM and noncommercial educational FM broadcast stations with licensed operators of a lesser grade than normally required by the Commission's rules shall be submitted to the Engineer in Charge of the radio district in which the station is located. Such permission will be granted for periods not to exceed 60 days if a proper showing is made, as set forth in this section, and may be renewed upon request only upon the making of an adequate similar showing. A request for extension of the permission previously granted may be granted upon a showing setting forth what continuing efforts have been made to obtain licensed operators of a grade normally required. The Engineer in Charge may terminate this permission in the absence of a satisfactory showing in the written report that adequate efforts have been made to obtain such operators, or for other good reason in the judgment of the Engineer in Charge.

• • • • • •

(c) • • •

(4) A showing that at least one operator of the class required pursuant to §§ 73.93(b), 73.265(b) or 73.556(b)(1), **(2), (3) will be employed full time,** or on a contract basis for those stations using contract operators pursuant to §§ 73.93(c), 73.265(c) or 73.565(c), and that such operator will be available on call at all times in the event of equipment failure. If this operator is incapacitated temporarily, appointment of a qualified operator on a pro-tem non-full-time basis is allowed. He must be available on call at all times in the event of equipment failure.

• • • • • •

PART 73—RADIO BROADCAST SERVICES

3. Section 73.52(a) is amended to read as follows:

§ 73.52 Antenna input power; maintenance of.

(a) The actual antenna input power of each station shall be maintained as near as is practicable to the authorized antenna input power and shall not be less than 90 percent nor greater than 105 percent of the authorized power; except that if, in an emergency, it becomes technically impossible to operate with the authorized power, the station may be operated with reduced power for a period of not more than 30 days without further authority from the Commission, *Provided*, That notification is sent to the Commission in Washington, D.C. not less than the 10th day of the lower power operation. In the event normal power is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If causes beyond the control of the permittee or licensee prevent restoration of authorized power within the allowed period, informal written request shall be made to the Commission in Washington, D.C. no later than the 30th day for such additional time as may be deemed necessary.

• • • • • •

4. Section 73.71(b) is amended to read as follows:

§ 73.71 Minimum operation schedule.

• • • • • •

(b) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the Commission, provided that notification is sent to the Commission in Washington, D.C. no later than the 10th day of limited or discontinued operation. During such

period, the permittee or licensee shall continue to adhere to the requirements of the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If causes beyond the control of the permittee or licensee make it impossible to comply within the allowed period, informal written request shall be made to the Commission in Washington, D.C., no later than the 30th day for such additional time as may be deemed necessary.

5. Section 73.93(h)(4)(iv) is amended to read as follows.

§ 73.93 Operator requirements.

• • • • • •

(h) • • •

(4) • • •

(iv) A review of completed operating logs to determine whether technical operation of the station has been in accordance with the rules and terms of the station authorization. After review, the chief operator shall sign the log and indicate the date and time of such review. If the review of the operating logs indicates technical operation of the station is in violation of the rules or terms of the station authorization, he shall promptly initiate corrective action. The review of each day's operating log shall be made within 24 hours, except that, if the chief operator is not on duty during a given 24 hour period, the logs must be reviewed within 2 hours after his next appearance for duty. In any case, the time before review shall not exceed 72 hours.

• • • • • •

6. Section 73.113(e) is amended to read as follows:

§ 73.113 Operating log.

• • • • • •

(e) If required by § 73.93(h)(4)(iv), each completed operating log shall bear a signed notation by the station's chief operator of the results of the review of that log, and show the date and time of such review.

7. Section 73.114(b) is amended to read as follows:

§ 73.114 Maintenance log.

• • • • • •

(b) Upon completion of the inspection required by § 73.93(j), the inspecting operator shall enter a signed statement that the required inspection has been made noting in detail the tests, adjustments, and repairs which were accomplished in order to insure operation in accordance with the provisions of this subpart and in the current instrument of authorization of the station. The statement shall also specify the amount of time, exclusive of travel time to and from the transmitter, which was devoted to such inspection duties. If complete repair could not be effected, the statement shall set forth in detail the items of equipment concerned, the manner and degree in which they are defective, and the reason for failure to make satisfactory repairs.

• • • • • •

8. Section 73.261(b) is amended to read as follows:

§ 73.261 Time of operation.

• • • • • •

(b) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the Commission, *Provided*, That notification is sent to the Commission in Washington, D.C. no later than the 10th day of limited or discontinued operation. During such period, the permittee or licensee shall continue to adhere to the requirements of the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If the causes beyond the control of the permittee or licensee make it impossible to comply within the allowed period, informal written request shall be made to the Commission in Washington, D.C., no later than the 30th day for such additional time as may be deemed necessary.

9. Section 73.265(d)(5)(iv) is amended to read as follows:

§ 73.265 Operator requirements.

• • • • • •

(d) • • •

(iv) A review of completed operating logs to determine whether technical operation of the station has been in accordance with the rules and terms of the station authorization. After review, the chief operator shall sign the log and indicate the date and time of such review. If the review of the operating logs indicates technical operation of the station is in violation of the rules or terms of the station authorization, he shall promptly initiate corrective action. The review of each day's operating logs shall be made within 24 hours, except that, if the chief operator is not on duty during a given 24 hour period, the logs must be reviewed within 2 hours after his next appearance for duty. In any case, the time before review cannot exceed 72 hours.

• • • • • •

10. Section 73.267(c) is amended to read as follows:

§ 73.267 Operating power, determination and maintenance of;

• • • • • •

(c) *Reduced power.* In the event it becomes technically impossible to operate with authorized power, the station may be operated with reduced power for a period of not more than 30 days without further authority from the Commission, *Provided*, That notification is sent to the Commission in Washington, D.C. not later than the 10th day of the lower power operation. In the event normal power is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If causes beyond the control of the permittee or licensee prevent restoration of authorized power within the allowed period, informal written request shall be made to the Commission in Washington, D.C. no later than the 30th day for such additional time as may be deemed necessary.

11. Section 73.283(e) is amended to read as follows:

§ 73.283 Operating log.

• • • • • •

(e) If required by § 73.265(d)(5)(iv), each completed operating log shall bear a signed notation by the station's chief operator of the results of the review of that log, and show the date and time of such review.

12. Section 73.284(b) is amended to read as follows:

§ 73.284 Maintenance log.

• • • • • •

(b) Upon completion of the inspection required by § 73.265(h), the inspecting operator shall enter a signed statement that the required inspection has been made, noting in detail the tests, adjustments, and repairs which were accomplished in order to insure operation in accordance with the provisions of this subpart and the current instrument of authorization of the station. The statement shall also specify the amount of time, exclusive of travel time to and from the transmitter, which was devoted to such inspection duties. If complete repair could not be effected, the statement shall set forth in detail the items of equipment concerned, the manner and degree in which they are defective, and the reasons for failure to make satisfactory repairs.

• • • • • •

13. In § 73.310 the definition *FM broadcast station* is deleted and a new definition is inserted in lieu thereof as follows:

§ 73.310 Definitions.

(a) *Frequency modulation.*

• • • • • •

FM broadcast channel. A band of frequencies 200 kHz wide and designated by its center frequency. Channels for FM broadcast stations begin at 88.1 MHz and continue in successive steps of 200 kHz's to and including 107.9 MHz.

• • • • • •

14. Section 73.565(d)(5)(iv) is amended to read as follows:

§ 73.565 Operator requirements.

• • • • • •

(d) • • •

(5) • • •

(iv) A review of completed operating logs to determine whether technical operation of the station has been in accordance with the rules and terms of the station authorization. After review, the chief operator shall sign the log and indicate the date and time of such review. If

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the review of operating logs indicates technical operation of the station is in violation of the rules or terms of the station authorization, he shall promptly initiate corrective action. The review of each day's operating logs shall be made within 24 hours, except that, if the chief operator is not on duty during a given 24 hours period, the logs must be reviewed within 2 hours after his next appearance for duty. In any case, the time before review cannot exceed 72 hours.

• • • • •

15. Section 73.567(c) is amended to read as follows:

§ 73.567 Operating power: determination and maintenance of.

• • • • •

(c) *Reduced power.* If a station licensed for transmitter power output greater than 10 watts finds it technically impossible to operate with authorized power, the station may be operated with reduced power for a period of not more than 30 days without further authority from the Commission, *Provided,* That notification is sent to the Commission in Washington, D.C. not later than the 10th day of the lower power operation. In the event normal power is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If causes beyond the control of the permittee or licensee prevent restoration of authorized power within the allowed period, informal written request shall be made to the Commission in Washington, D.C. no later than the 30th day for such additional time as may be deemed necessary.

16. Section 73.583(e) is amended to read as follows:

§ 73.583 Operating log.

• • • • •

(e) If required by § 73.565(d)(5)(iv), each completed operating log shall bear a signed notation by the station's chief operator of the results of the review of that log, and show the date and time of such review.

17. Section 73.603(a) is amended to read as follows:

§ 73.603 Numerical designation of television channels.

(a):

Channel No.	*Frequency band (MHz)*
•	•
69	800–806
•	•

18. Section 73.651(a)(3) is amended to read as follows:

§ 73.651 Time of operation.

(a) • • •

(3) In the event that causes beyond the control of a permittee or licensee make it impossible to adhere to the operating schedule in paragraph (a) of this section or to continue operating, the station may limit or discontinue operation for a period of not more than 30 days without further authority from the Commission, *Provided,* That notification is sent to the Commission in Washington, D.C. no later than the 10th day of limited or discontinued operation. During such period, the permittee or licensee shall continue to adhere to the requirements of the station license pertaining to the lighting of antenna structures. In the event normal operation is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If the causes beyond the control of the permittee or licensee make it impossible to comply within the allowed period, informal written request shall be made to the Commission in Washington, D.C., no later than the 30th day for such additional time as may be deemed necessary.

• • • • •

19. Section 73.689(b)(3) is amended to read as follows:

§ 73.689 Operating power.

• • • • •

(b) • • •

(3) *Reduced power.* In the event it becomes technically impossible to operate with authorized power, the station may be operated with reduced power for a period of not more than 30 days without further authority from the Commission, *Provided,* That notification is sent to the Commission in Washington, D.C. not later than the 10th day of the lower power operation. In the event the normal power is restored prior to the expiration of the 30 day period, the permittee or licensee will so notify the Commission in Washington, D.C. of this date. If causes beyond the control of the permittee or licensee prevent restoration of authorized power within the allowed period, informal written request shall be made to the Commission in Washington, D.C. no later than the 30th day for such additional time as may be deemed necessary.

• • • • •

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

20. Section 74.533(b)(4) is amended to read as follows:

§ 74.533 Remote control and unattended operation.

• • • • •

(b) • • •

(4) Whenever an unattended aural broadcast STL or intercity relay station is in operation, appropriate observations shall be made at the receiving end of the circuit at intervals not exceeding 3 hours by a person designated by and under the control of the licensee and need not be a licensed operator under Part 13 (Commercial Radio Operators) of our rules.

• • • • •

21. Section 74.635(a)(4) is amended to read as follows:

§ 74.635 Unattended operation.

(a) • • •

(4) In the case of television intercity relay stations and television STL stations, appropriate observations shall be made at intervals not exceeding 3 hours during the period of their operation, at the receiving end of the circuit, by a person holding a valid first or second class radiotelephone operator license who shall immediately institute measures sufficient to assure prompt correction of any condition of improper operation that is observed; and

• • • • •

[FR Doc.74-6594 Filed 3-20-74;8:45 am]

[Docket No. 19663; FCC 74-270]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Assignment

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Craig, Fort Collins, Greeley, Pueblo, Steamboat Springs, Vail and Windsor, Colorado, and Laramie and Torrington, Wyoming), RM-1895, RM-1896.

1. The Commission has before it the notice of proposed rulemaking and Memorandum Opinion and Order adopted in this proceeding on December 20, 1972 (38 FR 805) and the comments and reply comments filed in response by Harry P. Brewer, Colorado RG, Inc., and Charles R. Tuma.

2. At issue in this proceeding is the making of additional Class C FM assignments in northern Colorado. When adopting the earlier document the Commission concluded that the making of three new Class C assignments in this area was not warranted but that two such assignments might well be. Thus, comments were invited on such an approach and on the choice to be made among the three communities vying for assignments: Greeley, Fort Collins and Windsor, Colorado. To accomplish the proposed assignments, other changes in the FM Table would be required effecting a substitute assignment in Craig, Colorado, and others in Laramie and Torrington, Wyoming. Specifically, the Notice proposed assigning Channel 241 to Greeley, Colorado, and Channel 256 to Fort Collins or Windsor, Colorado. No counterproposals have been advanced urging that the assignments be made to other communities, so the choice before us is whether to make the two assignments and if so, where to make them. All of the parties have confirmed their intention to proceed should these channels be assigned.

3. These three communities are in the same general area so that the use of each channel would bring excellent reception service to all of them. They extend on a line running northwest to southeast, with Windsor in the center and the others 11 miles away from it, Fort Collins to the northwest and Greeley to the southeast. The information submitted in response to the Notice confirms the view earlier expressed tentatively, namely, that two additional assignments are needed in this fast growing area. Since the assignments could be made without serious preclusionary consequences and each channel could be used consistent with applicable spacing and other engineering requirements, we shall proceed to assign Channels 241 and 256.

4. Both Fort Collins and Greeley are substantial communities that have existing full-time radio service. Windsor, on the other hand, is a small community that has only a daytime AM station. Each of the parties urges an approach that responds to its needs while in effect providing the other two with the "leftovers". For the most part, the significant facts are not in dispute, so we need not specifically set forth all of the separate arguments of the parties. Instead, we shall make our own evaluation of the respective needs of the communities.

5. Fort Collins, the largest of the three communities, had a 1970 population of 43,337. It has two occupied FM channels and two AM stations—one full-time and one daytime-only. Ordinarily, a community of less than 50,000 population is assigned no more than two channels, but Fort Collins' fast growth pattern indicates that it may have reached 50,000 already. Even if it has not, it soon would be expected to, and we need to take such facts into consideration when making assignments. We are also mindful of the importance of Fort Collins in the surrounding area and its position as seat of Larimer County. Communities of 50,000 to 100,000 are normally assigned 2 to 4 channels, and we are of the view that Fort Collins should not be precluded from obtaining a third FM assignment because its 1970 population was below the dividing line.[1]

6. Greeley is not quite as large as Fort Collins, having a population of 38,902, but unlike Fort Collins, it has only one FM assignment. It also has two full-time AM stations. A second FM assignment would be in keeping with its size and position as county seat. Windsor, on the other hand, has a population of only 1,564. In its favor is the lack of an FM assignment and the lack of a local full-time radio facility. However, it is indeed small and particularly where a Class C channel is involved[2], a question arises about the appropriateness of such an assignment. The parties have cited cases on behalf of or in opposition to making a Class C assignment to a community of this size. Charles R. Tuma (Fort Collins proponent) referred to our general policy to assign Class C channels to larger communities which began with the further notice of proposed rulemaking in the FM allocations proceeding (FCC 62-867) and to the Third Report and Memorandum Opinion and Order in that proceeding, 23 R.R. 1859 (1963). It was Tuma's view that Windsor was neither large enough in itself, nor was it in the category of a small community needing to reach a large surrounding rural area in order to survive. He also pointed to the denial of a requested assignment at Hartselle, Alabama, 22 R.R. 2d 1653, 1660, because, inter alia, it was in the same county as and received service from another larger community. Harry P. Brewer, on behalf of Windsor's needs, cited the Commission policy to give major priority to a first FM service as for example in Crystal River, Florida, FCC 73-158. While acknowledging the usual practice of assigning Class C channels to larger communities, he pointed out that the Commission has assigned Class C channels to smaller communities where circumstances warrant, as for example in Harrisonville, Missouri, 6 F.C.C. 2d 239, 8 R.R. 2d 1724 (1967). Because of the wide disparity in factual situations, there are instances in which varying approaches have been followed. Each of the views now before us has some support in the cases, and it is true that we could evaluate matters so as to finally adjudicate the position of Windsor without a hearing on applications. However, this is a question which in this instance is best resolved in a hearing on competing applications. If we assigned the channels to Greeley and Fort Collins, the Windsor applicant could file for either and have its arguments about Windsor's needs heard. While there are some restrictions on where the transmitter sites for the two channels would have to be located, appropriate sites appear to be available from which required city coverage could be provided to either Fort Collins and Windsor on the one hand or to Greeley and Windsor on the other. Mr. Brewer mentions the McKenzie, Tennessee FM proceeding, 5 R.R. 2d 1530 (1965), as indicating that the Commission is not required to leave matters for resolution based on the applications which are filed. The point is valid enough but inapplicable here. Where a choice can better be made in a rulemaking proceeding, we are not precluded from so acting, but the reverse is also true. If it is better to defer matters, that possibility is also open to us. Unlike the McKenzie case where the larger community had no FM assignment and the smaller one already did, the choice is not so easily made on the showings now before us. There are arguments on both sides that need further airing and this is only efficiently possible in a hearing on competing applications.

7. If Windsor were given either assignment, it would work an absolute preclusion for one of the other communities. This is the case because the rules do not permit the removal of a channel for use in a listed community. Windsor is not listed in the FM Table, so it is not so precluded. There is one final point in connection with the use of the channel at Windsor which needs to be mentioned. The charge has been made considering the site a Windsor station would use and the smallness of Windsor in comparison to other populations which would be served by a Class C station, a question would exist about whether the proposal in fact would realistically be for another larger community instead. See Berwick Broadcasting Corp., 17 R.R. 2d 884 (1969). Charles R. Tuma asserted that the site would have to be about 11 miles northeast of Windsor and that Fort Collins is 11 miles northeast of Windsor. The fact is that Fort Collins is 11 miles northwest of Windsor, not northeast. Even so, the site would permit a station to provide a city-grade signal to Windsor and Fort Collins. This is a question best answered in a hearing, and in any event, is not one we need to consider now in view of our decision on how to proceed. As to the viability of Windsor, both Tuma and Brewer cite the Baytown, Texas TV assignment case, 11 F.C.C. 941, 12 R.R. 2d 1581 (1968). Tuma reads the case as indicating that the Commission will not assign a channel to a small community where the facts tend to indicate that the station would realistically serve a larger community. Brewer contends that where the Commission has doubts on this score, it will require a showing, and since we did not, that the question did not arise. For a number of reasons television precedents, including this one, are not always determinative in FM allocations. Even if it were directly pertinent, this matter is incorporated under consideration of a possible Berwick issue as described above and does not require separate or different treatment here.

8. We shall assign Channel 241 to Greeley, Colorado, and Channel 256 to Fort Collins, Colorado. This will necessitate a change in Channel 236 at Craig, Colorado, for which Channel 273 will be substituted and a change in Channel 257A at Torrington, Wyoming, for which Channel 252A will be substituted. These channels are vacant as is Channel 241 at Laramie, Wyoming for which Channel 236 will be substituted.[3] Channel 255 at Laramie is not vacant, but the permittee accepted its construction permit subject to the substitution of Channel 275, as is being done. Therefore, a show cause order need not be issued. Instead, we shall order the change in channel and shall issue a modified permit specifying Channel 275.

9. Accordingly, *it is ordered,* Pursuant to authority contained in Sections 4(i), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, that the FM Table of Assignments § 73.202(b) of the Commission's Rules is amended effective April 29, 1974, insofar as the cities listed are concerned to read as follows:

[1] In his petition in support of an additional assignment for Fort Collins, Charles R. Tuma added the student body at Colorado State University to the listed population to get a total of over 60,000 residents. This is incorrect, for as in previous censuses, students are included in the population figures for the city where the college is located. However, as described above, we do not need to rely on such an increment in Fort Collins' population figure.

[2] A Class C channel is involved because the only Class A assignment which could be made would require a site 11 miles from Windsor. From this site, a Class A station would be unable to provide the requisite signal level to Windsor.

[3] The applicant now seeking use of Channel 241 at Laramie will need to amend its application to specify the new channel.

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City	Channel No.
Craig, Colo.	229, 273
Fort Collins, Colo.	227, 256, 300
Greeley, Colo.	222, 241
Laramie, Wyo.	236, 275
Torrington, Wyo.	252A

10. *It is further ordered,* That the outstanding permit for Channel 255 at Laramie, Wyoming, is modified to specify Channel 275.

11. *It is further ordered,* That the proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 306, 307.)

Adopted: March 13, 1974.

Released: March 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6595 Filed 3-20-74;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-8267, S7-435]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Requirements that Registered Investment Companies Maintain Fidelity Bonds for Certain Officers and Employees

On September 7, 1973, the Securities and Exchange Commission published notice (Investment Company Act of 1940 Release No. 7980 [38 FR 26133]) that it had under consideration the adoption of a revised amendment to Rule 17g–1 [CFR 270.17g–1] under the Investment Company Act of 1940 ("Act") [1] and invited all interested persons to submit their views and comments on the proposal. The Commission has considered all of the comments and suggestions received and has determined to adopt the amendment of Rule 17g–1 in the form set forth below. The amendment to Rule 17g–1 is adopted pursuant to the authority granted to the Commission by Sections 6(c), 17(d), 17(g) and 38(a) of the Act. [15 U.S.C. 80a–6(c), 80a–17(d), 80a–17(g), 80a–37(a)].

Section 17(g) of the Act authorizes the Commission to require by rules and regulations, for the protection of investors, that any officer and any employee of a registered management investment company be bonded by a reputable fidelity insurance company against larceny and embezzlement if such officer or employee has access, singly or jointly with others, to securities or funds of any registered investment company, either directly or through authority to draw upon such funds, or to direct generally the disposition of such securities.

[1] Investment Company Act of 1940 Release No. 7980 gave notice of revisions of a proposed amendment to Rule 17g–1 published for comment in Investment Company Act of 1940 Release No. 7170 (April 5, 1972) [37 FR 7993].

Rule 17g–1, as formerly in effect, required a registered management investment company to provide and maintain a fidelity bond in such reasonable amount as a majority of its board of directors who were not covered persons would determine, subject to modification by the Commission as to the amount, type, form and coverage of such bond. It also required, among other things, that a copy of the bond be filed with the Commission, and that an investment company notify the Commission immediately upon cancellation or termination of its bond.

COVERAGE AND SCOPE

The amendment to the Rule primarily sets forth minimum required amounts of coverage (paragraph (d)) and permits a registered management investment company to be named as an insured in a single or joint insured bond (paragraph (b)). A single insured bond names the registered management investment company as the only insured. A joint insured bond, pursuant to the amended Rule, could name as insureds the registered management investment company and one or more other parties, provided that such parties shall be limited to (i) persons engaged in the management or distribution of the shares of the registered management investment company, (ii) other registered management investment companies which are managed and/or whose shares are distributed by the same persons (or affiliates of such persons), (iii) persons who are engaged in the management and/or distribution of shares of companies included in (ii) above, (iv) affiliated persons of any registered management investment company named in the bond or of any person included in (i) or (iii) above who are engaged in the administration of any registered management investment company named as insured in the bond, and (v) any trust, pension, profit-sharing or other benefit plan for officers, directors or employees of persons named in the bond.[2] Persons engaged in the "administration" of registered management investment companies may include any persons who perform services for the investment company or are involved in the distribution of its shares, including, for example, in-house service agents, depositors, sponsors and others. The use of joint insured bonds by investment companies is permissive rather than mandatory.[3]

[2] For purposes of subparagraph (b)(3)(v), "employees of persons named in the bond" includes sales representatives of any person included in (b)(3)(i) through (b)(3)(v).

[3] There may be situations in which it is necessary or appropriate in the interest of investors and consistent with the policies and provisions of the Act for persons not included in paragraph (b) of the Rule to be named as joint insureds under the bond. In such instances the Commission will consider an application for exemptive relief to allow such persons to be included.

In this regard, the Commission has also added paragraph (j) to Rule 17g–1 in order to remove any question as to the status of joint insured bonds and the participants therein under Section 17(d) of the Act and Rule 17d–1 thereunder. Section 17(d) and Rule 17d–1(a) [17 CFR 17d–1(a)] in pertinent part, prohibit any affiliated person of or principal underwriter for a registered investment company, or any affiliated person of such person, from participating in any joint transaction, enterprise or other arrangement in which such registered investment company, is also a participant unless an application regarding such joint transaction, enterprise or other arrangement has been filed with, and approved by, the Commission. In view of the possibility that joint insured bonds may constitute joint arrangements as contemplated by section 17(d) and Rule 17d–1(a), paragraph (j) has been added to the Rule to exempt from the provisions of Section 17(d) and the rules thereunder any joint insured bonding arrangement which complies with the provisions of Rule 17d–1, as amended.

The amended Rule also sets forth certain minimum factors to be considered by the directors of investment companies who are not "interested" persons in approving the amount and form of coverage of the bond (paragraph (d)) and the portion of the premium to be paid by investment companies covered under joint insured bonds (paragraph (e)). In approving the form and amount of the bond, the non-interested directors of investment companies should consider, not less than once every twelve months, all relevant factors including, but not limited to, the value of the company's assets to which any covered person may have access, the custody arrangements for such assets, and the nature of the Company's portfolio securities. With respect to approving the portion of the premium to be paid by an investment company covered under a joint insured bond, some of the factors which presumably would be considered include the number of other joint insureds, the business of these insureds, the amount of the bond and premium, and the economies, if any, to be derived from joint, rather than single, bonding coverage.

Pursuant to the amendment, each party named as an insured in a joint bond is required to enter into an agreement with all of the other named insureds providing that in the event of recovery under the bond as a result of a loss sustained by the investment company and one or more other insureds, the investment company shall receive an equitable and proportionate share of the recovery, but at least equal to the amount which it would have received had it maintained a single insured bond with minimum coverage (paragraph (f)).

NOTIFICATION AND FILING

The amendment to Rule 17g–1 also extends the period for notification of cancellations, terminations and modifications of individual and single insured bonds to not less than sixty days prior

to the effective date of cancellation, termination or modification (paragraph (c)). In order to to provide the protections for jointly insured investment companies which presently exist for solely insured investment companies, paragraph (c) further requires that a joint insured bond shall provide that the fidelity insurance company shall furnish to each named investment company under the bond and to the Commission notice of cancellation, termination or modification of the bond not less than sixty days prior to the effective date of cancellation, termination or modification. This paragraph also requires that joint bonds provide that the fidelity insurance company furnish each insured investment company with a copy of the bond and any amendment thereto, a copy of each formal filing of a claim under the bond by any other named insured, and notification of the terms of the settlement of each such claim prior to the execution of such settlement.[4]

Paragraph (g) of the amended Rule sets forth certain filing and reporting requirements for investment companies covered under either single or joint insured bonds similar to those requirements imposed by the former Rule. With respect to the filing requirements of this paragraph, investment companies should attempt to obtain copies of their bonds, and amendments thereto, promptly after execution, and should file the required documents within 10 days after receipt of the executed bond or any executed amendment to such bond.

Registered management investment companies are also required to conform their fidelity bonding arrangements to the provisions of Rule 17g–1, as amended, at the next anniversary date of their existing fidelity bonds, but not later than one year from the effective date of this amendment.

COMMISSION ACTION

The Securities and Exchange Commission pursuant to the authority granted to it by sections 6(c), 17(d), 17(g) and 38(a) of the Investment Company Act of 1940 hereby amends Part 270 of Chapter II of Title 17 of the Code of Federal Regulations by amending § 270.17g–1. The text of § 270.17g–1, as amended, is as follows:

§ 270.17g–1 Bonding of officers and employees of registered management investment companies.

(a) Each registered management investment company shall provide and maintain a bond which shall be issued by a reputable fidelity insurance company, authorized to do business in the place where the bond is issued, against larceny and embezzlement, covering each officer and employee of the investment company, who may singly, or jointly with others, have access to securities or funds of the investment company, either directly or through authority to draw upon such funds or to direct generally the disposition of such securities, unless the officer or employee has such access solely through his position as an officer or employee of a bank (hereinafter referred to as "covered persons").

(b) The bond may be in the form of (1) an individual bond for each covered person or a schedule or blanket bond covering such persons, (2) a blanket bond which names the registered management investment company as the only insured (hereinafter referred to as "single insured bond") or (3) a bond which names the registered management investment company and one or more other parties as insureds (hereinafter referred to as a "joint insured bond"), such other insured parties being limited to (i) persons engaged in the management or distribution of the shares of the registered investment company, (ii) other registered investment companies which are managed and/or whose shares are distributed by the same persons (or affiliates of such persons), (iii) persons who are engaged in the management and/or distribution of shares of companies included in paragraph (b)(3)(ii) of this section, (iv) affiliated persons of any registered management investment company named in the bond or of any person included in paragraph (b)(3)(i) or (b)(3)(iii) of this section hereinabove who are engaged in the administration of any registered management investment company named as insured in the bond, and (v) any trust, pension, profit-sharing or other benefit plan for officers, directors or employees of persons named in the bond.

(c) A bond of the type described in paragraphs (b)(1) or (b)(2) of this section shall provide that it shall not be cancelled, terminated or modified except after written notice shall have been given by the acting party to the affected party and to the Commission not less than sixty days prior to the effective date of cancellation, termination or modification. A joint insured bond described in paragraph (b)(3) of this section shall *Provide,* That (1) it shall not be cancelled terminated or modified except after written notice shall have been given by the acting party to the affected party, and by the fidelity insurance company to all registered investment companies named as insureds and to the Commission, not less than sixty days prior to the effective date of cancellation, termination, or modification and (2) the fidelity insurance company shall furnish each registered management investment company named as an insured with (i) a copy of the bond and any amendment thereto promptly after the execution thereof, (ii) a copy of each formal filing of a claim under the bond by any other named insured promptly after the receipt thereof, and (iii) notification of the terms of the settlement of each such claim prior to the execution of the settlement.

(d) The bond shall be in such reasonable form and amount as a majority of the board of directors of the registered management investment company who are not "interested persons" of such investment company as defined by section 2(a)(19) of the Act shall approve as often as their fiduciary duties require, but not less than once every twelve months, with due consideration to all relevant factors including, but not limited to, the value of the aggregate assets of the registered management investment company to which any covered person may have access, the type and terms of the arrangements made for the custody and safekeeping of such assets, and the nature of the securities in the company's portfolio; provided, however, that (1) the amount of a single insured bond shall be at least equal to an amount computed in accordance with the following schedule:

Amount of Registered Management Investment Company Gross Assets—at the end of the most recent fiscal quarter prior to date of determination (In Dollars)	*Minimum Amount of Bond (In Dollars)*
Up to 500,000	50,000.
500,000 to 1,000,000	75,000.
1,000,000 to 2,500,000	100,000.
2,500,000 to 5,000,000	125,000.
5,000,000 to 7,500,000	150,000.
7,500,000 to 10,000,000	175,000.
10,000,000 to 15,000,000	200,000.
15,000,000 to 20,000,000	225,000.
20,000,000 to 25,000,000	250,000.
25,000,000 to 35,000,000	300,000.
35,000,000 to 50,000,000	350,000.
50,000,000 to 75,000,000	400,000.
75,000,000, to 100,000,000	450,000.
100,000,000 to 150,000,000	525,000.
150,000,000 to 250,000,000	600,000.
250,000,000 to 500,000,000	750,000.
500,000,000 to 750,000,000	900,000.
750,000,000 to 1,000,000,000	1,000,000.
1,000,000,000 to 1,500,000,000	1,250,000.
1,500,000,000 to 2,000,000,000	1,500,000.
Over 2,000,000,000	1,500,000 plus 200,000 for each 500,000,000 of gross assets up to a maximum bond of 2,500,000.

[4] Any provision of any single or joint insured bond which provide for the waiver of any of the notification requirements imposed by this Rule shall be void pursuant to Section 47(a) [15 USC 80a–46(a)] of the Act. Section 47(a) of the Act provides that—

Any condition, stipulation, or provision binding any person to waive compliance with any provision of this title or with any rule, regulation or order thereunder shall be void.

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(2) A joint insured bond shall be in an amount at least equal to the sum of (i) the total amount of coverage which each registered management investment company named as an insured would have been required to provide and maintain individually pursuant to the schedule hereinabove had each such registered management investment company not been named under a joint insured bond, plus (ii) the amount of each bond which each named insured other than a registered management investment company would have been required to provide and maintain pursuant to federal statutes or regulations had it not been named as an insured under a joint insured bond.

(e) No premium may be paid for any joint insured bond or any amendment thereto unless a majority of the board of directors of each registered management investment company named as an insured therein who are not "interested persons" of such company shall approve the portion of the premium to be paid by such company, taking all relevant factors into consideration including, but not limited to, the number of the other parties named as insured, the nature of the business activities of such other parties, the amount of the joint insured bond, and the amount of the premium for such bond, the ratable allocation of the premium among all parties named as insureds, and the extent to which the share of the premium allocated to the investment company is less than the premium such company would have had to pay if it had provided and maintained a single insured bond.

(f) Each registered management investment company named as an insured in a joint insured bond shall enter into an agreement with all of the other named insureds providing that in the event recovery is received under the bond as a result of a loss sustained by the registered management investment company and one or more other named insureds, the registered management investment company shall receive an equitable and proportionate share of the recovery, but at least equal to the amount which it would have received had it provided and maintained a single insured bond with the minimum coverage required by paragraph (d)(1) of this section.

(g) Each registered management investment company shall:

(1) File with the Commission (i) within 10 days after receipt of an executed bond of the type described in paragraphs (b)(1) or (b)(2) of this section or any amendment thereof, (*a*) a copy of the bond, (*b*) a copy of the resolution of a majority of the board of directors who are not "interested persons" of the registered management investment company approving the form and amount of the bond, and (c) a statement as to the period for which premiums have been paid; (ii) within 10 days after receipt of an executed joint insured bond, or any amendment thereof, (*a*) a copy of the bond, (*b*) a copy of the resolution of a majority of the board of directors who are not "interested persons" of the registered management investment company approving the amount, type, form and coverage of the bond and the portion of the premium to be paid by such company, (c) a statement showing the amount of the single insured bond which the investment company would have provided and maintained had it not been named as an insured under a joint insured bond, (*d*) a statement as to the period for which premiums have been paid, and (e) a copy of each agreement between the investment company and all of the other named insureds entered into pursuant to paragraph (f) of this section; and (iii) a copy of any amendment to the agreement entered into pursuant to paragraph (f) of this section within 10 days after the execution of such amendment,

(2) File with the Commission, in writing, within five days after the making of any claim under the bond by the investment company, a statement of the nature and amount of the claim,

(3) File with the Commission, within five days of the receipt thereof, a copy of the terms of the settlement of any claim made under the bond by the investment company, and

(4) Notify by registered mail each member of the board of directors of the investment company at his last known residence address of (i) any cancellation, termination or modification of the bond, not less than forty-five days prior to the effective date of the cancellation or termination or modification, (ii) the filing and of the settlement of any claim under the bond by the investment company, at the time the filings required by paragraph (g) (2) and (3) of this section are made with the Commission, and (iii) the filing and of the proposed terms of settlement of any claim under the bond by any other named insured, within five days of the receipt of a notice from the fidelity insurance company.

(h) Each registered management investment company shall designate an officer thereof who shall make the filings and give the notices required by paragraph (g) of this section.

(i) Where the registered management investment company is an unincorporated company managed by a depositor, trustee or investment adviser, the terms "officer" and "employee" shall include, for the purposes of this rule, the officers and employees of the depositor, trustee, or investment adviser.

(j) Any joint insured bond provided and maintained by a registered management investment company and one or more other parties shall be a transaction exempt from the provisions of section 17(d) of the Act and the rules thereunder, provided that the terms and provisions of such bond comply with the provisions of this rule, and further provided that the terms and provisions of any agreement required by paragraph (f) of this section comply with the provisions of that paragraph.

(k) At the next anniversary date of an existing fidelity bond, but not later than one year from the effective date of this rule, arrangements between registered management investment companies and fidelity insurance companies and arrangements between registered management investment companies and other parties named as insureds under joint insured bonds which would not permit compliance with the provisions of this rule shall be modified by the parties so as to effect such compliance.

(Secs. 6(c), 17(d), 17(g), 38(a); 54 Stat. 800, 815, 84 Stat. 1421, 54 Stat. 841; (15 U.S.C. 80a-6(c), 80a-17(d), 80a-17(g), 80(a)-37(a)))

This amendment shall become effective on April 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 14, 1974.

[FR Doc.74-6723 Filed 3-20-74;8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1308—SCHEDULES OF CONTROLLED SUBSTANCES

Exempt Chemical Preparations

The Administrator of the Drug Enforcement Administration has received applications pursuant to § 1308.23 of Title 21 of the Code of Federal Regulations requesting that several chemical preparations containing controlled substances be granted the exemptions provided for in § 1308.24 of Title 21 of the Code of Federal Regulations.

The Administrator hereby finds that each of the following chemical preparations and mixtures is intended for laboratory, industrial, educational, or special research purposes, is not intended for general administration to a human being or other animal, and either (a) contains no narcotic controlled substance and is packaged in such a form or concentration that the package quantity does not present any significant potential abuse, or (b) contains either a narcotic or nonnarcotic controlled substance and one or more adulterating or denaturing agents in such a manner, combination, quantity, proportion or concentration, that the preparation or mixture does not present any potential for abuse. If the preparation or mixture is formulated in such a manner that it incorporates methods of denaturing or other means so that the preparation or mixture is not liable to be abused, and so that the narcotic substance cannot in practice be removed. The Administrator further finds that exemption of the following chemical preparations and mixtures is consistent with the public health and safety as well as the needs of researchers, chemical analysts, and suppliers of these products.

Therefore, under the authority vested in the Attorney General by sections 301 and 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 and 871(b)) and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973) the Administrator hereby orders that Part 1308 of Title 21 of the Code of Federal Regulations be amended as follows:

By amending § 1308.24(i) by adding the following chemical preparations:

§ 1308.24 Exempt chemical preparations.

* * * * *

(i) * * *

Manufacturer or supplier	Product name and supplier's catalog number	Form of product	Date of application
*	*	*	*
Applied Science Laboratories, Inc	Allylisobutylbarbituric acid, No. 01742	Vial: 1 ml	Jan. 24, 1973
Do	Alphenal, No. 01743	do	Do.
Do	Amobarbital, No. 01744	do	Do.
Do	Amphetamine HCL, No. 01745	do	Do.
Do	Aprobarbital, No. 01746	do	Do.
Do	Barbital, No. 01747	do	Do.
Do	Butabarbital, No. 01748	do	Do.
Do	Butethal, No. 01749	do	Do.
Do	Cocaine, No. 01750	do	Do.
Do	Codeine, No. 01751	do	Do.
Do	Diallylbarbituric acid, No. 01752	do	Do.
Do	Ethchlorvynol, No. 01753	do	Do.
Do	Ethinamate, No. 01754	do	Do.
Do	Ethylmorphine HCL, No. 01755	do	Do.
Do	Glutethimide, No. 01756	do	Do.
Do	Hexobarbital, No. 01757	do	Do.
Do	Hydrocodone Bitartrate, No. 01758	do	Do.
Do	Meperidine HCL, No. 01759	do	Do.
Do	Mephobarbital, No. 01760	do	Do.
Do	Meprobamate, No. 01761	do	Do.
Do	Mescaline, No. 01762	do	Do.
Do	Methadone HCL, No. 01763	do	Do.
Do	Methamphetamine HCL, No. 01764	do	Do.
Do	Methylphenidate, No. 01774	do	Do.
Do	Morphine, No. 01765	do	Do.
Do	Nalorphine, No. 01766	do	Do.
Do	Pentobarbital, No. 01767	do	Do.
Do	Phenazocine HBr, No. 01768	do	Do.
Do	Phencyclidine HCL, No. 01769	do	Do.
Do	Phenobarbital, No. 01770	do	Do.
Do	Secobarbital, No. 01771	do	Do.
Do	Thebaine, No. 01772	do	Do.
Do	Thiamylal, No. 01773	do	Do.
*	*	*	*
Grand Island Biological Co	Complement Fixation Buffer Solution, pH 7.3-7.4, NDC 011815 0247 1.	Bottle: 1 Liter	Jan. 28, 1974
Do	Diseragen, NDC 011815 1548 1	Vial: 50 ml	Nov. 21, 1973
Do	Diseragen, NDC 011815 1548 2	Vial: 100 ml	Do.
Do	Dextrose-Gelatin-Veronal with Bovine Albumin.	do	Do.
Do	do	Vial: 500 ml	Do.
Do	Electrophoresis Buffer Solution, pH 8.6, NDC 011815 0245 1.	Bottle: 1 Liter	Jan. 28, 1974
Do	I.E.P. Buffer Solution, pH 8.2, NDC 011815 0246 1.	do	Do.
Do	Gibform Adsorption Cells, NDC 011815 0225 1.	Vial: 6 ml	Nov. 21, 1973
Do	Gibform Indicator Cells, NDC 011815 0220 1.	Vial: 15 ml	Do.
*	*	*	*
Hoffman LaRoche, Inc	Abuscreen™ Mor-Barb Radioimmunoassay for Morphine-Barbiturates.	Vial: 5 ml., 60 ml., and 100 ml. Bottle: 500 ml.	Dec. 27, 1973
Do	Abuscreen™ Radio-immunoassay for Amphetamine.	Kit containing Vials of 5 ml., 30 ml., and 100 ml. and Bottle: 500 ml.	Jan. 14, 1974
*	*	*	*
LKB Instruments, Inc	Barbital Buffer pH 8.6, No. LKB-5104-180.	Vial: 290 ml	Jan. 3, 1974
*	*	*	*
Millipore Corp	Electro-AgaroSlide Buffer No. 1 Cat. No. XE21 032 20.	Vial: 10.19 gm	Jan. 29, 1974
Do	Electro-AgaroSlide Electrophoresis Diluent No. 1, Cat. No. XE21 032 30.	Bottle: 120 ml	Do.
*	*	*	*

Effective date. This order is effective March 21, 1974. Any interested person may file written comments on or objections to the order on or before May 20, 1974. If any such comments or objections raise significant issues regarding any finding of fact or conclusion of law upon which the order is based, the Administrator shall immediately suspend the effectiveness of the order until he may reconsider the application in light of the comments and objections filed. Thereafter, the Administrator shall reinstate, revoke or amend his original order as he determines appropriate.

Dated: March 15, 1974.

ANDREW C. TARTAGLINO,
Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.74-6538 Filed 3-20-74;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Directive 74-2]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart R—Drug Enforcement Administration

APPENDIX TO SUBPART R—REDELEGATION OF FUNCTIONS

Under the authority delegated to the Administrator of the Drug Enforcement Administration by §§ 0.100 and 0.104 of Subpart R, I hereby make the following change in Directive 73-1, 38 FR 18381.

Section 3 is amended by adding a new paragraph (e) as follows:

SECTION 3. Enforcement officers.

* * * * *

(e) The Chief Inspector and Inspectors-in-Charge of field inspection offices are authorized to sign and issue subpoenas under 21 U.S.C. 875 and 876.

Dated: March 14, 1974.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-6537 Filed 3-20-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Subchapter G—Engineering and Traffic Operations

PART 652—BIKEWAYS AND WALKWAYS IN CONJUNCTION WITH FEDERAL AND FEDERAL-AID HIGHWAYS

By virtue of authority contained in 23 U.S.C. 106, 217 and 315, the Federal Highway Administration hereby issues this regulation. In that this material is a matter relating to a grant program, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking opportunity for public participation and delay in effective date are inapplicable. Further, delay in promulgation of this regulation would hinder the use of funds appropriated for use in fiscal year 1974 for bikeways and walkways

However, because of public interest in this matter, interested persons may submit comments on this regulation to the Associate Administrator for Engineering and Traffic Operations, Federal Highway Administration, Washington, D.C. 20590, Attention: Bikeways, FHWA Docket No. 74-1, by April 5, 1974. Material thus submitted will be considered and evaluated in determining any changes to this regulation. Until such time as further changes are made, the regulation as here set forth shall remain in effect.

Sec.
652.1. Purpose.
652.2. Definition.
652.3. Policy.

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Sec.
652.4. Federal Participation.
652.5. Planning.
652.6. Programming.

AUTHORITY: (23 U.S.C.) 106, 217 and 315.

§ 652.1 Purpose.

The purpose of this subsection is to provide policies and procedures relating to bicycle and pedestrian facilities on Federal-aid system highways and Federal participation in the cost of these facilities.

§ 652.2 Definitions.

(a) "Bicycle" means a two-wheeled vehicle propelled solely by human power.

(b) "Bikeway" means a continuous way designated for use of bicycles and other vehicles propelled by human power.

(c) "Bicycle trail" means a bikeway separated from the through lanes for motor vehicles by space or barrier.

(d) "Shared roadway" means a roadway which may be shared by motor vehicles and bicycles, or a portion of which is reserved for use by bicycles and other nonmotorized vehicles.

(e) "Pedestrian walkway" or "walkway" means a continuous way designated for pedestrians and separated from the through lanes for motor vehicles by space or barrier.

(f) "Highway construction project" means a project financed in whole or in part with Federal-aid or Federal funds for the construction, reconstruction or improvement of a highway or a portion thereof, including bridges and tunnels.

(g) "Independent bikeway or walkway construction project" means a highway construction project to provide bicycle or pedestrian facilities, in contrast with a project whose primary purpose is to serve motorized vehicles.

(h) "Snowmobile" means a motorized vehicle solely designed to operate on ice.

§ 652.3 Policy.

The provision of bicycle and pedestrian facilities on Federal-aid highway projects is encouraged. The construction of bicycle facilities and walkways may be approved as either incidental features of highway construction projects primarily for motor vehicular traffic or as independent bikeway or walkway construction projects where all of the following conditions are satisfied:

(a) The facility will not impair the safety of the motorist, bicyclist or pedestrian.

(b) The facility will be accessible to users or will form a segment located and designed pursuant to an overall plan.

(c) A public agency has formally agreed to:

(1) Operate and maintain the facility.

(2) Ban all motorized vehicles other than maintenance vehicles and, when snow conditions and State or local regulations permit, snowmobiles.

(d) It is reasonably expected that the facility will have sufficient use in relation to cost to justify its construction and maintenance.

§ 652.4 Federal participation.

(a) Bicycle and pedestrian facilities may be constructed as incidental features of highway construction projects where the bikeway or walkway is to be constructed concurrently with the improvement for motor vehicular traffic and the bikeway or walkway will be within the normal right-of-way of the highway, including land acquired under 23 U.S.C. 135 and 319 (Traffic Improvements and Scenic Enhancement Programs). Projects constructed as incidental features or larger highway construction projects may be financed with the same types of Federal-aid funds as the basic highway project, including Interstate projects, and are not subject to the funding limitations for independent bikeway or walkway projects.

(b) Independent bikeway or walkway construction projects may be financed with all types of Federal-aid funds except Interstate, provided the total amount obligated for all such projects in any one State in any one fiscal year does not exceed $2 million for Federal-aid funds or a lesser amount apportioned by the Federal Highway Administrator to avoid exceeding the annual $40 million cost limitation on these projects for all States in a fiscal year. Independent bikeway or walkway projects may be constructed on completed sections of Federal-aid highways. Projects may include the acquisition of land outside the right-of-way, provided the facility will accommodate traffic which would have normally used a Federal-aid highway route, disregarding any legal prohibitions on the use of the route by cyclists or pedestrians.

(c) The Federal share payable for bicycle or pedestrian facilities on a Federal-aid system shall be as provided in 23 U.S.C. 120 for such systems, except that independent bikeway or walkway construction projects on the Interstate System shall be financed as projects on the primary system or urban extensions thereof.

(d) Federal participation in eligible bicycle and pedestrian facilities may include:

(1) The costs of grading, drainage, paving, barriers, landscaping, and structures necessary to accommodate the number and type of users of the facility.

(2) The costs of supplementary facilities such as shelters, parking facilities, bicycle storage facilities and comfort stations.

(3) The costs of traffic control devices including signs, signals and pavement markings.

(4) The costs of fixed source lighting where its use is appropriate.

(5) The costs of curb-cut ramps on new and existing facilities, including those for the physically handicapped.

(6) The costs of right-of-way (land acquisition and relocation assistance) on independent bikeway construction projects.

(7) The costs of walks, barriers and additional widths and lengths on bridges necessary for bikeways and pedestrian walkways for route continuity.

(8) The costs of bikeway and walkway grade separations where:

(i) Vehicular speeds and crossing volumes constitute a hazard of such magnitude as to justify the cost of the structure and the bikeway or walkway cannot be rerouted to another structure, or;

(ii) The separation is necessary because the highway has complete control of access.

§ 652.5 Planning.

Bikeways should be planned as parts of bicycle transportation systems. Where planning is conducted under 23 U.S.C. 134(a), consideration should be given to including bicycle transportation. Funds provided by 23 U.S.C. 307(c) may be used to plan bikeways. Consultation with organized groups of bicyclists is certain to prove valuable in the planning and design of bikeway projects, and such counsel should be actively sought.

§ 652.6 Programming.

(a) Obligation of 1974 fiscal year funds may commence immediately on a first come, first served basis subject to the funding limitations set forth in § 652.4b.

(b) For FY 1975 and 1976, each State shall submit a program covering all independent bikeway or walkway construction projects not later than May 1, 1974, in the case of FY 1975 funds, and May 1, 1975, in the case of FY 1976 funds, identifying proposed projects and the source or sources of funds from which such projects are to be financed. Its proposed obligations shall not exceed $2 million in Federal-aid funds for each fiscal year. In the event the aggregate sum of all Federal and Federal-aid funds proposed to be obligated by all States and Federal agencies exceeds $40 million for either fiscal year 1975 or 1976, funds for obligation will be allocated to the States by the Federal Highway Administrator in relation to the apportionment received by the applicant States under 23 U.S.C., section 104(b) (1), (2), (3) and (6).

Issued on: March 13, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-6734 Filed 3-20-74;10:08 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Sulfur Dioxide Emissions in Arizona and New Mexico

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency approved with specific exceptions, plans for implementation of the national ambient air quality standards submitted by Arizona and New Mexico.

Shortly thereafter, on July 27, 1972 (37 FR 15094), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the plans for these States. On March 23, 1973 (38 FR 7554), the Administrator set forth regulations requiring at least 70 percent control of sulfur dioxide emissions from the Navajo power plant located in the Arizona portion of the Four Corners Interstate Region and the Four Corners and San Juan power plants located in the New Mexico portion of the Four Corners Interstate Region. The Administrator had determined that an extension of the attainment date terminating no later than 36 months from the date of promulgation of the regulation was justified and therefore, granted such an extension to March 15, 1976.

Subsequent to the March 23, 1973, promulgation, Arizona Public Service Company (APS), operator of the Four Corners power plant, and Salt River Project Agriculture Improvement and Power District (SRP), operator of the Navajo power plant, filed petitions for review of EPA's regulation, pursuant to section 307 of the Act, with the Courts of Appeal for both the Ninth and Tenth Circuit. At the same time, representatives of both companies requested that they be given an opportunity to present newly developed data bearing on the March 23 regulations. Therefore, a meeting was convened in San Francisco on August 20, 1973, to receive this new information. In attendance at the meeting were representatives from APS and SRP, several other companies who were litigants in the proceedings before the Ninth and Tenth circuits, representatives of several environmental groups who were also involved in the circuit court cases, representatives from the National Oceanographic and Atmospheric Administration (NOAA), and EPA representatives. The information presented at the meeting by the power companies dealt with the following three main topics:

1. The validity of the assumptions employed in the diffusion model used to calculate the degree of control of sulfur dioxide emissions necessary to attain and maintain the national standards.

2. The final date by which each of the affected power plants must be in total compliance with the promulgated regulation.

3. The format of the equation in the promulgated regulation used to calculate the allowable sulfur oxides emissions.

As a result of EPA's re-evaluation of its March 23, 1973, regulations, the Courts of Appeal have agreed to stay further proceedings on the petitions for review pending the outcome of the Agency's actions on the newly developed data.

After careful consideration, the Administrator concluded that the March 23d regulations ought to be amended as a result of the evidence submitted by the power companies with respect to the final date and the format of the emission limiting equation. Therefore, the Administrator proposed modifications to the March 23 regulations on December 18, 1973 (38 FR 34743), and at the same time proposed approval of the compliance schedules which the power companies had submitted. The principal changes promised on December 18 were: (1) An extension of the final compliance date from March 15, 1976, to July 31, 1977, and (2) Provisions to allow compliance with the 70 percent control requirement on a total plant basis rather than a unit-by-unit basis. The preamble to the December 18 proposal discusses in detail the basis for these changes and elaborates on several other minor changes to the original March 23 regulations.

The preamble to the December 18 proposal also indicates that the data submitted by the companies on the question of 70 percent control was not sufficient to warrant a revision of the position taken by the Agency on this issue in its March 23rd promulgation. Accordingly, the matter of 70 percent control was left unchanged by the December 18th proposal with the explicit understanding that the Agency would review new data on this question as it was received. The power companies have recently submitted results of a plume tracking and monitoring study at the Four Corners plant and a fluorescent-particle tracer study at the Navajo plant in support of their contention that 70 percent control is not necessary to attain the national standards for sulfur dioxide. However, the Administrator has not completed the review of the results of these tests and therefore, no action regarding the degree of control is being taken at this time. As indicated in the preamble to the December 18th regulations, the Administrator will revise the 70 percent control requirement if warranted by the recently submitted information.

The Agency's March 23, 1973, regulations also apply to the San Juan power plant, owned by the Public Service Company of New Mexico (PSCNM). Although they have not filed a petition for review and were not involved in the presentation of additional data to the Agency, PSCNM has submitted a compliance schedule which embodies several of the suggestions made by APS and SRP. Specifically, the compliance schedule does not show compliance until July 31, 1977, largely as a result of provisions for a front-end module testing program. Therefore the December 18 proposal was also applicable to the San Juan plant.

Public hearings on the regulation changes and compliance schedule approvals proposed on December 18 were held on February 5 and 6, 1974, in Phoenix, Arizona and Santa Fe, New Mexico, respectively. Much of the testimony focused on the individual compliance schedules submitted by the power companies; therefore, only minor modifications were made to the December 18 proposals as a result of these hearings. The changes to the December 18 proposal are discussed below:

1. The March 23 regulations included a provision which permitted the power companies to discontinue use of sulfur oxides control equipment when very low sulfur fuel, such as natural or synthetic gas, was being used. The March 23 wording indicated that when emissions were less than a specified lower limit, the 70 percent control requirement did not apply. This provision has been clarified so that the lower limit must be attained by use of low sulfur fuel alone in order to exempt the source from the 70 percent control requirement. Rather than requiring a stack test, the sulfur content of the fuel may be used to determine if the lower limit is met.

2. The December 18 proposal required the power companies to specify by October 1975 the degree of control to be obtained on a unit-by-unit basis such that the overall control on a total plant basis would be 70 percent. The regulations promulgated below specify a 70 percent efficiency for each unit until the power companies submit an alternate proposal. If approved by the Administrator, the regulation will be modified to include the unit efficiencies submitted by the power companies.

The compliance schedules proposed on December 18 have all been modified by the power companies and most of the changes were discussed at the February 5 and 6 public hearings. The compliance schedule for the Navajo plant was revised as a result of a fire which damaged one of the scrubber test modules. This revised schedule, dated February 4, 1974, has been determined to meet the requirements of 40 CFR 51.15 and is approved below. It should be noted that the dates for completion of all interim progress steps in this compliance schedule are enforceable by the Administrator.

The revised compliance schedules submitted for the Four Corners and San Juan plants have not been completely reviewed and thus no action is being taken on these schedules at this time. A separate FEDERAL REGISTER notice involving these schedules will be published shortly.

The regulations promulgated herein are effective on March 21, 1974. The Administrator finds good cause for making the regulations immediately effective, since they impose no immediate requirements, and persons wishing to seek judicial review of these actions may do so without delay.

(42 U.S.C. 1857c-5)

Dated: March 15, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart D—Arizona

Section 52.122 is amended by adding paragraph (e) as follows:

§ 52.122 Extensions.

* * * * *

(e) The Administrator hereby extends to July 31, 1977, the attainment date for the national primary standards for sulfur oxides in the Arizona portion of the Four Corners Interstate Region.

In § 52.125, paragraph (c) is revised to read as follows:

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§ 52.125 Control strategy and regulations: Sulfur oxides.

• • • • •

(c) *Replacemet regulation for Regulation 7–I–4(c) (Fossil fuel-fired steam generators in the Four Corners Interstate Region.)* (1) This paragraph is applicable to the fossil fuel-fired steam generating equipment designated as Units 1, 2, and 3 at the Navajo Power Plant in the Arizona portion of the Four Corners Interstate Region (§ 81.121 of this chapter).

(2) No owner or operator of the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall discharge of cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

$$E=12{,}245\ S \text{ or } e=1{,}540\ S$$

Where:

E=Allowable sulfur oxides emissions (lb./hr.) from all affected units.
e=Allowable sulfur oxides emissions (gm./sec.) from all affected units.
S=Sulfur content, in percent by weight, prior to any pretreatment of the fuel being burned.

(3) For the purposes of this paragraph:

(i) E shall not exceed 21,270 lb./hr. (2,680 gm./sec.).

(ii) If the sum of sulfur oxides emissions from Units 1, 2, and 3 would be less than 3,780 lb./hr. (475 gm./sec.) without the use of emission control equipment, the requirements of subparagraphs (2), (4) (i) and (5) of this paragraph shall not apply for the period of time that the emissions remain below this level.

(iii) The applicability of subdivision (ii) of this subparagraph may be determined through a sulfur balance utilizing the analyzed sulfur content of the fuel being burned and the total rate of fuel consumption in all affected units.

(4) (i) No owner or operator of the fossil fuel-fired steam generating equipment subject to this paragraph shall discharge or cause the discharge of sulfur oxides into the atmosphere from any affected unit in excess of the amount prescribed by the following equations, except as provided in subparagraph (3) (ii) of this paragraph.

$$E_i=0.333\ E \text{ or } e_i=0.333\ e$$

Where:

E=Allowable sulfur oxides emissions (lb./hr.) from all affected units as determined pursuant to subparagraph (2) of this paragraph.
e=Allowable sulfur oxides emissions (gm./sec.) from all affected units as determined pursuant to subparagraph (2) of this paragraph.
E_i=Allowable sulfur oxides emissions (lb./hr.) from each affected unit.
e_i=Allowable sulfur oxides emissions (gm./sec.) from each affected unit.

(ii) The owner or operator of the fossil fuel-fired steam generating equipment to which this paragraph is applicable may submit a request to redesignate the allowable emissions specified in subdivision (i) of this subparagraph. Such a request shall be sumitted no later than December 2, 1974, and shall demonstrate that sulfur oxides emissions on a total plant basis will not exceed those specified in subparagraphs (2) and (3) (i) of this paragraph. Upon receipt and evaluation of such request, the Administrator shall consider such and if appropriate, redesignate the allowable emissions specified in subdivision (i) of this subparagraph.

(5) All sulfur oxides control equipment at the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall be operated at the maximum practicable efficiency at all times, without regard to the allowable sulfur oxides emissions, determined according to subparagraph (2) or (3) of this paragraph, except as provided in subparagraph (3) (ii) of this paragraph.

(6) Compliance with this paragraph shall be in accordance with the provisions of § 52.134(a).

(7) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed in § 60.46(c) (2) and (c) (4) of this chapter. The test methods for determining the sulfur content of fuel shall be those specified in § 60.45(c) and (d) of this chapter.

Source	Location	Regulation involved	Effective date	Final compliance date
Salt River Project Agriculture Improvement and Power District.	Coconino County....	40 CFR 81.125(c) [1]....	Immediately [2]..	July 31, 1977

[1] Federally promulgated regulation.
[2] Compliance schedule dated February 4, 1974 and transmitted to EPA on February 5, 1974.

§ 52.131 [Amended]

In § 52.131, the attainment date table is amended by replacing the date "March 15, 1976" for attainment of the primary and secondary standards for sulfur oxides in the Four Corners Interstate Region, with the date "July 31, 1977."

§ 52.134 [Amended]

1. In § 52.134, paragraph (a) (2) is amended by replacing the date "March 15, 1976" for compliance with § 52.125(c) with the date "July 31, 1977."

2. Section 52.134 is amended by adding a new paragraph (b) as follows:

• • • • •

(b) Compliance schedules for the sources identified below are approved as meeting the requirements of paragraph (a) of this section. All regulations cited are air pollution control regulations of the State, unless otherwise noted. Approval of a compliance schedule includes approval of all dates for achievement of increments of progress and final compliance as specified therein, and failure to achieve an increment of progress or final compliance by the specified date will be considered a violation of the compliance schedule.

Subpart GG—New Mexico

In § 52.1624, paragraph (c) is revised to read as follows:

§ 52.1624 Control strategy and regulations: Sulfur oxides.

• • • • •

(c) *Replacement regulation for Regulation 602.B (Fossil fuel-fired steam generators in the Four Corners Interstate Region).* (1) No owner or operator of the fossil fuel-fired steam generating equipment designated as Units 1, 2, 3, 4, and 5 at the Four Corners power plant in the New Mexico portion of the Four Corners Interstate Region (§ 82.121 of this chapter) shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

$$E=13{,}850\ S \text{ or } e=1{,}745\ S$$

Where:

E=Allowable sulfur oxides emissions (lb./hr.) from all affected units.
e=Allowable sulfur oxides emissions (gm./sec.) from all affected units.
S=Sulfur content, in percent by weight, prior to any pretreatment of the fuel being burned.

(2) No owner or operator of the fossil fuel-fired steam generating equipment designated as Unit 2 at the San Juan power plant in the New Mexico portion of the Four Corners Interstate Region (§ 82.121 of this chapter) shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

$$E=1{,}930\ S \text{ or } e=240\ S$$

Where:

E=Allowable sulfur oxides emissions (lb./hr.)
e=Allowable sulfur oxides emissions (gm./sec.)
S=Sulfur content, in percent by weight, prior to any pretreatment of the fuel being burned.

(3) For the purposes of subparagraph (1) of this paragraph: (i) E shall not exceed 19,680 lbs./hr. (2,480 gm./sec.). (ii) If the sum of sulfur oxides emissions from Units 1, 2, 3, 4, and 5 would be less than 3,500 lbs./hr. (440 gm./sec.) without the use of emission control equipment, the requirements of subparagraphs (1), (5) (i) and (6) of this paragraph shall not apply for the period of time that the emissions remain below this level. (iii) The applicability of subdivision (ii) of this subparagraph may be determined through a sulfur balance utilizing the analyzed sulfur content of the fuel being burned and the total rate of fuel consumption in all affected units.

(4) For the purposes of subparagraph (2) of this paragraph: (i) E shall not exceed 3,040 lbs./hr. (385 gm./sec.). (ii) If the sulfur oxides emissions from Unit 2 would be less than 540 lbs./hr. (68 gm./sec.) without the use of emission control equipment, the requirements of subparagraphs (2) and (6) of this paragraph shall not apply for the period of time that the emissions remain below this level. (iii) The applicability of subdivision (ii) of this subparagraph may be determined through the use of the analyzed sulfur content of the fuel being burned and the total rate of fuel consumption in the affected unit.

(5) (i) No owner or operator of the fossil fuel-fired steam generating equipment subject to subparagraphs (1) and (3) of this paragraph shall discharge or cause the discharge of sulfur oxides into the atmosphere from any affected unit in excess of the amount prescribed for that unit by the following equations, except as provided in subparagraph (3) (ii) of this paragraph.

For Unit 1; $E_1=0.084E$ or $e_1=0.084\ e$
For Unit 2; $E_2=0.084E$ or $e_2=0.084\ e$
For Unit 3; $E_3=0.108E$ or $e_3=0.108\ e$
For Unit 4; $E_4=0.362E$ or $e_4=0.362\ e$
For Unit 5; $E_5=0.362E$ or $e_5=0.362\ e$

Where:

E=Allowable sulfur oxides emissions (lb./hr.) from all affected units as determined pursuant to subparagraph (1) of this paragraph.
e=Allowable sulfur oxides emissions (gm./sec.) from all affected units as determined pursuant to subparagraph (1) of this paragraph.
E_{1-5}=Allowable sulfur oxides emissions (lb./hr.) from the affected unit. hr.) from
e_{1-5}=Allowable sulfur oxides emissions (gm./sec.) from the affected units.

(ii) The owner or operator of the fossil fuel-fired steam generating equipment subject to subparagraphs (1) and (3) of this paragraph may submit a request to redesignate the allowable emission specified in subdivision (i) of this subparagraph. Such a request shall be submitted no later than October 1, 1975, and shall demonstrate that sulfur oxides emissions on a total plant basis will not exceed those specified in subparagraphs (1) and (3) (i) of this paragraph. Upon receipt and evaluation of such request, the Administrator shall consider such and if appropriate, redesignate the allowable emissions specified in subdivision (i) of this subparagraph.

(6) All sulfur oxides control equipment at the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall be operated at the maximum practicable efficiency at all times, without regard to the allowable sulfur oxides emissions determined according to subparagraph (1), (2), (3), or (4) of this paragraph, except as provided in subparagraphs (3) (ii) and (4) (ii) of this paragraph.

(7) Compliance with this paragraph shall be in accordance with the provisions of § 52.1626(c).

(8) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed in § 60.46(c) (2) and (c) (4) of this chapter. The test methods for determining the sulfur content of fuel shall be those specified in § 60.45 (c) and (d) of this chapter.

§ 52.1626 [Amended]

In § 52.1626, paragraph (c) (3) is amended by replacing the date "March 15, 1976" for compliance with § 52.1624(c) of this chapter with the date "July 31, 1977."

§ 52.1630 [Amended]

In § 52.1630, the attainment date table is amended by replacing the date "March 1976" for attainment of the primary and secondary standards for sulfur oxides in the Four Corners Interstate Region, with the date "July 31, 1977."

In § 52.1631, paragraph (a) is revised to read as follows:

§ 52.1631 Extensions.

(a) The Administrator hereby extends to July 31, 1977, the attainment date for the primary standards for sulfur oxides in New Mexico's portion of the Four Corners Interstate Region.

[FR Doc.74–6568 Filed 3–20–74;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1–89]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Functions Under the International Voyage Load Line Act of 1973

The purpose of this amendment is to delegate to the Commandant of the Coast Guard functions vested in the Secretary by the International Voyage Load Line Act of 1973 (October 1, 1973, Pub. L. 93–115, 87 Stat. 418).

Since this amendment relates to Departmental management, procedures, and practices, notice and public comment thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, paragraph (o) of § 1.46 of Part 1 of Title 49, Code of Federal Regulations, is amended by adding a new subparagraph (6), to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

• • • • • •

(o) • • •

(6) International Voyage Load Line Act of 1973 (Pub. L. 93–115).

Effective date: This amendment is effective March 21, 1974.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on March 19, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74–6730 Filed 3–20–74;9:18 am]

[OST Docket No. 1; Amdt. 1–90]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Functions with Respect to the International Bridge Act of 1972

The purpose of this amendment is to delegate to the Commandant of the Coast Guard, the Federal Highway Administrator, the Federal Railroad Administrator, the Administrator of the St. Lawrence Seaway Development Corporation, and the Assistant Secretary for Environment, Safety, and Consumer Affairs functions vested in the Secretary by the International Bridge Act of 1972 (Pub. L. 92–434, 86 Stat. 731).

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulation, is amended, effective March 21, 1974, as follows:

1. Section 1.46 is amended by adding a new paragraph (r) to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

• • • • • •

(r) Carry out the functions vested in the Secretary by section 5 of the International Bridge Act of 1972 (Pub. L. 92–434) as it relates to navigable waterways other than the St. Lawrence River.

2. Section 1.48 is amended by adding a new paragraph (q) to read as follows:

§ 1.48 Delegations to Federal Highway Administrator.

• • • • • •

(q) Carry out the functions vested in the Secretary by section 5 (as it relates to bridges, other than railroad bridges, not over navigable waterways), and sections 6 and 8(a) (as they relate to all bridges other than railroad bridges) of the International Bridge Act of 1972 (Pub. L. 92–434).

3. Section 1.49 is amended by adding a new paragraph (r) to read as follows:

§ 1.49 Delegations to Federal Railroad Administrator.

• • • • • •

(r) Carry out the functions vested in the Secretary by section 5 of the International Bridge Act of 1972 (Pub. L. 92–434) as it relates to railroad bridges not over navigable waterways.

4. Section 1.50a is revised to read as follows:

§ 1.50a Delegations to Administrator of the St. Lawrence Seaway Development Corporation.

The Administrator of the St. Lawrence Seaway Development Corporation is delegated authority to—

(a) Carry out the functions vested in the Secretary by sections 101, 102, 104, 106, and 107 of the Ports and Waterways Safety Act of 1972 (Pub. L. 92–340) as they relate to the operation of the St. Lawrence Seaway.

(b) Carry out the functions vested in the Secretary by section 5 of the International Bridge Act of 1972 (Pub. L. 92–434) as it relates to the St. Lawrence River.

5. Section 1.58 is amended by amending the catchline and adding a new paragraph (g) to read as follows:

§ 1.58 Delegations to Assistant Secretary for Environment, Safety, and Consumer Affairs.

• • • • • •

(g) Carry out the functions vested in the Secretary by section 5 of the Inter-

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rational Bridge Act of 1972 (Pub. L. 92-434) as it relates to pipelines not over navigable waterways.

Effective date. This amendment is effective March 21, 1974.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)).)

Issued in Washington, D.C., on March 19, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-6729 Filed 3-20-74;9:17 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket 70-20; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity

This notice responds to petitions for reconsideration of the amendment of Motor Vehicle Safety Standard No. 301 (9-1-73), and amends certain portions of the standard effective September 1, 1975.

Federal Motor Vehicle Safety Standard No. 301 (9-1-75), 49 CFR 571.301, effective September 1, 1975, was published on August 20, 1973 (38 FR 22397). Thereafter, pursuant to 49 CFR 553.35 petitions for reconsideration of the rule were received from twelve petitioners. The following discussion considers the issues raised by the commenters and the disposition accorded each by the NHTSA.

Application. The Recreational Vehicle Institute (RVI) challenged the application of the standard to motor homes and other recreational vehicles, alleging a relatively minimal risk of fire due to lack of fuel system integrity, and a great expense in conducting the specified tests. The NHTSA does not share RVI's position on these issues in view of the purpose of the standard. The NHTSA intends that Standard No. 301 achieve a degree of fuel system integrity sufficient to protect the occupants of a motor vehicle from injury resulting from fuel-induced fires. Although the testing necessary to accomplish this end may entail additional costs for the recreational vehicle manufacturer, the expense is considered justified in order to ensure the safety of passengers customarily carried in a recreational vehicle. Despite RVI's assertion that the frequency of fuel system fires is not as high in recreational vehicles as in passenger cars, a recreational vehicle is still susceptible to the fuel spillage occasioned by collision and thus is properly under the coverage of the standard.

Effective date. Jeep, American Motors, Nissan, and RVI objected to the standard's September 1, 1975, effective date, asserting a need for more time to design a fuel system, develop the necessary test equipment, and assure the availability of adequate test facilities. RVI requested that the effective date for recreational vehicles be delayed until 1977 to allow more time for gaining experience with complete and incomplete vehicles used in motor home manufacturing. These requests have all been denied.

The NHTSA has determined that the time period provided for developing conforming vehicles and satisfactory testing equipment is reasonable and sufficient. The need for vehicles equipped with complying fuel systems is great, and in the interest of safety, delays for the reasons asserted have not been found to be justified.

Fuel spillage. Six petitioners commented that the form of measurement of fuel spillage was ambiguous, and requested a clarification. The NHTSA is in accord with the petitioners' requests and is amending the standard to specify that any fuel spilled be measured by weight as opposed to volume.

Comments were received from a number of petitioners requesting that the requirements for fuel spillage be interpreted to indicate that the fuel loss is to be averaged over the designated period of time in order to determine compliance with the 1-ounce-per-minute specification. The supporting arguments for these requests tended to focus on the impracticality of requiring that the rate of allowable fuel spillage be less than 1 ounce per minute when measured on a minute-to-minute basis, due to the possibility that fluid might escape from the vehicle at various locations which were not anticipated and prevent an accurate rate of discharge measurement.

The NHTSA has granted the petitions in part. Practical limits of the testing procedure are considered to preclude a precise measurement of leakage rate for the first 5 minutes following a fixed barrier or rollover test. Therefore, for the first 5 minutes following the frontal impact test and the first 5 minutes of testing at each 90° increment during the rollover test, a total leakage of not more than 5 ounces of fuel by weight will constitute compliance with the standard. Five minutes is found to be sufficient time for leaks to be discovered and for an accurate rate of flow measurement to be initiated. For the specified observation time subsequent to the first 5 minutes of designated crash and rollover testing, the maximum spillage requirement remains 1 ounce in any single minute.

Japan Automobile Manufacturers Association (JAMA) asked whether the standard would allow them to drain off the engine coolant and lubricating oil prior to the rollover test, since some leakage of these fluids would most probably have occurred as a result of the barrier impact. Nissan also pointed out the difficulty possibly caused by the mixing of various discharged fluids during the static rollover test. The NHTSA finds no justification for a change in this requirement. One of the test conditions designated in this standard is that the vehicle be equipped with maximum capacity of all fluids (other than fuel, for which a fill range is specified) necessary for operation. If the various fluids become mixed they may be separated by means of a laboratory procedure which allows accurate measurement of the amount of fuel spilled. A manufacturer need not, however, utilize a standard's specified testing procedure during his own vehicle testing as long as he uses some reliable means of assuring that his vehicle meets the performance requirements of the standard. The NHTSA does not certify as acceptable various procedures suggested by manufacturers. The standard does, however, indicate the manner in which this agency will test a vehicle, and it is the vehicle's performance under these conditions which will determine its satisfactory compliance with the standard.

Chrysler objected to the stringent fuel spillage requirement applicable during the rollover test. It asked that the fuel which generally escapes from the carburetor bowl during a rollover not be included in the amount of fuel discharged from the vehicle. Its request was based partly on the alleged difficulty of developing a means capable of containing the carburetor fuel during a rollover, and partly on the assertion that the rapid motion of a vehicle involved in an actual rollover crash would so widely disperse the small amounts of carburetor fuel as to negate the possibility of combustion.

The NHTSA finds Chrysler's petition unacceptable, having determined that the escape of carburetor fuel can constitute a safety hazard. The thrust of the standard is to ensure that manufacturers develop systems which will prevent this leakage. Accordingly, the amount of fuel released by the carburetor during testing must be included with the fuel escaping from any other part of the system in determining whether a vehicle conforms to the standard.

In an addendum to their petition for reconsideration, Mercedes-Benz requested that diesel-powered vehicles be excluded from the standard, because diesel fuel's flash point is higher than that of gasoline. While diesel fuel is somewhat safer than gasoline, it is not impossible to ignite it by means of hot sparks, especially battery sparks thrown off during a crash. The fact that diesel fuel may not ignite quite as readily does not remove the potential for fuel-related fires which the standard seeks to reduce. The Mercedes request is therefore denied.

Test requirements. Nissan requested that it be allowed to conduct the barrier crash test and the rollover test with two different vehicles, because it felt that accidents involving a frontal crash and rollover in sequence were so infrequent as to render the present testing unrealistic and impracticable.

The NHTSA finds this argument without merit. Allowing the use of different vehicles for the frontal impact and rollover tests would undermine the intent of the standard. The purpose of the rule is to ensure that the fuel systems of motor vehicles are capable of withstanding the impacts prescribed without creating a hazardous situation for the occupants, and sequential impact testing with a single vehicle is, in NHTSA's opinion, necessary to demonstrate fuel system integrity.

Ford Motor Company assailed the appropriateness of the amended standard on the basis of a cost-benefit analysis which it had prepared on the rollover test and fuel spillage requirements. Ford asserted that compliance with the rollover requirement alone would create a "Retail Price Equivalent" (the sticker price with no provision for Ford profit) of $11.20 per passenger car and $12.15 per light truck, and would constitute a benefit/cost ratio of ⅓. It also contended that the NHTSA estimate of 2000 to 3500 annual deaths attributable to crash-caused fires was incorrect and that a National Safety Council estimate of 600 to 700 annual fire deaths was more realistic.

The NHTSA does not accept Ford's argument. Ford postulated a cost/benefit analysis based upon the purported effect of only one aspect of the standard. This agency is in disagreement not only with Ford's narrow analysis, but with the figures it relied upon in reaching their conclusions. In determining the cost/benefit ratio of the standard, the NHTSA took into account the impact of the standard as a whole and considered the cost of model changes and new tooling as well as the number of lives currently lost due to fuel system fires and the number of lives expected to be saved through implementation of the standard. Although the NHTSA uses cost-benefit analysis as a decision-making tool, it is not a perfect one, depending necessarily on extremely imprecise assumptions concerning benefits to be achieved. Granting that reasonable persons may differ on their cost-benefit projections, this agency does not consider that to be a conclusive argument against a safety requirement. On the basis of its own analysis the NHTSA is convinced that the measures provided in the standard are appropriate, reasonable, and necessary.

Vehicle loading. Most petitioners objected to the standard's vehicle weight and weight distribution test conditions, claiming that they are unrealistic and preclude the combining of tests for compliance with more than one standard. The most frequent suggestion was that the weight and distribution conditions contained in Standard No. 208 and in the proposed amendment to Standard No. 301 (Docket No. 73-20; Notice 1), published August 20, 1973 (38 FR 22417), be adopted. The majority of commenters to the Docket No. 73-20, Notice 1 proposal were likewise supportive of adoption of the loading requirements as proposed. The conditions favored specify, in the case of a passenger car, unloaded vehicle weight plus rated cargo and luggage capacity weight, secured in the luggage area, plus the weight of a 50th percentile test dummy as specified in 49 CFR Part 572 at each front outboard seating position and at any other position whose protection system is required to be tested by a dummy under the provisions of Standard No. 208. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant. In the case of a multipurpose passenger vehicle, truck, or bus the condition would be unloaded vehicle weight plus 300 pounds or its rated cargo and luggage capacity weight, whichever is less, secured in the load carrying area and distributed as nearly as possible in proportion to its gross axle weight ratings, plus the weight of the same dummies as designated for passenger car testing.

The loading conditions are being amended substantially as proposed. The advantages of adoption of the proposed loading conditions over the curb weight conditions suggested by several petitioners and commenters are twofold. First, the loading conditions here adopted may allow simultaneous testing for compliance under more than one standard. Second, the proposed provisions would present loading conditions that, although somewhat more stringent, are frequently encountered as vehicles are used.

Several petitioners and commenters objected to the requirement that the load be "secured" during testing. The NHTSA recognizes that a fixing of the load so as to prevent a significant absorption of energy during crash testing is not as representative of real-life conditions as a sliding load. However, such fixing has been found necessary in order to assure objectivity and repeatability in testing, since test results with a sliding load will vary from test to test.

It was suggested by two commenters that the manufacturer be given an option as to the manner in which he tests his vehicles if he chooses to conduct separate compliance tests for individual standards. The safety standards issued by this agency are not directives to the manufacturer, and in that sense he always has "options" as to how he tests. The standards are simply performance levels the vehicle must meet when tested by this agency. The establishment of similar loading conditions for different standards is intended primarily to reduce the cost of testing, and a manufacturer is free not to combine his tests as he wishes. Further, a manufacturer may do such things as substitute his own devices for those specified in a standard gauged for combined testing if he can reliably determine that the test results provide an accurate assessment of the vehicle's performance capabilities when tested according to the standard.

The inapplicability of the occupant crash protection requirements of Standard No. 208 to multipurpose passenger vehicles and trucks prior to 1977 was noted by some commenters who requested that these vehicles also remain exempt from application of the proposed loading requirements for Standard No. 301 until 1977. The NHTSA cannot grant this request. The proposed loading conditions of Standard No. 301 have been stipulated with a view toward ensuring under a wide range of conditions the fuel system integrity of a vehicle during a crash. Standard 301 meets an important safety need apart from Standard 208, and this agency intends to proceed with it on its own merits.

Many petitioners requested that the fuel loading requirement be revised to specify that the fuel tank be filled during testing to 90 percent of capacity, arguing that the present requirement represents a condition which is unrealistic and difficult to comply with during testing. The NHTSA is aware of the problems of thermal expansion and its ability to cause artificial failures during testing for compliance with Standard No. 301. If the fuel system is filled to 100 percent capacity before the test and then is subjected to thermal expansion, there could be leakage in the fuel system unrelated to its crashworthiness, indistinguishable from fuel leakage caused by the various specified crash tests. Therefore, the standard is amended to specify that the fuel tank is to be filled to any level from 90 to 95 percent capacity. The NHTSA finds that this requirement does not significantly reduce the stringency of the standard and realistically maintains its intended effect.

Engine temperature. General Motors (GM) and the Motor Vehicle Manufacturers Association (MVMA) suggested in their petitions that specifications be included in the standard which would designate permissible testing temperatures for the test fuel and the vehicle components. They asserted that changes in fluid volume could occur in the fuel system which would affect the fuel system pressure if the test fuel or vehicle components were not at ambient temperature. GM further proposed that the temperature during the testing procedure be between 60° and 80° F and not be allowed to vary more than 5° F throughout the testing sequence.

The NHTSA has determined that petitioners' requests should be denied. It is intended that the full spectrum of temperatures encountered on the road be reflected in the test procedure. Thus, even if it were shown that the fuel system integrity might be affected by changes in fluid volume, such result is certainly consistent with the real situations the standard is intended to ameliorate.

Fuel System. American Motors, MVMA, and GM raised questions concerning the type of fuel to be used during testing. The NHTSA has decided that the present requirement allowing optional use of Stoddard solvent or the fuel normally used to operate the vehicle should be changed to specify Stoddard solvent alone. Docket No. 73-20, Notice 1 proposed a change in the fuel designation by specifying the fuel recommended by the manufacturer during compliance testing. Many commenters objected to the proposed use of operating fuel due to the danger of fire damaging their test equipment. Although testing with actual fuel and an idling engine is theoretically the most realistic means of ascertaining compliance, the protective measures necessary to prevent damage to expensive equipment in the vehicle during testing would probably eliminate the advantage in realism as well as adding to testing costs. Stoddard solvent is considered to be much safer

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in that its tendency to ignite is much less than that of gasoline. The properties of Stoddard solvent with respect to viscosity and permeation make it a viable substitute for actual fuel during testing.

Further confusion was manifested by several petitioners concerning the types of fuel systems subject to the standard's regulation. Due to the evaporative qualities of propane and gaseous fuel and the problems inherent in measuring the spillage of these fuels by the means specified in the standard, the NHTSA has determined that the standard should be amended to except from coverage vehicles which use fuel with a boiling point below 32° F. Regulation of vehicles using propane or gaseous fuel has not, however, been totally rejected. Comments are requested concerning the practicability and feasibility of imposing this standard's fuel system requirements on such vehicles. The infrequent use at present of propane or gaseous fuel by vehicles with a GVWR below 10,000 pounds is an important factor in the NHTSA's decision to except these fuels from the standard's application. Therefore, information regarding anticipated production of vehicles under the standard's coverage whose systems are designed for gaseous fuels should be provided.

Static rollover test conditions. MVMA, American Motors, and GM requested a clarification of the static rollover test procedure. The NHTSA has amended the standard to specifically require that the vehicle be rotated to three successive 90° increments in addition to the position in which it came to rest immediately following impact.

JAMA asked that the designed rate of rotation for the static rollover test be revised to permit any rotation rate which does not exceed 3 minutes. The basis of the request was the fact that the presently prescribed rate of rotation (not less than 1 minute and not more than 3 minutes) would necessitate an alteration of the gears of the Japanese manufacturers' vehicle rolling equipment since the equipment currently operates at a rate of 60 seconds for a 90° rotation.

JAMA's request reflects a misunderstanding which should be cleared up. By changing the rate of rotation to conform to JAMA's request, the NHTSA would be increasing the burden of compliance rather than lessening it. The intent of the standard is to require the vehicle to comply when rotated at any speed between the specified limits, and the manufacturer should ensure compliance across the range. The static rollover test condition is therefore amended by specify that the rotation to each 90° increment will occur in any interval from 1 to 3 minutes. The insertion of the word "any", as explained at 49 CFR 571.4, signifies that the NHTSA may test at any point within that 1 to 3 minute range and the vehicle must conform.

In response to a request for clarification by several petitioners, S7.7 is amended to specify that the vehicle is rotated about its longitudinal axis, with the axis kept horizontal.

In consideration of the foregoing, 49 CFR 571.301, Motor Vehicle Safety Standard No. 301, is amended to read as set forth below.

Effective date: September 1, 1975.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51)

Issued on March 18, 1974.

JAMES B. GREGORY,
Administrator.

§ 571.301 Standard No. 301; fuel system integrity.

S1. *Scope.* This standard specifies requirements for the integrity of motor vehicle fuel systems.

S2. *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes.

S3. *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses that have a GVWR of 10,000 pounds or less and use fuel with a boiling point above 32° F.

S4. *Definition.* "Fuel spillage" means the fall, flow, or run of fuel from the vehicle but does not include wetness resulting from capillary action.

S5. *General requirements.*

S5.1 *Passenger cars.* Each passenger car manufactured on or after September 1, 1975, shall meet all the requirements of this standard.

S5.2 *Vehicles with GVWR of 6,000 pounds or less.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of 6,000 pounds or less manufactured on or after September 1, 1976, shall meet all the requirements of this standard.

S5.3 *Vehicles with GVWR of more than 6,000 pounds but not more than 10,000 pounds.* Each multipurpose passenger vehicle, truck, and bus with a GVWR more than 6,000 pounds and not more than 10,000 pounds manufactured on or after September 1, 1976, shall meet the requirements of S6.1.

S5.4 *Fuel spillage: barrier crash.* Fuel spillage in any barrier crash test shall not exceed 1 ounce by weight from impact until motion of the vehicle has ceased, and shall not exceed a total of 5 ounces by weight in the 5-minute period following cessation of motion. For the subsequent 10-minute period fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S5.5 *Fuel spillage: rollover.* Fuel spillage in any rollover test shall not exceed a total of 5 ounces by weight for the first 5 minutes of testing at each successive 90° increment. For the remaining testing period, at each increment of 90° fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S6 *Test requirements.* Each vehicle shall meet the requirements in sequence without alteration of the vehicle or its contents.

S6.1 *Frontal barrier crash.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, under the applicable conditions of S7, with a 50th percentile test dummy as specified in Part 572 of this chapter at each front outboard seating position and at any other position whose protection system is required to be tested by a dummy under the provisions of Standard No. 208, fuel spillage shall not exceed the limits specified in S5.4.

S6.2 *Rollover.* When the vehicle is rotated on its longitudinal axis at each successive increment of 90°, fuel spillage shall not exceed the limits specified in S5.5.

S7. *Conditions.*

S7.1. *General test conditions.* The following conditions apply to all tests.

S7.1.1 Except as specified in S7.1.3, a passenger car is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage area, plus the weight of the necessary test dummies. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant.

S7.1.2 Except as specified in S7.1.3, a multipurpose passenger vehicle, truck, or bus is loaded to its unloaded vehicle weight plus 300 pounds or its rated cargo and luggage capacity weight, whichever is less, secured in the load carrying area and distributed as nearly as possible in proporation to its gross axle weight ratings, plus the weight of the necessary test dummies. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant.

S7.1.3 The fuel tank is filled to any level from 90 to 95 percent of capacity, and the remainder of the fuel system is filled to its normal operating levels, with Stoddard solvent, having the physical and chemical properties of Type 1 solvent, Table 1 ASTM Standard D484–71, "Standard Specifications for Hydrocarbon Dry Cleaning Solvents."

S7.1.4 *Parking Brake and transmission.* The parking brake is disengaged and the transmission is in neutral.

S7.1.5 *Tires.* Tires are inflated to manufacturer's specifications.

S7.2 *Static rollover test condition.* The vehicle is rotated about its longitudinal axis, with the axis kept horizontal, to each successive increment of 90°, 180°, and 270° at a uniform rate, with 90° of rotation taking place in any time interval from 1 to 3 minutes. After reaching each 90° increment the vehicle is held in that position for 5 minutes.

[FR Doc. 74–6650 Filed 3–19–74; 12:31 pm]

[Docket No. 73–20; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity

The purpose of this notice is to amend Federal Motor Vehicle Safety Standard

No. 301, *Fuel System Integrity*, to upgrade substantially the requirements of the standard by specifying a rear moving barrier crash, a lateral moving barrier crash, and a frontal barrier crash including impacts at any angle up to 30° in either direction from the perpendicular.

A notice of proposed rulemaking published August 20, 1973 (38 FR 22417) proposed the imposition of additional testing requirements designed to ameliorate the dangers associated with fuel spillage following motor vehicle accidents. In an amendment to Standard No. 301, published on the same day as the proposal, a frontal barrier crash and a static rollover test were specified. In order to ensure the safety of fuel systems in any possible collision situation, the NHTSA finds it essential to incorporate additional proposed test requirements into the present standard and to make these requirements applicable to all vehicle types with a GVWR of 10,000 pounds or less.

Comments in response to the proposal were received from 29 commenters. Any suggestions for changes of the proposal not specifically mentioned herein are denied, on the the basis of all the information presently available to this agency. A number of the issues raised in the comments have been dealt with by the agency in its response to the petitions for reconsideration of the final rule issued on August 20, 1973. In its notice responding to the petitions, the NHTSA considered objections to the use of actual fuel during testing, the specified fuel fill level, the application of the standard to vehicles using diesel fuel, the fuel spillage measuring requirement, and the allegedly more stringent loading requirements applicable to passenger cars. The type of fuel subject to the standard was also clarified.

Objections were registered by 13 commenters to the proposed inclusion of a dynamic rollover test in the fuel system integrity standard. As proposed, the requirement calls for a measurement of the fuel loss while the vehicle is in motion. Commenters pointed out the exceptional difficulty in measuring or even ascertaining a leakage when the vehicle is rolling over at 30 mph. The NHTSA has decided that the objections have merit, and has deleted the dynamic rollover test. The results of the dynamic rollover do not provide sufficiently unique data with regard to the fuel system's integrity to justify the cost of developing techniques for accurately measuring spillage during such a test, and of conducting the test itself. The NHTSA has concluded that the severity of the other required tests, when conducted in the specified sequence, is sufficient to assure the level of fuel system integrity intended by the agency.

Triumph Motors objected to the use of a 4,000-pound barrier during the moving barrier impacts, asserting that such large barriers discriminate against small vehicles. Triumph requested that the weight of the barrier be the curb weight of the vehicle being tested in order to alleviate the burden on small vehicles. The NHTSA has concluded that no justification exists for this change. The moving barrier is intended to represent another vehicle with which the test vehicle must collide. The use of a 4,000-pound moving barrier is entirely reasonable since vehicles in use are often over 4,000 pounds in weight and a small vehicle is as likely to collide with a vehicle of that size as one smaller. The NHTSA considers it important that vehicle fuel systems be designed in such a way as to withstand impacts from vehicles they are exposed to on the road, regardless of the differences in their sizes.

Jeep and American Motors objected to the effective dates of the proposed requirements and asked that they be extended. Jeep favors an effective date not earlier than September 1, 1979, and American Motors favors a September 1, 1978 effective date. The NHTSA denies these requests. It has found that the time period provided for development of conforming fuel systems is reasonable and should be strictly adhered to considering the urgent need for strong and resilient fuel systems.

Several commenters expressed concern over the impact of the prescribed testing procedures on manufacturers of low-volume specialty vehicles. The NHTSA appreciates the expense of conducting crash tests on low-production vehicles, realizing that the burden on the manufacturer is related to the number of vehicles he manufactures. However, there are means by which the small-volume manufacturer can minimize the costs of testing. He can concentrate test efforts on the vehicle(s) in his line that he finds most difficult to produce in conformity with the standard. These manufacturers should also be aware that an exemption from application of the standard is available where fewer than 10,000 vehicles per year are produced and compliance would subject him to substantial financial hardship.

In responding to the petitions for reconsideration of the amendment to Standard No. 301, published August 20, 1973, the NHTSA revised the fuel system loading requirement to specify Stoddard solvent as the fuel to be used during testing. In accordance with that amendment, the proposed requirement that the engine be idling during the testing sequence is deleted. However, electrically driven fuel pumps that normally run when the electrical system in the vehicle is activated shall be operating during the barrier crash tests.

In order to fulfill the intention expressed in the preamble to the proposal, that simultaneous testing under Standards Nos. 208 and 301 be possible, language has been added to subparagraph S7.1.5 of Standard No. 301 specifying the same method of restraint as that required in Standard No. 208. In its response to petitions for reconsideration of Standard No. 301 (39 FR_____) the NHTSA amended the standard by requiring that each dummy be restrained during testing only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant.

Suggestions by several commenters that the application of certain crash tests should be limited to passenger cars in order to maintain complete conformance to the requirements of Standard No. 208 are found to be without merit. Enabling simultaneous testing under several standards, although desirable, is not the most important objective of the safety standards. The NHTSA is aware of the burden of testing costs, and therefore has sought to ease that burden where possible by structuring certain of its standards to allow concurrent testing for compliance. It must be emphasized, however, that the testing requirements specified in a standard are geared toward a particular safety need. Application of the tests proposed for Standard No. 301 to all vehicle types with a GVWR of 10,000 pounds or less is vital to the accomplishment of the degree of fuel system integrity necessary to protect the occupants of vehicles involved in accidents.

No major objections were raised concerning the proposed angular frontal barrier crash, lateral barrier crash, or rear moving barrier crash. On the basis of all information available to this agency, it has been determined that these proposed crash tests should be adopted as proposed.

In consideration of the foregoing, 49 CFR 571.301, Motor Vehicle Safety Standard No. 301, is amended to read as set forth below.

Effective date: September 1, 1975, with additional requirements effective September 1, 1976 and September 1, 1977 as indicated.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on March 18, 1974.

JAMES B. GREGORY,
Administrator.

§ 571.301–75 Standard No. 301; Fuel system integrity.

S.1 *Scope.* This standard specifies requirements for the integrity of motor vehicle fuel systems.

S.2 *Purpose.* The purpose of this standard is to reduce deaths and injuries occurring from fires that result from fuel spillage during and after motor vehicle crashes.

S.3 *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses with a GVWR of 10,000 pounds or less.

S4. *Definition.* "Fuel spillage" means the fall, flow, or run of fuel from the vehicle but does not include wetness resulting from capillary action.

S5. *General requirements.*

S5.1 *Passenger cars.* Each passenger car manufactured from September 1, 1975, to August 31, 1976, shall meet the requirements of S6.1 in a perpendicular impact only, and S6.4. Each passenger car manufactured on or after September 1, 1976, shall meet all the requirements of S6.

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S5.2 *Vehicles with GVWR of 6,000 pounds or less.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of 6,000 pounds or less manufactured from September 1, 1976, to August 31, 1977, shall meet all the requirements of S6.1 in a perpendicular impact only, S6.2, and S6.4. Each of these types of vehicles manufactured on or after September 1, 1977, shall meet all the requirements of S6.

S5.3 *Vehicles with GVWR of more than 6,000 pounds but not more than 10,000 pounds.* Each multipurpose passenger vehicle, truck, and bus with a GVWR of more than 6,000 pounds but not more than 10,000 pounds manufactured from September 1, 1976, to August 31, 1977, shall meet the requirements of S6.1 in a perpendicular impact only. Each vehicle manufactured on or after September 1, 1977, shall meet all the requirements of S6.

S5.4 *Fuel spillage: barrier crash.* Fuel spillage in any barrier crash test shall not exceed 1 ounce by weight from impact until motion of the vehicle has ceased, and shall not exceed a total of 5 ounces by weight in the 5-minute period following cessation of motion. For the subsequent 10-minute period fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S5.5 *Fuel spillage: rollover.* Fuel spillage in any rollover test, from the onset of rotational motion, shall not exceed a total of 5 ounces by weight for the first 5 minutes of testing at each successive 90° increment. For the remaining testing period, at each increment of 90° fuel spillage during any 1-minute interval shall not exceed 1 ounce by weight.

S6. *Test requirements.*

S6.1 *Frontal barrier crash.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30° in either direction from the perpendicular to the line of travel of the vehicle, under the applicable conditions of S7, with test dummies as specified in Part 572 of this chapter at each front outboard designated seating position, fuel spillage shall not exceed the limits of S5.4.

S6.2 *Rear moving barrier crash.* When the vehicle is impacted from the rear by a barrier moving at 30 mph, with test dummies as specified in Part 572 of this chapter at each front outboard designated seating position, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.4.

S6.3 *Lateral moving barrier crash.* When the vehicle is impacted laterally on either side by a barrier moving at 20 mph with test dummies as specified in Part 572 of this chapter at the outboard designated seating positions adjacent to the impacted side, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.4.

S6.4 *Static rollover.* When the vehicle is rotated on its longitudinal axis to each successive increment of 90°, following each impact crash of S6.1, S6.2, and S6.3, fuel spillage shall not exceed the limits of S5.5.

S7. *Test conditions.* The requirements of S5 and S6 shall be met under the following conditions. Where a range of conditions is specified, the vehicle must be capable of meeting the requirements at all points within the range.

S7.1 *General test conditions.* The following conditions apply to all tests.

S7.1.1 The fuel tank is filled to any level from 90 to 95 percent of capacity with Stoddard solvent, having the physical and chemical properties of type 1 solvent, Table I ASTM Standard D484–71, "Standard Specifications for Hydrocarbon Dry Cleaning Solvents."

S7.1.2 The fuel system other than the fuel tank is filled with Stoddard solvent to its normal operating level.

S7.1.3 If the vehicle has an electrically driven fuel pump that normally runs when the vehicle's electrical system is activated, it is operating at the time of a barrier crash.

S7.1.4 The parking brake is disengaged and the transmission is in neutral, except that in meeting the requirements of S6.2 the parking brake is set.

S7.1.5 The vehicle, including test devices and instrumentation, is loaded as follows:

(a) Except as specified in S7.1.1, a passenger car is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage area, plus the weight of the necessary test dummies. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant.

(b) Except as specified in S7.1.1, a multipurpose passenger vehicle, truck, or bus is loaded to its unloaded vehicle weight plus 300 pounds or its rated cargo and luggage capacity weight, whichever is less, secured in the load carrying area and distributed as nearly as possible in proportion to its gross axle weight ratings, plus the weight of the necessary test dummies. Each dummy shall be restrained only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant.

S6.1.6 Tires are inflated to manufacturer's specifications.

S7.2 *Lateral moving barrier crash test conditions.* The lateral moving barrier crash test conditions are those specified in S8.2 of Standard No. 208, 49 CFR 571.208.

S7.3 *Rear moving barrier test conditions.* The rear moving barrier test conditions are those specified in S8.2 of Standard No. 208, 49 CFR 571.208, except for the positioning of the barrier and the vehicle. The barrier and test vehicle are positioned so that at impact—

(a) The vehicle is at rest in its normal attitude;

(b) The barrier is traveling at 30 mph with its face perpendicular to the longitudinal centerline of the vehicle; and

(c) A vertical plane through the geometric center of the barrier impact surface and perpendicular to that surface coincides with the longitudinal centerline of the vehicle.

S7.4 *Static rollover test conditions.* The vehicle is rotated about its longitudinal axis, with the axis kept horizontal, to each successive increment of 90°, 180°, and 270° at a uniform rate, with 90° of rotation taking place in any time interval from 1 to 3 minutes. After reaching each 90° increment the vehicle is held in that position for 5 minutes.

[FR Doc.74–6651 Filed 3–19–74;12:32 pm]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[SO NO. 1178]

PART 1033—CAR SERVICE

Distribution of Covered Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of March 1974.

It appearing that an acute shortage of covered hopper cars for transporting shipments of fertilizer exists in the State of Florida; that the railroads serving the fertilizer producing areas of that State are unable to furnish additional system cars for the movement of this traffic; that entire areas of the country are unable to receive adequate supplies of this fertilizer because of these shortages of freight cars; that the United States Department of Agriculture has certified that there is an immediate need for increased shipments of fertilizer into these areas in order to maximize the production of feed grains and other agricultural crops; that a substantial portion of this fertilizer will be routed via, or terminate on the lines named herein; that existing regulations and practices with respect to the use, supply, control and distribution of freight cars are insufficient to secure an adequate supply of covered hopper cars for shipments of fertilizer from Florida origins; that it is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1178 Service Order No. 1178.

(a) *Distribution of covered hopper cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service.

(b) *Assignment of cars to fertilizer traffic.* The carriers named herein shall each withdraw from grain service and forward to the Seaboard Coast Line Railroad Company (SCL) prior to April 1, 1974, one hundred (100) covered hopper cars listed in the Official Railway Equipment Register RER No. 390, issued by W. J. Trezise, as bearing reporting marks assigned to it, having mechanical designation "LO", and having cubic capacity not greater than 4,000 cubic feet and weight carrying capacity not less than 140,000 pounds.

Burlington Northern System, comprising cars of:

Burlington Northern Inc.
The Colorado and Southern Railway Company
Fort Worth and Denver Railway Company

Chessie System, comprising cars of:

The Baltimore and Ohio Railroad Company
The Chesapeake and Ohio Railroad Company
Chicago, Milwaukee, St. Paul and Pacific Railroad Company
Chicago and North Western Transportation Company
Chicago, Rock Island and Pacific Railroad Company
Illinois Central Gulf Railroad Company
Louisville and Nashville Railroad Company

Missouri Pacific System, comprising cars of:

Chicago & Eastern Illinois Railroad Company
Missouri-Illinois Railroad Company
Missouri Pacific Railroad Company
The Texas and Pacific Railway Company
Norfolk and Western Railway Company
Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees
St. Louis-San Francisco Railway Company

Such cars may be used by the SCL only for transporting shipments of fertilizer originating in Florida and routed via the lines of the car owner.

(c) *Delivery of empty cars.* Empty covered hoppers described in paragraph (a) of this section may be sent by the car owner to the SCL at any junction. Cars owned by railroads which do not have a direct connection with the SCL shall be sent to the SCL via the Louisville and Nashville Railroad Company without charge to either the car owner or the SCL. Cars owned by the Penn Central Transportation Company (PC) which are located east of Pittsburgh, Pennsylvania, may be forwarded to the SCL via the Richmond, Fredericksburg and Potomac Railroad Company without charge to either the PC or the SCL or may be delivered to the SCL direct at Norfolk, Virginia.

(d) *Reports required.* Each car owner named in paragraph (a) of this section, shall report to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission, Washington, D.C. 20423 the initial and number of each covered hopper furnished to the SCL for fertilizer service, and the date forwarded to the SCL. The SCL shall report to Director Pfahler the initial, number and date received of each covered hopper received by it under the requirements of this order. No additional reports are required for cars previously reported and returned to the SCL for additional empty movements.

(e) *Retention of cars in service.* Empty covered hoppers sent by the owner to the SCL as required herein shall be returned empty to the SCL via reverse of loaded route for subsequent shipments of fertilizer originating at origins in Florida, until their removal is authorized by this Commission or until this order expires or is vacated. Cars which must be removed from active service because of mechanical defects must be replaced by the car owner in the manner provided in paragraph (c) of this section for delivery of cars to the SCL. The car owner must notify both this Commission and the transportation officer of the SCL the initial and number of the car removed because of mechanical defects and the initial and number of the replacement car, together with the dates of removal and replacement.

(f) *Rules and regulations suspended.* The operation of all tariff provisions and of all other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(g) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(h) *Effective date.* This order shall become effective at 11:59 p.m., March 18, 1974.

(i) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17)), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–6578 Filed 3–20–74;8:45 am]

[REVISED S.O. NO. 1108; Amdt. No. 4]

PART 1033—CAR SERVICE

Reading Co. et al.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of March 1974.

Upon further consideration of Revised Service Order No. 1108 (37 FR 28634; 38 FR 5876, 23792; and 39 FR 1851), and good cause appearing therefor:

It is ordered, That:

§ 1033.1108 Service Order No. 1108. (Reading Company, Richardson Dilworth and Andrew L. Lewis, Jr., Trustees, Authorized to Operate over tracks of Lehigh Valley Railroad Company, John F. Nash and Robert C. Haldeman, Trustees).

Revised Service Order No. 1108 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 15, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m. March 15, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911 (49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–6577 Filed 3–20–74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Piedmont National Wildlife Refuge

The following special regulation is issued and is effective on March 22, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

GEORGIA

PIEDMONT NATIONAL WILDLIFE REFUGE

Sport fishing on the Piedmont National Wildlife Refuge, Round Oak, Georgia, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising approximately 60 acres, are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 17 Executive Park Drive, NE., Atlanta, Georgia 30329. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

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Open Season. March 22, 1974, through September 22, 1974—Allison Lake, the Falling Creek Bridge Area on Round Oak-Juliette Road, and the Little Falling Creek Area at County-Line Bridge.

June 1–September 22, 1974—Lake 2A.

Hours. Daylight hours only (camping prohibited).

Species, Limits, & Equipment. Same as State regulations with the following exceptions:

Boats and boats with electric motors permitted only in Allison Lake and Lake 2A, and boats may not be left in fishing areas overnight. Fishing areas open for bank fishing within posted areas only.

Permits. No special refuge permit is required, but a State license is required and it must be carried on the person and exhibited to Federal or State officers upon request.

General. Weapons and dogs are prohibited. Littering and alcoholic beverages are prohibited. All boats and fishermen must remain at least 30 feet away from wood duck nesting boxes. The destruction, disturbance, or removal of nesting facilities, plants, animals, or any public property is prohibited.

Vehicles. Use only roads and trails that are designated as being open for public travel. Maximum speed on gravel roads open for travel is 15 MPH. No parking on dams. Park vehicles off roads and trails in designated parking areas, so that they don't impede traffic or cause a safety hazard.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 22, 1974.

PHILIP S. MORGAN,
Acting Regional Director, Bureau of Sport Fisheries and Wildlife.

MARCH 12, 1974.

[FR Doc.74-6506 Filed 3-20-74;8:45 am]

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

PART 240—REGULATED COMMERCIAL FISHERIES

Catch Quota

On January 25, 1974, final regulations were published in the FEDERAL REGISTER (39 FR 3272), implementing conservation measures adopted by the International Commission for the Northwest Atlantic Fisheries (ICNAF), which, among others, included a prohibition on possessing haddock caught in Subarea 4 or 5 in amounts exceeding 5,000 pounds or 10 percent by weight of all fish on board, whichever is greater, and a restriction on using fishing gear capable of catching demersal species in Division 4X of Subarea 4, during March through May 1974.

On February 14, 1974, these final regulations were changed by an amendment published in the FEDERAL REGISTER (39 FR 5635), which deleted reference to Subarea 4, because of a reservation made by the Canadian Government concerning the prohibitions in Subarea 4, regarding haddock fishing.

The Department of State has advised that the Canadian Government's reservation was withdrawn as of 0001 hours local time, in the regulation area, March 19, 1974, therefore, it is our intent to amend § 240.11(a) and 240.13 as follows:

1. Section 240.11(a) is amended by adding a reference to Subarea 4 as follows:

§ 240.11 Catch quota.

(a) It shall be unlawful for any person or fishing vessel under the jurisdiction of the United States to possess on board haddock caught in Subareas 4 or 5, in amounts exceeding 5,000 pounds or 10 percent by weight of all fish on board caught in Subareas 4 or 5, whichever is greater.

* * * * *

2. Paragraph (c) of § 240.13 is amended by adding a subparagraph (1) as follows:

§ 240.13 Closed seasons and areas.

* * * * *

(c) * * *

(1) It shall be unlawful for any person under the jurisdiction of the United States permitted to fish in the area described in paragraph (c) to attach any protective device to pelagic fishing gear or employ any means that would, in effect, make it possible to fish for demersal species.

This amendment is in accord with the International Convention for the Northwest Atlantic Fisheries, and is effective on March 20, 1974.

Issued at Washington, D.C., and dated March 19, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74-6691 Filed 3-20-74; 8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 103]

BREACH OF PUBLIC CHARGE BOND

Notice of Proposed Rule Making

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of § 103.6(e) of Title 8 of the Code of Federal Regulations, pertaining to the breach of public charge bonds.

The proposed amendment to 8 CFR 103.6(e) provides a definition of the term "public charge" as it pertains to sections 212(a)(15) and 213 of the Immigration and Nationality Act, for the purpose of determining whether a breach of a public charge bond has occurred. The proposed amendment also provides that if an alien on whose behalf a bond has been furnished pursuant to section 213 of the Act becomes a public charge, the public charge bond shall be declared breached regardless of whether there is a requirement for reimbursement to the public authority against whom the charge was incurred and regardless of whether demand for reimbursement is made by such public authority.

In accordance with section 553 of Title 5 of the United States Code (30 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100C, 425 Eye Street, NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rule. Such representations may not be presented orally in any manner. All relevant material received by April 19, 1974, will be considered.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

In § 103.6, paragraph (e) is amended in the following respects:

1. The existing material is redesignated subparagraph (1) and a new caption "General" is added immediately following the subparagraph (1) designation.

2. A new subparagraph (2) is added to read as follows:

§ 103.6 Surety bonds.

* * * * *

(e) *Breach of bond—(1) General.* * * *

(2) *Public charge bond.* The term "public charge" in sections 212(a)(15) and 213 of the Act concerns the probability that the alien applying for admission to the United States, or for status as a permanent resident pursuant to Part 245 of this chapter, will have to be supported by public funds because he will become needy. For the purpose of determining whether there has been a breach of a condition of a bond furnished pursuant to section 213 of the Act that an alien shall not become a public charge, the alien shall be deemed to have become a public charge whenever he has been supported under a publicly funded program intended for the support of persons unable to provide for themselves. In that event, the bond shall be declared breached even if the public authority supporting the alien is not authorized to accept reimbursement or, if so authorized, fails to make a demand therefor. In the event that the public authority supporting the alien declines to accept money collected through the breach of the bond, the amount collected shall be deposited in the Treasury of the United States.

(Sec. 103, 66 Stat. 173; (8 U.S.C. 1103)

Dated: March 15, 1974.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.74-6539 Filed 3-20-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1098]

[Docket No. AO-184-A34]

MILK IN NASHVILLE, TENNESSEE, MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Nashville, Tennessee, marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Nashville, Tennessee, on November 19, 1973, pursuant to notice thereof issued on November 7, 1973 (38 FR 31179).

Upon the basis of the evidence introduced at the hearing and the record thereof the Deputy Administrator, Regulatory Programs, on February 15, 1974 (39 FR 6614), filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modification: Under "3. *Conforming changes*", a paragraph is added at the end thereof.

The material issues on the record relate to:

1. Pool plant qualifications.
2. Point of pricing diverted milk.
3. Conforming changes.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant qualifications*—(a) *Balancing plant.* A balancing plant operated by a cooperative association and approved by a duly constituted regulatory authority to handle milk for fluid consumption in the marketing area, at the cooperative association's request, should be accorded pool plant status in any month in which not less than two-thirds of the total volume of milk received at such plant (including diversion to other plants) and of the producer milk of the cooperative's other producer members received at other plants, in combination, is physically received at pool distributing plants directly from the producers' farms or by transfer from such pool balancing plant of the cooperative association.

Provision whereby its balancing plant could qualify as a pool plant was proposed by the principal cooperative in the market. There was no opposition to the proposal at the hearing. An essentially identical pooling provision, included in the order continuously from November 1960 through August 1971, was suspended September 1, 1971.

A suspension order was issued on May 28, 1971 (to be effective on June 15) and applicable to the Nashville and several other orders, to deter the possible dilution of pool proceeds by milk normally associated with other markets (pool riding). With respect to the Nashville order, the suspension (1) removed the provision whereby a cooperative could designate pool status for a plant operated by such cooperative, and (2) implemented the pricing of diverted milk at the plant to which diverted (instead of at the plant from which diverted).

Subsequently (June 11), that part of the suspension action which removed the provision for pooling the cooperative's plant was deferred until September 1. In explanation, the Department noted that the suspension action that changed the point of pricing "* * * should be sufficient to remove the monetary incentive

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which has existed heretofore in these markets for the introduction into their pools, directly or indirectly, of substantial quantities of unneeded distant milk". Nevertheless, in consummating the action it was noted further that the provisions of the order by which a cooperative may obtain pool status for its plant should be further reviewed at a later date.

Prior to September 1, 1971, a plant in Nashville now operated by proponent cooperative as a nonpool plant was a pool plant under the suspended pooling provision. The plant now could qualify for pooling only by receiving milk directly from producers' farms and shipping a required percentage of such receipts to pool distributing plants.

It is obviously more economical to move milk directly from the farm to handlers' bottling plants than to receive it at the cooperative's plant for reload and delivery to such bottling plants. Since the cooperative's plant is located in Nashville, where a major portion of the milk for the market is processed and bottled, there is but limited need to move milk through such plant to fill the requirements of Nashville handlers. Thus, its basic function is as an assembly point for producer milk not needed by handlers and, to a limited degree as a storage facility.

The cooperative's plant in its present capacity as a nonpool plant continues to assist the market in the balancing of receipts to bottling needs. However, the cooperative does not now have the needed flexibility to maximize operating efficiency since milk cannot move from the cooperative plant to pool handlers, as pool milk, as it formerly did to supply unanticipated emergency requests for additional milk.

Prior to September 1971, when the cooperative's plant retained pool plant status, pool distributing plants were in a position to supplement their direct producer deliveries, as needed, through transfers from the cooperative's (pool) plant. In the 12 months prior to the September 1, 1971 suspension action, 3.65 million pounds of milk were transferred from the cooperative's plant to pool distributing plants. In this period, the largest monthly transfer (in January) was 542 thousand pounds; the lowest (in August) was 42 thousand pounds.

As might be expected, the quantities of milk pooled by the cooperative's plant were highest during those months of the year when production for the market was highest relative to Class I sales. Conversely, the quantities of milk pooled by the plant were lowest in the months when the Class I needs of the market were highest relative to producer deliveries. During the same 12-month period referred to above (September 1970 through August 1971), 118 million pounds of producer milk were pooled at the cooperative's plant as either a direct delivery from producers to the plant or as diverted milk from that plant to nonpool plants. The largest monthly quantity thus pooled, in August, was 18.3 million pounds; and the lowest, in November, was 5.9 million pounds.

The cooperative's plant has continued to receive the market's surplus milk for disposition to available outside outlets. The milk of member producers that is received there and which the cooperative wishes to continue to pool is received as diverted milk from pool plants. However, much of the milk received there is not reported as a receipt of diverted milk. When the milk is not pooled and is shipped to outside unregulated markets (primarily for Class I use), the Nashville pool does not share in such Class I sales. In the 12 months ending September 1973, an average of 7.5 million pounds of milk monthly were thus received at the cooperative's Nashville plant and a monthly average of 6.6 million pounds, or 86 percent of that quantity, were sold for Class I use. Reinstating pool plant status for the cooperative plant does not provide assurance that all such outside sales will now be pooled. However, it is likely that the pooling of the plant will return at least some of the outside Class I sales to the pool.

Elsewhere in this decision, provision is made for basing the pool distributing plant route disposition requirements and supply plant pool shipping requirements on the percentage of a plant's receipts, including milk diverted from the plant. Since diverted milk is not now so used in determining plant qualifications, unlimited quantities of milk could now be associated with a plant and pooled as diverted milk, by either the plant operator or the cooperative association, without affecting a plant's pool status. Without appropriate modification of the order in this regard, the adoption of a provision providing pool status for a plant operated by a cooperative could only accentuate the problem.

The changes provided in this decision, however, will limit the quantity of milk that may be diverted since the volume of diverted milk will be included as a plant receipt for purposes of determining each plant's pooling status.

Requiring that at least two-thirds (66⅔ percent) of a cooperative's producer milk and of any nonmember milk that may be associated with the cooperative's balancing plant be delivered to pool distributing plants during the month, either by direct delivery from producers' farms or as a shipment from the cooperative's balancing plant, is a reasonable basis for qualifying such plant for pooling. All milk diverted by the cooperative plus the producer milk received at its plant(s) and that delivered by its members to other pool plants should be considered in determination of whether the requirement that at least two-thirds of such milk was delivered to pool distributing plants was met. In effect, the maximum quantity of milk that could be diverted by the cooperative and/or moved from its plant to nonpool plants during any month would be limited to one-third of the milk pooled by the cooperative.

The proponent cooperative stated that the pool distributing plants that it supplies are basically Class I operations. As a consequence, the 66⅔ percent requirement approximates the actual Class I utilization of the milk of its producer members. That percentage, which was proposed by the cooperative and was used from November 1960 through August 1971 as a basis for pooling a cooperative plant, also approximates the annual Class I utilization for the total market.

Enabling a cooperative's balancing plant to obtain pool plant status under the conditions here adopted will contribute to the orderly marketing of producer milk under the order. When the milk of dairy farmers regularly supplying the market is not needed at the bottling plant to which it is usually assigned, it can be pooled by delivery to the balancing plant. The plant thus represents an assured outlet for reserve milk without the necessity of involved arrangements under which the producers' milk would have to be diverted from bottling plants in order to maintain pool status.

Proponent proposed that a cooperative be allowed to move a balancing plant from pool to nonpool status and back on a month-to-month basis. As proposed, a cooperative could withdraw a plant from pool status for any month when it could advantageously dispose of milk for Class I use to outside markets, and pool the milk at such plant in only those months when its only use would be for manufacturing purposes. Such a provision would afford the opportunity for "pool-riding," which the 1971 suspension action was taken to deter, and would not be conducive to orderly marketing or in the best interest of all producers supplying the Nashville market.

It is necessary, however, that an appropriate means be provided under the order to enable a cooperative, under certain conditions, to remove a balancing plant from the order pool. Unless such plant during the same month qualified for pooling on the basis of its performance as a distributing plant or a supply plant, a cooperative should be permitted at any time to elect nonpool plant status for a plant that would otherwise qualify as a pool balancing plant. However, if the cooperative elects nonpool status for a balancing plant, such plant should not be reinstated for pooling as a balancing plant in the next 12 months. If a balancing plant were allowed to shift back and forth from pool to nonpool status in shorter periods, it would not be a plant on which the market could depend to perform the function of a balancing plant.

(b) *Distributing plant and supply plant standards.* The pooling percentage qualification for a distributing plant should be based on its total receipts of fluid milk products plus milk diverted from such plant under the diversion limits. Similarly, the quantities of milk on which the pooling percentage qualification of a supply plant is based, should include milk diverted from the plant in

addition to its receipts of producer milk. Qualifying percentages (unchanged by this decision) are now based on "total receipts of Grade A milk" for a distributing plant and "receipts of milk from approved dairy farmers" for a supply plant.

The changes here adopted, which were proposed by the principal cooperative in the market, were unopposed at the hearing.

The present basis for determining the pooling percentage qualifications are inappropriate under current conditions. They provide a means for pooling plants that may have no substantial association with the market and on which the market cannot depend for its fluid needs. The changes proposed, it was suggested by the cooperative, are necessary to avoid possible dilution of returns to producers that would result from attaching milk supplies to the Nashville pool largely predestined for manufacturing.

Whether the milk of producers regularly supplying a pool plant is diverted therefrom by the plant operator or by the cooperative through which the producers' milk is marketed, such milk is essentially an integral part of the plant's supply. It is appropriate, therefore, in determining a plant's pool status, to consider as its total supply all milk diverted from the plant together with the approved fluid milk products physically received at the plant.

Diverted milk may now be pooled without limit and is not included as a part of the supply of the plant from which diverted in determination of such plant's qualifications for pooling. Thus, a distributing plant diverting 50 percent of its total producer milk supply in reality must meet only 50 percent of the route disposition requirement of a distributing plant having an identical volume of producer milk supply but diverting no milk.

Similarly, if 50 percent of producer milk associated with a pool supply plant were pooled by diversion to nonpool manufacturing plants, the supply plant, by shipping half the milk physically received at such plant to pool distributing plants, would remain pooled. In this circumstance, the plant could qualify as a pool plant by shipping as little as 25 percent of its total producer milk supplies to pool distributing plants. On the other hand, a supply plant that diverted no milk would have shipped 50 percent of its actual producer receipts to qualify for pooling.

The requirements herein adopted for both types of plants will provide a more equitable basis for pooling.

In determination of plant pooling status, only those plants and that milk approved for fluid consumption by a "duly constituted regulatory agency" are considered. The term "duly constituted health authority" is now used in the order in referring to such approved milk. The cooperative spokesman suggested that a term such as "duly constituted regulatory agency" would better express the intent of the reference. The agency responsible for approving milk for fluid consumption is not always specifically designated as a health authority. In the State of Tennessee, for example, this function is the responsibility of the State Department of Agriculture.

As proposed by the cooperative, the "approved plant" definition should be replaced with definitions for "distributing plant" and "supply plant." Although commonly referred to in the order, distributing plant and supply plant are not defined. The approved plant definition, in a general manner, encompasses both distributing plants and supply plants, but it otherwise serves no purpose.

"Distributing plant" should be defined to mean a plant in which fluid milk products approved by a duly constituted regulatory agency for fluid consumption, or filled milk, are processed or packaged and from which there is route disposition in the marketing area during the month.

"Supply plant" should be defined to mean a plant from which a fluid milk product acceptable to a duly constituted regulatory agency for fluid consumption, or filled milk, is shipped during the month to a pool plant.

The definitions here adopted for distributing plants and supply plants conform with the definitions generally provided in other orders. The specificity provided in these definitions will facilitate the references to such plants throughout the order. Also, their adoption in the Nashville order will facilitate the reference to them in transactions involving other orders.

In conjunction with the revised pool plant definition adopted in this decision, "route disposition" should be defined to mean any delivery (including delivery by a vendor or a sale from a plant store) of any fluid milk product classified as Class I milk other than a delivery to a milk or filled milk processing plant. This is essentially the same language now used in the order to define "route".

The cooperative proposed replacing "route" with "route disposition". A route disposition definition, which is now contained or is in the process of being adopted in most Federal milk orders, is more meaningful than the term "route" in the various contexts in which it is used throughout the order.

2. *Point of pricing diverted milk.* The order should be amended to price producer milk diverted from a pool plant at the location of the nonpool plant to which it is delivered. This is now achieved by means of a suspension action that has been effective since September 1, 1971.

Prior to the suspension, the order priced diverted milk at the location of the pool plant from which diverted. The suspension action was taken to remove the incentive manufacturing plants might have to associate with the order for the purpose of receiving the f.o.b. Nashville price for milk received and utilized at distant locations from the Nashville market.

When producer milk is received as diverted milk at a nonpool plant, its location value is the same as milk delivered by producers to a pool plant at the same location. Pricing milk at the location of the pool plant from which diverted tends to subsidize, at the expense of producers generally, the more distant producers whose milk is diverted to distant manufacturing plants rather than delivered to the market. This is because the distant producers in that circumstance, receive the f.o.b. market uniform price on milk that is not moved to the market and on which the full cost for the farm to market hauling has not been incurred.

The order's location adjustments recognize the greater value of producer milk f.o.b. plants in or near the principal population center (Nashville) in the marketing area as compared to its value at other locations. In view of this, it would be inconsistent to price milk at the location of the pool plant from which diverted when actually delivered to a nonpool plant where a different price is appropriate, based on the location adjustment that would be applicable to a pool plant at the same location.

A cooperative proposed that milk diverted to a plant within 175 miles of Nashville be priced at the location of the plant from which diverted and that milk diverted to a plant more than 175 miles from Nashville be priced at the plant of actual receipt.

The order provides for no location adjustment at plants located in the State of Tennessee. At plants outside Tennessee and more than 50 miles from Nashville, the location adjustment (which reduces Class I and uniform prices) is 10 cents plus 1.5 cents for each 10 miles or fraction thereof that a plant is more than 70 miles from Nashville. Thus, the location adjustment at a Bowling Green, Kentucky, plant, 61 miles from Nashville is 10 cents; but no location adjustment is applicable at a Greenville, Tennessee, plant, 245 miles from Nashville.

If the cooperative's proposal were adopted, location adjustments at nonpool plants would apply only to those outside Tennessee and at least 175 miles from Nashville when location adjustments apply at pool plants outside Tennessee that are at least 50 miles from Nashville. To adopt such a provision would have different location adjustments apply at pool plants and nonpool plants at the same location. The record evidence, however, provides no basis for pricing any milk pooled under the order at other than the location of the plant where actually received.

The cooperative's proposal suggests that the order's location adjustment provisions may now be inappropriate. However, the issue of whether the location adjustment provisions should be changed was not among the proposals contained in the hearing notice or otherwise open for consideration at the hearing. Accordingly, consideration may not be given on this record to revising the location adjustment provisions.

3. *Conforming changes.* The changes in definitions provided in this decision necessitate some changes in other sections of the order wherein such definitions are involved. For the convenience of parties, a number of the affected pro-

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visions have been redrafted to include the new terms. However, except as heretofore noted, these changes do not affect the application or impact of the order.

The attached order language includes several changes from the recommended decision, none of which are substantive. They are made to coordinate the order language in this decision with that contained in the decision issued February 19, 1974 (39 FR 8452, et al.) on the classification and pricing provisions in 32 orders, including the Nashville order. A complete rewrite of the Nashville order is included in that decision, which resulted from a hearing completed in November 1971. It is contemplated that the order changes contained in this decision, when approved by producers, will not be superseded by but will be incorporated in, the amended Nashville order resulting from the February 19 decision.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

A brief and proposed findings and conclusions was filed on behalf of an interested party. The brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a Marketing Agreement[1] regulating the handling of milk, and an Order amending the order regulating the handling of milk in the Nashville, Tennessee, marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

January 1974 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Nashville, Tennessee, marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on March 18, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

Order[1a] Amending the Order, Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tennessee, marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on February 15, 1974, and published in the FEDERAL REGISTER on February 21, 1974 (39 FR 6614), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein subject to the following modifications in §§ 1098.7, 1098.13 and 1098.81.

1. Section 1098.7 is revised as follows:

§ 1098.7 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency, which milk is received at a pool plant or diverted pursuant to § 1098.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him which is diverted to a

[1] Filed as part of the original document.

[1a] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to a utilization other than Class I pursuant to § 1098.46(a)(4)(ii) and the corresponding step of § 1098.46(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

2. In § 1098.9, paragraph (a) is revised as follows:

§ 1098.9 Producer-handler.

* * * * *

(a) Produces milk and operates a distributing plant;

* * * * *

3. Section 1098.10 "Approved plant" is revoked and new §§ 1098.10 and 1098.10a are added as follows:

§ 1098.10 Distributing plant.

"Distributing plant" means a plant in which fluid milk products approved by a duly constituted regulatory agency for fluid consumption, or filled milk, are processed or packaged and from which there is route disposition in the marketing area during the month.

§ 1098.10a Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted regulatory agency for fluid consumption, or filled milk, is shipped during the month to a pool plant.

4. Section 1098.11 is revised as follows:

§ 1098.11 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A distributing plant that has route disposition, except filled milk, during the month of not less than 50 percent of the fluid milk products, except filled milk, approved by a duly constituted regulatory agency for fluid consumption that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13 and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of its total disposition of fluid milk products, except filled milk, during the month.

(b) A supply plant from which not less than 50 percent of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is physically received from dairy farmers at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13 during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of August through February shall be a pool plant for the months of March through July unless the milk received at the plant does not continue to meet the requirements of a duly constituted regulatory agency or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(c) A plant that is approved by a duly constituted regulatory agency to handle milk for fluid consumption in the marketing area, that is operated by a cooperative association, for which pool plant status has been requested by the cooperative association, and from which during the month the quantity of fluid milk products (except filled milk) shipped to pool plants qualified pursuant to paragraph (a) of this section plus the milk physically received at such plants by direct delivery from the farms of producer members of the cooperative association is not less than two-thirds of the producer milk received at or diverted from pool plants of the cooperative association plus its members' producer milk received at or diverted from all other pool plants during the same month. If the cooperative association operating a plant qualified as a pool plant pursuant to this paragraph files with the market administrator prior to the first day of any month a written request for nonpool status for such month, the plant shall be a nonpool plant for such month and for each of the next 11 months in which it does not qualify as a pool plant pursuant to paragraph (a) or (b) of this section.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as route disposition in the marketing area regulated by the other order than as route disposition in the Nashville, Tenn., marketing area: *Provided*, That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order, subject to the proviso of this paragraph: *And provided further*, On the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the route disposition in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) route disposition made under limited term contracts to governmental bases and institutions;

(3) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Nashville, Tenn., marketing area as route disposition than as route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation, even though such plant has greater route disposition in the marketing area of the Nashville, Tenn., order; and

(4) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to paragraph (b) of this section during the preceding August through January period.

5. In § 1098.13, paragraph (c) is revoked and paragraph (b) is revised as follows:

§ 1098.13 Producer milk.

* * * * *

(b) Diverted from a pool plant to a nonpool plant that is not a producer-handler plant. Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant.

6. In § 1098.18 the title "Route" is changed to "Route disposition" and § 1098.18 is revised as follows:

§ 1098.18 Route disposition.

"Route disposition" means any delivery (including delivery by a vendor or a sale from a plant store) of any fluid milk product classified as Class I milk other than a delivery to a milk or filled milk processing plant.

§ 1098.53 [Amended]

7. In § 1098.53, the word "pool" as it appears in paragraph (a) thereof is deleted.

8. In § 1098.81, a new paragraph (c) is added to read as follows:

§ 1098.81 Payments to market administrator.

* * * * *

(c) On or before the 25th day after the end of the month each handler who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be

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prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (c) (1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the lowest price class) and the lowest price class.

9. In § 1098.83, paragraph (b) is revised as follows:

§ 1098.83 Butterfat and location differentials to producers and on nonpool milk.

* * * * *

(b) In making payments to producers pursuant to § 1098.82(b), the uniform price pursuant to § 1098.71 and the uniform base price pursuant to § 1098.72 for producer milk received at a plant shall be reduced according to the location of the plant, each at the rates set forth in § 1098.53; and

* * * * *

10. In § 1098.85, paragraph (c) is revised as follows:

§ 1098.85 Expense of administration.

* * * * *

(c) Class I milk disposed of from a partially regulated distributing plant as route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1098.91 [Deleted]

11. Section 1098.91 is deleted.

12. In § 1098.92, paragraph (b) (1) and (3) is revised as follows:

§ 1098.92 Obligations of handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area;

(2) * * *

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area:

* * * * *

[FR Doc.74-6545 Filed 3-20-74;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 319]

INTERPRETATION OF THE TERM "MEAT"

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Department of Agriculture, pursuant to the authority conferred by sections 7 and 21 of the Federal Meat Inspection Act, as amended (21 U.S.C. 607 and 621), proposes to amend the Federal meat inspection regulations (9 CFR 319.1) to provide an interpretation of the term "meat" when specified in relation to meat quantity requirements associated with products for which maximum fat content limits are expressed in the definitions and standards of identity or composition in Part 319.

Statement of Considerations. Any restriction in the available supplies of meat to serve as ingredients of processed products adversely influences the production of such products in quantities sufficient to satisfy consumer requirements. This situation requires that the Department consider every possible means to utilize available sources of meat ingredients without detrimental effect on the nutritional value or other important properties of consumer products.

Meats for manufacturing purposes vary greatly in their fat to lean proportions with this characteristic determined, generally, by their origin. As an example, ordinarily the lean content is comparably high in meat that is secured from cattle that are not fattened prior to slaughter. On the other hand, meat trimmed from carcasses or major carcass parts from animals that are fattened in their preparation for marketing, usually consists principally of fat. It has been normal for meat processors to blend these particular types of meats to arrive at predetermined proportions of the fat and lean components. This insures consistency in the texture of the consumer products and has a direct effect, also, on their flavor and appearance.

The Department has applied a policy for many years that requires product identified as "meat" to include at least 12 percent lean. In view of advancing technology and the need to adopt the most effective procedures for the best utilization of available protein supplies, it appears that the Department should propose that meat from cattle, sheep, swine, or goats, without regard to a specific minimum lean content, be considered as "meat" when used as an ingredient of a product for which a definition and standard of identity or composition, which specifies a maximum fat limit, is prescribed in Part 319 of the regulations. However, such meat would be required to contain visible lean tissue and the finished meat food product would be required to comply with the limits on fat content specified in the standards. Such a policy would permit the blending of supplies of manufacturing meat regardless of their lean content with the assurance that the products produced for consumer usage would not contain more than their permitted percentages of fat. It appears that implementation of this new policy would provide processors with greater manufacturing leeway which may increase the supplies of available processed products to meet consumer requirements without any lessening of the appearance, taste, or nutritive properties of the products.

Section 319.1 would be amended by designating the existing paragraph as (a) and adding a new paragraph (b) to read:

§ 319.1 Labeling and preparation of standardized products.

* * * * *

(b) When a standard of identity or composition prescribed in this Part for any product provides that such product shall contain "meat" and provides a maximum fat content limitation for the product, the meat to be used shall contain visible lean tissue but no specific percentage of lean tissue is required. However, the finished product must comply with the maximum fat content limitation.

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Product Standards Staff, Technical Services, Meat and Poulty Inspection Program, Animal and Plant Health nical Services, Meat and Poultry Inspec- Agriculture, Washington, D.C. 20250, by May 24, 1974.

Any person desiring opportunity for oral presentation of views should address such request to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submissions and records of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: March 15, 1974.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-6600 Filed 3-20-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 212]

[Docket No. 26509; EDR-264]

CHARTER TRIPS BY FOREIGN AIR CARRIERS

Proposed Terms, Conditions, and Limitations

By Order to Show Cause, Order 74-3-71, issued contemporaneously herewith, the Board directed interested persons to show cause why the Board should not, subject to the approval of the President, amend Part 212 of its Economic Regulations in the manner set forth in the "Proposed Rule" attached below; and, to the extent such regulatory amendments might be deemed to constitute an amendment of foreign air carrier permits authorizing individually ticketed or individually waybilled foreign air transportation, or both, why such permits should not be so amended. The basis, purpose and principal features of the proposed amendments are set forth in that order. The amendments are proposed under the authority of sections 204(a) and 402 of the Federal Aviation Act, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.

Accordingly, notice is hereby given that, pursuant to and in accordance with Order 74-3-71, any interested person having objections to the proposed amendments, or desiring otherwise to comment with respect thereto, shall file with the Board by April 29, 1974, a memorandum stating objections or comments supported by evidence. Reply comments may be filed within twenty (20) days following the date for filing of initial comments.

Dated: March 15, 1974.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

It is proposed to amend Part 212 of the Board's Economic Regulations (14 CFR Part 212) as follows:

1. Amend the Table of Contents by adding a reference to a new § 212.3b and by revising the caption of § 212.4, the revised Table to read in part as follows:

Subpart A—General Provisions

Sec.

* * * * *

212.3b Limitation on annual number of charter trips originating in the United States.

212.4 Statement of authorization required for operation of certain charter trips.

* * * * *

2. Amend § 212.1, by deleting from the definitions set forth therein, the definitions of "Off-route charter trip" and "On-route charter trip" as follows:

§ 212.1 Definitions.

* * * * *

"Mixed charter" * * *

"Pro rata charter" * * *

* * * * *

3. Amend § 212.2 to read as follows:

§ 212.2 Applicability and scope.

(a) *Applicability.* This part establishes the terms, conditions, and limitations applicable to charter foreign air transportation performed pursuant to a foreign air carrier permit issued under section 402 of the Act authorizing direct foreign air transportation on an individually ticketed or individually waybilled basis. The limitations and regulations specified as applicable to charter trips shall be applicable to all charter trips, irrespective of whether the authority to conduct such trips derives from the linear route authority described in the carrier's permit or from any additional authority conferred in such permit, and irrespective of the points involved in such trips. The terms, conditions, and limitations applicable to charter foreign air transportation performed pursuant to foreign air carrier permits authorizing the holder to engage in charter transportation only are governed by Part 214 of the Board's Economic Regulations.

(b) *Scope.* (1) Charter trips may be performed by all direct foreign air carriers who hold currently effective section 402 permits authorizing foreign air transportation on an individually ticketed or individually waybilled basis, subject to the terms, conditions and limitations set forth in the permit or the order authorizing issuance of the permit, and to the terms, conditions and limitations of this part or any amendment thereof, or as may from time to time be prescribed by the Board. Subject to the foregoing, foreign air carriers holding such permits may, without prior Board authorization, conduct charter trips only between points in the territory of their home country and points in the United States: *Provided, however,* That prior Board authorization will be required for such charter trips, upon notification to the carrier, pursuant to § 212.4(b): *And Provided further,* That, with respect to such charter trips originating in the United States, such carrier's charter operations may not exceed, during any calendar year, the maximum number prescribed under § 212.3b.

(2) The limitation prescribed in subparagraph (1) of this paragraph, on the points between which a carrier may conduct charter trips shall not apply to the performance of a charter trip, as provided in § 212.8(a)(4-a) in cases of emergency, but such emergency charters shall be subject to the limitations and requirements prescribed by §§ 212.4(a) and 212.14.

4. Add a new § 212.3b, following the present § 212.3a, the new section to read as follows:

§ 212.3b Limitation on annual number of charter trips originating in the United States.

The maximum number of charter trips originating in the United States which a foreign air carrier may perform during any calendar year shall be determined as follows:

(a) During any calendar year in which the foreign air carrier—

(1) Operates less than 18 charter trips originating in the territory of its home country, the number of United States-originated charter trips shall not exceed those originating in the territory of such home country by more than six;

(2) Operates between 18 and 45 charter trips originating in the territory of its home country, the number of United States-originated charter trips shall not exceed those originating in the territory of such home country by more than one-third;

(3) Operates more than 45 charter trips originating in the territory of its home country, the number of United States-originated charter trips shall not exceed those originating in the territory of such home country by more than 15.

(b) For the purpose of computing the number of charter trips which may be operated, pursuant to paragraph (a) of this section—

(1) Any charter originating in one country and flown to the other, whether one-way or round-trip, will be considered as one charter trip; and

(2) Where two or more charters, each of which is for less than the entire capacity of the aircraft, are carried on the same charter trip from the territory of the home country to the United States, and any one of such charters originated in the United States, then such charter trip shall be considered as a United States-originated charter trip.

5. Amend § 212.4 to read as follows:

§ 212.4 Statement of authorization required for operation of certain charter trips.

(a) Except in cases of emergency, performance of a charter trip as provided in § 212.8(a)(4-a) may not be provided by a foreign air carrier without a Statement of Authorization: *Provided, however,* That such emergency charters for commercial traffic shall be reported in accordance with § 212.14: *And provided further,* That no such emergency charter trips may be performed on any day in each of three or more successive calendar weeks for any single direct air carrier without a Statement of Authorization. An "emergency charter," within the meaning of this section, shall not include such circumstances as cancellations of flights due to periodic overhaul of aircraft or delay in the delivery of newly acquired aircraft.

(b)(1) The Board, if it finds that the public interest so requires, may at any time, with or without hearing, notify a foreign air carrier subject to this part that it shall not perform charter trips in the absence of prior Board authorization. The Board's notification shall be effective for such period or periods and with respect to such operations as the Board may specify in accordance with this paragraph. Effective not earlier than 30 days after the date of such notice, the foreign air carrier shall not perform any charter trip falling within the specifications of the notice, unless specific authority in the form of a Statement of Authorization to conduct such charter trip has been granted by the Board.

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(2) If an application for a Statement of Authorization, filed pursuant to the requirements of this subsection, has been timely filed at least 30 days in advance of the proposed flight, then, to the extent that such application relates to a charter trip or trips between points between which the applicant holds authority under a foreign carrier permit to engage in foreign air transportation on an individually ticketed or individually waybilled basis, notification of the Board's proposed failure to approve either the whole or part of such application will be submitted to the President of the United States at least 10 days prior to the date of the proposed flight. Any such failure to approve shall be subject to stay or disapproval by the President within 10 days after the date of the Board's notification.

6. Amend paragraphs (a) and (b) of § 212.5, the amended paragraphs to read as follows:

§ 212.5 Statements of Authorization; application.

(a) Application for a Statement of Authorization shall be submitted on CAB Form 433 to the Civil Aeronautics Board, addressed to the atention of the Director, Bureau of Operating Rights. Upon a showing of good cause, such application may be transmitted by cablegram or telegram or may be made by telephone: *Provided, however,* That an application for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier (as provided in § 212.8(a)(4–a)) must be submitted on CAB Form 433, and a copy thereof shall be served upon the Federal Aviation Administration, marked for the attention of Director, Flight Standards Service, and upon each certificated air carrier which is authorized to serve the same general area in which the proposed charter trips are to be performed. Each applicant shall keep on file with the Director, Bureau of Operating Rights, a copy of its current standard form of charter agreement. Each application shall contain an abstract of the charter agreement setting forth the names and addresses of the operator, the charterer, and their agents, if any: a description of the proposed operations, type of aircraft to be flown; if reciprocity has not previously been established or if any changes have occurred since the previous Board finding thereon, documentation to establish the extent to which the nation which is the domicile of the applicant grants a similar privilege with respect to U.S. air carriers; and shall refer to the bilateral agreement or understanding, if any, between the United States and the foreign nation which is the domicile of the applicant whereunder the applicant has been designated to provide the charter services covered by the application. A true copy of the charter agreement actually consummated shall be transmitted to the Director, Bureau of Operating Rights, as soon as practicable, but in no event later than fifteen (15) days after consummation.

(b) Applications for the performance of a charter transporting commercial traffic for another direct air carrier or direct foreign air carrier (as provided in §§ 212.4(a) and 212.8(a)(4–a)) shall be filed with the Board at least 45 days in advance of the date of the commencement of the proposed flights, except that applications for authority to conduct planeload cargo charters may be filed not less than 48 hours in advance of the proposed flight. Applications required pursuant to § 212.4(b), shall, unless otherwise specified by the Board, be filed not less than 30 days in advance of the proposed flight. Upon a showing that good cause exists for failure to adhere to the above requirements and that waiver of these requirements is in the public interest, applications later submitted may be considered by the Board.

• • • • •

7. Amend § 212.6, by revising paragraph (b) and deleting paragraph (b–1), the amended section to read in part as follows:

§ 212.6 Issuance of statement of authorization.

• • • • •

(b) In passing upon an application involving a charter trip or trips under § 212.8(a)(4–a), the Board will consider the following factors, among others, in making its determination as to the public interest:

(1) Whether the foreign air carrier or its agent or the charterer or its agent has previously violated any of the provisions of this part or of Part 218 of this subchapter.

(2) Whether operations under the charter will have a significant adverse competitive impact on any U.S. air carrier. In making this determination, the Board will consider such factors as: The relative size and financial strength of the U.S. air carriers and the foreign air carriers operating on the route; and whether the proposed operation will render uneconomic any U.S.-carrier operations over the route.

(3) Whether the nature of the arrangement and the benefits to be realized are such that the authority sought should be the subject of a bilateral agreement with the applicant's government.

(4) Whether the authority sought is covered by and consistent with pertinent bilateral air transport agreements to which the United States is party.

(5) Whether, and to what extent, the applicant owns and controls the charterer.

• • • • •

8. Amend subparagraphs (1) and (2) of § 212.7(a), the amended subparagraphs to read as follows:

§ 212.7 Records and record retention.

(a) • • •

(1) True copies of all passenger lists, air waybills, invoices, and other traffic documents covering charter trips performed under a statement of authorization.

(2) A copy of every contract for charter trips originating or terminating in the United States together with all traffic documents pertaining to such charters.

• • • • •

9. Amend §§ 212.8 (a) and (b) by revising subparagraphs (8) and (6), respectively, as follows:

§ 212.8 Charter flight limitations.

Charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually waybilled basis—

(a) Where the entire capacity • • •

(8) By a tour operator or foreign tour operator, as defined in Part 378 of this chapter.

(b) • • •

(6) By a tour operator or foreign tour operator, as defined in Part 378 of this chapter:

Provided, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further,* That paragraph (b) shall not be construed to apply to movements of property.

10. Amend § 212.13 by revising paragraph (a) to read as follows:

§ 212.13 Waiver.

(a) Waiver of any of the provisions of this part may be granted by the Board upon the submission by a foreign air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein: *Provided, however,* That an application for a waiver of the rules so as to permit the operation of charter trips involving points in countries other than the United States and the territory of the applicant's home country, or to permit the operation of U.S.-originating charter trips in excess of the limitation prescribed in § 212.3b will ordinarily be granted by the Board only if it finds that: (1) Such waiver is consistent with the rights of the applicant as embodied in a charter agreement which is in effect between the governments of the United States and the home country of the applicant; (2) the government of the home country of the applicant authorizes United States carriers to perform charters of the same nature and in the same volume as the aggregate of charters for which waiver is sought hereunder by the carriers of the applicant's home country; or (3) there are highly unusual and extraordinary circumstances. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

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[FR Doc.74–6566 Filed 3–20–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 85]

CONTROL OF AIR POLLUTION

Exclusion and Exemption of Motor Vehicles and Motor Vehicle Engines

Notice is hereby given that the Environmental Protection Agency is considering the addition of a new Subpart R to Part 85 of Title 40 of the Code of Federal Regulations, as set forth below.

Explanatory statement. The proposed regulations are intended to clarify the Environmental Protection Agency's policy with respect to exclusion and exemption of motor vehicles and motor vehicle engines under the Clean Air Act, as amended.

The term "exclusion" as used in the proposed regulations involves the construction and application of the term "motor vehicle" which, as defined in section 213(2) of the Act, means "any self-propelled vehicle designed for the transportation of persons or property on a street or highway." Vehicles meeting the definition are, of course, within the scope of the Act and are subject to applicable standards, unless they are expressly excepted therefrom or they fall within a class of vehicles for which no standards exist. For example, motorcycles are deemed light duty vehicles of the gasoline fueled type, but even though light duty vehicle standards exist, motorcycles to date have been expressly excepted from the application of those standards by regulation. This exception will terminate when emission standards specifically applicable to motorcycles are promulgated; EPA has already published an advance notice of proposed rulemaking for motorcycles.

Similarly, heavy duty vehicles fueled by liquid propane gas need at this time not be certified, since no regulations concerning liquid propane vehicles have been promulgated.

The term "exemption" as used in the proposed regulations involves vehicles that are subject to applicable standards and for which a manufacturer requests of the Environmental Protection Agency an exemption authorized by one or more of the exemption provisions of the Act. Under section 203(b)(1) exemptions are available for vehicles and engines on the basis of research and development activities and national security; under section 203(c) exemptions are available for vehicles and engines or classes thereof for the purpose of fuel conversion; and under section 203(b)(3) a statutory exemption is available for most vehicles and engines intended solely for export.

In recent months numerous inquiries have evidenced a substantial degree of uncertainty on the part of manufacturers with regard to the Environmental Protection Agency's policy concerning both exclusion and exemption matters. With respect to exclusion, the uncertainty involves the substantive problem of ascertaining the scope of the Act's motor vehicle definition, especially in conjunction with vehicles having highly specialized functions, namely, general utility vehicles, farm vehicles and equipment, construction, mining and logging vehicles, certain military vehicles, and public welfare vehicles. With respect to exemption, the uncertainty involves the substantive problem of determining the scope of the Act's various exemption provisions and the related procedural problem of requesting an exemption, if an exemption is appropriate.

With respect to the treatment afforded exclusion matters in the proposed interpretive regulations, some general observations can be made:

(1) In general, the proposed regulations embody a series of guiding criteria whereby the applicability of the Act to most vehicles can be easily determined. The proposed criteria are constructed to be as objective as possible; however, no attempt was made to categorize all possible features in order to avoid a limitation on the general principles expressed in the criteria.

(2) Thus, § 85.1703(a)(1) excludes vehicles which cannot maintain a cruising speed of 20 m.p.h. over level, paved surfaces. Section 85.1703(a)(2) excludes vehicles which lack features customarily associated with safe and practical highway use. Section 85.1703(a)(3) excludes vehicles which exhibit features which render their use on a street or highway unsafe, impractical, or highly unlikely. Of these criteria, that of § 85.1703(a)(1), namely the speed criterion, is perceived as being the determinant in the vast majority of questions that do arise. Accordingly, comments on the appropriateness of such a criterion, the particular speed selected, and the most desirable manner of defining the speed are especially invited.

(3) The guiding criteria are intended to reflect to a large extent certain generalizations commonly made in connection with the definition of "motor vehicle" to the extent those generalizations are consistent with the case-by-case opinions rendered by the Agency in recent years. Thus, the criteria operate to exclude from the Act most farm equipment, construction equipment, mining equipment, and tracked vehicles of all types.

(4) On the other hand, it is emphasized that the criteria do not operate to exclude public welfare vehicles and military vehicles per se. Thus, most public welfare vehicles such as police cars, ambulances, fire trucks, street sweepers, and garbage trucks fail to qualify under any of the exclusion criteria of § 85.1703, but such vehicles as airport crash trucks, because of their inordinate size and minimal street or highway use, are covered by § 85.1703(a)(3) and, therefore, are excluded from the Act. Similarly, military vehicles, such as jeeps and trucks, are generally deemed motor vehicles, but other military vehicles, because of their peculiar characteristics and special uses, may be excluded from the Act by the application of the criteria in § 85.1703.

With respect to the treatment afforded exemption matters in the proposed regulations, some additional general observations can be made:

(1) In general, the proposed regulations define the substantive scope of each exemption provision of the Act and establish a procedure whereby exemptions can be requested. The exemption provision having the broadest implications is section 203(b)(1) and, accordingly, that section is the focus of the proposed regulations.

(2) A substantive issue of considerable significance, namely, the scope of the term "national security" as employed in section 203(b)(1), has been addressed. The proposed regulations embody the Agency's views that "national security" is to be viewed in the national defense sense, rather than the broader national welfare sense. The impact of this policy is that national security exemptions would not be available for such vehicles as municipal fire trucks and would be available for national defense-type vehicles but only with the endorsement of the appropriate federal agency.

(3) With regard to testing exemptions, a significant distinction has been drawn between activities of the type involving a lease or sale by the manufacturer to another party for the implementation of the test program and activities of the type wherein the manufacturer himself executes the test program. Both types of activity are accommodated by the granting of an exemption with a variety of terms and conditions attached; however, for the latter type of activity the terms and conditions are significantly less stringent.

(4) The proposed regulations apply to foreign and domestic manufacturers.

This notice of proposed rulemaking is issued under authority of the following sections of the Clean Air Act, as amended; section 301(a), 81 Stat. 504, as amended by section 15(c), 84 Stat. 1713, (412 U.S.C. 1857g(a)); section 203(b), as amended by sections 7(a)(5), 15(c)(e), 84 Stat. 1693, 1713, (42 U.S.C. 1857–2(b)(1)); section 203(c), 84 Stat. 1693, (42 U.S.C. 1857–2(c)); and section 213(2), section 101(8), 79 Stat. 994.

Interested persons may participate in the rulemaking proceeding by submitting written comments in triplicate to:

Director
Mobile Source Enforcement Division
Environmental Protection Agency
401 M Street, SW.,
Washington, D.C. 20460

All comments received on or before May 20, 1974, will be considered. Comments received pursuant to this proposal will be available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the Office of Public Affairs, Room 232, Waterside Mall, Fourth and M Streets, SW., Washington, D.C. 20460.

Final regulations, modified as the Administrator deems appropriate after con-

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sideration of comments, will be promulgated as soon as practicable after such consideration.

Dated: March 15, 1974.

JOHN QUARLES,
Acting Administrator,

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart R—Exclusion and Exemption of Motor Vehicles and Motor Vehicle Engines

Sec.
85.1701 General applicability.
85.1702 Definitions.
85.1703 Application of section 213(2), exclusion.
85.1704 Who may request an exemption.
85.1705 Testing exemptions.
85.1706 National security exemptions.
85.1707 Export exemptions.
85.1708 Fuel conversion exemptions.
85.1709 Granting of exemptions; liability for violation of terms and conditions.
85.1710 Submission of exemption requests.

AUTHORITY: Sec. 301(a), 81 Stat. 504, as amended, sec. 15(c), 84 Stat. 1713 (412 U.S.C. 1857g(a); Sec. 203(b), as amended, Secs. 7(a) 5, 15(c)(e), 84 Stat. 1693, 1713 (42 U.S.C. 1857–2(b)(1)); Sec. 203(c), 84 Stat. 1693 (42 U.S.C. 1857–2(c)); Sec. 213(2), Sec. 101(8), 79 Stat. 994.

Subpart R—Exclusion and Exemption of Motor Vehicles and Motor Vehicle Engines

§ 85.1701 General applicability.

(a) The provisions of this subpart regarding exemption are applicable to new and in-use motor vehicles and motor vehicle engines.

(b) The provisions of this subpart regarding exclusion are applicable after the effective date of these regulations.

§ 85.1702 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act:

(1) "Export exemption" means an exemption granted by statute under section 203(b)(3) of the Act for the purpose of exporting new motor vehicles and new motor vehicles engines.

(2) "Fuel conversion exemption" means an exemption which may be granted under section 203(c) of the Act for the purpose of fuel conversion.

(3) "National security exemption" means an exemption which may be granted under section 203(b)(1) of the Act for the purpose of national security.

(4) "Pre-certification vehicle" means an uncertified vehicle which a manufacturer employs in fleets from year to year in the ordinary course of business for product development, production method assessment, and market promotion purposes, but in a manner not involving lease or sale.

(5) "Pre-certification vehicle engine" means an uncertified engine used in a vehicle which a manufacturer employs in fleets from year to year in the ordinary course of business for product development, production method assessment, and market promotion purposes, but in a manner not involving lease or sale.

(6) "Testing exemption" means an exemption which may be granted under section 203(b)(1) for the purpose of research, investigations, studies, demonstrations or training, but not including national security.

§ 85.1703 Application of section 213(2).

(a) For the purpose of determining the applicability of section 213(2) a vehicle shall be deemed not a motor vehicle and therefore shall be excluded from the operation of the Act, if any one or more of the criteria set forth below are met:

(1) The vehicle cannot maintain an average cruising speed of 20 miles per hour over level, paved surfaces; or

(2) The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear, a differential, and safety features required by state and/or federal law; or

(3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, as inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

(b) Vehicle, as used in paragraph (a) of this section, means a self-propelled device capable of and intended for transporting a person or persons, or transporting property. Property means any material, or any permanently or temporarily affixed apparatus.

§ 85.1704 Who may request an exemption.

(a) Any manufacturer may request any exemption provided by this subpart, or exempt vehicles as provided by § 85.1707. For heavy duty motor vehicle engines, exemption may be requested by the engine manufacturer or the vehicle manufacturer.

(b) Any person may request an exemption under § 85.1708 with regard to new motor vehicles or new motor vehicle engines.

§ 85.1705 Testing exemption.

(a) Any manufacturer requesting a testing exemption must demonstrate the following:

(1) That the proposed test program has a purpose which constitutes an appropriate basis for an exemption in accordance with section 203(b)(1);

(2) That the proposed test program necessitates the granting of an exemption;

(3) That the proposed test program exhibits reasonableness in scope; and

(4) That the proposed test program exhibits a degree of control consonant with the purpose of the program and the Environmental Protection Agency's (hereafter EPA) monitoring requirements. Paragraphs (b), (c), (d), and (e) of this section describe what constitutes a sufficient demonstration for each of the four above identified elements.

(b) With respect to the purpose of the proposed test program, an appropriate purpose is one which is consistent with one or more of the bases for exemption set forth under section 203(b)(1), namely, research, investigations, studies, demonstrations, or training, but not including national security. A concise statement of purpose is a required item of information.

(c) With respect to the necessity that an exemption be granted, necessity arises from an inability to achieve the stated purpose in a practicable manner without performing one or more of the prohibited acts under section 203(a). In appropriate circumstances time constraints may be a sufficient basis for necessity, but the cost of certification alone, in the absence of extraordinary circumstances, is not a basis for necessity.

(d) With respect to reasonableness, a test program must exhibit a duration of reasonable length and affect a reasonable number of vehicles and engines. In this regard, required items of information include:

(1) An estimate of the program's duration;

(2) The absolute number of vehicles and engines involved; and

(3) The fraction of the applicant's total sales represented by the absolute number of (2).

(e) With respect to control, the test program must incorporate procedures consistent with the purpose of the test and be capable of affording EPA monitoring capability. As a minimum, required items of information include:

(1) The technical nature of the test;

(2) The site of the test;

(3) The time and mileage duration of the test;

(4) The ownership arrangement with regard to the vehicles or engines involved in the test;

(5) The intended final disposition of the vehicles or engines;

(6) The vehicle identification numbers and the engine serial numbers; and

(7) The means or procedure whereby test results will be recorded.

(f) Paragraph (a) of this section applies irrespective of the engine's or vehicle's place of manufacture.

(g) Where a vehicle is a display vehicle to be used solely for display purposes, will not be operated on the public streets or highways, and will not be sold, no request for exemption of the vehicle or its engine is necessary.

(h) Paragraph (a) of this section does not apply for pre-certification vehicles or pre-certification engines. In such cases a request for exemption is necessary; however, the only information required is a statement setting forth the general nature of the fleet activities, the number of vehicles involved, and a demonstration that adequate record keeping procedures for control purposes will be employed.

§ 85.1706 National security exemptions.

A manufacturer requesting a national security exemption must state the purpose for which the exemption is required and the request must be endorsed by an agency of the Federal Government charged with responsibility for national defense.

§ 85.1707 Export exemptions.

(a) A new motor vehicle or new motor vehicle engine intended solely for export, and so labeled or tagged on the outside of the container and on the vehicle or engine itself, shall be subject to the provisions of section 203(a) of the Act, unless the importing country has new motor vehicle emission standards which differ from US EPA standards.

(b) For the purpose of paragraph (a) of this section, a country having no standards whatsoever is deemed to be a country having emission standards which differ from US EPA standards.

(c) EPA shall periodically publish in the FEDERAL REGISTER a list of foreign countries which have in force emission standards identical to US EPA standards and have so notified EPA. New motor vehicles or new motor vehicle engines exported to such countries shall comply with US EPA standards.

(d) It is a condition of any exemption for the purposes of export under section 203(b)(3) of the Act, that such exemption shall be void ab initio with respect to a new motor vehicle or new motor vehicle engine intended solely for export where:

(1) Such motor vehicle or motor vehicle engine is sold, or offered for sale, to an ultimate purchaser in the United States for purposes other than export; and

(2) The motor vehicle or motor vehicle engine manufacturer had reason to believe that any such vehicle would be sold or offered for sale as described in subparagraph (1) of this paragraph.

§ 85.1708 Fuel conversion exemptions.

Any person requesting a fuel conversion exemption must provide the following items of information:

(a) A statement that the fuel conversion modification of the certified configuration will not, on the basis of engineering judgment and/or available data, result in noncompliance with applicable emission standards;

(b) The number of vehicles affected by the modification;

(c) The specific nature of the modification; and

(d) The persons or class of persons to whom the exemption shall apply.

§ 85.1709 Granting of exemptions; liability for violation of terms and conditions.

(a) If upon completion of the review of an exemption request, the granting of an exemption is deemed appropriate, a memorandum of exemption will be prepared and provided to the manufacturer or person requesting the exemption. The memorandum will set forth the basis for the exemption, its scope, and such terms and conditions as are deemed necessary. Such terms and conditions will generally include, but are not limited to, agreements by the applicant to conduct the exempt activity in the manner described to EPA, create and maintain adequate records accessible to EPA at reasonable times, employ labels for the exempt engines or vehicles setting forth the nature of the exemption, take appropriate measures to assure that the terms of the exemption are met, and advise EPA of the termination of the activity and the ultimate disposition of the vehicles or engine.

(b) Any exemption granted pursuant to paragraph (a) of this section shall be deemed to cover any subject vehicle or engine only to the extent that the specified terms and conditions are complied with. A breach of any term or condition shall cause the exemption to be void ab initio with respect to any vehicle or engine. Consequently, the introduction or delivery for introduction into commerce of any subject vehicle other than in strict conformity with all terms and conditions of this exemption shall constitute a violation of section 203(a)(1) of the Clean Air Act, and shall render the manufacturer or person to whom the exemption is granted, and any other person to whom the provisions of section 203 are applicable, liable to suit under sections 204 and 205 of the Act.

§ 85.1710 Submission of exemption requests.

Requests for exemption or further information concerning exemptions and/or the exemption request review procedure should be addressed to:

Director
Mobile Source Enforcement Division
Environmental Protection Agency
401 M Street, SW., Room 3220J
Washington, D.C. 20460

[FR Doc.74–6570 Filed 3–20–74;8:45 am]

[40 CFR Part 129]

WATER PROGRAM

Proposed Toxic Pollutant Effluent Standards; Correction

In the December 27, 1973, issue of the FEDERAL REGISTER (38 FR 35388), the Environmental Protection Agency published a notice of proposed rulemaking which would establish effluent standards for toxic pollutants under Section 307(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.) (the Act).

On October 26, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 29646) a notice of the availability of the Agency's proposed Water Quality Criteria published pursuant to section 304(a)(1) of the Act. Comments were requested on the proposed criteria.

This notice amends the original notice and the proposed Water Quality Criteria to correct an error made by the Agency in publishing the proposed Criteria and in deriving the proposed effluent standards for discharges of mercury into estuarine and coastal waters. As is explained in the preamble to the notice of proposed rulemaking, the proposed standards were calculated to assure that water quality criteria would be met in most cases. The basis for the proposed effluent standards for discharges of mercury into estuarine and coastal waters was the following statement on page 275 of the proposed Water Quality Criteria published by EPA in October, 1973, pursuant to Section 304(a) of the Act: "Concentrations of mercury in excess of 1.0 $\mu g/1$ in marine or estuarine waters are unacceptable." This statement, in turn, was based upon the following recommendation on p. 252 of the National Academy of Science report, entitled "Water Quality Criteria, 1972", prepared under contract for EPA: "On the basis of data available at this time, it is suggested that concentrations of mercury equal to or exceeding 0.10 $\mu g/1$ constitute a hazard in the marine environment."

The discrepancy between these two numbers was not intentional on EPA's part, but constituted an error of transcription. Accordingly, since the proposed effluent standards for discharges of mercury into estuarine and coastal waters were based in part upon the proposed Water Quality Criteria, those effluent standards should be modified. The limitations expressed as concentrations permitted to be discharged (40 CFR 129.08c (b)(1) and (b)(2)) would not be changed by this error, since they are derived directly from data on acute toxicity. However, the limitations on total daily weight in 40 CFR 129.08c(b)(3) require revision, since they are derived directly from the proposed Water Quality Criteria. These limitations should be one tenth the levels set forth in the proposed standards.

The following amendment to the proposed regulations reflects the changes discussed above:

40 CFR Part 129, as proposed on December 27, 1973, is amended as follows:

§ 129.08c Effluent standard for mercury.

(b) • • •
(3) • • •

(iii) Estuary from any facility subject to this subpart shall not exceed 0.00432 times the receiving water body flow in m^3/sec. to give kg/day or 0.00027 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 1.22 kg/day or 2.70 pounds/day regardless of receiving water flow.

(iv) Coastal water from any facility subject to this subpart shall not exceed 0.00519 times the receiving water body flow in m^3/sec. to give kg/day or 0.000324 times the receiving water body flow in cfs to give pounds/day, provided that no facility shall discharge in excess of 1.47 kg/day or 3.24 pounds/day regardless of receiving water flow.

The deadline for the submission of comments on EPA's proposed Water Quality Criteria is April 26, 1974. The Agency sees no need to modify this date. However, the deadline for the submission of comments on the proposed toxic pollutant effluent standards is March 27,

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1974. Because this notice may significantly affect some dischargers of mercury, the deadline for the submission of comments is hereby extended to April 26, 1974, but only with respect to the proposed paragraphs (b) (3) (iii) and (iv) of 40 CFR 129.08c.

Dated: March 15, 1974.

JOHN QUARLES,
Deputy Administrator.

[FR Doc.74-6526 Filed 3-20-74;8:45 am]

[40 CFR Part 180]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

3,5-Dichloro-N-(1,1-Dimethyl-2-Propynyl) Benzamide; Proposed Tolerance

Dr. C. C. Compton, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Oregon and Washington submitted a petition (PP 4E1435) proposing establishment of a tolerance for combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites (calculated as 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl benzamide) in or on the raw agricultural commodity blueberries at 0.05 part per million.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The herbicide is useful for the purpose for which the tolerance is proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a) (3) applies.

3. The proposed tolerance represents a negligible residue and will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; (21 U.S.C. 346a(e))), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.317 be amended by revising the paragraph "0.05 part per million * * *" to read as follows:

§ 180.317 3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide; tolerances for residues.

* * * * *

0.05 part per million (negligible residue) in or on blackberries, blueberries, boysenberries, and raspberries.

* * * * *

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, by April 22, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, by April 22, 1979, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: March 12, 1974.

JOHN B. RITCH, Jr.
Director, Registration Division.

[FR Doc.74-6468 Filed 3-20-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-10668; File No. S7-515]

SHORT SALE OF SECURITIES

Request for Public Comment

The Commission today announced proposed amendments to Rule 3b-3, Rule 10a-1 and Rule 10a-2 under the Securities Exchange Act of 1934. The amendments are proposed under section 3(b), 10(a) and 23(a) of the Securities Exchange Act.

In its "Policy Statement on the Structure of a Central Market System," [1] the Commission noted that before a composite transaction reporting system becomes operational [2] it will be necessary to review current provisions for the regulation of short sales to insure that such regulation will be complete and effective.[3]

At present, trading in a particular security is subject to varying degrees of short sale regulation depending on the market in which particular transactions are effected. Trades in the "primary" exchange market for a particular security, for example, are subject to Securities Exchange Act Rule 10a-1 [4] which prohibits a short sale on an exchange of any security below the price at which the last sale was effected (a "minus tick") or at the last sale price if the immediately preceding trade was at a higher price (a "zero-minus" tick).[5] Generally, trades on a "regional" exchange are subject to the same requirement; however, paragraph (d) (8) of Rule 10a-1 permits a short sale on an exchange if necessary to equalize the price of such security with its current price in the principal exchange market for that security.[6] In practice, this exemption has permitted a short sale on a regional exchange to be effected at a price equal to the last sale of such security on the primary exchange, without regard to whether such sale would be above or below the last sale on the regional exchange or whether the last sale in the primary market was effected on a "plus" or minus tick. Finally, while section 10 (a) of the Securities Exchange Act authorizes the Commission to adopt comprehensive short sale regulation for securities "registered" on a national securities exchange, whether such sales are effected thereon or by means of another instrumentality of interstate commerce, Rule 10a-1 applies only to exchange transactions. Short sales in the over-the-counter market for listed securities (the "third market") are not currently regulated.

The implementation of a composite transaction reporting system is the first of a series of steps the Commission outlined in it Policy Statement to achieve the goal of a central market system in securities registered on an exchange.[7] Reports of transactions in certain securities registered on a national securities exchange, whether effected on the exchange with which the issuer is registered, or on one or more other exchanges, or in the third market, will be commingled in a continuous stream of information. The Commission believes it is particularly important, for the protection of investors and to ensure fair dealing in such securities, that transactions reported through the composite tape system be subject to appropriate short sale regulation.

It has long been recognized that one of the dangers of short selling is the possibility that a seller will attempt to establish new lows in a particular security with the hope that investors, observing the decline in price, will be induced to liquidate their holdings. If such seller is able to exhaust the existing bids in a particular security with his short sales, and if he is able to attract long selling to the market, his goal of accelerating the price decline of a particular security should be accomplished. Thus, it is the national dissemination of short sales, either by an exchange transaction tape, or, as contemplated, by a composite transaction reporting system, which in large part enables the short seller to accomplish his intentions. The Commission does not believe the composite transaction reporting system should provide a vehicle for such efforts. In addition, short sale regulation should ensure that transactions are not effected in one market, in a security that is traded in multiple markets, solely because of the desire of a customer to evade short sale restrictions imposed in another market.

The Commission's Advisory Committee on a Central Market System addressed itself to the form Rule 10a-1 should take upon the implementation of a composite transaction reporting system. The Committee, in its "Interim Report to the Commission on Regulation Needed To Implement a Composite Transaction Reporting System," recommended that short sales be prohibited at prices below that of the last transaction reported in the composite transaction reporting system (a minus tick) or at that price if such price was below the preceding transaction at a different price reported in that system (a zero-minus tick).[8] The Committee recognized that the effectiveness of such an approach would be dependent on prompt reporting and proper sequencing of transactions, particularly during periods of unusually active trading.[9]

In addition, the Committee considered two exemptions to its proposed rule, only one of which the Committee members agreed upon. The Committee believed that the general short sale rule suggested above should be modified to permit a short sale made pursuant to a firm, recorded, time-stamped offer to sell without regard to an intervening report in the composite transaction reporting system of another transaction at a higher price, as long as a short sale pursuant to that offer would have been in compliance with the short sale rule when the offer was recorded. Without this exemption, it may be that a market maker would be unduly restricted by the appearance of intervening trades effected in other markets reported on the composite transaction reporting system.[10]

The Committee also analyzed the "equalizing" exemption provided in paragraph (d)(6) of Rule 10a-1 for short sales effected in "secondary" exchange markets.[11] In most instances, the Committee's proposed rule would obviate the need for an equalizing exemption since permissible sales would be determined by last sale, not in the market in question, but in the composite transaction reporting system. The Committee noted, however, that a limited equalizing exemption may be necessary where a specialist on a regional exchange has granted "primary market protection" to a customer, guaranteed the customer an execution at the next sale price in the primary market or, in the case of a limit order, at the limit price if the primary market price reaches the limit order price. Without an exemption it would appear that a regional exchange specialist may be prevented from filling a customer's limit order bid since the specialist may not be "long" at the time of execution. The Committee was unable to reach agreement, however, as to whether a limited form of equalizing exemption should be continued.[12]

Several questions have been raised by interested observers as to the efficacy of the Advisory Committee's proposed short sale rule. For example, some have stated that the proposed rule may result in more opportunities for legal short sales than at present. Others have stated that it would be difficult, if not impossible, for a specialist in an unusually active market to watch the stream of information emanating from the composite transaction reporting system in order to determine permissible short sales. Still others have pointed out that there may be delays between the execution of an order and its appearance in the information stream or that, in period of unusually high volume, the system may experience transmission delays resulting in delays in the reporting of transactions. Therefore, while the Commission is publishing herein amendments to Rule 10a-1 to implement the recommendations of its Advisory Committee, interested commentators are specifically requested to address the asserted deficiencies in this approach noted above and certain policy questions, which among other things, reflect certain alternative proposals that have been suggested.

The specific policy questions on which comment is invited are as follows:

(1) If the Commission adopts the rule published in this release, should the rule provide an exemption from short sale regulation for sales made by "secondary" market makers at a price equal to last sale in the primary market pursuant to an order for which "primary market protection" has been granted? If so, should such an exemption be of temporary duration, i.e., only until other aspects of the central market system are functioning?

(2) Rather than using last sale appearing in the composite transaction reporting system as a reference point for determining permissible short sales, should the short sale rule prohibit short sales on "minus" or "zero minus" ticks in relation to last sale in the primary market for such securities? If such an approach were adopted, should "secondary" market makers be permitted to effect "equalizing" sales at the primary market price, as is presently permitted pursuant to paragraph (d) (6) of Rule 10a-1?

(3) Would it be more appropriate for short sale regulation

(a) To prohibit short sales below the lowest independent offer, or

(b) To prohibit short sales below a specified predetermined price such as previous day's closing price, previous day's low or same day's opening, or

(c) To limit short selling to a predetermined amount of the outstanding publicly-held securities?

Interested commentators should also note that the amendments published herein:

(1) Amend Securities Exchange Act Rule 3b-3 to define ownership of a security for the purpose of determining whether a particular sale is long or short; [13]

(2) Amend Rule 10a-1 to apply to sales of securities registered on a national securities exchange effected by any broker or dealer rather than merely a member;

(3) Eliminate the exemption for short sales of odd-lots;

(4) Expand the odd-lot dealer exemptions to include certain sales by Qualified Third Market Makers in securities for which such market makers file notices on Form X-17A-16(1) (17 CFR 249.631);

(5) Amend the regional exchange "equalizing" exemption to limit its availability to certain securities, trades in which are not reported in a composite transaction reporting system pursuant to Securities Exchange Act Rule 17a-15 (17 CFR 240.17a-15); [14]

(6) Add an exemption for sales pursuant to recorded, time-stamped offers established prior to an intervening transaction to which the seller was not a party;

(7) add an exemption for sales made pursuant to a plan of a national securities exchange or association to regulate short sales during temporary periods of unusual activity; and

(8) amend Securities Exchange Act Rule 10a-2 to broaden its provisions to encompass the lending of securities in certain circumstances by all broker-dealers rather than merely exchange members.

TEXT OF PROPOSED RULE

The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 3(b), 10(a) and 23(a) thereof, hereby proposes to amend Part 240 of Title 17 of the Code of Federal Regulations by amending §§ 240.3b-3, 240.10a-1 and 240.10a-2 to read as follows:

§ 240.3b-3 Definition of "Short Sale."

The term "short sale" means any sale of a security which the seller does not own or any sale which is consummated by the delivery of a security borrowed by, or for the account of, the seller. For the purposes of this section, a person shall be deemed to own a security if (a) he or his agent has title to it; or (b) he has purchased, or has entered into an unconditional contract, binding on both parties thereto, to purchase it but has not yet received it; or (c) he owns a security convertible into or exchangeable for it and has tendered such security for conversion or exchange; or (d) he has an option to purchase or acquire it and

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[1] Securities and Exchange Commission, "Policy Statement on the Structure of a Central Market System" (March 29, 1973).

[2] See Securities Exchange Act Release No. 9850 (Nov. 8, 1972) (adoption of Securities Exchange Act Rule 17a-15); Securities Exchange Act Release No. 10026 (March 5, 1973) (requesting comment on a joint plan filed pursuant to Securities Exchange Act Rule 17a-15); Securities Exchange Act Release No. 10073 (March 29, 1973) (requesting comment on certain exhibits and related documents supplementing the joint plan filed pursuant to Securities Exchange Act Rule 17a-15); Securities Exchange Act Release No. 10161 (May 21, 1973) (requesting public comment on certain amendments to the joint plan filed pursuant to Securities Exchange Act Rule 17a-15); Securities Exchange Act Release No. 10218 (June 13, 1973) (Letter of the Commission offering comments on, and proposed amendments to, the joint plan filed pursuant to Securities Exchange Act Rule 17a-15); Securities and Exchange Commission File No. S7-433.

[3] Policy Statement, 52, 66.

[4] 17 CFR 240.10a-1.

[5] See generally, Securities Exchange Act Release No. 2039 (March 10, 1939); 2 "Report of Special Study of Securities Markets," H. Doc. No. 95, 88th Cong., 1st Sess. 251-252 (1963).

[6] See Securities Exchange Act Release No. 1579 (Feb. 10, 1938).

[7] Policy Statement, 64-68.

[8] Advisory Committee on a Central Market System, Interim Report to the Commission on Regulation Needed to Implement a Composite Transaction Reporting System, 3, 7 (Oct. 11, 1973).

[9] Id. at 8.

[10] Id. at 4.

[11] Id. at 5-6.

[12] The exemption considered by the Committee would have permitted short sales by a regional exchange specialist as a price equal to the last sale recorded in the composite transaction reporting system, if the order has been granted primary market protection.

[13] See Securities Exchange Act Release No. 1571 (Feb. 5, 1938). Cf., Securities Exchange Act Rule 10b-4(b), 17 CFR 240.10b-4(b).

[14] See policy question number 1.

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has exercised such option; or (e) he has rights or warrants to subscribe to it and has exercised such rights or warrants: *Provided, however,* That a person shall be deemed to own securities only to the extent that he has a net long position in such securities.

§ 240.10a–1 Short sales.

(a) No person shall, for his own account or for the account of any other person, effect a short sale of any security registered on a national securities exchange, if trades in such security are included in reports of a composite transaction reporting system pursuant to § 240.17a–15, (1) below the price at which the last sale thereof, regular way, was reported in such composite transaction reporting system, or (2) at such price unless such price is above the next preceding different price at which a sale of such security, regular way, was reported in such composite transaction reporting system. No person shall, for his own account or for the account of any other person, effect on a national securities exchange a short sale of any security, if trades in such security are not included in reports of a composite transaction reporting system pursuant to § 240.17a–15, (1) below the price at which the last sale thereof, regular way, was effected on such exchange, or (2) at such price unless such price is above the next preceding different price at which a sale of such security, regular way, was effected on such exchange. In determining the price at which a short sale may be effected after a security goes ex-dividend, ex-right, or ex-any other distribution, all sale prices prior to the "ex" date may be reduced by the value of such distribution.

(b) No broker or dealer shall, by the use of any facility of a national securities exchange, or any means or instrumentality of interstate commerce, or of the mails, execute any sell order for a security registered on a national securities exchange unless such order is marked either "long" or "short".

(c) No broker or dealer shall mark any order to sell a security registered on a national securities exchange "long" unless (1) the security to be delivered after sale is carried in the account for which the sale is to be effected, or (2) such broker or dealer is informed that the seller owns the security ordered to be sold and, as soon as is possible without undue inconvenience or expense, will deliver the security owned to the account for which the sale is to be effected.

(d) The provisions of paragraph (a) of this section shall not apply to—

(1) Any sale by any person, for an account in which he has an interest, if such person owns the security sold and intends to deliver such security as soon as is possible without undue inconvenience or expense;

(2) Any broker or dealer in respect of a sale, for an account in which he has no interest, pursuant to an order to sell which is marked "long";

(3) Any sale by an odd-lot dealer or sale by a Qualified Third Market Maker in a security for which such market maker has filed a notice with the Commission on Form X–17A–16(1) (§ 249.631 of this chapter), to offset odd-lot orders of customers;

(4) Any sale by an odd-lot dealer or a sale by a Qualified Third Market Maker in a security for which such market maker has filed a notice with the Commission on Form X–17A–16(1) (§ 249.631 of this chapter), to liquidate a long position which is less than a round lot; *Provided,* Such sale does not change the position of such odd-lot dealer or such market maker by more than the unit of trading;

(5) Any sale of a security on a national securities exchange, if trades in such security are not included in reports of a composite transaction reporting system pursuant to § 240.17a–15, effected with the approval of such exchange which is necessary to equalize the price of such security thereon with the current price of such security on another national securities exchange which is the principal exchange market for such security;

(6) Any sale of a security for a special arbitrage account by a person who then owns another security by virtue of which he is, or presently will be, entitled to acquire an equivalent number of securities of the same class as the securities sold: *Provided,* Such sale, or the purchase which such sale offsets, is effected for the bona fide purpose of profiting from a current difference between the price of the security sold and the security owned and that such right of acquisition was originally attached to or represented by another security or was issued to all the holders of any class of securities of the issuer;

(7) Any sale of a security registered on a national securities exchange effected for a special international arbitrage account for the bona fide purpose of profiting from a current difference between the price of such security on a securities market not within or subject to the jurisdiction of the United States and on a securities market subject to the jurisdiction of the United States: *Provided,* The seller at the time of such sale knows or, by virtue of information currently received, has reasonable grounds to believe that an offer enabling him to cover such sale is then available to him in such foreign securities market and intends to accept such offer immediately;

(8) Any sale of a security registered on a national securities exchange effected in accordance with a special offering plan declared effective by the Commission pursuant to paragraph (d) of § 240.10b–2;

(9) Any sale made pursuant to a firm offer to sell securities, properly recorded and time-stamped prior to the reporting of a sale on a composite transaction reporting system pursuant to § 240.17a–15 at a price above that recorded offer, so long as a transaction pursuant to that offer would have been in compliance with paragraph (a) of this section when the offer was established and recorded;

(10) Any sale of a security registered on a national securities exchange effected in conformity with a plan submitted by a national securities exchange or association designed to regulate short sales during temporary periods of unusually high trading activity, or in other circumstances, if the Commission has declared such plan effective.

For the purposes of subparagraph (7) of this paragraph a depository receipt for a security shall be deemed to be the same security as the security represented by such receipt.

§ 240.10a–2 Requirements for covering purchases.

(a) No broker or dealer shall lend, or arrange for the loan of, any security registered on a national securities exchange for delivery to the broker for the purchaser after sale, or shall fail to deliver a security on the date delivery is due, if such broker or dealer knows or has reasonable grounds to believe that the sale was effected, or will be effected, pursuant to an order marked "long," unless such broker or dealer knows; or has been informed by the seller, (1) that the security sold has been forwarded to the account for which the sale was effected; or (2) that the seller owns the security sold, that it is then impracticable to deliver to such account the security owned and that he will deliver such security to such account as soon as is possible without undue inconvenience or expense.

(b) The provisions of paragraph (a) of this section shall not apply (1) to the lending of a security registered on a national securities exchange by a broker or dealer through the medium of a loan to another broker or dealer, or (2) to any loan, or arrangement for the loan, of any security, or to any failure to delivery any security if, prior to such loan, arrangement, or failure to delivery, a national securities exchange, in the case of a sale effected thereon, or a national securities association, in the case of a sale not effected on an exchange, finds (i) that such sale resulted from a mistake made in good faith, (ii) that due diligence was used to ascertain that the circumstances specified in subparagraph (1) of § 240.10a–1(c) existed or to obtain the information specified in subparagraph (2) of this paragraph, and (iii) either that the condition of the market at the time the mistake was discovered was such that undue hardship would result from covering the transaction by a "purchase for cash," or that the mistake was made by the seller's broker and the sale was at a price permissible for a short sale under section 10a–1(a).

The Commission believes that a comprehensive short selling rule to insure the proper functioning of a composite transaction reporting system is a matter of great significance to the national securities exchanges, the national securities associations, firms in the securities industry and to the investing public whose interest the Commission mandated to uphold. The Commission, therefore, is inviting all persons interestd in the future structure of the public securities markets to submit their views on the rule proposed herein and the additional policy questions. Interested persons are requested to submit comments in writing to the Office of Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549 no later than May 1, 1974. All comments should refer to File No. S7–515 and will be available for public inspection.

(Secs. 3(b), 10(a), 23(a), 48 Stat. 882, 891, 901; as amended 49 Stat. 704, 1379; 15 U.S.C. 78c(b), 78j(a), 78w(a))

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MARCH 6, 1974.

[FR Doc.74–6492 Filed 3–20–74;8:45 am]

[17 CFR Part 249]

[Release No. 34–10678; File No. S7–519]

NONMEMBER (SECO) BROKER-DEALERS FOR FISCAL YEAR 1974

Proposal To Modify Initial Fees and To Set Annual Assessments

The Securities and Exchange Commission has announced a proposal to modify the fees and assessments payable to the Commission by registered broker-dealers who are not members of the National Association of Securities Dealers, Inc. ("nonmember" or "SECO" broker-dealers).

Sections 15(b)(8) and 15(b)(9) of the Securities Exchange Act of 1934 ("the Act") authorize the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed with respect to nonmember broker-dealers. Pursuant to these sections of the Act the Commission has adopted Rule 15b9–1 (17 CFR 249.15b9–1) to establish initial entry fees for firms and Rule 15b9–2 (17 CFR 249.15b9–2) to provide for annual assessments. This proposal deals with the amendment of Form SECO–5 (17 CFR 249.505) under Rule 15b9–1, which sets initial fees for SECO broker-dealers, and the adoption of Form SECO–4–74 (17 CFR 249.504h) under Rule 15b9–2, which would establish the levels for annual nonmember firm assessments for the current fiscal year. The form (Form SECO–2), (17 CFR 249.502) setting initial fees payable on behalf of new associated persons would not be changed.[1]

In general, Form SECO–5, now provides for an initial levy payable by new SECO broker-dealers which is comprised of a base fee of $150. Form SECO–4–73, covering fiscal 1973, provided for an annual assessment payable by SECO broker-dealers comprised of: (1) A base fee of $175 applicable to all such brokers or dealers; and (2) a fee of $10 for each associated person engaged directly or indirectly in securities activities during the year on behalf of the broker-dealer.

[1] The initial fee required to be paid by a SECO broker-dealer on behalf of each associated person is $35.

Proposed initial fees for nonmember broker-dealers. Rule 15b9–1 provides that every broker or dealer who becomes registered with the Commission and who does not make a bona fide application for membership to a registered national securities association within 45 days of such registration shall, within such 45 day period, file Form SECO–5 and pay to the Commission the fee prescribed by the form. This fee, to be set forth on the proposed revised Form SECO–5, will be $500. This increase has been necessitated by the Commission's belief that a new broker-dealer should make a minimum financial commitment to engage in the securities business and that this Commitment should include an amount related to the approximate minimum cost (about $500) of processing his application for registration and his entry into the SECO program.[2]

Proposed annual assessments for fiscal year 1974. Each fiscal year the annual assessments is set forth on a Form SECO–4 for that particular year. This year's assessment, to be set forth on Form SECO–4–74, will include a base fee of $250 and a fee of $12 for each associated person. These increases have been necessitated by the increased costs to the Commission in administering the SECO program.

Text of proposed rule. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 15(b) and 23(a) thereof, hereby proposes to amend Part 249 of Title 17 of the Code of Federal Regulations by adopting § 249.504(h) as follows:

§ 249.504h (Form SECO–4–74); 1974 assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed on or before June 1, 1974, pursuant to § 240.15b9–2 of this chapter accompanied by the annual assessment fee required thereunder, for the fiscal year ended June 30, 1974, by every registered broker and dealer not a member of a registered national securities association.

The Commission proposes the foregoing to be effective June 1, 1974. All interested persons may submit their comments to the Commission at its office in Washington, D.C. 20549 no later than April 12, 1974. All comments should refer to File No. S7–519. Copies of the proposed form SECO–4 (17 CFR 249.504h) and Form SECO–5 (17 CFR 249.505) to be amended have been filed with the Office of the Federal Register, and additional copies are available on request from the Commission at the above address.

[2] See also Rule 15c3–1(a)(1)–(4) under the Act with respect to minimum capital requirements of broker-dealers.

(Sec. 15(b), 48 Stat. 895, as amended 78 Stat. 565 (15 U.S.C. 78o); sec. 23(a) 48 Stat. 901, as amended, 49 Stat. 1379, sec. 8 (15 U.S.C. 78w))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 13, 1974.

[FR Doc.74–6490 Filed 3–20–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Proposed Prohibited Uses of Fund

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958 (SBI Act), Pub. L. 85–699, 27 Stat. 694, as amended, it is proposed to revise, as set forth below, section 1001(d), Part 107 of Chapter I, Title 13 of the Code of Federal Regulations (Revised at 38 FR 30836, November 7, 1973).

Prior to the final adoption of such revision, consideration will be given to any comments. Such comments should be submitted in writing, in triplicate, to the Investment Division, Small Business Administration (SBA), Washington, D.C. 20416, on or before April 10, 1974.

Information. Revised § 107.1001(d) would alter policy to permit gambling income of less than one-third of a concern's gross income from the sale of official State lottery tickets or from gaming activities in those States wherein such activities are legal.

It is proposed that Part 107 be amended to read as follows:

§ 107.1001 Prohibited uses of funds.

* * * * * * *

(d) *Public interest.* For purposes contrary to the public interest including but not limited to gambling activities to the extent that any part of the annual gross income (including rental income) of the small concern (or of any of its principal owners) is derived from gambling activities except in those cases where an otherwise eligible small concern obtains less than one-third of its annual gross income (either at financing inception or during financing term) from (1) its income or commission from the sale of official State lottery tickets under a State license, or (2) from gaming activities in those States where such activities are legal within the State.

Dated: March 13, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74–6489 Filed 3–20–74;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM–122]

STUDY GROUP 8 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 8 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on March 28, 1974, at 10:00 a.m. in Room A–110, Federal Communications Commission Annex, 1229 20th Street, NW., Washington, D.C.

Study Group 8 studies matters relating to systems of radiocommunications and radiodetermination for the mobile services. The purpose of the meeting on March 28 will be to review the results of the international meeting of Study Group 8 (February 1974) and establish a program of work for the next interim period.

Members of the general public who desire to attend the meeting on March 28 will be admitted up to the limits of the capacity of the meeting room.

Dated: March 12, 1974.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

[FR Doc.74–6474 Filed 3–20–74;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[ER 1105–2–507]

ENVIRONMENTAL IMPACT STATEMENTS

Policy, Practice, and Procedure

On November 15, 1973, the Department of the Army, acting through the Chief of Engineers, published proposed regulations to supersede regulations published in 38 FR 9242 (April 12, 1973). These proposed revisions to these existing regulations prescribe the policy, practice and procedure to be followed by all Corps of Engineers Installations in connection with the preparation and coordination of environmental impact statements.

The Department of the Army, acting through the Chief of Engineers, is publishing herewith its final revised regulations for the preparation and coordination of environmental impact statements. This regulation is effective April 15, 1974.

The public comment period for this regulation expired on December 31, 1973. This final regulation has been revised based on comments received. The following analysis summarizes comments received on the cited paragraphs of the proposed regulations and presents a rationale for the changes made. Sources of comments are referenced by the numeral in parentheses.

(1) Environmental Protection Agency
(2) Environmental Defense Fund
(3) Massachusetts Audubon Society
(4) National Newspaper Association

Paragraph 2.

Comment. References to the NEPA program within the Corps in paragraphs 9 and 14 are not consistent with that noted in paragraph 2. (3)

References in paragraphs 9 and 14 have been revised to be consistent with the reference in paragraph 2. It should be noted that this regulation applies only to Civil Works activities of the Corps of Engineers. The effect of NEPA on Corps of Engineers military activities is covered by Department of Defense Directives and Department of the Army regulations.

Paragraph 3.

Comment. Add Executive Order 11752, "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities," and "Federal Insecticide, Fungicide, and Rodenticide Act," as references to regulation. (1)

This office does not agree. The Corps does and must comply with the legal requirements of the two environmental directives cited as well as many others. There is little point in enumerating all the many Federal and State laws now in force or which may later be enacted.

Paragraph 4a.

Comment. Paragraph 4 contains language that misstates the nature and extent of the substantive obligations created and imposed by the statute. (3)

Paragraphs 4a and 4a(2) have been revised.

Comment. Include a policy directive to the effect that "no action" be the first alternative considered. (1)

Although this point is covered in Appendix C, the words "including the initial no action alternative" have been added to paragraph 4a(2).

Comment. Reference should be made to the EPA policy of protecting the Nation's wetlands. (1)

The Corps recent regulation on wetlands which discusses the coordination between the Corps and EPA on wetlands has been added as a reference.

Paragraph 4b(2).

Comment. A higher level of review of the District Engineers "negative assessments" should be made. (2)

The District Engineer is recognized as the responsible Federal official for this purpose within the meaning of section 102(2)(C) of NEPA.

Comment. The criteria and methods presently being used by the Corps in making negative assessments should be discussed. (3)

In accordance with § 1500.6(c) of CEQ guidelines, paragraph 5 of the regulation identifies specific actions likely to require an environmental statement and paragraph 8 identifies those actions specifically excluded from the administrative requirement for the preparation of environmental statements. Paragraph 4b(2) provides guidance on other minor actions likely not to require environmental statements. A report on the progress made in developing supplemental instructions on criteria and methods to be used in identifying actions which may or may not require an environmental statement will be provided to CEQ by 30 June 1974.

Comment. A time frame of at least 15 days be specified between notice of a "negative declaration" and initiation of administrative action and that this time frame be specified in 11c(2)(b) for actions on "negative declarations" involving EPA. (1)

The 15 days time frame for actions involving EPA has been added to 11c(2)(b).

Paragraph 5.

Comment. Emergency projects involving major stream channelization should be added to this section unless already included. (1)

Major stream channelization is included in subparagraphs c, d and e of paragraph 5. However, paragraph 8 delineates specific emergency actions exempt from the requirement for an environmental statement.

Paragraph 5(1)(a).

Comment. Composite statements shall be required not only when several projects "are closely associated geographically and involve similar environmental impacts," but also "because of its interdependence of natural ecosystems." (2)

Paragraph 5f(2) has been revised to insert the requested reference to the interdependence of natural ecosystems.

Paragraphs 5f and 5g.

Comment. These sections should be revised to reference the requirement of coordination of negative declarations with EPA as shown in 11c(2)(b). (1)

The reference regarding EPA coordination in paragraph 11c(2)(b) has been cross-referenced in paragraphs 5f and 5g.

Paragraph 5g(3).

Comment. Subparagraph should be rephrased to make clear that the District Engineer should not "believe that granting the permit may be warranted" without first assessing the environmental impact. (2)

The text has been revised to clarify the point that an environmental assessment by the District Engineer is necessary prior to preparation of the environmental statement. Paragraph 16e (4) makes clear that the permit will not be issued for 30 days after the final environmental statement has been filed with CEQ and noticed in the FEDERAL REGISTER or date of delivery to the post office for mailing of the final environmental statement by the District Engineer whichever is later.

Paragraph 5g(5).

Comment. If an "umbrella statement" does not necessarily adequately cover each individual action, a supplementary statement may be needed. (1)

A sentence has been added to clarify this point.

Paragraph 5g(6).

Comment. Delete 5(g)(6) in which the Corps restricts its own NEPA duties on permit actions involving fixed structures or artificial islands on offshore lands under mineral lease from the Department of the Interior. (3)

By Act of Congress (43 U.S.C. 1333(f) the jurisdiction of the Secretary of the Army is extended to these artificial islands or structures outside the three-mile limit only for the purpose of preventing obstructions to navigation or for national security reasons. The Departments of Army and Interior have agreed that Interior is the "lead agency" for the environmental statement. This position has been sustained in the courts.

Paragraph 6a.

Comment. In addition to dredging, disposal of dredged and fill material is also an O&M action which, once taken, precludes adoption of alternative plans. (1)

The text has been revised.

Paragraph 6d.

Comment. Negative assessments on permit applications should be included in the 3-year schedules and submitted to CEQ. (2)(3)

Since most of the 8 to 10,000 annual permit applications are of a minor nature, i.e., single piling, small private dock construction or restoration, etc., and have little or no impact on the quality of the environment, more than a statistical listing in the 3-year schedule is unnecessary. Permit applications will receive appropriate public notice within the affected area.

Paragraph 7.

Comment. This section does not appear to account for revision of "negative declarations" which later prove to be erroneous due to the discovery of major environmental impact. (2)

Paragraph 7 deals only with cases when an environmental statement has been filed, not with cases of negative assessments. Paragraph 4b(2) on negative assessments covers the reversibility of negative assessments.

Comment. The 90 day and 30 day waiting periods should be observed for all revisions and supplements. (3)

This office does not agree. The 1 August 1973 CEQ guidelines do not require such for revisions or supplements after initial filing of a draft and final environmental statement. Subparagraphs a, b and c were revised in consultation with CEQ and are considered adequate. However, minor rewording has been added.

Paragraph 8.

Comment. A "program" statement should be made to cover procedures used by the Corps for emergency and disaster recovery actions (actions are excluded from the requirements of environmental statements). (1)

Since the Corps actions in question consist of a wide range of activities it is infeasible to discuss procedures used on all of these activities.

Comment. Add "and extensive stream channelization is involved" at the end of the sentence in paragraph 8c. (1)

This office does not agree since no extensive stream channelization is accomplished under this statute.

Comment. Excluding emergency and disaster recovery actions and certain land acquisition cases from NEPA is beyond CEQ guidelines. (3)

The courts have held that CEQ guidelines are not mandatory requirements for agencies. Paragraph 8 excludes emergency or hardship actions that do not permit delays necessary to process environmental statements. The paragraph has been revised to clarify this.

Paragraph 9.

Comment. "Water resources development" as a modifier of "activities" should be deleted to insure that no misunderstanding develops regarding the need for environmental impact statements on Corps activities. (1)

The first sentence has been changed accordingly.

Comment. Change the second sentence from "it should reflect accurately the detailed appraisals * * *" to "it should present accurately the detailed appraisals * * *". (3)

Sentence has been changed.

Paragraph 9c.

Comment. Reword paragraph to insure that environmental investigations are carried on simultaneously and in an interdisciplinary fashion to the same depth and scope as related engineering, economic and technical studies. (2)

Text has been changed.

Paragraph 9d.

Comment. Add at the end: "which are summarized and should indicate how such information may be obtained, in the case of documents not likely to be easily accessible." (3)

Paragraph has been changed.

Paragraph 9g(1) and (2).

Comment. Suggest minor editorial changes. (1)(2)(3)

Changes were made.

Comment. Suggest rewording: "Use objective analysis. Use general costs comparisons rather than detailed cost breakdowns to illustrate quantifiable environmental, economical or social tradeoffs necessary to achieve objectives. Although every effort should be made to obtain quantifiable values for environmental, economic or social tradeoffs, the nature and extent of non-quantifiable tradeoffs should be described and included in the analysis." See Appendix C, paragraph 4c(1).

Changed accordingly.

Comment. Suggest new subparagraph. "A list of agencies, groups, and individuals from whom comments have been requested or have been received is to be included in the draft and final environmental impact statements." (3)

Paragraph 14 amended.

Paragraph 9g(4).

Comment. In addition to a summarization of comments received, the actual comments should be appended to the final EIS. (2)

A cross-reference to Appendix C, paragraph 4k(4) has been added to address this point.

Paragraph 9g(5).

Comment. The Federal Water Pollution Control Act Amendments should be used as an example in this section. (1)

The paragraph has been changed accordingly.

Paragraph 9g(6).

Comment. Coordination with the EPA, especially with regard to Section 102(b) of the FWPCAA, should be included in the draft EIS. (1)

The paragraph has been changed accordingly.

Paragraph 11.

Comment. Suggest first sentence, "on review of draft environmental statements" be expanded to read "on review of draft, final, revised or supplemental environmental statements." (3)

A cross-reference to paragraph 7 has been added to cover this point.

Paragraph 11b.

Comment. Request clarification of this paragraph. (2)(3)

This has been done by adding a cross-reference to section 1500.11(e) of CEQ guidelines (39 FR 20556).

Comment. Suggest adding a sentence: "This section shall not shorten the normal period for comments of organized conservation and environmental groups, and other public groups or citizens known to be interested." (3)

This office does not agree. Section 1500.11(e) of CEQ guidelines (38 FR 20556) authorizes a shorter period in some circumstances.

Paragraph 12a.

Comment. Include list of Federal and State agencies which receive copies of each draft statement. (1)

A list is maintained in each District. A reference to the list has been inserted in paragraph 14 to clarify this point.

Paragraph 12f.

Comment. Object to the phrase, "* * * and organizations representing a legitimate public interest * * * and respond to reasonable and responsible request from the general public." (3)

Paragraph wording has been modified and a cross-reference to paragraph 14 mailing list has been inserted.

Paragraph 13c.

Comment. Modify to reflect pesticide use requirement. (1)

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The paragraph has been modified accordingly.

Paragraph 15c.

Comment. Add a new subparagraph. (3) "Letters of transmittal sending out draft environmental statements will indicate that copies of the SOF are available for review in the office of the responsible District Engineers."

This office does not agree. In the Corps decision making process the SOF is not drafted until all comments on the draft environmental statement have been analyzed and balanced against the economic and social benefits of the project. The SOF is prepared in final form at the time the final environmental statement is published and is bound into the final environmental statement behind the front cover. See paragraph 15.

Paragraph 14.

Comment. Suggest specific provision should be made for express public notice of all meetings and workshops, whether or not included in ER 1105–2–502. (2) (4)

Addition made to paragraph 14.

Paragraph 16b(2).

Comment. The last sentence appears to be in conflict with paragraph 9b. (1)

There is no conflict. All environmental statements will be reviewed by District Counsel. However, counsel at higher echelons (Divisions and OCE) will only review environmental statements in cases of litigation or controversy.

Paragraph 16e (2) and (3).

Comment. Recommend making the draft environmental statement available to the public at least 30 days prior to the public meeting held in connection with the project. (2)

This office does not agree. To give more than the 15 day period in § 1500.7d(2) of CEQ guidelines (38 FR 20553) would be contrary to the total public interest in certain cases. For example, in the case of permit application pertaining to the production of energy, a delay in processing may involve a loss to the applicant and ultimately to the consumer of millions of dollars.

Appendix C, paragraph 4c.

Comment. Recommend inclusion of two recent Public Laws administered by NOAA concerning wetlands preservation and water resource conservation as a specific reference. (2)

This office does not agree. On the contrary, we have deleted the two statutes cited; there is little point in enumerating the many Federal and State laws now in force or which may later be enacted.

Appendix C, paragraph 4d.

Comment. Existing water supplies, water quality, air quality and present methods of waste disposal should be discussed in this section. (1)

Inserted in first sentence.

Appendix C, paragraph 4j.

Comment. Reference should be made to the effects of the proposed project on the water quality of both surface waters and ground water. (1)

The paragraph has been revised to cover water, land and air.

Appendix C, paragraph 4h.

Comment. Add a statement that explicitly states that land acquisition or other land use controls in the flood plain be considered as an alternative in flood control projects. (1)

The paragraph has been revised to include these items.

DEPARTMENT OF THE ARMY

Office of the Chief of Engineers
Washington, D.C. 20314

PLANNING, PREPARATION AND COORDINATION OF ENVIRONMENTAL STATEMENTS [1]

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1. *Purpose.* This regulation provides guidance for preparation and coordination of Environmental Statements as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (Pub. L. 91–190), the Council on Environmental Quality Guidelines for Statements on Proposed Federal Actions Affecting the Environment, dated 1 August 1973 and section 122 of the River and Harbor Act of 1970 (Pub. L. 91–611), which is covered in separate guidelines.

2. *Applicability.* This regulation applies to all elements of the Corps of Engineers with responsibilities for planning, design, construction, management, and regulation of civil works activities and is applicable to pre-authorization and post-authorization project activities.

3. *References:*

a. ER 1165–2–500, "Environmental Guidelines for the Civil Works Program of the Corps of Engineers."

b. National Environmental Policy Act of 1969 (Pub. L. 91–190; 83 Stat. 852; (42 U.S.C. 4331 et seq.)) hereinafter referred to as NEPA.

c. Executive Order 11514, "Protection and Enhancement of Environmental Quality," 5 March 1970 (35 FR 4247, March 7, 1970) (attached as Appendix A).

d. Guidelines for Statements on Proposed Federal Actions Affecting the Environment, Council on Environmental Quality (CEQ) (38 FR 20550, August 1, 1973) (attached as Appendix B).

e. Section 309 of the Clean Air Amendments of 1970 (Pub. L. 91–604; 84 Stat. 1709; (42 U.S.C. 1857h–7)).

f. Freedom of Information Act (Pub. L. 89–487; 81 Stat. 54; (5 U.S.C. 552)) hereinafter referred to as Freedom of Information Act.

g. Section 122 of the River and Harbor Act of 1970 (Pub. L. 91–611; 84 Stat. 1823) hereinafter referred to as section 122, 1970 R&HA.

[1] This regulation supersedes ER 1105–2–507, February 16, 1973.

[2] Filed as part of the original document.

h. ER 1105–2–502, "Public Meetings."

i. ER 1105–2–11, "Preservation, Restoration and Administration of Historic and Cultural Environment."

j. ER 1105–2–12, "Archeological Investigations and Salvage Activities."

k. ER 1105–2–105, "Guidelines for Assessment of Social, Economic, and Environmental Effects."

(1) Fish and Wildlife Coordination Act of 1958 (Pub. L. 85–624; 72 Stat. 563; (16 U.S.C. 661 et seq.)).

m. Federal Water Pollution Act Amendments of 1972 (Pub. L. 92–500; 86 Stat. 816; (33 U.S.C. 1151 et seq.)).

n. ER 1105–2–129, "Preservation and Enhancement of Fish and Wildlife Resources."

o. Endangered Species Act of 1973 (Pub. L. 93–205; 87 Stat. 884).

p. ER 1105–2–509, "Statement of Findings."

q. ER 1145–2–303, "Permits for Activities in Navigable Waters or Ocean Waters," (33 CFR Part 209.120) (38 FR 12217, 10 May 1973).

4. *Policy.*

a. *General.* From the initiation of preauthorization planning through postauthorization planning and design, construction, and operation and management, all Corps of Engineers actions will be evaluated in terms of their impact on the environment within this overall policy. NEPA mandates a view of traditional policies and missions in light of NEPA's national environmental policy which requires all Federal agencies and officials to use all practicable means and measures to enhance, preserve and protect the quality of the environment to the fullest extent possible.

(1) Early and continuing coordination will be undertaken so as to develop a full interchange of views between the Corps of Engineers officials and appropriate local, State, and Federal agencies and the interested public. These Federal and Federal-State agencies and their relevant areas of expertise include those identified in Appendix II of CEQ's guidelines (38 FR 20557).

(2) The District Engineer will develop, analyze, study and utilize or adopt all practicable means and measures, including the "no-action" alternative and other alternatives to the proposed action, which will enhance, protect and preserve the quality of the environment, restoring environmental quality previously lost, minimizing and mitigating unavoidable adverse effects; and analyze and study the environment together with engineering, economic, social and other considerations to insure balanced decision making in the total public interest.

(3) During Corps of Engineers project planning and the related decision making process, a systematic and interdisciplinary approach will be utilized to insure proper weighing and balancing of environmental effects together with the engineering, economic, and social and other considerations affecting the total public interest. Sections 102(2) (A) and (B) of NEPA and Section 122, 1970 R&HA.

b. *Preparation of the Environmental Statements.*

(1) Environmental statements are required by section 102(2)(C) of NEPA. They will constitute an integral part of the interdisciplinary plan formulation process and will serve as a summation and evaluation of the effects, both beneficial and adverse, that each alternative action would have on the environment and as an explanation and objective evaluation of the finally recommended plan.

(2) Should the District Engineer determine in assessing the impact of a minor action that an environmental statement is not required, the determination to that effect will be placed in the project file. This determination shall be made available to the public upon request and shall include a statement of the facts and the signer's basis and reasons for his decision. It will be signed by the District Engineer or higher commander and brought to the attention of the public by publication in the three-year schedule (par. 6). Where more timely notification is essential, public notices may also be used. A minor action is defined as one which, following the completion of an environmental assessment, is determined not to have a significant impact on the quality of the human environment. If the District or Division Engineer is in doubt as to whether or not a statement should be prepared, further guidance must be requested in accordance with 4d. These determinations are reversible should controversy or other later events require an environmental statement to be written.

(3) Prior to forwarding, environmental statements will be carefully reviewed by District and Division Engineers to insure that the statement fully complies with the requirements of this regulation and the references cited herein.

c. *Systematic Review.* NEPA requires an environmental statement in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment. To support the spirit of NEPA fully, a systematic review of all Corps of Engineers actions will be conducted and environmental statements prepared in accordance with paragraph 4b.

d. *Further Policy Guidance.* If after taking all measures within his authority, the District or Division Engineer need further assistance in satisfying the requirements of paragraph 4b, he will report the matter to HQDA (DAEN–CWZ–P) WASH DC 20314, and request the necessary authority or guidance.

5. *Specific Actions Requiring Environmental Statements.* Listed below are types of Corps of Engineers actions that require the preparation of an environmental statement by reporting officers. For actions not identified in this paragraph, reporting officers should request further guidance from HQDA (DAEN–CWZ–P) WASH DC 20314. Environmental statements will be revised or supplemented in accordance with paragraph 7.

a. *Legislation.* Recommendations or reports to the Congress on proposals for legislation affecting Corps of Engineers programs including proposals to authorize projects (survey, review, and authorization reports) and other legislation, exclusive of appropriations.

b. *Proposals Under Continuing Authorities.* Recommendations or reports on proposals for authorization of projects by the Chief of Engineers or the Secretary of the Army under special authorities, including reports recommending approval of projects under the following special continuing authorities:

(1) Section 205, 1948 FCA, as amended (Pub. L. 87–874; 62 Stat. 1182; (33 U.S.C. 701s)).

(2) Section 107, 1960 R&HA, as amended (Pub. L. 87–645; 74 Stat. 486; (33 U.S.C. 577)).

(3) Section 103, 1962 R&HA, as amended (Pub. L. 87–874; 76 Stat. 1178; (33 U.S.C. 577)).

(4) Section 2, 1937 FCA, as amended by Section 208, 1954 FCA (Pub. L. 208, 75th Congress; 68 Stat. 1266; (33 U.S.C. 701g)).

(5) Section 3, 1945 R&HA (Pub. L. 14, 79th Congress; 59 Stat. 23 (33 U.S.C. 603a)).

(6) 1909 R&HA, as amended (Pub. L. 317, 60th Congress; 35 Stat. 818; (33 U.S.C. 5)).

(7) Section 111, 1968 R&HA (Pub. L. 90–483; 82 Stat. 735 (33 U.S.C. 426i)).

c. *Construction or Land Acquisition Not Started.* Initiation of construction or land acquisition on projects (unless exempt under provisions of paragraph 4b(2)) not yet started but for which funds have been appropriated or are provided by the current FY Appropriation Act.

d. *Requests for Initiation of Construction or Land Acquisition.* Budget submissions requesting funds for the initiation of construction or land acquisition on authorized projects.

e. *Continuing Construction or Land Acquisition.* Environmental statements for projects in continuing construction or land acquisition status will be submitted in accordance with the criteria and the schedule established in compliance with paragraph 6. The project will be covered in one comprehensive environmental statement, even if a portion or feature is funded separately. If the project is to be constructed and operated as part of a basin plan or a system of other projects, the environmental effects of the overall plan or system should be covered in reasonable depth.

f. *Operation, Maintenance, and Management.*

(1) Pursuant to the requirements of NEPA, District Engineers are to make an environmental assessment of all projects in an operation and maintenance status. If the assessment indicates that the effects of the individual O&M projects are too insignificant to warrant preparation of a statement he will prepare a written finding to that effect in accordance with the procedures in paragraph 4b(2). See paragraph 11c(2)(b)

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for EPA Coordination. If the assessment indicates a statement is needed such statement should be prepared.

(a) Composite statements grouping several projects under a single statement may be prepared when projects serve the same general purpose, are closely associated geographically or because of the interdependence of natural ecosystems and involve similar environmental impacts. The composite statement should address the cumulative environmental impacts of the projects as a group rather than on an individual basis. Such grouping of similar projects will be confined to projects in a single class category such as Channel and Harbor, or Lock and Dam, or Flood Control Reservoirs, etc. For example; several small boat harbors along an intercoastal waterway, or several flood control reservoirs which are operated under a network plan, or several harbors either for recreation or commercial purposes in a specific geographical area, could be appropriately covered by a composite statement.

(b) Separate statements for a project should be prepared where the operation and maintenance activities are unique or where known substantial environmental conflicts presently exist or can reasonably be expected to exist.

(2) Certain administrative actions regarding utilization of project resources such as leases, permits, easements and licenses, may lead to signficant effects on the enviromnent and therefore would require separate consideration. These actions will have been included in general terms under the overall project statement; however, separate environmental statements would still be required for those specific actions that are determined by the District Engineer to significantly affect the quality of the environment or to significantly affect future land or resource use.

(3) Exceptions:

(a) Completed projects turned over to local interests for operation and maintenance.

(b) Projects where only infrequent periodic maintenance is performed. Statements may be deferred until funds for maintenance are requested.

g. *Regulatory Permits.*

(1) Subject to the guidance contained in the regulations on policies and procedures for regulatory permits, an assessment of the impact of a proposed activity on all aspects of the quality of the environment is required. That assessment will include consideration of environmental information provided by the applicant, all advice received from Federal, State and local agencies, and comments from the public.

(2) When the District Engineer determines after evaluating the environmental assessment that an environmental statement need not be prepared for the proposed activity, he will follow the procedure outlined in paragraph 4b(2). See paragraph 11c(2)(b) for EPA coordination. If a public meeting is to be held in such cases, a summary of environmental considerations will be included with the announcement of the public meeting.

(3) If, after an environmental assessment, the District Engineer believes that granting the permit may be warranted but that the proposed activity would significantly affect the quality of the human environment, he will prepare an environmental statement which shall be noted on the three-year schedule pursuant to paragraph 6.

(4) If another Federal agency is the lead agency as defined by § 1500.7(b) of the CEQ guidelines (38 FR 20553), the District Engineer will coordinate with that agency to insure that the resulting environmental statement adequately describes the impact of the activity which is subject to Corps permit authority.

(5) If the proposed activity is part of a continuing program of similar activities in an area for which an overall environmental statement has been filed with CEQ ("umbrella statement"), that "umbrella statement" will be used in the evaluation of the environmental impact of the proposed activity. However, separate supplementary environmental statements may be needed to adequately cover subsequent permit actions.

(6) If the proposed activity involves fixed structures or artificial islands on the outer continental shelf lands which are under mineral lease from the Bureau of Land Management, Department of the Interior, the District Engineer's decision to issue a Corps of Engineers permit will be based on an evaluation of the impact of the proposed activity on navigation and national security only. An environmental statement by the Corps of Engineers is not required in such cases, and inquiries concerning environmental consideration will be referred to the Department of the Interior.

h. *Non-Federal Participation in Authorized Project.* When a non-Federal agency cooperates with the Corps of Engineers by construction or other participation, a final environmental statement will be prepared by the District Engineer and filed with CEQ prior to advertisement of the work. The non-Federal agency may furnish environmental data; however, the District Engineer will be responsible for independent verification and use of the data and for the environmental statement.

i. *Disposal of Lands for Port and Industrial Uses.* For disposal of surplus project lands for development of port and industrial facilities pursuant to section 108 of River and Harbor Act of 1960 (Pub. L. 86-645; 74 Stat. 487; (33 U.S.C. 578)), the District Engineer will prepare an environmental statement and process it with the proposed action to higher authority.

j. *Research and Development.* Procedures for the development of periodic evaluations and the determination as to whether an environmental statement is required on Civil Works research and development programs, in accordance with § 1500.6(d)(2) of CEQ guidelines (38 FR 20552) will be included in ER 70-2-3. "Civil Works Research and Development Management System."

6. *Three Year Schedule of Submission of Environmental Impact Statements (Reports Control Symbol DAEN-CWO-43).* Each District will develop by the end of each fiscal year, and updated quarterly, a schedule which develops for the following three years the environmental statements to be prepared or revised on projects in Survey, Continuing Authorities, AE&D, Construction, O&M, Permits and Research and Development Status. All schedules and quarterly updates will be submitted in ten copies within 15 days of preparation to HQDA (DAEN-CWO-C) WASH DC 20314. HQDA will provide a copy of this schedule to CEQ at this time. Appendix E contains the format for the schedule.

a. Priority effort will be assigned to Continuing Construction projects for which an environmental statement has not been filed with CEQ and Operation and Maintenance projects having a significant impact on the environment or those O&M actions such as dredging operations and dredge disposal which, once taken, preclude adoption of alternative plans.

b. In so far as practicable the schedule should consider the priorities expressed by appropriate agencies, groups and individuals on the project mailing list. The schedule is to be available to the public upon request.

c. Where a composite environmental statement is prepared for a group of O&M projects the listing on the schedule should include the names of all the projects included in the statement.

d. Where the District Engineer's environmental assessment of a proposed project indicates that an environmental statement is not required, such action and the negative assessment will be noted in the three-year schedule and in the annual budget request. Permit applications for which negative assessments have been made need not be included in the three-year schedule. However, permit negative assessments will be widely distributed via public notice and mailing list and will conform to requirements in paragraph 4b(2). The mailing list will include all agencies, groups or individuals, who have ever expressed an interest in the project.

7. *Revising or Supplementing Statements.* Whenever necessary, an appropriate revision or supplement to a final environmental statement on file with CEQ shall be prepared by the District Engineer. The extent of the revision and further coordination with other agencies, groups and individuals on the project mailing list will be based on para 14 and the following:

a. If the final environmental statement previously filed clearly failed to comply with the requirements of NEPA: e.g. failed to discuss alternatives or failed to disclose the environmental impacts of the proposed action, or if there has been a major change in the plan of development or method of operation of the proposed action, a revised environmental statement (draft and final) must be prepared and filed with CEQ. The 90 and 30 day waiting periods of CEQ guidelines § 1500.11(b) (38 FR 20556) will apply. Revised draft and final environmental statements will be circulated in accordance with paragraph 12d.

b. Whenever the final environmental statement on file becomes deficient because certain environmental effects of the project were not discussed or design features or project purposes were modified significantly subsequent to the filing of the original environmental statement, an appropriate supplement to the final statement shall be prepared. The supplement will be prepared in the draft and final format with a 45-day review and comment period allowed after publication by CEQ in the FEDERAL REGISTER for the draft. The 90 and 30 day waiting periods outlined in § 1500.11 (b) of CEQ guidelines (38 FR 20556) are not applicable. The draft supplement will be circulated to agencies, groups and individuals on the project mailing list. Both the draft and final supplement will be filed with CEQ and noted in a separate category in CEQ's weekly listing in the FEDERAL REGISTER. Reporting officers will furnish five copies of all draft supplements directly to CEQ (See Appendix C for sample letter and processing instructions). Ten copies will be transmitted to higher authority (five for HQDA (as appropriate) WASH DC 20314 and five for the Division Engineer). Twenty copies of the final supplement will be transmitted to higher authority (15 for OCE and five for the Division Engineer) for processing to CEQ. OCE will notify Division and District Engineers of any revisions made in the final supplement by the Chief of Engineers or the Secretary of the Army in advance of CEQ's notice in the FEDERAL REGISTER. This will allow the District Engineer time to make necessary revisions and have sufficient copies of the final supplement available for timely distribution to agencies, groups and individuals on the project mailing list.

c. Whenever it is necessary only to clarify or amplify a point of concern raised after the final environmental statement was filed with CEQ (and such point of concern was considered in making the initial decision) or if comments on the final environmental statement are received from Federal, State or local governmental agencies or the public, the clarification, amplication or response to the comments received shall be prepared and filed with CEQ. No waiting periods are required. Reporting officers will provide 20 copies of the above cited information to higher authority (15 for OCE and five for Division Engineers) for processing to CEQ.

8. *Specific Actions Excluded from Statements.* Specifically excluded from the administrative requirement for the preparation of an environmental statement are the following emergency or hardship actions which do not permit delays necessary to process environmental statements.

a. Emergency and disaster recovery actions performed under Public Law 99, 84th Congress, 69 Stat. 186, 33 U.S.C. 701n, except that for major post-flood restoration or rehabilitation actions, an environmental assessment will be undertaken to determie the environmental consequences of the proposed action. If any formal negative assessments are completed on these actions during the previous three-month period, they will be shown on the next quarterly submission of the three-year schedule. See Appendix E;

b. Emergency Bank Protection for Highways, Highway Bridge Approaches and Public Works, Section 14, FCA of 1946, 60 Stat. 653, 33 U.S.C. 701r;

c. Emergency snagging and clearing accomplished under Section 3, R&HA of 1945, as amended, 59 Stat. 23, U.S.C. 603a; except where disposal of sedimentation and dredged materials are involved;

d. Emergency actions directed by the Federal Disaster Assistance Administration (FDAA) under the provisions of Public Law 91-606, 84 Stat. 1744, except where FDAA determines that an environmental statement is required, the District Engineer will provide all necessary information to FDAA upon request;

e. In hardship cases, acquisition of land with appropriations made for the Land Acquisition Fund, initially established by Congress in connection with the passage of the Public Works for Water, Pollution Control and Power Development and Atomic Energy Commission Appropriations Act, 1971 (Pub. L. 91-439).

9. *Considerations in Preparing a Statement.* The environmental statement is to fully discuss the primary and secondary environmental effects including the social and economic impacts of all Corps of Engineers civil works activities. It should summarize accurately the detailed appraisals and analyses of Federal and State agencies with jurisdiction by law or special expertise with respect to environmental impacts and the concerns, views and comments expressed by conservation and environmental action groups and the public and the author's evaluation thereof. These agencies and their relevant areas of expertise are listed in Appendix II of CEQ guidelines.

a. Environmental statements are public documents and may receive broad exposure in the news media and intense public scrutiny.

b. They should be prepared in coordination with and be reviewed by District Council.

c. Interdisciplinary environmental investigations leading to the preparation of environmental statements should be undertaken simultaneously with and to the same depth and scope as study or project related engineering, economic and technical studies.

d. The environmental statement will bring together and summarize the various findings of other documents with respect to environmental considerations. It will summarize information and cite sources of overall appraisals and responsible judgments of complex environmental matters and inter-relationships (e.g., water quality by EPA, fish and wildlife resources by the Bureau of Sport Fisheries and Wildlife or other authoritative sources). It should make appropriate reference to those documents which are summarized and should indicate how such information may be obtained, in the case of documents not easily accessible.

e. Where another agency is directly involved with the Corps in an action or group of actions directly related to each other because of their functional interdependence and geographical proximity, consideration should be given to the designation of a lead agency to assume responsibility for the preparation of a single environmental statement to cover all of the Federal actions involved. Section 1500.7(b) of CEQ guidelines (38 FR 20553) provides further guidance on this and multi-agency actions.

f. The environmental statement shall be considered as an integral part of the Corps planning process and is only one of the documents upon which a decision on a major Federal action is based. It must be written so as to substantively stand on its own and will be submitted as a separate document for review by the public and other governmental agencies.

g. Environmental statements will be based on CEQ "Guidelines" Appendix B; the guidance of Appendix C, and the following:

(1) Describe the proposed action concisely using simple terms. Describe the environmental impacts and effects sufficiently to provide a careful assessment, evaluation, and independent appraisal of the favorable and adverse environmental, social and economic primary and secondary effects of the recommended proposal and each considered alternative. This discussion will include the impacts associated with O&M requirements during the life of the project. In no case will possible adverse effects be ignored or slighted in an attempt to justify an action previously recommended or currently supported. Conversely, avoid overstating either favorable or unfavorable effects.

(2) Discuss significant relationships between the proposed project and other existing, proposed and anticipated developments either public or private which may be affected by the project. This should include a discussion of the geographical setting of the area with and without the project; land usage including approved Federal, State and local land use plans, policies and controls; general trends including population and economic growth characteristics and projections and cumulative impacts induced by the project and the significance of the regional, national and international impact of the project, as applicable, supported by information indicating the relative scarcity or abundance of the environmental resources in question and other regional, national and international factors.

(3) Use objective analysis. Use general costs comparisons rather than detailed cost breakdowns to illustrate quantifiable environmental, economic or social tradeoffs necessary to achieve objectives. Al-

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though every effort should be made to obtain quantifiable values for environmental, economic or social tradeoffs, the nature and extent of nonquantifiable tradeoffs should be described and included in the analyses.

(4) Comments received in response to the draft environmental statement are to be included in the final environmental statement. See Appendix C, paragraph 4k(4). Comments can be summarized by topic with appropriate responses. All comments received must be given full consideration and analysis. Irreconcilable opposing views must be included in the final environmental statement and fully discussed.

(5) Discuss any existing State or Federal legislation, program, or study that concerns the study area or would have an effect upon it. Examples of such legislation and studies are those dealing with Wild and Scenic Rivers, Wilderness Areas, National Recreation Areas, National Parks, National Forests, Registered Historic Sites, Federal Water Pollution Control Act Amendments, etc.

(6) The draft environmental statement should discuss coordination activities with the Bureau of Sport Fisheries and Wildlife and the agencies administering the fish and wildlife resources of the concerned state or states in accordance with section 2(a) of the Fish and Wildlife Coordination Act of 1958 (reference 3m). It should include appropriate references to reports or documents prepared by these agencies and discussed in the statement and how such information may be obtained. Coordination activities with the National Marine Fisheries Service on proposed actions in the coastal zones should also be discussed. A statement concerning the effect or impact of the proposed action on threatened, rare and endangered species of fish and wildlife should be provided (reference 3.0. and Appendix G). Coordination with EPA, especially comments received under paragraph 11c(2) will be discussed.

(7) Include information indicating that the National Register of Historic Places has been consulted and that no National Register properties will be affected by the project, or a listing of the properties to be affected, an analysis of the nature of the effects, a discussion of the ways in which the effects were taken into account, and an account of steps taken to assure compliance with section 106 of the National Historic Preservation Act of 1966 (Pub. L. 89–665; 80 Stat. 915; 16 U.S.C. 470f) in accordance with procedures of the Advisory Council on Historic Preservation as they appear in the FEDERAL REGISTER of 25 January 1974 and subsequent issues (reference 3l).

(8) The environmental statement should include a discussion of Steps taken to comply with sections 2(b) and 1(3) of Executive Order 11593, Protection and Enhancement of the Cultural Environment, 13 May 1971 (see ER 1105–2–11 and ER 1105–2–12).

(9) Pertinent correspondence inclosed with the environmental statement should include a written request to the Department of the Interior for investigations of historical, archeological and paleontological resources and contact with the State Archeologist and the Historic Preservation officer of the State regarding the effect of the proposed action upon these resources within the project area. In addition to necessary coordination with these State officials prior to preparation of the environmental statement, a copy of the draft environmental statement should in all cases be provided them and the Advisory Council on Historic Preservation for review and comment. In the event the Department of the Interior advises in writing that it is unable to provide timely information on historical, archeological and paleontological resources for inclusion in environmental statements, District Engineers may contract with outside experts to provide limited, reconnaissance-level information. The scope and monetary limitation of these outside contracts has been provided by other guidance.

10. *The Annual Budget.* The time requirements for the filing of final environmental statements, prepared and coordinated in accordance with section 102(2)(C) of NEPA, have been established with a view to meeting, to the maximum extent, the requirements specified by the Council on Environmental Quality. Section 1500.12(b) of the CEQ guidelines. (38 FR 20556)

a. *Requests for Initiation of Construction and Land Acquisition.* For budget recommendations in this category, final environmental statements must have been filed with the CEQ prior to 1 September of the calendar year in which the budget recommendation is being submitted by Division and District Engineers. However, for non-controversial projects the draft environmental statement must be filed with CEQ by 1 September and the final environmental statement submitted to OCE by 1 November.

b. *Requests for Continuing Construction or Land Acquisition and Operation and Maintenance Activities.* Environmental statements on projects in these categories shall be submitted in accordance with the three-year schedule required by paragraph 6.

c. *Expression of Capability for Initiation of Construction.* Prior to the expression of any construction or land acquisition only capability on a project, a final environmental statement should be on file with the CEQ. For projects for which a draft environmental statement has been filed with CEQ and for which there is a firm schedule for filing the final environmental statement by the second quarter of the budget fiscal year, a qualified capability may be expressed subject to the actual filing of the final environmental statement.

d. *Listings.* The annual budget recommendations of Division Engineers will provide a listing of projects recommended in each budget category indicating the time of actual or scheduled submission of the final environmental statements to the CEQ.

11. *Coordination.* Use existing coordination procedures to obtain the views of agencies, groups and individuals on the project mailing list on review of draft environmental statements. For recirculation of revisions or supplements see paragraph 7. If the project is in litigation, furnish the draft or final environmental statements to all the litigants.

a. *Time Limits.* Reporting Officers should establish a time limit of not less than 45 days for reply after date of publication of Draft environmental statement by CEQ in the FEDERAL REGISTER. In the absence of a specific request for an extension of time, a lack of response may be presumed to indicate that the agency consulted has no comment to make. In unusually large and complex actions consideration should be given to a reply period longer than 45 days to allow agencies, groups and the public adequate time to review and comment on the draft environmental statement. No administrative action will be taken regarding the proposal sooner than 90 days after a draft environmental statement has been filed with CEQ and notice in the FEDERAL REGISTER, or sooner than 30 days after the final environmental statement has been made available to CEQ and the public and noticed in the FEDERAL REGISTER. The 30-day period required for public review of final environmental statements before administrative action can be taken commences on date that notice of final environmental statement is published in FEDERAL REGISTER *or* on date of delivery to post office for mailing of copies of final environmental statements to agencies, groups and individuals on the project mailing list whichever is later. Administrative actions are defined for this purpose to include initial land acquisition, advertising of the initial construction contract, and regulatory permit approval.

b. *Expedited Filing.* In certain exceptional cases where the work must be performed within critical time restraints, but does not fall within the emergency actions listed in paragraph 8, an expedited filing process may be recommended in accordance with § 1500.11(e) of CEQ guidelines (38 FR 20556). In such cases, Reporting Officers will provide all information and facts to HQDA (DAEN–CWZ–P) WASH DC 20314, and request the necessary authority and guidance. At the same time, the Reporting Officer should initiate informal coordination with the appropriate Federal, State, and local agencies to insure prompt review of the environmental statement.

c. *Federal Agencies.*

(1) Use Appendix B, CEQ "Guidelines," (38 FR 20557) to determine the Federal agencies with jurisdiction by law or special expertise to whom the draft environmental statement is to be sent for comment on the environmental impacts. See Appendix F for special coordination requirements of individual Federal agencies. Draft environmental statements on Civil Works projects to be forwarded to other headquarters elements within the Department of Defense will be submitted to OCE for necessary coordination.

(2) Section 1500.9(b) of CEQ "Guidelines" (38 FR 20555) require in addition

to normal coordination procedures, the following coordination with the Environmental Protection Agency (EPA):

(a) Comments of the Administrator or his designated representative will accompany each final environmental statement on matters related to air or water quality, noise control, solid waste disposal, pesticides, radiation criteria and standards, or other provisions of the authority of EPA.

(b) Copies of basic proposals (studies, proposed legislation rules, leases, permits, etc.) will be furnished to EPA with each environmental statement. For actions for which environmental statements are not being prepared but which involve the authority of EPA, EPA will be informed that no environmental statement will be prepared and that comments are requested on the proposal within 15 days.

d. *State and Local Agencies.* Coordination of the environmental statement with State and local agencies authorized to develop and enforce environmental standards may be obtained directly with the agencies and with the appropriate State, regional, or metropolitan clearinghouses unless the Governor has designated some other source for obtaining this review. For additional guidance, see ER 1120–2–112, "Coordination of Investigations and Reports with Clearinghouses."

12. *Availability of Statements.* Draft and final environmental statements, revisions and supplements, including comments received during review, will be made available to the public in accordance with paragraph 14 of this regulation, Section 2(b) of Executive Order 11514, "Protection and Enhancement of Environmental Quality" and § 1500.9, .10, and .11 of the CEQ "Guidelines" (38 FR 20554) as follows:

a. *Draft Environmental Statements.* The District Engineer will furnish copies of draft environmental statements to agencies, groups and individuals on the project mailing list and in addition will furnish copies in response to requests from the public and will furnish public information file copies to the Division office and the appropriate State, regional and metropolitan clearinghouses. Additional copies will be available in the responsible District Engineers office and a copy will also be available for review in the Public Affairs Office in OCE.

b. *Final Environmental Statements.* At the same time as the final environmental statement is filed with CEQ, the District Engineer will furnish copies to agencies, groups and individuals on the project mailing list including those contacted during departmental review of Survey Reports. This is to enable the agency and public an opportunity to comment on the final environmental statement to CEQ and/or the Corps if they so desire, within the 30 day period as noted in paragraph 11a prior to the administrative actions being taken. Additional copies will be available in the responsible District Engineers office and a copy will also be available for review in the Public Affairs Office in OCE. Any changes in the final environmental statement made by the Chief of Engineers or the Secretary of the Army will be communicated to the District Engineer as soon as possible to allow for necessary revisions and timely distribution.

c. *Comments of Other Agencies.* In response to specific requests from the general public, District Engineers will make available the comments received from other agencies on the draft statement prior to the availability of the final environmental statement. Such release of comments will be in accordance with the provisions of the Freedom of Information Act.

d. *Number of Copies.* In order to comply with § 1500.11(a) CEQ "Guidelines," (38 FR 20555) reporting officers will furnish five copies of all draft, revised draft, and draft supplemental environmental statements directly to CEQ and provide 10 copies to higher authority (five for OCE and five for Division Engineers) at the time coordination with agencies, groups and individuals on the project mailing list is initiated. Twenty copies of the final, revised final, and final supplemental environmental statement will be transmitted to higher authority (15 for OCE and five for Division Engineers) for further processing to CEQ. Each planning report submitted should be accompanied by an environmental statement.

e. *Public Review.* News releases concerning draft and final environmental statements, revisions and supplements by District Engineers will be given as wide a coverage as deemed sufficient to accomplish the purpose of this directive and the intent of § 1500.9(d) of the CEQ "Guidelines" (38 FR 20555). When significant environmental impacts or public concern have become apparent subsequent to the last public meeting, reporting officers will determine whether a public meeting should be held prior to or during coordination of the statement.

f. *Public Availability.* District Engineers will prepare sufficient copies of draft and final environmental statements, revisions and supplements to cover all agencies, groups and individuals on the project mailing list. See paragraph 14. In accordance with 31 U.S.C. 483, 5 U.S.C. 552, and § 1500.11(d) of CEQ "Guidelines," (38 FR 20556) charges to cover reproduction costs may be assessed generally in accordance with the following:

(1) Where cost of reproduction is insignificant compared to collection and accounting costs, draft and final statements will be furnished without charge in single copies to individuals requesting copies. For multiple copy requests, reproduction costs will be recouped from the requestor.

(2) For large environmental statements and where substantial reproduction costs are incurred, individuals requesting copies should be advised that copies are available from the District Engineer at the cost of reproduction and also advised of the nearest point at which copy is available for public inspection. They should also be advised of the availability (at cost) of the State-ment from the Environmental Law Institute, 1346 Connecticut Avenue, NW., Washington, D.C. 20036.

13. *Relationship to Project Planning, Construction and Operation.*

a. *Project Planning.* In the formulation of new project proposals, environmental considerations will be integrated into the planning process from the beginning. Preliminary identification of possible environmental impacts and effects of the project and of all alternatives considered will be made and discussed fully at early stages in the study. Consultation and coordination with all agencies, groups and individuals on the project mailing list (see paragraph 14) will be accomplished at the earliest practicable time in the planning process and will continue throughout the life of the project. Reporting officers will insure that such consultation has been sufficient to identify all significant impacts prior to forwarding of environmental statements to higher authority.

(1) *Section 122, Effect Assessment.* Effect assessment procedures in response to Section 122, 1970 R&HA are contained in ER 1105–2–105. All significant adverse effects (including environmental) of proposed Corps actions are identified and evaluated and the feasibility and cost of eliminating or minimizing such adverse effects are considered fully in the planning and decision-making process. The effect assessment procedure, particularly the study of the environmental effects of various project alternatives, will provide a valuable source of information for the Environmental Impact Statement.

b. *Authorized Projects.* On projects that were recommended, authorized or under construction prior to the National Environmental Policy Act of 1969, the opportunity to study and evaluate a full range of alternatives may be more limited. However, to the extent feasible, alternative solutions and opportunities for environmental enhancement, preservation, restoration, and mitigation will be investigated prior to preparation of the statement. Regardless of the level at which formal coordination is to take place, reporting officers will carefully examine and evaluate, in coordination with appropriate Federal, State, and local agencies and the public, the environmental impact of all reasonable alternatives prior to preparing a recommendation or an environmental statement.

c. *Operation, Maintenance, and Management.* In the development of plans for operation, maintenance, and management activities, consider all significant effects on the environment and comply with all legal requirements. Such considerations differ from those for a project in planning status and discussion should address only the environmental effects of the operation of the project and on-going O&M programs. Include alternative uses of available resources when the proposed O&M activity will change the quality of the environment, modify the beneficial uses of the environment, or serve some purposes to the disadvantage of other environmental goals. Typi-

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cal examples of these activities which could have an impact on the environment are as follows:

(1) Disposal of dredged material in wetlands or marshlands.

(2) Disposal of polluted dredged material in unconfined or open water areas.

(3) Debris collection and disposal activities.

(4) Resource management programs involving the cutting, sale and/or disposal of forest resources; extensive plant disease eradication; predator or vector control; and aquatic plant control.

(5) Reservoir regulation in which some environmental benefits must be sacrificed for other environmental benefits or economic considerations, e.g., drawdown to provide water for power and for downstream water quality control.

(6) Leases, licenses, rights-of-way, administrative permits, and other actions involving use by others of project resources, if impact is significant and not otherwise covered in another environmental statement.

(7) Redesignation of project land under management by the Corps from scenic buffer or "green belt," undeveloped natural area, or wild life management area to more intensive type of public use or some other type of use.

d. *Regulatory Permits.* In evaluating permit applications, the District Engineer will carefully evaluate the effect on the environment of the proposed action considering environmental information provided by the applicant, all advice received from Federal, State and local agencies and comments of the public. Where the environmental effect is believed to be significant, an environmental statement will be prepared, except when an "umbrella statement" has been filed with the CEQ (paragraph 5g above.)

14. *Public Participation.* Public participation will be planned and incorporated into the conduct of all Corps of Engineers civil works activities and must be viewed as an integral part of the planning and administrative process. Public participation is a continuous two-way communication process which involves keeping the public fully informed on the status and progress of studies and findings of plan formulation and evaluation activities; actively soliciting from all agencies groups and individuals on the project mailing list their opinions and perceptions of objectives and needs; and determining public preferences regarding resources use and alternative development or management strategies plus any other information and assistance relevant to plan formulation and evaluation. Each District maintains a list of agencies, groups, and individuals who have requested they be listed for the project in question or from whom comments have been requested or received at any stage in the planning of the project and in the preparation and coordination of the draft and final environmental statements. This list will be kept current and all revisions and supplements to the environmental statements required to be recirculated for public comment will be sent to all those listed. All those listed will be notified of all meetings, workshops and public hearings held in connection with the project. Drafts of: (1) Environmental statements (2) revisions and (3) supplements should be made available to the public at least 15 days before any public meeting or hearing.

a. *Pre-authorization Project Studies.* Public meetings, informal meetings and workshops within the project area and the use of news media are means to develop free-flowing dialogue to assist in the identification of the environmental concerns and develop appropriate measures within the proposed plan to mitigate, eliminate, or reduce environmental impact. Unresolved environmental conflicts must be clearly set forth with a full and complete discussion of both sides of the issue.

b. *Post-authorization Project Studies.* Public meetings as specified in ER 1105–2–502 will be held during post-authorization planning studies to insure that views of interested parties will be considered in the development of the plan and that all interested parties will be kept informed of study progress. Full coordination with agencies groups and individuals on the project mailing list will be maintained during post-authorization planning. A public meeting should be held in special situations such as unusual interest or controversy, unusual time lapse or significant changes in the authorized project or environmental effects where either the public or the Corps, or both, would benefit by the exchange of views and information.

15. *Statement of Findings.* A Statement of Findings (SOF) ER 1105–2–509, will accompany final environmental statements. The SOF for regulatory permits will be filed with CEQ when a decision on the permit application has been made.

a. On continuing construction and operation and maintenance projects, an SOF will accompany the final environmental statement after the agency and public review comments on the draft environmental statement have been considered and the final environmental statement is forwarded to the Division Engineer. The SOF will be signed at each level of review (i.e. District, Division, and OCE) as the final environmental statement progresses, indicating concurrences or changes, and the original copy will be returned to the reporting officer for his action file when the final environmental statement is filed with CEQ.

b. In the case of survey reports, an extracted SOF will accompany the revised draft environmental statement when the District Engineer transmits the survey report to the Division Engineer for further review and processing by Federal agencies at Washington level. The extracted SOF will be signed at each level of review (i.e. District, Division, and OCE), indicating changes or concurrences, and furnished to CEQ by the Secretary of the Army with the final environmental statement. A SOF is not required for unfavorable survey reports.

16. *Processing.* Environmental Statements will be prepared by the officer initially preparing the recommendation or report (normally the District Engineer). The initiating officer is recognized as the responsible Federal official within the meaning of section 102(2)(c) of NEPA except for such changes as reviewing authorities may deem necessary in the original proposal and covering statement, to be consistent with the policies of the Chief of Engineers and the Secretary of the Army. Agency comments and the views expressed should be directed at the environmental impacts and should be no older than 12 months for new proposals nor older than three calendar years for previously authorized projects. More recent coordination will be required if significant changes of fact have occurred in the period since filing that affect the proposal, the action being initiated, or the associated environment.

a. *Survey Reports.*

(1) A written summary of environmental considerations in the project area will be prepared and presented at the Checkpoint I Conference. This summary will be based on information developed in a project-related environmental inventory.

(2) The summary of environmental considerations which includes an analysis of probably environmental effects of the considered project alternatives will be presented at each public meeting in a degree of detail commensurate with that in which the engineering, economic or other aspects of alternatives are discussed.

(3) During the formulation stage public meeting, all anticipated environmental impacts and effects of each potentially feasible solution under active consideration will be identified and discussed. Environmental data obtained from effect assessment procedures, as required by section 122, 1970 R&HA, will provide useful data for evaluating various project alternatives. A Summary of Environmental Considerations will be attached or inclosed to the public meeting announcement in order to generate meaningful and thorough discussion during the meeting.

(4) A draft environmental statement will be prepared and circulated for review and comment at least 15 days before late stage meetings. The draft environmental statement will present and discuss the anticipated environmental effects of the plan which may be recommended by the District Engineer along with the probably environmental impacts of the alternative plans considered in the study. The statement will also reflect the information and data inputs provided by the coordination accomplished during the study with various Federal, State and local agencies.

(5) The District Engineer will circulate, together with the draft environmental impact statement, an appropriate number of copies of advance drafts of the Corps basic decision document—the survey report—to concerned Federal and state agencies for review and comment prior to the late stage meeting. The plan formulation section of the advance draft survey report will be as complete as possible. It will include appropriate discussions of project alternatives and tentative selection of the plan that the District Engineer considers to provide the best balanced solution which he may ultimately recommend. This review of the project decision document will constitute formal project review at this stage of the planning process; it will also permit the agencies to provide more substantive comments on the draft environmental statement. If the proposed plan subsequently should be modified in response to the comments received, changes will be noted by the District Engineer in later versions of the survey report and will be discussed in revised draft environmental statements.

(6) At the same time, District Engineers will circulate draft environmental statements for formal review and comment to other agencies, groups and individuals on the project mailing list. Letters of transmittal sending out draft environmental statements will indicate that copies of the advance drafts of the Corps basic decision document (the survey report) are available for review in the office of the responsible District Engineers. Five copies of the draft environmental statement will be furnished directly to CEQ (see Appendix C for sample letter and processing instructions). Ten copies will be transmitted to higher authority (five to HQDA (DAEN–CWP–E, –C or –W as appropriate) WASH, D.C. 20314, and five for the Division Engineer). The date published by CEQ in the FEDERAL REGISTER of the draft environmental statement starts the official agency review period. At the same time of the circulation of the draft environmental statement, the District Public Affairs Office will prepare and issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer.

(7) If the District Engineer desires, he may circulate the draft environmental statement with the announcement of the Late Stage Public Meeting provided a minimum of 15 days is allowed for review and comment between the date of Public availability of the statement and the date of public meeting. In view of the extensive mailing list used in circulating the announcement, the District Engineer need provide draft environmental statements only to those agencies, groups, and individuals on the project mailing list. In either case, however, a Summary of Environmental Considerations will be attached to the announcement of the Public Meeting. The announcement will also include a specific reference indicating that the draft environmental statement is in process to or on file with CEQ and that copies are available for public review and comment upon request from the District Engineer and will also be available at the public meeting.

(8) When the District Engineer completes his report, he will finalize his recommended plan of improvement and prepare an appropriately updated and revised draft environmental statement. All comments received will be attached as Appendix A and summarized in Paragraph 9—Coordination With Others. Numerous repetitive comments received from the public should be noted with an appropriate summarization of the issues and Corps response, including a typical letter with a list of names of those submitting similar letters. Paragraph 9 should also discuss the environmental issues raised at the public meeting not included as part of the written comments in Appendix A. The District Engineer will transmit the report, the revised draft environmental statement and an extracted SOF to the Division Engineer for further review and processing to BERH and OCE. The Division Engineer will review and comment on the revised draft environmental statement when he transmits his report to the Board of Engineers for Rivers and Harbors (BERH). Interested parties also will have an opportunity to comment on the report and the environmental statement subsequent to the Division Engineer's notice when the report and environmental statement are with BERH for review.

(9) BERH and OCE will review the revised draft environmental statement at the same time it reviews the project report. A BERH staff presentation of environmental issues and impacts will be made to the Board with controversial issues receiving special consideration. The Board report will summarize the Board's views upon environmental issues. If extensive revisions are required as a result of BERH or OCE review, the revised draft environmental statement will be returned to the reporting officers for revision and resubmission to BERH or OCE as appropriate.

(10) The revised draft environmental statement will be circulated for review and comment with the survey report to the concerned State or States and Federal agencies at the Washington level in accordance with established procedures. The revised draft environmental statement, the proposed report of the Chief of Engineers, the report of BERH and supplemental economic data will be furnished CEQ by OCE at this time. Copies of the revised draft environmental statement will be provided Division and District Engineers. District Engineers will transmit public information file copies to the appropriate State, regional and metropolitan clearinghouses and to those agencies, groups and individuals on the project mailing list not contacted by OCE.

(11) Upon completion of Departmental review, all letters and comments received on the revised draft environmental statement will be sent to the District Engineer for preparation on the final environmental statement. The District Engineer will prepare appropriate responses, make necessary revisions to the main text due to comments received and forward (through Division) 25 copies to OCE. It will accompany the Chief's final report on the project to Office, Secretary of Army (OSA). All letters received in OCE during Department review will be furnished BERH or MRC for staff review as considered appropriate. Formal BERH or MRC reconsideration of its previous recommendations will only be accomplished in those instances when the Chief of Engineers determines that new information obtained is of such significance as to warrant reconsideration by the full Board or Commission.

(12) When OSA transmits the final report to Congress, it will also transmit the final environmental statement to CEQ. At the same time OCE will notify Division and District Engineers of the transmittal to allow for timely distribution of the final statement to agencies, groups and individuals on the project mailing list. OCE Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with CEQ, is available for review at the Office of the Chief of Engineers and that single copies may be obtained from the District Engineer.

b. *Special Projects and Continuing Authorities.* All required consultation with Federal, State and local agencies, and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers.

(1) A draft environmental statement will be prepared and circulated for review and comment before preparation of the final report and recommendations. The District Engineer will circulate, together with the draft environmental impact statement, an appropriate number of copies of the draft DPR to concerned Federal and state agencies for their review and comment. This review of the project decision document with the draft environmental impact statement will permit agencies to provide more substantive comments and will constitute their formal review. If the proposed plan of improvement should be significantly modified as a result of the comments received, additional coordination of the report and environmental statement will be necessary before the District Engineer completes the DPR and final environmental statement. At the same time, District Engineers will circulate draft environmental statements for review and comment to other agencies, groups and individuals on the project mailing list. When there is a late stage public meeting, this draft environmental statement will be made available to the public at least 15 days before the meeting. Letters transmitting the draft environmental statement will indicate that a copy of the draft Corps decision document, the DPR, is available for review in the office of the responsible District Engineer.

(2) Five copies of the draft environmental statement will be furnished directly to CEQ (see Appendix C for sample letter and processing instructions). Ten copies will be transmitted to higher authority (five for HQDA (DAEN–CWP–E, –C or –W as appropriate) WASH, D.C. 20314, and five for the Division Engineer). Three copies of the draft report should accompany the draft environmen-

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tal statement when sent forward, to higher authority. The date of publication by CEQ in the FEDERAL REGISTER starts the official agency review period and the 90-day period before the administrative action of project approval can be taken. At the same time the District Public Affairs Office will prepare and issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer. The District Engineer may circulate the draft environmental statement with the announcement of the late stage public meeting as discussed in paragraph 16a(6) above. If the project is in litigation or potential litigation exists, the draft environmental statement should be reviewed by Division Counsel and the Office of General Counsel, OCE.

(3) After receipt and evaluation of agency review comments, comments of the interested public and information obtained at the public meeting the District Engineer will prepare the final environmental statement and complete the project report. The report together with twenty copies of the final environmental statement will be transmitted to higher authority (15 for HQDA (DAEN–CWP–E, –C, or –W) WASH DC 20314 and five for the Division Engineer) for further processing.

(4) The Division Engineer will review the project formulation and technical aspects of the project report and the adequacy to the final environmental statement. Upon completion of Division office review, the project report and accompanying statement will be transmitted to OCE for further processing.

(5) OCE will review the project report and final environmental statement for policy and procedure. OCE or OSA will furnish the final environmental statement to CEQ, as appropriate. The 30-day period required for review of final environmental statements before administrative action can be taken commences as noted in paragraph 11a. Any changes in the final environmental statement made by the Chief of Engineers or the Secretary of the Army will be communicated to the District Engineer as soon as possible to allow for necessary revisions and timely distribution. The District Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with CEQ and that single copies are available for the District Engineer. District Engineers will furnish, in a timely manner, copies of the final environmental statement to agencies, groups and individuals on the project mailing list as well as provide information copies to the appropriate State, regional and metropolitan clearinghouses.

(6) OCE will provide the Division Engineers with notification of project approval and Chief of Engineers authorization to proceed with project work.

c. *Authorized Projects Not Started.* It is contemplated that all required consultation with Federal, State and local agencies and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers. See paragraph 14 on Public Participation for guidance on holding public meetings in connection with preparation of statements for authorized projects. Any unsolicited comments received directly by OCE will be furnished to the District Engineer with appropriate instructions.

(1) Prior to submittal of the Phase I General Design Memorandum (ER 1110–2–1150, "Post-Authorization Studies"), the District Engineer will review the environmental statement that was filed with CEQ when the project was authorized, or prepare one if none has been prepared. If the Phase I review indicates that the environmental effects of the project as proposed have not changed significantly from the authorized project, and were adequately and fully covered in the statement, no changes to the statement will be required. This will be noted in the Phase I GDM with a statement that a revised or supplemented statement will not be required. However, if the review indicates that there are changes in the project which would significantly affect the quality of the environment, or if the environmental effects of the project were not adequately covered in the statement, a new environmental statement (draft and final) must be prepared, with the final environmental statement to accompany the Phase I GDM. See paragraph 7 for procedure for revising or supplementing the final environmental statements. The physical changes in the project and/or changed environmental effects will be briefly discussed in Phase I GDM including a statement that a revised environmental statement or supplement will be prepared. For projects for which environmental statements are required (paragraph 5, Agency Actions Requiring Statements) and for which the GDM has been previqusly submitted, environmental statements will be prepared as soon as possible.

(2) The draft environmental statement will be prepared and circulated for review and comment before preparation of the final Phase I GDM. The District Engineer will circulate, together with the draft environmental impact statement, an appropriate number of copies of the draft plan formulation memorandum (Phase I GDM) to concerned Federal and state agencies for their review and comment. This review of the draft Phase I GDM along with the draft environmental impact statement will allow agencies to provide more substantive comments and will constitute their formal review. If the proposed project should be significantly modified as a result of the comments received, additional coordination of the Phase I GDM and draft environmental statement will be necessary before the District Engineer completes the Phase I GDM and final environmental statement. The draft environmental statement will be circulated at the same time by the District for review and comment to other agencies, groups and individuals on the project mailing list. When there is a late stage public meeting held in connection with the Phase I study, the draft environmental statement will be made available to the public at least 15 days before the meeting. The letter transmitting the draft environmental statement will indicate that an advance copy of the draft Phase I GDM is available for review in the office of the responsible District Engineer. Five copies of the draft environmental statement will be furnished directly to CEQ (see Appendix C for sample letter and processing instructions). Ten copies will be transmitted to higher authority (five to HQDA (DAEN–CWP–E, –C or –W as appropriate) WASH, D.C. 20314, and five for the Division Engineer). Three copies of the draft Phase I GDM should accompany the draft environmental statement when sent forward to higher authority. Date of publication of the draft environmental statement in the Federal Register by CEQ starts the official agency review period and the 90-day period before administrative action can be taken. At the same time, the District Engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer. If the project is in litigation or potential litigation exists, the draft environmental statement should be reviewed by Division Counsel and the Office of General Counsel, OCE.

(3) After receipt of agency review comments and comments of the interested public, the District Engineer will prepare the final environmental statement and attach copies of all comments received. Numerous repetitive comments may be summarized in the comment and response section of the statement and a typical letter with a list of names of individuals submitting similar letters attached. Twenty copies of the final environmental statement will be transmitted to higher authority (15 for HQDA (DAEN–CWP–E, –C or –W) WASH DC 20314 and five for the Division Engineer) for further processing to CEQ.

(4) The Division Engineer will transmit 15 copies of the final environmental statement along with his review comments when he transmits the Phase I, GDM (if appropriate) to OCE.

(5) OCE will revise the final environmental statement where appropriate. Office, Secretary of the Army will review and furnish the final environmental statement to the CEQ. CEQ will notice it in the FEDERAL REGISTER. The 30-day period for review of the final EIS before administrative action can be taken commences as noted in paragraph 11a. The District Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with CEQ and that single copies are available from the District Engineer.

(6) Any changes in the final environmental statement made by the Chief of Engineers or the Secretary of the Army will be communicated to the District Engineer as soon as possible to allow for necessary revisions and timely distribution to agencies, groups and individuals on the project mailing list.

d. *Continuing Construction and Operation and Maintenance.* It is contemplated that all required consultation with Federal, State and local agencies, and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers.

(1) Paragraphs 5e, 5f, and 6 establish the requirements for preparation of environmental statements regarding Continuing Construction and Operation and Maintenance.

(2) Procedure for the initial submission will be the same as described in c(2) through (6) above except there will be no BERH consideration on any project in continuing construction or O&M status.

(3) For completed projects in operation where a final environmental statement has previously been filed, review will be scheduled in accordance with paragraph 6. Where this review indicates no new information or considerations affecting the previous decision on the plan of operation and no changes are found to be required in the environmental statement, the SOF shall be properly annotated by the District Engineer and concurred in by the Division Engineer. However, if significant changes in the method of operation are planned or have occurred since the statement was filed, the extent of the revision and further coordination of the environmental statement shall be in accordance with paragraph 7.

e. *Regulatory Permit Applications.* For permit actions on which environmental statements are required by paragraph 5g the preparation and coordination of an environmental statement will be accomplished at field level. In such cases the following actions shall be taken:

(1) The District Engineer will require the applicant to furnish information and an analysis of the environmental impacts of the proposed action. The District Engineer will advise the applicant that the applicant will not be allowed to undertake any work on the proposal for which the permit application is pending.

(2) The draft environmental statement will be circulated by the District for formal review and comment to agencies, groups and individuals on the project mailing list. Five copies of the draft environmental statement will be furnished directly to CEQ (see Appendix C for sample letter and processing instructions). Ten copies will be transmitted to higher authority (five for HQDA (DAEN–CWO–N) WASH, D.C. 20314 and five for the Division Engineer). Notice of the draft environmental statement in the FEDERAL REGISTER by CEQ starts the official, agency review period and the 90-day period before the administrative action can be taken. The District Engineer may circulate the draft environmental statement with the announcement of the public meeting as discussed in paragraph 16a(4) above. At the same time the District Engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer. If the project is in litigation or potential litigation exists, the draft environmental statement should be reviewed by Division Counsel and the Office of General Counsel, OCE. If a Public Meeting is to be held, the draft environmental statement will be filed with CEQ at least 15 days prior to the meeting. A summary of environmental considerations will be included in the announcement of public meeting.

(3) After receipt of agency review comments and comments of the interested public, the District Engineer will prepare the final environmental statement and attach copies of all comments received. The final environmental statement will become a part of the official file on the permit. Twenty copies of the final statement will be transmitted to higher authority (15 for HQDA (DAEN–CWO–N) WASH DC 20314 and five for the Division Engineer) for further processing to CEQ. If a public hearing is to be held, the proposed final environmental statement must be completed and made available to the public at least 15 days prior to the hearing.

(4) Final action to issue the permit will not be taken until after the time limits for filing and distribution of the final environmental statement have been met as noted in paragraph 11a. If, however, at any time prior to the formal transmittal to CEQ, it is determined that the permit will be denied, the official so determining will inform higher authority and CEQ of the denial and that a final environmental statement will not be filed.

(5) Revisions by higher authority to the final statement will be furnished to the District Engineer as soon as possible, who in a timely manner, will distribute copies of the final environmental statement to agencies, groups and individuals on the project mailing list as well as to appropriate State, regional and metropolitan clearing-houses. The District Public Affairs Office will prepare and issue a news release announcing the filing of the final environmental statement with CEQ and advising the public that single copies are available from the District Engineer.

f. *Disposal of Land for Port and Industrial Uses.* When the District Engineer determines that disposal of surplus project property for development of public port or industrial facilities is in the public interest, he will prepare an environmental statement to accompany his report and recommendation. It is contemplated that all required consultation with Federal, State, and local agencies, and the public concerning the environmental aspects will be accomplished at field level by District Engineers without further referral to any of these agencies by the Chief of Engineers.

(1) The District Engineer will prepare a draft environmental statement utilizing information obtained from appropriate Federal, State, and local agencies and applicant. A public meeting may be used to obtain information and views from the interested public. The statement will set forth, among other things, what the applicant intends to develop on the property and the possible uses to be made of it. It will also summarize all constraints which will be placed on the new owner, such as reversionary clause, uses, needs for permits for structures or discharges into navigable waters.

(2) The draft environmental statement will be circulated by the District for formal review and comment to agencies, groups and individuals on the project mailing list and in response to requests from the general public at least 15 days before the public meeting, if one is held in connection with proposed action. Five copies of the draft environmental statement will be furnished directly to CEQ (see Appendix C for sample letter and processing instructions). Ten copies will be transmitted to higher authority (five for HQDA (DAEN–CWO–M) WASH, D.C. 20314 and five for the Division Engineer). Notice of the draft environmental statement in the FEDERAL REGISTER by CEQ starts the official agency review period and the 90-day period before the administrative action can be taken. At the same time, the District Engineer will issue a news release stating that single copies of the draft environmental statement may be obtained from the District Engineer.

(3) After receipt of agency review comments and comments of the interested public, the District will prepare the final environmental statement and attach copies of all comments received. Twenty copies of the final environmental statement together with the District Engineer's report and recommendations, as required by ER 405–1–909, will be transmitted to higher authority for further action.

(4) If higher authority decision is favorable to the request for disposal of project lands, the Office, Secretary of the Army will furnish the final environmental statement to the CEQ and will wait until the time limits noted in paragraph 11a. have been satisfied prior to the issuance of the Public Notice of Disposal as required by paragraph 32.c(2) of ER 405–1–909. The District Public Affairs Office will prepare and issue a news release stating that a final environmental statement has been filed with the CEQ and that single copies are available from the District Engineer.

(5) If higher authority decision is unfavorable to the request, the CEQ will be informed of the denial and that a final environmental statement will not be filed.

(6) Copies of the final environmental statement with all revisions clearly identified will be furnished the Division and District Engineers. District Engineers will furnish copies of the final environmental statement to agencies, groups and individuals on the project mailing list as well as provide information copies to the appropriate State,

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regional, and metropolitan clearinghouses.

For the Chief of Engineers.

RUSSELL J. LAMP,
Colonel, Corps of Engineers.

APPENDIX C

PREPARATION OF ENVIRONMENTAL STATEMENTS

APRIL 15, 1974.

1. *General.* Preparation of environmental statements will be based on considerations discussed in the CEQ Guidelines, guidelines for assessment of social, economic and environmental effects for civil works projects (section 122, 1970 R&HA) and the detailed guidance to follow. These directions are intended to assure consistency of effort in preparing statements and are not proposed to induce unthinking uniformity or limit flexibility when preparing the statements. These statements have several levels of importance with reference to the decision-making process, Corps relations with the public, and internal project planning activities. A careful, objective detailing of environmental impacts, alternatives, and implications of a proposed project should give reviewers both within and outside the Corps insight into the particular trade-offs and commitments associated with the action and will be summarized in the SOF. The general public, environmental action groups, trade and special interest associations, governmental agencies, and Congressional Committees will all expect the statements to be a valid source of information on project effects, as well as a reflection of how the agency views environmental factors and seeks to accommodate them. Since the statements will be made available to the public and may receive broad exposure in the media, it can be assumed that they will receive careful scrutiny. Most importantly, preparation of the statements should cause systematic consideration of environmental impacts. An imaginative evaluation of alternatives and their implications should begin in the earliest stages of project formulation, with planners contemplating the criteria and range of information to be employed in preparation of final statements.

2. *Effect Assessment.* In accordance with the requirements of Section 122, 1970 R&HA, final guidelines for the assessment of economic, social and environmental effects of civil works projects have been promulgated. They will be applied in reports on projects authorized under continuing authorities, in survey reports, in General Design Memoranda of all projects authorized in the River and Harbor and Flood Control Act of 1970 and in subsequent Congressional authorizations if not already applied in the survey report. Since the effect assessment procedures generally follow the same procedures as used in preparing the environmental assessment as required by NEPA, the completed effect assessment for environmental effects should be used as input for the environmental impact statement. Although section 122 specifically mentions 17 effects, additional significant environmental effects or impacts may also require identification and evaluation before the "best" alternative plan of development is selected.

3. *Format.* Environmental statements will constitute a document separate from other Corps papers and consist of the cover sheet, summary sheet, table of contents, body of the statement, letters of coordination, bibliography, plates or maps, technical appendices as required (e.g. glossary of terms, inventories of terrestrial and aquatic flora and fauna, water quality, etc.) and attached economic data. All information will be typed single spaced on both sides of the page including Appendices. Letters received will also be printed on both sides of the page. Each paragraph in each section of the body of the statement will be numbered for ease of reference. For example, the first paragraph in Section 1 will be numbered 1.01, the second 1.02, etc. Also, all pages must be numbered including letters of comments received which are attached to the statement. Pages in the main text will be numbered consecutively. Pages in the Appendices will be numbered consecutively preceded by the Appendix symbol, e.g. A–1, A–2; B–1, B–2, etc. Pages C–10 through C–15 are samples of the format for the cover and summary sheet to be followed in preparing environmental statements on all Corps proposals except survey reports. Pages C–16 through C–23 are samples of the format to be followed in preparing environmental statements on survey reports. Page C–24 provides additional processing instructions. Pages C–25 through C–30 are samples of the format to be followed in preparing transmittal letters to CEQ. Appendix G of this Regulation provides guidance in the preparation of inventories of terrestrial and aquatic flora and fauna. For the dates required in item 6 of the summary sheet, use the following: Draft statements use date of transmittal letter to CEQ, final statements use date of OSA or OCE letter to CEQ, as appropriate. Minimum periods for review and comment and administrative waiting shall be in accordance with paragraph 11a.

4. *Content of Statement.*

a. The body of the environmental statement will contain nine separate sections. These sections are: (1) Project description, (2) Environmental setting without the project, (3) Relationship of the proposed action to land use plans, (4) Probable impact of the proposed action on the environment, (5) Any probably adverse environmental effects which cannot be avoided, (6) Alternatives to the proposed action, (7) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, (8) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented and (9) Coordination and Comment and Response.

b. Each section should be of sufficient length and detail to adequately identify and develop the required information. Avoid the use of scientific jargon and technical terms. Language used should be clear and easily understood by non-specialists in the water resources field who must make decisions or form opinion on the merits of the proposed action. Provide a non-technical glossary of terms if technical terms are needed to discuss detailed data in the statement. Statements should indicate the underlying studies, reports, and other information obtained and considered in preparing the statement. The use of footnotes are acceptable provided the statement text remains essentially understandable to a reader without the need for obtaining specific reference material. Any attached bibliography will indicate the sources of all information based on other documents and how these documents may be obtained. A one page map (8 x 10½) of the project area should be included. Fold out maps and plates should not be used. Artist's sketches and selected photos may be incorporated, if they will be particularly helpful in describing the environmental setting or environmental impacts. Voluminous back-up data or technical appendices provided with the draft environmental statement need not accompany the final environmental statement provided no changes were made in the appendices. This information will be noted in the summary of the final environmental statement and in the transmittal letter to CEQ.

c. *Project Description.* Describe the proposed action by name, specific location, project dimensions and purposes, authorizing document (if applicable), current status, and benefit-cost ratio. Generally delineate the purpose of the project, what the plan of improvement entails, and how the plan would operate. It is most important that a clear work picture be presented. For reservoirs give pool storage and surface areas for all projects purposes, miles of shoreline, miles of streams inundated, total acres of project facilities, e.g., dam, spillway, recreation area, public-use areas, public access sites, mitigation lands or measures, etc., and how the project would be operated. For other proposed actions, a complete description of all structures, project dimensions and purposes, and activities included within the project should be discussed. The inter-relationship and compatibility of the project with existing or proposed Corps or other agency projects must be discussed.

(1) Corps project decision documents consist of survey, small project, and general design memorandum reports. The environmental statement is essentially a summary of the environmental portions of these reports. As a convenience for those interested parties who normally do not have immediate access to these decision documents, limited economic data consisting of total project cost, itemized average annual benefits, average annual charges and the benefits to cost ratio will be attached to draft and final environmental statements. Summary economic information will indicate the extent to which non-quantifiable environmental benefits and costs have not been reflected in benefit to cost determination. Economic data attached to draft and final environmental statements will include the statement in bold type at the top "ECONOMIC DATA, EXTRACTED FROM U.S. ARMY CORPS OF ENGINEERS (SURVEY REPORT/GENERAL DESIGN MEMORANDUM/SMALL PROJECT REPORT) (LOCATION). COMPLETE DOCUMENT IS AVAILABLE AT U.S. ARMY ENGINEER DISTRICT (LOCATION)." A discussion of project effects on the economy, including employment, unemployment, and other economic impacts will be included in the Statement of Findings.

(2) Discussion of fish and wildlife mitigation benefits and costs, which may include unquantifiable environmental effects considered in the proposed action, should also be discussed with appropriate references to the underlying reports from which the data was obtained and the rationale for selection of the mitigation plan.

d. *Environmental Setting Without the Project.* Describe the area, the present level of economic development, existing land and water uses, existing water supplies and water quality, air quality, present methods of waste disposal, and other environmental determinants. Discuss in detail the environmental setting of the immediate project area with appropriate reference and discussion of important regional aspects critical to the assessment of environmental impacts. Include appropriate information on topography, vegetation, animal life, historical, archeological, geological features, and social and cultural habits and customs. Discuss population trends and trends of agriculture and industry and describe what the future environmental setting is likely to be in the absence of the proposed project. In discussing population aspects, consideration should be given to using the rate of growth in the region contained in the projection compiled by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture called "OBERS." In any case, the source of population data used should be identified. It is possible and often desirable to treat the project setting in relation to river basins, watersheds or functional ecosystems. Discuss the interrelations of projects and alternatives proposed, under construction or in operation by any agency or organization.

e. *Relationship of the Proposed Action to Land Use Plans.* Discuss how the proposed project or action conforms or conflicts with the objectives and specific terms of existing or proposed Federal, State, and local land use plans, policies and controls, if any, for the area affected. If a conflict should occur, the statement should discuss the issues completely and state the actions that the Corps has taken to reconcile its proposed action with the plan, policy or control, and the reasons for proceeding with the project notwithstanding the absence of full reconciliation.

f. *The Probable Impact of the Proposed Action on the Environment.* (1) Impacts on the environment including water, land and air, should be viewed as changes or conversions of environmental elements which result directly or indirectly from the proposed action. These impacts and effects should initially be identified and projected throughout the life of the project. Include land loss and land use changes which could be expected upstream, downstream, and adjacent to the project such as urbanization changes in water features and characteristics, air quality, aesthetics, etc. Discuss the impacts on the environment of project-induced primary and secondary economic and social effects, including cumulative effects.

Such impacts shall be detailed in a dispassionate manner to provide a basis for a meaningful discussion of the trade-offs involved in the SOF. Quantitative estimates of losses or gains (e.g., acres of marshland, miles of white-water streams inundated, etc.) will be set forth whenever practicable. Where this cannot be done, qualitative descriptions of unquantifiable environmental costs and benefits should be provided with assumptions or criteria on which judgments are based. Data developed from the effect assessment for environmental effects (section 122) should be used as input for the "with project condition."

(2) The description of the proposed action should include a summary of the population projections employed as a basis for formulation and evaluation. The source of the population data, whether OBERS or another origin, should be identified. Other projections, such as future economic activity and land use, that also bear upon a thorough understanding of the environmental impacts of the proposed action should be included along with their source. When preparing the environmental statement, care should be taken to only include information that is necessary to fully understand the proposed action and its attendant environmental impacts. In order to keep the statement brief, the environmental statement should contain references to more detailed information in the appropriate sections of the decision document. Discuss both the beneficial and adverse impacts of the environmental changes or conversions placing some relative value on the impacts described. Discuss these effects not only with reference to the project area, but in relation to any applicable region, basin, watershed, or ecosystem. Relate the impact to the river basin or regional entity in which the action is proposed; and discuss the interrelationship of projects and alternatives proposed, under construction or in operation by other agencies or organizations. A thoughtful assessment of the environmental elements should aid in determining impacts. For example, the filing of a portion of the wetlands or an estuary would involve the obvious conversion of aquatic/marsh areas to terrestial environments, the loss of wetland habitats and associated organisms, a gain in area for terrestial organisms, a change in the nutrient composition of the runoff water entering that portion of the estuary, alteration of the hydrology of some given area, perhaps the introduction of buildings or roads, curtailment of certain commercial uses, disruption of water-based recreational pursuits, conversion of wildlife aesthetics to less-pristine attributes, perhaps the removal of same portion of popular duck hunting grounds or unique bird nesting area, etc.

(3) Identify remedial, protective, and mitigation measures which would be taken as a part of the proposed action by the Corps or others, to eliminate, or compensate for, any adverse aspects of the proposed action. Such measures taken for the minor or short-lived negative aspects cannot be satisfactorily dealt with will be considered in greater detail along with their abatement and mitigation measures in paragraph e.

(4) For O&M maintenance dredging projects which are segments of a total system, i.e., the intracoastal waterway, and for which it has been determined that separate rather than a composite environmental statement be prepared, the need to discuss the interrelationship of the segments with the total project including cumulative environmental impacts over the life of project is mandatory. Points to consider in preparing the statement should include: periodicity of dredging requirements, volume of material removed to date and projected in the future, dredging methods used in past and project for future use, location and expected life of authorized spoil disposal areas, projected needs and plans for establishing new areas, experienced rate and type of revegetation and changes in wildlife values on completed and existing disposed areas, quality of dredge spoil throughout the project area with particular coverage of any areas where chronic pollution exists and how such spoil has been and will be handled, and a general description of fauna and flora within the project area including a thorough analysis of how proposed dredging operations will affect these organisms.

g. *Any Probably Adverse Environmental Effects Which Cannot be Avoided.* Discuss the detrimental or adverse aspects of the proposed action which cannot be eliminated by alternative measures of the proposed action. This discussion will identify the nature and extent of the adverse effects, the resources affected and summarize those adverse and unavoidable effects of the proposed action discussed in paragraph d. It should include a discussion of adverse effects or objections raised by others. The loss of a given acreage of wetland by filling may be mitigated by purchase of a comparable land area, but this does not eliminate the adverse effect. Certainly the effects on the altered elements will not disappear simply because additional land is purchased. Identify the nature and extent of the principal adverse effects and the parties affected. For example, the effects of the filled wetland might include the loss of shellfish through sedimentation actions (turbidity and burial), the loss of organisms through the leaching of toxic substances from polluted marsh sediments used in the fill, the loss of a popular/valuable waterfowl census site in the estuary or the burial of ancient Indian midden sites of indeterminate archeological value.

h. *Alternatives to the Proposed Action.* Describe the various reasonable structural and non-structural alternatives to the proposed action, their environmental impact, their ability to accomplish the objectives, either in whole or part, of the proposed action, specifically taking into account the alternative of no action. The "effect analysis" as required by section 122 for survey and continuing authority reports and Phase I GDM's will provide necessary information to the planner in developing the full range of effects of project alternatives to eliminate, reduce, or minimize adverse environmental effects or to enhance environmental qualities. For each viable alternative considered, particular, economic, social, and environmental effects of the planned action must be assessed and weighed against other alternatives in the SOF. A thorough discussion of this balancing analysis in the SOF will provide evidence that the decision making process has in fact taken place, that it will allow others to evaluate and balance the factors on their own, and that the final project recommendation is made in the best overall public interest.

In discussing the various alternatives to accomplish the objectives of the proposed action, three general categories should be followed: (1) Describe those alternatives which would accomplish all of the objectives of the proposed action, (2) describe those alternatives which may only provide a partial solution to all or part of the objectives of the project, as one example including land acquisition or other land use controls in the flood plain in the case of flood control projects, and (3) describe the no development alternative. Rules of reasonableness must also be followed in deciding what alternatives are proper subjects for discussion. These are summarized as follows:

(a) The fact that an alternative action cannot be implemented by the Corps does not by itself make the alternative not reasonably available. If alternatives requiring action by another agency or legislative action are not remote or speculative possibilities, they must be discussed in the statement. In discussing such alternatives, information contained in studies by other agencies, responsible journals and other agencies environmental impact statements may be used.

(b) Reasonably available alternative actions and responsible views in opposition to a proposed action which are contained in comments on the environmental impact statement submitted by interested citizens or citizens' groups must be discussed.

(c) The range of alternatives that must be evaluated in an environmental impact statement concerning a proposed action which is an integral part of a wide-spread coordinated plan must be broadened beyond those alternatives that would be considered in the case of a project of more limited scope, such as a local protection project.

(d) In the case of a proposed action intended to respond to an immediate need, an alternative action that will provide only a long-term solution is probably not a reasonably available alternative and does not have to be discussed.

i. *The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* Assess the cumulative and long-term impacts of the proposed action with the view that each generation is a trustee of the environment for succeeding generations. Give special attention to considerations that would narrow the range of beneficial uses of the environment or post long-term risks to health or safety. The propriety of any action should be weighed against the potential for damage to man's life support system—the biosphere—thereby guarding against the short-sighted foreclosure of future options or needs. It is appropriate to make such evaluations on land-use patterns and development, alterations in the organic productivity of biological communities and eco-

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systems and modifications in the proportions of environmental components (water, uplands, wetland, vegetation, fauna) for a region or ecosystem. For example, if a coastal marsh is extensively filled, the ability of an associated estuary to support its normal biota might be seriously impaired. Altered sediment, nutrient and biocide additions to the waters might well affect the inherent biological productivity of the estuary. In other words, if the estuary's marshes are modified enough to affect basic estuarine processes, certain of the amenities, biota, products, industry and recreation opportunities could be lost. The long-term implications of these changes are directly related to the degree that the losses are sizeable or unique.

j. *Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.* Discuss irrevocable uses of resources, changes in land use, destruction of archeological or historical sites, unalterable disruptions in the ecosystem, and other effects identified in paragraph e. to the extent to which the action irreversibly would curtail the diversity and range of beneficial uses of the environment should the proposal be implemented. For example, in filling a marsh there could be a number of potential irreversible or irretrievable effects. The particular aquatic habitat filled in the marsh would be permanently lost for aquatic organisms and fill would be removed from one area and deposited in another. Include possible indirect actions—those made economically feasible, as a result of the proposed action—that would cause changes in land and water use that could not be altered or reversed under free enterprise principles.

k. *Coordination and Comment and Response.* The coordination and public participation efforts will be summarized in this section under three subheadings: Public participation, Government agencies, and Citizen Groups.

(1) Public participation. This section will briefly summarize the public participation efforts accomplished during the conduct of the study indicating number of public meetings, informal meetings and workshops conducted and a brief discussion of environmental issues identified, if any. For an authorized project or other administrative action discuss measures taken to involve or inform the public of the action and the environmental issues.

(2) Government agencies. Each government agency with whom coordination of the draft environmental statement has been accomplished will be listed. Relevant and appropriate comments will be included in the final statements incorporating changes where necessary. Additionally, each separate view expressed concerning the environmental effects of the proposal will be summarized in a comment and appropriately discussed in a response. If the comment requires a change in the main text, the paragraph changed and the page number where the change was made, will be referenced in response. If an agency did not provide comments on the statement, "No comments received" will be placed under the agency name.

(3) Citizens Groups. The objective of this section is to clearly set forth the magnitude and breadth of concerns of private citizens and conservation groups regarding specific identifiable environmental impacts related to the project. The environmental issues or impacts identified by citizens and conservation groups will be incorporated in the statement where appropriate. All views expressed, concerning the environmental effects of the proposal will be set forth in a comment and appropriately discussed in a response, as are those from government agencies. To give appropriate coverage and avoid duplication of response to the same environmental concern, District Engineers may consolidate or combine the environmental issues raised into appropriate groupings. Source of the comments should be clearly identified.

(4) Copies of all correspondence from agencies, groups and individuals on the project mailing list received concerning the proposal will be attached to the statement. Where numerous repetitive type letters are received, the principal issues can be summarized and appropriate responses made. In these instances a listing of the correspondents by name in lieu of attaching copies of each letter will be acceptable.

(5) The reporting officer will make every effort to reconcile areas of discrepancy or disagreement, where comments of reviewing agencies pose significant objection to or recommend modification of the statement. Where agreement cannot be reached within a reasonable period of time, subsequent to receipt of comments, the comments will be discussed (in (2) and (3) above) and a subsection entitled "Unreconciled Conflicts" will be added to this section of the statement. This sub-section will contain a brief, but complete and thorough discussion of the problem(s). The discussion will be a concise and objective analysis of the environmental issues, presenting both sides of the issue.

DRAFT ENVIRONMENTAL STATEMENT, HARBOR OF REFUGE AT LEXINGTON, MICH., U.S. ARMY ENGINEER DISTRICT, DETROIT, MICH., OCTOBER 1972

SUMMARY

(X) Draft
( ) Final Environmental Statement

Responsible office: (Complete Address & Phone No. of District Engineer)

1. *Name of action:*
(X) ADMINISTRATIVE
( ) LEGISLATIVE

2. *Description of action:* The Corps of Engineers has proposed the establishment of harbor facilities for small craft in southern Lake Huron at the Village of Lexington, Sanilac County, Michigan. The proposed development would provide an anchorage area protected on three sides by a breakwater system and connected to the open water of Lake Huron by an approach channel. Onsite sport fishing facilities would be enhanced by a foot-bridge connecting the main breakwater to the shore. In addition, the Michigan Waterways Commission has proposed to establish a marina with berthing docks within the harbor area and with appurtenant service facilities onshore. This harbor would supplement the program of harbors-of-refuge for light-draft vessels along the Great Lakes' shoreline.

3. (A) *Environmental impact:* The proposed harbor facilities would provide a safe anchorage for recreational craft and materially improve sport fishing opportunities. The total magnitude of public use as expressed in visitors per seasonal day should increase greatly.

(B) *Adverse environmental effects:* The actions proposed would impact on the local environment by causing changes in the configuration of the adjacent shoreline areas through the interception of littoral drift. However, it is proposed to mitigate such conditions through a program of periodic beach nourishment. Construction and maintenance operations would cause temporary and/or permanent damage to the present aquatic environment. Water quality within the harbor would be degraded through the increased boat traffic and interruption of shoreline currents. The open water setting of Lake Huron at Lexington would be altered by the proposed harbor developments. The extent of the existing public beach would be reduced by approximately 70 percent.

4. *Alternatives to the proposed action:*
(A) Moving the proposed harbor facility more southerly but along the same stretch of beach at Lexington.
(B) Moving the proposed harbor site more northerly but in the same stretch of beach at Lexington.
(C) Reduce the area of the proposed harbor by locating the north breakwater approximately 300 feet south and, in effect, reduce the total breakwater length.
(D) Constructing the harbor breakwaters by rock rubblemound rather than the proposed steel sheet pilings.
(E) Do not construct the proposed harbor at Lexington, Michigan.

5. *Comments requested:*
Michigan Department of Natural Resources
Michigan Historical Commission
Office of Planning Coofdination, Executive Ofc. of the Governor (Mich.)
Conference on Michigan Archaeology
Village of Lexington, Michigan
County Board of Commissioners, Sanilac County, Michigan
Environmental Protection Agency
U.S. Department of Commerce
Assistant Secretary for Science and Technology
Bureau of Commercial Fisheries
U.S. Department of Transportation
U.S. Coast Guard
U.S. Department of Interior
Bureau of Outdoor Recreation
Bureau of Sport Fisheries and Wildlife
National Park Service
6. Draft statement to CEQ ----------

FINAL ENVIRONMENTAL STATEMENT, GATHRIGHT LAKE, JACKSON RIVER, JAMES RIVER BASIN, VA., U.S. ARMY ENGINEER DISTRICT, NORFOLK, VA., JANUARY 1973

SUMMARY

( ) Draft
(X) Final Environmental Statement

Responsible office: (Complete Address & Phone No. of District Engineer.)

1. *Name of action:*
(X) Administrative
( ) Legislative

2. *Description of action:* Complete construction of a multiple-purpose reservoir project on the Jackson River, James River Basin, Virginia. An earth, rock-fill dam will provide 123,700 acre-feet of storage within the conservation pool and 203,600 acre-feet at the top of the flood control pool. The combination flood control, water quality control, area redevelopment, and recreation project will lie within Bath and Alleghany Counties. A cold-water trout habitat will be created in the Jackson River from the dam site downstream about 10 miles to near Covington, Virginia.

3. a. *Environmental impacts:* Provide flood control, water quality control, and recreation benefits as well as certain other economic benefits within the area arising from employment and investment opportunities. About 2,530 acres of land will be permanently inundated; agricultural lands within the Gathright Wildlife Management Area will be removed from effective production. Some 12 miles of the free-flowing Jackson River will be foregone together with attendant recreational activities such as canoeing and the present put-and-take trout fishery therein. Also, significantly changed will be about three-fourths of the Kincaid Gorge, Jackson River. The reservoir will provide a permanent warm-water fishery, and operation of the project will permit the establishment of a trout fishery below the dam.

b. *Adverse environmental effects:* Approximately 40 persons have been or will be relocated. About 12 miles of the Jackson River will be foregone as will the present river-oriented canoeing and put-and-take trout fishing. About three-fourths of the Kincaid Gorge will be transformed from the manner it existed naturally. Within the Gathright Wildlife Management Area, 1,240 acres of bottomland agricultural wildlife habitat will be lost. This includes 300 acres of cropland. Wildlife habitat beneficial to turkey and deer production will be reduced.

4. *Alternatives:* The following alternatives to either the entire Gathright project or to features incorporated therein were considered:
a. Alternative dam sites.
b. System of small dams.
c. Operation of Gathright as a dry dam.
d. Local protection works at Covington.
e. Flood plain zoning.
f. Evacuation of property on flood plain.
g. Floodproofing.
h. Flood insurance.
i. Purchase of flood plain.
j. Lagooning of pollution wastes.
k. Piping of pollution wastes downstream.
l. Complete removal of pollutants.
m. Operation of Gathright for water quality improvement.
n. Higher degrees of waste treatment.
o. Alternative to the recreational facilities constructed in Gathright project.
p. Deleting storage in Gathright project for the control of floods downstream.
q. Deleting storage in Gathright project for water quality control.
r. Deleting recreation in Gathright project.
s. Deleting the downstream trout fishery.
t. Abandonment of Gathright project.

5. *Comments received:*
Soil Conservation Service, USDA
U.S. Environmental Protection Agency
U.S. Department of Commerce
U.S. Department of Health, Education, and Welfare
Forest Service, USDA
Office of the Surgeon General, DA
Virginia Historic Landmarks Commission
Virginia Commission of Game and Inland Fisheries
Central Shenandoah Planning District Commission
City of Richmond
Bath County
Covington-Alleghany County Chamber of Commerce, Inc.
James River Basin Association
Westvaco
Citizens Against Pollution, Inc.
6. Draft Statement to CEQ 28 Aug 72.
Final Statement to CEQ ----------

DRAFT ENVIRONMENTAL STATEMENT, MISSISSIPPI RIVER, EAST BANK, WARREN TO WILKINSON COUNTIES, MISS. (VICKSBURG-YAZOO AREA), U.S. ARMY ENGINEER DISTRICT, VICKSBURG, VICKSBURG, MISS., DECEMBER 1971

SUMMARY

(X) Draft Environmental Statement
( ) Final Environmental Statement

Responsible office: (Complete Address & Phone No. of District Engineer)

1. *Name of action:*
( ) Administrative
(X) Legislative

2. *Description of action:* The recommended plan of improvement consists of 11.3 miles of loop-levee to protect against the Mississippi River Project Design flood, 16.1 miles of channel improvements within the interior drainage system, installation of a water level control weir and a 200 c.f.s. pumping station with floodgates, and acquisition and development of 1,000 acres of bottomland outside of the leveed area to mitigate project-induced fish and wildlife losses.

3. a. *Environmental impacts:* Essentially complete flood protection for about 10,100 acres is expected to improve living conditions for area residents; provide for needed agricultural, industrial, commercial, and residential expansion; improve economic conditions for Warren County; and diminish fish and wildlife productivity within the area.

b. *Adverse environmental effects:* The induced clearing of bottomland forests would result in a reduction of wildlife habitat and wildlife productivity. The protective levee would damage the existing fishery by eliminating natural overflows. Intensive farming practices could further degrade aquatic habitat because of increased sedimentation and turbidity, alteration of natural water supplies, and use of pesticides.

4. *Alternatives:* Two levee alignments, non-structural alternatives (flood forecasting and warning, flood plain regulation, and permanent evacuation of the developed flood plain), and "no development."

5. *Comments requested:* List all agencies, organized groups and individuals from whom comments were requested. Two columns may be used to keep the summary as brief as possible.

6. Draft statement to CEQ ----------

REVISED DRAFT ENVIRONMENTAL STATEMENT, MISSISSIPPI RIVER, EAST BANK, WARREN TO WILKINSON COUNTIES, MISS. (VICKSBURG-YAZOO AREA), OFFICE OF THE CHIEF OF ENGINEERS, DEPARTMENT OF THE ARMY, WASHINGTON, D.C. 20314, APRIL 1972

SUMMARY

(X) Revised Draft Environmental Statement
( ) Final Environmental Statement

Responsible office (Complete Address and Phone No. of District Engineer)

1. *Name of action:*
( ) Administrative
(X) Legislative

2. *Description of action:* Same as Draft Statement except project modifications resulting from BERH and/or OCE reviews should be identified and discussed as appropriate.

3. a. *Environmental impacts:* Same as 2 above.

b. *Adverse environmental effects:* Same as 2 above.

4. *Alternatives:* Same as 2 above.

5. *Comments received (district review):* List all agencies and organizations from whom comments were received. Show one entry "private citizen or citizens" if comments were received from the general public. Two columns may be used to keep the summary as brief as possible. Do not list comments requested but not received on the summary. This information can be shown in paragraph 8 of the statement.

b. *Comments requested (departmental review):*
Department of Agriculture (Except Coastal Navigation Projects)
Department of Commerce (When Appropriate)
Department of Health, Education, and Welfare (All Projects)
Department of Housing and Urban Development (When Appropriate)
Department of the Interior (All Projects)
Department of Transportation (All Projects)
Environmental Protection Agency (All Projects)
Office of Economic Opportunity (When Appropriate)
State or States Concerned (All Projects)
(Note: Add FPC if project involves power or power potential and Regional Basin and International Commissions when appropriate.)

6. Draft statement to CEQ----------
Revised Draft statement to CEQ----------

FINAL ENVIRONMENTAL STATEMENT, MISSISSIPPI RIVER, EAST BANK, WARREN TO WILKINSON COUNTIES, MISS. (VICKSBURG-YAZOO AREA), OFFICE OF THE CHIEF OF ENGINEERS, DEPARTMENT OF THE ARMY, WASHINGTON, D.C. 20314, AUGUST 1972

SUMMARY

( ) Draft Environmental Statement
(X) Final Environmental Statement

Responsible office: (Complete Address & Phone No. of District Engineer)

1. *Name of action:*
( ) Administrative
(X) Legislative

2. *Description of action:* Same as 2 on page C–19.

3. a. *Environmental impacts:* Same as 3 on page C–17.

b. *Adverse environmental effects:* Same as 3 on page C–17.

4. *Alternatives:* Same as 3 on page C–17.

5. a. *Comments Received (District Review):* Same information as provided in Revised Draft Summary. Comments received after Revised Draft forwarded to higher authority should be included in this paragraph.

b. *Comments Received (Departmental Review):* List Departmental agencies from whom comments were received.

6. Draft statement to CEQ ----------
Revised Draft statement to CEQ ----------
Final statement to CEQ ----------

LETTERS RECEIVED BY THE DISTRICT ENGINEER ON THE DRAFT ENVIRONMENTAL STATEMENT

APPENDIX A

NOTE.—Provide a Table of Contents if a large number of letters are attached.

LETTERS RECEIVED BY THE CHIEF OF ENGINEERS AS A RESULT OF COORDINATION OF THE REVISED DRAFT ENVIRONMENTAL STATEMENT

APPENDIX B

PROCESSING INSTRUCTIONS

1. At the same time as the District Engineer circulates draft environmental statements, revised draft statements and draft supplements and furnishes 5 copies to CEQ, he will prepare a short letter transmitting two copies of the CEQ transmittal letter and one copy of the statement to Chief, Office of Civil Functions, Office of the Secretary of the Army, Washington, D.C. 20310. The letter will indicate the type of project and authority (survey, O&M, permit, etc.); whether or not the basic project decision has ever been reviewed by Office, Secretary of the Army, and if so, when; and whether or not the environmental impacts of the project are controversial. Briefly explain who expressed concern, what the concern was, and the Corps response. If the project is in litigation it should be noted.

2. Copies of the transmittal letter to CEQ will be attached to ten copies of the draft environmental statements forwarded to higher authority. Of the five statements forwarded to OCE, one copy will be marked to the attention of DAEN–PAP (Mr. Kelly) and the remaining four to the appropriate Divisions in OCE as noted in paragraph 16.

3. Pages C–25 through C–30 are samples of the format to be followed by the District Engineer in preparing transmittal letters for furnishing draft environmental statements to CEQ. Letters transmitting draft revised

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statements and draft supplements will follow the same format as draft statements.

(Sample letter for transmitting survey report draft EIS's to CEQ)

MR. STEPHEN D. JELLINEK,
Acting Staff Director,
Council on Environmental Quality,
722 Jackson Place NW.,
Washington, D.C. 20006.

DEAR MR. JELLINEK: Inclosed is the draft Environmental Statement and supplemental data concerning project economics on a proposed plan for navigation improvements at Milwaukee Harbor, Wisconsin. A revised draft statement will be furnished upon completion of review by the Board of Engineers for Rivers and Harbors and the Office of the Chief of Engineers. The final statement will be furnished upon completion of coordination with concerned Federal and State agencies, consideration of the views of the public, and review by the Secretary of the Army.

The total estimated Federal cost is $8,742,000.

The release of this statement to the general public can be made with proper notation that it is a draft statement issued for the purpose of obtaining necessary views of governmental and private interests concerned with the impact of project development on the environment.

To date, no significant opposition has been indicated by any organized groups.

Sincerely yours,

1 Incl (5 cys)
As stated

(Sample letter for transmitting small project authority draft EIS's to CEQ)

MR. STEVEN D. JELLINEK,
Acting Staff Director,
Council on Environmental Quality,
722 Jackson Place NW.,
Washington, D.C. 20006.

DEAR MR. JELLINEK: Inclosed is the draft Environmental Statement for proposed improvements for navigation at the Gulf Intracoastal Waterway, Texas (tributary channel to Aransas Pass) undertaken pursuant to the small navigation project authority provided by Section 107 of the 1960 Rivers and Harbors Act, as amended. Also inclosed are supplemental data concerning project economics.

The final statement will be transmitted upon completion of coordination with concerned Federal, State and local agencies, organized conservation and environmental groups, and other public groups or citizens.

The total estimated Federal cost is $474,000.

The release of this statement to the general public can be made with proper notation that it is a draft statement issued for the purpose of obtaining necessary views of governmental and private interests concerned with the impact of project development on the environment.

No organized public group has indicated concern regarding the environmental impact of this project.

Sincerely yours,

2 Incl (5 cys ea)
As stated

(Sample letter for transmitting phase I, GDM draft EIS's to CEQ)

Mr. STEVEN D. JELLINEK,
Acting Staff Director,
Council on Environmental Quality,
722 Jackson Place NW.,
Washington, D.C. 20006.

DEAR MR. JELLINEK: Inclosed is the Phase I Draft Environmental Statement for flood control improvements on Scioto River at Chillicothe, Ohio, authorized by the Flood Control Act of 1962. Also inclosed are supplemental data concerning project economics.

The final statement will be transmitted upon completion of coordination with concerned Federal, State and local agencies, organized conservation and environmental groups, and other public groups or citizens.

The total estimated Federal cost is $6,455,000.

The release of this statement to the general public can be made with proper notation that it is a draft statement issued for the purpose of obtaining necessary views of governmental and private interests concerned with the impact of project development on the environment.

Opposition to the proposed plan of improvement has been expressed by the academic community and the Fish and Wildlife Service concerning the loss of 1.7 acres of a 6-acre stand of unusual mature bottomland forest adjacent to an existing city park. In response, the Corps notes that the proposed plan is the most feasible and that all practical means of minimizing the impact upon the bottomland forest will be observed in the design and construction of the project.

Sincerely yours,

2 Incl (5 cys ea)
As stated

(Sample letter for transmitting continuing construction draft EIS's to CEQ)

MR. STEVEN D. JELLINEK,
Acting Staff Director,
Council on Environmental Quality,
722 Jackson Place NW.,
Washington, D.C. 20006.

DEAR MR. JELLINEK: Inclosed is the draft Environmental Statement on the Onaga Dam and Lake Project, Kansas, authorized by the Flood Control Act of 1962. Also inclosed are supplemental data concerning project economics.

The final statement will be transmitted upon completion of coordination with concerned Federal, State and local agencies, organized conservation and environmental groups, and other public groups or citizens.

The total estimated Federal cost is $36,889,000.

The release of this statement to the general public can be made with proper notation that it is a draft statement issued for the purpose of obtaining necessary views of governmental and private interests concerned with the impact of project development on the environment.

To date, no significant opposition has been indicated by any organized groups.

Sincerely yours,

2 Incl (5 cys ea)
As stated

(Sample letter for transmitting operation and maintenance draft EIS's to CEQ)

Mr. STEVEN D. JELLINEK,
Acting Staff Director,
Council on Environmental Quality,
722 Jackson Place NW.,
Washington, D.C. 20006.

DEAR MR. JELLINEK: Inclosed is the draft Environmental Statement on the operation and maintenance of the flood control project, Pat Mayse Lake, Sanders Creek, Texas. The final statement will be transmitted upon completion of coordination with concerned Federal, State and local agencies, organized conservation and environmental groups, and other public groups or citizens. Operation and maintenance work is performed annually.

The estimated cost of work scheduled to be performed on the project during Fiscal Year 1974 is $252,000.

The release of this statement to the general public can be made with proper notation that it is a draft statement issued for the purpose of obtaining necessary views of governmental and private interests concerned with the impact of project development on the environment.

To date, no significant opposition has been indicated by any organized groups.

Sincerely yours,

1 Incl (5 cys)
As stated

(Sample letter for transmitting permit application draft EIS's to CEQ)

Mr. STEVEN D. JELLINEK,
Acting Staff Director,
Council on Environmental Quality,
722 Jackson Place NW.,
Washington, D.C. 20006.

DEAR MR. JELLINEK: Inclosed is the draft Environmental Statement concerning a permit application made to the Corps of Engineers by Ernest W. Hahn, Inc., regarding the construction of a regional shopping center in Corte Madera, California.

This is in response to the Department of the Army's responsibility pursuant to Section 10 of the River and Harbor Act of 1899 to determine whether proposed work in navigable waters of the United States would be consistent with the public interest.

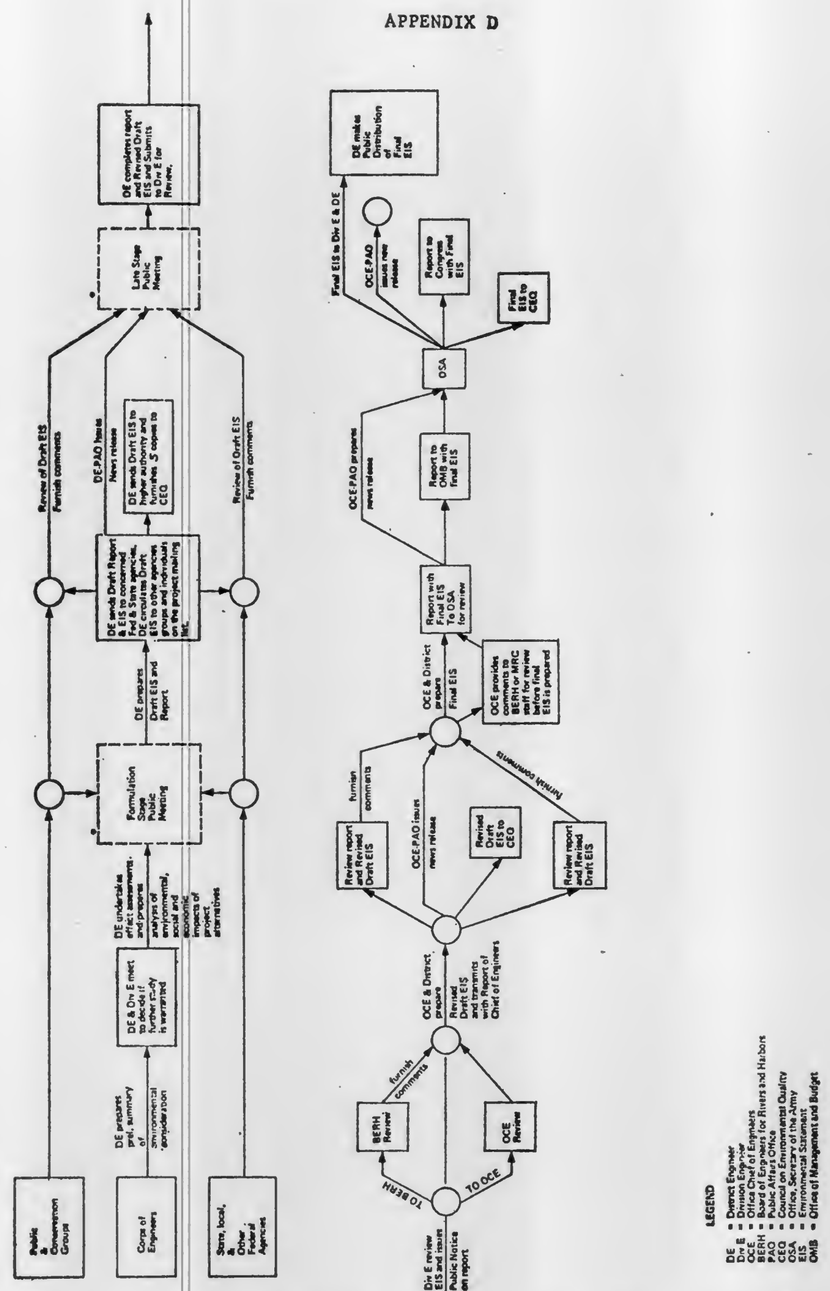
The release of this statement to the general public can be made with the proper notation that it is a draft statement issued for the purpose of obtaining necessary views of governmental and private interests concerned with the impact of the proposed construction on the environment.

There is significant organized public opposition regarding the environmental impact of this project.

Sincerely yours,

1 Incl (5 cys)
As stated

APPENDIX D



● – Public Meetings as specified by ER 1105-2-502

Type of Action – Survey Reports (See paragraph 16a)

CHRONOLOGY – Preparation and Coordination of Environmental Statements

V 39 156 MAR 21 74 XUM

FOR PROJECTS WITHOUT PRIOR ENVIRONMENTAL STATEMENT

V 39 156 MAR 21 74 XUM

FOR PROJECTS WITH PRIOR ENVIRONMENTAL STATEMENT

LEGEND

DE = District Engineer
Div E = Division Engineer
OCE = Office Chief of Engineers
BESH = Board of Engineers for Rivers and Harbors
PAO = Public Affairs Office
CEQ = Council on Environmental Quality
OSA = Office, Secretary of the Army
EIS = Environmental Statement
OMB = Office of Management and Budget

● = Public Meetings as specified by ER 1105-2-502

Type of Action – AUTHORIZED PROJECTS NOT STARTED (See paragraph 16f.)
CHRONOLOGY – Preparation and Coordination of Environmental Statements

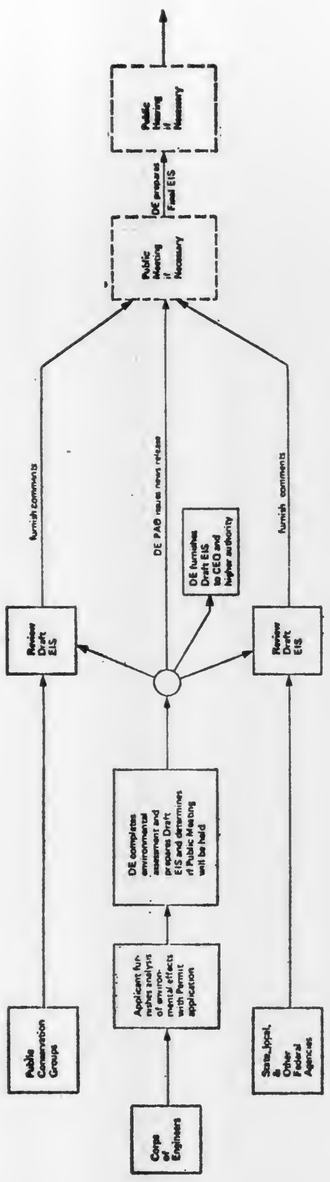
FOR PROJECTS UNDER CONSTRUCTION AND OPERATION AND MAINTENANCE See paragraph 16b.)

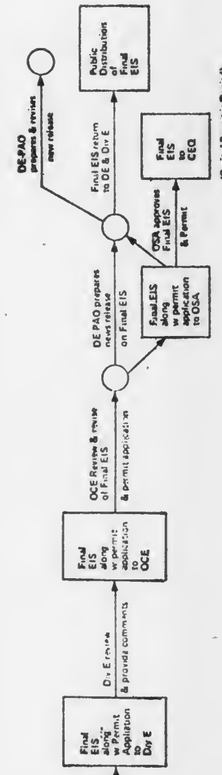
LEGEND

DE = District Engineer
Div E = Division Engineer
OCE = Office Chief of Engineers
BESH = Board of Engineers for Rivers and Harbors
PAO = Public Affairs Office
CEQ = Council on Environmental Quality
OSA = Office, Secretary of the Army
EIS = Environmental Statement
OMB = Office of Management and Budget

Type of Action – CONTINUING CONSTRUCTION AND OPERATION AND MAINTENANCE See paragraph 16b.)
CHRONOLOGY – Preparation and Coordination of Environmental Statements

V 39 156 MAR 21 74 XUM





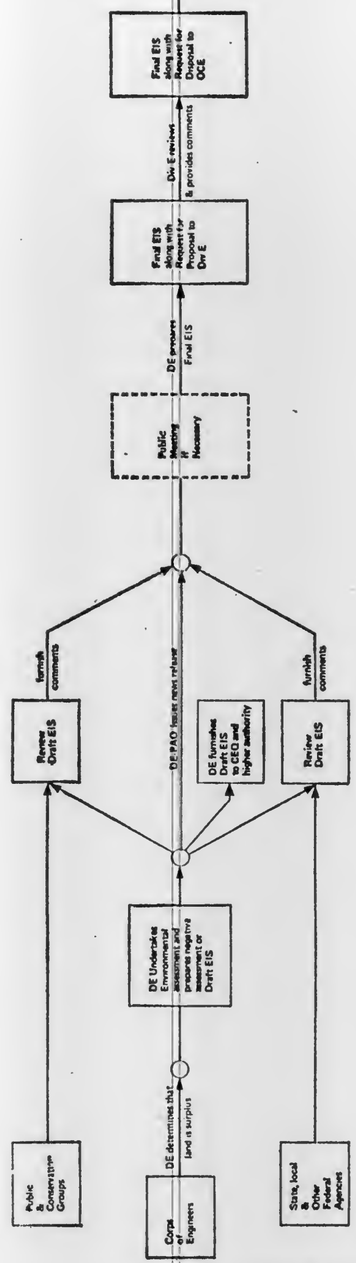
* Public Meetings and Hearings as specified by ER 1105-2-502 and ER 1145-2-303

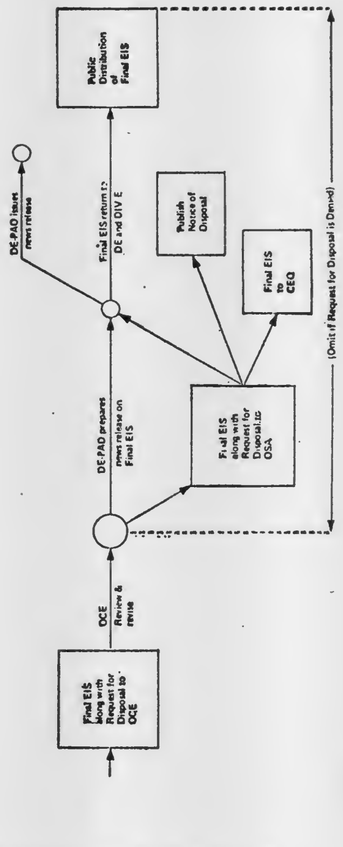
Type of Action – REGULATORY PERMITS (See paragraph 16f)

CHRONOLOGY – Preparation and Coordination of Environmental Statements

LEGEND

DE = District Engineer
Div E = Division Engineer
OCE = Office Chief of Engineers
BERH = Board of Engineers for Rivers and Harbors
PAO = Public Affairs Office
CEQ = Council on Environmental Quality
OSA = Office, Secretary of the Army
EIS = Environmental Statement
OMB = Office of Management and Budget





* Public Meetings as specified by ER 1105-2-502

Type of Action – DISPOSAL OF LAND (See paragraph 16i)

CHRONOLOGY – Preparation and Coordination of Environmental Statements

LEGEND

DE = District Engineer
Div E = Division Engineer
OCE = Office Chief of Engineers
BERH = Board of Engineers for Rivers and Harbors
PAO = Public Affairs Office
CEQ = Council on Environmental Quality
OSA = Office, Secretary of the Army
EIS = Environmental Statement
OMB = Office of Management and Budget

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APPENDIX P

COORDINATION WITH FEDERAL AGENCIES

Coordination of environmental statements and their supporting reports will be conducted in accordance with the requirements contained in Appendix C, CEQ Guidelines (38 FR 20559), the Water Resource Council Coordination Handbook; Section X of EM 1120-2-101, "Survey Investigations and Reports, General Procedures," OMB Circular A-95, "Evaluation, Review, and Coordination of Federal and Federally Assisted Programs and Projects;" and the following special requirements established by certain Federal agencies.

Environmental Protection Agency---- F-2
Department of Housing and Urban Development ---------- F-6
Department of Commerce---------- F-8
Department of the Interior---------- F-9

ENVIRONMENTAL PROTECTION AGENCY,
OFFICE OF THE ADMINISTRATION.
Washington, D.C., October 28, 1971.

Col. J. B. NEWMAN,
Executive Director of Civil Works,
Office of the Chief of Engineers,
Department of the Army,
Washington, D.C.

DEAR COLONEL NEWMAN: The Environmental Protection Agency is in the process of strengthening its program for review of environmental impact statements under the National Environmental Policy Act of 1969. To expedite the review process, significant responsibility to evaluate environmental impact statements from other agencies has been delegated to our Regional Administrators. The regional offices have established close working relationships with State, local and Federal field offices, and are in the best position to evaluate issues which affect specific geographical areas.

Environmental impact statements submitted to the Environmental Protection Agency for comment should be directed as follows:

1. Environmental statements concerning legislation, regulations, national program proposals or other major policy issues should be directed to:

Mr. George Marienthal, Acting Director
Office of Federal Activities
Environmental Protection Agency
Washington, D.C. 20460

2. Environmental statements concerning other major Federal actions, such as highway and water resource construction projects, should be directed to the Regional Administrator in whose area the action will take place. The Regional Administrator will coordinate the EPA review.

When any EPA office is requested to comment on an environmental impact statement, please provide five copies of the statement and supporting material. A list of EPA regional offices, including a listing of the States under the jurisdiction of each region is enclosed.

Sincerely.

GEORGE MARIENTHAL,
Acting Director,
Office of Federal Activities.

Enclosure.

ENVIRONMENTAL PROTECTION AGENCY
Washington, D.C. 20460

REGIONAL ADMINISTRATORS [1]

Region I: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.

John A. S. McGlennon, Room 2303, John F. Kennedy Federal Bldg., Boston, Massachusetts 02203, Phone: 617-223-7210.

Region II: New Jersey, New York, Puerto Rico, Virgin Islands.

Gerald M. Hansler, Room 847, 26 Federal Plaza, New York, New York 10007, Phone: 212-264-2525.

Region III: Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia.

Edward Furia, Curtis Bldg., 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Phone: 215-597-5191.

Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.

Jack E. Ravan, Suite 300, 1421 Peachtree St., N.E., Atlanta, Georgia 30309, Phone: 404-526-5727.

Region V: Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin.

Francis T. Mayo, 1 North Walker Drive, Chicago, Illinois 60605, Phone: 312-353-5757.

Region VI: Arkansas, Louisiana, New Mexico, Texas, Oklahoma.

Arthur Busch, 1600 Patterson Street, Dallas, Texas 75201, Phone: 214 749-2625.

Region VII: Iowa, Kansas, Missouri, Nebraska.

Jerome Svore, 1735 Baltimore Street, Kansas City, Missouri 64108, Phone: 816-374-5616.

Region VIII: Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.

John Green, Room 916, Lincoln Tower, 1860 Lincoln Street, Denver, Colorado 80203, Phone: 303-837-3895.

Region IX: Arizona, California, Hawaii, Nevada, American Samoa, Guam, Trust Territories of Pacific Islands, Wake Island.

Paul DeFalco, Jr., 100 California Street, San Francisco, California 94102, Phone: 415-556-4303.

Region X: Alaska, Idaho, Oregon, Washington.

James L. Agee, 1200 Sixth Avenue, Seattle, Washington 98101, Phone: 206-442-1200.

[1] Updated with Office of Federal activities, EPA on 19 Jan 72 (referencing ltr dtd 21 Oct 71 fr EPA to GEN Clarke).

U.S. ENVIRONMENTAL
PROTECTION AGENCY.
Washington, D.C. 20460,
September, 29, 1972.

MR. FRANCIS X. KELLY,
Director, Office of Public Affairs,
U.S. Army Corps of Engineers
1000 Independence Avenue SW.,
Washington, D.C. 20314.

DEAR MR. KELLY: The purpose of this letter is to provide guidance in the submission of draft environmental impact statements to the Environmental Protection Agency for review and comment. This pertains only to pesticide-related (including herbicides) programs.

A recent study of our procedure for the preparation of EPA responses to draft impact statements indicated that delay in receipt of the statement in the office of the principal reviewer was our most serious problem. In order to minimize this problem, I ask that two copies of your Corps' Environmental Impact statements be sent to Mr. William M. Hoffman, Office of Pesticides Programs, Environmental Protection Agency, Washington, D.C. 20460. Copies should also be sent to the appropriate EPA Regions as has been done in the past.

I am sure that the initiation of this change will result in forwarding responsive comments consistent with our time limitation.

Sincerely yours,

SHELDON MEYERS,
Director,
Office of Federal Activities.

DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT,
Washington, D.C. 20410,
May 9, 1972.

This is to clarify the contact point for the Department of Housing and Urban Development regarding the distribution of Environmental Impact Statements in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 and the Council on Environmental Quality Guidelines of April 1971.

Environmental Impact Statements submitted to HUD for comment should be directed as follows:

1. Environmental Impact Statements for proposed legislation, policy issuances and guidance documents, program regulations and procedures, and other policy issues should be sent to:

Samuel C. Jackson
Assistant Secretary for Community Planning and Management
Department of Housing and Urban Development
Washington, D.C. 20410
Attn: Richard H. Broun, Environmental Clearance Officer

2. Environmental Impact Statements for project actions should be sent to the HUD Regional Administrator in whose region the project is to be located. A list of the Regional Administrators and the HUD Regional Offices is enclosed.

In order to facilitate review and comment, please provide three (3) copies of each Environmental Impact Statement to the appropriate HUD office. I would appreciate your informing the component bureaus and offices in your department of this procedure. Thank you for your cooperation.

Sincerely,

SAMUEL C. JACKSON,
Assistant Secretary for Community Planning and Management.

Enclosure.

REGION I

James J. Barry, Regional Administrator, Rm. 800 John F. Kennedy, Federal Building, Boston, Massachusetts 02203, Tel. (617) 223-4066. Attn: Environmental Clearance Officer.

REGION II

S. William Green, Regional Administrator, 26 Federal Plaza, New York, New York 10007. Tel. (212) 264-8068. Attn: Environmental Clearance Officer.

REGION III

Theodore R. Robb, Regional Administrator, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, Tel. (215) 597-2560. Attn: Environmental Clearance Officer.

REGION IV

Edward H. Baxter, Regional Administrator, Peachtree-Seventh Building, 50 Seventh Street NE., Atlanta, Georgia 30323, Tel. (404) 526-5585. Attn: Environmental Clearance Officer.

REGION V

George Vavoulis, Regional Administrator, 300 South Wacker Drive, Chicago, Illinois 60606, Tel. (312) 353-5680. Attn: Environmental Clearance Officer.

REGION VI

Richard L. Morgan, Regional Administrator, Federal Building, 819 Taylor Street, Fort Worth, Texas 76102, Tel. (817) 334-2867. Attn: Environmental Clearance Officer.

REGION VII

Elmer E. Smith, Regional Administrator, Rm. 300 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106, Tel. (816) 374-2661. Attn: Environmental Clearance Officer.

REGION VIII

Robert C. Rosenheim, Regional Administrator, Federal Building, 1961 Stout Street, Denver, Colorado 80202, Tel. (303) 837-4881. Attn: Environmental Clearance Officer.

REGION IX

Robert H. Baida, Regional Administrator, 450 Golden Gate Avenue, Post Office Box 36003, San Francisco, California 94102, Tel. (415) 556-4752. Attn: Environmetal Clearance Officer.

REGION X

Oscar P. Peterson, Regional Administrator, Arcade Plaza Building, 1312 Second Avenue, Seattle, Washington 98101, Tel. (206) 442-5415. Attn: Environmental Clearance Officer.

OFFICE OF THE
ASSISTANT SECRETARY OF COMMERCE,
Washington, D.C. 20230,
December 14, 1973.

Colonel JOHN V. PARISH, Jr.,
Executive Director of Civil Works,
Office of the Chief of Engineers,
U.S. Army, Corps of Engineers,
Washington, D.C. 20314.

DEAR COLONEL PARISH: In regard to environmental impact statements sent to the Department of Commerce from your agency for review and comment, it is requested that your standard distribution be increased to a total of 8 (eight) copies. This should meet our maximum need and allow for expeditious review and comment, particularly by our various field installations.

In those cases where distribution is made by component agencies of your organization, it would be appreciated if you would notify them of this request.

Sincerely yours,

SIDNEY R. GALLER,
Deputy Assistant Secretary for Environmental Affairs.

COORDINATION WITH THE DEPARTMENT OF THE INTERIOR

Contact point: Director, Office of Environmental Project Review, Department of the Interior, Washington, D.C. 20240.

Number of copies: Draft EIS, Draft Supplements and Revised. *Draft EIS (except for Revised Drafts on Survey Reports.)*

For projects *EAST* of the Mississippi River send 15 copies to contact point.

For projects *WEST* of the Mississippi River send 20 copies to contact point.

Final EIS, Final Supplements & Revised Final EIS.

For all projects send 2 copies to the contact point.

Additional instructions: For Survey Reports, Continuing Authorities (DPR's) and Phase I GDM's, a corresponding number of Draft Reports should accompany Draft EIS's when sent forward to the contact point.

APPENDIX G

PREPARATION OF BIOLOGICAL INVENTORIES

1. The inventories should list all species by both the common and scientific name.

2. Display the biotic species in a table or tables giving the status of the species in the general region, status in the project area, seasonal status (when applicable) and quantitative abundance in the general project area. It is paramount to give an explanation or definition of the terms (adjectives) used for quantification of each species, i.e., abundant, common, occasional, rare, etc. Additionally, provide a probable impact description that the project will have upon the species of mammals, birds, fishes, reptiles, amphibians, mollusks, crustaceans, etc., that normally inhabit the project area or may be influenced by the project. Specific and detailed analyses should be given to the project impacts upon the Endangered Species (see the 1973 edition of Threatened Wildlife of the U.S. by the Bureau of Sports Fisheries and Wildlife), upland game birds (turkey, quail, grouse, etc.), waterfowl (geese and ducks), big game mammals (moose, elk, deer, antelope, etc.), small game mammals (rabbits, squirrels, etc.), fur bearers (mink, beaver, muskrat, nutria, etc.), and others.

SAMPLE TABLE

Species	Habitat and/or seasonal status	Range in region or State	Abundance in region	Range in United States	Project impact
Bobwhite, *colinus virginianus.*	Permanent resident.	Statewide----------	Common-----	Eastern North America.	Minimal.
Mallard, *Anas platyrhynchos.*	Migrant----------	Waterways and marsh area regionwide.	-----do---------	United States---	None.
Cottontail, (*Sylvilagus* sp.).	Brushy areas----	Throughout region and State.	-----do----------	-----do----------	Moderate.

3. List principal native aquatic and terrestrial vegetation including trees, shrubs, grasses, herbs and other vegetation growing within the project area. Indicate relative abundance or scarcity, importance as wildlife habitat, and value for cultural, aesthetic and scientific purposes.

[FR Doc.74-6230 Filed 3-20-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT SUPPLEMENTS TO THE FISCAL YEAR 1975 PROGRAM STATEMENT

Public Meeting

Notice of a series of public information meetings is hereby given by the Bonneville Power Administration, to solicit public comments on Draft Facility Location Supplements to BPA's Fiscal Year 1975 Program Statement.

The purpose of these public information meetings is to present to the public alternative facility or site locations relative to the specific proposals mentioned below and to elicit comments from the public with respect to the environmental impact of the proposals.

The dates, times, places, and proposals to be discussed at the meetings are as follows:

MT. PLEASANT ELECTRICAL SERVICE

On Monday, April 22, 1974, at 7:00 p.m. at the Cape Horn Sky Elementary School, the proposed construction of a new substation and tap line in Skamania County, Washington, will be discussed.

SAN JUAN ISLAND ELECTRICAL SERVICE

On Tuesday, April 23, 1974, at 7:30 p.m. at the Islander Lopez Motel, Lopez Island, Washington, the proposed construction of a 1.7 mile transmission line crossing Decatur Island, Washington, from east to west will be discussed.

EASTERN CLARK COUNTY ELECTRICAL SERVICE

On Wednesday, April 24, 1974, at 7:00 p.m. at Fishers Grange Hall in Vancouver, Washington, the proposed construction of a 1.3 mile 115-kv transmission line and expansion of the Sifton Substation in Clark County, Washington, will be discussed.

LANE ELECTRIC COOPERATIVE SERVICE EAST

An Friday, April 26, 1974, at 7:00 p.m. at Lowell High School, Lyons, Oregon, the proposed construction of a new substation near the town of Lowell located in Lane County, Oregon, will be discussed.

SKAMANIA COUNTY PUD SERVICE

On Monday, April 29, 1974, at 7:00 p.m. at the Stevenson High School, Stevenson, Washington, the proposed construction of a new substation and tap line near the town of Stevenson in Skamania County will be discussed.

Oral and written statements will be accepted at this series of meetings. Members of the public who wish to be given preference in the order of appearance should contact the BPA Area Manager in the area in which the particular meeting is to be held. However, all those present wishing to comment will be allowed to do so in the time remaining. Those wishing to comment orally are encouraged but not required to submit a written copy of their statement. All comments, whether oral or written, will be given consideration. Because of the technical nature of the subject matter, members of the public and other reviewers are also encouraged to familiarize themselves with the Draft Facility Location Supplement dealing with the above proposals before commenting.

Requests for copies of the draft supplement on the San Juan Island Electrical Service and any questions regarding this meeting should be forwarded to the Seattle Area Manager, 415 1st Avenue North, Room 250, Seattle, Washington 98109. Similar information regarding the remaining supplements and meetings should be directed to the Portland Area Manager, 919 NE. 19th Avenue, Room 201, Portland, Oregon 97232.

Written comments on the Draft Facility Location Supplements have been invited and will be accepted on or before Monday, April 29, 1974. Copies of the draft supplements are also available for inspection at the above Area Offices or at the headquarters building, Bonneville Power Administration, 1002 NE. Holladay Street, Portland, Oregon 97232.

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Additional or clarifying information may be obtained by writing or calling the Environmental Office, Bonneville Power Administration, PO Box 3621, Portland, Oregon 97208; Area Code (503) 234–3361, extension 5136.

Dated: March 18, 1974.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.74-6606 Filed 3-20-74;8:45 am]

Bureau of Land Management

ALBUQUERQUE DISTRICT ADVISORY BOARD

Notice of Meeting

A meeting of the Grazing Advisory Board for the Albuquerque District will be held on April 4 and 5, 1974 at the Holiday Inn in Farmington, New Mexico. The agenda for the meeting will include a field trip in the San Juan Planning Unit starting at 9:00 a.m., on April 4, 1974. On April 5, 1974, beginning at 8:30 a.m., the Board will review and make recommendations on the Bureau's Planning System as it pertains to the San Juan Planning Unit.

The meeting will be open to the public as space is available.

Dated: March 14, 1974.

R. KEITH MILLER,
District Manager.

[FR Doc.74-6505 Filed 3-20-74;8:45 am]

ARIZONA MULTIPLE USE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management Arizona Multiple Use Advisory Board will meet in Phoenix, Arizona, as follows:

April 22, at 2 p.m., 3022 Federal Building: Wildlife Advisors from each Grazing District Advisory Board, to elect a representative to the Arizona State Multiple Use Advisory Board for the Bureau of Land Management and to consider and make recommendations on wildlife habitat problems in each District.

April 23, at 9 a.m., at the Granada Royale Hometel, 2333 East Thomas Road: members of the Multiple Use Advisory Board. The agenda for the meeting will include: election of Board officers; discussion of provisions of the Federal Advisory Committee Act of 1972, current status of land management planning, Lower Colorado River land selection program, range management program, branding requirements, policy regarding annual licenses and permits, off-road vehicle regulations, and Aravaipa Canyon Primitive Area access.

The meeting will be open to the public. Time will be available for a limited number of brief statements by members of the public. Those desiring to make public statements must notify the Chairman in writing of this intent prior to April 19, 1974. Any interested party may file a written statement with the Board for its consideration. Written statements and requests to give an oral statement to the Board should be directed to Ted Lee, Chairman, c/o State Director, Bureau of Land Management, 3022 Federal Building, Phoenix, Arizona, 85025.

Dated: March 15, 1974.

JOE T. FALLINI,
State Director.

[FR Doc.74-6561 Filed 3-20-74;8:45 am]

[New Mexico 20261 (943a)]

NEW MEXICO

Navajo Refining Company; Notice of Pipeline Application

MARCH 14, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Navajo Refining Company has applied for a crude oil pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 17 S., R. 27 E.,
Sec. 20, S½NW¼, NE¼SW¼;
Sec. 28, SW¼NW¼, E½SW¼, SW¼SE¼;
Sec. 33, N½NE¼, SE¼NE¼; and
Sec. 34, SW¼NW¼, N½SW¼, SE¼SW¼.
T. 18 S., R. 27 E.,
Sec. 3, Lot 3, SE¼NW¼, NE¼SW¼.

The pipeline will convey crude oil crossing Federal Lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analysis necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-6503 Filed 3-20-74;8:45 am]

[New Mexico 17537]

NEW MEXICO

Notice of Termination of Proposed Withdrawal and Reservation of Lands

MARCH 14, 1974.

Notice of a Forest Service, U.S. Department of Agriculture application, NM 17537, for withdrawal and reservation of lands for an administrative site, was published as FR Doc. No. 73-2876, on page 4421 of the issue for February 14, 1973. The applicant agency has cancelled its application involving the land described in the FEDERAL REGISTER publication referred to above. Therefore, pursuant to the regulations contained in 43 CFR Part 2350, such lands, at 10 a.m. on April 12, 1974, will be relieved of the segregative effect of the above mentioned application.

MICHAEL T. SOLAN,
Chief, Division of Technical Services.

[FR Doc.74-6504 Filed 3-20-74;8:45 am]

[N.M. Misc. 22]

NEW MEXICO

Order Opening Lands to Entry

MARCH 14, 1974.

1. In an exchange of lands made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 32 N., R. 5 W.,
Sec. 32.
T. 31 N., R. 6 W.,
Sec. 36.
T. 8 N., R. 10 W.,
Secs. 2, 16 and 36.
T. 3 N., R. 15 W.,
Sec. 21, NE¼, S½NW¼, N½SW¼ and W½SE¼;
Sec. 22, W½NW¼;
Sec. 27, S½N½, S½SW¼ and N½SE¼;
Sec. 34, W½SW¼.
T. 19 S., R. 11 W.,
Secs. 2 and 4;
Sec. 7, lots 3 and 4;
Sec. 8, W½E½ and E½NW¼;
Sec. 10, S½S½;
Sec. 15, NW¼ and E½SW¼;
Sec. 16, N½;
Sec. 17, NE¼;
Sec. 22, SW¼NE¼, N½NW¼ and SW¼NW¼.
T. 19 S., R. 12 W.,
Sec. 12, SE¼.
T. 20 S., R. 12 W.,
Sec. 14, E½NW¼.
T. 34 S., R. 15 W.,
Sec. 10, E½;
Sec. 11, W½.
T. 1 S., R. 18 W.,
Sec. 3, SE¼SW¼ and S½SE¼.
T. 34 S., R. 21 W.,
Sec. 16.
T. 34 S., R. 22 W.,
Sec. 2, lots 1, 2, 3, 4 and E½.
T. 25 S., R. 34 E.,
Sec. 13, SE¼NW¼;
Sec. 24, N½NE¼ and W½.
T. 25 S., R. 35 E.,
Sec. 20, S½NE¼ and SE¼;
Sec. 21, W½SW¼;
Sec. 26, NE¼ and S½;
Sec. 29, N½N½.

The areas described aggregate approximately 10,105.82 acres in Rio Arriba, Valencia, Catron, Grant, Hidalgo and Lea Counties.

2. The topography of the lands varies from level to moderately rolling to rough and mountainous. Soils vary from sandy loam with gravel ranging from shallow to deep. Vegetation consists of native grasses, light to heavy mesquite with shinnery oak, rabbit brush, chamise, and pinon-juniper trees.

3. Subject to valid existing rights, the provisions of existing withdrawals and requirements of applicable law, the lands described above are hereby open to petition-application, location and selection. All valid applications received at or prior to 10 a.m. on April 30, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

Inquiries concerning the lands should be addressed to Chief, Division of Technical Services, Bureau of Land Management, Santa Fe, New Mexico 87501.

MICHAEL T. SOLAN,
Chief, Division of Technical Services.

[FR Doc.74-6557 Filed 3-20-74;8:45 am]

WYOMING

Notice of Restricted Vehicle Use; Closure Order

MARCH 15, 1974.

In FR Doc. 71-7748, appearing on page 10888 of the issue for June 4, 1971, the following change should be made:

The CFR cited should read 43 CFR 6010.4.

DANIEL P. BAKER,
State Director.

[FR Doc.74-6502 Filed 3-20-74;8:45 am]

Fish and Wildlife Service

MARINE MAMMAL PERMIT

Notice of Receipt of Application and Notice of Public Hearing

Notice is hereby given that the following applicant has applied for a permit to take marine mammals for public display as authorized by section 101(a)(1) of the Marine Mammal Protection Act of 1972 [16 U.S.C. 1361–1407] governing the taking and importing of marine mammals. The Director of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, finds the following application sufficient for consideration.

Notice is also hereby given that, as authorized by section 104 of the Marine Mammal Protection Act of 1972, a hearing will be held at 9:30 a.m., local time, April 9, 1974, at the California State Building, Room B-109, 1350 Front Street, San Diego, California. The purpose of the hearing is to consider the following application for a public display permit.

The applicant, Sea World, Inc., 1720 South Shores Road, San Diego, California, 92109, proposes to collect eight (8) Pacific walrus (*Odobenus rosmarus divergens*) in and around the offshore waters including the ice floes and/or other locations as they may inhabit around St. Lawrence Island or Little Diomede Island, or possibly from the offshore mainland of the State of Alaska.

The Applicant states that the pups will be salvaged after the females have been killed by the Eskimos under their subsistence hunting program; if the animals are not taken by Sea World, they also will be killed by Eskimos or left to die in the ocean. Therefore, the taking of these animals represents no loss to the population stocks.

The applicant further states that the animals will be taken aboard Eskimo walrus skin boats and transported to the Eskimo village where they will be cared for in an open snow pen. They will be fed a formula of fish, whipping cream, clams, squid, and other nutrients blended together which the applicant states resembles the milk obtained from female walrus under experimental conditions in both nutrients and quality.

The applicant further states that the animals will be transported on a jet aircraft to Sea World, Inc., San Diego, California, where they will be placed and cared for in a specially constructed nursery that has free access to sea water, sunning areas, etc. The animals will be transported in individual containers made of plywood and wire screen that allows full ventilation and mobility but protects them from extreme damage.

The applicant further states that the walrus will be displayed in the walrus display area. They will be displayed in pairs for short periods of time on an alternating basis. After the animals reach weaning age and are on a full solid food diet, they will be left on display as are the adult walrus.

Sea World states that once the animals are weaned they will be divided into three groups, one group will stay at Sea World, San Diego, one group will be sent via jet aircraft to Sea World of Ohio, and one group will be sent via jet aircraft to Sea World of Florida.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Director is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Documents submitted in connection with this application are available for public inspection during normal business hours at the Bureaus' office in Suite 600, 1612 K Street NW., Washington, D.C., and at the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, 1500 Plaza Building, 1500 NE Irving Street, Portland, Oregon 97208.

Interested persons may comment on this application by appearing at the hearing referred to above to present oral or written views, or by submitting written data or views, preferably in triplicate to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All revelant comments received no later than April 26, 1974, will be considered.

Dated: March 15, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74-6548 Filed 3-20-74;8:45 am]

Office of Oil and Gas

NATIONAL PETROLEUM COUNCIL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the following meeting:

The National Petroleum Council will meet at 9:00 a.m. on March 29, 1974, in the Department of the Interior Auditorium, 18th and C Streets NW., Washington, D.C. The agenda will include interim and progress reports on current studies relating to the following topics:

1. Energy conservation—interim report.
2. Emergency preparedness (materials and manpower requirements for petroleum exploration, drilling and production)—status report.
3. Emergency preparedness (impact of embargoes on oil shipments by Arab nations)—status report.
4. U.S. petroleum storage capacity—status report.
5. Petroleum resources under the ocean floor—status report.

The meeting will be open to the public. Further information with respect to this meeting may be obtained from Ben Tafoya, Office of Oil and Gas, Department of the Interior at the Federal Energy Office, Post Office Building, 12th Street and Pennsylvania Avenue NW., Washington, D.C., telephone number 961-8601.

The purpose of the National Petroleum Council is to provide advice, information and recommendations to the Secretary of the Interior, upon request, on any matter relating to petroleum or the petroleum industry.

ROBERT L. PRESLEY,
Assistant Director, Emergency Preparedness Office of Oil and Gas, Department of the Interior.

MARCH 19, 1974.

[FR Doc.74-6748 Filed 3-20-74;10:12 am]

DEPARTMENT OF AGRICULTURE

Forest Service

COHUTTA MOUNTAINS PLANNING UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Cohutta Mountains Planning Unit, Chattahoochee National Forest, USDA-FS-R8-DES (Adm.)-74-3.

This environmental statement concerns the proposed management direction and resource allocation for a portion of the Chattahoochee National Forest, known as the Cohutta Mountains Planning Unit.

This draft environmental statement was transmitted to CEQ on March 12, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Road, NW., Room 804
Atlanta, Georgia 30309

A limited number of single copies are available upon request to Vaughn H. Hofeldt, Forest Supervisor, Chatta-

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hoochee-Oconee National Forest, P.O. Box 1437, Gainesville, Georgia 30501.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Vaughn H. Hofeldt, Chattahoochee-Oconee National Forest, Gainesville, Georgia 30501. Comments must be received by May 8, 1974 in order to be considered in the preparation of the final environmental statement.

HANS R. RAUM,
Program Director.

[FR Doc.74-6562 Filed 3-20-74;8:45 am]

PROPOSED MANAGEMENT DIRECTION FOR THE CEDAR CREEK PURCHASE UNIT OF THE CLARK NATIONAL FOREST

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement on the Proposed Management Direction for the Cedar Creek Purchase Unit of the Clark National Forests, National Forests in Missouri, USDA-FS-R9-DES-(Adm)-74-5.

The environmental statement concerns the environmental effects of proposed management direction for the Cedar Creek Purchase Unit in Boone and Callaway Counties, Clark National Forest, National Forests in Missouri.

This draft environmental statement was filed with CEQ on March 15, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Eastern Region
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

USDA, Forest Service
National Forests in Missouri
Rolla, Missouri 65401

A limited number of single copies are available upon request to Forest Supervisor, National Forests in Missouri, Rolla, Missouri 65401.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Written comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Written comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, National Forests in Missouri, Rolla, Missouri 65401. Written comments must be received by May 14, 1974, in order to be considered in the preparation of the final environmental statement.

J. H. CRAVENS,
Regional Forester, Eastern Region.

[FR Doc.74-6560 Filed 3-20-74;8:45 am]

MANTI DIVISION G-10 ADVISORY BOARD

Notice of Meeting

The Manti Division G-10 Advisory Board will hold its annual meeting on April 2, 1974.

The meeting will be held beginning at 1:30 p.m. in Room 211 of the Administration Building, College of Eastern Utah.

The meeting agenda will cover the following specific topics:

1. Proposed change in Forest Commensurability Standards.
2. Brief review of new mining laws.
3. Status of Land Use Planning on Manti-LaSal National Forest.
4. Expected Forest financing for fiscal year 1975, including possibility of accelerated range program.
5. New areas administered by Manti-La-Sal.
6. Change of annual meeting date to a more convenient date.

This meeting will be open to the public. To the extent time permits, persons may be permitted to comment on topics brought before the Board at anytime during the discussion.

Persons desiring additional information on the meeting should contact Forest Supervisor George McLaughlin, MantiLaSal National Forest, 350 East Main Street, Price, Utah 84501.

GEORGE F. MCLAGUHLIN,
Forest Supervisor.

MARCH 12, 1974.

[FR Doc.74-6508 Filed 3-20-74;8:45 am]

OREGON DUNES NATIONAL RECREATION AREA ADVISORY COUNCIL

Notice of Meeting

The Oregon Dunes National Recreation Area Advisory Council met on Friday, February 22 at 9:30 a.m. in Room 105 of the State Capitol Building in Salem. This was a continuation of the February 1, 1974, meeting held in Corvallis, which recessed to be reconvened at a later date. The purpose of the meeting was to enlist the Council's help and advice in reviewing the wilderness suitability report and developing a proposed management alternative for the Oregon Dunes National Recreation Area. No recommendation was made by the Council on wilderness suitability. Several suggestions were made by Council members on a proposed management alternative for the entire NRA.

The meeting was open to the public. Written statements are permitted to be filed with the committee after the meeting. Members of the public present were: Bob Pfohman, Capital Journal, Salem; Patricia Noyes, Eugene; Joe Walicki, Wilderness Society, Eugene.

F. DALE ROBERTSON,
Forest Supervisor.

MARCH 13, 1974.

[FR Doc.74-6546 Filed 3-20-74;8:45 am]

ENVIRONMENTAL STATEMENT, LAKE TAHOE BASIN

Extension of Comment Period

On August 29, 1973, the Forest Service, Department of Agriculture, filed with the Council on Environmental Quality a draft environmental statement for the proposed General Plan for Management of National Forest Lands in the Lake Tahoe Basin, USDA-FS-DES(Adm) 74-23, pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969. Notice of availability of this draft environmental statement was published in the FEDERAL REGISTER on September 13, 1973 (38 FR 25459). Comments were requested within 90 days of filing with CEQ.

Because of continued public interest and concerns regarding adequacy of opportunity for public review, the comment period for this draft environmental statement is being re-opened for 45 days, starting March 20, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3230
14th Street & Independence Ave. SW.
Washington, D.C. 20259.

USDA, Forest Service
California Region
630 Sansome Street, Room 531
San Francisco, California 94111

Eldorado National Forest
100 Forni Road
Placerville, California 95667

Tahoe National Forest
Highway 49
Nevada City, California 95959

Toiyabe National Forest
Charles Mapes Building
111 North Virginia Street
Reno, Nevada 89503

Lake Tahoe Basin Management Unit
1052 Tata Lane
P.O. Box 8465
South Lake Tahoe, California 95731

A limited number of single copies are available upon request to Administrator, Lake Tahoe Basin Management Unit, P.O. Box 8465, South Lake Tahoe, California 95705.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, at a cost of $13.00 each. Please specify NTIS Accession No. EIS-CA-73-1443-D when ordering.

Copies of the environmental statement were sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Administrator, Lake Tahoe Basin Management Unit, P.O. Box 8465, South Lake Tahoe, California 95705. Comments must be received by May 6, 1974, in order to be considered in the preparation of the final environmental statement.

Dated: March 14, 1974.

RICHARD M. POMEROY,
Acting Regional Forester,
California Region.

[FR Doc.74-6463 Filed 3-20-74;8:45 am]

ROUTT NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Routt National Forest Multiple Use Advisory Committee will meet at 9:30 a.m., April 4, 1974 in the meeting room at the Yampa Valley Electric Association Building, 32 Tenth Street, Steamboat Springs, Colorado.

The purpose of this meeting is to: Discuss objectives of the committee, membership tenure, environmental education, land use planning, off-road travel restrictions and the Hayden-Ault 345 K.V. Transmission Line.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, P.O. Box 1198, Steamboat Springs, Colorado 80477, phone number 303-879-1722. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: The chairman will provide time for the public to present oral statements and ask questions at the conclusion of the business meeting.

Dated: March 13, 1974.

W. B. METCALF,
Forest Supervisor.

[FR Doc.74-6558 Filed 3-20-74;8:45 am]

Packers and Stockyards Administration

[P. & S. Docket No. 4923]

GILES LOWERY STOCKYARDS, INC., d/b/a BAY CITY LIVESTOCK COMMISSION CO.

Notice of Complaint, Order of Suspension, and Hearing

In re: Giles Lowery Stockyards, Inc. d/b/a Bay City Livestock Commission Company, Bay City, Texas—Respondent.

Notice is hereby given that on February 21, 1974, the respondent filed a proposed amendment to its current schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.), to become effective March 15, 1974. The proposed amended tariff reads as follows:

Section A—Commission: 3 percent—of sale price of all livestock consigned.

Section B—Yardage: 35¢ a head—cattle; 25 percent a head—sheep, goats & hogs; 50¢ a head—horses & mules.

Section C—Feed: $1.50 for hay; $4.50 for sack feed.

Section D—Special Services: Weighing (other than sale day) 35¢ head.

Notice is given hereby also that on March 13, 1974, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

I

The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Giles Lowery Stockyards, Inc. d/b/a Bay City Livestock Commission Company, Bay City, Texas, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II

In accordance with the requirements of the Act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for its services at the aforementioned stockyard.

III

On February 21, 1974, the respondent filed a tariff effective March 15, 1974, containing certain increases in the current rates and charges.

IV

Upon an analysis of the information available to the Packers and Stockyards Administration, United States Department of Agriculture, there is reason to believe that certain of such increases are unjust, unreasonable, or discriminatory.

V

It is concluded therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondent's schedule of rates and charges as modified by the tariff filed on February 21, 1974, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI

It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondent of the modifications of the current schedule of rates and charges filed on February 21, 1974, to become effective on March 15, 1974, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

It is further ordered, That notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Administrative Law Judge of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. on or before April 10, 1974.

It is further ordered, That a copy hereof be served upon the respondent.

Done at Washington, D.C., March 18, 1974.

MARVIN L. MCLAIN,
Administrator, Packers
and Stockyards Administration.

[FR Doc.74-6601 Filed 3-20-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[BDC Del. 4, formerly BDSA-NPA Del., 9, February 26, 1951—Revocation]

DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN INDUSTRIAL CHEMICALS USED PRINCIPALLY IN THE PETROLEUM INDUSTRY

Revocation

MARCH 11, 1974.

BDC Del. 4, February 26, 1951 (16 FR 1908) is hereby revoked. The authority

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over the production and distribution of industrial chemicals as delegated by BDC Del. 4 has been incorporated in a Memorandum of Agreement (38 FR 30896) between the Department of the Interior and the Department of Commerce with respect to certain products and equipment, including chemicals, associated with the output of petroleum and gas.

BUREAU OF DOMESTIC COMMERCE,
GARY M. COOK,
Acting Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.74-6466 Filed 3-20-74;8:45 am]

Maritime Administration

[Docket No. S-411]

SPRUCE SHIPPING CO.

Notice of Application for Operational Differential Subsidy

Notice is hereby given that Spruce Shipping Company has filed an application dated March 7, 1974, for operating-differential subsidy on three (3) tankers (to be constructed) of approximately 89,700 deadweight tons each. Said vessels will operate generally from ports in the Persian Gulf, Borneo, Indonesia, and possibly South America to Hawaiian and United States West Coast ports in the carriage of crude oil, and may be operated in other worldwide service in the carriage of liquid bulk cargoes and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a. This application supersedes the operating-differential subsidy application of November 9, 1973, filed by Hawaiian International Shipping Corporation, notice of which was published in the FEDERAL REGISTER of December 17, 1973 (38 FR 34680).

Any party having an interest in such application and who would contest a finding of the Board that the service now provided by vessels of United States registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before April 5, 1974, notify the Secretary in writing of his interest and of his position and file a petition for leave to intervene in accordance with the Board's Rules of Practice and Procedure (46 CFR Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing.

In the event that a section 605(c) hearing is ordered to be held, the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign oceanborne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated in such service.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing the Maritime Subsidy Board will take such actions as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidy (ODS))

Dated: March 18, 1974.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-6603 Filed 3-20-74;8:45 am]

National Bureau of Standards

MEN'S PAJAMA SIZES, ET AL.

Action on Proposed Withdrawal of Commercial Standards

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of the following Commercial Standards:

CS 15-46, "Men's Pajama Sizes (Made from Woven Fabrics)"
CS 137-51, "Size Measurements for Men's and Boys' Shorts (Woven Fabrics)"
CS 166-50, "Size Measurements for Men's Work Trousers"
CS 187-52, "Men's Work Shirt Sizes"

It has been determined that these standards are no longer used to any significant extent. Therefore, their continued maintenance in the Department's Voluntary Product Standards inventory would serve no useful purpose.

This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing the FEDERAL REGISTER of January 25, 1974 (39 FR 3301), to withdraw these standards.

The effective date for the withdrawal of these standards will be on or before May 20, 1974. This withdrawal action terminates the authority to refer to these standards as voluntary standards developed under the Department of Commerce procedures.

Dated: March 15, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-6552 Filed 3-20-74;8:45 am]

EXPANDED VINYL FABRICS FOR UPHOLSTERY USE, AND VINYL- AND PYROXYLIN-COATED COTTON FABRICS

Action on Proposed Withdrawal of Voluntary Standards

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standard CS 273-65, "Expanded Vinyl Fabrics for Furniture Upholstery Use" and Simplified Practice Recommendation R 242-53, "Vinyl- and Pyroxylin-Coated Cotton Fabrics." It has been determined that these standards are no longer used to any significant extent. Therefore, their continued maintenance in the Department's Voluntary Product Standards inventory would serve no useful purpose.

This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of January 17, 1974 (39 FR 2119), to withdraw these standards.

The effective date for the withdrawal of these standards will be on or before May 20, 1974. This withdrawal action terminates the authority to refer to these standards as voluntary standards developed under the Department of Commerce procedures.

Dated: March 15, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-6554 Filed 3-20-74;8:45 am]

VITREOUS CHINA PLUMBING FIXTURES

Notice of Intent To Withdraw Commercial Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standard CS 20-63, "Vitreous China Plumbing Fixtures." It has been tentatively determined that this standard is no longer technically adequate and revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of this standard should be made in writing to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, on or before April 22, 1974. The effective date of withdrawal will not be less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: March 15, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-6553 Filed 3-20-74;8:45 am]

Patent Office

CUBA

Filing of Patent Applications

The U.S. Patent Office has been officially notified by the Department of State that the Government of Cuba has, under Order No. 74/05 of September 10, 1973, dismissed Jose A. Lanza Pujadas, Jose Jorge A. Ameller Escobar, Alberto Carmona Caraballo and Adolfo Gonzalez Rodriguez as Official Patent Agents for the preparation and prosecution of patent applications in Cuba.

A non-extendable period ending on March 31, 1974, was granted to natural or juristic persons residing abroad who have filed applications through these persons for the purpose of designating a new agent to represent them, to appear at any proceeding in progress, and to continue handling their applications.

All applications for which a new agent is not appointed by the above date will be considered as abandoned.

Dated: March 13, 1974.

C. MARSHALL DANN,
Commissioner of Patents.

[FR Doc.74-6551 Filed 3-20-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[NADA No 39-401V]

HOFFMAN-TAFF, INC.

Breeder Premix Medicated; Notice of Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; (21 U.S.C. 360b)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued:

Hoffman-Taff, Inc., P.O. Box 1246 S.S.S., Springfield, MO 65805, has requested that its NADA (new animal drug application) No. 39-401V be withdrawn in accordance with § 135.28(d) (21 CFR 135.28(d)) on the ground that the drug is not being marketed. Notice is given that approval of NADA No. 39-401V for Breeder Premix Medicated, which contains hydromycin B, bacitracin methylene disalicylate, and procaine penicillin, is hereby withdrawn.

This notice shall be effective March 21, 1974.

Dated: March 14, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-6473 Filed 3-20-74;8:45 am]

National Institute of Education

INFORMATION CENTER

Location and Adoption of Fee Schedule for Special Information Services

Notice is given herein of the new location of the National Institute of Education (NIE) Information Center and of adoption of a fee schedule for special information services.

The Department of Health, Education, and Welfare published on August 17, 1973, amendments to Part 5 of Subtitle A of Title 45 of the Code of Federal Regulations. (38 FR 22230) The location shown for the NIE Information Center at § 5.31 of the amended regulation is no longer accurate. The new location is Room 720-B, 1200 19th St., NW (Brown Building), Washington, D.C. 20208.

The Department's Public Information Regulation is applicable to NIE with the exception of § 5.61 Fee schedules, which applies only to the Office of the Secretary. Pursuant to 5 U.S.C. 552, the Director of NIE herewith adopts the fee schedule shown below.

Fee schedule. The fee schedule for the National Institute of Education is as follows:

(a) Search for records—$3 per hour; provided however that no charge will be made for the first one-half hour.

(b) Reproduction, duplication, or copying of records—10 cents per page; provided however that no charge will be made where the total amount does not exceed 50 cents and provided further that where records are not susceptible to photo-copying, e.g. punch cards or magnetic tapes, the amount charged will be actual cost, as determined on a case-by-case basis.

(c) Certification or authentication of records—$3 per certification or authentication.

(d) Forwarding material to destination—postage, insurance, and special fees will be charged on an actual cost basis.

It is ordinarily the policy of NIE to provide opportunity for public comment prior to publication of final rules. However, since the provision adopted is identical to the Department's, which has been published after public comment, the Director finds that public participation in rule making in this case is unnecessary.

(Catalog of Federal Domestic Assistance Program No.—13.575, Educational Research and Development.)

Dated: March 12, 1974.

THOMAS K. GLENNAN, Jr.,
Director,
National Institute of Education.

[FR Doc.74-6534 Filed 3-20-74;8:45 am]

SUPPORT FOR INTERPRETIVE STUDIES ON EDUCATIONAL RESEARCH AND DEVELOPMENT

Notice of Proposed Funding Activity

Notice is hereby given that pursuant to section 405 of the General Education Provisions Act, the National Institute of Education (NIE) intends to open a competition for awards in fiscal year 1974 for preparation of interpretive studies on educational research and development.

Funds will be awarded for the support of studies which synthesize and interpret the existing research and development knowledge on significant educational topics and problem areas. The purpose of the program is to provide practitioners and decision-makers in the educational community with research and development findings and validated current practice information for improving existing school programs or implementing new ones.

Proposals will be solicited for studies on topics perceived by the educational community as relevant to its problems and current interests. The proposer will identify the educational topic to be surveyed and present a sound rationale and need therefor. The proposal must show evidence of an existing body of research and related information on the topic, and it must demonstrate existence of the capability and resources to interpret this information in a scientifically respectable manner. The outcome is expected to be a professionally sound report on the study (approximately 100 double-spaced, typewritten pages) suitable for publication and national dissemination.

Scope. Proposals submitted under the proposed competition should be consistent with the following characteristics. These points suggest the scope of a study and its resulting report; they are not intended as an exact prescription for prospective applicants to follow:

1. Be targeted to the information needs of specific identified audiences—e.g., administrators, teachers, specialists, school boards, professors, or teacher trainers.

2. Describe the key research and development findings in the subject area.

3. Describe the operational constraints that may impinge upon the use of such findings in practice.

4. Identify and describe relevant ongoing programs, practices, and materials that show evidence of having improved or facilitated the learning process.

5. Present necessary cautions for those considering adoption/adaptation of specific educational innovations in the subject area (e.g., lack of evidence of long-term effectiveness, or equipment needed is changing rapidly in design and sophistication or is prohibitive in cost).

6. Discuss risk versus gain involved in adopting/adapting each innovation.

7. Discuss practices that should be avoided.

8. Present, wherever possible, alternative theories or solutions to a problem in practice so that a decision-maker may select the alternative or combination of alternatives most likely to succeed within the constraints and resources of a particular educational setting.

9. Identify and describe any exemplary demonstration projects applying research results in the subject area.

10. Give reasons based on research evidence and related information for the success—or lack of it—of these projects, and discuss the local conditions that should exist before such projects are attempted in other education settings.

11. Provide, depending upon the audience and the topic surveyed, cost data, planning guidelines, decision models, instructional techniques and materials, sources of additional information, evaluation techniques, and other information relevant to the topic.

Eligibility. Proposals for awards may be submitted by State and local education agencies, institutions of higher edu-

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cation, professional associations, and other public and private, profit and nonprofit organizations, and individuals.

Priority topics or problem areas. Following is a list of suggested priority topics identified by educators as relevant to their needs. The topics are not intended to be prescriptive; rather, proposers are expected to delimit or broaden the scope of a topic as they deem necessary for their interpretive study. Also, although applicants are encouraged to develop proposals based on this list, they may submit proposals in other topical areas.

TESTING, MEASUREMENT, AND EVALUATION

The process of evaluating administrators, teachers, programs, and curriculums.

Instruments for measuring cognitive and noncognitive performance, K–12.

Assessing and reporting pupil progress: alternative grading systems.

EARLY CHILDHOOD EDUCATION

The longitudinal effects of early childhood education on learning: cognitive and affective.

State standards, certification, and comparative costs of early childhood education.

Programs for developing prereading and beginning reading skills.

SCHOOL FINANCE

Alternative methods of funding special education programs (handicapped, compensatory, bilingual, migrant, etc.).

Funding strategies for providing equal educational opportunities within a State.

Models of effective school finance programs, e.g., the coordination of local, State, and Federal funds.

INDIVIDUALIZING INSTRUCTION

Alternative approaches to individualizing instruction.

CAREER DEVELOPMENT

Responsiveness of career education programs, K–12, to manpower needs and the job market.

The roles of community groups in planning and implementing career education programs, and techniques for their involvement.

TEACHER EDUCATION

The redesign of teacher education programs for emerging needs (e.g., introduction of the metric system).

Preservice and inservice techniques for changing teacher behavior and attitudes.

Competency-based teacher education programs.

STUDENT LEARNING

The effects of motivation and attitudes on student learning.

Techniques for matching teaching styles with student learning styles.

Effective programs for developing students' problem-solving skills for living.

Techniques for coping with student learning problems.

ADULT AND CONTINUING EDUCATION PROGRAMS

Techniques for retraining adults for career changes.

Staff development programs for teachers of adults.

Effective basic education programs for adults.

EQUAL EDUCATIONAL OPPORTUNITIES

Characteristics of effective compensatory education programs.

The effects of mainstreaming handicapped students into the "regular" classroom.

Basic skills programs for the disadvantaged.

The effects of sexism/racism on learning and achievement.

Bilingual/bicultural education programs and practices.

Alternative approaches to racial and sexual equality of opportunity in classroom and nonclassroom settings.

NEW APPROACHES TO EDUCATION

Alternative schools, programs, and classroom practices for more effective learning (e.g., year-round schools, open education, multigraded classrooms, etc.): an analysis and evaluation.

PLANNING

Needs assessment techniques for planning at the State and district levels.

Coordination and utilization of Federal, State and local resources in planning.

Citizen participation in planning for educational improvement at the local level.

Project parameters and scheduling. Applicants should design projects requiring approximately 6 months to complete. A project would require the equivalent of 4 person-months of professional staff in addition to the necessary secretarial support and travel to gather information, e.g., to selected school sites operating promising programs in the subject area, and for audience involvement.

Although awards will be made prior to June 30, 1974, projects may be started as late as September 1, 1974. Four months following the start date, a draft of the interpretative study report will be due in NIE for review. The remaining time in the grant period will be devoted to revising and strengthening the report on the basis of suggestions of the reviewers. The final report should be received in NIE on or before the expiration of the grant period.

Approximately ten awards will be made. The deadline for receipt of proposals is expected to be April 23, 1974.

This notice is published for general information purposes and not to solicit proposals. Final regulations on this activity will be published in the FEDERAL REGISTER.

For additional information, please write or contact:

Mildred J. Thorne
Office of Dissemination and Resources
National Institute of Education
Washington, D.C. 20208
Telephone: (202) 254–5560

(Catalog of Federal Domestic Assistance Program No. 13.575, Educational Research and Development.)

Dated: March 13, 1974.

THOMAS K. GLENNAN, Jr.,
Director,
National Institute of Education.

[FR Doc.74–6536 Filed 3–20–74;8:45 am]

SUPPORT FOR RESEARCH IN LOCAL PROBLEM-SOLVING

Notice of Proposed Funding Activity

Notice is hereby given that pursuant to section 405 of the General Education Provisions Act, the National Institute of Education (NIE) intends to open a competition for awards in fiscal year 1974 to study the potential of various organizational arrangements for helping urban schools sustain a process of continuous improvement. The NIE Research Program on Organizational Strategies for School Improvement will (1) initially provide grants to support the further development or extension of programs for accomplishing the above objective, and (2) under a separate competition in fiscal year 1975, contract for documentation and evaluation analyses of these grant-supported projects in order to develop generalizable information which NIE can use to assist other schools considering similar programs.

Under the grant competition, the Institute will invite proposals to support the further development of organizational arrangements—internal and/or external to an urban school or cluster of schools—that will encourage and enable people in the school(s) to engage in an ongoing process of "problem-solving," which might consist of the following general elements:

Problem identification.

Searching for or devising appropriate solutions to those problems.

Implementing those solutions in effective ways.

Monitoring performance, assessing the effectiveness of particular solutions, and when appropriate, redefining the problems.

Under the separate contract(s) for documentation and evaluation, information will be collected from the grant-supported projects about the effectiveness of their organizational models. This information will be used to assist policy formulation at the Federal, State, and local levels; to advance current knowledge about the dynamics of organizational change and about strategies for improving urban schools; and to help people in school systems and local communities establish or adapt similar arrangements appropriate to local conditions.

Among the strategies that may be proposed for grant assistance under this program are interventions based outside the school such as teacher centers, advisories, information and resource services; and organizational changes within the school such as new governance systems, staffing and scheduling patterns, and other structural arrangements that provide incentives and opportunities for school staffs to continuously improve their performance.

Because of the limited funds available, proposals will be invited which extend, refocus, or add new components to existing activities or organizational arrangements. Proposals from these existing programs may request funds to extend their current activities, to develop a formative evaluation component, to train additional staff, and to provide technical assistance to other groups or individuals. Funds under this program are not intended to support the core staff of a project or to provide other basic operational costs.

State and local education agencies, colleges, universities, and other profit or non-profit organizations are eligible for awards. However, the program proposed must be targeted at a public school or cluster of schools having at least a 50 percent enrollment of students from low-income families. These schools must be located in one of the nation's fifty largest cities as indicated in Table 66, General Population Characteristics, United States Summary, 1970 Census of the United States. These cities are listed below.

Atlanta, Georgia
Baltimore, Maryland
Birmingham, Alabama
Boston, Massachusetts
Buffalo, New York
Chicago, Illinois
Cincinnati, Ohio
Cleveland, Ohio
Columbus, Ohio
Dallas, Texas
Denver, Colorado
Detroit, Michigan
El Paso, Texas
Fort Worth, Texas
Honolulu, Hawaii
Houston, Texas
Indianapolis, Indiana
Jacksonville, Florida
Kansas City, Missouri
Long Beach, California
Los Angeles, California
Louisville, Kentucky
Memphis, Tennessee
Miami, Florida
Milwaukee, Wisconsin
Minneapolis, Minnesota
Nashville-Davidson, Tennessee
Newark, New Jersey
New Orleans, Louisiana
New York City, New York
Norfolk, Virginia
Oakland, California
Oklahoma City, Oklahoma
Omaha, Nebraska
Philadelphia, Pennsylvania
Phoenix, Arizona
Pittsburgh, Pennsylvania
Portland, Oregon
Rochester, New York
St. Louis, Missouri
St. Paul, Minnesota
San Antonio, Texas
San Diego, California
San Francisco, California
San Jose, California
Seattle, Washington
Tampa, Florida
Toledo, Ohio
Tulsa, Oklahoma
Washington, D.C.

Table 66 "excludes Puerto Rico and outlying areas." Nonetheless, the following cities, on the basis of their population, are also eligible under this competition:

San Juan, Puerto Rico

NIE anticipates supporting the projects for a period of three years. Each project will be funded initially for twelve months, with further funding (not to exceed two additional years) contingent on the availablity of funds and NIE approval of the grantee's continuation proposal. Six to ten awards will be made in fiscal year 1974, with an aggregate funding total of approximately $800,000 for the first year of operation of the projects. The deadline for receipt of proposals is expected to be April 22, 1974.

This notice is published for general information purposes and not to solicit proposals. Final regulations on this activity will be published in the FEDERAL REGISTER.

For additional information, please write or contact:

Ms. Judith Cherrington
Priority on Local Problem-Solving
Room 628
National Institute of Education
Washington, D.C. 20208
Telephone 202/254–9497

(Catalog of Federal Domestic Assistance Program No.–13.575, Educational Research and Development.)

Date: March 13, 1974.

THOMAS K. GLENNAN, Jr.,
Director,
National Institute of Education.

[FR Doc.74–6535 Filed 3–20–74;8:45 am]

National Institutes of Health

ALLERGY AND IMMUNOLOGY RESEARCH COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Allergy and Immunology Research Committee, National Institute of Allergy and Infectious Diseases, April 25 and 26, 1974, National Institutes of Health, Westwood Building Conference Room C. This meeting will be open to the public on April 25, from 9:00 a.m. until 9:30 a.m., to discuss administrative matters relating to the allergy and immunology research programs of the Institute. Attendance by the public will be limited to space available. The meeting will be closed to the public on April 25 from 9:30 a.m. until adjournment on April 26 to discuss and evaluate institutional fellowship grant applications in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S. Code, and section 10(d) of Pub. L. 92–463.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A34, telephone 496–5717, will provide summaries of meetings and rosters of committee members.

Dr. Luz A. Froehlich, Executive Secretary of the Allergy and Immunology Research Committee, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Westwood Building, Room 703, Bethesda, Maryland, telephone 496–7131 will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.301, National Institutes of Health)

Dated: March 12, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6480 Filed 3–20–74;8:45 am]

BIOHAZARD CONTROL AND CONTAINMENT WORKING GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biohazard Control and Containment Working Group, National Cancer Institute, April 11, 1974, 9:00 a.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 9:00 to 9:30 a.m., to discuss the past year's progress in Biohazard Control. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:30 a.m. to adjournment for the discussion and review of contract proposals in the fields of viral oncology, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members. Dr. Garrett V. Keefer, Executive Secretary, Building 550, Frederick Cancer Research Center, Frederick, Maryland 21701 (301/663–7305) will provide substantive program information.

(Catalogs of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 12, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6476 Filed 3–20–74;8:45 am]

BIOLOGY AND IMMUNOLOGY SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biology and Immunology Segment Advisory Group, National Cancer Institute, April 19, 1974, 9:00 a.m. to 3:00 p.m., National Institutes of Health, Building 37, Conference Room 3A15. This meeting will be open to the public from 2:00 to 3:00 p.m. to discuss possible new activities of the Biology and Immunology Segment. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:00 a.m. to 2:00 p.m. to discuss and review seven contracts and one new proposal in the field of biology and immunology of cancer in accordance with the provisions set forth in section 552 (b) 4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Virginia C. Dunkel, Executive Secretary, Landow Building, Room A-306, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5471) will provide substantive program information.

(Catalog of Federal Domestic Assistant Program No. 13.825, National Institutes of Health.)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6483 Filed 3–20–74;8:45 am]

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CANCER CLINICAL INVESTIGATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, April 22–24, 1974, 8:30 a.m. to 5:00 p.m., National Institutes of Health, Building 31C, Conference Room 6. This meeting will be open to the public from 8:30 a.m. to 1:00 p.m., April 22, to discuss program and operating procedures of the Cancer Clinical Investigation Review Committee. Attendance by the public will be limited to space available. The meeting will be closed to the public from 1:00 p.m., April 22, until adjournment April 24, to review grant applications in the fields of clinical research, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

John E. Lane, Executive Secretary, Westwood Building, Room 10A11, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7903) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.314, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6481 Filed 3–20–74;8:45 am]

COMMUNICATIVE DISORDERS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, April 20, 1974, at 9:00 a.m., in the Century Suite, Holiday Inn, West Palm Beach, Florida. This meeting will be open to the public from 9:00 a.m. until 10:00 a.m. on April 20, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. The meeting will be closed to the public from 10:00 a.m. on April 20 to adjournment, to discuss and evaluate research grant application in accordance with the provisions set forth in section 552(b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Ruth Dudley, Institute Information Officer, Bldg. 31, Room 8A03, Bethesda, Maryland, telephone 496–5751, will provide summaries of the meeting and rosters of committee members.

Dr. J. Buckminster Ranney, Executive Secretary, Westwood Bldg., Room 7A16A, Bethesda, Maryland, telephone 496–7725, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6486 Filed 3–20–74;8:45 am]

DEVELOPMENTAL RESEARCH WORKING GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Developmental Research Working Group, National Cancer Institute, April 15, 1974, 9:00 a.m., National Institutes of Health, Building 37, Conference Room 1B04. This meeting will be open to the public from 9:00 a.m. to 9:30 a.m., April 15, 1974, to discuss Segment program objectives and management practices. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:30 a.m. to adjournment, April 15, 1974, to review four contracts in the fields of RNA and DNA tumor virus biochemistry and biology, in accordance with the provisions set forth in section 552(b) 4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Maurice L. Guss, Executive Secretary, Building 37, Room 1B14, National Institutes of Health, Bethesda, Maryland 20014 (301/496–3323) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 12, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6479 Filed 3–20–74;8:45 am]

IMMUNOLOGY-EPIDEMIOLOGY WORKING GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Immunology-Epidemiology Working Group, National Cancer Institute, April 18–19, 1974, 8:30 a.m., National Institutes of Health, Building 37, Conference Room 1B–04. This meeting will be open to the public from 8:30 a.m. to 9:30 a.m., April 18, 1974, to discuss future plans of the Immunology-Epidemiology Segment, and closed to the public from 9:30 a.m. to 5:00 p.m., April 18–19, 1974, to review approximately five contracts in the field of viral immunology and epidemiology in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A–16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Clarice Gaylord, Executive Secretary, Landow Building, Room C–306, National Institutes of Health, Bethesda, Maryland 20014 (301/496–6085) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 12, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6477 Filed 3–20–74;8:45 am]

LUNG CANCER SEGMENT ADVISORY GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Lung Cancer Segment Advisory Group, National Cancer Institute, April 29, 1974, 8:30 a.m. to 4:00 p.m., National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 3:00 to 4:00 p.m. to discuss possible new activities of the Lung Cancer Segment. Attendance by the public will be limited to space available. The meeting will be closed to the public from 8:30 a.m. to 3:00 p.m. to discuss and review three contracts in the field of lung cancer in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Carl E. Smith, Executive Secretary, Landow Building, Room A–306, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5471) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health).

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6484 Filed 3–20–74;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW A COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review A Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, April 27 and 28, 1974, at 9:00 a.m., in the Tudor Room Sir Francis Drake Hotel, San Francisco, California. This meeting will be open to the public from 9:00 a.m. until 10:00 a.m. on April 27, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. The meeting will be closed to the public from 10:00 a.m. on April 27 to adjournment on April 28, to discuss and evaluate research grant applications in accordance with the provisions set forth in section 552(b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Ruth Dudley, Institute Information Officer, Bldg. 31, Room 8A03, Bethesda, Maryland, telephone 496–5751, will provide summaries of the meeting and rosters of committee members.

Dr. Leon J. Greenbaum, Jr., Executive Secretary, Westwood Bldg., Room 7A03A, Bethesda, Maryland, telephone 496–7003, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6485 Filed 3–20–74;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW B COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, April 27 and 28, 1974, at 9:00 a.m., in the Delmonte Room, Sir Francis Drake Hotel, San Francisco, California. This meeting will be open to the public from 9:00 a.m. until 10:00 a.m. on April 27, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. The meeting will be closed to the public from 10:00 a.m. on April 27 to adjournment on April 28, to discuss and evaluate research grant applications in accordance with the provisions set forth in section 552 (b)4 of Title V, U.S. Code and section 10(d) of Pub. L. 92–463.

Mrs. Ruth Dudley, Institute Information Officer, Bldg. 31, Room 8A03, Bethesda, Maryland, telephone 496–5751, will provide summaries of the meeting and rosters of committee members.

Dr. G. Lawrence Fisher, Executive Secretary, Westwood Bldg., Room 7A03B, Bethesda, Maryland telephone 496–7326, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Date: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6487 Filed 3–20–74;8:45 am]

SOLID TUMOR VIRUS WORKING GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Solid Tumor Virus Working Group, National Cancer Institute, April 22–23, 1974, 9:00 a.m., National Institutes of Health, Building 37, Conference Room 1B04. This meeting will be open to the public from 9:00 a.m. to 9:20 a.m., April 22, for the Chairman's opening remarks. Attendance by the public will be limited to space available. The meeting will be closed to the public from 9:20 a.m. to 5:00 p.m., April 22 and from 9:00 a.m. to 5:00 p.m., April 23, to review seven contracts in the fields of molecular virology, molecular biology, epidemiology, immunology, biochemistry and viral oncology, in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open/closed meeting and roster of committee members.

Ms. Harriet L. Streicher, Executive Secretary, Building 37, Room 2D24, National Institutes of Health, Bethesda, Maryland 20014 (301/496–3301) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: March 12, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6478 Filed 3–20–74;8:45 am]

THERAPEUTIC EVALUATIONS COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Therapeutic Evaluations Committee, National Heart and Lung Institute, April 29–30, 1974, National Institutes of Health, Building 31, Conference Room 8. This meeting will be open to the public on April 29 from 8:30 a.m. to 9:30 a.m. to discuss the minutes of the January 30 meeting and subsequent Council actions on Committee recommendations, an administrative report, and an interim report. Attendance by the public will be limited to space available. The meeting will be closed to the public on April 29 from 9:30 a.m. to adjournment on April 30 to review research grant applications and contract proposals in accordance with the provisions set forth in section 552(b)4 of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463.

The Information Officer who will furnish summaries of the meeting and rosters of Committee members is Mr. Hugh Jackson, National Heart and Lung Institute, Room C918, Landow Building, phone 496–4236.

The Executive Secretary from whom substantive information may be obtained is Dr. Elliot M. Wortzel, NHLI, Room 653A, Westwood Building, phone 496–7351.

(Catalog of Federal Domestic Assistance Program Nos. 13.346 and 13.826, National Institutes of Health)

Dated: March 11, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

[FR Doc.74–6482 Filed 3–20–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D–74–273]

ASSISTANT SECRETARY FOR ADMINISTRATION

Delegation of Authority

The Assistant Secretary for Administration is authorized to exercise the power and authority of the Secretary to execute and issue on the Secretary's behalf notes and other obligations issued to the Secretary of the Treasury to finance program activities authorized by the College Housing Program (Pub. L. 81–475, title IV, section 401, 12 U.S.C. 1749); Public Facility Loans Program (Pub. L. 84–345, title II, section 202, 42 U.S.C. 1493); Urban Renewal Program (Pub. L. 81–171, title I, section 102, 42 U.S.C. 1452); and Flood Insurance Program (Pub. L. 90–448, title VIII, section 1309, 42 U.S.C. 2414(e) and 4016).

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d)).

Effective date. This delegation of authority shall be effective March 21, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.74–6571 Filed 3–20–74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON LICENSES AND AUTHORIZATIONS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice

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is hereby given of a meeting of the Committee on Licenses and Authorizations of the Administrative Conference of the United States, to be held at 11:00 a.m. on March 27, 1974 in the Hughes Room, National Lawyers Club, 1815 H Street, NW., Washington, D.C.

The Committee will meet to consider a report and proposed recommendation regarding Department of the Interior procedures affecting mining claims on public lands.

Attendance is open to the interested public, but limited to the space available. To the extent that time permits the Committee Chairman may allow public presentation of oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during or after the meeting. For further information concerning this committee meeting contact George P. Smith, Suite 500, 2120 L Street, NW., Washington, D.C. 20037 or phone 202–254–7065. Minutes of the meeting will be available on request.

Dated: March 15, 1974.

RICHARD K. BERG,
Executive Secretary.

[FR Doc.74–6556 Filed 3–20–74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON NAVAL REACTORS

Notice of Meeting

MARCH 18, 1974.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Naval Reactors will hold a meeting on March 27, 1974 in Room 1046, 1717 H Street NW., Washington, D.C. The subject scheduled for discussion is naval nuclear propulsion safety matters.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the discussion at the meeting will consist of classified matters which fall within exemptions (1) and (3) of 5 U.S.C. 552 (b) and it is essential to close this meeting to protect the discussion of these classified matters.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–6667 Filed 3–20–74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Notice of Meeting

MARCH 18, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting on April 10, 1974, in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to discuss Regulatory Staff drafts of the following proposed Regulatory Guides in Division 1 of the Regulatory Guide series.[1]

(1) Proposed Revision 2 of Regulatory Guide 1.3, Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss-of-Coolant Accident for Boiling Water Reactors, Draft 1.

(2) Proposed Revision 2 of Regulatory Guide 1.4, Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss-of-Coolant Accident for Pressurized Water Reactors, Draft 1.

(3) Proposed Regulatory Guide 1.XX, Preoperational Testing of Instrument Air Systems, Draft 1.

(4) Proposed Revision 1 of Regulatory Guide 1.21, Measuring, Evaluating and Reporting Radioactivity in Solid Wastes and Releases of Radioactivity in Liquid and Gaseous Effluents from Light-Water Nuclear Power Plants, Draft 2.

(5) Proposed Regulatory Guide 1.XX, Inservice Inspection of Steam Generator Tubes, Draft 2.

(6) Proposed Regulatory Guide 1.XX, Collection, Storage and Maintenance of Nuclear Power Plant Quality Assurance Records, Draft 1.

(7) Proposed Revision 1 of Regulatory Guide 1.26, Quality Group Classifications and Standards for Water-, Steam-, and Radioactive Waste-Containing Components of Nuclear Power Plants, Draft 1.

(8) Proposed Regulatory Guide 1.XX, Construction Criteria for Class I Components in Elevated Temperature Reactors, Draft 1.

(9) Proposed Regulatory Guide 1.XX, Sumps for Emergency Core Cooling and Containment Spray Systems, Draft 1.

(10) Proposed Revision 1 of Regulatory Guide 1.35, Inservice Inspection of Ungrouted Tendons in Prestressed Concrete Containment Structures, Draft 1.

(11) Proposed Regulatory Guide 1.XX, Code Case Acceptability—ASME Section III Design and Fabrication, Draft 1.

(12) Proposed Regulatory Guide 1.XX, Code Case Acceptability—ASME Section III Materials, Draft 2.

(13) Proposed Regulatory Guide 1.XX, Assumptions Used for Evaluating the Habitability of a Nuclear Power Plant Control Room During a Postulated Hazardous Chemical Release, Draft 3.

(14) Proposed Regulatory Guide 1.XX, Protection Against Postulated Piping Failures in Fluid Systems Outside of Containment, Draft 2.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, April 10, 1974, 9:00 a.m. until the conclusion of business.

Discussion with representatives of the AEC Regulatory Staff regarding the proposed Regulatory Guides which are agenda items.

In connection with the above agenda items, the Subcommittee may hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to exchange opinions and formulate recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee and any of its consultants that may be required will meet in closed session with members of the Regulatory Staff for the purpose of discussing a Regulatory Staff working paper concerning requirements for instrumentation to assess plant conditions during and following an accident.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that the above-noted closed sessions will consist of exchanges of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and the closed session with the Regulatory Staff will also involve discussion of a Regulatory Staff working paper which falls within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and agency operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to the public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Comments for consideration at this meeting should be postmarked no later than April 3, 1974. Such comments shall be based upon the subject matter of the proposed Regulatory Guides which are agenda items and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Single copies of drafts of proposed Regulatory Guides to be discussed in open session at this meeting may be obtained directly upon request to the Director of Regulatory Standards.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on April 10, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time

[1] It is possible that one or more of these draft guides may be removed from the agenda prior to the meeting. It is therefore advisable to contact the Office of the Executive Secretary as specified in subparagraph (d) for any changes to the agenda.

available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on April 9, 1974, to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after June 10, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory, Committee Management Officer.

[FR Doc.74–6668 Filed 3–20–74;8:45 am]

[Docket No. 50–293]

BOSTON EDISON CO.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717 and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the "Proposed Issuance of Changes to Technical Specifications of Facility Operating License", as published by the Commission on February 7, 1974 (39 FR 4798), in regard:

Boston Edison Co. (Pilgrim Nuclear Power Station) Docket No. 50–293; Facility Operating License No. DPR–35.

The members of the Board are:

Edward Luton, Esq., Chairman
Dr. A. Dixon Callihan
Dr. M. Stanley Livingston

Dated at Washington, D.C., this 15th day of March 1974.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.74–6530 Filed 3–20–74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Notice of Meeting

MARCH 19, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Emergency Core Cooling Systems will hold a meeting on March 28, 1974 in Room 1062, 1717 H Street NW., Washington, D.C. The subject scheduled for discussion is the Regulatory Staff plan for review of vendor models formulated to meet ECCS criteria.

The Subcommittee is meeting with their consultants and Regulatory Staff participants as part of the process of formulation of recommendations to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the meeting will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–6751 Filed 3–20–74;10:39 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26509]

CHARTER REGULATIONS APPLICABLE TO FOREIGN ROUTE AIR CARRIERS

Order To Show Cause

MARCH 15, 1974.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 15th day of March, 1974. Virtually all foreign air carriers authorized to engage in scheduled route service hold permits authorizing them to engage in charter air transportation, "subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations." Part 212 imposes significant restrictions on both "on-route"[1] and "off-route" charter operations.[2]

With the exception of recent amendments to Part 212, the charter regulations are basically an outgrowth of the *Foreign Off-Route Charter Service Investigation*, 27 CAB 196 (1958). Thus, in large part they reflect charter conditions as they existed more than fifteen years ago. Prior to the *Off-Route Charter Investigation*, only on-route charters were authorized to foreign scheduled carriers, and this authorization was considered only incidental to the general authority of the foreign air carrier to engage in scheduled transportation of passengers, property and mail between the points on its authorized route. Similarly, the authority granted to foreign carriers to perform off-route charters in the *Off-Route Charter Investigation* was considered as a right incidental to the primary rights to perform scheduled route service, and the grant of such authority was not considered of major economic significance. Rather, the primary purpose of the *Off-Route Charter Investigation* was to provide a means for the grant of what were then considered rather insignificant ancillary rights, without the necessity of subjecting the affected foreign carriers and the Board to the procedural burdens of *ad hoc* foreign air carrier permit amendment proceedings.[3]

In contrast to the majority of scheduled authorizations which have their

[1] **An on-route charter** is defined in § 212.1 as a charter "performed by a foreign air carrier between points between which it holds authority under a foreign air carrier permit to engage in foreign air transportation on an individually ticketed or individually waybilled basis * * *," including beyond-homeland charters which operate via and land at the homeland terminal point named in the foreign air carrier's permit. An off-route charter consists of any charter which is not within the definition of an "On-route charter trip."

[2] The restrictions applicable to "on-route" charters include (1) a prohibition against providing charter services other than charters as defined in the regulation (§ 212.3); (2) a requirement that prior Board approval be obtained in the form of a Statement of Authorization for wet-lease charter trips performed by a direct air carrier (§§ 212.8(a)(4–a), 212.6(b)(2), 218.3); (3) a prohibition against performing inclusive-tour charters as defined in Part 378 of the Regulations, other than between the homeland of the foreign air carrier and the United States, unless prior aproval in the form of a Statement of Authorization for such service has previously been granted by the Board (§§ 212.8(a)(8), 212.6(b–1); and (4)) a provision pursuant to which the Board may require prior approval of on-route charters, and—subject to Presidential stay or disapproval—may disapprove such charters if it finds such action to be in the public interest (§ 212.4(b)). Every "off-route" charter, in addition to complying with the other requirements of Part 212, requires prior approval in the form of a Statement of Authorization (§212.4(a)).

[3] See, Foreign Off-Route Charter Service Investigation, 27 CAB at 197–98.

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foundation in the reciprocal grant of rights pursuant to bilateral Air Transport Agreements, charter operations, including on-route charter operations, were not, until recently the subject of bilateral agreements.[4] Thus, the foundation for charter authority must rest upon the principles of comity and reciprocity. Nevertheless, because of the concept of charters as merely ancillary to scheduled service rights, such reciprocity frequently does not exist in fact.

	1963	1972	Percent increase
Total passengers[5]	2,498,000	10,965,000	339
Scheduled passengers	2,155,000	8,342,000	287
Charter passengers	343,000	2,622,000	665

As the Board has heretofore observed,[6] the whole concept of charters and their place in the spectrum of foreign air carrier transportation services has changed enormously since the basic concepts embodied in the present Part 212 charter regulations were formulated. Thus, in 1963, only 13.7 percent of the total transatlantic passenger traffic was attributable to charters. In 1972, only 9 years later, the proportion of passenger charter transportation in the transatlantic market increased 96.2 percent to 24.0 precent of the total transatlantic passenger traffic.[8] Similarly, while total passenger traffic in the transatlantic market has increased 339 percent in the 10-year period between 1963 and 1972, and scheduled passenger traffic increased some 287 percent in this period, charter passenger traffic in the transatlantic market during this period increased some 665 percent, or nearly twice the total passenger movements, and 2⅓ times as much as scheduled passenger movements.[7]

With this enormous growth in charter demand and charter services, there has evolved a corresponding major revolution in the nature of the charter service provided. Thus, at the time of the *Off-Route Charter Investigation*, the Board was considering basically affinity charters, which were open only to individuals who were pre-existing members of a sponsoring organization. Today members of the general public can participate in group charter travel in the form of inclusive-tour charters where the charter group has a common purpose of joint travel and accommodations for a specfic period of time (Inclusive-Tour Charter Regulations, Part 378); or merely as a member of a group which has been formed for the purpose of travel, if the group is formed sufficiently in advance of departure (Travel Group Charter Regulations, Part 372a). In addition, agreements have been entered into with several foreign countries pursuant to which the United States and the foreign party to the agreement agree, within certain limits, to abide by the regulations applicable where the charter originates; [9] and the United States has embarked upon a program of negotiation of bilateral air transport agreements specifically related to charters.[8]

It is therefore apparent that charter authorizations should no longer be considered as rights merely incidental to the scheduled route service of foreign scheduled carriers. Rather, an authorization to provide charter service constitutes a valuable economic right of a nature which is now, and may soon be expected much more commonly to be, the subject of bilateral exchanges of rights. Thus, to the extent that the grant of such authority is based on the principles of comity and reciprocity, the Board is of the view that this Government should insure that reciprocity in fact exists. The Board has therefore determined that its charter regulations should be revised to reflect the changed role of charters, and to provide a solid foundation for such operations on the basis of a bilateral exchange of charter rights, or the existence of reciprocity in fact.

In consideration of the foregoing, the Board tentatively finds that its charter regulations should be revised in accordance with the "Proposed Rule" attached to the notice of proposed rulemaking issued contemporaneously herewith (EDR-264). In principal effect these rules will:

(1) Abolish the distinction between on-route and off-route charters;

(2) Permit foreign route carriers to operate charters only between the carrier's homeland and points in the United States, without prior approval (regardless of whether the charters are performed on or off the carrier's scheduled routes), but subject to (a) a limitation on the number of U.S.-originated charters that may be carried based on a 4 to 3 ratio to the number of homeland-originated charters carried in a calendar year; and (b) a provision which permits the Board to require prior approval of any or all authorized charters if it finds that the public interest so requires.[10]

The present dichotomy between on-route and off-route charters is a product of the original charter regulations which conceived of charter operations as only incidental to scheduled rights. We believe the public can be better served by authorizing, without prior approval, charters between the homeland of the carrier and the points of actual destination of the charter group in the United States. In effect, foreign route carriers will be granted the same freedom of homeland-U.S. charter operations as presently authorized for foreign charter carriers.

The Board will, nevertheless, retain the authority presently incorporated in § 212.4(b) to require prior approval of any or all charters if it finds that the public interest so requires. A failure to approve such a request for prior approval will be made subject to the stay or disapproval of the President of the United States, with respect to those charters that are subject to this requirement under the present regulations.[11]

Conversely, the Board tentatively proposes to authorize only those charters which are performed between points in the homeland of the carrier and points in the United States. Thus, the regulations will not authorize charters neither originating nor terminating in the homeland of the foreign route air carrier (so-called "fifth freedom" charters), or operating via or to points in a third country.[12] The present liberal authorization of such charters creates the potential for many carriers to concentrate their charter development efforts in major markets outside their homeland. The Board believes that the development of charter air transportation, and accordingly the promotion of better service to the public, will be enhanced by encouraging all foreign carriers to concentrate their charter development efforts in charter transportation to and from points in their homeland. Such a program should help to resolve the potential for an excess of charter capacity in presently developed markets, and should encourage development of charter markets which have yet to be developed. Further, the development of charter transportation in this manner will be in conformity with reciprocity, which generally provides a foundation only for operations to or from the homeland of the foreign air carrier.

For similar reasons, the Board has tentatively concluded that a reasonable relationship should be maintained between the carriage of charters originating in the United States and those originating in the homeland of the foreign air carrier. The development of foreign charter markets by a country's national carriers will not be encouraged if foreign carriers concentrate their entire energies toward the carriage of charters originating in the United States. Nor will reciprocity be maintained where the development of a charter market between two countries relies excessively on the carriage of citizens of only one of those countries. Thus, for many years the permits of foreign charter carriers have included the so-called "uplift ratio" pursuant to which such carriers are required to generate at least three foreign-originating charters in their homeland, for each four charters originating in the United States. A similar ratio will be applied here.[13]

The Board recognizes that there will be occasions where the performance of "fifth freedom" charters by certain foreign air carriers may be justified. Thus, it may be that the right to perform such "fifth freedom" charters has been specifically agreed upon by the United States and a foreign Government under the terms of an applicable bilateral charter Air Transport Agreement. Similarly, there may be occasions where a foreign government's liberality in permitting operations by United States air carriers of "fifth freedom" charters justifies, under the principles of reciprocity, the grant of a reciprocal privilege in volume and kind for the foreign air carrier to perform such "fifth freedom" charters to and from the United States. In addition, various extraordinary circumstances might also arise which justify relaxation of the restriction.

The Board therefore proposes to include in the regulations a provision for waiver of the regulatory restrictions which will be applicable (1) where charter rights, not encompassed within the terms of the regulations, are granted pursuant to a bilateral charter agreement; (2) where the foreign carrier has demonstrated that its government authorizes United States carriers to perform charters of the same nature and in the same volume as the aggregate volume of such charters conducted by such foreign government's national carriers; or (3) in other extraordinary circumstances. The Board would not contemplate granting such waivers in circumstances other than those outlined.[14]

The proposed regulations will not affect the present definition of permissible charters. Those are retained basically as they presently appear in § 212.8, subject to technical modifications to incorporate the foregoing revisions.

The Board has considered the question of appropriate procedures which will permit all interested parties to have a full opportunity to present their views and arguments, and such evidence as may be material to the matters being considered herein. The proposed rule changes are of general applicability and legislative in nature. Moreover, all outstanding foreign air carrier permits of foreign route carriers presently authorize foreign charter air transportation only "subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations." The Board therefore tentatively concludes that the proposed amendments to its charter regulations constitute rulemaking only, and do not constitute amendments of outstanding foreign air carrier permits. Accordingly, it is the Board's view that procedural requirements applicable to foreign air carrier permit amendments need not be followed.[15]

The Board nevertheless recognizes that the revisions being made will have a significant impact upon the future operations of charters in international air transportation, and that foreign policy considerations may be involved. Therefore, the Board proposes to submit its final rules to the President for approval.

In any event, the Board does not consider that the question as to whether or not the proposed amendments to the charter regulations might be technically considered a permit amendment is one that need be definitively resolved. Even if the regulatory revisions should be deemed to constitute permit amendments, no oral evidentiary hearing would be required in the absence of a demonstration by the parties that there exist disputed factual issues which necessitate an oral evidentiary hearing for their reasonable resolution. It appears to the Board, on the basis of the information presently before it, that the matters here in issue are primarily questions of U.S. international charter policy, as to which all factual issues are either so plain as to be incapable of a material dispute, or would otherwise be irrelevant or immaterial. The Board is, therefore, tentatively of the view that, whether or not this proceeding be considered to be technically a permit amendment proceeding, no oral evidentiary hearing will be required, nor would such a hearing be productive of any useful purpose, and would not be in the public interest.[16] However, all interested persons will be given a period of 45 days to file comments on the proposed rule, and a period of 20 days will be provided for the filing of comments in response to the initial comments. The Board will consider any comments of interested persons directed toward the question of future procedures in this proceeding, that may be necessary or desirable, to the end that a fair procedural opportunity will be given to all parties to adequately and fully present their views, arguments, and such evidence as may be material and relevant. The Board's final determination as to the appropriate procedure to be followed will be reserved until after the receipt of all such comments.[17] To insure that such rights will be preserved, all foreign route air carriers, and applicants for such authority, will be made parties to this proceeding.

The proposed amendments to Part 212, effectuating the above-described revisions, are set forth in the "Proposed Rule" attached to the Notice of Proposed Rule Making, EDR-264, issued contemporaneously herewith.

Accordingly, pursuant to sections 204 (a) and 402 of the Federal Aviation Act.

It is ordered, That: 1. All holders of, and applicants for, foreign air carrier permits authorizing individually ticketed or individually waybilled foreign air transportation, or both, and other interested persons, be and they hereby are directed to show cause why the Board should not, subject to the approval of the President, amend Part 212 of the Board's Economic Regulations, in the manner set forth in the "Proposed Rule" attached to the Notice of Proposed Rule Making EDR-264 issued contemporaneously herewith; and, to the extent such regulatory amendments might be deemed

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[4] See, On-Route Charter Authority of Foreign Air Carrier Permits, Order 70-7-58; Japan Air Lines, Foreign Air Carrier Permit, Order E-24295, October 14, 1966.

[5] See, IATA Agreements Relating to Charters, Orders 72-3-112 and 72-6-91; On-Route Charter Authority of Foreign Air Carrier Permits, Orders 70-7-58 and 73-1-71; Application of Polskie Linee Lotnicze, Order 72-12-56.

[6] In 1972, the transatlantic charter market represented almost three-fourths of the total U.S. charter market.

[7] The number of transatlantic passengers and percentage increases in 1963 and 1972, were as follows:

[8] Specifically, the United Kingdom (April 2, 1973); Federal Republic of Germany (April 16, 1973); France (May 7, 1973); Ireland (July 2, 1973); and the Netherlands (July 18, 1973).

[9] Such agreements have been signed with Belgium, effective October 17, 1972, and Yugoslavia, effective September 27, 1973; and agreements *ad referendum* have been negotiated with Canada and Jordan.

[10] These proposed revisions will dispose of that portion of the petition of the National Air Carrier Association for rulemaking which remains outstanding. See Order 73-8-11, Docket 24713 (see FR Doc. 74-6566 [14 CFR Part 212]). It also disposes of certain issues in the petition of Certain Trunkline Carriers for Rulemaking, Docket 25674.

[11] In other words, with respect to charters to be performed between points in the homeland of the carrier, and points in the United States which are authorized for scheduled service in the carrier's foreign air carrier permit, the Board will advise the President of its proposed failure to approve any such charter, and such action of the Board may be stayed or disapproved by the President within 10 days of the date of such notification.

[12] An exception will be made for "emergency" charters performed on behalf of another carrier authorized to perform these charters. Such charters, even if not to or from the homeland of the carrier, will be authorized subject to the existing reporting requirements of section 212.14.

[13] Like the existing foreign charter carrier uplift ratio, a minimum of six United States-originating charters will be permitted, even if no charters originating in the homeland have been performed in the applicable calendar year; and, where as many as 45 charters originating in the United States are performed, the ratio will revert to a one-to-one uplift restriction.

[14] On the other hand, to the extend appropriate, *i.e.*, the grant of right pursuant to the terms of a bilateral charter Air Transport Agreement, such a waiver might be granted in blanket form, subject only to restrictions appropriate under the circumstances.

[15] The courts have held that rulemaking proceedings will suffice even for modification of existing license rights by general rules, despite a statute requiring an evidentiary hearing for amendment of a particular license. See, O'Donnell v. Shaffer, 34 Ad. L. 2d 176 (C.A.D.C., 1974); Saturn Airways v. CAB, 483 F.2d 1264 (C.A.D.C., 1973); Regular Common Carrier Conference v. U.S., 307 F. Supp. 941 (U.S.D.C., D.C., 1969); WBEN, Inc. v. U.S., 396 F.2d 601 (C.A. 2, 1968), cert. denied 393 U.S. 914 (1968); California Citizens Band Ass'n., 375 F.2d 43 (C.A. 9, 1967); American Airlines v. CAB, 359 F.2d 624 (C.A.D.C., 1966); and Air Line Pilots Ass'n., Int. v. Quesada, 276 F.2d 892 (C.A. 2, 1960).

[16] See, U.S. v. Florida East Coast Railway Co., 410 U.S. 224 (1973); Ruan Transport Corporation v. United States, 361 F. Supp. 371 (U.S.D.C., S.D. Iowa, 1973); U.S. v. Allegheny Ludlum Steel Corp., 406 U.S. 742 (1972); Citizens for Allegan County v. FPC, 414 F.2d 1125 (C.A.D.C., 1969); and Siegel v. AEC, 400 F.2d 778 (C.A.D.C., 1968).

[17] The Board recognizes that it may be desirable to defer applicability of the regulations so as not to disrupt any specific charter season, and will accordingly also consider comments directed to the appropriate timing of the applicability of the proposed revisions.

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to constitute an amendment of the foreign air carrier permits held by such foreign air carriers, why such permits should not be so amended.

2. Any interested person having objections to the proposed amendments, or desiring to otherwise comment with respect to this matter, shall file with the Board, within forty-five (45) days from the date of this order, a memorandum stating such objections or comments, and supported by any evidence which may be considered material to the issues.[18]

3. Reply comments may be filed within twenty (20) days following the date for filing of initial comments.

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order adopting final rules in accordance with the tentative findings and conclusions set forth herein, and in accordance with the "Proposed Rule" set forth in EDR-264.

5. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by any memoranda in opposition before further action is taken by the Board: *Provided*, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein, and adopt the Rule proposed in EDR-264, or such modifications thereof as may appear to be in the public interest, if the comments fail to demonstrate the existence of relevant and material disputed factual issues which warrant an oral evidentiary hearing.

6. All holders of, and applicants for, foreign air carrier permits authorizing individually ticketed or individually waybilled foreign air transportation, or both, be and they hereby are made parties to this proceeding.

7. This order shall be served upon all holders of, and applicants for, foreign air carrier permits; all holders of certificates of public convenience and necessity; and the Departments of State and Transportation.

This order shall be published in the FEDERAL REGISTER, and a copy shall be transmitted to the President of the United States.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-6567 Filed 3-20-74;8:45 am]

[Docket No. 26510]

DOMESTIC NIGHT COACH FARE INVESTIGATION

Order of Investigation

MARCH 18, 1974.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 18th day of March, 1974.

Among the issues litigated in the Fare Structure Phase of the *Domestic Passenger-Fare Investigation*, Docket 21866-9, was the lawfulness of existing night coach fares, and the conditions under which such service is provided. After reviewing the evidence submitted, the Board found that, on the available record, it was unable to come to any reasoned conclusions either as to the lawful level of night coach fares, or upon the conditions under which such services may be appropriately provided, and accordingly determined to institute a separate investigation of such fares.[1] This order implements that determination.

Historically, the Board has encouraged the provision of reduced-fare off-peak services as a means of obtaining reductions in unit costs through increased utilization of facilities and equipment. The record in Phase 9, however, contained little evidentiary material bearing upon equipment utilization or other cost-related matters associated with night coach service. Accordingly, we will expect the parties to direct their attentions particularly to the long-run impact on unit operating costs of reduced-fare off-peak services. Of particular significance are the following: (1) The effect on equipment utilization of night coach services presently offered: (2) the extent to which existing night coach fares stimulate or divert traffic from normal coach fares, with particular reference to the extensive night coach services now offered during periods other than those traditionally considered to be off-peak; (3) the extent to which cost savings result from the lower level of passenger amenities available to night coach passengers; (4) whether or not any other forms of cost savings are achieved by operating during off-peak periods; and finally (5) a quantification of these cost factors through adoption of a cost-based fare for night coach service, and a determination of the circumstances and conditions under which such service may be lawfully provided.

Accordingly, the Board finding that the existing night coach fares and services may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation is instituted to determine whether the fares and provisions described in Appendix A attached hereto (including future revisions of such fares and provisions), and rules, regulations or practices affecting such fares and provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, and practices affecting such fares and provisions;

2. The investigation ordered herein be assigned before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

3. Copies of this order be filed with the tariffs listed in the Appendix and served upon American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., Allegheny Airlines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., Southern Airways, Inc., and Texas International Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

TARIFF C.A.B. NO. 202 ISSUED BY AIRLINE TARIFF PUBLISHERS INC., AGENT

All FN and YN class fares between points within the area consisting of the 48 contiguous states and the District of Columbia of the United States, and the application thereof, applicable to American Airlines, Inc., Braniff Airways, Incorporated, Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

All SN class fares between points within the area consisting of the 48 contiguous states and the District of Columbia of the United States, and the application thereof, applicable to Allegheny Airlines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., Southern Airways, Inc., and Texas International Airlines, Inc.

The YNITI class fares and the application thereof between Dallas/Ft. Worth and Phoenix applicable to American Airlines, Inc., and Delta Air Lines, Inc.

[FR Doc.74-6564 Filed 3-20-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

VERMONT STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on March 21, 1974, at the Tavern Motor Inn, Montpelier, Vermont 05602.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to finalize plans in preparation for the Conference on Minority Students.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated in Washington, D.C., March 14, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-6572 Filed 3-20-74;8:45 am]

[18] Since provision is made for responses to this order, petitions for reconsideration of this order will not be entertained.

[1] Order 74-3-82, March 18, 1974.

VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia State Advisory Committee (SAC) to this Commission will convene at 2:30 p.m. on March 22, 1974, in the Fifth Floor Conference Room, New City Hall, 900 East Broad Street, Richmond, Virginia 23219.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20245.

The purposes of this meeting shall be (1) to discuss followup activities to the Virginia SAC report on Judicial Selection, and (2) to begin selecting and planning new projects to be undertaken by the Virginia SAC.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 14, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-6573 Filed 3-20-74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

PUBLIC HEARING

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, March 27, 1974, in Room 603, City Hall Annex, Juniper and Filbert Streets in Philadelphia, beginning at 2 p.m. The subjects of the hearing will be as follows:

A. A proposal to amend the Comprehensive Plan so as to include therein the following projects:

1. *Monroe County:* A regional sewerage plan for the Boroughs of Stroudsburg, East Stroudsburg and Delaware Water Gap, and portions of Smithfield and Stroud Townships, Monroe County, Pa. Sewage collection systems would be constructed in Stroud and Smithfield Townships and extended in other areas. Regional interceptors would serve a new regional treatment plant near the Delaware River scheduled for operation in 1977. Existing sewage treatment plants would be upgraded and expanded as necessary to meet needs on an interim basis until completion of the regional system.

2. *Pennsylvania Department of Environmental Resources:* Marsh Creek dam and reservoir project, Chester County, Pa. A proposed revision in one of the operating policies applicable to this existing project having the effect of reducing downstream release requirements from the dam when the flow of Brandywine Creek at the Chadds Ford stream gauge is greater than 140 cubic feet per second.

3. *Wrightstown Municipal Utilities Authority:* A well water supply project to augment public water supplies in the Borough of Wrightstown, Burlington County, N.J. Existing Well No. 1 has an estimated yield of 100,000 gallons per day. New Well No. 2 is anticipated to yield 200,000 gallons per day.

4. *Lake Louise Marie Water Co., Inc.:* A well water supply project to serve the development known as Emerald Green in the Town of Thompson, Sullivan County, N.Y. Two new wells, Nos. 1 and 2, are estimated to have a combined yield of about 288,000 gallons per day.

5. *Broad Run Water Co., Inc.:* A well water supply project to provide service in the development known as Broad Run Community in West Bradford Township, Chester County, Pa. Wells Nos. 1 and 2 are expected to have a combined yield of about 216,000 gallons per day.

6. *U.S. Soil Conservation Service:* Modification of the Assunpink Creek Watershed Work Plan in Mercer and Monmouth Counties, N.J. A revision is proposed to the flood retarding structure at site No. 6 to control a 22 square-mile drainage area and provide 1,880 acre feet of storage. Site No. 15 of the original Watershed Work Plan will be deleted.

7. *New Castle County Dept. of Public Works:* A project to enlarge a temporary sewage treatment plant serving the South Christina interceptor in New Castle County, Del. Capacity of the plant will be increased to two million gallons per day and will provide 91 percent removal of BOD_5. Treated effluent will discharge to a tidal portion of None Such Creek.

8. *Borough of Medford Lakes:* Upgrading of a sewage treatment plant serving the Borough of Medford Lakes, Burlington County, N.J. The proposed additions will provide treatment capacity of 550,000 gallons per day and for removal of 90 percent of BOD, and suspended solids and 98 percent of soluble phosphorus. Treated effluent will discharge to a tributary of Birchwood Lakes on the Southwest Branch of Rancocas Creek Watershed.

9. *City of Easton:* Expansion of the City's sewage treatment plant in Northampton County, Pa. Capacity will be provided to handle 10 million gallons per day of sewage flow and provide 92 percent removal of BOD_5 and 90 percent removal of suspended solids. Treated effluent will discharge to the Delaware River.

10. *New Hanover Township Authority:* A sewage treatment project to provide municipal service in New Hanover Township, Montgomery County, Pa. The treatment plant will provide a capacity of 225,000 gallons per day and remove up to 90 percent of BOD_5 and suspended solids. Treated effluent will be subject to disposal by spray irrigation.

11. *Greenbriar Development Co.:* A sewage treatment project to provide treatment at the Shohola Falls Trails End Campground in Shohola Township, Pike County, Pa. The treatment plant will provide a capacity of 75,000 gallons per day and provide for removal of 95 percent of BOD_5 and suspended solids. Treated effluent will discharge to an unnamed tributary of Shohola Creek.

12. *Jersey Central Power & Light Co.:* A proposed addition to the Gilbert generating station in Holland Township, Hunterdon County, N.J. The addition consists of a 130-MW steam turbo-generator utilizing the waste heat from four existing combustion turbines through the use of heat recovery steam generators. A mechanical draft wet cooling tower, waste treatment facilities, expansion of the switchyard and associated appurtenances are also part of the project. On-site oil tank storage will be utilized for fuel oil.

B. Applications for water quality certification pursuant to section 401 of the Federal Water Pollution Control Act:

1. *Pennsylvania Power & Light Co.:* A project to dredge the Delaware River between the main channel of the river and the water intake structure for Units 3 and 4 of the Martins Creek generating station in Northampton County, Pa.

2. *Burlington County Board of Chosen Freeholders:* Replacement of Skeales Bridge over Assiscunk Creek in Burlington Township, Burlington County, N.J.

C. A proposal to amend section 2-2.4 of the Commission's rules of practice and procedure. Section 2-2.4 provides for the adoption of the annual Water Resources Program in the month of February. It is proposed to change this section so as to require adoption annually without reference to any particular month of the year.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing.

Dated: March 15, 1974.

W. BRINTON WHITALL,
Secretary.

[FR Doc.74-6555 Filed 3-20-74;8:45 am]

MARTINS CREEK STEAM ELECTRIC GENERATING STATION EXPANSION

Environmental Statement

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's rules of practice and procedure (Section 2-3.5.2) notice is hereby given of the availability of the final environmental statement as of March 15, 1974 which discusses the environmental impact of the proposed expansion of the Martins Creek Electric Generating Station located on the west bank of the Delaware River (Delaware River Mile 190.9) approximately 10 miles north of Easton, Pennsylvania. The final statement has been prepared by the Commission based on the Pennsylvania Power and Light Company's environmental studies, the Commission's draft environmental impact statement and extensive comments received from other Federal, state and local agencies and concerned organizations and citizens.

The proposed development includes construction of Units No. 3 and No. 4 which are oil-fired steam electric generating units each with a capacity of 800 electric megawatts, alongside two existing coal-fired operating units of 150 MW each. Units No. 3 and No. 4 are scheduled to be in operation in 1975 and 1977, respectively. Facilities to be constructed to support each of the generators would include a natural draft cooling tower 414 feet high with a water flow of 280,000 gallons per minute; a chimney 600 feet high; a transformer of 930,000 kva; a 95,000-barrel-capacity tank to store fuel oil; and water inlet works to provide a maximum of 19.6 cfs of water for each unit, of which an average of 13.7 cfs would be evaporated. Facilities constructed to support Units No. 3 and No. 4 jointly, include fire protection facilities; a 12,000 barrel capacity tank for light oil; an on-site domestic waste system; a 42-acre retention pond, with an effective holding capacity of

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216,000 cubic yards (132 acre feet); an additional switchyard; and new transmission lines.

The final environmental impact statement may be examined in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, New Jersey, and in the library of the Water Resources Association of the Delaware River Basin, 21 South 12th Street in Philadelphia. A limited number of copies of the final statement are available to persons or agencies upon request.

W. BRINTON WHITALL,
Secretary.

MARCH 15, 1974.

[FR Doc.74-6507 Filed 3-20-74; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

AMERICAN CYANAMID CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512 (21 U.S.C. 346a (d)(1))), notice is given that a petition (PP 4F1462) has been filed by American Cyanamid Co., Post Office Box 400, Princeton, NJ 08540, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the insecticide dimethoate (*O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorodithioate) including its oxygen analog *O,O*-dimethyl *S*-(*N*-methylcarbamoylmethyl) phosphorothioate in or on the raw agricultural commodities corn forage at 1 part per million and corn grain at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a gas-liquid chromatographic procedures using a flame photometric detector equipped with a phosphorus filter (526 nanometers).

Dated: March 12, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-6470 Filed 3-20-74; 8:45 am]

CHEMAGRO DIVISION OF BAYCHEM CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 4F1472) has been filed by Chemagro Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, proposing establishment of tolerances (40 CFR Part 180) for combined residues of the insecticide fenthion (*O,O*-dimethyl *O*-[3-methyl-4-(methylthio) phenyl] phosphorothioate) and its cholinesterase-inhibiting metabolites in the raw agricultural commodities meat, fat, and meat byproducts of hogs at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using thermionic emission detection.

Dated: March 12, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-6471 Filed 3-20-74; 8:45 am]

CHEMAGRO DIVISION OF BAYCHEM CORP.

Notice of Withdrawal of Petitions Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512 (21 U.S.C. 346a (d)(1))), the following notice is issued:

In accordance with § 180.8 *Withdrawal of petitions without prejudice* of the pesticide procedural regulations (40 CFR 180.8), Chemagro Division of Baychem Corp. (formerly Chemagro Corp.), Kansas City, MO 64120, has withdrawn its petitions (PP 2F1292, PP 1F1166, and PP 0F0984), notices of which were published in the FEDERAL REGISTERS of July 29, 1972 (37 FR 15340), November 4, 1971 (36 FR 21224), and June 10, 1970 (35 FR 8954), respectively, proposing establishment of tolerances for residues of the insecticide *O,O*-dimethyl *S*-[4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl] phosphorodithioate in or on the raw agricultural commodities corn fodder and forage at 5 parts per million and corn grain and fresh corn including sweet corn (kernels plus cob with husk removed) at 0.1 part per million (PP 2F1292); pasture grass hay at 5 parts per million and pasture grass at 2 parts per million (PP 1F1166); and sorghum grain at 7 parts per million (PP 0F0984).

Dated: March 12, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-6469 Filed 3-20-74; 8:45 am]

AIR POLLUTION CHEMISTRY AND PHYSICS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that a meeting of the Air Pollution Chemistry and Physics Advisory Committee of the Science Advisory Board will be held at 9:00 a.m., April 8 and 9, 1974, in Room 220 of the Regional Office of the U.S. Environmental Protection Agency, 100 California Street, San Francisco, California, 94111.

This is the regular spring meeting of this committee. The agenda will include (a) smog chamber and field studies of the emissions-air quality relationships, (b) minority institution research support program, and (c) measurement of sulfuric acid and sulfates in ambient and source atmospheres.

The meeting will be open to the public. Any member of the public wishing to participate or present a paper should contact Dr. Basil Dimitriades, Chemistry and Physics Laboratory, Office of the Director, Environmental Protection Agency, Research Triangle Park, North Carolina (919-549-8411, extension 2706).

Dated: March 15, 1974.

JOHN L. BUCKLEY,
Acting Assistant Administrator for Research and Development.

[FR Doc.74-6972 Filed 3-20-74; 8:45 am]

MARYLAND TRANSPORTATION CONTROL PLAN

Notice of Availability of Technical Support Document

The Technical Support Document for the Transportation Control Plan for the Metropolitan Baltimore Intrastate Region, referenced in the December 12, 1973 FEDERAL REGISTER (38 FR 34347) is now available for general public inspection at the Region III EPA Office in Philadelphia, Pennsylvania and at the Freedom of Information Center, EPA, Washington, D.C.

Although the material in this document had been available to the Administrator prior to the December 12 promulgation, it had not been prepared in final typed form which could be reproduced for the general public at that time. This task has now been completed and the document may be inspected during normal business hours at the EPA Region III Office, Room 255, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, and at the Freedom of Information Center, Room 232 West Tower, 401 "M" Street, SW., Washington, D.C.

Since the development and implementation of adequate controls to reduce hydrocarbon and carbon monoxide is a continuing process and the Agency desires to have the most up-to-date information possible in the event that revisions prove necessary or appropriate, public comment is specifically invited on the material presented in this document for a period of thirty days. Comments should be addressed to the Regional Administrator, EPA, Attention: Mr. C. C. Miese, Room 255, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106.

Dated: March 14, 1974.

ROGER STRELOW,
Acting Assistant Administrator for Air and Water Programs.

[FR Doc.74-6590 Filed 3-20-74; 8:45 am]

[OPP-32000/27]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before May 20, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after this 60-day period.

APPLICATIONS RECEIVED

EPA File Symbol 5481-RAL. Amvac Chemical Corporation, 4100 East Washington Blvd., Los Angeles, California 90023. *Alco Dibrom 8 Emulsive Naled Insecticide.* Active Ingredients: Naled 58.0%; Aromatic Petroleum Derivative Solvent 27.5%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 2553-ET. Buhl Chemical Company, Box 626, Weirsdale, Florida 32695. *Zee-Tox 5% Chlordane Powdered Insect Killer.* Active Ingredients: Chlordane (Technical) 5%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 1660-TN. Chemical Specialties Co., 5155 Nassau Ave., Brooklyn, New York 11222. *Dro Automatic Indoor Fogger.* Active Ingredients: Petroleum Distillate 19.0%; Pyrethrins 0.20%; Technical Piperonyl Butoxide 0.80%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 8550-GG. Del Chemical Corp., 1175 Glendale Road, Sparks, Nevada 98431. *Del X It Oil Soluble Insecticide.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 99.500%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 5905-GAE. Helena Chemical Company, Suite 2900, Clark Tower, 5100 Poplar Avenue, Memphis, Tennessee 38117. *Helena Animal Health Roach & Ant Spray.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Technical piperonyl butoxide (equivalent to 0.80% [butylcarbityl] [6-propylpiperonyl] ether and 0.20% other related compounds) 0.261%; Petroleum distillate 68.966%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 2693-OT. International Paint Company, Inc., Elmwood & Morris Avenues, Union, New Jersey 07083. *Supertrop Antifouling Paint 45 Blue.* Active Ingredients: Cuprous oxide 23.6%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 9803-EO. Munichem Corporation, 850 Industial Way, Sparks, Nevada 98431. *Muni X Oil Soluble Insecticide.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; Aromatic petroleum hydrocarbons 0.265%; Petroleum distillate 99.500. *Method of Support.* Application proceeds under 2(b) of interim policy.

EPA Reg. No. 432-505. S. B. Penick & Company, 100 Church Street, New York, New York 10007. *24.3% SBP-1382-2 E.C.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 24.30%; Related compounds 3.30%; Aromatic petroleum hydrocarbons 66.40%. *Method of Support.* Application proceeds under 2(b) of interim policy.

EPA File Symbol 3635-ROU. Oxford Chemicals, P. O. Box 80202, Atlanta, Georgia 30341. *Oxford 2515 Aerosol.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Pyrethrins 0.150%; Piperonyl butoxide technical 0.600%; Aromatic petroleum hydrocarbons 0.331%; Petroleum distillate 18.125%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 228-RUO. Riverdale Chemical Company, 220 East 17th Street, Chicago Heights, Illinois 60411. *Riverdale Turf Weed Killer.* Active Ingredients: Diethanolamine salt of 2-(2 methyl-4 chlorophenoxy) Propionic Acid 4.39%; Diethanolamine salt of 2,4-Dichlorophenoxyacetic acid 4.08%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 4000-AN. Southern Chemical Products Co., P.O. Box 205, 430 Lower Boundary, Macon, Georgia 31202. *Lemon Hospital Disinfectant.* Active Ingredients: Isopropanol 67.50%; Essential Oils 0.45%; Orthophenylphenol 0.15%; N-alkyl (C14 1%, C16 25%, C18 8%, C10 66%) N-ethyl morpholinium ethylsulfate 0.03%. *Method of Support.* Application proceeds under 2(b) of interim policy.

EPA File Symbol 117-RRU. Virginia Chemicals, Inc., 3340 West Norfolk Road, Portsmouth, Virginia 23703. *Virchem Ultra Aerosol Insecticide.* Active Ingredients: Pyrethrins 1.95%; Technical piperonyl butoxide 3.00%; N-Octyl bicycloheptene dicarboximide 2.00%; Petroleum distillates 18.05%. *Method of Support.* Application proceeds under 2(c) of interim policy.

EPA File Symbol 9782-GE. Woodbury Chemical Company of Homestead, P.O. Box 4319, Princeton, Florida 33030. *Heptachlor 3E Emulsifiable Concentrate.* Active Ingredients: Heptachlor 32.1%; Related Compounds 12.5%; Petroleum Distillate 50.4%. *Method of Support.* Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following items represent corrections and/or changes in the list of applications received previously published in the FEDERAL REGISTER of March 12, 1974 (39 FR 9572).

EPA Reg. No. 279-2032. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Polyram 80 Wettable Powder.* Active Ingredients: A mixture of 5.2 parts by weight (83.9%) of ammoniates * * *. Correction: Originally published incorrectly as ammonitates.

EPA File Symbol 3286-UE. Ford Staffel Company, P.O. Box 2380, San Antonio, Texas 78298. *Staffel's Fire Ant Granules.* Active Ingredients: Heptachlor 5.000% * * *. Correction: Originally published incorrectly as Heptschler.

EPA File Symbol 4822-RGN. S. C. Johnson & Son, Inc., 1525 Rowe Street, Racine, Wisconsin 53403. Correction: Originally published incorrectly as EPA File Symbol 4822-RON. B. C. Johnson & Son, Inc.

EPA File Symbol 1043-UI. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *1-Stroke Environ J.* Active Ingredients: Sodium o-phenylphenate 11.3%; sodium o-benzyl-p-chlorophenate 9.4%; sodium p-tertiary-amylphenate 2.3%. Correction: Originally published incorrectly as sodium p-tertiary-amylphonate.

EPA File Symbol 499-RIN. Whitmire Research Laboratories, Inc., 3568 Tree Court Industrial Blvd., St. Louis, Missouri 63122. Correction: Originally published incorrectly as EPA File Symbol 499-HIN.

The following item represents a correction and/or change in the list of Applications Received published in the FEDERAL REGISTER of March 13, 1974 (39 FR 9697).

EPA File Symbol 10807-UL. Aero Mist, Inc., 990 Industrial Park Drive, Marietta, Georgia 30062. *Misty Menthol Spray Decongestant and Air Sanitizer.* Correction: Originally published incorrectly as Misty Menthol Spray Decongestant air Air Sanitizer.

Dated: March 15, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-6988 Filed 3-20-74; 8:45 am]

FARM CREDIT ADMINISTRATION

[Order No. 771]

DEPUTY GOVERNOR ET AL.

Delegation of Authority

MARCH 13, 1974.

1. The Deputy Governor and Director of Credit Service shall, subject to the jurisdiction and control of the Governor of the Farm Credit Administration, execute and perform all power, authority, and duties relative to supervision of the credit function of the institutions of the Farm Credit System and to all matters incidental thereto, and to administration of all provisions of law pertinent to such supervision.

2. In the event the Deputy Governor and Director of Credit Service, Farm credit Administration, is absent or is not able to perform the duties of his office for any other reason, the officer who is highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of Deputy Governor and Director of Credit Service:

(1) Deputy Director
(2) Senior Assistant Director, Credit Review
(3) Assistant to the Director
(4) Assistant Director, Central Region

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(5) Assistant Director, Eastern Region
(6) Assistant Director, Western Region

3. This order shall be effective on the above written date and revokes Farm Credit Administration Orders No. 752, dated April 12, 1972 (37 FR 7646); No. 748, dated January 1, 1972 (37 FR 238); No. 739, dated November 12, 1970 (35 FR 17753); and No. 733, dated December 11, 1969 (34 FR 19830).

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.74-6464 Filed 3-20-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-260]

FAILURE OF BROADCAST LICENSEES TO CONDUCT CONTESTS FAIRLY

Public Notice

MARCH 15, 1974.

Over the years, the Commission has received many complaints regarding the manner in which broadcast station licensees have conducted contests over the air. One result of these complaints was the issuance in 1966 of a Public Notice entitled, "Contests and Promotions Which Adversely Affect the Public Interest," 2 FCC 2d 464, 6 RR 2d 671. The 1966 Public Notice listed examples of various contests and promotions and stated that among the adverse consequences of some of them were: Alarm to the public about imaginary dangers; infringement of public or private property rights or the right of privacy; annoyance or embarrassment to innocent parties; hazards to life and health; and traffic congestion or other public disorder requiring diversion of police from other duties. Contests and promotions having the adverse effects cited in that Notice and contests that are not fairly conducted or are misleadingly or falsely advertised continue to cause complaints, and short term renewals have been granted or other measures taken because of the manner in which contests have been advertised or conducted since the issuance of the 1966 Public Notice.[1]

The Commission has made clear in a number of public statements that a licensee's contests should be conducted fairly and substantially as represented to the public, and that a failure to do so falls short of the degree of responsibility expected of licensees. See KOLOB Broadcasting Company cited in footnote one.

In addition to the practices described in the 1966 Public Notice, the Commission believes that serious questions would be raised as to the sense of responsibility of a broadcast licensee who engages in the following practices: (1) Disseminating false or misleading information regarding the amount or nature of prizes; (2) failing to control the contest to assure a fair opportunity for contestants to win the announced prizes; (3) urging participation in a contest, or urging persons to stay tuned to the station in order to win, at times when it is not possible to win prizes; (4) failing to award prizes, or failing to award them within a reasonable time; (5) failing to set forth fully and accurately the rules and conditions for contests; (6) changing the rules or conditions of a contest without advising the public or doing so promptly; [2] and (7) using arbitrary or inconsistently applied standards in judging entries. In some instances, licensees, after carefully planning contests to avoid problems of this type as well as those listed above from the 1966 Public Notice, failed adequately to instruct employees in the procedures to be followed during the contest, or failed adequately to supervise their employees to assure that the instructions were carried out.

In the past, as indicated above, we have on occasion granted probationary, short-term renewal of license for practices such as those listed above. However, the continuing practices of some licensees in conducting contests indicates that past measures may not have been sufficient. In the future we will consider designation of a renewal application for hearing when the circumstances appear to justify such action; e.g., a pattern of repeated failure to conduct contests and promotions fairly or to advertise them truthfully. We also will consider the feasibility of adopting rules in this area so that the full range of sanctions would be available to us.

Action by the Commission March 14, 1974. Commissioners Wiley (Chairman), Lee, Reid and Hooks.

Sent to all broadcast licensees.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6597 Filed 3-20-74;8:46 am]

[FCC 74-262]

LICENSEES OF ALL STANDARD BROADCAST STATIONS EMPLOYING DIRECTIONAL ANTENNAS

Public Notice

MARCH 14, 1974.

Section 73.69(a) of the Commission's rules and regulations requires, with minor exceptions, that each standard broadcast station utilizing a directional antenna have in operation at the transmitter an antenna monitor which is of a type approved by the Commission.

The requirement that such monitors be type approved was first established when the above section of the rules became effective on February 23, 1973. However, in recognition of the fact that immediate compliance with this requirement by all stations was not practicable, a Note appended to § 73.69 set forth a schedule of dates wherein various categories of stations would be expected to have such monitors in operation.

This notice concerns paragraph (2) of that Note, which states

"Each station electing to utilize licensed operators other than first class radio telephone operators for routine transmitter duty (see § 73.93) shall meet this requirement by June 1, 1974".

It has come to the Commission's attention that the sources of supply of type approved monitors may be limited to the extent that the licensees of some stations required to have type approved monitors by June 1, 1974, may be unable, even by the exercise of due diligence, to obtain delivery and install approved monitors by that date.

Accordingly, pending further notice from the Commission, the licensee of a station who is required to, but fails to have a type approved monitor installed and operating by June 1, 1974, will not be held accountable for failure to comply with the rule if, by that date, he has placed and has received confirmation of an order for a type approved monitor. Under such circumstances, a copy of such order and confirmation must be furnished the Commission in Washington, and an additional copy maintained in the station's files, and made available for inspection on request by a field engineer of the Commission.

Action by the Commission March 13, 1974. Commissioners Wiley (Chairman), Lee, Reid and Hooks.

Sent to all standard broadcast licensees.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6598 Filed 3-26-74;8:45 am]

PBX TECHNICAL STANDARDS SUBCOMMITTEE MEETING

Public Notice

MARCH 15, 1974.

In accordance with Pub. L. 92-463, announcement is made of a public meeting of the Technical Standards Subcommittee of the PBX Standards Advisory Committee to be held April 9, 1974 at 1229 20th Street NW., Room A-205, Washington, D.C. The meeting will commence at 10:00 a.m.

1. *Purpose.* The purpose of this Subcommittee is to prepare recommended standards and procedures to permit the interconnection of customer provided and maintained PBX equipment to the public switched network without the need for carrier provided connecting arrangements.

2. *Activities.* As at prior meetings, Subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of PBX equipment to the public telephone network.

3. *Agenda.* The agenda for the April 9 meeting will be as follows:

a. Review of Status of Task Groups on Interface Criteria, Voice/Non-Voice Requirements, Equipment Test Standards, and Glossary

b. Task Assignments and Scheduling

4. *Public Participation.* The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the Committee, may do so before or after the meeting.

It is suggested that those desiring more specific information, contact the Domestic Rates Division on (202) 632-6457.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6599 Filed 3-20-74;8:45 am]

[Docket No. 19838, 19839; FCC 74R-96]

ITAWAMBA COUNTY BROADCASTING COMPANY, INC., AND TOMBIGBEE BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Itawamba County Broadcasting Company, Inc., Fulton, Mississippi, Docket No. 19838, File No. BPH-8028; Aubrey Freeman, T/A Tombigbee Broadcasting Company, Fulton, Mississippi, Docket No. 19839, File No. BPH-8189; for construction permits.

1. This proceeding involves the mutually-exclusive applications of Itawamba County Broadcasting Company, Inc. (Itawamba) and Tombigbee Broadcasting Company (Tombigbee) for authorization to construct a new FM broadcast station in Fulton, Mississippi. The applications were designated for hearing on a standard comparative issue by Order of the Chief, Broadcast Bureau, acting pursuant to delegated authority, 38 FR 28587, published October 15, 1973. Now before the Review Board is a petition to enlarge issues, filed October 29, 1973, by Itawamba,[1] requesting the addition of misrepresentation and "Suburban" issues against Tombigbee.

2. By way of background, in Exhibit H of Tombigbee's application (Tombigbee's Ascertainment of Community Needs exhibit), it is stated that the applicant conducted a personal and telephone survey during October and November, 1972, with individuals and groups to determine the needs and interests of its proposed service area. Tombigbee then listed 36 individuals and their respective occupations and/or community activities. However, with the exception of one individual, J. E. Staub,[2] Tombigbee did not identify these individuals as "community leaders". Immediately after this list, Tombigbee stated:

• • • plus 114 other individuals and radio listeners throughout Fulton and Itawamba County were contacted in our community needs survey. Attached as Appendix A is a complete list of the names of persons contacted. The community leaders were contacted by Ralph Mathis and Aubrey Freeman. All other interviews were conducted under the direct supervision of Mathis and Freeman.

In Appendix A, Tombigbee listed 150 individuals, their respective occupations, their places of residence, and, in some cases, their religious preferences.[3] Itawamba alleges that Tombigbee is guilty of "gross misrepresentation to the Commission" with respect to its community survey since numerous individuals listed as community leaders and members of the general public were never contacted by the applicant; numerous community leaders were never contacted by Mathis or Freeman; and a number of individuals, allegedly contacted, were deceased at the time the survey was conducted. Itawamba also alleges that Tombigbee's survey does not comply in several respects with the requirements of the Commission's "Primer on Ascertainment of Community Problems by Broadcast Applicants," 27 FCC 2d 650, 21 RR 2d 1507 (1971).

MISREPRESENTATION ISSUE

3. In support of its request for a misrepresentation issue, Itawamba attaches 27 affidavits to its petition from persons allegedly contacted by Tombigbee in connection with Tombigbee's survey of community leaders and members of the general public. Twenty-one of the affiants state they were never contacted by Tombigbee in October and November, 1972, regarding a survey of community problems. Fifteen of the affiants, all of whom are listed in Exhibit H of Tombigbee's application and considered as community leaders by Itawamba,[4] deny that they are acquainted with or have ever been contacted by Freeman or Mathis concerning the problems of Itawamba County.[5] (See paragraph 2, supra.) Itawamba also attaches an affidavit from Pauline Walton, Circuit Clerk of Itawamba County, wherein she states that the names of "R. K. Houston", "O. K. McFerrin" and "T. F. Evans" were removed from the Itawamba County Voting Pool Books since they were deceased before the months of October and November, 1972.[6] Itawamba also submits an affidavit from James Henry, plant manager of Fulton Blue Bell, wherein he states that 11 persons listed by Tombigbee as employees of Fulton Blue Bell were not employed by the plant during October and November, 1972. In sum, Itawamba argues that a misrepresentation issue should be specified against Tombigbee for its failure to contact numerous interviewees and for the failure of its principals, Freeman and Mathis, to contact all community leaders as represented in Exhibit H. The Broadcast Bureau supports addition of the requested issue, absent a satisfactory explanation by Tombigbee in its responsive pleading.

4. Tombigbee, in opposition, submits affidavits from 20 of the 21 persons who stated they were not contacted, as well as survey sheets for all 21 persons.[7] Four of the affiants state that they were, in fact, contacted by Tombigbee regarding a community survey, but 17 state that they were not contacted by Tombigbee or do not recall being contacted by Tombigbee. Tombigbee argues that it contacted 150 people and that "the small amount of people who say they cannot remember being contacted, after a lapse of time of more than a year, is certainly not sufficient enough to warrant adding any issues against Tombigbee regarding its survey." Tombigbee states that it never represented that the 36 interviewees listed in Exhibit H were community leaders. According to Tombigbee, "Ralph Mathis and Aubrey Freeman contacted at least 23 community leaders and other individuals" of which 13 were personally contacted by Mathis and 10 by Freeman.[8] With respect to the affidavit of Pauline Walton, Tombigbee argues that Harriet Heyboer, an employee, contacted Mrs. R. K. Houston and Mrs. O. K. McFerrin and that they were mistakenly, identified in its survey as "R. K. Houston" and "O. K. McFerrin."[9] Tombigbee states that "someone was talked to at the T. F. Evans Lumber Company and Mrs. Harriet Heyboer thought it was T. F. Evans."[10] Tom-

[1] See, for example, *WCHS-AM-TV Corp.*, 8 FCC 2d 608, 10 RR 2d 445 (1967), *Henkin, Inc.*, 29 FCC 2d 40, 21 RR 2d 595 (1971), *KOLOB Broadcasting Co.*, 36 FCC 2d 586 (1972), *Qualitron Acro, Incorporated*, FCC 72-937, 25 RR 2d 679 (1972), *Baron Radio, Inc.*, FCC 72-1060, 25 RR 2d 1125 (1972), *Bremen Radio Co.*, 41 FCC 2d 595, 27 RR 2d 1453 (1973), *Greater Indianapolis Broadcasting Company, Inc.*, 44 FCC 2d 599, 28 RR 2d 1438 (1973), *Wels Broadcasting Company*, FCC 74-169, 29 RR 2d —— (1974), and *Radio Chesapeake, Inc.*, FCC 74-170, 29 RR 2d —— (1974).

[2] For example, changes in the prizes to be awarded or in the bases for making the awards, or in the manner in which persons are to qualify for participation and what they are expected to do to compete.

[1] Also before the Board are: (a) Comments, filed December 3, 1973, by the Broadcast Bureau; (b) "reply", filed December 13, 1973, by Tombigbee; and (c) a reply, filed January 14, 1974, by Itawamba. Tombigbee's "reply" will be considered as an opposition to Itawamba's petition (see Section 1.294 of the Commission's Rules).

[2] J. E. Staub is identified as "Community Leader and President of J. E. Staub Construction Company."

[3] This list included all but a few of the 36 individuals listed in Exhibit H.

[4] Itawamba assumes that the 36 interviewees listed in Exhibit H are community leaders since their names are listed in Exhibit H and then duplicated in Appendix A.

[5] However, 8 of the 15 affiants state that they were contacted by a representative of Tombigbee regarding community problems but not by Freeman or Mathis.

[6] Tombigbee represented in its application that these persons were contacted in October and November, 1972.

[7] The survey sheets contain the name, address, occupation, community organizations and comments of each interviewee, as well as the signature of the interviewer and the date of the interview. Tombigbee does not, however, submit affidavits from the interviewers.

[8] Although Tombigbee lists the individuals contacted by Freeman and Mathis in its responsive pleading, it does not specifically designate them as community leaders and its explanation that Freeman and Mathis "contacted at least 23 community leaders and other individuals" is, in the Board's opinion, ambiguous, at best.

[9] Tombigbee attaches an affidavit from Mrs. R. K. Houston stating that she does not remember being contacted by Harriet Heyboer and an affidavit from Ralph Mathis stating that Mrs. K. O. McFerrin told him that she may have been contacted by Harriet Heyboer but refused to sign an affidavit. In addition, the interview sheets submitted by Tombigbee indicate that Harriet Heyboer contacted "R. K. Houston" and "O. K. McFerrin", not Mrs. Houston or Mrs. McFerrin.

[10] This statement, however, is not supported by an affidavit of someone with personal knowledge.

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bigbee submits affidavits from several Blue Bell employees stating that all 11 persons listed as employees of Fulton Blue Bell were employed by Blue Bell, but not at Blue Bell's Fulton plant. According to Tombigbee, "it was simply an incorrect conclusion on the part of Tombigbee that if the people were talked to in Fulton, they worked in that plant."

5. In the Review Board's opinion, substantial questions have been raised regarding the accuracy of representations made by Tombigbee in its application. Initially, the fact that seventeen persons have stated in affidavits submitted by both Itawamba and Tombigbee that they were not contacted by Tombigbee regarding a community survey or do not recall being contacted is sufficient, in itself, to warrant the addition of a misrepresentation issue. See "Belo Broadcasting Corporation," 42 FCC 2d 1011, 28 RR 2d 732 (1973), "California Stereo, Inc.," 39 FCC 2d 401, 26 RR 2d 887 (1973). However, in addition to numerous persons who may not have been contacted, it is alleged that three interviewees were deceased at the time Tombigbee conducted its survey and Tombigbee's explanation is not adequately supported by the affidavits or survey sheets it submitted in opposition. (See note 6, supra.) In this regard, we are unable to attach any weight to the survey sheets submitted by Tombigbee since none of the sheets are supported by affidavits of the interviewers. Tombigbee offers no explanation for its failure to obtain affidavits from Harrier Heyboer or any of the other interviewers employed by Tombigbee.[11] Furthermore, the Board notes that Tombigbee's list of community leaders and members of the general public is permeated by numerous apparent errors regarding the names, occupations and residences of the interviewees.[12] In the Board's view, Tombigbee's persistent failure to correctly identify its interviewees and their respective occupations and residences, when viewed together with its apparent failure to contact numerous individuals listed in Exhibit H and Appendix A, raises serious questions as to whether there has been a pattern of deliberate misrepresentation and/or gross negligence on the part of Tombigbee; these questions must be fully explored in hearing. See "Belo Broadcasting Corporation, supra; California Stereo, Inc.," supra.

6. Regarding Itawamba's allegation that Freeman and Mathis did not contact all of Tombigbee's community leaders as represented in its application, the Board notes that Tombigbee has not specifically identified those individuals it regards as community leaders in either its application or in its responsive pleading to Itawamba's petition. Without this information we are unable to determine whether Freeman and Mathis contacted all of the community leaders interviewed by Tombigbee, and, thus, whether Tombigbee misrepresented facts in this connection to the Commission in its application. In effect, Tombigbee has placed the burden of identifying its community leaders upon the Review Board. The identification of these leaders on the basis of assumption or inference would, in the Board's view, be speculative and wholly unsatisfactory. Accordingly, the Board believes that the identity of Tombigbee's community leaders must be determined at the hearing. In light of all the foregoing, an appropriate misrepresentation issue will be specified herein.

SUBURBAN ISSUE

7. Itawamba alleges that Tombigbee's community survey is deficient, in part, since Ralph Mathis, a 51 percent partner and proposed general manager, withdrew from the applicant in June of 1973. According to Itawamba, Mathis "may have assumed overall responsibility for the preparation of the surveys" and Tombigbee's surveys are invalid to the extent he participated in their completion, citing "Childress Broadcasting Corporation of West Jefferson," 37 FCC 2d 766, 25 RR 2d 711 (1972), review denied FCC 73-433, released April 25, 1973. Itawamba also alleges that the affidavits attached to its petition to enlarge issues (see paragraph 3, supra) indicate that Tombigbee contacted 21 community leaders, none of whom were black, while Tombigbee's demographic data shows that 8 percent of the population of Fulton, Mississippi is black. Itawamba argues that the Primer, supra, Q. & A. 4 requires that an applicant consult with leaders of all significant groups in the area; that Tombigbee failed to consult with black leaders; and that the issues should be enlarged to include a "Suburban" issue against Tombigbee, citing "Community Broadcasters, Inc.", 33 FCC 2d 714, 23 RR 2d 723 (1972).

8. In opposition, Tombigbee argues that Freeman and Mathis contacted "at least 23 community leaders and other individuals", of which Freeman contacted 10, and that the "individuals contacted by Aubrey Freeman alone are sufficient to satisfy the requirements of the Primer." Tombigbee states that there is no merit to Itawamba's contention that no black community leaders were contacted since "[t]he black population of the area is only 8 percent and a sufficient number of black individuals were contacted to satisfy the requirements of the Primer."[13] The Bureau opposes the addition of a "Suburban" issue based upon the interviews conducted by Ralph Mathis; according to the Bureau, Itawamba's reliance upon "Childress," supra, is misplaced.[14] However, the Bureau states that it would not oppose the addition of a "Suburban" issue in light of the alleged discrepancies in Tombigbee's survey absent a satisfactory explanation by Tombigbee in its responsive pleading. In reply, Itawamba argues that Tombigbee's failure to interview any black leaders together with the numerous errors committed by Tombigbee elsewhere in its survey, raise doubts regarding the overall validity of its survey which requires the addition of a "Suburban" issue.

9. The Board will add a "Suburban" issue against Tombigbee. First, since Tombigbee has failed to identify its community leaders, the Board cannot determine whether Tombigbee has interviewed community leaders who are representative of the groups existing in the Fulton area. See "Dowric Broadcasting Co., Inc.," 37 FR 4376, published March 2, 1972, where the Commission specified a "Suburban" issue, in part, because the applicant did not state "which persons contacted [were] community leaders and which [were] members of the general public." Second, in light of the questions already raised by Itawamba regarding Tombigbee's representations and the possibility that numerous alleged interviewees may not have been contacted by Tombigbee, the Board believes that a question is raised with respect to the overall adequacy of Tombigbee's survey. Third, it is impossible to determine whether Tombigbee interviewed any black community leaders since Tombigbee failed to identify any of its community leaders. However, even if we were to assume, arguendo, that the 23 persons contacted by Freeman and Mathis and listed by Tombigbee in its opposition are, in fact, Tombigbee's community leaders, an examination of this list does not indicate that any of the 23 interviewees is black. Thus, it appears that Tombigbee may not have complied with the "Primer," supra, Q. & A. 14, which requires that an applicant consult with community leaders from all significant groups within its proposed service area. In our view, 8 percent of the population of Fulton, Mississippi could constitute a significant group.[15] See "St. Cross Broadcasting, Inc.," 39 FCC 2d 1067, 26 RR 2d 1311 (1973). In light of the above, an appropriate "Suburban" issue will be specified herein. The Board notes, however, that it does not believe that Itawamba has raised a question regarding the validity of those interviews conducted by Ralph Mathis. In our view, the fact that Mathis later withdrew from the Tombigbee application does not render Tombigbee's entire survey deficient. See "Northeast Oklahoma Broadcasting, Inc.," 42 FCC 2d 237, 72 RR 2d 524 (1973).

9. *Accordingly, it is ordered*, That the petition to enlarge issues, filed October 29, 1973, by Itawamba County Broadcasting Company, Inc. is granted to the extent indicated below, and IS DENIED in all other respects;

10. *It is further ordered*, That the issues herein are enlarged by addition of the following issues:

(1) To determine whether Tombigbee Broadcasting Company misrepresented facts to the Commission in connection with its survey of community problems and, if so, to determine the effect thereof on its qualifications to be a Commission licensee.

(2) To determine the efforts made by Tombigbee Broadcasting Company to ascertain the community problems of the area to be served and the manner in which the applicant proposes to meet these problems.

11. *It is further ordered*, That the burden of proceeding with the introduction of the evidence with respect to issue (1) above shall be on Itawamba County Broadcasting Company, Inc.; that the burden of proceeding with the introduction of the evidence with respect to issue (2) above shall be on Tombigbee Broadcasting Company; and that the burden of proof with respect to both issues shall be on Tombigbee Broadcasting Company.

Adopted: March 13, 1974.

Released: March 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-6596 Filed 3-20-74;8:45 am]

[Report 691]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

MARCH 11, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20082-C2-ML-74, Arvig Telephone Company, Inc. (KCI305). Mod. License to change base frequencies from 152.54 and 152.57 MHz to one frequency 152.81 MHz located West of Equation Avenue, Pequot Lakes, Minnesota.

21009-C2-ML-74, General Telephone Company of Michigan (KQA769). Mod. License to change power on frequency 152.81 MHz located at 1131 Barlow Street, Muskegon Township, Michigan.

21010-C2-ML-74, General Telephone Company of Michigan (KRM495). Mod. License to change power on frequency 152.84 MHz located at 1131 Barlow Street, Muskegon Township, Michigan.

21011-C2-TC-74, Metro-Radiophone of Wisconsin, Inc. (KSV997). Consent to Transfer of Control from Phillip J. Reuter and James L. Straubel, TRANSFERORS, to Delbert Harden and William Sills III, TRANSFEREES. Station: KSV997, Jamesville, Wisconsin.

21012-C2-TC-74, Answering Network of Georgia, Inc., d/b as Georgia Paging Company. Consent to Transfer of Control from Joe L. Limerick, III, TRANSFEROR, to Thomas W. Miller, TRANSFEREE. Station: KQZ749, Savannah, Georgia.

21013-C2-AL-74, Edwin A. Boyce. Consent to Assignment of License from Edwin A. Boyce, ASSIGNOR, to Yazoo Answer Call, ASSIGNEE. Station: KQZ728, Yazoo City, Mississippi.

21014-C2-P-(3)-74, Daniel F. Christopherson d/b as Commercial Communications (New). C.P. for a new 2-way station to operate base facilities on 152.12 MHz and repeater facilities on 459.025 MHz at Loc. #1: Approx. 10 miles SSE. of Rock Springs, Aspen Mountain, Wyoming; and control facilities operating on 454.025 MHz at Loc. #2: 824 Walnut Street, Rock Springs, Wyoming.

21015-C2-P-74, Mobil Talk, Inc. (New). C.P. for a new 2-way station to operate on 152.15 MHz to be located 0.4 mile North of Route 40 & Jumonville Road, Near Uniontown, Pennsylvania.

21016-C2-P-(2)-74, General Communications, Inc. (KEC737). C.P. for additional facilities to operate on 454.050 and 454.075 MHz at Loc. #2: 50 Presidentia Plaza, Syracuse, New York.

21017-C2-P-74, R.C.S. Inc. (KMD689). C.P. for additional facilities to operate on 152.21 MHz at Loc. #1: 7 miles NNW. of San Luis Obispo, California.

21018-C2-AL-74, Wells Fargo Armored Service Corporation of Florida. Consent to Assignment of License from Wells Fargo Armored Service Corporation of Florida, ASSIGNOR, to Baker Protective Services, Inc., ASSIGNEE. Station: KIA956, Miami, Florida.

21019-C2-P-(2)-74, Carolina Telephone and Telegraph Company (KIJ362). C.P. for additional facilities to operate on 152.54 and 152.69 MHz located 2.5 miles West of Fayetteville, North Carolina.

21020-C2-P-74, Phone Depots of Connecticut, Inc., d/b as Liberty Communications (KCI310). C.P. to change antenna location operating on 35.58 MHz at Loc. #1 to Top of Church Street, Monroe, Connecticut.

21021-C2-P-74, Two-Way Radio of Carolina, Inc. (KIY755). C.P. to add control station and control point to operate on 454.05 MHz at Loc. #5: 405 South Street, Gastonia, North Carolina.

21022-C2-P-74, Mobilfone Corporation (New). C.P. for a new 1-way signaling station to operate on 43.58 MHz to be located

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[11] In this respect, the affidavits of Freeman and Mathis, also attached to Tombigbee's responsive pleading, are based, in large part, upon "hearsay" and, as such, do not comply with § 1.229(c) of the Commission's rules.

[12] Specifically, Lowell Sartin of Tremont, Mississippi is identified as "Lionel Sartain" of Fulton, Mississippi; Don Leathers is identified as "Game Warden, Itawamba County" whereas his father, James T. Leathers, is a game warden and Don is a student at the University of Mississippi; Webel Wright Mabus is identified as "Ben Mabus" whereas Mabus goes by the nicknames of "Bur" and "W.W."; Robert Pruitt is identified as a "Teacher in Fulton High School" whereas he is an Instructor at Itawamba Agricultural High School; J. E. Staub is identified as "President of J. E. Staub Construction Company", but had not held that job for several years prior to 1972; Rev. Louis McGee is identified as "Minister, Zion Baptist Church" of Mantachie, Miss. whereas McGee is a minister of the Spring Hill Baptist Church of Bonneville, Miss.; Rev. Randall Thompson is identified as "Pastor of Unity Baptist Church, Mantachie" whereas he is not a minister and is employed by C & P Auto Parts of Fulton—his father, Rev. Colon V. Thompson is a minister at Unity Baptist Church, Guntown, Mississippi; 11 persons are listed as employees of Fulton Blue Bell whereas they are employed by Blue Bell at plants located elsewhere; and "T. K. Houston" and "O. K. McFerrin" are listed as being contacted whereas Mrs. Houston and Mrs. McFerrin may have been contacted instead.

[13] An examination of the list of contacts made by Freeman and Mathis reveals that none is black.

[14] In Childress, the Board concluded that an applicant's survey was inadequate since 53 of the 61 interviews with community leaders were conducted by a part-time student employee who would not be in a management or policy making role for the proposed station even though he was an officer and director. The Board further concluded that he was appointed to these positions "solely for the purpose of compliance with the requirements of the Primer." 37 FCC 2d at 769, 25 RR 2d at 715.

[15] In this respect, Tombigbee is clearly mistaken when it argues that "a significant number of black individuals were contacted to satisfy the requirements of the Primer." The Primer requires that an applicant consult with "community leaders from each significant group" and the fact that Tombigbee may have interviewed numerous blacks with respect to its survey of the general public does not comply with Primer's requirements regarding surveys of community leaders. See Primer, supra, Q. & A. 14.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

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at 80 South 8th Street, Minneapolis, Minnesota.

21023–C2–P–74, Rad Com Electronics, Inc. (New). RESUBMITTED, C.P. for a new 2-way station to operate on 152.12 MHz to be located approximately 1 mile West of Olympia, Washington.

21024–C2–P–(2)–74, RCC of Virginia, Inc. (KTS243). C.P. for additional facilities to operate on 152.06 and 152.15 MHz located Top of Mill Mountain, Roanoke, Virginia.

21025–C2–P–(2)–74, Radio Paging Service (KKE970). C.P. for additional facilities to operate on 454.275 and 454.350 MHz at Loc. #2: Intersection of 85th and Avenue L, Lubbock, Texas.

Major Amendment

2344–C2–P–73, Charles A. Beard d/b as Granbury Communications Co. (New), Granbury, Texas. Amend to change the base frequency to 454.325 MHz and the location to City Water Tank, Granbury, Texas. Lat. 32°27'06" N., Long. 97°47'11" W.

Corrections

6697–C2–P–73, on PN #642 dated 4–2–73 should have been listed as a major amendment to 625–C2–P–73. All other particulars to remain as reported on PN #642.

7269–C2–P–(2)–73, The Blair Telephone Company (KAQ623). Correct to show CP to change antenna system on 152.51 MHz and add 152.66 MHz frequency 152.66 MHz at Kenard, Nebraska.

Renewal of Licenses expiring April 1, 1974.
TERM: April 1, 1974 to April 1, 1979.

ALABAMA

Licensee	Call Sign
Auto Phone, Inc	KIY733.
Mobilphone Systems	KTS265.
Do	KTS276.
Phenix Communications Company, Inc.	KIJ351.
Do	KLF555.
Do	KRS661.
Do	KTS264.
Do	KUO603.
Radio Dispatch Co	KIY504.
Do	KLF574.
Do	KTS275.
Do	KIJ352.

ARIZONA

Mobilephone—Yuma	KOF906.

CALIFORNIA

Atlas Radiophone	KMJ224.
Do	KMM630.
American Mobile Radio, Inc	KMD344.
Coalinga Radio Telephone Service.	KSV959.
Central Radio Telephone	KMM599.
Do	KMM640.
Delta Valley Radiotelephone Co., Inc.	KMA743.
Do	KTS205.
Electropage, Inc	KMD986.
Fresno Mobile Radio, Inc	KMA830.
Do	KME200.
Do	KMJ225.
Do	KMM580.
Do	KMM590.
Do	KMM634.
Do	KLF649.
Imperial Communications Corp	KMA260.
Intrastate Radio Telephone, Inc. of San Bernardino.	KMA260.
Intrastate Radio Telephone, Inc. of San Francisco.	KMA833.
Do	KQZ714.
Madera Radio Dispatch	KMD350.
Mobilfone, Inc	KMA253.
Do	KMB309.
Do	KSV978.
Pomona Radio Dispatch Corp	KMD992.
Do	KSV928.
R.C.S., Inc	KMD689.
Do	KRM971.
Salinas Valley Radio Telephone Co.	KMA837.
Do	KMM604.
Stockton Mobilphone, Inc	KMA616.
Do	KMD347.
Do	KRM984.
Tadlock's Radio Dispatch	KMA259.
Tel-Page, Inc	KMB305.
Do	KMB306.
Do	KQZ717.
Telephone Answering and Radio Service.	KMD683.

COLORADO

Airway Communications	KQZ796.
Contact-Colorado Springs Inc	KAF241.
Pueblo Telephone Secretarial Service, Inc.	KLF473.
RAM Broadcasting of Colorado, Inc.	KUC862.
Do	KUC881.
Thomas Telephone Answering Service.	KRH647.
Westcol Radio Dispatch	KAD511.
Do	KTS268.

CONNECTICUT

Airpage	KCC802.
Associated Communications, Inc	KCI309.
Liberty Communications	KCC485.
Do	KCI310.
Mobilfone Radio System	KGA748.
RAM Broadcasting of Connecticut, Inc.	KLF531.
Sigma Communications Corp	KCC484.

DELAWARE

Professional Bureau, Inc	KTS240.
Radiofone Corp. of N.J	KGA800.

DISTRICT OF COLUMBIA

American Radio-Telephone Service, Inc.	KGA248.

FLORIDA

Anserfone, Inc	KIA955.
Anserfone of St. Lucie County, Inc.	KIG838.
Auto Phone Service	KIB384.
Do	KIY508.
Charlotte Electronics Corp	KSV894.
Charlotte Message Center	KIM903.
Do	KIQ513.
Do	KRH640.
Do	KRM952.
Do	KRS666.
H. B. James	KIQ515.
Mobilfone	KIF649.
Do	KIY503.
Do	KLF542.
Do	KLF639.
Do	KLF640.
Peacock Radio Service	KIJ357.
Do	KIY511.
Do	KLF662.
Radio Telephone Co. of Gainesville Inc.	KFL922.
Do	KIY464.
Do	KJU814.
Radiopaging, Inc	KIE367.
Do	KSV895.
Abe Schoenfeld	KIM906.
Do	KRM958.
Southern Radio-Phone, Inc	KLF537.
Do	KSV941.
Stevens Radio Communications	KLF491.
Tel-Car Corp	KIB527.
Do	KRM961.
Wells Fargo Armored Service Corp. of Florida.	KIA956.
Westside Answering Service	KFL877.
Do	KLF659.

GEORGIA

Commercial Radio, Inc	KJU796.
Communications Electrical Center, Inc.	KQZ712.
Douglas Radio	KRM967.
General Communications Service, Inc.	KIG296.
Do	KIY402.
Do	KIY527.
Do	KRM947.
Do	KSV965.
Georgia Paging Co	KQZ749.
Milledgeville Mobilefone, Inc	KSV939.
Radio Dalton, Inc	KIM900.
Radiofone of Georgia, Inc	KIR202.
Do	KJU807.
Do	KSV958.
Radio Telephone Service	KIJ356.
Do	KIY509.
Do	KIY583.
Do	KRM948.
Do	KTS269.
Savannah Radio Mobile-Telephone, Inc.	KIY588.

HAWAII

RadioCall, Inc	KSV924.
Do	KUA215.
Do	KUA217.
Do	KUA482.

IDAHO

Intermountain Mobilfone, Inc	KLF596.
Tel-Car, Inc	KLF490.
Telanswer Radiophone Service	KOA739.
Do	KUC853.

ILLINOIS

Baker Protective Service, Inc	KSD312.
Houser Communications, Inc	KQZ704.
Do	KSA265.
Do	KSC864.
Joliet Telephone Answering Service, Inc.	KSD313.
Kankakee Telephone Answering Service, Inc.	KSJ750.
Midwest Communications Co	KTS201.
Mobile Radio Systems Ltd	KQZ702.
Do	KSJ824.
Northern Ill. Radio Phone & Paging System, Inc.	KSA256.
Do	KSB590.
Do	KSD316.
Do	KTS200.
Radio Communications Corp	KLF608.
Do	KLF609.
Radio Relay Corp	KSC645.
Radio-Telephone, Du Page, Inc	KSD684.
Rockford Communications Co	KQZ744.
Do	KSJ610.
Rogers Radio Communications Service.	KSA262.
Do	KSC644.
Do	KSJ757.
Do	KSJ759.
Do	KSJ760.
Do	KSJ761.
Do	KTS204.
WJBC Communications Corp	KRM966.
Do	KSA746.

INDIANA

Calumet Radio Dispatch	KSC649.
Dial-A-Page, Inc	KSD320.
Do	KSV967.

Licensee	Call Sign
Lake Shore Communications	KQZ707.
Do	KTS281.
LaPorte County, Two-Way Radio.	KJU804.
Mobile Radio Communications of Gary.	KSD311.
Do	KSD315.
Moore's Service	KLF592.
Do	KSJ628.
Porter County Two-Way Radio	KSJ818.
Radiotelephone Co. of Indiana Inc.	KSA811.
RAM Broadcasting of Indiana Inc.	KSD327.
Do	KUC848.
South Shore Radio Telephone, Inc.	KSB591.

IOWA

Answer Iowa, Inc	KAF244.
Do	KAF252.
Do	KAI934.
Do	KAL879.
Do	KCI306.
Do	KCI307.
Do	KFQ920.
Do	KJU809.
Do	KJU810.
Do	KLF586.
Do	KRS644.
Do	KRS707.
Do	KSV937.
Do	KSV938.
Do	KSW210.
Do	KTS219.
ATS Mobile Telephone, Inc	KUC839.
Council Bluffs Mobilephone	KTS229.
Waterloo Communications, Inc	KRM987.
Do	KRS706.

KANSAS

Lett Electronics, Inc	KTS250.
Mayfield Answering Service	KRS685.
Radio Telephone Service	KFQ936.
Do	KIY761.
Do	KJU819.
Do	KQZ753.
Do	KRH665.
Telephone Answering Service, Inc.	KJU799.
Telephone Answering Service of Owensboro, Inc.	KIN849.
Do	KQZ722.
Tri-State Communications Co	KDT215.
Two-Way Radio Communications Co. of Kansas, Inc.	KAF650.
Do	KLF507.

LOUISIANA

AAA Telephone Answering Service & Medical Exchange, Inc.	KQZ723.
Gulf Central Communications	KLF621.
Do	KKO352.
Jennings Mobilfone	KLF584.
Morgan City Mobilephone	KFJ896.

MAINE

Racom, Inc	KCA752.
Radio Telephone of Maine	KRS712.

MARYLAND

American Radio-Telephone Service, Inc.	KGA249.
Do	KGA590.
Salisbury Answering Service	KGH868.
Smith Communications Service	KGA250.

MASSACHUSETTS

Electrocom Corp	KOB891.
Do	KSV955.
J. K. Communications	KTS211.
Merrimac Mobile Communication Co.	KCA688.
RAM Broadcasting of Massachusetts, Inc.	KCA745.
Do	KCC263.
S.M.W., Inc	KCI297.
Zipcall	KCB890.
Do	KTS212.

MICHIGAN

Instant Communications, Inc	KQC576.
King Communications, Inc	KQD310.
Do	KSV935.
Mobile Radio Telephone & Paging Service, Inc.	KQK720.
Radio Dispatch Service	KUC845.
Radio Relay Corp	KQC884.
RAM Broadcasting of Michigan, Inc.	KQA338.
Do	KQC573.
Do	KQD303.
Do	KSV921.
Rapid Answering Service	KSV900.
Telephone Answering Service, Inc.	KLF539.
Do	KLF647.
Do	KQZ754.
Do	KSV963.
Telephone Communications Inc	KQK731.
Do	KQZ774.
Do	KUO554.
Do	KUO555.
Total Communications	KLF562.
Do	KLF591.
Do	KSV891.
Do	KWA673.
Traverse Answering Service	KRS702.

MINNESOTA

Answer, Iowa, Inc	KFQ931.
Do	KRH672.
Arrowhead Business Radio Inc	KEK301.
Do	KFJ901.
Do	KRH654.
Mankato Answering Service, Inc.	KFL923.
Metro Fone Communications, Inc.	KRS655.
Minnesota Communications Corp.	KDN408.
Winona Paging Co	KLF588.

MISSISSIPPI

AAA Anserphone, Inc.—Jackson.	KKV692.
Do	KLB703.
Do	KQZ740.
Do	KQZ788.
Do	KRH663.
Do	KRH666.
Do	KRS618.
Do	KRS705.
Do	KSW215.
Clarksdale Mobile Telephone, Inc.	KTS215.
Delta Communications, Inc	KQZ788.
Mobile Telecommunications Corp.	KKE968.
Gulf Mobilphone	KLF518.

MISSOURI

Certified Communications, Inc	KAD925.
Mobile Radio Communications	KAA275.
Do	KSV904.
Physicians' & Businessmen's Paging Service, Inc.	KAD931.
Do	KAF254.
Potter Signal, Inc	KAF260.
R & L Radio	KFL910.
Radar Paging Service	KLF479.
Do	KLF538.
Do	KLF573.
Radio-Communication Co	KSV972.
Radio Relay Corp	KAA893.
Radiophone of Sedalia, Inc	KRS633.
RAM Broadcasting of Missouri	KFQ940.
Do	KUC873.
United Van Lines, Inc	KL5222.

MONTANA

Blue Mountain Mobile Telephone Co.	KFQ922.
General Electronics Co	KLF492.
Do	KLF519.
James L. Munch	KOP307.
Omnicom	KOF914.
Radiopage	KRS658.

MASSACHUSETTS

Boynton Communications	KCB893.

NEBRASKA

ATS Mobile Telephone, Inc	KBM512.
Do	KQZ745.

NEVADA

Vegas Instant Page	KFL943.

NEW HAMPSHIRE

Tovey Services, Inc	KCC482.

NEW JERSEY

Atlantic Counties, Inc	KTS279.
Mobile Telephone Co. of N.J	KRS620.
Radio Dispatch Co	KEC927.
Do	KGI774.
Radiofone Corporation of N.J	KEA256.
Do	KEC738.
Do	KEC744.
Do	KEC746.
Do	KEC933.
Do	KEJ886.
Do	KGI778.
Do	KQZ777.
Do	KRS674.
Tel-Air Communications, Inc	KSW214.

NEW YORK

Peter A. Bakal	KEC514, KED364
Capital Telephone Co., Inc	KEC937.
Carmody's Radio Paging Service, Inc.	KEK267.
Cayuga Telephone Co	KEK274.
Woodruff Groff Evans	KEA253.
Do	KEA344.
General Communications, Inc	KEC516.
Do	KEC737.
Do	KRH630.
Long Island Telephone Co	KEJ885.
Mt. Beacon Mobilephone Service.	KLF560.
Page Call, Inc	KEC935.
Mobilfone Radio System	KEA254.
Pocket Phone Broadcast Service, Inc.	KEA777.
Portable Communications, Inc	KEK289.
Do	KSV922.
Do	KSV966.
Do	KTS239.
Poughkeepsie Radio, Inc	KEJ882.
Do	KLF561.
Radio Call Co. of Long Island, Inc.	KED367.
Radio Relay Corp	KEC745.
Telephone Answering Service	KTS222.
Tri-Cities Answering Service, Inc.	KEK296.
Do	KEC930.

NORTH CAROLINA

Anserphone of Goldsboro, Inc	KRH678.
T. D. Miller, III	KRH660.
T. D. Miller	KUA283.
Mobile Radiotelephone Corp	KIY725.
Ormond's, Inc	KIK363.

OHIO

Akron Mobile Telephone, Inc	KQK713.
Anserphone, Inc	KQK714.
Do	KQK773.
Do	KQK587.
Area-Wide Paging System, Inc	KQK593.
Carpenter Radio Co	KQK730.
Do	KQZ726.
Cleveland Mobile Telephone, Inc.	KQA646.
Do	KQB692.

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Licensees	Call Sign
Medical-Dental Bureau, Inc	KEK302.
Mobilfone Exchange of Sandusky.	KLF529.
National Mobile Radio	KQC881.
Newark Radio Telephone Co	KTR990.
Ohio Mobile Telephone Co., Inc	KQK711.
Do	KQK733.
Radio Relay Corp	KQC877.
OREGON	
Autofone Company	KOP257.
Mobile Radio Communication Service, Inc.	KOA264.
Do	KSV961.
Oregon Mobile Radio	KOP311.
RAM Broadcasting of Oregon, Inc.	KUC874.
PENNSYLVANIA	
Joines Telephone Answering & Radio Communications.	KGH870.
Lehigh Valley Mobile Telephone Co.	KTS217.
Mobile Communications Service, Inc.	KGC398.
Mobilefone of NE. Pa. Inc	KGC400.
Do	KGC404.
Do	KGI781.
Philadelphia Mobile Telephone Company.	KGI775.
Professional Communications, Inc.	KGH857.
Radio Broadcasting Co	KGB874.
Rendevous Paging Corp	KGC222.
Do	KGI278.
Scott Communications, Inc	KGB875.
Charles B. Shafer	KGC397.
Charles L. Slocum	KGI770.
Susquehanna Mobile Communications, Inc.	KGC599.
Do	KGI784.
RHODE ISLAND	
Mobilephone Paging Radio Corp	KCA725.
Do	KRS653.
SOUTH DAKOTA	
Mitchell Radio Paging	KUC890.
Wescom	KRS617.
TENNESSEE	
Radio Call Co	KFJ902.
Southeast Mobilphone, Inc	KCI308.
Do	KFL916.
Do	KIK560.
Do	KLF611.
Do	KLF619.
Do	KQZ742.
CALIFORNIA	
Santa Cruz Telephone Answering & Radio Service.	KME437.
NEW MEXICO	
Caprock Radio Dispatch	KKO353.
Do	KKJ449.
Do	KLF602.
Do	KQZ738.
Do	KLB311.
Vernon H. Johnson	KKT397.
Mobaphone of New Mexico	KFL897.
Do	KLB315.
Mobile Telecommunications Corp.	KLB566.
Do	KLB687.
Sierra Communications	KFL891.
NEW YORK	
Professional Answering Service	KEC939.
PUERTO RICO	
San Juan Radio Telephone Co	KQZ767.
Do	WWA311.

TEXAS Licensees	Call Sign
Autophone of Del Rio, Inc	KFJ889.
Autophone of Laredo	KLF536.
Autophone of San Antonio	KKJ451.
Do	KRS651.
Central Radio Dispatch, Inc	KKI460.
Do	KLB514.
Hereford Communications	KOP327.
Houston Mobilfone, Inc	KKA343.
Houston Radiophone Service	KKA344.
Mobaphone Dispatch Service	KLB330.
Mobile Telecommunications Corp.	KLB563.
Do	KKV688.
Do	KUC883.
Mobilfone	KLB562.
Do	KLF601.
Do	KKG565.
Mobilfone Communications, Inc.	KLF661.
Do	KKX714.
Mobilephone of Texas, Inc	KLB322.
Do	KQZ708.
Mobilfone of Tyler	KLB493.
Do	KRS710.
Page A Fone Corp	KKG410.
Do	KKG562.
Do	KKX712.
Do	KFL902.
Port Arthur Mobile Phone	KRS642.
Radio Dispatch, Inc	KLB678.
Do	KLB701.
Do	KJU811.
Radio Paging Service	KLF600.
Do	KKQ985.
Do	KKE970.
Morrison Radio Relay Corp	KKJ460.
RAM Broadcasting of Texas, Inc.	KKG412.
Ranch Radio, Inc	KUA276.
Do	KLB324.
Do	KKT412.
Do	KKX713.
Ratel Communications Co	KKO341.
Do	KLF556.
Do	KLF477.
Do	KKX709.
Do	KLB716.
Do	KQZ789.
Do	KLB802.
Do	KFL911.
Road Runner Radio Paging Service, Inc.	KKN282.
Do	KRH650.
Do	KQZ761.
Waco Communications, Inc	KKJ453.
Do	KLB498.
Do	KLF635.
Do	KKG416.
Do	KQZ760.
Joe C. Richardson d/b as Bowie Electronics Co.	KPJ886.
UTAH	
Industrial Communications	KOP321.
Do	KTR994.
VIRGINIA	
RCC of Virginia	KFQ938.
Do	KIA334.
Do	KIY394.
Do	KIY595.
Do	KIY780.
Do	KIY783.
Do	KLF465.
Do	KLF471.
Do	KLF629.
Do	KLF517.
Do	KRH653.
Do	KRS634.
Do	KRS676.
Do	KTS243.
VIRGIN ISLANDS	
West Indies Communications, Inc.	WWA336.

WASHINGTON Licensee	Call Sign
Everett Ambulance & Doctors Service, Inc.	KLF598.
Mobile Radio Communications Service, Inc.	KFL919.
X. Nady, Jr	KLF597.
Do	KLF620.
Public Service Association, Inc	KRS679.
Radio Page of Tacoma	KOP258.
Do	KOP299.
RAM Broadcasting of Washington, Inc.	KTR996.
Seattle Radiotelephone Service	KLF604.
Do	KOA733.
Do	KOA799.
Telepage, Inc	KLF605.
WISCONSIN	
Curtin Call Communications, Inc.	KLF478.
Do	KQZ785.
Do	KRS630.
Do	KSD318.
Do	KSV995.
Do	KSV988.
Do	KSV989.
Do	KTS231.
Do	KTS232.
Racine Private Police, Inc	KLF464.
Maureen L. Smith	KRS715.
The Telegraph Herald, Inc	KRS641.
Telephone Communications, Inc.	KLF607.
Do	KLF645.
Do	KRM974.
Do	KRH668.
Do	KRS627.
Do	KSJ762.
WYOMING	
Dome Communications	KLF516.

RURAL RADIO SERVICE

60222-C6-P/L-74, Jack R. Zeckman d/b as West Montana Mobile Telephone (New). C.P. for a new rural subscriber station to operate on 158.67 MHz at temporary locations within the territory of the grantee.

POINT-TO-POINT MICROWAVE RADIO SERVICE

3361-C1-P/ML-74, American Telephone and Telegraph Company (KQD79), 2.5 Miles NW of Kalamazoo, Michigan. Lat. 42°20'40" N., Long. 85°37'41" W. C.P. and Mod. of License to add freq. 3890V MHz toward Lacey, Mich., on corrected azimuth 65°31' and change geographical coordinates.

3362-C1-P/ML-74, Same (KQF61), 0.2 Mile South of Lacey, Michigan. Lat. 42°29'27" N., Long. 85°11'28" W. C.P. and Mod. of License to add freq. 3930V MHz toward Battle Creek, Mich. on corrected azimuth 183°33'.

3363-C1-P-74, General Telephone Company of Florida (KIL88), corner of Zack and Morgan Streets, Tampa, Florida. Lat. 27°57'01" N., Long. 82°27'24" W. C.P. to change power and increase the message circuit capacity from 1,200 to 1,500 voice channels on freqs. 3750V, 3830V, 3850H, 3910V, 3930H, 3990V, 4070V, 4150V, 4170H MHz toward Knights, Fla., on azimuth 58°50'.

3364-C1-P-74, Same (KJD20), 2.8 Miles North of Knights, Florida. Lat 28°06'56" N., Long. 82°08'52" W. C.P. to change power and increase the message circuit capacity from 1,200 to 1,500 voice channels on freqs. 3710V, 3730H, 3790V, 3810H, 3870V, 3890H, 3950V, 3970H, 4030V, 4050H, 4110V, 4130H MHz toward Tampa, Fla., on azimuth 238°59'; freqs. 3710V, 3790H, 3810V, 3870V, 3890H, 3950V, 4030V, 4110V, 4130H MHz toward Polk City, Fla., on azimuth 57°08'.

3365-C1-P-74, American Telephone and Telegraph Company (WDE72), 3951 Erato St., New Orleans, Louisiana. Lat. 29°57'14" N., Long. 90°05'54" W. C.P. to add freq. 3990V MHz toward LaPlace, La., on azimuth 286°57'.

3366-C1-P-74, Same (KKN28), 2.0 Miles SE of LaPlace, Louisiana. Lat. 30°02'50" N., Long. 90°27'07" W. C.P. to add freq. 3950H MHz toward Sorrento, La., on azimuth 293°22'.

3367-C1-P-74, Same (KKN29), Sorrento, 2.25 Miles SE of Gonzales, Louisiana. Lat. 30°12'36" N., Long. 90°53'15" W. C.P. to add freq. 3990H MHz toward Baton Rouge, La., on azimuth 312°58'.

3368-C1-P-74, Same (KKN30), 555 Florida Street, Baton Rouge, Louisiana. Lat. 30°26'59" N., Long. 91°11'06" W. C.P. to add freq. 4030H MHz toward Clinton, La., on azimuth 12°12'.

3369-C1-P-74, Same (KLD56), 3.5 Miles WSW of Clinton, Louisiana. Lat 30°51'20" N., Long. 91°05'00" W. C.P. to add freq. 4070H MHz toward Baton Rouge, La., on azimuth 192°15'; freq. 4070H MHz toward Gloster, La., on azimuth 07°09'.

3370-C1-P-74, American Telephone and Telegraph Company (KLD55), 3.0 Miles SSW. of Gloster (Amite), Mississippi. Lat. 31°08'50" N., Long. 91°02'27" W. C.P. to add freq. 4030H MHz toward Clinton, Miss., on azimuth 187°10'; freq. 4030H MHz toward Auburn, Miss., on azimuth 48°36'.

3371-C1-P-74, Same (KLD54), 8.5 Miles WNW. of Auburn, Mississippi. Lat. 31°22'04" N., Long. 90°44'56" W. C.P. to add freq. 4070H MHz toward Gloster, Miss., on azimuth 228°45'; freq. 4070H MHz toward Wesson, Miss., on azimuth 42°58'.

3372-C1-P-74, Same (KLD53), 1.75 Miles SW. of Wesson, Mississippi. Lat. 31°40'18" N., Long. 90°25'03" W. C.P. to add freq. 4030H MHz toward Auburn, Miss., on azimuth 223°08'; freq. 4030H MHz toward Star, Miss., on azimuth 34°13'.

3373-C1-P-74, Same (KLD52), 5.6 Miles SW. of Star, Mississippi. Lat. 32°02'38" N., Long. 90°07'12" W.C.P. to add freq. 4070H MHz toward Wesson, Miss.; freq. 4150H MHz toward Jackson, Miss., on azimuth 347°40'.

3374-C1-P-74, Same (KKN22), 201 E. Capitol Street, Jackson, Mississippi. Lat. 32°17'58" N., Long. 90°11'09" W. C.P. to add freq. 4110H MHz toward Star, Miss., on azimuth 167°37'; freq. 4030H MHz toward Cynthia, Miss., on azimuth 327°41'.

3375-C1-P-74, Same (KRT26), 0.3 Mile SW. of Cynthia, Mississippi. Lat 32°23'36" N., Long. 90°15'21" W. C.P. to add freq. 4070H MHz toward Jackson, Miss., on azimuth 147°39'; freq. 4070V MHz toward Canton, Miss., on azimuth 20°59'.

3376-C1-P-74, Same (KRT25), 8 Miles SW. of Canton, Mississippi. Lat. 32°33'52' N., Long. 90°10'42" W. C.P. to add freq. 4030V MHz toward Cynthia, Miss., on azimuth 201°01'; freq. 4C30V MHz toward Pickens, Miss., on azimuth 12°03'.

3377-C1-P-74, Same (KLN22), 7.6 Miles West of Pickens, Mississippi. Lat. 32°52'11" N., Long. 90°06'04" W. C.P. to add freq. 4070V MHz toward Canton, Miss., on azimuth 192°05'.

3378-C1-P-74, Southern Bell Telephone and Telegraph Company (KJD36), 280 Summers Avenue, Orangeburg, South Carolina. Lat. 33°29'41" N., Long. 80°51'36" W. C.P. to change antenna system and add freqs. 6004.5V, 6123.1V MHz toward a new point of communication at St. George, S.C., on azimuth 142°13'.

3379-C1-P/L-74, Michigan Bell Telephone Company (New), 230 Spring Street, Battle Creek, Michigan. Lat. 42°19'04" N., Long. 85°12'20" W. C.P. and License for a new station on freq. 6390H MHz toward WUHQ-TV, Battle Creek, Mich., on azimuth 289°49'.

3380-C1-P-74, Southern Pacific Communications Company (New), SP Yard, San Antonio, Texas. Lat. 29°26'02" N., Long. 98°27'36" W. C.P. for a new station on freq. 11425V MHz on azimuth 230°27' toward SP Depot, San Antonio, Tex.

3381-C1-P-74, Same (New), SP Depot, San Antonio, Texas. Lat. 29°25'15" N., Long. 98°28'41" W. C.P. for a new station on freq. 10775V MHz on azimuth 50°27' toward SP Yard, San Antonio, Texas.

3382-C1-P-74, Same (WQO41), 1.5 Miles SE. of Running Springs, California. Lat. 34°11'19" N., Long. 117°05'56" W. C.P. to change azimuth toward San Bernardino, Calif., to 239°35' on freq. 11305V MHz.

3383-C1-P-74, Same (WQO42), Between "E" and "F" Streets, San Bernardino, California. Lat. 34°05'35" N., Long. 117°17'39" W. C.P. to change antenna location on freq. 10775V MHz on azimuth 59°28' toward Running Springs, Calif.

3384-C1-P-74, Southern Pacific Communications Company (New), 60 Hudson St., 13th Floor, New York, New York. Lat 40°43'03" N., Long. 74°00'33" W. C.P. for a new station on freq. 11015V MHz on azimuth 29°37' toward Empire State Building, New York, N.Y.

3385-C1-P-74, Same, Empire State Building, 5th Avenue at 34th St., New York, New York. Lat. 40°44'54" N., Long. 73°59'10" W. C.P. for a new station on freq. 11625V MHz on azimuth 209°38' toward 60 Hudson St., New York, N.Y.

3386-C1-P-74, Midwestern Relay Company (WPF44), Galesville, Wisconsin (At WKBT-TV Transmitter). Lat. 44°05'28" N., Long. 91°20'15" W. C.P. to add freq. 6197.2H MHz toward LaCrosse (WKBT-TV), Wisc., on azimuth 166°54'.

3387-C1-P-74, Same (WKR95), Curran, 3.2 Miles SSW. of Northfield, Wisconsin. Lat. 44°24'50" N., Long. 91°06'38" W. C.P. to add freq. 6162.8H MHz toward Galesville, Wisc., on azimuth 206°53'.

3388-C1-P-74, Beaver State Telephone Company (New), Black Cap Mtn., 1½ Miles NE. of Lakeview, Oregon. Lat. 42°12'24" N., Long. 120°19'18" W. C.P. for a new station on freq. 2172.0V MHz toward Round Mtn., Oreg., on azimuth 335°2'.

3389-C1-P-74, Same (New), Round Mountain, Oregon. Lat. 42°29'37" N., Long. 120°30'08" W. C.P. for a new station on freq. 2122.0V MHz toward Black Cap Mountain, Oreg., on azimuth 154°5'.

3390-C1-P-74, Michigan Bell Telephone Company (KVU87), 4.5 Miles SW. of Milford, Michigan. Lat. 42°33'28" N., Long. 83°41'41" W. C.P. to change power and to increase the message circuit load from 600 channel to 1,200 channel capacity on freq. 11425H MHz toward Pontiac, Mich., on azimuth 74°26'.

3391-C1-P-74, Same (KVU86), 54 N. Mill Street, Pontiac, Michigan. Lat. 42°38'20" N., Long. 83°17'25" W. C.P. to change power and increase the message circuit load from 600 channel to 1,200 channel capacity on freq. 10855H MHz toward Milford, Mich., on azimuth 254°42'.

3392-C1-P-74, American Telephone and Telegraph Company (KZS72), 3.0 Miles North of Blackstone, Massachusetts. Lat. 42°03'39" N., Long. 71°33'19" W. C.P. to add freq. 4010V MHz toward Worcester, Mass., on azimuth 317°51'.

3393-C1-P-74, Same (KZS67), 15 Chestnut Street, Worcester, Massachusetts. Lat. 42°15'55" N., Long. 71°48'17" W. C.P. to add freq. 3970V MHz toward Blackstone, Mass., on azimuth 137°41'.

3394-C1-P-74, Pacific Telephone and Telegraph Company (KKU52), Sierra Morena, 3 Miles SW. of Woodside, California. Lat. 37°24'38" N., Long. 122°18'21" W. C.P. to add freq. 4010H MHz toward San Francisco, Calif., on azimuth 345°30'; freq. 4010H MHz toward Loma Prieta Mtn., Calif., on azimuth 129°09'.

3395-C1-P-74 Same (KMJ98), Loma Pricta Mountain, California. Lat 37°06'31" N., Long. 121°50'39" W. C.P. to change antenna system and add freq. 3970H MHz toward Sierra Morena, Calif., on azimuth 309°26'; freqs. 4050H, 4130H MHz toward Chualar, Calif. on azimuth 149°14'; freqs. 3730H, 3810H, 3890H MHz toward San Jose (WJK94), Calif., on azimuth 356°46'; change antenna system on freqs. 10755V, 10915V, 10995V, 11075V, 11155V MHz toward San Jose (KMJ91), Calif., on azimuth 350°20'.

3396-C1-P-74, Same (WJK94), Within San Jose, California. Lat 37°17'07" N., Long. 121°51'24" W. C.P. to add freqs. 3770H, 3850H, 3930H MHz toward a new point of communication at Loma Prieta Mtn., Calif., on azimuth 176°45'.

3397-C1-P-74, Same (KNB53), 99 Moultrie Street, San Francisco, California. Lat. 37°44'36" N., Long. 122°24'51" W. C.P. to add freq. 3970H MHz toward Sierra Morena, Calif., on azimuth 165°26'.

3398-C1-P-74, Same (WHB66), 6.8 Miles North of Chualar, California. Lat. 36°40'06" N., Long. 121°31'09" W. C.P. to add freqs. 4090H, 4170H MHz toward Loma Prieta Mtn., Calif., on azimuth 329°26'; freqs. 4090H, 4170H MHz toward Greenfield, Calif., on azimuth 158°36'.

3399-C1-6-74, The Pacific Telephone and Telegraph Company (WHB67), 7.6 Miles SSW. of Greenfield, California. Lat. 36°13'-11" N., Long. 121°18'08" W. C.P. to add freqs. 4050H, 4130H MHz toward Chualar, Calif., on azimuth 338°43'; freqs. 4050V, 4130V MHz toward San Ardo, Calif., on azimuth 136°15'.

3400-C1-P-74, Same (WHB68), 6.7 Miles SW. of San Ardo, California. Lat. 35°57'14" N., Long. 120°59'23" W. C.P. to add freqs. 4090V, 4170V MHz toward Greenfield Calif., on azimuth 316°26'; freqs. 4090H, 4170H MHz toward Tassajera, Calif., on azimuth 157°37'.

3401-C1-P-74, Same (KMZ71), Tassajera, 5.5 Miles West of Santa Margarita, California. Lat. 35°23'37" N., Long. 120°42'29" W. C.P. to add freqs. 4050H, 4130H MHz toward San Ardo, Calif., on azimuth 337°47'; freqs. 4050H, 4130H MHz toward Santa Marie, Calif., on azimuth 153°11'.

3402-C1-P-74, Same (KMX57), 308 West Cypress Street, Santa Marie, California. Lat. 34°57'02" N., Long. 120°26'19" W. C.P. to add freqs. 4090H, 4170H MHz toward Tassajera, Calif., on azimuth 38°32'; freqs. 4010H, 4090H MHz toward Santa Ynez Peak, Calif., on azimuth 137°33'.

3403-C1-P-74, Same (KMX56), Santa Ynez Peak, 5 Miles NE. of Capitan, California. Lat 34°31'36" N., Long. 119°58'16" W. C.P. to add freqs. 3970V, 4050V MHz toward Hall Canyon Hill, Calif., on azimuth 111°29'; freqs. 3970H, 4050H MHz toward Santa Maria, Calif., on azimuth 317°49'.

3404-C1-P-74, Same (KMX55), Hall Canyon Hill, 1.5 Miles NE. of Ventura, California. Lat. 34°17'47" N., Long. 119°16'21" W. C.P. to add freqs. 4010V, 4090V MHz toward Santa Ynez Peak, Calif., on azimuth 291°53'; freqs. 3750H, 3830H MHz toward Topanga Ridge, Calif., on azimuth 111°46'.

3405-C1-P-74, Same (WDD99), Topanga Ridge, 2.3 Miles West of Fernwood, California. Lat. 34°05'02" N., Long. 118°38'16"

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W. C.P. to add freqs. 3710V, 3790V MHz toward Los Angeles, Calif., on azimuth 95°49'; freqs. 3710H, 3790H MHz toward Hall Canyon Hill, Calif., on azimuth 292°07'.

3406–C1–P–74, Same (KMA38), 434 South Grand Avenue, Los Angeles, California. Lat. 34°03'02" N., Long. 118°15'08" W. C.P. to add freqs. 3750V, 3830V MHz toward Topanga Ridge, Calif., on azimuth 276°02'.

3407–C1–P–74, American Telephone and Telegraph Company (KGH83), 2.5 Miles ESE. of Lionville, Pennsylvania. Lat. 40°03'06" N., Long. 75°36'40" W. C.P. to change antenna system and add freq. 2170V MHz toward Valley Forge, Pa., on azimuth 76°1'.

3408–C1–MP–74, N-Triple-C Inc. (WOI51). Mod. of C.P. to change station location to H and Westfall, San Antonio, Texas. Lat. 29°24'21" N., Long. 98°26'41" W. and to change radio path azimuth toward New Braunfels, Tex., to 30°54'.

3409–C1–MP–74, Same (WOI50), 2.5 Miles WNW. of New Braunfels, Texas. Lat. 29°42'56" N., Long. 98°13'56" W. Mod. of C.P. to change radi path azimuth and point of communication to 211°1' and H and Westfall Avenue, San Antonio, Texas, respectively.

MULTIPOINT DISTRIBUTION SERVICE

50040–C5–P–74, Digital Paging Systems, Inc. (New). Tenneco Building, 1010 Milam, Houston, Texas. Lat. 29°45'27.5" N., Long. 95°22'01" W. C.P. for a new station on freq. 2160.75V(Visual) and 2156.25V(Aural) MHz. (Primary Service Area: Houston, Texas.)

50041–C5–74, Same (New). Commerce Tower Building, 911 Main Street, Kansas City, Missouri. Lat. 39°06'12" N., Long. 94°34'58" W. C.P. for a new station on freqs. 2160.75H(Visual) and 2156.25H(Aural) MHz. (Primary Service Area: Kansas City, Missouri.)

Correction

50028–C5–P–74, thru 50037–C5–P–74, Digital Paging Systems, Inc. The horizontal and vertical polarizations for freqs. 2160.75 (Visual) and 2156.25(Aural) MHz were erroneously omitted from Public Notice #690, dated March 4, 1974. These stations are located within the states of Louisiana, Minnesota, Ohio, Maryland, Arizona, Missouri, Texas, and Illinois. (All other particulars same as previously reported.)

50038–C5–P–74, Tel-Car Corp. (New). The horizontal and vertical polarizations for freqs. 2160.75(Visual) and 2156.25(Aural) MHz were erroneously omitted from Public Notice #690, dated March 4, 1974. (All other particulars same as previously reported.)

[FR Doc.74–6397 Filed 3–20–74;8:45 am]

FEDERAL ENERGY OFFICE

RETAIL DEALERS GROUP

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given that the Retail Dealers Group, established under the authority of section 212(f) of Economic Stabilization Act, as amended; Executive Order 11748; section 4(a) (iv) of Executive Order 11695, and Cost of Living Council Order No. 47, will meet on Monday, March 25, 1974 at 9:00 a.m. in the Golden Gate Room of Del Webb's TowneHouse, Market and Eighth Street, San Francisco, California.

The Group was established to advise the Administrator, FEO, with direct and timely access to the technical knowledge possessed by a wide range of highly qualified independent businessmen engaged in the retail sale of gasoline and diesel fuel. The agenda for the meeting is as follows:

I. OLD BUSINESS

A. Allocation.
1. Company Distribution.
2. State Distribution.
B. Rental/Lease Agreements with Oil Companies.
C. Pricing Problems.
1. Small Stations—25,000 gallons or less monthly.
2. Reduced Earnings.

II. NEW BUSINESS

A. Penetration by Major Oil Firms of Retail Gas Industry.
B. New Rules and Regulations.
C. Pump Stickers.
D. Impact of Retail Gas Prices on Tourist Industry.
E. Remarks from the floor (10 minutes rule).

This meeting is open to the public; however, space and facilities are limited.

The chairman of the group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Further information concerning this meeting may be obtained from Dino G. Pappas, Office of Policy, Planning and Regulations, Federal Energy Office, Washington, D.C. 20508. Area code 202/961–8324. Minutes of the meeting will be made available for public inspection at the Federal Energy Office, Washington, D.C.

Issued in Washington, D.C. on March 19, 1974.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74–6733 Filed 3–20–74;9:47 am]

FEDERAL MARITIME COMMISSION

[Docket No. 74–10]

FREIGHT FORWARDER BIDS ON GOVERNMENT SHIPMENTS AT UNITED STATES PORTS

Order of Investigation and Hearing

For many years the General Service Administration (GSA) has solicited bids at various United States' ports for forwarding services on certain Government shipments. The contract is generally awarded to the freight forwarder bidding the lowest fee to the Government at each of the involved ports. This procedure has occasioned complaints from individual forwarders and forwarder associations.

The gist of these complaints is that these low bids are preferential to the Government shippers and prejudicial to commercial shippers under section 16, First, of the Shipping Act, 1916, (46 U.S.C. 815) and are a reduction of the forwarder's regular fees in consideration of receiving carrier compensation in violation of § 510.24(b) of General Order 4.

Section 16, First, of the Shipping Act, 1916, makes it unlawful for any person subject to the Act (including forwarders) to make or give any undue or unreasonable preference or advantage to any particular person or traffic, or to subject any particular person or traffic to any undue or unreasonable prejudice or disadvantage.

Section 510.24(b) of General Order 4 provides as follows:

"No licensee shall render, or offer to render, any forwarding service free of charge or at a reduced freight forwarding fee in consideration of the licensee receiving compensation from ocean-going common carriers on the shipment; provided, however, that a licensee may perform freight forwarding services for recognized relief agencies or charitable organizations designated as such in the tariff of the ocean-going common carrier, free of charge, or at reduced fees."

Section 510.21(m) of General Order 4 defines the term "reduced forwarding fees" as meaning "changes to a principal for forwarding services that are below the licensee's usual charges."

A number of informal complaints received within the last year have questioned the level of the freight forwarding fees bid at various ports for fiscal year 1973. The bid rates varied from as low as $.045 at New York, N.Y. to $15.00 at Chicago, Illinois. As a result, on April 27, 1973, the Commission pursuant to section 21, Shipping Act, 1916, (46 U.S.C. 820) directed the forwarders listed in Appendix A to provide certain statistical information regarding GSA shipments and commercial shipments handled by them during a representative period (July 1 through December 31, 1972). On the basis of the responses to these section 21 Orders, we are of the opinion that the practices of the forwarders listed in Appendix A, as they relate to bidding for GSA forwarding contracts, and rendering service thereunder, must be made the subject of an investigation to determine the lawfulness thereof under section 16, First, Shipping Act, 1916, and/or § 510.24(b) of the Commission's General Order 4.

Because the resolution of these issues may ultimately affect the future activities of all licensed ocean freight forwarders, inasmuch as any freight forwarder may bid on GSA contracts when they are offered annually, the investigation instituted by this order will also be conducted with a view toward possible amendment to the Commission's General Order 4, including the possible granting of an exemption under section 35, Shipping Act, 1916, and/or taking such other action as may be warranted by the record.

Therefore it is ordered, That pursuant to sections 16 and 22 of the Shipping Act, 1916 (46 U.S.C. 815 and 821) an investigation shall be instituted to determine whether the practices of respondents named herein, as they relate to bidding for GSA forwarding contracts and rendering services thereunder, are in violation of Section 16 of the Shipping Act, 1916, by subjecting a person, locality or description of traffic to unreasonable preference or advantage or prejudice or disadvantage; and

It is further ordered, That such investigation shall determine whether the practices of respondents named herein are contrary to the provisions of § 510.24

(b) of the Commission's General Order 4; and

It is further ordered, That as part of this investigation a determination shall be made as to whether the Commission's General Order 4 should be amended to include a rule governing the practices of forwarders bidding on GSA contracts and providing services thereunder, or possibly exempting such forwarder practices from Commission regulation under section 35 of the Shipping Act, 1916, (46 U.S.C. 833a). If the record developed in this proceeding demonstrates that such a rule is needed, the initial decision shall propose the promulgation of an appropriate rule. Since any such proposed amendment to General Order 4 would govern the activities of all licensed forwarders in the future, notice is hereby given that any ocean freight forwarders, not named respondents herein, who desire to participate in this proceeding and express their views with respect to any proposed amendments to General Order 4 should intervene and participate in this proceeding to the extent they deem necessary.

It is further ordered, That a public hearing be held before an Administrative Law Judge of the Commission's Office of Administrative Law Judges, and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge; and

It is further ordered, That the freight forwarders listed in Appendix A hereto are hereby named respondents in this proceeding; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon all parties and upon the Commission's Bureau of Hearing Counsel; and

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record; and

It is further ordered, That any persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene herein, particularly including ocean freight forwarders not named respondents herein who desire to express their views with respect to any proposed amendments to Commission General Order 4 shall file a petition to intervene in accordance with rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

Air-Sea Forwarders, Inc., 10425 La Cienega Blvd., Los Angeles, Calif. 90045, FMC No. 903.
Alltransport Incorporated, 17 Battery Place, New York, N.Y. 10004, FMC No. 300.
Geo. S. Bush & Co., Inc., 259 Colman Bldg., Seattle, Wash. 98104, FMC No. 308.
Cobal International, Inc., 637 Wyckoff Ave., Wyckoff, N.J. 07481, FMC No. 196.
Gulf Florida Terminal Company, Thirteenth and York St., P.O. Box 2481, Tampa, Fla. 33601, FMC No. 78.
Meyer Shipping Company, 5 Beekman Place, New York, N.Y. 10038, FMC No. 580.
Ros Forwarding Services, 7240 N.W. 25th St., Miami, Florida 33122, FMC No. 1286.
W. O. Smith and Company, Inc., 225 Broadway, New York, N.Y. 10007, FMC No. 481.

[FR Doc. 74–6583 Filed 3–20–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–8643]

PUBLIC SERVICE COMPANY OF INDIANA, INC.

Notice of Rate Changes

MARCH 13, 1974.

Take notice that Public Service Company of Indiana, Inc. (PSI) on February 18, 1974, tendered for filing First Supplement to the Interconnection Agreement of October 20, 1971, between PSI and the City of Frankfort, Indiana. The First Supplement is dated October 4, 1973 and provides for an increase in firm energy charges (Subsection 4.3 of section 4 of the Agreement) and for the update of the fuel adjustment clause (section 6 of the Agreement).

PSI proposes an increase of $0.0009 per kilowatt hour (KWH) in firm energy charges. PSI states that this increase is needed to provide for an increase in the base cost of fuel from $0.20 per million British Termal Units (BTU) to $0.28 per million BTU.

PSI also proposes an adjustment of the firm energy charge $0.000055 for each KWH. Such charge would be based on an increase or decrease of $0.005 to the base cost of fuel, which is set at $0.28 per million BTU, for any period of three successive calendar months. PSI states that this adjustment results from the reduction of the incremental adjustment factor, based on PSI's average heat rate for 1972, from $0.000060 to $0.000055 per KWH for each full half-cent ($0.005) the average cost of fuel is greater than or less than the base cost of fuel.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make those protesting parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6520 Filed 3–20–74;8:45 am]

[Docket No. RP66–12]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Filing of Refund Releases

MARCH 14, 1974.

Take notice that on February 19, 1974, North Penn Gas Company (North Penn) tendered for filing releases from its Federal Power Commission jurisdictional customers pertaining to refunds made to them by North Penn. North Penn states that these refunds constituted a flow-through of a refund received from Consolidated Gas Supply Corporation in Texas Eastern Transmission Corporation, Docket No. RP66–12 and were made in accordance with Commission Orders dated August 10, 1971, and August 3, 1973, in Docket No. RP66–12.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6522 Filed 3–20–74;8:45 am]

[Docket No. CP74–224]

TEXAS EASTERN TRANSMISSION CORP. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MARCH 14, 1974.

Take notice that on March 1, 1974, Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001 and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001 (Applicants), filed in Docket No. CP74–224 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for use as an additional point for the exchange of natural gas between Applicants, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they are presently engaged in the exchange of natural gas on an Mcf-for-Mcf basis at various points as provided in Applicants' rate schedules.[1]

[1] There is a currently effective exchange agreement between Texas Eastern and Transco dated November 1, 1960 (Rate Schedule X–14 of Texas Eastern's FPC Gas Tariff Original Volume No. 2 and Rate Schedule X–14 of Transco's FPC Gas Tariff, Original Volume No. 2).

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By this application Applicants request authorization to construct and operate an interconnection between their systems in Beauregard Parish, Louisiana, to serve as an additional point of exchange. The application states that Applicants will jointly own and Texas Eastern will operate the proposed exchange point, consisting of a meter and regulator station and appurtenant facilities. Applicants estimate said facilities will cost $139,400 which cost will be financed initially from available cash.

The application states that the proposed exchange point will provide added flexibility for operations under the subject exchange agreement and will serve as a protective meaure to insure the continuity of service by Applicants.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6521 Filed 3-20-74;8:45 am]

[Docket No. RP74-25]

TEXAS GAS TRANSMISSION CORP.

Notice of Motion To Substitute Tariff Sheets

MARCH 14, 1974.

Take notice that on January 31, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing a motion to make substitute revised tariff sheets[1] effective on April 1, 1974, in lieu of the sheets which would otherwise become effective on that date.[2]

Texas Gas states that the purpose of the motion is to permit Texas Gas to include in its rate level which will be charged and collected in the instant proceeding effective April 1, 1974, certain increases in the cost of purchased gas which have occurred subsequent to the initial filing on October 1, 1973.

Texas Gas states that these increases are due to the following factors: (1) The "actual" balance in Deferred Account No. 191 and changes in its supplier rates known to be effective on or before February 1, 1974, both of which were included in its February 1, 1974 PGA filing. Texas Gas states that in order to recover, in its rates, the actual costs of purchase gas as reflected in its February 1, 1974 filing, it is necessary to reflect the same level of gas purchased costs in the April 1, 1974 rates; (2) Subsequent to October 1, 1973, the State of Louisiana enacted an increase in its severance tax from 3.3¢ to 7.0¢ per Mcf effective January 1, 1974. Texas Gas states that Order No. 500 entitled "Order Waiving Certain Requirements of the Regulations with Respect to Filing Rate Schedule Supplements Relating to Increase in Severance Tax of the State of Louisiana and Establishing Procedures with Respect to Such Filings" does not provide adequate protection for Texas Gas. Texas Gas states that Order No. 500 allows Texas Gas to accumulate the increased costs relating to the new tax in its deferred account. Texas Gas maintains such deferral will reduce its cash flow since it is precluded from reflecting such increases in its rates until August 1, 1974, because: (a) Rate changes pursuant to its purchased gas adjustment clause are made effective only on February 1 and August 1 and (b) the PGA clause requires 45 days' notice prior to such annual adjustment dates.

Finally Texas Gas states that the increase in costs amounts to approximately $12,000,000.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6524 Filed 3-20-74;8:45 am]

[1] Second Substitute Eighth Revised Sheet No. 7, Substitute First Revised Sheet No. 102.

[2] Eighth Revised Sheet No. 7, First Revised Sheet No. 102.

[Docket No. RP74-20]

UNITED GAS PIPE LINE CO.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 14, 1974.

On February 27, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued November 6, 1973 in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Evidence by Staff, May 24, 1974.
Prehearing conference, June 13, 1974 (10:00 a.m. e.d.t.).
Service of Evidence by Intervener, June 24, 1974.
Service of Rebuttal Evidence by Company, July 12, 1974.
Hearing, July 25, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6523 Filed 3-20-74;8:45 am]

[Docket No. RP74-35]

UNITED NATURAL GAS CO.

Notice of Change in Rates

MARCH 14, 1974.

Take notice that United Natural Gas Company (United) on March 5, 1974 tendered for filing Fourth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1. United requests an effective date of April 6, 1974 for said Sheet.

United states that the Revised Sheet reflects an adjustment of rates of .63¢ per Mcf under section 16 of the general terms and conditions. United states that this would generate an increase of $285,544 annually over the revenues that would be generated by the rates set forth in Third Revised Sheet No. 3-A, effective March 1, 1974. United further states that copies of this filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6525 Filed 3-20-74;8:45 am]

[Docket No. RP73-94]

VALLEY GAS TRANSMISSION, INC.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 14, 1974.

On March 11, 1974, Valley Gas Transmission, Inc., filed a motion for a limited extension of time. The motion states that all participants had been consulted, including the Staff, and were all agreeable to the extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified:

Service of evidence by Valley, March 22, 1974.
Service of evidence by Staff, April 19, 1974.
Service of evidence by intervenors, May 3, 1974.
Service of rebuttal evidence by Valley, May 17, 1973.
Prehearing Conference, June 11, 1973 (10:00 a.m. e.d.t.).
Hearing, June 11, 1973 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6527 Filed 3-20-74;8:45 am]

[Docket No. E-7555]

WISCONSIN-MICHIGAN POWER CO.

Notice of Further Extension of Time and Postponement of Hearing

MARCH 14, 1974.

On March 11, 1974, Interveners[1] filed a motion for an extension of the procedural dates fixed by notice issued January 29, 1974, in the above-designated matter. The motion states that Staff Counsel, and Oconto Electric Cooperative concur in the request and Wisconsin-Michigan Power Company does not object.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Evidence by Staff and interveners, April 12, 1974.
Service of rebuttal Evidence by Applicant, April 30, 1974.
Commencement of Hearing, May 20, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6528 Filed 3-20-74;8:45 am]

[1] The Cities of Clintonville, New London, Oconto Falls, and Shawano, Wisconsin and the Town of Florence, Wisconsin.

[Docket No. CI74-490]

BELCO PETROLEUM CORP.

Notice of Application

MARCH 14, 1974.

Take notice that on March 6, 1974, Belco Petroleum Corporation, Agent (Applicant) 630 Third Avenue, New York, New York 10017, filed in Docket No. CI74-490 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) from sections 4, 5, and 8, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on September 12, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 18 months from the end of the emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 10,000 Mcf of gas per day to El Paso at 55.0 cents per Mcf at 14.65 psia, subject to upward and downward adjustment. Applicant states that the proposed sale was the subject of its withdrawn application filed in Docket No. CI73-893.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a fomral hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6509 Filed 3-20-74;8:45 am]

[Docket No. E-8078]

BUCKEYE POWER, INC.

Notice of Second Supplemental Application

MARCH 14, 1974.

Take notice that on March 6, 1974, Buckeye Power, Inc. (Applicant) of Columbus, Ohio, filed a second supplemental application to its application filed March 14, 1973, seeking an order for approval of the issuance of additional short-term obligations in the form of promissory notes to commercial banks, such notes to be issued on or before March 1, 1974, with a final maturity date of not later than March 1, 1976, and further seeking approval of the issuance of additional short-term obligations in the form of promissory notes to the Louisville Bank for Cooperatives, such notes to be issued on or before March 1, 1975, with a final maturity date of not later than March 1, 1976.

The net proceeds from the notes will be used to provide general funds primarily for the construction of a new electric generating unit at the Cardinal Station near Brilliant, Ohio.

Any person desiring to be heard or to make any protest with reference to such supplemental application should, on or before April 2, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6510 Filed 3-20-74;8:45 am]

[Docket No. CP73-94]

CITIES SERVICE GAS CO.

Notice of Petition To Amend

MARCH 14, 1974.

Take notice that on March 6, 1974, Cities Service Gas Company (Petitioner), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP73-94 a petition to amend the Commission's order issued July 2, 1973 (49 FPC ——), in the subject docket pursuant to section 7 of the Natural Gas Act, as implemented by §§ 157.7(e) and 157.7(c) of the regulations under the act, by substituting $450,000 as the total cost limitation in lieu of the previously authorized total cost limitation of $300,000 for facilities for gas sales and miscellaneous rearrangements, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued July 2, 1973, in the instant docket Petitioner was granted, among other things, permission and approval to abandon, during the calendar year 1973, certain service and direct sales measuring, regulating, and related facilities, and a certificate of public convenience and necessity was issued authorizing Petitioner to construct during said

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period, and operate certain facilities for the direct sales of natural gas and for miscellaneous rearrangements. The total expenditures for facilities to be constructed was limited to $300,000.

Petitioner states that by reason of unusually large construction costs attributable to certain rearrangement projects the total construction costs for all gas sales and transportation facilities constructed or rearranged during 1973 under "budget-type" authority exceeded the $300,000 limitation. Accordingly, Petitioner seeks a waiver of § 157.7(c)(3)(i) of the Commission's regulations under the Natural Gas Act to increase the cost limitation in the existing certificate to cover the actual costs of these facilities from $300,000 to $450,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6511 Filed 3-20-74;8:45 am]

[Docket Nos. RP73-86, RP73-85]

COLUMBIA GAS TRANSMISSION CORP. AND COLUMBIA GULF TRANSMISSION CO.

Notice of Further Extension of Time and Postponement of Hearing

MARCH 14, 1974.

On March 11, 1974, Columbia Gas Transmission Corporation and Columbia Gulf Transmission Company filed a motion to further modify the procedural dates in the above-designated matter. The motion states all parties attending the settlement conferences and staff counsel have agreed to the revised procedural schedule.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Intervener Service Date, June 11, 1974.
Columbia Rebuttal Date, June 25, 1974.
Hearing, July 9, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6512 Filed 3-20-74;8:45 am]

[Docket Nos. CP73-135, CP74-227]

DISTRIGAS CORP.

Notice of Petition and Application

MARCH 13, 1974.

Take notice that on March 4, 1974, Distrigas of Massachusetts Corporation (DOMAC), 125 High Street, Boston, Massachusetts 02110 filed in Docket No. CP73-135 a petition to be substituted as party applicant therein in lieu of Distrigas Corporation (Distrigas), and Distrigas, 125 High Street, Boston, Massachusetts 02110, filed in Docket No. CP74-227 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a sale of imported liquefied natural gas (LNG) to its affiliate, DOMAC, in order to provide DOMAC sufficient capability to perform the sales of LNG proposed in Docket No. CP73-135, all as more fully set forth in the petition in Docket No. CP73-135 and the application in Docket No. CP74-227, which are on file with the Commission and open to public inspection.

In the application for which a request for certificate authorization is now pending in Docket No. CP73-135, Distrigas proposes to sell imported LNG at its Everett, Massachusetts, terminal to The Brooklyn Union Gas Company (Brooklyn Union), The Connecticut Gas Company, Providence Gas Company, New Jersey Natural Gas Company, South Jersey Gas Company, and Valley Gas Company. DOMAC requests that it be submitted as the party applicant therein, pursuant to an agreement dated October 25, 1973, in which it was assigned all of Distrigas' LNG sales contracts with the distribution companies involved in Docket No. CP73-135. DOMAC states that certain sales of LNG have already been made to these distributors upon the advice of counsel that such sales were within the contemplation of § 157.22 of the Commission's regulations (18 CFR 157.22). In view of the Commission's action taken in Docket No. CP74-212, Distrigas Corporation, et al., on February 22, 1974 (51 FPC ——), where § 157.22 was declared unavailable to emergency sales of LNG and which required DOMAC or Distrigas to file for authorization to make a certain sale of LNG to Brooklyn Union, DOMAC requests temporary authorization, nunc pro tunc, under protest, to make that sale of gas to Brooklyn Union[1] and to make other sales of natural gas which have heretofore commenced upon the belief that such sales were within § 157.22 of the Commission's regulations.[2] DOMAC further requests temporary authorization to make prospectively all the sales contemplated in Docket No. CP73-135 and asks the Commission to grant temporary authorization to Distrigas to make the emergency sales commenced prior to October 1, 1973, which it commenced under the belief that such sales were within § 157.22. DOMAC indicates that it is authorized to do business in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.

Customer and Type of Service	Volume in Million Btu		
	1972	1973	To 2/22/74
Providence Gas Co.:			
Unstored peak shaving LNG service			
Stored peak shaving LNG service	160657	67195	128961
Designated delivery—winter		166742	
South Jersey Gas Co.:			
Unstored peak shaving LNG service		13415	38129
Connecticut Gas Co.:			
Unstored peak shaving LNG service	170879	32941	
Brooklyn Union Gas Co.:			
Designated delivery—winter			584795
New Jersey Natural Gas Co.:			
Unstored peak shaving LNG service			
Valley Gas Co.:			
Stored peak shaving LNG service			8414

In Docket No. CP74-277, Distrigas proposes to sell to DOMAC under a long term requirements agreement dated October 11, 1973, a portion of the LNG, which it is authorized to import from Algeria in Docket No. CP70-196 by Commission Opinion No. 613, Distrigas Corporation, Docket No. CP70-196, et al., issued March 9, 1972 (47 FPC 752), rehearing denied, Commission Opinion No. 613-A, issued June 7, 1972 (47 FPC 1465), in order to provide DOMAC with sufficient quantities of LNG to satisfy DOMAC's full LNG requirements for resale to third parties. Distrigas proposes to sell this LNG at its C.I.F. price provided in its supply contract with Alocean. Distrigas indicates that DOMAC will store this LNG at its Everett, Massachusetts, terminal after taking delivery. Under protest Distrigas also requests temporary authorization to sell this LNG to DOMAC for redelivery in emergency sales to distribution companies for the period between October 1, 1973, and February 22, 1974, and prospective temporary authorization for such sales in order to assist Northeastern distribution companies in maintaining adequate gas service to their customers.

Any person desiring to be heard or to make any protest with reference to said application and petition should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on the application in Docket No. CP74-227

[1] DOMAC indicates this sale began on January 8, 1974.

[2] DOMAC states that the following LNG service was sold to the customers as indicated:

if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing. Persons who have heretofore filed protests and petitions to intervene in Docket No. CP73-135 need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6513 Filed 3-20-74;8:45 am]

[Docket No. E-8424]

JERSEY CENTRAL POWER AND LIGHT CO.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 14, 1974.

On March 8, 1974, Staff Counsel requested a further extension of the procedural dates fixed by notice issued January 11, 1974, in the above-designated matter. The request states that it is agreeable to staff and all parties to resume the informal conference on March 21, 1974, and to request a postponement of the procedural dates.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of testimony by Interveners, March 29, 1974.
Service of Rebuttal by Applicant, April 12, 1974.
Prehearing Conference and Hearing, May 1, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6514 Filed 3-20-74;8:45 am]

[Docket Nos. RP71-107 (Phase II), RP72-127]

NORTHERN NATURAL GAS CO.

Notice of Refund

MARCH 14, 1974.

Take notice that on March 1, 1974, Northern Natural Gas Company (Northern) tendered for filing a report of refunds to its jurisdictional customers for the period November 14, 1971 through December 26, 1973. Such refunds are made in accordance with the Revised Stipulation and Agreement and "Order Approving Rate Settlement With Conditions and Setting Procedural Dates for Reserved Issues" dated January 4, 1974, in the above mentioned dockets.

Northern calculated the interest for such refund at 7 percent per annum. In Docket No. RP71-107, for the period November 14, 1971 through December 2, 1972, Northern states the refund to be as follows:

Principal Amount of Refund: $12,320,443.83
Interest Amount: $1,431,797.25
Total Refund: $13,752,241.08

In Docket No. RP72-127, for the period December 3, 1972 through December 26, 1973, Northern states the refund to be as follows:

Principal Amount of Refund: $23,661,664.70
Interest Amount: $1,006,882.72
Total Refund: $24,668,547.42

Northern further states that the future settlement rates became effective December 27, 1973, at which time Northern began billing at such rates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6515 Filed 3-20-74;8:45 am]

[Docket No. CP74-226]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 14, 1974.

Take notice that on March 4, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-226 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to exchange natural gas with Natural Gas Pipeline Company of America (Natural) and to construct and operate facilities therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to exchange up to 4,000 Mcf of gas per day with Natural in Pecos and Winkler Counties, Texas, pursuant to an agreement between them dated December 21, 1973. Under the terms of this agreement Applicant will accept delivery of exchange volumes from Natural at a proposed delivery point in Pecos County and will deliver thermally equivalent volumes to Natural at an existing point of interconnection in Winkler County. In this regard, Applicant proposes to construct and operate receiver side value facilities on its gathering system in Pecos County to allow for the receipt of the subject exchange gas volumes from Natural. The estimated cost of these facilities is $2,050 and will be met from cash on hand.

Applicant states that the proposed exchange arrangement will enable Natural to attach natural gas reserves available to it from the Bill DeWitt No. 1 well located distant from Natural's system in Pecos County. The application states that since the well is situated in proximity to Applicant's existing Gomez gathering system, attachment of such reserves and the initiation of the proposed exchange arrangement will be obviate the need of constructing facilities otherwise required.

Applicant states that no monetary compensation is provided for in the subject gas exchange agreement as the proposed transaction is a gas-for-gas exchange.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6516 Filed 3-20-74;8:45 am]

[Docket No. CP74-223]

NORTHERN NATURAL GAS CO.

Notice of Application

MARCH 14, 1974.

Take notice that on March 1, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP74-223 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of

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the regulations thereunder (18 CFR 157.7(g)) for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a twelve-month period commencing August 1, 1974, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's system salable capacity or service from that authorized prior to filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000, nor will the cost of any single project exceed $500,000. Applicant states that the proposed facilities will be financed from cash on hand and from revenue generated through operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6518 Filed 3-20-74;8:45 am]

[Docket No. RP74-49]

NORTHWEST PIPELINE CORP.

Request for Rehearing, Reconsideration, and Amending of Previous Order; Corrections

MARCH 11, 1974.

In the order granting in part a request for rehearing and reconsideration and amending previous order, issued February 21, 1974 and published in the FEDERAL REGISTER March 1, 1974, 39 FR 7992,

Page 7993, Finding Paragraph (1), line 4, please change "53" to "54".

Page 7993, immediately following Ordering Paragraph (E) add new Ordering Paragraph (F):

"(F) Upon consideration the procedural dates established by the Commission order of January 18, 1974, are hereby cancelled."

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6517 Filed 3-20-74;8:45 am]

[Docket No. CI73-617]

PIONEER PRODUCTION CORP.

Notice of Petition for Special Relief

MARCH 14, 1974.

Take notice that on March 6, 1974, Pioneer Production Corporation (Petitioner), P.O. Box 2542, Amarillo, Texas 79105, filed a petition for special relief. Petitioner seeks 5¢ per Mcf for compression, in addition to the 21.5¢ per Mcf authorized in the temporary certificate issued to it on August 30, 1973, in Docket No. CI73-617 for sales to Northern Natural Gas Company from Hemphill County, Texas under its FPC Gas Rate Schedule No. 43.

Petitioner requests that the Commission modify its August 30, 1973, order to allow it to collect from Northern either (a) the 5¢ provided in the contract for compression, or (b) the amount actually incurred for compression charges. Petitioner further states that it cannot economically continue to absorb such compression costs and still continue service.

Any person desiring to be heard or to make any protest with reference to said petition should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6519 Filed 3-20-74;8:45 am]

[Docket No. RP74-72]

NORTHWEST PIPELINE CORP.

Notice of Tariff Filing

MARCH 19, 1974.

Take notice that on March 1, 1974, Northwest Pipeline Corporation (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, tendered for filing, pursuant to section 4 of the Natural Gas Act and Part 154 of the Commission's regulations thereunder, in Docket No. RP74-72, two copies of its Second Alternate Substitute First Revised Sheet No. 52 and Alternate Original Sheet No. 52A as proposed changes in its FPC Gas Tariff, First Revised Volume No. 3. These tendered tariff sheets provide for a deferred method of eliminating Northwest's obligation under section 6 of its rate schedule PL-1 and ODL-1 to make a demand charge credit when it fails to deliver contract volumes due to shortfalls in gas supply. Pursuant to § 154.51 of the Commission's regulations under the Natural Gas Act, Northwest requests waiver of § 154.22 of such regulations so as to permit it to make these tariff sheets effective on February 1, 1974. In order to incorporate provisions in its existing tariff which would eliminate Northwest's obligation to make demand charge credits, Northwest also requests that it be allowed to withdraw First Revised Sheet No. 52, which was suspended by the Commission in its order of January 18, 1974, in Northwest Pipeline Corporation, Docket No. RP74-49, and replace this sheet with the above referenced tendered filings.

In support of its filing, Northwest states that it will suffer an estimated $300,000 revenue loss for the months of February and March, 1974, if it is not granted relief from the demand charge credit obligation. Northwest further states that the revenue loss will begin on February 1, 1974, the effective date of Northwest's commencement of operations, and will continue as long as there is curtailment of firm gas sales. Northwest proposes that it be allowed to recover demand charge credits through a deferral and tracking procedure similar to that provided by the purchased gas adjustment clause in the existing tariff. Under this proposal, Northwest states that demand charge credits provided for in the present tariff would be deferred and later recovered through a tracking procedure. Northwest states that the rate change resulting from recovery of the demand charge credits would become effective on the same date as the purchased gas adjustment clause changes of April 1 and October 1.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said filing should on or before March 27, 1974, file with the Federal Power Commission, 825 North Capitol Street NE., Washington,

D.C. 20426, a petition to intervene or a protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or a participant as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6701 Filed 3-20-74;8:45 am]

MARINE MAMMAL COMMISSION AND COMMITTEE OF SCIENTIFIC ADVISORS ON MARINE MAMMALS

Notice of Meetings

Notice is hereby given that the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals will meet on April 19–20, 1974 at the Royal Inn of Point Loma, 4875 North Harbor Drive, San Diego, California.

The Commission will meet from 10 a.m. to 11 a.m. on April 19 to discuss the status of Commission activities including matters relating to staffing, budget proposals, interagency liaison, and research. This session of the meeting will be open to the public. Seating will be available to accommodate up to twenty observers.

The Committee will meet from 11 a.m. to 5 p.m. on April 19 to discuss the status of Committee efforts, including matters relating to progress of the Committee, procedure for review of permit applications and research proposals, interagency coordination, progress of subcommittees, review of permit applications, and consideration of the incidental take of marine mammals in the course of commercial fishing operations. Members of the Commission and staff will be present. This session of the meeting will be open to the public. Seating will be available to accommodate up to twenty observers.

The remaining sessions of the meeting will consist of a meeting of the Commission from 9 a.m. to 10 a.m. on April 19, a meeting of the Committee from 8:30 a.m. to 11 a.m. on April 19, and a consultative meeting of the Commission and Committee from 9 a.m. to 5 p.m. on April 20. These sessions will be devoted to the exchange of opinions and deliberations concerning policy and to the evaluation of proposals to conduct research related to marine mammal protection and conservation. Participants will be candidly discussing and appraising the professional qualifications of the proposers, their potential contribution to the research program, and information given to the Commission and Committee in confidence. These sessions involve matters which are within the exemptions of 5 USC 552(b) (2), (4), (5), and (6) and will therefore not be open to the public.

For further information concerning these meetings, contact the Marine Mammal Commission, 1625 Eye Street, NW., Washington, D.C. 20006 (202/382-4475).

Dated: March 18, 1974.

JOHN R. TWISS, Jr.,
Executive Director,
Marine Mammal Commission.

[FR Doc.74-6575 Filed 3-20-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-18]

NASA RESEARCH AND TECHNOLOGY ADVISORY COUNCIL COMMITTEE ON AERONAUTICS

Meeting

The NASA Research and Technology Advisory Council Committee on Aeronautics will meet on April 17–19, 1974, at the NASA Ames Research Center, Moffet Field, California 94035. The meeting will be held in Conference Room 217 of Building 200. Members of the public will be admitted on a first-come, first-served basis, up to the seating capacity of the room, which is about 25 persons. All visitors must report to the Ames Research Center Receptionist in Building 200.

The NASA Research and Technology Advisory Council Committee on Aeronautics serves in an advisory capacity only. The current Chairman is Mr. E. S. Carter. There are 12 members. The following list sets forth the approved agenda and schedule for the April 17–19, 1974, meeting of the Aeronautics Committee. For further information, please contact Mr. J. Lloyd Jones, Area Code 202, 755–2403.

April 17, 1974

Time	*Topic*
9:00 a.m.	Report of the chairman (purpose: To summarize action taken at the November 1973 meeting of the Research and Technology Advisory Council).
9:30 a.m.	Report of the executive secretary (purpose: To brief the committee on recent or proposed changes in NASA policy and organization and in pertinent aeronautics programs).
10:15 a.m.	Discussion of propulsion/airframe integration research program (purpose: To obtain committee comments on proposed restructuring of the NASA propulsion/airframe integration research program, based on recommendations made by an industry/military service team, following its review of propulsion/airframe integration research needs and of originally proposed NASA programs).
1:00 p.m.	Tour of Ames Hangar and description of programs pertinent to committee areas of interest (including the C-8 augmentor wing short-takeoff-and-landing (STOL) and X-14 vertical-takeoff-and-landing (VTOL) research aircraft).
2:00 p.m.	Discussion of Center written reports (purpose: To answer members' questions regarding items included in the previously distributed brief written reports on pertinent aeronautical research areas prepared by the Ames, Flight, and Langley Research Centers).
3:15 p.m.	Committee comments on report of ad hoc panel on Aerospace Vehicle Dynamics and Control (purpose: To obtain committee comments on the final report of the ad hoc panel which was distributed in December 1973).
3:45 p.m.	Fuel-conservative aircraft studies (purpose: To update for the committee the status of NASA-supported studies of advanced aircraft designed with reduced fuel utilization as a major objective).

April 18, 1974

9:00 a.m.	Wake vortex program status (purpose: To inform the committee of recent results of NASA studies aimed at the alleviation of wake-vortex interference effects).
10:15 a.m.	Status of and coordination between NASA highly maneuverable aircraft technology (HIMAT) and Air Force advanced fighter technology intergration (AFTI) programs (purpose: To respond to a previous committee request to be informed on coordination efforts).
10:45 a.m.	Discussion of written reports of individual members (purpose: To provide elaboration on items included the brief written reports previously prepared by individual members of the Committee).
12:45 p.m.	Tour of Ames Research Center ground-based simulators and description of programs in committee's areas of interest.
1:45 p.m.	Continuation of discussion of written reports of individual members.
2:45 p.m.	Separate panel sessions on basic technology, conventional-takeoff-and-landing (CTOL) aircraft, and vertical short-takeoff-and-landing (V/STOL) aircraft (purpose: To develop possible recommendations pertaining to the focus and scope of the technical programs reviewed earlier and to the importance of the results).

April 19, 1974

9:00 a.m.	Committee review of panel reports (purpose: To develop final committee recommendations based on inputs from the basic technology,

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Time	Topic
	CTOL aircraft, and V/STOL aircraft panels).
11:30 a.m.	Adjournment.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

MARCH 15, 1974.

[FR Doc.74-6547 Filed 3-20-74;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

ADVISORY COMMITTEE PUBLIC PROGRAMS PANEL

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on March 28 and 29, 1974.

The purpose of the meeting is to review Humanities Program Grant proposals and Development Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call Area Code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74-6582 Filed 3-20-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

REQUESTS FOR CLEARANCE OF REPORTS

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 18, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis: BCD Subscriber Survey, Form BE 785, Single time, Collins, Business Conditions Digest Subscribers.

DEPARTMENT OF DEFENSE

Department of the Army: Survey of Industrialized Building Industry, Form CERL 79 A, B, C, D, E, F, G, N, O, P, Q, R, Occasional, Sunderhauf, All Known manufacturers of industrialized building.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Price Index of Operating Costs for Rent Stabilized Apartment Houses in New York City; Supplemental Information from Fuel Oil Suppliers, Form BTS 3044, Single time, Raynsford/Weiner, Fuel Oil dealers supplying rent stabilized apts. in NYC.

NATIONAL SCIENCE FOUNDATION

Personal Data Form: Energy Related Graduate Trainee and Minority Institution Graduate Trainee, Form NSF 866, Annual, Sheftel, Graduate students.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF STATE

Application for Immigrant Visa and Alien Registration, Form FS 510, Daily, Evinger, Immigrant Visa applicants.

DEPARTMENT OF THE TREASURY

U.S. Customs Service, Protest, Form CF 19, Occasional Evinger (x).
Application for further review of protest, Form CF 20, Occasional Evinger (x).
Vessel/Aircraft Foreign Repair or Equipment Purchase Entry, Form CF 7595, Occasional Evinger (x).

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74-6670 Filed 3-20-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1567]

ANCHOR CAPITAL FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Anchor Capital Fund, Inc. ("Applicant"), Westminster at Parker, Elizabeth, New Jersey 07207, registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act.

All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant was organized as a Maryland corporation on Januray 16, 1968, and registered under the Act by filing a Form N-8A Notification of Registration on January 22, 1968.

Applicant represents that pursuant to an Agreement and Plan of Merger and related Articles of Merger adopted by its shareholders on Novemebr 30, 1973, Applicant was merged on December 31, 1973 into Anchor Spectrum Fund, Inc. ("Spectrum"), also a Maryland corporation registered as an investment company under the Act. Upon effectiveness of the merger, the capital stock of Applicant was converted into capital stock of Spectrum in the ratio of .9225 shares of Spectrum for each share of Applicant based on respective net asset values of shares of the two companies at the close of business on December 31, 1973.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 8, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following April 8, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6493 Filed 3-20-74;8:45 am]

[811-1972]

ANCHOR VENTURE FUND, INC.

Notice of Filing of Application for an Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Anchor Venture Fund, Inc. ("Applicant"), Westminster at Parker, Elizabeth, New Jersey 07207, registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the applicant on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant was organized as a Delaware corporation on October 22, 1969, and registered under the Act by filing a Form N-8A Notification of Registration on November 24, 1969.

Applicant represents that pursuant to an Agreement and Plan of Merger and Articles of Merger adopted by its shareholders on November 30, 1973, Applicant was merged on December 31, 1973 into Anchor Spectrum Fund, Inc. ("Spectrum"), a Maryland corporation registered as an investment company under the Act. Upon effectiveness of the merger, the capital stock of Applicant was converted into capital stock of Spectrum in the ratio of 1.9200 shares of Spectrum for each share of Applicant based on respective net asset values of shares of the two companies at the close of business on December 31, 1973.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any intrested person may, not later than April 8, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following April 8, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6494 Filed 3-20-74;8:45 am]

[File No. 500-1]

ELECTROSPACE CORP.

Notice of Suspension of Trading

MARCH 12, 1974.

The common stock and Conv. Sub. Deb. 5½ percent due October 1983 of Electrospace Corporation being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all securities of Electrospace Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 4:30 p.m., e.d.t., March 12, 1974, through March 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6495 Filed 3-20-74;8:45 am]

[File No. 500-1]

GEON INDUSTRIES, INC.

Notice of Suspension of Trading

MARCH 8, 1974.

The common stock of Geon Industries, Inc., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Geon Industries, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 11, 1974 through March 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6496 Filed 3-20-74;8:45 am]

[812-3426]

OCCIDENTAL'S SEPARATE ACCOUNT FUND B, ET AL.

Notice of Application for Order Exempting Applicants

Notice is hereby given that Occidental Life Insurance Company of California ("Occidental"), 1150 South Olive Street, Los Angeles, California, Occidental's Separate Account Fund B ("Fund B") and Occidental's Separate Account Fund C ("Fund C") (collectively "Applicants") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting Applicants from section 22(d) of the Act. All interested persons are referred to the application, as amended, on file with the Commission for a statement of the representations made therein, which are summarized below.

Occidental, a California corporation and a stock life insurance company, is a wholly-owned subsidiary of Transamerica Insurance Corporation of California, which is in turn a wholly-owned subsidiary of Transamerica Corporation. Fund B and Fund C were formed as separate accounts of Occidental on June 26, 1968 and February 25, 1969, respectively. Fund B and Fund C are diversified open-end investment companies registered under the Act.

Variable annuity contracts offered for sale by Occidental and funded in Fund B or Fund C may be either Annual Deposit Individual Equity Investment Fund Contracts providing for a deferred variable annuity, Single Deposit Individual Equity Investment Contracts providing for a deferred variable annuity or Single Deposit Individual Equity Investment Contracts providing for an immediate variable annuity (all hereinafter referred to as "contracts"). Under the contracts, Occidental makes deductions for sales and administrative expenses from payments made by purchasers. The maximum deduction for sales expenses is 6½ percent. The assets of the Funds are held for the benefit of individuals entitled to benefits under the contracts. In accordance with California law, the assets of the Funds are held in the name of Occidental, and Occidental is not a trustee with respect thereto.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof may sell any redeemable security to the public except at a current offering price described in the prospectus.

Applicants request an exemption from section 22(d) to enable Occidental to permit holders of Fund B and Fund C Annual Deposit Individual Equity In-

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vestment Contracts providing for deferred variable annuities and Single Deposit Individual Equity Investment Contracts providing for deferred variable annuities ("deferred contracts") to withdraw funds deposited under the deferred contracts and to reinvest such funds, without any additional sales charges, within a period of five years from the date of any such withdrawal. Exercise of this privilege will be limited to once a year.

Applicants assert it would be inequitable and inappropriate to impose a second sales charge upon reinvestment in deferred contracts because under normal circumstances no significant sales effort would precede exercise of the privilege. In addition, sales personnel will receive no compensation in connection with the exercise of the withdrawal and reinvestment privilege.

Applicants further state that the grant of the requested exemption will not disrupt the orderly distribution of redeemable securities since the channels conventionally used in the distribution of such securities are not generally utilized for the distribution of the deferred contracts.

Applicants also submit that granting the exemption would allow greater flexibility to the individual whose investment goal is retirement income. The privilege would afford such an investor an opportunity to withdraw the money accumulated under his contract temporarily in order to meet a current financial need and to be reinstated in the retirement plan at a later date. The investor would not be forced to forfeit or reduce the amount invested in his contract because of an inability to pay a new sales load.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 8, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit, or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following April 8, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in such matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6497 Filed 3-20-74;8:45 am]

[812-2343]

STRUTHERS CAPITAL CORP.

Notice of Filing of Application for Amended Order Exempting Company From All Provisions

Notice is hereby given that Struthers Capital Corporation ("Applicant"), 630 Fifth Avenue, New York, N.Y. 10020, a New York Corporation, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an amended order exempting it from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant, all of the capital stock of which consists of 1,000 shares of common stock having a par value of $1.00 per share, is presently owned by Struthers Wells Corporation ("Struthers"). Applicant was formed by Struthers in April 1968 and has operated as a small business investment company ("SBIC") licensed by the Small Business Administration ("SBA") under the Small Business Investment Act of 1958, as amended ("SBIA"), since August 9, 1968, when Applicant acquired all of the business and assets of Developers Small Business Investment Corporation, a New Jersey corporation licensed under the SBIA. Applicant has previously received from the Commission an order pursuant to section 6(c) of the Act exempting Applicant from all provisions of the Act and the rules and regulations thereunder, subject to certain conditions (Investment Company Act Release No. 5461, August 9, 1968) (the "Order"). Applicant has also previously received from the Commission an Amended Order pursuant to section 6(c) of the Act exempting Applicant from all provisions of the Act and the rules and regulations thereunder, subject to certain conditions (Investment Company Act Release No. 8016, September 27, 1973) (the "Amended Order").

The Amended Order permitted a change of control of Applicant from Struthers to Prudential Funds, Inc., a Delaware corporation ("Prudential") pursuant to a Stock Purchase Agreement, dated July 26, 1973 (the "Agreement"), between Struthers and Prudential relating to the sale by Struthers and the purchase by Prudential of all of the authorized, issued and outstanding shares of Applicant's common stock and permitted Applicant to continue its activities as a wholly owned subsidiary of Prudential. The transaction contemplated by the Agreement was not consummated and on November 1, 1973, Struthers and Prudential each released the other from any further liability or obligation with respect to the transaction.

Inasmuch as the transaction pursuant to the Agreement between Struthers and Prudential relating to the sale by Struthers to Prudential of all of the authorized, issued and outstanding shares of Applicant's common Stock was not consummated and was terminated as aforesaid, Applicant does not require the Amended Order and requests rescission of the Amended Order and the reinstatement of the Order to permit Applicant to continue its activities as an SBIC licensed by the SBA under the SBIA as a wholly owned subsidiary of Struthers.

Applicant asserts that the business of Struthers has not changed materially from the description thereof contained in the Application originally filed with the Commission resulting in the Order. Struthers continues directly and through its subsidiaries to be primarily engaged in the field of engineering and processing of power equipment. The reasons specified originally by the Applicant, in support of the granting of the Order, have also not changed materially. Applicant has agreed that if the Commission reinstates the Order, Applicant will continue to be subject to the conditions contained in the Order providing, in summary, that Applicant shall not issue to any person other than Struthers or the SBA any security of Applicant (other than short-term paper) unless permitted by the Commission; and also providing for the periodic filing by Applicant with the Commission of certain financial and other information concerning Applicant and Struthers.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 9, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6498 Filed 3-20-74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC. OPTION PLAN FILED

Proposed Elimination of Multimember Market-Maker Units

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed proposed amendments to its Option Plan pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1).

The major impact of the changes is on CBOE's Rules 8.3, 8.6 and 8.7. The Exchange proposes the elimination of multimember Market-Maker units, meaning that all Market-Maker appointments would be made to individuals. Two types of Market-Maker appointments would be created. Principal and Supplemental. A full-time Market-Maker would ordinarily have both Principal and Supplemental Appointments, and would be required to have at least 50 percent of his transactions in his Principal Appointment classes of option contracts. Those persons unable to undertake full-time Market-Maker responsibilities would be awarded only Supplemental Appointments. All Market-Makers would be required to have at least 75 percent of their transactions in their appointed classes; the remaining transactions would continue to be subject to the market-making obligations established by sections (a) and (d) of Rule 8.7. Technical changes are also proposed for CBOE's Rules 6.51, 6.53, 6.73, 7.5, 7.7, 7.8 and 8.8, or the Interpretations and Policies thereunder.

The proposed amendments will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 132–37784. The proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 8, 1974.

[FR Doc.74-6491 Filed 3-20-74;8:45 am]

[License No. 01/01-0275]

NORTHEAST SMALL BUSINESS INVESTMENT CORP.

Notice of Application for a License as a Small Business Investment Company

Notice is hereby given of the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations (38 FR 30836, November 7, 1973), by Northeast Small Business Investment Corporation, 16 Cumberland Street, Boston, Massachusetts 02115, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 et seq.).

The proposed officers, directors and stockholders are:

Sidney Mindick, 274 Dean Road, Brookline, Massachusetts, President and Director, 15.34 percent.
Martin Stauber, 66 Nottinghill Road, Brighton, Massachusetts, Vice President and Director, 16.77 percent.
Israel Mindick, 59 Beaconsfield Road, Brookline, Massachusetts, Vice President and Director, 14.23 percent.
Joseph Mindick, 19 Orinwhite Drive, Randolph, Massachusetts, Treasurer and Director, 12.52 percent.
George W. Cashman, One Boston Place, Boston, Massachusetts, Clerk, 0.
Morris Isserof, 16 Cumberland Street, Boston, Massachusetts, Assistant Clerk, Director and General Manager, 28.57 percent.
Cumberland Finance, 16 Cumberland Street, Boston, Massachusetts, 28.57 percent.

Cumberland Finance is a general partnership by and between ten business realty corporations who in turn are controlled by Oizer Realty Corporation. With the exception of Mr. Cashman, the above mentioned individuals each own 20 percent of Oizer Realty Corporation.

The applicant will begin operations with a capitalization of $350,000 and will be a source of equity capital and long-term loans for qualified small business concerns with particular attention to growth potentials in any eligible type of industry. In addition to financial assistance, the applicant will provide management consulting services to its clients.

The applicant will conduct its operations principally in the Commonwealth of Massachusetts and in other areas wherever the need may arise.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested person may, not later than April 5, 1974, submit written comments on the proposed company to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Boston, Massachusetts.

Dated: March 12, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-6488 Filed 3-20-74;8:45 am]

[License No. 09/09-5167]

CHINESE INVESTMENT CORP. OF CALIFORNIA

Notice of Issuance of License To Operate as a Small Business Investment Company

On January 15, 1974, a notice was published in the FEDERAL REGISTER (39 FR 1898) stating that Chinese Investment Corporation of California, located at 1017 Wilshire Boulevard, Los Angeles, California 90017, had filed an application with the Small Business Administration, pursuant to § 107.102 (38 FR 30836, November 7, 1973) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958 (the Act), as amended.

The period for comment ended January 30, 1974.

Notice is hereby given that, having considered the application and other pertinent information, SBA has issued License No. 09/09-5167 to Chinese Investment Corporation of California.

Dated: March 12, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-6529 Filed 3-20-74;8:45 am]

TARIFF COMMISSION

[TEA-F-62]

HERR MANUFACTURING CO., INC.

Investigation of Petition

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the Herr Manufacturing Co., Inc., Tonawanda, New York, the United States Tariff Commission, on March 15, 1974, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with spinning and twisting ring travelers, spinning and

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twisting rings, flyers, flyer wires and traveler inserts (of the types provided for in items 670.68 and 670.74 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before April 1, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission:

Issued: March 18, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc. 74-6587 Filed 3-20-74;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[USRA Docket No. 1; Notice 74-8]

ERIE LACKAWANNA RAILWAY COMPANY, DEBTOR

Proposed Interim Discontinuance of Passenger Service

Notice is hereby given that the Erie Lackawanna Railway Company, Debtor ("E-L"), requests authorization by the United States Railway Association ("USRA") under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93-236, to discontinue operation of commuter trains Nos. 28 and 29 between Cleveland and Youngstown, Ohio.

Section 304(a) of the Act specifies conditions and procedures necessary to discontinue rail service subsequent to promulgation of the final system plan as specified in section 207 of the Act. Discontinuance during the interim between the effective date of the Act and adoption of the final plan is permitted subject to the conditions and procedures set forth in section 304(f), which provides:

> After [January 2, 1974], no railroad in reorganization may discontinue service . . . other than in accordance with [section 304 (a) and (c)], unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of, or the pendency of any proceeding before any Federal or State court, agency or authority.

Commuter train No. 29 operates from Youngstown to Cleveland, a distance of 66.2 miles, weekday (except holidays) mornings, leaving Youngstown at 5:50 a.m., serving Niles, Warren, Garrettsville-Hiram, Jeddoe, Mantua, Aurora, Geauga Lake, Solon, and North Randall, and arriving at Cleveland at 7:40 a.m. Commuter train No. 28 operates in the opposite direction weekday (except holidays) evenings, leaving Cleveland at 5:20 p.m., and arriving at Youngstown at 7:10 p.m.

The E-L asserts that there are only 103 daily revenue commuters traveling between Mantua and Cleveland (a distance of 29.7 miles), and intermediate points, and only three daily revenue commuters traveling between Cleveland and points between Youngstown and Mantua (a distance of 36.5 miles), including Youngstown. A motor bus operator (Garfield Heights Coach Lines, Inc.) is willing to operate similar commuter service between Aurora and Cleveland (a distance of 23.4 miles), thus assertedly serving the needs of virtually all of the present revenue rail passengers. The bus operator has requested the Ohio Public Utilities Commission to authorize this service.

The E-L asserts the commuter trains use 550 gallons of diesel fuel daily, as opposed to only 24 gallons of diesel fuel which would be required by the bus operator. The E-L out-of-pocket losses with respect to these two commuter trains amount to more than $600 per day of operation.

To assist the Association in its analysis and disposition of the interim discontinuance request, opportunity is being given to the general public, as well as to any affected State, local or regional transportation authority, to submit written statements, views and arguments either favoring or opposing the discontinuance proposal.

In addition to general comments submitted, any affected State, local or regional transportation authority which "reasonably opposes" the proposed discontinuance may present written statements in support of such opposition. Any such statement must include a description of the jurisdiction of the authority, the manner in which the area over which it has jurisdiction is affected by the proposed discontinuance, the relationship of the involved commuter trains to the area transportation system, and the manner and amount, if any, in which the authority proposes to subsidize the E-L for losses to be incurred in continued operation of the trains.

An original and four copies of any statements, views, arguments or comments must be submitted to Docket Clerk, United States Railway Association, Room 10100, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, by April 26, 1974, to enable timely consideration by the Association.

In additon to the notice given herein, the Erie Lackawanna Railway Company, Debtor, shall, by March 27, 1974, cause to be posted in each passenger car operated in commuter trains Nos. 28 and 29, and in each station served by these trains, a notice of the proposed discontinuance, and the manner and time in which the public may present written statements, views or arguments to the Association.

This action is taken pursuant to section 304(f) of the Regional Rail Reorganization Act of 1973, P.L. 93-236.

Copies of this notice have been sent to the Ohio Public Utilities Commission and the governing body of each municipality served by the commuter trains, and to newspapers, and radio and television broadcasting stations serving the involved area.

Dated at Washington, D.C., this 19th day of March 1974.

W. LAWRENCE HOLLAR,
Assistant Secretary,
United States Railway Association.

[FR Doc.74-6728 Filed 3-20-74;9:17 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-74-14]

CUDAHY TANNING COMPANY, INC.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Cudahy Tanning Company, Inc., 5043 S. Packard Avenue, Cudahy, Wisconsin 53110 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.37(i) concerning headroom in means of egress.

The address of the place of employment that will be affected by the application is as follows:

Cudahy Tanning Company, Inc.
5043 S. Packard Avenue
Cudahy, Wisconsin 53110

The applicant certifies that employees who would be affected by the variance have been notified of the application by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by the standard which requires a clearance of 6'8" be maintained for projections in a means of egress.

The applicant states that it has two 5'6" doorways leading to the lunch-locker room and the third floor of its building. The doorways cannot be enlarged as the top and bottom of the doorways are concrete purlins reinforced with steel rods within a load-bearing wall.

Instead, the applicant states that it is padding the top purlin on both sides and the bottom with ½" to ¾" foam rubber which will be painted yellow. Signs reading "Danger, Low Clearance, Watch Your Head" will be posted on either side of the top purlins. In addition, employees will be warned of the low clearance and advised that caution should be used.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 526, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 W. Wisconsin Avenue
Milwaukee, Wisconsin 53203

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than April 22, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than April 22, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Cudahy Tannin Corporation be, and is hereby authorized to continue to use its building with 5'6" doorways provided that the top purlin is padded with ½" to ¾" foam which has been painted yellow: *And provided,* That appropriate warning signs are posted as described in the application.

Cudahy Tannin Corporation shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of March 21, 1974, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 15th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-6531 Filed 3-20-74;8:45 am]

[V-74-13]

McCORMICK DISTILLING CO.

Notice of Application for Variance

Notice of Application. Notice is hereby given that McCormick Distilling Company, P.O. Box 38, Weston, Missouri 64098 has made application pursuant to section 6(d) of the Williams Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.36 (b)(3) concerning exits from buildings.

The address of the place of employment that will be affected by the application is as follows:

McCormick Distilling Company
F-M Highway JJ
Weston, Missouri 64098

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.36(b)(3). This standard requires that buildings be provided with exits of the kinds, numbers, location and capacity appropriate to the individual building with regard to the character of occupancy, the number of persons exposed, the fire protection available, and the height and construction of the buildings, to afford all occupants convenient facilities for escape.

The applicant states that it has three Internal Revenue bonded warehouses which are used for aging distilled spirits. The warehouses have from 3 to 7 levels, with open floors between levels. The buildings are occupied sporadically while certain work procedures are being performed, and by a maximum of two employees: For 30 minutes each morning and 30 minutes each evening, one man opens and closes all windows; for about 2 hours twice a week barrels are removed from one of the warehouses for dumping and bottling; filled barrels are brought in for aging during the months of October through March. At all other times the building is unoccupied. In addition, a government lock is affixed each work day at 4:30 pm and removed at 8:00 am by the assigned agent.

The applicant further states that there is little wiring in the warehouses, housekeeping is excellent with no debris or foreign material, the surroundings are maintained critically to prevent brush or grass fires, lightning rods are attached to all warehouses, and fire extinguishers are located in each warehouse.

The applicant contends that since there are never more than 2 employees in the warehouses at one time, and since these employees can descend from one level to the next anywhere along either side of the warehouse as well as by the stairs or elevators, the present exit arrangement is as safe as that required by the standard.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 526, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
911 Walnut Street, Room 3000
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
1627 Main Street—Room 1100
Kansas City, Missouri 64108

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than April 22, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than April 22, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

Signed at Washington, D.C., this 15th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-6532 Filed 3-20-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 468]

ASSIGNMENT OF HEARINGS

MARCH 15, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after March 20, 1974.

MC 138176, Cascade Mobile Home Transport, Inc., now being assigned hearing June 10, 1974 (1 week), at Salem, Oregon, in a hearing room to be later designated.

MC-134922 Sub 27, B. J. McAdams, Inc., Extension—Helen, Arkansas, now assigned April 1, 1974, at Little Rock, Ark., is cancelled and the application is dismissed.

MC 32779 Sub 9, Silver Eagle Company, now being assigned hearing June 17, 1974 (1 week), at Olympia, Wash., in a hearing room to be later designated.

MC-92683 Sub 24, Zirbel Transport, Inc., now being assigned hearing June 3, 1974 (1 week), at Boise, Idaho, in a hearing room to be later designated.

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MC-C-8247, Eagle Trucking Company—Investigation and Revocation of Certificates, now being assigned May 13, 1974, at Dallas, Texas, in a hearing room to be later designated.

MC 102567 Sub-165, Earl Gibbon Transport, Inc., now being assigned May 15, 1974, at Dallas, Texas, in a hearing room to be later designated.

MC 133095 Sub-48, Texas Continental Express, Inc., now being assigned May 16, 1974, at Dallas, Texas, in a hearing room to be later designated.

FF-C-52, Darrell J. Sekin & Company, Inc., and Regional International Services, Inc.—Investigation of Operations, now being assigned May 20, 1974, at Dallas, Texas, in a hearing room to be later designated.

MC 118341 Sub-2, Valley Trucking Co., Inc., now being assigned continued hearing May 22, 1974, at Dallas, Texas, in a hearing room to be later designated.

MC-C-6228, Gaines Motor Lines, Inc.—Investigation and Revocation of Certificate, is continued to June 4, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-107515 (Sub-855), Refrigerated Transport Co., Inc., is continued to April 16, 1974 (2 days), at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8190, International Shoe Company-V-Spector Freight System, Inc., now being assigned hearing May 16, 1974 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC-F-11899, Georgia Highway Express, Inc.—Purchase—Goode Transfer, Inc., now being assigned continued hearing May 13, 1974 (3 days), at St. Louis, Mo., in a hearing room to be later designated.

MC 118431 Sub 7, Denver Southwest Express, Inc.—Extension Chicago, Ill., now being assigned hearing May 23, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6457 Filed 3-20-74;8:45 am]

[Notice 469]

ASSIGNMENT OF HEARINGS

MARCH 18, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after March 21, 1974.

MC-F-11874, Matlack, Inc.—Control—CF Tank Lines, Inc., is continued to April 2, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 120981 Sub 16, Bestway Express, Inc., continued to May 6, 1974 (1 week), at the Sun-N-Sand Motor Hotel, 401 North Lamar Street, Jackson, Miss.

MC 138980, Robert P. Fuller, DBA Laurel Transit Lines, now assigned April 30, 1974, at Scranton, Pa., will be held in Room 441, U.S. Post Office and Courthouse, North Washington & Linden Streets.

MC 107012 Sub 170, North American Van Lines, Inc., now being assigned hearing April 2, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-121142 Sub-No. 11, J & G Express, Inc., is continued to May 8, 1974 (2 days), at Memphis, Tenn., in a hearing room to be later designated.

MC 112422 Sub-5, Sam Vam Galder, Inc., now assigned May 1, 1974, at Madison, Wis., is cancelled.

MC 114755 Sub 2, Newburgh Beacon Bus Corp., now assigned April 10, 1974, at New York, New York, cancelled and reassigned to the New York State Department of Transportation Bldg., 4 Burnett Blvd., Poughkeepsie N.Y.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6580 Filed 3-20-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 15, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42817—*Newsprint Paper from Chicago, Illinois.*

Filed by Western Trunk Line Committee, Agent (No. A-2698), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Chicago, Illinois, to specified points in Florida and North Carolina.

Grounds for relief—Water competition.

Tariff—Supplement 133 to Western Trunk Line Committee, Agent, tariff IRC I/S/74-K, I.C.C. No. 1199 (IFA Series). Rates are published to become effective on April 18, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6456 Filed 3-20-74;8:45 am]

[Notice 6]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 15, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before April 22, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 673), GREYHOUND LINES, INC. (Western Division), 371 Market Street, San Francisco, California 94106 filed March 7, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, over deviation routes as follow: (1) From West Indio Junction, Calif., over Interstate Highway 10 to East Indio Interchange, Calif., with the following access route: From Indio, Calif., over access highway to junction Interstate Highway 10, and (2) From Nicholls Warm Springs, Calif., over Interstate Highway 10 to the California-Arizona State line, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follow: (1) From West Indio Junction, Calif., over unnumbered highway (formerly U.S. Highway 60) to East Indio Interchange, Calif., and (2) From Nicholls Warm Springs, Calif., over unnumbered highway (formerly U.S. Highway 60) to the California-Arizona State line, and return over the same routes.

No. MC-84728 (Deviation No. 7) (Cancels Deviation No. 5), SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, D.C. 20005, filed February 4, 1974. Carrier's representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Building, Pennsylvania Avenue & 13th Street NW., Washington, D.C. 20004. Carrier proposes to operate as a *common carrier* by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Philadelphia, Pa., over Interstate Highway 95 to junction Harbor Tunnel Thruway, thence over Harbor Tunnel Thruway to junction Baltimore-Washington Expressway, with the following access routes: (a) From junction U.S. Highway 13 and Sellers Road over Sellers Road to junction Interstate Highway 95, (b) From Elkton, Md., over Maryland Highway 279 to junction Interstate Highway 95, (c) From Perryville, Md., over U.S. Highway 222 to junction Interstate Highway 95, (d) From Havre de Grace, Md., over Maryland Highway 155 to junction Interstate Highway 95, (e) From Aberdeen, Md., over Maryland Highway 22 to junction Interstate Highway 95, (f) From junction Maryland Highway 24 and U.S. Highway 40 over Maryland Highway 24 to junction Interstate Highway 95, and (g) From junction U.S. Highway 40 and Interstate Highway 695 over Interstate Highway 695 to junction Interstate Highway 95, and (2) From junction Harbor Tunnel Thruway and Baltimore-Washington Expressway over Harbor Tunnel Thruway to junction Interstate Highway 695, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over pertinent service routes as follows: (1) From Philadelphia, Pa., over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., (2) From Baltimore, Md., over Baltimore-Washington Expressway to Washington, D.C., and (3) From junction U.S. Highway 40 and Interstate Highway 695 at or near Fullerton, Md., over Interstate Highway 695 to junction Baltimore-Washington Expressway, and return over the same routes.

No. MC-47495 (Deviation No. 2), MOUNTAIN VIEW COACH LINES, INC., W. Coxsackie, New York 12192, filed December 3, 1973. Carrier's representative: Harold P. Boss, 1100 Seventeenth Street NW., Washington, D.C. 20036. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Albany, N.Y., via Interchange No. 23 of the New York Thruway, over the New York Thruway (Interstate Highway 87) to Interchange No. 22, thence over connecting highways and New York Highway 396 to Selkirk, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier presently has authority to transport passengers and the same property over a pertinent service route as follows: From Albany, N.Y., over New York Highway 144 to Hannacroix, N.Y., thence over U.S. Highway 9W to junction New York Highway 385, thence over New York Highway 385 to Catskill, N.Y., thence over U.S. Highway 9W to Kingston, N.Y., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6458 Filed 3-20-74;8:45 am]

[Notice 10]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 15, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before April 22, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2228 (Deviation No. 4), MERCHANTS FAST MOTOR LINES, INC., P.O. Drawer 591, Abilene, Texas 79604, filed March 4, 1974. Carrier's representative: Mike Cotten, P.O. Box 1148, Austin, Texas 78767. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over Interstate Highway 35E to junction U.S. Highway 287, thence over U.S. Highway 287 to junction Interstate Highway 45, thence over Interstate Highway 45 to Houston, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Dallas, Tex., over U.S. Highway 175 to Jacksonville, Tex., thence over U.S. Highway 69 to Lufkin, Tex., thence over U.S. Highway 59 to Houston, Tex., and return over the same route.

No. MC-59488 (Deviation No. 15), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 West Front Street, Tyler, Texas 75701, filed March 6, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Texarkana, Ark., over U.S. Highway 59 to Linden, Tex., thence over Texas Highway 155 to Tyler, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Texarkana, Ark., over U.S. Highway 67 to Mt. Pleasant, Tex., thence over U.S. Highway 271 to Tyler, Tex., and return over the same route.

No. MC-59488 (Deviation No. 16), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 West Front Street, Tyler, Texas 75701, filed March 7, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Texarkana, Ark., over U.S. Highway 59 to Lufkin, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Texarkana, Ark., over U.S. Highway 67 to Mt. Pleasant, Tex., thence over U.S. Highway 271 to Tyler, Tex., thence over U.S. Highway 69 to Lufkin, Tex., and return over the same route.

No. MC-59488 (Deviation No. 17), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 West Front Street, Tyler, Texas 75701, filed March 7, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Shreveport, La., over U.S. Highway 80 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction U.S. Highway 59, thence over U.S. Highway 59 to Lufkin, Tex., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Shreveport, La., over U.S. Highway 80 to junction U.S. Highway 271, thence over U.S. Highway 271 to Tyler, Tex., thence over U.S. Highway 69 to Lufkin, Tex., and return over the same route.

No. MC-59583 (Deviation No. 49), THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, Tennessee 37662, filed February 11, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Williamsport, Pa., over U.S. Highway 15 to Trout Run, Pa., thence over Pennsylvania Highway 14 to the Pennsylvania-New York State line, thence over New York Highway 14 to Elmira, N.Y., and (2) From Halls, Pa., over U.S. Highway 220 to Waverly, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Williamsport, Pa., over U.S. Highway 220 to Halls, Pa., thence over Pennsylvania Highway 147 (portion formerly Pennsylvania Highway 14) to Muncy, Pa., thence over Pennsylvania Highway 442 to Millville, Pa., thence over Pennsylvania Highway 42 to Bloomsburg, Pa., thence over U.S. Highway 11 via Scranton, Pa., to Binghamton, N.Y., thence over New York Highway 17C to Owego, N.Y., thence over New York Highway 17 to Elmira, N.Y., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6460 Filed 3-20-74;8:45 am]

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[Notice No. 21]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 15, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 29452 (Sub-No. 4) (Republication) filed June 21, 1973, and published in the FEDERAL REGISTER issue of September 27, 1973, and republished this issue. Applicant: B.O.W. EXPRESS, INC., 1251 Taney Road, North Kansas City, Mo. 64116. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. An Order of the Commission, Operating Rights Board, dated February 13, 1974, and served March 8, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce as a *common carrier* by motor vehicle, over regular routes, of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment) (1) between Burlington, and Caney, Kans., from Burlington over U.S. Highway 75 to junction Kansas Highway 57, thence west over Kansas Highway 57 to Madison, Kans., thence south over Kansas Highway 99 to Sedan, Kans., thence east over U.S. Highway 166 to junction U.S. Highway 75, thence over U.S. Highway 75 to Caney, and return over the same route, serving all intermediate points and the off-route points of Fall River Reservoir, Toronto Reservoir, Eureka, and Moline, Kans.; (2) between Yates Center and Elk City, Kans., from Yates Center over U.S. Highway 75 to junction Kansas Highway 39, thence over Kansas Highway 39 to Elk City, and return over the same route, serving all intermediate points and the off-route points of Elk City Reservoir, New Albany, Buxton, Altoona, Longton, Sycamore, and Westphalia, Kans.; (3) between Osage City, and Burlingame, Kans., over U.S. Highway 56; (4) between Ottawa and Osage City, Kans., over Kansas Highway 268, serving all intermediate points of Pomona Reservoir and Quenemo, Kans.; and (5) between Caney, and Elk City, Kans., from Caney over U.S. Highway 75 to junction U.S. Highway 160, thence over U.S. Highway 160 to Elk City, serving no intermediate points, as an alternate route (in (5) above only) for operating convenience only in connection with applicant's authorized regular-route operations; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show that the notice published in the FEDERAL REGISTER of the filing of this application failed to indicate with respect to routes (1), (2) and (4) that service at all intermediate points is sought; that the shipper evidence of need for the proposed service establishes a need for service at certain points that are included in the application only as such intermediate points; that evidence of need for service at Havana, Kans., a point not included in the application, is also shown; that authority covering intermediate points with respect to routes (1), (2) and (4) and authorizing service at Havana as an additional off-route point in connection with route (1) should be granted. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 7832 (Sub-No. 16) (NOTICE OF FILING OF PETITION TO ADD AN ADDITIONAL CONTRACTING SHIPPER) filed February 20, 1974. Petitioner: SAM LOWENSTEIN AND STANLEY LOWENSTEIN, a Partnership, doing business as, SUPER M FOODS DELIVERY, 411A N. Wood Avenue, Linden, N.J. 07036. Petitioner's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10006. Petitioner holds a motor *contract carrier* permit in No. MC 7832 (Sub-No. 16) issued July 27, 1973, authorizing transportation, over irregular routes, of *such merchandise* as is dealt in by wholesale, retail, chain grocery, department stores, and food business houses (except commodities in bulk), and in connection therewith, *equipment, materials and supplies* used in the conduct of such business (except commodities in bulk), between points in New Jersey, Pennsylvania, Maryland, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Delaware, Virginia, and the District of Columbia, under a continuing contract or contracts with Food Fair Stores, Inc. By the instant petition, petitioner seeks to add Castle & Cooke, Inc., as an additional contracting shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 93944 (Sub-Nos. 8 and 9) (NOTICE OF FILING OF PETITION TO ELIMINATE A VEHICLE RESTRICTION), filed March 5, 1974. Petitioner: DANELLA BROS., INC., 250 Diamond Avenue, Norristown, Pa. 19401. Petitioner's representative: Theodore Polydoroff, 1250 Connecticut Avenue, NW., Washington, D.C. 20036. Petitioner holds motor *common carrier* certificates in No. MC 93944 (Sub-Nos. 8 and 9), issued June 20, 1969 and December 5, 1972, respectively, authorizing, as pertinent, transportation, over irregular routes, of, in Sub-No. 8, *alloys, granular refractories, and ores*, in dump vehicles, (1) from Wilmington, Del., to Baltimore, Md.; Philadelphia, Pa.; and points in Montgomery County, Pa.; (2) from Chester, Pa., to points in Montgomery County, Pa.; and (3) from Philadelphia, Pa., to points in Montgomery, Chester, Lebanon, Berks, Bucks, and Philadelphia Counties, Pa.; and in Sub-No. 9, (A) *alloys and ores* (except fluorspar), in dump vehicles, between points in that part of Pennsylvania on and east of U.S. Highway 219 (except Scranton and Columbia, Pa. and its Commercial Zone as defined by the Commission, and points in Philadelphia, Montgomery, and Delaware Counties, Pa.), New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), Delaware and Maryland (except Baltimore), restricted against service between points in New Jersey; (B) *alloys and ores*, in dump vehicles, between points in that part of Pennsylvania on and east of U.S. Highway 219 (except Chester, Pa.); and (C) *chrome ore*, in dump vehicles, from the General Services Administration depot at Baltimore, Md., to the plantsite of C-E Minerals Division at or near Wilmington, Del. By the instant petition, petitioner seeks to eliminate its vehicle restriction "in dump vehicles". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 99208 (Sub-No. 10) (NOTICE OF FILING OF PETITION TO ELIMINATE SERVICE RESTRICTION) filed February 19, 1974. Petitioner: SKYLINE TRANSPORTATION, INC., 131 Quincy Avenue, P.O. Box 3569, Knoxville, Tenn. 37917. Petitioner's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Petitioner holds a

motor *common carrier* certificate in No. MC 99208 (Sub-No. 10) issued August 22, 1973, authorizing transportation, over regular routes, of *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those which because of size or weight require the use of special equipment), and *automobiles, trucks and buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 76, between Knoxville, Tenn., and New Orleans, La., serving no intermediate points, with service at New Orleans, La. restricted to delivery to or receipt from connecting carriers of interline traffic which originates at or is destined to points beyond New Orleans, La., and its Commercial Zone as defined by the Commission: From Knoxville over U.S. Highway 11 to New Orleans, and return over the same route. By the instant petition, petitioner seeks to eliminate the service restriction. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 117644 (Sub-No. 31) (NOTICE OF FILING OF PETITION TO EXTEND COMMODITY DESCRIPTION) filed March 4, 1974. Petitioner: D & T TRUCKING CO., INC., 498 First Street, NW., P.O. Box 2611, New Brighton, Minn. 55112. Petitioner's representative: William J. Boyd, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Petitioner holds a motor *contract carrier* permit in No. MC 117644 (Sub-No. 31) issued September 4, 1973, authorizing transportation, over irregular routes, of *dairy products* (except commodities in bulk), from the facilities utilized by Land O'Lakes, Inc. at points in Minnesota, Wisconsin, and Chicago, Ill., to points in Pennsylvania, New York, New Jersey, Rhode Island, Vermont, Maine, Massachusetts, Connecticut, New Hampshire, Virginia, West Virginia, Delaware, Maryland, and the District of Columbia, under a continuing contract or contracts with Land O'Lakes, Inc. of Minneapolis, Minn. By the instant petition, petitioner seeks to add the commodities pudding and cheese sauces to those commodities described above. Any interested person or persons desiring to particiapte may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 117644 (Sub-No. 32) (NOTICE OF FILING OF PETITION TO EXTEND COMMODITY DESCRIPTION) filed March 4, 1974. Petitioner: D & T TRUCKING CO., INC., 498 First Street NW., P.O. Box 2611, New Brighton, Minn. 55112. Petitioner's representative: William J. Boyd, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Petitioner holds a motor *contract carrier* permit in No. MC 117644 (Sub-No. 32) issued January 2, 1974, authorizing transportation, over irregular routes, of *dairy products* (except commodities in bulk), from Chicago, Ill., and points in Minnesota and Wisconsin, to points in Ohio and Kentucky, under a continuing contract or contracts with Land O'Lakes, Inc., of Minneapolis, Minn. By the instant petition, petitioner seeks to add the commodities pudding and cheese sauces to those commodities described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124435 (Sub-No. 3) (NOTICE OF FILING OF PETITION TO MODIFY TERRITORIAL DESCRIPTION), filed March 4, 1974. Petitioner: CLARENCE SHROEDER, 820 Central Drive, Inkster, Mich. 48141. Petitioner's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Petitioner holds a motor *contract carrier* permit in No. MC 124435 (Sub-No. 3) issued August 23, 1965, authorizing transportation, over irregular routes, of *brick*, from points in Ohio (except points in Scioto and Lawrence Counties) and that part of Pennsylvania on and west of U.S. Highway 219, to Detroit, Mich. By the instant petition, petitioner seeks to modify its territorial description to read: "(1) from points in Ohio (except those in Scioto and Lawrence Counties) and that part of Pennsylvania on and west of U.S. Highway 219, to points in the Lower Peninsula of Michigan; and (2) from railroad sidings at points in the Lower Peninsula of Michigan, to points in the Lower Peninsula of Michigan". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135034 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO ADD A CONTRACTING SHIPPER) filed March 4, 1974. Petitioner: KAPE EXPRESS, INC., Erie Industrial Park Bldg. #50, P.O. Box 486, Port Clinton, Ohio 43452. Petitioner's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Petitioner holds a motor *contract carrier* permit in No. MC 135034 (Sub-No. 1) issued April 6, 1972, authorizing transportation, over irregular routes of (1) *Expanded polystyrene products and plastic products* (except commodities in bulk), from Erie Industrial Park, Erie Township (Ottawa County), Ohio, to points in the United States (excluding Ohio, Alaska and Hawaii); and (2) *materials, supplies and equipment* (except commodities in bulk) used in the manufacture of expanded polystyrene products and plastic products, from points in the United States (except Ohio, Alaska and Hawaii), to Erie Industrial Park, Erie Township (Ottawa County), Ohio, under a continuing contract or contracts with Snark Products, Inc. By the instant petition, petitioner seeks to add Aim Packaging, a division of U.S. Industries, Inc. as an additional contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136787 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO MODIFY PERMIT), filed February 4, 1974. Petitioner: BIBEY TRUCKING COMPANY, INC., 937 Mill Creek Avenue, Box 386, Perryville, Md. 21903. Petitioner's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Petitioner holds a motor *contract carrier* permit in No. MC 136787 (Sub-No. 1), issued March 8, 1974, authorizing transportation, over irregular routes, of *sand and gravel*, in bulk, from the site of the pits of Mason-Dixon Sand and Gravel Company, at or near North East, Md., to Reading, Kennett Square, Chester, and Coatesville, Pa., and Bear, Brookside Park, Dover, Middleton, Newark, and Wilmington, Del., under a continuing contract or contracts with Mason-Dixon Sand and Gravel Company. By the instant petition, petitioner seeks to (1) delete Mason-Dixon Sand and Gravel Company as a contracting shipper, and substitute in lieu thereof the name of Mason-Dixon Sand & Gravel Co., Division of York Building Products Co., Inc., and (2) modify its destination points to read: "to Reading, Kennett Square, Chester, and Coatesville, Pa., and points in Delaware (except Bear, Brookside Park, Dover, Middleton, Newark, and Wilmington)." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 138059 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO EXTEND OPERATIONS) filed February 28, 1974. Petitioner: NORTHWEST TRANSPORT, a Corporation, 5165 G Street, Chino, Calif. 91710. Petitioner's representative: Jerry S. Berger, 9454 Wilshire Blvd., Penthouse, Beverly Hills, Calif. 90212. Petitioner holds a motor *contract carrier* permit in No. MC 138059 (Sub-No. 1) issued March 14, 1973, authorizing transportation, over irregular routes, of (1) *paper products*, from Flagstaff, Ariz., to points in Texas, New Mexico, California, Nevada, Colorado, Oregon, Washington, Idaho, Utah, Montana, Wyoming, Oklahoma, Kansas, Nebraska, and South Dakota; (2) *chemicals, supplies and machinery*, used in the manufacture and sale of paper products, from points in the above named destination states, to Flagstaff, Ariz.; and (3) *scrap paper*, between points in Arizona, Texas, New Mexico, California, Nevada, Colorado,

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Oregon, Washington, Idaho, Utah, Montana, Wyoming, Oklahoma, Kansas, Nebraska, and South Dakota under a continuing contract or contracts with Ponderosa Paper Products, Inc. of Flagstaff, Ariz. By the instant petition, petitioner seeks to extend its existing authority by adding the following operations: "(A) (1) *bead bag, pillows, pads, and cushions, and new chairs and tables;* and (2) *advertising matter, premiums and display materials* when shipped in the same vehicle with commodities described in (1) above, from the plantsite and warehouses of Plymouth Enterprises, Inc., located in Los Angeles County, Calif., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and *return with materials and supplies* (except commodities in bulk) used in the production and distribution of commodities described in (1) above, and with or without *commodities* the transportation of which is partially exempt under the provision of Section 203(b) of the Interstate Commerce Act when moving in the same vehicle at the same time, with said materials and supplies, under a continuing contract with Plymouth Enterprises, Inc.; and (B) (3) *cushioning, padding, wadding and packaging articles, products and material;* and (4) *advertising matter, premiums and display materials* when shipped in the same vehicle with commodities described in (3) above, from the plantsite and storage facilities of Paper-Pak Products, Inc., located at points in Los Angeles County, Calif., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; and *return with materials and supplies* (except commodities in bulk) used in the production and distribution of commodities described in (3) above, under a continuing contract or contracts with Paper-Pak Products, Inc." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 120013 (Sub-No. 2), filed January 28, 1974. Applicant: JOHANSEN SUPERIOR TRUCK COMPANY, 1580 Jesse Street, Los Angeles, Calif. 90021. Applicant's representative: Bertram S. Silver, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, commodities which because of size or weight require the use of special equipment, used household goods as defined by the Commission), Regular Route, between points on and within 10 miles laterally of the following highways: (a) U.S. Highway 101 between Los Angeles limits and San Ysidro, inclusive, (b) U.S. Highway 395 between Los Angeles limits and San Diego, inclusive, and (c) Interstate 10 and U.S. Highway 60 between Los Angeles and Indio, inclusive; Irregular Route, Between points in the Los Angeles Basin Territory as follows: Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles boundary line intersects the Pacific Ocean; thence northeasterly along said County line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Fernando National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and including an unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway 99; northwesterly along U.S. Highway 99 to the corporate boundary of the City of Redlands; westerly and northerly along said corporate boundary to Brookside Avenue; westerly along Brookside Avenue to Barton Avenue; westerly along Barton Avenue and its prolongation to Palm Avenue; westerly along Palm Avenue to La Cadena Drive; southwesterly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to U.S. Highway 60; southwesterly along U.S. Highways 60 and 395 to the county road approximately one mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the City of San Jacinto; easterly, southerly and westerly along said corporate boundary to San Jacinto Avenue; southerly along San Jacinto Avenue to State Highway 74; westerly along State Highway 74 to the corporate boundary of the City of Hemet; southerly, westerly and northerly along said corporate boundary to the right of way to the Atchison, Topeka and Santa Fe Railway Company; southwesterly along said right of way to Washington Avenue; southerly along Washington Avenue, through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to the county road intersecting U.S. Highway 395, 2.1 miles north of the unincorporated community of Temecula; southerly along said county road to U.S. Highway 395; southeasterly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this application is to convert the Certificate of Registration issued to MC–120013 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 purchase proceeding in MC–F–12123 published in the FEDERAL REGISTER issue of February 6, 1974. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133150 (Sub-No. 2), filed February 11, 1974. Applicant: JAMES INNACO, doing business as SKYLINE TRANSPORT, 969 Bridgeport Avenue, Milford, Conn. 06460. Applicant's representative: William J. Meuser, 86 Cherry Street, Milford, Conn. 06460. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (A) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), Regular Route, (1) between Greenwich, Conn., and New York, N.Y., serving all intermediate points: From Greenwich over U.S. Highway 1 to New York, and return over the same route; and (2) between New Haven, Conn., and Greenwich, Conn., serving the intermediate points of Milford, Stratford, Bridgeport, Fairfield, Westport, Norwalk, Darien, and Stamford, Conn., and serving the off-route points of East Haven, West Haven, Hamden, and Trumbull, Conn.: From New Haven over U.S. Highway 1 to Greenwich, and return over the same route; Regular Routes: (B) *General commodities* (other than household goods and office furniture and equipment and other than commodities which necessitate the use of tank trucks, dump trucks, or special equipment): Route 1: Hartford to Meriden via Southington and via Middletown, serving Hartford, West Hartford, New Britain, Berlin, Plainville, Bristol, Terryville, Southington, and Meriden (also serving East Hartford, Glastonbury, Portland, and Middletown); Route 2: Between Hartford and Vernon via Manchester and Wapping, serving Hartford, East Hartford, Manchester, Vernon, and Wapping; Irregular Routes: (C) *General commodities* (other than household goods and office furniture and equipment and other than commodities which

necessitate the use of dump trucks, tank trucks, or special equipment) between Hartford, East Hartford, and West Hartford, on the one hand, and, on the other, the following points in Connecticut: Andover, Avon, Berlin, Bloomfield, Bolton, Bristol, Burlington, Canton, Colchester, Columbia, Coventry, Cromwell, Durham, East Granby, East Hampton, East Hartford, East Windsor, Ellington, Enfield, Farmington, Glastonbury, Granby, Hartford, Hebron, Manchester, Mansfield, Marlboro, Meriden, Middlefield, Middletown, New Britain, New Hartford, Newington, Plainville, Plymouth, Portland, Rocky Hill, Simsbury, Somers, Southington, South Windsor, Suffield, Tolland, Torrington, Vernon, Wallingford, West Hartford, Wethersfield, Willington, Windsor, and Windsor Locks; Irregular Routes: (D) *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, and commodities requiring special equipment), which are at the time of moving on bills of lading or freight forwarders, between Manchester, Conn., on the one hand, and, on the other, North Haven, Conn.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Wallingford, Conn., to provide through service between New Haven, Conn., and New York, N.Y. This matter is directly related to the Section purchase proceeding in MC–F–12136 published in the FR issue of February 20, 1974. If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC–F–12158. Authority sought for purchase by MATSON TRUCK LINES, INC., 1407 St. John St., Albert Lea, MN 56007, of the operating rights and property of BRAUNSEN TRUCKING, Walters, MN 56092, and for acquisition by DALE MATSON, also of Albert Lea, MN 56007, of control of such rights and property through the purchase. Applicants' attorney: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. Operatings rights sought to be transferred: *Malt beverages*, as a *common carrier* over irregular routes, from St. Louis, Mo., to Mankato and Albert Lea, Minn. Vendee is authorized to operate as a *common carrier* in Iowa, Minnesota, Wisconsin, Illinois, Kansas, Nebraska, North Dakota, South Dakota, Indiana, Ohio, Arkansas, Colorado, Missouri, Oklahoma, Texas, Michigan, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Kentucky, Louisiana, Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12159. Authority sought for purchase by GRINGERI BROS. TRANSPORTATION CO., INC., 70 Phillips Street, Watertown, Mass. 02172, of the operating rights of THEROUX BROTHERS, INC., 550 Pond Street, Woonsocket, R.I. 02895, and for acquisition by JOSEPH J. GRINGERI, 70 Phillips Street, Watertown, Mass. 02172, of control of such rights through the purchase. Applicants' attorneys: FRANK J. WEINER, 15 Court Square, Boston, Mass. 02108. LAURENT C. BILODEAU, 194 Main St., Woonsocket, R.I. 02895, and JOHN F. CORBETT, 348 Mount Auburn St., Watertown, Mass. 02172. Operating rights sought to be transferred: General commodities, with exceptions as a *common carrier* over regular routes between Woonsocket, R.I., and Boston, Mass., between Woonsocket, R.I., and Providence, R.I., between Woonsocket, R.I., and Pascoag, R.I., between Woonsocket, R.I., and Worcester, Mass., *chemicals*, as a *common carrier* over irregular routes, from Woonsocket, R.I., to Putnam, Conn., *household goods*, between Woonsocket, R.I., on the one hand, and, on the other, points and places in Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont, *wool*, between Woonsocket, R.I., and points and places in the Towns of Burrillville and North Smithfield, Providence County, R.I., on the one hand, and, on the other, Barre, Boston, Chelmsford, Hudson, Lawrence, Lowell, Norton, and Webster, Mass. Vendee is authorized to operate as a *common carrier* in Maryland, Pennsylvania, Massachusetts, New York, Maine, New Jersey, and Rhode Island, and as a *contract carrier* in Massachusetts, New Hampshire, Maine, Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12160. Authority sought for purchase by GRINGERI BROS. TRANSPORTATION CO., INC., 70 Phillips St., Watertown, MA 02172, of the operating rights of (1) VALLEY TRUCKING, INC., (2) WELLESLEY TRUCKING, INC., both of Watertown, MA 02172 and (3) LARAMEE'S TRANSIT, INC., 299 First Ave., Woonsocket, R.I. 02895, and for acquisition by JOSEPH J. GRINGERI, also of Watertown, MA 02172, of control of such rights through the purchase. Applicant's attorney: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Operating rights sought to be transferred: (1) *New furniture*, as a *common carrier* over irregular routes, from Boston, Mass., and points within 15 miles of Boston, to points in Maine, New Hampshire, Massachusetts, Rhode Island, and Connecticut; *uncrated new furniture*, from Boston, Mass., and points in Massachusetts within 15 miles of Boston, to points in New York and New Jersey, with restriction; (2) *such commodities as require special equipment* by reason of size or weight, between a specified area in eastern Massachusetts on the one hand, and, on the other, points in Rhode Island, Connecticut, specified areas of New York, and specified areas of New Hampshire; and (3) *general commodities*, with usual exceptions, over regular routes, between New Bedford and Lawrence, Mass., serving all intermediate points and specified off-route points; *wool, wool tops, yarn, textile products, chemicals, machinery*, and *commodities* used or useful in the manufacture of woolen yarn and textile products, over irregular routes, between Woonsocket, North Smithfield, Burrillville, Pawtucket, and Providence, R.I., on the one hand, and, on the other, Barre, Boston, Fitchburg, Holyoke, and Norton, Mass., and between Woonsocket, R.I., and Putnam, Conn. Vendee is authorized to operate as a *common carrier* in Maryland, Pennsylvania, Massachusetts, New York, Maine, and Rhode Island, and as a *contract carrier* in Massachusetts, New Hampshire, Vermont, Maine, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12161. Authority sought for purchase by ROZAY'S TRANSFER, 2315 Nadeau St., Huntington Park, CA 90255, of a portion of the operating rights of SEA-AIR CONTAINER TRANSPORT, INC., 2350 W. 17th St., Long Beach, CA 90813, and for acquisition by WILLIAM S. ROSAY AND RICHARD A. FLETCHER, both of Huntington Park, CA 90255, of control of such rights through the purchase. Applicants' attorney: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120097 (Sub-No. 1) covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Vendee is authorized to operate as a common carrier in California. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12162. Authority sought for purchase by LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, KY 42431, of the operating rights of TRANSPORT SERVICE COMPANY, INC., Route 1, Box 19D6, Crescent City, FL 32012, and for acquisition by HERBERT ARNOLD LIGON, JR., also of Madisonville, KY 42431, of control of such rights through the purchase. Applicants' attorneys: Ronald E. Butler, P.O. Box L, Madisonville, KY 42431, and Louis J. Amato, 1301 Ambassador Bldg., St. Louis, MO 63101. Operating rights sought to be transferred: *Phosphatic* feed supplements, in bags and in bulk (except in liquid form in tank vehicles), as a *common carrier* over irregular routes, from Bonnie and Tampa, Fla., to points in Alabama, Arkansas, Arizona, California, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, and Wisconsin. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12163. Authority sought for purchase by NEW ENGLAND MOTOR FREIGHT, INC., 520 Main St., Wallington, NJ 07057, of the operating rights of THE RELIABLE WAREHOUSE COMPANY, 100 Railroad Ave., Beacon Falls, CT 06403, and for acquisition by MORRIS FRIEDMAN, DAVID GOLDMAN,

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AND JACOB GOLDMAN, also of Wallington, NJ 07057, of control of such rights through the purchase. Applicants' attorneys: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048, and William J. Meuser, 86 Cherry St., Milford, CT 06460. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-99328 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Connecticut. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, New Jersey, and Rhode Island. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC-112107 (Sub-No. 9), is a matter directly related.

No. MC-F-12164. Authority sought for purchase by VALLERIE'S TRANSPORTATION SERVICE, INCORPORATED, Connecticut Avenue, Norwalk, Connecticut, 06854, of a portion of the operating rights of BILKAYS EXPRESS, CO., 100 Third Avenue, Elizabeth, New Jersey 07206, and for acquisition by JOHN E. VALLERIE, SR., Indian Spring Road, Rowayton, Conn. 06893, ALBERT E. VALLERIE, SR., Wolfpit Road, Norwalk, Conn. 06854, and STANLEY E. DABROWSKI, 41 Canterbury Lane, Wilton, Conn. 06897, of control of such rights through the purchase. Applicants' attorneys: THOMAS W. MURRETT, 342 North Main Street, West Hartford, Connecticut 06117, and CHARLES J. WILLIAMS, 47 Lincoln Park, Newark, New Jersey 07102. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier*, over irregular routes from points in Westchester County, N.Y., to all points in Dutchess, Rockland, and Suffolk Counties, N.Y., with no transportation for compensation on return except as otherwise authorized. Vendee is authorized to operate as a common carrier in Connecticut, New York, New Jersey, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12165. Authority sought for purchase by LONG TRANSPORTATION COMPANY, 9850 Pelham Rd., Taylor, MI 48180, of the operating rights of MEDINA-CLEVELAND FREIGHT LINE, INC., 620 E. Smith Rd., Medina, OH 44256, and for acquisition by WAYNE E. LONG, Route 1, Brutus, MI 49716, of control of such rights through the purchase. Applicants' attorney: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be transferred: General commodities, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a common carrier over regular routes, between Cleveland, and Medina, Ohio, serving various intermediate and off-route points; and under a certificate of registration, in Docket No. MC-99661 (Sub-3), covering the transportation of property, as a common carrier, in interstate commerce, within the State of Ohio. Vendee is authorized to operate as a *common carrier* in Connecticut, Michigan, New Jersey, New York, Illinois, Indiana, Ohio, and Pennsylvania. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC-24379 (Sub-No. 39), is a matter directly related.

No. MC-F-12166. Authority sought for purchase by JACKSON AND JOHNSON, INC., Route 31, Box 7, Savannah, NY 13146, of a portion of the operating rights of DRESSING TRANSPORT, INC., 683 Lake St., Wilson, NY 14172, and for acquisition by JOHN W. JACKSON, also of Savannah, NY 13146, of control of such rights through the purchase. Applicants' attorney: S. Michael Richards, 44 North Ave., Webster, NY 14580. Dual operations are involved. Operating rights sought to be transferred: *Salad dressing* and *tartar sauce* (except in bulk) as a *contract carrier*, over irregular routes, from Wilson, N.Y., to points in New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Ohio, Michigan, Illinois, Florida, Georgia, South Carolina, Maine, Vermont, Rhode Island, West Virginia, Virginia, Kentucky, Wisconsin, North Carolina, and the District of Columbia; *materials, supplies, and equipment* used in the manufacture or distribution of salad dressing and tartar sauce (except in bulk), from points in New Hampshire, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Maryland, Ohio, Michigan, Illinois, Florida, Georgia, South Carolina, Maine, Vermont, Rhode Island, West Virginia, Virginia, Kentucky, Wisconsin, North Carolina, and the District of Columbia, to Wilson, N.Y., with restriction. Vendee is authorized to operate as a *common carrier*, in New York, Connecticut, Massachusetts, and Rhode Island. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6461 Filed 3-20-74;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 15, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Arkansas Docket No. M-8127, filed February 20, 1974. Applicant: ATLAS TRANSIT, INC., 6101 Lindsey Road, Little Rock, Ark. 72203. Applicant's representative: Janes N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. Certificate of public convenience and necessity sought to operate a freight service as follows: ALTERNATE ROUTES FOR OPERATING CONVENIENCE ONLY: Transportation of *general commodities*, (1) between Jonesboro, Ark., and Hoxie, Ark., in connection with carriers authorized regular route operations, serving no intermediate points: From Jonesboro over U.S. Highway 63, and return over the same route; (2) between Jonesboro, Ark., and Waldenburg, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From Jonesboro over State Highway 39, and return over the same route; (3) between Fordyce, Ark., and Warren, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From Fordyce over State Highway 8, and return over the same route; (4) between Warren, Ark., and Monticello, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From Warren over State Highway 4, and return over the same route; (5) between Monticello, Ark., and Tillar, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From Monticello over State Highway 4 to junction State Highway 277, and thence over State Highway 277, and return over the same routes; (6) between El Dorado, Ark., and Crossett, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From El Dorado over U.S. Highway 82, and return over the same route; (7) between Hamburg, Ark., and Eudora, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From Hamburg over State Highway 8, and return over the same route; and (8) between Danville, Ark., and Russellville, Ark., in connection with carrier's authorized regular route operations, serving no intermediate points: From Danville over State Highway 27, and return over the same route. Intrastate and interstate commerce authority sought.

HEARING: April 2, 1974, in the Arkansas Transportation Commission hearing room, Justice Building, Little Rock, Ark., at 10:00 A.M. Request for procedural information should be addressed to the Arkansas Transportation Commission, Justice Building, Little Rock, Ark. 72201, and should *not* be directed to the Interstate Commerce Commission.

Iowa Docket No. H-5099, filed January 11, 1974. Applicant: Van Wyk Freight Lines, Inc., Grinnell, Iowa 50112. Applicant's representative: Russell H. Wilson, 3839 Merle Hay Road, Suite 200, Des Moines, Iowa 50310. Certificate of public convenience and necessity sought to operate a freight service as follows:

NOTE.—Applicant proposes to lease from All-American Transport, Inc., 1500 Industrial Avenue, Sioux Falls, S. Dak., intrastate authority for transportation of *general commodities*, between Atkins, Belle Plaine, Blairstown, Chelsea, Cluter, Des Moines, Dysart, Elberon, Garrison, Keystone, Luzerne, Newhall, Norway, Tama, Toledo, Traer, Van Horne, Vining, Vinton, and Watkins, Iowa. Applicant then seeks to provide interstate general commodity service between these same points and places all within the State of Iowa for a period of time corresponding to the length of the lease of the above-described intrastate authority.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Iowa State Commerce Commission, State Capitol, Des Moines, Iowa 50319, and should *not* be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4884 (Sub-No. 3) (Amendment), filed November 9, 1973. Applicant: DAYTON MOTOR EXPRESS, INC., N. Broadway, Dayton, Tenn. 37321. Applicant's representative: William H. Lassiter, Jr., 22nd Floor, L & C Tower, Nashville, Tenn. 37219. Application is further amended to read as follows: "I. To operate as a motor carrier for the transfer of general commodities except used household goods, commodities in bulk, in tank or hopper vehicles, explosives and commodities requiring special equipment in conjunction with its present authority to serve Spring City, Tenn., from Dayton, Tenn., via U.S. Highway 27 north along said U.S. Highway 27 to Rockwood, Tenn.; thence along said U.S. Highway 27 to Harriman, Tenn., thence west along U.S. Highway 27 to its intersection with State Highway 29A, thence south along State Highway 29A to Midtown, Tenn. (at the intersection of State Highway 29A and U.S. Highway 70), thence east along said U.S. Highway 70 to Kingston, Tenn., thence east along U.S. Highway 70 to Knoxville, Tenn., serving no intermediate points between Kingston, Tenn., and Knoxville, and return over same route to Dayton, Tenn., in interstate and intrastate commerce." "II. To operate as a motor carrier for the transfer of general commodities except used household goods, commodities in bulk, in tank or hopper vehicles, explosives and commodities requiring special equipment in conjunction with its present authority to serve Spring City, Tenn., from Dayton, Tenn., via U.S. Highway 27 north along said U.S. Highway 27 to Rockwood, Tenn.; thence along U.S. Highway 27 to the intersection of U.S. Highway 70 and U.S. Highway 27; thence east along U.S. Highway 70 to Midtown, Tenn.; thence east along U.S. Highway 70 to Kingston, Tenn.; thence east along U.S. Highway 70 to Knoxville, Tenn., serving no intermediate points between Kingston, Tenn., and Knoxville, and return over the same route to Dayton, Tenn., in interstate and intrastate commerce; and along Interstate Highway 40 from Rockwood, Tenn., to Knoxville, Tenn., serving no intermediate points between Rockwood and Knoxville and return along same routes, in interstate and intrastate commerce."

HEARING: April 18, 1974, at the Commission's Court Room, C-1 Cordell Hull Building, Nashville, Tenn., at 9:30 A.M. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6459 Filed 3-20-74;8:45 am]

[Notice 22]

MOTOR CARRIER, BROKER, WATER, CARRIER AND FREIGHT FORWARDER APPLICATIONS

MARCH 15, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before May 20, 1974, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the* FEDERAL REGISTER *of a notice that the proceeding has been assigned for oral hearing.*

No. MC 200 (Sub-No. 263), filed February 1, 1974. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Avenue, Kansas City, Mo. 64106. Applicant's representative: Ivan E. Moody, 12th Floor Temple Building, 903 Grand Avenue, Kansas City, Mo. 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk) as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site and warehouse facilities of Wilson & Co., Inc., at Cedar Rapids, Iowa, to points in Connecticut, Delaware, the District of Columbia, Maine, New Hampshire, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, restricted to traffic originating at the above named origins and destined to the named destinations.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Oklahoma City, Okla.

No. MC 720 (Sub-No. 12), filed February 6, 1974. Applicant: BIRD TRUCKING COMPANY, INC., P.O. BOX 227, Waupun, Wis. 53963. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs, including frozen foodstuffs not*

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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for human consumption, between Beaver Dam and Milwaukee, Wis., on the one hand, and, on the other, points in Iowa, Michigan, Wisconsin, Pennsylvania, Minnesota, Illinois, Indiana, Ohio, Nebraska, Colorado, Kansas, and Missouri, restricted against the transportation of the above-named commodities in bulk, in tank vehicles, and further restricted to traffic originating at, or destined to, the plantsites and warehouse facilities of Wisconsin Cold Storage, Inc., at Beaver Dam and Milwaukee, Wis.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 1380 (Sub-No. 15), filed January 30, 1974. Applicant: COLONIAL MOTOR FREIGHT LINE, INC., P.O. Box 5468, High Point, N.C. 27262. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Baltimore, Md. and Washington, D.C., on the one hand, and, on the other, points in Tennessee within 150 miles of Charlotte, N.C.; (2) between Richmond, Petersburg, and Bermuda Hundred, Va., on the one hand, and, on the other, points in Tennessee within 150 miles of Charlotte, N.C.; and (3) between Hickory, North Wilkesboro and Mount Airy, N.C., on the one hand, and, on the other, points in Tennessee within 150 miles of Charlotte, N.C.

NOTE.—Applicant states the the requested authority can be tacked with its existing authority at those specified points in Tennessee to provide service between points in North Carolina, Virginia, South Carolina, and Maryland, on the one hand, and, on the other, origin points named in (1), (2) and (3) above. Applicant states that it is presently providing the service sought herein via a Charlotte, N.C. gateway. The purpose of this application is the elimination of this gateway. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C. or Washington, D.C.

No. MC 4483 (Sub-No. 19), filed February 6, 1974. Applicant: MONSON DRAY LINE, INC., Route 1, Red Wing, Minn. 55066. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, chipboard and waferboard*, from the port of entry on the International Boundary line between the United States and Canada, located at or near Grand Portage, Minn., to points in Michigan, Indiana, Illinois, Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, and Missouri; and (2) *newsprint paper*, from the port of entry on the International Boundary line between the United States and Canada, located at or near Grand Portage, Minn., to points in Indiana, Kansas, and Missouri.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Duluth or St. Paul, Minn.

No. MC 4963 (Sub-No. 45), filed December 28, 1973. Applicant: ALLEGHANY CORPORATION, doing business as JONES MOTOR, Bridge Street & Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies and equipment*, from Pittsfield, Mass., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia.

NOTE.—Common control was approved in Docket No. MC-F-11221. Applicant states that the requested authority can be tacked (1) at Pittsfield, Mass., with its regular route authority between Williamstown, Mass., and Philadelphia, Pa., and between North Adams, Mass., and New York, N.Y., to provide a through service to the destination points requested herein and combining this with existing tacking possibilities, applicant could then tack at Philadelphia, Pa., and New York, N.Y., to provide a through service from points in North Carolina, Virginia, Maryland, Delaware, and Pennsylvania to the destination points requested herein; and (2) at Pittsfield, Mass., to provide service from points in Massachusetts to the destination points requested herein. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 11207 (Sub-No. 342), filed February 8, 1974. Applicant: DEATON, INC., 317 Avenue W, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers goods*, from Gadsden, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 14552 (Sub-No. 53), filed February 1, 1974. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a Corporation, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* from the plantsites of the U.S. Steel Corporation at or near Chicago and Joliet, Ill., to points in Ohio, those in Pennsylvania on and west of U.S. Highway 219, and those in West Virginia on and north of U.S. Highway 50; and (2) *iron and steel articles and materials, equipment, and supplies* used or useful in the manufacture of iron and steel and iron and steel articles (except liquid commodities and commodities in bulk), from the plantsites of U.S. Steel Corporation at or near Chicago and Joliet, Ill., to the plantsite of U.S. Steel Corporation at or near Pittsburgh, Clairton, Homestead, Duquesne, McKeesport, Dravosburg, West Mifflin, Ellwood City, and Vandergrift, Pa., restricted to transportation of shipments originating at and/or destined to the above named origins and destinations.

NOTE.—Applicant holds contract carrier authority in MC-123991 and subs thereto, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 19227 (Sub-No. 201), filed December 28, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missiles, missile components, supplies, machinery, equipment*, and *equipment* used in the maintenance service and operation of missiles from Nekoma, N. Dak., and points in Benson, Cavalier, Grand Forks, Nelson, Pembina, Ramsey, Towner, and Walsh Counties, N. Dak. on the one hand, and, on the other, points in Orange County, Fla.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 20916 (Sub-No. 12), filed February 7, 1974. Applicant: JOHN T. SISK, Rt. 2, Box 182–B, Culpeper, Va. 22701. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips, wood sawdust, tree bark, wood ties, and lumber*, from points in Louisa County, Va., to points in Pennsylvania, Delaware, New Jersey, Maryland, and West Virginia; (2) *wood chips, wood sawdust, and wood bark*, from points in King George County, Va., to points in Spring Grove, Pa.; and (3) *lumber*, from Hightstown and Newark, N.J., to points in Orange, Va.

NOTE.—Applicant holds contract carrier authority in MC-134427, therefora dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 25798 (Sub-No. 254) (AMENDMENT), filed January 7, 1974, published in the FEDERAL REGISTER issue of February 28, 1974, and republished as amended this issue. Applicant: CLAY HYDER TRUCKING LINES, INC., 502 East Bridgers Avenue, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquets, wood chips, lighter fluid, fireplace logs, carbon, and activated fly ash*, from Ocala, Jacksonville, and Romeo, Fla., to points in Alabama, Connecticut, Delaware, Georgia, Kentucky, Louisiana, Maryland, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

NOTE.—The purpose of this republication is to indicate that applicant seeks to include carbon and activated fly ash within the commodity description above. Common control was approved in MC-F-8953. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Atlanta, Ga.

No. MC 26396 (Sub-No. 113), filed February 7, 1974. Applicant: POPELKA TRUCKING CO., a Corporation, doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood, lumber, wood products, and lumber products*, from points in Montana east of the Continental Divide, to points in Texas and Oklahoma.

NOTE.—Applicant holds contract carrier authority in MC 136777 (Sub-No. 3), therefore dual operations may be involved. Applicant states that the requested authority can be tacked with Sub-No. 68, on wood poles, piling, and posts, at those points in Montana east of the Continental Divide to provide a through service from Laramie, Wyo., to points in Texas and Oklahoma. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 28457 (Sub-No. 7) (AMENDMENT), filed November 20, 1973, published in the FEDERAL REGISTER issue of March 7, 1974, and republished, as amended, in part, this issue. Applicant: DELAWARE VALLEY TRANSPORTATION CO., doing business as POCONO MOUNTAIN TRAILS, 213 North 9th Street, Stroudsburg, Pa. 18360. (2) Between points in Palmyra Township (Pike County), Pa. and New York, N.Y., serving all intermediate points between Palmyra Township and Delaware Township (Pike County), Pa., inclusive, and serving no intermediate points between Delaware Township (excluding Delaware Township), Pa., and New York, N.Y.: From Tanglewood Lake Estates, Palmyra Township (Pike County), Pa., located at a point on or near Pennsylvania Highway 507 approximately 4 miles south of Paupack, Palmyra Township (Pike County), Pa., thence in a southerly direction over Pennsylvania Highway 507 to junction Pennsylvania Highway 507 and Interstate Highway 84, thence in an easterly direction over Interstate Highway 84 to junction Interstate Highway 84 and Pennsylvania Highway 739, thence in a southeasterly direction over Pennsylvania Highway 739 to the junction of Pennsylvania Highway 739 and New Jersey Highway 521 at or near the Pennsylvania-New Jersey State Boundary line, thence in an easterly direction over New Jersey Highway 521 to junction New Jersey Highway 521 and U.S. Highway 206, thence southeasterly over U.S. Highway 206 to junction U.S. Highway 206 and New Jersey Highway 15, thence southeasterly over New Jersey Highway 15 to junction New Jersey Highway 15 and Interstate Highway 80, thence easterly over Interstate Highway 80 to junction Interstate Highway 80 and Interstate Highway 95, thence southerly over Interstate Highway 95 to junction Interstate Highway 95 and Interstate Highway 495, thence easterly over Interstate Highway 495 to New York, N.Y., and return over the same route.

NOTE.—The purpose of this partial republication is to amend route description #2. The rest of the notice remains as originally published. If a hearing is deemed necessary, applicant requests it be held at Stroudsburg, Pa.

No. MC 29079 (Sub-No. 68), filed February 6, 1974. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, Ind. 46901. Applicant's representative: Chandler L. van Orman, 704 Southern Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Danville and Kankakee, Ill., and points in Indiana, Michigan (on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to junction Business Route U.S. Highway 10, thence along Business Route U.S. Highway 10 to Midland, Mich., thence along Michigan Highway 20 to Saginaw River to Saginaw, and thence along the Saginaw River to Saginaw Bay), and points in Ohio, on the one hand, and, on the other, the plant facilities and warehouses of the American Motors Corp. at or near Kenosha, Wis., and in Racine County, Wis.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis., Chicago, Ill., or Washington, D.C.

No. MC 29120 (Sub-No. 175), filed February 8, 1974. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: Michael J. Ogborn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, chromes, and commodities in bulk), from St. Paul, and Worthington, Minn., and Omaha, Nebr., to points in Michigan, Indiana, Ohio, Kentucky, and Missouri.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing regular route authority to provide a through service from Sioux Falls, S. Dak., to those destination points named above. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or St. Paul, Minn.

No. MC 30837 (Sub-No. 461), filed February 13, 1974. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, P.O. Box 160, Kenosha, Wis. 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses, and parts thereof*, when moving therewith, from Delaware, Ohio, to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 41432 (Sub-No. 140), filed February 5, 1974. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: W. P. Furrh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the facilities of General Cable Corporation, located at or near Monticello, Ill., as an off-route point in connection with carrier's authorized regular-route operations to and from Decatur, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or New York, N.Y.

No. MC 56640 (Sub-No. 31), filed January 28, 1974. Applicant: DELTA LINES, INC., 333 Hegenberger Road, Oakland, Calif. 94621. Applicant's representative: Marshall G. Berol, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): (1) Between Colton and Calexico, Calif.: From Colton over Interstate Highway 10 to junction California Highway 111 (near Indio) thence over California Highway 111 to Calexico and return over the same route, serving all intermediate points; (2) Between Riverside and Beaumont, Calif.: From Riverside over California Highway 60 to Beaumont and return over the same route, serving all intermediate points; (3) Between junction California

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Highway 111 and Interstate Highway 10 (near Whitewater) and junction Interstate Highway 10 and California Highway 111 (near Indio): From junction California Highway 111 and Interstate Highway 10 over California Highway 111 to junction California Highway 111 and Interstate Highway 10 and return over the same route, serving all intermediate points; (4) Between junction California Highway 111 and California Highway 86 (near Coachella) to junction California Highway 111 and California Highway 86 (near Calexico): From junction California Highway 111 and California Highway 86 over California Highway 86 to junction California Highway 111 and California Highway 86 and return over the same route, serving all intermediate points; (5) Between junction California Highway 62 and Interstate Highway 10 and Twentynine Palms, Calif.: From junction California Highway 62 and Interstate Highway 10 over California Highway 62 to Twentynine Palms, and return over the same route, serving all intermediate points and the off-route point of the Marine Corps Training Center near Twentynine Palms; (6) Between San Diego and Winterhaven, Calif.: From San Diego over Interstate Highway 8 (also U.S. Highway 80) to Winterhaven, and return over the same route, serving all intermediate points;

(7) Between San Diego, Calif., and junction Interstate Highway 8 and California Highway 94 near Live Oak Springs, Calif.: From San Diego over California Highway 94 to junction California Highway 94 and Interstate Highway 8, and return over the same route, serving all intermediate points, and the off-route point of Tecate; (8) Between junction unnumbered road and Interstate Highway 8 west of Live Oak Springs, Calif., and junction unnumbered road and Interstate Highway 8: From junction unnumbered road and Interstate Highway 8 via unnumbered road through Live Oak Springs Boulevard and Jacumba to junction unnumbered road and Interstate Highway 8, and return over the same route, serving all intermediate points; (9) Between junction Interstate Highway 8 and California Highway 98 (near Ocotillo) and junction Interstate Highway 8 and California Highway 98: From junction Interstate Highway 8 and California Highway 98 over California Highway 98 to junction Interstate Highway 8 and California Highway 98, (near Gordon's Wells) and return over the same route, serving all intermediate points; and (10) Between Calipatria, Calif., and junction California Highway 115 and California Highway 98: From Calipatria over California Highway 115 to junction California Highway 115 and California Highway 98, and return over the same route, serving all intermediate points.

NOTE.—Common control was approved in MC–F–9986. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, San Diego, or San Francisco, Calif.

No. MC 73165 (Sub-No. 339), filed February 1, 1974. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Eugene T. Liipfert, 1660 L Street NW., Suite 1100, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board*, from the plant site and storage facilities of Johns-Manville Corporation at or near Natchez, Miss., to points in Oklahoma, Arkansas, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 77972 (Sub-No. 23), filed January 23, 1974. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, Miss. 38652. Applicant's representative: Donald B. Morrison, 717 Depository Guaranty Bank Building, P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Memphis, Tenn., and Brookhaven, Miss.: From Memphis to Brookhaven over Interstate Highway 55 and return over the same route, serving no intermediate points; (2) Between Memphis, Tenn., and Hattiesburg, Miss.: From Memphis to Jackson, Miss., over Interstate Highway 55, thence over U.S. Highway 49 to Hattiesburg, and return over the same route, Between Memphis, Tenn., and Laurel, serving no intermediate points; (3) Miss.: From Memphis to the junction of Interstate Highway 55 and Mississippi Highway 35 near Vaiden, thence over Mississippi Highway 35 to Mount Olive, thence over U.S. Highway 49 to Collins, thence over U.S. Highway 84 to Laurel and return over the same route, serving no intermediate points.

NOTE.—All of the above routes are alternate routes for operating convenience only, in connection with applicant's regular route authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 78228 (Sub-No. 49), filed January 31, 1974. Applicant: J MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, and metals*, in dump vehicles, from New Kensington, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Maryland (except Baltimore, Md.), Massachusetts, Michigan, New Hampshire, New Jersey (except points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties, N.J.), New York, Ohio, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in base certificate at Kensington, Pa., to provide a through service from points in Ohio and those portions of Pennsylvania, West Virginia, and Kentucky to the destination points named above. Applicant has no present intention of tacking. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Buffalo, N.Y.

No. MC 87720 (Sub-No. 160), filed December 26, 1973. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Phthalic anhydride*, other than bulk, from Neville Island, Pa., to points in New Jersey, Illinois, Texas, Iowa, Georgia, Maryland, Ohio, North Carolina, Massachusets, and Connecticut; (2) *chemicals*, other than bulk, from Chestertown, Md., to points in Pennsylvania, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Maryland, Delaware, and Ohio; (3) *chemicals*, other than bulk, from Chestertown, Md., to points in Cleveland, Ohio, Detroit, Mich., Chicago, Ill., Atlanta, Ga., Houston, Tex., Providence, R.I., Dallas, Tex., St. Louis, Mo., Kansas City, Mo., and their respective Commercial Zones; and (4) *materials, supplies and equipment*, other than bulk, from the aforementioned destination points in (1), (2), and (3) to the aforementioned origin points in (1), (2), and (3), under contract with Tenneco, Inc.

NOTE.—Common carrier authority held in MC 135684 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95813 (Sub-No. 13), filed February 7, 1974. Applicant: SHUMAKER TRUCKING COMPANY, a Corporation, 601 U.S. 15 North, Dillsburg, Pa. 17019. Applicant's representative: John W. Frame, P.O. Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay, earthen, and stone products, refractories and refractory products, materials, equipment, and supplies* used in the installation thereof, from Plymouth Township and Port Kennedy (Montgomery County), Pa.; West Manchester Township (York County), Pa.; and Leslie and Baltimore, Md., to points in Maine, New Hampshire, Vermont, Massachusetts, Pennsylvania, Rhode Island, Connecticut, District of Columbia, Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, South Carolina, Virginia, and West Virginia; and (2) *materials, equipment, and supplies* used in the manufacture, storage, and distribution of the named commodities above, from points in the described destination territory, to point of origin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 95876 (Sub-No. 146), filed February 4, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and cement pipe* containing asbestos fiber, from the plant and warehouse sites of Johns-Manville Products Corp. located at or near Waukegan, Ill., to points in Minnesota; and (2) *building materials*, from the plantsite and warehouse facilities of Johns-Manville Perlite Corp. located at or near Joliet, Ill., to points in Minnesota.

NOTE.—Common control was approved in MC–F–10457. Applicant states that the requested authority can be tacked with its existing authority in Sub-Nos. 9 and 64 at points in Minnesota to serve Fargo, N. Dak., and points in Iowa and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 96902 (Sub-No. 6), filed February 4, 1974. Applicant: CENTRAL EXPRESS, INC., 304 Grove Street, Westwood, Mass. 02090. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed photographic film* (other than for commercial, theatre, or television exhibition) and, together therewith, *incidental supplies*, used in and for shipping said film, between Norwood and Bedford, Mass., on the one hand, and, on the other, points in Rockingham, Merrimack, Hillsborough, and Strafford Counties, N.H., points in Massachusetts on and east of Massachusetts Highway 12, and Southbridge, Mass.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary the applicant requests it be held at Boston, Mass.

No. MC 99780 (Sub-No. 35), filed February 6, 1974. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk) as defined in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Company, Inc. at Cedar Rapids, Iowa: (1) to Chicago, Ill., and points located within the Chicago Commercial Zone in Illinois; and (2) to St. Louis, Mo., and points located within the St. Louis Commercial Zone in Missouri, restricted to the transportation of traffic originating at the above named origins and destined to the named destinations.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 100666 (Sub-No. 266), filed February 4, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 766, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th, 280 National Foundation Life Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing*, from Dallas, Tex., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Tennessee.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 225 at the facilities of Mid-States Steel & Wire Company at Greenville, Miss., to serve points in Wisconsin and Michigan. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 100666 (Sub-No. 268), filed February 7, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, 3535 N.W. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Construction materials* (except in bulk, in tank vehicles), from Scottsboro, Ala., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority, (1) at Scottsboro, Ala. (a) in Sub-No. 73, on siding (except asbestos), to provide a through service from Shreveport, La.; (b) in Sub-No. 106, on building and insulating materials, and gypsum and gypsum products, to provide a through service from Acme, Tex.; (c) in Sub-No. 109, on wallboard, fibreboard, plywood, particleboard, roofing, insulating, sheathing, gypsum products, joint system compounds, and building paper, to provide a through service from Irving, Tex.; (d) in Sub-No. 53, on lumber, to provide a through service from Mississippi; and (e) in Sub-No. 196, on vinyl flooring tile, to provide a through service from Center, Tex., (a), (b), (c), (d) and (e) to points east of Scottsboro, Ala.; and (f) in Sub-No. 163, on gypsum products, asbestos products, and building materials to provide a through service from the plantsites and storage facilities of the National Gypsum Company at Westwego and New Orleans, La., to points in Maryland, Pennsylvania, and points north and east thereof; and (2) (a) in Sub-No. 69, at Tap City, Ark., on aluminum doors and windows, complete with glass panes, and accessories used in the installation thereof; (b) in Sub-No. 153, at St. Smith, Ark., on plastic pipe; and (c) in Sub-No. 154, at MacPherson, Kans., and Waco, Tex., on plastic pipe and related products, 2 (a), (b) and (c) to serve points west of the border states as indicated above; and (3) in Sub-No. 176 at Pittsburg, Kans., on prefinished wall panels, composition board, wallboard, plywood, and moldings to serve points in Montana, Nevada, Arizona, Utah, Idaho, Washington, Oregon, and California. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 103191 (Sub-No. 40), filed February 15, 1974. Applicant: THE GEO. A. RHEMAN CO., INC., 2019 Elgin Street, P.O. Box 2095, Station A, Charleston, S.C. 29403. Applicant's representative: Harris G. Andrews, P.O. Box 4255, Greenville, S.C. 29608. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, between Norfolk and Portsmouth, Va., on the one hand, and, on the other, Cincinnati, Ohio, and points in Kentucky.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbia, S.C., or Atlanta, Ga.

No. MC 106274 (Sub-No. 20), filed January 28, 1974. Applicant: RAEFORD TRUCKING COMPANY, a Corporation, P.O. Box 219, Sanford, N.C. 27330. Applicant's representative: R. B. Guthrie (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), from points in Ohio, to points in North Carolina and South Carolina.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 107227 (Sub-No. 130), filed February 8, 1974. Applicant: INSURED TRANSPORTERS, INC., 45055 Fremont Boulevard, Fremont, Calif. 94538. Applicant's representative: John G. Lyons, 1418 Mills Tower, 220 Bush Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway service, from Los Angeles Harbor and Long Beach, Calif., to points in Utah.

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NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 107496 (Sub-No. 935), filed January 23, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Third at Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, in bulk, liquid, (1) from Osage City, Kans., to points in Oklahoma; (2) from Madison, Wis., to points in Iowa, Illinois, and Minnesota; (3) from Oskaloosa, Iowa, to points in Illinois and Missouri; (4) from Elwood, Kans., to points in Iowa, Nebraska, and Missouri; and (5) from Baxter, Iowa, to points in Missouri.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with (1) above, (a) in Sub-No. 837, at Osage City, Kans., to provide a through service from Grand Island, Nebr.; (b) in Sub-No. 826, at Osage City, Kans., to provide a through service from Audubon, Iowa; (c) in Sub-No. 745, at Osage City, Kans., to provide a through service from Council Bluffs, Iowa; (d) in Sub-No. 396, at Osage City, Kans., to provide a through service from Morrill, Nebr.; and (e) in Sub-No. 408, at Osage City, Kans., to provide a through service from Weeping Water, Nebr., to points in Oklahoma, with (2) above, in Sub-No. 837, at Cameron, Ill., Muscatine, Iowa, and the Cargill, Inc. facilities, located at or near Buffalo, Iowa, to serve points in Missouri; with (3) above, (a) in Sub-No. 837, at Cameron or Shannon, Ill., to serve points in Wisconsin; and (b) in Sub-No. 110, at points in Missouri, to serve points in Iowa; with (4) above, (a) in Sub-No. 837, at Lewiston, Mo., to serve points in Illinois, and at the Cargill, Inc. facility, located at or near Buffalo, Iowa, to serve points in Illinois, Wisconsin, and Minnesota; and (b) in Sub-No. 763, at the Occidental Warehouse, located at Clinton, Iowa, to serve points in Illinois, Minnesota, and Wisconsin; with (5) above, (a) in Sub-No. 837, at Lewiston Mo., to serve points in Illinois; and (b) in Sub-No. 110 at points in Missouri, to serve points in Iowa, with (2) above, in Sub-No. 767, at Havana, Ill., and Savage, Minn., with (3) above, at Havana, Ill.; and with (4) above, at Omaha, Nebr., to serve points in Arkansas, Iowa, Kansas, Louisiana, Minnesota, Colorado, Mississippi, Wisconsin, Wyoming, Kentucky, Michigan, Alabama, Indiana, Georgia, Ohio, Florida, North Dakota, South Dakota, Illinois, Oklahoma, Montana, Missouri, Nebraska, and Tennessee, with (3) above, at Oskaloosa, Iowa, to provide a through service from Battle Creek, Mich., to points in Illinois and Missouri; with (5) above, at Baxter, Iowa, to provide a through service from Battle Creek, Mich., to points in Missouri; with (2) and (4) above, (a) in Sub-No. 826, at Audubon, Iowa, plantsite, to serve points in Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota; (b) in Sub-No. 745, at Council Bluffs, Iowa, to serve points in Illinois, Kansas, Minnesota, Missouri, Nebraska, and South Dakota; (c) in Sub-No. 799, at Muscatine, Iowa, to serve points in Illinois, Indiana, Wisconsin, and Minnesota; (d) in Sub-No. 737, at Des Moines, Iowa, to serve points in 33 States and at West Des Moines, Iowa, to serve points in Arkansas, Colorado, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, and Wisconsin; and (e) in Sub-No. 470, at facilities located at or near Sioux City, Iowa, to serve points in Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Minnesota, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming; with (2) and (3) above, (a) in-Sub-No. 471, at the Niota, Ill., plantsite, to serve points in Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin; and (b) in Sub-No. 361, at East Dubuque, Ill., plantsite to serve points in Indiana, Iowa, Kansas, Missouri, Kentucky, Michigan, Nebraska, Ohio, South Dakota, Minnesota, and Wisconsin; with (3) above, in Sub-No. 110, at Oskaloosa, Iowa, to provide a through service from points in Colorado, Iowa, Kansas, Minnesota, Nebraska, and South Dakota, to points in Illinois and Missouri; with (1) above, (a) in Sub-No. 308, at Osage City, Kans., to provide a through service from the Occidental plantsite at Montpelier, Iowa, to Oklahoma; (b) with (2) above, at the Occidental plantsite at Montpelier, Iowa, to serve points in Indiana, Kansas, Nebraska, North Dakota, South Dakota, Wisconsin, Missouri, Ohio, Michigan, Kentucky, Tennessee, Mississippi, Arkansas, and Pennsylvania; and (c) with (4) above, at the Occidental plantsite at Montpelier, Iowa, to serve points in Indiana, Kansas, Minnesota, North Dakota, South Dakota, Wisconsin, Illinois, Ohio, Michigan, Kentucky, Tennessee, Mississippi, Arkansas, and Pennsylvania, and at the Occidental facilities, located at or near Omaha and Nebraska City, Nebr., to serve points in Kansas and South Dakota, and with (1) and (3) above, at Osage City, Kans., and Oskaloosa, Iowa, to provide a through service from the Occidental facilities, located at or near Omaha and Nebraska City, Nebr., to points in Oklahoma and Illinois, respectively. If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Omaha, Nebr.

No. MC 107934 (Sub-No. 24), filed February 4, 1974. Applicant: BYRD MOTOR LINE, INCORPORATED, P.O. Box 787, Lexington, N.C. 27292. Applicant's representative: John R. Sims, Suite 600, 1707 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rejected, refused, defective, damaged, repossessed, and samples of new furniture*, from points in the United States (except Alaska, Hawaii, Maine, Massachusetts, New Hampshire, and Vermont), to points in Alamance, Davidson, Davies, Forsyth, Guilford, Randolph, Rockingham, and Stokes Counties and Hillsboro and Statesville, N.C., restricted to traffic originating at the destination points above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 109207 (Sub-No. 382), filed February 4, 1974. Applicant: FROZEN FOOD EXPRESS, INC., P.O. 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, frozen and non-frozen, and non-edible foods (except commodities in bulk), from Logansport, Ind., to points in Iowa, Nebraska, Missouri, Kansas, Arkansas, Oklahoma, Mississippi, Louisiana, Texas, New Mexico, Arizona, California, Minnesota, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 108676 (Sub-No. 60), filed February 14, 1974. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air handling equipment and systems;* and (2) *materials, parts, components, and supplies* (except commodities in bulk) used in air handling equipment and systems, from Greenville, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Nashville, Tenn.

No. MC 109397 (Sub-No. 293), filed February 6, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113 (Business I-44), Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Source, special nuclear, by-product materials, radioactive materials, related radioactive materials, related radioactive equipment, component parts, and associated materials*, (1) between points in Alabama, Tennessee, Mississippi, Kentucky, Louisiana, Georgia, North Carolina, South Carolina, and Virginia; and (2) between points in the territory named in (1) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked (a) with Sub-278, at Barnwell County, S.C., to provide service between points in the United States, and (b) with Sub-150, over Burke County, Ga., Anderson and Roane Counties, Tenn., Campbell and Norfolk Counties, Va., and specific points within 25 miles of the District of Columbia, to provide service between specific counties in California, Connecticut, Illinois, Maryland, Massachusetts, Michigan, New Hampshire, New Mexico, Ohio, Pennsylvania, Utah, and New York, and points in the United States. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 109802 (Sub-No. 32) filed February 4, 1974. Applicant: LAKELAND BUS LINES, INC., East Blackwell Street, Dover, N.J. 07801. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* and *express* in the same vehicle with passengers, (1) Between Denville, N.J., and Wayne, N.J.: From Denville, N.J., over Interstate Highway 80 to junction with New Jersey Highway 23 and U.S. Highway 46, in Wayne, N.J., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., serving no intermediate points, except for purposes of joinder only; (2) Between Parsippany-Troy Hills, N.J., and Wayne, N.J.: (a) From junction of U.S. Highway 46 and Interstate Highway 80 in Parsippany-Troy Hills, N.J., over Interstate Highway 80 to Wayne, N.J.; (b) from junction of Interstate Highway 80 and Cherry Hill Road, in Parsippany-Troy Hills, N.J., over U.S. Highway 80 to Wayne, N.J.; and (c) from junction of Interstate Highway 287 and U.S. Highway 46 in Parsippany-Troy Hills, N.J., over Interstate Highway 80 to Wayne, N.J., and return over the same routes, as alternate routes for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., serving no intermediate points, except for purposes of joinder only; (3) Between Wayne, N.J., and New York, N.Y.: From the junction of New Jersey Highway 23 and Interstate Highway 80 in Wayne, N.J., over Interstate Highway 80 to junction with Interstate Highway 95 in Ridgefield Park, N.J., thence over Interstate Highway 95 to Secaucus, N.J. (Interstate Highway 95 being known as the New Jersey Turnpike between Ridgefield Park, N.J., and Secaucus, N.J.), thence over Interstate Highway 95 exit road to junction with Interstate Highway 495 in North Bergen, N.J., thence over Interstate Highway 495 to New York, N.Y., and return over the same routes using Interstate Highway 95 (New Jersey Turnpike) access road in North Bergen, N.J., as an alternate route for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., serving no intermediate points, except for purposes of joinder only.

(4) Between Parsippany-Troy Hills, N.J., and Montville, N.J.: From intersection of U.S. Highway 46 and Interstate Highway 287, in Parsippany-Troy Hills, N.J., over Interstate Highway 287 to its junction with Main Street, in Montville, N.J., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., serving no intermediate points, except for purposes of joinder only; (5) Between Netcong, N.J., and Hackettstown, N.J.: From Netcong, N.J., over access roads to Interstate Highway 80, thence over Interstate Highway 80 to junction with New Jersey Highway 517, thence over New Jersey Highway 517 to Hackettstown, N.J., and return over the same route, serving no intermediate points, in connection with applicant's existing routes to and from New York, N.Y.; and (6) Between Montville, N.J., and Wayne, N.J.: From the junction of Hook Mountain Road and U.S. Highway 46 in Montville, N.J., over Hook Mountain Road and access roads to junction with Interstate Highway 80, thence over Interstate Highway 80 to Wayne, N.J., and return over the same route, as an alternate route for operating convenience only, in connection with applicant's existing routes to and from New York, N.Y., serving no intermediate points, except for purposes of joinder only.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 109847 (Sub-No. 18) filed February 11, 1974. Applicant: BOSS-LINCO LINES, INC., Suite 450, One West Genesee Street, Buffalo, N.Y. 14240. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Mansfield, Pa., and Baltimore, Md., in connection with carrier's authorized regular-route operations, serving no intermediate points, as an alternate route for operating convenience only; from Mansfield, over U.S. Highway 15 to Harrisburg, Pa., thence over Interstate Highway 83 to Baltimore, Md., and return over the same route; and (2) Between the junction of U.S. Highway 219 and Interstate Highway 80 near Du Bois, Pa., and Baltimore, Md., serving no intermediate points, as an alternate route for operating convenience only; From the junction of U.S. Highway 219 and Interstate Highway 80 over Interstate Highway 80 to its junction with U.S. Highway 15, thence over U.S. Highway 15 to Harrisburg, Pa., and thence over Interstate Highway 83 to Baltimore, Md., and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 110525 (Sub-No. 1087) filed January 25, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from Warren, Pa., to points in Ohio; and (2) *sodium nitrate*, dry, in bulk, in tank vehicles, from Norfolk, Va. to New York City, N.Y.

NOTE.—Applicant states that the requested authority can be tacked with 2 above, (a) at New York City, N.Y., to serve points in Connecticut, Rhode Island, and Massachusetts in Sub-No. 608, paragraph 367, which can be tacked at Springfield, Mass. in Sub-No. 619, paragraph 371, to serve points in Vermont, New Hampshire, and Maine; (b) at New York, N.Y., to serve points in Essex, Union, Bergen, Passaic, Morris, and Sussex Counties, N.J. in Sub-No. 809, paragraph 525 and 526; and (c) at the New York Commercial Zone, N.Y., to serve points in that part of New York on and south of a line beginning at the New York-Vermont State line, and extending along New York Highway 7 to Binghamton, N.Y., and thence along U.S. Highway 11 to the New York-Pennsylvania State line (except New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y.), in Sub-No. 809, paragraph 527. If a hearing is deemed necessary, the applicant requests it be held at New York City, N.Y.

No. MC 111383 (Sub-No. 38) filed January 2, 1974. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3925 Singleton Boulevard, P.O. Box 4447, Dallas, Tex. 75208. Applicant's representative: James Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Houston, Tex. and Carthage, Tex.: From Houston over U.S. Highway 59 to junction U.S. Highway 259, near Nacogdoches, Tex., thence over U.S. Highway 259 to junction Texas Highway 315 at Mount Enterprise, Tex., thence over Texas Highway 315 to Carthage, and return over the same route; (2) Between Hempstead, Tex. and Austin, Tex.: From Hempstead, over U.S. Highway 290 to Austin, and return over the same route; (3) Between Jacksonville, Tex. and Fairfield, Tex.: From Jacksonville, over U.S. Highway 79 to junction U.S. Highway 84 at Long Lake, Tex., thence over U.S. Highway 84 to Fairfield, and return over the same routes; (4) between Fairfield, Tex. and Waco, Tex.: From Fairfield over U.S. Highway 84 to Waco, and return over the same route; (5) Between Round Rock, Tex. and Hearne, Tex.: From Round Rock over U.S. Highway 79 to Hearne, and return over the same route; (6) Between Hearne, Tex. and Buffalo, Tex.: From Hearne over U.S. Highway 70 to Buffalo, and return over the same route.

(7) Between Buffalo, Tex. and Long Lake, Tex.: From Buffalo, over U.S. Highway 79 to Long Lake, and return over the same route; (8) Between Alexandria, La. and Iowa, La.: From Alexandria over U.S. Highway 165 to junction Interstate Highway 10 near Iowa, La. and return over the same route; and (9) Between the junction of Texas Highway 12 and Interstate Highway 10 near Beaumont, Tex. and Alexandria, La., serving only the point of Alexandria, La.: From the junction of Texas Highway 12 and Interstate Highway 10 near Beaumont, Tex. over Texas Highway 12 to junction U.S. Highway 190 at Ragley, La., thence over U.S. Highway 190 to junction U.S. Highway 165 at Kinder, La., thence over U.S. Highway 165 to Alexandria, and return over the same route, in (1) through (9) above, as alternate routes for operating convenience only, serving no intermediate points, in connection with carrier's regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 111383 (Sub-No. 39) filed January 30, 1974. Applicant: BRASWELL MOTOR FREIGHT LINES, INC., 3925 Singleton Blvd., P.O. Box 4447, Dallas, Tex. 75208. Applicant's representative: James Smith (same address as ap-

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plicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the Holiday Industrial Park located in DeSoto County, Miss., as an off-route point in connection with carrier's regular route operations to and from Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests is be held at Dallas, Tex.

No. MC 111397 (Sub-No. 103) filed February 11, 1974. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer, and fertilizer material;* and (2) *urea*, from the facility of CF Industries, Inc., at or near Cincinnati, Ohio, to points in Illinois, Indiana, Michigan, Ohio, and Pennsylvania.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 112822 (Sub-No. 317) filed February 11, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy, confectioneries, and related products* (except commodities in bulk); and (2) *advertising matter, premiums and display material* when shipped in mixed loads with (1) above, from Chicago, Ill. and its Commercial Zone, as defined by the Commission, to points in Arizona, Arkansas, California, Kansas, Missouri, Montana, New Mexico, Oklahoma, Oregon, Utah, and those points in Texas on and west of U.S. Highway 83.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 318) filed February 8, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dodge City, Kans., to points in Virginia, North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, Missouri, Indiana, Ohio, Kentucky, Michigan, Illinois, Minnesota, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 112822 (Sub-No. 319) filed February 14, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the Kitchens of Sara Lee, at Deerfield, Ill., to points in Alabama, Arkansas, Georgia, Idaho, Louisiana, Mississippi, Nevada, North Carolina, Oregon, South Carolina, Tennessee, Utah, Washington, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113362 (Sub-No. 269) filed February 4, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Raymond W. Ellsworth, P.O. Box 227, Seneca, Pa. 16346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Falling Rock, W. Va., to points in Illinois, Iowa, and Missouri.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Elmore, Iowa to serve points in Minnesota. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa. or Washington, D.C.

No. MC 113908 (Sub-No. 302) filed February 4, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Neutral spirits*, in bulk, from Bakersfield, Delano, Fresno, Lodi, and Madera, Calif., to points in Manandaigua, N.Y.; Patrick, S.C.; and Petersburg, Va.; (2) *alcoholic liquors*, in bulk, from the port of entry on the International Boundary line between the United States and Canada at or near Sweetgrass, Mont., to points in Cincinnati, Ohio; and (3) *alcoholic liquors and neutral citrus residue brandy*, in bulk, from Auburndale and Lake Alfred, Fla., to points in Burlingame, Calif.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Chicago, Ill.

No. MC 114211 (Sub-No. 218) (Clarification) filed January 10, 1974, published in the FEDERAL REGISTER issue of February 14, 1974, and republished as corrected this issue. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment* designed for use in conjunction with tractors; (3) *agricultural, industrial, and construction machinery and equipment;* (4) *trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles); (5) *attachments* for the above-described commodities; (6) *internal combustion engines;* (7) *parts* of the above-described commodities when moving in mixed loads with such commodities; and (8) *materials, equipment, and supplies* (except commodities in bulk) used in the manufacture and distribution of the commodities described in (1) through (7) above, between Lexington, Nebr., on the one hand, and, on the other, points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, New York, Pennsylvania, West Virginia, Virginia, North Carolina, Michigan, South Carolina, Georgia, Florida, Vermont, New Hampshire, Maine, Massachusetts, Rhode Island, Connecticut, New Jersey, Delaware, and Maryland, restricted to the transportation of traffic (a) originating at Lexington, Nebr., and destined to points in the above-named States or (b) originating at points in the above-named States and destined to Lexington, Nebr. (except that the restrictions in (a) and (b) shall not apply to traffic moving in foreign commerce).

NOTE.—The purpose of this republication is to indicate that portion of applicant's request for authority which was inadvertently omitted in the previous FEDERAL REGISTER publication. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 114211 (Sub-No. 224), filed February 8, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Patrick Smyth, 327 South La Salle, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Agricultural machinery;* (2) *elevators;* (3) *conveyors;* (4) *mixer-mills;* (5) *tractors*, with or without attachments; (6) *self-propelled loaders;* (7) *wagons;* (8) *attachments*, for the commodities described in (1) through (7) above; and (9) *parts*, for the commodities described in (1) through (8) above, from Davison County, S. Dak., to points in the United States (except Alaska and Hawaii); and (B) *materials, equipment and supplies* (except commodities in bulk), used in the manufacture and distribution of the above-named commodities, from points in the United States (except Alaska and Hawaii), to points in Davison County, S. Dak.

NOTE.—Applicant states that the requested authority can be tacked at points in the United States, to serve points in the United States. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn. or Chicago, Ill.

No. MC 114273 (Sub-No. 161) filed January 21, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue, N.E., Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery equipment*, from Cedar Rapids, Iowa to points in the United States (except California, Alaska, Arizona, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at Cedar Rapids, Iowa, to provide a through service from points in Nebraska and Iowa, on U.S. Highway 6 and 30, west of Cedar Rapids, Iowa, to those destination points named above. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 184) filed February 8, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, container accessories and materials and supplies* used in the manufacture and distribution of metal containers, container ends and container accessories (except commodities in bulk or those which because of size or weight require the use of special equipment), from Elwood, Ind., to Jackson, Tenn.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 114552 (Sub-No. 95) filed February 4, 1974. Applicant: SENN TRUCKING COMPANY, a Corporation, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and lumber mill products*, from the plant site of Champion International Corporation, located in Newberry County, S.C., to points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas, and Louisiana.

NOTE.—Applicant states that the requested authority can be tacked at the plant site at Newberry, S.C., in the lead docket, to provide a through service from points in Alabama, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, Connecticut, and the District of Columbia, to points in the destination states named above, and in Sub-No. 12, to provide a through service from Mississippi, Illinois, Indiana, Michigan, Massachusetts, and Rhode Island to those points in the above-named destination states. If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio, Columbia, S.C. or Washington, D.C.

No. MC 114632 (Sub-No. 68), filed February 11, 1974. Applicant: APPLE LINES, INC., 212 Southwest Second, Madison, S. Dak. 57042. Applicant's representative: Robert A. Appelwick, Box 507, Madison, S. Dak. 57402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by packinghouses* (except hides and commodities in bulk), (1) from York, Nebr., to points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, and Wisconsin; and (2) from Fargo, N. Dak., Omaha, Nebr., and Sioux City, Iowa, to points in Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC-129706, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115840 (Sub-No. 95), filed January 2, 1974. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner, P.O. Box 10327, Birmingham, Ala. 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* (except in bulk), from Port Bienville, located at or near Pearlington, Miss., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Tennessee, and Texas (except Birmingham and Mobile, Ala., and points on the Mississippi and Tennessee Rivers located in Alabama, Louisiana, Mississippi, and Tennessee as already authorized); and (2) *non-ferrous metal articles* (except in bulk), from Port Bienville, located at or near Pearlington, Miss., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, Tennessee, and Texas, restricted in parts (1) and (2) to traffic originating at, and destined to, the named points, and/or having a prior or subsequent movement by rail or water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Jackson, Miss.

No. MC 116519 (Sub-No. 21) (amendment), filed January 3, 1974, published in the FEDERAL REGISTER issue of February 22, 1794, and republished as amended this issue. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements* (except tractors), *machinery, attachments and equipment* designed for use with such articles when moving in mixed loads therewith, from Dewitt, Ark.; Quincy, Litchfield, Compton, Taylorville, Morton, Galesburg, Kankakee, De Kalb, Eureka, and Morton, Ill.; Goshen, Mishawaka, Lucerne, Columbia City, Freeman, Peru, Richmond, and Shelbyville, Ind.; Cedar Rapids, Oelwein, Ames, Clarion, Davenport, Waterloo, Cedar Falls, Conrad, and Graettinger, Iowa; Clay Center, Dodge City, Garden City, Hesston, Holton, Hutchinson, Kansas City, Fulton, and Salina, Kans.; Worcester, Mass.; Holland, Mich.; Albert Lea, Benson, Willmar, Long Lake, Windom, and Mankato, Minn.; Holden and Kansas City, Mo.; Columbus and Lexington, Nebr.; Batavia and Binghamton, N.Y.; Ada, Bowling Green, Cleveland, Hillsboro, Willard, and Mansfield, Ohio; Tonkawa, Okla.; Centre Hall and Green Castle, Pa.; Tarboro, N.C.; Bennettsville, S.C.; Watertown, S. Dak.; Memphis, Tenn.; Allenton, Appleton, New Holstein, Pound, and Manitowee, Wis.; and Cheriton, Va., to ports of entry along the International Boundary line between the United States and Canada located in Michigan, New York, Vermont, and Maine.

(2) (a) *New tractors* (except tractors designed primarily for the hauling of goods on the highway), (b) *wheeled vehicles* (except automobiles, commercial motor vehicles and trailers designed primarily for the carriage of goods on the highway), (c) *agricultural machinery and agricultural implements* (except hand implements), (d) *self-propelled industrial and construction machinery*, and (e) *parts and attachments* for the above goods, provided that the same may only be carried when their transportation is the same transportation of the goods described in (a), (b), (c), and (d) inclusive above, from ports of entry on the International Boundary line between the United States and Canada, located in Michigan and New York, to points in the United States (except points in Alaska, Arizona, California, Colorado, Hawaii, Idaho, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming), restricted against traffic originating at Toronto, Brantford, and Hamilton, Ontario, Canada (except for shipments from those points having a prior movement by water, rail, or motor carrier); and, (3) *riding tractors and attachments and equipment* designed for use with such articles when moving in mixed loads therewith, from Cleveland and Willard, Ohio, and Richmond, Ind., to ports of entry along the International Boundary line between the United States and Canada located at points in Michigan and New York, restricted to the transportation of traffic moving in foreign commerce.

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NOTE.—The purpose of this republication is to indicate the amended requests for authority as described above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116947 (Sub-No. 29), filed February 4, 1974. Applicant: SCOTT TRANSFER CO., INC., 920 Ashby Street SW., Atlanta, Ga. 30310. Applicant's representative: William Addams, Suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tile: Clay or earthenware, encaustic, wall tile and floor tile, with or without backing*, in cartons, NOIBN, and *ceramic tile bath accessories*, from Morrisville, Pa., to points in Birmingham, Ala.; Orlando, Fla.; Atlanta, Scottsdale, and Savannah, Ga.; Cleveland and Jackson, Miss., under a continuing contract with Robertson-American Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 117119 (Sub-No. 495), filed January 23, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass, Glassware, and closures*, from the plantsite and warehouse facilities of Owens-Illinois, Inc., located at or near Vineland, Bridgeton, and Glassboro, N.J., and Toledo, Ohio, to points in California, Oregon, Washington, Arizona, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, New Mexico, and Louisiana.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or New York, N.Y.

No. MC 117551 (Sub-No. 6), filed January 21, 1974. Applicant: NEWS & FILM SERVICE, INC., 745 Lipan Street, Denver, Colo. 80204. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Motion picture and television film and theatre supplies*, (A) Between Denver, Colo., and Grand Junction, Colo.: (1) From Denver, over Interstate Highway 25 and/or U.S. Highway 285 to junction U.S. Highway 50, thence over U.S. Highway 50 to Grand Junction, and return over the same routes serving all points on U.S. Highway 50 West of the Continental Divide and serving the off-route point of Telluride, Colo.; and (2) From Denver over U.S. Highways 6 and 40 and Interstate Highway 70, thence over U.S. Highways 6 and 40 and Interstate Highway 70 to Grand Junction and return over the same route, serving all points on U.S. Highway 6 and Interstate Highway 70 West of the Continental Divide and the off-route points of Leadville, Breckenridge, Minturn, and Aspen, Colo.; (B) Between Denver, Colo., and Craig, Colo.: From Denver over U.S. Highway .6 and Interstate Highway 70 to junction U.S. Highway 40, thence over U.S. Highway 40 to Craig, and return over the same route, serving the intermediate points of Granby and Steamboat Springs, Colo., and the off-route point of Central City, Colo.; and (C) between Denver, Colo., and U.S. Highways 40 and 281: From Denver over U.S. Highway 40 to junction U.S. Highway 281 and return over the same route serving all intermediate points in Kansas, and all points in Kansas west of U.S. Highway 281 as off-route points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 117686 (Sub-No. 145), filed February 4, 1974. Applicant: HIRSCHBACH MOTOR LINES, INC., 3324 U.S. Highway 75 North, P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen potatoes and frozen potato products) from the plant site and warehouse facilities of Western Potato Service, Inc., at Grand Forks, N. Dak., to points in Texas, Oklahoma, Louisiana, Mississippi, Arkansas, Alabama, Arizona, California, Florida, Nevada, New Mexico, Oregon, and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 117940 (Sub-No. 108), filed February 4, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Logs of compressed wood, bark, or sawdust; paper and paper products, and pulpboard;* and *furniture rounds, wooden turned, finished or unfinished*, from Plymouth, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Oklahoma, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, Vermont, Wisconsin, and the District of Columbia and *returned shipments* to Plymouth, N.C.; and (b) *wood pulp*, from Askin, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Oklahoma, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, Vermont, Wisconsin, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC 114789 Sub-No. 1 and other subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117972 (Sub-No. 4), filed January 21, 1974. Applicant: GROWERS COLD STORAGE CO., INC., Route 279, Waterport, N.Y. 14571. Applicant's representative: William J. Hirsch, 35 Court Street, Suite 444, Buffalo, NY. 14202. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in New York on and west of Interstate Highway 81 (except Binghamton, N.Y.), on the one hand, and, on the other, points within Ohio, Pennsylvania, Virginia, West Virginia, and Maryland in the territory bounded as follows: Beginning at Avon Lake, Ohio, thence along Ohio Highway 83 to junction Ohio Highway 60, thence along Ohio Highway 60 to junction Ohio Highway 339, thence along Ohio Highway 339 to junction Interstate Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 144, thence over Pennsylvania Highway 144 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 449, thence along Pennsylvania Highway 449 to the New York-Pennsylvania State Boundary line, thence along the New York-Pennsylvania State Boundary line to Lake Erie, thence along the shore of Lake Erie to Avon Lake, Ohio.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority as follows: In the lead docket, on frozen fruits, frozen berries and frozen vegetables, at points in that portion of New York lying west of a line beginning at the New York-Pennsylvania State Boundary line and extending along U.S. Highway 11 to the junction of New York Highway 57 at Syracuse, N.Y. and thence along New York Highway 57 to Oswego, N.Y.: (1) To provide a through service from those points named above to Kearny, N.J.; Philadelphia, Pa.; and Boston, Mass.; and (2) to provide service between those points named above, on the one hand, and, on the other, points in the New York, N.Y., Commercial Zone; in Sub-No. 1: (1) On frozen agricultural commodities, fish and meats, at Waterport, Ithica, Elmira, Rochester, and Syrcause, N.Y., to provide service between those points named above, on the one hand, and, on the other, Jersey City, N.J., and Boston, Mass., and (2) on food products, at Waterport, N.Y., to provide service between those points named above, on the one hand, and, on the other, Vineland, Bridgeton, and Newark, N.J.; Philadelphia, Pa.; and Boston, Mass. If a hearing is deemed necessary, applicant requests it be held at Buffalo N.Y.

No. MC 118610 (Sub-No. 21), filed February 11, 1974. Applicant: L & B EXPRESS, INC., P.O. Box 137, 1213 South Main St., Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, P.O. Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonferrous metals*, between points in the United States (except Alaska and Hawaii), restricted to service for the account of Aluminum Services, Inc.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Frankfort, or Louisville, Ky.; Cincinnati, Ohio; or Nashville, Tenn.

No. MC 119626 (Sub-No. 9), filed December 28, 1973. Applicant: ILL.-PAC. COAST TRANSPORTATION CO., 1601 Market Street, Madison, Ill. 62060. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from St. Louis, Mo.; Springfield and Chicago, Ill., to points in Arizona, Nevada, and New Mexico.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Springfield, Ill.

No. MC 119641 (Sub-No. 119), filed February 8, 1974. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278, Colee Station, Fort Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, other than truck tractors, (1) from Baltimore, Md., and Philadelphia, Pa., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Montana, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming; and (2) from Baltimore, Md., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 119702 (Sub-No. 43) (Clarification), filed January 8, 1974, published in the FEDERAL REGISTER issue of February 7, 1974, and republished as clarified this issue. Applicant: STAHLY CARTAGE CO., a Corporation, P.O. Box 486, 130A Hillsboro Ave., Edwardsville, Ill. 62025. Applicant's representative: Jeff S. Wohlford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, (1) from the plantsite and storage facilities of the Dow Chemical Company, at Pevely, Mo.; and (2) from the plantsite and storage facilities of the Dow Chemical Company located at points in Channahon Township, Will County, Ill., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, and Wisconsin, restricted to shipments originating at and destined to the points named above.

NOTE.—The purpose of this republication is to more clearly indicate the origin in (2) above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., Chicago Ill., or Washington, D.C.

No. MC 119777 (Sub-No. 285), filed January 21, 1974. Applicant: LIGON SPECIALIZED HAULER, INC. (JOHN C. RYAN, TRUSTEE), P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets, skids, bases, boxes, crates, crating, veneer, baskets, treads, risers, sills, molding, cardboard cartons, nails, flooring, lumber, treated poles, treated piling, treated lumber, treated crossarms, and treated crossties*, from points in Louisiana, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant holds contract carrier authority under MC 126970 Subs 1 and 3, therefore dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority at points in Louisiana, to provide a through service to those points in the United States, for which service has not been authorized within the scope of the named authority: (1) In lead certificate from points in Muhlenberg County, Ky.; (2) in Sub 7 from points in Logan County, Ky.; (3) in Sub 217, from points in Mississippi; (4) in Sub 176, from Jackson, Tenn.; and (5) in Sub 180 from Paris, Ill. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 120736 (Sub-No. 4), filed February 15, 1974. Applicant: STROTHMAN EXPRESS, INC., 2735 Spring Grove Ave., Cincinnati, Ohio 45225. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities which because of size or weight require the use of special equipment), between Cincinnati, Ohio, on the one hand, and, on the other, points in Ohio.

NOTE.—Applicant seeks by this application to convert its Permit in MC 120736 (Sub-No. 1), into a Certificate of Public Convenience and Necessity. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 121318 (Sub-No. 12), filed January 30, 1974. Applicant: YOURGA TRUCKING, INC., 104 Church Street, Wheatland, Pa. 16161. Applicant's representative: Harold G. Hernly, Jr., 118 North Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant site of Bethlehem Steel Corporation located at or near Lackawanna, N.Y., to points in Ohio.

NOTE.—Applicant indicates that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 123048 (Sub-No. 279), filed February 11, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 Twenty-First Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and equipment;* and (2) *attachments* for (1) above; and *parts* for (1) and (2) above, from Pepin, Wis., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Nebraska, New York, Ohio, Pennsylvania, and South Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 123048 (Sub-No. 293), filed February 4, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul L. Martinson, P.O. Box A, Racine, Wis. 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) (1) *Agricultural machinery;* (2) *elevator;* (3) *conveyors;* (4) *mixer-mills;* (5) *tractors*, with or without attachments; (6) *self-propelled loaders;* (7) *wagons;* (8) *attachments*, for the commodities described in (1) through (7) above; and (9) *parts*, for the commodities described in (1) through (8) above, from points in Davison County, S. Dak., to points in the United States (except Alaska and Hawaii); and (B) *materials, equipment, and supplies* (except commodities in bulk), used in the manufacture and distribution of the above named commodities, from points in the United States (except Alaska and Hawaii), to points in Davison County, S. Dak.

NOTE.—Applicant states that the requested authority can be tacked at points in Davison County, S. Dak., with (A) above, to provide a through service to points in the United States (except Alaska and Hawaii), from: Charles City, Iowa, on Item No. 30, Des Moines, Iowa, on Item No. 31; Shelbyville, Ill., and South Bend, Ind., on Item No. 34; the plantsite and warehouse facilities of Smalley Manufacturing Company, located at Manitowoc, Wis., on Item No. 111; Osseo, Wis., on Item No. 98; Hernando, Miss., on Item No. 150, and the plantsite and storage facilities of Kasten Manufacturing Corp., located at Allenton, Wis., and Menomonie, Wis., on Item No. 157, and (B) above, to serve Charles City, Iowa, on Item No. 30 transporting rejected shipments. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 294), filed February 4, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul L. Martin-

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son (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, equipment, and implements;* (2) *loaders;* (3) *attachments and accessories* for (1) and (2) above; and (4) *parts*, for (1), (2) and (3) above, from Madison, S. Dak., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked at Madison, S. Dak., to provide a through service to points in the United States (except Alaska and Hawaii) from: Charles City, Iowa, on Item No. 30; Des Moines, Iowa, on Item No. 31; Shelbyville, Ill., and South Bend, Ind., on Item No. 34; Osseo, Wis., on Item No. 98; the plantsite and warehouse facilities of Smalley Manufacturing Company, located at or near Manitowoc, Wis., on Item No. 111; Hernando, Miss., on Item No. 150; and the plantsite and storage facilities of Kasten Manufacturing Corp., located at or near Allenton and Menomonie, Wis., on Item No. 157. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 295), filed February 4, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53406. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (other than truck tractors), from Baltimore, Md., and Philadelphia, Pa., to points in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124078 (Sub-No. 581), filed February 4, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from Lebanon, Tenn., to points in Alabama, Arkansas, Georgia, Kentucky, Mississippi, Missouri, North Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. Applicant holds contract carrier authority under MC-113832 Sub-68, therefore dual operations may be involved also. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 124230 (Sub-No. 19), filed February 4, 1974. Applicant: C. B. JOHNSON, INC., P.O. Drawer S, Cortez, Colo. 81321. Applicant's representative: Leslie R. Kehl, Suite 1600, Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ore and concentrates*, (a) between points in Grand County, Utah, on the one hand, and, on the other, points in Garfield, Mesa, Delta, Montrose, and San Miguel Counties, Colo.; El Paso, Tex.; and points in Arizona; and (b) between points in Garfield, Mesa, and Delta Counties, Colo., on the one hand, and, on the other, El Paso, Tex., and points in Arizona; (2) *mining and milling equipment and supplies*, from points in Arizona, New Mexico, Grand County, Utah, and El Paso, Tex., to points in Garfield, Mesa, Delta, Montrose, and San Miguel Counties, Colo., and Grand County, Utah; and (3) *clay, sand, gravel, shale and aggregates*, in bulk, between points in Arizona, Colorado, Kansas, Nebraska, New Mexico, Texas, Utah, and Albany County, Wyo.

NOTE.—Applicant states that the requested authority can be tacked at San Miguel County, Colo., for ore and concentrates authority, to provide service between points in San Juan County and specific points in Ouray, Dolores, La Plata, and Hinsdale Counties, Colo., on the one hand, and, on the other, points in Grand County, Utah. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124236 (Sub-No. 66), filed February 14, 1974. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Ellis County, Tex., to points in Alabama, Colorado, Florida, Georgia, Kansas, Mississippi, Missouri, and Tennessee.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No MC 123255 (Sub-No. 40), filed February 7, 1974. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, Ohio 43055. Applicant's representative: C. F. Schnee, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Wayland, Mich., to points in Connecticut, Georgia, Illinois, Indiana, Kentucky, Maryland, New York, Ohio, Pennsylvania, Tennessee, and the District of Columbia.

NOTE.—Applicant holds contract carrier authority in MC-81968 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 125035 (Sub-No. 31) (Amendment), filed January 7, 1974, published in the FEDERAL REGISTER issue of March 7, 1974 and republished as amended this issue. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, Ohio 44646. Applicant's representative: James E. Davis, 611 West Market Street, Akron, Ohio 44303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, food preparations, foodstuffs* (except commodities in bulk), *empty shipping containers, and wooden sticks*, used for frozen desserts and ice confections (except commodities in bulk), in vehicles equipped with mechanical refrigeration, between Toledo, Ohio, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, District of Columbia, West Virginia, Wisconsin, and points on the International Boundary line between the United States and Canada, located in Michigan, New York, Vermont, Maine, and New Hampshire, under a continuing contract or contracts with Vroman Foods, Inc.

NOTE.—The purpose of this republication is to amend the commodity description as stated herein. If a hearing is deemed necessary, the applicant requests it be held at Toledo, Ohio.

No. MC 125035 (Sub-No. 32), filed January 7, 1974. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, Ohio 44646. Applicant's representative: James E. Davis, 611 West Market Street, Akron, Ohio 44303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food, food products, food preparations, and foodstuffs* (except commodities in bulk) in vehicles equipped with mechanical refrigeration, between Massilon, Ohio, on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, under a continuing contract or contracts with Baltino Foods, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Canton or Cleveland, Ohio.

No. MC 127721 (Sub-No. 2), filed February 5, 1974. Applicant: DEPENDABLE DELIVERY SERVICE, INC., 522 Twin Oaks Drive, Havertown, Pa. 19083. Applicant's representative: Edwin L. Scherlis, Suite 420, 1315 Walnut Street, Philadelphia, Pa. 19107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is ordinarily dealt in by retail stores and mail-order houses*, between Philadelphia, Langhorne, and King of Prussia, Pa., and Pennsauken and Audubon, N.J., on the one hand, and, on the other, points in New Castle County, Del., Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Middlesex, Monmouth, Ocean, and Salem Counties, N.J., and Berks, Bucks, Chester, Cumberland, Delaware, Dauphin, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, and Philadelphia Counties, Pa., under continuing contract or contracts with Westinghouse Electric Corporation at Columbus, Ohio, and Serta Mattress Co., at Pennsauken, N.J.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 127834 (Sub-No. 100), filed February 13, 1974. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Continental Steel Corporation at Kokomo, Ind., to points in Virginia, Tennessee, Alabama, and Georgia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Nashville, Tenn.

No. MC 128497 (Sub-No. 17), filed February 4, 1974. Applicant: JACK LINK TRUCK LINE, INC., P.O. Box 127, Dyersville, Iowa 52040. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen vegetables and frozen berries*, from points in Michigan on and west of U.S. Highway 131, to New Hampton, Mason City, Bettendorf, Cedar Rapids, Des Moines, Dubuque, Iowa City, Fort Dodge, and Waterloo, Iowa; and Chicago and Deerfield, Ill.

NOTE.—Applicant holds contract carrier authority in MC-124807 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 129350 (Sub-No. 39), filed February 4, 1974. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, P.O. Box 212, Billings, Mont. 59103. Applicant's representative: Clayton Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* (except commodities in bulk, in tank vehicles), from New Castle, Wyo., to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont.

No. MC 129645 (Sub-No. 52), filed February 4, 1974. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a Partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salvaged materials* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between the plant sites and warehouse facilities of D & B Distributors located at or near Iron Mountain, Mich., and Iron Mountain Freight Sales located at or near Kingsford, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at those origin points named above to provide a through service from points in the United States to points in the United States. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 129645 (Sub-No. 53), filed February 4, 1974. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a Partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fibreboard*, faced or finished with decorative and protective materials and *accessories and supplies*, from the plant site and warehouse facilities of the Masonite Corporation located at Bloomington, Minn., to points in Wisconsin and the Upper Peninsula of Michigan.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at points in the Upper Peninsula of Michigan, (a) in Sub-No. 14 to serve points in Kansas and Nebraska; and (b) in Sub-No. 22 to serve points in Alabama, Connecticut, Florida, Georgia, Iowa, Louisiana, Minnesota, Mississippi, South Carolina, and Wisconsin; and at Phillips, Wis., (a) to serve points in Arkansas, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; and (b) in Sub-Nos. 28 and 34 to serve points in Nebraska, North Dakota, South Dakota, California, Idaho, Nevada, Utah, and Washington. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 129910 (Sub-No. 6), filed February 4, 1974. Applicant: PORT OF NEW YORK EXPRESS CO., INC., 145 Morgan Street, Jersey City, N.J. 07302. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic sheetings, chemical resins, textile and paint chemicals, and cameras, optical instruments and accessories* therefore (except commodities in bulk), between points in the New York, N.Y., Commercial Zone, as defined in 84 M.C.C. 747, on the one hand, and, on the other, West Caldwell, N.J., under a continuing contract or contracts with Marubeni America Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Newark, N.J.

No. MC 133566 (Sub-No. 37), filed February 7, 1974. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed frozen foods*, from the plantsite and storage facilities utilized by Orchard Hill Farms, Inc., located at Red Hook, N.Y., to points in Ohio, Michigan, and West Virginia, restricted to traffic originating at the above-named facilities (excluding commodities in bulk).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 133566 (Sub-No. 38) filed February 7, 1974. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Frozen foods*, from the plantsite and storage facilities of Banquet Foods Corporation at or near Wellston, Ohio, to points in New York, New Jersey, Massachusetts, Pennsylvania, Connecticut, West Virginia, Maryland, District of Columbia, Rhode Island, New Hampshire, Maine, and Vermont.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio or Washington, D.C.

No. MC 134467 (Sub-No. 9) filed February 6, 1974. Applicant: POLAR EXPRESS, INC., P.O. Box 691, Springdale, Ark. 72764. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Tulsa, Okla., to points in New York, New Jersey, Maryland, Pennsylvania, Massachusetts, Florida, and Georgia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 134477 (Sub-No. 55), filed February 7, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products* in cartons, from the plantsite and storage facilities of Northern Star Company at or near Minneapolis, Minn., to points in Delaware, Maryland, New Jersey, New York,

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Pennsylvania, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134484 (Sub-No. 5), filed February 5, 1974. Applicant: EDWARDS BROS., INC., 1875 North Holmes, Idaho Falls, Idaho 83401. Applicant's representative: Dennis M. Olsen, 485 E Street, Idaho Falls, Idaho 83401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meat*, from the facilities of the Missouri Beef Packers, Inc., a corporation at or near Boise (Ada County), Idaho, to points in California, Oregon, Washington, Nevada, Arizona, Utah, and Montana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Idaho Falls, Idaho; Salt Lake City, Utah; or Boise, Idaho.

No. MC 134599 (Sub-No. 104), filed February 4, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Footwear and rubber products and materials, equipment and supplies* used in the manufacture thereof (except commodities in bulk, or which because of size or weight require special handling or special equipment), between Farmville, Va., on the one hand, and, on the other, points in Connecticut, and Ohio, under a continuing contract with Uniroyal, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Lincoln, Nebr.

No. MC 134599 (Sub-No. 105), filed February 15, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys and miscellaneous plastic articles* manufactured and distributed by Standard Plastics, a Division of Mattel, Inc., and *materials, parts and supplies* used in the manufacture of these items (except commodities in bulk or which, because of size and weight require special handling or special equipment), between Metuchen and South Plainfield, N.J., on the one hand, and, on the other, points in California, Oregon, and Washington, under continuing contract with Mattel, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr. or Salt Lake City, Utah.

No. MC 134599 (Sub-No. 106) filed February 11, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games and toys and miscellaneous plastic articles* manufactured and distributed by Standard Plastics, a Division of Mattel, Inc., and *Materials, parts and supplies* used in the manufacture of these items (except commodities in bulk, or those which because of size or weight require special handling or special equipment), between Metuchen and South Plainfield, N.J., on the one hand, and, on the other, points in Kansas, Oklahoma, and Texas, under a continuing contract or contracts with Mattel, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Lincoln, Nebr.

No. MC 134645 (Sub-No. 9) filed January 28, 1974. Applicant: LIVESTOCK SERVICE, INC., 1420 Second Avenue South, St. Cloud, Minn. 56301. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from St. Paul and South St. Paul, Minn., to points in Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and Virginia.

NOTE.—Applicant holds contract carrier authority in MC 124071 and Sub-No. 4, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 135072 (Sub-No. 5) filed October 2, 1973. Applicant: HEATER TRUCKING, INC., 6887 Versailles Road, P.O. Box 122, North Evans, N.Y. 14112. Applicant's representative: William J. Hirsch, Suite 444, 35 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt, in bulk, and equipment utilized in the application of asphalt*, between points in Allegany, Cattaraugus, Chautauque, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, and Wyoming Counties, N.Y., on the one hand, and, on the other, points in Bradford, Cameron, Clarion, Crawford, Elk, Erie, Jefferson, Lycoming, McKean, Potter, Tioga, Venango, and Warren Counties, Pa.; (2) *materials and supplies used in the manufacture of asphalt products*, from Lafayette, Ind.; Carlstadt, N.J.; Marietta, Ohio; Canton, N.C.; and Nitro, W. Va., to Buffalo, N.Y., and (3) *returned shipments*, from Buffalo, N.Y., to Nitro, W.Va.; Canton, N.C., Marietta, Ohio; Carlstadt, N.J.; and Lafayette, Ind., under contract with Allied Bitumens, Inc., at Buffalo, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 136915 (Sub-No. 5) filed January 28, 1974. Applicant: GOODMAN TRANSPORTATION, INC., 4255 South 2nd West Street, Salt Lake City, Utah 84107. Applicant's representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Missouri Beef Packers, Inc. at or near Boise, Idaho, to points in California, under contract with Missouri Beef Packers, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah or Boise, Idaho.

No. MC 138126 (Sub-No. 2), filed February 4, 1974. Applicant: WILLIAMS REFRIGERATED EXPRESS, INC., P.O. Box 47, Old Denton Road, Federalsburg, Md. 21632. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Frozen foodstuff*, (1) from Salisbury, Md., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Alabama, Georgia, the District of Columbia, and points in Tennessee on and east of U.S. Highway 127, and (2) from Downingtown, Pa., to points in Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, and Vermont; and (b) *materials, supplies, and equipment* used in the manufacture and distribution of frozen foodstuff, from the aforesaid destinations in (1) and (2) above to Salisbury, Md., on return, restricted such that service at Downingtown, Pa., shall be limited to partial pick up of shipments with traffic originating at Salisbury, Md., for movement to points in Item (2), and further restricted to traffic originating at and destined to the points named.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138313 (Sub-No. 7) (Correction) filed January 14, 1974, published in the FEDERAL REGISTER issue of February 28, 1974, and republished, as corrected, this issue. Applicant: MACK E. BURGESS, doing business as BUILDERS TRANSPORT, 409 14th Street SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime*, from points in Tooele County, Utah, to points in Montana; (2) *brick, tile and clay products*, from points in Morton County, N. Dak., to points in Montana and Wyoming; (3) *concrete and pumice block*, from points in Montana, to points in Wyoming; (4) *brick, tile, clay products, stone, concrete products, and materials and supplies* used in the installation, and application thereof, from points in Montana, to points on the International Boundary line between the United States and Canada along the Provinces of Alberta, Saskatchewan, and British Columbia, Canada; (5) *lumber, lumber mill products, asphalt, asphalt products and fiberboard*, from points on the International Boundary line between the United States and Canada along the Provinces of Alberta, Saskatchewan, and British Columbia, Canada, to points in Washington, Oregon, Idaho, Montana, and North Dakota restricted against the transportation of commodities originating in British Columbia.

(6) *Building materials, gypsum and gypsum products, and materials and supplies* used in the installation and application thereof, from the plantsite or storage site of the United States Gypsum Company at Heath, Mont., to points in Idaho, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wyoming; (7) *gypsum wallboard*, from the facilities of Georgia Pacific Corporation at or near Lovell, Wyo., to points in North Dakota and South Dakota; and (8) *brick, tile, clay products, stone and concrete products* (except commodities in bulk) from ports of entry on the International Boundary line between the United States and Canada located in Idaho, Montana and North Dakota, to points in Washington, Oregon, Idaho, Montana, North Dakota, Wyoming, Colorado, and Utah.

NOTE.—The purposes of this republication are: (A) to include the authority described in (6) through (8) above, and (B) to correctly indicate that applicant seeks conversion of its Permits in MC 126780 (Sub-Nos. 3, 7 and 9) to Certificates of Public Convenience and Necessity, as it pertains to (6) through (8) above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Great Falls, Mont.

No. MC 138375 (Sub-No. 11) (Amendment), filed December 6, 1973, published in the FEDERAL REGISTER issue of January 24, 1974, and republished as amended this issue. Applicant: J. H. WARE TRUCKING, INC., 909 Brown Street, P.O. Box 398, Fulton, Mo. 65251. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* (except hides, skins, and commodities in bulk), from St. Joseph, Mo., to points in Pennsylvania, New York, Ohio, and Maryland, under contract with Dugdale Packing Company.

NOTE.—The purpose of this republication is to indicate the commodity exceptions listed above. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 138743 (Sub-No. 5) filed February 15, 1974. Applicant: SNOWBALL, LTD., P.O. Box 361, Morton, Ill. 61550. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, cement containing asbestos fiber, and accessories* necessary for the installation thereof, from the plantsite and storage facilities of Certain-Teed Products Corp. at Hillsboro, Tex., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Mississippi, Ohio, and Oklahoma, under contract with Certain-Teed Products.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138807 (Sub-No. 2), filed February 5, 1974. Applicant: TOM ALEXANDER, doing business as TOM ALEXANDER & SON, P.O. Box 5717, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Power tools, stands;* (2) *electric motors;* and (3) *industrial vacuum cleaners*, from the plantsite and warehouse facilities of Rockwell International, at Tupelo, Miss., to points in Arizona, California, New Mexico, Oregon, Utah, and Washington, under contract with Rockwell International.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or New Orleans, La.

No. MC 138844 (Sub-No. 1), filed February 4, 1974. Applicant: GAS INCORPORATED, 95 E. Merrimack Street, Lowell, Mass. 01853. Applicant's representative: John R. Sims, Jr., 1707 "H" Street, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas* (LNG), between points in the United States (except Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 129870 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 138869 (Sub-No. 4) (Amendment), filed January 7, 1974, published in the FEDERAL REGISTER issue of February 14, 1974, and republished as amended this issue. Applicant: W. T. MYLES TRANSPORTATION COMPANY, a Corporation, 4481 Moreland Avenue, P.O. Box 321, Conley, Ga. 30027. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Polypropylene waste* (except in bulk), from Hazlehurst, Nashville, and Bainbridge, Ga., to points in Cleveland, Ohio, Ypsilanti, Mich., and Buffalo, N.Y., under contract with Patchogue-Plymouth Company, Hazlehurst, Ga., and Charles Pollock & Sons, Inc., Cleveland, Ohio.

NOTE.—The purpose of this republication is to add Buffalo, N.Y., as a point of destination. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 139084 (Sub-No. 1), filed February 11, 1974. Applicant: BIG VALLEY SUPPLY & ENTERPRISES LTD., 4150 F-14A Street SE., Calgary 25, Alberta Canada. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, because of size or weight require the use of special equipment or handling; *self-propelled articles* (except automobiles, trucks, and buses), *construction, industrial and materials handling machinery and equipment* and *parts, materials, equipment, supplies, and attachments* for and used in connection with the above-described commodities, between points in the United States (except Hawaii), on the one hand, and, on the other, all ports of entry on the International Boundary line between the United States and Canada, including all ports of entry on the International Boundary line between the State of Alaska and Canada, restricted to traffic having an immediate prior or subsequent movement in foreign commerce.

NOTE.—Applicant holds contract carrier authority in MC 133599 therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 139112 (Sub-No. 1), filed January 31, 1974. Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18708. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air distribution products*, (1) between the plant sites of Anemostat Products Division, Dynamics Corporation of America, located at or near Scranton, Pa., and Los Angeles, Calif.; (2) from the plant site of Anemostat Products Division, Dynamics Corporation of America at Scranton, Pa., to Salt Lake City, Utah, San Francisco, Calif., Seattle, Wash., and Portland, Oreg.; and (3) from the plant site of Anemostat Products Division, Dynamics Corporation of America at Scranton, Pa., to job and construction sites in California (except Los Angeles and San Francisco).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 139140 (Sub-No. 2), filed January 7, 1974. Applicant: M. D. SCHMITT TRANSPORT, INC., 913 First Street, West, Independence, Iowa 50644. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over

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irregular routes, transporting: *Hides, skins, switches, and tails*, from Dubuque, Manchester, and Tama, Iowa, to points in Colorado, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, restricted against the transportation of hides from Manchester, Iowa, to Chicago, Ill., Milwaukee and Fond du Lac, Wis., Detroit Mich., and Newark, N.J.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139178 (Sub-No. 1), filed January 27, 1974. Applicant: REAL LAVOIE, 28 Frontenac Street, Coaticook, Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James Street, Montreal, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from those Ports of Entry on the International Boundary line between the United States and Canada located in Maine, New Hampshire, Vermont, and New York, to points in Vermont, Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, Rhode Island, and the District of Columbia, under a continuing contract or contracts with Ferman Lumber, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Montpelier, Vt., or Albany, N.Y.

No. MC 139350 (Sub-No. 1), filed February 4, 1974. Applicant: JORDAN SAND AND GRAVEL CO., INC., 1300 West 32nd, Route 3, Sedalia, Mo. 65301. Applicant's representative: Luther Jordan (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Barytes ore* (crude barium sulfate), in bulk, in dump vehicles, from points in Benton, Camden, Franklin, Hickory, Jefferson, Miller, Morgan, and Washington Counties Mo., to the plant site of Sherwin Williams Company, located at or near Coffeyville, Kans., under a continuing contract or contracts with Sherwin Williams Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Jefferson City, or St. Louis, Mo.

No. MC 139465, filed December 21, 1973. Applicant: THE MARCUS PAPER COMPANY, a Corporation, 93 Wood Street, West Haven, Conn. 06516. Applicant's representative: Gerald E. Marcus, 2531 Whitney Avenue, Hamden, Conn. 06518. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rags*, from Springfield, Mass., Poughkeepsie, N.Y., Hartford, Bridgeport, New Haven, and West Haven, Conn., Providence, R.I., to Scranton, and Philadelphia, Pa.; Brooklyn, Ozone Park, and Garden City, N.Y., under contract with Excellent Clothing Export Company Inc., Max Starkerman Rag Dealer, Cono T. Zunno, Murachanian Export Co., Inc., and Scranton Wiping Cloth Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or New Haven, Conn.

No. MC 139476 (Correction), filed January 22, 1974, published in the FEDERAL REGISTER issue of February 28, 1974, as No. MC–139496, and republished as corrected this issue. Applicant: TWIN RIVERS TRANSPORT, INC., P.O. Box 709, Wallace, Idaho 83873. Applicant's representative: Alden Hull (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mine, mill, smelter, and refinery machinery, equipment and supplies, ore and ore concentrates, metals, chemicals, petroleum products* in packages, *coal, coke, quarried, and rock products*, and *containers* when the foregoing commodities are moving therein, between points in Washington, Oregon, Idaho, California, Montana, Wyoming, Utah, Colorado, Arizona, New Mexico, Nevada, and Alaska under contracts with The Bunker Hill Company of Kellogg, Idaho, Helca Mining Company of Wallace, Idaho, and American Smelting and Refining Co. of Wallace, Idaho.

NOTE.—The purpose of this republication is to indicate the correct Docket Number assigned to this proceeding in No. MC–139476. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 139516, filed February 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by manufacturers and distributors of panels, paneling, shelving, mantels, and beams, and related decorative items (except commodities in bulk), from Lodi, N.J., and Deer Park, N.Y., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139540, filed February 6, 1974. Applicant: TOM E. TUCKER, 1018 Grace, Spokane, Wash. 99205. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery and equipment;* and (2) *parts, supplies, and accessories for machinery and equipment*, between points in Spokane County, Wash., and the ports of entry on the International Boundary line between the United States and Canada, located at or near Eastport, Idaho, restricted to the transportation of traffic having a prior or subsequent movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Spokane or Seattle, Wash., or Portland, Oreg.

No. MC 139542, filed February 4, 1974. Applicant: HUGH O'REILLY, 5190 Houston Road, Macon, Ga. 31206. Applicant's representative: T. Baldwin Martin, P.O. Box 4987, 700 Home Federal Building, Macon, Ga. 31208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cow hides*, in van refrigerated trailers, in bulk, from G. Bernd Company in Macon, Ga., to points in Houston, Laredo, Brownsville, and Galveston, Tex., Milwaukee, Wis., and Boston, Mass., under contract with G. Bernd Company, Macon, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Macon or Atlanta, Ga.

No. MC 139543, filed February 4, 1974. Applicant: MOLASSES TRANSPORTERS, INC., 1865 North Foster Drive, Baton Rouge, La. 70806. Applicant's representative: James R. Coxe, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Flour, bulk, packaged, and sacked flour*, from Port Allen, La., to points in Louisiana, Mississippi, Alabama, Texas, and Florida, under contract with Seaboard Allied Milling Corporation, Port Allen, La.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

PASSENGER APPLICATIONS

No. MC 1515 (Sub-No. 192), filed February 4, 1974. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Anthony P. Carr, 1400 West Third Street, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between Lincoln Tunnel Interchange and Delaware Memorial Bridge Interchange on the New Jersey Turnpike, serving the intermediate points between the Newark-Jersey City Interchange and the New Brunswick Interchange, including said Interchanges and serving Interchange No. 5 as an intermediate point in connection with carrier's authorized regular route operations between the Lincoln Tunnel Interchange and Delaware Memorial Bridge Interchange on the New Jersey Turnpike: From Lincoln Tunnel Interchange over the New Jersey Turnpike to the Delaware Memorial Bridge Interchange and return over the same route, restricted against the transportation of any traffic originating in New York, N.Y., destined to Newark, N.J., or originating in Newark, N.J., destined to New York City, N.Y., except on carriers' intercity schedules which neither originate nor terminate at a point in New Jersey, and further restricted against transportation from or to Interchange No. 5 of the New Jersey Turnpike, which originates at or is destined to Philadelphia, Pa., or New York, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 1515 (Sub-No. 193), filed February 14, 1974. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: R. M. Hannon, 371 Market Street, San Francisco, Calif. 94106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers*, in the same vehicle with passengers, between the junction of U.S. Highway 91 and Interstate Highway 15, at Littlefield, Ariz., and St. George, Utah: From the junction of U.S. Highway 91 and Interstate Highway 15, over Interstate Highway 15 to junction of Interstate Highway 15 and Bluff Street, thence over Bluff Street to St. George, Utah.

NOTE.—Common control may be involved. Applicant presently holds the requested authority in MC 1515, Deviation No. 667. Applicant will cancel Deviation No. 667 concurrently with the granting of this requested authority. If a hearing is deemed necessary, the applicant requests it be held at St. George, Utah.

No. MC 139343 (Sub-No. 2) (Correction), filed December 17, 1973, published in the FEDERAL REGISTER issue of February 14, 1974, as No. MC–139451, and republished as corrected this issue. Applicant: MEXICOACH, INC., 1050 Kettner Ave., San Diego, Calif. 92101. Applicant's representative: Frederick J. Kling, 1901 Avenue of the Stars No. 1600, Los Angeles, Calif. 90066. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between the Amtrak Depot, San Diego and the Port of Entry on the International Boundary line between the United States and the Republic of Mexico located at or near San Ysidro, Calif.: From the Amtrak Depot in San Diego at Broadway and Kettner east over Broadway to junction N. India Street, thence east over N. India Street to the southern approach to Interstate Highway 5, thence over Interstate Highway 5 to San Ysidro, Calif., and return over the same route, serving no intermediate points, restricted to the transportation of passengers and their baggage having a prior or subsequent transportation by rail only.

NOTE.—The purpose of this republication is to indicate the correct Docket Number assigned to this proceeding in No. MC–139343 (Sub-No. 2). If a hearing is deemed necessary, applicant requests it be held at Los Angeles or San Diego, Calif.

No. MC 125570 (Sub-No. 4), filed January 2, 1974. Applicant: WHITIES TRANSPORTATION, INC., P.O. Box 34, Siren, Wis. 54872. Applicant's representative: George W. Benson, P.O. Box 33, Siren, Wis. 54872. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Des Plaines, Ill., and Hayward, Wis.; from Des Plaines over Interstate Highway 90 to Madison, Wis., and junction Interstate Highway 94, thence over Interstate Highway 90–94 to Osseo, Wis., and junction Wisconsin Highway 27, thence over Wisconsin Highway 27 to Hayward and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at an unspecified point in Wisconsin or Minnesota.

BROKER APPLICATION

No. MC 130229, filed January 21, 1974. Applicant: LEANDER E. TUTTLE, doing business as TRUCK TRANSPORTATION SERVICES OF MAINE, Leander's Motel, Route No. 1, Presque Isle, Maine 04769. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Presque Isle, Maine, to sell or offer to sell to common motor carrier service, the transportation of *fresh, frozen, and processed fruits, vegetables and potato products*, (1) from points in Arrostook County, Maine; (2) from points of entry on the International Boundary between the United States and Canada, located in Maine; and (3) from Portland, Maine, to points in the United States (except Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, Alaska, and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Bangor or Portland, Maine.

WATER CARRIER APPLICATIONS

No. W–1263 Sub-4, filed March 5, 1974. Applicant: NEW ENGLAND STEAMBOAT LINES, INC., Steamboat Landing, Haddam, Conn. 06438. Applicant's representative: J. Raymond Clark, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *passengers*, in round-trip scheduled excursion cruises between Middletown, Haddam, Chester, Essex, East Haddam, Deep River, and Old Saybrook, Conn., on the one hand, and, on the other, Sag Harbor, N.Y. (ports or points on the Connecticut River and/or Long Island Sound).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford or Middletown, Conn.

No. W–1275, filed February 19, 1974. Applicant: HOVERTRANSPORT, INC., 955 Main Street, Bridgeport, Conn. 06604. Applicant's representative: Robert J. Weldon, 164 Seaside Avenue, Bridgeport, Conn. 06605. Authority sought to engage in operation, in interstate or foreign commerce, as a *common carrier by water* in the transportation of *passengers* in regular and charter operations along the Long Island Sound at points in Connecticut and New York and along the East River at points in New York as follows: Between Bridgeport and Stamford (Long Island Sound), Conn., and Rye (Long Island), Northport (Long Island), Glen Cove (Long Island), 60th St. Heliport (East River), 34th St. Heliport (East River), South Street Seaport (East River), Downtown Manhattan Heliport (East River), and LaGuardia Airport (East River), N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Haven or Hartford, Conn.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–6454 Filed 3–20–74;8:45 am]

[Amdt. 1; Twelfth Revised Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

MARCH 18, 1974.

It appearing, that the Commission, on March 6, 1974, issued Service Order No. 1174 applicable to all plain boxcars owned by the following railroads:

Atlantic and Western Railway Company
Pickens Railroad Company
Richmond, Fredericksburg and Potomac Railroad Company
Roscoe, Snyder and Pacific Railway Company
Vermont Railway, Inc.
Wellsville, Addison & Galeton Railroad Corporation

that the provisions of Service Order No. 1174 contain similar provisions applicable to these cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the provisions of Twelfth Revised Exemption No. 12 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 are hereby suspended until further order of this agent.

Effective: March 10, 1974.

Issued at Washington, D.C., March 6, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74–6584 Filed 3–20–74;8:45 am]

[Twelfth Revised Exemption No. 12]

ATLANTIC AND WESTERN RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

MARCH 18, 1974.

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for

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shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 390, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway Company Reporting marks: ATW
• • •
• • •
*Pickens Railroad Company Reporting marks: PICK
Richmond, Fredericksburg and Potomac Railroad Company Reporting marks: RFP
Roscoe, Snyder and Pacific Railway Company Reporting marks: RSP
Vermont Railway, Inc. Reporting marks: Rut or VTR
Wellsville, Addison & Galeton Railroad Corporation Reporting marks: WAG

Effective March 1, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., March 1, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-6585 Filed 3-20-74;8:45 am]

[AB-77]

BANGOR AND AROOSTOOK RAILROAD CO.

Abandonment Between Monticello and Bridgewater, Maine

MARCH 18, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. § 4321), et seq., and good cause appearing therefore:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Aroostook County, Maine, within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 13th day of March, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

BANGOR AND AROOSTOOK RAILROAD COMPANY ABANDONMENT BETWEEN MONTICELLO AND BRIDGEWATER, MAINE

The Interstate Commerce Commission hereby gives notice that by order dated March 13, 1974, it has been determined that the proposed abandonment by the Bangor and Aroostock Railroad Company between Monticello and Bridgewater, Aroostock County, Maine, a distance of 10.11 miles, if approved by the Commission, does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. § 4321, et seq.), and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of NEPA.

It was concluded, among other things, that abandonment of this portion of the line will have little if any effect on the area's economy. The railroad will leave the right-of-way intact for possible future use for passenger or freight rail service. In addition, there is a possibility that the right-of-way will be used for the present as a snowmobile trail. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 5, 1974.

[FR Doc.74-6583 Filed 3-20-74;8:45 am]

[Exemption No. 65]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Exemption Under Mandatory Car Service Rules

MARCH 18, 1974.

It appearing, that there is an emergency movement of military supplies from Ft. Estill, Kentucky, to Leland, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Louisville and Nashville Railroad Company, the railroads designated by the Car Service Division are authorized to move to, and the Louisville and Nashville Railroad Company is authorized to accept, assemble, and load not to exceed one hundred (100) empty cars with military supplies from Ft. Estill, Kentucky, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective: March 1, 1974.

Expires: March 15, 1974.

Issued at Washington, D.C., March 1, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-6586 Filed 3-20-74;8:45 am]

[Notice 47]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 20, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74984. By order entered March 14, 1974, the Motor Carrier Board approved the transfer to Joseph F. Principe, doing business as Two Nation Tourism, Niagara Falls, N.Y., of the operating rights set forth in Certificate No. MC-116670, issued June 23, 1959, to Niagara Treasure Tours, Inc., Niagara Falls, N.Y., authorizing the transportation of passengers and their baggage, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eight passengers in any one vehicle, but not including the driver thereof and not including children under ten years of age who do not occupy a seat or seats, in seasonal operations between April 15 and November 1, of each year, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within six miles thereof, and extending to ports of entry on the United States-Canada Boundary line at Niagara Falls and Lewiston, N.Y. Ralph A. Boniello, 770 Main Street at Cedar Ave., Niagara Falls, N.Y. 14301, attorney for applicants.

No. MC-FC-74996. By order of March 15, 1974, the Motor Carrier Board approved the transfer to Mid-Atlantic Transportation Co., a corporation, Elizabeth, N.J., of a portion of the operating rights in Certificate No. MC-135127 issued March 25, 1971, to Green Brook Transportation Co., Inc., Bound Brook, N.J., authorizing the transportation of general commodities, with exceptions, between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in Hudson, Bergen, Passaic, Essex, Somerset, Union, and Middlesex Counties, N.J. A. David Millner, 744 Broad St., Newark, N.J. 07102, attorney for applicants.

No. MC-FC-74997. By order of March 15, 1974, the Motor Carrier Board approved the transfer to D & S Express, Inc., Bound Brook, N.J., of a portion of the operating rights in Certificate No. MC-135127 issued March 25, 1971, to Green Brook Transportation Co., Inc., Green Brook, N.J., authorizing the transportation of general and specified commodities from, to, and between various specified points and areas in New York and New Jersey. A. David Millner, 744 Broad St., Newark, N.J. 07102, attorney for applicants.

No. MC-FC-75008. By order of March 15, 1974, the Motor Carrier Board approved the transfer to Connecticut Tours, Incorporated, New Haven, Conn., of License No. MC-130140 issued October 2, 1972 to Louise (Verrecchia) Gamberdella, doing business as Louise Gamberdella, New Haven, Conn., authorizing it to engage in operations as a broker of passengers and their baggage, in round trip special and charter operations beginning and ending at points in New Haven County, Conn., and extending to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and the District of Columbia. Palmer S. McGee, Jr., One Constitutional Plaza, Hartford, Conn., 06103, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6579 Filed 3-20-74;8:45 am]

REQUESTS FOR CERTIFICATION OF COMMISSION RECORDS

MARCH 18, 1974.

Because of the extreme fluctuations in the number of requests for certification of Commission records which sometimes occasions a severe backlog in the Certification Unit of the Office of the Secretary, and in order to assure the requesting parties that their material will be available on a timely basis, as well as, to enable the Secretary's Office to control the workflow process in the Certification Unit, the following time schedule should be followed by parties making requests for certification:

(a) 1-50 pages, minimum of (5) five working days.

(b) 51-200 pages, minimum of (15) fifteen working days.

(c) 201 and above, minimum of (30) thirty working days.

The Secretary's Office wishes to reiterate its position with respect to the manner in which material should be prepared for submission to the Secretary for certification:

(1) All records, transcripts, exhibits, protests, exceptions, replies, etc., must be free of all marks (ink or pencil, etc.) except for corrections as indicated in the official file.

(2) Records must be grouped in the same order as the official docket files kept at the Commission, and not in a disarranged or random manner.

(3) It is recommended that parties filing suits against the Commission request the certification of the record at the same time court action is instituted.

No assurance of timely certification will be given for requests that fail to meet the requirements stated above and all persons are advised to prepare and schedule their requests accordingly.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6581 Filed 3-20-74;8:45 am]

*Addition.
***Chicago & Illinois Midland Railway Company and The La Salle and Bureau County Railroad Company eliminated.

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federal register

THURSDAY, MARCH 21, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 56

PART II

Guide to Record Retention Requirements

No. 56—Pt. II——1

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OFFICE OF THE FEDERAL REGISTER

GUIDE TO RECORD RETENTION REQUIREMENTS

REVISION AS OF JANUARY 1, 1974

This is a Guide in digest form to the provisions of Federal laws and regulations relating to the keeping of records by the public. It tells the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

The Guide is derived from the laws published in the United States Code, as amended by laws enacted during 1973, and from the regulations published in the Code of Federal Regulations, as amended in the daily issues of the FEDERAL REGISTER through December 31, 1973.

The Guide is prepared by the Office of the Federal Register, National Archives and Records Service, General Services Administration and published in the CFR volume entitled "Finding Aids."

Coverage

In preparing the Guide it was necessary to establish boundaries in order to keep it from going beyond its intended purpose. The nature of these boundaries is outlined below.

As indicated by its name, the Guide adheres strictly to the retention of records. It does not cover such matters as the furnishing of reports to Government agencies, the filing of tax returns, or the submission of supporting evidence with applications or claims.

The Guide is limited to provisions which apply to a class. Requirements applying only to named individuals or bodies have been omitted.

The Guide is confined to requirements which have been expressly stated. In many laws and regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies, and to keep related working papers. Such implied requirements have not been included in the Guide.

The following types of requirements have also been excluded from the Guide:

(1) Requirements as to the keeping of papers furnished by the Government, such as passports, licenses, permits, etc., unless they are closely related to other records which must be kept.

(2) Requirements as to the display of posters, notices, or other signs in places of business.

(3) Requirements contained in individual Government contracts, unless the contracts are incorporated in the Code of Federal Regulations.

Arrangement

The digests of recordkeeping provisions comprising the Guide are grouped under the Departments or independent agencies which impose or administer them (see "Contents"). Individual items are numbered to simplify indexing.

In general, the items retain their original numbers from year to year. Renumbering occurs only after a major revision of the material and is so indicated in brackets after the name of the agency involved. Individual items revised, amended, deleted, or added are shown in brackets following the item heading.

Two supplements to the Guide contain generalized information about certain requirements under the Second War Powers Act of 1942 and detailed information on requirements imposed by the Federal Aviation Administration relative to the availability of credentials for inspection.

An index to the Guide follows the last supplement.

NOTICE

The Guide to Record Retention Requirements does not have the effect of law, regulation, or ruling. It is published as a guide to legal requirements that appear to be in effect as of January 1, 1974.

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I. DEPARTMENT OF AGRICULTURE

1. Foreign Agricultural Service

1.1 Persons importing certain dairy commodities.

To keep records of importations and of the transactions relating to the procurement and disposition of such commodities.

Retention period: Not less than 2 years subsequent to the end of the quota period during which the importation was made. 7 CFR 6.28

2. Agricultural Marketing Service

2.1 Orange and grapefruit handlers.

To maintain records of fruit received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years, 7 CFR 906.51; as may be prescribed by the marketing committee, 7 CFR 912.60, 913.50, 914.50

2.2 Central marketing organizations.

To keep records regarding allotment transactions for lemon handlers

Retention period: 3 years 7 CFR 910.62

2.3 Lime handlers.

To maintain records of limes received and disposed of in order to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 911.60

2.4 Nectarine handlers.

To keep records of nectarines received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 916.60

2.5 Pear, plum, and peach handlers.

To maintain records of fruit received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 917.50, 921.60, 931.60

2.6 Apricot handlers.

To maintain records of apricots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 922.60

2.7 Cherry handlers.

To maintain records of cherries received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 923.60, 930.63

2.8 Fresh prune handlers.

To maintain records of prunes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 924.60, 925.60

2.9 Potato handlers.

To keep records of potatoes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 946.70, 947.80, 948.80, 950.80, 953.75

2.10 Onion handlers.

To maintain records of onions received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 958.65, 959.80

2.11 Tomato handlers.

To maintain records of tomatoes received and disposed of as may be necessary to verify the reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 965.80, 966.80

2.12 Papaya handlers.

To maintain records of papayas received and disposed of by handler as may be necessary to verify reports requested.

Retention period: 2 years. 7 CFR 928.60

2.13 Lettuce handlers.

To maintain records of lettuce received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 971.80

2.13a Celery producers and handlers.

To maintain records to substantiate the reports required by the committee.

Retention period: Not less than 1 year after end of season. 7 CFR 967.71

2.14 Almond handlers.

To keep records showing details of receipt of almonds, withholdings, sales, shipments, inventories, reserve disposition, and other pertinent information in respect to operations.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.70

2.15 Almond handlers. [Amended]

To keep copies of receipts they have issued for almonds received for their own accounts.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.71, 981.471 (retention: 981.70)

2.16 Filbert handlers.

To keep records of shelled and inshell filberts received and disposed of as prescribed by Filbert Control Board.

Retention period: 2 years after end of fiscal year in which transaction occurred. 7 CFR 982.71

2.17 Walnut handlers.

To keep records of shelled and inshell walnuts and walnut material received, held, and disposed of.

Retention period: 2 years after end of marketing year in which transactions are completed. 7 CFR 984.80, 984.464, 984.480

2.18 Date handlers.

To maintain records of the receipt, holding, handling, withholding, and disposition of dates.

Retention period: At least 2 years subsequent to termination of each crop year. 7 CFR 987.68, 987.168

2.19 Raisin handlers.

To keep records as prescribed by the Raisin Administrative Committee, of raisins received, acquired, stored, sold, and otherwise disposed.

Retention period: At least 2 years after the termination of the crop year in which the transactions occurred. 7 CFR 989.76, 989.77, 989.176

2.20 Olive handlers.

To maintain records of olives acquired, held, and disposed of as may be prescribed by the Olive Administrative Committee and needed by it to perform its functions.

Retention period: At least 2 years beyond the crop year in which the transaction occurred. 7 CFR 932.61

2.21 Prune handlers.

To keep records of prunes received, held, and disposed of as prescribed by the Prune Administrative Committee.

Retention period: At least 2 years after the end of the crop year in which the transaction occurred. 7 CFR 993.74, 993.174

2.21a Cranberry handlers.

To maintain records of all cranberries acquired, withheld from handling, handled or otherwise disposed of as will substantiate the required reports.

Retention period: Not less than 3 years after termination of the crop year in which the transaction occurred or for such lesser period as the committee may direct. 7 CFR 929.61

2.21b Peanut handlers. [Added]

To maintain such records of peanuts received, held, and disposed of by him, as will substantiate any required reports.

Retention period: At least 2 years beyond the crop year of their applicability. Marketing Agreement 146 (30 F.R. 9402)

2.21c Hops handlers.

To maintain such records of hops handled or held as will substantiate the required reports.

Retention period: At least 2 years after end of marketing year. 7 CFR 991.61

2.21d Handlers (including each subsidiary and affiliate thereof) of Type 62 Shade Tobacco.

To keep such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not limited to, identification of the grower of the tobacco and the field in which produced.

Retention period:- 5 years. 7 CFR 1201.60, 1201.130

2.22 Shippers handling fruits and vegetables covered by exemption certificates under marketing order programs.

To keep records of such shipments.

Retention period: Not specified, except for tomatoes (at least 2 succeeding years). 7 CFR 917.141, 951.80, 966.80

(Certificate (record) returned after shipment of commodities (pears, grapes).) 7 CFR 926.122, 927.125

2.23 Commission merchants, dealers, and brokers of fruits and vegetables subject to the Perishable Agricultural Commodities Act of 1930.

(a) To keep accounts, records, memoranda, and documents which disclose all business transactions.

Retention period: 2 years. 7 CFR 46.14, 46.15, 46.17–46.19, 46.21–46.24, 46.28, 46.29, 46.31, 46.32

(b) To preserve records and memoranda which disclose the true ownership and management of the business.

Retention period: 4 years. 7 CFR 46.14

2.24 Date, prune, and raisin importers.

To maintain records of transactions.

Retention period: 2 years subsequent to calendar year of acquisition. 7 CFR 999.1, 999.200, 999.300

2.25 Packers of processed fruits and vegetables. [Added]

To maintain separate data sheets for each item as required in section cited.

Retention period: Not specified. 7 CFR 52.205

2.26 [Reserved]

2.27 Transporters, shippers, and handlers of eggs and egg products.

To maintain records of production, receipt, delivery, sale, movement, disposition, inventories, and class and quantities of eggs and egg products and such other records as required in section cited.

Retention period: 2 years. 7 CFR 59.200

2.28 [Reserved]

2.29 Dairy plants approved for USDA inspection and grading service.

To maintain (a) records of quality tests made on raw milk and cream received from each producer, seller, or shipper and of plant and laboratory tests and analyses of raw materials and finished products, (b) pasteurization recorder charts and water supply test certificates, and (c) most recent copy of employee health certificate.

Retention period: (a) 1 year, (b) 6 months, (c) until employee no longer employed. 7 CFR 58.148, 58.322

2.30—2.37 [Reserved]

2.38 Licensed agricultural products warehousemen.

To keep copies of all receipts issued.

Retention period: 1 year after December 31 of the year in which the corresponding original receipt is canceled. 7 CFR 101.17, 102.20, 103.17, 104.17, 105.17, 106.17, 107.17, 108.17, 111.18

2.39 Licensed agricultural products warehousemen.

To retain each canceled receipt.

Retention period: 6 years after December 31 of the year in which receipt is canceled and for such longer period as may be necessary for the purpose of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.28, 102.34, 103.28, 104.28, 105.29, 106.30, 107.31, 108.29, 111.33

2.40 [Reserved]

2.41 Licensed agricultural products warehousemen.

To maintain accounting records as specified in sections cited.

Retention period: 6 years after December 31 of the year in which such cotton for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.33, 102.37, 103.40, 104.28, 105.33, 106.37, 107.39, 108.33, 111.41

2.42 Licensed agricultural products warehousemen.

To maintain as part of warehouseman's records an exact copy of each report submitted.

Retention period: 3 years after December 31 of the year in which submitted. 7 CFR 101.36, 102.38, 103.41, 104.29, 105.35, 106.39, 107.42, 108.35, 111.44

2.43 Licensed cotton warehousemen.

To keep copies of certificates covering cotton stored, and copies of Form A memorandums and Form C certificates issued by a board of cotton examiners which forms a basis of any receipt issued.

Retention period: 1 year after December 31 of the year in which the receipt based on such certificates or memoranda is canceled. 7 CFR 101.47

2.44 Licensed cotton warehousemen.

To keep records of cotton sampling including the written request, if any.

Retention period: 1 year after December 31 of the year in which such cotton is removed from the warehouse. 7 CFR 101.49

2.45 [Reserved]

2.46 Licensed agricultural products warehousemen.

To keep either copies of, or the original inspection, grade and/or weight, certificates covering lots of commodities stored.

Retention period: 3 years after December 31 of the year in which issued. 7 CFR 102.29, 103.24, 105.46, 106.54, 107.55, 108.47, 111.56

2.47 Licensed grain warehousemen.

To keep records of weights, kinds, and grades of all lots of nonstorage grain received into and delivered from warehouses.

Retention period: 1 year after December 31 of the year in which the lot of nonstorage grain is delivered from the warehouse. 7 CFR 102.30

2.48 Licensed agricultural products warehousemen.

To keep as a record notices of the condition of commodities stored in the warehouse.

Retention period: 6 years after December 31 of the year in which created, and for such longer period as may be necessary for the purposes of litigation which the warehouseman knows is pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 102.54, 103.39, 106.48, 107.51, 108.42, 111.52

2.49 Persons shipping agricultural and vegetable seeds subject to the Federal Seed Act regulations.

To keep complete records of each lot of agricultural and vegetable seeds transported or delivered for transportation in interstate commerce, including records necessary to disclose the name of any substance used in the treatment of such seed.

Retention period: 3 years for documents, 1 year for seed samples, including separate samples of the treated seed portion of any lot of seed. 7 CFR 201.4

2.50 Country shippers of agricultural seeds subject to the Federal Seed Act regulations.

To keep copies of origin declarations issued and records showing names and addresses of growers or country shippers from whom seeds were purchased, quantity, and date of delivery.

Retention period: 3 years. 7 CFR 201.5 (retention: 201.4)

2.51 Procurers of seeds from growers subject to the Federal Seed Act regulations.

To obtain and keep the grower's declaration.

Retention period: 3 years. 7 CFR 201.7 (retention: 201.4)

2.52 Growers of seeds subject to the Federal Seed Act regulations.

To keep copy of the grower's declaration and a sample of the seed.

Retention period: 3 years for documents, 1 year for seed samples. 7 CFR 201.7 (retention: 201.4)

2.53 Cotton handlers.

To maintain books and records necessary to carry out the provisions of the Cotton Research and Promotion Act and to verify required reports.

Retention period: At least 2 years beyond the marketing year of their applicability. 7 CFR 1205.335, 1205.531, 1205.532

2.54 Licensed cottonseed chemists.

To keep records of the analysis of each individual sample of cottonseed graded as well as books, papers, records, and accounts relating to the performance of their duties under the Agricultural Marketing Act of 1946 and the regulations made under the act by the Secretary of Agriculture.

Retention period: At least 1 year after date of analysis. 7 CFR 61.15

2.55 Grain inspection agencies and licensees.

To maintain complete records of each inspection activity performed.

Retention period: 2 years after inspection (other than file samples). 7 CFR 26.55

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2.56 Accredited turpentine and rosin processors for naval stores.

To keep such records as may be necessary to submit correct reports.

Retention period: Not specified. 7 CFR 160.50

2.57 [Reserved]

2.58 Potato handlers.

To maintain books and records necessary to carry out provisions of the Potato Research and Promotion Act and to verify required reports.

Retention period: At least 2 years beyond marketing year of their applicability. 7 CFR 1207.351, 1207.532

2.59 [Reserved]

2.60 Milk handlers.

To maintain records pertaining to receipt and use of milk and milk products, including records of production, processing, and distribution, and financial records relating thereto.

Retention period: 3 years, but can be extended by the market administrator by written notice. 7 CFR 1000.5 (For specific marketing area, see Parts 1001–1199.)

3. Animal and Plant Health Inspection Service

3.1 Licensed manufacturers (domestic and foreign), distributors, and importers of biological products.

To keep detailed (a) production records including reports of all tests for purity, safety, and potency for each serial of biological product manufactured in or offered for importation into the United States, and (b) disposition records showing the sale, shipment, or other disposition made of the biological products handled.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Deputy Administrator, Veterinary Services. 9 CFR 116.1 (retention: 116.2)

3.2 Organizations sponsoring horse shows or exhibitions.

To maintain records as specified in section cited.

Retention period: 90 days or as specified by Deputy Administrator. 9 CFR 11.21

3.3 Distributors of biological products marketed under special license.

To keep complete records showing the name and address of each purchaser of the product and the name, serial number, and quantity of the product sold to such purchaser when the maintenance of records of distribution of biological products marketed under special license is a condition of the issuance of the special license.

Retention period: Not specified. 9 CFR 102.6(b)(3)

3.4 Owners and shippers involved in interstate movement of feeder and breeder swine.

To maintain records of origin, destination, and identification of all such swine.

Retention period: 1 year after movement of swine. 9 CFR 76.12

3.5 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products.

To maintain detailed records of such transactions as specified in the regulations.

Retention period: 2 years. 9 CFR 381.175 (retention: 381.177)

3.6 Research investigators or research sponsors administering experimental biological products to animals.

To maintain adequate records relative to the disposition of each animal administered experimental biological products. Such records include name and address of owner, pertinent data about animals and their location, and, if sold, name and address of purchaser.

Retention period: At least 2 years from the date that an experimental product was administered to such animal. 9 CFR 103 2

3.7 Persons certifying animals to be free of diethylstilbestrol (DES) residue.

To maintain a copy of such certificate as prescribed.

Retention period: 1 year from date of transaction. 9 CFR 309.16

3.8 Research facilities, exhibitors, operators of auction sales, and dealers engaged in transportation, sale, and handling of certain warm blooded animals used for research, exhibition, or pet purposes.

To keep records with respect to the purchase, sale, transportation, identification, and previous ownership.

Retention period: 2 years or longer as may be required by any Federal, State, or local law. 9 CFR 2.75–2.78 (retention: 2.79)

3.9 Operators of livestock markets handling any class of swine. [Amended]

To maintain records of origin and destination of all swine, and also of the identification of all swine other than slaughter swine, handled through livestock markets.

Retention period: 1 year after transaction. 9 CFR 76.18

3.10 Carriers transporting meat.

To keep original certificates delivered to a carrier separate and apart from all its other papers and records or identified in some acceptable manner so as to be readily accessible for review.

Retention period: 2 years after end of year in which transaction occurred. 9 CFR 325.14

3.11 Meatbrokers, renderers, and other persons dealing in animal carcasses for use as human or animal food.

To keep records as specified in section cited.

Retention period: 2 years after end of year in which the transaction occurred, or longer if directed by the Administrator. 9 CFR 320.1 (retention: 320.3)

3.12 Custom slaughter operators claiming exemption.

To keep records as specified in section cited or by the Administrator.

Retention period: 2 years after end of year in which the transaction occurred or longer if directed by the Administrator. 9 CFR 303.1 (retention 320.3)

3.13 Transporters of undenatured livestock lungs.

To keep shipper's certificate.

Retention period: 2 years after end of year in which transaction occurred. 9 CFR 325.8 (retention: 320.3)

3.14 Operators of quarantine facilities for imported birds. [Added]

To maintain daily log for each lot of birds, recording such information as general condition of birds each day, source of origin of each lot, total number in each lot when imported, date placed in quarantine, tests, laboratory findings, and such other information as specified in section cited.

Retention period: 1 calendar year following release of birds from quarantine. 9 CFR 92.11

4. Agricultural Stabilization and Conservation Service

4.1 [Reserved]

4.2 Producers of gum naval stores from turpentine trees. [Amended]

To keep records of faces by tracts and drifts in connection with the Naval Stores and Agricultural Conservation Programs.

Retention period: 2 years following close of applicable program year. 7 CFR 706.6 (retention: 708.1)

4.2a Food processors participating in the wheat marketing allocation program.

To maintain records and documents for each processing plant of all wheat processed into food products and of all sales and removals of food products from processing plants.

Retention period: 3 years. 7 CFR 777.15

4.2b [Reserved]

4.2c Indemnity payment program participants. [Amended]

To keep existing books, records, and accounts supporting any information furnished in connection with the program.

Retention period: 3 years following the end of the year during which application for payment was filed. 7 CFR 760.30, 760.118

4.3 Ginners of cotton.

To keep for each bale of cotton or lot less than a bale ginned by him records showing (a) date of ginning; (b) name of operator of farm on which cotton produced; (c) name of producer of cotton; (d) county and State in which farm located; (e) gin bale number or mark; (f) name and address of person delivering cotton to gin; and (g) gross weight of each bale and net weight of each lot of lint cotton less than a bale.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.85 (retention: 722.88)

4.4 Buyers of cotton.

To keep for each bale of cotton or lot less than a bale purchased from a producer records showing (a) name and address of the producer; (b) date purchased; (c) original gin bale number or equivalent; (d) number of pounds of lint cotton in each bale and lot; and (e) amount of penalties to be collected, if any.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.85 (retention: 722.88)

4.5–4.6 [Reserved]

4.7 Warehousemen, ginners, buyers, processors, common carriers, and other persons handling cotton from, for, or on behalf of the producer.

To keep records concerning such cotton so that the accuracy of any reports or other records that may be required can be checked.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.87 (retention: 722.88)

4.8 Producers of cotton.

To keep records of cotton marketed, and a copy of certificate showing name and address of buyer or transferee if marketed to persons not within the United States.

Retention period: [1] Until December 31 of second year following year in which cotton is planted. 7 CFR 722.90 (retention: 722.88)

4.9 Producers and producer-manufacturers of fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco.

To maintain records relating to acreage, production, and disposition of tobacco as required by regulations.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.95 (retention: 724.105)

4.10 Producers of flue-cured and burley tobacco. [Amended]

To maintain records relating to the production and disposition of tobacco.

Retention period: [1] 3 years after end of marketing year. 7 CFR 725.98, 726.92 (retention: 725.111, 726.102)

4.11 Cigar tobacco buyers and loan organizations.

To maintain records relating to each sale of tobacco made by producer to buyer, kinds of tobacco purchased, and disposition of such tobacco.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.99, 724.100 (retention: 724.105)

4.12 Truckers and persons redrying, prizing, or stemming fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco.

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.101 (retention: 724.105)

4.13 Truckers and firms redrying, prizing, or stemming flue-cured and burley tobacco, and storage firms. [Amended]

To keep complete and detailed records containing specified information concerning each lot of tobacco received or handled and copies of required reports.

Retention period: [1] 3 years after end of marketing year. 7 CFR 725.105, 726.96 (retention: 725.111, 726.102)

4.14 Warehousemen handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and flue-cured tobacco. [Amended]

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.96, 725.99, 725.115, 726.93 (retention: 724.105, 725.111, 726.102)

4.15 Firms acting as marketing agents or processors for processed producer carryover tobacco. [Added]

To maintain records as required in sections cited, in addition to records relating to receiving, processing, storage, and sale of producer tobacco delivered to him for processing.

Retention period: [1] 3 years. 7 CFR 725.103, 726.105

4.16 Dealers handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and flue-cured tobacco. [Amended]

To keep records that will permit furnishing detailed information of all transactions.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.97, 725.100, 726.94 (retention: 725.105, 725.111, 726.102)

4.17 Firms storing processed or unprocessed producer owned tobacco. [Added]

To maintain records as required in sections cited, in addition to records required by 7 CFR 725.105.

Retention period: [1] 3 years. 7 CFR 725.103, 725.104, 726.106

4.18 Persons engaged in more than one business relating to tobacco. [Amended]

To keep separate records for each business as required by regulations.

Retention period: [1] 3 years after end of marketing year. 7 CFR 724.102, 725.106, 726.97 (retention: 724.105, 725.111, 726.102)

4.19–4.26 [Reserved]

4.27 Wheat producers, warehousemen, elevator operators, feeders, processors or transferees, and buyers.

To keep records of wheat transactions as specified in the regulations.

Retention period: [1] 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 728.1173, 728.1174, 728.1177

4.27a Industrial users of flour second clears.

To maintain accurate records and documents supporting information shown on Form CCC–161 (Industrial Users Production Report and Claim for Refund).

Retention period: 3 years. 7 CFR 777.19

4.27b Distributors of flour second clears.

To maintain accurate records and documents, including Forms CCC–165 (Processor Certification) and CCC–165–1 (Flour Second Clears), relating to the sale of flour second clears to industrial users.

Retention period: 3 years. 7 CFR 777.20 (retention: 777.19)

4.28 Peanut producers.

To keep copies of specified reports on disposition of peanuts produced and marketed.

Retention period: [1] 3 years following end of pertinent marketing year. 7 CFR 729.52 (retention: 729.66)

4.29 Peanut buyers.

To keep detailed records of peanuts marketed and sales memoranda with respect to farmers stock peanuts and shelled peanuts purchased from producers.

Retention period: [1] 3 years following end of pertinent marketing year. 7 CFR 729.57 (retention: 729.66)

4.30 Peanut shellers.

To maintain detailed records and keep copies of reports pertaining to the shelling of each lot of peanuts (including record of peanuts retained by the sheller) as specified in the regulations.

Retention period: [1] 3 years following end of pertinent marketing year. 7 CFR 729.62 (retention: 729.66)

4.31 Rice producers, warehousemen, mill or elevator operators, other processors or transferees, and buyers.

To keep records of rice transactions as prescribed in sections cited.

Retention period: [1] 2 calendar years beyond the calendar year in which the marketing year ends. 7 CFR 730.34, 730.35, 730.38

4.32 Importers or persons bringing sugar and liquid sugar into the continental United States from domestic offshore areas and foreign countries.

To keep records of operations and transactions pertaining to sugar and liquid sugar including detailed informa-

[1] For such longer period of time as may be requested in writing by the State Executive Director or the Director.

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tion for each unit of sugar tested and for each processing facility.

Retention period: 2 years following end of calendar year in which sugar is imported or brought into the United States. 7 CFR 810.9

4.33 Persons marketing sugar and liquid sugar produced from sugar beets and sugarcane grown in the continental United States and marketing sugar for consumption in Territory of Hawaii and in Puerto Rico.

To keep records of processings, receipts, inventories, and marketings of sugar and liquid sugar.

Retention period: 2 years following the end of the calendar year in which sugar is marketed. 7 CFR 816.8

4.34 Persons importing sugar and liquid sugar into the continental United States (including importers, mainland refiners, allottees of offshore domestic sugar quotas, shipping companies, persons engaged in the movement of sugar in interstate and foreign commerce, and surety companies undertaking obligations with respect to imported sugar).

To keep records of receipt, processing, and movement of sugar and liquid sugar and of tests, gallonages, and weights pertaining thereto.

Retention period: 2 years following end of calendar year in which sugar is imported or disposed of. 7 CFR 817.11

4.35—4.36 [Reserved]

4.37 Processors of sugarcane. [Added]

To maintain records of original data compiled for reports required.

Retention period: 5 years. 7 CFR 873.40, 874.45

4.37a Producers of sugar beets and sugarcane. [Amended]

To maintain complete wage records of persons employed in the production, cultivation, or harvesting of sugar beets and sugarcane.

Retention period: 3 years from date of filing application for Sugar Act payment. 7 CFR Parts 862, 863, 864, 865

5. Commodity Credit Corporation

5.1 Warehousemen handling storage agreements for bulk oils.

To maintain inventory and operating records.

Retention period: Not specified. 7 CFR 1424.2

5.2 Cottonseed crushers participating in the cottonseed oil and meal purchase program.

To keep complete and detailed records as specified with respect to all purchases of cottonseed and other specified transactions.

Retention period: At least 3 years from the last date any of the products tendered by the crusher have been delivered. 7 CFR 1443.67

5.3 [Reserved]

5.4 Peanut shellers participating in the peanut price support program.

To keep accounts with respect to the purchase and sale of crop peanuts, including types, grades, quality, weight, names and addresses of producers and purchasers, and date and place of each transaction.

Retention period: 3 years after final delivery of peanuts to CCC. 7 CFR 1446.19

5.5 Mohair producers participating in the payment program for mohair, and their marketing agencies.

To maintain books, records, and accounts showing the marketing of mohair on which an application for payment is based.

Retention period: 3 years. 7 CFR 1468.22, 1468.272

5.6 Producers of wool, sheep, and lambs and their marketing agencies participating in price support program.

To maintain books, records, and accounts on production of wool, sheep and lambs, and the shearing thereof, and on purchases of lambs on and after April 1, 1956.

Retention period: 3 years after end of specified marketing year. 7 CFR 1472.1251, 1472.1351

5.7–5.8 [Reserved]

5.9 Handlers, dealers, and warehousemen performing transactions with regard to delivery orders under the livestock feed program.

To maintain books and records which will permit verification of all transactions with regard to delivery orders.

Retention period: At least 3 full years following deliveries against delivery orders (or to be kept longer if requested by the Commodity Credit Corporation). 7 CFR 1475.213

5.10 Dealers participating in the Puerto Rican tobacco purchase program.

To keep records with respect to all transactions relating to the tobacco of any crop year during which tobacco is sold to CCC.

Retention period: 3 years after delivery of tobacco to CCC. 7 CFR 1464.60

5.11 [Reserved]

5.12 Crushers of castor beans participating in the castor oil purchase program.

To maintain books, records, and accounts including name of sellers, date of receipt, and the gross and clean weight, quality and price of each lot of castor bean purchased.

Retention period: At least 3 years from last date any castor oil is delivered by the crusher. 7 CFR 1443.108

5.13 Warehousemen handling honey under the price support program.

To maintain inventory and operating records.

Retention period: Not specified. 7 CFR 1434.51

5.14–5.17 [Reserved]

5.18 Cotton ginners participating in the cottonseed purchase program.

To keep books, records, and accounts for all purchases of cottonseed (including name of producer, date of receipt, weight, and purchase price of each lot) and other transactions.

Retention period: 3 years from last day any cottonseed is tendered to CCC for purchase under the applicable Participating Ginner's Agreement. 7 CFR 1443.13

5.19 Cooperative marketing associations participating in the price support program.

To maintain records showing quantity, quality, and disposition of commodities (cotton, dry edible beans, honey, rice, soybeans, tung oil) eligible for price support received from each member. The same records to be kept for commodities received from nonmembers which are ineligible for price support.

Retention period: Through end of the 5th marketing year following the marketing year for which approval is obtained. 7 CFR 1425.17, 1425.18

5.20 Exporters participating in the tobacco export program.

To maintain accurate records (including contracts of purchase, sale, and storage) establishing eligibility of tobacco for export payments made to exporters under the program.

Retention period: 3 years after date of export. 7 CFR 1490.10

6. Commodity Exchange Authority

6.1 Futures commission merchants and clearing organizations of contract markets depositing customers' money, securities, and property.

To maintain an acknowledgment from a bank, trust company, clearing organization of a contract market, or futures commission merchant that it was informed that the money, securities, and property deposited therein are those of commodity customers and are being held in accord with the provisions of the Commodity Exchange Act.

Retention period: 5 years from date of closing of such bank account.[1] 17 CFR 1.20 (retention: 1.31)

6.2 Futures commission merchants and clearing organizations of contract markets depositing obligations purchased with customers' funds.

To maintain an acknowledgment from a bank, trust company, clearing organization of a contract market, or futures commission merchant that it was informed that the obligations belong to commodity customers and are being held in accord with the provisions of the Commodity Exchange Act.

[1] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined. Under certain conditions, microfilm reproductions may immediately be substituted for hard copy. 17 CFR 1.31

Retention period: 5 years from date of closing of account.[1] 17 CFR 1.26 (retention: 1.31)

6.3 Futures commission merchants and clearing organizations of contract markets.

To keep records of obligations and investment securities, date investments made, name of person from or through whom obligations bought, amount of money paid, description of obligations or securities, identity of depositories or other places where such obligations are segregated, date disposition made and amount received therefor, name of person to or through whom sold.

Clearing organizations receiving documents from members representing investment of customers' funds shall also keep a record showing separately for each member the date on which documents were received from member, description of documents, date on which documents were returned to member, or details of disposition by other means.

Retention period: 5 years after investment liquidated or load paid.[1] 17 CFR 1.27 (retention: 1.31)

6.4 Futures commission merchants.

To keep a record of the daily computation of money, securities and property which must be segregated for customers.

Retention period: 5 years.[1] 17 CFR 1.32 (retention: 1.31)

6.5 Futures commission merchants.

To keep records furnished customers as of close of last business day of each calendar month, or as of any regular monthly date selected showing customer's position in each future.

Retention period: 5 years.[1] 17 CFR 1.33 (retention: 1.31)

6.6 Futures commission merchants.

To keep copy of confirmation of the execution of any trade originated by controller of accounts.

Retention period: 5 years.[1] 17 CFR 1.33a (retention: 1.31)

6.7 Futures commission merchants.

To keep a "point balance" record of all open trades or contracts of customers as of last day of business of each calendar month or any regular monthly date selected.

Retention period: 5 years.[1] 17 CFR 1.34 (retention: 1.31)

6.8 [Reserved]

6.9 Futures commission merchants and members of contract markets.

To keep full and complete record of all futures and cash transactions including all orders, trading cards, signature cards, street books, journals, ledgers, canceled checks, copies of confirmations, statements of purchase and sale, together with all other data and memoranda and records of every sort pertaining to cash and future transactions.

Retention period: 5 years.[1] 17 CFR 1.35 (retention: 1.31)

See footnote 2 on page 10678.

6.10 Futures commission merchants and clearing members of contract markets.

To prepare and keep in permanent form the following: (a) a financial ledger record showing all charges against and credits to each customer's account; (b) a record of transactions showing for each account all commodity futures transactions executed for such account, including date, price, quantity, market, commodity, and future; (c) a record or journal showing for each day complete details of all commodity futures transactions executed, including date, price, quantity, market, commodity, future, and the person for whom such transaction was made (in the case of clearing members, the record or journal should also show the floor broker or floor trader executing each transaction, a symbol indicating the customer type, the opposite broker or floor trader, and the opposite clearing member with whom it was made).

Retention period: 5 years.[1] 17 CFR 1.35 (retention: 1.31)

6.11 Futures commission merchants and clearing organizations of contract markets.

To keep record of all securities and property (other than money) received from customers to margin, guarantee or secure trades and contracts including description of securities and property, name and address of customer, identity of depositories or other places where such securities or property are segregated, date received and returned or otherwise disposed of, including authorization therefor.

Retention period: 5 years from date of return of property.[1] 17 CFR 1.36 (retention: 1.31)

6.12 Futures commission merchants and members of contract markets.

To keep record showing for each futures account name, address and principal occupation or business of person for whom account is carried and names of persons guaranteeing account or exercising trading control over account.

Retention period: 5 years from date account closed.[1] 17 CFR 1.37 (retention: 1.31)

6.13 Contract markets.

To keep record of each transaction wherein a member acts for both a buyer and a seller, including the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time of execution.

Retention period: 5 years.[1] 17 CFR 1.39 (retention: 1.31)

6.14 Contract markets.

Must require warehouse operators whose receipts are deliverable in satisfaction of futures contracts made on or subject to the rules of the contract market to keep records showing stocks traded for future delivery on such contract markets, in store by kind, class, and grade, including lots and parcels stored specially or separately.

Retention period: 5 years.[1] 17 CFR 1.44 (retention: 1.31)

6.15 Persons having or controlling a reportable position in commodity futures.

To keep books and records showing all details of all positions and transactions for future delivery in the commodity on all contract markets and all positions and transactions in the cash commodity, its products, and byproducts.

Retention period: 5 years.[1] 17 CFR 18.05 (retention: 1.31)

6.16 Contract markets. [Added]

To keep record of rule enforcement activities.

Retention period: 5 years.[1] 17 CFR 1.51 (retention: 1.31)

7. Farmers Home Administration

7.1 Individual borrowers and grant recipients of FHA funds.

To maintain records of the operations to meet requirements of State and local regulations and terms of agreement with FHA and other creditors.

Retention period: Not specified. 7 CFR 1802.24

7.2 Local organizations obtaining watershed loans and advances under the Watershed Protection and Flood Prevention Act.

To maintain accounts and records relating to the installation, operations, and maintenance of works of improvement.

Retention period: 3 years after the year to which such records pertain. 7 CFR 1823.359

7.3 Rural communities and other associations or organizations of farmers and rural residents obtaining loans and grants for housing, central domestic water systems, waste disposal systems, shift-in-land-use projects and related facilities, and recreational facilities.

To maintain records of its operations, maintenance, and management of its facility including the establishment and maintenance of financial accounts and records.

Retention period: Until summarized and reflected in the agency's official records and until the requirements of State and local laws and regulations are met. Number of years after this point not specified. 7 CFR 1802.77, Part 1823, App. 2, Item 3, 1823.107, 1823.284

7.4 Persons receiving community facility loans. [Added]

To maintain books of account and all other records, books, memoranda which support entries in the books of account.

Retention period: At least 3 years. 7 CFR 1823.14

8. Federal Crop Insurance Corporation

8.1 Insured under Federal Crop Insurance Corporation.

To keep records of harvesting, storage, shipments, sale, or other disposition of all barley, dry beans, combined crops, corn, cotton, flax, grain sorghum,

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oats, peanuts, canning and freezing peas, dry peas, rice, rye, soybeans, sugar beets, sugarcane, tobacco, tomatoes, and wheat produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage of the insured crop in the county in which he has an interest.

Retention period: 2 years after time of loss. 7 CFR 401.111, sec. 17

9. Packers and Stockyards Administration

9.1 [Deleted]

9.2 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

To keep accounts and records in regard to the Custodial Account for Shippers' Proceeds and the Custodial Account for Buyers' Funds.

Retention period: 2 years. 9 CFR 201.42 (retention: 201.50)

9.3 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

To keep available for inspection by owners or consignors or purchasers copies of bills covering charges paid for or on behalf of the owner or consignor which were deducted from the gross proceeds of the sale or added to the purchase price thereof when accounting for the sale or purchase.

Retention period: 2 years. 9 CFR 201.45 (retention: 201.50)

9.4 Stockyard owners, registrants buying or selling livestock, and licensees buying or selling live poultry.

To keep (in addition to other necessary records) daily accurate records of purchases, sales, shipments, prices, etc.

Retention period: 2 years. 9 CFR 201.46 (retention: 201.50)

9.5 Sellers of live poultry under Packers and Stockyards Act regulations.

To keep copy of ticket prepared by seller at time of sale showing the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops, kinds of poultry, price per pound, and such terms and conditions as the parties may agree upon.

Retention period: 2 years. 9 CFR 201.48 (retention: 201.50)

9.6 Stockyard owners, market agencies, or licensees weighing livestock or live poultry for purposes of purchase or sale under Packers and Stockyards Act regulations.

To keep copy of scale ticket of weighing showing for both livestock and live poultry, name of agency performing the service, date of weighing, number of the scale or other information identifying the scale, name of seller, name of buyer, name of consignor, or understandable abbreviations of such names; in case of livestock, also, the number of head, kind, and actual weight, the amount of dockage and name or initials of person weighing it; and, in case of live poultry, also, number of coops weighed, the gross, tare, and net weights, and the name or initials of person operating scale at time of weighing.

Retention period: 2 years. 9 CFR 201.49 (retention: 201.50)

9.7 Stockyard owners, market agencies, or licensees who weigh livestock or live poultry for purposes of purchase and sale under Packers and Stockyards Act regulations.

To keep one copy of form report of tests and inspections of scales and shall cause one copy to be kept by the agency conducting the test and inspection of the scales (a third copy to the Area Supervisor of the Service).

Retention period: 2 years. 9 CFR 201.74, 201.106–1 (retention: 201.50)

9.8 Authorized State agencies and livestock associations under Packers and Stockyards Act regulations.

To keep adequate records showing in detail the income derived from the collection of authorized fees, the disbursement of such funds as expenses for conducting the services, the inspections performed and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of inspected livestock; and currently maintain records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate and with reference to which the authorization has been granted.

Retention period: Not specified.[a] 9 CFR 201.89

9.9 Packers subject to the provisions of the Packers and Stockyards Act.

To retain for the specified period of time the following records:

(a) Cutting tests; departmental transfers; buyers' estimates; drive sheets; scale tickets received from others; inventory and products in storage; receiving records; trial balances; departmental overhead or expense recapitulations; bank statements, reconciliations and deposit slips; production or sale tonnage reports (including recapitulations and summaries of routes, branches, plants, etc.); buying or selling pricing instructions and price lists; correspondence, telegrams, teletype communications and memoranda relating to matters other than contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(b) Kill sheets, lot sheets or carcass graded cost sheets; carcass hot weight sheets and carcass test cost sheets by lots for purchases of livestock on a grade and yield or grade or yield basis; contracts and agreements; purchase invoices; sales invoices; freight bills, bills of lading or shipping tickets; scale tickets and weight records issued or prepared by the packer; cash sales receipts and memoranda; claims and credit memoranda; canceled checks and drafts; check stubs or vouchers; correspondence, telegrams, teletype communications, and memoranda relating to contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(c) Departmental statements and summaries; balance sheets and profit and loss or operating statements.

Retention period: (a) 1 year; (b) 2 years; (c) 3 years. 9 CFR 203.4

9.10 Stockyard owners, market agencies, dealers and licensees subject to the provisions of the Packers and Stockyards Act.

To maintain records of items listed in section cited.

Retention period: 2 full calendar years, or longer if directed by the Administrator. 9 CFR 201.50

9.11 Packers and dealers of live poultry under the Packers and Stockyards Act.

To keep records listed in the section cited.

Retention period: 2 years. 9 CFR 201.101

10. Office of the Secretary

10.1 Educational institutions having negotiated research agreements with the Department of Agriculture.

To maintain records with respect to status of project, expenditures, separate records of expenditures for funds provided from other sources, and accounting records, all to be compatible with the Department's and institutions' administrative and fiscal processes.

Retention period: 3 years after final payment under the agreement. 41 CFR 4–3.5108, 4–7.5101–9 (retention: 4–7.5101–10)

10.2 State agencies having contracts or agreements for relocation assistance projects. [Amended]

To maintain records as specified in section cited.

Retention period: 3 years. 7 CFR 21.909

11. Export Marketing Service

11.1 Exporters participating in the rice export program.

To maintain records showing milled rice or brown rice exported or to be exported in connection with program.

Retention period: 3 years after date of export. 7 CFR 1481.184

11.2 Feed grain exporters participating in the feed grain export program.

To keep records, accounts, and other documents relating to transactions under the program.

Retention period: 3 years after date of export. 7 CFR 1484.137

11.3 [Reserved]

11.4 Private organizations or individuals which enter the private trade agreements pursuant to title IV of Public Law 480.

Maintain books and records as well as pertinent documents, correspondence,

[a] Records shall not be destroyed or disposed of without the consent in writing of the Administrator, Packers and Stockyards Administration, Department of Agriculture. 9 CFR 201.50.

and memoranda covering all transactions relating to the private trade agreement.

Retention period: Not specified (subject to examination by the Administrator at all reasonable times until the entire amount due under the agreement has been paid CCC). 7 CFR 14.66

11.5 Suppliers who sell agricultural commodities under a title IV credit purchase authorization (including ocean transportation).

Maintain pertinent books, documents, papers, and records related to the supplier and the importer.

Retention period: 3 years after final payment under such contracts. 7 CFR 14.17

11.6 Exporters or purchasers participating in the flaxseed and linseed oil export payment-in-kind program.

To maintain records of flaxseed or linseed oil exported or to be exported and any documents relating to any transaction in connection with this program.

Retention period: 3 years after date of export. 7 CFR 1486.137

11.7 Exporters of agricultural commodities under CCC export credit sales program.

To keep books, documents, papers, and records involving transactions relating to contracts between the exporter and the importer.

Retention period: 3 years after maturity of related credit arrangement. 7 CFR 1488.18

11.8 Importers and suppliers involved in sales of agricultural commodities.

(a) *Importers*—To maintain a record of all offers received from suppliers as a result of public tenders or negotiation.

(b) *Suppliers*—To maintain accurate books, records, and accounts with respect to all contracts entered into hereunder.

Retention period: Until expiration of 3 years after final payment under such contracts. 7 CFR 11.6, 11.17, 17.6, 17.17

11.9 Exporters of wheat and wheat flour.

To maintain records showing sales and deliveries of wheat or wheat flour exported or to be exported in connection with program.

Retention period: 3 years after date of export or final payment. 7 CFR 1483.184, 1483.284

12. Food and Nutrition Service

12.1 Cooperating State agencies, school food authorities, and food service management companies participating in the National School Lunch program or receiving federally donated commodities for school lunch programs.

To maintain records as specified in the regulations.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 210.8, 210.14, 210.15, 210.16

12.2 Participants in the special food service program for children. [Amended]

(a) *Food service management companies*—To maintain records supported by invoices, receipts, and other evidence pertaining to service institution's feeding operations.

(b) *Service institutions*—To maintain food service operations, including meals, program receipts, and program expenditures for food, labor, and all other costs.

Retention period: (a) 3 years after end of fiscal year; (b) 3 years and 3 months after end of fiscal year, except for nonfood assistance records which are to be maintained for 5 years. 7 CFR 225.7b, 225.7c, 225.18

12.3 Cooperating State agencies, school food authorities, child care institutions, and food service management companies participating in the Special Milk program.

To maintain records as specified in the regulations.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 215.7, 215.11, 215.12

12.4 Distributing, subdistributing, and recipient agencies distributing food commodities donated for use in school lunch programs, for training students in home economics, in summer camps for children, by needy Indians on reservations, in institutions, and management companies pertaining to the feeding operations of the institutions, in State correctional institutions for minors, and in assistance of other needy persons.

To maintain records relating to receipt, disposal, and inventory of commodities, including records with respect to the receipt, and disbursement of funds arising from, or federally disbursed for, operation of the distributing program; also, to maintain records on all activities under the Supplemental Food Program.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain. 7 CFR 250.6, 250.8, 250.14, 250.15, 251.9

12.5 Cooperating State agencies, school food authorities, and food service management companies participating in the school breakfast program.

To maintain accounts and records as specified in sections cited.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 220.7, 220.24, 220.25

12.6 State agencies participating in the food stamp program.

To keep such records, microfilms, or approved lists in lieu of records, and submit such reports and other information as may from time to time be required by FNS.

Retention period: (a) For unlisted records, microfilms, or lists in lieu of records, 3 years from month of origin of such records, or longer if instructed in writing by FNS or the Department; (b) for records which have been microfilmed, no retention period after required reconciliation and microfilming; (c) for records covered by an approved list, 1 year after month of execution, or longer if instructed in writing by FNS or the Department. 7 CFR 271.1

12.7 States participating in emergency food assistance for victims of major disasters.

To keep records of information as required by the Food and Nutrition Service.

Retention period: Not specified. 7 CFR 274.7

12.8 School food authorities participating in the National School Lunch program or receiving federally donated commodities for school lunch programs.

To keep records of hearings on applications which families make for free or reduced price lunches for children.

Retention period: 3 years. 7 CFR 245.7

12.9 Cooperating State agencies, school food authorities, and service institutions participating in the nonfood assistance program. [Amended]

To maintain records as specified in the regulations.

Retention period: 3 years to 5 years after the end of the Federal fiscal year to which they pertain. 7 CFR 220.16, 220.23–220.25, 225.15, 225.17, 225.18

12.10 States participating in temporary emergency food assistance for victims of other than major disasters.

To keep records of information as required by the Food and Nutrition Service.

Retention period: Not specified. 7 CFR 274.14

12.11 State and local health agencies participating in the special supplemental food program for women, infants, and children. [Added]

To maintain food, fiscal, and medical records as indicated in section cited.

Retention period: 3 years following end of applicable fiscal year or termination of program, whichever is sooner, or until resolution of audit questions of any litigation. 7 CFR 246.11

13. Statistical Reporting Service [Added]

13.1 Exporters subject to export sales reporting requirements.

To maintain records of all export sales of commodities designated in 7 CFR Part 20, Appendix 1, including contracts and other agreements with foreign buyers and sellers, and bills of lading or delivery documents evidencing all such exports and inspection and weight certificates relating thereto.

Retention period: 3 years after date of export to which they relate. 7 CFR 20.9

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II. DEPARTMENT OF COMMERCE

1. Economic Development Administration [Revised]

1.1 Recipients of loans and grants for public work and development facilities projects.

To maintain financial records, supporting documents, statistical records, and all other records relating to the project.

Retention period: At least 3 years from date of submission of final expenditure report or longer if audit findings have not been resolved; 3 years after final disposition for nonexpendable property; period required by State or local law for nonconstruction loans or grants or contracts for less than $100,000. 13 CFR 305.93

1.2 Recipients of grants for technical assistance.

To maintain (a) financial records disclosing the amount and disposition of any funds applied to the project and terms and conditions upon which such grants-in-aid were made; and (b) project control records, where applicable, reflecting work progress and indicating its relationship to estimated costs and schedules.

Retention period: Until completion of the purpose or undertaking for which such funds were used, or until final disbursement is made by EDA, whichever is later, and for at least 3 years thereafter. 13 CFR 307.16

1.3 Technical assistance and research contractors and subcontractors.

To maintain (a) progress control records reflecting acquisition, work progress, expenditures and commitments indicating relationship to established costs and schedules; and (b) written financial records establishing compliance to requirement of the act and terms and conditions of contract or subcontract.

Retention period: At least 3 years after final payment. 13 CFR 307.17

1.4 Recipients of financial assistance (including contractors and subcontractors).

To maintain financial records of amount and disposition of funds, total cost of project or undertaking, amount and nature of portion of cost supplied by other sources; and such other records as will facilitate an effective audit.

Retention period: Not specified. 13 CFR 305.96, 309.9

1.5 Recipients of loans and grants (nondiscrimination records).

To maintain timely, complete, and accurate compliance records for submission to EDA officials at such times and in such form and containing such information as the responsible EDA official may determine to be necessary for ascertaining whether the recipient has complied or is complying with section 112 of Public Law 92-65 of the Public Works and Economic Development Act of 1971 (nondiscrimination on the ground of sex).

Retention period: Not specified. 13 CFR 311.47

2. Domestic and International Business Administration

ADJUSTMENT ASSISTANCE

2.1 Firms receiving adjustment assistance under the Trade Expansion Act of 1962.

To keep records of all transactions relating to the receipt, disbursement, and utilization of assistance received.

Retention period: 3 years following completion of adjustment assistance proposal or until loans called for therein have been repaid, whichever date is later. 15 CFR 500.50

INDUSTRIAL MOBILIZATION

2.2 Persons in the United States participating in transactions covered by DPS Regulation 2.

To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of DPS Regulation 2 (Operations of the Priorities and Allocations Systems between Canada and the United States).

Retention period: At least 3 years. 32A CFR Ch. VI, DPS Reg. 2, sec. 7(a)

2.3 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by Defense Materials System Regulation 1, as amended December 1, 1959.

To keep accurate and complete records of each such transaction, including all rated orders, ACM orders and directives received by such persons, copies of all rated orders and ACM orders placed by such persons, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired by means of priority, allotment or directive assistance, and records of sales and deliveries of all materials sold or delivered by such persons pursuant to rated orders, ACM orders and directives. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DMS Reg. 1, as amended December 1, 1959.

Retention period: For at least 3 years. 32A CFR Ch. VI, DMS Reg. 1, sec. 14

2.4 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by DPS Regulation 1 and DMS Order 1 and DMS Order 3.

To keep accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DPS Reg. 1—Basic Rules of the Priorities System; DMS Order 1—Iron and Steel; and DMS Order 3—Aluminum, as applicable to such transaction.

Retention period: For at least 3 years. 32A CFR Ch. VI, DPS Reg. 1, sec. 24(a); DMS Order 1, sec. 17(a); DMS Order 3, sec. 15(a)

2.5 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by DPS Order 1.

To keep accurate and complete records of rated orders and directives received and monthly records of production, production schedules and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DPS Order 1—Metalworking Machines.

Retention period: For at least 3 years. 32A CFR Ch. VI, DPS Order 1, sec. 8(a)

2.6 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in transactions covered by DMS Order 2—Nickel Alloys.

To keep accurate and complete records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with the provisions of DMS Order 2—Nickel Alloys.

Retention period: At least 3 years. 32A CFR Ch. VI, DMS Order 2, sec. 13(a)

2.7 Producers, distributors, and users of copper controlled materials, intermediate shapes, and copper raw materials. (DMS Order 4—Copper and Copper-base Alloys).

To keep accurate and complete records of purchases, receipts, inventories, production, use, sales and deliveries of copper controlled materials, intermediate shapes, and copper raw materials in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of DMS Order 4—Copper and Copper-base Alloys. Such records shall include, but shall not be limited to, all authorized controlled material orders (ACM), rated orders and directives received by such persons, and copies of all authorized controlled material orders (ACM), and rated orders placed by such persons.

Retention period: At least 3 years. 32A CFR Ch. VI, DMS Order 4, sec. 12

EXPORT ADMINISTRATION

2.8 Holders of International Import Certificates selling or transferring commodities covered by such certificates.

To maintain written acceptance by the purchaser or transferee of all obligations imposed under the Export Administration regulations of the United States.

Retention period: 2 years.[4] 15 CFR 368.2

[4] Complete and accurate reproductions may be substituted for documents required to be retained under Export Administration Regulations after 12 months from beginning of required retention period, provided facilities for location and inspection are available at the place of retention. 15 CFR 387.11

2.9 Executors of International Import Certificates where resale or transfer of commodities covered by Import Certificate occurs before delivery.

To maintain written acceptance by purchaser or transferee of obligation to provide delivery verification.

Retention period: 2 years.[4] 15 CFR 368.3

2.10 Exporter of commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing.

To keep copies of exporter's letter of inquiry and manufacturer's reply regarding use of commodities.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 378.2 (retention: 387.11)

2.11 Applicants for export licenses.

To keep documents constituting evidence of an order and of facts relating to the purchase transaction as specified in section cited.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 372.6 (retention: 387.11)

2.12 Foreign importers of aircraft or vessel repair parts.

To keep records of commodities imported from the U.S. and supplied abroad to vessels or aircraft.

Retention period: 2 years from, date the commodities are supplied to a vessel or aircraft.[4] 15 CFR 373.8

2.13 Exporter to a foreign distributor.

(a) *Exporters*—To retain copies of validated or rejected Forms FC-143 and 243, and all other forms, documents, correspondence, memoranda, books, and other records relating to exports under the Form FC-243 procedure.

(b) *Foreign distributor*—To retain copies of Form FC-243 and records of distribution, sale, or reexportation from a foreign-based stock under this procedure.

Retention period: 2 years (a) from date of validated or rejected forms, and (b) from whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 373.4 (retention: 387.11)

2.14 Applicants for a Periodic Requirements and Time Limit Licenses.

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 373.5, 373.6 (retention: 387.11)

2.15 Forwarding agents receiving copies of commercial invoices not containing destination control statement.

To keep record of corrected entry or of notification to exporter of obligation and exporter's reply of compliance therewith.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 386.6 (retention: 387.11)

2.16 Transferors and transferees of export licenses.

To keep records of all documents evidencing the order covered by these licenses.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 372.13

2.17 Exporters or agents.

To keep records of export transactions, exports and reexports.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 387.11

2.18 Loan or sale of commodities by airlines.

To keep records of commodities imported from the U.S. and lent or sold to another airline without profit.

Retention period: 2 years from date of transaction. 15 CFR 376.8

2.19 Carriers releasing shipment without receiving a bill of lading containing notice of prohibition against diversion.

To secure a receipted copy of the written notice omitted from the bill of lading from party taking custody of the shipment.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 386.6 (retention: 387.11)

2.20 Exporters of certain kinds of technical data.

To secure and retain a written assurance from the consignee regarding use of the data and its direct product.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 379.4 (retention: 387.11)

2.21 Exporters and distributors of commodities under distribution licenses.

To keep (a) one copy of each validated or rejected Form FC 1143; (b) all other forms, documents, correspondence, memoranda, books, and other records relating to any export from the United States under a distribution license; (c) all records regarding a sale or reexport by a distributor who is an approved consignee; (d) the original of Swiss Blue Import Certificate and reproduced copies of the original of the Yugoslav End Use Certificates.

Retention period: 2 years (a) from date of validation or rejection; (b) from whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction; (c) from date of sale or reexport; and (d) from the date the commodities are distributed.[4] 15 CFR 373.3 (retention: 387.11)

See footnote 4 on page 10682.

2.22 U.S. exporters, foreign-based service facilities, and foreign manufacturers operating under the Service Supply Procedure.

To keep records of all exports and reexports under the Service Supply Procedure.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 373.7 (retention: 387.11)

2.23 Exporters of commodities to be returned to the United States.

To keep records of temporary exports to be returned to the United States as well as Customs Entry Number or any other evidence of disposition of commodities exported.

Retention period: 2 years from date of return of commodities of other disposition.[4] 15 CFR 371.22 (retention: 387.11)

2.24 Forwarding agents for exporters operating under the Shippers Export Declaration. [Amended]

To maintain the power-of-attorney or other authorization as well as redelegations by the forwarding agent.

Retention period: 2 years after the last action taken. 15 CFR 386.3

2.25 Exporters reexporting commodities exported under general license.

To maintain reexport authorization document.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[4] 15 CFR 374.7 (retention: 387.11)

2.26–2.30 [Reserved]

FOREIGN-TRADE ZONES

2.31 Grantees of foreign-trade zones.

To maintain records required under the Uniform System of Accounts, Records, and Reports.

Retention period: 5 years after the merchandise covered by such records has been forwarded from the zone. 15 CFR 400.1014

SHIPPING RESTRICTIONS

2.32 Ship and aircraft owners, masters, officers, employees and agents participating in transportation. [Amended]

To retain records of voyages and/or shipments in sufficient detail to permit an audit to determine if the provisions of orders T-1 and T-2 (Shipping restrictions) have been carried out. No changes in the records customarily maintained are required provided such records supply an adequate basis for audit. Records may be retained in micro-

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film or other photographic copies instead of the originals.

Retention period: At least 2 years. 32A CFR Ch. VII, T–1, sec. 4; T–2, sec. 5

2.33 Persons transporting commodities to and from Southern Rhodesia.

To retain records of shipments in sufficient detail to permit an audit that will determine, for each transaction, that the provisions of 15 CFR Part 11 have been met. Records may be microfilmed or photographic copies made.

Retention period: At least 2 years. 15 CFR 11.5

3. Assistant Secretary for Science and Technology

3.1 State agencies or institutions receiving financial assistance under the State Technical Services Act of 1965.

To maintain records and documentation (e.g., vouchers, payrolls, invoices, contracts) relating to grant and amount, nature, and identification of funds supplied from non-Federal sources.

Retention period: Until audit has been conducted by the Department and all questions arising therefrom are resolved. 15 U.S.C. 1368

3.2 Manufacturers participating in the voluntary labeling program for household appliances and equipment. [Added]

To maintain measurement data required for inclusion on label.

Retention period: 2 years after model of appliance or equipment is no longer manufactured. 15 CFR 9.5

4. [Reserved]

5. Maritime Administration

5.1 General agents (shipping companies) or their subcontractors and berth agents.

To keep books, records, documents and accounts (which shall be the property of the U.S.), relating to the activities, maintenance and business of vessels covered by or involving transactions related to Service Agreements as prescribed in AGE–1—General Agents, Agents and Berth Agents.

Retention period: Until completion of audit.[4] 32A CFR Ch. XVIII, AGE–1, sec. 2(a), General Agency Agreement, Art. 3 (g)(1) and Art. 14; sec. 2(b) Berth Agency Agreement, Art. 3(e)(1) and Art. 14

5.2 Agents entering into service agreements.

To keep separate sets of books of accounts to record the various transactions in connection with procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[4] 32A CFR Ch. XVIII, FIS–1, sec. 1

5.3 Agents entering into service agreements.

To keep the originals of all documents, at his principal office, including authorizations, for facilities, services and supplies and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[4] 32A CFR Ch. XVIII, FIS–1, secs. 9 and 12

5.4 General agents.

To prepare monthly invoices for husbanding and other compensation earned during preceding month under the applicable provisions of NSA Order No. 47 (AGE–4) and record amounts of compensation paid in agency account books.

Retention period: Until completion of audit.[4] 32A CFR Ch. XVIII, FIS–2, sec. 3(a)(1) and sec. 5

5.5 General agents.

To keep originals of statements or credit memoranda for return premiums for all vessels insured with Underwriters pursuant to INS–1–Maritime Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements.

Retention period: Until completion of audit.[4] 32A CFR Ch. XVIII, INS–1, sec. 7(b)

5.6 General agents.

To keep records to account, if required, for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

Retention period: Until completion of audit.[4] 32A CFR Ch. XVIII, OPR–1, sec. 2(e)

5.7 Masters.

To keep records and logs disclosing receipts for the quantities of slop chest items delivered aboard ship and for losses sustained due to fire, water, or other damage which renders articles unsaleable.

Retention period: Until completion of audit.[4] 32A CFR Ch. XVIII, OPR–1, sec. 3 (d) and (e)

5.8 General agents.

To keep a copy of each Job Order, Supplemental Job Order or WORKSMAL REP Contracts for the maintenance and repair of vessels when work awarded by General Agents.

Retention period: Until completion of audit.[4] 32A CFR Ch. XVIII, SRM–5

5.9 General agents.

To keep records and supporting documents pertaining to repairs and equipment purchased for repairs to ships so that reports may be made to the Maritime Administration.

Retention period: Until completion of audit.[4] 32A CFR Ch. XVIII, SRM–2, sec. 4; SRM–3, sec. 3(d); SRM–4, sec. 2; SRM–5, sec. 3(a) and sec. 19

5.10 Charterers of Government-owned dry-cargo vessels.

To keep books, records, and accounts, required under Clause 37(1), Part II, of Form 705 charter; section 705 of the Merchant Marine Act, 1936.

Retention period: 3 years after a release or final settlement is completed between the Maritime Administration and the charterer. 46 CFR 221.13

5.11 [Reserved]

5.12 Operators of operating-differential subsidized vessels.

To keep copy of Form MA–140, Repair Summary (together with the letter and documents pertinent thereto) for each terminated voyage.

Retention period: Not less than 6 years after audit and approval by the Maritime Administration and Maritime Subsidy Board of a final accounting for the last year of a recapture period and settlement of such a recapture period. 46 CFR 272.7

5.13 Operating-differential subsidy contractors, and such affiliates, domestic agents, subsidiaries, or holding companies connected with, or directly or indirectly controlling or controlled by, such contractors.

To keep its books, records, and accounts, as the Maritime Administration shall require, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 282.00, 282.01, 292.3

5.14 Operating-differential subsidy contractors.

To keep records supporting entries to notes and accounts receivable from officers and employees and subsidiary accounts.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 282.364

5.15 Contractors and subcontractors.

To keep accounts, books, documents, memoranda, minutes and records of every kind involving cost of performing a contract or subcontract subject to inspection and audit by the Administration.

Retention period: 2 years after the final determination by the Maritime Administration. 46 CFR 285.5

5.16 Contractors and subcontractors.

To keep books and records in such manner that a proper determination of profit can be made therefrom.

Retention period: 2 years after the contractor or subcontractor has made payment of excess profits as determined by the Maritime Administration. 46 CFR 285.35

5.17 Operators of operating-differential subsidy agreements and depositories.

To keep certified copies of resolutions authorizing the establishment of special and capital reserve funds and such other accounts established in connection therewith.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 286.2

[4] After audit by the General Accounting Office, the Maritime Administration will take custody of the records.

5.18 Taxpayers establishing construction reserve funds.

To keep records and make such additional reports as the Commissioner of Internal Revenue or the Maritime Administration may require.

Retention period: 6 months after the termination or closing out of the reserve fund. 46 CFR 267.26

5.18a Taxpayers establishing construction reserve funds; depositories.

To keep resolutions in connection with the establishment and maintenance of the construction reserve fund under agreement with the depository.

Retention period: 2 years after a final release or settlement agreement is completed between the Maritime Administration/Maritime Subsidy Board and the taxpayer. 46 CFR 287.6

5.19 Operators of operating-differential subsidy agreements.

To keep all working papers (irrespective of by whom prepared) in support of the various statements comprising annual and final accountings.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 292.8

5.20 [Reserved]

5.21 Purchasers of war-built vessels.

To keep books, records and accounts available for examination and audit as may be required by the Maritime Administration.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration and the purchaser. 46 CFR 299.21

5.22 Charterers of war-built vessels.

To keep books, records and accounts relating to the vessel in such form as the Maritime Administration may prescribe available for examination and audit.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.31

5.23 Charterers of war-built vessels, Government-owned dry-cargo vessels, and war-built dry-cargo vessels.

To keep books, records and accounts relating to the management, operations, conduct of the business of and maintenance of the vessels covered by the agreement in accordance with the "Uniform System of Accounts" and under such regulations as may be prescribed by the owner: *Provided*, That if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Administration will not require the duplication of books, records and accounts required to be kept in some other form by the Interstate Commerce Commission.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.39, 299.130, 299.202

5.24 Charterers of war-built vessels.

To keep cost records or other sound accounting evidence for purpose of supporting claims, if any, for post-redelivery overhead expenses.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.48, 299.52, 299.53

5.25 Underwriting agents under war risk insurance program for hull, P & I and second seamen.

To keep a full and complete record of all applications, binders and policies, and also record all premiums, charges or deposits required by the terms of the binders or policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.8

5.26 Those assured under war risk cargo insurance program.

To keep books, records and accounts in such form and manner that all information available to the assured as to the amounts at risk and the amounts of losses incurred and premiums due can be readily ascertained therefrom by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.517

5.27 Underwriting agents under war risk cargo insurance program.

To keep a full and complete record of all applications, binders, and policies, and also record all premiums, charges, collateral deposit funds and surety bonds required by the terms of the binders and policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.548

5.28 State maritime schools.

To keep records pertaining to the schools, its officers, instructors, crew, cadets, training vessels and shore bases. The schools shall also maintain records of cadet enrollments, reenrollments, absences with or without leave, hospitalizations, disenrollments, graduations, and other analogous data.

Retention period: Not specified. 46 CFR 310.3

5.29 Clearing agents under war risk cargo insurance programs.

To keep a complete, separate system of books, records and accounts covering its operation and activities under this agreement, including a record of all statements, vouchers and other information received by it from the underwriting agents which shall be the property of the United States represented by the Maritime Administrator.

Retention period: During the period of the agreement and up to 36 months after its termination and thereafter until final settlement of any outstanding claims against the Administrator by holders of policies issued by the underwriting agents. 46 CFR 308.551

5.30 Operators under title VI and VII, Merchant Marine Act, 1936.

To keep varied records created while under contract with the Maritime Administration/Maritime Subsidy Board.

Retention period: In accordance with the provisions of sections cited. 46 CFR 380.20–380.24

6. Office of Foreign Direct Investments

6.1 Persons in the United States making foreign direct investments.

To keep within the United States a full and accurate record of each transaction subject to the provisions of 15 CFR Part 1000, whether effected pursuant to authorization or otherwise, and of every other transaction with an affiliated foreign national.

Retention period: 3 years. 15 CFR 1000.601

6.2 Persons required to make reports and persons aiding in preparing such reports.

To preserve all working papers (irrespective of by whom prepared) used in preparation of reports required under 15 CFR 1020.121(a) or 1000.602(b), all exhibits, all schedules, and all attachments to such papers, and all books and all records related to such reports or to such other papers, that were prepared in the ordinary course of business.

Retention period: 3 years. 15 CFR 1020.121(b)

7. [Reserved]

8. National Oceanic and Atmospheric Administration

8.1 Licensees on whale catchers and factory ships, and at land stations.

To maintain records of detailed information of the killing, capturing, and delivery of whales and a detailed record of whales received and processed.

Retention period: 6 months following the end of the calendar year to which the records apply. 50 CFR 230.30, 230.31, 230.32 (retention: 230.34)

8.2 Persons engaged in weather modification or related activities.

To maintain daily record of activities, name and address of person operating weather modification apparatus, and such other records as required by sections cited.

Retention period: 5 years. 15 CFR 908.8, 908.9, 908.11

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8.3 Recipients of fishing vessel mortgage insurance.

To maintain books of account and submit periodic reports as required by the Secretary of Commerce.

Retention period: End of period during which insurance is in force. 50 CFR 255.4

8.4–8.6 [Reserved]

8.7 Masters of shipping vessels engaged in yellow-fin tuna fishing.

To keep an accurate log of all fishing operations, including the date, locality, and estimated quantity of tuna fish and other marketable fish, by species which are taken on board.

Retention period: Not specified. 50 CFR 280.11

8.8 State fishery agencies or other non-Federal interests receiving Federal assistance under the Anadromous Fish Act of 1965.

To maintain records of accounts and reports, with supporting documentation thereto.

Retention period: 3 years following final payment. 50 CFR 401.15

8.9 [Reserved]

8.10 Purchasers of haddock, yellowtail flounder, or other finfish, and herring from U.S. fishing vessels. [Amended]

To keep records of each purchase of herring, haddock, yellowtail flounder, or any other species of finfish taken within convention area by a U.S. fishing vessel.

Retention period: Not specified. 50 CFR 240.4, 242.8

8.11 Masters or operators of fishing vessels engaged in haddock or yellowtail flounder, and herring fishing. [Amended]

To keep an accurate log of all fishing operations, including details of type of gear used, locality and duration of fishing, and estimated poundage of each species taken at each retrieval of gear.

Retention period: Not specified. 50 CFR 240.4, 242.8

8.12 Masters or operators of vessels holding Pacific halibut fisheries license or permit.

To keep an accurate log of all fishing operations, including the date, locality, amount of gear used, and amount of halibut taken daily in each locality.

Retention period: 2 years. 50 CFR 301.7

8.13 Halibut dealers.

To keep records of each purchase or receipt of halibut, showing date, locality, name of vessel, firm or corporation purchased or received from and amount in pounds according to trade categories of the halibut and other species landed therewith.

Retention period: 2 years. 50 CFR 301.8

8.14 Factory whaling ships and land stations.

To enter immediately in a permanent record the information reported by radio on whales taken by whale catchers, as prescribed in 50 CFR 351.13 (c), and other data, as prescribed in paragraph (d), when it becomes available.

Retention period: Permanent. 50 CFR 351.13

9. Regional Action Planning Commissions

9.1 Recipients of grants—financial records.

To keep and preserve on account of any grant under secs. 505 and 509 of the Public Works and Economic Development Act of 1965, as amended, full written records, accurately disclosing the amount and the disposition by such recipients of the proceeds of any such assistance, together with the amounts and dispositions of other funds applied to the project, all as shall adequately establish a compliance with the requirements of the act or acts involved and the terms and conditions upon which such financial assistance was made.

Retention period: Until completion of all work performed in connection with the project, or until final disbursement has been made by the Government, whichever is later, and at least 3 years thereafter. 13 CFR 307.62(10) (d)

10. United States Travel Service

10.1 States or private or nonprofit organizations receiving Federal grants for travel promotion projects.

To maintain all books, documents, papers, and records relating to the project.

Retention period: 3 years unless extended by the Assistant Secretary for Tourism. 15 CFR 1200.5 (retention: 1200.7)

11. Bureau of the Census

11.1 Exporters, their agents, and owners and operators of exporting carriers.

To retain all shipping documents, invoices, orders, packing lists, correspondence, and other documentation as required by 15 CFR 30.7 and 30.8.

Retention period: 3 years subsequent to exportation. 15 CFR 30.11

III. DEPARTMENT OF DEFENSE

1. Department of the Air Force

1.1 Contractors' flight operating procedures and flight crews.

To keep records of each flight crew member and policy and flight operating procedures.

Retention period: Not specified. 32 CFR 860.5

2. Department of the Army

2.1–2.3 [Reserved]

2.4 Persons holding permits for discharging or depositing into navigable waters.

To keep records as to the nature and frequency of all discharges and deposits from plant or other facility and such other information requested by the District Engineer.

Retention period: Not specified. 33 CFR 209.131

3. Defense Civil Preparedness Agency

3.1 Contractors with federally assisted contracts.

To maintain payroll and other related records during the course of the work for all laborers and mechanics working at the site of the work.

Retention period: 3 years. 32 CFR 1808.4

3.2 State or State agencies receiving Federal contributions for civil defense equipment and construction. [Amended]

To maintain books, records, and documents relating to such contributions.

Retention period: 3 years following completion of the approved project and for nonexpendable property records, 3 years after final disposition. 32 CFR 1801.6, 1812.16

3.3 State or State agencies receiving financial contributions for personnel and administrative expenses.

To keep books, records, papers, and other pertinent supporting material including those relating to procurement of administrative equipment and to merit system operations showing receipt and disbursement of Federal funds received.

Retention period: 3 years after payment unless advised by DCPA to maintain such records for a longer period. 32 CFR 1807.6

IV. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Office of Education

1.1 Local educational agencies receiving Federal grants for construction of minimum school facilities in areas affected by Federal activities.

To keep all records supporting claims for Federal grants.

Retention period: 5 years after the date of final payment, or until notified that such records are not needed for administrative review, whichever occurs earlier.* 45 CFR 114.61

1.2 Local educational agencies receiving Federal grants to cover current expenditures in areas of public schools affected by Federal activities.

To keep all records supporting claims for Federal grants.

Retention period: Until completion of fiscal audit and/or administrative reviews which are conducted regularly by Federal agencies, or for 3 years following fiscal year to which the claim relates, whichever is earlier.* 45 CFR 115.42

1.3 State and local agencies receiving financial assistance for vocational education programs. [Amended]

(a) To maintain records supporting claims for Federal grants or relating to the accountability for the expenditure of such grants and matching funds, and records supporting compliance and

*The records involved in any claim or expenditure which has been questioned shall be further maintained until necessary adjustments have been reviewed and cleared.

maintenance of effort and other requirements.

Retention period: 3 years after close of fiscal year in which expenditure was made or, if Federal audit has not occurred, 5 years after close of fiscal year in which expenditure was made or until notified of completion of Federal audit, whichever is earlier.* 45 CFR 100b.477

(b) To maintain inventories of items of equipment acquired with funds and costing more than $200 per unit.

Retention period: Until depreciation of such equipment results in a fair market value of less than $200 per unit or until its disposition. 45 CFR 100b.477

1.4 Institutions of higher learning receiving grants for librarianship training. [Amended]

To maintain records relating to the receipt and expenditure of Federal grant funds and to the expenditure of grantee's contribution to the cost of the training program.

Retention period: 3 years after end of budget period; or if Federal audit has not occurred, until notified of completion of audit or 5 years following end of budget period, whichever is earlier.* 45 CFR 100a.477

1.5 State and local agencies and any other entities participating in the library services and construction program, interlibrary cooperation or specialized State library services. [Amended]

(a) To keep all records identified as to individual program allotments supporting claims for Federal grants or relating to the accountability of the State agency or any participant for expenditures of such grants and of matching funds and records supporting maintenance of effort.

Retention period: 3 years after close of fiscal year in which expenditure was made, or if Federal audit has not occurred, for 5 years after close of fiscal year in which expenditure was made or until notified of completion of audit, whichever is earlier.* 45 CFR 100b.477

(b) To keep inventories and records of each item initially costing $200 or more.

Retention period: Until depreciation results in less than $200 or until disposition. Inventories retained pursuant to (a). 45 CFR 100b.477

1.6 State agencies and training facilities receiving payments for manpower training.

(a) To keep all records supporting claims for Federal funds or relating to the accountability for expenditure of such funds and relating to the expenditure of its share of the costs of providing training.

Retention period: 5 years after the close of the fiscal year in which the expenditure was made or until notified of the completion of the Federal fiscal audit, whichever is earlier.* 45 CFR 160.16

(b) To maintain an inventory on all equipment acquired costing $50 or more.

Retention period: Until the expiration of the useful life of such equipment, or until notified of the completion of the audit covering the disposition of such equipment. 45 CFR 160.17

1.7 State and local educational agencies, municipalities, and nonprofit agencies receiving financial assistance for noncommercial educational radio and television broadcast facilities. [Amended]

(a) To maintain all records relating to the receipt and expenditure of the Federal grant funds and to the expenditure of non-Federal share of the cost of the project.

Retention period: 5 years after the close of the fiscal year in which the expenditure was made; or until the applicant is notified of the completion of the Secretary's fiscal audit, whichever is earlier.* 45 CFR 100a.477

(b) To maintain adequate descriptive inventories and other records supporting accountability of all transmission apparatus acquired and installed in the project and costing, or in the case of donations, having a fair market value of $100 or more except that when depreciation of such apparatus results in a fair market value of less than $100 per unit such apparatus may be deleted from such inventory.

Retention period: 10 years after completion of the project. 45 CFR 100a.477

1.8 State and local educational agencies and institutions receiving grants for education of handicapped children [Amended]

(a) To maintain all records supporting claims for Federal funds or relating to accountability of the grantee for expenditures of such funds.

Retention period: 3 years after end of budget period; or if audit has not occurred, 5 years or until completion of audit, whichever is earlier.* 45 CFR 100b.477

(b) To maintain an inventory of equipment acquired and costing more than $300.

Retention period: For expected useful life of the equipment or until its disposition, whichever is earlier. 45 CFR 100b.477

1.9 State commissions and institutions receiving financial assistance for construction of higher education facilities. [Amended]

(a) *State commissions.* To maintain (1) accounts and documents supporting expenditures of Federal funds, (2) records of nonexpendable equipment acquired with Federal funds, (3) records of each application received, and (4) records of all hearings on appeals and all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered.

(b) *Institutions, cooperative graduate center boards, and higher education building agencies.* To maintain all accounting records relating to approved projects, including bank deposit slips, canceled checks, etc. (or microfilm copies), for audit and inspection by the Federal Government.

See footnote 6 on page 10686.

Retention period: (a) (1) 3 years after year in which expenditure was made or longer if audit findings have not been resolved, (2) 3 years following disposition of equipment, (3) 2 years after final action with respect to the application, and (4) at least 3 years; (b) 3 years after completion of project.* 45 CFR 100a.477, 170.6

1.10 State and local educational agencies, public and private nonprofit agencies, and institutions of higher learning receiving financial assistance for adult education programs. [Amended]

(a) To maintain all records pertaining to the expenditure of the Federal grant and non-Federal contribution.

Retention period: 3 years after close of fiscal year in which expenditure was liquidated, or until notified that such records are no longer needed for program administrative review, or completion of Federal fiscal audit, whichever is the latest.* 45 CFR 100b.477

(b) To keep inventory and records of all items of equipment costing $100 or more in which cost the Federal Government has participated.

Retention period: Not specified. 45 CFR 100b.477

1.11 State and local educational agencies receiving financial assistance for strengthening academic subjects in public schools. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability of the grantee for expenditures of Federal grants and matching funds.

Retention period: 3 years after the end of the period for which funds were made available for expenditure; if audit has not occurred, until completion of audit or 5 years following the end of period for which funds were made available, whichever is earlier.* 45 CFR 100b.477

(b) To keep continuing inventories and records supporting accountability for nonconsumable equipment costing $300 or more per unit.

Retention period: Until equipment is no longer useful; until residual value of equipment is less than $100; or until equipment is disposed of or accountability to United States is waived. 45 CFR 100b.477

1.12 Private nonprofit schools receiving loans for acquisition of equipment for strengthening instruction in academic subjects.

To keep all records supporting the use of loan funds.

Retention period: Until the loan has been paid in full or 3 years after receipt of loan funds, whichever is later. 45 CFR 142.9

1.13 Institutes of higher education receiving financial assistance for graduate fellowship programs.

To keep all records supporting claims for Federal payments.

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Retention period: 3 years after the close of the fiscal year to which such records relate; or until notified that such records are not needed for program administration review; or until notified of the completion of the Department's fiscal audit, whichever is the latest.* 45 CFR 145.5

1.14 State and local educational agencies receiving financial assistance for guidance, counseling, and testing programs. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability of the grantee agency for expenditures of Federal grants and matching funds.

Retention period: 3 years after the close of the fiscal year in which the expenditure was made; or if audit has not occurred, until notified of completion of audit or 5 years after end of fiscal year in which expenditure was made, whichever is earlier.* 45 CFR 143.18

(b) To maintain inventories of equipment costing $300 or more acquired with grant funds.

Retention period: Useful life of equipment or until disposition, whichever is earlier, and records of such inventories for 3 years thereafter. 45 CFR 143.18

1.15 [Deleted]

1.16 State and local educational agencies receiving financial assistance for special educational needs of educationally deprived children. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability for expenditure of such grants.

Retention period: 5 years after close of fiscal year in which expenditure was made; or until notified that such records are not needed for administrative review, whichever is the earlier.* 45 CFR 100b.477

(b) To maintain inventory records on equipment acquired with Federal funds and placed in the temporary custody of persons in a private school.

Retention period: 1 year following period inventories must be kept, or if costing $100 or more per unit, for the expected useful life of the equipment or until its disposition. 45 CFR 100b.477

1.17 State and local educational agencies receiving financial assistance for school library resources, textbooks, and other instructional materials. [Amended]

(a) To keep records supporting claims for Federal funds or relating to the accountability of the grantee or funded agency for expenditure of such funds.

Retention period: 3 years after the end of the period for which funds were made available for expenditure; if audit has not occurred, until completion of audit or 5 years following the end of the period for which funds were made available, whichever is earlier.* 45 CFR 100b.477

(b) To maintain continuing inventories and other supporting accountability records for equipment costing $300 or more.

Retention period: Until equipment is no longer useful; until residual value is less than $100; or until accountability to United States has been waived. 45 CFR 100b.477

1.18 State and local educational agencies receiving financial assistance for supplementary educational centers and services. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability for expenditure of such grants.

Retention period: 5 years after close of fiscal year in which expenditure was made, or until notified that such records are not needed for administrative review, whichever occurs first.* 45 CFR 100b.477

(b) To keep inventories of all equipment acquired with funds costing $100 per unit.

Retention period: 3 years following the period for which such inventories are required to be made; or if costing $100 or more, for the expected useful life of such equipment or until its disposition, whichever is earlier. 45 CFR 100b.477

1.19 State educational agencies and nonprofit public and private agencies and institutions receiving Federal financial assistance for research and research related activities in the field of education and for construction of national and regional research facilities. [Amended]

(a) To keep all records supporting claims under Federal grants or relating to the accountability of Federal funds.

Retention period: Until audit by or on behalf of the Department, or 5 years after the close of the budget period, whichever is the lesser.* 45 CFR 100a.477

(b) To keep inventories and other records supporting accountability of nonconsumable equipment costing $250 or more per unit purchased.

Retention period: Until notified of the completion of the Department's review and audit covering disposition of such equipment. 45 CFR 100a.477

1.20 State educational agencies receiving financial assistance to strengthen State departments of education. [Amended]

(a) To keep all records supporting claims for Federal grants or relating to the accountability of such grantee for expenditure of such grants.

Retention period: 3 years after the end of the period for which funds were made available for expenditure; if audit has not occurred, until completion of audit or 5 years following end of period for which funds were made available, whichever is earlier.* 45 CFR 100a.477

(b) To keep inventories and other records supporting accountability of equipment, which costs $100 or more per unit, purchased with Federal financial participation.

Retention period: Until notified of the completion of the Department's review and audit covering the disposition of such equipment. 45 CFR 100a.477

1.21 Local educational agencies receiving financial assistance for construction of public elementary and secondary schools and for current expenditures in areas affected by major disasters.

To keep records supporting claims for such assistance.

Retention period: 5 years following date of final payment under the application or until notified that such records are not needed for program administrative review, whichever is the earlier. 45 CFR 112.16, 113.19

1.22 State and local educational agencies; Indian tribes, organizations, and institutions; federally supported schools; and institutions of higher learning participating in programs to improve educational opportunities of Indian children and adults. [Added]

(a) To maintain records relating to the receipt and expenditure of Federal funds (and recipient's contribution to cost of project, if any), including accounting records and related supporting documents.

(b) To maintain records of nonexpendable personal property acquired with Federal funds.

Retention period: (a) 3 years after date of submission of final or annual expenditure report; (b) 3 years after final disposition.* 45 CFR 100a.477

1.23 State commissions and institutions receiving financial assistance for acquisition of equipment to improve undergraduate instruction in institutions of higher education. [Amended]

(a) *State commissions.* To maintain (1) records supporting expenditures for expenses of State commission, (2) a complete case file on each application received, and (3) records of all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered.

Retention period: (1) Until notification of completion of Federal audits for fiscal year concerned, or 5 years following such fiscal year, whichever is sooner;* (2) at least 2 years after final action on the application by the State commission; and (3) at least 2 years after closing date for receipt of such projects. 45 CFR 100a.477

(b) *Institutions.* To maintain all accounting records relating to approval of projects and to verification of the applicant's maintenance of effort, including bank deposits, canceled checks, etc.

Retention period: 3 years after completion of the project or until applicant is notified of the Government's audit, whichever is later. 45 CFR 100a.477

1.24 Federal, State, and private programs of low-interest loans to vocational students and students in institutions of higher education.

(a) *Guarantee agencies.* To keep records on status of its student loan insurance reserve fund and the operation of its loan insurance progam.

(b) *Lenders.* To keep complete and accurate records on all federally insured loan accounts reflecting each transaction.

Retention period: (a) Not specified; (b) until Commissioner has no further need for such records, but for not less than 3 years from date loan either has been repaid in full or defaulted with reimbursement of the lender by the guarantee agency or the Commissioner. 45 CFR 177.8

1.25 State agencies or institutions receiving financial assistance for community service and continuing education programs. [Amended]

(a) To maintain all records supporting claims for Federal grants or relating to accountability of State agency or participating institutions for expenditure of such grants or of matching funds.

Retention period: 5 years after close of fiscal year in which expenditure was made or until notified that such records are not needed for program administration review or of completion of Department's fiscal audit, whichever is sooner.* 45 CFR 100b.477

(b) To keep inventories and records of all items of equipment initially costing $100 or more in which the Federal Government has participated.

Retention period: Not specified. 45 CFR 100b.477

1.26 Institutions of higher education participating in the national defense student loan program.

To maintain records of all transactions with respect to the fund, general ledger control accounts and subsidiary accounts as required, pertinent records of fund activities including individual oaths, and promissory notes.

Retention period: Until agreed upon with the Commissioner that there is no further need for retention. 45 CFR 144.11

1.27 State or local educational agency receiving grants for comprehensive educational planning and evaluation. [Added]

(a) To maintain records relating to the receipt and expenditure of Federal funds (and recipient's contribution to cost of project, if any), including accounting records and related supporting documents.

(b) To maintain records of nonexpendable personal property acquired with Federal funds or grantee's contribution.

Retention period: (a) 3 years after date of submission of annual report; (b) 3 years after final disposition.* 45 CFR 100a.477

1.28 Local educational agencies and institutions of higher education receiving financial assistance for bilingual education programs. [Amended]

(a) To maintain all records pertaining to such Federal grant or to the expenditure of grant funds.

Retention period: 5 years after close of fiscal year in which the expenditure is liquidated, or until notified that such records are not needed for program administrative review, whichever occurs first.* 45 CFR 100a.477

(b) To maintain inventories and other records supporting accountability on equipment costing $100 or more per item under an approved project.

Retention period: 1 year after the end of expected useful life of equipment or disposition of the equipment. 45 CFR 100a.477

1.29 Local educational agencies receiving financial assistance for demonstration projects for reducing school dropouts. [Amended]

(a) To maintain all records relating to Federal funds and to the expenditure of such funds.

Retention period: 5 years after close of fiscal year in which the expenditure is liquidated or until notified that such records are not needed for program administrative review, whichever is earlier.* 45 CFR 100a.477

(b) To maintain records on inventories of all equipment costing $100 or more per unit acquired with Federal funds.

Retention period: 1 year after the end of the expected useful life of the equipment or after disposition of such equipment. 45 CFR 100a.477

1.30 Institutions of higher education receiving financial assistance for college library resources program. [Amended]

To maintain all records supporting claims for Federal funds and relating to the accountability of the grantee for expenditure of matching funds.

Retention period: 5 years after close of fiscal year or until notified of completion of fiscal audit, whichever is earlier.* 45 100a.477

1.31 Local educational agencies and public and private agencies receiving financial assistance for research and training, exemplary, and curriculum development programs in vocational education. [Amended]

(a) To keep all records supporting claims for Federal funds and relating to the accountability of the grantee for expenditure of such funds and its contribution to the cost of the program or project.

Retention period: 3 years after close of budget period in which expenditures were made; or, if a Federal audit has not occurred, 5 years after close of budget period in which expenditures were made, or until notified of completion of the Federal audit, whichever is earlier.* 45 CFR 100a.477

(b) To keep records on all equipment procured or fabricated under the grant and costing more than $300 or having a residual value of more than $100.

Retention period: Not specified. 45 CFR 100a.477

1.32 Institutions of higher learning receiving grants under the Upward Bound project. [Amended]

To maintain all records showing progress of project in achieving objectives, and all accounting records necessary for audit.

Retention period: 3 years after completion of the project or until notification of the Federal audit, whichever is later; but in no case more than 5 years after completion of the project.* 45 CFR 100a.477

1.33 State educational agencies receiving Federal financial assistance for planning and evaluation of programs and projects for elementary and secondary education. [Amended]

(a) To keep all records supporting claims for Federal funds or relating to the accountability for expenditure of such funds.

(b) To keep records on inventories of all equipment acquired under section 402 of the act and costing $100 or more per unit.

Retention period: 3 years following the period for which funds were made available and inventories required to be made; or if there has been no audit by that time, until such audit or until 5 years following the end of the budget period, whichever is earlier.* 45 CFR 100a.477

1.34 State and local educational agencies receiving grants under the emergency school assistance program. [Amended]

To maintain all records pertaining to expenditure of Federal grant.

Retention period: 3 years after end of budget period, or if Federal audit has not occurred, 5 years following the end of the budget period, whichever is earlier.* 45 CFR 100a.477

1.35 State and local educational agencies receiving financial assistance for educational programs on environmental quality. [Amended]

To maintain such records as the Secretary may find necessary.

Retention period: Not specified. 45 CFR 100a.477

1.36 Area vocational schools and institutions of higher learning participating in the college work study program. [Amended]

To maintain records reflecting all activities of the program including student employment applications.

Retention period: 3 years following end of fiscal year or until completion of Federal audit, whichever is later, but no longer than 5 years.* 45 CFR 100a.477, 175.16

1.37 State and local educational agencies receiving grants for educational programs on drug abuse. [Amended]

To maintain such records as the Secretary may find necessary.

Retention period: Not specified. 45 CFR 100a.477

1.38 Local educational agencies; institutions, and organizations receiving grants for emergency school aid. [Added]

(a) To maintain records relating to the receipt and expenditure of Federal funds (and recipient's contribution to cost of project, if any), including accounting

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records and related supporting documents.

(b) To maintain records of nonexpendable personal property acquired with Federal funds.

Retention period: (a) 3 years after date of submission of final or annual expenditure report;[6] (b) 3 years after final disposition. Microfilm copies may be substituted in lieu of original records. 45 CFR 100a.477

1.39 Public and private institutions and agencies receiving grants for the improvement of postsecondary education. [Added]

(a) To maintain records relating to the receipt and expenditure of Federal funds (and recipient's contribution to cost of project, if any), including accounting records and related supporting documents.

(b) To maintain records of nonexpendable personal property acquired with Federal funds.

Retention period: (a) 3 years after date of submission of final or annual expenditure report;[6] (b) 3 years after final disposition. Microfilm copies may be substituted in lieu of original records. 45 CFR 1501.11

1.40 State educational agencies and institutions receiving grants for the improvement of desegregation in public education. [Added]

(a) To maintain records relating to the receipt and expenditure of Federal funds and recipient's contribution to cost of project, if any), including accounting records and related supporting documents.

(b) To maintain records of nonexpendable personal property acquired with Federal funds.

Retention period: (a) 3 years after date of submission of final or annual expenditure report;[6] (b) 3 years after final disposition, Microfilm copies may be substituted in lieu of original records. 45 CFR 100a.477

1.41 State educational agencies receiving grants for special projects and teacher training in the adult education program. [Added]

(a) To maintain records relating to the receipt and expenditure of Federal funds (and recipient's contribution to cost of project, if any), including accounting records and related supporting documents.

(b) To maintain records of nonexpendable personal property acquired with Federal funds.

Retention period: (a) 3 years after date of submission of final or annual expenditure report;[6] (b) 3 years after final disposition. Microfilm copies may be substituted in lieu of original records. 45 CFR 100a.477, 100b.477

1.42 Institutions of higher education receiving veteran's cost-of-instruction payments. [Added]

To maintain records relating to the receipt and expenditure of Federal funds, including accounting records and related original and supporting documents and records of nonexpendable property acquired with Federal funds.

Retention period: 3 years after submission of fiscal operations report or in the case of nonexpendable property, 3 years after its final disposition.[6] 45 CFR 189.31

2. Food and Drug Administration

2.1 Persons introducing shipment or delivery of unlabeled food, drugs and devices, and cosmetics into interstate commerce and operators of establishments processing, labeling, and repacking. [Amended]

To keep written agreements containing such specifications as will insure that such food, drugs and devices, and cosmetics will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such commodities from such establishment. 21 CFR 1.107, 1.204

2.2 Commercial processors manufacturing, processing, or packing low-acid foods. [Added]

To maintain (a) complete records covering all aspects of the establishment of the process and associated incubation tests; and (b) processing and production records as specified in sections cited.

Retention period: (a) Permanent; (b) not less than 3 years. 21 CFR 90.21, 128b.4, 128b.8

2.3 [Reserved]

2.4 [Transferred to XVIIa 1.1]

2.5 Packers of processed shrimp and canned oysters operating under the seafood inspection service.

To keep shipping records covering shipments from each lot of inspected seafood.

Retention period: At least 2 years. 21 CFR 85.9, 85.24

2.6 Sponsors, investigators, and shippers of new drugs and antibiotic drugs for investigational use; and investigational review committees.

To maintain records of (a) each shipment and delivery and disposition of each new or antibiotic drug; and (b) documents relating to membership, study discussions, resolutions, etc. of review committees.

Retention period: (a) 2 years after shipment and delivery; (b) 3 years after completion or discontinuance of study. 21 CFR 130.3, 130.3a, 130.3b, 135.3, 144.8

2.7 Persons introducing shipment or delivery of antibiotic drugs into interstate commerce; operators of establishments processing, labeling, storing, repacking, and manufacturing antibiotic drugs; and persons requesting certification of antibiotic drugs.

(a) To keep complete records of all shipments and deliveries of each batch or part thereof.

Retention period: 3 years from date of shipment or delivery and/or receipt of same. 21 CFR 144.3—144.7, 146.5

Photostatic or other permanent reproductions may be used as substitutes for records identified in this section after the first 2 years of retention. 21 CFR 144.23, 146.7

2.8 Persons petitioning for exemption from certification for antibiotic drugs intended for local or topical use.

To keep records of all laboratory tests and assays required as a condition for certification on each batch produced and of all shipments and deliveries of each batch or part thereof.

Retention period: 3 years after date of shipment or delivery. 21 CFR 144.1

Photostatic or other permanent reproduction may be substituted for such records after the first 2 years of the holding period. 21 CFR 144.23

2.9 Insulin distributors to whom certifications have been issued by the Food and Drug Administration.

To keep records of shipments and deliveries.

Retention period: 2 years after disposal of all the batch covered by the certificate. 21 CFR 164.8

2.10 Dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States. [Amended]

To keep all thermograph charts.

Retention period: 2 years, unless within that period the charts are examined and released by authorized agent of the Secretary. 21 CFR 1210.15

2.11 Persons manufacturing, processing, packing, or holding finished pharmaceuticals.

To maintain batch production and control records for each batch of drugs; data concerning laboratory tests performed; records of the distribution of each batch of drug in a manner that will facilitate its recall if necessary; and written and oral complaints regarding the drug.

Retention period: 2 years after the distribution of the drug has been completed or 1 year after the expiration of the drug, whichever is longer. 21 CFR 133.7, 133.11, 133.12, 133.15

2.12 Persons to whom color-additive certificates have been issued by the Food and Drug Administration.

To keep complete and separate records showing the disposal of all the color additive from the batch covered by such certificates.

Retention period: At least 2 years after disposal of all such color additive. 21 CFR 8.26

2.13 Persons delivering for introduction or introducing into interstate commerce a color additive or a food, drug, or cosmetic containing such an additive, for investigational use.

To maintain complete records of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 8.33

2.14 Manufacturers or distributors shipping new drug substances intended for hypersensitivity testing.

To maintain records of all shipments for this purpose.

Retention period: 2 years after shipment. 21 CFR 130.41

2.15 Persons treating food with low dose electron beam radiation.

To keep a record of the radiation intensity and power used by means of recorders coupled to the election accelerator. The record shall identify the food that has been subjected to the radiation.

Retention period: Permanent; 1 year for Food and Drug Administration inspection. 21 CFR 121.3007

2.16 Manufacturers, packers, distributors, and shippers of antibiotic drugs for human release.

To maintain such records as specified in section cited to facilitate determination whether such certificate or release should be rescinded or whether any regulations should be amended or repealed.

Retention period: Not specified. 21 CFR 146.14

2.17 Persons holding approved new-drug applications.

To maintain records necessary to facilitate a determination whether there may be grounds for invoking section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) to suspend or withdraw approval of the application.

Retention period: Not specified. 21 CFR 130.13, 130.47

2.18 Manufacturers, processors, packers, and holders of medicated feeds.

To maintain (a) receipt and inventory records of drug components; (b) production records; (c) master formula records or cards for each medicated feed; (d) laboratory control records on results of assays; (e) distribution records; and (f) records of complaints and action taken.

Retention period: (a)—(d) 1 year; (e) 6 months; (f) 2 years. 21 CFR 133.104, 133.105, 133.108—133.110

2.19 Manufacturers, processors, packers, and holders of smoked and smoke-flavored fish.

To maintain records providing positive identification of the process procedures used for the manufacture of hot-process smoked or hot-process smoke-flavored fish and of the distribution of the finished product.

Retention period: Not specified. 21 CFR 128a.7(e) (5)

2.20 Manufacturers, processors, packers, and holders of medicated premixes for use in the manufacture of medicated feeds.

To maintain receipt and inventory records of any drug components used; batch production and control records; results of assays; distribution records; and oral and written complaints concerning safety and efficacy of each premix.

Retention period: 2 years. 21 CFR 133.204, 133.205, 133.208—133.210

2.21 Manufacturers, processors, packers, and repackers of human foods.

To maintain records of coding of food products.

Retention period: The shelf life of the product, except not longer than 2 years. 21 CFR 128.7(1)

2.22 [Deleted]

2.23 [Reserved]

2.24 Sponsors of methadone maintenance programs.

To maintain for each patient an admission evaluation and records consisting of personal and medical history, physical examination, and such other information as necessary.

Retention period: Not specified. 21 CFR 130.44

2.25 Manufacturers of impact-resistant lenses for glasses and sunglasses.

To maintain records of sale, distribution, and results of tests conducted on impact-resistant lenses.

Retention period: 3 years. 21 CFR 3.84

2.26 [Transferred to XVIIa 1.2]

2.27 [Transferred to XVIIa 1.14]

2.28 Licensed domestic and foreign manufacturing establishments of biological products. [Amended]

To keep records concurrently with performance of each step in the manufacture and distribution of each lot; complete records of recall from distribution; sterilization records including date, duration, temperature, and other conditions relating to each sterilization, so as to identify the particular process to which the sterilization relates; animal necropsy records; and records by each establishment participating in manufacture of a product showing degree of individual responsibility with manufacturer preparing product in final form to retain complete records of all manufacturing operations.

Retention period: 5 years after the records of manufacture have been completed or 6 months after the latest expiration date, whichever is later.

Suspension of retention requirements: If a summary is retained, authorization may be granted to suspend retention of records of a manufacturing step upon a showing that such records no longer serve the purpose for which they were made. 21 CFR 600.12

2.29 [Deleted]

2.30 Manufacturers of certain electronic products. [Amended]

To maintain (a) description of the quality control procedures with respect to electronic product radiation safety; (b) record of the results of tests for electronic product radiation safety; (c) for products that display aging effects which may increase radiation emission, records of the results of tests for durability of the product, and the basis for selecting the tests; (d) copies of all pertinent written communications; (e) records of the manufacturers distribution of products; and (f) records received from dealers or distributors pursuant to sec. 1002.41.

Retention period: 5 years from the date of the record. 21 CFR 1002.30 (retention: 1002.31)

2.31 Dealers and distributors of certain electronic products. [Amended]

To maintain, for products for which the retail price is greater than $50.00, information as necessary to permit tracing of specific products to specific purchasers.

Retention period: 5 years from the date of sale, award, or lease of such product. 21 CFR 1002.40, 1002.41

2.32 Manufacturers, packers, distributors, and retailers promoting retail sales promotions.

To maintain invoices and other records relating to "cents-off" coupons or other savings representations and to package size savings.

Retention period: 1 year subsequent to end of year in which promotion occurs. 21 CFR 1.1d, 1.1e

2.33 Hospitals and other authorized dispensers of methadone.

To maintain clinical record for each patient showing dates, quantity, and batch or code mark of drug dispensed.

Retention period: 3 years. 21 CFR 130.44

2.34 Manufacturers of methadone.

To maintain signed invoices of methadone delivered to licensed practitioner.

Retention period: Not specified. 21 CFR 130.44

2.35 Persons introducing or moving food shipments into interstate commerce who are not the original processors or packers. [Added]

To keep records of agreements with operators of food processing establishments, signed by and containing the post office addresses of such persons and such operators, and containing specifications for the processing, labeling, or repacking to insure that such food will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after date of final shipment or delivery from the establishment. 21 CFR 1.10a

2.36 Processors of thermally-processed low-acid foods packaged in hermetically sealed containers. [Added]

To retain at the processing plant all records of processing, deviations in processing, container closure inspections, and other records including those of recalls.

Retention period: 3 years. 21 CFR 90.20, 128b.8

2.37 Manufacturers or persons employing food additive amino acids to improve the protein value of food. [Added]

To keep and maintain records of tests of effectiveness.

Retention period: During period of use of the additive(s) and for 3 years thereafter. 21 CFR 121.1002

2.38 Sponsors of approved new animal drug applications. [Added]

To maintain full reports of information pertinent to the safety or effectiveness

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of new animal drugs not previously submitted as part of approved applications.
Retention period: Not specified. 21 CFR 135.14a

2.39 Manufacturers, packers, and distributors of cosmetic products. [Added]

To maintain all correspondence and records pertaining to alleged cosmetic product injuries.
Retention period: 3 years. 21 CFR 174.5

2.40 Collectors and processors of whole blood (human) collected from human donors for transfusion to human recipients. [Added]

To maintain a manual of standard procedures and methods to be followed by employees to determine suitability of donors, and to maintain records of names and qualifications of persons in charge of employees who determine the suitability of donors when a physician is not present.
Retention period: Not specified. 21 CFR 640.3

2.41 Manufacturers of source plasma (human). [Added]

To keep separate and complete records for donors of all initial and periodic examinations, tests, laboratory data, interviews, etc., including donors' written consent for participation in the plasmapheresis program and certifications of good health.
Retention period: Not specified. 21 CFR 640.69

3. Public Health Service [7]

3.1 Institutions receiving grants for research projects. [Amended]

To maintain records as specified in sections cited.
Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.2 States and State agencies receiving Federal funds for construction and modernization of hospitals and medical facilities. [Amended]

To maintain records as specified in sections cited.
Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or findings have not been resolved at end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

[7] For Food, Drug and Cosmetic Act regulations applicable to products licensed under the Public Health Service Act, see Food and Drug Administration, Items 2.28–2.31

[8] Microfilm or other adequate copies may be used in lieu of original records when properly authorized. 45 CFR 74.22

3.3 Public or private nonprofit agencies, institutions, or organizations receiving grants for family health center projects. [Amended]

To maintain records as specified in sections cited.
Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.4 Public or nonprofit agencies and organizations receiving grants for initial cost of professional and technical personnel of community mental health centers. [Amended]

To maintain such records, books, documents, and papers as the Secretary shall prescribe that are pertinent to assistance under the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, in addition to any other records required by the regulations of 45 CFR Part 74.
Retention period: 3 years from date of submission of annual or final report, or if Federal audit not completed at end of 3 years, until resolution of all audit questions.[8] 42 CFR 54.308, 54.309

3.5 State health agencies, public or nonprofit private agencies, institutions, or organizations receiving grants for dental health of children. [Amended]

To maintain records as specified in sections cited.
Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.6 Institutions receiving Federal grants for the construction of health research facilities (including mental retardation facilities).

To maintain (a) all fiscal or other records relating to the construction and (b) payroll records and kickback statements for all laborers and mechanics working at the project.
Retention period: (a) Not specified (b) 3 years after completion of the contract. 42 CFR 57.8

3.7 Public or nonprofit private schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, and public health receiving Federal grants for the construction of teaching facilities for health personnel.

To maintain (a) adequate and separate accounting and fiscal records for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.
Retention period: (a) 3 years after close of fiscal year in which construction is completed or if audit has not occurred, for 5 years after close of fiscal year in which construction is completed or until applicant is notified of completion of Federal audit, whichever is earlier; [9] (b) 3 years after completion of the contract. 42 CFR 57.107, 57.108

3.8 Institutions participating in the health professions and the nursing student loan programs.

To keep records reflecting all transactions with respect to the student loan fund, recording Federal capital contributions and Federal capital loans separately.
Retention period: Until agreed with the Secretary that there is no further need for retention. 42 CFR 57.215, 57.315

3.9 Public or nonprofit private schools receiving Federal funds for construction of nurse training facilities.

To maintain (a) accounting and fiscal records and accounts for all funds provided from any source to pay cost of construction project, and (b) payroll records and kickback statements for all laborers and mechanics working at the project site.
Retention period: (a) 3 years after close of fiscal year in which construction is completed; or if Federal audit has not occurred, 5 years or until applicant is notified of completion of audit, whichever is earlier; [9] (b) 3 years after completion of the project. 42 CFR 57.407, 57.408

3.10 Public or nonprofit schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and veterinary medicine receiving Federal funds to support their educational programs, for scholarship funds and for special projects. [Amended]

To maintain operational and accounting records relating to the use of grant funds.
Retention period: 3 years after close of period of time during which grantee may obligate funds (budget period) if grantee notified of completion of Federal audit. If grantee not so notified such records shall be retained for 5 years after close of budget period or until grantee is notified of completion of audit, whichever comes first.[9] 42 CFR 57.513, 57.611, 57.1112

3.11 Public or nonprofit schools of public health receiving grants for provision of public health training.

To maintain records, documents, and information that relate to the grants.
Retention period: Until completion of the fiscal audit and resolution of all questions arising therefrom. 42 CFR 58.9

3.12 Public or private nonprofit agencies or institutions receiving Federal grants for the construction of medical library facilities.

To maintain (a) fiscal records and

[9] In all cases where audit questions have arisen before expiration of such 5 year period, records shall be retained until resolution of all such questions.

accounts for all funds provided from any source to pay for the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.
Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 59a.7

3.13 Public or private nonprofit institutions receiving Federal grants for improving and expanding medical libraries. [Amended]

To maintain records as specified in sections cited.
Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.14 Public or private nonprofit medical libraries receiving Federal grants for the establishment of regional medical libraries.

To maintain separate fiscal records and accounts for all grant funds.
Retention period: 3 years after termination of the grant unless a shorter or longer period of time is, respectively, permitted or required by the Secretary. 42 CFR 59a.37

3.15 Institutions receiving Federal grants for National Institutes of Health and National Library of Medicine training.

To maintain fiscal and other records relating to the training and instruction for which a grant is awarded.
Retention period: Not specified. 42 CFR 64.4

3.16 State and State agencies receiving grants for the support of communicable disease control programs. [Amended]

To maintain records as specified in sections cited.
Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.17 Public or nonprofit institutions receiving Federal grants for regional medical programs.

To maintain all construction, financial and other records relating to the use of the grant funds.
Retention period: Until records have been audited unless a different period is permitted or required in writing by the Secretary. 42 CFR 54.405

3.18 State and State agencies receiving grants for comprehensive health planning. [Amended]

To maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State program, in addition to other records required by the regulations in 45 CFR Part 74.
Retention period: 3 years after submission of annual expenditure report or until resolution of all audit questions; for nonexpendable property, 3 years after its final distribution. 42 CFR 51.4, 51.9

3.19 State health or mental health authorities receiving grants for comprehensive public health services. [Amended]

To maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State plan, in addition to any other records required by the regulations in 45 CFR Part 74.
Retention period: 3 years after submission of annual expenditure report or until resolution of all audit questions; for nonexpendable property, 3 years after its final distribution. 42 CFR 51.104, 51.111

3.20 Clinical laboratories which have been issued licenses under the Clinical Laboratories Improvement Act of 1967.

To maintain (a) records relating to the observations of each step in the examination of specimens, the identity of the specimens, laboratory reports, quality control procedures, and maintenance of equipment and instruments; and (b) personnel records.
Retention period: (a) At least 2 years after date of submittal of report except as otherwise prescribed in the part or authorized by the Secretary; (b) on a current basis. 42 CFR 74.50, 74.52, 74.53

3.21 Clinical laboratories (microbiology and serology, clinical chemistry, immunohemotology, pathology, and radiobiology).

Clinical laboratories with small or infrequent operations in which no more than 100 specimens are accepted during any calendar year and which hold an unrevoked or unsuspended letter of exemption are to maintain and make available such accession and other records as the Secretary may find necessary to determine initial and continuing eligibility for exemption.
Retention period: Not specified. 42 CFR 74.2

3.22 State agencies receiving Federal grants for maternal and child health services and crippled children's services.

To maintain such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the costs of carrying out the State plan, and a complete equipment inventory for equipment or supplies purchased with grant funds.
Retention period: Not specified. 42 CFR 200.16, 200.27

3.23 State agencies receiving Federal grants for child welfare services. [Amended]

To maintain records as specified in sections cited.
Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21, 220.75

3.24 State agencies receiving Federal grants for child welfare services which have purchased items of equipment and supply in carrying out the annual budget. [Amended]

To maintain records as specified in sections cited.
Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.25 State health agencies or public or nonprofit private agencies and institutions receiving project and personnel training grants for family planning services. [Amended]

To maintain records as specified in sections cited.
Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.26 State and local public agencies and public or nonprofit institutions of higher learning receiving Federal grants for research projects relating to maternal and child health services and crippled children's services, and research or demonstration projects relating to child welfare services. [Amended]

To maintain records as specified in sections cited.
Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.[8] 45 CFR 74.20, 74.21

3.27 Public or nonprofit private schools of nursing receiving Federal funds for scholarship grants and for support of their educational programs.

To maintain operational and accounting records relating to the use of grant funds.
Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comse first.[9] 42 CFR 57.911, 57.1013

See footnote 8 on page 10692.

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3.28 Public and nonprofit agencies or institutions receiving grants for the advancement of health in coal mining. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.* 45 CFR 74.20, 74.21

3.29 Approved Psittacine Bird Treatment Centers.

To maintain complete records of all birds received, treated and shipped, including date of each shipment and name and address of consignee.

Retention period: Not specified. 42 CFR 71.163

3.30 Local government units receiving grants for the detection and prevention of lead-based paint poisoning. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.* 45 CFR 74.20, 74.21

3.31 Public or nonprofit agencies receiving grants for migrant health services. [Amended]

To maintain records as specified in sections cited.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of nonexpendable property, 3 years after final disposition of such property) or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit questions.* 45 CFR 74.20, 74.21

3.32 Schools receiving grants to improve the quality of training centers for allied health professions.

To maintain progress and fiscal records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.* 42 CFR 57.716

3.33 Schools receiving grants for the construction of teaching facilities for allied health professions personnel.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay for the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after the completion of the contract. 42 CFR 57.808

3.34 Public or nonprofit 2-year schools of medicine receiving grants for conversion to a school accredited to grant the degree of doctor of medicine.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.* 42 CFR 57.1310

3.35 New public or nonprofit schools of medicine, dentistry, and osteopathy receiving grants to meet their initial cost of operation.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.* 42 CFR 57.1413

3.36 Public or nonprofit hospitals receiving grants for training, traineeships, and fellowships in family medicine.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period whichever comes first.* 42 CFR 57.1612

3.37 Public and private nonprofit agencies or institutions receiving research and demonstration grants relating to occupational safety and health. [Amended]

To maintain such progress and fiscal records relating to the approved project as the Secretary may prescribe in addition to any other records required by the regulations of 45 CFR Part 74.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period, whichever comes first.* 42 CFR 87.24, 87.40, 87.41

3.38 Applicants for certification of gas detector tube units. [Added]

To maintain quality control inspection records as specified in section cited.

Retention period: Not specified. 42 CFR 84.33

4. Social Security Administration

4.1 States under agreement for voluntary coverage of State and local government employees.

To keep or cause to be kept records of a State and of political subdivisions of a State included under an agreement in a location accessible to and open for inspection by authorized officials of the Social Security Administration. Such records must show the amount of noncash remuneration paid as well as cash remuneration (tip and nontip) paid to each employee for services covered under the agreement, the amount of employees' contributions withheld from such remuneration, and the period in which it was paid; such forms and systems of accounting as will enable the Administration to determine the amount of contributions for which the State is liable and whether they have been paid; such records as are necessary to establish the coverage status of individuals, e.g., the employees choice in a referendum on a desire for coverage basis referendum; records of claims for credit or refund and the supporting statement which is the basis for the claim for credit or refund; records of each employee's wages which are subject to the limitation of liability; where the agricultural exclusion was taken must identify in its records those employees who performed agricultural labor and each period during which such services were rendered.

Retention period: For 4 years (or longer if the State or political subdivision so desires) after the date the contributions were due or were paid, whichever is later. These records must be retained for the prescribed period even though the coverage of the entity has been terminated. Records for claims for credit and refund—for 4 years after the date the claim is filed even though the coverage of the entity involved has been terminated. 20 CFR 404.1256

4.2 [Reserved]

4.3 Hospitals, skilled nursing facilities, home health agencies, and outpatient physical therapy providers which have filed agreements to participate in the health insurance for the aged and disabled program. [Amended]

To keep clinical and other medical records, utilization review committee reports, physicians certifications, and recertifications.

Retention period: Hospitals, in accordance with statute of limitations in the respective State; skilled nursing facilities, in accordance with State law or for 5 years in absence of a State statute; others, not specified. 20 CFR 405.1026, 405.1035(h), 405.1132, 405.1137(h), 405.1228, 405.1241, 405.1243, 405.1625

4.4 Hospitals, skilled nursing facilities, home health agencies, and outpatient physical therapy providers which have filed agreements to participate in the health insurance for the aged program.

To maintain and provide such information as the Secretary finds necessary to determine whether payments are or were due under title XVIII of the Social Security Act, and the amounts thereof.

Retention period: Not specified. 20 CFR 405.406

4.5 Psychiatric and tuberculosis hospitals which have filed agreements to participate in the health insurance for the aged program.

To maintain such records as the Secretary finds to be necessary to determine the degree and intensity of the treatment provided to individuals entitled to hospital insurance benefits under the hospital insurance benefits for the aged program.

Retention period: Not specified. 20 CFR 405.1036

4.6–4.7 [Reserved]

4.8 Clinical laboratories.

To maintain records of laboratory reports.

Retention period: Not specified. 20 CFR 405.1316(e)(2)

4.9 Hospitals and hospital-based physicians under agreements apportioning the physicians' compensation.

To keep records and furnish information to substantiate the agreements they enter into concerning allocation of the compensation of the physicians.

Retention period: Not specified. 20 CFR 405.487

4.10–4.11 [Reserved]

4.12 Suppliers of portable X-ray services for Medicare beneficiaries.

To maintain records of each patient receiving services and the name of the doctor ordering such services.

Retention period: At least 2 years or for the period of time required by State law, whichever is longer. 20 CFR 405.1414

4.13 Public health agencies, rehabilitation agencies, and clinics providing outpatient physical therapy and/or speech pathology services. [Amended]

To maintain clinical records for each patient receiving physical therapy services.

Retention period: In accordance with State law, or 5 years in the absence of State statute. 20 CFR 405.1723

5. Social and Rehabilitation Service

5.1–5.12 [Deleted. Grants programs, see IV 6.4]

REHABILITATION SERVICES ADMINISTRATION

5.20 Grantees receiving Federal funds for the construction of university-affiliated facilities for the mentally retarded.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 54.4

5.21 State and public or nonprofit private agencies receiving Federal funds for services and construction of developmental disabilities facilities.

To maintain records and accounts as required by Part C of the Developmental Disabilities and Facilities Construction Act and regulations of 45 CFR Part 416.

Retention period: 3 years or longer if audit findings have not been resolved; nonexpendable property, 3 years after final disposition of such property. 45 CFR 416.38

5.22 [Reserved]

5.23 Public and nonprofit agencies and organizations receiving Federal funds for initial cost of professional and technical personnel for community mental retardation facilities. [Amended]

To maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the costs of the staffing project, in addition to other records required by regulations of 45 CFR Part 74.

Retention period: 3 years after submission of annual or final report, or if Federal audit not completed at the end of 3 years, until resolution of all audit questions. 45 CFR 416.94, 416.98, 416.99

5.24 [Deleted. Grant programs, see IV 6.4]

5.25 State agencies receiving Federal grants for the provision of vocational rehabilitation services. [Amended]

To maintain (a) such written personnel policies, records and other information as necessary to permit an evaluation of personnel operations in relation to the State agency's standards; and (b) such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed against such grants, in addition to other records required by regulations of 45 CFR Part 74.

Retention period: 3 years after submission of annual or final report, or if Federal audit not completed at end of 3 years, until resolution of all audit questions. 45 CFR 401.12, 401.18, 401.19

5.26 [Reserved]

5.27 State agencies or other public or nonprofit organizations or agencies receiving grants for the construction of workshops and rehabilitation facilities. [Amended]

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project; and (b) payroll records and kickback statements for all laborers and mechanics working at the project, in addition to other records required by regulations of 45 CFR Part 74.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 45 CFR 404.6, 404.22

5.28 Employees or organizations participating with the Social and Rehabilitation Service in contracts or jointly financed cooperative arrangements for projects with industry relating to handicapped individuals.

To keep such records and accounts as the Administrator, Social and Rehabilitation Service may require.

Retention period: Not specified. 45 CFR 403.67

5.29 [Reserved]

OFFICE FOR PLANNING, RESEARCH, AND TRAINING

5.30 Institutions of higher learning and associations receiving financial assistance for expansion and development of undergraduate and graduate programs in social work.

To maintain fiscal records for each period of the amount and disposition of Federal and cost-sharing funds and total cost for the grant period and such other records as will facilitate an effective audit, and such other records as the Service may require.

Retention period: Not specified. 45 CFR 280.12

5.31–5.39 [Reserved]

OFFICE OF YOUTH DEVELOPMENT

5.40 State, public or nonprofit private agencies or organizations receiving Federal grants for juvenile delinquency and youth development programs and activities.

To maintain (a) grant accounting records, identifiable by grant number; (b) inventories and records supporting accountability of equipment which cost $300 or more per item; and (c) to keep such records and afford such access thereto as the Administrator, Social and Rehabilitation Service may find necessary to assure the correctness and verification of reports submitted to him.

Retention period: (a) Until audit or 5 years after end of budget period, whichever is the less; (b) until completion of review and audit covering disposition of such equipment; (c) not specified. 45 CFR 270.21, 270.23, 270.40, 270.42, 270.69, 270.75, 270.90, 270.92, 270.130, 270.132, 270.150, 270.152, 270.170, 270.172, 270.187, 270.189, 270.209, 270.211

5.41 State or other public agencies receiving Federal grants for construction of juvenile delinquency rehabilitation facilities.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 45 CFR 270.110

5.42–5.49 [Reserved]

MEDICAL SERVICES ADMINISTRATION

5.50 Persons or institutions providing services under a State plan for medical assistance.

To keep such records as are necessary to disclose the extent of the services pro-

See footnote 8 on page 10692.

See footnote 9 on page 10692.

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vided to individuals receiving assistance under the plan.

Retention period: Not specified. 45 CFR 250.21

5.51 Institutions conducting training programs in nursing home administration under grants from Social and Rehabilitation Service.

To retain records of all costs related to courses provided, and persons trained.

Retention period: 3 years after the end of the budget period if audit by or on behalf of the Department has occurred by that time. If audit has not occurred, the records must be retained until audit or until 5 years following the end of the budget period, whichever is earlier, or until resolution of all audit questions. 45 CFR 252.20

5.52 State agencies administering plans for medical assistance for skilled nursing home care.

To maintain on file for ready access by the Department of Health, Education, and Welfare all information and reports used in determining whether a skilled nursing home meets the requirements specified in the regulation.

Retention period: 3 years. 45 CFR 249.33

5.53–5.59 [Reserved]

ASSISTANCE PAYMENTS ADMINISTRATION

5.60 State agencies administering public assistance programs.

To maintain records on applicants and recipients, program operation, fiscal and statistical information, and other records necessary for reporting and accountability.

Retention period: As prescribed by the Secretary. 45 CFR 205.60

5.61 State and local agencies participating in public assistance programs.

To maintain accounting and fiscal records relating to the expenditure of funds.

Retention period: 3 years from date of submission of expenditure report or until resolution of audit questions; for nonexpendable property, 3 years after final disposition of such property. 45 CFR 205.145

6. General Administration

6.1 State agencies participating in the distribution and utilization of surplus property for health, education, and civil defense purposes.

To maintain accurate accountability records of all donable property received, warehoused, and distributed by each State agency. Accountability records of all single items having acquisition cost of $2,500 or more shall be kept separate from those of lesser amount.

Retention period: Minimum of 5 years. 45 CFR 14.6

6.2 State and local agencies acquiring real property. [Amended]

To maintain (1) records of relocation payments made and assistance furnished, and notifications to persons and businesses displaced; and (2) documents associated with an appeal.

Retention period: (1) As prescribed by regulations for affected program but not less than 3 years; (2) 3 years. 45 CFR 15.52, 15.54

6.3 Contractors and subcontractors subject to HEW Procurement Regulations.

(a) To maintain records of work orders for maintenance, equipment, purchase orders of quality control, receiving and inspection records, and expendable property records.

(b) To maintain stores requisitions for materials, supplies, and equipment.

Retention period: (a) 4 years following completion or termination of contract; (b) 2 years. 41 CFR 103–27.5409

6.4 State and local governments, institutions of higher learning, hospitals, and other nonprofit organizations receiving HEW grants. [Added]

To maintain financial records, supporting documents, statistical records, nonexpendable property records, and any other records pertinent to an HEW grant.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of unexpendable property, 3 years after final disposition of such property); or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit findings.

Microfilm or other adequate copies may be used in lieu of original records when properly authorized. 45 CFR 74.20, 74.21, 74.22.

V. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

1. Office of the Secretary

1.1 State, and public and private agencies participating in relocation assistance programs.

To maintain records pertaining to eligibility for relocation payments, including all claims, receipted bills, or other documentation in support of a claim, and records pertaining to action on a claim.

Retention period: 3 years after completion of the federally assisted activities. 24 CFR 41.11(i), 42.195, 500.104(i), 550.107(g)

1.2–1.5 [Reserved]

1.6 Insurer, or pool, or person executing agreement under Federal riot reinsurance program.

To maintain books, documents, papers, and records that are pertinent.

Retention period: 3 years after final adjustment. 24 CFR 1906.38

1.7 Agencies designing, constructing or altering publicly-owned residential structures.

To maintain records relating to each contract, grant, or loan involving such publicly-owned residential structures.

Retention period: Not specified. 24 CFR 40.6

1.8 Developers of new communities.

To maintain records of costs incurred for the project, including those of contractors and subcontractors.

Retention period: Not specified. 24 CFR 710.22

2. Federal Housing Administration

2.1 Lending agencies with respect to property improvement and mobile home loans. [Amended]

To keep complete credit and collection file pertaining to each eligible property improvement or mobile home loan transaction, which will accompany any claim for loss made by the insured.

(a) A property improvement loan file will include the borrower's application for a title I loan, the original note, completion certificate(s), certifications with respect to carpeting, and other exhibits furnished to the lending institution by the borrower. Where proceeds of the loan are not disbursed directly to borrower without dealer intervention in any manner, file will include borrower's written authorization to disburse to other than the borrower, signed copy of contract or sales agreement describing type and extent of improvements to be made and the material to be used, also record of written notice to borrower of credit application approval. Proper evidence shall be in the file of permissible additional charges assessed against the borrower for additional expenses such as recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums in connection with title I property improvement loans where security is taken in the nature of a real estate mortgage, deed of trust conditional sales contract, chattel mortgage, mechanic's lien or other security device taken for the purpose of securing the payment of eligible loans. Evidence of late charge billing must be in the file if claim is made under the Contract of Insurance. With respect to Class 3 property improvement loans under Title I of the National Housing Act, the property description, plans and specifications shall remain a permanent part of the loan file in connection with certification to the Commissioner by the insured that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties.

Retention period: Not specified. 24 CFR 200.171, 200.172, 200.174, 200.177, 201.2, 201.4, 201.6, 201.8, 201.10, 201.11

(b) A mobile home loan file will include a dated credit application form executed by the borrower, a commercial credit report obtained by the insured on the borrower or evidence that the insured has made an adequate investigation of the borrower's credit. The file will also include the obligation document, a record of advance notice of intention to disburse proceeds of the loan, a number of certificates pertaining to mobile home

standards, sanitary facilities and codes, zoning, and placement, and manufacturer's warranty instrument.

Retention period: Not specified. 24 CFR 201.520, 201.525, 201.545, 201.570, 201.575, 201.605, 201.610, 201.665

2.2 Lending agencies—title I.

To keep dealer files in connection with dealer approval, investigation and control which shall contain the dealer application, the approval by the insured together with supporting information and a record of the insured's experience with the loans originated by such dealer.

Retention period: Not specified. 24 CFR 200.171, 201.8, 201.595

2.3 Project mortgagors under the National Housing Act.

(a) To keep books and accounts in accordance with requirements of the FHA Commissioner and in such form as will permit a speedy and effective audit and maintain for such periods of time as may be prescribed by the Commissioner; contracts, records, documents, and papers shall be subject to inspection and examination by the FHA Commissioner and his duly authorized agent at all reasonable times.

Retention period: Not specified. 24 CFR 205.127, 207.19, 213.30, 220.630, 221.530, 221.538, 221.550, 221.552, 227.1, 232.87, 233.505, 235.830, 236.1, 242.65, 242.79, 244.105

(b) Where neither mortgagor nor any of its associates has any interest in the builder, financial or otherwise, and in connection with cost certification procedure, records shall be kept of all costs of any construction or other cost items not representing work under the general contract; where the mortgagor and/or its associates have any interest in the builder, contractor, or any subcontractor, the mortgagor shall keep such records and in turn require the builders to keep similar records. Requirements also apply to rehabilitation projects.

Retention period: Not specified. 24 CFR 205.110–205.125, 207.27, 213.35, 213.37, 220.501, 221.550, 227.1, 231.1, 232.83, 233.505, 234.501, 235.501, 236.1, 241.155–241.160, 242.251, 244.147–244.155

2.4 Investors insured under yield insurance provisions under title VII of the National Housing Act.

To maintain such books, records, and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the conditions and operations of the project. The investor shall agree to permit the Commissioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

Retention period: Not specified. 24 CFR 238.255

2.5 Lending agencies for project mortgages insured under the National Housing Act.

Upon assignment of the mortgage to the Federal Housing Commissioner, when entitled to receive the benefits of the insurance will deliver to the Commissioner, in addition to other items specified, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. 24 CFR Parts 205, 207, 210, 211, 213, 220, 221, 224, 227, 229, 231–236, 241, 242, 244

2.6 Mortgagors of new or rehabilitated multifamily housing insured under the National Housing Act.

To keep such records as are prescribed by the Federal Housing Commissioner at the time certification to keep such records is made and to keep them in such form as to permit a speedy and effective audit.

Retention period: Not specified. 42 U.S.C. 1434

2.7 Mortgages of lower income family homes.

To maintain such records as the Commissioner may require with respect to the mortgagor's payments, the mortgage assistance payments received from the Commissioner, and the biennial recertifications of financial status from the homeowner or mortgagor.

Retention period: As prescribed by the Commissioner. 24 CFR 235.365

3. Office of Assistant Secretary for Policy Development and Research

3.1 Contractors and subcontractors with research and development contracts.

To maintain books, records, documents and other supporting evidence relating to the contract and such other records as specified in 41 CFR 1–20.301—1–20.301–3.

Retention period: Various. 41 CFR Part 1–20

4. Office of the Assistant Secretary for Housing Management

4.1 Lending agencies for mortgages of lower income family homes.

To maintain such records as the Assistant Secretary may require with respect to the mortgagor's payments, the mortgage assistance payments received from the Assistant Secretary, and the annual recertification of financial status from the homeowner or mortgagor.

Retention period: As prescribed by the Assistant Secretary. 24 CFR 420.5

4.2 Public agencies receiving assistance under Advances for Public Works Planning (First Program).

To keep accurate accounting records of all costs involved in connection with plan preparation.

Retention period: Not specified. 24 CFR 490.13

5. Office of Assistant Secretary for Equal Opportunity [Added]

5.1 Applicants, recipients, contractors, and subcontractors of assistance projects subject to section 3 of the Housing and Urban Development Act of 1968.

To maintain such records and accounts as required by the Secretary.

Retention period: Not specified. 24 CFR 135.120

VI. DEPARTMENT OF THE INTERIOR

1. Office of the Secretary

1.1 State agencies participating in relocation assistance programs. [Added]

To maintain records pertaining to such programs.

Retention period: At least 3 years. 41 CFR 114–50.407–3

1.2 Contractors and subcontractors.

To maintain books, records, and other evidence of accounting practices to reflect costs claimed and incurred in performance of contract.

Retention period: 3 years from final payment of contract or as specified by Federal procurement regulations whichever expires earlier, and for such longer period as required by statute or contract. 41 CFR 14–51.104–1

2. Fish and Wildlife Service

2.1 Operators of commercial preservation facilities receiving or having in custody migratory game birds. [Amended]

To maintain accurate records showing the numbers and kinds of such birds, dates received and disposed of, and the names and addresses of the persons from whom received and to whom delivered.

Retention period: 1 year following the last entry on record. 50 CFR 20.82

2.2 Persons exercising privileges under permits granted under Migratory Bird Treaty Act regulations.

To keep records and make reports as specified in the permits issued by the Bureau of Sport Fisheries and Wildlife for the importation, taking, sale, purchase, or other acquisition, and possession of live migratory birds and their eggs for propagating purposes; for the importation, taking, sale, purchase, or other acquisition, and possession of migratory birds and their eggs, nests or parts for scientific and other limited purposes; for the disposition and transportation of such birds, eggs, nests, parts and their increase; and for the mounting or other preparation by a taxidermist of such birds, eggs, or nests.

Retention period. 1 year following the end of the calendar year covered by the records. 50 CFR 16.9, 16.11, 16.12, 16.13, 16.14 (retention: 16.3)

2.3 Persons exercising privileges under permits to kill, frighten, or herd migratory birds injuring crops.

To keep an accurate record of all migratory birds killed and submit a report stating the species and number of migratory birds killed by the permittee.

Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.21 (retention: 16.3)

2.4 [Reserved]

2.5 Persons authorized to kill depredating purple gallinules in Louisiana.

To maintain record of the number of birds killed by him and submit a report thereon.

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Retention period: 12 months following the date on which necessary reports are submitted. 50 CFR 16.24 (retention: 16.3)

2.6 State fish and game departments conducting fish and wildlife restoration projects with Federal aid. [Amended]

To maintain cost records, accounts, and supporting documents relating to each project.

Retention period: 3 years after submission of final expenditure report. 50 CFR 80.27, 80.28

2.7 Persons authorized to use an identification symbol in labeling packages or containers.

To maintain records of all fish and wildlife specimens, or parts thereof, which are shipped, transported, carried, brought, or conveyed in interstate or foreign commerce under the Endangered Species Conservation Act.

Retention period: As specified in permit. 50 CFR 17.9

3. Geological Survey

3.1 Coal-mine lessees (federally owned lands).

To keep records of all coal mined, sold, or otherwise disposed of.

Retention period: Not specified. 30 CFR 211.15

3.2 Oil and gas lessees (federally owned and restricted Indian lands).

To keep accurate and complete records of the drilling, redrilling, deepening, repairing, plugging, or abandoning of oil wells and of all other well operations, and of all alterations to casing.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 221.23

3.3 Lessees of geothermal resources operations on public, acquired, and withdrawn lands. [Added]

To maintain records of all well operations as specified in section cited.

Retention period: Until completion of well; and such records are to be turned over to the Supervisor within 30 days. 30 CFR 270.37

3.4–3.7 [Reserved]

3.8 Operators of mines on leased public or Indian lands.

To keep books of a correct account of all ore mined, put through the mill, of all ore and mineral products sold and to whom sold, the weight, assay value, moisture content, prices received, and percentage of mineral products recovered or lost.

Retention period: Not specified. 30 CFR 231.60

3.9 Oil and gas and sulphur lessees (Outer Continental Shelf).

To keep well records and production records, and information obtained in the course of well operations.

Retention period: Until submission of reports to Regional Oil and Gas Supervisors. 30 CFR 250.38

4. Bureau of Indian Affairs

4.1 Indian chartered corporations, unincorporated tribes and bands, and credit and cooperative associations from the United States.

To keep separate records and accounts of their credit activities and of their cattle loans.

Retention period: Not specified. 25 CFR 91.7

4.2 Indian corporations and tribes.

To keep separate records and accounts of their cattle loans in connection with the revolving cattle pool.

Retention period: Not specified. 25 CFR 92.9

4.3—4.4 [Reserved]

4.5 Oil and gas pipeline operators with rights-of-way over Indian lands.

To keep books and records of oil produced or run from the lands.

Retention period: Not specified. 25 CFR 161.25

4.6 Lessees of tribal lands for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 171.18

4.7 Lessees of allotted lands for mining.

To keep a full and correct accounting of all operations and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examinations.

Retention period: Not specified. 25 CFR 172.25

4.8 Lessees of lands in Crow Indian Reservation, Montana, for mining.

To keep books of account showing amount of ore shipped or oil or other mineral substance sold or treated, and showing amount of money received from sale of ores, oil, etc.

Retention period: Not specified. 25 CFR 173.18

4.9 Lessees of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 174.34

4.10 Lessees of lands in Osage Reservation, Oklahoma, for mining, except oil and gas.

To keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all holes, showing the formations; and books and records showing manner of operations and persons interested.

Retention period: Not specified. 25 CFR 175.13

4.11 Lessees of lands under jurisdiction of Quapaw Agency for lead and zinc mining.

To keep books in which shall be a correct account of all ore and rock mined on the tract, of all ore put through the mill, etc.

Retention period: Not specified. 25 CFR 176.24

4.12 Lessees of Osage Reservation lands for oil and gas mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 183.44

4.13 Lessees of lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.

To keep a full and correct account of all operations; and their books and records, showing the manner of operations and persons interested, shall be open at all times for examination by such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations, to make such examination.

Retention period: Not specified. 25 CFR 184.25

4.14 Traders on Navajo, Zuni, and Hopi Reservations.

To keep accurate records of business activities. Receipts issued by the trader for Indian products must be recorded in the traders' books.

Retention period: Not specified. 25 CFR 252.7, 252.17

5. [Reserved]

6. Mining Enforcement and Safety Administration [Added]

6.1 Operators of metal and nonmetal mines.

To maintain records of instruction on fire alarms signals and procedures.

Retention period: 2 years. 30 CFR 55.4, 56.4, 57.4

6.2 Operators of metal and nonmetal mines.

To maintain written records of investigations of accidents and a copy of report relating thereto.

Retention period: 3 years from date of accident. 30 CFR 58.23, 58.31

6.3 Operators of underground coal mines.

To maintain records of tests, examinations, and inspections required by mandatory safety standards.

Retention period: Not specified. 30 CFR 75.1800–75.1808

6.4 Operators of underground coal mines.

To maintain a list of all certified and qualified persons designated to perform duties under 30 CFR Parts 75 and 77.

Retention period: Not specified. 30 CFR 75.159, 77.106

6.5 Operators of coal mines.

To maintain (a) written records of investigations of accidents and (b) a copy of report relating thereto.

Retention period: (a) 5 years from date of the accident, 30 CFR 80.22, 80.23; (b) 5 years from date of occurrence, 30 CFR 80.31

7. Bureau of Mines

7.1 [Transferred to VI 6.5]

7.2 State and local authorities receiving aid for reclamation and rehabilitation of strip and surface mine areas. [Amended]

To maintain suitable records and accounts of transactions with and payments to project contractors.

Retention period: Not specified. 30 CFR 42.7

7.3 State agencies, organizations, institutions (public and private), or individuals receiving Federal grants for solid waste disposal projects, health and safety programs in coal mines, and research.

(a) To maintain books of account and supporting papers of financial transactions involving Federal grants and those financed with matching funds from other sources.

(b) To maintain accountability record of all property items with expected life of more than 1 year and acquisition cost of $100 or more.

Retention period: (a) 3 years after last payment to grantee; (b) not specified. 30 CFR 51.18

7.4 [Transferred to VI 6.2]

7.5 [Transferred to VI 6.3]

7.6 Private helium distributors selling to Federal agencies.

To keep such helium accounting records as are necessary to assure compliance with regulations in the section cited.

Retention period: At least 1 year following the dates of their applicability, and shall be made available to any duly authorized representative of the Bureau of Mines for examination. 30 CFR 2.4

7.7 [Transferred to VI 6.4]

8. National Park Service

8.1 Concessioners.

To keep records of their employees, payrolls, and other records with respect to compliance with labor standards established from time to time by or pursuant to Federal or State labor laws.

Retention period: 3 years. 36 CFR 8.8

8.2 Concessioners and subconcessioners operating under negotiated contracts in areas administered by National Park Service.

To keep such records as the Secretary of the Interior may prescribe to enable the Secretary to determine that all terms of the concession contract have been and are being faithfully performed.

Retention period: 5 calendar years after the close of the business year of concessioner or subconcessioner. 16 U.S.C. 20g

9. Office of Water Resources Research

9.1 Individuals and institutions receiving funds under the Water Resources Research Act of 1964.

To maintain books and records reflecting financial transactions involving allotments, grants, contracts, or other arrangements and all papers necessary to explain or prove the validity of the transactions recorded.

Retention period: 3 years after allottee's or grantee's last disbursement of such funds or after last payment thereunder was received by the contractor. 18 CFR 505.6

10. [Reserved]

11. Office of Oil and Gas

11.1 Persons receiving allocations of imports of crude oil, unfinished oils, and finished products.

To maintain complete and current records of imports, refinery inputs, petrochemical plant inputs and the outputs of such plants.

Retention period: 3 years. 32A CFR Ch. X, OI Reg. 1, Sec. 6

VII. DEPARTMENT OF JUSTICE

1.1 Foreign agents required to register under 22 U.S.C. 611 et seq. [Amended]

To keep all books and records relating to any activities which require registration, including correspondence, memoranda, and other written communications to and from foreign principals and other persons, names and addresses of persons to whom "political propaganda" has been sent, financial records, etc.

Retention period: 3 years following termination of registration. Upon good and sufficient cause shown in writing to the Assistant Attorney General, Criminal Division, a registrant may be permitted to destroy books and records in support of the information furnished in the registration statement which was filed 5 or more years prior to the date of the application to destroy. 28 CFR 5.500

1.2 Manufacturers of and dealers in gambling devices.

To keep monthly records of sales and deliveries of gambling devices, showing the mark and number identifying each article together with the name and address of the buyer or consignee thereof and the name and address of the carrier, and including duplicate bills and invoices.

Retention period: 5 years. 15 U.S.C. 1173

1.3–1.10 [Reserved]

1.11 Manufacturers, distributors, dispensers, researchers, importers, exporters, and chemical analysists subject to the Controlled Substances Import and Export Act. [Amended]

To maintain records and inventories of each substance manufactured, imported, received, sold, delivered, exported, or disposed of in accordance with Part 1304.

Retention period: 2 years. 21 CFR 1304.3, 1304.11—1304.27, 1308.24 (retention: 1304.04)

1.12 Recipients of assistance under the Omnibus Crime Control and Safe Streets Act of 1968. [Amended]

To maintain records as required in 28 CFR Part 42.

Retention period: Not specified. 28 CFR 42.305

VIII. DEPARTMENT OF LABOR

1. Office of the Secretary

1.1 Contractors or subcontractors engaged in construction, prosecution, completion, or repair of any public building, public work, or work financed in whole or in part by loans or grants from a Federal agency. [Amended]

To keep weekly payroll records setting out name and address of each laborer and mechanic, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid.

Retention period: 3 years from date of completion of contract. 29 CFR 3.4; 32 CFR 18.703–1; 41 CFR 1–12.403–1, 1–18.703–1

1.2 Contractors or subcontractors subject to labor standards provisions applicable to contracts covering federally financed and assisted construction (see 29 CFR 5.1 and 5.5).

(a) To keep payroll and basic records including name and address of each laborer or mechanic, correct classification, rate of pay (including rates of contributions or costs anticipated for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship programs, or for other bona fide fringe benefits), daily and weekly number of hours worked, deductions made, and actual wages paid to all laborers and mechanics.

(b) In the case of unfunded plans or programs for fringe benefits listed in the Davis-Bacon Act, which are approved by the Department of Labor, to maintain records showing: (1) that the contractor's commitment is enforceable, (2) that it has been communicated in writing to laborers or mechanics employed by him, and (3) that it is financially responsible.

Retention period: 3 years after termination of contract. 29 CFR 5.5(a) (3) (1) and (6)

1.3 Contractors or subcontractors subject to labor standards provisions applicable to contracts subject only to the Contract Work Hours and Safety Standards Act.

To keep records relating to wages and hours.

Retention period: 3 years from completion of contract. 29 CFR 5.5(e);

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516.2(a); 32 CFR 12.303–1; 41 CFR 1–12.303

1.4 Persons subject to the Farm Labor Contractor Registration Act of 1963.

To keep payroll records showing specified information concerning earnings, hours worked, withholdings from wages, time periods constituting the basis for payment, piece rates, and units of work performed at piece rates for migrant workers engaged in interstate agricultural employment paid by such a contractor either on his own behalf or on behalf of another.

Retention period: Not specified. 29 CFR 40.10

1.5 Contractors or subcontractors subject to Service Contract Act of 1965.

To keep records relating to work classifications, wages, fringe benefits, hours worked, and safety and health standards.

Retention period: 3 years from completion of the work. 29 CFR 4.6(g), 4.185, 1925.3; 32 CFR 12.1004; 41 CFR 1–12.904–1

1.6 Sponsors of apprenticeship and training programs and State apprenticeship agencies.

To maintain records on qualification and evaluation of each applicant and other records of compliance with regulations including affirmative action plans and qualification standards.

Retention period: 5 years. 29 CFR 30.8

1.7 Sponsors of work training and experience programs under the Neighborhood Youth Corps.

To maintain such records as required by the Secretary for the purpose of the administration of the Economic Opportunity Act of 1964, as amended.

Retention period: Not specified. 29 CFR 50.41

1.8 [Reserved]

1.9 Contractor or subcontractors employing apprentices and trainees on Federal and federally assisted construction. [Amended]

To keep records of employment by trades of the number of apprentices and trainees, the number of apprentices and trainees by first year of training, the number of journeymen, and the wages paid the apprentices, trainees, and journeymen.

Retention period: During the performance of each contract. 29 CFR 5a.3; 41 CFR 1–18.703–1

1.10 State or local government agency, public agency, Indian tribes on Federal or State reservations, or institutions receiving grants under the Emergency Employment Act of 1971.

To maintain records and accounts, including records of property purchased with non-Federal shares, and personal and financial records.

Retention period: 3 years after expiration of grant. 29 CFR 55.17, 55.31a, 55.42, 55.51

1.11 Sponsors and subcontractors of work incentive programs.

To maintain records and accounts including records of property purchased with non-Federal share, and financial and personnel records.

Retention period: 3 years after completion or final payment under agreement, whichever is later, or until resolution of all audit questions. 29 CFR 56.36

2. Employment Standards Administration

2.1 Physicians and hospitals treating Federal employees covered by the Federal Employees' Compensation Act.

To keep records of all injury cases treated by them sufficient to supply the Office of Federal Employees' Compensation with a history of the employee's accident, the exact description, nature, location and extent of injury, the degree of disability arising therefrom, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of disability arising from the injury.

Retention period: Not specified. 20 CFR 2.10

2.2 Employers subject to the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Defense Base Act, the District of Columbia Workmen's Compensation Act, the Outer Continental Shelf Lands Act, and the Nonappropriated Fund Instrumentalities Act. [Amended]

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 31.23, 41.22, 702.111

2.3 Insurance carriers and self-insured employers subject to Longshoremen's and Harbor Workers' Compensation Act, as extended by the District of Columbia Workmen's Compensation Act, the Defense Base Act, the Outer Continental Shelf Lands Act, and the Nonappropriated Fund Instrumentalities Act. [Added]

To make, keep, and preserve such records as the Secretary deems necessary or appropriate to carry out his responsibilities under section 44.

Retention period: Not specified. 20 CFR 702.148

2.3a Operators subject to Part C of Title IV, Federal Coal Mine Health and Safety Act, as amended. [Added]

To keep receipts for payments made to disabled miners, or in case of death, his dependents or personal representative.

Retention period: Not specified. 20 CFR 725.336

2.4 Supply contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

(a) To keep unexpired certificate of age of employee issued and held pursuant to the Fair Labor Standards Act.

Retention period: During period of employment of such minors. 41 CFR 50–201.105

(b) To keep employment records, including name, address, sex, occupation, date of birth of each employee under 19 years of age (if the employer has obtained a certificate of age to record the title and office issuing the certificate, the number of certificate, if any, the date of its issuance, and the name, address, and date of birth of the minor, as the same appears on the certificate of age), wage and hour records.

Retention period: 3 years from date of last entry. 41 CFR 50–201.501(d)

(c) To keep basic employment and earnings records, wage rate tables, and work time schedules.

Retention period: 2 years from date of last entry or last effective date, whichever is later. 41 CFR 50–201.501(h)

2.5 [Reserved]

2.6 State agencies having agreements with Secretary of Labor, or Administrator of Wage and Hour Division, for utilization of their services in making investigations and inspections under Fair Labor Standards Act and Public Contracts Act.

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections.

Retention period: Not specified. 29 CFR 515.6

2.7 [Reserved]

2.8 Employers subject to Fair Labor Standards Act.

To keep employment records relating to wages (including retroactive payment of wages), hours, sex, occupation, conditions of employment, etc.

Retention period: 3 years for records containing employee information, payrolls, and certificates, upon agreements, and notices; and 2 years for basic employment and earnings records, wage rate tables, work time schedules, order shipping and billing records (customers bills, etc.), job evaluations, merit or seniority systems, or other matters which describe or explain the basis for payment of any wage differentials to employees of the opposite sex in the same establishment, records of deductions from or additions to pay. 29 CFR 516.2, 516.3, 516.5, 516.6, 516.11–516.29

2.9 Employers subject to Fair Labor Standards Act employing apprentices in skilled trade at wages lower than minimum wage applicable.

To keep records relating to wages, hours, conditions of employment, etc., as well as designation of apprentices on the payroll, and when applicable, the apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed.

Retention period: 3 years from termination of apprenticeship. 29 CFR 516.5, 521.8 (a) and (c)

2.10 Joint apprenticeship committees holding certificates issued by Administrator.

To keep records of apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed by an employer; the cumulative amount of work experience gained by the apprentice, and a list of employers to whom apprentice was assigned and period of time worked for each employer.

Retention period: 3 years from date of termination of apprenticeship. 29 CFR 516.5, 521.8 (b) and (c)

2.11 Employers subject to Fair Labor Standards Act employing learners under special learners certificates.

To keep payroll records of learners and occupation in which each learner is employed; any special learner certificates issued; statements obtained from learners employed under special learners certificates of experience acquired in the industry in the 3 years prior to employment as a learner; and to maintain file of all evidence and records, including correspondence, pertaining to filing or cancellation of job orders (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 522.7

2.12 Employers subject to Fair Labor Standards Act employing student-learners as learners under certificates.

To keep payroll records of student-learners and occupation in which each student-learner is employed and copies of applications filed in accordance with 520.4(a) and of any special certificates issued under which student-learners are employed (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 520.7

2.13 Employers subject to Fair Labor Standards Act employing handicapped workers.

To keep a copy of special certificates authorizing employment of workers whose earning capacity is impaired by physical or mental deficiencies at wages lower than the minimum wages applicable under Fair Labor Standards Act with employment record (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 524.10

2.14 Sheltered workshops (as defined in 29 CFR 525.2(b)).

To keep (a) records of the nature of each client's disability and records that reflect the productivity of each client on a continuing basis or at periodic intervals not exceeding 6 months; learning periods when authorized by the certificate; designation of workers who are evaluees and trainees as authorized by certificate; indication of which workers are under each certificate where more than one certificate held; indication of workers for whom individual certificates held; pricing of work and time studies made to establish prices; documents relating to State certification; and (b) records required under applicable provisions of 29 CFR Part 516.

Retention period: (a) 2 years; (b) 3 years. 29 CFR 516.5, 516.30, 525.13

2.15 Educational institutions employing student-workers as learners under certificates.

To keep payroll records showing rate of pay, including a copy of any special certificate issued (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 527.7

2.16 Retail or service establishments subject to Fair Labor Standards Act employing full-time students outside of their school hours under special full-time student certificates.

To keep payroll records of full-time students employed outside of their school hours in any retail or service establishment and occupations in which each such full-time student is employed; statements obtained by the employer from schools attended by such students that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student; records of the monthly hours of employment of full-time students at special minimum wages under a full-time student certificate and of the total hours of employment during the month of all employees in the establishment; and any special certificates issued (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 519.7

2.17 Retail or service establishments subject to Fair Labor Standards Act employing commission employees exempt from overtime pay requirements pursuant to section 7(h).

To keep employment records relating to wages, hours, circumstances and conditions of employment, including a symbol or letter to identify each such employee; an indication that the employee's regular rate of pay in each workweek meets requirements of the exemption and basic records demonstrating this fact; copy of the agreement or understanding or summary of its terms, including the basis of compensation, applicable representative period, and the date on which the agreement or understanding was entered into; and total compensation paid to each employee in each pay period stating separately the commission and noncommission straight time earnings.

Retention period: 3 years for records containing employee information, payrolls and certificates, union agreements, and notices; 2 years for basic employment and earning records, wage rate tables, work time schedules, orders, shipping and billing records (customers' bills, etc.), record of deductions from or additions to pay. 29 CFR 516.2, 516.5, 516.6, 516.28

2.18 Homeworkers and employers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry.

To maintain a copy of each certificate authorizing employment of industrial homeworkers in the above industries on file in the same place at which the worker's employment records are maintained (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 530.8, 530.9

2.19 [Reserved]

2.20 Employers of industrial homeworkers engaged in making handfashioned jewelry on the Navajo, Pueblo, and Hopi Indian Reservations.

To keep records, including name, address, and date of birth of the homeworker, if under 19 years of age, description of work performed, amount and date of cash payments for each pay period, and a schedule of piece rates paid, and all records required by Part 516, except those required by 516.2 and 516.24.

Retention period: 3 years. 29 CFR 530.12 (retention: 516.5).

2.21 Employers of homeworkers in industries in Puerto Rico.

To maintain (a) all records relating to the receipt, distribution, and production of goods; (b) handbook furnished by the Wage and Hour Division; and (c) personnel and wage and hour (including retroactive pay) records as indicated in section cited.

Retention period: (a) and (c) 3 years; (b) 2 years after date of last entry. 29 CFR 545.7

2.22–2.24 [Reserved]

2.25 Employers of homeworkers in industries in the Virgin Islands.

To maintain (a) all records relating to the receipt, distribution, and production of goods; (b) handbook furnished by the Wage and Hour Division; and (c) records relating to such homeworkers including wages and hours and retroactive pay.

Retention period: (a) and (c) 3 years; (b) 2 years after date of last entry. 29 CFR 695.6 (retention: 695.7)

2.26 [Reserved]

2.27 Employers of local delivery drivers and helpers.

To keep records and computations with respect to employees for whom the overtime pay exemption is taken.

Retention period: 3 years. 29 CFR 516.15, 551.9 (retention: 516.5).

2.28 Employers, employment agencies, and labor organizations subject to Age Discrimination in Employment Act of 1967.

(a) *Employers*—(1) To keep records for each employee containing name, address, date of birth, occupation, rate of pay and compensation earned each week; (2) when made in the regular course of business, to keep personnel or employment records related to job applications, promotion or discharge, job orders submitted to employment agency or labor organization for recruitment of personnel, test papers of employer-administered aptitude or other employment test, results of physical examinations considered in connection with personnel action, and advertisements; (3) to keep any employee benefit plans; (4) to keep application forms for positions known to be of a temporary nature.

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Retention period: (1) 3 years, (2) 1 year, (3) 1 year after termination of plan, (4) 90 days. 29 CFR 850.3

(b) *Employment agencies*—(1) To keep records related to placements, referrals, job orders, job applications, test papers, and advertisements; and (2) to keep application forms for positions known to be of a temporary nature.

Retention period: (1) 1 year; (2) 90 days. 29 CFR 850.4

(c) *Labor organizations*—To keep records of name, address, and date of birth of members, and any individual seeking membership in the organization.

Retention period: 1 year. 29 CFR 850.5

2.29 [Reserved]

2.30 Employers subject to child-labor provisions of the Fair Labor Standards Act.

To maintain (a) certificates of age, (b) written training agreements, and (c) such other employment records as required by 29 CFR Part 516.

Retention period: (a) Until termination of employment, (b) duration of training program, (c) 3 years. 29 CFR 516.5, 516.33, 570.3, 570.35a, 570.72

2.31–2.35 [Reserved]

2.36 Contractors or subcontractors subject to equal opportunity in employment regulations.

(a) To maintain records and documents relating to nature and use of tests, validation of tests, and test results as required.

(b) To keep employment or other records as required by the Director, Office of Federal Contract Compliance, the contracting agency, or an applicant for Federal assistance concerning the contract, including the development and retention of written affirmative action compliance programs to be updated annually.

Retention period: Not specified. (a) 41 CFR 60–3.15; (b) 41 CFR 1–12.805–4, 60–1.7, 60–1.40, 60–2, 60–5.21, 60–6.21, 60–7.21, 60–8.21

3. Labor-Management Services Administration

3.1 Every labor organization required to file a labor organization information report under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 204.24, 402.9

3.2 Every person who pursuant to an agreement or arrangement with an employer undertakes certain activities or who has certain receipts or makes certain disbursements subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 406.8

3.3 Labor organizations required to file annual financial reports under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing the documents. 29 CFR 204.24, 403.7

3.4 Employers required to report payments or agreements or arrangements under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 405.9

3.5 Persons required to file any report under labor organization trusteeship reports provision of the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 204.24, 408.10

3.6 Labor organization officers and employees who are required to file reports of certain income and interests under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 404.7

3.7 Election officials designated in the constitution and bylaws, or the secretary if no other official is designated, of labor organizations conducting election by secret ballot provided for under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616. [Amended]

To preserve all election records, including ballots.

Retention period: 1 year. 29 CFR 204.-29, 452.106

3.8 Officials designated in the constitution and bylaws, or the secretary if no other official is designated, of national or international labor organizations conducting elections by a convention of delegates provided for under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616. [Amended]

To preserve the credentials of delegates and all minutes and records pertaining to election.

Retention period: 1 year. 29 CFR 204.-29, 452.134

3.9 Persons required to file any description or report or to certify any information therefor under the Welfare and Pension Plans Disclosure Act.

To maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and data from which the documents thus required may be verified, explained, or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, applicable resolutions and records of any written authorization delegating authority to sign any description or report.

Retention period: 5 years. 29 CFR Part 486

3.10 Surety companies required to file reports under section 211 of the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on matters required to be reported which will provide

in sufficient detail the necessary basic information and data from which the reports may be verified, explained or clarified, and checked for accuracy and completeness.

Retention period: Not less than 5 years after filing of report. 29 CFR 409.5

4. Occupational Safety and Health Administration

4.1 Persons accredited for vessel cargo gear certification.

To maintain records of all work performed on gear certification, including tests, proof loads, and heat treatment; of the status of the certification of each vessel issued a register by such accredited person.

Retention period: Permanent. 29 CFR 1919.10, 1919.11

4.2 Operators or officers of vessels.

To keep vessel's register and certificates relating to cargo gear.

Retention period: 4 years after date of the latest entry except for nonrecurring test certificates concerning gear which is kept in use for a longer period, in which case certificates are retained as long as that gear is in use. 29 CFR 1919.12

4.3 Employers of maritime employees under the Longshoremen's and Harbor Workers' Compensation Act.

(a) To maintain records of tests of strength of stevedoring gear.

Retention period: As long as such gear is in use. 29 CFR 1918.61

(b) To keep records of the dates, times, and locations of tests for carbon monoxide made when internal combustion engines exhaust into the hold or intermediate deck.

Retention period: 30 days after the work is completed. 29 CFR 1918.93

(c) To keep records relating to tests and inspections for the existence of hazardous flammable, explosive, or toxic liquids and gases.

Retention period: 3 months from the date of the completion of the job. 29 CFR 1915.10, 1916.10, 1917.10

4.4 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To keep an annual summary of occupational illnesses and accidents.

Retention period: 5 years after date of entry. 29 CFR 1904; 41 CFR 50–201.502

4.5 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To maintain records of radiation exposure of all employees for whom personnel monitoring is required.

Retention period: Not specified. 41 CFR 50–204.32

4.6 State agencies receiving development and planning grants for occupational safety and health.

To maintain records consistent with pertinent instructions.

Retention period: Not specified. 29 CFR 1950.11

4.7 Employers subject to the Occupational Safety and Health Act of 1970.

To maintain records for each occupational injury and illness, including an annual summary, and also a supplemental record in detail according to OSHA Form 101.

Retention period: 5 years. 29 CFR 1904.2, 1904.4–1904.6

4.8 Employers subject to the asbestos standard.

To maintain records of (a) any personal or environmental monitoring required by section cited, and (b) all employee medical examinations.

Retention period: (a) 3 years, (b) 20 years. 29 CFR 1910.93

4.9 Employers subject to the ionized radiation standard.

To maintain records of radiation exposure of all employees who are personally monitored.

Retention period: Indefinite. 29 CFR 1910.96

4.10 State agencies receiving grants implementing approved State plans in the occupational health and safety program.

To maintain financial records, supporting documents, statistical records, and all other records pertinent to the grant program.

Retention period: 3 years, or longer if audit findings not resolved; for nonexpendable property, 3 years after final disposition. Microfilm copies may be substituted for the originals. 29 CFR 1951.47

IX. [Reserved]

X. DEPARTMENT OF STATE

1. Office of Munitions Control

1.1 Persons required to register as manufacturers or exporters of United States Munitions List articles.

To maintain, subject to the inspection of the Secretary of State, or any person designated by him, records on the exportation of articles enumerated in the United States Munitions List. Records shall contain all information pertinent to the transaction.

Retention period: 6 years, except that the Secretary may prescribe a longer or shorter period in individual cases as he deems necessary. 22 CFR 122.05

2. Agency for International Development [10]

2.1 Foreign governments, U.S. voluntary agencies, or intergovernmental organizations, except the World Food Program and United Nations Relief and Works Agency, involved in the transfer of food commodities for use in disaster relief, economic development, and other assistance.

To maintain records and documents of all transactions pertaining to receipt, storage, inspection, and distribution of commodities, including records of receipt and disbursement of funds accruing from the operation of the program.

Retention period: 3 years from close of the U.S. fiscal year to which they pertain. 22 CFR 211.10

2.2 AID suppliers of commodities and commodity-related services for AID-financed programs or projects.

To maintain all records pertaining to the supplier's business together with all other documents bearing on supplier compliance with the undertakings and certifications of the Supplier's Certificate, AID Form 282.

Retention period: Not less than 5 years after date of execution of the Supplier's Certificate. 22 CFR Part 201, App. A., sec. 11

2.3 AID service contractors and subcontractors. [Amended]

To retain records, books, documents, and other supporting evidence pertaining to the contract.

Retention period: 3 years after final payment under the contract or subcontract or as otherwise specified. 41 CFR 1–20, 7–7.5201–8, 7–7.5201–9

XI. DEPARTMENT OF THE TREASURY

1. Bureau of Accounts

1.1 Public and private agencies holding refugee relief loans.

To maintain adequate books and records relating to the funds borrowed from the Secretary of the Treasury under the Refugee Relief Act of 1953, as amended, and resettlement loans made therefrom.

Retention period: During life of the loan. 31 CFR 290.5

2. Comptroller of the Currency

2.1 [Reserved]

2.2 National banks exercising trust powers.

To keep a separate set of books and records showing in proper detail all permissible fiduciary transactions engaged in under regulations and State and local law.

Retention period: Not specified. 12 CFR 9.8

2.3 National banks' shareholder lists.

To maintain a stock register book containing names and residences of all shareholders, such book to be kept in the main office of the bank.

Retention period: Permanent. 12 U.S.C. 62

2.4 Certificates executed by national banks under Exception 13 of R.S. 5200.

To keep certificates, executed by an officer of the bank designated by the board of directors for that purpose, in support of loans made based on negotiable or nonnegotiable installment consumer paper where the bank has in fact evaluated and is relying primarily on

[10] For other AID contractors, see XXIX, Items 1.3, 1.13, 1.14.

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the makers for the payment of such obligations.

Retention period: Until repayment of the loan. 12 U.S.C. 84

2.5 [Reserved]

2.6 **Investments in securities by national banks: credit information required.**

To maintain credit information demonstrating prudence in evaluating public and investment securities.

Retention period: Not specified. 12 CFR 1.8

2.7 **Security devices required in national banks.**

To maintain records showing the name(s) and title(s) of law enforcement officer(s) who advises bank on installation, maintenance, and operation of appropriate security devices.

Retention period: Not specified. 12 CFR 21.5(b)

3. United States Customs Service

3.1–3.5 [Reserved]

3.6 **Manufacturers, processors, or dealers entering or withdrawing wool or hair of the camel under bond or receiving wool or hair by transfer under bond.**

To keep records showing (a) in case of entry or withdrawal, the quantity, entered clean content, identity, and description of such wool or hair; (b) in case of receipt by transfer, the quantity, description, and date of transfer certificate of wool or hair and name and address of transferor.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.93 (retention: 10.95)

3.7 **Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair of the camel.**

To keep records showing (a) date or inclusive dates of processing of each lot or inclusive dates of each period of manufacture; (b) quantity, identity, and description of wool or hair not previously processed put into process; (c) quantity and description of all intermediate products, stocks in process, and wastes not described put into process; (d) quantity and description of final products and quantity by weight of wool or hair content; (e) quantity of wastes remaining on hand; (f) inventory of wool and hair on hand at close of each abstract period; (g) quantities and description of any yarns spun.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.94 (retention: 10.95)

3.8 **Manufacturers, processors, or dealers of articles of wool or hair of the camel.**

To keep records showing quantity, description, and wool or hair content of all articles delivered from their premises pursuant to transfer under bond, purchase, consignment, or otherwise; date of delivery; name and address of person to whom delivered; exact designation; price paid or agreed upon.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.95

3.9 **Licensed cartmen and lightermen.** [Added]

To maintain written records relating to cartage and lighterage as may be required by district directors of Customs for local Customs administration.

Retention period: Not specified. 12 CFR 112.29

3.10 **Importers of petroleum products subject to duty at a specific rate transferred to shore storage tanks.** [Added]

To maintain file of plans of each shore tank and certified gauge tables at the plant of the oil company.

Retention period: Not specified. 19 CFR 151.44

3.11 **Operators of importing vessels, aircraft, or vehicles.**

To maintain evidence to support a claim of nonimportation or proper disposition of merchandise manifested but not found on board the importing vessel, aircraft, or vehicle.

Retention period: 1 year. 19 CFR 4.12, 6.7, 123.9

3.12 **Proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930.**[11]

To keep such records of the operation that will show the quantities of metal-bearing materials (a) on hand at the beginning of the period and the dutiable contents thereof; (b) received during the period and the dutiable contents thereof; (c) total to be accounted for and the dutiable contents thereof; (d) on hand at the end of the period and the dutiable contents thereof; and (e) worked during the period and the dutiable contents thereof.

Retention period: 5 years from date of statement. 19 CFR 19.19

3.13 **Importers, exporters, proprietors of customs bonded warehouses, bonded common carriers, and others handling imported wheat in continuous customs custody.**

To maintain such records as will enable customs officers to verify the handling to which imported wheat has been subjected and the proper accounting of any increase or shortage in quantity from shrinkage or other factor.

Retention period: 2 years after date of transaction. 19 CFR 19.34

3.14 **Manufacturers or producers of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.**[11]

To keep records showing the date or inclusive dates of manufacture or production of the articles, the quantity and identity of the imported duty-paid merchandise used or appearing in the exported articles, the quantity and description of finished product obtained, and, if valuable waste is incurred in manufacture and claim is not based on the quantity of imported merchandise appearing in the exported articles, the value of the imported merchandise used in manufacture and the quantity and value of the waste incurred, and, in cases where two or more products are obtained, the values thereof at the time of separation.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.4, 22.6 (retention: 22.46)

3.15 **Manufacturers or producers of articles manufactured or produced in the United States with the use, in certain cases, of substituted merchandise in lieu of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(b), Tariff Act of 1930, as amended.**[11]

To keep detailed records pertaining to duty-paid merchandise or other articles manufactured or produced under drawback regulations with the use of such merchandise designated as the basis for the allowance of drawback on the exported articles.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.5, 22.6 (retention: 22.46)

3.16 **Manufacturers or producers of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in the United States with the use of domestic taxpaid alcohol and intended for exportation with benefit of drawback under section 313(d) Tariff Act of 1930, as amended.**[11]

To keep records similar to those required of manufacturers or producers in the case of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.23, 22.24 (retention: 22.46)

3.17 **Licensed customhouse brokers.** [Amended]

To keep current records of account reflecting all their financial transactions as

[11] These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

customhouse brokers, including a copy of each entry made with all supporting papers, except those documents they are required to file with Customs, powers of attorney, copies of all correspondence and other papers relating to customs business and, except for certain specified limitations, a record of transactions of licensed customhouse broker (Customs Form 3079) in addition to the regular records of account.

Retention period: At least 6 years after the date of entry. When merchandise is withdrawn from a bonded warehouse, copies of papers relating to the withdrawal shall be retained for 6 years from the date of withdrawal. Powers of attorney shall be retained until revoked, and revoked powers of attorney and letters of revocation shall be retained for 6 years after the date of revocation. Records may be retained on microfilm pursuant to section cited. 19 CFR 111.21, 111.22 (retention: 111.23)

3.18 **Importers of merchandise subject to actual use provisions.**

To maintain records showing use or disposition of imported merchandise.

Retention period: 3 years from date of liquidation of entry. 19 CFR 10.137

4. Internal Revenue Service

NOTE: The following items refer to requirements issued under the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 which were in effect as of January 1, 1974. All regulations applicable under any provision of law in effect on August 16, 1954, the date of enactment of the 1954 Code, are applicable to the corresponding provisions of the 1954 Code insofar as such regulations are not inconsistent with the 1954 Code, and such regulations remain applicable to the 1954 Code until superseded by regulations under such Code. The Internal Revenue Service points out that the omission from this compilation of any record retention requirement provided for by law or regulation issued thereunder shall not be construed as authority to disregard any such requirement. The Service also points out that persons subject to income tax are bound by the retention requirement given in item 4.1 regardless of other requirements which for other purposes allow shorter retention periods.

The record retention requirements of the Internal Revenue Service are divided into the following categories: Income, Estate, Gift, Employment, and Excise Taxes.

INCOME TAX

4.1 **Persons subject to income tax.**

(a) *General.* Except as provided in paragraph (b), any person subject to tax, or any person required to file a return of information with respect to income shall keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, or other matters required to be shown by such person in any return of such tax or information.

(b) *Farmers and wage-earners.* Individuals deriving gross income from the business of farming, and individuals whose gross income includes salaries, wages, or similar compensation for personal services rendered, are required to keep such records as will enable the district director to determine the correct amount of income subject to the tax, but it is not necessary that these individuals keep the books of account or records required by paragraph (a).

(c) *Exempt organizations.* In addition to the books and records required by paragraph (a) with respect to the tax imposed or unrelated business income, every organization exempt from tax under section 501(a) of the Code shall keep such permanent books of account or records, including inventories, as are sufficient to show specifically the items of gross income, receipts, and disbursements, and other required information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6001–1

4.1a **Section 38 property; computation of investment credit and qualified investment.**

(a) *Component members of a controlled group on a December 31 apportionment of $25,000 amount.* To keep as a part of its records a copy of the statement containing all the required consents to the apportionment plan. 26 CFR 1.46–1

(b) *Persons computing qualified investment in certain depreciable property.* Maintain sufficient records to determine whether section 47 of the Internal Revenue Code, relating to certain dispositions of section 38 property, applies with respect to any asset. 26 CFR 1.46–3

(c) *Recomputation of credit and qualified investment.* Maintain records which will establish with respect to each item of section 38 property, the following facts: (1) The date the property is disposed of or otherwise ceases to be section 38 property, (2) the estimated useful life which was assigned to the property for computing qualified investment, (3) the month and the taxable year in which property was placed in service, and (4) the basis (or cost), actually or reasonably determined, of the property.

Taxpayers who, for purposes of determining qualified investment, do not use a mortality dispersion table with respect to section 38 assets similar in kind but who consistently assign to such assets separate lives based on the estimated range of years taken into consideration in establishing the average useful life of such assets, must, in addition to the above records, maintain records which will establish to the satisfaction of the district director that such asset has not previously been considered as having been disposed of. 26 CFR 1.47–1

(d) *Disposition or cessation of section 38 property.* Any taxpayer who seeks to establish his interest in a trade or business, a former electing small business corporation, an estate or trust, or a partnership, shall maintain adequate records to demonstrate his indirect interest after any such transfer or transfers. 26 CFR 1.47–3, 1.47–4, 1.47–5, 1.47–6

(e) *Persons selecting used section 38 property, $50,000 cost limitation.* To maintain records which permit specific identification of any item of used section 38 property selected, which was placed in service by the person selecting the property. Each member, other than the filing member, of a controlled group shall retain as part of its records a copy of the apportionment statement which was attached to the filing member's return. 26 CFR 1.48–3

(f) *Election of lessor of new section 38 property to treat lessee as purchaser.* The lessor and the lessee shall keep as a part of their records the statements filed with the lessee, signed by the lessor and including the written consent of the lessee. 26 CFR 1.48–4

Retention period: See Item 4.1

4.1b **Persons claiming that a recomputation of the work incentive program (WIN) credit is not required by the early termination of a participating employee.** [Added]

To maintain sufficient records to support claim that a termination of employment falls within the exceptions specified in the section cited.

Retention period: Expiration of the pertinent period of limitations. 26 CFR 1.50A–4

4.1c **Persons not totally blind claiming the additional exemption for blindness.** [Renumbered]

To retain a copy of the certified opinion of the examining physician skilled in the disease of the eye that there is no reasonable probability that his visual acuity will ever improve beyond the minimum standards described in section 1.151–1(d)(3) of the regulations. 26 CFR 1.151–1(d)(4)

Retention period: See Item 4.1.

4.2 **Persons paying travel or other business expenses incurred by an employee in connection with the performance of his services.**

To maintain adequate and detailed records of ordinary and necessary travel, transportation, entertainment, and other similar business expenses, including identification of amount and nature of expenditures, and to keep supporting documents, especially in connection with large or exceptional expenditures. 26 CFR 1.162–17, 1.274–5

Retention period: See Item 4.1.

4.3 **Persons claiming allowance for depreciation of property used in trade or business or property held for the production of income.** [Amended]

To keep records and accounts with respect to basis of property, depreciation rates, reserves, salvage, retirements, adjustments, elections, property excluded from elections, cost of repair, maintenance or improvement of property, agreements with respect to estimated useful life, rates of salvage, and other factors. 26 CFR 1.167(a)–7, 1.167(a)–11, 1.167(d)–1.

Retention period: See Item 4.1.

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4.3a Persons changing method of depreciation of section 1245 or section 1250 property.

To maintain records which permit specific identification of section 1245 or section 1250 property in the account with respect to which the election is made, and any other property in such account. The records shall also show for all the property in the account the date of acquisition, cost or other basis, amounts recovered through depreciation and other allowances, the estimated salvage value, the character of the property, and the remaining useful life of the property. 26 CFR 1.167(e)–1, 1.167(j)–1

Retention period: See Item 4.1.

4.3b Persons claiming depreciation with respect to residential rental property.

To maintain a record of the gross rental income derived from a building, and the portion thereof which constitutes gross rental income from dwelling units, in addition to records required under section 1.167(a)–7(c) with respect to property in a depreciation account. 26 CFR 1.167(j)–3

Retention period: See Item 4.1.

4.3c Persons claiming depreciation of expenditures to rehabilitate low-income rental housing.

To maintain detailed records which permit specific identification of the rehabilitation expenditures that are permitted to be allocated to individual dwelling units under the allocation rules and income certifications that must be obtained from tenants who propose to live in rehabilitated dwelling units after the close of the certification year. 26 CFR 1.167(k)–2, 1.167(k)–3

Retention period: See Item 4.1.

4.3d Persons claiming a deduction for amounts expended in maintaining certain students as a member of household.

To keep adequate records of amounts actually paid in maintaining a student as a member of the household. For certain items, such as food, a record of amounts spent for all members of the household, with an equal portion thereof allocated to each member, will be acceptable. 26 CFR 1.170–2, 1.170A–2

Retention period: See Item 4.1.

4.4 Persons electing to treat trademark or trade name expenditures as deferred expenses.

To make an accounting segregation on his books and records of trademark and trade name expenditures, for which the election has been made, sufficient to permit an identification of the character and amount of each expenditure and the amortization period selected for each expenditure. 26 CFR 1.177–1

Retention period: See Item 4.1.

4.5 Persons electing additional first-year depreciation allowance for section 179 property.

To maintain records which permit specific identification of each piece of "section 179 property" and reflect how and from whom such property was acquired. 26 CFR 1.179–4

Retention period: See Item 4.1.

4.5a Persons electing to deduct rehabilitation expenditures with respect to certain railroad rolling stock. [Added]

To maintain a separate section 263(e) record, as specified in the section cited, for each unit for which rehabilitation expenditures are deducted, and to maintain records for expenditures deducted as incidental repairs and maintenance. 26 CFR 1.263(e)–1

Retention period: See Item 4.1.

4.6 Persons receiving any class of exempt income or holding property or engaging in activities the income from which is exempt.

To keep records of expenses otherwise allowable as deductions which are directly allocable to any class or classes of exempt income and amounts of items or parts of items allocated to each class. 26 CFR 1.265–1

Retention period: See Item 4.1.

4.7 Taxpayer substantiation of expenses for travel, entertainment, and gifts related to active conduct of trade or business.

A taxpayer must substantiate each element of an expenditure by adequate records or sufficient evidence corroborating his own statements. 26 CFR 1.274–1, 1.274–5

Retention period: See Item 4.1.

4.7a Corporations using different methods of depreciation for taxable income and earnings and profit.

To maintain records which show the depreciation taken each year and which will allow computation of the adjusted basis of the property in each account using depreciation taken. 26 CFR 1.315–15(d)

Retention period: See Item 4.1.

4.8 Corporations receiving distributions in complete liquidation of subsidiaries.

To keep records showing information with respect to the plan of liquidation and its adoption. 26 CFR 1.332–6

Retention period: See Item 4.1.

4.9 Qualified electing shareholders receiving distributions in complete liquidation of domestic corporations other than collapsible corporations.

To keep records in substantial form showing all facts pertinent to the recognition and treatment of the gain realized upon shares of stock owned at the time of the adoption of the plan of liquidation. 26 CFR 1.333–6

Retention period: See Item 4.1.

4.10 Persons who participate in a transfer of property to a corporation controlled by the transferor.

To keep records in substantial form showing information to facilitate the determination of gain or loss from a subsequent disposition of stock or securities and other property, if any, received in the exchange. 26 CFR 1.351–3

Retention period: See Item 4.1.

4.11 Persons who participate in a tax-free exchange in connection with a corporate reorganization.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange, or any liabilities to which any of the properties received were subject), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.368–3

Retention period: See Item 4.1.

4.12 Persons who exchange stock and securities in corporations in accordance with plans of reorganizations approved by the courts in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.371–2

Retention period: See Item 4.1.

4.13 Corporations which are parties to reorganizations in pursuance of court orders in receivership, foreclosure, or similar proceedings, or in proceedings under chapter X of the Bankruptcy Act.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: Permanent. 26 CFR 1.374–3

4.15 Records required in computing depreciation allowance carryovers of acquiring corporations in certain corporate acquisitions.

Records shall be maintained in sufficient detail to identify any depreciable property to which section 1.381(c)(6)–1 of the regulations applies and to establish the basis thereof. 26 CFR 1.381(c)(6)–1

Retention period: See Item 4.1.

4.16 Corporations and shareholders for whom elections are filed with respect to the tax treatment of corporate reorganizations.

To keep permanent records of all relevant data in order to facilitate the determination of gain or loss from a subsequent disposition of stock or securities or other property acquired in the transaction in respect of which the election was filed. 26 CFR 1.393–3

Retention period: See Item 4.1.

4.16a Qualified pension or annuity plans with provisions for certain medical benefits.

To keep a separate account for recordkeeping purposes with respect to contributions received to fund medical benefits described in section 401(h) of the Internal Revenue Code. 26 CFR 1.401–14

Retention period: See Item 4.1.

4.17 Employers maintaining a pension, annuity, stock bonus, profit-sharing, or other funded plan of deferred compensation.

To keep records substantiating all data and information required to be filed with respect to each plan. 26 CFR 1.404(a)–2, 1.404(a)–2A

Retention period: See Item 4.1.

4.18 Persons required to seek the approval of the Commissioner in order to change their annual accounting period.

To keep adequate and accurate records of their taxable income for the short period involved in the change and for the fiscal year proposed. 26 CFR 1.442–1

Retention period: See Item 4.1.

4.19 Persons selling by the installment method.

(a) *Installment method.* In adopting the installment method of accounting the seller must maintain such records as are necessary to clearly reflect income. A dealer who desires to compute income by the installment method shall maintain accounting records in such a manner as to enable an accurate computation to be made by such method.

(b) *Revolving credit plan.* The percentage of charges under a revolving credit plan which will be treated as sales on the installment plan shall be computed by making an actual segregation of charges in a probability sample of the revolving credit accounts in order to determine what percentage of charges in the sample is to be treated as sales on the installment plan. The taxpayer shall maintain records in sufficient detail to show the method of computing and applying the sample. 26 CFR 1.453–1, 1.453–2

Retention period: See Item 4.1.

4.19a Prepaid dues income.

A taxpayer who makes an election with respect to prepaid dues income shall maintain books and records in sufficient detail to enable the district director to determine upon audit that additional amounts were included in the taxpayer's gross income for any of the three taxable years preceding such first taxable year. 26 CFR 1.456–7

Retention period: See Item 4.1.

4.20 Persons engaged in the production, purchase, or sale of merchandise. [Amended]

(a) *General.* To keep a record of inventory, properly computed and summerized, conforming to the best accounting practices in the trade or business which clearly reflects income, enables inventories to be verified, and is consistent from year to year.

(b) *Manufacturers—full absorption method.* To maintain records and working papers to support burden rate calculations; and to preserve at his principal place of business all records, data, and other evidence relating to the full absorption values of inventory resulting from an election to change to the full absorption method. 26 CFR 1.471–1, 1.471–2, 1.471–11

Retention period: See Item 4.1.

4.20a Supplemental Unemployment Benefit Trusts.

To maintain records indicating the amount of separation benefits and sick and accident benefits which have been provided to each employee. If a plan is financed, in whole or in part, by employee contributions to the trust, the trust must maintain records indicating the amount of each employee's total contributions allocable to separation benefits. 26 CFR 1.501(c)(17)–2(j)

Retention period: See Item 4.1.

4.20b Farmer's cooperative marketing and purchasing associations.

To keep permanent records of the business done both with members and nonmembers, which show that the association was operating during the taxable year on a cooperative basis in the distribution of patronage dividends to all producers. While under the Code patronage dividends must be paid to all producers on the same basis, this requirement is complied with if an association, instead of paying patronage dividends to nonmember producers in cash, keeps permanent records from which the proportionate shares of the patronage dividends due to nonmember producers can be determined, and such shares are made applicable toward the purchase price of a share of stock or of a membership in the association. 26 CFR 1.521–1

Retention period: See Item 4.1.

4.20c Controlled entities arm's length charges.

To maintain adequate books and records to permit verification of costs or deductions when a factor in determining the arm's length charge for services rendered to other members of a controlled group. 26 CFR 1.482–2(b)(3)

Retention period: See Item 4.1.

4.21 Corporations claiming deduction for dividends paid.

To keep permanent records necessary (a) to establish that dividends with respect to which the deduction is claimed were actually paid during the taxable year, and (b) to supply the information required to be filed with the income tax return of the corporation. To also keep canceled dividend checks and receipts obtained from shareholders acknowledging payment. 26 CFR 1.561–2

Retention period: See Item 4.1.

4.21a Mutual savings banks, etc., maintaining reserves for bad debts.

To maintain as a permanent part of its regular books of account, an account for: (1) a reserve for losses on nonqualifying loans, (2) a reserve for losses on qualifying real property loans, and (3) if required, a supplemental reserve for losses on loans. A permanent subsidiary ledger containing an account for each of such reserves may be maintained. 26 CFR 1.593–7

Retention period: See Item 4.1.

4.21b Mutual savings banks, etc., making capital improvements on land acquired by foreclosure.

To maintain such records as are necessary to reflect clearly, with respect to each particular acquired property, the cost of each capital improvement and whether the taxpayer treated minor capital improvements with respect to such property in the same manner as the acquired property. 26 CFR 1.595–1

Retention period: See Item 4.1.

4.22 Persons claiming allowance for cost depletion of natural gas property without reference to discovery value or percentage depletion.

To keep accurate records of periodical pressure determinations where the annual production is not metered. 26 CFR 1.611–2

Retention period: See Item 4.1.

4.23 Persons claiming an allowance for depletion and depreciation of mineral property, oil and gas wells, and other natural deposits.

(a) *General.* To keep a separate account in which shall be accurately recorded the cost or other basis of such property together with subsequent allowable capital additions to each account and all other required adjustments; and, to assemble, segregate, and have readily available at his principal place of business, all the supporting data which is used in compiling certain summary statements required to be attached to returns.

(b) *Mineral property.* The information on which the summary statement is based and for which supporting data must be kept includes:

(1) An adequate map showing the name, description, location, date of surveys, and identification of the deposit or deposits;

(2) A description of the character of the taxpayer's property, accompanied by

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a copy of the instrument or instruments by which it was acquired;

(3) The date of acquisition of the property, the exact terms and dates of expiration of all leases involved, and if terminated, the reasons therefor;

(4) The cost of the mineral property and improvements, stating the amount paid to each vendor, with his name and address;

(5) The date as of which the mineral property and improvements are valued, if a valuation is necessary to establish the basis;

(6) The value of mineral property and improvements on that date with a statement of the precise method by which it was determined;

(7) An allocation of the cost or value among the mineral property, improvements and the surface of the land for purposes other than mineral production;

(8) The estimated number of units of each kind of mineral at the end of the taxable year, and also at the date of acquisition, if acquired during the taxable year or at the date as of which any valuation is made, together with an explanation of the method used in the estimation, the name and address of the person making the estimate, and an average analysis which will indicate the quality of the mineral valued, including the grade or gravity in the case of oil;

(9) The number of the units sold and the number of units for which payment was received or accrued during the year for which the return is made (in the case of newly developed oil and gas deposits it is desirable that this information be furnished by months);

(10) The gross amount received from the sale of mineral;

(11) The amount of depreciation for the taxable year and the amount of cost depletion for the taxable year;

(12) The amounts of depletion and depreciation, if any, stated separately, which for each and every prior year: (i) Were allowed, (ii) Were allowable, and (iii) Would have been allowable without reference to percentage or discovery depletion;

(13) The fractions (however measured) of gross production from the deposit or deposits to which the taxpayer and other persons are entitled together with the names and addresses of such other persons; and

(14) Any other data which will be helpful in determining the reasonableness of the valuation asserted or of the deductions claimed.

(c) *Oil and gas properties.* The following information with respect to each property is required in addition to that information set forth in paragraphs (a) and (b):

(1) The number of acres of producing oil or gas land and, if additional acreage is claimed to be proven, the amount of such acreage and the reasons for believing it to be proven;

(2) The number of wells producing at the beginning and end of the taxable year;

(3) The date of completion of each well finished during the taxable year;

(4) The date of abandonment of each well abandoned during the taxable year;

(5) Maps showing the location of the tracts or leases and of the producing and abandoned wells, dryholes, and proven oil and gas lands (maps should show depth, initial production, and date of completion of each well, etc., to the extent that these data are available);

(6) The number of pay sands and average thickness of each pay sand or zone;

(7) The average depth to the top of each of the different pay sands:

(8) The annual production of the deposit or of the individual wells, if the latter information is available, from the beginning of its productivity to the end of the taxable year, the average number of wells producing during each year, and the initial daily production of each well (the extent to which oil or gas is used for fuel on the premises should be stated with reasonable accuracy);

(9) All available data regarding change in operating conditions, such as unit operation, proration, flooding, use of air-gas lift, vacuum, shooting, and similar information, which have a direct effect on the production of the deposit; and

(10) Available geological information having a probable bearing on the oil and gas content; information with respect to edge water, water drive, bottom hole pressures, oil-gas ratio, porosity of reservoir rock, percentage of recovery, expected date of cessation of natural flow, decline in estimated potential, and characteristics similar to characteristics of other known fields.

(d) *Statement to be attached to return when depletion is claimed on percentage basis.* In addition to the requirements set forth in paragraphs (a), (b) and (c), a taxpayer who claims the percentage depletion deduction for any taxable year shall attach to his return for such year a statement setting forth in complete, summary form, with respect to each property for which such deduction is allowable, the following information:

(1) All data necessary for the determination of the "gross income from the property," as defined in 26 CFR 1.613–3, including, (i) Amounts paid as rents or royalties including amounts which the recipient treats under section 631(c) of the Internal Revenue Code, (ii) Proportion and amount of bonus excluded, and (iii) Amounts paid to holders of other interests in the mineral deposit;

(2) All additional data necessary for the determination of the "taxable income from the property computed without the allowance for depletion," as defined in 26 CFR 1.614–5. 26 CFR 1.611–2, 1.613–6

Retention period: See Item 4.1.

4.23a Mineral property, taxable income computation, allocation of section 1245 gain.

Taxpayer shall have available permanent records of all the facts necessary to determine with reasonable accuracy the portion of any gain recognized under section 1245(a)(1) of the Code which is properly allocable to the mineral property in respect of which the taxable income is being computed. In the absence of such records, none of the gain recognized under section 1245(a)(1) shall be allocable to such mineral property. 26 CFR 1.613–5

Retention period: See Item 4.1.

4.23b Persons computing gross incomes from mining by use of representative market or field price.

To keep records as to the source of his pricing information and relevant supporting data. 26 CFR 1.613–4(c)(5)

Retention period: See Item 4.1.

4.24 Persons claiming an allowance for depletion of timber property.

To keep accurate ledger accounts in which shall be recorded the cost or other basis of the property and land together with subsequent allowable capital additions in each account and all other adjustments. In such accounts there shall be set up separately the quantity of timber, the quantity of land, and the quantity of other resources, if any, and a proper part of the total cost or value shall be allocated to each after proper provision for immature timber growth. The timber accounts shall be credited each year with the amount of the charges to the depletion accounts or the amount of the charges to the depletion accounts shall be credited to depletion reserves accounts. 26 CFR 1.611–3

Retention period: See Item 4.1.

4.25 Persons electing to aggregate separate operating mineral interests.

To maintain adequate records and maps that shall contain a description of the aggregation and the operating mineral interests within the operating unit which are to be treated as separate properties apart from the aggregation. A general description, accompanied by appropriately marked maps, which accurately circumscribes the scope of the aggregation and identifies the properties which are to be treated separately will be sufficient. There shall also be included a description of the operating unit in sufficient detail to show that the aggregated operating mineral interests are properly within a single operating unit. 26 CFR 1.614–2

Retention period: See Item 4.1.

4.26 Rules relating to separate operating mineral interests in the case of mines.

To maintain adequate records and maps that shall contain the following information:

(a) Whether the taxpayer is making an election or elections with respect to the operating unit in accordance with section 614(c)(3)(A) or (B) of the Internal Revenue Code;

(b) A description of the operating unit of the taxpayer in sufficient detail to identify the operating mineral interests which are included within such operating unit;

(c) A description of each aggregation to be formed within the operating unit, in sufficient detail to show that each

aggregation consists of all the separate operating mineral interests which comprise any one mine or any two or more mines;

(d) A description of each separate operating mineral interest within the operating unit which is to be treated as a separate property, in sufficient detail to show that such interest is not a part of any mine for which an election to aggregate has been made;

(e) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each separate operating mineral interest within the operating unit, but if the first expenditure for development or operation has not been made with respect to a separate operating mineral interest before the close of the taxable year for which the election is made, such information should also be included;

(f) A description of each separate operating mineral interest within the operating unit which the taxpayer elects to treat as more than one such interest under section 614(c)(2) of the Internal Revenue Code, in sufficient detail to show that the separate operating mineral interest was not a part of an aggregation formed by the taxpayer under section 614(c)(1) of the Code for any taxable year prior to the taxable year for which the election under section 614(c)(2) of the Code is made, and to show that the mineral deposit representing the separate operating mineral interest is being developed or extracted by means of two or more mines;

(g) The taxable year in which the first expenditure for development or operation was made by the taxpayer with respect to each mine on the separate operating mineral interest that the taxpayer is electing to treat as more than one such interest; and

(h) The allocation of the mineral deposit representing the separate operating mineral interest between (or among) the newly formed interests and the method by which such allocation was made. 26 CFR 1.614–3

Retention period: See Item 4.1.

4.26a Persons aggregating operating mineral interests in oil and gas wells in a single tract or parcel of land.

To obtain accurate and reliable information, and keep records with respect thereto, establishing all facts necessary for making the computations prescribed for the fair market value method of determining basis on the aggregation. 26 CFR 1.614–6

Retention period: See Item 4.1.

4.26b Pooled income fund investing or reinvesting any portion of its properties jointly with other properties.

To maintain records which identify the portion of the total fund which is owned by the pooled income fund and the income earned by, and attributable to, such portion. 26 CFR 1.642(c)–5

Retention period: See Item 4.1.

4.26c Trusts-accumulation distribution allocated to preceding years.

For all taxable years of a trust, the trustee must retain copies of the trust's income tax return as well as information pertaining to any adjustments in the tax shown as due on the return. Trustee shall also retain trust's records required by section 6001 of the Internal Revenue Code and the regulations thereunder for each taxable year for which the period of limitations on assessment of tax under section 6501 of the Code has not expired. 26 CFR 1.666(d)–1A

Retention period: See Item 4.1.

4.26d Life insurance companies, contracts with reserves based on segregated asset accounts.

Separately account for each and every income, exclusion, deduction, asset, reserve, and other liability item which is properly attributable to such segregated asset accounts and keep such permanent records and other data relating to such contracts as is necessary to enable the district director to determine the correctness of the application of the separate accounting rules and the accuracy of the computations. 26 CFR 1.801–8(c)

Retention period: See Item 4.1.

4.27 Life insurance companies distributing dividends to policyholders.

Every life insurance company claiming a deduction for dividends to policyholders shall keep such permanent records as are necessary to establish the amount of dividends actually paid during the taxable year. Such company shall also keep a copy of the dividend resolution and any necessary supporting data relating to the amounts of dividends declared and to the amounts held or set aside as reserves for dividends to policyholders during the taxable year.

Retention period: Permanent. 26 CFR 1.811–2

4.28 Life insurance companies with respect to the optional treatment of policies reinsured under modified coinsurance contracts.

The reinsured and reinsurer shall maintain as part of their permanent books of account any subsequent amendments to the original modified coinsurance contract between the reinsured and reinsurer. 26 CFR 1.820–2

Retention period: See Item 4.1.

4.29 Regulated investment companies.

To maintain records showing the information relative to the actual owners of its stock contained in the written statements to be demanded from the shareholders. For the purposes of determining whether a domestic corporation claiming to be a regulated investment company is a personal holding company the records of the company shall show the maximum number of shares of the corporation (including the number and face value of securities convertible into stock of the corporation) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the corporation's taxable year. Also to maintain a list of the persons failing or refusing to comply with demand for statements respecting ownership of shares. 26 CFR 1.852–6, 1.852–7

Retention period: See Item 4.1.

4.30 Real estate investment trust.

(a) To maintain in the internal revenue district in which it is required to file its income tax return such permanent records as will disclose the actual ownership of its outstanding stock.

(b) Shareholders of record may not be the actual owners of the stock; accordingly, the real estate investment trust shall demand a written statement from shareholders of record disclosing the actual owner of the stock. Section 1.856–6(d). A list of the persons failing or refusing to comply in whole or in part with the trust's demand for such statement shall be maintained as a part of the trust's records.

(c) For the purpose of determining whether a trust, claiming to be a real estate investment trust, is a personal holding company, the permanent records of the trust shall show the maximum number of shares of the trust (including the number and face value of securities convertible into stock of the trust) to be considered as actually or constructively owned by each of the actual owners of any of its stock at any time during the last half of the trust's taxable year, as provided in section 544 of the Internal Revenue Code. 26 CFR 1.857–6

Retention period: See Item 4.1.

4.31 Persons claiming credit for taxes paid or accrued to foreign countries and possessions of the United States.

To keep readily available for comparison on request the original receipt for each such tax payment, or the original return on which each such accrued tax was based, a duplicate original, or a duly certified or authenticated copy, in case only a sworn copy of a receipt or return is submitted. 26 CFR 1.905–2

Retention period: See Item 4.1.

4.32 Western Hemisphere trade corporations.

To keep records substantiating income tax statement showing that its entire business is done within the Western Hemisphere and if any purchases are made outside the Western Hemisphere, the amount of such purchases, the amount of its gross receipts from all sources, and any other pertinent information. 26 CFR 1.921–1

Retention period: See Item 4.1.

4.32a Persons or corporations seeking to come within the exception to the limitation on reduction in income tax liability incurred to the Virgin Islands, under section 934 of the Internal Revenue Code of 1954.

Must maintain such records and other documents as are necessary to determine the applicability of the exception. 26 CFR 1.934–1

Retention period: See Item 4.1.

4.32b United States shareholders of controlled foreign corporations.

To provide permanent books of account or records which are sufficient to verify for the taxable year subpart F, export trade, and certain other classes of income; gross income excluded from base company income and the increase in earnings invested in United States prop-

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erty; also, if the Commissioner has issued a determination letter granting authority for excluding certain income from foreign base company income, a copy of the letter shall be retained. 26 CFR 1.954–1(b)(4)(v), 1.964–3, 1.964–4

Retention period: See Item 4.1.

4.32c Election to use the average basis method for certain regulated investment company stock.

To maintain records as are necessary to substantiate the average basis (or bases) used on an income tax return in reporting gain or loss from the sale or transfer of shares. 26 CFR 1.1012–1

Retention period: See Item 4.1.

4.33 Executors or other legal representatives of decedents, fiduciaries of trusts under wills, life tenants and other persons to whom a uniform basis with respect to property transmitted at death is applicable.

To make and maintain records showing in detail all deductions, distributions, or other items for which adjustment to basis is required to be made. 26 CFR 1.1014–4

Retention period: See Item 4.1.

4.34 Persons making or receiving gifts of property acquired by gift after December 31, 1920.

To preserve and keep accessible a record of the facts necessary to determine the cost of the property and, if pertinent, its fair market value as of March 1, 1913, or its fair market value as of the date of the gift, to insure a fair and adequate determination of the proper basis. 26 CFR 1.1015–1

Retention period: See Item 4.1.

4.35 Persons participating in exchanges or distributions made in obedience to orders of the Securities and Exchange Commission.

To keep records in substantial form showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received. 26 CFR 1.1081–11

Retention period: See Item 4.1.

4.36 Stock or security holders records of distribution pursuant to the Bank Holding Company Act of 1956.

Each stock or security holder who receives stock or securities or other property upon a distribution made by a qualified bank holding corporation under section 1101 of the Internal Revenue Code shall maintain records of all facts pertinent to the nonrecognition of gain upon such distribution. 26 CFR 1.1101–4

Retention period: See Item 4.1.

4.36a Gain upon sale or exchange of obligations issued at an original issue discount after December 31, 1954.

Taxpayer shall keep a record of the issue price and issue date upon or with each such obligation (if known or reasonably ascertainable by him). If the obligation held is an obligation of the United States received from the United States in an exchange upon which gain or loss is not recognized because of section 1037(a) of the Code (or so much of section 1031 (b) or (c) as relates to section 1037(a)), the taxpayer shall keep sufficient records to determine the issue price of such obligations for purposes of applying section 1.1037–1 of the regulations upon the disposition or redemption of such obligations. 26 CFR 1.1232–3(f)

Retention period: See Item 4.1.

4.37 Persons engaged in arbitrage operations in stock and securities.

To keep records that will clearly show that a transaction has been timely and properly identified as an arbitrage operation. Such identification must ordinarily be entered in the taxpayer's records on the day of the transaction. 26 CFR 1.1233–1

Retention period: See Item 4.1.

4.37a Grantors of straddles.

In the case of a multiple option where the number of options to sell and the number of options to buy are not the same or if the terms of all the options are not identical, the grantor must indicate in his records the individual serial number of, or other characteristic symbol imprinted upon, each of the two individual options which comprise the straddle, or by adopting any other method of identification satisfactory to the Commissioner. Such identification must be made before the expiration of the fifteenth day after the day on which the multiple option is granted and is applicable to multiple options granted after January 24, 1972, 26 CFR 1.1234–2

Retention period: See Item 4.1.

4.38 Record retention requirements for corporations and shareholders with respect to the substantiation of ordinary loss deductions on small business corporation stock.

(a) *Corporations.* The plan to issue stock which qualifies under section 1244 of the Internal Revenue Code must appear upon the records of the corporation. In addition, in order to substantiate an ordinary loss deduction claimed by its shareholders, the corporation should maintain records showing the following:

(1) The persons to whom stock was issued pursuant to the plan, the date of issuance to each, and a description of the amount and type of consideration received from each;

(2) If the consideration received is property, the basis in the hands of the shareholders and the fair market value of such property when received by the corporation;

(3) Which certificates represent stock issued pursuant to the plan;

(4) The amount of money and the basis in the hands of the corporation of other property received after June 30, 1958, and before the adoption of the plan for its stock, as a contribution to capital and as paid-in surplus;

(5) The equity capital of the corporation on the date of adoption of the plan; and

(6) Information relating to any tax-free stock dividend made with respect to stock issued pursuant to the plan and any reorganization in which stock is transferred by the corporation in exchange for stock issued pursuant to the plan.

(b) *Shareholders.* Any person who claims a deduction for an ordinary loss on stock under section 1244 of the Code shall file with his income tax return for the year in which a deduction for the loss is claimed a statement setting forth:

(1) The address of the corporation that issued the stock;

(2) The manner in which the stock was acquired by such person and the nature and amount of the consideration paid; and

(3) If the stock was acquired in a nontaxable transaction in exchange for property other than money—the type of property, its fair market value on the date of transfer to the corporation, and its adjusted basis on such date.

In addition, a person who owns "section 1244 stock" in a corporation shall maintain records sufficient to distinguish such stock from any other stock he may own in the corporation. 26 CFR 1.1244(e)–1

Retention period: See Item 4.1.

4.38a Foreign investment companies.

To maintain and preserve such permanent books of account, records, and other documents as are sufficient to establish what its taxable income would be if it were a domestic corporation. Generally, if the books and records are maintained in the manner prescribed by regulations under section 30 of the Investment Company Act of 1940, the requirements shall be considered satisfied. 26 CFR 1.1247–5

Retention period: See Item 4.1.

4.38b Recomputed basis of section 1245 property and additional depreciation adjustments to section 1250 property when such property is sold, exchanged, transferred, or involuntarily converted.

To maintain permanent records which include (1) the date and manner in which the property was acquired, (2) the basis on the date the property was acquired and the manner in which the basis was determined, (3) the amount and date of all adjustments to basis, and (4) similar information with respect to other property having an adjusted basis reflecting depreciation or amortization adjustments by the taxpayer, or by another taxpayer on the same or other property. 26 CFR 1.1245–2, 1.1250–2

Retention period: See Item 4.1.

4.39 Persons involved in the liquidation and replacement of lifo inventories.

To keep detailed records such as will enable the Commissioner, in his examination of the taxpayer's return for the year of replacement, readily to verify the extent of the inventory decrease claimed to be involuntary in character and the facts upon which such claim is based, all subsequent inventory increases and decreases, and all other facts material to the replacement adjustment authorized. 26 CFR 1.1321–1, 1.1321–2

Retention period: See Item 4.1.

4.40 Unincorporated business enterprise electing to be taxed as a domestic corporation.

(a) *General.* Except as otherwise provided in paragraph (b), any unincorporated business enterprise electing to be taxed as a domestic corporation under section 1361 of the Internal Revenue Code is required to keep records, render statements, and make returns in the same manner as a domestic corporation.

(b) *Other records.* The following other records shall be maintained by a "section 1361 corporation:"

(1) Separate records shall be maintained for payments to owners of a "section 1361 corporation" in order that a determination may be made as to whether such payments are compensation for personal services to which section 1361(j) of the Internal Revenue Code applies, or are distributions which may be treated either as corporate distributions or as distributions of personal holding company income.

(2) In the case of a partnership, separate capital accounts shall be maintained for each partner. Such accounts shall set forth the original capital contribution, adjustments thereto (for example, because of an owner's share of undistributed personal holding company income), and any other information necessary to establish each partner's interest in the "section 1361 corporation."

(3) A "section 1361 corporation" shall maintain records of all transfers of interests by its owners made at any time during the period the election under section 1361 applies, showing the names of the transferor and the transferee, the relationship between them, and the interest transferred.

(4) The records of a "section 1361 corporation" shall be maintained in such a manner that assets, liabilities, income, and expenses of the "section 1361 corporation" are shown separately and distinctly from assets, liabilities, income, and expenses of the owners which do not relate to the enterprise. Moreover, separate records shall be maintained for personal holding income and deductions attributable thereto.

(5) A "section 1361 corporation" shall maintain an earnings and profits account which shall be computed in accordance with the rules applicable generally to domestic corporations, except that the receipt and distribution of personal holding company income (and expenses attributable thereto) shall not be taken into account in determining the amount of earnings and profits for the taxable year or accumulated earnings and profits. 26 CFR 1.1361–10, 1.1361–14

Retention period: See Item 4.1.

4.41 Records by small business corporations of (1) distributions of previously taxed income and (2) undistributed taxable income.

A small business corporation must keep records of (1) distributions of the net share of the previously taxed income of each shareholder and (2) each person's share of undistributed taxable income. In addition, each shareholder of such corporation shall keep a record of his own net share of previously taxed income and undistributed taxable income and shall make such record available to the corporation for its information. 26 CFR 1.1375–4; 1.1375–6

Retention period: See Item 4.1.

4.41a Persons required to withhold tax on nonresident aliens, foreign corporations, and tax-free covenant bonds on payments of income made on and after January 1, 1957.

To keep copies of Forms 1042 and 1042S. 26 CFR 1.1461–2

Retention period: See Item 4.1.

4.41b Affiliated group; (1) intercompany transactions, accounting for deferred gain or loss, and (2) allocation of Federal income tax liability.

(1) Maintain permanent records (including work papers) which will properly reflect the amount of deferred gain or loss and enable the group to identify the character and source of the deferred gain or loss to the selling member and apply the applicable restoration rules. (2) If an affiliated group elects to use the method of allocating Federal income tax liability provided in section 1.1502–33(d)(2)(i) of the regulations, it must maintain specific records to substantiate the tax liability of each member on a separate return basis for purposes of paragraphs (a)(1) and (b)(1) of such subdivision (i). In addition, allocations of tax liability may be made in accordance with any other method approved by the Commissioner, but a condition of such approval shall be that the group maintain specific records to substantiate its computations pursuant to such method. 26 CFR 1.1502–13(c)(5), 1.1502–33, 1.1552–1

Retention period: See Item 4.1

4.41c Withholding agents making payment to nonresident aliens, foreign partnerships, or foreign corporations after December 31, 1971, which are subject to a reduced rate or an exemption from tax pursuant to a tax treaty.

To maintain Form 1001, Ownership, Exemption, or Reduced Rate Certificate.

Retention period: *Coupon bond interest* at least 4 years after the close of the calendar year in which the interest is paid; *Income other than coupon bond interest or dividends* at least 4 years after the close of the calendar year in which the interest is paid; *Noncoupon bond interest* at least 4 years after the interest is paid. 26 CFR 1.1441–6, 1.1461–1

4.42 Tax-exempt organizations.

(a) *General.* To keep records and books of account pertaining to information included in the annual return, including items of gross income, receipts, disbursements, and contributions and gifts received, and to keep other pertinent information which will enable the district director to inquire into the organization's exempt status. An organization claiming an exception from the filing of an information return must maintain adequate records to substantiate such claim. 26 CFR 1.6001–1, 1.6033–1, 1.6033–2

(b) *Employees' trusts.* To keep as a part of its records for taxable years beginning after December 31, 1969, and ending before December 31, 1971, written notification, or a copy thereof, from an employer to the trustee that the employer has or will timely file the information required under section 404 of the Internal Revenue Code. 26 CFR 1.6033–2

(c) *Group returns.* The central organization shall retain the certified statements of those local organizations authorizing their inclusion in a group return. 26 CFR 1.6033–1, 1.6033–2

Retention period; (a) and (b) See Item 4.1; (c), for taxable years prior to January 1, 1970, permanent; for taxable years after December 31, 1969, until the expiration of 6 years after the last taxable year for which a group return includes the local organization.

4.42a Banking institutions, trust companies, or brokerage firms, who elect to file Form 1087, Nominee's Information Return, for each actual owner for whom it acts as nominee.

Must maintain such records as will permit a prompt substantiation of each payments of dividends made to the actual owner. 26 CFR 1.6042–1

Retention period: See Item 4.1.

4.42b Any trustee, insurance company, or other person, which is notified under section 6047(b) of the Code that contributions to a trust or under a retirement plan have been made on behalf of an owner-employee.

Shall maintain a record of such notification.

Retention period: Until all funds of the trust or under the plan on behalf of the owner-employee have been distributed. 26 CFR 1.6047–1

4.42c Persons making payments of estimated tax installments in foreign currency.

Maintain a copy of the statement certified by the foundation, commission, or other person having control of the payments to the taxpayer in nonconvertible foreign currency which are expected to be received during the taxable year for the purpose of exhibiting it to the disbursing officer when making installment deposits of foreign currency. 26 CFR 301.6316–6

Retention period: See Item 4.1.

4.43 Persons engaged in construction of aircraft for the Army and the Air Force.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR 16.13 (see 26 CFR 1.1471–1)

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4.44 Persons engaged in construction of naval vessels or aircraft for the Navy.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR 17.14 (see 26 CFR 1.1471–1)

4.44a Domestic building and loan associations.

To maintain adequate records to establish to the satisfaction of the district director that various assets tests are met for taxable years beginning after October 16, 1962, and ending before November 1, 1964. 26 CFR 301.7701–13

Retention period: See Item 4.1.

4.44b Organizations seeking classification as private nonoperating foundations.

To maintain adequate records substantiating that all contributions received in taxable years ending in either 1970 or 1971 were distributed not later than the 15th day of the third month after the close of the taxable year or by the 30th day after final regulations under section 170(b)(1)(E)(ii) are published in the Federal Register, whichever is later. 26 CFR 13.15

Retention period: See Item 4.1.

ESTATE TAX

4.45 Executors of estates.

To keep detailed records of the affairs of the estate as will enable the district director to determine the amount of the estate tax liability, including copies of documents relating to the estate, appraisal lists of items included in the gross estate, copies of balance sheets or other financial statements relating to value of stock, and any other information necessary in determining the tax.

Retention period: Not specified. 26 CFR 20.6001–1

GIFT TAX

4.46 Persons making transfers of property by gift.

To maintain books of account or records as are necessary to establish the amount of the total gifts together with the deductions allowable in determining the amount of taxable gifts, and other information required to be shown in their gift tax returns.

Retention period: Permanent. 26 CFR 25.6001–1

EMPLOYMENT TAX

4.47 General record retention requirements for employment taxes.

(a) *Form of records.* Records shall be kept accurately, but no particular form is required. Such forms and systems of accounting shall be used as will enable the district director to ascertain whether liability for tax is incurred and, if so, the amount thereof.

(b) *Copies of returns, schedules, and statements.* Every person who is required to keep any copy of any return, schedule, statement, or other document, shall keep such copy as a part of his records.

(c) *Records of claimants.* Any person (including an employee) who claims a refund, credit, or abatement, shall keep a complete and detailed record with respect to the tax, interest, addition to the tax, additional amount, or assessable penalty to which the claim relates. Such record shall include any records required of the claimant by paragraph (b) of this section which relate to the claim.

(d) *Records of employees.* While not mandatory (except in the case of claims), it is advisable for each employee to keep permanent, accurate records showing the name and address of each employer for whom he performs services as an employee, the dates of beginning and termination of such services, the information with respect to himself which is required to be kept by employers, and all receipts furnished by employers.

(e) *Place for keeping records.* All records required shall be kept, by the person required to keep them, at one or more convenient and safe locations accessible to internal revenue officers, and shall at all times be available for inspection by such officers.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants required by paragraph (c) shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6001–1

4.48 Vow-of-poverty religious orders electing social security coverage for its members. [Added]

To maintain records of the details relating to the retirement of each of its members.

Retention period: Not specified. 26 CFR 31.3121(r)–1

4.49 Employers required to deduct and withhold income tax on wages which include sick pay.

To keep records with respect to payments (sick pay) made directly by the employer to his employees after December 31, 1955, under a wage continuation plan showing, with respect to each employee, the beginning and ending dates of each period of absence from work for which any such payment was made, and sufficient information to establish the amount and weekly rate of each such payment; and, to the extent that income tax is not withheld on the amount of any such payment excludable from the gross income of the employee, the amount of the payment and the excludable portion thereof, and data substantiating the employee's entitlement to the exclusion from gross income.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 31.3401(a)–1, 31.6001–5 (retention: 1.6001–1)

4.50 Employers liable for tax under the Federal Insurance Contributions Act.

(a) *General.* (1) To keep records of all remuneration, whether in cash or in a medium other than cash, paid to his employees after 1954 for services (other than agricultural labor which constitutes or is deemed to constitute employment, domestic service in a private home of the employer, or service not in the course of the employer's trade or business) performed for him after 1936; and records of all remuneration in the form of tips received by employees after 1965 and reported to him. Records shall show with respect to each employee receiving such remuneration:

(i) The name, address, and account number of the employee and such additional information with respect to the employee as is required when the employee does not advise the employer what his account number and name are as shown on an account number card issued to the employee by the Social Security Administration.

(ii) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(iii) The amount of each such remuneration payment which constitutes wages subject to tax.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(2) Every employer shall keep records of the details of each adjustment or settlement of taxes under the Federal Insurance Contributions Act and a copy of each statement furnished.

(3) Every employer shall keep employee statements of tips furnished him (unless the information disclosed by such statements is recorded on another document retained by the employer) and copies of employer statements furnished employees.

(b) *Agricultural labor, domestic service, and service not in the course of employer's trade or business.* (1) Every employer who pays cash remuneration after 1954 for the performance for him after 1950 of agricultural labor which constitutes or is deemed to constitute employment, of domestic service in a private home of the employer not on a farm operated for profit, or of service not in the course of his trade or business shall keep records of all such cash remuneration with respect to which he incurs, or expects to incur, liability for the taxes imposed by the Federal Insurance Contributions Act, or with respect to which amounts equivalent to employee tax are deducted. Such records shall show with respect to each employee receiving such cash remuneration:

(i) The name of the employee.

(ii) The account number of each employee to whom wages for such services are paid and such additional information as is required when the employee does not advise the employer what his account number and name are as shown on the account number card issued to the employee by the Social Security Administration.

(iii) The amount of such cash remuneration paid to the employee (including any sum withheld therefrom as tax or for any other reason) for agricultural labor which constitutes or is deemed to constitute employment, for domestic service in a private home of the employer not on a farm operated for profit, or for service not in the course of the employer's trade or business; the calendar month in which such cash remuneration was paid; and the character of the services for which such cash remuneration was paid. When the employer incurs liability for the taxes imposed by the Federal Insurance Contributions Act with respect to any such cash remuneration which he did not previously expect would be subject to the taxes, the amounts of any cash remuneration not previously made a matter of record shall be determined by the employer to the best of his knowledge and belief.

(iv) The amount of employee tax, or any amount equivalent to employee tax, collected with respect to such cash remuneration and the calendar month in which collected.

(v) To the extent material to a determination of tax liability, the number of days during each calendar year after 1956 on which agricultural labor which constitutes or is deemed to constitute employment is performed by the employee for cash remuneration computed on a time basis.

(2) Every person to whom a "crew leader" furnishes individuals for the performance of agricultural labor after December 31, 1958, shall keep records of the name; permanent mailing address, or if none, present address; and identification number, if any, of such "crew leader."

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–2 (retention: 31.6001–1)

4.51 Persons subject to the Railroad Retirement Tax Act.

(a) *Records of employers.* (1) To keep records of all remuneration (whether in money or in something which may be used in lieu of money) other than tips, paid to his employees after 1954 for services rendered to him (including "time lost") after 1954. Such records shall show with respect to each employee:

(i) The name and address of the employee.

(ii) The total amount and date of each payment of remuneration to the employee (including any sum withheld therefrom as tax or for any other reason) and the period of service (including any period of absence from active service) covered by such payment.

(iii) The amount of such remuneration payment with respect to which the tax is imposed.

(iv) The amount of employee tax collected with respect to such payment, and, if collected at a time other than the time such payment was made, the date collected.

(v) If the total payment of remuneration and the amount thereof with respect to which the tax is imposed are not equal, the reason therefor.

(2) The employer shall keep records of the details of each adjustment or settlement of taxes under the Railroad Retirement Tax Act.

(b) *Records of employee representatives.* Every individual liable for employee representative tax under the Railroad Retirement Tax Act shall keep records of all remuneration (whether in money or in something which may be used in lieu of money) paid to him after 1954 for services rendered (including "time lost") by him as an employee representative after 1954. Such record shall show:

(1) The name and address of each employee organization employing him.

(2) The total amount and date of each payment of remuneration for services rendered as an employee representative (including any sum withheld therefrom as tax or for any other reason) and the period of service, including any period of absence from active service, covered by such payment.

(3) The amount of such remuneration payment with respect to which the employee representative tax is imposed.

(4) If the total payment of remuneration and the amount thereof with respect to which the employee representative tax is imposed are not equal, the reason therefor.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–3 (retention: 31.6000–1)

4.52 Employers subject to tax under the Federal Unemployment Tax Act.

(a) *Records of employers.* To keep such records as are necessary to establish:

(1) The total amount of remuneration (including any sum withheld therefrom as tax or for any other reason) paid to his employees during the calendar year for services performed after 1938.

(2) The amount of such remuneration which constitutes wages subject to the tax.

(3) The amount of contributions paid by him into each State unemployment fund, with respect to services subject to the law of such State, showing separately (i) payments made and neither deducted nor to be deducted from the remuneration of his employees, and (ii) payments made and deducted or to be deducted from the remuneration of his employees.

(4) The information required to be shown on the prescribed return and the extent to which the employer is liable for the tax.

(5) If the total remuneration paid and the amount thereof which is subject to the tax are not equal, the reason therefor.

(6) To the extent material to the determination of a tax liability, the dates, in each calendar quarter, on which each employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter.

The term "remuneration," as used in this paragraph, includes all payments whether in cash or in a medium other than cash, except that the term does not include payments in a medium other than cash for services not in the course of the employer's trade or business.

(b) *Records of persons who are not employers.* Any person who employs individuals in employment during any calendar year but who considers that he is not an employer subject to the tax shall, with respect to each such year, be prepared to establish by proper records (including, where necessary, records of the number of employees employed each day) that he is not an employer subject to the tax.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–4 (retention: 31.6001–1)

4.53 Employers required to deduct and withhold income tax on wages paid.

(a) Every employer required to deduct and withhold income tax upon the wages of employees shall keep records of all remuneration paid to such employees and tips received by employees and reported to him. Such records shall show with respect to each employee:

(1) The name and address of the employee and, after December 31, 1962, the account number of the employee.

(2) The total amount and date of each payment of remuneration (including any sum withheld therefrom as tax or for any other reason) and the period of services covered by such payment.

(3) The amount of such remuneration payment which constitutes wages subject to withholding.

(4) The amount of tax collected with respect to such remuneration payment and, if collected at a time other than the time such payment was made, the date collected.

(5) If the total remuneration payment and the amount thereof which is taxable are not equal, the reason therefor.

(6) Copies of any statements furnished by the employee relating to permanent residents of the Virgin Islands. (See 26 CFR 31.3401(a)–1(b)(12).)

(7) Copies of any statements furnished by the employee relating to nonresident alien individuals. (See 26 CFR 31.3401(a)(6)–1 and 31.3401(a)(7)–1.)

(8) Copies of any statements furnished by the employee relating to resi-

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dence or physical presence in a foreign country. (See 26 CFR 31.3401(a)(8)(A)-1.)

(9) Copies of any statements furnished by the employee relating to citizens resident in Puerto Rico. (See 26 CFR 31.3401(a)(8)(C)-1.)

(10) The fair market value and date of each payment of noncash remuneration, made to an employee after August 9, 1955, for services performed as a retail commission salesman, with respect to which no income tax is withheld.

(11) With respect to payments made in 1955 under a wage continuation plan, the records required to be kept in respect of such payments must (i) separately show the amounts of such payments, and distinguish such amounts from all other payments, and (ii) establish the facts necessary to show that the employee is entitled to the exclusion, either by means of a written statement from the employee as to the injury, illness, or hospitalization, or by any other information which the employer believes to be accurate and which he is willing to accept. (See 26 CFR 31.3401(a)-1(b)(8)(i).)

(12) With respect to payments made directly by an employer after December 31, 1955, under a wage continuation plan, the records must show (i) the beginning and ending dates of each period of absence from work for which any such payment was made; and (ii) sufficient information to establish the amount and weekly rate of each such payment.

(13) The withholding exemption certificates (Forms W-4 and W-4E) filed with the employer by the employee.

(14) The agreement, if any, between the employer and the employee for the withholding of additional amounts of tax. (See 26 CFR 31.3402(i)-1.)

(15) To the extent material to a determination of tax liability, the dates, in each calendar quarter, on which the employee performed services not in the course of the employer's trade or business, and the amount of cash remuneration paid at any time for such services performed within such quarter. (See 26 CFR 31.3401(a)(4)-1.)

(16) Every employer shall keep employee statements of tips furnished him (unless the information disclosed by such statements is recorded on another document retained by the employer) and copies of employer statements furnished employees. (See 26 CFR 31.3401(a)(11)-1, 31.3401(a)(16)-1.)

(17) The employer shall keep records of the details of each adjustment or settlement of income tax withheld. (See 26 CFR 31.3402.)

(18) The written request of an employee to have the amount of tax withheld from his wages computed on the basis of his cumulative wages, and any notice of revocation thereof. (See 26 CFR 31.6001-5)

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is later. 26 CFR 31.6001-5 (retention: 31.6001-1)

4.54 Employers claiming a refund, credit, or abatement of tax under the Federal Insurance Contributions Act or Railroad Retirement Tax Act.

Every employer who has filed a claim for refund, credit, or abatement of employee tax under section 3101 or section 3201 of the Internal Revenue Code, or a corresponding provision of prior law, collected from an employee shall retain as part of his records the written receipt of the employee showing the date and amount of the repayment, or the written consent of the employee, whichever is used in support of the claim. Where employee tax was collected under section 3101 of the Code, or a corresponding provision of prior law, from an employee in a calendar year prior to the year in which the credit or refund is claimed, the employer shall also retain as part of his records a written statement from the employee (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the date the claim is filed. 26 CFR 31.6402(a)-2, 31.6404(a)-1 (retention: 31.6001-1)

4.55 Repayment by employer of tax erroneously collected from employee under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act and of income tax withheld from wages.

(a) Before employer files return. To obtain and keep as part of his records the written receipt of the employee showing the date and amount of the repayment.

(b) *After employer files return.* If the amount of an overcollection is repaid to an employee, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. If in any calendar year, an employer repays or reimburses an employee in the amount of an overcollection of employee tax under section 3101 of the Internal Revenue Code, or a corresponding provision of prior law, which was collected from the employee in a prior calendar year, the employer shall obtain from the employee and keep as part of his records a written statement (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6413(a)-1 (retention: 31.6001-1)

EXCISE TAXES [REVISED]

4.56 Persons subject to tax on certain highway motor vehicles.

To maintain records relating to each vehicle registered, as specified in sections cited; records or documents substantiating any claim for exemption from tax; and records and documents relating to any claim for credit or refund.

Retention period: At least 3 years after date tax becomes due or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 41.4481-2, 41.6001-1

4.57 Persons required to pay excise tax on wagering.

To maintain daily records of operations, as required in sections cited, and records of overpayment and of each laid-off wager for which credit or refund is claimed, including copy of required certificate.

Retention period: At least 3 years from date tax becomes due or date wager received or date any credit or refund is claimed. 26 CFR 44.4403-1, 44.6001-1

4.58 Persons claiming credit for State imposed tax on coin-operated gaming devices.

To maintain documentary evidence of payment of State tax upon which claim is based.

Retention period: At least 3 years after due date of tax or date tax imposed is paid, whichever is later. 26 CFR 45.4464-1

4.59 Manufacturers of white phosphorous matches.

To maintain daily records showing material used, number of matches produced, and number of stamped packages and original packages in which packed; also the total number of stamped and original packages, together with total number of matches disposed of each day.

Retention period: 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 45.4804-10 (retention: 45.6001-1)

4.60 Manufacturers of adulterated butter exported to a foreign country.

To maintain records of all removals and sufficient written proof of such removals and deliveries to substantiate actual delivery of such butter to the foreign trade zone.

Retention period: At least 3 years. 26 CFR 45.4816-1 (retention: 45.6001-1)

4.61 Persons making contracts of sale of cotton for future delivery and cotton clearing associations.

To maintain all books, records, papers, and statements as specified in sections cited.

Retention period: Not less than 3 years. 26 CFR 45.4872-1, 45.4872-2 (retention: 45.4872-4)

4.62 Persons subject to certain miscellaneous stamp taxes.

To maintain returns, schedules, statements or other documents, and any other records relating to claim for credit or refund.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 45.6001-1

4.63 Manufacturers of adulterated butter, process or renovated butter, or filled cheese.

To maintain daily records relating to content, production, disposition, and tax stamps purchased, and any other records relating to transactions in adulterated butter, process or renovated butter, and filled cheese.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 45.6001-2 (retention: 45.6001-1)

4.64 Wholesale dealers in adulterated butter and filled cheese.

To maintain daily records of number of pounds in each consignment received, name and address of consignor, date of receipt, and any other records of transaction as specified in sections cited.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 45.6001-3, 45.6001-4 (retention: 45.6001-1)

4.65 Persons subject to miscellaneous excise taxes payable by return.

To maintain copies of any return, schedule, statement, or other document as part of records, in addition to any record relating to claim of credit or refund.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 46.6001-1

4.66 Manufacturers of sugar.

To maintain monthly record relating to quantity on hand, received, produced, sold, and other records relating to manufactured sugar.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 46.6001-2 (retention: 46.6001-1)

4.67 Persons required to keep records with respect to tax on foreign insurance policies.

To maintain records relating to such policies, including identifying information, gross premium, insurer, and any other records as specified in sections cited.

Retention period: At least 3 years from date any part of tax is due or date tax is paid, whichever is later. 26 CFR 47.6001-2, 46.6001-4

4.68 Persons required to file returns and pay tax on the sale or use of gasoline, lubricating oil, or matches.

To keep accurate and complete records, including accounts with respect to sales or use of gasoline, lubricating oil, or matches. Duplicates of returns, supporting information with respect to exempt or tax-free sales must also be kept.

Retention period: 4 years from date tax became due, or, in the case of exempt or tax-free sales, 4 years from the last day of the month immediately following that in which the sale occurs. 26 CFR 314.62 (see 26 CFR 48.0-4)

4.69 Persons required to file a return and pay tax on the sale or use of diesel fuel and special motor fuel.

To keep accurate records and accounts of all taxable transactions.

Retention period: 4 years from the date the tax became due. 26 CFR 324.42 (see 26 CFR 48.0-4)

4.70 Persons claiming exemption from tax on sale or use of diesel fuel or special motor fuel.

To maintain records of all fuel used for each purpose, including statements, exemption certificates, or other documents to verify claim.

Retention period: Not specified. 26 CFR 48.4041-5, 48.4041-6, 48.4041-9, 148.1-4

4.71 Manufacturers, producers, or importers selling automobile tires and tread rubber.

To maintain records of tires sold with metal rims or rim bases attached to establish portion of finished product that represents weight of tire, of tax-free sales of tread rubber, and of exemption certificates with invoices and orders relating to such exemption.

Retention period: Not specified. 26 CFR 48.4071-2, 48.4073-3, 144.1-2

4.72 Manufacturers of lubricating oil.

To maintain exemption certificates for oil seldom used as a lubricant and records of invoices, orders, statements, and documents substantiating claim for exemption or for credit or refund.

Retention period: Not specified, 26 CFR 48.4091-6

4.73 Manufacturers, producers, or importers selling pistols, revolvers, other firearms, and shells and cartridges.

To maintain records to substantiate claim for exemption from tax imposed.

Retention period: Not specified. 26 CFR 48.4182-1

4.74 Persons claiming credit or refund of tax on gasoline, diesel fuel, or special motor fuels.

To maintain records to substantiate claim, in addition to copy of claim and any statement or document submitted with such claim.

Retention period: At least 3 years after last date prescribed for filing claim. 26 CFR 48.6416(b)-2, 48.6420(f)-1, 48.6421(g)-1

4.75 Persons providing certain communication and transportation services to persons entitled to receive the services exempt from tax.

To maintain exemption certificate and any other documents substantiating the tax exemption for services rendered.

Retention period: Not specified. 26 CFR 49.4253-11, 49.4261-6

4.76 Private foundations subject to tax on taxable expenditures.

(a) *Grants to individuals for travel, study, or other similar purposes.* To maintain records reflecting information evaluating qualification of potential grantees; identification of grantees; amount and purpose of each grant; and grantee progress reports.

Retention period: Not specified. 26 CFR 53.4945-4(c)(6)

(b) *Grants to organizations.* To maintain copy of expenditure responsibility agreement signed by grantee organization; records of receipts and expenditures; and copies of reports required to be part of records.

Retention period: 4 years after completion of use of grant funds. 26 CFR 53.4945-5(b)(3), 53.4945-5(c)(3), 53.4945-5(d)(3)

(c) *Program-related investments.* To maintain books and records adequate to provide information required.

Retention period: Not specified. 26 CFR 53.4945-5(b)(4)

4.77 Persons claiming credit or refund due to repeal of manufacturer's excise tax on passenger automobiles, light duty trucks, etc. (Revenue Act of 1971)

To maintain records sufficient to support claim, including inventories, written statement, and other information specified in section cited.

Retention period: Not specified. 26 CFR 142.1-1(d)(3), 142.1-1(g)(3), 142.1-1(i)(2), 142.2-1(a)(4), 142.2-1(e), 142.2-2(a)(4), 142.2-2(c)(4), 142.2-3(i)

4.78 Manufacturers claiming exemption, credit or refund, or tax-free sales under regulations of the Excise Tax Reduction Act of 1965.

To maintain all records, statements, exemption certificates, and inventories to substantiate tax-free sales or claims, as specified in sections cited.

Retention period: Not specified. 26 CFR 145.2-1(e), 145.2-2(a)(2), 145.2-2(c)(4), 145.2-4(b), 145.2-5(f), 145.4-1(b)

4.79 Persons involved in acquisitions of foreign stock or debt obligations; interest equalization tax.

To maintain certificates of American ownership, copies of confirmations of prior American ownership, records of withholding, financial records, and such other documents or records as specified in section cited.

Retention period: So long as contents thereof may become material in the administration of any Internal Revenue law. 26 CFR 147.2(a)(3), 147.4-1(d)(8), 147.5-1(b)(2), 147.5-2(g), 147.3(b)(4), 147.7-6(b)(1), 147.7-7(g), 147.7-9(f), 147.8-4 (retention: 147.8-4(d))

4.80 Retailers, manufacturers, or communications facilities claiming tax-free sales or services to nonprofit educational organizations.

To maintain exemption certificate, together with records of goods sold, services rendered, or facilities furnished.

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Retention period: At least 3 years from date tax would have become due, if payable. 26 CFR 148.1–4

4.81 Sellers and purchasers claiming tax-free sales of aircraft fuel for nontaxable purposes.

To maintain exemption certificates and proper supporting records, including receipts, invoices, and orders relating to tax-free sales.

Retention period: Not specified. 26 CFR 154.1–1

4.82 Persons transporting property by air.

To maintain exemption certificates, statements, documentary evidence of exportation and any other records as specified in section cited.

Retention period: At least 3 years. 26 CFR 154.2–1

4.83 Persons acquiring secondhand civil aircraft.

To maintain evidence showing whether or not there was taxable use prior to acquisition, or evidence of reasons why unable to obtain such evidence.

Retention period: Not specified. 26 CFR 154.3–1(d)(4)

5. Office of Foreign Assets Control

5.1 Persons engaged in transactions subject to Foreign Assets Control Regulations, Transaction Control Regulations, Cuban Assets Control Regulations, Foreign Funds Control Regulations, and Rhodesian Sanctions Regulations.

To keep a full record of each transaction subject to the provisions of 31 CFR Ch. V, whether effected pursuant to license or not.

Retention period: At least 2 years after date of transaction. 31 CFR 500.601, 500.804, 505.40, 505.60, 515.601, 515.804, 520.601, 520.804, 530.601, 530.804

6. Office of Domestic Gold and Silver Operations

6.1 Persons authorized by license or by 31 CFR 54.18 or 54.21 to acquire, hold, process, and dispose of gold.

To keep full and accurate records of all operations and transactions respecting gold, including the name, address, and Treasury gold license number of each person from whom it is acquired or to whom it is delivered (or, when no Treasury gold license is held, the section of regulations in this part pursuant to which the gold was held or acquired by such person), the amount, date, description and purchase or sales price of each acquisition and delivery, any other papers and records required to be kept by a Treasury Department gold license, and costs and expenses in computation of total domestic value of articles of fabricated or semiprocessed gold.

Retention period: Until end of the fifth calendar year (or fifth fiscal year, if accounts are so maintained). 31 CFR 54.26

6.2 Licensed importers of gold-bearing materials for reexport of gold refined therefrom.

To cause to be kept at the plant of first treatment an exact record of percentages and weights as specified, for each importation, an attested copy of such record to be filed with the assay office at New York or the assay office at San Francisco, whichever is designated.

Retention period: At least 1 year after date of disposition of gold. 31 CFR 54.32

6.3 Persons delivering silver to a mint or assay office pursuant to the Coinage Act of 1965.

To maintain records of all acquisitions and dispositions of newly-mined domestic silver.

Retention period: 5 years following date of transaction to which they relate. 31 CFR 81.8, 81.10

7. Office of Operations

7.1 Corporations, partnerships, individuals, and associations having interests in foreign financial accounts. [Amended]

To maintain records of all foreign financial accounts which are indicated on Federal income.

Retention period: 5 years. 31 CFR 103.32

7.2 Financial institutions. [Amended]

To maintain either the original or a copy of records of (a) extensions of credit exceeding $5,000, except those secured by real property; and (b) advice, request, or instruction, received or given to another financial institution or person, regarding a transaction resulting in the transfer of more than $10,000 to a person, account, or place outside the United States.

Retention period: 5 years. 31 CFR 103.33 (retention: 103.36)

7.3 Banks [Amended]

To maintain a record of the taxpayer identification number or social security number of persons who open deposit or share accounts after June 30, 1972; and to maintain such other records as indicated in section cited.

Retention period: 2 years for records needed to reconstruct a demand deposit account, or trace a check through the domestic processing system or to supply a description of a deposited check over $100; 5 years for all other records. 31 CFR 103.34 (retention: 103.36)

7.4 Brokers and dealers in securities. [Amended]

To maintain a record of the taxpayer identification number or social security number for persons who open brokerage accounts after June 30, 1972; and to maintain such other records as indicated in section cited.

Retention period: 5 years. 31 CFR 103.35 (retention: 103.36)

8. Bureau of Alcohol, Tobacco and Firearms

Liquors

8.1 Manufacturers recovering taxpaid alcohol.

To keep records of distilled spirits recovered from dregs or marc of percolation or extraction, or from medicines, medicinal preparations, food products, flavors, or flavoring extracts and the subsequent use to which such recovered spirits are put.

Retention period: Not less than 2 years. 26 CFR 170.617

8.2 Persons disposing of substances or articles of the character used in manufacturing distilled spirits, or disposing of containers of the character used for packaging distilled spirits.

To keep records pertaining to the disposition of such substances or articles or containers.

Retention period: 3 years. 26 CFR 173.15

8.3 Persons manufacturing liquor bottles.

To keep records of the receipt, manufacture, and disposition of liquor bottles.

Retention period: 3 years. 26 CFR 173.39 (retention: 173.15)

8.4 Wholesale dealers in distilled spirits (except proprietors of distilled spirits plants, who are subject to the record keeping provisions of 26 CFR Part 201).

To keep (a) daily records of the physical receipt and disposition of distilled spirits (including any spirits transferred between wholesale and retail departments of the dealer's own premises), copies of all invoices and delivery receipts (or bills of lading if delivered to a common carrier), and a daily (or less frequent, interval if authorized) recapitulation record showing total quantities of bottled and packaged spirits received and disposed of during the day; and (b) file copies of reports on Forms 52A and 52B (unless the requirement to prepare and submit such forms is waived) and 338.

Retention period: Not less than 2 years. (a) 26 CFR 194.221, 194.223, 194.225—194.230, 194.238; (b) 194.231, 194.234—194.238 (retention: 194.242)

8.5 Wholesale dealers in wine and/or beer.

To keep a complete record of all wines and beer received, showing the quantities thereof, from whom received, and the receiving dates.

Retention period: Not less than 2 years. 26 CFR 194.222, 194.223 (retention: 194.222, 194.242)

8.6 Retail liquor dealers.

To keep a complete record of all distilled spirits, wines, and beer received showing the quantities thereof, from whom received, and the receiving dates; a record of each sale of distilled spirits, wines, or beer in quantities of 20 wine gallons or more to the same person at the same time, showing the date of sale, the name and address of the purchaser, the kind and quantity of each kind of liquors sold, the serial numbers of all ful cases of distilled spirits included in the sale; and the delivery receipt supporting each entry in the sales record.

Retention period: Not less than 2 years. 26 CFR 194.223, 194.238, 194.239 (retention: 194.242)

8.7 Liquor dealers packaging alcohol for industrial uses.

To keep records, daily, showing bulk alcohol received, dumped for packaging, packaged, strip stamped, and disposed of, including the name and address of each consignor and consignee. To keep copies of quarterly reports of strip stamp transactions (Form 2260) and monthly reports of bulk alcohol transactions (Form 2733).

Retention period: Not less than 2 years. 26 CFR 194.271 (retention: 194.242)

8.8 Proprietors of vinegar factories.

To keep daily records of operations, showing the kind and quantity of fermenting and distilling material received, produced, used and removed from the premises, the quantity of mash set, the quantity of low wines produced and used, the quantity of vinegar produced and removed, and the identity of each consignor and consignee; and copies of monthly reports (Form 1623).

Retention period: Not less than 2 years. 26 CFR 195.152, 195.153, 195.155, 195.159—195.161, 195.175, 195.176 (retention: 195.177)

8.9 Manufacturers and vendors of distilling apparatus.

(1) In the case of any distilling apparatus removed for exportation without payment of tax, to keep a copy of each bill of lading covering exportation or consignment to a foreign-trade zone;

(2) In the case of distilling apparatus for domestic use for purposes other than distilling (as defined in 26 CFR 196.10), to keep a record showing the apparatus manufactured, received, and removed or otherwise disposed of, the name and address of each purchaser, and the purpose for which each still is to be used.

Retention period: Not less than 2 years. 26 CFR 196.62, 196.80, 196.82

8.10 Manufacturers of nonbeverage products claiming drawback.

(a) To keep a copy of each approved quantitative formula (Form 1678).

Retention period: Not less than 2 years from the date of filing last claim for drawback under such formula. 26 CFR 197.95 (retention: 197.133)

(b) To keep records showing the distilled spirits received and used, the products produced, and the disposition of such products; and all Forms 179 and bills of lading relating to the spirits shipped to him.

Retention period: Not less than 2 years. 26 CFR 197.95, 197.99, 197.130–197.132 (retention: 197.133)

8.11 Proprietors of volatile fruit-flavor concentrate plants.

(a) To keep daily records showing processing material used; processing material removed and the reason for such removal; concentrate produced, used, and removed, and returned concentrates received; substances received for use in rendering concentrate unfit for use as a beverage, and the use or other disposition of such substances; and the name and address of each person to whom processing material or concentrate is shipped and, in the case of concentrates shipped to or returned by a bonded wine cellar, the registry number of such bonded wine cellar and the identity of such concentrate.

(b) To keep file copies of Form 3874, Notice of Transfer of Fruit-Flavor Concentrate.

(c) To keep file copies of monthly reports (Form 1695).

Retention period: Not less than 2 years. 26 CFR 198.111, 198.112, 198.116, 198.117, 198.121—198.125 (retention: 198.121)

8.12 Scientific institutions and colleges of learning authorized to conduct experimental or research operations.

To keep records, daily, of quantities of spirits produced, received, and used.

Retention period: Not less than 4 years. 26 CFR 201.72 (retention: 201.612)

8.13 Persons receiving distilling material from the bonded premises of a distilled spirits plant.

To keep records of the receipt, use, and disposition of such material.

Retention period: Not less than 4 years. 26 CFR 201.74 (retention: 201.612)

8.14 Proprietors of distilled spirits plants. [Amended]

(a) *Production.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to production facilities, including the receipt, use, and disposition of fermenting and distilling materials; the production of spirits and denatured spirits; the production and disposition of distillates and chemical byproducts; losses in production processes; inventories; and the taking of samples.

Retention period: Not less than 4 years. 26 CFR 201.261, 201.262, 201.264, 201.265, 201.268, 201.269, 201.271, 201.274, 201.275, 201.278, 201.279, 201.562, 201.582, 201.587, 201.603, 201.611, 201.612, 201.616–201.620, 201.626, 201.627, 201.630, 201.630b, 201.633 (retention: 201.612)

(b) *Storage in bond.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to the receipt and storage of spirits and denatured spirits; quick-aging; addition of oak chips or caramel; repairing, filling, and changing packages; mingling and consolidation of spirits; blending of beverage rums or brandies; losses and voluntary destruction; inventories; and the taking of samples.

Retention period: Not less than 4 years from the date thereof, the date transferred to an inactive file, or the date the spirits covered thereby are removed from the proprietor's bonded premises, as applicable. 26 CFR 170.125, 170.131, 201.291, 201.292, 201.294, 201.295, 201.298, 201.302–201.308, 201.311, 201.312, 201.312c, 201.313, 201.562, 201.582, 201.583, 201.587, 201.603, 201.611, 201.612, 201.616–201.618, 201.622, 201.626–201.630b, 201.633–201.634 (retention: 201.612)

(c) *Bottling on bonded premises.* To keep, as prescribed by regulations, records and copies of applications and reports relating to bottling operations on bonded premises, including bottling in bond, bottling of alcohol before taxpayment, bottling losses and gains, strip stamp transactions, and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years from the date the bottled spirits are removed from the proprietor's bonded premises. 26 CFR 201.322, 201.327, 201.336–201.338, 201.341–201.343, 201.346–201.348, 201.352, 201.543, 201.546, 201.611, 201.612, 201.616–201.618, 201.622, 201.624, 201.632, 201.633, 201.633a (retention: 201.612)

(d) *Transfers and withdrawals.* To keep, as prescribed by regulations, records and copies of applications, notices, and withdrawal and taxpayment forms relating to transfer and withdrawal of spirits and denatured spirits, including transfers between bonded premises, removals from storage to production facilities, determination and payment of tax and removal of spirits after taxpayment, withdrawals without payment of tax, and withdrawals free of tax.

Retention period: Not less than 4 years from the date thereon, the date transferred to an inactive file, or the date the spirits covered thereby are removed from the proprietor's bonded premises, as applicable. 26 CFR 201.363, 201.364, 201.366–201.380, 201.381–201.385, 201.387, 201.388, 201.390, 201.393, 201.394, 201.602, 201.603, 201.606, 201.611, 201.612, 201.614, 201.616–201.618, 201.622, 201.624, 201.628, 201.629, 201.632, 201.633 (retention: 201.612)

(e) *Denaturation.* To keep, as prescribed by regulations, records and copies of statements, certifications, applications, notices, and reports relating to denaturing transactions and operations, including receipt, test, use, and disposition of denaturants and the denaturation of spirits (including redenaturation and restoration of recovered denatured spirits and articles).

Retention period: Not less than 4 years. 26 CFR 201.404, 201.406–201.408, 201.410, 201.602, 201.603, 201.611, 201.612, 201.614, 201.616–201.618, 201.621, 201.626, 201.630, 201.632, 201.633 (retention: 201.612)

(f) *Rectification and bottling on bottling premises.* To keep, as prescribed by regulations, records and copies of applications, affidavits, statements, reports, and taxpayment forms

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relating to transactions and operations on bottling premises, including the receipt, use, and disposition of flavoring materials and of taxpaid spirits and wines; rectification of spirits and wines; production of vodka and gin by redistillation; packaging, bottling, and removal of rectified and unrectified spirits and wines; tax liability accounts; tax payment; stamping; operational losses; disaster losses; voluntary destruction of spirits; inventories; and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years. 26 CFR 170.60, 170.61, 170.62, 201.426, 201.427, 201.430, 201.432, 201.435, 201.444, 201.446, 201.448, 201.450, 201.451, 201.452, 201.454, 201.455, 201.460, 201.463–201.466, 201.470, 201.470f, 201.482–201.484, 201.487, 201.490, 201.492, 201.543, 201.551, 201.562, 201.563, 201.611, 201.612, 201.614, 201.616–201.618, 201.623, 201.624, 201.627, 201.630, 201.632, 201.633, 201.633a (retention: 201.612)

(g) *Wholesale liquor dealer and taxpaid storeroom operations.* To keep daily records of the receipt and disposition of distilled spirits and wines at such premises, and of restamping operations, and to keep copies of periodic reports of spirits received at and removed from such premises.

Retention period: Not less than 4 years. 26 CFR 201.611, 201.612, 201.614, 201.616, 201.618, 201.625, 201.634 (retention: 201.612)

(h) *Receipt, use, and disposition of liquor bottles.* To keep, as prescribed by regulations, records covering the receipt, use, and disposition of liquor bottles in such manner as to enable any internal revenue officer to verify and trace the receipt and disposition of such bottles.

Retention period: Not less than 4 years. 26 CFR 201.630a (retention: 201.612)

8.15 Users of rubbing alcohol base.

To keep such records as will enable an internal revenue officer to verify and trace the receipt of rubbing alcohol base; records of production, bottling, and distribution of such alcohol.

Retention period: 3 to 6 years. 26 CFR 211.190e (retention: 211.273)

8.16 Dealers in and users of completely denatured alcohol.

To keep such records as will enable an internal revenue officer to verify and trace the receipt, storage, and disposal of such alcohol.

Retention period: 3 to 6 years. 26 CFR 211.118, 211.125, 211.261, 211.273, 211.274 (retention: 211.273)

8.17 Manufacturers of and dealers in proprietary anti-freeze made with completely denatured alcohol.

To keep such records as will enable an internal revenue officer to verify and trace the production, receipts, storage, and disposal of such products.

Retention period: 3 to 6 years. 26 CFR 211.125, 211.262, 211.273, 211.274 (retention: 211.273)

8.18 Persons recovering completely denatured alcohol and articles.

To keep such records as will enable an internal revenue officer to verify and trace recovery, redenaturation (if any) and reuse; to keep copies of monthly reports.

Retention period: 3 to 6 years. 26 CFR 211.212, 211.214, 211.215, 211.218, 211.263, 211.269, 211.273, 211.274 (retention: 211.273)

8.19 Dealers in specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of procurement, packaging, losses, and disposition of specially denatured spirits.

Retention period: 3 to 6 years. 26 CFR 211.139, 211.145, 211.148, 211.234, 211.241, 211.243, 211.251–211.253, 211.255, 211.264, 211.270, 211.272–211.274, 211.285 (retention: 211.273)

8.20 Users of specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of (a) specially denatured spirits received, used, recovered (including redenaturation), lost, and otherwise disposed of, and (b) products and articles manufactured and the disposition of such products and articles.

Retention period: 3 to 6 years. 26 CFR 211.139, 211.168, 211.212, 211.214, 211.215, 211.218, 211.241–211.243, 211.251–211.253, 211.255, 211.265–211.267, 211.271–211.274 (retention: 211.273)

8.21 Reprocessors, repackagers, and bottlers of bay rum, skin and hair lotions, and similar products and purchasers of such products in containers larger than 1 gallon for resale.

To keep records of receipt, manufacture, packaging, bottling, and sales.

Retention period: 3 to 6 years. 26 CFR 211.265–211.267, 211.272–211.274 (retention: 211.273)

8.22 Dealers in and users of proprietary solvents and special industrial solvents.

To keep records of receipt, use, and disposition.

Retention period: 3 to 6 years. 26 CFR 211.268, 211.272–211.274 (retention: 211.273)

8.23 Users of tax-free alcohol.

To keep records and copies of all applications, notices, and reports relating to receipt, use, recovery (including restoration), losses, and inventories of tax-free alcohol.

Retention period: 3 to 6 years. 26 CFR 213.116, 213.134, 213.151–213.153, 213.161–213.163, 213.165, 213.171–213.176 (retention: 213.175)

8.24 Proprietors of taxpaid wine bottling houses.

To keep records of wine received, bottled, packaged, and removed, and of semiannual and special inventories.

Retention period: 3 years. 26 CFR 231.110–231.114 (retention: 231.114)

8.25 Persons (other than proprietors of bonded wine cellars) producing wine for family use.

To keep the copy of the registration (Form 1541), with production data entered thereon, at the place of manufacture.

Retention period: While the wine produced pursuant thereto remains on hand. 26 CFR 240.542

8.26 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations.

To keep copies of approved applications and appropriate records of experiments and research.

Retention period: 3 to 6 years. 26 CFR 240.546–240.549, 240.731, 240.732, 240.924 (retention: 240.924)

8.27 Proprietors of vinegar plants receiving wine free of tax for use in manufacturing vinegar.

To keep records showing receipt and use of wine, and vinegar produced and disposed of.

Retention period: Not specified. 26 CFR 240.656, 240.657

8.28 Proprietors of bonded wine cellars.

(a) Production of wine, nonbeverage wine, distilling material, vinegar stock, and commercial fruit products. To keep, as prescribed by regulations, records and copies of all applications, notices, statements, and reports of transactions and operations relating to the receipt and use or other disposition of basic winemaking materials such as fruit, or juice, or concentrated juice, and of sugar, acids, chemicals, preservatives, distillates, wine spirits, volatile fruit-flavor concentrates, and other materials used in production of wine, nonbeverage wine, and allied products and in cellar and finishing operations; fermentation; amelioration and sweetening; baking; use of carbon dioxide in still wines; removal of excess color in white wine; reduction of acid content; and other cellar and finishing treatment of wines.

Retention period: 3 to 6 years. 26 CFR 170.683, 170.686, 170.690, 240.359a, 240.362, 240.363, 240.366, 240.367, 240.368, 240.375–240.379, 240.382–240.385, 240.402, 240.406, 240.407, 240.408, 240.409, 240.443, 240.484–240.487, 240.491, 240.525–240.527a, 240.532, 240.537, 240.771, 240.773, 240.822, 240.826, 240.832–240.834, 240.836, 240.837, 240.890, 240.892, 240.900, 240.904, 240.908–240.911, 240.913–240.919, 240.922–240.925 (retention: 240.924)

(b) Storage in bond, filling bottles and containers, voluntary destruction, reconditioning of foreign wine, losses, and inventories. To keep, as prescribed by regulations, records and copies of all applications, notices, and reports relating to the receipt and storage of wine, wine spirits, nonbeverage wine, and volatile fruit-flavor concentrates on bonded premises; bottling, casing, and the filling of containers; losses and voluntary destruction; and semiannual and special inventories.

Retention period: 3 to 6 years. 26 CFR 170.691, 240.359a, 240.534, 240.561, 240.751, 240.753, 240.783, 240.786–240.789, 240.804, 240.854–240.858, 240.871, 240.900, 240.903, 240.912, 240.913, 240.916, 240.922–240.925 (retention: 240.924)

(c) Transfers and removals. To keep, as required by regulations, records and

copies of all applications, notices, transfer and withdrawal forms, and returns relating to wine, wine spirits, and nonbeverage wine, including transfers between bonded premises, return of wine to bonded storage, return of concentrates to volatile fruit-flavor concentrate plants, tax payment and removal, withdrawal free of tax and without payment of tax, disposition of lees and other residues, and the disposition of commercial fruit products and other allied products.

Retention period: 3 to 6 years. 26 CFR 170.687, 240.359b, 240.590–240.592, 240.600, 240.613–240.615, 240.618–240.620, 240.630, 240.633, 240.652, 240.660, 240.662, 240.672, 240.722, 240.726, 240.730, 240.732, 240.741, 240.743, 240.746, 240.761–240.763, 240.802, 240.804, 240.839, 240.871, 240.892, 240.900–240.902, 240.904, 240.920, 240.922–240.925 (retention: 240.924)

(d) Taxpaid storeroom operations. To keep records of receipt and disposition.

Retention period: 3 to 6 years. 26 CFR 170.690, 240.801, 240.921–240.925 (retention: 240.924)

8.29 Brewers.

To keep, as required by regulations, records and copies of all applications, statements, notices, tax returns, and reports of brewery operations and transactions relating to receipt and use or disposition of brewing materials; production of beer and cereal beverages; production of wort, wort concentrate, malt sirup, and malt extract for sale or removal; beer entered into concentration process; concentrate produced, received, and used in reconstituting beer; beer reconstituted; transfers of beer and beer concentrate between breweries of same ownership; removals of yeast and malt; removal of beer unfit for beverage use; racking and bottling operations; losses; voluntary destruction; beer returned to the brewery; beer procured from another brewer; removal of cereal beverage; removal of beer for sale or consumption; removal of beer free of tax; removal of beer and beer concentrate without payment of tax; removal of wort, wort concentrate, malt sirup, and malt extract; beer consumed at the brewery and inventories of brewing materials, beer and cereal beverage in process, concentrate, and finished beer and cereal beverage on hand.

Retention period: Not less than 4 years. 26 CFR 245.135, 245.136, 245.145–245.148, 245.152, 245.153, 245.155, 245.157, 245.158, 245.161, 245.205–245.208, 245.210, 245.215, 245.225–245.227, 245.230, 245.232, 245.233, 245.243, 245.245 (retention: 245.232)

8.30 Proprietors of pilot brewing plants.

To keep, as required by regulations, records including information sufficient to account for the receipt, production, and disposition of all beer received or produced on the premises and the receipt (and disposition, if removed) of all brewing materials.

Retention period: Not less than 4 years. 26 CFR 245.256 (retention: 245.232)

8.31 Proprietors of bonded warehouses or bonded processing rooms in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2899, 2901, 2925, and 2630.

Retention period: Not less than 2 years. 26 CFR 250.78–250.81, 250.112 (retention: 250.276)

8.32 Proprietors of rectifying plants in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2925 and 2926.

Retention period: Not less than 2 years. 26 CFR 250.85 (retention: 250.276)

8.33 Proprietors of bonded premises in Puerto Rico withdrawing wine of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900, 2927, and 2928.

Retention period: Not less than 2 years. 26 CFR 250.93–250.96, 250.112 (retention: 250.276)

8.34 Proprietors of bonded premises in Puerto Rico withdrawing beer of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900, 2929, and 2930.

Retention period: Not less than 2 years. 26 CFR 250.102–250.105, 250.112 (retention: 250.276)

8.35 Shippers of liquors and articles of Puerto Rican manufacture to the United States.

To keep file copies of Forms 487–B and 3039.

Retention period: Not less than 2 years. 26 CFR 250.88, 250.89, 250.116 (retention: 250.276)

8.36 Persons, other than tourists, bringing liquors into the United States from Puerto Rico or the Virgin Islands (except proprietors of distilled spirits plants).

To keep records and copies of reports pertaining to receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealer).

Retention period: At least 2 years. 26 CFR 250.163, 250.272 (retention: 194.242)

8.37 Proprietors of distilled spirits plants bringing liquors into the United States from Puerto Rico or the Virgin Islands.

To keep records and copies of reports of transactions pertaining to such liquors in accordance with 26 CFR Part 201 (Distilled Spirits Plants).

Retention period: Not less than 4 years. 26 CFR 250.164, 250.273 (retention: 201.612)

8.38 Importers bringing bottled distilled spirits into the United States from the Virgin Islands.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 250.270, 250.271 (retention: 250.276)

8.39 Importers of distilled spirits receiving and storing used liquor bottles pending return to Puerto Rico or the Virgin Islands or exportation.

To keep records of the receipt and disposition of used liquor bottles.

Retention period: Not less than 2 years. 26 CFR 250.319, 251.209 (retention: 250.276, 251.137)

8.40 Importers of distilled spirits.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 26 CFR 251.130, 251.131 (retention: 251.137)

8.41 Importers of distilled spirits, wines, or beer (except proprietors of premises qualified under the provisions of Chapter 51, I.R.C.).

To keep records and copies of reports of the receipt and disposition of such liquors (except while in customs custody) in accordance with 26 CFR Part 194 (Liquor Dealers).

Retention period: At least 2 years. 26 CFR 251.133 (retention: 251.137)

8.42 Proprietors of premises qualified under the provisions of Chapter 51, Internal Revenue Code, importing liquors.

To keep records and copies of reports of transactions in accordance with the regulations governing the operations of such premises.

Retention period: Not less than 2 years. 26 CFR 251.134 (retention: 251.137)

8.43 Importers of liquors.

To keep records, documents or copies of documents supporting such records, and copies of reports required to be submitted to the assistant regional commissioner or to the collector of customs.

Retention period: Not less than 2 years. 26 CFR 251.136, 251.137 (retention: 251.137)

8.44 Proprietors of distilled spirits plants who transfer distilled spirits from customs custody to their bonded premises.

To keep file copies of Form 2609.

Retention period: Not less than 2 years. 26 CFR 251.172 (retention: 251.137)

8.45 Proprietors or claimants exporting liquors under the provisions of 26 CFR Part 252.

To keep file copies of all export forms involved, and the records, documents, or copies of the records and documents supporting such forms.

Retention period: Not less than 2 years. 26 CFR 252.45

8.46 Proprietors of distilled spirits plants.

(1) To keep a copy of each Form 206 (with attached Form 2630, if any)

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covering distilled spirits withdrawn without payment of tax for exportation, use on vessels and aircraft, transfer to a foreign-trade zone, or transfer to a manufacturing bonded warehouse, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.107, 252.118 (retention: 252.45)

(2) To keep a copy of each Form 206 (with attachments, if any) covering the withdrawal of specially denatured spirits, free of tax, for exportation or transfer to a foreign-trade zone, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 26 CFR 252.153 (retention: 252.45)

8.47 Proprietors of bonded wine cellars.

To keep a copy of each Form 206 covering the withdrawal of wine without payment of tax for exportation, use on vessels and aircraft, or transfer to a manufacturing bonded warehouse, and any return of the wine so withdrawn to the bonded wine cellar.

Retention period: Not less than 2 years. 26 CFR 252.125, 252.133 (retention: 252.45)

8.48 Brewers.

To keep a copy of each Form 1689 covering beer removed without payment of tax for use as supplies on vessels and aircraft; and a copy of each Form 1689 covering beer, and Form 3021 covering beer concentrate, removed without payment of tax for exportation or transfer to a foreign-trade zone, and any return to the brewery of the beer or beer concentrate so removed.

Retention period: Not less than 2 years. 26 CFR 252.145, 252.146, 252.150f—252.150h (retention: 252.45)

8.49 Bottlers or packagers of distilled spirits stamped or restamped and marked, especially for export with benefit of drawback.

To keep a copy of each Form 1582 (with attachments, if any) on which claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.195, 252.195a (retention: 252.45)

8.50 Exporters of wine.

To keep a copy of each Form 1582–A on which claim for drawback is filed and the supporting tax certification Form 2605.

Retention period: Not less than 2 years. 26 CFR 252.215, 252.218 (retention: 252.45)

8.51 Brewers.

To keep a copy of each Form 1582–B on which a claim for drawback is filed.

Retention period: Not less than 2 years. 26 CFR 252.225–252.227 (retention: 252.45)

8.52 Airlines withdrawing distilled spirits or wines from its stock held in customs custody.

To keep a copy of each requisition.

Retention period: Not less than 2 years. 26 CFR 252.280 (retention: 252.45)

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8.53 Manufacturers of tobacco products.

To keep authorizations to employ alternate methods or procedures, to employ emergency variations from requirements, to engage in another business within the factory, to use alternate means for marking packages of cigars or cigarettes, to repackage cigars or cigarettes, to remove cigars or cigarettes in bond for experimental purposes, to temporarily store cigars or cigarettes outside of factory, and to destroy cigars or cigarettes without supervision.

Retention period: 3 years following close of calendar year in which operations under authorizations granted under Parts 270 and 295 are concluded. Not specified for authorizations granted under Part 290. 26 CFR 270.45–270.47, 270.212, 270.217, 270.232, 270.251, 270.253, 290.72, 290.73, 290.184, 295.21, 295.22 (retention under Part 270: 270.185)

8.54 Manufacturers of tobacco products.

To keep receipted copy of each semimonthly tax return, Form 3071, and of each prepayment tax return, Form 2617.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.162, 270.167 (retention: 270.185)

8.55 Manufacturers of tobacco products.

To keep daily records of his operations, either commercial records or internal revenue Form 3065 or Form 3066, together with auxiliary and supplemental records from which such records are compiled, supporting records of cigars and cigarettes removed subject to tax and transferred in bond, and separate records with respect to Puerto Rican cigars and cigarettes released from customs custody, without payment of tax. To keep daily records of his operations in tobacco.

Retention period: 3 years following close of calendar year in which made. 26 CFR 270.181, 270.182, 270.183, 270.184, 270.186, 275.139 (retention: 270.185, 275.22)

8.56 Manufacturers of tobacco products.

To keep a copy of each inventory, Form 3067.

Retention period: 3 years following the close of calendar year in which made. 26 CFR 270.201 (retention: 270.185)

8.57 Manufacturers of tobacco products.

To keep a copy of each monthly report, Form 3068, together with copy of any supplemental report covering cigars and cigarettes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.202, 275.141 (retention: 270.185, 275.22)

8.58 Manufacturers of tobacco products.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance, credit, or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 270.281–270.284, 270.286, 270.287 (retention: 270.185)

8.59 Manufacturers of tobacco products.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release from customs custody without payment of tax or certain duty of imported, returned, or Puerto Rican cigars, cigarettes, or cigarette papers or tubes.

Retention period: 3 years following close of calendar year in which release is made. 26 CFR 275.86, 275.138 (retention: 275.22)

8.60 Manufacturers of tobacco products.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigars and cigarettes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such products to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

8.61 Manufacturers of tobacco products.

To keep a supporting record showing appropriate entries with respect to removals of cigars and cigarettes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

8.62 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release from customs custody without payment of tax or certain duty of imported, returned, or Puerto Rican cigarette papers or tubes.

Retention period: 3 years following close of calendar year in which release is made. 26 CFR 275.86, 275.138 (retention: 275.22)

8.63 Manufacturers of cigarette papers and tubes.

To keep a receipted copy of each monthly tax return, Form 2137.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.25 (retention: 285.31)

8.64 Manufacturers of cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operations under authorizations granted under Parts 285 and 295 are concluded. Not specified for authorizations under Part 290. 26 CFR 285.34a, 285.35, 290.73, 295.21, 295.22 (retention under Part 285: 285.31)

8.65 Manufacturers of cigarette papers and tubes.

To keep a copy of each inventory, Form 2132.

Retention period: 3 years following close of calendar year in which made. 26 CFR 285.91 (retention: 285.31)

8.66 Manufacturers of cigarette papers and tubes.

To keep daily records of his operations and transactions, and also separate records with respect to Puerto Rican cigarette papers and tubes released from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 26 CFR 275.139, 285.101 (retention: 275.22, 285.31)

8.67 Manufacturers of cigarette papers and tubes.

To keep a copy of each report, Form 2138, together with copy of any supplemental report covering cigarette papers and tubes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.141, 285.111 (retention: 275.22, 285.31)

8.68 Manufacturers of cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance, credit, or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 285.171–285.174 (retention: 285.175)

8.69 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigarette papers and tubes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such articles to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.199, 290.201

8.70 Manufacturers of cigarette papers and tubes.

To keep a supporting record showing appropriate entries with respect to removals of cigarette papers and tubes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 26 CFR 295.51

8.71 Persons shipping Puerto Rican cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep receipted copy of each prepayment return, Form 3073.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.105 (retention: 275.22)

8.72 Persons shipping Puerto Rican cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep certified copy of notice of release, Form 3072.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.137 (retention: 275.22)

8.73 Puerto Rican manufacturer shipping cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep receipted copy of semimonthly tax return. Form 2988.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.112 (retention: 275.22)

8.74 Importers of cigars, cigarettes, or cigarette papers or tubes.

To keep receipted copy of each return made on customs form.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.81 (retention: 275.22)

8.75 Importers of cigars, cigarettes, and cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 26 CFR 275.26, 275.27 (retention: 275.22)

8.76 Persons filing claims for tax assessed or paid on imported cigars, cigarettes, and cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, together with verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 26 CFR 275.161, 275.163 (retention: 275.22)

8.77 Proprietors of bonded internal revenue tobacco export warehouses.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: Not specified. 26 CFR 290.72, 290.73

8.78 Proprietors of bonded internal revenue tobacco export warehouses.

To keep complete and adequate daily records of operations of his warehouse, with a copy of each notice of removal, Form 2149 or 2150, covering receipt of cigars, cigarettes, and cigarette papers and tubes from a manufacturer, another export warehouse proprietor, or customs warehouse proprietor, and of each Form 2150 covering such articles removed from his warehouse.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 26 CFR 290.142, 290.199–290.201

8.79 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each inventory made.

Retention period: 2 years following close of calendar year in which made. 26 CFR 290.143

8.80 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each monthly report, Form 2140.

Retention period: 2 years following close of calendar year in which filed. 26 CFR 290.147

8.81 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each monthly report, mission, Form 2635, and for refund, Form 843.

Retention period: 2 years following close of calendar year in which filed. 26 CFR 290.152, 290.154

8.82 Proprietors of customs bonded manufacturing warehouse, class 6.

To keep a copy of each notice of removal of cigars, Form 2149, withdrawn from the customs warehouse, without payment of tax for export, and of each notice of removal, Forms 2149 and 2150, relating to the return of cigars to the customs warehouse.

Retention period: 2 years following close of calendar year in which shipment was withdrawn or received. 26 CFR 290.201, 290.257, 290.266, 290.267

FIREARMS AND EXPLOSIVES

8.83–8.84 [Transferred to XI 4.73]

8.85 Licensed firearms manufacturers, importers, dealers, and collectors.

To maintain complete and adequate records and supporting documents reflecting the production, importation, receipt, and disposition of all firearms and ammunition produced, imported, received or disposed of in the course of licensed operations, except that no record need be kept of retail sales of shotgun ammunition, ammunition suitable for use only in rifles, or components for such shotgun and rifle ammunition.

Retention period: For ammunition 2 years from date transaction occurs. For firearms—permanent. Upon discontinuance of business, firearms and ammunition records must be delivered to successor, or, if discontinuance of the business is absolute, to Assistant Regional Commissioner, Alcohol, Tobacco and Firearms. 26 CFR 178.122–178.127, Public Law 91–128 (83 Stat. 269)

8.86 Transferees of firearms.

To maintain the application (filed by the transferor and approved by the Director, Alcohol, Tobacco and Firearms Division) for the transfer of a firearm. This includes transfers exempt from, as well as subject to, the transfer tax.

Retention period: Transferee retains approved application for duration of his ownership of the related firearm. 26 CFR 179.84–179.93

8.87 Manufacturers, importers, or dealers in firearms (including pawnbrokers).

To keep records showing (a) the manufacture, receipt, transfer or other disposition of all firearms taxable under the Internal Revenue Code, (b) date of such manufacture, receipt, transfer or disposition, (c) the number, model, and trade name or other mark identifying each firearm, (d) the name and address of the person to whom any firearm is transferred.

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Retention period: At least 4 years from date of disposition of the firearm. 26 CFR 179.131

8.88 Licensed explosives manufacturers, importers limited-manufacturers, dealers and permittees.

To take true and accurate inventory of explosives material on hand as of February 12, 1971, or at time of commencing business. To maintain complete and adequate records and supporting documents reflecting the production, importation, receipt, and disposition of all explosives material.

Retention period: 5 years from date transaction occurs. Upon discontinuance of business, explosives records must be delivered to successor, or if discontinuance of business is absolute, to Assistant Regional Commissioner, Alcohol, Tobacco and Firearms. 26 CFR 181.121–181.129

8.89 Registered importers of arms, ammunition, or implements of war, shown on the Import List.

Importers who are required to register under 26 CFR Part 180 shall maintain records of articles on the U.S. Munitions Import List that are imported, their acquisition and disposition.

Retention period: 6 years. The Director, Alcohol, Tobacco and Firearms Division may prescribe a longer or shorter period in individual cases as he deems necessary. 26 CFR 180.24

XII. DEPARTMENT OF TRANSPORTATION

1. Federal Aviation Administration

1.1 Aircraft and related products manufacturers.

To maintain records of inspection identified with the completed product and records of Materials Review Board action applying to materials, parts, assemblies, and the completed product.

Retention period: At least 2 years. 14 CFR 21.125

1.2 Aircraft and related products manufacturers.

To maintain records of inspection applying to the manufacture of replacement or modification parts and identifiable with the completed part.

Retention period: At least 2 years. 14 CFR 21.303

1.3 Certificated air carriers and commercial operators.

To keep (a) all the records necessary to show that all requirements for the issuance of an airworthiness release under 14 CFR 121.709 or 127.319 have been met and (b) records of total time in service of airframe; current status of life limited parts of each airframe, engine, propeller, rotor, and appliance; time since last overhaul of all items required to be overhauled on a specified time basis; identification of current inspection status of aircraft, including time since last inspection required by inspection program under which aircraft and its appliances are maintained; current status of applicable airworthiness directives, including method of compliance; and a list of current major alterations to each airframe, engine, propeller, rotor, and appliance.

Retention period: (a) Until work is repeated or superseded by other work or for 1 year after work is performed, except for records of last complete overhaul of each airframe, engine, propeller, rotor, or appliance which are retained until work is superseded by work of equivalent scope and detail; (b) transferred with the aircraft at the time the aircraft is sold. 14 CFR 121.380, 127.141

1.4 Certificated repair stations or airframe, powerplant, propeller, or appliance manufacturers.

To maintain a duplicate copy of the customer's work order, when accepted in lieu of the Major Repair and Alteration Form (FAA–337 or equivalent).

Retention period: At least 2 years. 14 CFR Part 43, App. B

1.5 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To retain information taped by flight recorders.

Retention period: At least 60 days or, for a particular flight or series of flights, for a longer period if requested by a representative of the Federal Aviation Administration or the National Transportation Safety Board. 14 CFR 121.343

1.6 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To maintain current records of every crewmember and aircraft dispatcher, as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of flight crewmembers or aircraft dispatchers.

Retention period: At least 6 months after termination of employment. 14 CFR 121.683

1.7 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To maintain (a) an aircraft maintenance log; (b) copies of alteration and repair reports; and (c) copies of airworthiness release forms.

Retention period: Not specified for (a) and (b); 2 months for (c). 14 CFR 121.701, 121.707, 121.709

1.8 Flag and domestic air carriers.

To maintain a list of aircraft in current operation and airplanes operated under interchange agreements.

Retention period: Not specified. 14 CFR 121.685

1.9 Flag and domestic air carriers.

To retain copies of load manifests, dispatch releases, and flight plans.

Retention period: 3 months. 14 CFR 121.695

1.10 Flag and domestic air carriers.

To maintain records pertaining to radio contacts by or with pilots en route.

Retention period: 30 days. 14 CFR 121.711

1.11 Air taxi operators and commercial operators of small aircraft.

To maintain at principal business office (a) a current list of aircraft used or available for use and the operations for which each is equipped and (b) an individual record of each pilot used (including name, certificate and ratings held, aeronautical experience, current duties, medical certificate, etc.).

Retention period: 6 months. 14 CFR 135.43

1.12 Registered owners or operators of civil aircraft.

To keep (a) records of maintenance, alterations, 100-hour, annual, and progressive inspections, and other required or approved inspections for each aircraft, and for each airframe, engine, propeller, rotor, and appliance of an aircraft including a description of the work performed, the date the work was completed, and signature and certificate number of the persons approving the aircraft for return to service and (b) records of total time in service of airframe; current status of life limited parts of each airframe, engine, propeller, rotor, and appliance; time since last overhaul of all items required to be overhauled on a specified time basis; identification of current inspection status of aircraft, including time since last inspection required by inspection program under which aircraft and its appliances are maintained, current status of applicable airworthiness directives, including method of compliance; and a list of current major alterations to each airframe, engine, propeller, rotor, and appliance.

Retention period: (a) Until the work is repeated or superseded by other work or for 1 year after the work is performed; (b) transferred with the aircraft at the time the aircraft is sold. 14 CFR 91.173

1.13 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep (a) maintenance records of such information as total time in service, time since last overhaul, and time since last inspection on all major components of the airframe, engines, rotors, and appliances, and (b) a maintenance log for all data specified in (a), except time since last overhaul.

Retention period: Not specified. 14 CFR 127.309, 127.311

1.14 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain records of every crewmember as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of any flight crewmember.

Retention period: At least 3 months. 14 CFR 127.301

1.15 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To retain copies of load manifest, flight release, and airworthiness release forms.

Retention period: At least 60 days. 14 CFR 127.307, 127.319

1.16 Air carriers.

To retain copy of shipper's certification for transportation of explosives and other dangerous articles.

Retention period: Not specified. 14 CFR 103.3

1.17 Pilots. [Amended]

To keep a reliable record of the flight time used to meet the experience requirements for pilot certificate or rating, or the recent flight experience requirements, including as to each flight such general data as points of departure and arrival, date, duration, and type and identification of aircraft; type of piloting time; and conditions of flight.

Retention period: Not specified. 14 CFR 61.51

1.18 [Deleted]

1.19 Flight instructors. [Amended]

To maintain separately or in his logbook a record of (a) the name of each person to whom he has given flight or group instruction or whose student pilot certificate he has endorsed, and the date and type of each flight instruction period or endorsement, and (b) the name of each person for whom he has signed a recommendation for a written, flight, or practical test, including the kind of test, date of his certification, and the result of the test.

Retention period: 3 years. 14 CFR 61.189

1.20 Flight navigator training course operators.

To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: During continuation of approval of course. 14 CFR Part 63, App. B, para. (f)

1.21 Certificated parachute riggers.

To keep a record of the packing, maintenance, and alteration of parachutes performed or supervised by him.

Retention period: At least 2 years after the date record is made. 14 CFR 65.131

1.22 Aircraft dispatcher course operators.

To keep an accurate record of each student including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: During continuation of approval of course. 14 CFR Part 65, App. A, para. (g)

1.23 Certificated pilot schools.

To keep a current, accurate, and individual record of each student's participation and accomplishments in the course for which he is enrolled, including a chronological log of his instruction, attendance, subjects covered, tests, and test grades.

Retention period: 1 year following student's graduation or termination of his participation in the training course. 14 CFR 141.21

1.24 Certificated domestic repair stations and applicants for a domestic repair station certificate and rating.

To maintain a roster of its supervisory and inspection personnel, and a summary of the employment of each person whose name is on the roster containing enough information to show compliance with experience requirements.

Retention period: Not specified. 14 CFR 145.43

1.25 Certificated domestic repair stations.

To maintain adequate records of work performed, naming the certificated mechanic or repairman who performed or supervised the work, and the inspector of that work.

Retention period: At least 2 years. 14 CFR 145.61

1.26 Certificated foreign repair stations.

To keep a record of the maintenance and alteration performed on United States registered aircraft.

Retention period: Not specified. 14 CFR 145.79

1.27 Certificated aviation maintenance technician schools.

To keep (a) current record of each student enrolled showing his attendance, tests, and grades received on subjects required, instruction credited by reason of instruction completed at another aviation maintenance technician school (or other specified source), and authenticated transcript of his grades; and (b) current progress chart or individual progress record showing the projects or laboratory work completed, or to be completed, by the student in each subject.

Retention period: At least 2 years after the end of the student's enrollment as to (a); (b) not specified. 14 CFR 147.33

1.28 Holders of parachute loft certificates.

To maintain records of work performed, including names of persons doing the work.

Retention period: At least 2 years. 14 CFR 149.15

1.29 Owners of VOR, nondirectional radio beacon, and instrument landing system facilities.

To keep for each facility the following records on the forms named, or on an equivalent form acceptable to the Regional Director: (a) Record of meter readings and adjustments—Form FAA–198 (1 copy); (b) Radio equipment operation record—Form FAA–418 (original); and (c) VOR check error data, FAA Forms 2396 and 2397 (originals—for VOR facilities only).

Retention period: Permanent for (a); not specified for (b) and (c). 14 CFR 171.13, 171.33, 171.73

1.30 Manufacturers of aircraft.

To maintain at factory, for each product type certificated under the delegation option procedures, current records containing the following: (a) technical data file including type design drawings, reports on tests, and original type inspection report and amendments; (b) data (including amendments) required with original application for each production certificate; (c) record of all rebuilding and alteration performed; (d) complete inspection record for each product manufactured; (e) record of reported service difficulties.

Retention period: (a), (b), and (c) for the duration of the manufacturing operation under the delegation option authorization; (d) and (e), 2 years. 14 CFR 21.293

1.31 Contractors for construction of public airports.

To keep payrolls and basic records during the course of the work for all laborers and mechanics as specified in the Appendix cited.

Retention period: 3 years from the completion of the work. 14 CFR 151.49; Part 151, App. H, para. C(1)

1.32 Sponsors of the construction of public airports.

To keep records of all affidavits and copies of payrolls furnished by the contractor.

Retention period: 3 years from the date of the completion of the contract. 14 CFR 151.53

1.33 Sponsors of the construction of public airports.

To retain in its files documentary evidence supporting each item of project cost, such as invoices, cost estimates and payrolls. Also evidence of all payments for items of project costs including vouchers, canceled checks or warrants, and receipts for cash payments

Retention period: 3 years after final grant payment. 14 CFR 151.55

1.34 Supplemental air carriers and commercial operators.

To maintain originals or copies of load manifests, flight releases, flight plans, airworthiness releases, and pilot route certification.

Retention period: 6 months. 14 CFR 121.697

1.35 Commercial operators using large aircraft.

To retain a copy of each contract under which it provides service, or a memorandum stating elements of oral contracts, and of each contract amendment.

Retention period: 1 year after date of execution of contract or amendment. 14 CFR 121.713

1.36 Commercial agricultural aircraft operators.

To maintain records showing name and address of persons for whom service was provided, date of service, name and quantity of material dispersed for each operation conducted, and the name, address, and certificate number of each pilot used, and the date he met the re-

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quirements of 14 CFR 137.19(c).
Retention period: At least 12 months. 14 CFR 137.71

1.37 Designated alteration stations.

To maintain current records of technical data (including drawings, photographs, specifications, instructions, and reports) for each product for which it has issued a supplemental type certificate; list of products by make, model, manufacturer's serial number, etc.; and a file of information on alteration difficulties of products altered.
Retention period: For duration of the operation under the DAS authorization. 14 CFR 21.493

1.38 Flight engineer training course operators.

To keep a record of each student's training, including a chronological log of the subject course, attendance, examinations, and grades.
Retention period: At least 2 years after student graduates, fails, or drops from course. 14 CFR Part 63, App. C, para. (g)

1.39 Domestic, flag, and supplemental air carriers.

To keep a log of each flight conducted with a provisionally certificated airplane and to keep accurate and complete records of each inspection and all maintenance performed on the airplane.
Retention period: Not specified. 14 CFR 121.207

1.40 Domestic, flag, and supplemental air carriers, and commercial operators of large aircraft.

To keep, in the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under Part 430 of its regulations, the information recorded on cockpit voice recorders.
Retention period: At least 60 days or longer if requested by the Administrator or the Board. 14 CFR 121.359

1.41 Domestic, flag, and supplemental air carriers.

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.
Retention period: Not specified. 14 CFR 121.371

1.42 Aircraft and related products manufacturers holding Technical Standard Order Authorizations.

To keep records pertaining to each article manufactured including (a) a complete and current technical data file, design drawings, and specifications, and (b) complete and current inspection records.
Retention period: (a) Until the TSO article is no longer produced by the manufacturer; (b) and at least 2 years. 14 CFR 37.13

1.43 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep a log of each flight conducted with a provisionally certificated helicopter and to keep accurate and complete records of each inspection made and all maintenance performed on the helicopter.
Retention period: Not specified. 14 CFR 127.85

1.44 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.
Retention period: Not specified. 14 CFR 127.135

1.45 Air travel clubs using large airplanes.

To maintain (a) current records of every crewmember and aircraft dispatcher, as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of flight crewmembers as aircraft dispatchers, and (b) an aircraft maintenance log.
Retention period: At least 6 months after termination of employment. 14 CFR 123.27 (retention: 121.683)

1.46 Sponsors and contractors of airport development and planning projects.

To keep records pertaining to the expenditure of the Federal grant, the total project cost, and the amount supplied by other sources.
Retention period: 3 years after date of final grant payment. 14 CFR 152.63, 152.143

1.47 Aircraft and related products manufacturers—production under type certificate only.

To maintain at the place of manufacture the technical data and drawing necessary for the Administrator to determine whether the product and its parts conform to the type design.
Retention period: Not specified. 14 CFR 21.123

1.48 Owners of non-Federal Simplified Directional Facilities (SDF); non-Federal Distance Measuring Equipment (DME) Facilities; and non-Federal VHF Marker Beacon Facilities.

To maintain: (a) record of meter readings and adjustments (Form FAA-198) reflecting an accurate record of facility operation and adjustment and must be revised after any major repair, modification, or retuning; (b) a facility maintenance log (Form FAA-406(c)), consisting of a permanent record of all equipment malfunctioning met in maintaining the facility, including information on the kind of work and adjustments made, equipment failures, causes (if determined), and corrective action taken; (c) a radio equipment operation record (Form FAA-418) containing a complete record of meter readings, recorded on each scheduled visit to the facility.
Retention period: (a) Permanent; (b) and (c) not specified. 14 CFR 171.117, 171.163, 171.213

1.49 Lessees and conditional buyers of U.S. registered large civil aircraft other than a foreign air carrier or certificate holder under 14 CFR Parts 121, 123, 127, 135, or 141.

To keep a copy of lease or contract of conditional sale, to which cited section applies, in the aircraft.
Retention period: Not specified. 14 CFR 91.54

2. Federal Highway Administration

2.1 State highway departments or their agents.

To maintain all records and documents as may be prescribed in the "Retention Schedule of Federal-Aid Highway Records for State Highway Departments" relating to (a) projects undertaken pursuant to Federal law and regulations, and (b) toll facilities financed in part with Federal funds.
Retention period: (a) 3 years from date of final payment of Federal funds to State or as otherwise specified in the retention schedule, and (b) at least 3 years after facility has been operated on a free basis. 23 CFR 1.30

2.2 State agencies administering relocation assistance programs. [Amended]

To maintain relocation records, moving expense records, and replacement housing payments records as specified in section cited.
Retention period: Not specified. 23 CFR 740.14

2.3 Class I and II motor carriers.

To keep records as listed in the part cited.
Retention period: Various. 49 CFR Part 1226

2.4 Class III motor carriers.

To keep records as listed in the part cited.
Retention period: Various. 49 CFR Part 1226

2.5 State highway departments using airspace for nonhighway purposes. [Added]

To maintain an inventory of all agreements.
Retention period: Not specified. 23 CFR 720.507

2.6 [Reserved]

2.7 Carriers of migratory workers by motor vehicles.

To keep records as listed in the section cited.
Retention period: Various. 49 CFR 398.3

2.8 Motor carriers in interstate commerce transporting Class A or Class B explosives.

To maintain drivers' receipts for documents pertaining to safety and procedures in case of accident or delay.
Retention period: 1 year. 49 CFR 397.19

2.9 Motor carriers reviewing drivers' records.

To maintain records of all violations of motor vehicle traffic laws of which the driver has been convicted.
Retention period: Not specified. 49 CFR 391.27

2.10 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain driver qualification files as listed in the section cited.
Rentention period: Various. 49 CFR 391.51

2.11 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain an accident register and associated documents as set out in the section cited.
Retention period: 3 years from the date of the occurrence of any accident recorded. 49 CFR 394.13

2.12 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain drivers' daily logs as set out in the section cited.
Retention period: Approximately 1 year from the date the carrier receives the daily log from the driver. 49 CFR 395.8

2.13 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain records of inspection and maintenance for each motor vehicle for the period the motor vehicle is controlled by the carrier as set out in the section cited.
Retention period: Varies. 49 CFR 396.2

2.14 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain daily driver reports on the condition of motor vehicles as set out in the section cited.
Retention period: 3 months from date of the report. 49 CFR 396.7

2.15 Owners of private interstate toll bridges.

To keep records relating to construction, financing, and promotion of such bridges.
Retention period: At least 3 years after completion of bridge. 33 U.S.C. 528

2.16 States or municipalities or other political subdivisions or public agencies there of taking over or acquiring or constructing an interstate toll bridges.

To keep an accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating same, and of the daily tolls collected.
Retention period: Not specified. 33 U.S.C. 529

3. United States Coast Guard

3.1 Certificates or documents issued to the public by Coast Guard.

To maintain certificates or documents, as required by laws, rules, or regulations, for the applicable period of time.
Retention period: If the certificate or document (a) specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; (b) does not specify a definite period of time for which it is valid, it shall be retained for that period of time such certificate or document is required for operation of the vessel; or, (c) is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered. 46 CFR 2.95–1

3.2 Owners, masters or persons in charge of vessels required to have cargo gear certificates and/or registers, and records regarding such gear.

To keep on board the current, valid cargo gear certificate and/or register, and records regarding such gear, such as inspections and tests or examinations, original or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear, and records of all tests and examinations conducted by or under the supervision of surveyors of organizations or associations approved by the Commandant.
Retention period: The cargo gear certificate and/or register shall be retained for so long as it is valid unless it is required to be surrendered, and in addition until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained so long as the gear described in such certificates is on board the vessel. The records of inspections by ship's officers shall be maintained on the vessel for that period of time which agrees with the period covered by the current Coast Guard certificate of inspection issued to the vessel. 46 CFR 31.10–16, 31.37–75, 71.25–25, 71.47–75, 91.25–25, 91.37–75 (retention: 2.95–5)

3.3 Owners, masters, or persons in charge of vessels required to have performed tests and inspections of all firefighting equipment.

To keep on board records of required tests and inspections of all firefighting equipment.
Retention period: For the period of validity of the current Coast Guard certificate of inspection for the vessel. 46 CFR 31.10–18, 78.17–80, 97.15–60, 196.15–60

3.4 Owners, masters or persons in charge of new vessels having cargo gear described in approved plans.

To keep on board a set of approved plans of cargo gear showing a stress diagram with the principal details of the gear and a diagram showing arrangement and safe working loads.
Retention period: During period such cargo gear is on board vessel. 46 CFR 31.37–15, 31.37–20, 31.37–23, 71.47–15, 71.47–20, 71.47–23, 91.37–15, 91.37–20, 91.37–23 (retention: 31.37–75, 71.47–75, 91.37–75)

3.5 Masters of tank vessels or vessels towing tank barges transporting flammable or combustible cargo.

To keep on board a bill of lading manifest or shipping document giving name of consignee and the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled.
Retention period: Not specified. 46 CFR 35.01–10

3.6 Masters or persons in charge of vessels required to conduct fire and lifeboat drills.

To make entries in the ship's logs relating to the fire and lifeboat drills and examinations of emergency equipment.
Retention period: Until official log book is required to be surrendered to the Coast Guard, or for a vessel not required to use the official log book such logs shall be kept for a period of one year after date entries were made. 46 CFR 35.10–5, 78.17–50, 97.15–35, 167.65–1, 196.15–35

3.7 Owners, agents, masters, or persons in charge of vessels involved in marine casualties. [Amended]

To keep such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engineroom logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of draft aids to mariners, radiograms sent and received, the radio logs, crew and passenger lists, articles of shipment, official logs, and other material which might be of assistance in investigating and determining the cause of the casualty.
Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 35.15–1, 78.07–15, 97.07–15, 136.05–15, 167.65–65, 196.07–15

3.8 Masters or senior deck officer of tank ships in charge of transfer of flammable and combustible cargo. [Amended]

To keep on board copy of Declaration of Inspection Prior to Bulk Cargo Transfer.
Retention period: 1 month. 33 CFR 156.150 (e) and (f)

3.9 Manufacturers or contractors responsible for welding procedures.

To maintain records of test results obtained in welding procedure, welder's performance qualifications, and identification data.
Retention period: Not specified. 46 CFR 57.02–3

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3.10 Owners, masters, or persons in charge of nuclear vessels required to have "Operating Manuals."

To keep on board a copy of the approved "Operating Manual," which shall be kept up to date.

Retention period: At all times vessel has a nuclear reactor on board. 46 CFR 99.20–1

3.11 Owners, operators, and masters of vessels.

To maintain (a) official logbooks or (b) for those not required to have such a logbook, logs and records as prescribed by regulations.

Retention period: (a) Until filed with Officer in Charge, Maritime Inspection; (b) other, 1 year. 46 CFR 35.07–5, 35.07–10, 78.37–3, 78.37–5, 97.35–3, 97.35–5

3.12–3.14 [Reserved]

3.15 Masters of vessels storing explosives for a period exceeding 24 hours (other than barges, magazine vessels, and oceanographic vessels).

To keep records of temperature readings.

Retention period: 1 year for vessels. 46 CFR 146.02–12

3.16 Owners, persons, or corporations chartering or contracting the use of vessels shipping explosives or other dangerous articles.

To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers, and records as required to be prepared, unless persons or corporations charter or engage or contract for the use of these vessels under such terms and conditions that they have full and exclusive control of the management and operation of such vessels.

Retention period: 1 year. 46 CFR 146.02–22

3.17–3.18 [Reserved]

3.19 Owners, operators, charterers, agents, or masters of vessels.

To keep memoranda describing the shipments of explosives or other dangerous articles or substances, and combustible liquids being transported, conveyed or stored on board vessels.

Retention period: 1 year. 46 CFR 146.05–12, 146.05–13

3.20 Masters of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.

To keep on board dangerous cargo manifests or lists.

Retention period: During the period of transportation or storage. 46 CFR 146.06–12, 151.45–7

3.21 Owners, charterers, or agents of vessels transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.

To keep ashore copies of dangerous cargo manifests or lists.

Retention period: 1 year. 46 CFR 146.06–12 (retention: 146.02–22)

3.22 [Reserved]

3.23 Manufacturers of equipment or material which must be approved or found satisfactory for use.

To keep the required drawings, plans, blueprints, specifications, production models (if any), qualification tests, and related correspondence containing evidence that the Coast Guard has found such equipment satisfactory, during the period of time the approval or listing is valid.

Retention period: Not specified. Most of the specifications containing detailed descriptions of records to be retained are contained in 46 CFR Parts 160—164.

3.24 Each voluntary association holding a Certification of Authorization under the Great Lakes Pilotage Uniform Accounting System.

To keep all books, records and memoranda and file them in such a manner to readily permit the audit and examination thereof by representatives of the U.S. Coast Guard. Also, the records must be housed or stored in such a manner as to afford protection from loss, theft or damage by fire, flood or otherwise.

Retention period: 10 years unless otherwise authorized by the Commandant. 46 CFR Part 403

3.25 Masters or operators of vessels subject to Oil Pollution Act of 1961, as amended. [Amended]

To keep on board an Oil Record Book as prescribed by 33 CFR 151.35.

Retention period: As specified in 33 CFR 151.35(h)

3.26 Owners, operators, and/or masters of oceanographic vessels.

(a) To keep official logbook, or (b) for vessels not required to have such a logbook, to keep their own logs or records as prescribed by regulations.

Retention period: (a) 1 year or for period of validity of vessel's current certificate of inspection, whichever is longer; (b) 1 year, except for separate records of tests and inspections of firefighting equipment, which shall be maintained for the period of validity of the vessel's certificate of inspection. 46 CFR 196.35–3, 196.35–5

3.27 Masters of ships subject to International Convention on Load Lines, 1966.

To enter in the ships logs, before departure from loading port, the data required by section 9(b) of the load line acts, including statements of load line marks applicable to the voyage, position of load line marks, and actual drafts of the vessel.

Retention period: Until official logbook is surrendered to Coast Guard, or 1 year for ships not required to use official logbook. 46 CFR 42.07–20

3.28 Manufacturers of marine sanitation devices.

To maintain records required to determine compliance with the act.

Retention period: Not specified. 33 U.S.C. 1163

3.29 Nonprofit firms or associations designated to certify containers for international transport under Customs seal.

To maintain copy of each Certificate of Approval by design type issued, together with copy of plans and applications to which approval refers, and records of manufacturer's serial number assigned to containers manufactured under each approval.

Retention period: Not specified. 49 CFR 421.30

3.30 Operators of oil transfer facilities. [Amended]

To maintain (a) letter of intent, name of person in charge of transfer, operations, equipment, tests and inspections, hose, information, facility inspection record, and (b) signed copy of each declaration of inspection for facility.

Retention period: (a) Not specified; (b) 1 month from date of signature. 33 CFR 154.740, 156.150

3.31 Owners and operators of vessels engaged in oil-transfer operations. [Amended]

To maintain (a) name of person in charge of transfer operations, date and results of tests, hose information, and valve inspection data; and (b) signed copy of each declaration of inspection for such vessel-to-vessel transfer.

Retention period: (a) Not specified; (b) 1 month from date of signature. 33 CFR 155.820, 156.150

4. Federal Railroad Administration

4.1 Railroad companies.

To keep records as listed in the sections or part cited.

Retention period: Various. 49 CFR 213.241, 228.9, Part 1220

4.2 Electric railway companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1221

4.3 [Reserved]

4.4 Express companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1223

4.5 [Deleted]

5. National Transportation Safety Board

5.1 Operators of aircraft (involved in an accident or incident).

To preserve to the extent possible all records, including tapes of flight recorders and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen involved in an accident or incident for which notification must be given to the Board.

Retention period: Until the Board takes custody thereof or a release is granted by an authorized representative of the Board. 14 CFR 430.10

5.2 Operators of aircraft involved in an accident or incident.

To retain all records and reports, including all internal documents and memoranda dealing with the accident or incident.

Retention period: Until authorized by the Board to the contrary. 14 CFR 430.10

6. Office of the Secretary

Pipeline Safety

6.1 Welders of steel materials to be used in pipelines.

To keep records of welding procedures that have been qualified under either section IX of the ASME Boiler and Pressure Vessel Code or section 2 of API Standard 1104.

Retention period: As long as procedure is used. 49 CFR 192.225(c)

6.2 Operators of natural gas pipelines.

Records must be retained showing by milepost, engineering station, or by geographic feature, the number of girth welds made, the number nondestructively tested, the number rejected and the disposition of the rejects whenever nondestructive testing is required under 192.241(b).

Retention period: Life of the pipeline. 49 CFR 192.243(f)

6.3 Operators of natural gas pipelines.

To keep records of safety tests required with names of those involved, methods used, and results of the tests.

Retention period: Duration of pipeline's use. 49 CFR 192.517

6.4 Operators of natural gas pipelines.

To retain records of each segment of pipeline that has been uprated showing each investigation required by the subpart, all work performed and each pressure test conducted in connection with the uprating.

Retention period: Life of the segment of pipeline. 49 CFR 192.553(b)

6.5 Operators of natural gas pipelines.

To keep records necessary to administer the operating and maintenance plan established for each segment of pipeline.

Retention period: Not specified. 49 CFR 192.603(b)

6.6 Operators of natural gas transmission lines.

To keep records governing each leak discovered, repair made, transmission line break, leakage survey, line patrol and inspection.

Retention period: As long as the segment of transmission line involved remains in service. 49 CFR 192.709

6.7 Operators of liquid pipelines.

To retain records of the nondestructive testing of welds, including (if radiography is used) the developed film, with so far as practicable, the location of the weld.

Retention period: 3 years following the placement of the line in operation. 49 CFR 195.234(g)

6.8 Operators of liquid pipelines.

To maintain records showing the total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected; the amount, location, and cover of each size of pipe installed; the location of each crossing of another pipeline; the location of each buried utility crossing; the location of each overhead crossing; the location of each valve, weighted pipe, corrosion test station, or other item connected to the pipe.

Retention period: Life of each facility. 49 CFR 195.266

6.9 Operators of liquid pipelines.

To retain records of each hydrostatic test including the recording gauge charts, deadweight tester data, and the reasons for any failure during a test. Where elevation differences in the section under test exceed 100 feet, a profile of the pipeline that shows the elevation and test sites over the entire length of the test section must also be included.

Retention period: As long as the facility tested is in use. 49 CFR 195.310

6.10 Operators of liquid gas pipelines.

To maintain maps and records of its pipeline systems including at least the location and identification of all major facilities, all crossings of public roads, railroads, rivers, buried utilities and foreign pipelines, the maximum operating pressure of each pipeline, the diameter, grade, type and nominal wall thickness of all pipe.

Retention period: Not specified. 49 CFR 195.404(a)

6.11 Operators of liquid pipelines.

To maintain daily operating records that indicate the discharge pressures at each pump station and any unusual operations of a facility.

Retention period: At least 3 years. 49 CFR 195.404(b)

6.12 Operators of liquid pipelines.

To maintain records that indicate the date, location and description of each repair made to its pipeline systems as well as a record of each inspection and test required by the subpart.

Retention period: Useful life of the part of the pipeline system to which the record relates. 49 CFR 195.404(c)

6.13 Operators of natural or other gas pipelines.

To maintain corrosion control records and maps as indicated in section cited.

Retention period: Length of pipeline service. 49 CFR 192.491

6.14 Operators of liquid pipelines. [Added]

To maintain, at the principal place of business, a copy of each accident report required to be filed with the Director, Office of Pipeline Safety.

Retention period: Not specified. 49 CFR 195.54

6.15–6.19 [Reserved]

Hazardous Materials

6.20 State agencies participating in relocation assistance programs.

(a) To maintain all documents associated with an appeal.

Retention period: Not specified. 49 CFR 25.21(b)(4)

(b) To maintain relocation records as cited in Appendix A of Part 25.

Retention period: 3 years. 49 CFR 25.23

6.21 Manufacturers of compressed gas cylinders.

To maintain data sheets recording the results of visual inspections of certain compressed gas cylinders.

Retention period: Permanent. 49 CFR 173.34(e)(10)

6.22 Owners of compressed gas cylinders.

To maintain records showing results of reinspection and retest of such cylinders.

Retention period: Until expiration of retest period, or until cylinder is reinspected and retested, whichever occurs first. 49 CFR 173.34(e)(5)

6.23 Motor carriers operating MC 330 and MC 331 cargo tanks. [Amended]

To maintain (a) records showing each MC 330 and MC 331 in service, and (b) records relating to reason for, and date of, withdrawal of certification of cargo tank.

Retention period: At least 1 year after period of use or withdrawal of the certification. 49 CFR 177.824(1)

6.24 Owners of tank motor vehicles transporting flammable liquids.

To maintain records of inspection as required in section cited.

Retention period: 2 years after date of inspection. 49 CFR 177.824(b)

6.25 Manufacturers of cylinders and tanks.

To maintain (a) inspector's report on specification DOT–39 cylinders, and (b) test samples on specification DOT–56 and 57 portable tanks.

Retention period: (a) 3 years; (b) 1 year. 49 CFR 178.65–15(a), 178.251–5(a)

6.26 Motor carriers operating cargo tanks.

To maintain manufacturer's data report and certificate of compliance and related papers on specification MC331 cargo tanks; and manufacturer's certificate of compliance on specifications MC 306, 307, and 312 cargo tanks.

Retention period: During time of use of tank plus 1 year thereafter. 49 CFR 178.337–18(b), 178.340–10(c)

6.27 Cargo tank manufacturers.

To maintain sketch of location of plate in specification MC331 cargo tank and records of welder qualification in fabrication of such cargo tanks.

Retention period: 5 years. 49 CFR 178.337–2(a)(3), 178.337–4(b)

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6.28 Owners of portable tanks carrying hazardous materials.

To maintain records of date and results of all required tests and information about tester.

Retention period: Until satisfactory completion of next retest. 49 CFR 173.32

6.29 Shippers of hazardous materials offered by or consigned to the Department of Defense. [Added]

To maintain duplicate certification of each shipment.

Retention period: Not less than 1 year. 49 CFR 173.7, 177.806

6.30 Owners of foreign containers. [Added]

To maintain records showing results of retests of foreign containers.

Retention period: Until the next scheduled retest date. 49 CFR 173.301(j)

7. National Highway Traffic Safety Administration

7.1 States participating in the National Highway Safety Program.

To maintain records described in Highway Safety Program Standards 1, 2, 5, 10, and 14.

Retention period: Not specified. 23 CFR 204.4

7.2 Manufacturers of complete or incomplete motor vehicles.

To maintain list of names and addresses of first purchasers or subsequent purchasers to whom a warranty has been transferred and vehicle identification number involved in each safety defect notification campaign.

Retention period: 5 years after defect information report is submitted to the Administrator. 49 CFR 573.6

7.3 Manufacturers, brand name owners, distributors, and dealers of new and retreaded tires. [Amended]

To maintain records of name and address of tire purchaser and tire seller, and the tire identification number.

Retention period: 3 years from date the tire manufacturer records the information is submitted. 49 CFR 574.7, 574.8

7.4 Tire manufacturers. [Amended]

To maintain records of each distributor or dealer purchasing tires directly from him and selling them to purchasers, number of tires purchased, and number of tires for which reports have been received from distributor or dealer.

Retention period: 3 years from date the tire manufacturer records the information is submitted. 49 CFR 574.7

7.5 Manufacturers of motor vehicles.

To maintain records of tires on or in each vehicle shipped to a distributor or dealer, and the name and address of the first purchaser.

Retention period: 3 years from date of sale of vehicle to first purchaser. 49 CFR 574.10

7.6 Manufacturers of motor vehicles. [Added]

To maintain records of names and addresses of first purchasers of motor vehicles produced.

Retention period: Not specified. 15 U.S.C. 1402f

XIII. ACTION

1.1 State agencies or other public and nonprofit private agencies participating in the retired citizens volunteer program.

To maintain accounting and other records as determined by the Commissioner.

Retention period: Accounting records—3 years after end of budget period or if audit has not occurred, until audit or 5 years following end of budget period, whichever is earlier, or until resolution of any audit questions; other records—not specified. 45 CFR 906.10 (retention: 901.4)

1.2 State agencies, organizations, or grantees administering a project under the Foster Grandparent program.

To maintain records to assure correctness and verification of such reports required by this section.

Retention period: Not specified. 45 CFR 907.15

XIV. APPALACHIAN REGIONAL COMMISSION

1.1 Recipients of grants.

To maintain accurate and complete records of transactions and activities financed with Federal funds under section 302 of the Appalachian Regional Development Act of 1965, as amended.

Retention period: Not specified. 40 App., U.S.C. 302(c)(2)

The Commission requires, as a condition in all grants and contracts under this section, that records be retained, usually for 3 years following last disbursement.

XV. ATOMIC ENERGY COMMISSION

1.1 Cost-type contractors.

To keep justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

Retention period: Not specified. 41 CFR 9–55.204

1.2 Licensees receiving, possessing, using, or transferring byproduct material, source material, or special nuclear material.

To maintain records (a) used in preparing Form AEC–4, "Occupational External Radiation Exposure History"; (b) showing individual exposure to radiation and to radioactive material and records of bio-assays, including results of whole body counting examinations; (c) showing the results of surveys made to evaluate the radiation hazards incident to the production, use, release, disposal or presence of radioactive materials or other sources of radiation; and (d) of disposals of licensed material by release into sanitary sewerage systems, by burial in soil or pursuant to procedures specifically authorized by license.

Retention period: Until disposal is specifically authorized by the Commission. 10 CFR 20.102, 20.401

1.3 Holders of restricted data access permits.

To keep written agreements from all individuals who will have access to Restricted Data under the access permit to give effect to waivers of claims (a) for damages under 35 U.S.C. 183; (b) for compensation under section 173 of the Atomic Energy Act of 1954, as amended; and (c) against the United States and the Commission arising in connection with use of information supplied. To establish a document accountability procedure for documents containing Secret Restricted Data and maintain records to show disposition of all such documents which have been in his custody at any time.

Retention period: Not specified. 10 CFR 25.23, 95.34

1.4 Nonexempt licensees manufacturing, producing, transferring, receiving, acquiring, owning, possessing, importing, or exporting byproduct material.

To maintain records showing the receipt, transfer, export, and disposal of such byproduct material.

Retention period: Not specified. 10 CFR 30.51

1.5 Licensees utilizing sealed sources of byproduct material for radiography.

To maintain (a) records of the dates of calibration for each radiation survey instrument possessed by the licensee; (b) records of results of leak tests of sealed sources; (c) records of quarterly physical inventories of all sealed sources received and possessed under the license; (d) current logs showing for each sealed source a description of the radiographic exposure device or storage container, the identity of the radiographer to whom assigned, and the plant or site where used and dates of use; (e) film badge reports and records of pocket dosimeter and pocket chamber readings; (f) records of physical radiation surveys.

Retention period: Not specified. (a) 10 CFR 34.24; (b) 10 CFR 34.25; (c) 10 CFR 34.26; (d) 10 CFR 34.27; (e) 10 CFR 34.33; (f) 10 CFR 34.43

1.6 Licensees receiving, using, transferring, delivering, importing, or exporting source material.

To maintain (a) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; (b) records showing the receipt, transfer, export, and disposal of such source material.

Retention period: Not specified. (a) 10 CFR 40.41; (b) 10 CFR 40.61

1.7 Licensees and holders of construction permits.

To maintain (a) such records as may be required by conditions of the license or permit or by rules, regulations, and orders of the Commission, (b) records of any tests and experiments carried out

under an operating license or changes in a production and utilization facility and its procedures performed without prior Commission approval; (c) records of design, fabrication, erection, and testing of structures, systems, and components important to safety of a production or utilization facility; and (d) records sufficient to furnish evidence of activities affecting quality.

Retention period: (a) Not specified, 10 CFR 50.71; (b) not specified, 10 CFR 50.59; (c) throughout life of facility, 10 CFR Part 50, App. A, Criterion 1; (d) not specified, 10 CFR Part 50, App. B, sec. XVII

1.8 Lessees of uranium deposits on land controlled by the Atomic Energy Commission.

To keep records of (1) shifts worked; (2) wages and salaries paid; (3) expenditures for supplies and services and costs of operation of every kind; (4) tonnage and grade of ore mined; (5) development work and drilling performed; and (6) such other matters as in the Commission's opinion would be of assistance to it in determining the cost of the operations.

Retention period: At least 3 years after termination or expiration of the lease. 10 CFR 60.8

1.9 Licensees receiving special nuclear material.

To keep (a) such records of ownership, receipt, possession, use, transfer, import, and export of special nuclear material as may be incorporated as a condition or requirement in any license and (b) records showing the receipt, inventory, disposal, acquisition, import, export, and transfer of special nuclear material.

Retention period: Not specified. (a) 10 CFR 70.32; (b) 10 CFR 70.51

1.10 Holders of construction and operating authorizations for certain nuclear reactors exempt from licensing requirements.

To maintain records as may be required by the conditions of the authorization or by the rules, regulations and orders of the Commission.

Retention period: Not specified. 10 CFR 115.51

1.11 Licensees and other persons subject to financial protection requirements and indemnity agreements.

To maintain records as deemed necessary by the Commission for the administration of the regulations concerning financial protection requirements and indemnity agreements.

Retention period: Not specified. 10 CFR 140.6

1.12 Contractors having negotiated contracts with Atomic Energy Commission (except foreign governments, agencies thereof, and foreign producers) and their subcontractors. [Amended]

To keep directly pertinent books, documents, papers, and records.

Retention period: 3 years after final payment. 41 CFR 1–7.103–3, 9–7.5004–10

1.13 Licensees packaging radioactive material for transport.

To keep records of each shipment of fissile material and of a large quantity of licensed material in a single package.

Retention period: 2 years after its generation. 10 CFR 71.62

1.14 Contractors whose contract contains the safety, health, and fire protection clause prescribed in 41 CFR 9–7.5006–47.

To maintain individual occupational radiation exposure records generated in performance of contract work.

Retention period: Until disposal is specifically authorized by the Commission; or at the option of the contractor delivered to the Commission upon completion or termination of the contract. 41 CFR 9–7.5006–60

1.15 Licensees transporting special nuclear materials. [Amended]

To maintain records of names and addresses of all authorized personnel, results of tests and inspections of security containers and protected areas, shipments of special nuclear material and information to comply with requirements of this part, procedures for controlling access to protected areas, and such other records as indicated in section cited.

Retention period: Not specified. 10 CFR 73.70

1.16 Licensees manufacturing, distributing, or transferring exempt quantities of byproduct material.

To maintain records of name and address of each person to whom material is transferred, and kinds and quantity of byproduct material transferred.

Retention period: Not specified. 10 CFR 32.20

1.17 Recipients of cost sharing contracts.

To maintain records of cost contributions and costs charged to AEC.

Retention period: Not specified. 41 CFR 9–4.5604

1.18 Cost-type contractors and subcontractors.

To maintain records in accordance with the provisions of their contract or subcontract.

Retention period: Various. 41 CFR 9–7.5006–1 (AEC Manual Chapter Appendix 0230 contains established retention periods for more than 900 record items of cost-type contractors and subcontractors.)

1.19 Licensees authorized to possess at any one time and location more than 10,000 curies of tritium.

To maintain records sufficient to enable the licensee to account for the tritium in his possession under specific license.

Retention period: Not specified. 10 CFR 30.54, 150.18

1.20 General licensees owning, receiving, acquiring, possessing, or using certain measuring, gauging, or controlling devices containing byproduct material. [Added]

To maintain records of tests performed on such devices for leakage of radioactive material and proper operation of the on-off mechanism and indicator.

Retention period: Not specified. 10 CFR 31.5

1.21 Licensees authorized to operate nuclear production and utilization facilities. [Added]

To maintain records of changes to physical security plan made without prior Commission approval.

Retention period: Not specified. 10 CFR 50.54

1.22 Licensees authorized to operate nuclear production and utilization facilities. [Added]

To maintain records to document each licensed operator's and senior operator's participation in the requalification program. The records shall contain copies of written examinations administered, answers given by the licensee, results of evaluations, and documentation of any additional training administered in areas in which an operator or senior operator has exhibited deficiencies.

Retention period: Not specified. 10 CFR Part 55, App. A, par. 5

1.23 Holders of operating authorizations for certain nuclear reactors exempted from licensing requirements. [Added]

To maintain records of changes in the facility and of changes in procedures made without prior Commission approval, and records of tests and experiments carried out without prior Commission approval.

Retention period: Not specified. 10 CFR 115.47(b)

XVI. CIVIL AERONAUTICS BOARD [REVISED]

1.1 Air carriers and foreign air carriers generally.

(a) To maintain records of deposits made by each group charter participant, plus all invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the group charter.

Retention period: 2 years after completion of group charter. 14 CFR 372.28, 372a.31, 373.8 (retention: 249.9)

(b) To maintain evidence of compliance with regulations imposed under Regulation Z of the Board of Governors of the Federal Reserve System, implementing the provisions of the Truth in Lending Act and the Consumer Credit Protection Act.

Retention period: 2 years. 14 CFR 249.3)

(c) To maintain all documents which evidence or reflect the furnishing of transportation and all statements, invoices, bills, and receipts relating to

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transportation provided political candidates on a credit basis (except foreign air carriers).

Retention period: 2 years. 14 CFR 374a.7

1.2 Certificated route air carriers.

(a) To keep general books of account and supporting books, records, and memoranda, including organization tables and charts, internal accounting manuals, minute books, stock books, reports, work sheets, etc.

Retention period: Various. 14 CFR 241.1–5 (retention: 249.13)

(b) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170 (retention: 249.13)

(c) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memoranda.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.13)

(d) To maintain a record of the names, addresses, and telephone numbers of all passengers transported on each pro rata charter trip.

Retention period: 2 years. 14 CFR 207.9 (retention: 249.13)

(e) To preserve a copy of each charter contract (exclusive of interline agreements with other air carriers of foreign air carriers).

Retention period: 2 years. 14 CFR 207.9 (retention. 249.13)

(f) To maintain records of proof of commission paid to travel agent for each pro rata charter trip.

Retention period: 2 years. 14 CFR 207.9 (retention: 249.13)

(g) To preserve written confirmation and accompanying passenger list received from another carrier and a copy of a request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 207.9 (retention: 249.13)

(h) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.13)

(i) To maintain a record pertaining to each trade agreement entered into, including all correspondence and records concerning advertising and transportation services provided. (Applicable only to local service carriers and certificated route air carriers furnishing transportation within Alaska or Hawaii and certificated route helicopter carriers.)

Retention period: Not specified. 14 CFR 225.10

1.3 Certificated supplemental air carriers.

(a) To keep general books of account and supporting books, records, and memoranda, including organization tables and charts, internal accounting manuals, minute books, stock books, reports, work sheets, etc.

Retention period: Various. 14 CFR 241.1–5 (retention: 249.8)

(b) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170 (retention: 249.8)

(c) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memoranda.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.8)

(d) To maintain a record of the names, addresses, and telephone numbers of all passengers transported on each pro rata charter trip.

Retention period: 2 years. 14 CFR 208.4 (retention: 249.8)

(e) To preserve a copy of each charter contract (exclusive of interline agreements with other air carriers or foreign air carriers).

Retention period: 2 years. 14 CFR 208.4 (retention: 249.8)

(f) To preserve all passenger lists, including those filed by charterers.

Retention period: 6 months. 14 CFR 208.34 (retention: 249.8)

(g) To maintain records of proof of commission paid to travel agent for each pro rata, single entity, or mixed charter trip.

Retention period: 2 years. 14 CFR 208.202a, 208.303, 208.400 (retention: 249.8)

(h) To preserve written confirmation and accompanying passenger list received from another carrier and a copy of request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 208.4 (retention: 249.8)

(i) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.8)

(j) To maintain records evidencing deposits made by tour participants; commissions received by, paid to, or deducted by travel agents; and all statements, bills, invoices, and receipts in connection with the tour.

Retention period: 2 years after completion of the tour. 14 CFR 378.7 (retention: 249.9)

1.4 Commuter air carriers.

(a) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.27)

1.5 Foreign route air carriers.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years. 14 CFR 221.170 (retention: 249.12)

(b) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memoranda.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.12)

(c) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.12)

(d) To maintain records evidencing deposits made by tour participants; commissions received by, paid to, or deducted by travel agents; and all statements, bills, invoices, and receipts in connection with the tour.

Retention period: 2 years after completion of the tour. 14 CFR 378.7 (retention: 249.9)

(e) To preserve a copy of each contract covering on-route charter flights originating or terminating in the United States together with all traffic documents pertaining to such on-route charters.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(f) To maintain true copies of all passengers lists, air waybills, invoices, and other traffic documents covering off-route charter trips performed under a "Statement of Authorization".

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(g) To maintain a record of the names, addresses, and telephone numbers of all passengers transported on each pro rata charter trip originating or terminating in the United States.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(h) To preserve every statement of supporting information and proof of the commission paid to any travel agent for each pro rata charter trip.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(i) To preserve written confirmation and accompanying passenger lists received from another carrier and a copy of a request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

1.6 Foreign air carriers holding permits for charter transportation only.

(a) To keep at its principal or general office a complete file of all tariffs by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years. 14 CFR 221.170 (retention: 214.6)

(b) To maintain records of all passes issued (and/or regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memoranda.

Retention period: 3 years. 14 CFR 223.5 (retention: 214.6)

(c) To preserve written confirmation and accompanying passenger lists received from another carrier and a copy of request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 214.6

(d) To maintain at its principal or general office every charter contract, proof of commissions paid to any travel agent, and every statement of supporting information.

Retention period: 2 years. 14 CFR 214.6

(e) To maintain at its principal or general office all passenger lists including those filed by charters.

Retention period: 2 years. 14 CFR 214.6

1.7 Holders of permits to operate foreign civil aircraft in the United States.

(a) To keep available for inspection at a place in the United States true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

Retention period: 1 year. 14 CFR 375.43 (retention: 249.11)

(b) To keep lists of names and addresses of all passengers on charter flights originating or terminating in the United States.

Retention period: 6 months. 14 CFR 375.43 (retention: 249.11)

1.8 Air freight forwarders and international air freight forwarders.

(a) To keep at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170 (retention: 249.27)

(b) To keep such additional records as indicated by 14 CFR 297.51

Retention: Various. 14 CFR 249.27

(c) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.27)

1.9 Study group charterers, travel group organizers and overseas military personnel charter operators.

To maintain records of deposits made by each participant; and all invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the group charter.

Retention period: 2 years after completion of group charter. 14 CFR 372.28, 372a.31, 373.8 (retention: 249.9)

7.10 Tour operators and foreign tour operators.

(a) To maintain records evidencing deposits made by tour participants; commissions received by, paid to, or deducted by travel agents; and all statements, bills, invoices, and receipts in connection with the tour.

Retention period: 2 years after completion of the tour. 14 CFR 378.7 (retention: 249.9)

XVII. COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

1.1 Central nonprofit agencies. [Revised]

To maintain records for all qualifying agencies for the blind or other severely handicapped of the data necessary to permit them to (a) allocate equitably orders among such agencies, and (b) submit a comprehensive annual report to the Committee for each fiscal year concerning operations of its workshop including significant accomplishments and developments such as sales, fringe benefits, labor rates, and other details requested by the Committee.

Retention period: Not specified. 41 CFR 51–3.1(e)

1.2 Agencies for the blind or other severely handicapped (employing blind or other severely handicapped to extent of 75 percent of hours of personnel in direct labor) selling to Government agencies and participating in the program of the Committee. [Amended]

To keep accounting records of percentage of direct labor performed by such workers.

To maintain files on (a) each blind individual which includes a written report by a licensed physician reflecting visual acuity and field of vision of each eye with and without glasses; (b) each other severely handicapped individual which includes a written report by a licensed physician, psychiatrist, and/or qualified psychologist, reflecting the nature and extent of disability or disabilities that cause such person to qualify as severely handicapped; and (c) each blind and other severely handicapped which includes reports on preadmission evaluation, and annual reevaluations of the individual's capability for normal competitive employment, prepared by qualified person to evaluate the work potential, interests, aptitudes, and abilities of such persons.

Retention period: Not specified. 41 CFR 51–4.3

XVIIa. CONSUMER PRODUCT SAFETY COMMISSION [ADDED]

1.1 Persons selling flammable fabrics or using such fabrics in interlinings or other exempted unexposed parts of wearing apparel.

To maintain records which show the acquisition, disposition, and end use or intended end use of such fabrics.

Retention period: Not specified. 16 CFR 302.6(a)

1.2 Persons selling flammable fabrics or using such fabrics in hats, gloves, and footwear.

To maintain records which show the acquisition, disposition, and end use or intended end use of such fabrics.

Retention period: Not specified. 16 CFR 302.6(b)

1.3 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of guaranties received by them.

To keep the guaranty received and identification of the fabric or fabrics guaranteed.

Retention period: 3 years after guaranty furnished. 16 CFR 302.8

1.4 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of class tests.

To keep the guaranty received and identification of the fabric or fabrics guaranteed.

Retention period: 3 years after test. 16 CFR 302.8

1.5 Persons guarantying as to flammable quality of fabrics in wearing apparel who have made tests thereof.

To keep records showing (a) style or range number, fiber composition, construction, and finish type of each fabric used in the article of wearing apparel, including a swatch of the fabric tested; (b) stock or formula number, color, thickness and general description of each film used in the article and a sample of the film; and (c) results of actual tests.

Retention period: 3 years after test. 16 CFR 302.8

1.6 Persons shipping flammable fabrics or articles of wearing apparel for processing.

To maintain records which establish that the flammable textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment and that such treatment has been completed, and records showing disposition of such fabrics or articles of wearing apparel subsequent to the completion of such treatment.

Retention period: Not specified. 16 CFR 302.14(b)

1.7 Importers of flammable textile fabrics or articles of wearing apparel.

To maintain records which establish that the imported flammable textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment and that such treatment has been completed, and records showing disposition of such fabrics or articles of wearing apparel subsequent to the completion of such treatment.

Retention period: Note specified. 16 CFR 302.14(c)

1.8 Manufacturers of carpets and rugs subject to flammability standard FF 1–70.

To maintain records of (a) tests made to guarantee flammable quality including all identifying numbers, symbols, and specifications, a sample of carpet covered by guaranty, a copy of each test report, and a record showing the yardage at which test was performed; and (b) the guaranty received and identification of carpet or rug.

Retention period: 3 years (a) from date tests performed; (b) from date guaranty furnished. 16 CFR 302.15

1.9 Manufacturers, importers, or other persons initially introducing mattresses into commerce.

To maintain records showing specifications, identification, test data, disposition, and such other records as required in section cited.

Retention period: 3 years or longer as required in protype testing. 16 CFR 302.20

1.10 Persons introducing shipment or delivery of unlabeled hazardous substances into interstate commerce and operators of establishments receiving and labeling such substances.

To keep written agreements containing such specifications as will insure that

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such hazardous substances will not be misbranded upon completion of such labeling.

Retention period: 2 years after final shipment or delivery of such hazardous substance from such establishment. 16 CFR 1500.84

1.11 Manufacturers and importers of clacker balls, baby bouncers and walkers, or similar articles.

To maintain records of sale, distribution, and results of inspections and tests conducted.

Retention period: 3 years. 16 CFR 1500.86

1.12 Manufacturers and importers of electrically operated toys and other articles used for children.

To maintain material and production specifications, description of quality assurance program, results of all inspections and tests conducted, and records of sales and distribution.

Retention period: 3 years after production or importation of each lot. 16 CFR 1505.4

1.13 Manufacturers or importers of baby cribs.

To maintain records of sale, distribution, and results of all inspections and tests conducted.

Retention period: 3 years after production or importation of each lot. 16 CFR 1508.10

1.14 Manufacturers of poison prevention packaging.

To maintain records of tests and results of both children and adults required under the Poison Prevention Packaging Act of 1970.

Retention period: Not specified. 16 CFR 1700.20

XVIIb. COST OF LIVING COUNCIL [ADDED]

1.1 Firms subject to Phase IV regulations.

To maintain such records as are sufficient to demonstrate that prices charged are in compliance with regulations of 6 CFR Part 150.

Retention period: At least 4 years after last day of the calendar year in which the transactions or other events recorded in that record occurred or the property was acquired, whichever is later. 6 CFR 150.164, 150.363, 150.457, 150.606

1.2 Firms making pay adjustments applying to or affecting 1000 or more employees.

To maintain records in respect to each pay adjustment in accordance with Phase IV regulations of the Council.

Retention period: Not specified. 6 CFR 152.23

1.3 Firms with annual revenues in excess of $50 million.

To maintain records sufficient to make a report to the Council on Form CLC–35 (Executive and Variable Compensation).

Retention period: Not specified. 6 CFR 152.130

XVIII. ENVIRONMENTAL PROTECTION AGENCY

1.1 Persons awarded EPA grants for research, demonstration, training and fellowships, State and local government assistance, and to such other programs.

To maintain (a) payroll records, accounting, and fiscal records reflecting the amount, receipt, and disposition of the grant assistance, and (b) the total cost of the project, the amount and identification of that portion of the cost of the project supplied from other sources, including Federal assistance and any matching share incurred for the performance of the project for which the EPA grant was awarded, and (c) records subject to inspection and audit by the Grants Officer, the Comptroller General of the United States, or any other authorized representative approved by EPA.

Retention period: (a) 3 years from the date of final payment, date of any resulting final termination settlement, or final audit; (b) records relating to appeals, litigations, claims, or exceptions shall be retained until the case is disposed of; and (c) until completion of the project. 40 CFR 30, Appendix A.

1.2 Persons obtaining an experimental permit for use of a pesticide chemical for which a temporary tolerance is established.

To maintain temporary tolerance records of production, distribution, and performance.

Retention period: 2 years. 40 CFR 180.31(e)(4)

1.3 Manufacturers of new motor vehicles or new motor vehicle engines subject to air pollution control regulations. [Amended]

To maintain records that (1) identify and describe vehicles or engines for which testing is required under 40 CFR 85; (2) describe emission control systems which are installed on or incorporated in each vehicle or engine; (3) describe procedures used to test such vehicles or engines; (4) contain test data which will show emissions at specified mileage or operating hours; (5) contain test data which will show performance of systems installed on or incorporated in vehicles or engines during extended mileage or operation, including all pertinent maintenance performed.

Retention period: Not specified. 40 CFR 85.006, 85.106, 85.206, 85.706, 85.806

1.4 State agencies participating in relocation assistance programs.

To maintain relocation records in accordance with the requirements of appendix A to Part 4.

Retention period: 3 years after completion of a project. 40 CFR 4.19

1.5 Owners or operators of any building, structure, facility, or installation emitting air pollutants. [Amended]

To maintain records of compliance tests, monitoring equipment pertinent analyses, feed rates, and production rates. (Standards of Performance for New Sources; National Emission Standards for Hazardous Air Pollutants)

Retention period: 2 years. 40 CFR Parts 60 and 61

1.6 Owners and operators of stationary sources emitting air pollutants for which a national standard is in effect. [Amended]

To maintain records of nature and amount of emission, air sampling data, and other information deemed necessary to determine compliance with applicable emission limitations or other control measures. (State Implementation Plans)

Retention period: 2 years. 40 CFR Parts 51 and 52

1.7 Manufacturers of products subject to noise emission standards and labeling requirements of the Noise Control Act of 1972.

To maintain records relating to such products to determine compliance to the act.

Retention period: Not specified. Public Law 92–574 (86 Stat. 1244)

1.8 State or interstate agency participating in the national pollutant discharge elimination program. [Amended]

To maintain records of all information resulting from monitoring activities as indicated in section cited.

Retention period: 3 years, or longer during period of unresolved litigation or when requested by Director or Regional Administrator. 40 CFR 124.62, 125.27

1.9 Contractors of nonpersonal service contracts. [Added]

To maintain payroll records as specified in 29 CFR 516.2(a).

Retention period: 3 years after completion of contract. 41 CFR 15–16.553, sec. 26a

1.10 Persons holding permits to allow dumping of material into the ocean waters. [Added]

To maintain complete records of materials dumped, time and locations of dumping, and such other records as required in section cited.

Retention period: Not specified. 40 CFR 224.1

1.11 Owners and operators of onshore or offshore facilities engaged in oil activities. [Added]

To maintain written procedures developed for prevention of oil pollution and record of inspection required in 40 CFR Part 112.

Retention period: 3 years. 40 CFR 112.7

XIX. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

1.1 Employers subject to title VII of the Civil Rights Act.

To maintain personnel and employment and other records having to do with hiring, promotion, demotion, transfer, lay-off or termination, rates of pay, and selection for training or apprenticeship.

Retention period: 6 months from date of making record or personnel action involved, whichever is later. Whenever a charge of discrimination has been filed, or an action brought by the Commission or the Attorney General—until final disposition of the charge or action. 29 CFR 1602.14

1.2 Employers, labor organizations, and joint labor-management committees controlling apprenticeship programs.

(a) To maintain a list in chronological order of names and addresses, sex, and minority group identification of all applicants in the apprenticeship program, and any other records relating to applicants for apprenticeship, such as completed test papers, and records of interviews.

(b) To maintain any other records made solely for completing Report EEO–2, or similar reports.

Retention period: (a) 2 years or period of successful applicant's apprenticeship, whichever is later; (b) 1 year from the due date of the report. Whenever a charge of discrimination has been filed, or an action brought by the Attorney General—until final disposition of the charge or action. 29 CFR 1602.20, 1602.21

1.3 Local unions.

To maintain prescribed records concerning local union practices; and "referral unions" to maintain membership, referral, and applicant records by sex and minority group identification.

Retention period: 1 year except for other membership or referral records required of "referral unions" which are to be retained for a period of 6 months. Whenever a charge of discrimination has been filed, or an action brought by the Commission or the Attorney General—until final disposition of the charge or action. 29 CFR 1602.22, 1602.28

1.4 State and local governments (noneducational institutions). [Added]

(a) To maintain personnel and employment records having to do with hiring, promotion, demotion, transfer, termination, rates of pay or other terms of compensation of civil service and other state employees, except those working in educational institutions.

(b) To maintain information on employees in order to complete and file form EEO–4 as required.

Retention period: (a) 2 years, 29 CFR 1602.31; (b) 3 years, 29 CFR 1602.30

1.5 Public school systems, districts, and individual schools with 15 or more employees. [Aded]

(a) To maintain personnel and employment records having to do with hiring, promotion, demotion, transfer, termination, rates of pay or other terms of compensation of all public school employees.

(b) To maintain information on employees in order to complete and file form EEO–5 as required.

Retention period: (a) 2 years, 29 CFR 1602.40; (b) 3 years, 29 CFR 1602.39

XX. FARM CREDIT ADMINISTRATION

1.1 Farm credit banks and associations.

To maintain original corporate records, payroll records, basic personnel records, records required by Federal or State laws, Federal records, financial reports as of June 30 and December 31 each year, applications, notes, security instruments, financial statements, and individual records pertaining to loans charged off where net loss after recoveries exceeds $1,000, and listing of obsolete records destroyed.

Retention period: Not specified. 12 CFR 618.8360

XXI. FEDERAL COMMUNICATIONS COMMISSION

1.1 Licensees of standard and FM broadcast (radio) stations. [Amended]

To keep at each transmitter records of equipment performance measurement data including diagrams and appropriate graphs, together with descriptions of instruments and procedures, signed and dated by qualified person making the measurements.

Retention period: 2 years. 47 CFR 73.47, 73.254

1.2 Licensees of FM, noncommercial educational FM, and international radio, and television broadcast stations.

To keep records of time and results of auxiliary transmitter tests.

Retention period: 2 years. 47 CFR 73.255, 73.555, 73.638, 73.757

1.3 Licensees or permittees of standard, FM, noncommercial educational FM, and international radio, and television broadcast stations.

To keep program, operating and maintenance logs except for licensees of international radio stations who keep program and operating logs, including rough logs and transcribed portions thereof.

Retention period: 2 years and for such additional periods as required as follows: (a) logs involving communications incident to a distress or disaster and those involved in an investigation by the Commission—until written authorization by the Commission to destroy; (b) logs incident to or involved in any claims or complaint—until satisfaction of such claim or complaint or until barred by the statute limiting the time for filing of such suits upon such claims. 47 CFR 73.111—73.115, 73.281—73.285, 73.581—73.585, 73.669—73.673, 73.781—73.786

1.4 Licensees of standard, FM, noncommercial educational FM radio, and television broadcast stations.

To keep complete records of all requests for broadcast time made by or on behalf of candidates for public office, together with appropriate notations showing disposition made and charge, if any, if request is granted.

Retention period: 2 years. 47 CFR 73.120, 73.290, 73.590, 73.657

1.5 Licensees of radio stations in the experimental, auxiliary, and special broadcast services, and of cable television relay stations.

To keep log of station operations including hours of operation, programs transmitted, frequency checks, pertinent remarks concerning transmission, research and experimentation conducted, tower light inspections, and such other records as indicated in sections cited.

Retention period: 2 years, except licensees of instructional television fixed stations and cable television relay stations keep records for such longer period as the Commission may direct or in case of claim or complaint, until satisfaction of such claim or complaint or until barred by statute limiting the time for filing of suits upon such claims. 47 CFR 74.181, 74.281, 74.381, 74.481, 74.581, 74.681, 74.781, 74.881, 74.981, 74.1291 78.69

1.6 Licensees of low power broadcast auxiliary stations.

To maintain records, at the main studio or transmitter of broadcast station with which the auxiliary is principally used, which will accurately show current location of all transmitting units, periods of operation at such locations and other pertinent remarks concerning transmissions.

Retention period: 2 years. 47 CFR 74.437

1.7 Licensees of radio stations in the experimental services (other than broadcast).

To keep adequate station records of operation; of service or maintenance duties which may affect proper station operation; and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year. 47 CFR 5.163, 17.49 (retention: 5.165)

1.8 Licensees of radio stations holding student authorizations for experimental services.

To maintain record of date, time, and frequency of operation and brief description of experimentation being conducted.

Retention period: 1 month after termination of authorization. 47 CFR 5.410

1.9 Licensees of radio stations in the international fixed public radio communication services.

To keep station logs.

Retention period: 1 year and such additional periods as required as follows: (a) logs involving communications incident to a distress or disaster or those involved in an investigation by the Commission—until written authorization by the Commission to destroy; (b) logs incident to any claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting time for filing of suits upon such claims. 47 CFR 23.47

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1.10 Licensees of radio stations on land in the maritime services and Alaska-public fixed stations.

To maintain station records and logs as indicated in sections cited.

Retention period: 1 year from date of entry and for such additional periods as required as follows: (a) Logs involving communications incident to a distress or disaster—3 years from date of entry; (b) logs including communications incident to an investigation by the Commission—until written authorization by the Commission to destroy; (c) logs incident to or involved in any claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 81.193, 81.194, 81.214, 81.314, 81.370, 81.458, 81.477, 81.504, 81.536, 81.704 (retention: 81.115)

1.11 Licensees of limited coast stations or marine-utility stations used on shore.

To keep a copy of agreements with vessel owners, verifying that licensee has sole right of control of the ship radio station involved and that the vessel operators shall use the ship stations subject to the orders of the licensee of the coast station or marine utility station on shore.

Retention period: Not specified. 47 CFR 81.352

1.12 Licensees of limited coast stations, marine-utility stations, and marine-fixed stations.

To keep records which reflect the cost of the service and its nonprofit, cost-sharing, cooperative arrangement or basis on which radio communication service is rendered.

Retention period: Not specified. 47 CFR 81.352, 81.451

1.13 Licensees of radio stations on shipboard in the maritime services. [Amended]

To maintain station logs and such other records as indicated in sections cited.

Retention period: 1 year from date of entry and such additional periods as required as follows: (a) logs involving communications incident to a distress or disaster—3 years from date of entry; (b) logs including communications incident to or involved in an investigation by the Commission—until written notification by the Commission to destroy; (c) logs incident to or involved in any claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting the time for the filing of suits upon such claims (47 CFR Part 42 prescribes the requirement concerning record retention by communications common carriers); (d) ship-radar station licensees retain a permanent installation and maintenance record. 47 CFR 83.39, 83.111, 83.115, 83.184, 83.330, 83.368, 83.405, 83.456, 83.457, 83.462, 83.463, 83.473, 83.548, 83.819

1.14 Licensees of radio stations in the aviation services.

All stations at fixed locations, except radionavigation land test stations (MTF. to keep adequate records of operation; and stations whose antenna structure is required to be illuminated—a record of illumination; Aeronautical Public Service Stations—to keep a file of all record communications handled and all ground stations so licensed to keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list.

Retention period: 30 days; except those logs involving communications incident to a distress or disaster or involved in an investigation by the Commission—until written notification by the Commission to destroy; or logs incident to or involved in a claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting time for filing suit upon such claim. 47 CFR 87.99, 87.101, 87.103

1.15 Public service aircraft.

To keep adequate records to permit ready identification of individual aircraft if in lieu of radio station call letter, the official aircraft registration number, or company flight identification is used and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 87.115

1.16 Licensees of public safety, industrial, and land transportation radio services stations.

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name, address, and license information of person or persons responsible for the foregoing and stations whose antenna or antenna supporting structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 89.175, 89.179, 91.160, 93.160

1.17 Licensees of public safety, industrial, land transportation, and citizens radio stations sharing costs and facilities with other licensees.

To keep a copy of cooperative agreements and contracts as well as records which reflect the non-profit, cost-sharing nature of that sharing.

Retention period: 1 year. 47 CFR 89.13, 89.14, 91.6, 91.9, 93.3, 93.4, 95.87 (retention: 89.179, 91.160, 93.160, 95.103)

1.18 Nonprofit corporations or associations organized to operate radio stations in the power, petroleum, forest product, motion picture, relay press, and base and mobile stations.

To keep records which reflect the cost-sharing nonprofit basis under which they operate.

Retention period: 1 year. 47 CFR 91.251, 91.301, 91.351, 91.401, 91.451, 93.3, 93.4 (retention: 91.160, 93.160)

1.19 Licensees of amateur radio stations.

To maintain accurate logs of station operation including information indicated in sections cited.

Retention period: 1 year following the last date of entry or if portions of log deal with public safety or national defense retain until authorized by the Commission to destroy. 47 CFR 97.103, 97.105, 97.209, 97.211, 97.213

1.20 [Reserved]

1.21 Manufacturers, owners, or distributors of radio receivers.

To keep certificate of compliance with the requirements of 47 CFR Part 15, Subpart C.

Retention period: 5 years. 47 CFR 15.69

1.22 [Reserved]

1.23 Licensees of citizens radio service stations.

To keep records as follows: for each station operated as a mobile station, the current authorization; for stations where the licensee installs a unit of his station on the premises of a telephone answering service, the required written agreement; and for stations whose antenna structure is required to be illuminated, a record of illumination.

Retention period: 1 year. 47 CFR 17.49, 95.89, 95.101, 95.111 (retention: 95.103)

1.24 [Reserved]

1.25 Licensees of disaster communications service radio stations.

To keep an accurate log of all operations including information indicated in sections cited.

Retention period: 1 year or if a portion of log related to an actual disaster, until approval by the Commission to destroy. 47 CFR 99.25, 99.27

1.26 Licensees of radio stations in the domestic public radio services.

To maintain a technical log of station operations and an operation logbook as indicated in section cited.

Retention period: 1 year, or if records involving communications incident to a disaster or involved in an investigation by the Commission—until written authorization by the Commission to destroy; or if involved in a claim or complaint—until satisfaction of claim or complaint or until barred by statute limiting time for filing a suit upon such claim. 47 CFR 21.208

1.27 Communication common carriers, including Communications Satellite Corporation and certain contractors.

To keep accounts, records, memoranda, documents, microfilm, correspondence and related indexes prepared by or on behalf of the carrier as well as records of property or services acquired by a carrier through purchase, consolidation, merger, etc.

Retention period: Various. 47 CFR 25.177 (retention: 42.9)

1.28 Owners or operators of industrial heating equipment.

To keep a log of inspections of industrial heating equipment.

Retention period: Not specified. 47 CFR 18.105

1.29 [Reserved]

1.30 Applicants, permittees, and licensees of standard, FM, noncommercial educational FM radio, and television broadcast stations. [Amended]

To maintain applications for construction permits, employment records, and such other records as may be required by section cited.

Retention period: Various. 47 CFR 1.526

1.31 Licensees of standard, FM, and international radio, and television broadcast stations.

To keep a list of the chief executive officers or members of the executive committee or of the board of directors of any corporation, committee, association, or other unincorporated group which sponsors, pays for or furnishes, in whole or in part, or provides material or services for any program, other than a program advertising commercial products or services, which is broadcast by the station.

Retention period: 2 years. 47 CFR 73.119, 73.289, 73.654, 73.789

1.32 [Reserved]

1.33 Licensees of operational stations in the aviation services sharing costs and facilities with other licensees.

To keep a copy of cooperative agreements and contracts as well as records which reflect the nonprofit, cost sharing nature of that sharing and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 87.467

1.34 Operators of cable television systems.

To maintain (a) record of all television signals carried, (b) equal employment opportunity file, (c) records of results of performance tests of the system.

Retention period: (a) 2 years, (b) and (c) 5 years. 47 CFR 76.305, 76,311, 76.601

1.35 Licensees of FM broadcast translator stations and FM broadcast booster stations.

To maintain station records of current instrument of authorization, official correspondence, maintenance records, contracts, permissions for rebroadcast, and other pertinent documents.

Retention period: 2 years. 47 CFR 74.1281

1.36 Licensees of plurality ship stations.

To keep a current list, available for inspection, of all vessel names and registration numbers authorized by the plurality ship station license.

Retention period: Not specified. 47 CFR 83.39

1.37 Licensees of ship stations authorized to transmit on frequencies in the band 400–535.

To maintain and post a written record of adjustments of transmitting and receiving equipment for operation on frequencies 410 and 500 kc/s and two working frequencies.

Retention period: Not specified. 47 CFR 83.331

1.38 Licensees of ship radiotelegraph stations provided for compliance with part II, title III of the Communications Act or the radio provisions of the Safety Convention.

To keep a record on board the ship of the direction finder calibrations, and check bearings made of their accuracy.

Retention period: 1 year. 47 CFR 83.459, 83.462

1.39 Common carrier licensees or permittees employment records. [Amended]

Each licensee or permittee required to file annual employment reports, equal opportunity programs and reports on complaints of Federal, State, or local equal opportunity laws must maintain for public inspection a copy of all employment reports, exhibits, letters, documents and correspondence between Commission and licensee or permittee pertaining to reports after they are filed and all documents incorporated therein by reference.

Retention period: 2 years. 47 CFR 21.307, 24.55

1.40 Grantee of certification for door opener, field disturbance sensor.

To keep a file of technical data for each field disturbance sensor and each radio control for a door opener that has been certificated.

Retention period: Not specified. 47 CFR 15.272, 15.313

XXII. FEDERAL DEPOSIT INSURANCE CORPORATION

1.1 Insured banks.

Each insured bank, as a condition to the right to make any deduction, allowed under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817), in determining its assessment base, shall maintain such records as will readily permit verification of the correctness of its assessment base.

Retention period: 5 years from the date of the filing of any certified statement, except that when there is a dispute between the insured bank and the Corporation over the amount of any assessment the bank shall retain such records until final determination of the issue. 12 U.S.C. 1817(b); 12 CFR 304.3

1.2 Insured banks.

To keep certified statement forms.

Retention period: Same as for item 1.1. 12 CFR 304.3

XXIIa. Federal Energy Office [Added]

1.1 Suppliers, resellers, and operators of propane storage facilities and users of propane.

To maintain complete records of all transactions in propane.

Retention period: Not specified. 32 A CFR EPO Reg. 3

XXIII. FEDERAL HOME LOAN BANK BOARD

1. Federal Savings and Loan System

1.1 Federal savings and loan associations. [Amended]

To maintain a complete record of all business transactions, and to maintain at either its home office or at a branch or service office located within 100 miles of the home office, all general accounting records, including all control records, of all business transactions at each office and agency.

Retention period: Not specified. 12 CFR 545.15

1.2 Federal savings and loan associations.

To maintain a detailed record of the transactions made at each mobile facility operated by the association.

Retention period: Not specified. 12 CFR 545.14–4

1.3 Federal savings and loan associations.

To establish and maintain such books, records, and accounting practices as will clearly and fully disclose the operations of a data processing service center in which two or more institutions participate.

Retention period: Not specified. 12 CFR 545.14–3

1.4 Federal savings and loan associations. [Amended]

To keep a record for each loan secured by one or more dwelling units. Such record shall contain documentation showing the number of dwelling units covered by the loan, the number of bedrooms in each dwelling unit, and whether such dwelling units are in an elevator-type structure.

Retention period: Not specified. 12 CFR 545.6–1

1.5 Federal savings and loan associations.

To keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which the association has loans or which is owned by it.

Retention period: Not specified. 12 CFR 545.6–11

1.6 Federal savings and loan associations.

To keep a signed copy of the report of the appraisal of each parcel of real estate owned made at the time of its acquisition.

Retention period: Not specified. 12 CFR 545.19

1.7 Federal savings and loan associations.

To keep signed statements of intention to make regular monthly payments of a specified amount to bonus accounts.

Retention period: Not specified. 12 CFR 545.2–2

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1.8 Federal savings and loan associations.

To earmark all real estate loan investments subject to percentage limitations so that the association will be able to determine the total investments allocable to any percentage-limitation category.

Retention period: Not specified. 12 CFR 545.6–7

1.9 Federal savings and loan associations. [Added]

To keep at agencies an original record of all business transacted at such agencies.

Retention period: Not specified. 12 CFR 545.20

1.10 Federal savings and loan associations. [Added]

To keep in its records a card containing the signature of the owner of a savings account obtained in connection with the issuance of such account.

Retention period: Not specified. 12 CFR 545.2

2. Federal Savings and Loan Insurance Corporation

2.1 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

Each insured institution, affiliate and service corporation thereof shall establish and maintain such accounting and other records as will provide an accurate and complete record of all business transacted by it and, without any limitation on the generality of the foregoing, each insured institution shall establish and maintain records with respect to: (1) loans on the security of real estate, (2) property purchased subject to, or with assumption by a third party of, an institution's loan, (3) loans sold, (4) the acquisition of mortgaged security, (5) insured accounts, and (6) such other records as are required by statute or by any other regulation to which such institution is subject.

Retention period: Not specified. 12 CFR 563.17–1

2.2 Institutions insured by the Federal Savings and Loan Insurance Corporation.

To keep a dated, signed copy of each report of appraisal of each parcel of real estate owned which is a scheduled item

Retention period: Not specified. 12 CFR 563.17–2

2.3 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

Each insured institution shall keep a signed appraisal of the property securing every whole loan which such institution makes or purchases under section 563.9 or in which such institution participates under section 563.9–1 unless such loan is insured or guaranteed in accordance with section 563.10(f). Each insured institution shall also keep copies of the certification by its board of directors or loan committee of such appraisal.

Retention period: Not specified. 12 CFR 563.10

2.4 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

Each insured institution, affiliate and service corporation thereof shall keep records showing compliance with the limitations on real estate loans to one borrower if the total balances of all outstanding loans on the security of real estate owed to an institution each insured institution shall by any one borrower exceeds $100,000.

Retention period: Not specified. 12 CFR 563.9–3

2.5 [Reserved]

2.6 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

(a) To establish and maintain by a separate ledger control or otherwise records showing the aggregate of outstanding balances of all accounts opened or increased as the result of the services of a broker and to make and retain an itemized record of each payment of sales commission to any broker, identifying each account and stating the amount thereof in respect to which such sales commission is paid.

(b) To retain original or signed duplicate of each agreement by which a broker is employed, engaged, or retained.

(c) To maintain such other records as will establish compliance with the provisions of section cited.

Retention period: Not specified. 12 CFR 563.25

2.7 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

In connection with a trust account, to include in its account records the name of both the settlor (grantor) and the trustee of the trust and to keep an account signature card executed by the trustee.

Retention period: Not specified. 12 CFR 564.2, 564.9

2.8 Institutions insured by the Federal Savings and Loan Insurance Corporation.

In connection with the sale of real estate owned by an insured institution, to maintain records of the book value of such real estate at the time of sale and the price at which it was sold.

Retention period: Not specified. 12 CFR 563.23–1

2.9 [Transferred to XXIII 4.1]

2.10 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Added]

An insured institution which elects to defer and amortize gains and losses on security transactions shall maintain such records as the Corporation may deem necessary.

Retention period: Not specified. 12 CFR 563.23–2

2.11 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

Insured institutions and service corporations shall maintain such books and records as will support its financial statements and reports to the Corporation.

Retention period: Not specified. 12 CFR 563.23–3

3. Federal Home Loan Bank System

3.1 Federal Home Loan Bank Members.

To maintain such records as may be required to certify compliance with liquidity requirements.

Retention period: Not specified. 12 CFR 523.13

3.2 Federal Home Loan Bank members participating in the housing opportunity allowance program.

To keep a copy of borrowers application and the originals of all other closing documents.

Retention period: Not specified. 12 CFR 527.6, 527.16

4. Savings and Loan Holding Companies

4.1 Savings and loan holding companies. [Transferred from XXIII 2.9]

To maintain such books and records as may be prescribed by the Federal Savings and Loan Insurance Corporation.

Retention period: Not specified. 12 CFR 584.1

XXIV. FEDERAL MARITIME COMMISSION

1.1 Independent ocean freight forwarders.

(a) To keep books of account and records, including each document prepared, processed, or obtained by the licensee, in connection with carrying on the business of forwarding.

Retention period: 5 years. 46 CFR 510.23

(b) To keep in its files a true copy, or if oral, a true and complete memorandum of every special arrangement or contract with its principal, or modification or cancellation.

Retention period: Not specified. 46 CFR 510.25

1.2 Carriers and conferences of carriers.

To keep records of votes on each question voted on.

Retention period: At least 2 years. 46 CFR 537.4

1.3 Resident representative of a conference or other rate-making group domiciled outside the United States.

To keep a complete record of requests and complaints filed by shippers and consignees situated in the United States and its territories.

Retention period: 2 years. 46 CFR 527.5

XXV. FEDERAL POWER COMMISSION

1.1 Public utilities and licensees.

To maintain records as indicated in section cited.

Retention period: Various. 18 CFR 125.3

1.2 Natural gas companies.

To maintain records as indicated in section cited.

Retention period: Various. 18 CFR 225.3

XXVI. FEDERAL RESERVE SYSTEM

1.1 Persons extending credit for purpose of purchasing or carrying margin securities.

To maintain such records as shall be prescribed by the Board of Governors of the Federal Reserve System to enable it to perform the functions conferred upon it by the Securities Exchange Act of 1934.

Retention period: Not specified. 12 CFR 207.3

1.2 Persons extending credit for purpose of purchasing or carrying margin securities.

To maintain statements obtained in conformity with requirements of Federal Reserve Form G–3 in connection with any extension of credit secured directly or indirectly, in whole or in part, by collateral that includes any margin security.

Retention period: 3 years after the credit is extinguished. 12 CFR 207.1

1.3 Banks extending credit for purpose of purchasing or carrying margin stocks.

To maintain statements obtained in conformity with requirements of Federal Reserve Forms: U–1 in connection with any credit secured directly or indirectly, in whole or in part, by any stock (unless specifically not required); U–2 in connection with credit extended to an OTC market maker; U–3 in connection with credit extended to a third market maker; U–5 and U–6 in connection with credit extended to block positioners.

Retention period: 3 years after the credits are extinguished. 12 CFR 221.3

1.4 Brokers and dealers extending credit.

To maintain statements obtained in conformity with requirement of Federal Reserve Form T–4 for every extension of credit on a margin security (other than an exempted security) not for the purpose of purchasing or carrying or trading in securities.

Retention period: 3 years after the credit is extinguished. 12 CFR 220.7

1.5 Persons obtaining credit that is collateralized by securities.

To maintain such records as shall be prescribed by the Board of Governors of the Federal Reserve System to enable it to perform the functions conferred upon it by the Securities Exchange Act of 1934.

Retention period: Not specified. 12 CFR 224.4

1.6 Persons obtaining credit from outside the United States that is collateralized by securities.

To maintain records substantially in conformity with requirements of Federal Reserve Form X–1 in connection with credit obtained from sources outside the United States, with certain exceptions, if the credit is secured in any way by collateral that includes any United States security or security registered on a national securities exchange.

Retention period: 6 years after credit is extinguished. 12 CFR 224.2

1.7 Creditors making disclosures under the Truth in Lending Act.

To maintain evidence of compliance with Federal Reserve Regulation Z.

Retention period: 2 years after date of each disclosure. 12 CFR 226.6

XXVII. FEDERAL TRADE COMMISSION

1.1 Wool products manufacturers.

To keep records of the various fibers used in wool products. The records should show not only the fiber content of wool, reprocessed wool, and reused wool, but also any other fibers used. Such records should contain sufficient information whereby each of the wool products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Retention period: 3 years. 16 CFR 300.31

1.2 Fur products manufacturers and dealers in furs and fur products.

To keep records showing all the information required under the Fur Products Labeling Act and under rules and regulations relating to such products or furs in a manner that will permit proper identification of each fur product or fur manufactured or handled. The item number required to be assigned to a fur product and to appear on the label and on the invoice relating to such product must appear in the records in such a manner as to identify the product through the various processes of manufacture, from whom purchased and the date of purchase; if exemption on basis of cost claimed, records of cost required.

Retention period: 3 years. 16 CFR 301.39, 301.41

1.3 Dealers advertising prices of furs and fur products.

To keep records to support pricing representations where comparative prices and percentage savings claims are used in advertising.

Retention period: Not specified. 16 CFR 301.44

1.4–1.6 [Transferred to XVIIa]

1.7 Textile fiber products manufacturers and distributors substituting labels.

To keep records of the various fibers used in the manufacture of textile fiber products. Such records should contain sufficient information whereby each of the textile fiber products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Those substituting labels shall keep such records as will show the information set forth on the label removed and the name of the person from whom such textile fiber product was received.

Retention period: 3 years. 16 CFR 303.39

1.8–1.11 [Transferred to XVIIa]

1.12 Packagers or labelers engaged in retail sale price representations.

To maintain invoices or other records in compliance with sections cited for those sponsoring (a) cents-off representations; (b) introductory offers; and (c) economy size representations.

Retention period: (a) 1 year beyond year in which representation is made; (b) 1 year subsequent to offer; and (c) 1 year. 16 CFR 502.100(d), 502.101(e), 502.102(d)

1.13 [Transferred to XVIIa]

XXVIII. GENERAL ACCOUNTING OFFICE

1.1 Contractor using Government bill of lading as shipper.

To keep bill of lading, memorandum copy, certified by initial carrier's agent.

Retention period: Where the bill of lading covers shipments made under a Government contract having a records retention clause, the memorandum copies should be retained together with other records pertaining to the contract for the specified period. When the shipment is made under a Government contract not having a records retention clause, the contractor's normal business practice as to retention of similar records may be followed. 4 CFR 52.18

1.2 Contractors having Government contracts negotiated without advertising.

To keep records pertaining to the contracted project. This requirement does not apply to contracts with foreign contractors or subcontractors, including foreign governments or agencies thereof, excepted from the requirement pursuant to 10 U.S.C. 2313(c) or 41 U.S.C. 254(c). Nor does this requirement apply to certain contracts entered into with foreign governments or their agencies for service rendered to the United States or its agencies within the continental limits of the United States or to purchases made outside the continental limits of the United States under section 633(a) of the Foreign Assistance Act of 1961, 75 Stat. 424, 454, 22 U.S.C. 2393(a), as implemented by Executive Order 11223, May 12, 1965, or under the Peace Corps Act, 75 Stat. 612, 22 U.S.C. 2501 et seq., as implemented by Executive Order 11603, June 30, 1971.

Retention period: 3 years after final payment under contract. 41 U.S.C. 254; 10 U.S.C. 2313. However, subcontracts under contracts for experimental, developmental or research work may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. Comptroller General's decision B–101404, September 8, 1952

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1.3 Contractors and subcontractors having Government contracts or subcontracts under Public Law 85–804, relating to national defense.

To keep pertinent books, documents, papers, and records related to contracts and subcontracts, and amendments or modifications thereof, entered into without regard to other provisions of law governing contracts in order to facilitate the national defense under Public Law 85–804, August 28, 1958, as amended (50 U.S.C. 1431–1436) as implemented by Executive Order No. 10789, November 14, 1958, as amended (50 U.S.C. 1431 note). This requirement does not apply to contracts with foreign contractors or subcontractors, including foreign governments or agencies thereof, excepted from the requirement pursuant to 50 U.S.C. 1433(b).

Retention period: 3 years after final payment under contract. 50 U.S.C. 1433(b). However, subcontracts under contracts for experimental developmental or research work may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. Comptroller General's decision B–101404, September 8, 1952.

1.4 Newspapers, magazines, or outdoor advertising businesses or operators.

To maintain all certifications and authorizations needed by or for each legally qualified candidate for Federal elective office and record of date used and charges made.

Retention period: 2 years. 11 CFR 4.12

1.5 Treasurers of political committees and candidates.

To maintain full and complete records of proceeds from all fund raising events as well as sale of campaign emblems, literature, pins, etc.

Retention period: 4 years. 11 CFR 14.4

XXIX. GENERAL SERVICES ADMINISTRATION

1.1 War contractors and subcontractors, World War II, having contract of $25,000 or more or having termination inventory worth $5,000 or more.

To keep records essential to determining performance under the contract or subcontract and to justify the settlement thereof as required by the Contract Settlement Act of 1944 (41 U.S.C. 101–125) and 18 U.S.C. 443 (excluded from this provision are contractor or subcontractor records title to which is transferred to a Federal agency; war contractor or subcontractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act (44 U.S.C. ch. 33), and war contractor or subcontractor records disposal of which is approved in writing by the Administrator of General Services and the Comptroller General of the United States).

Retention period: (a) 5 years after such disposition of termination inventory by such war contractor or subcontractor or Government agency, or (b) 5 years after the final payment or settlement of such war contract or subcontract, whichever applicable period is longer. 41 CFR 101–13.3

1.2 Recipients of Federal grants or allocations for collecting and publishing historical documents.

To keep such records as the Administrator of General Services shall prescribe, including records which fully disclose the amount and disposition of such funds, the total cost of the undertaking, the portion of the cost supplied by other sources, and such other records as will facilitate an effective audit.

Retention period: Not specified. 44 U.S.C. 2506

1.3 Contractors and subcontractors under negotiated contracts pursuant to 41 U.S.C. 254(c). [Amended]

To maintain books, documents, papers, and records involving transactions relating to the contract or subcontract.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1–20, whichever expires earlier. 41 CFR 1–3.814–2(e), 1–7.103–3, 1–7.602–7

1.4 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing information required by the clause.

Retention period: 1 year after award of the contract or subcontract or for such longer period as may be required by any other clause of the contract, subcontract, or applicable law or regulation. 41 CFR 1–1.710–3(b)

1.5 Contractors with contracts containing the Labor Surplus Area Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing procedures which have been adopted to comply with the policies set forth in the clause.

Retention period: 1 year after award of the contract or subcontract or for such longer period as may be required by any other clause of the contract, subcontract, or applicable law or regulations. 41 CFR 1–1.805–3(b)

1.6 Contractors with fixed-price supply contracts containing the standard inspection clause. [Amended]

Keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be specified elsewhere in the contract. 41 CFR 1–7.102–5

1.7 Contractors with fixed-price contracts in excess of $2,500 for (a) supplies, or (b) experimental, developmental, or research work where a profit is contemplated, when such contracts contain the standard long-form Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.701

1.8 Contractors with fixed-price construction contracts estimated to exceed $10,000, when such contracts contain the standard Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.703

1.9 Sellers with fixed-price subcontracts which contain the termination clause suggested for use in such contracts.

Unless otherwise provided for in the subcontract, or by applicable statute, make available to the buyer and the Government at all reasonable times at the office of the seller all his books, records, documents, or other evidence bearing on the costs and expenses of the seller under the subcontract and in respect of the termination of work thereunder, or, to the extent approved by the Government, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1–8.706

1.10 Contractors and subcontractors under contracts entered into, amended, or modified under the extraordinary, emergency authority granted by the act of August 28, 1958 (72 Stat. 972; 50 U.S.C. 1431–1435).

To maintain books, documents, papers, and records involving transactions relating to the contracts.

Retention period: 3 years after final payment or until expiration of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR 1–20), whichever expires earlier. 41 CFR 1–17.206(e)

1.11 [Reserved]

1.12 Participants in the lead and zinc stabilization program pursuant to act of October 3, 1961 (75 Stat. 766; 30 U.S.C. 681–689).

To keep any pertinent books, documents, papers, and records of any participant involving transactions related to the program established under the regulations of 41 CFR 101–15 and authorized representatives of the United States Government shall have access to and the right to examine such records.

Retention period: 3 years after termination of the program. 41 CFR 101–15.109

1.13 Contractors and subcontractors required to submit cost and pricing data in conjunction with certain firm fixed-price or fixed-price with escalation negotiated contracts in excess of $100,000 or in conjunction with certain contract modifications in excess of $100,000. [Amended]

To maintain books, records, documents, and other supporting data which will permit adequate evaluation by the contracting officer or his authorized representatives of the cost or pricing data submitted, along with the computations used therein, which were available to the contractor or subcontractor as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1–20, whichever expires earlier. 41 CFR 1–3.814–2 (a) and (b), 1–7.103–18, 1–7.602–5

1.14 Contractors and subcontractors having certain cost-reimbursement type, time and material, labor-hour, incentive, or price redeterminable contracts in excess of $100,000. [Amended]

To maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred for the performance of the contract or subcontract.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1–20, whichever expires earlier; (2) if contract or subcontract is completely or partially terminated, the records relating to the work terminated shall be preserved for 3 years from the date of any resulting settlement; or (4) records which relate to appeals under the "Disputes" clause of the contract, litigation or the settlement of claims arising out of performance of the contract or subcontract, or costs and expenses of the contract or subcontract as to which exception has been taken by the contracting officer, shall be retained until disposition has been made of such appeals, litigation, claims, or exceptions. 41 CFR 1–3.814–2(c), 1–7.103–18, 1–7.602–5

XXX. INTERSTATE COMMERCE COMMISSION

1.1 Refrigerator car lines.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.2 Railroad companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.3 Electric railway companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1221

1.4 [Reserved]

1.5 Express companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1223

1.6 Pipeline companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1224

1.7 Persons furnishing cars to railroads.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1225

1.8 Rate-making organizations.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1253

1.9 Motor carriers and brokers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1226

1.10 Water carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1227

1.11 Freight forwarders.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1228

XXXI. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

1.1 Contractors with negotiated fixed-price supply contracts and purchase orders or fixed-price research and development contracts, in excess of $2,500.

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the prime contract, or as specified in Appendix M of NASA Procurement Regulation. 41 CFR 18–7.104–15; 18–7.302–6

1.2 Subcontractors with contracts or purchase orders in excess of $2,500 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed-price supply contracts and purchase orders or fixed-price prime research and development contracts, in excess of $2,500.

To maintain books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract, or as specified in Appendix M of NASA Procurement Regulation. 41 CFR 18–7.104–15; 18–7.302–6

1.3 Contractors with cost-reimbursement type contract, including facilities contracts.

To maintain books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed.

Retention period: 3 years after date of final payment, until settlement of litigation, or as specified by Appendix M of NASA Procurement Regulation. 41 CFR 18–7.203–7; 18–7.402–7; 18–7.451–7; 18–7.460–6; 18–7.702–13; 18–7.703–11; 18–7.704–5

1.4 Subcontractors with subcontracts of a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost-reimbursement type prime contracts, including facilities contracts.

To maintain books, records, documents, and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the subcontract.

Retention period: 3 years after date of final payment, until settlement of litigation, or as specified by Appendix M of NASA Procurement Regulation. 41 CFR 18–7.203–7; 18–7.402–7; 18–7.451–7; 18–7.460–6; 18–7.702–13; 18–7.703–11; 18–7.704–5

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1.5 Subcontractors with subcontracts in excess of $2,500 on other than cost, cost-plus-fixed-fee, time-and-material or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost-reimbursement type prime contracts, including facilities contracts.

To maintain books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract, or as specified by Appendix M of NASA Procurement Regulation. 41 CFR 18–7.203–7; 18–7.402–7; 18–7.451–7; 18–7.460–6; 18–7.702–13; 18–7.703–11; 18–7.704–5

1.6 Contractors with fixed-price contracts in excess of $2,500 for supplies or experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or nonprofit institutions when no profit is contemplated.

To maintain books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.701

1.7 Contractors with fixed-price construction contracts amounting to more than $10,000.

To maintain books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.701

1.8 Subcontractors with fixed-price subcontracts.

To maintain books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.706

1.9 Contractors with construction and facilities contracts in excess of $2,000 (for work within the United States).

To keep payroll records showing name and address of each employee, classification, rate of pay, daily and weekly number of hours worked, deductions from pay and actual pay received.

Retention period: 3 years after contract work completed. 41 CFR 18–12.403–1(d); 18–7.705–5

1.10 Industrial contractors having Government furnished property.

To maintain adequate records of all Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of "Control of Government Property in Possession of Contractors" (Appendix B, Subpart 3, NASA Procurement Regulation).

Retention period: Not specified. 41 CFR 18–13.702; 18–13.703

1.11 Contractors furnishing special tooling under fixed-price contracts.

To maintain property control records on all special tooling which they furnish.

Retention period: Not specified. 41 CFR 18–13.704

1.12 Nonprofit contractors having Government furnished property under research and development contracts.

To maintain records of Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of "Control of Government Property in Possession of Nonprofit Research and Development Contractors" (Appendix C, Subpart 3, NASA Procurement Regulation).

Retention period: Not specified. 41 CFR 18–13.706, 18–13.707

1.13 All contractors and subcontractors other than those having firm fixed-price contracts.

To maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect all direct and indirect costs claimed to have been incurred and anticipated to be incurred for the performance of the contract or subcontract.

Retention period: 3 years after date of final payment or until final settlement of litigation, whichever is longer. 41 CFR 18–7.104–42; 18–7.203–29; 18–7.303–29; 18–7.350–18; 18–7.402–30; 18–7.451–30; 18–7.702–48; 18–7.703–41; 18–7.704–33

1.14 Contractors with facilities contracts providing for the use of facilities.

To maintain adequate property control procedures and records and a system of identification of the facilities.

Retention period: Not specified. 41 CFR 18–7.702–17; 18–7.704–11

1.15 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

To maintain records showing (a) whether each prospective subcontractor is a small business concern, (b) procedures which have been adopted to comply with the policies set forth in the contract clause entitled "Small Business Subcontracting Program", and (c) such other information required by the clause.

Retention period: Not specified. 41 CFR 18–1.707–3(b)

1.16 Contractors with contracts containing an inspection clause.

To keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be specified elsewhere in the contract. 41 CFR 18–7.103–5; 18–7.203–5; 18–7.302–4; 18–7.402–5; 18–7.451–5; 18–7.702–6; 18–7.703–6; 18–7.704–8

1.17 Contractors with contracts containing the "Data Requirements" clause.

To maintain the following:

(a) A set of engineering drawings sufficient to enable manufacture of any equipment or items furnished under the contract, or a set of flow sheets and engineering drawings sufficient to enable any performance of any process developed under the contract.

(b) Any subject data which is necessary to explain or to help the Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government.

Retention period: 1 year after final payment under the contract. 41 CFR 18–9.202–1(e)

1.18 Contractors with contracts providing for progress payments.

To maintain control of progress payments and make available to the Government the books, records, and accounts thereof.

Retention period: During performance of the contract. 41 CFR 18–7.104–35

1.19 Contractors and subcontractors required to furnish cost and pricing data certificates.

To maintain books, records, documents, and other evidence which will permit adequate evaluation of the cost or pricing data submitted along with the computations and projections used therein.

Retention period: 3 years after final payment or as specified in Appendix M of the NASA Procurement Regulation. 41 CFR 18–3.807–4

1.20 Contractors with fixed-price type letter contracts.

To maintain books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to the work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.701–1

1.21 Contractors subject to the Work Hours Act of 1962.

To keep payroll records containing name, address, classification, rate of pay, hours worked, etc., for each employee.

Retention period: 3 years. 41 CFR 18–12.303–1, 18–12.403–1

1.22 Contractors and subcontractors subject to the Service Contract Act of 1965.

To keep records of each employee, name and address, basic employment, earning record, and work time schedules.

Retention period: 3 years after completion of the work. 41 CFR 18–12.1004

1.23 Educational institutions or nonprofit agencies participating in the NASA grant program. [Added]

To maintain (a) original or signed copy of each document, with supporting data, and (b) all accounting records relating to the cost under such grants.

Retention period: (a) Not specified; (b) 3 years. 14 CFR 1260.308, 1260.406

XXXII. NATIONAL CREDIT UNION ADMINISTRATION

1.1 [Reserved]

1.2 Custodians of records of liquidated Federal Credit Unions. [Amended]

To keep all records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed.

Retention period: 5 years following date of cancellation of the charter of the credit union. 12 CFR 710.13

XXXIII. [Deleted]

XXXIV. OFFICE OF ECONOMIC OPPORTUNITY

1.1 Community action agencies receiving financial assistance under title II of the Economic Opportunity Act.

To keep a copy of each Administrative Cost Report, its supporting work sheets and a written explanation to explain the basis for classifying and allocating personnel costs, as part of their financial records.

Retention period: Not specified. 45 CFR 1068.3–8

1.2 Legal services project attorneys. [Added]

To maintain a log of all working activities and leave taken as specified in section cited.

Retention period: At least 2 years. 45 CFR 1061.7–3

XXXV. PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

1.1 Masters of vessels at sea, destined for ports of the Canal Zone.

To keep sanitary log or other official record of sanitary conditions and corrective measures taken.

Retention period: Discard at expiration of voyage. 35 CFR 61.151, 61.153

1.2 Masters of vessels transferring hazardous liquid cargoes at a port of the Canal Zone.

To keep original of the "Declaration of Inspection Prior to Bulk Cargo Transfer."

Retention period: Discard at expiration of voyage. 35 CFR 113.112

1.3 Vessels transiting or partially transiting Panama Canal.

To keep a full set of plans and a copy of the measurements made at the time of issue of the national tonnage certificate of the vessel, as well as the national tonnage certificate.

Retention period: Until vessel is decommissioned. 35 CFR 133.32

XXXVI. [Deleted]

XXXVII. RAILROAD RETIREMENT BOARD

1.1 Employers subject to contributions under the Railroad Unemployment Insurance Act for any calendar quarter.

To keep such permanent records as are necessary to establish the total amount of compensation paid to employees, during each such quarter for services performed after June 30, 1939.

Retention period: At least 5 years. 20 CFR 345.24

1.2 States (employment agencies).

To make records available to Railroad Retirement Board.

Retention period: Not specified. 42 U.S.C. 503(c)(1)

1.3 Employers subject to the Railroad Retirement Act.

To keep original records necessary to establish service and compensation for a number of years prior to 1937 which, when added to the years elapsed after 1936, total at least 50.

Retention period: Not specified. 20 CFR 220.4

XXXVIII. SECURITIES AND EXCHANGE COMMISSION

1.1 Exchange members, brokers, and dealers. [Amended]

To keep books and records relating to their business including blotters; ledgers; other records of orders, purchases, and sales; records of the proof of money balances of all ledger accounts in the form of trial balances and records of the computation of aggregate indebtedness and net capital; questionnaires or applications for employment executed by associated persons of such member, broker, or dealer; and other records and accounts as specified in the sections cited.

Retention period: 6 years and 3 years as specified in the sections cited. Records may be microfilmed immediately. 17 CFR 240.17a–3, 240.17a–4, 240.15c3–3

1.2 Exchange members, brokers, and dealers.

To keep all partnership articles, articles of incorporation, charters, minute books, and stock certificate books.

Retention period: Life of business and its successors. Records may be microfilmed immediately. 17 CFR 240.17a–4

1.3 National securities exchanges.

To keep copies of statements, exhibits, and other information regarding registered securities, filed pursuant to sections 12, 13, 14, and 16 of the Securities Exchange Act of 1934.

Retention period: The foregoing materials may be destroyed after 5 years in accordance with plans submitted to and declared effective by the SEC pursuant to its Rule 17a–6. 17 CFR 240.17a–6, 240.24b–3

1.4 Mutual and subsidiary service companies in registered public utility holding company systems.

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all pertinent records such as minute books, contracts, billing computations, reports, memoranda, correspondence, other papers, and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention period: Various. 17 CFR 256.01–8 and Part 256a

1.5 Registered public utility holding companies which are not also operating companies.

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all records such as minute books, stock books, stockholder records, reports, memoranda, contracts, correspondence, other papers and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention periods: Various. 17 CFR 257.0–3 and Appendix to Part 257

1.6 Registered investment companies and underwriters, brokers, dealers or investment advisers which are majority-owned subsidiaries of such companies. [Amended]

To keep such accounts, books, and other documents relating to its business as indicated in sections cited.

Retention period: Various. Microfilming may be used for initial maintenance of records. 17 CFR 270.31a–1 (retention: 270.31a–2)

1.7 Depositor of and principal underwriter for any registered investment company other than a closed-end investment company. [Amended]

To keep such accounts, books, and other documents as are required of brokers and dealers by rule adopted under Section 17 of the Securities Exchange Act of 1934, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. Microfilming may be used for initial maintenance of records. 17 CFR 270.31a–1 (retention: 270.31a–2)

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1.8 Investment adviser not a majority-owned subsidiary of a registered investment company. [Amended]

To keep such accounts, books, and other documents as are required of registered investment advisers by rule adopted under Section 204 of the Investment Advisers Act of 1940, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. Microfilming may be used for maintenance of records after 2 years pursuant to 17 CFR 275.204–2(g). 17 CFR 270.31a–1 (retention: 270.31a–2)

1.9 Records prepared or maintained by others than person required to maintain and preserve them. [Amended]

Permits records to be maintained or prepared by others on behalf of the person required to maintain and preserve such records, subject to certain agreements required to be reduced to writing. See Rule 31a–3 for requirements as to such written agreements.

Retention period: Not less than 6 years. Microfilming may be used for initial maintenance of records. 17 CFR 270.31a–3 (retention: 270.31a–2)

1.10 Investment advisers making use of mails or of any means or instrumentality of interstate commerce in connection with business as investment adviser (other than an adviser specifically exempted from registration pursuant to Section 203(b) of the Investment Advisers Act of 1940). [Amended]

To make, keep, and retain the books and records specified in section cited.

Retention period: Various. Microfilming may be used for maintenance of records after 2 years pursuant to 17 CFR 275.204–2(g). 17 CFR 275.204–2

1.11 Nonmember brokers and dealers.

To maintain current records for each customer as specified in the section cited.

Retention period: 6 years. Records may be kept on film after the first 2 years. 17 CFR 240.15b10–6

1.12 Brokers and dealers submitting quotations.

To maintain records as specified in section cited.

Retention period: 6 years and 3 years. Records may be microfilmed immediately. 17 CFR 240.15c2–11 (retention: 240.17a–4)

1.13 Registered national securities exchanges and associations.

To maintain a record of each extension granted to a broker or dealer pursuant to section cited including a summary of justification for granting such extension.

Retention period: 3 years. 17 CFR 240.15c3–3

XXXIX. SMALL BUSINESS ADMINISTRATION

1.1 Corporations licensed under the Small Business Investment Act. [Amended]

(a) To maintain general and subsidiary ledgers (or other records) reflecting assets and valuation, liability, capital stock and surplus, income, and expense accounts; all general and special journals (or other records forming the basis for entries in such ledgers); and corporate charter, bylaws, license application, and all minute books, capital stock certificates or stubs, stock ledgers, and stock transfer registers.

(b) To maintain applications for financing; size status declarations; lending, participation, and escrow agreements; financing instruments; capital stock certificates and warrants of small concerns not surrendered or exercised; and all other documents and supporting materials relating to such loan or investment.

(c) To maintain accounting records, including vouchers, checkbooks, bank statements, memoranda, correspondence, etc.

Retention period: (a) Permanent; (b) 6 years following final disposition of related loan or investment; and (c) 6 years. Microfilm reproduction may be substituted for originals pursuant to section cited. 13 CFR 107.1102

XL. UNITED STATES POSTAL SERVICE

1.1 Postage meter licensees. [Amended]

To maintain record of register readings of metered mail on each day of operation of the meter.

Retention period: At least 1 year from date of final entry. 39 CFR 144.2, 144.3

1.2 Manufacturers of postage meters. [Revised]

To maintain record of (a) serial numbers of all meters manufactured, showing movement of each from time it is produced until it is scrapped and reading of ascending register each time it is checked into or out of service through a post office; and (b) serial numbers of all meter keys issued.

Retention period: (a) 3 years after meter is scrapped; (b) permanent. 39 CFR 144.9

1.3 Apartment house managers.

To maintain, pursuant to Publication 17, "Apartment House Mail Receptacles, Regulations and Instructions," records of keys supplied by manufacturers and jobbers, relating the key number to the receptable number, so that, when necessary, new keys may be ordered and of the combinations of keyless locks so that new tenants may be given the combination.

Retention period: Key numbers—until the lock has been changed, when it may be destroyed; combinations to the keyless locks—until the combination is changed, when it may be destroyed. 39 CFR 155.6

1.4 Commercial mail receiving agencies.

To maintain a copy of Form 1583, Application for Delivery of Mail Through Agent.

Retention period: During period of agency. 39 CFR 154.2

1.5 Contractors with the Postal Service.

To maintain and make available to the Postal Service books and records respecting (a) negotiated fixed-price supply contracts in excess of $5,000 (PCM, 7–104.15); (b) cost-reimbursement supply contracts (PCM, 7–203.7); (c) cost or pricing data submitted by bidders or offerors (PCM, 3–814.2); and (d) time and material and labor hour contracts (PCM, 7–901.17).

Retention period: At least 3 years after final payment under the contract pursuant to PCM. 39 CFR Part 601 (References given above are to the Postal Contracting Manual, incorporated by reference into the Code of Federal Regulations.)

XLI. VETERANS ADMINISTRATION

1.1 State owned or controlled hospitals and institutions distributing tax-free tobacco products to members or former members of the Armed Forces of the United States.

To keep copies of orders and other pertinent documents involved in the purchase, storage, and distribution of tax-free tobacco products to eligible patients.

Retention period: At least 3 years and available to the Veterans Administration and the Internal Revenue Service for inspection purposes. 41 CFR 8–11.250–2

1.2 Medical schools, hospitals, and research centers receiving grants for the exchange of information. [Amended]

To maintain records of amount and disposition of grant funds, total cost of project, amount of cost of project received from other sources, and payroll records and kickback statements of all laborers and mechanics working at the project.

Retention period: 3 years after final payment. 38 CFR 17.266, 17.267

1.3 Holders of loans for mobile homes and lots.

To keep records of payments received, disbursements chargeable thereto, and dates thereof.

Retention period: Until Administrator ceases to be liable for loan. 38 CFR 36.4215

1.4 Colleges and universities, medical schools, and other educational facilities receiving grants for the improvement of medical and allied health education. [Added]

To maintain records of amount and disposition of grant funds, total cost of project, costs supplied from other sources, and such other records as requested by the Administrator.

Retention period: Not specified. 38 CFR 17.411

1.5–1.6 [Reserved]

1.7 Educational institutions furnishing education or special restorative training under chapter 34 or 35, title 38, U.S. Code.

To keep appropriate records and accounts, including but not limited to, (a) records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students and trainees; (b) records of previous education or training of veterans and eligible persons enrolled under the law at time of admission and records of advance credit granted by institution; and (c) records of the veteran's and eligible person's grades and progress.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.8 Educational institutions having veterans and eligible persons under chapter 34 or 35, title 38, U.S. Code, supra, enrolled in courses which do not lead to standard college degree.

To keep, in addition to the records and accounts described in item 1.7, above, records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.9 Educational institutions having veterans and eligible persons under chapter 34 or 35, title 38, U.S. Code, supra, enrolled in nonaccredited courses approved under section 1776, chapter 36, title 38, U.S. Code.

To keep, in addition to records and accounts described in items 1.7 and 1.8, above, (a) records of interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to a veteran or an eligible person who fails to enter the course or withdraws or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.10 Holders of loans guaranteed or insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep a record of each loan showing the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof.

Retention period: Until the Administrator ceases to be liable as guarantor or insurer of the loan. 38 CFR 36.4330

1.11 Holders of loans insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep an insurance account showing the amounts credited as available for the payment of losses on insured loans made or purchased by the holder and the amounts debited on account of transfers of insured loans, purchases by the Veterans Administration under 38 CFR 36.4318, or payment of losses.

Retention period: Until effective date of closing of insurance account by the Veterans Administration. 38 CFR 36.4370

1.12 State approving agencies, institutions, and training establishments participating in the vocational rehabilitation and education program.

To maintain contracts, agreements, or arrangements providing for number and frequency of reports, adequate financial records to support payment for each trainee, and attendance and progress records and number of inspection, approval and supervisory visits and itemized vouchers for payment, including salary and travel.

Retention period: 4 years following the date of the last payment or a longer period if requested by the General Accounting Office or the Veterans Administration. 41 CFR 8–95.209

1.13 Training establishments furnishing training-on-the-job courses (other than a program of apprenticeship) approved under section 1777, chapter 36, title 38, U.S. Code.

To keep in addition to records and accounts described in item 1.7 above appropriate records pertaining to such training including, but not limited to (a) payroll records, (b) records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to and of 3-year period. 38 CFR 21.4209

XLII. WATER RESOURCES COUNCIL

1.1 State agencies receiving funds under the Water Resources Planning Act.

To maintain records relating to each allotment and grant and their allocability to the State comprehensive water and related land resources planning effort.

Retention period: 3 years after last disbursement of funds. 18 CFR 703.10

SUPPLEMENTS

Supplement I—Requirements Under the Second War Powers Act of 1942

The Second War Powers Act of March 27, 1942 (56 Stat. 185), provided that contractors with defense contracts placed after September 8, 1939, could be required to produce any books or records deemed relevant for audit and inspection by any agency or officer designated by the President or the Chairman of the War Production Board. The effectiveness of this Act was continued by the Act of June 30, 1953 (67 Stat. 120), for the duration of the national emergency proclaimed December 16, 1950, and for 6 months thereafter.

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federal register

THURSDAY, MARCH 21, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 56
PART III

ENVIRONMENTAL PROTECTION AGENCY

■

CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING POINT SOURCE CATEGORY

Effluent Guidelines and Standards

No. 56—Pt. III——1

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Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING POINT SOURCE CATEGORY

Apple, Citrus, and Potato Subcategories

On November 9, 1973, notice was published in the FEDERAL REGISTER (38 FR 31076), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the apple juice subcategory, apple products subcategory, citrus products subcategory, frozen potato products subcategory, and the dehydrated potato products subcategory of the Canned and Preserved Fruits and Vegetables Processing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the Canned and Preserved Fruits and Vegetables Processing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 407. This final rulemaking is promulgated pursuant to sections 301, 304(b) and (c), 306(b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended, (the Act); 33 U.S.C. 1251, 1311, 1314(b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR Part 402.

In addition, EPA is simultaneously proposing a separate provision which appears in the proposed rules section of the FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307 (b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the apple juice subcategory, apple products subcategory, citrus products subcategory, frozen potato products subcategory, and dehydrated potato products subcategory. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the citrus, apple and potato Segment of the Canned and Preserved Fruits and Vegetables Processing Point Source Category" (November, 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, Fruit and Vegetable Processing Industry" (October, 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows.

The regulation as promulgated contains important changes from the proposed regulation. The following discussion outlines the reasons why these changes were made and why other suggested changes were not implemented.

(a) Summary of comments.

The following responded to the request for written comments contained in the preamble to the proposed regulation: U.S. Department of Health, Education and Welfare; Sunkist Growers, Inc.; Council for Agricultural Science and Technology; Tree Top, Inc.; National Canners Association; American Frozen Food Institute; Taterstate Frozen Foods; Florida Canners Association; Potato Processors of Idaho; State of California; State of New York; State of Michigan; The R.T. French Company; J. R. Simplot Company; Ore-Ida Foods, Inc; Water Resources Council and State of Colorado.

Each of the comments received was reviewed and anlyzed carefully. The following is a summary of the significant comments and the Agency's response to those comments.

(1) A number of comments reflected concern that the effluent limitations would not be met by the exemplary treatment systems used in their development.

Effluent treatment data from the exemplary treatment systems has been reviewed with the determination that several exemplary systems would not meet each maximum thirty day and maximum daily limitation throughout the processing season. Additional data has been received which has expanded the data base, strengthened the reliability of the exemplary data, and demonstrated the monthly and daily fluctuations experienced by the exemplary treatment systems. The data base for one plant was expanded from four months to twelve months and another from six months to sixteen months. One system was omitted from the exemplary list after additional information supplied by industry voided most of the effluent data. In summary, the discharge values representative of the exemplary treatment systems have been reviewed and some have been revised. The effluent limitations have been accordingly revised so that exemplary plants used to develop the limitations in each subcategory meet respective maximum day and maximum thirty day limitations.

(2) The comment was made that the proposed subcategorization was inadequate in view of variations in unit costs for small plants as compared with large plants and the possible effect of temperature on biological treatment efficiency.

Each of these factors has been considered and additional subcategorization is not required with regard to size; severe diseconomies of scale have not been realized by small processors with either best practicable or best available technology. Effluent limitations have been developed from exemplary treatment systems at plants ranging in size from very small to very large. Activated sludge treatment is effectively utilized by both small and large processors; land disposal techniques such as irrigation and municipal disposal systems are also used throughout the industry without regard to plant size. As for the effect of temperature on treatment efficiency, biological systems are effectively utilized in all climates. Activated sludge, aerated lagoons and trickling filters are exemplary treatment systems operating effectively in cold temperatures. The fluctuation experienced throughout the year by Canadian exemplary plants are the principal basis for determining maximum limitations.

(3) A number of comments were received that questioned the validity of using data from Canadian processors. It was suggested that these Canadian plants were operating under different economic conditions than those experienced in the United States.

The Agency has contacted Canadian officials and important similarities have been found between the U.S. and Canadian methods of handling industrial expenditures for pollution control equipment. Canada allows a rapid tax write-off for capital equipment for pollution control. The U.S. allows either a rapid tax write-off or an investment tax credit. There are no Canadian subsidies for pollution control; there is no industrial pollution control demonstration program such as that funded in the U.S. One of the two Canadian plants utilized in the development of the effluent limitations has received government finances for capital equipment within the processing plant because it located within an economically depressed region. No pollution control expenditures were allowed. No government finances or subsidies have been given to the other Canadian processing plants. Since the American and Canadian industries operate within similar tax guidelines, receive no direct pollution control subsidies, and compete in similar markets, then the Canadian data is valid and useful in determining best practicable or best available control technologies.

(4) The comment was made that the cost and energy requirements of best practicable technology were underestimated.

The Agency's cost and energy estimates were prepared from calculations of average waste water loadings based on

generally accepted engineering practices. Cost estimates were verified with industry-supplied information. Calculations were prepared separately for each treatment technology by subcategory. It is understandable that some industry estimates might be excessive if higher than average waste loads were treated or if comparisons were made based on flow alone. High land costs or poor treatment design causing poor mixing or poor oxygen transfer might also create excessive cost or energy requirements. However, no dramatic capital or operating costs or energy increases should be attributable to any increased need for additional treatment technology which might result from compliance with this regulation. Industry cost estimates include costs for biological treatment plus costs for land treatment systems such as spray irrigation. Since no incompatible pollutants are discharged from this industry segment, no pretreatment or municipal treatment costs are applicable.

(5) Concern was expressed with regard to the omission of disinfection of industry waste waters.

The Agency has reviewed industry waste water information and has found that high levels of fecal coliform bacteria may exist. Disinfection is consequently a necessary adjunct to the effluent limits. Coliform bacterial limits have not been imposed as 1977 limitations because of economic considerations; 1983 limitations include a discharge limit for the fecal coliform bacteria. This limit is readily achievable by chlorination, ozonation or other possible methods for disinfecting water.

(6) The suggestion was made that land disposal techniques such as spray or flood irrigation are not the panacea for achieving the effluent limitations.

The Agency recognizes that land disposal techniques are not the only treatment technology available to food processors for achieving the effluent limitations. No single alternative is the panacea for achieving the limitations. Land treatment, however, is an effective technology which offers a viable alternative to biological treatment or municipal discharge. Such factors as availability of suitable land or proximity to a municipal system will influence the selection of a treatment technology. The economic and technical attractiveness of land disposal techniques are reflected in the large number of food processors that utilize land disposal techniques.

(7) The comment was made that a start-up period of four days was not sufficient time to allow treatment plants to achieve the limitations.

Information describing exemplary activated sludge and trickling filter systems indicate that required sludge growths can be achieved in two to four days and the required removal rate can be achieved in four to seven days after a two or three month shut-down period in which the systems were maintained in an operable state. Accordingly, the start-up period has been increased to one week and allowances in the maximum and thirty day limitations are permitted for this start-up period.

(8) One commenter suggested the possibility that a public health hazard may result from compliance with the regulation.

Neither best practicable nor best available technology requires significant in-plant changes that could result in a public health hazard. Efficient water management programs are encouraged and the Agency agrees that the programs must be based on minimum Good Manufacturing Practices.

(9) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a significantly different approach be taken in the development of effluent guidelines generally.

The committee's proposal is under evaluation as a contribution toward future refinements on guidelines for some industries. The committee has indicated that their proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(b) Revision of the proposed regulation prior to promulgation.

As a result of public comments and continuing review and evaluation of the proposed regulations by the EPA, the following changes have been made in the regulation.

(1) The data from the exemplary treatment plants have been reviewed with the result that the discharge values are more representative of the effectiveness of the exemplary systems. Accordingly, the 1977 and 1983 limitations for BOD5 and TSS which are based on these treatment plants have been modified to reflect more accurately the average of the performances of these exemplary plants.

(2) The maximum thirty day and maximum day limitations have been modified to reflect more accurately the demonstrated fluctuations experienced by the exemplary treatment systems.

(3) The best available control technology economically achievable has been changed to specifically include disinfection; effluent limits for fecal coliform bacteria have been added to the 1983 limitations.

(4) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) Economic impact.

The above mentioned changes will not significantly affect the conclusion of the economic study of the proposed regulation. Because most effluent limitations are less stringent than originally proposed, the economic impact has actually been lessened.

(d) Cost-benefit analysis.

The detrimental effects of the constituents of waste waters now discharged by point sources within the Apple, Citrus and Potato segment of the Canned and Preserved Fruits and Vegetables Processing Point Source Category are discussed in section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Apple, Citrus, and Potato Segment of the Canned and Preserved Fruits and Vegetables Processing Point Source Category" (February 1974). It is not feasible to quantify in economic terms, particulary on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines, FRUITS AND VEGETABLES PROCESSING INDUSTRY" (October, 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the canned and preserved fruits and vegetables processing industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

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In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Apple, Citrus and Potato Segment of the Canned and Preserved Fruits and Vegetables Processing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C., 20401 for a nominal fee.

(f) Final rulemaking.

In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 407, Canned and Preserved Fruits and Vegetables Processing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective May 20, 1974.

Dated: March 12, 1974.

JOHN QUARLES,
Acting Administrator.

Subpart A—Apple Juice Subcategory

Sec.

407.10 Applicability; description of the apple juice subcategory.
407.11 Specialized definitions.
407.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
407.14 [Reserved]
407.15 Standards of performance for new sources.
407.16 Pretreatment standards for new sources.

Subpart B—Apple Products Subcategory

407.20 Applicability; description of the apple products subcategory.
407.21 Specialized definitions.
407.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
407.24 [Reserved]
407.25 Standards of performance for new sources.
407.26 Pretreatment standards for new sources.

Subpart C—Citrus Products Subcategory

407.30 Applicability; description of the citrus products subcategory.
407.31 Specialized definitions.
407.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
407.34 [Reserved]
407.35 Standards of performance for new sources.

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407.36 Pretreatment standards for new sources.

Subpart D—Frozen Potato Products Subcategory

407.40 Applicability; description of the frozen potato products subcategory.
407.41 Specialized definitions.
407.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
407.44 [Reserved]
407.45 Standards of performance for new sources.
407.46 Pretreatment standards for new sources.

Subpart E—Dehydrated Potato Products Subcategory

407.50 Applicability; description of the dehydrated potato products subcategory.
407.51 Specialized definitions.
407.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
407.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
407.54 [Reserved]
407.55 Standards of performance for new sources.
407.56 Pretreatment standards for new sources.

Subpart A—Apple Juice Subcategory

§ 407.10 Applicability; description of the apple juice subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of apples into apple juice or apple cider. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

§ 407.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 407.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.60	0.30
TSS	.80	.40
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.60	0.30
TSS	.80	.40
pH	Within the range 6.0 to 9.0.	

§ 407.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0	

§ 407.14 [Reserved]

§ 407.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb. of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the apple juice subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 407.15: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Apple Products Subcategory

§ 407.20 Applicability; description of the apple products subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of apples into apple products. The processing of apples into caustic peeled or dehydrated products is specifically excluded. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

§ 407.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 407.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	1.10	0.55
TSS	1.40	.70
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	1.10	0.55
TSS	1.40	.70
pH	Within the range 6.0 to 9.0.	

§ 407.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb. of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.24 [Reserved]

§ 407.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

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Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.20	0.10
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the apple products subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 407.25: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Citrus Products Subcategory

§ 407.30 Applicability; description of the citrus products subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of citrus into citrus products. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on raw material covered by each subcategory.

§ 407.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 407.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.80	0.40
TSS	1.70	0.85
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.80	0.40
TSS	1.70	0.85
pH	Within the range 6.0 to 9.0.	

§ 407.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.14	0.07
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.14	0.07
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0	

§ 407.34 [Reserved]

§ 407.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.14	0.07
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.14	0.07
TSS	.20	.10
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0	

§ 407.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the citrus products subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 407.35; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of

such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart D—Frozen Potato Products Subcategory

§ 407.40 Applicability; description of the frozen potato products subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of white potatoes into frozen potato products. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

§ 407.41 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 407.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different from that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	2.80	1.40
TSS	2.80	1.40
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	2.80	1.40
TSS	2.80	1.40
pH	Within the range 6.0 to 9.0.	

§ 407.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.44 [Reserved]

§ 407.45 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.46 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the frozen potato products subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR Part 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 407.45: *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart E—Dehydrated Potato Products Subcategory

§ 407.50 Applicability; description of the dehydrated potato products subcategory.

The provisions of this subpart are applicable to discharges resulting from the processing of white potatoes into dehydrated potato products. When a plant is subject to effluent limitations covering more than one subcategory, the plant discharge limitation shall be set by proration limitations for each subcategory based on the total raw material covered by each subcategory.

§ 407.51 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

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§ 407.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establising the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharge effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	2.40	1.20
TSS	2.80	1.40
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	2.40	1.20
TSS	2.80	1.40
pH	Within the range 6.0 to 9.0.	

§ 407.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.54 [Reserved]

§ 407.55 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (kilograms per 1,000 kg of raw material)	
BOD5	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	
	English units (pounds per 1,000 lb of raw material)	
BOD5	0.34	0.17
TSS	1.10	.55
Fecal coliform	Maximum at any time 400 counts/100 ml.	
pH	Within the range 6.0 to 9.0.	

§ 407.56 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the dehydrated potato products subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 407.55; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.74-6238 Filed 3-20-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 407]

CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING

Application of Effluent Limitations Guidelines

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 407—Canned and Preserved Fruits and Vegetables Processing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the apple juice subcategory, apple products subcategory, citrus products subcategory, frozen potato products subcategory and dehydrated potato products subcategory of the canned and preserved fruits and vegetables processing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 407) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants). Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

"In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that *when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.*" (Emphasis added).

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is adequate to make a determination regarding standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 407.15, 407.25, 407.35, 407.45 and 407.55 of the proposed regulation for point sources within the apple juice subcategory, apple products subcategory, citrus products subcategory, frozen potato products subcategory and dehydrated potato products subcategory (November 9, 1973; 38 FR 31076) contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains § 407.16, 407.26, 407.36, 407.46 and 407.56 which states the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Apple, Citrus and Potato Segment of the Canned and Preserved Fruits and Vegetables Processing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, Fruits and Vegetables Processing Industry," (October, 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C., 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia, 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines, which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effect of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the processing of apple, citrus, and potato products, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of apple, citrus and potato products. The two reports exceed, in the aggregate, 100 pages

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in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the canned and preserved fruits and vegetables processing category (38 FR 31076; November 9, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 407) which currently is being published in the rules and regulations section of the FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the apple juice subcategory, apple products subcategory, citrus products subcategory, frozen potato products subcategory and dehydrated potato products subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

For the apple juice and apple products subcategories, citrus products subcategory and the frozen and dehydrated potato products subcategories, the first option is appropriate and the guidelines should not apply. While potential problems could occur from discharges of large quantities of caustic solutions from peeling operations such as lye dip potato peelers, D'limonene from citrus peel operations, or oil from frying operations, adequate in-plant control methods are available to keep significant quantities of these materials out of the waste water.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. 20460. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 407 be amended to add §§ 407.14, 407.24, 407.34, 407.44, and 407.54 as set forth below. All comments received within thirty days of the publication of this notice of proposed rulemaking will be considered.

Dated: March 12, 1974.

JOHN QUARLES,
Acting Administrator.

PART 407—CANNED AND PRESERVED FRUITS AND VEGETABLES PROCESSING POINT SOURCE CATEGORY

40 CFR Part 407 is proposed to be amended by adding the following sections as follows:

* * * * *

Sec.
407.14 Pretreatment Standards for Existing Sources.
407.24 Pretreatment Standards for Existing Sources.
407.34 Pretreatment Standards for Existing Sources.
407.44 Pretreatment Standards for Existing Sources.
407.54 Pretreatment Standards for Existing Sources.

Subpart A—Apple Juice Subcategory

§ 407.14 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 407.12 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart B—Apple Products Subcategory

§ 407.24 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 407.22 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart C—Citrus Products Subcategory

§ 407.34 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 407.32 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart D—Frozen Potatoe Products Subcategory

§ 407.44 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 407.42 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

Subpart E—Dehydrated Potatoe Products Subcategory

§ 407.54 Pretreatment Standards for Existing Sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 407.52 above shall not apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may be introduced into a publicly owned treatment works.

[FR Doc.74-6237 Filed 3-20-74;8:45 am]

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federal register

FRIDAY, MARCH 22, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 57

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federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—The President

PROCLAMATION 4276

Armed Forces Day

By the President of the United States of America

A Proclamation

Through their vigilance and fortitude, our Armed Forces have preserved our independence as a Nation. Today they serve as the bulwark of our freedom as we strive for lasting world peace.

The responsibility of the more than 2 million fine men and women in the Armed Forces of the United States is an awesome one and, in doing their duty, they exemplify the spirit, courage and patriotism that have made America a great Nation.

It is particularly fitting that we should recognize their sacrifices today, at a time when the prospect for a future free of war is the brightest in years. We must never forget that it is those who wear our country's uniform who have made this prospect possible.

Having defended us in time of war, they stand today as guardians of an honorable peace. Honor and gratitude are their due from this generation of Americans and from generations yet unborn.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America and Commander in Chief of the Armed Forces of the United States, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, the Navy, the Air Force, and the Marine Corps, and the Secretary of Transportation on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for soliciting the participation and cooperation of civil authorities and private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to enhance public understanding and appreciation of the Armed Forces of the United States as protectors of freedom at home and abroad.

I call upon my fellow Americans to proudly display the flag of the United States at their homes on Armed Forces Day.

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Proclamation No. 3655 of May 7, 1965, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of March, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.74-6905 Filed 3-21-74;12:02 pm]

EXECUTIVE ORDER 11772

Delegating Certain Authority of the President to the Secretary of State

By virtue of the authority vested in me by the Fishermen's Protective Act of 1967, as amended (22 U.S.C. 1971, et seq.), and Section 301 of Title 3 of the United States Code, and as President of the United States of America, the Secretary of State is hereby designated and empowered to exercise, without ratification, or other action of the President, the function conferred upon the President by Section 5(b) of the Fishermen's Protective Act of 1967, as amended, of certifying to the Congress that it is in the national interest not to transfer to the Fishermen's Protective Fund or to the separate account established under the Act, pursuant to that Section, amounts appropriated by the Congress and programmed for assistance under the Foreign Assistance Act of 1961.

Richard Nixon

THE WHITE HOUSE,
March 21, 1974.

[FR Doc.74-6906 Filed 3-21-74;12:02 pm]

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EXECUTIVE ORDER 11773

Revoking the Authority of the Department of Agriculture To Inspect Income Tax Returns

By virtue of the authority vested in me as President of the United States of America, Executive Order No. 11697 of January 17, 1973, and Executive Order No. 11709 of March 27, 1973, are hereby revoked and the authority conferred upon the Department of Agriculture by those Orders to inspect income tax returns is hereby revoked.

Richard Nixon

THE WHITE HOUSE,
March 21, 1974.

[FR Doc.74-6907 Filed 3-21-74;12:02 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendant of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 3]

PART 729—PEANUTS

Subpart—Regulations for Determination of Acreage Allotments and Marketing Quotas for 1972 and Subsequent Crops of Peanuts

Miscellaneous Amendments

This amendment of the allotment and marketing quota regulations for peanuts of the 1972 and subsequent crops is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

(1) Section 729.32 is amended to provide that when a producer offers a lot of peanuts for market he shall present a marketing card to the buyer to identify the lot of peanuts.

(2) Section 729.33(d)(4) is revoked since the notation "Eligible for Price Support" will not be entered on the excess marketing card because program compliance regulations (7 CFR Part 718) are being amended to eliminate tolerances in program compliance determinations relating to measured acreages for the 1974 crop year.

(3) The recent reorganization of ASCS is reflected by changing the reference in § 729.42 from "Oilseeds and Special Crops Division" to "Tobacco and Peanut Division" and by changing the reference in § 729.65 from "Commodity Stabilization Division" to "Program Operations Division".

(4) Section 729.43 is amended to establish the basic penalty rate for the 1973 crop of peanuts.

(5) Section 729.47 is corrected to show when penalty and interest are due on peanuts if a farm is found to be excess after the crop has been marketed and for cases where penalty is determined on the basis of a normal yield.

(6) Section 729.58 is amended to require certain entries to be made on the marketing card if the peanuts are found by the Inspection Service to contain Aspergillus flavus mold and the producer removes the peanuts from marketing. The entry would be made by the Federal State Inspector if it were not recorded by the person to whom the producer intended to market the peanuts.

The planting of peanuts of the 1974 crop is underway and it is essential that producers and buyers know the provisions of this amendment as soon as possible. Accordingly, it is hereby determined that compliance with the notice, public procedure, and effective date provisions of 5 U.S.C. 553 is unnecessary, impracticable, and contrary to the public interest, and this document shall become effective upon the date of publication in the FEDERAL REGISTER.

The regulations for determination of acreage allotments and marketing quotas for 1972 and subsequent crops of peanuts (37 FR 2645, 3629, 23413, 28124) are amended as follows:

1. A new paragraph (c) is added to § 729.32 to read as follows:

§ 729.32 Marketing cards and their uses.

* * * * *

(c) *Custody of card by buyer.* When a producer first offers a lot of peanuts for market, he shall present a marketing card to the buyer which will be used to identify the lot of peanuts. The marketing card shall remain in the custody of the buyer until the lot of peanuts is marketed or until the producer removes the lot of peanuts from marketing. The producer may leave his marketing card in the custody of the buyer during the period between marketing lots of peanuts to the same buyer; however, the marketing card shall not be left in the possession of the buyer after the producer has completed his marketings for the season.

§ 729.33 [Amended]

2. Subparagraph (4) of paragraph (d) of § 729.33 is revoked.

§ 729.42 [Amended]

3. The first sentence of paragraph (a) of § 729.42 is amended by striking the words "Oilseeds and Special Crops Division" and substituting in lieu thereof the words "Tobacco and Peanut Division".

4. A new subparagraph (2) is added to paragraph (b) of § 729.43 to read as follows:

§ 729.43 Penalty rate.

* * * * *

(b) *Future years.* * * *

(2) *1973 crop.* The basic support price for peanuts for the marketing year beginning August 1, 1973, and ending July 31, 1974, is $328.50 per ton or 16.42 cents per pound. Therefore, the basic penalty rate for the 1973 crop of peanuts is 12.3 cents per pound.

5. Section 729.47 is revised to read as follows:

§ 729.47 Payment of penalty.

A draft, money order, or check drawn payable to the "Agricultural Stabilization and Conservation Service, USDA" may be used to pay any penalty, other indebtedness, or interest thereon, but any such draft or check shall be received subject to collection and payment at par. For purposes of this section the penalty becomes due on the date of marketing, or in the case of false identification or failure to account for the disposition of peanuts, the date of the false identification or failure to account, as applicable. The person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of 6 percent per annum. Interest shall begin to accrue from the date penalty was due if the penalty is not remitted by Monday of the third calendar week following the week in which the peanuts were marketed. Where a farm is found to have excess peanuts after peanuts are marketed and, for cases of false identification or failure to account if the penalty is not paid 15 days after written notice to the producer, interest shall begin to accrue from the date of written notice to the producer.

6. Paragraph (a) of § 729.58 is amended to read as follows:

§ 729.58 Recording and reporting purchases of farmers stock peanuts.

(a) *Recording purchase on producers marketing card.* Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card which has been presented by the producer to the buyer to identify each marketing and which has been issued for the farm on which the peanuts were produced. If the Inspection Service finds that a lot of peanuts contain visible Aspergillus flavus mold and the producer does not market the peanuts at that time, there shall be recorded on the first blank line available inside the marketing card, the date the lot of peanuts was inspected, the notation "Seg. 3 Peanuts not sold" and the marketing card shall be returned to the producer. If the recording is not made by the person to whom the producer had intended to market the peanuts, it shall be made by the Federal State Inspector.

§ 729.65 [Amended]

7. The first sentence of § 729.65 is amended by striking the words "Commodity Stabilization Division" and substituting in lieu thereof "Program Operations Division."

(Secs. 358, 358a, 359, 375, 55 Stat. 88, as amended, 81 Stat. 658, as amended, 55 Stat. 90, as amended, 52 Stat. 66, as amended; 7 U.S.C. 1358, 1358a, 1359, 1375)

Effective date: March 22, 1974.

V 39 57 MAR 22 74 XUM

Signed at Washington, D.C., on March 15, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-6653 Filed 3-21-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 631]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period March 24–30, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.931 Lemon Regulation 631.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is about steady, although it shows further weakening on 165's and smaller lemons and some strengthening on 115's and larger sizes. Average f.o.b. price was $5.92 per carton the week ended March 16, 1974 compared to $5.61 per carton the previous week. Track and rolling supplies at 130 cars were up 8 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 19, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 24, 1974, through March 30, 1974, is hereby fixed at 250,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).)

Dated: March 20, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-6810 Filed 3-21-74;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Miscellaneous Amendments

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 212, 238, 264, 299, and 316a of Chapter I of Title 8 of the Code of Federal Regulations.

In Part 212, § 212.2(f) is amended to provide that jurisdiction to consider an application for permission to reapply for admission to the United States after deportation or removal filed under that subsection lies with the district director who exercised or is exercising jurisdiction over the most recent proceeding relating to the applicant. The amendment serves to consolidate under the same district director jurisdiction over multiple proceedings relating to the same alien where one of the proceedings is an application for permission to reapply under 8 CFR 212.2(f), thereby eliminating unnecessary transfer of the Service file relating to the alien.

An agreement for preinspection at Bermuda of flights of Braniff Airways, Incorporated, destined to the United States, has been entered into between Braniff Airways, Incorporated, and the Commissioner of Immigration, and Naturalization pursuant to sections 103 and 238(b) of the Immigration and Nationality Act. Accordingly, in Part 238, § 238.4 is amended by adding "Braniff Airways, Incorporated" to the listing of transportation lines which have entered into agreements for the preinspection of their passengers and crews at places outside the United States.

In Part 264, § 264.1(b) is amended by adding Form I–221S (Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien) to the listing of forms which constitute evidence of alien registration. A corollary amendment is made in Part 299 by adding Form I–221S to the listing of immigration forms in § 299.1.

Executive Order No. 11760, dated January 17, 1974, designates the "European Space Research Organization (ESRO)" as a public international organization entitled to enjoy the privileges, exemptions, and immunities provided for by the International Organizations Immunities Act. Executive Order No. 11760 supersedes Executive Order No. 11318 of December 5, 1966, designating "European Space Research Organization" as a public international organization. Accordingly, in Part 316a, § 316a.4 is amended by adding to and deleting from the listing therein the specified public international organizations.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In § 212.2(f), the existing sentence is amended and a new sentence is added. As amended, § 212.2(f) reads as follows:

§ 212.2 Consent to reapply for admission after deportation, removal or departure at Government expense.

• • • • • •

(f) *Other applicants.* An applicant for permission to reapply for admission under circumstances other than those described in paragraph (a), (b), (c), (d), or (e) of this section shall file Form I–212 with the district director having jurisdiction over the place where the deportation or removal proceedings were held, or with the district director who exercised or is exercising jurisdiction over the most recent proceeding relating to the applicant. If the Service file relating to the applicant is no longer within the district in which the application is filed, the application shall be forwarded for decision to the district director in whose district the file is located.

• • • • • •

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.4 [Amended]

The listing of transportation lines under "At Bermuda" of § 238.4 Preinspection outside the United States is amended by adding thereto in alphabetical sequence the following transportation line: "Braniff Airways, Inc.".

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

The listing of Forms in § 264.1(b) is amended by adding at the end thereof the following form:

§ 264.1 Registration and fingerprinting.

• • • • • •

(b) *Evidence of registration.* The following forms constitute evidence of registration:

Form No. and Class
• • • • •
I–221S Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien—Aliens against whom deportation proceedings are being instituted.

PART 299—IMMIGRATION FORMS

The listing of forms in § 299.1 is amended by adding thereto in alphabetical and numerical sequence the following form:

§ 299.1 Prescribed forms.

Form No., Title, and Description
• • • • •
I–221S (12–1–73) Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien.
• • • • •

PART 316a—RESIDENCE, PHYSICAL PRESENCE AND ABSENCE

§ 316a.4 [Amended]

The listing of public international organizations in § 316a.4 *International Organizations Immunities Act designations is amended* by adding thereto in alphabetical sequence the following organization: "European Space Research Organization (ESRO) (E.O. 11760, Jan. 17, 1974)"; and is further amended by deleting therefrom the following organization: "European Space Research Organization (E.O. 11318, Dec. 5, 1966)".

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and will serve no useful purpose because the amendment to § 212.2(f) relates to agency management and procedure; the amendment to § 238.4 adds a transportation line to the listing; the amendments to §§ 264.1(b) and 299.1 add a form to the listings; and the amendment to § 316a.4 adds a public international organization to the listing and deletes an organization from the listing.

Effective date. This order shall become effective March 22, 1974.

Dated: March 19, 1974.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.74-6671 Filed 3-21-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—COOPERATIVE CONTROL AND ERADICATION OF LIVESTOCK OR POULTRY DISEASES

PART 56—SWINE DESTROYED BECAUSE OF HOG CHOLERA

Payment of Indemnities

Statement of consideration. The purpose of this amendment is to increase the maximum indemnity which may be paid for swine destroyed because of hog cholera. The amendment would: (1) Increase the maximum indemnities which may be paid for swine slaughtered because of hog cholera in States listed in § 76.2(g) from $180 to $360 per head for purebred, inbred, or hybrid swine and for breeding swine, or from $90 to $180 for all other swine; (2) increase the maximum indemnity which may be paid in States listed in § 76.2(f) from $150 to $300 per head for purebred, inbred, or hybrid swine and for breeding swine, or from $75 to $150 for all other swine; and (3) increase the maximum indemnity which may be paid in States whether listed or unlisted in § 76.2 (f) or (g) from $100 to $200 per head for purebred, inbred, or hybrid swine and for breeding swine, or from $50 to $100 per head for all other swine.

This action is needed to bring indemnity paid for swine destroyed because of hog cholera more in line with current market prices and to avoid excessive losses by owners when such swine are destroyed.

Proposal to increase indemnity paid for swine destroyed because of hog cholera has been reviewed with State animal health officials of the various States. Of the 42 comments received, 40 were favorable, one was not in favor of the increase on the basis that the present payments were adequate, one indicated that their State would not be affected by the amendment, and one was in agreement but stated that additional State funds for payment of indemnity could not be allocated at this time.

Pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, 134a–134h), Part 56, Title 9, Code of Federal Regulations, relating to the payment of indemnity for swine destroyed because of hog cholera, is hereby amended in the following respects:

In § 56.7, paragraphs (b) (1), (2), and (3) are amended to read:

§ 56.7 Payment to owners for swine destroyed.

• • • • • •

(b) • • •

(1) In States listed in § 76.2(g) of this chapter, which qualify under the provisions of paragraph (a) of this section, an indemnity may be paid not to exceed $360 per head for purebred, inbred, or hybrid swine and for breeding swine, or $180 per head for all other swine.

(2) In States listed in § 76.2(f) and in those States not listed in either § 76.2 (f) or (g) of this chapter, which qualify under the provisions of paragraph (a) of this section, an indemnity may be paid not to exceed $300 per head for purebred, inbred, or hybrid swine and for breeding swine, or $150 per head for all other swine.

(3) In States, whether listed or unlisted in § 76.2 (f) or (g) of this chapter, which do not qualify under the identification requirement in paragraph (a) of this section, an indemnity may be paid not to exceed $200 per head for purebred, inbred, or hybrid swine and for breeding swine, or $100 per head for all other swine.

• • • • • •

(Secs. 3–5, 23 Stat. 32, as amended; sec. 2, 32 Stat. 792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 11, 58 Stat. 734, as amended; 75 Stat. 481, 76 Stat. 129–132 (21 U.S.C. 111–113, 114, 114a, 114g, 115, 117, 120, 121, 123–126, and 134a–134h); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective March 22, 1974.

In expediting the completion of the hog cholera eradication program, it is essential that the provisions of this amendment be placed in effect without delay. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

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Done at Washington, D.C., this 19th day of March 1974.

J. M. HEJL,
Acting Deputy Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 74-6712 Filed 3-21-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-839; Amdt. 18]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Rate Impact for Current Level of Commercial Fuel Costs; Correction

In FR Doc. 74-5825 appearing at page 9822 of the issue for Thursday, March 14, 1974, in footnote 2 of the table on page 9823, the word which presently reads "circuitry" should read "circuity".

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-74; Amdt. No. 5]

PART 372a—TRAVEL GROUP CHARTERS

Authorizing Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

By SPDR-33 [1] the Board issued a notice of proposed rule making to amend Part 372a to permit certificated air carriers and foreign air carriers to perform foreign-originating Travel Group Charters (TGC's) in accordance with the laws of the country of origin, rather than with the requirements presently prescribed for TGC's in Part 372a. Pursuant to the Notice comments have been filed by certain Member Carriers of the National Air Carrier Association (NACA),[2] certain Trunkline Carriers,[3] British Caledonian Always Limited (BCAL), British Midland Airways, Ltd., British Overseas Airways Corporation (BOAC), Condor Flugdienst G.m.b.H. (Condor) and Swiss Air Transport Company, Ltd. (Swissair). The NACA carriers and Swissair support the proposed rules; BCAL, British Midland, BOAC and Condor object to certain features of the proposal; and the Trunkline Carriers contend that the proposed rules would be unlawful insofar as applied to U.S. supplemental carriers.

Upon consideration, the Board has determined to adopt the rules in the form proposed. The tentative findings and conclusions set forth in SPDR-33 are incorporated and made final, except as modified or amplified herein.[3a] Before addressing the various arguments which the comments have raised against the proposed rules we shall set forth the background of this proceeding.

A. *Background of this proceeding.* On September 27, 1972, the Board adopted Part 372a governing the operation of TGC's. Essentially the regulation permits groups of 40 or more persons having no "prior affinity" to hire all or part of an aircraft for round-trip transportation, provided the group is formed at least ninety days in advance of the flight departure date, and each participant then pays at least a twenty-five percent nonrefundable deposit. The actual cost of the trip must be borne by the participant on a pro rata basis. Part 372a authorizes both U.S. and foreign direct air carriers to provide air transportation in connection with both foreign-originating and U.S.-originating TGC's, subject to compliance with the various conditions and restrictions set forth therein.

As noted in SPDR-33, the Board's adoption of Part 372a was largely motivated by its dissatisfaction with existing affinity charter rules, in that the "prior affinity" concept is inherently discriminatory and the rules directed to maintaining this concept had proven extremely difficult to enforce. These concerns about traditional affinity rules had been shared for some time by the regulatory authorities of many other countries, and some were considering adoption of novel "non-affinity" rules differing in some respects from the TGC rule which the Board had proposed. During the pendency of rule making proceedings culminating in the adoption of Part 372a, several participants had argued for the adoption of special rules with respect to foreign-originating TGC's, so as to permit such charters to be operated in conformance with the originating country's rules governing TGC's (or their counterparts, however designated), so long as the foreign country's rules were substantially similar to those prescribed by Part 372a. However, at the time the Board adopted Part 372a, no foreign country had as yet promulgated comparable charter rules, and the Board therefore considered it premature to attempt then to prescribe standards for determining whether another country's future rules would be substantially similar to ours. The Board did, however, express agreement in principle with the merits of the proposed "law of the country of origin" approach and indicated its willingness to deal with the matter later, in light of future developments in the international air transportation community, and to take appropriate implementing action—by amending our rules, granting waivers, or otherwise—giving due consideration to the interests of the public and the various competing classes of carriers.

Shortly after the Board's adoption of its TGC rules the United Kingdom announced its intention to adopt an Advance Booking Charter (ABC) rule, embodying a comparable concept; following that, representatives of the governments of the United States, Canada, and the 20 member states of the European Civil Aviation Conference (ECAC), met in Ottawa, Canada, and in October 1972 issued a joint Declaration of Agreed Principles for North Atlantic Charter Flights (Ottawa Principles). The Department of State, in announcing adoption of the Ottawa Principles, stated:

> It is expected that the Declaration, while it is not a treaty or an Executive Agreement, will provide a generally agreed framework which will permit all North Atlantic states to establish similar charter rules with respect to the new non-affinity class of air charters that will facilitate and regularize their operation on North Atlantic air routes.[4]

In addition, a contemporaneous letter from the Deputy Assistant Secretary of State for Transportation and Telecommunications to the Chairman of the Canadian International Transport Policy Commission and the President of ECAC stated:

> Adherence to the Declaration signifies our intention to permit the operation to and from the United States of *foreign-originating charters marketed under national rules consistent with the Declaration but differing from our own pro-rata regulations.* To this end, we are prepared to undertake discussions with other interrelated authorities, at an appropriate early date, to arrive at [a] mutually agreeable regime for particular bilateral flows and to ensure fully reciprocal treatment for U.S.-originating TGC flights.[5]

Bilateral discussions concerning TGC/ABC services have since been held between the United States and other North Atlantic countries, and bilateral Memoranda of Understanding have been signed to date by the U.S. and the United Kingdom, the Netherlands, the Federal Republic of Germany, France, and Ireland.[6]

[1] September 4, 1973, 38 FR 24664 (Docket 25854).

[2] Overseas National Airways, Inc., Saturn Airways, Inc., World Airways, Inc. and Trans International Airlines, Inc.

[3] American Airlines, Inc., Braniff Airways, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Pan American World Airways, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc.

[3a] Some of the minimum requirements for foreign-originating TGC's which we proposed in SPDR-33, and are adopting herein (§ 372a.60(b)), reflect parallel restrictions in our existing TGC rule. We are issuing, contemporaneously herewith, a notice of proposed rule making (SPDR-35) proposing, *inter alia*, some relaxation of these restrictions, (*e.g.*, to reduce the pre-departure filing deadline from 90 days to 60 days). Accordingly, it should be noted that if we finally adopt these proposals, we would appropriately revise the rules adopted herein so as to reflect such relaxation in the parallel requirements for foreign-originating TGC's.

[4] Department of State Press Release No. 296, December 1, 1972.

[5] Ibid.

[6] Department of State Press Release 97, April 2, 1973. (United Kingdom); No. 113, April 16, 1973 (Federal Republic); No. 134, May 7, 1973 (France); No. 233, July 2, 1973 (Ireland); No. 255, July 18, 1973 (the Netherlands). The U.S. also has a bilateral Memorandum of Understanding with Belgium, signed in October 1972, respecting charter services. This agreement covers all types of charters, including TGC's, but does not deal specifically with the question of Belgium-originating TGC/ABC flights originating under the Belgian rules. An interim intergovernmental agreement concerning TGC/ABC services is also in effect with Austria pending formal conclusion of a Memorandum of Understanding. A nonscheduled air service agreement with Yugoslavia which includes TGC and ABC acceptance is also in effect (Department of State Press Release 352, September 27, 1973).

Each Memorandum of Understanding provides that each Party will accept as "charterworthy" traffic "originated in the territory of the other Party" and organized and operated "pursuant to the advance charter (TGC or ABC) rules of that Party." The Memoranda of Understanding with France, the Federal Republic of Germany and the United Kingdom further provide that the United States undertakes that its regulatory authorities will "[b]egin and conclude, as soon as practicable, rule making procedures to implement acceptance of the advance booking charter (ABC) rules" of the other Party.

In SPDR-33 the Board referred to the above-described developments which had occurred since Part 372a was adopted. In light of these circumstances, the Board stated that it believed that it would now be appropriate to propose amending Part 372a so as to authorize foreign air carriers holding section 402 permits, as well as all certificated carriers, to perform foreign-originated TGC's or ABC's organized in compliance with the rules of the country of origin, so long as: (1) those foreign rules are substantially similar to ours, and (2) there is in effect, between the country of origin and the United States, a formal agreement with respect to the charterworthiness of such operations. The Board also tentatively concluded that, in order for a foreign country's rules to be considered substantially similar to our own, they must embody, at a minimum, the following restrictions and conditions:

(1) The participants in each TGC/ABC group must travel together on both the outbound and inbound portions of the trip.

(2) Each TGC/ABC contract must cover at least forty seats.

(3) The list of actual participants (*i.e.*, persons contractually bound to pay for a specifically identified flight) in each TGC/ABC group must be filed with appropriate regulatory authorities at least ninety days in advance of flight departures.

(4) If there is to be a list of "standbys" (*i.e.*, eligible substitutes for participants) for a TGC/ABC, and if the cost of the TGC/ABC is prorated among participants, then the number of such standbys shall not exceed three times the number of participants; but if the cost to individual TGC/ABC participants is not prorated, then the number of standbys shall not be greater than the number of seats contracted for.

(5) No person shall be added to a standby list within ninety days prior to flight departure.

(6) If the cost of the TGC/ABC is prorated among participants, then standbys may be substituted for participants at any time prior to flight departure; but if the cost to individual TGC/ABC participants is not prorated, then standbys may not be substituted for participants within thirty days prior to flight departure.

(7) If the cost of the TGC/ABC is prorated among participants, then no more than twenty percent of the participants in any TGC/ABC groups may be persons whose names were included on the standby list for that TGC/ABC flight; but if the cost to individual TGC/ABC participants is not prorated, then no more than fifteen percent of the number of seats contracted for may be sold to persons whose names were on the standby list relating to such flight.

(8) A TGC/ABC must be "round trip" (i.e., including both a departure and return flight).

(9) If the cost of the TGC/ABC is prorated among participants, then a TGC/ABC must be for a minimum duration of at least seven days in the case of North American charters, and a minimum duration of at least ten days in the case of all other charters; but if the cost to individual TGC/ABC participants is not prorated, then during the period of April 1 to October 31, the TGC/ABC must provide for a minimum duration of at least fourteen days, and during the period of November 1 to March 31, the minimum duration must be at least ten days: *Provided, however,* That the minimum duration of a non-prorated North American TGC/ABC need not be greater than seven days.

(10) If the cost of the TGC/ABC is prorated among participants, then commingling of TGC/ABC groups with other categories of charter traffic is permitted, but if the cost to individual TGC/ABC participants is not prorated, then no commingling of TGC/ABC groups with other categories of charter traffic shall be permitted.

(11) The direct air carrier shall maintain a list of the passengers actually carried on each TGC/ABC flight.

B. *Trunkline Carriers' arguments against proposed rules.* The Trunkline Carriers contend that the proposed rules would abolish the restrictions "heretofore found necessary to distinguish TGC's from individually ticketed services" and would therefore be illegal insofar as they would apply to supplemental carriers. We do not agree. Although certain of the particular restrictions applicable to U.S.-originated TGC's will not be required of foreign-originated TGC/ABC's, other restrictions will apply to the latter which are not required of the former. Thus, insofar as TGC/ABC charter services are required to be distinguished from individually ticketed services, we find that the set of minimum restrictions prescribed by the within rules will preserve the required distinction, even if the particular restrictions comprising the set vary somewhat from those comprising our TGC set of restrictions.

In their argument the Trunklines have chosen not to consider whether the total impact of the restrictions the Board is imposing on foreign-originating TGC/ABC's maintain the necessary distinction between charters and individually ticketed services. Instead, they seize upon particular restrictions which, while imposed on outbound TGC's, will not be imposed on inbound TGC/ABC's, and contend that such restrictions are indispensable to preserving the distinction. The TGC restrictions which will not apply to foreign-originating TGC/ABC's are as follows: (1) The TGC/ABC traveler is not required to be a party to the charter contract itself, incurring liability for the pro rata share of the charter cost and running the risk that his cost may increase, depending on the load factor ultimately achieved; (2) members of TGC/ABC's are not required to have paid a nonrefundable deposit of their charter price before the time for filing the list of tour members has elapsed, nor are any later deposits required to be paid at specified times or to be nonrefundable, and thus the participant does not necessarily risk any forfeiture should be desire to change his plans; (3) there is not necessarily a risk of flight cancellation up to 45 days prior to scheduled departure because of defaults by fellow charter participants, nor necessarily any financial risk of price increases because of such defaults.[6a]

Yet, in affirming the TGC rule, the Court of Appeals did not hold, in *Saturn Airways, Inc. v. C.A.B.*,[7] that each of the restrictions of TGC's is indispensable to maintain the distinction between TGC's and individually ticketed services, nor has the Board ever so held.[8] To the contrary, in adopting the TGC rule, the Board separately listed a number of restrictive features of TGC's,[9] *each of which* distinguished TGC's from individually ticketed services, and concluded that "in view of the aforedescribed restrictions and limitations on performance of travel

[6a] Of course, organizers of foreign-originating TGC/ABC's will undoubtedly, in their own economic interest, include in participants' contracts provisions for required times of payment, partial or complete forfeiture in the event of default or change of plans, cancellation of the charter under certain circumstances, and so forth. The foreign ABC rules do not in general forbid such contract provisions; they simply do not mandate them as does our TGC rule.

[7] 483 F. 2d 1284 (D.C. Cir. 1973).

[8] Contrary to the Trunklines' contention, the Board did not represent in its brief to the court, in *Saturn Airways, Inc.* v. *C.A.B.*, that it held such a view. What the Board's brief said, with respect to the entire set of its restrictions, was that "• • • the Board's TGC rules establish an elaborate regulatory scheme designed to ensure that TGC's are significantly different from the conventional service available to the individual traveler. On their face, we submit they demonstrate a substantial and vital difference between TGC travel and conventional travel" (p. 37). That we were urging the court to judge the total effect of the restrictions, rather than the indispensability of any one or several of them, was made even more clearly when we said, with reference to the requirement of exclusive marketing by charter organizers: "This element is one of the group of restrictive requirements which serve to distinguish TGC service from individually-ticketed service. *While any one of these requirements may or may not be essential for this purpose, they are to be taken together in forming the distinction between the two types of service.*" (Emphasis added.) (P. 85.)

[9] (1) The pro rata requirement; (2) risk of flight cancellations; (3) formation of the group well in advance of departure with a substantial nonrefundable deposit; (4) requirement that all TGC participants move together as a group on both legs of the trip; and (5) the minimum stay requirement.

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group charters, *none of which are applicable to individually ticketed service*" (emphasis added), TGC's are unquestionably distinguishable from individually ticketed services.[10]

Furthermore, it is well-settled by now that, so long as the distinction between the two types of services is maintained, the formulation of particular requirements to achieve this end is for the Board to determine. "Charter" is not defined in the Act, nor does it have a fixed meaning, and so long as the distinction is not breached it is for the Board to evolve reasonable definitions.[11] "Congress has given the Board a singularly clean slate upon which to write its conception of charter services." [12]

We are satisfied that to the extent that it is legally necessary to maintain a distinction between charter and individually ticketed services, each of the following restrictions and conditions we are specifying with respect to foreign-originated ABC's is not normally an incident of individually ticketed service, and the cumulative effect of the set of restrictions adequately precludes the use of TGC/ABC charters as a guise for individually ticketed service:

(a) The participants in each TGC/ABC group must travel together on both outbound and inbound portions of the trip. No such restriction is ordinarily required of individually ticketed travelers.

(b) At least ninety days in advance of flight departures, TGC/ABC participants are contractually bound to pay for a specifically identified flight. This is not a characteristic of individually ticketed travel.

(c) A TGC/ABC must be "round trip," including both a departure and return flight. An individually ticketed traveler normally has a choice between purchasing a one-way or round-trip ticket.

(d) There is a minimum-stay requirement for TGC/ABC participants, a requirement not generally imposed on individually ticketed travelers.[13]

The Trunkline Carriers seem particularly concerned with the fact that, unlike outbound TGC's, there is no requirement that inbound TGC/ABC participants must bear a pro rata share of the total cost of the charter. This factor has never been considered a *sine qua non* of charters. Even though the presence of this factor in a charter rule goes a long way toward indicating that the statutory distinction is being preserved, the absence of a pro rata feature hardly establishes the converse. Indeed, except for outbound TGC's and prior affinity charters, none of the other types of charters which air carriers and foreign air carriers are authorized to perform [14] require all participants to share equally the total charter cost or to make up the shares of defaulting participants.

Moreover, the within rules impose several more stringent restrictions on those foreign-originated TGC/ABC's from countries whose rules do not include a pro rata requirement. For example, in such cases, the minimum-stay limitation for charters outside of North America will be 14 days during the peak season (instead of 10 days); the permissible number of standbys cannot exceed the number of seats contracted for (instead of three times the number of participants); standbys cannot be substituted for participants within 30 days of departure (instead of at any time prior to departure); the number of passengers whose names were on the standby list cannot exceed 15 percent of the number of seats contracted for (instead of 20 percent of the participants); and the TGC/ABC, if it is a split charter, cannot be combined on the same aircraft with other categories of split charters. The effect of these rules, imposing additional restrictions on foreign ABC charters which do not contain a pro rata requirement than are imposed on those operated under rules which do contain a pro rata requirement, is to assure that, on an overall basis, the different sets of restrictions applicable to either situation will be comparably stringent.

Finally, while no other country operates within precisely the same statutory framework as the United States, all of the other countries which joined in subscribing to the Ottawa Principles share a common interest in preserving the distinction between group and individually ticketed air service. Typically, each of these countries has its own national-flag scheduled carrier (in many case government-owned) whose interests its government at all times strives to advance and protect. Where these countries also have charter-only carriers (usually privately owned), the governments limit such carriers to a subordinate or supplementary role as a matter of long-established policy even if not as a matter of explicit statutory requirement; and the governments of countries not having their own charter-only carriers similarly limit the authority they grant the charter-only carriers of other countries, including the U.S. supplemental carriers.[14a] These governments, like our own, have heretofore largely relied on the "prior affinity" concept as a means of limiting the role of the charter-only carriers, but like us they have in recent years become increasingly disillusioned with this concept, and a number have announced a firm intention of doing away with prior affinity charters in the near future. The Ottawa Principles represent an international consensus as to the most appropriate range of substitutes for the prior affinity concept as a means of preserving the distinction between scheduled individually ticketed and nonscheduled group air travel which all countries consider vital. While the Board has continued to view a *pro rata* requirement as a desirable component of the new charter form designed to replace affinity charters, most other governments have preferred to rely instead on other types of restrictions to achieve the same purpose. Thus, in asking us to conclude that sets of restrictions which comport with the Ottawa Principles and our proposed rule for foreign-originating charters nevertheless fail to preserve the essential distinction between individually ticketed and supplemental air transportation, the Trunkline Carriers are asking us to conclude that a considerable number of foreign governments, including many of the leading powers in the international aviation community, either have completely mistaken the problem or have abandoned their long-held policies of preserving the foregoing distinction. We cannot subscribe to any such conclusion.

We therefore conclude that nothing submitted by the Trunkline Carriers causes us to withdraw or modify our tentative conclusion in SPDR–33, which we now make final, that the cumulative effect of the various restrictions on foreign-originating TGC/ABC's will "ensure that charter travel [does] not become a guise for individually ticketed services." [15]

C. *Other objections to proposed rules.* 1. BCAL notes that proposed § 372a.60 (b) (1) requires that the "participants in each TGC/ABC group must travel together on both the outbound and inbound portions of the trip." BCAL states that such a requirement is not imposed by the United Kingdom Civil Aviation Authority (C.A.A.) regulations and asks the Board to eliminate "the single incompatibility" between the Board's criteria and the C.A.A. rules. Similarly, BOAC contends that the proposed rules should accept as charterworthy, without the necessity of *ad hoc* waivers from the Board's rules, foreign-originated ABC's organized and operated pursuant to ABC rules of a foreign country when there is in effect an agreement with that country to recognize the charterworthiness of such operations.[16] BOAC adds:

> That is the regulation which the United States has specifically undertaken by international agreement to implement, and it is the only regulation which lawfully adopt in this area the requirements of section 1102 of the Act.[17]

Section 1102 requires the Board to perform its duties under the Act consistently with any international agreements.[18] However, there is nothing in that section which dispenses with the requirement of section 402(a) of the Act that no foreign air carrier shall engage in foreign air transportation unless there is in force a permit issued by the Board authorizing such carrier so to engage.[19] Thus, for example, where a permit is issued to a foreign air carrier under section 402(b) authorizing it to engage solely in "charter" services, it is clear to us that no international agreement can confer additional rights on such a carrier as to permit it to engage in other than charter services in violation of its permit.

Accordingly, we consider it our duty under the Act to impose restrictions and conditions on foreign-originated TGC/ABC's to insure that such operations are not in violation of the charter authority which carriers have been granted by the Board. Nevertheless, in light of the bilateral agreements, the instant rule provides blanket authority for foreign-originated TGC's in line with the Ottawa Principles, which establish "a generally agreed framework which will permit all North Atlantic states to establish substantially similar rules." [20] This rule should generally enable TGC/ABC's to be flown from all countries with which this government has signed agreements, pursuant to both their ABC rules and our rules. We have, however, taken account of the fact that the rules of a particular foreign signatory may embody variations which do not authorize operations impermissible under the carriers' authority. In such case, authority to operate charters under the foreign rules could be obtained by waiver, pursuant to § 372a.3.[21]

2. Finally, Condor requests the elimination of § 372a.60(b)(10), which reads:

> If the cost of the TGC/ABC is prorated among participants, then commingling of TGC/ABC groups with other categories of charter traffic is permitted, but if the cost to individual TGC/ABC participants is not prorated, then no commingling of TGC/ABC groups with other categories of charter traffic shall be permitted.

Condor states that this restriction on commingling of non-prorated TGC/ABC's with any other type of charter on the same aircraft is not supported by any apparent logic and, in addition, is contrary to the letter and spirit of the Memorandum of Understanding between the Federal Republic of Germany and the United States.

We reject this argument. As explained above,[22] we think it necessary and desirable to impose different restrictions on non-prorated TGC/ABC's than on those which are prorated, so that the cumulative effect of the different sets of restrictions will be comparably stringent. We therefore believe it reasonable to extend to TGC/ABC's which are prorated the same commingling privileges which are enjoyed by our own TGC's, while withholding this privilege from TGC/ABC's which are not prorated.

In addition, we see nothing in § 372a.60 (b) (10) which is contrary to the letter or spirit of the Memorandum of Understanding between the United States and the Federal Republic of Germany. Condor states that the provision on which it relies [23] contemplates commingling of ABC charters with groups organized in accordance with other regulations.

We believe that the provision in the Memorandum of Understanding upon which Condor relies is essentially an enforcement tool, to ensure that commingling is conducted in accordance with the regulations of either party, but does not purport to create a substantive right to commingle. Moreover, and more fundamentally, contrary to Condor's implicit assumption, we read the ABC rules of the Federal Republic of Germany as explicitly prohibiting the commingling of ABC groups with other types of charter traffic,[24] so that the restriction against which Condor complains is prohibited by the law of the country of origin, and not only by our § 372a.60(b) (10).

Condor's request to eliminate this provision from our rules is therefore denied.[25]

In consideration of the foregoing, the Board hereby amends Part 372a of its Special Regulations (14 CFR Part 372a) effective April 22, 1974, as follows:

1. Amend the table of contents by adding a new Subpart F, the Table as amended to read in part as follows:

Subpart F—Foreign-Originating Travel Group Charters

372a.60 Foreign-originating travel group charters.

2. Amend the definitions of "travel group charter" and "travel group charter organizer" in § 372a.2 to read as follows:

§ 372a.2 Definitions.

As used in this part, unless the context otherwise requires—

* * * * *

"Travel group charter" means a round-trip charter to be performed by one or more direct air carriers which is arranged and sponsored by a charter organizer for a travel group and which meets the requirements set forth in §§ 372a.10 or 372a.60, whichever is applicable.

"Travel group charter organizer" means (1) any citizen of the United States, as defined in section 101(13) of the Act (other than a direct air carrier), who is authorized hereunder to engage in the formation of travel groups in accordance with the provisions of this part; or (2) a foreign charter organizer.

3. Amend § 372a.22 by adding, as a new paragraph (e), matter deleted hereinabove from § 372a.2, the section, as amended, to read as follows:

§ 372a.22 Operating authorization of charter organizer.

* * * * *

(e) With respect to the charter contract, such charter organizer acts solely as agent for, and holds all moneys received from any source in connection therewith as agent for, the members of the travel group.

4. Amend § 372a.31 by inserting, following paragraph (a) a new paragraph (a–1), and by revising paragraph (b), the entire section, as amended, to read as follows:

§ 372a.31 Record retention.[26]

(a) Every charter organizer (other than a foreign charter organizer over whom the Board has declined to exercise its jurisdiction) conducting a travel group charter pursuant to this part shall retain for 2 years after completion of the charter or series of charters true copies of the following documents at its principal or general office in the United States (or, if it is a foreign charter or-

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[10] SPR–61, p. 10 as issued and p. 3 in reprinted issue.

[11] *American Airlines, Inc. v. C.A.B.*, 121 U.S. App. D.C. 120, 348 F. 2d 349, 354 (1965); *American Airlines, Inc. v. C.A.B.*, 125 U.S. App. D.C. 6, 365 F. 2d 939, 949 (1966).

[12] *Trans International Airlines v. C.A.B.*, 139 U.S. App. D.C. 174, 432 F. 2d 607, 609 (1970).

[13] For North American charters, the minimum stay requirement is 7 days, the same as for outbound TGC's. For other than North American charters, the minimum-stay requirement is 10 days, the same as for outbound TGC's except for peak-season nonprorated TGC/ABC's in which the minimum-stay requirement is 14 days, thus exceeding any minimum requirement for outbound TGC's.

[14] §§ 207.11, 208.6, 212.8 and 214.7.

[14a] Frequently, indeed, they have been more restrictive towards U.S. supplementals than our statutory framework has compelled this Board to be.

[15] *Saturn Airways, Inc.* v. *C.A.B., supra*, at 1293.

[16] British Midland makes a somewhat similar argument.

[17] BOAC also appears to assume that the Board is completely free to authorize foreign air carriers to engage in individually ticketed service. As pointed out hereinafter, we do not accept the validity of this assumption since, insofar as a foreign air carrier's permit limits it to performing "charters", we are bound to give meaning to that term.

[18] Section 1102 provides, in part: "In exercising and performing [its] powers and duties under this Act, the Board • • • shall do so consistently with any obligation assumed by the United States in any treaty, convention, or agreement that may be in force between the United States and any foreign country or foreign countries • • •. 49 U.S.C. 1502.

[19] *Cf.* Trans-Canada A.L., Toronto-Buffalo-New York Route, 2 C.A.B. 616, 618 (1941); Trans-Canada A.L., Air Carrier Permit, 6 C.A.B. 529, 530 (1945); Trans-Canada A.L., Air Carrier Permits, 6 C.A.B. 1085, 1086 (1946).

[20] P. 4, *supra*.

[21] See pp. 12–14, *supra*.

[22] Paragraph I.B.3. provides that each Party: "Undertakes that its regulatory authorities will transmit, on request, to the regulatory authorities of the other party, passenger lists and other appropriate documents to facilitate the conduct of spot checks of flights, especially if on such flights there is commingling of ABC/TGC groups organized in accordance with other regulations."

[24] Paragraph 3.4 provides: "The joint use of one aeroplane by several ABC groups (split charters) is permitted. The combined transportation of ABC groups and groups, the participants of which do not fulfill the ABC requirements, is not permitted."

[25] We are also making final the various technical amendments which we proposed in SPDR–33, as discussed therein at p. 9. None of the comments addressed themselves to these proposals.

[26] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both. Title 18, U.S.C. § 1001.

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ganizer, then at its principal or general office):

(1) All documents which evidence or reflect deposits made by, and refunds made to, each charter participant;

(2) All statements, invoices, bills, and receipts from suppliers or furnishers of goods and services in connection with the travel group charter or series of charters.

(a–1) Every charter organizer (other than a foreign charter organizer over whom the Board has declined to exercise its jurisdiction) conducting a travel group charter pursuant to Subpart F of this part shall retain for 2 years after completion of the charter at its principal or general office in the United States true copies of all documents which it is required by the applicable rules of the originating country to file with the regulatory authorities of that country or to maintain in its own files for any specified period.

(b) Every such charter organizer shall make the documents required to be retained by the provisions of the foregoing paragraphs (a) or (a–1), as the case may be, available upon request by an authorized representative of the Board and shall permit such representative to make such notes and copies thereof as he deems appropriate.

5. Amend § 372a.40 to read as follows:

§ 372a.40 Charter not to be performed unless in compliance with part.

A direct air carrier shall not perform air transportation in connection with a travel group charter unless it has made a reasonable effort to verify that all provisions of this part have been complied with (or, if it is a foreign-originated charter to which Subpart F applies, that all provisions of the rules of the country of origin have been complied with), and that the charter organizer's authority under this part has not been suspended by the Board (or, if it is a foreign-originated charter to which Subpart F applies, that the charter organizer's authority has not been suspended by the regulatory authorities of the country of origin): *Provided, however,* That except with respect to foreign-originated charters operated pursuant to Subpart F of this part, where a travel group is organized by a foreign charter organizer over whom the Board has declined to exercise its jurisdiction pursuant to § 372a.20a, no direct air carrier may perform air transportation in connection with such travel group charter unless the charter is formed and implemented in accordance with the general conditions and limitations set forth in Subpart B of this part and the charter organizer performs all the acts and duties which this part requires to be performed by charter organizers within the Board's jurisdiction, other than the provisions set forth in §§ 372a.22(b)(4)(iii), 372a.25 and 372a.-31.

6. Amend Part 372a by adding a new Subpart F to read as follows:

Subpart F—Foreign-Originating Travel Group Charters

§ 372a.60 Foreign-originating travel group charters.

(a) Notwithstanding the general conditions and limitations set forth in Subpart B of this part or the conditions set forth in §§ 372a.22, 372a.25, 372a.27 through 372a.30, 372a.31(a)(1) of Subpart C of this part, or the prohibitions set forth in § 372a.41 and 372a.42 of Subpart D of this part, or the reporting requirements set forth in Subpart E of this part, direct air carriers and charter organizers (other than a foreign charter organizer over whom the Board has declined to exercise its jurisdiction) are authorized to operate and organize foreign-originating travel group or advance-booking charters (referred to herein as TGC/ABC) in compliance with the applicable rules of the originating country, so long as (1) such foreign rules conform to paragraph (b) of this section, and (2) there is in effect a formal agreement between the originating country and the United States with respect to the charterworthiness of such operations.

(b) The following are the restrictions and conditions to which foreign rules must conform in order for direct air carriers and charter organizers to operate and organize foreign-originating TGC/ABC charters pursuant to paragraph (a) above:

(1) The participants in each TGC/ABC group must travel together on both the outbound and inbound portions of the trip.

(2) Each TGC/ABC contract must cover at least forty (40) seats.

(3) The list of actual participants (*i.e.*, persons contractually bound to pay for a specifically identified flight) in each TGC/ABC group must be filed with appropriate regulatory authorities at least ninety (90) days in advance of flight departures.

(4) If there is to be a list of "standbys" (*i.e.*, eligible substitutes for participants) for a TGC/ABC, and if the cost of the TGC/ABC is prorated among participants, then the number of such standbys shall not exceed three times the number of participants; but if the cost to individual TGC/ABC participants is not prorated, then the number of standbys shall not be greater than the number of seats contracted for.

(5) No person shall be added to a standby list within ninety (90) days prior to flight departure.

(6) If the cost of the TGC/ABC is prorated among participants, then standbys may be substituted for participants at any time prior to flight departure; but if the cost to individual TGC/ABC participants is not prorated, then standbys may not be substituted for participants within thirty (30) days prior to flight departure.

(7) If the cost of the TGC/ABC is prorated among participants, then no more than twenty percent of the participants in any TGC/ABC group may be persons whose names were included on the standby list for that TGC/ABC flight; but if the cost to individual TGC/ABC participants is not prorated, then no more than fifteen percent of the number of seats contracted for may be sold to persons whose names were on the standby list relating to such flight.

(8) A TGC/ABC must be "round trip" (*i.e.*, including both a departure and return flight).

(9) If the cost of the TGC/ABC is prorated among participants, then a TGC/ABC must be for a minimum duration of at least seven days in the case of North American charters, and a minimum duration of at least ten days in the case of all other charters; but if the cost of individual TGC/ABC participants is not prorated, then during the period of April 1 to October 31, the TGC/ABC must provide for a minimum duration of at least fourteen days, and during the period of November 1 to March 31, the minimum duration must be at least ten days: *Provided, however,* That the minimum duration of a non-prorated North American TGC/ABC need not be greater than seven days.

(10) If the cost of the TGC/ABC is prorated among participants, then commingling of TGC/ABC groups with other categories of charter traffic is permitted, but if the cost to individual TGC/ABC participants is not prorated, then no commingling of TGC/ABC groups with other categories of charter traffic shall be permitted.

(11) The direct air carrier shall maintain a list of the passengers actually carried on each TGC/ABC flight.

(Secs. 101(3), 204(a), 401, 402, 407, 416 and 1102, Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended by 75 Stat. 467, 76 Stat. 143, 82 Stat. 867, 84 Stat. 921), 743, 754, 757, 766, 771, and 797 (49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1502))

Effective: April 22, 1974.

Adopted: March 15, 1974.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-6666 Filed 3-21-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

PART 4—MISCELLANEOUS RULES

Subpart C—Consent Order Procedure

MISCELLANEOUS AMENDMENTS

Subchapter A of Chapter I of Title 16 is amended as follows:

The Commission announces the following amendment of § 2.34(b) which

makes available upon request an analysis of provisionally accepted consent orders to give the public a better understanding of the order's terms, and extends from 30 to 60 days the period of time for public comment on proposed settlements. This amendment is effective on March 22, 1974.

Section 2.34(b) is amended to read as follows:

§ 2.34 Disposition.

* * * * *

(b) Upon receiving such an agreement, the Commission may: (1) Accept it; (2) reject it and issue its complaint and set the matter down for adjudication in regular course; or (3) take such other action as it may deem appropriate. If an agreement is accepted, the Commission will place the order contained therein on the public record, and at the same time, will make available an explanation of the provisions of the order and the relief to be obtained thereby and any other information which it deems helpful in assisting interested persons to understand the terms of the order. For a period of sixty (60) days after placement of the order on the public record and issuance of the statement, the Commission will receive and consider any comments or views concerning the order that may be filed by any interested persons. Thereafter, within thirty (30) days, the Commission may either withdraw its acceptance of the agreement and so notify the other party, in which event it will take such other action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require), and decision, in disposition of the proceeding.

* * * * *

The Commission announces the following amendment of § 4.11 to speed up the method of handling requests for access under the Freedom of Information Act. This amendment is effective on March 22, 1974.

Section 4.11 is amended to read as follows:

§ 4.11 Requests for disclosure of records.

(a) Any request by a member of the public for disclosure of identifiable records shall be in writing and addressed to the Secretary of the Commission.

(b) Disposition: (1) Upon a determination by the General Counsel that some or all of the requested records are not exempt from disclosure under the Freedom of Information Act, the Secretary shall notify the requester in writing that access is granted to the nonexempt documents.

(2) Upon a determination by the General Counsel that some or all of the requested records are exempt from disclosure under the Freedom of Information Act, the Secretary shall notify the requester of such determination. The requester shall further be notified that he may petition the Commission for access to records deemed to be exempt by the General Counsel, either because the requester believes the records are not exempt or because the requester believes the Commission should exercise its discretion to release such records not withstanding their exempt status.

(3) A petition to the Commission for disclosure of exempt records, which requests the Commission to exercise its discretion to release such records, shall set forth the interest of the requester in the subject matter and the purpose for which the records will be used if the request is granted.

(c) A request for disclosure by another government agency shall be made by the administrative head of the agency or his designee; shall be in writing addressed to the Secretary of the Commission; and shall describe the records, their relevancy to the work and function of the agency, and, if the production of records or the taking of copies thereof is asked, the use which is intended to be made of them.

(d) Any official or employee of the Commission who is served with a subpoena or other compulsory process, except a subpoena issued within the scope of § 3.36 of this subchapter, requiring the production of any document or record or the disclosure of any information which under § 4.10 is exempt from availability for public inspection and copying, shall promptly advise the Commission of the service of such subpoena or other compulsory process, the nature of the documents or information sought, and all relevant facts and circumstances. If the official or employee so served has not received instructions from the Commission prior to the return date of the subpoena or other compulsory process, he shall appear in response thereto and respectfully decline to produce the documents or records or to disclose the information called for, basing his refusal upon this paragraph. The Commission will consider and act upon compulsory process under this section with due regard for statutory restrictions, its rules and the public interest, and the established legal standards for determining whether justification exists for the disclosure of the confidential information and records.

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46))

By direction of the Commission dated March 12, 1974.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-6725 Filed 3-21-74;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5463, 34-10661]

PART 231—INTERPRETIVE RELEASE RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

Corporation Finance Division

Rule 145 (17 CFR 230.145), relating to the registration of certain reclassifications and business combination transactions, was adopted under the Securities Act of 1933 ("the Act") by the Securities and Exchange Commission on October 6, 1972 in Securities Act Release No. 5316 (37 FR 23631) and became effective on January 1, 1973. Since that time the Commission's Division of Corporation Finance has received a number of requests for interpretations with respect to various provisions of the Rule and with respect to other matters related to the operation of the Rule. In order to assist all persons in their understanding of, and their compliance with, Rule 145, the Commission has authorized the publication of this interpretative release setting forth the current views and positions of its Division of Corporation Finance wth respect to Rule 145 and related matters.

The adoption of Rule 145 and the related rescission of Rule 133 (17 CFR 230.133) reversed the Commission's long-standing "no sale" theory and expressly reflected its opinion that such an approach no longer served the best interests of investors. Generally, Rule 145 states that an "offer" or "sale" within the meaning of the Act is involved with respect to the security holders of a corporation or other person where, pursuant to statutory provisions, controlling instruments or otherwise, there is submitted for the vote or consent of such security holders a plan or agreement for: (1) Reclassifications other than stock splits and changes in par value; (2) mergers, consolidations and similar plans of acquisition except where the sole purpose of such a transaction is to change an issuer's domicile; and (3) certain transfers of assets for securities where there is a subsequent distribution of such securities to those voting on the transfer of the assets. In addition, Rule 145 provides that certain preliminary written announcements will be deemed not to be a prospectus or an offer to sell, and sets forth standards under which securities received in a Rule 145 transaction can be resold.

The Division of Corporation Finance will continue to reexamine and reassess the effectiveness of the Rule and may recommend publication of additional interpretations or amendments to Rule 145 if the purposes and policies underlying the Act and the Rule are not being fully implemented. Accordingly, all interested persons are invited to submit their views and suggestions for improving the operation of Rule 145 to Alan B. Levenson, Director, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549.

The following illustrations, which are intended to supplement the explanation and analysis of Rule 145 set forth in Securities Act Release No. 5316, reflect the views of the Division of Corporation Finance as of the date of this release notwithstanding any previous interpretations expressed to the contrary by the Division orally or in writing. It should be assumed in each of the following illustrations that the use of the means

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and instruments of interstate commerce or of the mails is involved and that no statutory exemption is applicable unless so stated.

I. RELATIONSHIP OF RULE 145 TO EXEMPTIONS SET FORTH IN SECTIONS 3 AND 4 OF THE ACT (SEE GENERALLY PRELIMINARY NOTE TO RULE 145).

Illustration A—Facts. X Company proposes to issue common stock in exchange for the assets of Y Company after Y Company obtains the approval of its several stockholders, as required by state law, with respect to an agreement setting forth the terms and conditions of the exchange and providing for a distribution of the X Company common stock to the Y Company stockholders. X Company has determined that the private offering exemption afforded by Section 4(2) of the Act would be available for the transaction.

Question. In light of Rule 145, may X Company choose between relying upon the private offering exemption available under Section 4(2) and registering the securities to be issued in the transaction on Form S–14?

Interpretative Response. Yes, X Company may choose between relying upon the private offering exemption available under Section 4(2) and registering the securities to be issued in the transaction on Form S–14. Rule 145 does not affect statutory exemptions which are otherwise available. However, since the transaction is one specified in Rule 145(a)(3)(ii), X Company may register the securities to be issued in the transaction on Form S–14 so that an affiliate of Y Company would be able to resell immediately his securities either pursuant to the registration statement, if requisite information regarding resales is disclosed in the registration statement, or else subject to the limitations referred to in Rule 145(d).

Illustration B—Facts. X Company, an insurance company organized and regulated under the laws of State A, intends to establish Y Company, a corporation organized under the laws of State A, and to effect a Rule 145 type transaction which would result in Y Company becoming a statutory insurance holding company and the stockholders of X Company receiving securities of Y Company in return for their holdings. Among other things, the laws of State A, in this type of situation, expressly authorize its Commissioner of Insurance to hold a hearing and to make a finding on the fairness to the stockholders of X Company of the terms and the conditions of the transaction. The Commissioner is required to give appropriate notice of the hearing, and of their right to appear, to all stockholders of X Company prior to the hearing.

Question. Assuming that the Commissioner holds such a hearing and makes the appropriate findings, may Y Company rely upon the exemption afforded by section 3(a)(10) of the Act notwithstanding that the transaction comes within Rule 145?

Interpretative Response. Yes, Rule 145 does not affect the availability of any exemption which is otherwise available so that an issuer may rely upon the exemption afforded by section 3(a)(10) of the Act if all of the conditions of that exemption are met. Inasmuch as section 3(a)(10) provides an exemption for the initial issuance of securities but not for the resale of such securities, it should be noted that an issuer may choose to register the securities to be issued in the transaction on Form S–14 or S–1 in order to be more certain of the status under the Act of public resales by underwriters of securities received in the transaction.

Illustration C—Facts. X Company, a corporation organized and existing under the laws of State A, has a class of preferred stock and a class of common stock outstanding. X Company is now considering a plan of reclassification which, if approved by the requisite majority of each class, would result in X Company having only one class of equity securities outstanding. X Company has determined that it will not utilize the services of a proxy soliciting firm.

Question. May X Company rely upon the exemption afforded by section 3(a)(9) of the Act notwithstanding that the transaction comes within Rule 145?

Interpretative Response. Yes. Assuming that all the requirements of that exemption are met, then X Company may rely upon the exemption afforded by section 3(a)(9) of the Act because Rule 145 does not affect the availability of any statutory exemption which is otherwise available.

Illustration D—Facts. X Company proposes to acquire Y Company in a Rule 145 type transaction which will involve the issuance of X Company common stock with a readily ascertainable aggregate market value of $275,000 to the stockholders of Y Company.

Question D–1. May X Company rely upon the limited exemption afforded by Regulation A under section 3(b) of the Act?

Interpretative Response. Yes. Rule 145 does not affect the availability of any exemption which is otherwise available so that an issuer may choose to rely upon the small offering exemption afforded by section 3(b). It should be noted, however, that Regulation A is a conditional exemption which necessitates compliance with all the express terms and conditions of that Regulation, including Rule 253 thereunder which may require certain escrow arrangements as well as limitations on sales by persons other than the issuer.

Question D–2. What types of disclosure should X Company make in a Regulation A offering circular covering a Rule 145 type transaction?

Interpretative Response. Inasmuch as the items contained in the Form 1–A Notification, and the instructions thereto, as well as the Schedule I requirements for information to be included in the offering circular, were not adopted with Rule 145 type transactions in mind, persons filing offering circulars pursuant to Regulation A for such a transaction should disclose the type of information required by Form S–14. However, the certification of financial statements for such an offering circular remains subject to the requirements of Regulation A. Because novel questions may arise in this area, it is suggested that issuers consult with the appropriate Regional Office of the Commission before filing.

Question D–3. If Regulation A is relied on, may the affiliate(s) of Y Company subsequently resell limited quantities of X Company securities received in the transaction in accordance with Rule 145(d) without being deemed to be "underwriters" within the meaning of Rule 145(c)?

Interpretative Response. No. Rule 145(d) is only applicable to "registered securities acquired" in a Rule 145 transaction. Inasmuch as X Company has not registered its securities on Form S–14 or S–1, but has availed itself of the exemption afforded by Regulation A under section 3(b) of the Act, the affiliate(s) of Y Company must comply with all the terms and conditions of that Regulation, which would ordinarily require that a second Regulation A filing be made. It should be noted that the aggregate dollar amount of any resales within twelve months by affiliates would need to be computed and applied against the dollar limitation set forth in section 3(b) of the Act and Rule 254 thereunder.

II. APPLICATION OF RULE 145 TO VARIOUS TYPES OF RECLASSIFICATIONS AND BUSINESS COMBINATION TRANACTIONS (SEE PARAGRAPH (a) OF RULE 145).

Illustration A—Facts. X Company has a class of preferred stock and a class of common stock outstanding. As required by the laws of its state of incorporation, X Company intends to submit to both classes of its stockholders a plan of recapitalization, which, if approved by the requisite majority of each class, would provide, among other things, for a three-for-one stock split with respect to the common stock and for a simultaneous exchange of eight shares of common stock for each share of preferred stock. In order to assure adoption of the plan, X Company has retained the services of P Company, a proxy soliciting firm which will actively solicit proxies for approval of the plan.

Question. Inasmuch as P Company is receiving remuneration for its services and the exemption afforded by section 3(a)(9) of the Act is, accordingly, not available, does Rule 145 require registration of the securities to be issued in connection with the stock split and preferred stock exchange?

Interpretative Response. Yes, because this single plan of recapitalization involves a reclassification of one class of securities in addition to a stock split of the other class of securities (which in and of itself would not have to be registered under these circumstances because of the exception set forth in Rule 145(a)(1)), the entire transaction would be considered to be a reclassification within the meaning of Rule 145(a)(1) and the securities to be issued in the transaction would have to be registered on Form S–14 or S–1.

Illustration B—Facts. In order to change its domicile, X Company, a corporation organized and existing under the laws of State A with its only class of outstanding securities registered under the Securities Exchange Act of 1934 ("the Exchange Act"), proposes to effect a statutory merger with Y Company, its newly-created wholly-owned subsidiary which was organized under the laws of State B. Y Company's Articles of Incorporation are similar to X Company's Articles of Incorporation except that Y Company's charter contains a substantially broader corporate purpose provision and authorizes a class of preferred stock. As a result of this proposed transaction, which is subject to stockholder approval, stockholders' pre-emptive rights and cumulative voting rights would be eliminated.

Question. Does Rule 145 require the registration of the securities to be issued in this transaction?

Interpretative Response. No. While a statutory merger is deemed to involve a "sale" within the meaning of Section 2(3) of the Act, Rule 145(a)(2) provides a specific exception "where the sole purpose of the transaction is to change an issuer's domicile." Notwithstanding the inclusion of a broader corporate purpose provision and the authorization of another class of securities in the charter and notwithstanding the effects of the pre-emptive and cumulative voting rights of X Company's stockholders, the exception would be applicable. It should be noted that since X Company is a reporting company under the Exchange Act, any changes in stockholders' rights should be disclosed pursuant to the applicable proxy rules.

Illustration C—Facts. X Trust is a voluntary association of a type of commonly known as a Massachusetts business trust and is treated as a real estate investment trust for tax purposes under the applicable provisions of the Internal Revenue Code of 1954, as amended. For various business reasons, X Trust intends to reorganize as a corporate entity under the laws of a state other than Massachusetts by calling a special meeting of holders of beneficial interests to vote on an agreement setting forth the terms and conditions of the reorganization.

Question. May this transaction be effected without registration under the Act on the basis of the change-of-domicile exception set forth in Rule 145(a)(2)?

Interpretative Response. No. Regardless of where the new corporate entity is domiciled, the exception set forth in Rule 145(a)(2) is not applicable because the transaction involves a significant change in the form of the issuer's legal entity and results in a significant change in a security holder's economic interest. Accordingly, absent an applicable statutory exemption, the securities issued in the transaction are required to be registered under the Act.

Illustration D—Facts. X Bank, chartered under the law of State A, proposes to enter into an agreement and plan of reorganization which, if approved by its stockholders, will result in X Bank becoming a wholly-owned subsidiary (except for directors' qualifying shares) of a newly-formed holding company, X Bancshares, organized under the laws of State B. Following the reorganization, the former stockholders of X Bank will have the same relative equity interest in X Bancshares; the directors of X Bank will be the directors of X Bancshares; and initially the sole asset of X Bancshares will be the stock of X Bank.

Question. May this transaction be effected without registration under the Act on the basis of the change-in-domicile exception set forth in Rule 145(a)(2)?

Interpretative Response. No. Inasmuch as the transaction involves significant changes in the issuer's basic organizational structure, the exception set forth in Rule 145(a)(2) is not applicable. Accordingly, absent an applicable statutory exemption, the securities issued in the transaction are required to be registered under the Act.

Illustration E—Facts. X Company proposes to acquire at least 80% of the outstanding common stock of Y Company by offering its common stock to the stockholders of Y Company in exchange for their Y Company common stock in a transaction intended to qualify as a taxfree reorganization pursuant to section 368(a)(1)(B) of the Internal Revenue Code of 1954, as amended.

Question. Is Rule 145 applicable to such an exchange offer so that X Company can utilize Form S–14?

Interpretative Response. No. Rule 145 and Form S–14 are not applicable to "B" type reorganizations. Absent a statutory exemption, the securities issued in the transaction would have to be registered under the Act on Form S–1 or on another form if applicable.

Illustration F—Facts. The board of directors of X Company is considering an offer by Y Company whereby a significant portion (but not substantially all) of X Company's assets will be transferrred to Y Company in return for shares of Y Company common stock which would be distributed to the stockholders of X Company on a pro-rata basis. Although not required to do so by State law or by Y Company's certificate of incorporation or by-laws X Company's board of directors will submit the matter to the stockholders of X Company for their authorization.

Question. Assuming that no statutory exemption is available, is Rule 145 applicable to this proposed transaction?

Interpretative Response: Yes. Rule 145(a)(3) states that:

[a] "sale" shall be deemed to be involved, within the meaning of section 2(3) of the Act, so far as the security holders of a corporation * * * are concerned where, pursuant to statutory provisions * * * or similar controlling instruments, or otherwise, there is submitted for the vote or consent of such security holders a plan or agreement for * * * transfers of assets. (emphasis added)

Accordingly, inasmuch as the board of directors in its discretion has determined to submit the matter to stockholders, Rule 145 is applicable and the transaction may be registered on Form S–14 or S–1.

III. COMMUNICATIONS DEEMED NOT TO BE A "PROSPECTUS" OR "OFFER TO SELL" FOR PURPOSES OF RULE 145 (SEE PARAGRAPH (b) OF RULE 145; SEE ALSO SECURITIES ACT RELEASE NOS. 4697 (MAY 28, 1964) (29 F.R. 7317), 5009 (OCTOBER 7, 1969) (34 F.R. 16870) AND 5180 (AUGUST 16, 1971) (36 F.R. 16506))

Illustration—Facts. X Company and Y Company are about to sign an agreement in principle setting forth their understanding with respect to a proposed merger of the two companies which will be registered pursuant to Rule 145. One condition set forth in the agreement in principle requires that, prior to the consummation of the merger, Y Company divest itself of a significant subsidiary in order to avoid potential problems under the Federal anti-trust laws. Although not set forth in the agreement in principle, it is clear from the preliminary negotiations that, subsequent to the merger, certain assets of Y Company will be liquidate because their book value is materially lower than their market value.

Question. Does Rule 145(b) prohibit the announcement of these facts prior to the filing of a registration statement?

Interpretative Response. No. Rule 145(b)(1) describes communications which will be deemed not to be a "prospectus" or "offer to sell" as defined in the Act. Inasmuch as the divestiture of a significant subsidiary is a material part of the transaction, and will have a material effect on the business of one party, it should be disclosed. To the extent that the assets to be liquidated are material to Y Company's operations, this plan should also be disclosed.

IV. RESALES OF SECURITIES ACQUIRED IN RULE 145 TRANSACTIONS (SEE PARAGRAPHS (c), (d) AND (e) OF RULE 145).

Illustration A—Facts. X Company filed a registration statement on Form S–1 covering the proposed issuance of its common stock (but not covering the resale thereof) in connection with a proposed acquisition of Y Company in a Rule 145 type statutory merger which, if approved by Y Company's stockholders, would result in Y Company's stockholders receiving common stock of X Company. X Company's registration statement indicates that, for accounting purposes, the acquisition will be treated as a purchase.

Question A–1. Assuming for the purposes of this question only that A is a controlling person of X Company and also owns common stock of Y Company, would his resales of the X Company common stock which he receives in this transaction be subject to the limitations of Rule 145(d)?

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Interpretative Response. No. Inasmuch as A controls X Company, he is already deemed to be an affiliate of X Company and is subject to the provisions of Rule 144. Accordingly, the resale of any additional shares of X Company common stock, which he acquires in a Rule 145 transaction or otherwise, is subject to the provisions of Rule 144.

Question A–2. Assuming for the purposes of this question only that B does not own any common stock of X Company but is a controlling person of Y Company and that after the merger he will become a controlling person of X Company, would his resales of the X Company common stock which he receives in this transaction be subject to the limitations of Rule 145(d)?

Interpretative Response. No. Inasmuch as B will become a controlling person of X Company, he would be deemed to be an affiliate of X Company. By virtue of his becoming an affiliate of X Company, B would become subject to Rule 144 and the resale of all of his X Company common stock would be subject to the provisions of Rule 144.

Question A–3. Assuming for the purposes of this question only that C is an affiliate of Y Company but not of X Company, what restrictions are imposed by Rule 145(d) on C's public resale of the X Company common stock which he receives in the Rule 145 transaction?

Interpretative Response. Rule 145(d) would permit C to resell X Company securities received in the Rule 145 transaction subject to the provisions of paragraphs (c), (e), (f) and (g) of Rule 144. It should be noted that neither the two year holding period requirement nor the notice of sale requirement of Rule 144 would be applicable to C's sales pursuant to Rule 145(d).

Question A–4. Assuming for the purposes of this question only that D is not an affiliate of X Company or of Y Company and that his only relationship to the transaction is that he owns Y Company common stock, some of which was purchased previously in a private offering, would D be immediately free to resell publicly all of the X Company common stock which he receives in the transaction?

Interpretative Response. Yes. Since D is not an affiliate of X Company or Y Company then he is not deemed to be an underwriter with respect to the securities he receives in the Rule 145 transaction. Accordingly, D is immediately free to resell publicly all of the X Company common stock which he receives in the transaction regardless of whether some of his Y Company common stock was restricted.

Question A–5. If X Company's registration statement disclosed that, for accounting purposes the acquisition would be treated as a pooling-of-interests, would this have any effect upon the resale of X Company stock acquired in the transaction?

Interpretative Response. Yes. Although a pooling-of-interests accounting treatment would not affect the operation of Rule 145, in order to preserve such accounting treatment, the Commission's Accounting Series Release Nos. 130 (September 29, 1972) and 135 (January 5, 1973) states that the requisite risk sharing will have occurred if the affiliates of X Company and Y Company do not publicly or privately resell any of the X Company securities received in the transaction until such time as financial results covering at least 30 days of post merger combined operations have been published.

Illustration B—Facts. X Company has employed the services of P Company, a proxy soliciting firm, in connection with its proposed plan to acquire Y Company in a Rule 145 type transaction which will be registered on a Form S–14.

Question. Would P Company be deemed to be an underwriter for the purposes of Rule 145?

Interpretative Response. No. Assuming that P Company simply performs logistical and ministerial functions, does not acquire any X Company securities, and does not participate in any risk in the distribution of the X Company securities issued in the transaction, P Company would not be deemed to be an underwriter. It should be noted that this interpretation has no bearing on whether an investment banker involved in a Rule 145 type transaction would be deemed to be an underwriter. Such a question can only be resolved on the basis of all the facts of a particular case.

V. Related Matters

Illustration A—Facts. X Company, a corporation subject to the proxy rules under the Exchange Act, intends to acquire Y Company, another corporation subject to the proxy rules under the Exchange Act, in a Rule 145 type transaction.

Question A–1. Assuming that both companies will solicit proxies for the transaction, what filing fees would be paid by X Company and Y Company?

Interpretative Response. X Company would pay the same statutory fee as any other issuer when it files its registration statement, which fee would be computed in accordance with Section 6 of the Act and Rule 457 thereunder, and would not make any separate filing or pay any separate fee under the Exchange Act for the proxy material contained in said registration statement by virtue of Rules 14c–5(e) and 14a–6(j) under the Exchange Act, unless it specifically elects to make a proxy filing separate and apart from its registration statement. Y Company, when it files its separate proxy statement or when it furnishes a letter for the Commission's public files adopting the relevant portions of X Company's registration statement as its proxy material, would pay a filing fee of $500 in accordance with Rule 14a–6(i)(3) under the Exchange Act.

Question A–2. Assuming that both companies will solicit proxies and that both companies desire to maintain the confidentiality of their filing(s) as long as possible, may X Company initially file its material pursuant to the proxy rules under the Exchange Act and, if so, what fees would be paid by X Company and Y Company?

Interpretative Response. The Division will not object if X Company makes its initial filing pursuant to the proxy rules under the Exchange Act in the form of preliminary proxy material so long as each company pays the required fee of $500 in accordance with Rule 14a–6(i)(3). Once X Company receives comments from the Division's staff, it may file its registration statement including amended proxy material on Form S–14 or S–1 along with the statutory filing fee computed in accordance with Section 6 of the Act and Rule 457 thereunder, without any refund or reduction based on its previous payment in connection with its proxy material. It should be noted that if the disclosure in X Company's registration statement is responsive to the staff's comments on the preliminary proxy material, a request for acceleration of the effective date of the registration statement would ordinarily be granted.

Question A–3. Assuming that only Y Company solicits proxies for the transaction, what filing fees would be paid by X Company and Y Company?

Interpretative Response. When X Company files its registration statement on Form S–14 or S–1, X Company would pay the same statutory fee as any issuer computed in accordance with Section 6 of the Act and Rule 457 thereunder. When Y Company files its proxy statement or when it furnishes a letter for the Commission's public files adopting the relevant portions of X Company's registration statement as its proxy material, it should pay a fee of $1,000 in accordance with Rule 14a–6(i)(3).

Illustration B—Facts. X Company has been utilizing a Form S–1 "shelf registration" for the issuance of its securities, and for certain resales thereof, in connection with a series of acquisitions, each of which, in and of itself, might have been effected without registration under the Act by virtue of the intrastate or private offering exemptions afforded by sections 3(a)(11) and 4(2) of the Act. X Company now intends to make an acquisition by means of a statutory merger subject to Rule 145 for which no other statutory exemption is available.

Question B–1. May X Company utilize the Form S–1 shelf registration for the proposed Rule 145 transaction?

Interpretative Response. Yes. Although X Company could file a new registration statement on Form S–14 or S–1 for the Rule 145 transaction, it can utilize the existing Form S–1 shelf registration statement if sufficient shares are registered and the financial statements and other disclosures are current.

Question B2. If X Company elects to utilize its shelf registration for the merger, is additional information required to be included in its shelf registration statement?

Interpretative Response. Yes. The information required by Form S–14 should be set forth in a post-effective amendment to X Company's shelf registration statement.

Illustration C—Facts. X Company intends to effect a short-form merger pursuant to state law whereby its ninety percent owned subsidiary, Y Company, would be merged into X Company without a vote or consent of Y Company's minority stockholders, who would receive common stock of X Company.

Question C–1. Is this transaction subject to the registration requirements set forth in section 5 of the Act?

Interpretative Response. Yes. The issuance of X Company common stock to the stockholders of Y Company would involve a "sale" within the meaning of section 2(3) of the Act and, absent a statutory exemption, registration would be required.

Question C–2. May the securities to be issued in this transaction be registered pursuant to the Act on a Form S–14?

Interpretative Response. Yes. Although Rule 145 is not applicable because a short-form merger does not involve a vote or consent of all the stockholders, the Division will not object to the use of Form S–14 for the registration of the securities to be issued in this transaction.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

FEBRUARY 28, 1974.

[FR Doc.74–6721 Filed 3–21–74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER D—APPROVED FORMS, FEDERAL POWER ACT

[Docket No. R–415; Order 438A]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Revision to Weekly Fuel Emergency Report Forms

MARCH 15, 1974.

This order directs the reporting of emergency fuel situations on Forms No. 237A (Coal) and No. 237B (Oil), Weekly Fuel Emergency Report, in revised format. These forms were first promulgated on September 17, 1971, in Order No. 438 (Docket No. R–415) which amended Part 141, Chapter I, Title 18 of the Code of Federal Regulations. At the time these forms were adopted, emergency shortages of fuels required to provide a reliable flow of electric power were due primarily to local and temporary disruptions in deliveries. Currently there are widespread conditions affecting directly or indirectly a number of types of fuels, including coal, residual oil, distillate oil and natural gas. These current conditions may continue for indefinite periods. Emergencies have arisen and are expected to arise periodically.

Specific revisions to the forms include: (1) Eliminating the reporting of certain information on capacity and multi-fuel supplies which will not be needed on a weekly basis; (2) standardizing the reporting week so that each utility reports as of 12:01 AM Sunday rather than choosing its own reporting week; (3) providing a definition of fuel emergency for use by a utility except when it normally maintains smaller fuel stocks than the definition specifies; (4) requiring that all questions be answered in each filing so that all information necessary for dealing with the emergency situation is readily available; (5) providing for description by the utility of its fuel supply problems and indication of the steps it is taking to alleviate the difficulty; and (6) providing for description by the utility of its existing ability to burn alternate fuels and its ability to convert existing equipment to alternate fuel use.

The filing of Forms 237A and 237B [1] will enable the FPC to be apprised of emergencies arising from inadequate fuel supplies and enable the Commission to take appropriate measures to assist affected utilities to cope with such problems. Because of the existing widespread conditions and the need to act expeditiously, the Commission believes that delay in the adoption of the revised Forms 237A and 237B would be contrary to the public interest and hence is making this order effective upon issuance.

These forms are to be filed weekly upon the determination by the utility in the exercise of due diligence that an emergency exists and are to be filed weekly until such emergency no longer exists. The following factors shall be taken into account when deciding if an emergency exists: (1) fuel stocks are reduced to 30 days (or less) of normal burn days for coal; 15 days (or less) of normal burn days for residual oil; 15 days (or less) of normal burn days for distillate oil; (2) the utility projection is for a continued downward trend in fuel stocks; and (3) emergency Federal measures are otherwise deemed necessary.

Since fuel stocks smaller than the levels shown above are normally maintained in some plants, an emergency is not deemed to arise until their stocks have been depleted to such levels. Reports in those instances need not be filed until emergency levels are reached. Filed reports, however, should indicate the fuel stock levels considered to be a desirable minimum supply in responses to questions 12 and 13 on the Coal Form and questions 13 and 14 on the Oil Form.

The Commission further finds:

(1) It is necessary and appropriate in the public interest and for the purposes of the Federal Power Act to prescribe the revisions to the Weekly Fuel Emergency Report Forms as herein ordered.

(2) There is good cause under the circumstances set forth in the recitals to make the provisions of this order effective immediately and without the prior notice and public procedure provisions of Section 553 of Title 5 of the United States Code, which prior notice and public procedure provisions are impractical and contrary to the public interest in this instance.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 202, 301, 304(a), 309, and 311 (49 Stat. 848, 854, 855, 858, 859; 67 Stat. 461; 16 U.S.C. 824a, 825, 825(a), 825h, 825j), *orders:*

(A) Part 141—Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended by amending § 141.60 to read as follows:

§ 141.60 Form No. 237A (Coal) and Form No. 237B (Oil), Weekly Fuel Emergency Report Form, Revised.

(a) Form No. 237A (Coal) and Form No. 237B (Oil), Revised, are designed to obtain information on a weekly basis from electric utilities or suppliers whether investor owned, publicly owned or cooperatively owned facing fuel emergencies. The report must be filed in the first instance whenever a utility shall determine in the exercise of due diligence that an emergency exists and must be filed weekly thereafter until the emergency terminates. A fuel emergency exists when supplies of fuels for generation are at a level which threatens projected operations or reliability of electric service.

(b) The following factors shall be taken into account to determine whether a fuel emergency exists: (1) fuel stocks are reduced to 30 days (or less) of normal burn days for coal; 15 days (or less) of normal burn days for residual oil; 15 days (or less) of normal burn days for distillate oil; (2) the utility projection is for a continued downward trend in fuel stocks; and (3) emergency Federal measures are otherwise deemed necessary.

(c) Since fuel stocks of levels smaller than those above indicated are maintained in some plants, an emergency is not determined to exist until their stocks have been depleted to such levels. In such cases no reports need be filed until emergency levels are reached. However, filed reports should indicate fuel stock levels considered to be a desirable minimum supply in responses to questions 12 and 13 on the Coal Form and questions 13 and 14 on the Oil Form.

(B) Revised FPC Forms Nos. 237A (Coal) and 237B (Oil) as set out in Appendix A to this order are hereby adopted.

(C) The amendment and revised forms adopted herein shall be effective upon issuance of this order. The first report filed shall cover the first full reporting week after the date of issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–6645 Filed 3–21–74;8:45 am]

[1] Filed as part of original document.

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SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Docket No. RM74–6; Order No. 507]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Commission Amends Regulations by Revoking Provisions for Certain Budget-Type Gas Sales and Transportation Facilities

MARCH 18, 1974.

By notice issued in Docket No. RM74–6 on November 9, 1973, and published in the Federal Register on November 16, 1973, 38 FR 31685, the Commission proposes to amend § 157.7 of Part 157, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations, by revising paragraph (c) of said § 157.7 to delete therefrom the provision for the filing of budget-type applications for certificates of public convenience and necessity under section 7(c) of the Natural Gas Act authorizing the construction and operation of facilities for the transportation and sale of natural gas previously authorized under certificates for transportation or sale to existing distributor customers and for direct sales of natural gas to consumers located in areas outside the franchise area of any local distributor.

The purpose of the proposal in the instant proceeding is to enable the Commission to review the probable impact of new delivery points prior to their construction, including the end use of the gas proposed to be delivered. In furtherance of this purpose the Commission has already amended § 2.55 of its General Policy and Interpretations, 18 CFR 2.55, by deleting "new delivery points" from the definition of "facilities" excluded from the latter term in section 7(c) of the Natural Gas Act. Order No. 148–A, Docket No. R–110, issued April 27, 1973, 49 FPC ____, 38 FR 11449 (May 8, 1973). The Commission announced in Order No. 148–A that it would thenceforth require certification under section 7(c) for the construction and operation of new delivery points which otherwise would be among excluded facilities as defined in section 2.55 in order that the Commission might review the probable impact of such construction. The instant order is complementary to Order No. 148–A.

Comments on the Commission's proposal in the instant proceeding have been filed by Columbia Gas Transmission Corporation, Cities Service Gas Company, Minnesota Natural Gas Company, Montana-Dakota Utilities Co., Pacific Gas Transmission Company, and Northern Natural Gas Company. Among the comments are a suggestion that the cost limitations for miscellaneous rearrangements provided for by § 157.7(c) be changed and suggestions that the proposed amendment be revised to permit construction of budget-type facilities for certain sales in general categories ("miscellaneous purposes", "*de minimis*" volumes), for specific purposes (e.g., asphalt heating by road construction contractors), and for end uses set forth in Section 2.78 of the Commission's General Policy and Interpretations, 18 CFR 2.78.

The provision for miscellaneous facilities in § 157.7(c) is not the subject of this proceeding. No change in the provision for miscellaneous facilities is proposed and the suggestion for a change in the cost limitations for such facilities is not within the scope of this proceeding. The suggestions that the proposed amendment be revised to permit certain sales would defeat the intended purpose of the amendment—review of the probable impact of new delivery points prior to construction. Although permitting construction for unspecified sales for high priority purposes as defined in § 2.78 might, in part, accomplish the purpose of the proposed amendment, it would have the effect of making the priorities of service set forth in said rule more definitive than the guidelines which they are intended to be.

After consideration of the comments received in response to the notice, the Commission has determined that the amendment should be adopted as proposed. There will be no change in that part of § 157.7(c) which provides for budget-type certificates for miscellaneous rearrangements, and budget-type certificates for miscellaneous rearrangements may not be used for the construction of facilities for purposes not heretofore permitted under such certificates.

The Commission finds:

(1) The notice and opportunity to participate in this proceeding through the submission in writing of data, views, comments, and suggestions in the manner described above are consistent and in accordance with the procedural requirements prescribed in 5 U.S.C. 553.

(2) The amendment hereinafter set forth is necessary and appropriate in the administration of the Natural Gas Act.

The Commission, acting pursuant to the authority granted by the Natural Gas Act, particularly sections 7(c), 7(d), 7(e), and 16 thereof (52 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f(c); 56 Stat. 84, 15 U.S.C. 717f(d); 56 Stat. 84, 15 U.S.C. 717f(e); 52 Stat. 830, 15 U.S.C. 717o), and in accordance with 5 U.S.C. 553, *orders:*

(A) Section 157.7 of Part 157, Subchapter E of Chapter I, Title 18 of the Code of Federal Regulations, is amended by revising paragraph (c) thereof to read as follows:

(c) Miscellaneous rearrangements of facilities—budget-type application. An abbreviated application requesting a budget-type certificate authorizing the construction during a given twelve-month period, and operation of gas-sales or transportation facilities may be filed when:

(1) The facilities proposed in the application are to be used for miscellaneous rearrangements not resulting in any change of service rendered by means of the facilities involved, e.g., changes in existing field operation or relocation of existing sales or transportation facilities when required by highway construction, dam construction or other similar reasons.

(2) (i) The total estimated cost of the rearrangement of facilities proposed in the application does not exceed $300,000 except where the applicant's gas plant (Account No. 101, Uniform System of Accounts Prescribed for Natural Gas Companies) is $10,000,000 or less, in which case the total estimated cost of the gas-sales facilities proposed in the application shall not exceed $100,000.

(ii) Any application proposing the construction of facilities having an estimated cost in excess of the amounts specified in subdivision (i) of this subparagraph shall be accompanied by a request for waiver of the provisions of such subdivision and will be granted only for good cause shown.

(3) The application contains a statement indicating the maximum facilities to be installed during the authorized construction period, including the maximum number of lateral or loop lines to be installed and their maximum length and diameter, the maximum number of taps and meters to be installed, and the estimated cost of facilities for each such type or project.

(4) The applicant agrees to file with the Commission, within sixty days after expiration of the authorized construction period, a statement showing for each individual project:

(i) Description of the rearranged facilities installed, e.g., location, miles and size of pipeline (including wall thickness and minimum yield point), taps, laterals, lateral loop lines, metering and regulating facilities.

(ii) Actual cost of facilities subdivided by size of pipeline, taps, laterals, lateral loop lines, metering and regulating facilities, and appurtenant facilities.

(Sec. 7(c), 52 Stat. 825, 56 Stat. 83, 15 USC 717f(c); Sec. 7(d), 56 Stat. 84, 15 USC 717f(d); Sec. 7(e), 56 Stat. 84, 15 USC 717f(e); Sec. 16, 52 Stat. 830, 15 U.S.C. 717o)

(B) The amendment adopted herein shall be effective April 22, 1974.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–6646 Filed 3–21–74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74–100]

PART 1—GENERAL PROVISIONS

Ports of Entry

On November 15, 1973, notice of a proposal to extend the port limits of Ketchikan, Alaska, in the Anchorage, Alaska, Customs district (Region VIII), was published in the FEDERAL REGISTER (38 FR 31540). No comments were received regarding this proposed extension.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 9 (38 FR 17517), the port limits of Ketchikan, Alaska, in the Anchorage, Alaska, Customs district (Region VIII), are hereby extended to include all that territory within the city limits of Ketchikan, Alaska, and all points on the narrows and inlets from the northwestern city limits of Ketchikan to and including Ward Cove, Alaska, and all points on the narrows and inlets from the southeastern city limits of Ketchikan to and including Herring Bay, Alaska, and that portion of Gravina Island designated as and physically occupied by the Ketchikan International Airport which will include the runways, ramp area, terminal buildings, and any support facility immediately adjacent to the runway but excluding all of the shoreline of Gravina Island and all contact it may have with Tongass Narrows, Nichols Passage, Clarence Strait, Behm Canal, or any other body of water.

To reflect this change, the table in § 1.2(c) of the Customs Regulations is amended by substituting "Ketchikan, Alaska (including the territory described in T.D. 74–100)" for "Ketchikan (including territory described in T.D. 53738)." in the column headed "Ports of entry" in the Anchorage, Alaska, district (Region VIII).

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2)).

It is desirable to make this extension of the port limits of Ketchikan, Alaska, available to the public as soon as possible. Therefore, good cause is found for dispensing with the delayed effective date provision of 5 U.S.C. 553(d).

Effective date. This amendment shall be effective on March 22, 1974.

Dated: March 13, 1974.

[SEAL] JAMES B. CLAWSON, *Acting Assistant Secretary of the Treasury.*

[FR Doc. 74–6697 Filed 3–21–74; 8:45 am]

[T.D. 74–101]

PART 1—GENERAL PROVISIONS

Customs Field Organization

This amendment to section 1.4a of the Customs Regulations sets forth the present assignment of Customs regions to the regional directors, security and audit. Under the present assignment, each Customs region is assigned a separate regional director, security and audit. This amendment also sets forth the address of the regional office of the regional director, security and audit, in each region.

Accordingly, § 1.4a of the Customs Regulations is amended to read as follows:

§ 1.4a Assignment of Customs regions to regional directors, security and audit.

The regions in § 1.2, together with their respective districts, are assigned to the offices of regional directors, security and audit, as follows:

Region office	Address	Zip code
Boston	U.S. Customhouse, Room 1100, 2 India St., Boston, Mass.	02109
New York	U.S. Customs Service, 6 World Trade Center, Room 502, New York, N.Y.	10048
Baltimore	U.S. Customhouse, Room 424, 40 South Gay St., Baltimore, Md.	21202
Miami	U.S. Customs Service, P.O. Box 3201, Miami, Fla.	33101
New Orleans	U.S. Customs Service, Room 9025, Federal Bldg., 701 Loyola Ave., New Orleans, La.	70113
Houston	U.S. Customs Service, Suite 1355, 1 Allen Center, 500 Dallas St., Houston, Tex.	77002
Los Angeles	U.S. Customs Service, P.O. Box 3323, Terminal Island Station, San Pedro, Calif.	90731
San Francisco	U.S. Customs Service, Room 398, 681 Market St., San Francisco, Calif.	94105
Chicago	U.S. Customs Service, Suite 1539, 55 East Monroe St., Chicago, Ill.	60603

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (5 U.S.C. 301, 19 U.S.C. 66, 1624))

Because this amendment relates to agency management, notice and public procedure thereon are unnecessary and good cause exists for dispensing with a delayed effective date, under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall become effective on March 22, 1974.

Approved: March 13, 1974.

[SEAL] G. R. DICKERSON, *Acting Commissioner of Customs.*

JAMES B. CLAWSON, *Acting Assistant Secretary of the Treasury.*

[FR Doc.74–6700 Filed 3–21–74;8:45 am]

[T.D. 74–103]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Arrival and Entry of United States Government Vessels

Section 4.5(a) of the Customs Regulations (19 CFR 4.5(a)), presently provides, in part, that no report of arrival or entry shall be required for any vessel owned by, or under the complete control and management of, the United States or any of its agencies, if such vessel is "manned wholly by members of the armed forces of the United States or by personnel in the civil service of the United States."

The commissioned corps of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA) are neither members of the armed forces nor civil service employees as these terms are defined in 5 U.S.C. 2101, relating to employees of the Federal Government. PHS and NOAA officers often serve aboard United States vessels, however, and allowance for such service was not purposely omitted from § 4.5(a) of the Customs Regulations. Consequently, it is necessary to amend § 4.5(a) to provide that its provisions apply to United States Government vessels wholly manned by members of the uniformed services, or by civil service employees, or by both (as may be the case with vessels operated by NOAA). The term "uniformed services" as used in § 4.5(a) will mean the armed forces (Army, Navy, Air Force, Marine Corps, and Coast Guard), the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration, in accordance with section 2101 of title 5 of the United States Code, and section 4(d), Reorganization Plan No. 4 of 1970 (35 FR 15627).

Accordingly, the first sentence of paragraph (a) of § 4.5, Customs Regulations, is amended to read as follows:

§ 4.5 Government vessels.

(a) No report of arrival or entry shall be required of any vessel owned by, or under the complete control and management of, the United States or any of its agencies, if such vessel (1) is manned wholly by members of the uniformed services of the United States, by personnel in the civil service of the United States, or by both, and (2) is transporting only property of the United States or passengers traveling on official business of the United States, or is in ballast. • • •.

• • • • •

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624).)

Inasmuch as this amendment merely clarifies an existing Customs regulation, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date. This amendment shall be effective on March 22, 1974.

[SEAL] VERNON D. ACREE, *Commissioner of Customs.*

Approved: March 13, 1974.

JAMES B. CLAWSON, *Acting Assistant Secretary of the Treasury.*

[FR Doc.74–6692 Filed 3–21–74;8:45 am]

[T.D. 74–102]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Supplies and Equipment for Aircraft

In accordance with section 309(d), 46 Stat. 690, as amended (19 U.S.C. 1309(d)), the Secretary of Commerce has found and in a letter dated February 4, 1974, has advised the Secretary of the Treasury that Jordan allows to aircraft registered in the United States and engaged in foreign trade privileges substantially reciprocal to those provided for in sections 309 and 317, 46 Stat. 690, as amended, 696, as amended (19 U.S.C.

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1309, 1317). Corresponding privileges are accordingly extended to aircraft registered in Jordan and engaged in foreign trade effective as of the date of such notification.

Accordingly, paragraph (f) of § 10.59, Customs Regulations, is amended by the insertion of "Jordan" in appropriate alphabetical order and the number of this Treasury Decision in the opposite column headed "Treasury Decision(s)" in the list of nations in that paragraph.

(Secs. 309, 317, 624, 46 Stat. 690, as amended, 696, as amended, 759; (19 U.S.C. 1309, 1317, 1624))

As there is a statutory basis for the exemption from Customs duties on withdrawal of supplies by aircraft when reciprocity has been established, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Approved: March 12, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-6699 Filed 3-21-74;8:45 am]

Title 31—Money and Finance: Treasury

Subtitle A—Office of the Secretary of the Treasury

PART 9—EFFECTS OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

The regulations under section 232 of the Trade Expansion Act of 1962 (19 U.S.C. 1862), formerly contained in Chapter 1 of Title 32A, Code of Federal Regulations and pertaining to investigations of the effects of imported articles on the national security, are being revised without substantive change and recodified as Part 9 of Title 31 as set forth below. By Executive Order No. 11725, dated June 27, 1973 (38 FR 17175), the President designated and empowered the Secretary of the Treasury to exercise, without approval, ratification, or other action of the President, all authority which was vested in the Director of the Office of Emergency Preparedness by section 232 of the Trade Expansion Act of 1962, 76 Stat. 877, as amended (19 U.S.C. 1862), and which was transferred to the President by Reorganization Plan No. 1 of 1973.

The notice, public rulemaking procedure and effective date requirements contained in 5 U.S.C. 553 are omitted as unnecessary because these changes relate to agency management and organization. Accordingly, this revision and recodification shall become effective on March 22, 1974.

Dated: March 18, 1974.

GEORGE P. SHULTZ,
Secretary of the Treasury.

Sec.
9.2 Definitions.
9.3 General.
9.4 Criteria for determining effects of imports on national security.
9.5 Applications for investigation.
9.6 Confidential information.
9.7 Conduct of investigation.
9.8 Emergency action.
9.9 Report.

Authority: The provisions of this Part 9 are issued under sec. 232, 76 Stat. 877 (19 U.S.C. 1862); Reorganization Plan No. 1 of 1973; and E.O. 11725, dated June 27, 1973 (FR 17175).

§ 9.2 Definitions.

As used herein "Secretary" means the Secretary of the Treasury and "Assistant Secretary" means the Assistant Secretary of the Treasury for Enforcement, Tariff & Trade Affairs, and Operations.

§ 9.3 General.

(a) Upon request of the head of any Government department or agency, upon application of an interested party, or upon his own motion, the Assistant Secretary shall set in motion an immediate investigation to determine the effects on the national security of imports of any article.

(b) The Secretary shall make the final determination on whether to advise the President that the importation of an article threatens to impair the national security.

§ 9.4 Criteria for determining effects of imports on national security.

(a) In determining the effect on the national security of imports of the article which is the subject of the investigation, the Secretary is required to take into consideration the following:

(1) Domestic production needed for projected national defense requirements including restoration and rehabilitation.

(2) The capacity of domestic industries to meet such projected requirements, including existing and anticipated availabilities of:

(i) Human resources
(ii) Products
(iii) Raw materials
(iv) Production equipment and facilities
(v) Other supplies and services essential to the national defense.

(3) The requirement of growth of such industries and such supplies and services including the investment, exploration and development necessary to assure capacity to meet projected defense requirements.

(4) The effect which the quantities, availabilities, character and uses of imported goods have or will have on such industries and the capacity of the United States to meet national security requirements.

(5) The economic welfare of the Nation as it is related to our national security, including the impact of foreign competition on the economic welfare of individual domestic industries. In determining whether such impact may impair the national security, any substantial unemployment, decrease in revenues of government, loss of skills or investment, or other serious effects shall be considered.

(b) The Secretary shall also consider other relevant factors in determining whether the national security is affected by imports of the article.

§ 9.5 Applications for investigation.

(a) Applications are required to be in writing. Twenty-five copies shall be filed by mail with the Assistant Secretary for Enforcement, Tariff & Trade Affairs and Operations, Department of the Treasury, Washington, D.C. 20220.

(b) Applications shall describe how the quantities or circumstances of imports of the particular article affect the national security and shall contain the following information:

(1) Identification of the person, partnership, association, corporation, or other entity on whose behalf the application is filed.

(2) A precise description of the article.

(3) Description of the applicant and the domestic industry concerned, including pertinent information regarding companies and their plants, locations, capacity and current output of the domestic industry concerned with the article in question.

(4) Pertinent statistics showing the quantities and values of both imports and production in the United States.

(5) Nature, sources, and degree of the competition created by imports of the article in question.

(6) The effect, if any, of imports of the article in question upon the restoration of domestic production capacity in an emergency.

(7) Employment and special skills involved in the domestic production of the article.

(8) Extent to which investment and specialized productive capacity is or will be adversely affected.

(9) Revenues of Federal, State, or local Governments which are or may be affected by the volume or circumstances of imports of the article.

(10) Defense or defense supporting uses of the article including data on defense contracts or sub-contracts, both past and current.

(c) Statistical material presented should be on a calendar-year basis for sufficient periods of time to indicate trends and afford the greatest possible assistance to the Assistant Secretary. Monthly or quarterly data for the latest complete years should be included as well as any other breakdowns which may be pertinent to show seasonal or short-term factors.

§ 9.6 Confidential information.

Information which the Assistant Secretary determines would disclose confidential business data or operations within the meaning of section 1905 of Title 18 of the United States Code, will be accorded confidential treatment by the Director if submitted in confidence. All information submitted in confidence must be on separate pages marked "Business Confidential."

§ 9.7 Conduct of investigation.

(a) The investigation by the Assistant Secretary or by such official or agency as he may designate, shall be such as to enable the Secretary to arrive at a fully informed opinion as to the effect on the national security of imports of the article in question.

(b) Upon undertaking an investigation the Assistant Secretary, unless it would be contrary to the interests of national defense, shall issue a public notice thereof which shall be published in the FEDERAL REGISTER. Any interested party may submit to the Assistant Secretary twenty-five copies of any comment, opinion, or data relative to the investigation within forty-five days after such public notice. Rebuttal to material so submitted may be filed with the Assistant Secretary within seventy-five days after such public notice and all data and comment from interested parties shall be a matter of record by ninety days after the giving of such public notice or fifteen days after the close of any hearing conducted under paragraph (f) of this section, whichever is later.

(c) All applications filed and all comments, opinions, and data submitted pursuant to paragraph (b) of this section, except information submitted in confidence as provided in § 9.6, will be available for inspection at the Office of the Assistant Secretary for Enforcement, Tariff & Trade Affairs, and Operations, in Washington, D.C. where they may be read and copied by interested parties, and the Assistant Secretary will maintain a roster of persons who have submitted material.

(d) The Assistant Secretary or his designee may also request further data from other sources through the use of questionnaires, correspondence, or other means.

(e) The Assistant Secretary or his designee shall, in the course of the investigation, seek information or advice from appropriate Government departments and agencies.

(f) In addition, the Assistant Secretary, or his designee, may, when he deems it appropriate, hold public hearings to elicit further information. If a hearing is held:

(1) The time and place thereof will be published in the FEDERAL REGISTER.

(2) It will be conducted by the Assistant Secretary or his designee, and the full record will be considered by the Secretary in arriving at his determination.

(3) Interested parties may appear, either in person or by representation, and produce oral or written evidence relevant and material to the subject matter of the investigation.

(4) After a witness has testified the Assistant Secretary or his designee may question the witness. Questions submitted to the Assistant Secretary or his designee in writing by any interested party may, at the discretion of the Assistant Secretary or his designee, be posed to the witness for reply for the purpose of assisting the Assistant Secretary in obtaining the material facts with respect to the subject matter of the investigation.

(5) The hearing will be stenographically reported. The Assistant Secretary will not cause transcripts of the record of the hearing to be distributed to the interested parties, but a transcript may be inspected at the Office of the Assistant Secretary for Enforcement, Tariff and Trade Affairs, and Operations in Washington, D.C., or purchased from the reporter.

§ 9.8 Emergency action.

In emergency situations or when in his judgment national security interests require it, the Secretary may vary or dispense with any of the procedures set forth above and may formulate his views without following such procedures.

§ 9.9 Report.

A report will be made and published upon the disposition of each request, application or motion under § 9.3 hereof. Notice of publication of a report shall be given in the FEDERAL REGISTER. Copies of the report will be available at the Office of the Assistant Secretary for Enforcement, Tariff & Trade Affairs, and Operations.

[SEAL]

[FR Doc.74-6648 Filed 3-21-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

PART 183—BOATS AND ASSOCIATED EQUIPMENT

CFR Correction

The following changes should be made to §§ 183.25, 183.33, 183.37, and 183.67 as they appear in Title 33 Parts 1–199 of the CFR, revised as of July 1, 1973, pages 654, 655, and 658:

1. In § 183.25(b)(1), the second line of the table, "motor, and gear) pounds) -------- XXX", should be transferred to the end of the table, to become the last line.

2. In § 183.33(a) of the second line, now reading "marked on a boat that is not designed or", should read "marked on a boat that has one or more inboard engines or inboard-outdrive"; and the formula should read as follows:

$$W = \frac{\text{(Maximum displacement)}}{5} - \frac{\text{Boat weight}}{5} - \frac{4\ \text{(Machinery weight)}}{5}$$

3. In § 183.33(b) the second line, now reading "weight of the boat hull and all its per-", should read "weight of volume of water displaced".

4. In § 183.37(a) the second line, now reading "marked on a boat that has one or more", should read "marked on a boat that is not designed"; and the second line of paragraph (b)(2) of that section, now reading "weight of the volume of water displaced", should read "weight of the boat and all its per-".

5. In § 183.67, the word "determined" in the first line of paragraph (b) should read "determine"; and the word "controlled" in the fourth line of paragraph (c)(1) should read "control".

SUBCHAPTER X—INTERIM REGULATIONS

PART 199—INTERIM REGULATIONS FOR BOATS

CFR Correction

The following Note, concerning effective date provisions, should be added following the table of contents for Part 199, page 659 of 33 CFR Parts 1 to 199, Revised as of July 1, 1973:

NOTE: The regulations in this Part 199 are effective until October 1, 1973, when they are revoked and superseded by 33 CFR Part 175, above.

CHAPTER IV—SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS

On pages 5794–5804 of the FEDERAL REGISTER of February 15, 1974, there were published proposed regulations by the St. Lawrence Seaway Development Corporation to revise Subpart A—Regulations and Subpart B—Rules of 33 CFR Part 401 by consolidating the two subparts, resulting in Part 401, Subpart A—Seaway Regulations and reserving Subpart B for future use. In revising the regulations, the Corporation, pursuant to provisions of its enabling act (33 U.S.C. 981 et seq.) and pursuant to the authority vested in the Secretary of Transportation with respect to the St. Lawrence Seaway under the Ports and Waterways Safety Act of 1972 (Pub. L. 92-340, 86 Stat. 424), which authority was subsequently delegated to the Administrator of the Saint Lawrence Seaway Development Corporation in the FEDERAL REGISTER on October 17, 1972 (37 FR 21943), is acting jointly with the St. Lawrence Seaway Authority of Canada. Each year the regulations are reviewed in light of the past season's experience and amendments are proposed for necessary changes. The main purpose of this year's revision is to consolidate the regulations and rules into one set of regulations to eliminate repetition of the regulations in the rules and vice versa and for clarity.

Interested parties were invited to submit written comments and suggestions with respect to the proposed amendments. Two replies were received. The first was a request for an extension of the comment period which, in view of the imminent opening of the 1974 navigation season, was deemed to be impractical. However, comments received at any time will be considered and if warranted, further revision of the Regulations can be made at a later date. The second reply

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suggested that provision should be made for waiver of specific requirements where vessels make only occasional transits. Consideration was given to this suggestion and it is felt that since the Regulations are promulgated for the safe transit of all vessels, allowing certain vessels to transit without the required equipment would jeopardize the safety of those vessels, other users, and/or Seaway property.

In view of the foregoing, the proposed regulations are hereby adopted without change.

Because this revision was developed jointly with the St. Lawrence Seaway Authority of Canada and will be adopted by that agency at the beginning of the 1974 navigation season, I find that good cause exists for making the revision effective in less than 30 days.

The full text of the revision of Part 401, Subpart A, Seaway Regulations, is set forth below.

(68 Stat. 92–97 (33 U.S.C. 981–990, as amended), and sec. 104, Pub. L. 92–340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943)).

Effective Date: March 22, 1974.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.

D. W. OBERLIN,
Administrator.

Subpart A—Regulations

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401.2 Interpretation.

CONDITION OF VESSELS

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401.4 Minimum length and weight.
401.5 Required equipment.
401.6 Draft markings.
401.7 Fenders.
401.8 Landing booms.
401.9 Radiotelephone equipment.
401.10 Mooring lines.
401.11 Fairleads.
401.12 Minimum requirements—mooring lines and fairleads.
401.13 Hand lines.
401.14 Anchor marking buoys.
401.15 Stern anchors.
401.16 Propeller direction alarms.
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PRECLEARANCE AND SECURITY FOR TOLLS

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401.23 Liability insurance.
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SEAWAY NAVIGATION

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401.61 Assigned frequencies.
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401.63 Radio procedure.
401.64 Calling in.
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DANGEROUS CARGO

401.66 Applicable laws.
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401.69 Hazardous cargo vessels.
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401.71 Signals—explosive and hazardous cargo vessels.
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401.73 Cleaning tanks—hazardous cargo vessels.

TOLL ASSESSMENT AND PAYMENT

401.74 Transit declaration.
401.75 Payment of tolls.
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401.77 Pleasure craft tolls.

INFORMATION AND REPORTS

401.78 Required information.
401.79 Advance notice of arrival, vessels requiring inspection.
401.80 Reporting hazardous cargo.
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401.82 Reporting mast height.
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401.84 Loss of anchor.
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DETENTION AND SALE

401.86 Security for damages or injury.
401.87 Detention for toll arrears or violations.
401.88 Power of sale for toll arrears.

GENERAL

401.89 Transit refused.
401.90 Boarding for inspection.
401.91 Removal of obstructions.
401.92 Wintering and lying-up.
401.93 Access to Seaway property.
401.94 Keeping copy of regulations.
Schedule I—Application for Preclearance Form.
Schedule II—Table of Speeds.
Schedule III—Calling-in Table.
Schedule IV—Addresses of Regional Directors.

AUTHORITY: 68 Stat. 92–97 (33 U.S.C. 981–990), as amended; Sec. 104, Pub. L. 92–340, 86 Stat. 424 (49 CFR 1.50a) (37 FR 21943).

Subpart A—Regulations

§ 401.1 Short title.

These regulations may be cited as the "Seaway Regulations."

§ 401.2 Interpretation.

In the regulations in this part:

(a) "Authority" means the St. Lawrence Seaway Authority;

(b) "Corporation" means the Saint Lawrence Seaway Development Corporation;

(c) "Navigation season" means the annual period designated by the Corporation and the Authority, that is appropriate to weather and ice conditions or vessel traffic demands, during which the Seaway is open for navigation;

(d) "Officer" means a person employed by the Corporation or the Authority to direct some phase of the operation or use of the Seaway;

(e) "Passing through" means in transit through a lock or through the waters enclosed by the approach walls at either end of a lock chamber;

(f) "Pleasure craft" means a vessel, however propelled, that is used exclusively for pleasure and that does not carry passengers who have paid a fare for passage;

(g) "Preclearance" means the authorization given by the Corporation or the Authority for a vessel to transit;

(h) "Representative" means the owner or charterer of a vessel or an agent of either of them and includes any person who, in an application for preclearance of a vessel, accepts responsibility for payment of the tolls and charges to be assessed against the vessel in respect of transit and wharfage;

(i) "Seaway" means the deep waterway between the Port of Montreal and Lake Erie and includes all locks, canals and connecting and contiguous waters that are part of the deep waterway, and all other canals and works, wherever located, the management, administration and control of which have been entrusted to the Corporation or the Authority;

(j) "Seaway station" means a radio station operated by the Corporation or the Authority;

(k) "Towed" means pushed or pulled through the water;

(l) "Transit" means to use the Seaway, or a part of it, either upbound or downbound;

(m) "Vessel" means any type of craft used as a means of transportation on water; and

(n) "Vessel traffic controller" means the officer who controls vessel traffic from a Seaway station.

CONDITION OF VESSELS

§ 401.3 Maximum vessel dimensions.

(a) No vessel of more than seven hundred and thirty feet in overall length or seventy-five feet six inches in extreme breadth, including permanent fenders, shall transit.

(b) No vessel shall transit if any part of the vessel or anything on the vessel extends more than one hundred and seventeen feet above water level.

(c) No vessel shall transit if any part of its bridges or anything on the vessel protrudes beyond the hull.

(d) No vessel shall transit if its discharge pipes can direct overboard discharge on to the top of a tie-up or lock wall.

§ 401.4 Minimum length and weight.

No vessel of less than twenty feet in overall length or one ton in weight shall transit the South Shore, Beauharnois or Welland Canal.

§ 401.5 Required equipment.

No vessel shall transit unless it is—

(a) Propelled by motor power that is adequate in the opinion of an officer; and

(b) Marked and equipped in accordance with the requirements of §§ 401.6–401.21.

§ 401.6 Draft markings.

(a) Vessels of more than sixty-five feet in overall length shall be correctly and distinctly marked and equipped with draft markings on both sides at the bow and stern.

(b) In addition to the markings required by paragraph (a) of this section, vessels of more than three hundred and fifty feet in overall length shall be marked on both sides with midship draft markings.

§ 401.7 Fenders.

(a) Where any structural part of a vessel protrudes so as to endanger Seaway installations, the vessel shall be equipped with fenders—

(1) Permanently attached to the vessel; or

(2) Where the fenders are not permanently attached—

(i) Made of a material that will float, and

(ii) Securely fastened and suspended from the vessel in a horizontal position by means of a steel cable or a fiber rope in such a way that they may be raised or lowered so as to avoid damage to Seaway installations.

(b) Automobile or other tires shall not be used as fenders.

§ 401.8 Landing booms.

Vessels of more than one hundred and fifty feet in overall length shall be equipped with at least one adequate landing boom on each side.

§ 401.9 Radiotelephone equipment.

(a) Self-propelled vessels, other than pleasure craft of less than sixty-five feet, shall be equipped with VHF (very high frequency) radiotelephone equipment.

(b) The radio transmitters on a vessel shall:

(1) Have sufficient power output to enable the vessel to communicate with Seaway stations from a distance of thirty miles; and

(2) Be fitted to operate from the conning position in the wheelhouse and to communicate on 156.45, 156.55, 156.6, 156.65, 156.7, and 156.8 MHz.

§ 401.10 Mooring lines.

(a) Mooring lines shall:

(1) Be of a uniform thickness throughout their length;

(2) Be fitted with a spliced eye not less than eight feet long;

(3) Have sufficient strength to check the vessel; and

(4) Be arranged so that they may be led to either side of the vessel as required.

(b) Unless otherwise permitted by an officer, only wire rope mooring lines shall be used for securing a vessel in lock chambers.

(c) Synthetic lines may be used for mooring at approach walls, tie-up walls and docks within the Seaway if they have a breaking strength that complies with the minimum specifications set out in the table to this section.

TABLE

Ship's overall length (feet)	Length of mooring line (feet)	Breaking strength (tons)
125 to 200	360	10
201 to 300	360	15
301 to 400	360	20
401 to 600	360	28
601 to 730	360	35

§ 401.11 Fairleads.

Mooring lines, and synthetic hawsers where permitted under paragraph (b) or (c) of § 401.10, shall:

(a) Be led at the vessel's side through a type of fairlead acceptable to the Corporation and the Authority;

(b) Pass through not more than two inboard fairleads that are fixed in place and provided with free-running sheaves or rollers; and

(c) Where the fairleads are mounted flush with the hull, be permanently fendered to prevent the lines from being pinched between the vessel and a wall.

§ 401.12 Minimum requirements—mooring lines and fairleads.

(a) Minimum requirements in respect to mooring lines and winches and the location of fairleads on vessels are as follows:

(1) Vessels of one hundred and twenty-five feet or less in overall length shall have at least two mooring lines or hawsers that may be led through closed chocks and be hand held, one of which shall lead from the break of the bow and the other shall lead from the quarter;

(2) Vessels of more than one hundred and twenty-five feet but not more than two hundred feet in overall length shall have four mooring lines, two of which shall be power operated by winches, capstans or windlasses and shall be led through a type of fairlead acceptable to the Corporation and the Authority, of which two mooring lines—

(i) One shall lead forward from the break of the bow and one astern from the quarter, or

(ii) One shall lead astern from the break of the bow and one forward from the quarter;

(3) The other two mooring lines required on vessels of more than one hundred and twenty-five feet but not more than two hundred feet may be led through closed chocks and may be hand held;

(4) Vessels of more than two hundred feet in overall length shall have four mooring lines, two of which shall lead from the break of the bow and two of which shall lead from the quarter, and

(i) All shall be power operated by the main drums of adequate power operated winches and not by capstans or windlasses; and

(ii) All shall be led through a type of fairlead acceptable to the Corporation and the Authority.

(b) The following table sets out the requirements for the location of fairleads for vessels of two hundred feet or more in overall length:

TABLE

Overall length of vessels (feet)	For mooring lines Nos. 1 and 2	For mooring lines Nos. 3 and 4
200 to 300	Between 30 and 80 ft from the stem.	Between 30 and 80 ft from the stern.
Over 300 to 400	Between 40 and 100 ft from the stem.	Between 50 and 110 ft from the stern.
Over 400 to 500	Between 40 and 110 ft from the stem.	Between 50 and 130 ft from the stern.
Over 500 to 600	Between 50 and 130 ft from the stem.	Between 60 and 150 ft from the stern.
Over 600 to 730	Between 60 and 160 ft from the stem.	Between 70 and 170 ft from the stern.

§ 401.13 Hand lines.

Hand lines shall

(a) Be made of manila or other material acceptable to the Corporation and the Authority, and

(b) Have a minimum diameter of one-half inch and a minimum length of one hundred feet.

§ 401.14 Anchor marking buoys.

An orange colored anchor marking buoy of a type approved by the Corporation and the Authority, fitted with seventy-five feet of suitable line, shall be secured directly to each anchor so that the buoy will mark the location of the anchor when the anchor is dropped.

§ 401.15 Stern anchors.

Every vessel of more than three hundred and fifty feet, the keel of which is laid after January 1, 1975, shall be equipped with a stern anchor.

§ 401.16 Propeller direction alarms.

Every vessel of more than two hundred and sixty feet in overall length shall be equipped with

(a) Propeller direction and shaft r.p.m. indicators; and

(b) Unless the vessel is bridge-controlled or is equipped with an automatically synchronized electric telegraph system or a device that renders it impossible to operate engines against orders

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from the bridge, visible and audible wrong-way propeller direction alarms located in the wheelhouse and the engine room.

§ 401.17 Pitch indicators.

Every vessel equipped with a variable pitch propeller shall have a pitch indicator in the wheelhouse and the engine room.

§ 401.18 Steering lights.

Every vessel shall be equipped with a steering light on the bow.

§ 401.19 Sewage and garbage disposal systems.

(a) Every vessel not equipped with containers for ordure shall be equipped with a sewage disposal system enabling compliance with applicable laws relative to sewage disposal.

(b) Garbage on a vessel shall be—

(1) Destroyed by means of an incinerator or other garbage disposal device; or

(2) Retained on board in covered, leakproof containers, until such time as it can lawfully be disposed of.

§ 401.20 Oily water separators.

Every vessel that is unable to contain all the waste oil products or bilge water containing waste oil products that may be on board the vessel shall be equipped with oily-water separators or other equipment for the extraction of oil products from waste water before discharge.

§ 401.21 Rudder angle indicators.

Every vessel of more than two hundred and sixty feet in overall length shall be equipped with rudder angle indicators or repeaters that are—

(a) Located in the wheelhouse; and

(b) Arranged so that they can be easily read from any position on the bridge.

§ 401.22 Preclearance of vessels.

(a) No vessel, other than a pleasure craft of three hundred and fifty tons or less in weight, shall transit until an application for preclearance has been made, pursuant to § 401.24, to the Corporation or the Authority by the vessel's representative and the application has been approved by the Corporation or the Authority pursuant to § 401.25.

(b) No vessel shall transit while its preclearance is suspended or has terminated by reason of—

(1) The expiration of the representative's guarantee of toll payment,

(2) A change of ownership or representative of the vessel, or

(3) A material alteration in the physical characteristics of the vessel,

until another application for preclearance has been made and approved.

§ 401.23 Liability insurance.

(a) It is a condition of approval of an application for preclearance that the vessel is covered by liability insurance equal to or exceeding $50 per gross registered ton.

(b) No vessel shall transit while its liability insurance is not in full force and effect.

§ 401.24 Application for preclearance.

The representative of a vessel may apply for preclearance, giving particulars of the ownership, liability insurance and physical characteristics of the vessel and guaranteeing payment of the tolls and charges that may be incurred by the vessel on a Form SLS 429 set out in Schedule I of these regulations which may be obtained from the Corporation, Massena, New York or from the Authority, Cornwall, Ontario.

§ 401.25 Approval of preclearance.

Where the Corporation or the Authority approves an application for preclearance, it shall—

(a) Give the approval in writing; and

(b) Assign a number to the approval.

§ 401.26 Security for tolls.

(a) Before transit, other than transit restricted to the Sault Ste. Marie (Canada) Canal, by a vessel to which the requirement of preclearance applies, security for the payment of tolls in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be provided by the representative by means of—

(1) A deposit of money with the Corporation or the Authority;

(2) A deposit of money to the credit of the Corporation or the Authority with a bank in the United States or a chartered bank in Canada;

(3) A deposit with the Corporation or the Authority of negotiable bonds of the Government of the United States or the Government of Canada; or

(4) Furnishing to the Corporation or the Authority a letter of guarantee given by a bank referred to in paragraph (a)(2) of this section.

(b) The security for the tolls of a vessel shall be sufficient to cover the gross registered tonnage of the vessel—

(1) On the Seaway between Montreal and Lake Ontario, at $1.00 per ton for transit each way or at $2.00 per ton for a round trip;

(2) On the Welland Canal, at $800.00 for transit each way or at $1600.00 for a round trip,

and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

(c) Where a number of vessels—

(1) Are owned or controlled by the same individual or company, and

(2) Have the same representative,

the security for the tolls may be provided in an amount estimated by the representative to be equal to $1.10 per ton for the aggregate maximum tonnage of the vessels within the Seaway at any one time and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

(d) Where, in the opinion of the Corporation or the Authority, the security provided by the representative is insufficient to secure the tolls and charges incurred or likely to be incurred by a vessel, the Corporation or the Authority may suspend the preclearance of the vessel.

SEAWAY NAVIGATION

§ 401.27 Compliance with instructions.

Every vessel shall comply promptly with transit instructions given by the vessel traffic controller or any other officer.

§ 401.28 Speed limits.

(a) The maximum speed over the bottom for a vessel of more than forty feet in overall length shall be regulated so as not to adversely affect other vessels or shore property, and in no event shall such a vessel proceeding in an area between the place set out in column I of an item of Schedule II and the place set out in column II of that item exceed the speed set out in column III or column IV of that item, whichever is designated by the Corporation and the Authority from time to time as being appropriate to existing water levels.

(b) Every vessel under way shall proceed at a reasonable speed so as not to cause undue delay to other vessels.

(c) Every vessel passing a moored vessel or equipment working in a canal shall proceed at a speed that will not endanger the moored vessel, the moored equipment or the occupants of either.

§ 401.29 Maximum draft.

(a) The loading, draft and speed of a vessel in transit shall be controlled by the master, who shall take into account the vessel's individual characteristics and its tendency to list or squat, so as to avoid striking bottom.[1]

(b) The draft of a vessel shall not, in any case, exceed 26 feet or the maximum permissible draft designated by the Corporation or the Authority for the part of the Seaway in which a vessel is passing.

(c) No vessel shall transit the Sault Ste. Marie (Canada) Canal with a draft in excess of the maximum permissible draft currently prescribed by the Authority for that Canal or unless the available depth of water on the appropriate controlling point for draft exceeds by at least three inches the maximum draft of the vessel at the time.

§ 401.30 Adequate ballast and proper trim.

(a) Every vessel shall be adequately ballasted.

(b) Every vessel shall be properly trimmed.

(c) Any vessel that is not adequately ballasted or properly trimmed in the opinion of an officer, may be refused transit or may be delayed.

§ 401.31 Meeting and passing.

(a) The meeting and passing of vessels shall be governed by the Rules of the Road for the Great Lakes.

(b) No vessel shall meet another vessel within the limit of approach signs at bridges.

(c) Except as instructed by the vessel traffic controller, no vessel shall overtake and pass or attempt to overtake and pass another vessel—

(1) In any canal;

(2) Within two thousand feet of a canal entrance;

(3) After the order of passing through has been established by the vessel traffic controller; or

(4) Between the western end of the Vidal Shoal Cut and the upper entrance of the Sault Ste. Marie Lock.

[1] The main channels between the Port of Montreal and Lake Erie have a controlling depth of 27 feet.

§ 401.32 Cargo booms—deck cargo.

(a) Every vessel shall have cargo booms secured in their housings in a manner that affords maximum visibility from the wheelhouse.

(b) Cargo or containers carried, forward or aft, on deck shall be stowed in a manner that—

(1) Affords an unrestricted view from the wheelhouse for the purpose of navigation; and

(2) Does not interfere with mooring equipment.

§ 401.33 Special instructions.

Special instructions shall be applied for from the Corporation or the Authority in connection with the intended transit of vessels of unusual design, hulks, sections of vessels, large dredges and all vessels in tow, and such vessels shall not transit except in compliance with such instructions.

§ 401.34 Vessels in tow.

No vessel that is not self-propelled shall be underway in any canal unless it is securely tied to an adequate tug or tugs, in accordance with special instructions given by the Corporation or the Authority pursuant to § 401.33.

§ 401.35 Employment of tugs.

No tug shall be fastened alongside a vessel in a canal so that the aggregate of the beams exceeds—

(a) Fifty-five feet in the case of the Sault Ste. Marie (Canada) Canal; or

(b) Seventy-five feet, six inches in the case of any other canal.

§ 401.36 Order of passing through.

Vessels shall advance to a lock in the order instructed by the vessel traffic controller.

§ 401.37 Mooring at tie-up walls.

Upon arrival at a lock, a vessel awaiting instructions to advance shall moor at the tie-up wall, close up to the designated limit of approach sign or to the vessel preceding it, whichever is specified by an officer.

§ 401.38 Limit of approach to a lock.

A vessel approaching a lock or guard gate shall comply with directions indicated by the signal light system associated with the lock or guard gate, and in no case shall its stem pass the designated limit of approach sign while a red light or no light is displayed.

§ 401.39 Preparing mooring lines for passing through.

Before a vessel enters a lock—

(a) Sufficient lengths of mooring lines to reach the mooring posts on the lock walls shall be drawn off the winch drums and laid out on the deck; and

(b) The eye of each mooring line shall be passed outward through the fairleads at the side.

§ 401.40 Entering a lock.

(a) No vessel shall proceed into a lock in such a manner that the stem passes the STOP sign on the lock wall nearest the closed gates.

(b) Every vessel in a lock shall be positioned and moored as directed by the officer in charge of the mooring operation.

§ 401.41 Tandem lockage.

Where two or more vessels are being locked together, vessels astern of the leading vessel shall—

(a) Come to a full stop a sufficient distance from the preceding vessel to avoid a collision; and

(b) Be moved into mooring position as directed by the officer in charge of the lock.

§ 401.42 Passing hand lines.

(a) At locks, hand lines shall be secured to the mooring lines and passed as follows:

	South Shore		Beauharnois			Wiley-Dondero		
	St. Lambert	Cote St. Catharine	Lower	Pool	Upper	Snell	Eisenhower	Iroquois
Locks:								
Upbound	Port	Port	Starboard		Starboard	Starboard	Starboard	Port.
Downbound	Starboard	Starboard	Port		Port	Port	Port	Starboard.
Tieup walls:								
Upbound	do	do	do		Port	Starboard	Starboard	Do.
Downbound	Port	Port	Starboard		Starboard	Port	Port	Port.

Welland Canal

	1	2	3	4	5	6	7	Guard gate	8
Locks:									
Upbound	Starboard.	Port	Port	Port	Port	Port	Port		Starboard.
Downbound	Port	Starboard.	Starboard.	do	do	do	Starboard.		Port.
Tieup walls:									
Upbound	Starboard.	do	do	Starboard.			do	Starboard	Port or starboard.
Downbound	Port	Port	Port			Starboard.	do	Port	Do.

Canadian Sault Ste. Marie

	Lock	Tieup walls
Upbound	Starboard	Port.
Downbound	Port	Do.

§ 401.43 Mooring table.

Unless otherwise directed by an officer, vessels passing through locks in the South Shore, Beauharnois, Wiley-Dondero, Iroquois, Welland and Sault Ste. Marie (Canada) Canals shall moor at the side of the tie-up wall or lock as shown in the table to this section.

§ 401.44 Mooring in locks.

(a) Mooring lines shall only be placed on mooring posts as directed by the officer in charge of a mooring operation.

(b) No winch from which a mooring line runs shall be operated until the officer in charge of a mooring operation has signalled that the line has been placed on a mooring post.

§ 401.45 Emergency procedure.

When the speed of a vessel entering a lock chamber has to be checked immediately, the master or the officer in charge of the mooring operation shall order all mooring lines to be put out as soon as possible, and the master shall signal a full check by sounding a series of five or more short blasts of the vessel's whistle.

§ 401.46 Attending lines.

(a) Lines of a vessel shall be under visual control and attended by members of its crew during the time the vessel is passing through a lock.

(b) While a vessel is within a lock chamber and lines are hand held for tension control, each line shall be attended by at least one member of the vessel's crew.

§ 401.47 Leaving a lock.

(a) Mooring lines shall only be cast off as directed by the officer in charge of a mooring operation.

(b) A downbound vessel shall use its own hand lines, secured to the eye at the end of the mooring lines, which hand lines shall be passed to the linesmen at the lock as soon as the vessel passes the open gates;

(2) Hand lines shall be passed to upbound vessels by the linesmen as soon as the vessel passes the open gates, and secured, by means of a clove hitch, to the mooring lines two feet behind the splice of the eye; and

(3) At Iroquois Lock and Lock 8, Welland Canal, both upbound and downbound vessels shall use their own hand lines as provided in paragraph (a)(1) of this section.

(b) Knotted or weighted hand lines shall not be used in the chamber of a lock.

(c) Mooring lines shall not be passed over the side of a vessel in a manner dangerous to a lock crew.

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(b) No vessel shall proceed out of a lock until the exit gates, ship arresters and the bridge, if any, are in a fully open position.

§ 401.48 Turning basins.

No vessel shall be turned about in any canal, except—

(a) With permission from the vessel traffic controller; and

(b) At the locations set out in the table to this section.

TABLE

1. South Shore Canal:
(a) Turning Basin No. 1—Opposite Brossard.
(b) Turning Basin No. 2—Immediately below Cote St. Catherine Lock.
2. Welland Canal:
(a) Turning Basin No. 1—Opposite St. Catharines Wharf for vessels up to three hundred and fifty feet.
(b) Turning Basin No. 2—Between Lock 7 and Guard Gate for vessels up to six hundred feet.
(c) Turning Basin No. 3—Immediately south of Bridge 12.
(d) Turning Basin No. 4—North of Lock No. 8 for vessels up to five hundred and fifty feet.
(e) For vessels up to two hundred and sixty feet:
(1) North end of Wharf No. 1,
(2) Tie-up wall above Lock 1,
(3) Tie-up wall below Lock 2,
(4) Wharf No. 9,
(5) Between the southerly extremities of Wharves 18–2 and 18–3.

§ 401.49 Dropping anchor or tying to canal bank.

Except in an emergency, no vessel shall drop anchor in any canal or tie-up to any canal bank unless authorized to do so by the vessel traffic controller.

§ 401.50 Anchorage areas.

Except in an emergency, or unless authorized to do so by the vessel traffic controller, no vessel shall drop anchor in any part of the Seaway except in the following designated anchorage areas:

(a) Point Fortier (Lake St. Louis).
(b) Melocheville (Beauharnois Canal).
(c) St. Zotique and Dickerson Island (Lake St. Francis).
(d) Wilson Hill Island and Morrisburg (Lake St. Lawrence).
(e) Prescott and Union Park (St. Lawrence River).
(f) Off Port Weller (Lake Ontario).
(g) Off Port Colborne (Lake Erie).

§ 401.51 Signalling approach to a bridge.

Unless a vessel's approach has been recognized by a flashing red signal light, three distinct blasts shall be sounded on the vessel's whistle when it comes abreast of any of the bridge whistle signs, which signs shall be placed at distances varying between two thousand two hundred feet and four thousand six hundred feet, upstream and downstream from movable bridges at sites other than lock sites.

§ 401.52 Limit of approach to a bridge.

(a) No vessel shall pass the limit of approach sign at any movable bridge until the bridge is in a fully open position and the signal light shows green.

(b) No vessel shall pass the limit of approach sign at the twin Railway Bridges on the South Shore Canal at Caughnawaga or at Bridges 20 and 21 on the Welland Canal, until both bridges are in a fully open position and both signal lights show green.

§ 401.53 Obstructing navigation.

No vessel shall be operated, drop anchor or be fastened or moored in a manner that obstructs or hinders navigation.

§ 401.54 Interference with navigation aids.

(a) Aids to navigation shall not be interfered with or moored to.

(b) No person shall, unless authorized by the Corporation or the Authority, set out buoys or navigation markers on the Seaway.

§ 401.55 Searchlights.

No searchlight shall be used in such a manner that its rays interfere with the operators at a Seaway structure or on any vessel.

§ 401.56 Damaging or defacing Seaway property.

The master of every vessel shall—

(a) Navigate so as to avoid damage to Seaway property; and

(b) Prevent defacement of Seaway property by any member of the vessel's crew.

§ 401.57 Disembarking or boarding.

(a) Except as authorized by an officer, no person, other than a member of the crew of a vessel passing through, shall disembark or board any vessel while the vessel is passing through.

(b) No member of the crew of a vessel passing through shall disembark or board except for the purpose of carrying out essential duties as directed by the Master.

§ 401.58 Pleasure craft scheduling.

The transit of pleasure craft shall be scheduled by the vessel traffic controller or the officer in charge of a lock and may be delayed so as to avoid interference with other vessels.

§ 401.59 Pollution.

(a) No vessel shall—

(1) Emit sparks or excessive smoke; or

(2) Blow boiler tubes.

(b) No vessel shall discharge, dump or pump oil products or bilge containing oil products into the Seaway or adjacent waters.

(c) A record shall be kept of each location within the Seaway or adjacent waters where bilge water has been discharged.

(d) Except as authorized by the Corporation or the Authority, no vessel shall discharge garbage, ashes, ordure, litter or other materials.

RADIO COMMUNICATIONS

§ 401.60 Listening watch and notice of arrival.

(a) Vessels shall be on radio listening watch on the applicable assigned frequency while within a Seaway traffic control sector as shown on the General Seaway Plan and shall give notice of arrival in the manner prescribed in § 401.64 upon reaching any designated calling in point.

(b) Notice of arrival shall be deemed to have been given when it is acknowledged by a Seaway station.

§ 401.61 Assigned frequencies.

The Seaway stations operate on the following assigned VHF frequencies:

156.8 MHz (channel 16)—Distress and Calling.
156.7 MHz (channel 14)—Working (Canadian Stations other than Lakes Ontario and Erie).
156.45 MHz (channel 9)—Working (Canadian Stations other than Lakes Ontario and Erie).
156.65 MHz (channel 13)—Working (U.S. Stations, Lake Ontario and Sector 4 of the River).
156.6 MHz (channel 12)—Working (U.S. Stations other than Lake Ontario and Sector 4 of the River).
156.55 MHz (channel 11)—Working (Canadian Stations, Lake Ontario and Lake Erie.

§ 401.62 Seaway stations.

The Seaway stations are located as follows:

VDX20 (Seaway Beauharnois)—Upper Beauharnois Lock—Traffic Control Sector No. 1.
KEF (Seaway Eisenhower)—Eisenhower Lock—Traffic Control Sector No. 2.
VDX21 (Seaway Iroquois)—Iroquois Lock—Traffic Control Sector No. 3.
WAG (Seaway Clayton)—Clayton, N.Y.—Traffic Control Sector No. 4.
WAG (Seaway Sodus)—Sodus, N.Y.—Traffic Control Sector No. 4.
VDX72 (Seaway Oshawa)—Oshawa, Ontario—Traffic Control Sector No. 5.
VDX22 (Seaway Welland)—St. Catharines, Ontario—Traffic Control Sector No. 6.
VDX68 (Seaway Long Point)—Port Colborne, Ontario—Traffic Control Sector No. 7.
VDX23 (Seaway Sault)—Sault Ste. Marie, Ontario—Traffic Control Sector No. 8.

§ 401.63 Radio procedure.

Every vessel shall use the channels of communication in each control sector as listed in the table to this section.

TABLE

Station	Control sector No.	Sector limits	Call in	Work	Listening watch
Seaway Beauharnois	1	C.I.P. No. 2 to C.I.P. No. 6-7	Channel 14	Channel 14	Channel 14.
Seaway Eisenhower	2	C.I.P. No. 6-7 to C.I.P. No. 10-11	Channel 12	Channel 12	Channel 12.
Seaway Iroquois	3	C.I.P. No. 10-11 to Whaleback Shoal	Channel 9	Channel 9	Channel 9.
Seaway Clayton	4	Whaleback Shoal to Cape Vincent	Channel 16	Channel 13	Channel 16.
Seaway Sodus	4	Cape Vincent to Mid-Lake Ontario	do	do	Do.
Seaway Oshawa	5	Mid-Lake Ontario to C.I.P. No. 15	Channel 11	Channel 11	Do.
Seaway Welland	6	C.I.P. No. 15 to C.I.P. No. 16	Channel 14	Channel 14	Channel 14.
Seaway Long Point	7	C.I.P. No. 16 to Long Point	Channel 11	Channel 11	Channel 16.
Seaway Sault	8	C.I.P. No. 17 to C.I.P. No. 18	Channel 14	Channel 14	Do.

§ 401.64 Calling in.

(a) Every vessel, intending to transit or in transit, shall report on the assigned frequency to the designated Seaway station when opposite any calling in point or checkpoint (indicated on the General Seaway Plan) and, when reporting, shall give the information indicated in Schedule III.

(b) Changes in information provided under paragraph (a) of this section shall be reported to the appropriate Seaway station.

(c) A downbound vessel in St. Lambert Lock shall, before communicating with Montreal Marine Control, switch to channel 10 (156.5 MHz) for a Montreal Harbor situation report.

(d) After obtaining the situation report referred to in paragraph (c) of this section, the downbound vessel shall return to guarding channel 14 (156.7 MHz) and remain on that channel until it is clear of St. Lambert Lock chamber.

(e) When the downbound vessel has cleared the downstream end of the lower approach wall of St. Lambert Lock, the master or pilot of the vessel shall call "Seaway Beauharnois" and request permission to switch to channel 10 (156.5 MHz).

(f) Seaway Beauharnois shall grant the permission requested pursuant to paragraph (e) of this section and advise the downbound vessel of any upbound traffic that may be cleared for Seaway entry but not yet at C.I.P. 2.

(g) In the event of an expected meeting of vessels between the downstream end of the lower approach wall and C.I.P. 2, the downbound vessel shall be told to remain on channel 14 (156.7 MHz) until the meeting has been completed.

(h) After the meeting, the downbound vessel shall call "Seaway Beauharnois" before switching to channel 10 (156.5 MHz).

§ 401.65 Communication—ports, docks and anchorages.

(a) Every vessel entering or leaving a lake port shall report to the appropriate Seaway station at the following check points:

(1) Toronto and Hamilton—one mile outside of harbor limits; and

(2) Other lake ports—when crossing the harbor entrance.

(b) Every vessel arriving at a port, dock or anchorage shall report to the appropriate Seaway station, giving an estimated time of departure if possible, and, at least four hours prior to departure, every vessel departing from a port, dock or anchorage shall report in the same way giving its destination and the expected time of arrival at the next check point.

DANGEROUS CARGO

§ 401.66 Applicable laws.

Vessels carrying fuel oil, gasoline, crude oil or other flammable goods in bulk, including empty tankers that are not gas free, and vessels carrying dangerous goods to which regulations made under the *Canada Shipping Act*, or to which the *Dangerous Cargo Act* of the United States or regulations issued pursuant thereto, apply, shall be deemed to carry dangerous cargo, and shall not transit unless all requirements of the said Statutes and regulations and of these Regulations have been fulfilled.

§ 401.67 Explosive vessels.

A vessel carrying—

(a) Explosives with a mass explosive risk, including ammonium nitrate when it falls into this classification;

(b) More than 10 tons of explosives that do not explode en masse; or

(c) More than one hundred tons of explosives having a fire hazard with minor or no explosive effect,

shall be deemed for the purposes of these Regulations to be an explosive vessel.

§ 401.68 Explosives permit.

(a) No explosive vessel shall transit without a Seaway Explosives Permit, which permit shall not be granted where a vessel carries more than—

(1) Two short tons of explosives with a mass explosive risk;

(2) Fifty short tons of explosives that do not explode en masse; or

(3) Five hundred short tons of explosives having a fire hazard without explosive effect.

(b) Written application for a Seaway Explosives Permit may be made to the Director of Operations, the St. Lawrence Seaway Authority, Cornwall, Ontario, or to the Director of Operations, Saint Lawrence Seaway Development Corporation, Massena, New York, and shall show that the cargo is packed, marked, labelled, described, certified, stowed and otherwise conforms with all relevant regulations of the country in which they were loaded and of Canada and the United States.

(c) A signed copy of a Seaway Explosives Permit and a true copy of any certificate as to the loading of dangerous cargo shall be kept on board every explosive vessel in transit and shall be made available to any officer requiring production of such copies.

§ 401.69 Hazardous cargo vessels.

A vessel that is—

(a) A tanker carrying fuel oil, gasoline, crude oil or other flammable goods in bulk, including a tanker that is not gas free; or

(b) A dry cargo vessel or bulk chemical carrier carrying other dangerous cargo that is in excess of—

(1) Fifty tons of gases, compressed, liquified or dissolved under pressure,

(2) Fifty tons of inflammable liquids of the low flashpoint group,

(3) Fifty tons of organic peroxides,

(4) One hundred tons of oxidizing substances,

(5) One hundred tons of inflammable liquids of the intermediate flashpoint group,

(6) One hundred tons of inflammable solids or spontaneously combustible substances,

(7) One hundred tons of substances emitting inflammable gases when wet,

(8) One hundred tons of poisonous substances,

(9) One hundred tons of infectious substances,

(10) Two hundred tons of corrosive substances, or

(11) Five hundred tons of inflammable liquids of the high flashpoint group,

shall be deemed for the purposes of the Regulations in this part to be a hazardous cargo vessel.

§ 401.70 Fendering—explosive and hazardous cargo vessels.

An explosive vessel or a hazardous cargo vessel, other than a vessel that is—

(a) Carrying the equivalent of Bunker C oil in the center tanks, and

(b) Equipped with gas free ballast wing tanks,

shall be equipped with a sufficient number of non-metallic fenders to prevent any metallic part of the vessel from touching the side of a dock or lock wall.

§ 401.71 Signals—explosive and hazardous cargo vessels.

(a) An explosive vessel shall display, at the masthead or at an equivalent, conspicuous position, a "B" Flag.

(b) A hazardous cargo vessel shall display, at the masthead or at an equivalent, conspicuous position, a "B" Flag superior to numeral pennant no. 1.

§ 401.72 Reporting—explosive and hazardous cargo vessels.

(a) Every explosive vessel shall report the Seaway Explosives Permit number when calling in information related to cargo as required by § 401.64(a).

(b) Every explosive vessel or hazardous cargo vessel shall, when calling in information related to cargo as required by § 401.64(a); report the nature of its cargo and its flashpoint (hazardous cargo).

§ 401.73 Cleaning tanks—hazardous cargo vessels.

Gas freeing and cleaning of cargo tanks shall not take place—

(a) In a canal or lock;

(b) In an area that is not clear of other vessels and structures; or

(c) Before gas freeing and tank cleaning has been reported to the nearest Seaway station.

TOLL ASSESSMENT AND PAYMENT

§ 401.74 Transit Declaration.

(a) The Seaway Transit Declaration Form (Cargo and Passenger), which may be obtained from the Authority, Cornwall, Ontario or from the Corporation, Massena, New York, shall be forwarded to the Authority or the Corporation by the representative of every vessel, other than a pleasure craft of not more than three hundred and fifty tons, within fourteen days after the vessel first enters the Seaway on any upbound or downbound voyage.

(b) The loaded or manifest weight of cargo shall be shown on the Seaway Transit Declaration Form, except in the case of petroleum products where gallonage meters are not available at the point of loading, in which case offloaded

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weights may be shown on the Declaration Form.

(c) Where a vessel carries cargo to or from an overseas port, a copy of the cargo manifest, duly certified, shall be forwarded with the Seaway Transit Declaration Form.

(d) A Weight-Scale Certificate or similar document issued in the place of a cargo manifest may be accepted in lieu thereof.

(e) Where a Seaway Transit Declaration Form is found to be inaccurate, concerning the destination, cargo or passengers, the representative shall immediately forward to the Corporation or the Authority a new, revised Declaration Form.

(f) The information set out in the Seaway Transit Declaration Form shall be transmitted by the Authority to Statistics Canada, and the Corporation will transmit the statistical data required in the United States.

(g) Seaway Transit Declaration Forms shall be used in assessing toll charges in accordance with the St. Lawrence Seaway Tariff of Tolls, and toll accounts shall be forwarded in duplicate to the representative or his designated agent.

§ 401.75 Payment of tolls.

(a) Every toll account is payable when rendered, in Canadian or American funds as indicated on the account, and any adjustment shall be provided for in a subsequent account.

(b) Unless a toll account is paid within fourteen days from the date shown on the account, a surcharge, in an amount not to exceed five percent of the amount due, may be added.

(c) Where a Seaway Transit Declaration Form is not forwarded within the time referred to in § 401.74(a):

(1) The toll account shall be antedated to the date when it would have been prepared if the Declaration Form had been forwarded within that time; and

(2) The surcharge referred to in paragraph (b) of this section may be added unless the toll account is paid within 14 days of the date shown on the account.

§ 401.76 In-transit cargo.

Cargo that is carried both upbound and downbound in the course of the same voyage shall be reported in the Seaway Transit Declaration Form, but is deemed to be ballast and not subject to toll assessment.

§ 401.77 Pleasure craft tolls.

Tolls, in accordance with the St. Lawrence Seaway Tariff of Tolls, shall be paid by pleasure craft for the transit of each Seaway lock, other than the lock on the Sault Ste. Marie (Canada) Canal, by means of $2.00 or $3.00 tickets that may be purchased from the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario, or from the Saint Lawrence Seaway Development Corporation, Seaway Circle, Massena, New York 13662, or at the office of the Regional Directors, whose addresses are shown in Schedule IV; and tickets may also be purchased from pleasure craft organizations or yacht clubs that have obtained tickets from the Corporation or the Authority.

INFORMATION AND REPORTS

§ 401.78 Required information.

All documentary evidence, including inspection certificates, evidence that draft markings are correct, vessel manifests, cargo manifests, crew lists and bills of lading, shall be made available to any officer requiring production of such evidence.

§ 401.79 Advance notice of arrival, vessels requiring inspection.

Every vessel shall provide at least twenty-four hours notice of arrival to the nearest Seaway station prior to an initial transit or in case reinspection of the vessel is required.

§ 401.80 Reporting hazardous cargo.

Every vessel carrying cargo referred to in § 401.69(b) (1) to (11), in a quantity that is not in excess of the quantity that would cause the vessel to be deemed a hazardous cargo vessel, shall provide to the nearest Seaway Station at least twenty-four hours notice of arrival prior to entry into the Seaway on any upbound or downbound voyage, indicating the nature and quantity of the dangerous cargo and where it is stowed on the vessel.

§ 401.81 Reporting an accident.

(a) Where a vessel on the Seaway is involved in an accident that might affect its ability to transit safely and expeditiously, the master of the vessel shall report the accident to the nearest Seaway station immediately, if the vessel can make radio contact with the station, or as soon as the vessel can make radio contact with the station in any other case.

(b) Where a vessel approaching the Seaway with intent to transit has been involved in an accident in the course of its last voyage that might affect its ability to transit safely and expeditiously, the master of the vessel shall report the accident to the nearest Seaway station before entering the Seaway.

§ 401.82 Reporting mast height.

A vessel, any part of which extends more than one hundred and ten feet above water level, shall not transit any part of the Seaway until precise information concerning the height of the vessel has been furnished to the Seaway station.

§ 401.83 Reporting position at anchor, wharf, etc.

A vessel anchoring in a designated anchorage area, or elsewhere, and a vessel mooring at a wharf or dock, tying up to a canal bank or being held on a canal bank in any manner shall immediately report its position to the vessel traffic controller and it shall not resume its voyage without the vessel traffic controller's permission.

§ 401.84 Loss of anchor.

The loss of an anchor shall be reported immediately to the vessel traffic controller with particulars of the precise location of the loss.

§ 401.85 Reporting navigation aid deficiencies.

Any aid to navigation that is extinguished, damaged, out of position or missing shall be reported to the nearest Seaway station.

DETENTION AND SALE

§ 401.86 Security for damages or injury.

An officer may detain a vessel that causes—

(a) Damage to property of the Corporation or the Authority;

(b) Damage to goods or cargo stored on property of the Corporation or the Authority; or

(c) Injury to employees of the Corporation or the Authority; until security satisfactory to the Corporation or the Authority has been provided.

§ 401.87 Detention for toll arrears or violations.

(a) An officer may detain a vessel where—

(1) The tolls or charges levied against the vessel have not been paid; or

(2) A violation of these Regulations has taken place in respect of the vessel.

(b) A vessel detained pursuant to paragraph (a)(1) of this section shall be released when the unpaid tolls or charges are paid.

(c) A vessel detained pursuant to paragraph (a)(2) of this section may be released when a sum of money in an amount, determined by the Corporation or the Authority to be the maximum fine or civil penalty that may be imposed for the violation in respect of which the vessel has been detained, is deposited with the Corporation or the Authority as security for the payment of any fine or civil penalty that may be imposed.

(d) Where a sum of money has been deposited pursuant to paragraph (c) of this section, the Corporation or the Authority may—

(1) Return the deposit;

(2) Hold the deposit in trust as security for the payment of any fine that may be imposed; or

(3) Retain the deposit if the depositor agrees to retention by the Corporation or the Authority of the sum deposited.

(e) Although the depositor may have agreed to retention by the Authority of an amount deposited under paragraph (c) of this section, he may bring an action for the recovery of the amount deposited on the ground that there has been no violation of the regulations in this part.

§ 401.88 Power of sale for toll arrears.

(a) Where a vessel has been detained pursuant to § 401.87(a) and payment of the tolls and charges or the fine imposed has not been made within a reasonable time after—

(1) The time of the detention, in the case of arrears of tolls and charges, or

(2) The imposition of the fine or penalty, in the case of a violation,

the Corporation or the Authority may direct that the vessel or its cargo or any part thereof be seized.

(b) The Corporation or the Authority may, after giving such notice as it deems reasonable to the representative of the vessel, sell the vessel or cargo seized pursuant to paragraph (a) of this section.

(c) An amount equal to the cost of the detention, seizure and sale, and

(1) The tolls and charges payable, or

(2) The fine or penalty imposed on conviction,

shall be deducted from the proceeds of a sale pursuant to paragraph (b) of this section, and the balance shall be paid to the owner of the vessel or cargo or the mortgagee thereof, as the case may be.

GENERAL

§ 401.89 Transit refused.

(a) An officer may refuse to allow a vessel to transit when, in his opinion,

(1) The vessel is not equipped in accordance with §§ 401.6 to 401.21;

(2) The vessel, its cargo, equipment or machinery are in a condition that will prevent safe or expeditious transit by that vessel; or

(3) The vessel is manned with a crew that is incompetent or inadequate.

§ 401.90 Boarding for inspection.

For the purpose of enforcing the regulations in this part, an officer may board any vessel and:

(a) Examine the vessel and its cargo; and

(b) Determine that the vessel is adequately manned.

§ 401.91 Removal of obstructions.

The Corporation or the Authority may take such action at the owner's expense as it deems necessary to move any vessel, cargo or thing that, in its opinion, obstructs or hinders transit of any part of the Seaway.

§ 401.92 Wintering and lying-up.

No vessel shall winter within the Seaway or lie-up within the Seaway during the navigation season except with the written permission of the Corporation or the Authority and subject to the conditions and charges that may be imposed.

§ 401.93 Access to Seaway property.

(a) Except as authorized by an officer, no person shall load or unload goods on property of the Corporation or the Authority.

(b) Except as authorized by an officer or by the *Shore Traffic Regulations*, no person shall enter upon any land or structure of the Corporation or the Authority or swim in any Seaway canal or lock area.

§ 401.94 Keeping copy of regulations.

A copy of these regulations in this part shall be kept on board every vessel in transit.

SCHEDULE I

THE ST. LAWRENCE SEAWAY APPLICATION FOR VESSEL PRE-CLEARANCE

Instructions

The application form attached is to be completed for each vessel by its representative in duplicate and submitted to the St. Lawrence Seaway Authority, 202 Pitt Street, Cornwall, Ontario or to the Saint Lawrence Seaway Development Corporation, Massena, New York.

Upon approval of an application, one copy bearing the Seaway number assigned to the vessel will be returned to the representative.

The representative will be responsible for the documentary and financial arrangements with respect to each transit of the vessel.

When the representative is a Corporation, a resolution will be required authorizing the execution of the Certificate of Guarantee unless it is signed by the President and the Secretary-Treasurer and bears the seal of the company.

A new application will be required where the guarantee endorsed on this application has expired or has been cancelled, for each change of representative or of his address, and after a change in ownership or any major revision in the physical characteristics of the vessel.

NOTICE—NO VESSEL IS PRE-CLEARED UNTIL THIS APPLICATION HAS BEEN APPROVED

Information—Extracts From the Seaway Handbook

Security for Tolls

26. (2) The security for the tolls of a vessel shall be sufficient to cover the gross registered tonnage of the vessel

(a) On the Seaway between Montreal and Lake Ontario, at $1.00 per ton for transit each way or at $2.00 per ton for a round trip;

(b) On the Welland Canal, at $800.00 for transit each way or at $1600.00 for a round trip,

and it shall be maintained in an amount sufficient to cover each and every transit for which tolls have been incurred and are unpaid.

26. (3) Where a number of vessels

(a) Are owned or controlled by the same individual or company, and

(b) Have the same representative,

the security for the tolls may be provided in an amount estimated by the representative to be equal to $1.10 per ton for the aggregate maximum tonnage of the vessels within the Seaway at any one time and shall be maintained in an amount sufficient to cover each transit for which tolls have been incurred and are unpaid.

Radiotelephone Equipment

9. (1) Self-propelled vessels, other than pleasure craft of less than sixty-five feet, shall be equipped wtih VHF (very high frequency) radiotelephone equipment.

9. (2) The radio transmitters on a vessel shall

(a) Have sufficient power output to enable the vessel to communicate with Seaway stations from a distance of thirty miles; and

(b) Be fitted to operate from the conning position in the wheelhouse and to communicate on 156.45, 156.55, 156.6, 156.65, 156.7 and 156.8 MHz.

Special Instructions

33. Special instructions shall be applied for from the Corporation or the Authority in connection with the intended transit of vessels of unusual design, hulks, sections of vessels, large dredges and all vessels in tow, and such vessels shall not transit except in compliance with such instructions.

Payment of Tolls

75. (2) Unless a toll account is paid within fourteen days from the date shown on the account, a surcharge, in an amount not to exceed five percent of the amount due, may be added.

75. (3) Where a Transit Declaration is not forwarded within the time referred to in subsection 74(1)

(a) The toll account shall be antedated to the date when it would have been prepared if the Declaration Form had been forwarded in time; and

(b) The surcharge referred to in subsection (2) may be added, unless the toll account is paid within fourteen days of the date shown on the account.

THE ST. LAWRENCE SEAWAY—APPLICATION FOR VESSEL PRE-CLEARANCE

Seaway No. ------

PART I—REGISTRATION

1. Registration of Vessel:
(a) Name ----------
(b) Country of registry ----------
(c) Port ----------
(d) Official number or letters ----------

2. Insurance: Liability insurance must be equal to or exceed $50.00 per gross registered ton.
(a) Amount of liability insurance coverage on the vessel (P&I) ----------
----
(b) Names of Underwriters: ----------
----

3. Representative responsible for payment of tolls and charges:
(a) Name ----------
(b) Address ----------
(c) Telephone No. ----------

4. Certificate of Guarantee:
The undersigned hereby accepts responsibility for the carrying out of the obligations of the representative pursuant to the Seaway Regulations, including the accurate completion of Part II hereof, and hereby undertakes to make payment of all monies that may become due by this vessel for tolls and charges during the full term of this certificate, which undertaking will remain in force notwithstanding the earlier expiration of this certificate.

The undersigned also agrees that security for the payment of tolls, which may be provided by him during the currency of this certificate, shall be subject to summary forfeiture in the event of non-compliance by him with requirements relating to the payment of tolls and charges.

This certificate shall be good and binding:

(a) Until the Authority or the Corporation is otherwise advised in writing by the undersigned, or

(b) For the following voyage

Dated at ---------- this ------ day of ----------, 19---

Signed ----------

NOTE.—Approval of this application does not constitute acceptance of the fact that the vessel is in a condition satisfactory for transit.

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IMPORTANT—RETURN BOTH COPIES

PART II—INFORMATION ON VESSEL

The furnishing of inaccurate information is a violation of the Seaway Regulations.

1. Managing Owner or Operator of the Vessel:
   (a) Name of Company _____
   (b) Address _____
2. Type of Vessel:
   (a) Cargo _____ ( )
   (b) Tanker _____ ( )
   (c) Passenger only _____ ( )
   (d) Cargo/Passenger (more than 12 passengers) _____ ( )
   (e) Cargo/Passenger (under 12 passengers) _____ ( )
   (f) Under Tow _____ ( )
   (g) Dredge _____ ( )
   (h) Scow ____ ( ) Barge ____ ( ) Tank-Barge ____ ( )
   (i) Tug _____ ( )
   (j) Naval (MIL.) _____ ( )
   (k) Government _____ ( )
   (l) Other (Specify) _____ ( )
3. Type of Service for which Constructed:
   (a) Inland _____
   (b) Ocean _____
4. Specifications:
   (a) Gross Tons _____
   (b) Net Tons _____
   (c) Length (overall) _____
   (d) Extreme Breadth (including fenders) _____
   (e) Molded Depth _____
   (f) Brake Horse Power _____
   (g) Ice Classification _____

NOTE.—It is of the utmost importance to furnish the precise overall length of all vessels in order that traffic controllers may arrange lockages accordingly.

	Yes	No
Sewage Disposal System	( )	( )
Oily Water Separator	( )	( )
Wrong Way Prop Alarm	( )	( )
Prop Locking Device	( )	( )
Bow Thruster	( )	( )
Stern Anchor	( )	( )
Bridge Controlled	( )	( )
Rudder Indicator	( )	( )
Engine RPM Indicator	( )	( )
Gyro Compass	( )	( )
Radar	( )	( )

SCHEDULE II.—*Table of speeds*[1]

From	To	Maximum speed over the bottom (miles per hour) Col. III	Col. IV
Upper entrance, South Shore Canal.	Lake St. Louis, buoy 13A	12 (10.4 kn)	12 (10.4 kn).
Lake St. Louis, buoy 13A.	Lower entrance, Beauharnois lock.	18 (15.5 kn)	18 (15.6 kn).
Upper entrance, Beauharnois lock, buoy 5B.	Lake St. Francis, buoy 27F.	10 upbound (8.6 kn) 12 downbound (10.4 kn)	10 upbound (8.6 kn). 12 downbound (10.4 kn).
Lake St. Francis, buoy 27F.	Lake St. Francis, buoy 87F.	18 (15.5 kn)	18 (15.5 kn).
Lake St. Francis, buoy 87F.	Snell lock	10 upbound (8.6 kn) 12 downbound (10.4 kn)	9 upbound (7.8 kn). 12 downbound (10.4 kn).
Eisenhower lock	Richards Point, light 55	13 (11.3 kn)	12 (10.4 kn).
Richards Point, light 55	Morrisburg, buoy 84	15 (13 kn)	Do.
Morrisburg, buoy 84	Ogden Island, buoy 99	13 (11.3 kn)	Do.
Ogden Island, buoy 99	Blind Bay, ½ mi. east of light 162.	15 (13 kn)	Do.
Blind Bay, ½ mi east of light 162.	Deer Island, light 186	13 ((11.3 kn)	Do.
Deer Island, light 186	Bartlett Point, light 227	10 upbound (8.6 kn) 12 downbound (10.4 kn)	9 upbound (7.8 kn). 12 downbound (10.4 kn).
Bartlett Point, light 227	Tibbetts Point	15 (13 kn)	12 (10.4 kn).
Junction of Canadian middle channel and main channel abreast of Ironsides Island.	Open waters between Wolfe and Howe Islands through the said middle channel.	13 (11.3 kn)	11 (9.5 kn).
Lock 1, Welland Canal	Outer piers, Port Weller Harbor.	9 (7.8 kn)	9 (7.8 kn).
Port Robinson	Ramey's Bend, through the Welland bypass.	do	Do.
All other canals		7 (6.1 kn)	7 (6.1 kn).

[1] Maximum speeds at which a vessel may travel in identified areas in both normal and high water conditions ar set forth in this schedule. The Corporation and the Authority shall, from time to time, designate the set of speed limits which is in effect. The maximum speeds set forth in the schedule shall always be subject to specific instructions to a particular vessel.

SCHEDULE III.—*Calling-in table*

C.I.P. and checkpoint	Station to call	Message content
UPBOUND VESSELS		
C.I.P. 2—entering sector 1 (order of passing through established).	Seaway Beauharnois, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
C.I.P. 3—order of passing through established.	do	1. Name of vessel. 2. Location.
Exiting upper Beauharnois lock.	do	1. Name of vessel. 2. Location. 3. ETA C.I.P. 7.
C.I.P. 7—leaving sector 1.	do	1. Name of vessel. 2. Location.

SCHEDULE III.—*Calling-in table*—Continued

C.I.P. and checkpoint	Station to call	Message content
UPBOUND VESSELS		
C.I.P. 7—entering sector 2.	Seaway Eisenhower, channel 12.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Snell lock.
C.I.P. 8—order of passing through established.	do	1. Name of vessel. 2. Location.
C.I.P. 8A	do	1. Name of vessel. 2. Location.
Existing Eisenhower lock.	do	1. Name of vessel. 2. Location. 3. ETA C.I.P. 11. 4. Confirm pilot requirement—Lake Ontario.
C.I.P. 11—leaving sector 2.	do	1. Name of vessel. 2. Location.

SCHEDULE III.—*Calling-in table*—Continued

C.I.P. and checkpoint	Station to call	Message content
UPBOUND VESSELS		
C.I.P. 11—entering sector 3.	Seaway Iroquois, channel 9.	1. Name of vessel. 2. Location.
C.I.P. 12—order of passing through established.	do	1. Name of vessel. 2. Location.
Exiting Iroquois lock.	do	1. Name of vessel. 2. Location. 3. ETA Whaleback Shoal.
Whaleback Shoal—leaving sector 3.	do	1. Name of vessel. 2. Location.
Whaleback Shoal—entering sector 4.	Seaway Clayton, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. ETA Cape Vincent or River Port. 4. Confirm pilot requirement—Lake Ontario.
Wolfe Island Cut (Quebec Head)—vessels leaving main channel.	do	1. Name of vessel. 2. Location. 3. ETA Kingston.
Cape Vincent	do	1. Name of vessel. 2. Location. 3. ETA Sodus Point. 4. ETA Port Weller (C.I.P. 15) or Lake Ontario Port. 5. Pilot requirement—Port Weller.
Sodus Point	Seaway Sodus, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. ETA mid-Lake Ontario. 4. ETA Newcastle.
Mid-Lake Ontario—leaving sector 4.	do	1. Name of vessel. 2. Location.
Mid-Lake Ontario—entering sector 5.	Seaway Oshawa, channel 11.	1. Name of vessel. 2. Location.
Newcastle	do	1. Name of vessel. 2. Location. 3. Updated ETA Port Weller (C.I.P. 15) or Lake Ontario Port. 4. Confirm pilot requirement—Port Weller.
C.I.P. 15—order of passing through established.	Seaway Welland, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Erie.
Port Colborne piers.	do	1. Name of vessel. 2. Location. 3. ETA Long Point.
C.I.P. 16	Seaway Long Point, channel 11.	1. Name of vessel. 2. Location.
Long Point—leaving sector 7.	do	1. Name of vessel. 2. Location.
C.I.P. 17	Seaway Sault, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 18	do	1. Name of vessel. 2. Location.
DOWNBOUND VESSELS		
C.I.P. 18	do	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 17	do	1. Name of vessel. 2. Location.

SCHEDULE III.—*Calling-in table*—Continued

C.I.P. and checkpoint	Station to call	Message content
DOWNBOUND VESSELS		
Long Point—entering sector 7.	Seaway Long Point, channel 11.	1. Name of vessel. 2. Location. 3. ETA C.I.P. 16.
C.I.P. 16—order of passing through established.	Seaway Welland, channel 14.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. Pilot requirement—Lake Ontario.
Exiting lock No. 1, Welland Canal.	do	1. Name of vessel. 2. Location. 3. ETA Newcastle. 4. ETA Cape Vincent or Lake Ontario Port. 5. Pilot requirement—Cape Vincent.
C.I.P. 15	Seaway Oshawa, channel 11.	1. Name of vessel. 2. Location.
Newcastle	do	1. Name of vessel. 2. Location. 3. ETA mid-Lake Ontario. 4. ETA Sodus Point.
Mid-Lake Ontario—leaving sector 5.	do	1. Name of vessel. 2. Location.
Mid-Lake Ontario—entering sector 4.	Seaway Sodus, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo. 6. ETA Sodus Point.
Sodus Point	do	1. Name of vessel. 2. Location. 3. Updated ETA Cape Vincent or Lake Ontario Port. 4. Confirm River pilot requirement—Cape Vincent.
Cape Vincent	Seaway Clayton, call channel 16, work channel 13.	1. Name of vessel. 2. Location. 3. ETA Whaleback or river port.
Wolfe Island Cut (Quebec Head)—vessels entering main channel.	do	1. Name of vessel. 2. Location. 3. ETA Whaleback Shoal or river port.
Whaleback Shoal—leaving sector 4.	do	1. Name of vessel. 2. Location.
Whaleback Shoal—entering sector 3.	Seaway Iroquois, channel 9.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 14	do	1. Name of vessel. 2. Location.
C.I.P. 13—order of passing through established.	do	1. Name of vessel. 2. Location.
Exiting Iroquois lock.	do	1. Name of vessel. 2. Location. 3. ETA C.I.P. 10. 4. Harbor or river pilot requirement—St. Lambert.
C.I.P. 10—leaving sector 3.	do	1. Name of vessel. 2. Location.
C.I.P. 10—entering sector 2.	Seaway Eisenhower, channel 12.	1. Name of vessel. 2. Location. 3. Destination. 4. Drafts, fore and aft. 5. Cargo.
C.I.P. 9—order of passing through established.	do	1. Name of vessel. 2. Location. 3. ETA Snell lock.
Exiting Snell lock.	do	1. Name of vessel. 2. Location. 3. ETA C.I.P. 6.

SCHEDULE III.—*Calling-in table*—Continued

C.I.P. and checkpoint	Station to call	Message content
DOWNBOUND VESSELS		
C.I.P. 6—leaving sector 2.	do	1. Name of vessel. 2. Location.
C.I.P. 6—entering sector 1.	Seaway Beauharnois, channel 14.	1. Name of vessel. 2. Location.
C.I.P. 5—order of passing through established.	do	1. Name of vessel. 2. Location.
Exiting lower Beauharnois lock.	do	1. Name of vessel. 2. Location. 3. Confirm Harbor or River pilot requirement—St. Lambert. 4. Montreal Harbor berth number. 5. VHF requirement—St. Lambert.
St. Lambert lock to C.I.P. 2—leaving sector 1.	do	1. Name of vessel. 2. Location.

SCHEDULE IV

Pleasure craft tickets may be purchased from:

EASTERN REGION

Regional Director, Eastern Region, The St. Lawrence Seaway Authority, St. Lambert Lock, P.O. Box 97, St. Lambert, Quebec.

WESTERN REGION

Regional Director, Western Region, the St. Lawrence Seaway Authority, 508 Glendale Avenue, P.O. Box 370, St. Catharines, Ontario.

[FR Doc.74-6617 Filed 3-21-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-250, Corrected]

PART 1—PRACTICE AND PROCEDURE

Oppositions and Replies

1. Section 1.294(b) of the rules of practice and procedure provides, as a general rule, that 4 days are allowed for filing oppositions to pleadings filed in hearing proceedings and that replies to oppositions will not be entertained. Section 1.294(c) lists four types of pleadings to which the 4-day rule does not apply, one of which is petitions to intervene. In the case of pleadings listed in § 1.294(c), 10 days are allowed for oppositions and 5 additional days are allowed for replies.

2. The questions presented in petitions to intervene are not typically more difficult or complex than those presented in pleadings to which the 4-day rule now applies (e.g., petitions to amend an application). We think that they can be dealt with fairly and adequately under the 4-day rule, and that the delay of hearing proceedings occasioned by the longer pleading periods which currently apply is not warranted.[1] This being the case, we are amending § 1.294 to apply the 4-day rule to petitions to intervene.

3. Authority for this amendment is contained in Sections 4 (i) and (j) of 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j) and 303(r). Because the amendment is procedural in nature, the prior notice and effective date provisions of 5 U.S.C. 553 are inapplicable.

Accordingly, *It is ordered*, effective March 27, 1974, That § 1.294 of the rules of practice and procedure is amended as set forth in the Appendix hereto.

(Secs. 4, 303, 48 Stat., as amended, 1068, 1082 (47 U.S.C. 154, 303))

Adopted: March 13, 1974.

Released: March 19, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

Part I of Chapter I of Title 47 of the Code of Federal Regulations is amended to revoke § 1.294(c)(2), to read as follows:

§ 1.294 Oppositions and replies.

* * * * * * *

(c) * * *

(2) [Reserved]

* * * * * * *

[FR Doc.74-6662 Filed 3-21-74;8:45 am]

[Docket Nos. 19647, 10269]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Aeronautical Mobile (R) VHF Band; Channel Spacing

Correction

In FR Doc. 74-4067 for the issue of Friday, February 22, 1974, make the following change: In § 87.331(a) in the third column of page 6706, change the entry reading "3181 kHz" to read "3281 kHz".

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-22; Amdt. Nos. 171-23, 174-20, 175-11, 177-30, 178-31]

MATTER INCORPORATED BY REFERENCE

The purpose of these amendments to the Department of Transportation's Hazardous Materials Regulations is:

[1] Under § 1.4, the amount of time actually allowed can be as much as 11 days for a 4 day pleading, 12 days for a 5 day pleading, and 17 days for a 10 day pleading. Thus, at present, as many as 29 days may pass before action can be taken on a petition to intervene. With the amendment, the maximum delay would be 11 days.

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1. To update the reference to the addenda to sections VIII (Division I) and IX of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code."

2. To incorporate the Bureau of Explosives' pamphlets 1 and 2, "Emergency Handling of Hazardous Materials in Surface Transportation" June 1973. These pamphlets supersede Bureau of Explosives' Pamphlet No. 22 now referenced.

3. To incorporate National Wooden Box Association's Specification 1–1B, "Specifications for Nailed Wooden and Lock Corner Boxes for Industrial Use" May 1958, which illustrates the styles of wooden boxes prescribed in Part 178, §§ 178.168–12, 178.169–12, 178.170–11, 178.171–12, 178.172–8 Table, and 178.172–17.

4. To reference footnote 2 in § 178.116–6(a) Table for 30-gallon capacity DoT specification 17E drums. Footnote 2 in the columns entitled "Body sheet" and "Head sheet" was never deleted from the regulations; however, the references in the Table have become illegible or invisible through wear of the type being used in reprinting.

On November 28, 1973, the Board published a notice of proposed rule making, Docket No. HM–22; Notice 73–8 (38 FR 32817), proposing to update the addenda described in item 1. No comments were received on the proposal.

Since items 2 through 4 described above concern editorial changes and corrections and impose no burden on any person, public notice and procedure thereon are considered unnecessary.

In consideration of the foregoing, 49 CFR Parts 171, 174, 175, 177, and 178 are amended as follows:

PART 171—GENERAL INFORMATION AND REGULATIONS

In § 171.7, paragraphs (c)(18) and (d)(13) are added; paragraphs (d)(1) and (d)(7)(iv) are amended to read as follows:

§ 171.7 Matter incorporated by reference.

* * * * * * *

(c) * * *

(18) National Wooden Box Association, Post Office Box 1010, Cumberland, Maryland 21502.

(d) * * *

(1) ASME Code means sections VIII (Division I) and IX of the 1971 edition of the "American Society of Mechanical Engineers Boiler and Pressure Vessel Code," and addenda thereto through June 30, 1973.

* * * * * * *

(7) * * *

(iv) Bureau of Explosives Pamphlets 1 and 2 titled "Emergency Handling of Hazardous Materials in Surface Transportation" June 1973.

* * * * * * *

(13) National Wooden Box Association's Specification 1–1B is titled "Specifications for Nailed Wooden and Lock Corner Boxes for Industrial Use" May 1958. Amended in part October 1961.

PART 174—CARRIERS BY RAIL FREIGHT

(A) In § 174.588, paragraph (c)(2) is amended to read as follows:

§ 174.588 Disposition of damaged or astray shipments.

* * * * * * *

(c) * * *

(2) Details involving the handling of radioactive materials in the event of a wreck may be found in Bureau of Explosives' Pamphlets 1 and 2.

* * * * * * *

(B) In § 174.600, paragraph (a) is amended to read as follows:

§ 174.600 In case of a wreck.

(a) Details involving the handling of hazardous materials in the event of a wreck may be found in Bureau of Explosives' Pamphlets 1 and 2.

* * * * * * *

PART 175—CARRIERS BY RAIL EXPRESS

In § 175.655, paragraph (j)(3) Note 2 is amended to read as follows:

§ 175.655 Protection of packages.

* * * * * * *

(j) * * *

(3) * * *

NOTE 2: Details involving the handling of radioactive materials in the event of an accident can be found in Bureau of Explosives' Pamphlets 1 and 2.

* * * * * * *

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

In § 177.861, paragraph (a) Note 2 is amended to read as follows:

§ 177.861 Accidents; radioactive materials.

(a) * * *

NOTE 2: Details involving the handling of radioactive materials in the event of an accident can be found in Bureau of Explosives' Pamphlets 1 and 2.

* * * * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

§ 178.116–6 [Amended]

In § 178.116–6 paragraph (a) Table, footnote 2 reference is added in the columns "Body sheet" and "Head sheet" for "Marked capacity not over 30 gallons," to read as follows:

This amendment is effective June 30, 1974. However, compliance with the regulations, as amended herein, is authorized immediately.

(Transportation of Explosives Act (18 U.S.C. 831–835); section 6 of the Department of Transportation Act (49 U.S.C. 1655); Title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430, 1472(h), and 1655(c)).)

Issued in Washington, D.C. on March 19, 1974.

JAMES F. RUDOLPH,
Board Member, For the Federal Aviation Administration.

KENNETH L. PIERSON,
Alternate Board Member, For the Federal Highway Administration.

MAC E. ROGERS,
Board Member, For the Federal Railroad Administration.

W. F. REA,
Board Member, For the United States Coast Guard.

[FR Doc.74–6659 Filed 3–21–74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Exemption of Printing, Publishing, Broadcasting, and Related Services

Correction

In FR Doc. 74–6436 appearing at page 10233 of the issue of Tuesday, March 19, 1974, the following change should be made in the second full paragraph in the center column of page 10234: In items (b) and (c) the phrase "[date of issuance of this regulation]" should read "March 15, 1974".

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 6]

AIR COMMERCE REGULATIONS

Duty on Cost of Foreign Repairs to Certain U.S. Registered Aircraft; Extension of Time for Submission of Data, Views, or Arguments

MARCH 15, 1974.

On February 12, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 5320) which proposed to amend § 6.7(e) of the Customs Regulations pertaining to the conditions under which certain United States-registered aircraft engaged in trade are exempted from the requirement of making entry and depositing duty (or giving a bond in lieu thereof) with respect to equipment purchased for or repairs made to such aircraft in a foreign country. Thirty days from the date of publication of the notice were given for submission of data, views, or arguments pertinent to the proposed amendment.

Requests have been received for extension of the time for submission of comments. The period for submission of data, views, or arguments relating to the proposed amendment to § 6.7(e), Customs Regulations, is extended to April 15, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.74–6698 Filed 3–21–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 68]

U.S. STANDARDS FOR DRY PEAS

Proposed Revision

Pursuant to sections 203 and 205 of the Agricultural Marketing Act of 1946, 60 Stat. 1087 and 1090, as amended (7 U.S.C. 1622 and 1624) notice is hereby given according to the administrative procedure provisions of section 553 of Title 5, United States Code, that the U.S. Department of Agriculture has under consideration a proposed revision of the United States Standards for Dry Peas (7 CFR 68.401 et seq.).

Statement of considerations. The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities for the voluntary use by producers, merchandisers, processors, and consumers in the marketing of these commodities. Official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Under the present U.S. standards, dry peas, are classified by variety. The Department of Agriculture has conducted studies which indicate that consistent identification of peas as to variety, with an acceptable degree of accuracy, is beyond the capability of inspectors and others.

The Department, after consulting industry concerning the problem, proposes that classification of dry peas by variety name be discontinued. In lieu of the present varietal class names, the following classes would be established:

Smooth Green Dry Peas. Dry peas which have a smooth green seedcoat and green cotyledons.

Smooth Yellow Dry Peas. Dry peas which have a smooth yellow seedcoat and yellow cotyledons.

Wrinkled Dry Peas. Dry peas which have a wrinkled green or yellow seedcoat and green or yellow cotyledons.

Winter Dry Peas. Dry peas of the winter field pea type which have green, brown, or yellow seedcoats.

Mixed Dry Peas. Any mixture of peas which does not meet the requirements of any other classes.

To help meet the needs of the pea industry for identification purposes, it is proposed that official inspection personnel may, at the request of the applicant for inspection, include a statement in the remarks section of the grade certificate substantially as follows:

"Variety stated by the applicant to be. ----------." The applicant would be responsible for the validity of the statement.

Peas that are distinctly soiled or stained by dirt are not desirable as a food and are scored as damaged peas. Virtually all wrinkled dry peas that are inspected are used for seed purposes and, therefore, the presence of soil or dirt stains on the seedcoats of wrinkled dry peas appears to be of relatively minor importance. Accordingly, it is proposed that Wrinkled Dry Peas which are distinctly soiled or stained by dirt shall not be scored as damaged peas.

Peas that are distinctly soiled or stained by "nightshade" or by "toxic material" are also presently scored as damaged peas. It has been found that inspectors are unable to consistently and accurately determine whether or not a stain consists of nightshade or of other toxic or unknown foreign substance. Peas stained by nightshade or an unknown foreign substance should be scored as "distinctly low quality" and not as "damaged." It is therefore proposed that the definition of damaged peas be amended to exclude peas that are soiled or stained by "nightshade" or by "toxic material" and that the definition of distinctly low quality be amended to include peas that are stained by an unknown foreign substance, or which contain a toxic substance.

The present standards require that dry peas of grades U.S. Nos. 1, 2, and 3 shall be of good color, fair color, and poor color, respectively. The differences between good, fair, and poor color are so small that it is difficult, if not impossible, to accurately discriminate between the three levels of color. To minimize this difficulty, it is proposed that color be characterized as either good color or poor color. The color requirements for grades U.S. Nos. 1, 2, and 3 would then be good color, good color, and poor color, respectively.

It is proposed to amend the standards for dry peas to provide for these and related changes as follows:

1. Change the name of the commodity from "Dry Peas" to "Whole Dry Peas"—to clearly differentiate the commodity from split peas.

2. Define "Whole Dry Peas" in § 68.401 and alphabetically list all other definitions in § 68.402—for ease in locating the definition of the commodity being graded and the other definitions.

3. Discontinue the classification of dry peas by variety and classify as follows:

Smooth Green Dry Peas
Smooth Yellow Dry Peas
Wrinkled Dry Peas
Winter Dry Peas
Mixed Dry Peas

4. Redefine "damaged peas" to show that Wrinkled Dry Peas that are distinctly soiled or stained by dirt are not scored as damaged peas—because wrinkled varieties of peas are almost always used for seed.

5. Further redefine "damaged peas" to exclude peas that are soiled or stained by "nightshade" or by "toxic material"—such peas, when found, should cause the lot to be graded "Sample grade" because they are "distinctly low quality."

6. Define the term "distinctly low quality"—to more clearly identify the term.

7. Include "Moisture" under "Terms Defined"—this term was previously included in "Principles Governing Application of Standards."

8. Delete "Peas that blend" from "Terms Defined" and the grade table—this factor would not be applicable under the new classification.

9. Add the section "Temporary modifications in equipment and procedures" (§ 68.404) to "Principles Governing Ap-

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plication of the Standards"—to provide for instances when adverse growing or harvesting conditions warrant minor modifications in equipment and procedures.

10. Revise the grade chart to require that peas of grade U.S. No. 2 shall be of good color—the present requirement, fair color, is difficult to distinguish from good color and poor color.

11. Permit official inspection personnel to state on the grade certificate the applicant's statement as to variety of the sample of peas graded, if desired by the applicant for inspection—to provide further information for the buyer.

12. Make minor editorial changes in the interest of clarity.

The Department proposes that the United States Standards for Dry Peas be revised to read as follows:

UNITED STATES STANDARDS FOR WHOLE DRY PEAS[1]

TERMS DEFINED

§ 68.401 Definition of whole dry peas.

Threshed seeds of the pea plant (*Pisum sativum* L.) and the winter field pea plant [*Pisum sativum* var. *arvense* (L.) Poir.] which after the removal of dockage contain 50 percent or more of whole peas and not more than 10.0 percent of foreign material.

§ 68.402 Definitions of other terms.

For the purposes of these standards the following terms shall have the meanings stated below:

(a) *Bleached peas.* Whole and pieces of dry peas of green-colored varieties which are bleached distinctly yellow in color or peas of yellow-colored varieties which are bleached distinctly green in color.

(b) *Classes.* The following five classes:

(1) *Smooth Green Dry Peas.* Dry peas of the garden type which have smooth seedcoats and green cotyledons and contain not more than 1.5 percent of other classes.

(2) *Smooth Yellow Dry Peas.* Dry peas of the garden type which have smooth seedcoats and yellow cotyledons and contain not more than 1.5 percent of other classes.

(3) *Wrinkled Dry Peas.* Dry peas of the garden type which have wrinkled seedcoats and contain not more than 1.5 percent of other classes.

(4) *Winter Dry Peas.* Dry peas of the winter field pea type which contain not more than 1.5 percent of other classes.

(5) *Mixed Dry Peas.* Any mixture that does not meet the requirements for the classes Smooth Green, Smooth Yellow, Wrinkled, or Winter Dry Peas.

(c) *Damaged peas.* Whole and pieces of dry peas which are distinctly:

(1) Damaged by frost, weather, disease, heat (other than materially discolored as a result of heating), or other causes; and

(2) Soiled or stained by dirt (not applicable for the class Wrinkled Dry Peas).

Damaged peas shall not include weevil-damaged peas or heat-damaged peas.

(d) *Defective peas.* The categories of defective peas shall be weevil-damaged peas, heat-damaged peas, damaged peas, other classes, bleached peas, split peas, shriveled peas, and peas with cracked seedcoats.

(e) *Distinctly low quality.* Whole dry peas which are obviously of inferior quality because they are stained by an unknown foreign substance or because they otherwise contain a known toxic substance(s) or an unknown foreign substance(s) or because they are in an unusual state or condition, and which cannot be graded by use of the other grading factors provided in the standards.

(f) *Dockage.* Small underdeveloped dry peas, pieces of dry peas, and all matter other than dry peas which can be removed readily by the use of an approved device in accordance with procedures prescribed in Inspection Handbook HB–1 and the Equipment Manual.[2] For the purpose of this paragraph, "approved device" shall include sieves as set forth in paragraph (q) of this section and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(g) *Dockage-free dry peas.* Dry peas from which the dockage has been removed.

(h) *Foreign material in dockage-free dry peas.* All matter other than dry peas and including detached seedcoats.

(i) *Foreign material in thresher-run dry peas.* All matter other than dry peas, including detached seedcoats, which cannot be readily removed in the determination of dockage.

(j) *Good color peas.* Dry peas that in mass are practically free from discoloration and have the natural color and appearance characteristics of the predominating class.

(k) *Heat-damaged peas.* Whole and pieces of dry peas which have been materially discolored as a result of heating.

(l) *Moisture.* Water content in whole dry peas as determined by an approved device in accordance with procedures prescribed in Inspection Handbook HB–1 and the Equipment Manual.[2] For the purpose of this paragraph "approved device" shall include the Motomco moisture meter and any other equipment that is approved by the Administrator as giving equivalent results.[3]

(m) *Other classes.* Whole and pieces of dry peas which are of a contrasting color or which differ materially in shape, or other characteristics from the predominating class.

(n) *Peas with cracked seedcoats.* Dry peas having readily discernible cracked seedcoats or peas which have all or a part of the seedcoat removed, and broken peas which are more than one-half of a whole pea.

(o) *Poor color peas.* Dry peas that in mass are distinctly off-color from the characteristic color of the predominating class as a result of age or any other cause.

(p) *Shiveled peas.* Dry peas which are distinctly shriveled in contrast to the natural shape and appearance of normally developed peas.

(q) *Sieves*—(1) $^{9}/_{64}$ x $^{3}/_{4}$ *oblong-hole sieve.* A metal sieve 0.032 inch thick with oblong perforations 0.1406 inch by 0.750 ($^{3}/_{4}$) inch.

(2) $^{10}/_{64}$ x $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.1562 inch by 0.750 ($^{3}/_{4}$) inch.

(3) $^{11}/_{64}$ x $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.1718 inch by 0.750 ($^{3}/_{4}$) inch.

(4) $^{12}/_{64}$ x $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.1875 inch by 0.750 ($^{3}/_{4}$) inch.

(5) $^{13}/_{64}$ x $^{3}/_{4}$ *slotted-hole sieve.* A metal sieve 0.032 inch thick with slotted perforations 0.2031 inch by 0.750 ($^{3}/_{4}$) inch.

(6) $^{16}/_{64}$ *round-hole sieve.* A metal sieve 0.032 inch thick with round perforations 0.2500 inch in diameter.

(r) *Split peas.* The halves or smaller pieces of dry peas and dry peas in which the halves are loosely held together.

(s) *Thresher-run dry peas.* Dry peas from which the dockage has not been removed.

(t) *Weevil-damaged peas.* Whole and pieces of dry peas which are distinctly damaged by the pea weevil or other insects.

(u) *Whole peas.* Dry peas with one-fourth or less of the pea removed and with the cotyledons or parts of cotyledons firmly held together.

PRINCIPLES GOVERNING APPLICATION OF STANDARDS

§ 68.403 Basis of determinations.

(a) All factor determinations shall be made upon the basis of the dry peas after the removal of dockage with the following exceptions:

(1) Dockage in thresher-run dry peas shall be determined upon the basis of the peas as sampled.

(2) Color shall be determined after the removal of dockage, defective peas, and foreign material.

(b) Defects in peas shall be scored in accordance with the order shown in § 68.402(d) and once an individual pea is scored in a defective category it shall not be scored for any other defect. Percentages for all categories of defects shall be calculated on the basis of the total weight of the sample analyzed for defective peas.

§ 68.404 Temporary modifications in equipment and procedures.

The equipment and procedures referred to in the whole dry peas standards are applicable to peas produced and harvested under normal environmental conditions. Abnormal environmental conditions during the production and harvesting of peas may require minor temporary modifications in the equipment or procedures to obtain results expected under normal conditions. When these adjustments are necessary, Grain Division Field Offices, official inspection agencies, and interested parties in the dry pea industry will be notified promptly in writing of the modification. These modifications shall not include changes in interpretations of identity, class, quality, or condition.

§ 68.405 Percentages.

Percentages shall be determined on the basis of weight and shall be rounded off as follows:

(a) When the figure to be rounded is followed by a figure greater than 5, round to the next higher figure; e.g., 0.46 report as 0.5.

(b) When the figure to be rounded is followed by a figure less than 5, round to the next lowest figure; e.g., 0.54 report as 0.5.

(c) When the figure to be rounded is followed by the figure 5, round to the nearest even figure; e.g., 0.45, report as 0.4; 0.55, report as 0.6.

All percentages shall be stated in whole and tenth percent to the nearest tenth percent.

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

§ 68.406 Grades and grade requirements for dockage-free dry peas. (See also § 68.408.)

	Maximum limits of									
	Defective Peas									Minimum requirements for color
	Weevil-damaged peas	Heat-damaged peas	Damaged peas[4]	Other classes[5]	Bleached peas[6]	Split peas	Shriveled peas	Peas with cracked seedcoats	Foreign material	
	Percent	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	*Percent*	
U.S. No. 1[4]	0.3	0.2	1.0	0.3	1.5	0.5	2.0	3.5	0.1	Good.
U.S. No. 2[4]	0.8	0.5	1.5	0.8	3.0	1.0	4.0	5.5	0.2	Good.
U.S. No. 3[4]	1.5	1.0	2.0	1.5	5.0	1.5	8.0	7.5	0.5	Poor.
U.S. Sample grade.	U.S. Sample grade shall be dry peas which: (a) Do not meet the requirements for the grades U.S. Nos. 1, 2, or 3; or (b) Contain metal fragments, broken glass, or a commercially objectionable odor; or (c) Contain more than 15.0 percent moisture; or (d) Are materially weathered, heating, or distinctly low quality; or (e) Are infested with live weevils or other live insects.[4]									

[4] Size requirements: Dry peas of any of the numerical grades, except for peas of the class Winter Dry Peas, shall be of such size that not more than 3 percent of the peas will pass readily through the $^{13}/_{64}$ x $^{3}/_{4}$ slotted-hole sieve. Winter Dry Peas shall be of such size that not more than 3 percent of the peas shall pass through the $^{9}/_{64}$ x $^{3}/_{4}$ oblong-hole sieve.

[4] Damaged peas do not include weevil-damaged or heat-damaged peas.

[5] These limits do not apply to the class Mixed Dry Peas.

[6] These limits do not apply to winter field peas and wrinkled peas.

[4] As applied to dockage-free whole dry peas, the meaning of the term "infested" is set forth in chapter 3 of Inspection Handbook HB-1.[2]

§ 68.407 Grade designation for dockage-free dry peas.

(a) The grade designation for dockage-free dry peas shall include, in the order named (1) the letters "U.S.," (2) the number of the grade or the words "Sample grade," (3) the name of each applicable special grade, and (4) the name of the class. The grade designation for the class Mixed Dry Peas shall also include, following the words "Mixed Dry Peas," the name and approximate percentage of each class of dry peas in the mixture, in the order of predominance.

(b) At the request of the applicant for inspection, official inspection personnel may include on the grade certificate under "Remarks," a statement substantially as follows: "Variety stated by the applicant to be: _____."

SPECIAL GRADES, SPECIAL GRADE REQUIREMENTS, AND SPECIAL GRADE DESIGNATIONS

§ 68.408 Special grades and requirements.

A special grade, when applicable, is supplemental to the grade assigned under § 68.406. Such special grades are established and determined as follows:

(a) *Large.* Peas of the classes Smooth Green Dry Peas or Smooth Yellow Dry Peas of which not more than 3.0 percent of the peas will readily pass through the $^{16}/_{64}$ inch round-hole sieve.

(b) *Small.* Peas of the classes Smooth Green Dry Peas or Smooth Yellow Dry Peas of which not more than 3.0 percent of the peas will remain on the $^{16}/_{64}$ inch round-hole sieve and not more than 3.0 percent will readily pass through the $^{11}/_{64}$ x $^{3}/_{4}$ slotted-hole sieve.

§ 68.409 Special grade designation.

The grade designation for large and small dry peas shall include, preceding the class, the word(s) "Large" or "Small," as warranted, and all other information prescribed in § 68.407.

§ 68.410 Thresher-run dry peas.

Thresher-run dry peas shall be inspected for factors only without reference to grade.

(a) Thresher-run dry peas may be inspected for: Class; defective peas and foreign material; dockage; color description; and moisture.

(b) The percentage of defective peas and foreign material shall be combined and shown on the cerificate as "total defects and foreign material." For the classes of smooth seeded peas only the percentage of peas with cracked seedcoats in excess of 3.0 percent shall be included in the factor "total defects and foreign material." (Example: In a sample containing 3.2 percent of peas with cracked seedcoats, only 0.2 percent would be included in the total defects and foreign material.)

(c) The percentage of total dockage, total defects, and foreign material shall be computed on the basis of the sample as a whole and be shown on the certificate as "total dockage, defects, and foreign material."

Comments and effective date. If the proposed revision as set forth herein is adopted in whole or in part, it is intended that the revision would be made effective on or about July 1, 1974.

Public hearings on the proposed revision will not be held but all persons who desire to submit written data, views, or arguments on this proposal should file them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 6, 1974.

Any persons who desire to submit their views orally in an informal manner, should so advise the Director, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782 [telephone (301) 436–8776] so that arrangements may be made for such submission by said date. A summary of such views will be made and furnished for verification to the person making the submission and if approved may be filed by him in the Office of the Hearing Clerk. All comments so filed will be available for public inspection during official hours of business [7 CFR 1.27(b)]. Consideration will be given to all comments filed with the Hearing Clerk, and to all other information available to the U.S. Department of Agriculture, in arriving at a decision on the proposed revision of the whole dry pea standards.

Copies of the current dry pea standards may be obtained from the Grain Division, Agricultural Marketing Service, 6525 Belcrest Road, Hyattsville, Maryland 20782, or from any field office of the Grain Division.

For a period of 6 months after adoption of these amendments, official inspection personnel shall, upon request, show on inspection certificates the grade under both the "old" and "new" standards.

Done at Washington, D.C., on March 15, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74–6541 Filed 3–21–74;8:45 am]

[1] Compliance with the provisions of these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or other Federal laws.

[2] The following publications are referenced in these standards. Copies will be made available upon request to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture:

(a) Equipment Manual, GR Instruction 916–6, effective September 25, 1968, as amended, U.S. Department of Agriculture, Agricultural Marketing Service.

(b) Inspection Handbook HB–1, effective November 1, 1968, as amended, U.S. Department of Agriculture, Agricultural Marketing Service.

[3] Requests for information concerning approved devices and procedures, criteria for approved devices, and request for approval of devices should be directed to the Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, Maryland 20782.

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Animal and Plant Health Inspection Service

[9 CFR Parts 318, 381]

PLANT QUALITY CONTROL PROGRAMS

Extension of Time for Comments

On November 8, 1973, there was published in the FEDERAL REGISTER (38 FR 30886–30887) notices proposing to amend the meat inspection regulations and the poultry products inspection regulations (9 CFR Parts 318 and 381) to permit an official establishment where meat food and poultry products are prepared which has a complete quality control program to submit its plans and records of such program to the Deputy Administrator, Scientific and Technical Services, for his determination whether it is adequate to comply with the requirements of the Act. Interested persons were given until March 22, 1974, to comment.

The Department has determined to extend the period of time within which written data, views, or arguments may be submitted, or oral views may be presented. This action is taken because of public interest in the proposals and because of a lack of understanding concerning the concept upon which the proposals were based. During this additional time, the public will be provided further information concerning the proposals.

Since the Department is interested in receiving meaningful comments, these circumstances are considered as sufficient justification for an extension of the time originally allotted for filing comments. Accordingly, any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by May 10, 1974. Also, the period for oral presentation of views is extended to May 10, 1974. Persons desiring opportunity for oral presentation of views should address such requests to the Systems Development and Sanitation Staff, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for presentation of such views by May 10, 1974.

In all other respects, the procedure specified in the proposals as published on November 8, 1973, shall continue to apply to this rulemaking proceeding.

Done at Washington, D.C., on March 20, 1974.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-6815 Filed 3-21-74;8:45 am]

Food and Nutrition Service

[7 CFR Parts 210, 220]

NATIONAL SCHOOL LUNCH PROGRAM AND SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Proposed Changes in Program Administrative Requirements

Notice is hereby given that the Food and Nutrition Service is considering amendments to the regulations governing the National School Lunch Program and the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses to improve the overall administration of these programs, particularly with respect to requirements for audits, filing of claims for joint program(s), and recordkeeping.

Comments, suggestions, or objections are invited. In order to be assured of consideration, such comments, suggestions, or objections must be delivered by April 18, 1974, to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than April 18, 1974. Communications should identify the section and paragraph on which comments, etc., are offered. All written submissions received pursuant to this notice will be made available for public inspection in the Office of the Director, Child Nutrition Division, during regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

It is proposed to amend Chapter II of Title 7, Code of Federal Regulations, as follows:

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.8, paragraph (e) (13) (iii) is amended by revising the parenthetical statement to read as follows:

§ 210.8 Requirements for participation.

* * * * * * *

(e) * * *
(13) * * *
(iii) * * * (Supported by invoices, receipts, or other evidence of expenditure, including indirect costs and a share of joint costs based on a cost allocation plan approved by the State Agency, or FNSRO where applicable).

* * * * * * *

2. In § 210.8, paragraph (f) is amended by deleting the word "shall" wherever it appears and inserting the word "may" in lieu thereof.

3. In § 210.11, paragraph (g)(2) is amended by adding the following proviso to the end thereof:

§ 210.11 Reimbursement payments.

* * * * * * *

(g) * * *
(2) * * *, *except that* when the highest reduced price charge to children is decreased as a result of changes in per-lunch reimbursement and such decrease is sustained for the balance of the fiscal year, the decreased reduced price charge may be used in the calculation in lieu of the highest reduced price charge.

4. In § 210.14, paragraph (b) is revised to read as follows:

§ 210.14 Special responsibilities of State Agencies.

* * * * * * *

(b) *State-conducted audit programs.* (1) A State Agency may submit for approval by the Department a plan whereby it will provide for the conduct of audits of the Program. State Agencies shall request Office of Audit (OA) Regional Offices (32 FR 8822, as amended by 34 FR 2139) to assist in the development of these plans, which shall incorporate provisions for organization, financing, direction and coordination of the State audit functions. Audits performed under the plan may be conducted by the State Agencies; by the State Auditor, Office of State Controller, or comparable State audit staff; or by Certified Public Accountants or State-licensed public accountants. All approved State audit plans shall be updated and be resubmitted for approval by the Department every third year from the anniversary date of the last such approval, except that any State Agency plan approved prior to July 1, 1974, must be resubmitted for approval by the Department in accordance with this paragraph prior to July 1, 1975.

(2) An audit guide furnished by OA, and as amended by OA from time to time, shall be used in the State Agency-sponsored audits of schools. The audits shall be performed in accordance with audit standards, guidelines and procedures prescribed by OA in the audit guide; and shall be reviewed by OA to the extent necessary to determine compliance therewith.

(3) While OA shall rely to the fullest extent feasible on State-conducted audits, it shall have the right, whenever considered necessary, to (i) make audits on a statewide basis, (ii) perform on-site test audits, and (iii) review audit reports and related working papers of audits performed by or for the State Agencies. With respect to State-conducted audits, OA shall also have the rights available to it under the provisions of § 210.17.

* * * * * * *

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

1. In § 220.6, the word "needy" is deleted.

2. In § 220.7, paragraph (e)(12)(iii) is amended by revising the parenthetical statement to read as follows:

§ 220.7 Requirements for participation.

* * * * * * *

(e) * * *
(12) * * *
(iii) * * *. (Supported by invoices, receipts, or other evidence of expenditure, including indirect costs and a share of joint costs based on a cost allocation plan approved by the State Agency, or FNSRO where applicable):

* * * * * * *

3. In § 220.7, paragraph (f) is amended by deleting the word "shall" wherever it appears and inserting the word "may" in lieu thereof.

4. In § 220.24, paragraph (g) is revised to read as follows:

§ 220.24 Special responsibilities of State Agencies.

* * * * * * *

(g) *State-conducted audit programs.* (1) A State Agency may submit for approval by the Department a plan whereby it will provide for the conduct of audits of the Programs. State Agencies shall request Office of Audit (OA) Regional Offices (32 FR 8822, as amended by 34 FR 2139) to assist in the development of these plans, which shall incorporate provisions for organization, financing, direction and coordination of the State audit functions. Audits performed under the plan may be conducted by the State Agencies; by the State Auditor, Office of State Controller, or comparable State audit staff; or by Certified Public Accountants or State licensed public accountants. All approved State audit plans shall be updated and be resubmitted for approval by the Department every third year from the anniversary date of the last such approval, except that any State Agency plan approved prior to July 1, 1974, must be resubmitted for approval by the Department in accordance with this paragraph prior to July 1, 1975.

(2) An audit guide furnished by OA, and as amended by OA from time to time, shall be used in the State Agency-sponsored audits of schools. The audits shall be performed in accordance with audit standards, guidelines and procedures prescribed by OA in the audit guide; and shall be reviewed by OA to the extent necessary to determine compliance therewith.

(3) While OA shall rely to the fullest extent feasible on State-conducted audits, it shall have the right, whenever considered necessary, to (i) make audits on a statewide basis, (ii) perform on-site test audits, and (iii) review audit reports and related working papers of audits performed by or for the State Agencies. With respect to State-conducted audits, OA shall also have the rights available to it under the provisions of § 220.26.

* * * * * * *

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Program Nos. 10.553 and 10.555 National Archives Reference Services).

Dated: March 19, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-6690 Filed 3-21-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 372a]

[Docket No. 26512]

TRAVEL GROUP CHARTERS

Modification of Requirements Governing Availability

MARCH 15, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments to Part 372a of its Special Regulations (14 CFR Part 372a) which would (1) reduce the deadline for filing of the original participants list from 90 to 60 days in advance of the flight date; (2) allow a TGC to be filed so long as at least 90 percent of the contracted seats have been sold to participants; (3) eliminate the standby list for eligible assignees of TGC participants and, instead, permit original participants to assign their TGC contractual rights and obligations to members of the general public; and (4) reduce the maximum number of permissible assignments from 20 percent to 15 percent of the number of listed original participants.

The principal features of the proposed amendments are described in the attached explanatory statement and the text of the proposed amendments is set forth in the proposed rule. The amendments are proposed under the authority of sections 204, 401, 402, 407, 416 and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1324, 1371, 1372, 1377, 1386, and 1481.

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before May 6, 1974, will be considered by the Board before taking final action upon the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

In adopting our Travel Group Charter (TGC) rule[1] we noted our willingness to modify the regulations governing this new type of charter in light of actual experience gained in the course of operations thereunder. It is now our tentative view, after one year's experience with this experimental rule, that some of the present restrictions imposed on TGC's have unduly hindered their marketability to the traveling public.[2] Accordingly, we are proposing herein to revise certain TGC restrictions,[3] as more fully described hereinbelow, so as to enhance the attractiveness of this type of charter while preserving the legally required distinction between charter service and individually ticketed service.

1. The within proposal would reduce the deadline for pre-departure filings from 90 to 60 days. We are of the tentative view that the existing 90-day minimum cut-off period is unduly restrictive, and that a later deadline would enhance the viability of TGC's without jeopardizing their legality. Of course any attempt to fix a minimum pre-departure deadline which is both short enough to satisfy marketing considerations and long enough to satisfy legal considerations is necessarily subject to some degree of imprecision. However, our experience with TGC's appears to indicate that the 90-day minimum is impracticable because the potential users of this service are reluctant to make binding travel commitments so far in advance. We therefore feel that it is necessary to consider a deadline which is significantly shorter, but still entails a degree of advance planning and commitment which clearly distinguishes this type of charter service from the freedom and flexibility typically afforded by individually ticketed service. The within proposed period of 60 days appears more likely to achieve a satisfactory balance between the conflicting purposes of a predeparture filing deadline than has the existing 90-day deadline. Parallel to decreasing the deadline from 90 days to 60 days, we are also decreasing the earliest permissible filing date from 120 days to 90 days prior to departure.

2. The present rule requires that 100 percent of the seats contracted for must be sold before the TGC contract is filed. Experience has shown that this requirement has necessitated cancellation of many planned TGC's for lack of just a few participants per flight, even though the pro rata cost of the unsold seats could have been borne by the remaining participants without exceeding the maximum pro rata price for which they had made themselves liable. The proposed amendment should therefore provide some flexibility in the TGC arrangement by permitting a planned flight to go forward, so long as at least 90 percent of the con-

[1] 14 CFR Part 372a, adopted by SPR-61, September 27, 1972.

[2] During 1973, approximately 85% of TGC's filed with the Board were canceled with the result that fewer than 40,000 passengers traveled on TGC's.

[3] See SPR-73, adopted January 7, 1974 (39 FR 1746), by which we made a technical amendment to the rule, so as to allow, under prescribed conditions, charter rate increases to be borne pro rata by TGC participants.

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tracted seats are timely sold[4] before the filing deadline.

However, in order to avoid the problems which could arise if seats which had remained unsold at the filing deadline were later allowed to be sold to members of the public, our proposal would require that the number of persons on the filed list of participants must then become the maximum number of participants who may be carried on that TGC flight.

3. In a further attempt to alleviate the demonstrated difficulties arising from the existing TGC restrictions, we also propose to eliminate the requirement of a standby list and to permit instead the assignment of an individual participant's contractual rights and obligations to members of the general public. In practice, standby lists have been utilized only rarely in securing a replacement for TGC participants. Yet, we continue to believe that TGC participants must be allowed some opportunity to be relieved from total forfeiture of their charter payments, by permitting them some limited right of assigning their seats to third persons. Since the standby lists have not proven to be a meaningful device for providing available substitutes, we have tentatively concluded to permit assignments to be made to members of the general public, without requiring that the names of such prospective substitutes be on file with the Board. Nor do we believe that this proposed revision of the limited right of assignment would alter the legal status of a TGC, as upheld by the court in *Saturn Airways* v. *C.A.B.*, 483 F. 2d 1284 (D.C. Cir. 1973). So long as no additional seats can be sold after the list of original participants has been filed, the limited right of a TGC participant to assign his seat to a third person, at any time, is completely consistent with the basic concept of the TGC as an arrangement under which a group of persons become parties to a charter contract with an air carrier to provide air transportation for themselves, sharing equally in the cost of the charter. As a party to the TGC contract, the participant's right of assignment constitutes a normal contractual right.

However, we shall continue to restrict the right of assignment by, *inter alia*, limiting the number of TGC seats which may be assigned. Indeed, since assignments would no longer be limited to persons named in a standby list, the within rule would reduce the maximum number of permissible assignments from the present 20 percent, to the proposed 15 percent, of original participants.

Should we ultimately decide to make final any or all of the proposed amendments to the TGC rule we will, at the same time, make appropriate revisions to the "truth-in-chartering statement" in Appendix A to Part 372a, so as to reflect such changes.[4]

[4] It should be noted that, under this proposal, the "maximum pro rata charter price" would continue to be 20% above the "minimum pro rata charter price," which is computed on the basis of 100% sales of contracted seats. Thus, as at present, the flight would have to be canceled if, as a result of less than 100% sales—along with the other contingencies which cause pro rata shares of the charter price to be increased, the individual participant's cost would have to exceed the prescribed maximum.

PROPOSED RULE

It is proposed to amend Part 372a of the Board's Special Regulations (14 CFR 372a) as follows:

1. Amend § 372a.2, by deleting the definition of "standby list member"; substituting a definition of "original participant" for the definition of "main list participant"; and otherwise revising definitions which use such terms, the amended section to read in part as follows:

§ 372a.2 Definitions.

* * * * * * *

"Charter organizer" means * * *

"Charter participant" means a member of a travel group who is a party to a charter contract, either as an original participant or as an assignee of an original participant.

* * * * * * *

"Foreign charter organizer" means * * *

"Original participant" means a member of a travel group who has duly authorized a charter organizer to enter his name on the original participants list filed with the Board pursuant to this part.

* * * * * * *

"Service charge" means * * *

"Travel group" means the aggregate of original participants and assignees of original participants.

* * * * * * *

2. Amend paragraph (f) of § 372a.10, the amended paragraph (f) to read as follows:

§ 372a.10 Travel group charter general requirements.

* * * * * * *

(f) Passengers transported pursuant to the charter shall consist solely of charter participants (whose aggregate number may not exceed the number of names set forth in the filed original participants list), plus tour conductors authorized to accompany the charter participants in accordance with this part.

* * * * * * *

3. Amend § 372a.11 to read as follows:

§ 372a.11 Initial deposits.

Each original participant, upon executing the contract between participants and organizer shall pay at least an initial deposit of 25 percent of the minimum pro rata charter price specified in the charter contract (or of the aggregate of the minimum pro rata charter prices specified in the contract, if there is more than one direct air carrier). This initial 25 percent deposit shall be nonrefundable to a charter participant who defaults in making any payment on the pro rata charter price subsequent to the filing of the charter contract, except as provided in §§ 372a.15(g) and 372a.18.

4. Amend § 372a.12 by revising paragraph (a) (1) and (2) and by revising paragraph (b), the amended section to read in part as follows:

§ 372a.12 Conditions precedent to contracts.

(a) * * *

(1) The number of original participants plus the number of tour conductors (which shall not exceed the maximum number permitted under this part) is equal to no less than 90 percent of the number of seats specified in the charter contract;

(2) Each original participant has paid at least an initial deposit of 25 percent of the minimum pro rata charter price specified in the charter contract; and

* * * * * * *

(b) At any time prior to 90 days preceding the scheduled flight date, a participant may submit to the organizer written notice of his cancellation, regardless of cause, and he shall thereupon be entitled to receive forthwith a refund of all moneys credited to his account, without deduction or penalty of any kind.

5. Amend § 372a.13 to read in part as follows:

§ 372a.13 Assignments.

At any time during the 90-day period preceding the scheduled flight departure date, a charter participant may assign his interest in the charter, but only in accordance with the following:

(a) [Reserved]

(b) No more than 15 percent of the original participants may assign their interests.

(c) An assignment * * *

* * * * * * *

6. Amend paragraph (c) of § 372a.14, the amended paragraph (c) to read as follows:

[4] It should also be noted that we are issuing, contemporaneously herewith, an amendment to Part 372a, prescribing special rules for foreign-originating TGC's (SPR-74). Some of the minimum requirements which we are there prescribing for foreign-originating TGC's (§ 372a.60(b)) reflect parallel restrictions in the existing TGC rule. To the extent that such restrictions may be relaxed by amendments ultimately adopted in the instant proceeding (*e.g.*, the within proposal to reduce the pre-departure filing deadline from 90 days to 60 days), we would appropriately revise the new rules applicable to foreign-originated TGC's so as to reflect such relaxation of parallel requirements.

§ 372a.14 Pro rata charter price; minimum, maximum, adjusted.

* * * * * * *

(c) The adjusted pro rata charter price shall reflect the pro rata increase resulting from the fact that the number of actual original participants is less than 100 percent of the maximum number of charter participants, or from defaults in payments by participants, refunds made to participants pursuant to § 372a.15(g), and, if the contract so provides, an increase in the total charter price to the extent permitted under § 372a.26.

* * * * * * *

7. Amend paragraph (a) of § 372a.15, the amended paragraph (a) to read as follows:

§ 372a.15 Full payment of charter price; refunds.

(a) No later than 60 days prior to the scheduled date of flight departure, there shall be due from each charter participant full payment of the minimum pro rata charter price, together with:

(1) full payment of the pro rata share of any increase in the total charter price, to the maximum extent permissible under § 372a.26, as embodied in a tariff which has by that time become affective, or which has been duly filed with the Board bearing an effective date no later than 60 days prior to the scheduled date of flight departure; and

(2) full payment of the pro rata share of that portion of the total charter price represented by the number of seats which remain unsold to original participants at the time the executed contract is to be filed under § 372a.22(b).

* * * * * * *

8. Amend § 372a.22 by revising paragraph (a)(1); and by revising paragraphs (b) and (d), the amended section to read in part as follows:

§ 372a.22 Operating authorization of charter organizer.

A charter organizer * * *

(a) No charter organizer * * *

(1) An option from the direct air carrier(s) under which the carrier(s) obligates itself for a specified period, which shall expire no later than 60 days prior to scheduled date of departure, to enter into a charter contract with the charter organizer as agent for the charter participants: *Provided, however*, That if the air transportation on the departing flight and the returning flight is to be performed by more than one direct air carrier, then there shall be a single option granted to the charter organizer by all such direct air carriers, acting jointly and severally;

* * * * * * *

(b) No earlier than 90 days, but no later than 60 days, prior to the scheduled date of departure, the charter organizer and the direct air carrier(s) shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, the following information, and the information required by paragraph (b)(2) hereinbelow shall be filed in the manner prescribed in paragraph (d) hereinbelow:

(1) A charter contract executed by original participants whose number is equal to at least 90 percent of the seats specified in the contract for charter participants;

(2) A list setting forth the names of original participants in alphabetical order, their addresses and telephone numbers;

(3) [Reserved]

(4) A statement of the charter organizer affirming that each listed original participant (i) has entered into a contract with the organizer as provided in this part, (ii) has paid his initial 25 percent deposit, and (iii) has been furnished, no later than the time when he entered into such contract with the organizer, with an explanatory statement, in the form set forth in Appendix A; and

(5) A statement of the depository bank, if any, affirming the amount which it has on deposit, which amount shall be equal to no less than 25 percent of the minimum pro rata charter price multiplied by the number of listed original participants.

(c) * * *

(d) CAB Form 372a, attached hereto as Appendix D, shall be used in filing the travel group charter original participants list described in paragraph (b)(2) of this section. An original and two photostatic or similarly reproduced copies (not carbons) of Form 372a, prepared in conformance with the instructions thereon, and accompanied by a self-addressed and postage-prepaid return envelope, shall be filed with the Board (Supplementary Services Division, Bureau of Operating Rights). The Board will stamp the original and two photostatic or similarly reproduced copies of Form 372a so as to verify their receipt and identify the travel group charter to which they pertain, and will return the two stamped copies for use by the direct air carrier in complying with its obligations to identify enplanning charter flight participants, note the documentary source and number, and file post-flight reports thereon, as required by § 372a.41 and 372a.50(a).

9. Amend paragraph (b) of § 372a.41, the amended paragraph (b) to read as follows:

§ 372a.41 Direct air carrier to identify enplanements.

* * * * * * *

(b) The direct air carrier shall, at the time of enplanement, enter, on its stamped copy of CAB Form 372a, the documentary source of the identification required by paragraph (a) of this section, including the number appearing on the document, together with the names of any enplaning passenger whose name does not already appear on said CAB Form 372a; *Provided, however*, That the total number of names on the passenger list shall not be greater than the number of names which already appeared on said CAB Form 372a (and tour conductors), and that the number of passengers (other than tour conductors) whose names are newly entered by the carrier upon enplanement shall not be greater than 15 percent of those whose names had already appeared on said form.

10. Amend paragraph (a) of § 372a.50, the amended paragraph (a) to read as follows:

§ 372a.50 Reporting requirements.

(a) Each direct air carrier shall file with the Board's Bureau of Enforcement within 7 days after performing each flight, whether departure or return, its stamped copy of CAB Form 372a prepared in conformance with the instructions thereon.

* * * * * * *

[FR Doc.74-6665 Filed 3-21-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

PENNSYLVANIA

Air Quality Implementation Plan; Notice of Public Hearings

On May 31, 1972 (37 FR 10342), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, State plans for implementation of the national ambient air quality standards. On that date, the Governor of Pennsylvania was advised that in order to complete the requirements of § 51.13, a plan demonstrating the attainment and maintenance of the national secondary standard for particulate matter for the Metropolitan Philadelphia Interstate and the Southwest Pennsylvania Intrastate Air Quality Control Regions was to be submitted by July 31, 1973.

Since the State of Pennsylvania failed to submit the required plans by July 31, 1973, the Administrator, as required by section 110 of the Clean Air Act, proposed on February 22, 1974 (39 FR 6727) that the existing implementation plan for the Metropolitan Philadelphia Interstate Air Quality Control Region be approved as being adequate to attain the secondary particulate matter standard by July 1975, and that the existing plan for the Southwest Pennsylvania Intrastate Air Quality Control Region be disapproved as it relates to attainment of the secondary particulate matter standard. Concurrently, he proposed regulations to attain the secondary particulate matter standard in the Southwest Pennsylvania Intrastate Air Quality Control Region. He also proposed July 1978 as the attainment date for the secondary particulate matter standard in the Southwest Pennsylvania Intrastate Region.

This notice is issued to advise the public that two public hearings will be held on these proposals to afford interested parties an opportunity to appear and present their views and recommendations on the proposed regulations. The first hearing will be held in the William Green Federal Building, Conference Room 6306, Sixth and Arch Streets, Philadelphia, Pa. 19106 on Monday, April 22, 1974 at 10 a.m. and will deal with the plan for attainment of the national sec-

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ondary particulate matter standard in the Philadelphia Interstate Air Quality Control Region. The second hearing will be held in GSA Conference Room 2214, 1000 Liberty Avenue, Pittsburgh, Pa. on Tuesday, April 30, 1974 at 10 a.m. and will deal with the plan for attainment of the national secondary particulate matter standard in the Southwest Pennsylvania Intrastate Air Quality Control Region.

Individuals and representatives of organizations wishing to be heard at these hearings are requested to furnish their name, address, telephone number, the organization represented, if any, and the approximate amount of time required to testify, in writing to the Regional Administrator, Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106, not later than close of business on April 19, 1974 for the Philadelphia hearing and not later than the close of business on April 26, 1974 for the Southwest Pennsylvania hearing. Their names will be placed on the list of witnesses for the appropriate hearing. Others present at the hearings who wish to be heard may do so after those on the witness list have been called and heard.

As noted in the February 22 proposal, interested persons may also participate in this rule making by submitting written comments in triplicate to the Regional Adminisrtator. All comments relative to the plan for the Philadelphia Region received no later than April 19, 1974 will be considered. All comments relative to the plan for the Southwest Pennsylvania Region received no later than April 26, 1974 will be considered.

Copies of the proposed plan are available for public inspection during normal business hours at the Offices of the Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 and at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460.

Dated: March 20, 1974.

ROGER STRELOW,
Acting Assistant Administrator for Air and Water Programs.

[FR Doc.74-6844 Filed 3-21-74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 17]

MEDICAL BENEFITS

Admission of Certain Veterans to Private and Public Hospitals

It is proposed to add paragraph (j) to § 17.50b to provide that care in private and public hospitals may be authorized for any disability of a veteran who has a total disability permanent in nature resulting from a service-connected disability.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27H), Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before April 22, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed that, if adopted, the regulation will be effective the date of final approval.

§ 17.50b Use of public or private hospitals for veterans.

In § 17.50b, the period at the end of paragraph (i) is changed to ", or" and a new paragraph (j) is added to read as follows:

* * * * *

(j) *For any disability of a veteran totally and permanently disabled from a service-connected disability.* The veteran has a total disability permanent in nature resulting from a service-connected disability and has been medically determined to require hospital care or medical services for a non-service-connected condition.

Approved: March 15, 1974.

By direction of the Administrator:

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc. 74-6656 Filed 3-21-74;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday April 2, 1974
Tuesday April 9, 1974
Tuesday April 16, 1974
Tuesday April 23, 1974
Tuesday April 30, 1974

These meetings will convene at 9:45 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 USC 532(b) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD(C).

MARCH 19, 1974.

[FR Doc.74-6618 Filed 3-21-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF RESEARCH ADVISORY BOARD

Establishment and Functions

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a)(1), and section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463). The Secretary of the Interior has established an Outer Continental Shelf Research Advisory Board after consultation with the Office of Management and Budget, in accordance with the provisions of the Federal Advisory Committee Act (Public Law 92-463). The Office of Management and Budget Committee Management Secretariat has authorized a 7-day period in lieu of the required 30-day period between FEDERAL REGISTER publication of the Board charter, and its filing as prescribed in Section 9(c) of Public Law 92-463. This Board will advise the Assistant Secretary—Land and Water Resources, the Director of the Bureau of Land Management, and other Departmental officers in matters related to environmental baseline and monitoring studies on the Federal Outer Continental Shelf lands. The Board charter is published in its entirety below. Further information regarding this document may be obtained from Mr. Frederick N. Ferguson, Assistant Solicitor-Minerals, Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, telephone (202) 343-4325.

Dated: March 20, 1974.

JOHN C. WHITAKER,
Under Secretary of the Interior.

CHARTER

OUTER CONTINENTAL SHELF RESEARCH MANAGEMENT ADVISORY BOARD

1. There is hereby established, pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. 1970 ed., Supp. II, App. I), an Outer Continental Shelf Research Management Advisory Board. The Board will advise officers of the Department in the performance of discretionary functions of the Department under the Outer Continental Shelf Lands Act (43 U.S.C. §§ 1331-1343) in connection with baseline environmental data gathering and environmental monitoring on the Outer Continental Shelf (OCS). The functions of the Board are solely advisory.

2. The objective of the Board is to advise the Assistant Secretary—Land and Water Resources, the Director, Bureau of Land Management (BLM) and other officers of the Department, in the design and implementation of environmental research projects related to oil and gas exploration and development on the OCS. The objectives of the OCS program are: (1) Orderly resource development, (2) protection of the environment, and (3) receipt of fair market value. This Board through its advisory efforts will assist the Bureau in meeting objectives (1) and (2). In order to fully realize its potential, it is anticipated that the Board will be required for the duration of OCS environmental baseline research and monitoring studies, a period of approximately ten years. The Board will, however, terminate on December 31, 1975, unless prior to that date it is renewed for an additional period by the Secretary of the Interior, acting within his discretion and in accordance with the provisions of section 14(a)(2) of the Federal Advisory Committee Act, supra.

3. The Board will report directly to the Assistant Secretary-Land and Water Resources. (a) The Assistant Secretary-Land and Water Resources shall, after consultation with the Assistant Secretary-Energy and Minerals and the Assistant Secretary for Fish, Wildlife and Parks, appoint an employee of the Department of the Interior as Chairman for the Board. The Assistant Secretary-Land and Water Resources shall be responsible for assuring that the Board operates within statutory and Departmental requirements for the management of advisory committees. The Director, BLM, shall provide administrative support. (b) Each of the following Departmental bureaus shall appoint one member to the Board: The Geological Survey, and the Bureau of Sport Fisheries and Wildlife. The Administrator of the Environmental Protection Agency and the Administrator of the National Oceanic and Atmospheric Administration may each appoint one member. (c) At the invitation of the Secretary of the Interior, the Governor of each State off the coast of which OCS research projects are scheduled may nominate for appointment by the Secretary one member who shall represent that State on the Board. Initially the Governors of Mississippi, Alabama, and Florida will be asked to nominate Board members. As OCS research projects expand into other geographic areas the Governors of the respective States involved may be invited to nominate members for appointment to the Board. (d) Each Federal member shall serve until his resignation, the termination of the Board, or his removal by the officer appointing him. If the agency appointing a member removes that member, it may appoint another in his place. Each non-Federal member shall be appointed to serve a one-year term, but may be reappointed for additional one-year periods if the OCS area seaward of his State is still under active research.

4. (a) Subject to the limitations imposed by this Charter, the Board may establish its own procedures for the conduct of business. To facilitate the performance of the Board's functions, the Chairman may establish committees composed of members of the Board. Most scheduled meetings will be of specific committees, but the Chairman will have the latitude to invite any individual State member to any committee meeting. (b) The Board shall prepare an annual report to the Secretary on the status of ongoing environmental OCS research. This report will be made available to the public.

5. The Chief Scientists for the BLM OCS environmental research program or a person designated by him will attend all Board and committee meetings and will assist the Chairman wherever possible.

6. The Board will meet at the call of the Chairman, who shall give at least fifteen day's notice in writing. The Board is expected to meet at least bi-annually. Meetings will be conducted in accordance with statutory and Departmental requirements for advisory committees as prescribed in 308 DM 2 of the Department of the Interior Manual.

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The estimated total annual operating costs of the Board are $10,000 and one man year of staff support.

7. The formation of this committee is determined to be in the public interest in connection with the performance of duties of this Department pursuant to statute as stated in paragraph 1 above. This Charter shall become effective April 1, 1974.

Dated: March 20, 1974.

JOHN C. WHITAKER,
Under Secretary of the Interior.

[FR Doc.74-6854 Filed 3-21-74;9:43 am]

Fish and Wildlife Service

KOFA GAME RANGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (P.L. 88-577:78 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 1 p.m. April 25 at the Yuma Civic and Convention Center, Yuma, Arizona, to be continued at 9 a.m. April 27 at the Phoenix Civic Plaza, Phoenix, Arizona on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Kofa Game Range within the National Wilderness Preservation System. The wilderness study included the entire acreage within the Kofa Game Range, which is located in Yuma County, Arizona.

A study summary containing a map and information on the Kofa Game Range may be obtained from the Refuge Manager, Kofa Game Range, Box 1032, Yuma, Arizona 85364, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Box 1306, Albuquerque, New Mexico 87103.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by May 28, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

MARCH 19, 1974.

[FR Doc.74-6620 Filed 3-21-74;8:45 am]

PARKER RIVER NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88-577:78 Stat. 890-896:16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9:30 a.m. on April 25, in the YMCA Building, Newburyport, Massachusetts, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Parker River National Wildlife Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within the Parker River National Wildlife Refuge, which is located in Essex County, Massachusetts.

A study summary containing a map and information on the Parker River Wilderness Proposal may be obtained from the Refuge Manager, Parker River National Wildlife Refuge, Northern Boulevard, Plum Island, Newburyport, Massachusetts 01950 or the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormick Post Office and Courthouse, Boston, Massachusetts 02109.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by May 28, 1974.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

MARCH 1, 1974.

[FR Doc.74-6619 Filed 3-21-74;8:45 am]

Office of the Secretary

CHARLES A. CAMPBELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 11, 1974.

Dated: February 11, 1974.

CHARLES A. CAMPBELL.

[FR Doc.74-6679 Filed 3-21-74;8:45 am]

[INT DES 74-32]

AUTHORIZED FRYINGPAN-ARKANSAS PROJECT, COLORADO

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed water supply and hydroelectric power project for the purpose of furnishing municipal, industrial and irrigation water to the water-deficient areas of the Arkansas River Basin in eastern Colorado. Written comments may be submitted to the Regional Director (address below) on or before May 6, 1974.

Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-9247.
Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3014.
Office of the Regional Director, Bureau of Reclamation, Lower Missouri Region, Building 20, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234-3779.
Fryingpan-Arkansas Project Office, Bureau of Reclamation, P.O. Box 515, Pueblo, Colorado 81002, Telephone (303) 544-2200.
Pikes Peak Regional Library District, P.O. Box 1597, Colorado Springs, Colorado 80901.
Pitkin County Public Library, 110 East Main, Aspen, Colorado 81611.
Pueblo Regional Library, 100 East Abrieno Avenue, Pueblo, Colorado 81004 (Robert W. Roehr).
Lake County Public Library, 1115 Harrison, Leadville, Colorado 80461.
Buena Vista Public Library, Box U, Buena Vista, Colorado 81211 (Mrs. Martha Thomas).
Southern Colorado State College, 2200 Bonforte Boulevard, Pueblo, Colorado 81001 (Edward Broadhead).
Colorado Mountain College—West Campus, Learning Resources Center, 803 Colorado Avenue, Glenwood Springs, Colorado 81601.
Canon City Public Library, 512 Macon Avenue, P.O. Box 361, Canon City, Colorado 81212.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated: March 18, 1974.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary of the Interior.

[FR Doc.74-6616 Filed 3-21-74;8:45 am]

GLENN J. HALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No Change.
(2) FMC Corp., Howmet Corp., Morrison-Knudsen Co., General Electric Co., Amalgamated Sugar Co., Idaho Power Co., First Security Bank Corp., Union Carbide Corp., Pacific Power & Light Co., Utah Power & Light Co., Union Pacific Corp., Portland GE Co., Washington Water Power Co., Montana Power Co., Westinghouse Electric Corp., Puget Sound Power & Lt Co., Pfizer Corp., Anaconda, Gulf Oil, AT&T Co., Sawtooth Development Co., Arizona Public Service Co., Boise Cascade Corp., Idaho First National Bank.
(3) No Change.
(4) No Change.

This statement is made as of February 11, 1974.

Dated: February 11, 1974.

GLENN J. HALL.

[FR Doc.74-6680 Filed 3-21-74;8:45 am]

ROBERT L. HUFMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Sold Pacific Power & Light stock. Bought Bannister Continental and Wien Alaska Airlines.
(3) No change.
(4) No change.

This statement is made as of February 25, 1974.

Dated: February 25, 1974.

ROBERT L. HUFMAN.

[FR Doc.74-6681 Filed 3-21-74;8:45 am]

DAVID G. JETER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 8, 1974.

Dated: February 8, 1974.

DAVID G. JETER.

[FR Doc.74-6682 Filed 3-21-74;8:45 am]

J. W. KEPNER

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 8, 1974.

Dated: February 8, 1974.

J. W. KEPNER.

[FR Doc.74-6683 Filed 3-21-74;8:45 am]

OWEN A. LENTZ

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 11, 1974.

Dated: February 11, 1974.

O. A. LENTZ.

[FR Doc.74-6684 Filed 3-21-74;8:45 am]

ROBERT R. McLAGAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of February 15, 1974.

Dated: February 15, 1974.

R. R. McLAGAN.

[FR Doc.74-6685 Filed 3-21-74;8:45 am]

HARRY H. MOCHON, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) Milton Bradley. Flying Tiger.
(3) No change.
(4) No change.

This statement is made as of February 8, 1974.

Dated: February 8, 1974.

HARRY H. MOCHON, Jr.

[FR Doc.74-6686 Filed 3-21-74;8:45 am]

JULIO A. NEGRONI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 21, 1974.

Dated: February 21, 1974.

JULIO A. NEGRONI.

[FR Doc.74-6687 Filed 3-21-74;8:45 am]

WILLIAM K. PENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 12, 1974.

Dated: February 12, 1974.

WILLIAM K. PENCE.

[FR Doc.74-6688 Filed 3-21-74;8:45 am]

E. E. WALL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.
(2) 11/8/73 purchased 20 shares Carlyle Real Estate Ltd., 12/28/73 sold 800 shares Fleetwood Enterprises, 12/28/73 sold 200 shares Honeywell.
(3) None.
(4) None.

This statement is made as of February 23, 1974.

Dated: February 15, 1974.

E. E. WALL.

[FR Doc.74-6607 Filed 3-21-74;8:45 am]

CHARLES W. WATSON

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Pro-

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duction Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of February 11, 1974.

Dated: February 11, 1974.

C. W. WATSON,

[FR Doc.74-6689 Filed 3-21-74;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of East-West Trade

[Case No. 455 (CP-33)]

GTI CORP.

Order Imposing Civil Penalty

In the matter of GTI Corp., 1399 Logan Avenue, Costa Mesa, Calif. 92626, Respondent.

By charging letter dated October 26, 1973, the above respondent was charged by the Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, with violations of regulations issued under the Export Administration Act of 1969, as amended. The charging letter informed the respondent that administrative proceedings were instituted against it for the purpose of obtaining an order imposing sanctions as provided in Section 388.1 of the regulations. The charging letter was duly served on respondent.

Pursuant to § 388.10 of the regulations, with the agreement of the Director of the Compliance Division, there was submitted to the Acting Hearing Commissioner a consent proposal for issuance of an order as hereinafter set forth. In said consent proposal respondent, for the purpose of this proceeding only, admitted the jurisdiction of the forum and did not contest the charges alleged in the charging letter. Respondent waived: (1) all rights to a hearing before the Hearing Commissioner; (2) all rights of administrative appeal from and judicial review of said order, and (3) all rights to request refund of any civil penalty imposed pursuant to the consent proposal.

The Acting Hearing Commissioner has considered the facts in the case and the respondent's proposal. He has approved the proposal and recommended that it be accepted. The undersigned, having considered the Acting Hearing Commissioner's report and the consent proposal, hereby makes the following:

FINDINGS OF FACT

1. Respondent GTI Corporation is a manufacturer of electronic manufacturing equipment, with a place of business, 1399 Logan Avenue, Costa Mesa, California 92626.

2. In May, 1973, respondent exported four shipments of flat pack sealers, and parts, valued at approximately $9,600, three of which were destined for France and one for Belgium.

3. In August, 1973, respondent exported 2 beaded lead boat assemblies, valued at approximately $600, and destined for the Federal Republic of Germany.

4. In September, 1973, respondent exported 1 programmable sealer, valued at approximately $12,000, and destined for the Federal Republic of Germany.

5. In September, 1973, respondent also exported 1 programmable sealer valued at approximately $12,000, and destined for Spain.

6. Each shipment was made by respondent without applying for and obtaining the required validated export license from Commerce which respondent should have known was required. By so doing respondent precluded Commerce from determining whether the ultimate consignees should be approved for receipt of the commodities involved.

7. In each said exportation the related commercial invoice to the consignee did not bear the required destination control statement.

8. In mitigation of the foregoing actions, respondent pleaded that, with repect to the first four shipments, it had difficulty in ascertaining the correct export control listings for its products, and had relied on a forwarding agent for advice; and that its then general manager had, without authorization, suddenly made the shipments because of insistent demands for delivery by the French and Belgian customers. With respect to the last three shipments respondent pleaded that its then forwarder had mistakenly thought the goods were properly exportable under general license. Respondent further pleaded that it had undertaken measures to tighten its internal procedures, to assure compliance with U.S. export controls by its employees, forwarders and other representatives.

Based on the foregoing, I have concluded that respondent: (a) violated §§ 387.4 and 387.6 of the export control regulations, by knowingly exporting United States origin commodities to France (three occasions), Belgium (one occasion), Federal Republic of Germany (two occasions) and Spain (one occasion), without having obtained the required validated export licenses from the Office of Export Administration, as required by § 372.1(b) of said regulations; (b) violated § 386 of the regulations by failure to enter an appropriate destination control statement on all copies of the commercial invoices issued in connection with each of the seven shipments.

On considering the record in the case, I hereby accept the consent proposal, and it is hereby ordered:

Pursuant to § 387.1(b) of the export regulations a civil penalty of $1400 ($200 for each of the seven shipments) is imposed on respondent for the violations set forth in the charging letter. Said sum is to be paid to the Treasurer of the United States.

Dated: March 25, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-6678 Filed 3-21-74;8:45 am]

[Case 458]

RAYMOND L. GILTAY

Order Denying Export Privileges

In the matter of Raymond L. Giltay, 66 Rue Paul Lauters, 1050, Brussels, Belgium, Respondent.

A charging letter dated November 9, 1973, was issued by the Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, against the above respondent, alleging violations of the Export Administration Act of 1969 and regulations issued thereunder.

In substance, it is alleged that on May 30, 1969, respondent, through the firm Unimetal, of Brussels, Belgium, of which respondent was then general manager, reexported from Belgium to Switzerland certain strategic oscilloscopes and spectrum analyzers, of U.S. origin, without U.S. authorization, and with knowledge that such reexports were contrary to the U.S. export control law and regulations.

The charging letter was served on respondent and he answered on December 5, 1973, orally informing the American Embassy at Brussels that the charge is true; that he did not intend to answer in writing or request an oral hearing; and that he has been punished by Belgian authorities for the same reexports, which constituted violations of Belgian as well as U.S. law.

The Acting Hearing Commissioner held an informal hearing on February 28, 1974, at which evidence bearing on the charges was presented by the Compliance Division.

The Acting Hearing Commissioner after considering the evidence, reported his findings of fact and conclusion that violations had occurred, and he recommended that the sanction hereafter set forth be imposed.

After considering the evidence, I adopt the Acting Hearing Commissioner's findings of fact, as follows:

Finding of fact. 1. Respondent Giltay, in 1968 and 1969, was general manager of Unimetal, a trading enterprise doing business in Brussels, Belgium.

2. In May 1969, Giltay, through Unimetal, bought 6 strategic oscilloscopes and strategic spectrum analyzers, costing in the aggregate about $75,000. These instruments were of U.S. origin, and had been licensed by Commerce for export to Belgium, as ultimate destination.

3. By destination warning notices affixed to the commercial invoices covering these instruments Giltay and Unimetal were informed that the instruments "cannot be exported from Belgium without the authorization of the U.S."

4. Giltay and Unimetal, notwithstanding said notification, on May 30, 1969, reshipped the oscilloscopes and analyzers to Switzerland.

5. In February 1972, a Belgian court judgment was issued, imposing a substantial fine against Giltay, and subjecting him to four months' imprisonment, for violations of Belgian law arising in connection with reexport of said oscilloscopes and analyzers to Switzerland without Belgian export licenses.

6. The firm Unimetal appears to have been dissolved late in 1969, on account of the death of its then owner.

7. Respondent Giltay's admission of the violations of U.S. export controls in the aforesaid May 30, 1969 reexports, is corroborated by the published findings of the Belgian Court.

Based on the foregoing findings, I have concluded that respondent violated §§ 387.4 and 387.6 of the export control regulations by reexporting from Belgium to Switzerland, strategic U.S. origin electronic instruments, without prior U.S. authorization, as required by § 374.1 of said regulations.

Now, after considering the record in the case and the report and recommendation of the Hearing Commissioner and being of the opinion that his recommendation as to the sanction that should be imposed is fair and just and calculated to achieve effective enforcement of the law,

It is ordered, That:

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. The respondent, for the duration of U.S. export controls, is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transactions involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining, or using, of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his representatives, agents, and employees, and also to any person, firm, corporation, or other business organization, with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility or other connection in the conduct of trade or services connected therewith.

IV. During the time when the respondent or other parties within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other parties denied export privileges within the scope of this order, or whereby the respondent or such other parties may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other parties denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on March 22, 1974.

Dated: March 22, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-6345 Filed 3-21-74;8:45 am]

Domestic and International Business Administration

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Semiconductor Technical Advisory Committee of the U.S. Department of Commerce will meet on Thursday, March 28, 1974, at 9:30 a.m. in Conference Room A of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Comments on minutes of previous meeting.
2. Presentation of papers or comments by the public.
3. Review of work program.
4. Executive Session:
   a. Discussion of paper on foreign availability.
   b. Review and commentary on prior work.
   c. Discussion of integrated circuits.
   d. Problems related to export of technology.
5. Adjournment.

The public will be permitted to attend the discussion of agenda items 1-3, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (4), "Executive session," the Assistant Secretary of Commerce for Administration, on December 20, 1973, determined, pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provision of sections 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4196).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: March 19, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74-6636 Filed 3-21-74;8:45 am]

Maritime Administration

[Docket No. S-412]

AMERICAN EXPORT LINES, INC.

Notice of Application

Notice is hereby given that American Export Lines, Inc., has applied for permission to call vessels operating on its Line D (U.S. Atlantic/Far East) Service on Trade Route No. 12 at U.S. Gulf ports. This application does not involve an increase in the number of sailings to be made on the U.S. Atlantic/Far East service but requests authority to serve U.S. Gulf ports (Key West, Florida-Brownsville, Texas) on the sailings presently authorized; namely, a minimum of 20 and a maximum of 30 sailings per annum. The applicant is presently authorized to serve U.S. Atlantic ports only.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to Section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by the close of business on April 8, 1974, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so whether the service already provided by vessels of United States registry in such essential service is inadequate,

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and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that the petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS)).

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: March 8, 1974.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-6724 Filed 3-21-74;8:45 am]

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE OF THE AMERICAN ECONOMIC ASSOCIATION

Notice of Public Meeting

The Census Advisory Committee of the American Economic Association will convene on April 11, 1974 at 7:45 p.m. at the National Economist's Club, 1236 20th Street, NW., Washington, DC, and on April 12, 1974 at 9:15 a.m. in Room 2113, Federal Building 3 at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Economic Association was established in 1960 to advise the Director, Bureau of the Census, on technical matters, level of accuracy, and conceptual problems.

The Committee is composed of 15 members of the American Economic Association.

The agenda for the April 11 meeting, which will adjourn at 9:30 p.m., is a general review of topics of current interest including staff changes, program development, and program plans for FY 1975 and future years.

The agenda for the April 12 meeting is: (1) Uses of census data; (2) Leased department stores, department store sales, and the use of administrative records; (3) Improving the quality and scope of household income data; (4) Improvements to the Value Put in Place series; (5) Proposed changes to the County Business Patterns Program; and (6) The Census Bureau and the energy shortage.

A limited number of seats will be available to the public. A brief period will be set aside for public comment and questions at the April 12 meeting. Extensive questions or statements must be submitted in writing to the Committee Guidance and Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning these meetings should contact the Committee Guidance and Control Officer, Mr. James Turbitt, Associate Director for Economic Operations, Bureau of the Census, Room 2061, Federal Building 3, Suitland, Maryland. (Mail address: Washington, D.C. 20233). Telephone (301) 763-5274.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

[FR Doc.74-6673 Filed 3-21-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463. 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs.	April 1 and 2, 9 a.m., Room 1409, FB-8, 200 C St. SW, Washington, D.C.	Open April 1, 9 a.m. to 10 a.m., closed April 1 after 10 am.., closed April 2. Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing sedative, tranquilizer, or sleep aid drugs.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Obstetrical and Gynecology Devices.	April 1 and 2, 9:30 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open April 1, 9:30 a.m. to 10:30 a.m., closed April1 after 10:30 a.m., closed April 2. Lillian Yin, Ph. D., (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates all available data concerning the safety, effectiveness, and reliability of obstetrical and gynecology devices currently in use.

Agenda. Open session: Comments and presentations by interested persons; round table discussion of obstetrical and gynecology monitoring devices. Closed session: Review and classification of the following categories of obstetrical and gynecology devices; surgical devices, diagnostic devices, therapeutic devices, and prostheses.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Viral Vaccines and Rickettsial Vaccines.	April 2 and 3, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Open April 2, 9 a.m. to 12 noon, closed April 2 after 12 noon, closed April 3. Jack Gertzog (HFB-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1676.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of viral vaccines and rickettsial vaccines and combinations thereof; reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products consisting of live, attenuated virus, inactivated virus, or killed inactivated rickettsial microorganisms, used either singly or in combination, to prevent a variety of specific infectious diseases in man caused by viral or rickettsial microorganisms.

Agenda. Open session: Previous minutes, communications received, and comments and presentations by interested persons. Closed session: Continued review of products in this category.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Dentifrices and Dental Care Agents.	April 3 and 4, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open April 3, 9 a.m. to 11 a.m., closed April 3 after 11 a.m., closed April 4. Michael D. Kennedy, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of currently marketed nonprescription drug products containing dentifrices and dental care agents.

Agenda. Open session: Comments and presentations by interested persons and presentation by Dr. Elizabeth Weisburger on the oral carcinogenicity of phenol and other phenolic substances. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
5. National Advisory Drug Committee.	April 3 and 4, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—John Jennings, M.D., Room 14-82 (HFM-1), 5600 Fishers Lane, Rockville, Md. 20852, 301-433-4124.

Purpose. Reviews and evaluates agency programs and provides advice and guidance to the Commissioner of Food and Drugs on policy matters of national significance relating to FDA's statutory mission in the area of drugs.

Agenda. Continuation of consideration of drug information for prescription and over-the-counter drugs.

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on Review of Laxative, Antidiarrheal, Emetic, and Antiemetic Drugs.	April 5 and 6, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open April 5, 9 a.m. to 10 a.m., closed April 5 after 10 a.m., closed April 6. John T. McElroy (HFD-109), Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing laxative, antidiarrheal, emetic, and antiemetic agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continued review of the safety and efficacy of laxative, antidiarrheal, emetic, and antiemetic drug products.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on Review of Vitamin, Mineral, and Hematinic Drug Products.	April 8 and 9, 11 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Closed April 8, 11 a.m. to 1:30 p.m., open April 8, 1:30 p.m. to 3 p.m., closed April 9. Thomas DeCillis, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription vitamin, mineral, and hematinic drug products, and the adequacy of their labeling.

Agenda. Closed session: Discussion of safety and efficacy of ingredients in submissions. Open session: Presentation by industries on vitamins, in regard to shelf-life, sources, stability and bioavailability.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Bacterial Vaccines and Toxoids.	April 8 and 9, 9 a.m., Room 121, Bldg. 29, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Closed April 8 open April 9, 9 a.m. to 12 noon, closed April 9, after 12 noon. Jack Gertzog (HFB-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1676.

Purpose. Advises the Commissioner of Food and Drugs on the safety and effectiveness of bacterial vaccines and toxoids with standards of potency.

Agenda. Closed session: Continuing review of products in this category. Open session: Previous minutes, communications received, and comments and presentations by interested persons.

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of Ophthalmic Drugs.	April 9 and 10, 9 a.m., Conference Room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open April 9, 9 a.m. to 10 a.m., closed April 9 after 10 a.m., closed April 10. John T. McElroy, (HFD-109), Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products for ophthalmic application.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of safety and efficacy of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Topical Analgesics.	April 10 and 11, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open April 10, 9 a.m. to 10 a.m., closed April 10 after 10 a.m., closed April 11. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing topical analgesic agents, and the adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Gastroenterological-Urological Devices.	April 22, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Thomas L. Anderson, M.D., (HFM-120), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates all available data concerning the safety, effectiveness, and reliability of gastroenterology and urological devices currently in use.

Agenda. Open session: Discussion of sterilization of endoscopes and comments and presentations by interested persons. Discussion of the classification scheme, as revised, from the posture of goals to be attained. Closed session: Review and classification of various classes of gastroenterological-urological devices.

Committee name	Date, time, place	Type of meeting and contact person
12. Science Advisory Board of the National Center for Toxicological Research.	April 22 and 23, 8 a.m., National Center for Toxicological Research, Jefferson, Ark.	Open—A. K. Davis, Ph.D. Bldg. 13, Room 43, National Center for Toxicological Research, Jefferson, Ark. 72079, 501-536-4528.

Purpose. Advises the Director, National Center for Toxicological Research, in establishing and implementing a research program that will assist the Commissioner of Food and Drugs and the Administrator, Environmental Protection Agency, in fulfilling their regulatory responsibilities. Provides the extra-agency review in assuring that research programs and methodology development are scientifically sound and pertinent to environmental problems.

Agenda. Review and discussion of subcommittee organization and operation; report on progress of current program and porposed new programs; overview of research strategy for chronic toxicity, teratogensis, and mutagenesis; and subcommittee meetings and tour of facilities.

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on Review of Oral Cavity Drug Products.	April 23, 9 a.m., Conference Room H, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. John T. McElroy, (HFD-109), Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing oral hygiene drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of the safety and efficacy of the oral cavity drug products.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in

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action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: March 18, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-6649 Filed 3-21-74;8:45 am]

Office of Education

EMERGENCY SCHOOL AID

Notice of Closing Date for Receipt of Applications

The Commissioner of Education hereby gives notice that pursuant to Title VII of Pub. L. 92-318, the Emergency School Aid Act, applications are being accepted from local educational agencies which have developed eligible plans as described in § 185.11 subsequent to December 10, 1973, which plans are being, or are to be, implemented during or prior to the 1974-75 academic year, and which have not submitted applications based on such plans for assistance under the Act for the project period July 1, 1974 through June 30, 1975, for special project grants under section 708(a) of the Act (45 CFR § 185.91(b) of the implementing regulations.

Applications for assistance must be received on or before April 30, 1974, and must be in the form of basic grant applications under section 706(a) of the Act. Such applications should be submitted to U.S. Office of Education, Application Control Center, 7th & D Streets SW, ROB-3, Room 5673, Washington, D.C. 20202 (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW, Washington, D.C. 20202, Attention: 13.525 and 13.532).

Receipt procedure. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms, in Washington, D.C. (In establishing the date of receipt, the Assistant Secretary will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education, and Welfare, or the U.S. Office of Education.)

Project periods. Funds will be awarded for authorized activities commencing no earlier than July 1, 1974, and terminating no later than June 30, 1975.

Applicable regulations. Awards will be subject to 45 CFR Part 185, as such part appeared in the FEDERAL REGISTER on February 6, 1973 (38 FR 3450). Awards under section 708(a) will be subject to the amendments to 45 CFR Part 185 as such amendments appeared in the FEDERAL REGISTER on April 24, 1973 (38 FR 10092) and on August 10, 1973 (38 FR 21646). Awards under all sections of the Act shall be subject to such amendments to 45 CFR Part 185 as may be made in the future. Awards under all sections of the Act as described above are subject to the Office of Education General Provisions of 45 CFR Part 100 as published in the FEDERAL REGISTER, November 6, 1973 (38 FR 30654).

Dated: March 18, 1974.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Programs Nos. 13.525 Emergency School Aid—Basic Grants and 13.532 Emergency School Aid—Special Projects)
(20 U.S.C. 1609(a))

[FR Doc.74-6654 Filed 3-21-74;8:45 am]

HEALTH AND NUTRITION PROGRAM

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in Section 808, Title VIII, of the Elementary and Secondary Education Act (20 U.S.C. 887a) applications are being accepted from local educational agencies for grants for demonstration projects to improve school nutrition and health services for children from low-income families, which were commenced under grant awards made in previous fiscal years. Applications must be received by the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th & D Streets SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education Application Control Center, 400 Maryland Avenue SW., Washington, D.C., 20202, Attention: 13.523), on or before April 24, 1974. A notice of closing date for applications for new projects for Fiscal Year 1974 is being published separately in the FEDERAL REGISTER.

The general fiscal and administrative provisions published in the FEDERAL REGISTER, 38 FR 30654, November 6, 1973, are applicable to these grants. Amounts available to fund applications invited under this notice include, in addition to fiscal year 1974 funds, funds made available under P.L. 92-334 which were unallotted in fiscal year 1973 and were allotted in January of this year.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service post-mark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

Information and application forms may be obtained from the Office for Health and Nutrition Programs, 400 Maryland Avenue SW., Washington, D.C. 20202.

(20 U.S.C. 887a)

Dated: March 18, 1974.

DUANE J. MATTHEIS,
Acting U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.523, School Health and Nutrition Services for Children from Low-Income Families)

[FR Doc.74-6776 Filed 3-21-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-254]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Notice of Proposed Issuance of Authority To Operate Using Mixed Oxide Fuel

Notice is hereby given that the Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-29 and changes to the Technical Specifications which would authorize the Commonwealth Edison Company and Iowa-Illinois Gas and Electric Company (the applicants) to operate the Quad-Cities Nuclear Power Station, Unit 1 using a partial loading of five 7 x 7 fuel assemblies containing mixed plutonium and uranium oxide. The applicants are presently licensed to possess and operate their facility located in Rock Island County, Illinois, at power levels up to 2511 MWt using a full core of 7 x 7 fuel (containing U-235).

The Commission will consider the issuance of the subject actions upon: (1) The completion of a favorable Safety Evaluation on the application by the Commission's Directorate of Licensing; (2) findings by the Commission that (a) the application complies with the requirement of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I, (b) there is reasonable assurance that the reactor can be operated in accordance with the license, as amended, without endangering the health and safety of the public and that such activities will be conducted in compliance with the rules and regulations of the Commission, and (c) the issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public.

On or before April 22, 1974, the applicant may file a request for a hearing with respect to issuance of an amendment to the subject facility operating license, and change to the Technical Specifications, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required in 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by April 22, 1974. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to these issuances see the (1) application by Commonwealth Edison dated February 28, 1974, including supplements issued prior to the application dated December 14, 1973, and June 15, 1973, and (2) the proposed amendment to the facility license for Facility Operating License No. DPR-29, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Moline Public Library at 504 17th Street in Moline, Illinois 61265. When the Safety Evaluation report by the Directorate of Licensing on the application becomes available, it may be inspected

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at the above locations and a single copy of each may be obtained.

Single copies of item (2) above and when available, the Safety Evaluation may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 18th day of March 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-6677 Filed 3-21-74;8:45 am]

[Dockets Nos. 50-254 and 50-265]

COMMONWEALTH EDISON CO. AND IOWA-ILLINOIS GAS AND ELECTRIC CO.

Proposed Issuance of Changes to Technical Specifications of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) is considering the issuance of changes to the Technical Specifications of Facility Operating Licenses Nos. DPR-29 and DPR-30 which would authorize the Commonwealth Edison Company and Iowa-Illinois Gas & Electric Co. (the applicant) to operate the Quad-Cities Nuclear Power Station, Unit 1 using a partial loading of 8 x 8 fuel (containing U-235), and one 7 x 7 fuel assembly containing segmented test rods, and would also authorize changes to the limiting conditions for operation associated with fuel densification for the 8 x 8 and 7 x 7 fuels. The applicant is presently licensed to possess and operate the Quad-Cities Nuclear Power Station Units 1 and 2, located in Rock Island County, Illinois, each at power levels up to 2511 MWt using a full core of 7 x 7 fuel (containing U-235).

The Commission will consider the issuance of the subject changes to the Technical Specification upon: (1) The completion of a favorable Safety Evaluation on the application by the Commission's Directorate of Licensing and (2) a finding by the Commission that the application for the change complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I. The generic aspects of the 8 x 8 reload assemblies have been discussed with the Advisory Committee on Reactor Safeguards and a letter has been issued by the Advisory Committee on Reactor Safeguards dated February 12, 1974. The Directorate of Licensing has issued a "Technical Report on the General Electric Company 8 x 8 Fuel Assembly" dated February 5, 1974.

On or before April 22, 1974, the applicant may file a request for a hearing with respect to issuance of changes to the Technical Specifications of the subject facility operating license, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR § 2.714. As required in 10 CFR § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., by April 22, 1974. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details, see the (1) applications by Commonwealth Edison dated February 8, 1974, February 28, 1974, including supplements issued prior to the application dated January 28, 1974, and February 7, 1974, (2) "Technical Report on the General Electric Company 8 x 8 Fuel Assembly" dated February 5, 1974, by the Directorate of Licensing, (3) Report NEDO-20103—"General Design Information for General Electric Boiling Water Reactor Reload Fuel Commencing in Spring 1974", and (4) the Advisory Committee on Reactor Safeguard's letter of February 12, 1974, "Report on General Electric 8 x 8 Fuel Design for Reload Use", which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Moline Public Library at 504 17th Street in Moline, Illinois 61265. As the Safety Evaluation report to be prepared by the Directorate of Licensing on the application becomes available, it may be inspected at the above locations and a copy may be obtained.

Single copies of item (2) above and, when available, the Safety Evaluation may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 18th day of March 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-6669 Filed 3-21-74;8:45 am]

NOTE.—Atomic Energy Commission continued on page 10949.

CIVIL AERONAUTICS BOARD

[Docket 23080-2; Order No. 74-3-84]

DOMESTIC SERVICE MAIL RATES—PHASE 2

Order Regarding Priority and Nonpriority

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of March, 1974.

By Order 74-1-89,[1] the Board established temporary domestic service mail rates for sack mail and standard and daylight container mail, container minimum chargeable weights, and pick-up and delivery charges to be effective from March 28, 1973, until the conclusion of the investigation in this docket. This order also made several technical changes to the tentative findings and conclusions in the proposed rate order,[2] including, inter alia, the prescription of temporary rates and charges for FT-B and FT-C type containers. Exceptions to the order were permitted limited to these changes.

Seaboard World Airlines, Inc. (Seaboard), in a timely filed exception, states that, while the order established rates and charges for the FT-B container, it did not refer to the standard Type B container employed by Seaboard, although the two containers are similar. Seaboard therefore requests that the Board "clarify" its order so as to indicate that the minimum chargeable weight and pick-up and delivery charges prescribed for the FT-B container were meant to apply also to the Type B container.

The Type B container was included in the rate petition filed by Seaboard in this docket and was inadvertently omitted from our temporary rate order. We shall therefore amend the order to correct this oversight. Contrary to Seaboard's position, however, application of the FT-B pivot weight to the B container was not intended. Nor are we persuaded that these container types so closely resemble each other as to warrant a common pivot weight; on the contrary, although the two receptacles are approximately the same length and width, the B container has considerably less carrying capacity and should reflect a correspondingly lower minimum chargeable weight. Based on available cubic capacity, therefore, a pivot weight of 2600 pounds appears more reasonable for the B container than the 2800-pound weight applicable to the FT-B, and it shall be so prescribed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof,

It is ordered, That:

1. Subparagraphs (e) and (g) of Ordering paragraph 3 of Order 74-1-89, January 16, 1974, be and they hereby are amended as follows:

(a) In subparagraph (e), "B" and "2600" are inserted in the columns headed "Container Type" and "Minimum Charge Weight" after the terms "LD-3/FT-C" and "2000," respectively;

(b) In subparagraph (g), "FT-B" is changed to "FT-B and B" in the column headed "Container Type."

2. This order shall be served upon Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-6672 Filed 3-21-74;8:45 am]

[Docket Nos. 26047-26048; 26096-26100; Order 74-3-43]

VARIOUS CARRIERS

Order Denying Petitions for Reconsideration Regarding Domestic Passenger-Fare Increases

In FR Doc. 74-5923 appearing at page 9856 of the issue for Thursday, March 14, 1974, the sixteenth through eighteenth lines of the second full paragraph on page 9857 which were out of order should read as follows: "clearly erroneous as a cursory reading of Order 73-11-93 will reveal, and accordingly form no basis for a reversal of that".

[1] January 16, 1974.
[2] Order 73-8-145, August 30, 1973.

COMMISSION ON CIVIL RIGHTS

CALIFORNIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California State Advisory Committee will convene at 11 a.m. on March 30, 1974, in the Buffalo Room, Los Angeles Hilton Hotel, 930 West Wilshire Boulevard, Los Angeles, California 90017.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purposes of this meeting shall be (1) to discuss the status of the Asian American report entitled "Asian American/A Case of Mistaken Identity" and (2) to discuss future activities to be undertaken by the California SAC.

This meeting shall be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 19, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-6674 Filed 3-21-74;8:45 am]

COLORADO STATE ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 707) notice is hereby given that the Colorado State Advisory Committee to the U.S. Commission on Civil Rights will meet in a closed session at 9 a.m., Saturday, March 30, 1974, in the Cedar Room, Albany Hotel, 1720 Stout Street, Denver, Colorado 80202.

The agenda will consist of discussions leading to recommendations on proposed revisions to the draft of the Colorado Prison Preliminary report.

I have determined that this meeting would fall within Exemption (5) of 5 U.S.C. 522(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on March 30, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-6675 Filed 3-21-74;8:45 am]

CONNECTICUT STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut State Advisory Committee will convene at 7:30 p.m. on March 27, 1974, at the Holiday Inn, 900 Main Street, Meriden, Connecticut 06450.

Persons wishing to attend this meeting should contact the Committee Chairman or the Northeastern Regional Office of the Commission, Room 1639, Federal Building, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to finalize plans for a forthcoming Conference on Revenue Sharing which is tentatively scheduled to be held on April 6, 1974.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., March 18, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-6676 Filed 3-21-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

SHOCK, FIRE, AND OTHER HAZARDS FROM TELEVISION RECEIVERS

Notice of Public Hearing

Notice is given that a public hearing will be held on April 23 and 24, 1974, at 9:30 a.m. in the General Services Administration Auditorium, 18th & F Streets NW., Washington, D.C., to discuss television receiver safety with emphasis on shock and fire hazards. (For brevity, "television receiver" is referred to in this notice as "TV set" or "TV".)

The hearing will be held pursuant to section 27(a) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1227; 15 U.S.C. 2076 (a)).

From June 1973 through February 1974, the Commission received a number of potentially hazardous condition reports from TV set manufacturers relating to shock and fire hazards. The Commission has also received reports from consumers of shock and fire accidents that appear to stem from TV sets. Summaries and tabulations of these reports are set forth below.

The volume of the reports and the seriousness of the injuries reported indicate to the Commission that consumers may be subjected to unreasonable risks of injury associated with TV sets and that sufficient data have been received to commence the process of developing a consumer product safety standard pursuant to section 7(b) of the act (15 U.S.C. 2056(b)).

Before determining the scope (and as an aid to that determination) of the FEDERAL REGISTER notice, to be published pursuant to section 7(b) of the act, inviting interested persons to submit an existing standard or to offer to develop a proposed consumer product safety standard for acceptance, the Commission desires to receive the views of the public regarding the potential hazards from TV sets and/or the possible relationship between the potential hazards and TV de-

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sign, construction, materials technology, and similar factors.

Although the hearing is intended to emphasize fires and shocks related to TV sets, information pertaining to all aspects of TV set safety may be submitted (with the exception of radiation hazards which are regulated by the Food and Drug Administration pursuant to the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (Pub. L. 90–602, 82 Stat. 1173–86; 47 U.S.C. 263b–n)). For example, information pertaining to TV tube implosions and explosions and TV ancillary equipment such as antennas would be welcome.

Manufacturers of TV sets and components are requested to submit information on one or more of the following topics. Consumers and consumer groups are invited to submit information on these topics and any other topic related to TV safety. Such information need not be of a technical nature but may include personal use experiences.

1. *TV-related accident data.* In particular, each TV manufacturer is requested to submit all accident reports collected since the 1969 hearings held by the National Commission on Product Safety. If present data recording procedures differ from the method proposed in the 1969 "Electronics Industry Association Ad Hoc Engineering Report on Television Fires," which was submitted to the National Commission on Product Safety, place indicate the procedures used.

2. *Current, future-planned, and suggested TV-related safety standards.* Data are requested on (a) standards currently used in industry; (b) those planned for the near future, including effective dates; and (c) those suggested for future use. In particular, each TV manufacturer is requested to indicate the implementation status of each safety standard improvement recommendation set forth in the 1969 "Electronics Industry Association Ad Hoc Engineering Report on Television Fires."

3. *Quality control and quality assurance plans.* Data are requested on present, future-planned, and suggested techniques for controlling and assuring safety-related TV quality.

4. *Service technicians.* Data are requested on present and future-planned qualification requirements for TV service technicians.

5. *Improvement plans for presently used TV sets.* Data related to reducing the incidence of fire and shock for existing TV sets are requested.

6. *Specific technical areas.* Information on accident data, standards, etc., pertaining to the following specific manufacturing trends and design techniques are requested:

a. Techniques for protection against overheating.

b. Trends toward direct AC to DC chassis design.

c. Trends toward use of compact portable TV sets and TV sets with thermoplastic enclosures.

d. Design and manufacturing techniques for minimizing dielectric stress on chassis components.

Representatives of the following companies which participated in the hearings of the National Commission on Product Safety and/or the development of the 1969 "Electronics Industry Association Ad Hoc Engineering Report on Television Fires" are invited to attend:

Admiral Corp., Chicago, Ill.
Ajax Condenser Corp., Chicago, Ill.
Allen-Bradley, Milwaukee, Wis.
Arvin Corp., Columbus, Ind.
Belden Corp., Chicago, Ill.
Centralab Electronics Division, Globe-Union, Milwaukee, Wis.
Corning Glass Works, Charleroi, Pa.
Emerson Corp., Greenwich, Conn.
General Electric Co., Portsmouth, Va.
Hitachi, Long Island, N.Y.
Magnavox Co., Fort Wayne, Ind.
Mallory Controls Co., Frankfort, Ind.
Michigan Chemical Co., Detroit, Mich.
Motorola, Inc., Franklin Park, Ill.
Packard Bell Electronics, Los Angeles, Calif.
Paktron Division of Illinois Toolworks, Inc., Alexandria, Va.
Panasonic (Matsushita Electric Corp. of America), New York, N.Y.
Philco-Ford Corp., Blue Bell, Pa.
RCA Corp., Indianapolis, Ind.
Sears, Roebuck & Co., Chicago, Ill.
Sharp, Paramus, N.J.
Sony Corp. of America, Long Island, N.Y.
Sylvania Electric Products, Inc., Batavia, N.Y.
Toshiba of America, Chicago, Ill.
Warwick Electronics, Inc., Chicago, Ill.
Wells-Gardner, Chicago, Ill.
Westinghouse Corp., Elmira, N.Y.
Zenith Radio Corp., Chicago, Ill.

The hearing will be conducted by a member or representative of the Commission and transcribed by a stenographer. Persons will have an opportunity to present their statements. Witnesses will not be cross-examined by other participants.

Interested persons are encouraged to attend and may do so by writing or calling Mr. Harvey Tzuker, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207, phone (301) 496–7197. Those who wish to make a formal presentation are requested to submit by April 16, 1974, a copy or outline of their presentation and the amount of time requested therefor.

Persons unable to attend the hearing who wish to present written comments for the Commission's consideration are invited to do so. Written comments should be accompanied by a summary of not more than 250 words. All comments should be received by close of business April 16, 1974.

In the event that the space available for the meeting cannot accommodate all who wish to attend, admission will be determined according to the date on which requests for attendance were received.

The following are the summaries and tabulations of TV fire and shock data as mentioned above in the third paragraph of this notice:

I. *Product defect reports received from TV set manufacturers.* Pursuant to section 15(b) of the act, potentially hazardous conditions were reported as follows (as of March 5, 1974):

Date received	Manufacturer	Potential hazard
June 18, 1973	RCA Corp.	Shock.
July 12, 1973	Philco-Ford Corp.	Fire.
Sept. 10, 1973	Admiral Corp.	Shock.
Sept. 13, 1973	Zenith Radio Corp.	Fire.
Oct. 12, 1973	Montgomery Ward & Co.	Shock.
Dec. 3, 1973	Packard Bell Electronics.	Do.
Jan. 11, 1974	Philco-Ford Corp.	Fire.
Feb. 21, 1974	Matsushita Electric Corp. (Panasonic).	Do.
Feb. 28, 1974	Curtis-Mathes Corp.	Do.

II. *Field survey by the Commission.* On September 7, 1973, the Consumer Product Safety Commission initiated a survey through its 14 area offices located throughout the United States to sample the number of on-file TV-related fire reports documented within a 1-year period by at least three municipalities within each area office's jurisdiction.

The number of home TV-related fires reported as occurring from September 1, 1972, through August 31, 1973, is 916. The estimated population for the areas from which reports were received is 21,700,000. Although only on-file fire report information was requested, one municipality's submission indicated that its report of 279 fires is an estimate.

Three TV-related fires resulted in serious injury that required hospitalization or resulted in death. Five individuals were involved in these fires. The extent of physical injury in the three fires is as follows:

A. Two individuals sustained minor smoke inhalation in one fire.

B. One death and one hospitalization resulted from one fire.

C. One individual sustained burns and smoke inhalation in one fire.

III. *Data obtained from the National Electronic Injury Surveillance System (NEISS).* Through NEISS, there were compiled 681 TV-related accidents during the fiscal year FY–73 (July 1, 1972, to June 30, 1973) and 359 during the first half of FY–74 (July 1, 1973, to December 1, 1973). The majority of these accidents resulted in injuries such as abrasions, amputations, concussions, contusions, dislocations, fractures, lacerations, punctures, and sprains or strains.

IV. *Accident reports compiled by the Commission—A. Summary.* The Consumer Product Safety Commission has compiled 35 TV-related accident reports pertaining to fires, shocks, and explosions that have come to the Commission's attention by various means such as consumer injury reports, news articles, and reports of hospital emergency room cases. The 35 reports were compiled from January 1 through December 7, 1973. The following is a breakdown of the accidents, injuries, and deaths involved in the 35 reports:

Accidents

Fires	25
Smoking only (no fire)	5
Shocks	3
Explosion	1
Explosion-fire	1
Total	35

Injuries

Cases of smoke inhalation	3
Cases of burns requiring hospitalization	6
Case of shock requiring emergency room treatment	1
Total	10

Deaths

Accumulated from three TV-related fire reports	14
Electrocutions	2
Total	16

B. *Tabulation.* The following is a detailed tabulation of the 35 reports summarized in IV–A above:

Report date or accident date	Location	TV receiver description	Accident classification	Number and type of injuries	Number of deaths
January 1973	Summit, N.J.	19-inch color TV	Fire	None	0
Jan. 24, 1973	Margate, N.J.	Color TV-stereo combination.	do	do	0
Jan. 30, 1973	Washington State.	Color TV	do	do	0
Feb. 5, 1973	Chicago, Ill.	TV	do	One case of smoke inhalation requiring hospitalization.	0
Feb. 10, 1973	Burns, Oreg.	Color TV	do	One case of burns requiring 4-week hospitalization.	0
Apr. 8, 1973	Birmingham, Ala.	TV	do	One case of burns requiring hospitalization.	0
Apr. 12, 1973	Buffalo, N.Y.	TV	do	do	0
Apr. 24, 1973	Washington State.	TV	do	None	0
May 1973	Roslindale, Mass.	16-inch color portable TV.	do	do	0
June 13, 1973	Washington State.	Color console TV	do	do	0
June 23, 1973	Roseland, N.J.	19-inch color TV	do	do	4
June 29, 1973	South Dakota	23-inch color TV	Fire-explosion.	do	0
July 6, 1973	Washington State	Color TV	Smoking	do	0
July 22, 1973	San Francisco, Calif.	23-inch color TV	Fire	do	0
July 23, 1973	Culpeper, Va.	25-inch color console TV.	Shock	do	1
July 27, 1973	Montana	Color portable TV	Fire	do	0
August 1973	New Jersey	Color TV	Smoke	do	0
Aug. 4, 1973	Kaysville, Utah	TV	Shock	One case of shock	0
Aug. 14, 1973	Fort Lee, N.J.	Color portable TV	Fire	One case of smoke inhalation	0
Aug. 15, 1973	New York, N.Y.	19-inch color portable TV.	do	none	0
Aug. 25, 1973	North Cauldwell, N.J.	18- or 19-inch color TV.	do	do	7
Aug. 31, 1973	Pittsburgh, Pa.	19-inch black and white portable TV.	Smoking	do	0
Sept. 3, 1973	Illinois	17-inch black and white TV.	Shock	do	1
Sept. 5, 1973	Hazlet, N.J.	23-inch color TV	Fire	Three cases of burns requiring hospitalization.	0
Sept. 15, 1973	Silver Spring, Md.	19-inch color TV	do	One case of smoke inhalation	0
Do	Missouri	18-inch color portable TV.	do	None	0
Sept. 18, 1973	Illinois	Color console TV	do	do	0
Do	Unknown	18-inch color portable TV.	do	do	0
Do	Washington State.	Color TV	do	do	0
Sept. 26, 1973	Colorado	19-inch black and white portable TV.	Smoke	do	0
Sept. 29, 1973	Washington State.	TV	Fire	do	0
September 1973.	New Jersey	Color TV	Explosion	do	0
Oct. 9, 1973	New Brunswick, N.J.	25-inch color console TV.	Smoke	do	0
Oct. 10, 1973	Denver, Colo.	Color console TV	Fire	do	0
Oct. 22, 1973	Washington State.	Color portable TV	do	do	0

V. *Consumer complaint letters received by the Commission—A. Summary.* As of December 7, 1973, the Consumer Product Safety Commission responded to 27 consumer complaint letters on TV-related accidents. The following is a breakdown of the 27 letters' subject matter and types of injuries reported:

Subject matter: 15 fires, 7 insufficient and miscellaneous subject matter, two explosion-fires, two picture tube breakages, and one smoking only (no fire).

Types of injuries: Three cases of burns (total requiring hospitalization unknown), three hospitalizations (injury unknown), one case of lung damage requiring hospitalization.

B. *Tabulation.* The following is a detailed tabulation of the 27 consumer complaint letters summarized in V–A above:

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Report date or accident date	Location	TV receiver description	Accident classification	Number and type of injuries	Number of deaths
Feb. 20, 1973	Florida	18-inch color portable TV.	Fire	None	0
June 23, 1973	Kansas City, Mo.	TV	Malfunction (ozone from TV).	One case of lung damage requiring hospitalization.	0
June 25, 1973	Lubbock, Tex.	TV	Picture tube breakage.	(1)	(1)
July 12, 1973	Brooklyn, N.Y.	TV	Fire	Two cases of burns	0
July 16, 1973	Long Beach, N.J.	Two different TV receivers.	do	One case of burns requiring hospitalization.	0
Aug. 22, 1973	Bloomsburg, Pa.	Color TV	Explosion-fire	None	0
Sept. 4, 1973	Westport, Conn.	Color TV	Fire	do	0
Sept. 5, 1973	Belleville, N.J.	TV	Malfunction (on-off switch failure).	do	0
Sept. 7, 1973	Matawan, N.J.	Color portable TV	Fire (partially melted cabinet).	do	0
Sept. 11, 1973	Sioux City, Iowa.	TV	Fire	(1)	(1)
Sept. 14, 1973	New Orleans, La.	19-inch color TV	Malfunction (high voltage arcing).	None	0
Do	Old Town, Maine.	Color TV	Fire	do	0
Sept. 16, 1973	Saskatoon, Canada.	Console TV	Malfunction (abnormal heating and cracking noise).	do	0
Sept. 18, 1973	Clearwater, Fla.	25-inch color console TV.	Fire	do	0
Do	Grand Blanc, Mich.	TV	do	do	0
Do	Hazlet, N.J.	19-inch color TV	do	Three hospitalized (type of injury not given).	0
Sept. 20, 1973	Rochester, N.Y.	do	Malfunction (repetitive critical component failure).	None	0
Sept. 22, 1973	Midland, Mich.	do	Fire	do	0
Sept. 24, 1973	Baton Rouge, La.	Color TV	Explosion-fire	do	0
Oct. 1, 1973	New York, N.Y.	do	Malfunction (abnormal heating and cracking noise).	do	0
Oct. 8, 1973	Bloomington, Ill.	do	Smoking	do	0
Oct. 12, 1973	San Jose, Calif.	Not available	Unsafe advertising	do	0
Oct. 17, 1973	Mount Vernon, N.Y.	TV	Picture tube breakage.	do	0
Oct. 24, 1973	Montrose, Pa.	Color TV	Fire	do	0
Oct. 31, 1973	Chevy Chase, Md.	do	do	do	0
Nov. 5, 1973	Newark, N.J.	do	do	(1)	(1)
Nov. 13, 1973	do	25-inch TV	Malfunction (unspecified).	None	0

[1] Not given.

NOTE.—Regarding the information summarized and tabulated in paragraphs IV and V above, TV receiver-related data appearing from one source may appear in whole or in part from one or more of the other sources; therefore, obtaining an accurate overall total of injuries and deaths identified by all sources is not possible.

Dated: March 18, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-6475 Filed 3-21-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENT

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from March 11 through March 15, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability (May 6, 1974).

Copies of individual statements are available for review from the originating agency. Back copies will also be available from a commercial source, the Environmental Law Institute of Washington, D.C.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250 (202) 447-3965.

FOREST SERVICE

Draft

Cohutta Mountains, Chattahoochee N.F., Georgia and Tennessee, March 14: The statement refers to a proposed management plan for the 49,500 acre Cohutta Mountains Unit of the Chattahoochee National Forest. Under the plan, 34,500 acres would be designated for wildland management, and the remaining 10,900 acres would be managed for a variety of resource outputs. Commercial timber harvest will average 500,000 board feet per year; requiring seven miles of new, low standard roads (50 pages). (ELR Order No. 40400.)

Spruce Budworm Suppression, Lake County, Minnesota, March 12: Proposed is the treatment of 3,500 acres of forest land within the Finland State Forest, in order to prevent or minimize further spruce-budworm caused tree mortality and reduce high budworm populations until logging operations are able to remove the mature timber. The insecticide mexacarbate (Zectran R) will be applied aerially, in conjunction with continuing salvage operations. Some nontarget areas will be adversely affected (69 pages). (ELR Order No. 40392.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545 (301) 973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, AEC, Washington, D.C. 20545 (301) 973-7373.

Final

Alvin W. Vogtle Nuclear Plant, Georgia, March 13: The statement refers to the proposed issuance of a construction permit to the Georgia Power Company. Each of the Plant's two units will use a pressurized reactor to produce 3,425 MWt, from which 1,100 MWe will be generated. Future output levels of 3,579 MWt and 1,159 MWe are anticipated. Cooling will be by natural draft towers, with water being drawn from the Savannah River at a consumptive rate of 14,930 gpm per unit. Construction of the Plant, a railroad spur, and transmission lines will require 13,916 acres. About 0.03% of the State's timber acreage will be removed for transmission line construction. Potentially significant archeological sites will be affected (390 pages). Comments made by: USDA, DOC, HEW, HUD, DOI, DOT, and State agencies. (ELR Order No. 40397.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314 (202) 693-7168.

Draft

Upper Mississippi River Navigation Channel, Iowa, Minnesota, and Wisconsin, March 12: The statement refers to the proposed operation and maintenance functions necessary to provide 9-foot channel depths for commercial navigation on the Mississippi River from the head of navigation at Minneapolis to Guttenberg, Iowa, a distance of 242.5 river miles. The action consists of operation and maintenance of 13 locks and dams, and channel dredging and disposal. The major adverse impact of the project is its negative effects on fish and wildlife (St. Paul District) (2 Volumes). (ELR Order No. 40394.)

Final

Closure of Academy Creek Brunswick Harbor, Georgia, March 12: The statement refers to the construction of a closure dam across Academy Creek, a canal connecting the upper reaches of Academy Creek with the upper reaches of East River and a dike along the east side of Academy Creek. The project will cause the destruction of 7 to 8 acres of marsh and the elimination of the benthic community in the immediate area of the Academy Creek Closure dam. There will be an increase in water turbidy (Savannah District) (69 pages) (33 pages). Comments made by: EPA, DOI, DOC, State and local agencies. (ELR Order No. 40391.)

Weymouth Landing Local Protection, Norfolk County, Massachusetts, March 11: The proposal is for a flood protection project, which would consist of a concrete dam, 1,200 feet of 96 inch pressure pipe and a 230 foot long arch conduit, and 1,000 feet of channel works. Some hardwood trees and other vegetation will be lost to the project (87 pages). Comments made by: EPA, DOI, State and local agencies. (ELR Order No. 40386.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230 (202) 967-4335.

ECONOMIC DEVELOPMENT ADMINISTRATION

Draft

Water supply, Berlin, Coos County, New Hampshire, March 13: Proposed are water system improvements for the city of Berlin, the town of Gorham, and the town of Milan. Included are a two-million gallon 1 day intake, water filtration and pumping plant, and connection to and expansion of the existing distribution system. The project will assist in the development of an adjacent industrial park. (151 pages). (ELR Order No. 40396.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240 (202) 343-3891.

BONNEVILLE POWER ADMINISTRATION

Draft

Lowell Substation, Lane County, Oregon, March 11: Proposed is the construction of a new substation and tapline near the town of Lowell. Between 4 and 11 acres will be committed to the project site. Adverse impact will include the removal of some timber and grazing land; construction disruption; siltation in nearby streams; and some degradation of AM reception immediately adjacent to the right-of-way (24 pages). (ELR Order No. 40374.)

Ashe-Hanford Transmission Line, Benton County, Washington, March 11: Proposed is the construction of a 17.8 mile 500 kV single circuit line from BPA's Ashe Substation to the existing Hanford Switching Station. Right-of-way easements will be required on a total of 612 acres of grasslands (44 pages). (ELR Order No. 40372.)

Sappho Substation, Clallam County, Washington, March 11: Proposed is the construction of a new substation near the town of Sappho. Construction of the facility and an access road will result in some disturbance to game; loss of some timberland; siltation in nearby streams; and some degradation of AM reception immediately adjacent to the right-of-way (24 pages). (ELR Order No. 40373.)

Mt. Pleasant Substation, Skamania County, Washington, March 11: Proposed is the construction of a new substation and tapline to serve the electrical needs of the Mt. Pleasant area. The station will occupy a site of between 3.2 and 4.2 acres. Adverse impacts of the project will include the removal of timberland; disturbance to game; construction disruption; and degradation of AM reception immediately adjacent to right-of-way (25 pages). (ELR Order No. 40375.)

Stevenson Substation, Skamania County, Washington, March 11: The statement, a supplement to BPA's FY 1975 Program, refers to the proposed construction of a substation at Stevenson, and a connection to the existing Underwood 115kV tap. There will be some construction disruption, disturbance to wildlife, and degradation of AM reception immediately adjacent to the transmission right-of-way (22 pages). (ELR Order No. 40377.)

BUREAU OF SPORTS FISHERIES AND WILDLIFE

Draft

Proposed Aleutian Islands Wilderness, Alaska, March 12: Proposed is the legislative designation of 1,395,357 acres of the Aleutian Islands National Wildlife Refuge as wilderness within the National Wilderness Preservation System. Possible long-term adverse impact could result from the denial of resource development and commercialization, and limitations to access (111 pages). (ELR Order No. 40389.)

NATIONAL PARK SERVICE

Final

Many Glacier System, Glacier National Park, Montana, March 11: The proposal is for the construction of a replacement sewerage system, including a treatment facility, at the Many Glacier Region of the Park. Adverse impacts will include those of aesthetic intrusion and odor (82 pages). Comments made by: USDA, DOI, HEW, EPA, and State agencies. (ELR Order No. 40380.)

Jackson Hole Airport, Grand Teton N.P., Wyoming, March 11: The statement refers to actions under consideration related to the Jackson Hole Airport within Grand Teton National Park. Modifications include strengthening of an existing 6,305 foot runway, constructing a parallel 6,305 foot taxiway, additional car parking, an improved access road, and a new sewage system. Interrelated FAA projects include an instrument landing system, lighting, and an air traffic control tower. There will also be a transportation study to determine the long range needs of the region. Adverse impacts include the visual intrusion of proposed developments, construction disturbance, and excavation of a 4.3 acre borrow pit within the park. Comments made by: USDA, DOI, DOT, HUD, DOC, EPA, State and local agencies, and concerned citizens. (ELR Order No. 40387.)

Draft

Master Plan, Pinnacles National Monument, Monterey County, California, March 11: Proposed is a master plan for the management of the Pinnacles National Monument. The plan recommends measures to insure preservation of the resources of Pinnacles for public appreciation and for scientific research. These measures include the acquisition of land for preservation of wildlife species and relocation of visitor facilities; the conversion of all facilities to day use; and the installation of a visitor shuttle system for use during heavy visitation periods. (ELR Order No. 40379.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590 (202) 426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

SR 8, Sequatchie County to Warren County, Sequatchie, Van Buren, and Warren Counties, Tennessee, March 11: The statement refers to the improvement of State Route 8 beginning at the junction of SR 8 and SR 111 in Sequatchie County and extending in a NW direction from 15.5 miles reaching its terminus at the Collins River Bridge in Warren County. The major adverse effects of the project are the loss of between 160 and 190 acres of wildlife habitat and some pasture and tree nursey lands along the project right-of-way (55 pages). (ELR Order No. 40384.)

Final

U.S. 14, Dodge and Olmstead Counties, Minnesota, March 12: The statement refers to the proposed reconstruction of 7 miles of U.S.T.H. 14 on new location as a four lane divided facility. The project includes a 0.4 mile extension of T.H. 57 in Kasson between existing T.H. 14 and the new location. Four families and one business will be displaced, and 313 acres of agricultural land will be committed to right-of-way (88 pages). Comments made by: USDA, EPA, COE, DOT, and State agencies. (ELR Order No. 40390.)

Hastings-Grand Island Expressway, Adams, Hall, and Hamilton Counties, Nebraska, March 14: The statement refers to the proposed improvements to the Hastings-Grand Island Expressway which is located in the counties of Hall, Adams, Merrick and Hamilton. The primary objective is to provide an expressway type facility commencing one mile south of Hastings and proceeding northward to the vicinity of Grand Island. Adverse impacts include acquisition of land, relocation of wildlife and possible water pollution during construction. The number of displacements, the amount of land needed for right-of-way, and the exact number of miles in the project are not clearly stated in this final (64 pages). Comments made by: EPA, HUD, DOI, USDA, COE, and State agencies. (ELR Order No. 40399.)

The following environmental impact statements were also received during the week of March 11 to March 15, 1974, and the commenting period for them begins with this FEDERAL REGISTER notice of public availability. Full summaries of these statements will appear in the Council's next FEDERAL REGISTER notice.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

Draft

Elk Summit Unit, Clearwater N.F., Idaho County, Idaho, March 11.

Timber Management Plan, Deschutes N.F., several counties, Oregon, March 11.

Aquatic Weed Control, Apache N.F., Arizona, March 14.

Laurel Fork Unit, G. Washington and Monongahela N.F.'s, Virginia and West Virginia, March 11.

Final

Skalkaho—Gird Unit, Bitterroot N.F., Ravalli County, Montana, March 11.

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Purvis Generating Plant, Mississippi, March 11.

DEPARTMENT OF THE INTERIOR

BONNEVILLE POWER ADMINISTRATION

Draft

San Juan Island Transmission, San Juan County, Washington, March 11.

DEPARTMENT OF TRANSPORTATION

U.S. 14, Beadle County, South Dakota, March 12.

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-6652 Filed 3-21-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/28]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This polic yprovides that EPA

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will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street SW., Washington, D.C. 20460.

Within 60 days following the date of publication of this notice, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after this 60-day period.

APPLICATIONS RECEIVED

EPA Reg. No. 8590–19. Agway Inc., Fertilizer—Chemical Division, Box 1333, Syracuse, New York 13201. *Thiodan 50W*. Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,3 - benzodioxathiepin oxide) 50.0 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 3658–UG. The Dolphin Paint & Chemical Company, 922 Locust Street, Toledo, Ohio 43603. *9131 Blue Vinyl Antifouling Bottom Paint*. Active Ingredients: Cuprous Oxide 55.0 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5736–38. DuBois Chemicals, Division of Chemed Corporation, 3630 E. Kemper Road, Sharonville, Ohio 45241. *Deep Crystal Cooling Tower Clean-up Procedure*. Active Ingredients: Sodium dichloro-s-triazinetrione 100 percent (available chlorine 63 percent). *Method of Support*. Application proceeds under 2(b) of interim policy.

EPA Reg. No. 279–1445 AA. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Kolodust Captan 50–10 Dust*. Active Ingredients: Captan 10.00 percent; Sulphur 42.00 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279–2791. FMC Corporation, Niagara Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Furadan 2 Granules Insecticide*. Active Ingredients: Carbofuran 2.0 percent. *Method of Support*. Application proceeds under 2(b) of interim policy.

EPA Reg. No. 279–2792. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14106. *Furadan 3 Granules Insecticide*. Active Ingredients: Carbofuran 3.00 percent. *Method of Support*. Application proceeds under 2(b) of interim policy.

EPA File Symbol 410–IN, Franklin Laboratories Inc., P.O. Box 22335, Denver, Colorado 80222. *Franklin Louse-Fly Killer*. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00 percent. *Method of Support*. Application proceeds under 2(b) of interim policy.

EPA File Symbol 8477–G. Lexington Mill & Elevator Co., P.O. Box 568, Lexington, Nebraska 68850. *David Harum 30 Percent Grass Supplement Medicated 1148*. Active Ingredients: Phenothiazine 0.88 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 6020–O. Mom Chemical Co., Inc., 7775 NW. 66 Street, Miami, Florida 33166. *Die Residual Insecticide*. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.120 percent, Related compounds 0.016 percent; Aromatic petroleum hydrocarbons 0.159 percent; IPA Alcohol 0.164 percent; O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.316 percent; Petroleum distillate 99.225 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 6020–T. Mom Chemical Co., Inc., 7775 NW. 66 Street, Miami, Florida 33166. *Safety Kill 1*. Active Ingredients: Petroleum Oil 99.20 percent; Technical Piperonyl Butoxide 0.60 percent; Pyrethrins 0.12 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 6020–I. Mom Chemical Co., Inc., 7775 NW. 66 Street, Miami, Florida 33166. *Double Strength Die Residual Insecticide*. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.240 percent; Related compounds 0.032 percent; Aromatic petroleum hydrocarbons 0.318 percent; IPA Alcohol 0.328 percent; O,O-diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.500 percent; Petroleum Distillate 98.582 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 6020–RN. Mom Chemical Co., Inc., 7775 NW. 66 Street, Miami, Florida 33166. *Safety Kill Double Strength*. Active Ingredients: Petroleum Oil 98.56 percent; Technical Piperonyl Butoxide 1.20 percent; Pyrethrins 0.24 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 25708–T. Shield Aerosol Company of California, 5165 G Street, Chino, California 91710. *Shield Rose and Floral Spray Residual*. Active Ingredients: Pyrethrins 0.025 percent; Piperonyl Butoxide, Technical 0.256 percent; Rotenone 0.128 percent; Other Cube Extractives Folpet; N-(Trichloromethylthio phthalimide 0.700 percent; Carbaryl; 1-naphthyl N-methylcarbamate 1.000 percent; Petroleum Distillate 0.025 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

EPA File Symbol 9265–E. Tek Chemical, 3805 N. Mississippi, Portland, Oregon 97217. *Tek H–600*. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750 percent; Dioctyl Dimethyl Ammonium Chloride 1.875 percent; Didecyl Dimethyl Ammonium Chloride 1.875 percent; Alkyl (C14 50 percent, C12 40 percent, C16 10 percent) Benzyl Dimethyl Ammonium Chloride 5.000 percent; Tetrasodium Ethylenediamine Tetraacetate 3.420 percent; Isopropyl Alcohol 3.000 percent; Ethyl Alcohol 1.000 percent. *Method of Support*. Application proceeds under 2(b) of interim policy.

EPA File Symbol 682–IG. Woods Industries, Inc., DBA Crop King Chemical, Box 1016, Yakima, Washington 98907. *Zinc Phosphide Liquid Base*. Active Ingredients: Zinc Phosphide 33.0 percent. *Method of Support*. Application proceeds under 2(c) of interim policy.

Dated: March 15, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74–6589 Filed 3–21–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19660; RM–690]

RCA GLOBAL COMMUNICATIONS, INC.

Order Deferring Time for Filing Comments

In the matter of International Record Carriers' Scope of Operations in the Continental United States, including possible revisions to the formula prescribed under section 222 of the Communications Act.

1. By Memorandum Opinion and Order in the above-captioned matter released November 26, 1973, 43 F.C.C. 2d 1174, we instituted an investigation into the international formula. That order directed parties to submit by January 25, 1974, statements of fact and memorandums of law with respect to the issues designated for investigation. By orders released January 25, 1974, February 15, 1974, and March 5, 1974, the Chief, Common Carrier Bureau extended the time for submission of these statements. The time for filing the above comments is presently fixed at March 18, 1974.

2. The extensions were granted pending discussions among the parties on the need and method for developing data on unrouted traffic distributed under the formula destined to countries where one carrier is entitled under the formula to all unrouted traffic (referred to as an "exclusive point"). There is a dispute among the parties as to whether the issues designated for investigation herein require postponement of the date on which to file comments until such time as such study can be made.

3. The Commission presently has before it letters, all dated March 11, 1974, from ITT World Communications, Inc., TRT Telecommunications Corp., Western Union International, Inc., and RCA Global Communications, Inc. which ask the Commission to determine whether the study is a prerequisite to answering the designated issues and to set a date certain on which the comments should be filed.

4. The Commission will not be able to resolve the above dispute and allow the parties time to frame their comments before the present March 18, 1974 date. Further, it is not feasible to set a new time for the filing of comments until the Commission acts on the dispute. Therefore, we will defer the filing time until such time as the Commission has acted, and a new date is specified.

Accordingly, *It is ordered*, Pursuant to § 0.303(c) of the Commission's rules, That the time for the parties to submit their comments in this proceeding is deferred, until the Commission has acted to resolve the pending matter referred to above.

It is further ordered, That a new date for filing of the comments will be set by subsequent Order.

Adopted: March 15, 1974.

Released: March 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] KELLEY E. GRIFFITH,
Acting Chief,
Common Carrier Bureau.

[FR Doc.74–6663 Filed 3–21–74;8:45 am]

FEDERAL MARITIME COMMISSION

FAR EAST DISCUSSION AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 11, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. P. Blok, Secretary
Agreement No. 9981
417 Montgomery Street
San Francisco, California 94104

Agreement No. 9981–2, entered into by 25 U.S. and foreign flag common carriers by water comprising member lines of the Far East Discussion Agreement, is an application for an extension of the authority conferred under the terms and conditions of said agreement for a period of one year beyond the present expiration date of June 20, 1974.

Dated: March 19, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–6726 Filed 3–21–74;8:45 am]

TED I. UWAHORI, ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Ted I. Uwahori
1930 West 154th Street
Gardena, California 90249

Joseph Mejido d/b/a
Marco Polo Shipping Agency
10111 S.W. 21st Terrace
Miami, Florida 33165

Joseph F. Cacici d/b/a
Seaschart
P.O. Box 406
Englewood, New Jersey 07636

The Weicker Transfer & Storage Company
2900 Brighton Blvd.
Denver, Colorado 80216

OFFICERS

Hubert Work, President
R. G. Dameron, Jr., Vice President
D. A. Ramsay, Managing Director
V. P. Curnow, Vice President
Joseph Lampert, Vice President
Wm. Golck, Secretary/Treasurer
J. W. Amberg, Controller

Dated: March 19, 1974.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–6727 Filed 3–21–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP72–110]

ALGONQUIN GAS TRANSMISSION CO.

Change in Rates

MARCH 15, 1974.

Take notice that Algonquin Gas Transmission Company (Algonquin) on February 26, 1974 tendered for filing Seventh Revised Sheet No. 3–A to its FPC Gas Tariff, Original Volume No. 1. Algonquin requests an effective date of April 6, 1974 for said sheet.

Algonquin states the adjustment is filed pursuant to the Purchased Gas Cost Adjustment Provision, section 22 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1. Algonquin states the adjustment reflects an increase in purchased gas costs to be paid to its supplier.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6639 Filed 3–21–74;8:45 am]

[Docket No. CI74–463]

AMOCO PRODUCTION CO.

Notice of Application

MARCH 15, 1974.

Take notice that on March 1, 1974, Amoco Production Company (Applicant), Security Life Building, Denver, Colorado 80202, filed in Docket No. CI74–463 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Colorado Interstate Gas Company, a Division of Colorado Interstate Corporation (CIG), from the Deadman Wash Field, Sweetwater County, Wyoming, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to CIG for two years from the subject acreage all the gas which Applicant may have available for sale and delivery to CIG up to 4,000,000 Mcf and which CIG may desire to purchase and receive from Applicant within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes further to sell said gas volumes, estimated to be 50,000 Mcf per month, to CIG at 40.0 cents per Mcf at 14.65 psia the first year and 41.0 cents per Mcf at 14.65 psia the second year, subject to upward and downward Btu adjustment. Initial upward Btu adjustment is estimated to be 2.4 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed

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with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6623 Filed 3-21-74;8:45 am]

[Project No. 271]

ARKANSAS POWER & LIGHT CO.

Application for Change in Land Rights

MARCH 15, 1974.

Public notice is hereby given that application for change in land rights was filed on March 7, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Arkansas Power and Light Company (Correspondence to: Mr. Edward B. Dillon, Jr., House, Holmes & Jewell, Tower Building, Little Rock, Arkansas 72201; Copies to: Messrs. Peyton G. Bowman, III, and Brian J. McManus, Reid & Priest, 1701 K Street, NW., Washington, D.C. 20006), for its constructed Project No. 271, known as the Carpenter and Remmel Project, located on the Ouachita River in Garland and Hot Spring Counties, Arkansas. The project affects navigable waters and lands of the United States and lands within the Ouachita National Forest. The instant application involves lands wholly within Garland County, Arkansas.

Applicant proposes to grant an easement to the City of Hot Springs, Arkansas, upon which an effluent discharge pipe would be laid from the City's proposed tertiary sewage treatment plant to a point 173 feet into Lake Catherine, a project reservoir, approximately ¾ mile below Carpenter Dam.

On October 27, 1972, Environmental Protection Agency Region VI issued a final environmental impact statement on the proposed plant, which would be funded by an EPA grant. The Statement discussed impact of the plant and various discharge alternatives; the plant would replace three other plants currently in use. An application for an effluent discharge permit pursuant to section 402 of the Federal Water Pollution Control Act Amendments of 1972 is presently pending before EPA Region VI.

According to the application, approval of the proposed easement would not interfere with the recreational use of the Project.

Any person desiring to be heard or to make protest with reference to said application should on or before April 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6637 Filed 3-21-74;8:45 am]

[Docket No. CI74-489]

BELCO PETROLEUM CORP., AGENT

Notice of Application

MARCH 15, 1974.

Take notice that on March 6, 1974, Belco Petroleum Corporation, Agent (Applicant), 630 Third Avenue, New York, New York 10017, filed in Docket No. CI74-489 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Company (El Paso) from Section 30, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on September 12, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 18 months from the end of the emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 5,000 Mcf of gas per day to El Paso at 55.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Applicant states that the proposed sale was the subject of its withdrawn application filed in Docket No. CI73-892.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6626 Filed 3-21-74;8:45 am]

[Docket No. CP73-329]

CHATTANOOGA GAS CO.

Proposed Change in Rates

MARCH 15, 1974.

Take notice that Chattanooga Gas Company (CGC) on March 8, 1974 tendered for filing Second Revised Sheet No. 5 and Second Revised Sheet No. 6 to its FPC Gas Tariff, Original Volume No. 1. CGC requests an effective date of April 6, 1974 for said sheets.

CGC states the purpose of these revised sheets is to adjust its LNG rates pursuant to the PGA provision in section 5 of the General Terms and Conditions. CGC states the revised sheets reflect a current increase in the LNG rates of 1.7 cents per MMBTU and a cumulative increase of 10.4 cents per MMBTU. According to CGC, the revised sheets are based on a rate increase by Southern Natural Gas Company.

CGC states that notice of this filing have been mailed to all its jurisdiction customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or

before March 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6644 Filed 3-21-74;8:45 am]

[Docket No. CI74-494]

COQUINA OIL CORP.

Notice of Application

MARCH 18, 1974.

Take notice that on March 8, 1974, Coquina Oil Corporation (Applicant), Building of the Southwest, Midland, Texas 79701, filed in Docket No. CI74-494 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas to Warren Petroleum Corporation (Warren) from the Drinkard Pool, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon a percentage-type sale of gas to Warren from the Drinkard Pool. Applicant states that as gas from oil wells Applicant's production is dedicated to Warren and as gas from gas wells the production is dedicated to El Paso Natural Gas Company under a contract dated March 1, 1974. Applicant further states that it requests this authorization because the New Mexico Oil Conservation Commission on March 1, 1974, reclassified the subject wells from "oil wells" to "gas wells" and, therefore, El Paso is contractually entitled to the gas therefrom. Applicant indicates that Warren after processing the casinghead gas received from Applicant, sold the residue gas to El Paso. Applicant indicates further that Warren concurs in the abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6622 Filed 3-21-74;8:45 am]

[Docket No. CI74-462]

EXXON CORP.

Notice of Application

MARCH 15, 1974.

Take notice that on March 4, 1974, Exxon Corporation (Applicant), P.O. Box 2180, Houston, Texas 77001, filed in Docket No. CI74-462 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Conroe Field, Montgomery County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to United from the subject acreage up to 17,000 Mcf of gas per day for a term extending to August 1, 1974, at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment with an estimated initial upward adjustment of 0.035 cent per Mcf, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Estimated monthly sales are 420,000 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6625 Filed 3-21-74;8:45 am]

[Docket No. RP74-50-1—RP74-50-4]

FLORIDA GAS TRANSMISSION CO., ET AL.

Order Granting Motion, Amending Prior Order, Consolidating Proceedings, and Permitting Interventions

MARCH 15, 1974.

On March 8, 1974, Florida Gas Transmission Company (Florida Gas) filed a motion for consolidation of the proceedings in Docket Nos. RP74-50-1 through RP74-50-3, which involves petitions for extraordinary relief from curtailment procedures of Florida Gas Transmission Company (Florida Gas), with the pending proceeding in Docket No. RP74-50-4 in which Gardinier, Inc. (Gardinier) filed a petition for extraordinary relief on February 27, 1974.[1]

By its order issued February 19, 1974, in Docket Nos. RP74-50-1, *et al.*, the Commission set for hearing the issue of whether or not extraordinary relief should be granted to the three petitioners in those proceedings. As indicated, the Docket No. RP74-50-4 proceeding concerns an additional request for emergency relief from Florida Gas.

In its motion, Florida Gas alleges that: (1) the issues raised by Gardinier's petition in Docket No. RP74-50-4 for extraordinary relief are substantially the same as those involved in the three prior petitions listed above for such relief from Florida Gas' curtailment program, (2) the requested consolidation would result in a single hearing and would conserve the time and resources of all the parties involved, and (3) no petitioner or intervenor in any of these proceedings objects to the proposed consolidation or postponement of the scheduled dates for filing direct testimony and for hearing to April 2, 1974, and April 16, 1974, respectively, in the consolidated proceeding.

On March 4, 1974, a joint petition for leave to intervene out of time in Docket Nos. RP74-50-1 through RP74-50-3 was

[1] Gardinier, Inc.'s petition for temporary relief will be the subject of a separate order.

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filed by the Cities of Fort Pierce, Gainesville, Homestead, Kissimmee, Lakeland, Sebring, Starke, and Tallahassee, Florida (Cities). Cities allege that they purchase substantial volumes of natural gas directly from Florida Gas and were not apprised of the Commission's consolidation order of February 19, 1974, until several days subsequent to its issuance. They request the Commission to allow them to file testimony on dates to be set by the Presiding Administrative Law Judge after an opportunity to evaluate the various requests for special exemption.

The petition by Gardinier for extraordinary relief contains questions of law and fact that are similar to those involved in the petitions placed in a consolidated hearing by our order issued in Docket Nos. RP74–50–1, *et al.*, on February 19, 1974. Accordingly, we will consolidate that petition into the consolidated hearing heretofore established for purposes of hearing and decision. The public interest clearly justifies departing from the procedural network of our February 19, 1974 order for purposes of accommodating the consolidation of these interrelated proceedings.

Insofar as the request for intervention out of time by Cities is concerned, we shall permit them to intervene in this consolidated proceeding, but require that they file testimony pursuant to our revised schedule herein since direct testimony by all other parties will be filed at that time.

The Commission finds:

(1) Good cause exists to grant the motion filed by Florida Gas on March 8, 1974, to consolidate the proceedings in Docket Nos. RP74–50–1, RP74–50–2, RP74–50–3, and RP74–50–4 for purposes of hearing and decision.

(2) The participation of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders:

(A) The motion to consolidate filed by Florida Gas on March 8, 1974, is hereby granted, as hereinafter ordered.

(B) The proceedings in Docket Nos. RP74–50–1, RP74–50–2, RP74–50–3, and RP74–50–4 are hereby consolidated for purposes of hearing and decision.

(C) On or before April 2, 1974, Gardinier and all parties supporting or opposing Gardinier's request shall serve with the Commission and upon all parties to the proceeding, including Commission Staff, their testimony and exhibits in support of their position regarding it as well as the other three requests herein.

(D) The hearing for cross-examination purposes set for March 19, 1974, by Ordering Paragraphs (C) and (E) of the Commission's order issued February 19, 1974, in Docket Nos. RP74–50–1, *et al.*, is hereby postponed until April 16, 1974.

(E) In all other respects, the Commission's order of February 19, 1974, remains in full force and effect.

(F) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* that the participation of such intervernors shall be limited to matters affecting rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they, or any of them, might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretray.

[FR Doc.74-6647 Filed 3-21-74;8:45 am]

[Docket No. CI74–464]

HARVEY BROYLES

Notice of Application

MARCH 15, 1974.

Take notice that on March 1, 1974, Harvey Broyles (Applicant), P.O. Box 1511, Shreveport, Louisiana 71165, filed in Docket No. CI74–464 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Company (Southern) from the Bear Creek Field, Bienville Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant was authorized in Docket No. CI73–470 to sell natural gas to Southern from the Bear Creek Field at 35.0 cents per Mcf for one year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) and proposes herein to continue said sale at 45.0 cents per Mcf at 15.025 psia. Estimated sales are 2,000 Mcf of gas per day.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6628 Filed 3-21-74;8:45 am]

[Docket No. ID–1551]

J. E. HOBBS

Notice of Application

MARCH 15, 1974.

Take notice that on March 7, 1974, J. E. Hobbs (Applicant), filed a supplemental application pursuant to section 305(b) of the Federal Power Act, seeking authority to hold the following positions:

Director, Delmarva Power and Light Company of Maryland, Public Utility.
Director, Delmarva Power and Light Company of Virginia, Public Utility.

By Commission order dated June 10, 1968, Applicant was authorized to hold the following positions:

Vice President, Delmarva Power and Light Company of Maryland, Public Utility.
Vice President, Delmarva Power and Light Company of Virginia, Public Utility.

Delmarva Power and Light Company of Maryland is engaged in the generation, transmission and distribution of electric energy within the nine counties comprising the so-called "Eastern Shore of Maryland." Company also owns and operates transmission lines connecting with similar transmission lines of Delmarva Power and Light Company and Delmarva Power and Light Company of Virginia.

Delmarva Power and Light Company of Virginia is engaged in the generation, transmission and distribution of electrical energy in Accomack and North Hampton Counties, comprising the so-called "Eastern Shore of Virginia." Company also owns and operates transmission lines connecting with similar transmission lines of Delmarva Power and Light Company of Maryland.

Any person desiring to be heard or to make any protest with reference to said application should on-or before April 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with

the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6629 Filed 3-21-74;8:45 am]

[Docket No. CI74–491]

MARATHON OIL CO.

Notice of Application

MARCH 15, 1974.

Take notice that on March 8, 1974, Marathon Oil Company (Applicant), 539 South Main Street, Findlay, Ohio 45841, filed in Docket No. CI74–491 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Company from the West Wilburton-Arkoma Area, Pittsburg County, Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on March 1, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the 180-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 7,500 Mcf of gas per day at 45.0 cents per Mcf at 15.025 psia.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6627 Filed 3-21-74;8:45 am]

[Docket Nos. E–8394 and E–8439]

METROPOLITAN EDISON CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 15, 1974.

On February 28, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by Order issued December 7, 1973, in the above-designated matter. The motion states all parties had been contacted and none had any objection to the motion except Kutztown which reserved the right to file a response.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Service of testimony by Staff, April 26, 1974.
Service of testimony by Interveners, May 6, 1974.
Prehearing conference, May 14, 1974 (10 a.m., e.d.t.).
Service of Rebuttal by Company, May 28, 1974.
Hearing, June 4, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6631 Filed 3-21-74; 8:45 am]

[Docket No. RP72–149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Change in Rates

MARCH 15, 1974.

Take notice that Mississippi River Transmission Corp. (MRT) on March 1, 1974 tendered for filing Seventeenth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1. MRT requests that the said Sheet be given an effective date of April 6, 1974.

MRT states that the change in rates is made pursuant to the purchase gas cost adjustment provisions of MRT's Gas Tariff. MRT's states that this change reflects rate changes applicable to MRT by both Natural Gas Pipeline Company of America and by United Gas Pipe Line Co. and by a deferred cost adjustment of MRT. MRT further states that copies of its filing were served on MRT's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

MRT also submitted Alternate Seventeenth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1. MRT states this reflects United Gas Pipe Line Company's rate filing as originally filed and suspended. MRT requests that in the event United's original rate change is approved Alternate Seventeenth Revised Sheet No. 3A be made effective on April 6, 1974 instead of Seventeenth Revised Sheet No. 3A.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6640 Filed 3-21-74;8:45 am]

[Docket No. RP73–63]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Petition To Amend Authorization

MARCH 15, 1974.

Take notice that on March 4, 1974, Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, Illinois 60603, filed a petition to amend the order establishing a revolving exploration and development fund issued in Docket No. RP73–63 on August 3, 1973. Natural states that the amendment of the order is necessary to remove certain restrictions having to do with the provisions of Natural's mortgage, which restrictions have impeded the full implementation of the revolving exploration and development fund program.

The Petition to Amend, as more fully set forth therein, requests permission for Natural to transfer to NAPECO Inc., a wholly owned subsidiary, all revenues derived from the repricing of Natural's existing gas producing properties which was previously authorized in this docket. Natural further states that NAPECO Inc. will conduct the revolving exploration and development fund program, and any gas found will be sold to Natural for sale and delivery to its customers. NAPECO Inc., as well as Natural, will be subject to all the provisions of the order issued in RP73–63 on August 3, 1973.

Copies of the Petition to Amend were served on all parties to the proceeding in Docket No. RP73–63.

Any person desiring to be heard or to make any protest with reference to said Petition to Amend should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the ap-

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propriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6638 Filed 3-21-74;8:45 am]

[Docket No. E-8421]

NORTHEAST UTILITIES

Changes in Term

MARCH 18, 1974.

Take notice that on February 11, 1973, Northeast Utilities tendered for filing an amendment to their Northfield Mountain Purchase Agreement (Agreement) between Northeast Utilities and the Public Service Company of New Hampshire (PSCNH). This amendment would delay by one week the time when the purchaser (PSCNH) may commence to receive service under the Agreement from 7 a.m. on Monday, October 29, 1973, to November 5, 1973. According to Northeast Utilities, the purpose of this change is to permit the purchaser to reduce his overall entitlement in the Northfield Project during the period October 29, 1973, to November 5, 1973. Northeast Utilities states that PSCNH's approval of the change has been received.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6642 Filed 3-21-74;8:45 am]

[Docket No. RP74-44]

OKLAHOMA NATURAL GAS GATHERING CORP.

Amendment To Rate Filing

MARCH 15, 1974.

Take notice that on March 7, 1974, Oklahoma Natural Gas Gathering Corp. (Gathering Corp.), tendered for filing in this docket revised copies of Substitute Revised Sheet No. 59 to correct what Gathering Corp. alleges is a typographical error. Gathering Corp. states that there is no change in the substance of its filing and that the change permits a continuity of the sentence which began on Original Sheet No. 58 and continues into Revised Sheet No. 59 and also permits continuity of the sentence commencing on Sheet No. 59 and concluding on the top of Sheet No. 60. The company requests an April 6, 1974 effective date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6641 Filed 3-21-74;8:45 am]

[Docket No. RP73-111]

PACIFIC GAS TRANSMISSION CO.

Extension of Time and Postponement of Hearing

MARCH 15, 1974.

On March 11, 1974, Pacific Gas Transmission Co. filed a motion for an extension of time and for continuance of the procedural dates fixed by order issued March 5, 1974 in the above-designated matter, or in the alternative, for leave to present additional evidence after the date of hearing. On March 12, 1974, Staff Counsel filed an answer opposing the request for an extension of the procedural dates and also the request to submit additional evidence after the date of hearing.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of testimony and exhibits, April 17, 1974.
Hearing, April 30, 1974 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-6630 Filed 3-21-74;8:45 am]

[Docket No. E-8653]

SOUTHERN INDIANA GAS AND ELECTRIC CO.

Notice of Cancellation

MARCH 15, 1974.

Take notice that on February 26, 1974 Southern Indiana Gas and Electric Co. (SIG) tendered for filing a cancellation of its FPC Rate Schedule No. 7, filed August 31, 1964, and Supplement 4, filed April 1, 1967, with respect to the sale of wholesale power to the town of New Harmony, Indiana (New Harmony). The effective date of the said cancellation is February 26, 1974.

SIG states the cancellation is by mutual agreement of SIG and New Harmony and is not to be replaced or superseded by a new schedule. New Harmony sold its electric utility plant and distribution system to SIG on February 26, 1974. By an order of the Indiana Public Service Commission dated January 4, 1974 in Cause No. 33543, SIG has been authorized to effect its rates, rules and regulations applicable to electric service in the area formerly served by New Harmony.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6643 Filed 3-21-74;8:45 am]

[Docket No. CP74-229]

TEXAS EASTERN TRANSMISSION CORP. AND CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

MARCH 15, 1974.

Take notice that on March 6, 1974, Texas Eastern Transmission Corp. (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, and Consolidated Gas Supply Corp. (Consolidated), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP74-229 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to exchange natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants request authorization to exchange up to 10,000 Mcf of natural gas per day through existing facilities pursuant to an exchange agreement between them dated October 19, 1973. Applicants state that the subject exchange is part of an interrelated exchange of gas between Texas Eastern and Consolidated and a gas transportation arrangement between Consolidated and Transcontinental Gas Pipe Line Corp. (Transco).

Pursuant to the October 19, 1973, agreement, Texas Eastern will receive volumes of gas, produced or purchased by Consolidated in the Choudrant Field, Lincoln Parish, Louisiana, and will redeliver equivalent volumes of gas to Transco, for Consolidated's account, at a proposed interconnection in Beauregard Parish, Louisiana.[1] Transco will transport and redeliver equivalent volumes to Consolidated at an existing connection with Consolidated near Leidy, Pennsylvania, under the terms its FPC Rate Schedule X-48 previously authorized in Docket No. CP72-244.

The application states that initial deliveries under the agreement are estimated to be 2,500 Mcf of gas per day with daily deliveries of gas by Consolidated to Texas Eastern to be approximately equal to deliveries by Texas Eastern to Transco and by Transco to Consolidated. Imbalances in deliveries will be corrected within 30 days or a mutually agreeable longer period.

The application states further that Consolidated owns or has the right to purchase approximately 41 percent of the reserves underlying the Paul E. Blackmon Well No. 1 and a 34 percent interest in the reserves underlying the Ambrose Well No. 1 in Choudrant Field and plans to drill several additional wells in said field but has no transmission facilities in the vicinity. Texas Eastern which is purchasing the previously dedicated interest in the Blackmon well has available capacity to exchange the proposed Consolidated gas volumes. Applicants state that operation of the proposed gas exchange in conjunction with the interrelated transportation of gas by Transco, will enable Consolidated to attach these needed gas supplies.

Any person desiring to be heard or to make any protest with reference to said Application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6624 Filed 3-21-74;8:45 am]

[1] Applicants state that an application has been filed for certificate authorization which will add an additional exchange point to the exchange service authorized under Texas Eastern's FPC Gas Tariff, Original Volume No. 2, Rate Schedule X-14, to allow for the delivery of the subject exchange quantities or to allow for such delivery at existing points under said Rate Schedule X-14.

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION, INC. AND JACOB SCHMIDT CO.

Order Approving Acquisition of Bank

American Bancorporation, Inc., and Jacob Schmidt Company, both of St. Paul, Minnesota (hereinafter jointly referred to as "Applicant"), are bank holding companies within the meaning of the Bank Holding Company Act, and have applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) for American Bancorporation to acquire 92.49 percent of the voting shares (less directors' qualifying shares) of First Burnsville State Bank, Burnsville, Minnesota ("Bank"). Jacob Schmidt Company, which owns 51.4 percent of American Bancorporation, Inc.'s outstanding voting stock, would acquire indirect control of Bank.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls four banks with aggregate deposits of $264 million, representing 2.3 percent of the total commercial bank deposits in the State, and is the fourth largest banking organization and bank holding company in Minnesota.[1] Acquisition of Bank ($3.1 million in deposits) would have an insignificant effect upon the concentration of banking resources in the State.

Bank, the only commercial bank in Burnsville, is located in a rapidly growing area 15 miles south of downtown Minneapolis. The relevant market area is the Minneapolis-St. Paul SMSA in which Applicant has two banking subsidiaries, each of which is about 16 miles northeast of Bank, in the St. Paul central business district. There is no substantial existing competition between Applicant's present banking subsidiaries and Bank and, for several reasons, including the distances involved, the presence of banking alternatives in the intervening areas, and Minnesota's prohibition against branch banking, there is no substantial likelihood of future competition developing between those subsidiaries and Bank. For similar reasons, there is no significant possibility of substantial competition developing between Bank and Applicant's other banking subsidiaries, the closest of which is located over 50 miles southeast of Bank.

Moreover, consummation of this transaction might have a beneficial effect on competition in the Minneapolis-St. Paul banking market, in which two bank holding company groups (First Bank System and Northwest Bancorporation) hold, in the aggregate, over 68 percent of the deposits. Acquisition of Bank would increase Applicant's share of market deposits by 0.1 percentage point and would give it a service outlet in an area of the Twin Cities in which it is presently not represented. Thus, acquisition of Bank might enable Applicant to provide more effective competition for the much larger banking organizations in the Minneapolis-St. Paul banking market with which it must compete. On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area.

Considerations relating to the financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as satisfactory and consistent with approval of the applications. The Burnsville community might benefit as a result of Bank's improved ability, through the capacity of Applicant's system, to serve the growing credit needs of the area more effectively. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the applications should be approved.

On the basis of the record, the applications are approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Minneapolis pursuant to delegated authority.

By order of the Board of Governors,[2] effective March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6611 Filed 3-21-74;8:45 am]

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through December 31, 1973.

BANCSHARES OF NEW JERSEY

Acquisition of Bank

Bancshares of New Jersey, Moorestown, New Jersey, has applied for the

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Governors Mitchell, Bucher, and Wallich.

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Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Prospect Park National Bank, Wayne, New Jersey. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Philadelphia. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 15, 1974.

Board of Governors of the Federal Reserve System, March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6615 Filed 3-21-74;8:45 am]

CHEMICAL NEW YORK CORP.

Proposed Acquisition of The Galbreath Mortgage Co.

Chemical New York Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of The Galbreath Mortgage Company, Columbus, Ohio. Notices of the application were published in newspapers of general circulation in the communities to be served by the proposed subsidiary.

Applicant states that the proposed subsidiary would engage in the following activities: the origination, placement, and servicing of commercial, residential and income property loans; acting as agent with regard to credit accident and health insurance directly related to extensions of credit; making equity investments in corporations designed to promote community welfare; and providing data processing services for its internal operations and excess computer facilities to others. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be summitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 12, 1974.

Board of Governors of the Federal Reserve System, March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6613 Filed 3-21-74;8:45 am]

L & L HOLDING CO.

Amended Order

By Order dated September 21, 1972, the Board approved an application of L & L Holding Company, Fort Collins, Colorado, to become a bank holding company through acquisition of 56 percent or more of the voting shares of Rocky Mountain Bank and Trust Company, Fort Collins, Colorado (37 FR 20603, September 30, 1972). The Order stated that "the Board has determined that the offers to be made to majority and minority shareholders, while not identical, are substantially equivalent".

Applicant requests relief from the obligation to make an equal offer to all shareholders of Rocky Mountain Bank and Trust Company in view of the October 12, 1973, amendment of the Board's Rules Regarding Delegation of Authority, which removed the requirement that Reserve Banks, in reviewing applications for the formation of a bank holding company or for the acquisition of an additional bank by an established bank holding company, take into consideration whether an equal offer will be extended to all shareholders of the bank to be acquired (12 CFR 265.2(f)(22)).

The Board has concluded that the request should be granted. The Board's Order of September 21, 1972, is hereby amended by deleting the finding that "the offers to be made to majority and minority shareholders, while not identical, are substantially equivalent."

By order of the Board of Governors,[1] effective March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6612 Filed 3-21-74;8:45 am]

MERCANTILE BANCORPORATION, INC.

Order Approving Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Mercantile National Bank of Clay County ("Bank"), Kansas City, Missouri, a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received, including those on behalf of North Hills Bank, First National Bank of Gladstone, North Kansas City State Bank, Bank of Riverside, and Metro North State Bank (hereinafter collectively referred to as "Protestants") in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization and bank holding company in Missouri, controls 15 banks with aggregate deposits of approximately $1.2 billion, which represent 9.2 percent of total commercial bank deposits in the State.[2] Since Bank is a proposed new bank, its acquisition would neither eliminate any existing competition nor immediately increase Applicant's share of commercial bank deposits.

Bank will be located in a rapidly growing residential area in the northern part of the Kansas City banking market.[3] It is anticipated that Bank will serve primarily southeast Platte County and southwest Clay County. Due in part to the proximity of the new Kansas City International Airport, it is expected that Bank's proposed service area will continue to experience a steady growth in population with an attendant need for additional sources for banking services.[4] While Applicant has three banking subsidiaries in the market and is the fifth largest banking organization therein, Applicant controls only 3.3 percent of market deposits. Under such circumstances, the formation of a new bank is viewed as an attempt to provide additional banking services to a growing area and, from the facts of record, is not regarded as an attempt to preempt a market.

Protestants contend generally that approval of this application would have such adverse competitive consequences as to merit denial of the application. In support of their contention, Protestants claim the relevant market for determining the competitive effects of the proposal is a funnel-shaped area, described as an area with the central business district of Kansas City, Missouri, at the neck of the funnel and then widening to include the southern parts of Platte and Clay Counties. Even assuming Protestants' determination of the relevant market were appropriate, the Board's competitive analysis would not be altered, since Applicant is only the fourth largest banking organization in the described area with only 5.5 percent of the area's deposits. In a related matter, Protestants contend that an investigation is warranted into whether the larger bank holding companies in Missouri have conspired to divide territories and markets and monopolize banking in Missouri. However, in the Board's view, Protestants offer no substantial evidence to support such contentions, nor do the facts of record indicate that Applicant is acting in consort with any other bank holding company in Missouri. On the other hand, it appears that each of the State's five largest bank holding companies is in active completion with one another in the Kansas City banking market and, even in the market delineated by Protestants, three of the State's largest bank holding companies (including Applicant) either have or propose to have subsidiary banks in competition with one another. On this basis, the Board is unable to conclude that such banking organizations have conspired to lessen competition or to monopolize banking in the relevant area.

In the course of its review of this application the Board has also considered the comments from Protestants to the effect that affiliation of Applicant with Bank would be in violation of the Missouri statute prohibiting branch banking. The Board notes that the Comptroller of the Currency has recommended approval of the pending application and that his office has granted preliminary approval for the charter of Bank, apparently concluding that it would not be an illegal branch under applicable Missouri law. Furthermore, the facts of record indicate that Bank will be a separate corporation, with its own capital stock and a loan limit based on such capital stock; Bank will be managed by its own officers; Bank's board of directors will be generally separate and independent from the boards of Applicant and of Applicant's subsidiaries; and Bank will maintain its own separate books of account, issue its own distinctive checks, and use its own stationery. Applicant states that no officers or employees of its other banking subsidiaries will perform services directly for customers of Bank, nor exercise any managerial supervision over the business of Bank. Applicant represents further that it will purchase Bank's shares through use of its own capital resources. Finally, Applicant states that money deposited at Bank will not be credited to the account of a depositor at any other banking subsidiary of Applicant and, conversely, any money deposited at any other banking subsidiary of Applicant will not be credited to the account of a depositor at Bank. The Board concludes, on the basis of the above and other facts of record, that Applicant is a "traditionally recognized bank holding company which, with its own capital, invests in or buys the stock of banks," *Whitney National Bank* v. *Bank of New Orleans*, 323 F.2d 290 (D.C. Cir. 1963), rev'd on other grounds, 379 U.S. 411 (1965) and that, upon consummation of the proposed acquisition, a unitary operation will not exist between Bank and any of Applicant's other banking subsidiaries in contravention of Missouri's branching law.

The financial condition, management, and prospects of Applicant and its subsidiary banks are regarded as satisfactory. As a new bank, Bank has no operating financial history; however, its proposed capitalization, management, and prospects appear satisfactory. The Board concludes that the banking factors are consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval since Bank will provide an additional source of full banking services in a rapidly growing area. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Mercantile National Bank of Clay County, Kansas City, Missouri, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6610 Filed 3-21-74;8:45 am]

REDLINE INSURANCE, INC.

Formation of Bank Holding Company

Redline Insurance, Inc., WaKeeney, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 36.7 percent of the voting shares of The Trego-WaKeeney State Bank, WaKeeney, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than April 12, 1974.

Board of Governors of the Federal Reserve System, March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6614 Filed 3-21-74;8:45 am]

THIRD NATIONAL CORP.

Order Approving Acquisition of Bank

Third National Corporation, Nashville, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 40 percent or more of the voting shares of The Bank of Sevierville ("Bank"), Sevierville, Tennessee.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls five banks with aggregate deposits of approximately $794 million, representing 7.5 percent of total commercial bank deposits in Tennessee, and is the fifth largest banking organization and bank holding company in that State.[1] Acquisition of Bank ($24.5 million in deposits) would increase Applicant's share of Statewide deposits by less than 0.3 percentage points, without a significant increase in banking concentration in the State.

Acquisition of Bank would represent Applicant's initial entry into Sevier County, the relevant banking market. Bank is the largest of five banks in the market, accounting for 37.4 percent of market deposits. The second and third largest banks in the market hold 27.6 and 25.2 percent, respectively, of area deposits. Applicant's closest banking subsidiary is located 28 miles northwest of Bank, in Knoxville. No significant competition exists between Bank and Applicant's Knoxville subsidiary, or any of Applicant's other banking subsidiaries. *De novo* entry by Applicant is unlikely in view of the fact that population per banking office and deposits per banking office in Sevier County are below Statewide averages. Furthermore, it does not appear that significant future competition would develop between Bank and Applicant's banking subsidiaries in view of the distances involved, presence of intervening banks, the State laws restricting branching, and other facts of record. It is the Board's judgment that

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[1] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Governors Mitchell, Bucher and Wallich.

[2] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through February 28, 1974.

[3] The Kansas City banking market is approximated by the Kansas City SMSA, excluding the southern half of Cass County.

[4] Between 1960 and 1970 the population in Clay and Platte Counties increased at annual rates of 3.5 and 3.2 percent, respectively, as compared with a Statewide annual growth rate of 0.8 percent. The Kansas City SMSA, for the same period, grew at an annual rate of 1.4 percent.

[4] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Governors Mitchell, Bucher, and Wallich.

[1] All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved by the Board through February 28, 1974.

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competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval of the application. Although there is no evidence in the record to indicate that the banking needs of the area are currently not being met, Applicant proposes to make trust and other specialized services available to Bank's customers. Also, affiliation with Applicant will eliminate any management succession problems Bank might otherwise experience. Considerations relating to the convenience and needs of the communities to be served lend weight toward approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6609 Filed 3-21-74;8:45 am]

UNITED MISSOURI BANCSHARES, INC.

Order for Hearing

In the matter of the application of United Missouri Bancshares, Inc., Kansas City, Missouri, for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842 (a)(3)) to acquire 80 percent or more of the voting shares of Westport Bank, Kansas City, Missouri.

On March 15, 1974, the Board ordered that a public hearing be held on the application, such hearing to be conducted in accordance with the Board's Rules of Practice For Formal Hearings (39 FR 10190). Notice is hereby given that the hearing so ordered shall commence at 9:30 a.m., April 3, 1974, at the Federal Reserve Bank of Kansas City, 928 Grand Avenue, Federal Reserve Station, Kansas City, Missouri 64106, before The Honorable John G. Liebert, Administrative Law Judge.

By order of the Board of Governors, March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6777 Filed 3-21-74;8:45 am]

[3] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Governors Mitchell, Bucher, and Wallich.

OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE ON GNP DATA IMPROVEMENT

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Advisory Committee on GNP Data Improvement to be held in Room 9104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on Thursday, March 28, 1974 at 9:45 a.m.

At this meeting the Committee will review proposed recommendations for improving the data of Economic Censuses for the Gross National Product accounts.

The meeting will be open to public observation and participation. Anyone wishing to participate should contact the GNP Data Improvement Project, Statistical Policy Division, Room 10222, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-3793.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74-6736 Filed 3-21-74;8:45 am]

REQUESTS FOR CLEARANCE OF REPORTS

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 19, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service Corn Marketing Survey (Wisconsin), Form ----, Single Time, Lowry, Corn Farmers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration, Patient Discharge Abstract for Home Health Agency Review Project, Form HSABQA 0312, Occasional, HRD/Caywood, California Home Health Agencies.

National Institutes of Health Neuroscience Teachers & Investigators Available and Being Trained in U.S. Form ----, Single Time, Planchon, Neurologic and Communicative Basic Scientists.

NATIONAL SCIENCE FOUNDATION

Grant Fiscal Report on Trainee Energy Related Trainee and Minority Institution Trainee, Form NSF 868, Annual, Sheftel, U.S. Institutions.

Notification of Appointment of Part-time Trainee, Energy Related Trainees and Minority Institution Trainee, Form NSF 869, Annual, Sheftel, U.S. Institutions.

NATIONAL SCIENCE FOUNDATION

Notification of Appointment of Trainees, Energy Related Graduate and Minority Institution, Form NSF 867, Annual, Sheftel, U.S. Institutions.

Survey of Faculty Research Activities, Spring 1974, Form ----, Single Time, Planchon, Heads of Ph.D granting science departments.

REVISIONS

VETERANS ADMINISTRATION

Educational Plan (Chap. 35, Title 38, USC), Form 22-5490a, Occasional, Caywood, Children of deceased or totally disabled veterans.

EXTENSIONS

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service, Application for Permission to Reapply for Admission into the U.S. after Deportation or Removal, Form I-212, Occasional, Evinger.

Interrogatories in Depositions of Witnesses for Aliens, Form N-462A, Occasional, Evinger.

Interrogatories in Depositions of Witnesses in Support of Petition Filed for a Child, Form N-462B, Occasional, Evinger.

DEPARTMENT OF LABOR

Labor-Management Services Administration Survey Form for Terminated Multi-Employer Pension Plans, Form LMSA 53T, Single Time, Collins, Administrators of terminated multiemployer pension plans.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard, Application for Registration—U.S. Registered Pilot, Form CG-4509, Occasional, Evinger, Registered Pilots.

Federal Aviation Administration, Application for Airworthiness Certificate, Form FAA 8130-6, Occasional, Evinger (x).

Application for Export Certificate, Form FAA 8130-1, Occasional, Evinger (x).

Major Repair and Alteration Form, Form FAA 337, Occasional, Evinger (x).

Application for Type Certificate, Form FAA 8110-12, Occasional, Evinger (x).

Ramp/Base Inspection Report, Form FAA 1617-1, Occasional, Evinger (x).

Recording of Aircraft Titles, Form FAA 49, Occasional, Evinger (x).

Application for Rotorcraft Operator Certificate, Form FAA 3570, Occasional, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-6786 Filed 3-21-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5474]

AMERICAN ELECTRIC POWER COMPANY, INC.

Notice of Proposed Amendment To Increase Authorized Shares of Common Stock and Order Authorizing Solicitation of Proxies

MARCH 14, 1974.

Notice is hereby given that American Electric Power Company, Inc., ("AEP"), 2 Broadway, New York, New York 10004, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, and 12(e) of the Act and Rule 62 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

AEP proposes to submit to its stockholders at an annual meeting to be held April 24, 1974, a proposal to amend its Certificate of Incorporation to increase from 80,000,000 to 100,000,000 the aggregate number of authorized shares of common stock, par value $6.50 per share. It is contemplated that the additional shares of authorized stock, the issuance and sale of which are to be the subject of future filings with this Commission, will be used (a) to retire AEP's notes to banks and commercial paper, heretofore authorized, (b) for equity investments in its operating subsidiary companies, and (c) to permit the acquisition of operating properties or securities of one or more public-utility companies. The proposed amendment will require the affirmative vote of the holders of the majority of the 66,000,000 outstanding shares of common stock. AEP proposes to solicit proxies, which are to be mailed on or about March 14, 1974, the date of record for voting eligibility, from its common stockholders to obtain the requisite approval of the proposed amendment. AEP also proposes to solicit proxies with respect to the election of directors, the appointment of independent auditors, and other matters properly coming before the meeting. The company intends to make telephonic, telegraphic or personal solicitation to some stockholders through its officers and regular employees.

The fees and expenses of AEP to be paid in connection with the proposed amendment are estimated not to exceed $90,000, including a state organization tax of $65,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. AEP has filed its proxy solicitation material and requests that the effectiveness of its declaration with respect to the solicitation be accelerated as provided in Rule 62.

Notice is further given that any interested person may, not later than April 12, 1974, request in writing that a hearing be held with respect to the proposed amendment of the Certificate of Incorporation, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It appearing that the declaration regarding the proposed solicitation of proxies should be permitted to become effective forthwith pursuant to Rule 62:

It is ordered, That the declaration regarding the proposed solicitation of proxies be, and it hereby is, permitted to become effective forthwith pursuant to Rule 62 and subject to the terms and conditions prescribed in Rule 24 under the Act.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6696 Filed 3-21-74;8:45 am]

[File No. 24SF-3505]

BLANCHARD, BEIFUSS & JOHNSON FINANCIAL SERVICES, INC.

Order Temporarily Suspending Exemption, and Notice of Opportunity for Hearing

MARCH 14, 1974.

I. Blanchard, Beifuss & Johnson Financial Services, Incorporated ("BBJ") is a California corporation located at 2166 Moorpark Road, Thousand Oaks, California 91360. It was organized on April 18, 1969, to operate as an insurance agency for Option Capital Corporation, 234 East Colorado Street, Suite 301, Pasadena, California 91101.

On October 6, 1969 BBJ filed a notification pursuant to Regulation A in connection with a proposed public offering of 30,000 shares of its $1.00 par value common stock at $3.00 per share. The "20,000 shares-or-none" best efforts offering was to be conducted by the company through its officers and directors without the use of an underwriter. The offering commenced on November 18, 1969 and was purportedly terminated on August 17, 1970.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The Notification and Offering Circular, as amended, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading in the following respects:

1. The plan of distribution;
2. The terms of the offering; and
3. The failure to disclose that Securities Clearing Corporation, Robert M. Wildermuth, Richard L. Wagner and Edward A. Williams were promoters and would participate in the offering as underwriters.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. The Form 2-A Report failed to indicate that the distribution was continuing subsequent to the reported completion date of the Regulation A offering;
2. The offering circular failed to accurately state the terms of the offering, including the fact that securities would be placed in nominee accounts and the type of consideration to be received; and,
3. The offering circular and notification failed to list Securities Clearing Corporation, Robert M. Wildermuth, Richard L. Wagner and Edward A. Williams as promoters and underwriters.

C. The offering was made in violation of Section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of Blanchard, Beifuss & Johnson Financial Services, Incorporated under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth

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day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6695 Filed 3-21-74;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

MARCH 8, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 9, 1974 through March 18, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6722 Filed 3-21-74;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

MARCH 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 16, 1974 through March 25, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6715 Filed 3-21-74;8:45 am]

[File No. 24SF-3511]

CREATIVE PORTFOLIOS, INC.

Order Temporarily Suspending Exemption, and Notice of Opportunity for Hearing

MARCH 14, 1974.

I. Creative Portfolios, Inc. ("CPI") is a California Corporation located at 1000 E. Walnut Street, Pasadena, California 91106. It was organized on August 22, 1969, to operate as an insurance agency for Option Capital Corporation, 234 East Colorado Street, Suite 301, Pasadena, California 91101.

On October 14, 1969 CPI filed a notification pursuant to Regulation A in connection with a proposed public offering of 30,000 shares of its $1.00 par value common stock at $3.00 per share. The "20,000 shares-or-none" best efforts offering was to be conducted by the company through its officers and directors without the use of an underwriter. The offering commenced on November 6, 1969 and was purportedly terminated on July 28, 1970.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The Notification and Offering Circular, as amended, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading in the following respects:

1. The plan of distribution;
2. The terms of the offering; and,
3. The failure to disclose that Securities Clearing Corporation, Robert M. Wildermuth, Richard L. Wagner and Edward A. Williams were promoters and would participate in the offering as underwriters.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. The Form 2-A Report failed to indicate that the distribution was continuing subsequent to the reported completion date of the Regulation A offering;
2. The offering circular failed to accurately state the terms of the offering, including the fact that securities would be placed in nominee accounts, that options were being granted and the type of consideration to be received; and,
3. The offering circular and notification failed to list Securities Clearing Corporation, Robert M. Wildermuth, Richard L. Wagner and Edward A. Williams as promoters and underwriters.

C. The offering was made in violation of Section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of Creative Portfolios, Inc. under Regulation A be temporarily suspended,

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6693 Filed 3-21-74;8:45 am]

[File No. 24SF-3531]

DYNAMIC CAPITALISM, INC.

Order Temporarily Suspending Exemption, and Notice of Opportunity for Hearing

MARCH 14, 1974.

I. Dynamic Capitalism, Inc. ("DCI") is a California corporation located at 310 Wells Fargo Bank Building, Del Amo Financial Center, Torrance, California 90503. It was organized on November 5, 1969 to operate as an insurance agency for Option Capital Corporation, 234 East Colorado Street, Suite 301, Pasadena, California 91101.

On December 1, 1969, DCI filed a notification pursuant to Regulation A in connection with a proposed public offering of 30,000 shares of its $1.00 par value common stock at $3.00 per share. The "20,000 shares-or-none" best efforts offering was to be conducted by the company through its officers and directors without the use of an underwriter. The offering commenced on January 8, 1970 and was purportedly terminated on August 4, 1970.

II. The Commission, on the basis of information reported to it by its staff, has reasonable cause to believe that:

A. The Notification and Offering Circular, as amended, contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading in the following respects:

1. The plan of distribution;
2. The terms of the offering; and,
3. The failure to disclose that Securities Clearing Corporation, Robert M. Wildermuth, Richard L. Wagner and Edward A. Williams were promoters and would participate in the offering as underwriters.

B. The terms and conditions of Regulation A have not been met in the following respects:

1. The Form 2-A Report failed to indicate that the distribution was continuing subsequent to the reported completion date of the Regulation A offering;

2. The offering circular failed to accurately state the terms of the offering, including the fact that securities would be placed in nominee accounts and the type of consideration to be received; and,
3. The offering circular and notification failed to list Securities Clearing Corporation, Robert M. Wildermuth, Richard L. Wagner and Edward A. Williams as promoters and underwriters.

C. The offering was made in violation of Section 17 of the Securities Act of 1933, as amended.

III. It appearing to the Commission that it is in the public interest for the protection of investors that the exemption of Dynamic Capitalism, Inc. under Regulation A be temporarily suspended.

It is ordered, pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and hereby is, temporarily suspended.

It is further ordered, pursuant to Rule 7 of the Commission's Rules of Practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for the said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6694 Filed 3-21-74;8:45 am]

[File No. 500-1]

HOME-STAKE PRODUCTION CO.

Notice of Suspension of Trading

MARCH 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 16, 1974 through March 25, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6714 Filed 3-21-74;8:45 am]

[File No. 500-1]

NATIONAL ALFALFA DEHYDRATING AND MILLING CO.

Notice of Suspension of Trading

MARCH 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of National Alfalfa Dehydrating and Milling Co. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 17, 1974 through March 26, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6716 Filed 3-21-74;8:45 am]

[File No. 500-1]

SEABOARD AMERICAN CORP.

Notice of Suspension of Trading

MARCH 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Seaboard American Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 18, 1974 through March 27, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6718 Filed 3-21-74;8:45 am]

[File No. 500-1]

STRATTON GROUP, LTD.

Notice of Suspension of Trading

MARCH 15, 1974.

The common stock of Stratton Group, Ltd., being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Stratton Group, Ltd., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 16, 1974 through March 25, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6713 Filed 3-21-74;8:45 am]

[File No. 500-1]

TECHNICAL RESOURCES, INC.

Notice of Suspension of Trading

MARCH 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Technical Resources, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Threfore, pursuant to Section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 18, 1974 through March 27, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-6719 Filed 3-21-74;8:45 am]

[70-5476]

UTAH POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Preferred Stock

MARCH 15, 1974.

Notice is hereby given that Utah Power & Light Company ("Utah"), 1407 West North Temple Street, P.O. Box 899, Salt Lake City, Utah 84110, an electric utility company and a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Utah proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 1,400,000 shares of its Cumulative Preferred Stock, Series F, par value $25 per share. The dividend rate of the preferred stock (which shall be a multiple of $0.02) and the price, exclusive of accrued dividends, to be paid to Utah (which shall be not less than $25 nor more than $25.70 per share) will be determined by the com-

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petitive bidding. The terms of the preferred stock will include a prohibition until May 1, 1979, against refunding the preferred stock, directly or indirectly, with funds derived from the issuance of debt securities at a lower effective interest cost or other preferred stocks at a lower effective dividend cost.

The proceeds from the sale of the preferred stock will be applied to the payment of outstanding short-term notes (estimated at $55,000,000) evidencing borrowings made for construction purposes. The construction program for Utah and its subsidiary company, The Western Colorado Power Company, for the years 1974–1976, inclusive, is estimated at $453,000,000 of which $94,000,000 is expected to be used in 1974.

The declaration states that the fees and expenses to be incurred by Utah in connection with the issue and sale of the preferred stock are estimated at $65,000, including fees of company counsel of $15,000 and auditors' fees of $7,500. The fees of counsel for the underwriters, which are to be paid by the successful bidders, are to be filed by amendment. Utah has applied to the Public Service Commission of Wyoming and the Idaho Public Utilities Commission for requisite authority to effectuate the proposed transaction. It is stated that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 10, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6720 Filed 3-21-74;8:45 am]

[70-5480]

WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Proposal To Issue and Sell First Mortgage Bonds

MARCH 15, 1974.

Notice is hereby given that the Western Massachusetts Electric Company ("WMECO"), 174 Brush Hill Avenue, West Springfield, Massachusetts 01089, an electric utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested parties are referred to said application, which is summarized below, for a complete statement of the proposed transaction.

WMECO proposes to issue and sell, at competitive bidding, $30 million principal amount of its first mortgage bonds, Series K ("Bonds"), due April 1, 2004. The interest rate, which shall be a multiple of 1/8 of 1%, and the price, which will be not less than 100% nor more than 102.75% of the principal amount thereof, will be determined by competitive bidding. The bonds will be issued under the First Mortgage Indenture and Deed of Trust dated as of August 1, 1954 ("Indenture") between WMECO and The First National Bank of Boston, Trustee, as supplemented and amended from time to time, and as further supplemented by a supplemental indenture to be dated April 1, 1974 ("Supplemental Indenture"). The Supplemental Indenture provides, among other things, that bonds shall not be redeemed at the applicable general redemption price prior to April 1, 1979, from the proceeds of borrowings secured by WMECO at an effective interest cost to WMECO of less than the effective interest cost of the bonds.

The application states that WMECO will use the net proceeds from the sale of bonds, together with a capital contribution of $10 million which Northeast Utilities made in January, 1974, to repay short-term borrowings incurred for the purpose of financing WMECO's construction program (estimated to total $50 million for 1974). Such short-term borrowings will aggregate an estimated $50 million at the time of the aforementioned sale.

A statement of the fees, commissions and expenses incurred or to be incurred in connection with the proposed transaction will be supplied by amendment. The approval of the Department of Public Utilities of the Commonwealth of Massachusetts is required for the issuance of the bonds. No other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 8, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant of the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-6717 Filed 3-21-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 06/06-0171]

FIRST OKLAHOMA VENTURE CORP.

Notice of Application for a License to Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (38 FR 30836, November 7, 1973) under the name of First Oklahoma Venture Corporation, 120 North Robinson Avenue, Oklahoma City, Oklahoma 73102, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Charles A. Vose, Jr., 11005 Blue Stem Drive, Oklahoma City, Oklahoma, Chairman of the Board.

Jon R. K. Tinkle, 1805 Robin Road, Edmond, Oklahoma, President, General Manager, Director.

L. Dean Hoye, 3040 Regency Court, Oklahoma City, Oklahoma, Vice President.

Edward M. Behnken, 6305 Connaught Court, Oklahoma City, Oklahoma, Vice President.

Ronald E. Bradshaw, 2524 N. W. 67th, Oklahoma City, Oklahoma, Vice President.

Eldon L. Beller, 1210 Brookhaven, Norman, Oklahoma, Vice President.

James G. Thompson, Route #1, Harrah, Oklahoma, Secretary Treasurer.

Jack A. Maurer, 1316 McCasland, Duncan, Oklahoma, Director.

Joseph E. King, 1509 Osage, Enid, Oklahoma, Director.

Donald D. Doty, 1447 Valley Road, Bartlesville, Oklahoma, Director.

John R. Murray, 501 N. W. 15th, Oklahoma City, Oklahoma, Director.

	Common stock	
	Class A	Class B
	Percent	*Percent*
First Oklahoma Bancorporation, Inc.	49	93
First Bancshares Inc.	17	7
Central Service Corp.	17	
The Security National Bank and Trust Company of Duncan	17	

The exclusive voting rights and powers for the election of directors and all other corporate purposes are vested in the shares of Class A common stock and, except as otherwise provided by law, the shares of Class B common stock do not possess any voting rights or powers.

The company proposes to commence operations with a capitalization of $1,500,000. Applicant proposes to conduct its operations principally in the State of Oklahoma and in other areas of the United States of America and its territories and possessions as may from time to time be approved by SBA as its operating territory. A diversified investment policy will be maintained.

Matters involved in SBA's consideration of the application include the general business reputation and character of management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is further given that any interested person may, not later than April 8, 1974, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Oklahoma City, Oklahoma.

Dated: March 15, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-6608 Filed 3-21-74;8:45 am]

VETERANS ADMINISTRATION

VETERANS ADMINISTRATION WAGE COMMITTEE

Notice of Meetings

The Veterans Administration gives notice that meetings of the Veterans Administration Wage Committee will be held at the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. on:

Thursday, April 11, 1974
Thursday, April 25, 1974
Thursday, May 9, 1974
Thursday, May 23, 1974
Thursday, June 6, 1974
Thursday, June 20, 1974

The meetings will convene in Room 1144C at 2:30 p.m. for the purpose of reviewing wage survey data obtained by Veterans Administration field stations under Federal Wage System procedures and proposed pay schedules derived therefrom.

The meetings will be closed to the public under the provisions of section 10(d) of Public Law 92-463, based on the confidential nature of information under consideration.

Dated: March 15, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74-6655 Filed 3-21-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-293]

BOSTON EDISON CO.

Order for Prehearing Conference

In the matter of Boston Edison Co., (Pilgrim Nuclear Power Station, Unit 1).

By its "Notice of Hearing" issued on March 20, 1974, this Atomic Safety and Licensing Board determined that a hearing would be held in the subject proceeding and that Mr. Daniel F. Ford would be admitted as an intervenor therein. That notice was the result of the Board's consideration of Mr. Ford's Petition to Intervene and the responses to that Petition made by both the Applicant and the Regulatory Staff.

The Regulatory Staff has also submitted to us its "Motion for Leave to Respond to Applicant's Answer to the Petition to Intervene of Daniel F. Ford." In this document the Staff urges, for the reasons set forth therein, that the Board establish a schedule which will result in completion of the hearing and issuance of the Board's initial decision within thirty days from the date of the Notice of Hearing. In the Board's view, there can be no reasonable basis upon which to establish a schedule for completing this matter until after the precise issues to be decided have been determined. These issues will be determined following utilization of appropriate prehearing conference procedures. Accordingly, the Board hereby orders and directs the parties and their representatives to appear at a prehearing conference to be held at the Suffolk County Courthouse, Courtroom 306, 3rd Floor, Pemberton Square, Boston, Massachusetts, on March 29, 1974, at 9:30 a.m., local time. The purposes of this conference shall be to: (1) Permit identification of the key issues in the proceeding; (2) take any steps necessary for further identification of the issues; (3) consider petitions for intervention in the proceeding; and (4) establish a schedule for further actions in the proceeding. In addition to the purposes specified above, the conference will also deal with such of the matters stated in § 2.752 of the Commission's rules of practice (10 CFR Part 2, § 2.752) as may be appropriate.

It is so ordered.

Issued at Washington, D.C., this 20th day of March, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.74-6868 Filed 3-21-74;10:55 am]

[Docket No. 50-293]

BOSTON EDISON CO.

Further Determination With Respect to Pilgrim Nuclear Power Station

On December 17, 1973, the Director of Regulation issued a "Determination and Order with Respect to Further Action Regarding Pilgrim Nuclear Power Station." In that Determination, which was published in the FEDERAL REGISTER on December 26, 1973 (38 FR 35239), the Director of Regulation ordered the Boston Edison Co. (the "licensee"), not later than the week commencing December 23, 1973, to shut down the Pilgrim Nuclear Power Station and to maintain that facility in a safe shutdown condition pending a finding by the Directorate of Licensing that any channel box damage in the facility had been repaired and the cause of any such damage corrected. The Determination further provided that the licensee could, within 20 days of receipt of the determination or within 30 days from the date of publication in the FEDERAL REGISTER, whichever was later, request a hearing. Provision was also made for permitting any interested person to file a petition for leave to intervene.

On December 28, 1973, the Director of Licensing was advised that the Pilgrim Nuclear Power Station had been shut down and was being maintained in a safe shutdown condition. On February 8, 1974, the licensee transmitted to the Directorate of Licensing a "Summary Report on the Pilgrim Channel Wear Investigation and Corrective Measures Taken," dated January 1974. The cause of the wear, which was discussed in the "Safety Evaluation by the Directrate of Licensing, U.S. Atomic Energy Commission, Relating to Channel Box Wear in the Vermont Yankee Nuclear Power Station and the Pilgrim Nuclear Power Station," dated October 26, 1973, was confirmed to be vibration of the temporary control curtains due to the high velocity flow of coolant existing from bypass flow holes in the core support plate. The licensee's Summary Report went on to describe the actions taken to repair the damage and prevent its recurrence. These actions consisted generally of replacing all worn channels and plugging the bypass flow holes in the core plate.

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Concurrent with the issuance of this Determination, the AEC Regulatory Staff has issued a "Safety Evaluation by the Directorate of Licensing, Boston Edison Company, Docket No. 50-293," setting forth the AEC Regulatory Staff's conclusion, based on observations of the fuel channels and the control curtains at the Pilgrim plant and the flow tests performed at GE, that the observed damage was caused by flow-induced vibration of the control curtains, and that such damage to the Pilgrim reactor can be prevented in the future by plugging the bypass flow holes, the source of the flow which vibrates the curtains. All of the fuel channels which are adjacent to a control curtain stiffener and therefore subject to possible damage by vibration of the curtain have been inspected. In addition, approximately 12 percent of the remaining fuel channels have been inspected. Based on these inspections, all channels which experienced wear of greater than 0.010 inch have been replaced with new fuel channels. The Staff also concludes that the design and installation of the bypass plugs as performed by the licensee do not present a significant hazards consideration and there is reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in the proposed manner.

Accordingly, the Director of Regulation has determined that the channel box damage in the facility has been repaired and the cause of the damage corrected. No request for a hearing has been received and no petition for leave to intervene has been filed with respect to the December 17 Determination and Order of the Director of Regulation. The licensee may resume operation of the Pilgrim facility in accordance with the provisions of the license upon the issuance of changes to the technical specifications authorizing operation of the facility using a partial loading of 8x8 fuel and authorizing changes to the limiting conditions for operation associated with fuel densification for the 8x8 and 7x7 fuels, which is the subject of a separate proceeding (39 FR 4798). The reasons supporting this determination are set forth in detail in the Directorate of Licensing's Safety Evaluation, dated March, 1974.

On or before April 22, 1974, the licensee may file a request for a hearing with respect to the action authorized and any person whose interest is affected may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "rules of practice" in 10 CFR Part 2.

Copies of the March 1974 Safety Evaluation and the licensee's "Summary Report on the Pilgrim Channel Wear Investigation and Corrective Measures Taken," dated January 1974, are being made available at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Plymouth Public Library, North Street, Plymouth, Massachusetts. A single copy of the Safety Evaluation may be obtained upon request directed to the Director of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 20th day of March 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-6869 Filed 3-21-74;10:55 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of section Pub. L. 91-452, Part D, Sec. 804-808 of the Organized Crime Control Act of 1970, will meet on April 2, 1974, at 4:30 p.m. in Room 1114, Dirksen Senate Office Building, Washington, D.C.

The preliminary agenda will include a discussion of the F.Y. 1974 and F.Y. 1975 budget allocations, the Fact Research, Inc. proposal, social science proposals, a chronological update of Commission activities following the January 30, 1974 meeting, and an explanation of hearing procedures.

The meeting of the Commission will be open to the public, and interested persons are invited to attend. The rules of procedure for person or persons presenting matters to the Commission are subject to the following conditions:

(a) Any such interested person or persons must receive authorization to present such matters from the Chairman of the Commission. Not later than seven (7) days preceding such Executive or Public Hearings, a request for such authorization must be received in writing at the offices of the Commission. Such a request shall be accompanied by a concise description of the material which such person or persons desire to present to the Commission or Subcommittee.

(b) The Chairman of the Commission shall, within three (3) days from the receipt of such a request make a determination that the subject matter presented by such interested person or persons is timely and appropriate for such Executive or Public Hearings of the Commission or Subcommittee thereof, and shall notify such interested person or persons by Certified Mail of the decision.

(c) In the event such interested person or persons is allowed to present matters to the Commission or Subcommittee thereof in Executive or Public Hearings, then a prepared written statement of expected presentation shall be filed in the office of the Commission, not later than 48 hours in advance of the hearings at which the statement is to be presented.

(d) After the receipt of the statement of expected presentation, the Chairman shall then make a determination of the extent that time is available for such interested person or persons to present oral statements in addition thereto. In the event that the Chairman determines that time is not available for such oral statements, the interested person or persons' statement shall be recorded and made part of the subject proceedings.

(e) Provided further that any such interested person or persons who feels aggrieved by or takes exception to any of the determinations made by the Chairman of the Commission shall have the opportunity to present in writing to each member of the Commission the basis for such grievance or exception taken to such ruling by the Chairman and thereafter the decision of the Chairman shall be reconsidered by each member of the Commission at its next regular meeting or hearing. Notice by Certified Mail to such interested person or persons shall include the final decision of the full Commission on its reconsideration and shall constitute notification of the action taken by the Commission.

(f) Any deviation from the preceding requirements, shall constitute on the part of such interested person or persons, a withdrawal of any request previously made.

JAMES E. RITCHIE,
Executive Director.

[FR Doc.74-6910 Filed 3-21-74;12:32 pm]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

Notice of Hearing

Pursuant to the provisions of the Federal Advisory Committee (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of section PL 91-452, Part D, section 804-808 of the Organized Crime Control Act of 1970, will conduct a hearing on April 3, 1974, at 10 a.m. in Room 2172, Rayburn Building, Washington, D.C.

The hearing will primarily consider the operation of state lotteries, with emphasis on their administration, financing and social impact. A variety of viewpoints will be presented.

The meeting of the Commission will be open to the public, and interested persons are invited to attend. Rules of procedure will be the same as those published in the Notice of Meeting of April 2, 1974.

JAMES E. RITCHIE,
Executive Director.

[FR Doc.74-6911 Filed 3-21-74;12:32 pm]

INTERSTATE COMMERCE COMMISSION

[Notice No. 470]

ASSIGNMENT OF HEARINGS

MARCH 19, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 118831 Subs 40, 44, 97, and 98, Central Transport, Inc., now being assigned continued hearing April 17, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 138157 Sub-9, Southwest Equipment Rental, Inc., DBA Southwest Motor Freight, now being assigned May 6, 1974 at Boston, Mass., in a hearing room to be later designated.

MC-F-11973, Terminal Transport Company, Inc. (Purchase), Central States Transportation Company, Inc., now being assigned May 7, 1974 (2 days), at Boston, Mass., in a hearing room to be later designated.

MC 138947, C. P. Transpo Inc., now being assigned May 9, 1974 (2 days), at Boston, Mass., in a hearing room to be later designated.

MC-F-11995, H. P. Welch Co., and Maislin Transport LTD Purchase (Portion)—The National Transportation Co., now being assigned May 13, 1974 (1 week), at Boston, Mass., in a hearing room to be later designated.

MC-F-11915, Nussbaum Trucking, Inc.—Investigation of control—Zone Motor Freight, Inc., now being assigned hearing April 29, 1974 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC-134958 Sub 6, Hams Express, Inc., now being assigned hearing April 30, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-13563 Sub 21, Art Pape Transfer, Inc., now being assigned hearing May 2, 1974 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-92692 Sub 6, Freeport Fast Freight, Inc., now being assigned hearing May 6, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 128383 Sub 31, Pinto Trucking Service, Inc., now assigned May 7, 1974, at Washington, D.C., is cancelled and transferred to modified procedure.

MC 109689 Sub 255, W. S. Hatch Co., now being assigned hearing May 8, 1974 (3 days), at Phoenix, Ariz., in a hearing room to be later designated.

MC 139010 Sub 1, Arizona Enterprises, Inc., now being assigned hearing May 6, 1974 (2 days), at Phoenix, Ariz., in a hearing room to be later designated.

MC 139116, R. W. Steele, Dba R. W. Steele Trucking Company, now being assigned hearing May 13, 1974 (2 days), at Denver, Colo., in a hearing room to be later designated.

MC 133316 Sub 7, Frank R. Givigliano, Dba, Givigliano Transport, now being assigned hearing May 20, 1974 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC-F-12030, Convoy Company—Control—Colorado Midland Transport Co., and MC 52858 Sub 110, Convoy Company, now being assigned hearing May 15, 1974 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC-116077 Sub 349, Robertson Tank Lines, Inc., is continued to April 1, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-2229 Sub 180, Red Ball Motor Freight, Inc., now assigned May 7, 1974 (2 weeks), will be held in the Holiday Inn Downtown, 1015 Elm Street, Dallas, Texas, and May 20, 1974 (1 week), at the Hilton Inn, 750 North State Street, Jackson, Miss.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6710 Filed 3-21-74;8:45 am]

[No. AB-19 (Sub-No. 14)]

BALTIMORE AND OHIO RAILROAD CO.

Abandonment of Portion Renick Branch Between RK Junction and Chillicothe, in Ross County, Ohio

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. sections 4321, *et seq.;* and good cause appearing therefore:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Ross County, Ohio within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 12th day of March 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[No. AB-19 (Sub-No. 14)]

THE BALTIMORE AND OHIO RAILROAD COMPANY ABANDONMENT PORTION RENICK BRANCH BETWEEN RK JUNCTION AND CHILLICOTHE, IN ROSS COUNTY, OHIO

The Interstate Commerce Commission hereby gives notice that by order dated March 12, 1974, it has been determined that the proposed abandonment of the line of The Baltimore and Ohio Railroad Company between RK Junction, valuation station 3749+27, and valuation station 4180+00 near Chillicothe, Ohio, a distance of approximately 8.16 miles, located in Ross County, Ohio, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that the traffic which formerly moved over the involved line presently is transported over a parallel line, and the proposed abandonment will not be inconsistent with local land use plans. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 8, 1974.

[FR Doc.74-6703 Filed 3-21-74;8:45 am]

[No. AB-1 (Sub-No. 28)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Dike and Kesley, in Grundy and Butler Counties, Iowa

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. section 4321, *et seq.;* and good cause appearing therefore:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Grundy and Butler Counties, Iowa, within 15 days of the date of service of this order, and to certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 13th day of March 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[No. AB-1 (Sub-No. 28)]

CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY ABANDONMENT BETWEEN DIKE AND KESLEY, IN GRUNDY AND BUTLER COUNTIES, IOWA

The Interstate Commerce Commission hereby gives notice that by order dated March 13, 1974, it has been determined that the proposed abandonment of the line of the Chicago and North Western Transportation Company between Dike and Kesley, Iowa, a distance of 20.8 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. section 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332 (2) (C) of the NEPA.

It was concluded, among other things, that traffic over the line is minimal, that nearby rail service is provided at Dike

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and Kesley, Iowa, that adequate highway transportation serves the affected area, and that the abandonment is consistent with local land use plans. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 8, 1974.

[FR Doc.74–6704 Filed 3–21–74;8:45 am]

[Rev. S.O. 994; I.C.C. Order No. 122]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Chicago, Rock Island and Pacific Railroad Company (RI) and the Burlington Northern Inc. (BN) are unable to transport traffic over the jointly used line between Burlington, Iowa, and Mediapolis, Iowa, because of track and bridge damage.

It is ordered, That:

(a) The RI and the BN being unable to transport traffic over the jointly used line between Burlington, Iowa, and Mediapolis, Iowa, because of track and bridge damage, each of these carriers is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:30 p.m., March 8, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., March 25, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and care hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 8, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74–6706 Filed 3–21–74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 19, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before April 8, 1974.

FSA No. 42818—*Joint Water-Rail Container Rates—Seatrain International, S.A.* Filed by Seatrain International, S.A. (No. WEE–6), for itself and interested rail carriers. Rates on general commodities, between rail carrier terminals in Beaumont, Galveston, Houston, Texas and New Orleans, Louisiana, on the one hand, and ports in Europe, on the other.

Grounds for relief—Water competition.

Tariffs—Seatrain International, S.A., tariffs I.C.C. Nos. 9, 10, 11, 12, 13, and 14. Rates are published to become effective on April 15, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–6708 Filed 3–21–74;8:45 am]

MINNESOTA PIPE LINE CO.

Tentative Valuation

Notice is hereby given that a tentative valuation for the year 1972, Valuation Docket No. 1384, is under consideration for a common carrier by pipeline, the Minnesota Pipe Line Co., P.O. Box 2256, Wichita, Kansas 67201.

On or before April 18, 1974, persons other than those specifically designated in section 19a(h) of the Interstate Commerce Act having an interest in the valuation of the carrier named above may, pursuant to rule 72 of the Commission's general rules of practice (49 CFR 1100.–72), file an original and three copies of a petition for leave to intervene and, if granted, thus to come within the category of "additional parties as the Commission may prescribe" under section 19a(h) of the act, thereby enabling the party to file a protest. It is also required that a copy of the petition to intervene be served at the address shown above upon the carrier and that an appropriate certificate of service be attached to the petition. Persons specifically designated in section 19a(h) of the act need not file a petition; they are entitled to file protest as a matter of right under the statute.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–6707 Filed 3–21–74;8:45 am]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 19, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

TRANSFER APPLICATIONS CONSOLIDATED FOR HANDLING

No. MC–FC–74937. Authority sought by transferee, LOBIANCO TRUCKING CO., INC., 1899 Bannister Street, York, Pa. 17404, for transfer of a portion of the operating rights of transferor, MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, P.O. Box 345, York, Pa. 17405. Applicants' representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Operating rights in Certificate No. MC–41915 (Sub-No. 29) sought to be transferred: *Commodities* which because of size or weight require the use of special equipment (except aircraft, missiles, and satellites) and *commodities* which because of size or weight do not require the use of special equipment when transported as part of the same shipment with commodities which because of size or weight require the use of special equipment (exceptions as named above), between Mechanicsburg, Pa., and points in a specified area of Pennsylvania, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, New York, Ohio, Pennsylvania, that part of Virginia on and north of U.S. Highway 60 and on and west of U.S. Highway 11, that part of West Virginia on and north of U.S. Highway 50, and the District of Columbia.

No. MC–FC–74948. Authority sought by transferee, MID–PENN TRANSPORTATION, INC., 1100 Lafayette Street, York, Pa. 17405, for transfer of a portion of the operating rights of transferor, MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, P.O. Box 345, York, Pa. 17405. Applicants' representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005. Operating rights in Certificates Nos. MC–41915 (portion), and subnumbers 20, 34, 35, and 37 sought to be transferred: *chocolate and chocolate products*, from Hershey, Pa., to Bellbluff, Blackstone, Camp Lee, Camp Pickett, Hopewell, Petersburg, and Norfolk, Va., and points within 35 miles of Norfolk; *fresh fruit, fruit packing supplies, and apple products*, from points in Adams County, Pa., to points in Delaware, Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia; *malt beverages*, in containers, from Cleveland, Ohio, and Detroit, Mich., to Gettysburg, Pa.; *manufactured apple products and tomato juice*, between Biglerville and Gardners, Pa., on the one hand, and, on the other, Inwood, W. Va., and from Biglerville and Gardners, Pa., and Inwood, W. Va., to points in Ohio and West Virginia; *peanuts*, from Petersburg and Suffolk, Va., to points in Pennsylvania on and east of U.S. Highway 11; *fertilizer*, from Baltimore, Md., to Seven Valleys, Pa., and points in Pennsylvania within 10 miles of Seven Valleys; *ground tobacco stems*, from Richmond, Va., to York, Pa.; *greases*, in containers, from Reno, Pa., to Dover and Wilmington, Del., Baltimore, Crisfield, Frederick, Hagerstown, and Snowhill, Md., Onancock, Va., and Keyser, W. Va.; *lubricating oil*, in cases, cans, and drums, from Reno, Pa., to Camden, N.J., Dover and Wilmington, Del., Baltimore, Crisfield, Frederick, Hagerstown, and Snowhill, Md., Onancock, Va., Keyser, W. Va., and Washington, D.C.; *lubricating oils and greases*, in containers, from Cleveland, Ohio, to New Oxford, Pa.; from Bradford, Pa., to Hagerstown, Md., and from Reno, Pa., to points in North Carolina, South Carolina, Georgia, and Florida, and Bel Air, Berling, and Cumberland, Md., and Lynchburg, Richmond, and Roanoke, Va.; *reclaimed rubber*, from Akron, Ohio, to Hagerstown, Md., and from Hagerstown to Gettysburg, Pa., and Winchester, Va.; *heel washers, moulds, and asphalt and accelerators* used in manufacturing rubber heels, from Akron and Cleveland, Ohio, to Gettysburg, Pa., and Hagerstown, Md.; *rubber heels, soles, taps, and slabs*, from Gettysburg, Pa., and Hagerstown, Md., to Cleveland, Zanesville, Akron, and Toledo, Ohio; *machinery*, from York, Pa., to Martinsburg, W. Va., and points in Delaware, Maryland, Ohio, that part of New Jersey south of New Jersey Highway 33, and New York other than Nassau and Suffolk Counties and the New York, N.Y., Commercial Zone as defined by the Commission; *scrap paper and rags*, from points in New York, except Suffolk and Nassau Counties and the New York, N.Y., Commercial Zone as defined by the Commission, and Virginia, to York, Pa., and points within 1 mile thereof; *machinery*, between York, Pa., and points in Pennsylvania within 25 miles thereof, on the one hand, and, on the other, Chillicothe, Ohio, and points in Pennsylvania, Delaware, Maryland, the District of Columbia, that part of Virginia north of U.S. Highway 60 and east of U.S. Highway 11, that part of West Virginia north of U.S. Highway 50, including points on the indicated portions of the highways specified, New York, except Nassau and Suffolk Counties and the New York, N.Y., Commercial Zone as defined by the Commission, and that part of New Jersey south of New Jersey Highway 33; *petroleum lubricating oils and greases, petroleum wax, and petroleum*, in containers, from Reno, Emlenton, Rouseville, and Franklin in Venango County, Pa., to points in Delaware, Maryland, Virginia, and the District of Columbia; *foodstuffs*, except in bulk, from points in Pennsylvania (portion) to points in Virginia; *petroleum, petroleum products, vehicle body sealer, and sound deadening compounds*, except in bulk, from Congo (Hancock County), W. Va., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia; and *food and foodstuffs*, from the facilities of Kraft Foods Division of Kraftco Corporation at or near Fogelsville, Pa., to points in Maryland, New Jersey, New York, Virginia, and West Virginia.

No. MC–FC–74949. Authority sought by transferee, P–Y TRANSPORT, INC., 2767 Lewisberry Road, York, Pa., 17404, for transfer of a portion of the operating rights of transferor, MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, P.O. Box 345, York, Pa. 17405. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005. Portions of operating rights sought to be transferred in Certificates Nos. MC–41915 and subnumbers 22, 26, 32, and 36: *veneer, brick and clay products, roofing materials and supplies, building paper, wallpaper, and manufactured paper products*, from York, Pa., to Martinsburg, W. Va., and points in Delaware, Maryland, Ohio, New York, except Nassau and Suffolk Counties, and the New York, N.Y., Commercial Zone as defined by the Commission, and that part of New Jersey south of New Jersey Highway 33; *plaster, plasterboard, gypsum lath, and gypsum sheathing*, from Akron, N.Y., and points within 2 miles thereof, to points in Pennsylvania (portion); *plaster, plasterboard, gypsum lath, gypsum sheathing, and gypsum block, plank, slab, or tile*, from Oakfield, N.Y., to points in Pennsylvania on and east of U.S. Highway 219 (except Harrisburg and Lancaster and points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties); *lime, plaster, and gypsum, plaster and gypsum articles, and plaster retarder, plaster accelerator, plasterboard joint system, nails, clips, wedges, wire fasteners, and channels* used in the installation of lime, plaster, and gypsum, and plaster and gypsum articles, from Wheatland, N.Y., to points in New Jersey, Delaware, Maryland, Virginia, the District of Columbia, and that part of Pennsylvania on and east of U.S. Highway 219; *prefabricated steel buildings*, knocked down or in sections, from York, Pa., and points within 1 mile thereof, to points in Connecticut, Illinois, Indiana, Maine, Massachusetts, New Hampshire, North Carolina, Rhode Island, Vermont, and Wisconsin; *roofing materials and supplies*, from York, Pa., to points in North Carolina, Virginia, and the District of Columbia, and from points in New Jersey, to York, Pa.; *building materials and wire*, between York, Pa., and points in Pennsylvania within 25 miles thereof, on the one hand, and, on the other, points in Maryland, New Jersey, and Pennsylvania; *lime, plaster, gypsum, plaster and gypsum articles, plaster retarder, plaster accelerator, plasterboard joint system, and nails, clips, wedges, wire fasteners, and channels* used in the installation of lime plaster, gypsum, and gypsum articles, from Akron, N.Y., to points in Delaware; *insulating materials*, when moving in the same vehicle and at the same time with roofing materials and supplies, from York, Pa., to Martinsburg, W. Va., and points in North Carolina, Virginia, New Jersey, New York, Maryland, Delaware, Ohio, and the District of Columbia; *insulating materials*, when moving in the same vehicle and at the same time with plaster, plasterboard, gypsum lath, and gypsum sheathing, from Akron, N.Y., to points in Delaware and that part of Pennsylvania on and east of U.S. Highway 219 (except points in McKean, Potter, Elk, and Cameron Counties); *roofing and building materials* and *materials, supplies, equipment, and machinery* used in or incidental to the production and distribution of roofing and building materials, between York, Pa., on the one hand, and, on the other, points in Maryland and New Jersey and Wilmington, Del., and Washington, D.C.; and roofing and building materials and materials used in the installation and application of such commodities (except iron and steel and commodities in bulk), between the plantsite of Certain-Teed Products Corportion at Avery, Ohio, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

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The above-indicated applications under the provisions of section 212(b), Interstate Commerce Act, and the governing rules (49 CFR 1132) will be handled on a consolidated record with the applications under section 5 of the Act in Nos. MC–F–11200 and MC–F–11205, which are also described in this issue.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–6702 Filed 3–21–74;8:45 am]

[Notice No. 48]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 11, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74970. By order of March 18, 1974, the Motor Carrier Board approved the transfer to Glover Trucking, Corp., Holland, Va., of the operating rights in Certificate No. MC–2788 issued March 5, 1973 to B & B Lines, Inc., Ahoskie, N.C., authorizing the transportation of various commodities from, to and between specified points and areas in Virginia and North Carolina. Charles Ephraim, 1250 Conn. Ave. N.W., Washington, D.C. 20036. J. Edward Moyler, Jr., 506 N. Main St., Franklin, Va. 23851, attorneys for applicants.

No. MC–FC–75007. By order entered March 18, 1974, the Motor Carrier Board approved the transfer to Bulman Trucking Service, Inc., Waukon, Iowa, of the operating rights set forth in Permits Nos. MC–127571 (Sub-No. 1) and MC–127571 (Sub-No. 3), issued January 11, 1968 and September 21, 1971, respectively, to Gary C. Bulman, doing business as Bulman Trucking Service, Waukon, Iowa, authorizing the transportation butter, from Waukon, Iowa, to points in Cook County, Ill., under a continuing contract with Waukon Farmers Cooperative Creamery; and cheese, from Elkader and Waukon, Iowa, to points in Wisconsin, and butter, from Waukon, Iowa, to Plymouth, Wis., under a continuing contract or contracts with Meadowland Dairy Association, Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309, attorney for applicants.

No. MC–FC–75019. By order of March 18, 1974, the Motor Carrier Board approved the transfer to Maple Leaf Coach Lines Limited, Burlington, Ontario, Canada, of the operating rights in Certificates Nos. MC–124433 and MC–124433 (Sub-No. 1) issued February 24, 1964, and January 29, 1968, respectively, to C. H. Norton, Burlington, Ontario, Canada, authorizing the transportation of passengers and their baggage, in special operations in round-trip sightseeing or pleasure tours, beginning and ending at ports of entry on the United States-Canada Boundary line at the St. Lawrence, Niagara, St. Clair, St. Marys, Pigeon, and Rainy Rivers and extending to points in the United States (except Alaska and Hawaii); and passengers and their baggage, in round-trip charter operations, beginning and ending at ports of entry on the United States-Canada Boundary line at the St. Lawrence, Niagara, Detroit, St. Marys, Pigeon, and Rainy Rivers and extending to all points in the United States (except Alaska and Hawaii). John W. Ester, 100 W. Long Lake Road, Bloomfield Hills, Mich. 48013, attorney for applicants.

No. MC–FC–75021. By order of March 18, 1974, the Motor Carrier Board approved the transfer to Neil R. Carley, doing business as Carley's Moving & Storage Co., Gary, Ind., of the operating rights in Certificate No. MC–2981 issued June 30, 1958, to Ferguson Transfer, Inc., Valparaiso, Ind., authorizing the transportation of household goods between Valparaiso, Ind., and points within 50 miles thereof, on the one hand, and, on the other, points in Indiana, Illinois, Michgan, Ohio, and Wisconsin. Alki E. Scopelitis, 815 Merchants Bank Bldg., Indianapolis, Ind. 46204, attorney for applicants.

No. MC–FC–75026. By order of March 18, 1974, the Motor Carrier Board approved the transfer to A–1 Tours, Inc., San Diego, Calif., of License No. MC–130126 issued June 21, 1972, to L. J. Slaughter, doing business as A–1 Tours, San Diego, Calif., authorizing operations as a broker at San Diego in connection with the transportation of passengers and their baggage, in special or charter operations, beginning and ending at San Diego, Calif., and extending to points in Arizona, Colorado, Nevada, New Mexico, Oregon, Washington, and Utah. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–6709 Filed 3–21–74;8:45 am]

[Notice No. 37]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 11, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 1756 (Sub-No. 28 TA), filed February 27, 1974. Applicant: PEOPLES EXPRESS CO., 497 Raymond Blvd., Newark, N.J. 07105. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty metal containers and container ends*, from the plantsite or other facilities of Kaiser Aluminum & Chemical Corporation at Edison Township, N.J., to Baltimore, Md., for 180 days. SUPPORTING SHIPPER: Kaiser Aluminum & Chemical Co., 300 Lakeside Drive, Oakland, Calif. 94604. SEND PROTESTS TO: Robert S. H. Vance, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 76032 (Sub-No. 306 TA), filed February 29, 1974. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Eldon E. Bresee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Wichita, Kans., and Oklahoma City, Okla., from Wichita over Interstate Highway 35 to Oklahoma City, and return over the same route, as an alternate route for operating convenience only in connection with carrier's regular route operations, for 180 days.

NOTE.—Carrier does not intend to tack with other authority held by it or to interline

with other carriers. SUPPORTED BY: There are approximately 24 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Roger L. Buchahan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 107403 (Sub-No. 885 TA), filed February 27, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in water-carrier supplied containers, (1) from New Orleans, La., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas except (a) vegetables oil, between points in Louisiana; and (b) alcohol and alcohol products, to points in Alabama, Arkansas, Florida, Georgia, Mississippi, Missouri, Oklahoma, Tennessee, and Texas to New Orleans, La. RESTRICTION: (1) The authority sought in Items 1 and 2 above is restricted to traffic originating at or destined to the territory described herein: (2) *chemicals*, between Baton Rouge, La., and New Orleans, La., for 180 days. SUPPORTING SHIPPER: D. G. Massingale, Pricing Manager, Sea Land Service, Inc., Gulf-Puerto Rico Lines, Inc., 2700 France Road, New Orleans, La. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Bldg., 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 108382 (Sub-No. 20 TA) (Amendment), filed February 12, 1974, published in the FR issue of February 27, 1974, and republished as amended this issue. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, P.O. Box 357, Bay City, Mich. 48706. Applicant's representative: Michael M. Briley, 1200 Edison Plaza, Toledo, Ohio 43604. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), to serve Willow Run Airport near Ypsilanti, Mich., as an off-route point in connection with its regular route service between Bay City, Mich., and Toledo, Ohio, for 180 days.

NOTE.—Applicant states it does intend to tack with its authority in MC 108382 and Subs thereto.

SUPPORTING SHIPPERS: West Branch Tube Company, 460 S. Valley, West Branch, Mich.; J.F.B. Manufacturing Co., 1150 N. State Street, St. Ignace, Mich. 49871; Essex International, Inc., P.O. Box 395, Atlanta, Mich.; Hancock Industries, Inc., M 18, Roscommon, Mich.; Lewiston Lustre, Inc., 516 N. Airport Road, Lewiston, Mich.; and Diehl Industries, Inc. (Lord Industries), P.O. Box 434, Gaylord, Mich. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

NOTE.—The purpose of this republication is to indicate the supporting shipper of Lewiston Lustre, Inc.

No. MC 111434 (Sub-No. 86 TA), filed March 4, 1974. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: J. Albert Sebald, 1700 West Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magnetite* from Carbondale, Colo., to the site of Kaiser Steel Corp., York Canyon Mine located approximately 35 miles northwest of Raton, N. Mex., for 150 days. SUPPORTING SHIPPER: Mid-Continent Coal and Coke Company, Carbondale, Colo. 81623. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 115322 (Sub-No. 99 TA), filed March 4, 1974. Applicant: REDWING REFRIGERATED, INC., Mlg: P.O. Box 10177; Off: Highway 527, Taft, Fla. 32809. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from St. Martinville, La., to points in Florida, for 180 days. SUPPORTING SHIPPER: Southern Brands, Inc., P.O. Box 151, St. Martinville, La. 70582. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 115331 (Sub-No. 359 TA), filed February 26, 1974. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, from Memphis, Tenn., to points in Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, and Washington, for 180 days. SUPPORTING SHIPPER: Monsanto Company, 800 North Lindbergh Boulevard, St. Louis, Mo. 63166. SEND PROTESTS TO: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 117344 (Sub-No. 232 TA), filed February 27, 1974. Applicant: THE MAXWELL CO., 10380 Evendale Drive, Cincinnati, Ohio 34215. Applicant's representative: John C. Spencer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from East Chicago, Ind., to Cincinnati, Ohio, for 180 days. SUPPORTING SHIPPER: E. I. DuPont de Nemours & Company, Brower Road, North Bend, Ohio 45052. SEND PROTESTS TO: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117940 (Sub-No. 109 TA) (Correction), filed February 11, 1974, published as MC–117940 (Sub-No. 105 TA) in the FR issue of March 5, 1974, and republished as corrected this issue. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Anthony C. Vance, 111 E Street NW., Suite 501, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Logs of compressed wood, bark, or sawdust and paper and paper products*, from Plymouth, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Oklahoma, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, Vermont, Wisconsin, and the District of Columbia, and *return shipments* to Plymouth, N.C.; and (2) *woodpulp*, from Askin, N.C., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Oklahoma, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, Vermont, Wisconsin, and the District of Columbia, and *return shipments* to Askin, N.C., for 180 days. SUPPORTING SHIPPER: Weyerhaeuser Company, P.O. Box 787, Plymouth, N.C. SEND PROTESTS TO: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

NOTE.—The purpose of this republication is to indicate the correct Docket Number assigned to this proceeding in MC–117940 (Sub-No. 109 TA).

No. MC 117940 (Sub-No. 111 TA), filed March 1, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas;* and (2) *agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas from Mobile, Ala., and Tampa, Fla., to ports of entry on the International Boundary line between the United States and Canada located in Minnesota and North Dakota, for 180 days. SUPPORTING SHIPPER: Del Monte Banana Company, P.O. Box 1940, Miami, Fla. 33101. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building &

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U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 119619 (Sub-No. 69 TA), filed March 1, 1974. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Philadelphia, Pa., to points in Ohio, Michigan, Indiana, Kentucky, Illinois, Wisconsin, Minnesota, Iowa, Missouri, and Nebraska, for 180 days. SUPPORTING SHIPPER: Mrs. Paul's Kitchens, Inc., Mr. Martin J. Carroll, Assistant Traffic Manager, 5830 Henry Avenue, Philadelphia, Pa. 19128. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 120877 (Sub-No. 4 TA) (Amendment), filed February 11, 1974, published in the FR issue of March 5, 1974, and republished as amended this issue. Applicant: TIMM MOVING AND STORAGE COMPANY, Highway 2, 52 Bypass, Minot, N. Dak. 58701. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Adams, Benson, Billings, Bottineau, Bowman, Burke, Burleigh, Divide, Dunn, Emmons, Golden Valley, Grant, Hettinger, Kidder, Logan, McHenry, McIntosh, McKenzie, McLean, Mercer, Morton, Mountrail, Oliver, Pierce, Renville, Rollette, Sheridan, Sioux, Slope, Stark, Towner, Ward, Wells, and Williams Counties, N. Dak., for 180 days. RESTRICTION: The operations authorized herein are subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized. Said operations are further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. SUPPORTING SHIPPERS: Karevan, Inc., P.O. Box 9240 Queen Anne Station, Seattle, Wash. 98109; Towne International Forwarding, Inc., P.O. Box 16156, San Antonio, Tex. 78246; and DeWitt Freight Forwarding, 6060 North Figueroa Street, Los Angeles, Calif. 90042. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

NOTE.—The purpose of this republication is to indicate the additional North Dakota counties included in the request above.

No. MC 126600 (Sub-No. 10 TA), filed February 26, 1974. Applicant: EHRSAM TRANSPORT, INC., 108 North Factory, Enterprise, Kans. 67441. Applicant's representative: Bob W. Storey, 820 W. Quincy, 310 Columbian Title Bldg., Topeka, Kans. 66612. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials handling and processing equipment, elevator equipment, power transmission equipment, and materials and supplies used in the manufacture of such commodities*, between Arkansas City, Kans., on the one hand, and, points in the United States (except Alaska and Hawaii), on the other, for 180 days.

NOTE.—Applicant does not intend to tack the authority here applied for to another authority held by it, or to interline with other carriers. SUPPORTING SHIPPER: C–E Ehrsam, Inc., Abilene, Kans. 67410. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 129417 (Sub-No. 3 TA), filed March 1, 1974. Applicant: GUARDIAN VAN LINES, INC., 605 South Second, Blytheville, Ark. 72315. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Randolph, Clay, Greene, Mississippi, Lawrence, Craighead, Poinsett, Crittenden, Jackson, Cross, and St. Francis Counties, Ark.; Ripley, Butler, Stoddard, Scott, Dunklin, Pemiscot, Mississippi, New Madrid, and Cape Girardeau and Carter Counties, Mo.; and Dyer, Gibson, Lauderdale, Crockett, Shelby, Tipton, Haywood, and Fayette Counties, Tenn., for 180 days. SUPPORTING SHIPPER: Procurement Division, 97CSG (SAC) Blytheville Air Force Base, Ark. 72315. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 129532 (Sub-No. 1 TA), filed February 28, 1974. Applicant: MERLIN MARTIN MOVING AND STORAGE, INC., 1306 South Jefferson, Wadena, Minn. 56482. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Lake of the Woods, Beltrami, Koochiching, Itasca, Hubbard, Cass, Wadena, Crow Wing, Aitkin, Todd, Morrison, Mille Lacs, Kanabec, Stearns, Benton, Sherburne, Isanti, Kandiyohi, Meeker, Wright and McLeod Counties, Minn., for 180 days. RESTRICTION: The service authorized herein is subject to the following conditions: Said operations are restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points authorized. Said operations are restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. SUPPORTING SHIPPER: Duluth Air Force Base, Duluth, IAP, Minn. 55814. SEND PROTESTS TO: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 133377 (Sub-No. 4 TA), filed March 1, 1974. Applicant: COMMERCIAL SERVICES, INC., 102 Elm Street, Lakeside, Iowa 50588. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and cold storage facilities utilized by Wilson & Co., Inc., at Cedar Rapids, Iowa, to Omaha, Nebr., and points in the Omaha Commercial Zone, for 180 days. SUPPORTING SHIPPER: Wilson & Co., Inc., A. N. Brent, Manager of Transportation, 4545 Lincoln Boulevard, Oklahoma City, Okla. 73105. SEND PROTESTS TO: District Supervisor Carroll Russell, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 134349 (Sub-No. 10 TA), filed February 28, 1974. Applicant: B.L.T. CORPORATION, 405 Third Avenue, Brooklyn, N.Y. 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by or used in the operations of retail department stores, between Jersey City, N.J., and New York, N.Y., on the one hand, and, on the other, points in Ohio, Indiana, Illinois, Michigan, Florida, Kentucky, Missouri, North Carolina, Georgia, Alabama, Louisiana, and Texas, for 90 days. SUPPORTING SHIPPER: Mangel Stores Corporation, 115 West 18th Street, New York, N.Y. 10011. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 135861 (Sub-No. 5 TA), filed February 27, 1974. Applicant: LISA MOTOR LINES, INC., Mlg: P.O. Box 4550, 2800 N. Main St., Fort Worth, Tex. 76106. Applicant's representative: Charles E. Tidwell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packing houses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site of Swift Fresh Meats Company, Div. Swift & Company at Brownwood, Tex., to points in the District of Columbia, New Jersey, New York, Connecticut, Rhode Island, and Massachusetts, for 180 days. SUPPORTING SHIPPER: Swift Fresh Meats Company, Div. of Swift & Company, Brownwood, Tex. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 136318 (Sub-No. 20 TA), filed March 5, 1974. Applicant: COYOTE TRUCK LINE, INC., 395 West Fleming Drive, Morganton, N.C. 28655. Applicant's representative: David R. Parker, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from Santa Ana, Calif. to points in the United States (except Alaska and Hawaii); (2) *mirrors and component parts* used in the manufacture and distribution of the commodities named in (1) above, from Newton, N.C., to Santa Ana, Calif.; (3) *corner caps*, from Jacksonville, Tex. to Santa Ana, Calif.; and (4) *returned, rejected and damaged* of commodities named in (1) above, from points in the United States (except Alaska and Hawaii) to Santa Ana, Calif., for 180 days. RESTRICTED: (1) Against the shipment of commodities in bulk; and (2) to traffic originating at or destined to the facilities utilized by Consolidated Foods Corporation, B. P. John Furniture Company Division, under continuing contract with same. SUPPORTING SHIPPER: B. P. John Furniture Company (a Division of Consolidated Foods Corporation), 2001 East Dyer Road, Santa Ana, Calif. 92705. SEND PROTESTS TO: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 139472 TA (CORRECTION), filed January 29, 1974, published in the FR issue of February 20, 1974, and republished as corrected this issue. Applicant: CHARLES LEE AND DONALD TWEEDY, a Partnership, doing business as LEE AND TWEEDY, West Penn and Route 1, Hoopeston, Ill. 60942. Applicant's representative: John White (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, supplies and materials* as may be used in the selling, manufacturing or distribution of cans between the plant site of American Can Company at Hoopeston, Ill., and points in Indiana, Iowa, Michigan, and Wisconsin, for 180 days. SUPPORTING SHIPPER: R. H. Lorenz, Director-Transportation, American Can Company, American Lane, Greenwich, Conn. 06830. SEND PROTESTS TO: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

NOTE.—The purpose of this republication is to indicate applicant's correct name.

No. MC 139492 (Sub-No. 1 TA), filed March 4, 1974. Applicant: GARLAND D. TOWE, GARLAND W. PIKE AND BENJAMIN E. SMITH, doing business as TOWE-PIKE GRAIN AND SUPPLY COMPANY, Route 2, Hertford, N.C. 27944. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Nansemond City and Norfolk, Va., to points in Pasquotank, Perquimans, Gates, Hertford, and Northampton Counties, N.C., for 180 days. SUPPORTING SHIPPER: Swift Chemical Co., Elizabeth City, N.C. 27609. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 139515 Sub-1 TA, filed March 1, 1974. Applicant: HOODWOOD, INC., P.O. Box 537, Fall City, Wash. 98024. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cabinets and casework*, between points in Washington, on the one hand, and, on the other, points in Oregon, California, and Nevada, for 180 days. SUPPORTING SHIPPER: Durabilt Industries, 10400 Snoqualmie Meadowbrook Road, North Bend, Wash. 98045. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 139523 TA (AMENDMENT), filed February 19, 1974, published in the FR issue of March 6, 1974, and republished as amended this issue. Applicant: JOHN ARDITO AND HAROLD FLAUM, doing business as J & H TRUCKING CO., 439 Bayview Avenue, Inwood, N.Y. 11696. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in, used by and sold by retailers and distributors of carpeting, rugs and padding, (1) from Inwood, N.Y., to Bridgeport, Conn., and points in Baltimore County, Md.; (2) from Barrington, R.I., to Inwood, N.Y.; and (3) between Inwood, N.Y., on the one hand, and, on the other, points in New Jersey, Bucks, Chester, Delaware, and Montgomery Counties, and Philadelphia, Pa., and Dedham, Mass., for 180 days. SUPPORTING SHIPPER: Allen Carpet Shops, Inc., 690 Bayview Avenue, Inwood, N.Y. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

NOTE.—The purpose of this republication is to indicate the additional destination territory of Baltimore County, Md., in (1) above.

No. MC 139545 (Sub-No. 1 TA), filed March 1, 1974. Applicant: HENRY C. KOCOT, HENRY J. KOCOT AND ANTHONY J. KOCOT, doing business as H. C. KOCOT & SONS, Whately Road, South Deerfield, Mass. 01373. Applicant's representative: David M. Marshall, 135 State Street, Springfield, Mass. 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, in dump vehicles, between the plants and facilities of Kerr-McGee Chemical Corp. located in South Deerfield, Mass., East Windsor, North Haven, and Portland, Conn., West Kingston, R.I., North Walpole, N.H., Bradford and Vergennes, Vt., and Salem, Chatham, Amenia, Goshen, and Newark, N.Y., for 180 days. SUPPORTING SHIPPER: Kerr-McGee Chemical Corp., P.O. Box 25861, Oklahoma City, Okla. 73125. SEND PROTESTS TO: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building and U.S. Courthouse, 436 Dwight Street, Springfield, Mass. 01103.

No. MC 139546 (Sub-No. 1 TA), filed February 27, 1974. Applicant: JAMES B. GRAY, INC., Danforth, Maine 04424. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Patten and Crystal, Maine, to points in Maine on the International Boundary line between the United States and Canada, for 180 days. SUPPORTING SHIPPER: Northern Mill and Lumber Co., Patten, Maine 04765. SEND PROTESTS TO: Donald G. Weiler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Portland, Maine 04112.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6711 Filed 3-21-74;8:45 am]

[No. AB-55 (Sub-No. 1)]

SEABOARD COAST LINE RAILROAD CO.

Abandonment Between Chemical and Trilby, Fla.

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. sections 4321 *et seq.*, and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Pasco and Pinellas Coun-

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ties, Fla., within 15 days of the date of service of this order, and certifies to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and forwarding a copy to the Director, Office of the FEDERAL REGISTER.

Dated at Washington, D.C., this 13th day of March 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[No. AB–55 (Sub-No. 1)]

THE SEABOARD COAST LINE RAILROAD COMPANY ABANDONMENT BETWEEN CHEMICAL AND TRILBY, FLA.

The Interstate Commerce Commission hereby gives notice that by order dated March 13, 1974, it has determined that the proposed abandonment in the above-entitled proceeding by the Seaboard Coast Line Railroad Company between Chemical and Trilby, Fla., if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. sections 4321, *et seq.,* and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the proposed abandonment, if approved, would be consistent with land use plans in the area. The land along the line is very rural, and there are no major development plans. Traffic on the line has decreased to a point of being almost non-existent, and there is adequate alternative rail service in the area. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202–343–6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 8, 1974.

[FR Doc.74–6705 Filed 3–21–74;8:45 am]

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FRIDAY, MARCH 22, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 57

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

Low Rent Housing Homeownership Opportunities

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Title 24—Housing and Urban Development

CHAPTER VIII—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (LOW RENT PUBLIC HOUSING)

[Docket No. R-74-218]

PART 1270—LOW RENT HOUSING HOMEOWNERSHIP OPPORTUNITIES

On October 9, 1973, Title 24 of the Code of Federal Regulations was amended to add a new Part 1270, entitled "Low Rent Housing Homeownership Opportunities." The Department is republishing Part 1270 in order to correct the printing errors in the final publication and to clarify certain technical provisions. The technical changes clarify the procedures to be followed by the local housing authority when a homebuyer family loses its potential for homeownership (see § 1270.107(o)), and when the only surviving occupants of a homebuyer family are minor children (see § 1270.107(1)(3)). The changes are as follows:

1–5. On page 27889, first and second columns, Subpart B, insert periods after "§ 1270.108 Break-Even Amount," "1270.110 Earned Home Payments Account (EHPA)", and "1270.111 Nonroutine Maintenance Reserve (NRMR)" to conform to others in the series.

6. On page 27889, second column, Subpart A, second line, change "Ownership" to "Homeownership".

7. On page 27889, third column, § 1270.101(b)(2), fourteenth line, change "Subpart" to "subpart".

8. On page 27889, third column, § 1270.101(b)(3), change "Homebuyers" to "homebuyers".

9. On page 27889, third column, paragraph (3)(i), second line, insert a quotation mark before "Special".

10. Page 27890, first column, § 1270.102(a), change the period at the end to a semicolon and add the following:

Provided, however, That in the case of a development that is organized as a condominium or a planned unit development (PUD) the term "common property" shall have the meaning established by the condominium or PUD documents and the State law pursuant to which the condominium or PUD is organized, under the terms "common areas," "common facilities," "common elements," "common estate," or other similar terms.

11. On page 27890, first column, last line, change "subpart C" to "Subpart D".

12. On page 27890, second column, § 1270.103(c), third line, change the first "and" to "in".

13. On page 27890, second column, § 1270.103(c), seventh line, change "support" to "support."

14. On page 27890, second column, § 1270.104(a)(2), sixth line, change "subpart" to "Subpart."

15. On page 27890, second column, § 1270.104(b)(1), sixth line, change "(6)(2)" to "(b)(2)."

16. On page 27890, second column, § 1270.104(b)(1), fourth line from end of paragraph, change "Civil Rights Act" to read "Civil Rights Acts".

17.–18. On page 27891, second column § 1270.105, second line, change "subpart" to "Subpart."

19. On page 27891, § 1270.105, twelfth line, change "ativities to "activities."

20. On page 27892, first column, § 1270.107(h), thirteenth line, change "§ 1270.13" to "§ 1270.110(j)(1)."

21. On page 27892, first column, § 1270.107(j), second line from bottom of first column, change "breakeven" to "break-even."

22. On page 27892, third column, in § 1270.107(1)(2), the final sentence is deleted.

23. On page 27892, third column, add the following to § 1270.107(1):

"(3) If there is no qualified successor in accordance with paragraph (1)(2), the LHA shall terminate the Agreement and another family shall be selected except under the following circumstances: Where a minor child or children of the homebuyer family are in occupancy, then in order to protect their continued occupancy and opportunity for acquisition of ownership of the home, the LHA may approve, as occupant(s) of the unit, an appropriate adult(s) who has been appointed legal guardian of the children with a duty to perform the obligations of the Homebuyers Ownership Opportunity Agreement in their interest and behalf."

24. Page 27892, third column, § 1270.107(m) is changed by (1) deleting subparagraph (m)(2), (2) re-numbering (m)(3) to (m)(2), and (3) changing the reference on the last line in (m)(1) from (m)(3) to (m)(2).

25. Page 27892, third column, in § 1270.107(n), the words "vacates the home" are substituted for "abandons the home, or vacates it" and the word "left" is substituted for "abandoned".

26. Page 27892, third column, add the following to § 1270.107:

"(o) *Transfer to rental unit.* (1) Inasmuch as the homebuyer was found eligible for admission to the Project on the basis of having the necessary elements of potential for homeownership, continuation of eligibility requires continuation of this potential, subject only to temporary unforeseen changes in circumstances. Accordingly, in the event it should develop that the homebuyer no longer meets one or more of these elements of homeownership potential, the LHA shall investigate the circumstances and provide such counseling and assistance as may be feasible in order to help the family overcome the deficiency as promptly as possible. After a reasonable time, not to exceed 30 days from the date of evaluation of the results of the investigation, the LHA shall make a re-evaluation as to whether the family has regained the potential for homeownership or is likely to do so within a further reasonable time, not to exceed 30 days from the date of the re-evaluation. Further extension of time may be granted in exceptional cases, but in any event, a final determination shall be made no later than 90 days from the date of evaluation of the results of the initial investigation. The LHA shall invite the HBA to participate in all investigations and evaluations. "(2) If the final determination of the LHA, after considering the views of the HBA, is that the homebuyer should be transferred to a suitable dwelling unit in an LHA rental project, the LHA shall give the homebuyer written notice of the LHA determination of the loss of homeownership potential and of the offer of transfer to a rental unit. The notice shall state that the transfer shall occur as soon as a suitable rental unit is available for occupancy, but no earlier than 30 days from the date of the notice, provided that an eligible successor for the homebuyer unit has been selected by the LHA. The notice shall also state that if the homebuyer should refuse to move under such circumstances, the family may be required to vacate the homebuyer unit, without further notice. The notice shall include a statement (i) that the homebuyer may respond to the LHA in writing or in person, within a specified reasonable time, regarding the reason for the determination and offer of transfer, (ii) that in such response he may be represented or accompanied by a person of his choice including a representative of the HBA, and (iii) that the LHA has consulted the HBA concerning this determination and offer of transfer. "(3) When a Homebuyers Ownership Opportunity Agreement is terminated pursuant to this paragraph (o), the amount in the homebuyer's EHPA shall be paid in accordance with the provisions of § 1270.110(j)."

27. On page 27893, second column, § 1270.109(b), last line, change "§ 1270.107(j)(4)" to "§ 1270.107(j)(3)."

28. On page 27893, second column, § 1270.109(c), third from last line of (c), change "§ 1270.112" to "§ 1270.112(b)."

29. On page 27893, third column, § 1270.110(c), fifth line, change "16 or 17" to "§ 1270.113 or § 1270.115."

30. On page 27894, second column, § 1270.110(j)(1), sixth line, change "§ 1270.107(d)" to "§ 1270.107(m), (n) and (o)."

31. On page 27894, second column, § 1270.110(j)(3), fourth line, change (a)(iii) to "(j)(1)(iii)."

32. On page 27895, second column, § 1270.112(c), twelfth line, change "and" to "or" and fifteen line, change "homebuyers" to "homebuyer".

33. On page 27895, third column, § 1270.113(b), the second line from the bottom of the paragraph, change "one-forth" to "one-fourth".

34. On page 27896, first column, in § 1270.113(c)(2), a footnote "1" is added following the words "excess amount" the footnote to read as follows:

"1 Under section 234(c) of the National Housing Act, as of the date of publication of this subpart, mortgage insurance for a condominium unit in a multi-family project is generally authorized only if the project is currently or has been covered by a mortgage insured under another section of the National Housing Act. There is, however, a proviso which authorizes mortgage insurance for a condominium unit in a multi-family project even though the project is not or has not been covered by such a project mortgage, if the project involves eleven or less units."

35. On page 27896, first column, § 1270.114(a)(1), seventh line, insert "section" after "this" and before the comma.

36. On page 27896, second column, § 1270.114(a)(3), Illustration, 1st chart, change "Incidental costs" to "Incidental Costs."

37. On page 27896, second column, Illustration, 2nd chart, change "Incidental costs." to "Incidental Costs."

38. On page 27896, third column, § 1270.115(a) seventh line, change "§ 1270.107(k)(2)" to "§ 1270.107(1)(2)."

39–40. On page 27898, second column, A, 4th and 6th lines of second column; B2, fourth and sixth lines; C, 6th line; D, fourth line; F, fifth line; and G, second line, change "part" to "Part."

41. On page 27898, second column, H, change entire first paragraph and "This agreement" of the second paragraph to all capital letters.

42. On page 27898, second column, H, sixteenth line, insert a colon after "WITNESSES."

43. On page 27898, third column, paragraph 1.a., second and eighth lines, change "part" to "Part."

44. On page 27898, third column, paragraph 1.d(2) change the period at the end to a semi-colon and add the following:

"provided, however, that in the case of a Development that is organized as a condominium or a planned unit development (PUD), the term 'common property' shall have the meaning established by the condominium or PUD documents and the State law pursuant to which the condominium or PUD is organized, under the terms 'common areas,' 'common facilities,' 'common elements,' 'common estate,' or other similar terms."

45. On page 27898, third column, first and second lines from bottom of page, change "homebuyers ownership opportunity agreement" to "Homebuyers Ownership Opportunity Agreement."

46. On page 27899, first column, third line, change "part" to "Part".

47. On page 27899, first column, first line of paragraphs 3 and 4, respectively, change "homebuyer" to "Homebuyer."

48. On page 27899, first column, footnote 2, sixth line, omit the symbol "§".

49. On page 27899, second column, 6(h), twelfth line, change "10i" to "10k."

50. On page 27899, second column, first line of paragraphs 6c and 6e, respectively, change "home" to "Home."

51. On page 27900, first column, paragraph 9a(2), first line, omit the dash after "services."

52. On page 27900, third column, paragraph 10f, second sub-paragraph, third line, substitute a colon for the semi-colon.

53. On page 27900, third column, paragraph 10f, second sub-paragraph, seventh line, substitute a semi-colon for the comma after "EHPAs."

54. On page 27900, third column, 10.g, delete the word "equity".

55. On page 27900, third column, last line of the column, substitute a colon for the semi-colon.

56. On page 27901, second column, paragraph 11c(1), fifth line, change "(c)(2)" to "c(2) and c(3)."

57. On page 27901, second column, subparagraph 11c(1), add the following:

"Such maintenance may be provided by the Homebuyer but only pursuant to a prior written agreement with the Authority covering the nature and scope of the work and the amount of credit the Homebuyer is to receive. The amount of any credit shall, upon completion of the work, be credited to the Homebuyer's EHPA and charged as provided in paragraph c(2) of this section."

58. On page 27901, third column, section 12, change "c" to "d", change "d" to "e"; and insert the following between paragraphs b and d:

"c. *Maximum operating reserve.* The maximum operating reserve that may be retained by the Authority at the end of any fiscal year shall be the sum of (1) one-half of total routine expense included in the operating budget approved for the next fiscal year and (2) one-third of total break-even amounts included in the operating budget approved for the next fiscal year; provided that such maximum may be increased if necessary as determined or approved by HUD. Total routine expense means the sum of the amounts budgeted for administration, homebuyer services, Authority-supplied utilities, routine maintenance of common property, protective services, and general expense or other category of day-to-day routine expense (see section 9 above for explanation of various categories of expense)."

59. On page 27902, third column, paragraph 17.b, fifteenth line, change "part" to "Part".

60. On page 27903, first column, paragraph 19(2), thirteenth line, change "protest" to "protect".

61. On page 27903, first column, subparagraph 19(2), third line from end of second paragraph, change "of" to "resulting from".

62. On page 27903, first column, paragraph 19, change "(3) Residency Requirements" to "b. Residency Requirements."

63. On page 27903, first column, paragraph 20, first line, change "homeowner" to "Homeowner".

64. On page 27903, first column, footnote 4, third line, insert "in" after "is".

65. On page 27903, first column, footnote 4, fourth line, insert "a" after "in".

66. On page 27903, third column, paragraph 24.a, delete subparagraph (2) and re-number subparagraph (3) to (2).

67. On page 27903, third column, eighth line, change reference in subparagraph (1) from (3) to (2).

68. On page 27903, third column, in paragraph 24.b, the words "vacates the Home" are substituted for "abandons the Home, or vacates it" and the word "left" is substituted for "abandoned".

69. On page 27903, third column, add the following to paragraph 24:

"c. *Transfer to rental unit.* (1) Inasmuch as the Homebuyer was found eligible for admission to the Project on the basis of having the necessary elements of potential for Homeownership, continuation of eligibility requires continuation of this potential, subject only to temporary unforeseen changes in circumstances. The standards of potential for Homeownership are the following:

"(i) Income sufficient to result in a required monthly payment which is not less than the sum of the amounts necessary to pay the EHPA, the NRMR, and the estimated average monthly cost of utilities attributable to the Home;

"(ii) Ability to meet all the obligations of a Homebuyer under the Homebuyers Ownership Opportunity Agreement;

"(iii) At least one member gainfully employed, or having an established source of continuing income.

"(2) Accordingly, in the event it should develop that the Homebuyer no longer meets one or more of these elements of Homeownership potential, the Authority shall investigate the circumstances and provide such counseling and assistance as may be feasible in order to help the family overcome the deficiency as promptly as possible. After a reasonable time, not to exceed 30 days from the date of evaluation of the results of the investigation, the Authority shall make a re-evaluation as to whether the family has regained the potential for Homeownership or is likely to do so within a further reasonable time, not to exceed 30 days from the date of the re-evaluation. Further extension of time may be granted in exceptional cases, but in any event a final determination shall be made no later than 90 days from the date of evaluation of the results of the initial investigation. The Authority shall invite the HBA to participate in all investigations and evaluations.

"(3) If the final determination of the Authority, after considering the views of the HBA, is that the Homebuyer should be transferred to a suitable dwelling unit in an Authority rental project, the Authority shall give the Homebuyer written notice of the Authority determination of the loss of Homeownership potential and of the offer of transfer to a rental unit. The notice shall state that the transfer shall occur as soon as a suitable rental unit is available for occupancy, but no earlier than 30 days from the date of the notice, provided that an eligible successor for the Homebuyer unit has been selected by the Authority. The notice shall also state that if the Homebuyer should refuse to move under such circumstances, the family may be required to vacate the Homebuyer unit, without further notice. The notice shall include a statement (i) that the Homebuyer may respond to the Authority in writing or in person, within a specified reasonable time, regarding the reason for the determination and offer of transfer, (ii) that in such response he may be represented or accompanied by a person of his choice including a representative of the HBA, and (iii) that the Authority has consulted the HBA concerning this determination and offer of transfer.

"(4) When a Homebuyers Ownership Opportunity Agreement is terminated pursuant to this paragraph 24c, the amount in the Homebuyer's EHPA shall be paid in accordance with the provisions of paragraph 10k of this Agreement."

70. Page 27903, third column, paragraph 25, add number (1) in front of "in the event" and delete the final sentence.

71. Page 27903, third column, paragraph 25, add the following paragraph:

"(2) If there is no qualified successor in accordance with the above, the Authority shall terminate the Agreement and another family shall be selected, except under the following circumstances: where a minor child or children of the Homebuyer family are in occupancy, then in order to protect their continued occupancy and opportunity for acquisition of ownership of the Home, the Authority may approve, as occupant(s) of the unit, an appropriate adult(s) who has been appointed legal guardian of the children with a duty to perform the obligations of the Homebuyers Ownership Opportunity Agreement in their interest and behalf."

72. On page 27904, first column, paragraph 27, sixth line, change "property" to "properly".

73. On page 27904, second column, § 1270.202(a), fourth and fifth lines, change "homeownership opportunity program" to read "Homeownership Opportunity Program".

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74. On page 27905, second column, § 1270.204(b)(4), sixth line from top of second column, change "subpart" to "Subpart".

75. On page 27905, third column, § 1270.207, insert "(Subpart C)" below "APPENDIX I" and above "Content Guide—Program".

76. On page 27906, second column, § 1270.303(b), fourth line, change "subpart" to "Subpart".

77. On page 27908, first column, fourth line from bottom of Article IX, change "trem" to "term".

78. On page 27908, third column, section 3, first line, insert a period after "Directors."

79. On page 27908, third column, section 4, second line, insert a period after "board".

80. On page 27909, first column, section 5, first line, insert a period after "Directors."

81. On page 27909, first column, section 6, second line, insert a period after "Directors."

82. On page 27909, first column, section 6C(6), change "Article V:" to "Article VI."

83. On page 27909, first column, section 7, second line, insert a period after "duties".

84. On page 27909, second column, section 7,F.(1), fourth line, change "mortgage" to "mortgages".

85. On page 27910, first column, Appendix II, first paragraph, capitalize "Whereas" to read "WHEREAS".

86. On page 27910, first and second columns, Appendix II, place a comma after each "WHEREAS" at the beginning of the first and third paragraphs of the Appendix.

87. On page 27910, second column, Appendix II, first line of first and second full paragraphs, capitalize "whereas" to read "WHEREAS".

88. On page 27910, second column, Appendix II, third full paragraph, first line, capitalize "Now, therefore," to read "NOW, THEREFORE,".

(Sec. 7(d), Department of Housing and Urban Development Act; (42 U.S.C. 3535(d))

JAMES T. LYNN,
Secretary of Housing and Urban Development.

Part 1270 as corrected above is republished as follows:

Subpart A—Introduction to Low-Rent Housing Homeownership Opportunity Program [Reserved]

Subpart B—Turnkey III Program Description

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Appendix I—Content Guide for Counseling and Training Program

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Appendix I—Articles of Incorporation and By-Laws of Homebuyers Association
Appendix II—Recognition Agreement Between Local Housing Authority and Homebuyers Association

Subpart A—Introduction to Low-Rent Housing Homeownership Opportunity Program [Reserved]

Subpart B—Turnkey III Program Description

§ 1270.101 Introduction.

(a) *Purpose.* This subpart sets forth the essential elements of the HUD Homeownership Opportunities Program for Low-Income Families (Turnkey III).

(b) *Applicability.* This subpart shall be applicable to all Turnkey III developments, including those under development or in operation on the effective date of this subpart, as follows:

(1) With respect to any development to be operated as Turnkey III, the Annual Contributions Contract (ACC) shall contain the "Special Provisions for Turnkey III Homeownership Opportunity Project" as set forth in Appendix I. A Turnkey III development may include only units which are to be operated as such under Homebuyers Ownership Opportunity Agreements. If for any reason it is determined that certain units should be operated as conventional rental units, such units must comprise or be made part of a conventional rental project.

(2) With respect to Turnkey III developments pursuant to an executed ACC where no Agreements with Homebuyers have been signed, the ACC shall be amended (i) to include the "Special Provisions" set forth in Appendix I, (ii) to extend its term to 30 years, and (iii) to reduce its Maximum Contribution Percentage to a rate that will amortize the debt in 30 years at the minimum Loan Interest Rate specified in the ACC for the specific Turnkey III project involved. Further development and operation shall be in accordance with this subpart including use of the form of Homebuyers Ownership Opportunity Agreement set forth in Appendix II.

(3) With respect to developments where Agreements with homebuyers have been signed, the following steps shall be taken:

(i) The ACC shall be amended to include the Special Provisions" set forth in Appendix I; further development and operation of the Project shall be in accordance with this subpart.

(ii) The LHA shall offer all qualified homebuyers in the development a new Homebuyers Ownership Opportunity Agreement as set forth in Appendix II with an amendment to section 16a to refer to "the latest approved Development Cost Budget, or Actual Development Cost Certificate if issued," in lieu of "the Development Cost Budget in effect upon award of the Main Construction Contract or execution of the Contract of Sale," and, if the ACC for the Project has a term of 25 years, an amendment to section 16(b) to refer to a term of 25 years, instead of 30, for the Purchase Price Schedule. Each Purchase Price Schedule shall commence with the first day of the month following the effective date of the initial Agreement. No other modification in the new Agreement may be made. In the event the homebuyer refuses to accept the new Agreement, no modifications may be made in the old Agreement and the matter shall be referred to HUD.

(4) With respect to Projects which were under ACC on the effective date of this subpart, the Total Development Cost Budget shall be revised, if financially feasible, to include the cost of the appraisals which are necessary for computation of the initial purchase prices pursuant to § 1270.113. In the event this is not financially feasible, the matter shall be referred to HUD, which may, if necessary, authorize a different method for computation of such initial purchase prices on an equitable basis.

(5) With respect to all developments which were completed by the effective date of this subpart, the appraisals which are necessary for computation of the initial purchase prices pursuant to § 1270.113 shall be made as of the date of completion of the development.

§ 1270.102 Definitions.

(a) The term "common property" means the nondwelling structures and equipment, common areas, community facilities, and in some cases certain component parts of dwelling structures, which are contained in the development: *Provided, however,* That in the case of a development that is organized as a condominium or a planned unit development (PUD), the term "common property" shall have the meaning established by the condominium or PUD documents and the State law pursuant to which the condominium or PUD is organized, under the terms "common areas," "common facilities," "common elements," "common estate," or other similar terms.

(b) The term "development" means the entire undertaking including all real and personal property, funds and reserves, rights, interests and obligations, and activities related thereto.

(c) The term "EHPA" means the Earned Home Payments Account established and maintained pursuant to § 1270.110.

(d) The term "homebuyer" means the member or members of a low-income family who have executed a Homebuyers Ownership Opportunity Agreement with the LHA.

(e) The term "homebuyers association" (HBA) means an organization as defined in § 1270.106.

(f) The term "homeowner" means a homebuyer who has acquired title to his home.

(g) The term "homeowners association" means an association comprised of homeowners, including condominium associations, having responsibilities with respect to common property.

(h) The term "HUD" means the Department of Housing and Urban Development which provides the LHAs with financial assistance through loans and annual contributions and technical assistance in development and operation.

(i) The term "LHA" means the local housing authority which acquires or develops a low-rent housing development with financial assistance from HUD, owns the homes until title is transferred to the homebuyers, and is responsible for the management of the homeownership opportunity program.

(j) The term "NRMR" means the Nonroutine Maintenance Reserve established and maintained pursuant to § 1270.111.

(k) The term "Project" is used to refer to the development in relation to matters specifically related to the Annual Contributions Contract.

§ 1270.103 Development.

(a) *Financial framework.* The LHA shall finance development or acquisition by sale of its notes (bond financing shall not be used) in the amount of the Minimum Development Cost. Payment of the debt service on the notes is assured by the HUD commitment to provide annual contributions.

(b) *Contractual framework.* There are three basic contracts:

(1) An Annual Contributions Contract containing "Special Provisions For Turnkey III Homeownership Opportunity Project," Form HUD-53010C (see Appendix I);

(2) A Homebuyers Ownership Opportunity Agreement (see Appendix II) which sets forth the respective rights and obligations of the low-income occupants and the LHA, including conditions for achieving homeownership; and

(3) A Recognition Agreement (see Appendix II of Subpart D of this part) between the LHA and the HBA under which the LHA agrees to recognize the HBA as the established representative of the homebuyers.

(c) *Community Participation Committee (CPC).* In the necessary development of citizens' participation in and understanding of the Turnkey III program, the LHA should consider formation and use of a CPC to assist the community and the LHA in the development and support of the Turnkey III program. The CPC shall be a voluntary group comprised of representatives of the low-income population primarily and may also include representatives of community service organizations.

§ 1270.104 Eligibility and selection of homebuyers.

(a) *Announcement of availability of housing; fair housing marketing.* (1) The availability of housing under Turnkey III shall be announced to the community at large. Families on the waiting list for LHA conventional rental housing who wish to be considered for Turnkey III must apply specifically for that program (see paragraph (d) of this section).

(2) The LHA shall submit to HUD an Affirmative Fair Housing Marketing Plan and shall otherwise comply with the provisions of the Affirmative Fair Housing Marketing Regulations, 24 CFR Part 200, subpart M, as if the LHA were an applicant for participation in an FHA housing program. This Plan shall be submitted with the development program, and no development program may be approved without prior approval of the Plan pursuant to HUD procedures under said Affirmative Fair Housing Marketing Regulations. If the development program has been approved, but the Annual Contributions Contract has not been executed, prior to the effective date of this subpart, an Affirmative Fair Housing Marketing Plan must be approved prior to execution of said contract.

(b) *Eligibility and standards for admission.* (1) Homebuyers shall be low-income families as determined in accordance with the income definitions and limits established by the LHA and approved by HUD (see paragraph (b)(2) of this section). The HUD-approved standards for admission to low-rent housing, including the LHA's established priorities and preferences and the requirements for administration of low-rent housing under Title VI of the Civil Rights Act of 1964 (Public Law 88-352, 78 Stat. 241, 42 U.S.C. 2000d), shall be applicable except that the procedures used for homebuyer selection under Turnkey III shall be those set forth in this section. In carrying out these procedures the aim shall be to provide for equal housing opportunity in such a way as to prevent segregation or other discrimination on the basis of race, creed, color or national origin in accordance with the Civil Rights Acts of 1964 (Public Law 88-352, 78 Stat. 241, 42 U.S.C. 2000d) and 1968 (Public Law 90-284, 82 Stat. 73, 42 U.S.C. 3601).

(2) An LHA may establish income limits for Turnkey III which are different from those for its conventional rental program, provided that those limits are in accord with all applicable statutory and administrative requirements and are approved by HUD.

(c) *Determination of eligibility and preparation of list.* The LHA, without participation of a recommending committee (see paragraph (e)(1) of this section), shall determine the eligibility of each applicant family in respect to the income limits for the development and shall then assign each eligible applicant his appropriate place on a waiting list for the development, in sequence based upon the date of the application, suitable type or size of unit and factors affecting preference or priority established by the LHA's regulations.

(d) *List of applicants.* A separate list of applicants for Turnkey III shall be maintained, consisting of families who specifically apply and are eligible for admission to such housing.

(1) *Dating of applications.* All applications for Turnkey III shall be dated as received.

(2) *Effect on applicant status.* The filing of an application for Turnkey III by a family which is an applicant for LHA conventional rental housing or is an occupant of such housing shall in no way affect its status with regard to such rental housing. Such an applicant shall not lose his place on the rental housing waiting list until his application is accepted for Turnkey III and shall not receive any different treatment or consideration with respect to conventional rental housing because of having applied for Turnkey III.

(e) *Determination of potential for homeownership.* (1) *Recommending committee.* The LHA should consider use of a recommending committee to assist in the establishment of objective criteria for the determination of potential for homeownership and in the selection of homebuyers from the families determined to have such potential. If a recommending committee is used, it should be composed of representatives of the CPC (if any), the LHA and the HBA. The LHA shall submit to the committee prompt written justification of any rejection of a committee recommendation, stating grounds, the reasonableness of which shall be in accord with applicable LHA and HUD regulations. Each member of such a committee, at the time of appointment, shall be required to furnish the LHA with a signed statement that the member will (i) follow selection procedures and policies that do not automatically deny admission to a particular class, that insure selection on a nondiscriminatory and nonsegregated basis, and that facilitate achievement of the anticipated results for occupancy stated in the approved Affirmative Fair Housing Marketing Plan, and (ii) maintain strict confidentiality by not divulging any information concerning applicants or the

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deliberations of the committee to any person except to the LHA as necessary for purposes of the official business of the committee.

(2) *Potential for homeownership.* In order to be considered for selection, a family must be determined to meet at least all of the following standards of potential for homeownership:

(i) Income sufficient to result in a required monthly payment which is not less than the sum of the amounts necessary to pay the EHPA, the NRMR, and the estimated average monthly cost of utilities attributable to the home;

(ii) Ability to meet all the obligations of a homebuyer under the Homebuyers Ownership Opportunity Agreement;

(iii) At least one member gainfully employed, or having an established source of continuing income.

(f) *Selection of homebuyers.* Homebuyers shall be selected from those families determined to have potential for homeownership. Such selection shall be made in sequence from the waiting list established in accordance with this section, provided that the following shall be assured:

(1) Selection procedures that do not automatically deny admission to a particular class; that insure selection on a nondiscriminatory and nonsegregated basis; and that facilitate achievement of the anticipated results for occupancy stated in the approved Affirmative Fair Housing Marketing Plan.

(2) Achievement of an average monthly payment for the Project, including consideration of the availability of the Special Family Subsidy, which is at least 10 percent more than the break-even amount for the Project (see § 1270.108). This standard shall be complied with both in the initial selection of homebuyers and in the subsequent filling of vacancies at all times during the life of the Project. If there is an applicant who has potential for homeownership but whose required monthly payment under the LHA's Rent Schedule would be less than the break-even amount for the suitable size and type of unit, such applicant may be selected as a homebuyer, provided that the incomes of all selected homebuyers shall result in the required average monthly payment of at least 10 percent more than the break-even amount for the Project. Such an average monthly payment for the Project may be achieved by selecting other low-income families who can afford to make required monthly payments substantially above the break-even amounts for their suitable sizes and types of units.

(g) *Notification to applicants.* (1) Once a sufficient number of applicants have been selected to assure that the provisions of paragraph (f)(2) of this section are met, the selected applicant shall be notified of the approximate date of occupancy insofar as such date can reasonably be determined.

(2) Applicants who are not selected for a specific Turnkey III development shall be so notified in accordance with HUD-approved procedure. The notice shall state the reason for the applicant's rejection (including a nonrecommendation by the recommending committee unless the applicant has previously been so notified by the committee) and the notice shall state that the applicant will be given an informal hearing on such determination, regardless of the reason for the rejection, if he makes a request for such a hearing within a reasonable time (to be specified in the notice) from the date of the notice.

(h) *Eligibility for continued occupancy.* (1) A homebuyer shall cease to be eligible for continued occupancy with the aid of HUD annual contributions when the LHA determines that his adjusted monthly income has reached the level, and is likely to continue at such level, at which the current amount of his required monthly payment equals or exceeds the monthly housing cost (see paragraph (h)(2) of this section). In such event, if the LHA determines, with HUD approval, that suitable financing is available, the LHA shall notify the homebuyer that he shall either (i) purchase the home or (ii) move from the development; provided, however, that if the LHA determines that, due to special circumstances, the homebuyer is unable to find decent, safe and sanitary housing within his financial reach although making every reasonable effort to do so, the homebuyer may be permitted to remain for the duration of such a situation if he pays an increased monthly payment consistent with his adjusted monthly income; provided that this monthly payment shall not exceed the maximum provided in § 1270.107(j)(1). Such an increased monthly payment shall also be payable by the homebuyer if he continues in occupancy without purchasing the home because suitable financing is not available.

(2) The term "monthly housing cost," as used in this paragraph, means the sum of: (i) The monthly debt service amount shown on the Purchase Price Schedule (except where the homebuyer can purchase the home by the method described in § 1270.113(c)(1) below): (ii) one-twelfth of the annual real property taxes which the homebuyer will be required to pay as a homeowner; (iii) one-twelfth of the annual premium attributable to fire and extended coverage insurance carried by the LHA with respect to the home; (iv) the current monthly per unit amount budgeted for routine maintenance (EHPA), and for routine maintenance-common property; and (v) the current LHA and HUD approved monthly allowance for utilities paid for directly by the homebuyer plus the monthly cost of utilities supplied by the LHA.

§ 1270.105 Counseling of homebuyers.

The LHA shall provide counseling and training as provided in subpart C of this part, with funding as provided in § 1270.206 of this part. Applicants for admission shall be advised of the nature of the counseling and training program available to them and the application for admission shall include a statement that the family agrees to participate and cooperate fully in all official pre-occupancy and post-occupancy training and counseling activities. Failure to participate as agreed may result in the family not being selected or retained as a homebuyer.

§ 1270.106 Homebuyers Association (HBA).

An HBA is an incorporated organization composed of all the families who are entitled to occupancy pursuant to a Homebuyers Ownership Opportunity Agreement or who are homeowners. It is formed and organized for the purposes set forth in § 1270.304 of this part. The HBA shall be funded as provided in § 1270.305 of this part. In the absence of a duly organized HBA, the LHA shall be free to act without the HBA action required by this subpart.

§ 1270.107 Responsibilities of homebuyer.

(a) *Repair, maintenance and use of home.* The homebuyer shall be responsible for the routine maintenance of the home to the satisfaction of the HBA and the LHA. This routine maintenance includes the work (labor and materials) of keeping the dwelling structure, grounds and equipment in good repair, condition and appearance so that they may be utilized continually at their designed capacities and at the satisfactory level of efficiency for their intended purposes, and in conformity with the requirements of local housing code and applicable regulations and guidelines of HUD. It includes repairs (labor and materials) to the dwelling structure, plumbing fixtures, dwelling equipment (such as range and refrigerator), shades and screens, water heater, heating equipment and other component parts of the dwelling. It also includes all interior painting and the maintenance of grounds (lot) on which the dwelling is located. It does not include maintenance and replacements provided for by the NRMR described in § 1270.111.

(b) *Repair of damage.* In addition to the obligation for routine maintenance, the homebuyer shall be responsible for repair of any damage caused by him, members of his family, or visitors.

(c) *Care of home.* A homebuyer shall keep the home in a sanitary condition; cooperate with the LHA and the HBA in keeping and maintaining the common areas and property, including fixtures and equipment, in good condition and appearance; and follow all rules of the LHA and of the HBA concerning the use and care of the dwellings and the common areas and property.

(d) *Inspections.* A homebuyer shall agree to permit officials, employees, or agents of the LHA and of the HBA to inspect the home at reasonable hours and intervals in accordance with rules established by the LHA and the HBA.

(e) *Use of home.* A homebuyer shall not (1) sublet the home without the prior written approval of the LHA and HUD, (2) use or occupy the home for any unlawful purpose nor for any purpose deemed hazardous by insurance companies on account of fire or other risks, or (3) provide accommodations (unless approved by the HBA and the LHA) to boarders or lodgers. The homebuyer shall agree to use the home only as a place to live for the family (as identified in the initial application or by subsequent amendment with the approval of the LHA), for children thereafter born to or adopted by members of such family, and for aged or widowed parents of the homebuyer or spouse who may join the household.

(f) *Obligations with respect to other persons and property.* Neither the homebuyer nor any member of his family shall interfere with rights of other occupants of the development, or damage the common property or the property of others, or create physical hazards.

(g) *Structural changes.* A homebuyer shall not make any structural changes in or additions to the home unless the LHA has first determined in writing that such change would not (1) impair the value of the unit, the surrounding units, or the development as a whole, or (2) affect the use of the home for residential purposes, or (3) violate HUD requirements as to construction and design.

(h) *Statements of condition and repair.* When each homebuyer moves in, the LHA shall inspect the home and shall give the homebuyer a written statement, to be signed by the LHA and the homebuyer, of the condition of the home and the equipment in it. Should the homebuyer vacate the home, the LHA shall inspect it and give the homebuyer a written statement of the repairs and other work, if any, required to put the home in good condition for the next occupant (see § 1270.110(j)(1)). The homebuyer, his representative, and a representative of the HBA may join in any such inspections by the LHA.

(i) *Maintenance of common property.* The homebuyer may participate in nonroutine maintenance of his home and in maintenance of common property as discussed in § 1270.110(d) and § 1270.111(c).

(j) *Homebuyer's required monthly payment.* (1) The term "required monthly payment" as used herein means the monthly payment the homebuyer is required to pay as lease rental to the LHA on or before the first day of each month. Although the total monthly housing cost consists of the sum of the break-even amount (see § 1270.108) and the debt service (payments of principal and interest) on the applicable share of the capital cost of the development, the homebuyer, so long as he qualifies as low income, is not required to pay the full amount, but is assisted by HUD annual contributions. The homebuyer's required monthly payment, which is based upon his income, shall be an amount in accordance with the schedule established by the LHA and approved by HUD in accordance with the U.S. Housing Act of 1937 (P.L. 412, 75th Cong., 50 Stat. 888, 42 U.S.C. 1401 et seq.), taking into account a monthly allowance for those utilities which the homebuyer pays for directly computed in accordance with HUD requirements; provided, however, that the maximum required monthly payment, including any monthly allowance for utilities, shall be the sum of the monthly break-even amount plus the monthly debt service amount shown on the Purchase Price Schedule for the home, except that if the rent, including utilities, for comparable unsubsidized housing in the locality is lower, such lower amount may be established as the maximum if the LHA determines with HUD approval that this would be in the best interest of the project.

(2) The required monthly payment may be adjusted as a result of the LHA's regularly scheduled or specially scheduled reexamination of the family income and composition. Interim changes may be made in accordance with the LHA's policy on reexaminations, or under unusual circumstances, at the request of the homebuyer, if both the LHA and the HBA agree that such action is warranted.

(3) The required monthly payment may also be adjusted by changes in the required percentage of income to reflect (i) changes in operating expense as described in § 1270.109 and (ii) changes in utility allowances.

(4) The LHA shall not refuse to accept monthly payments because of any other charges (i.e., other than overdue monthly payments) owed by the homebuyer to the LHA; however, by accepting monthly payments under such circumstances, the LHA shall not be deemed to have waived any of its rights and remedies with respect to such other charges.

(k) *Application of monthly payment.* The LHA shall apply the homebuyer's monthly payment as follows:

(1) To the credit of the homebuyer's EHPA (see § 1270.110);

(2) To the credit of the homebuyer's NRMR (see § 1270.111); and

(3) For payment of monthly operating expense including contribution to operating reserve (see § 1270.109).

(l) *Assignment and survivorship.* Until such time as the homebuyer obtains title to the home, it shall be used only to house a family of low income. Therefore:

(1) A homebuyer shall not assign any right or interest in the home or under the Homebuyers Ownership Opportunity Agreement without the prior written approval of the LHA and HUD;

(2) In the event of death, mental incapacity or abandonment of the family by the homebuyer, the person designated as the successor in the Homebuyers Ownership Opportunity Agreement shall succeed to the rights and responsibilities under the Agreement if that person is an occupant of the home at the time of the event and is determined by the LHA to meet all of the standards of potential for homeownership as set forth in § 1270.104(e)(2). Such person shall be designated by the homebuyer at the time the Homebuyers Ownership Opportunity Agreement is executed. This designation may be changed by the homebuyer at any time. If there is no such designation or the designee is no longer an occupant of the home or does not meet the standards of potential for homeownership, the LHA may consider as the homebuyer any family member who was an occupant at the time of the event and who meets the standards of potential for homeownership.

(3) If there is no qualified successor in accordance with paragraph (l)(2) of this section, the LHA shall terminate the Agreement and another family shall be selected except under the following circumstances: where a minor child or children of the homebuyer family are in occupancy, then in order to protect their continued occupancy and opportunity for acquisition of ownership of the home, the LHA may approve as occupants of the unit, an appropriate adult(s) who has been appointed legal guardian of the children with a duty to perform the obligations of the Homebuyers Ownership Opportunity Agreement in their interest and behalf.

(m) *Termination by LHA.* (1) In the event the homebuyer should breach the Homebuyers Ownership Opportunity Agreement by failure to make the required monthly payment within ten days after its due date, by misrepresentation or withholding of information in applying for admission or in connection with any subsequent reexamination of income and family composition, or by failure to comply with any of the other homebuyer obligations under the Agreement, the LHA may terminate the Agreement 30 days after giving the homebuyer notice of its intention to do so in accordance with paragraph (m)(3) of this section.

(2) Notice of termination by the LHA shall be in writing. Such notice shall state (i) the reason for termination, (ii) that the homebuyer may respond to the LHA, in writing or in person, within a specified reasonable period of time regarding the reason for termination, (iii) that in such response he may be represented or accompanied by a person of his choice, including a representative of the HBA, (iv) that the LHA will consult the HBA concerning this termination, and (v) that unless the LHA rescinds or modifies the notice, the termination shall be effective at the end of the 30-day notice period.

(n) *Termination by the homebuyer.* The homebuyer may terminate the Homebuyers Ownership Opportunity Agreement by giving the LHA 30 days notice in writing of his intention to terminate and vacate the home. In the event that the homebuyer vacates the home without notice to the LHA, the Agreement shall be terminated automatically and the LHA may dispose of, in any manner deemed suitable by it, any items of personal property left by the homebuyer in the home.

(o) *Transfer to rental unit.* (1) Inasmuch as the homebuyer was found eligible for admission to the Project on the basis of having the necessary elements of potential for homeownership, continuation of eligibility requires continuation of this potential, subject only to temporary unforeseen changes in circumstances. Accordingly, in the event it should develop that the homebuyer no longer meets one or more of these ele-

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ments of homeownership potential, the LHA shall investigate the circumstances and provide such counseling and assistance as may be feasible in order to help the family overcome the deficiency as promptly as possible. After a reasonable time, not to exceed 30 days from the date of evaluation of the results of the investigation, the LHA shall make a re-evaluation as to whether the family has regained the potential for homeownership or is likely to do so within a further reasonable time, not to exceed 30 days from the date of the reevaluation. Further extension of time may be granted in exceptional cases, but in any event, a final determination shall be made no later than 90 days from the date of evaluation of the results of the initial investigation. The LHA shall invite the HBA to participate in all investigations and evaluations.

(2) If the final determination of the LHA, after considering the views of the HBA, is that the homebuyer should be transferred to a suitable dwelling unit in an LHA rental project, the LHA shall give the homebuyer written notice of the LHA determination of the loss of homeownership potential and of the offer of transfer to a rental unit. The notice shall state that the transfer shall occur as soon as a suitable rental unit is available for occupancy, but no earlier than 30 days from the date of the notice, provided that an eligible successor for the homebuyer unit has been selected by the LHA. The notice shall also state that if the homebuyer should refuse to move under such circumstances, the family may be required to vacate the homebuyer unit, without further notice. The notice shall include a statement (i) that the homebuyer may respond to the LHA in writing or in person, within a specified reasonable time, regarding the reason for the determination and offer of transfer, (ii) that in such response he may be represented or accompanied by a person of his choice including a representative of the HBA, and (iii) that the LHA has consulted the HBA concerning this determination and offer of transfer.

(3) When a Homebuyers Ownership Opportunity Agreement is terminated pursuant to this paragraph (o), the amount in the homebuyer's EHPA shall be paid in accordance with the provisions of § 1270.110(j).

§ 1270.108 Break-even amount.

(a) *Definition.* The term "break-even amount" as used herein means the minimum average monthly amount required to provide funds for the items listed in the illustration below. A separate break-even amount shall be established for each size and type of dwelling unit, as well as for the Project as a whole. The break-even amount for EHPA and NRMR will vary by size and type of dwelling unit; similar variations as to other line items may be made if the LHA deems this equitable.

Illustration. The following is an illustration of the computation of the break-even amount based upon hypothetical amounts.

(1) *Operating Expense (see § 1270.109):*		
Administration	$6.50	
Homebuyer services	2.00	
Project supplied utilities	3.00	
Routine maintenance—common property	3.00	
Protective services	2.00	
General expense	6.50	
Nonroutine maintenance — common property (Contribution to operating reserve)	2.00	$27.00
(2) Earned Home Payments Account (see § 1270.110)		12.00
(3) Nonroutine Maintenance Reserve (see § 1270.111)		7.50
Break-Even Amount		46.50

The break-even amount does not include the monthly allowance for utilities which the homebuyer pays for directly, nor does it include any amount for debt service on the Project notes.

(b) *Excess over break-even.* When the homebuyer's required monthly payment (see § 1270.107(j)) exceeds the applicable break-even amount, the excess shall constitute additional Project income and shall be deposited and used in the same manner as other Project income.

(c) *Deficit in monthly payment.* When the homebuyer's required monthly payment is less than the applicable break-even amount, the deficit shall be applied as a reduction of that portion of the monthly payment designated for operating expense (i. e., as a reduction of Project income). In all such cases, the EHPA and the NRMR shall be credited with the amount included in the break-even amount for these accounts.

§ 1270.109 Monthly operating expense.

(a) *Definition and categories of monthly operating expense.* The term "monthly operating expense" means the monthly amount needed for the following purposes:

(1) *Administration.* Administrative salaries, travel, legal expenses, office supplies, postage, telephone and telegraph, etc.;

(2) *Homebuyer services.* LHA expenses in the achievement of social goals, including costs such as salaries, publications, payments to the HBA to assist its operation, contract and other costs;

(3) *Utilities.* Those utilities (such as water), if any, to be furnished by the LHA as part of operating expense;

(4) *Routine maintenance—common property.* For community building, grounds, and other common areas, if any. The amount required for routine maintenance of common property depends upon the type of common property included in the development and the extent of the LHA's responsibility for maintenance (see also § 1270.109(c));

(5) *Protective services.* The cost of supplemental protective services paid by the LHA for the protection of persons and property;

(6) *General expense.* Premiums for fire and other insurance, payments in lieu of taxes to the local taxing body, collection losses, payroll taxes, etc.;

(7) *Nonroutine maintenance—common property (Contribution to operating reserve).* Extraordinary maintenance of equipment applicable to the community building and grounds, and unanticipated items for non-dwelling structures (see § 1270.112).

(b) *Monthly operating expense rate.* The monthly operating expense rate for each fiscal year shall be established on the basis of the LHA's HUD-approved operating budget for that fiscal year. The operating budget may be revised during the course of the fiscal year in accordance with HUD requirements. If it is subsequently determined that the actual operating expense for a fiscal year was more or less than the amount provided by the monthly operating expense established for that fiscal year, the rate of monthly operating expenses to be established for the next fiscal year may be adjusted to account for the difference (see § 1270.112(b)). Such adjustment may result in a change in the required monthly payment, see § 1270.107(j)(3).

(c) *Provision for common property maintenance.* During the period the LHA is responsible for the maintenance of common property, the annual operating budget and the monthly operating expense rate shall include the amount required for routine maintenance of all common property in the development, even though a number of the homes may have been acquired by homebuyers. During such period, this amount shall be computed on the basis of the total number of homes in the development (i. e., the annual amount budgeted for routine maintenance of common property shall be divided by the number of homes in the development, resulting in the annual amount for each home; this figure shall in turn be divided by 12 to determine the monthly amount to be included in the monthly operating expense (and in the break-even amount) for routine maintenance of common property). After the home owners association assumes responsibility for maintenance of common property, the monthly operating expense (and break-even amount) shall include an amount equal to the monthly assessment by the homeowners association for the remaining homes owned by the LHA (see § 1270.112(b) for nonroutine maintenance of common property).

(d) *Posting of monthly operating expense statement.* A statement showing the budgeted monthly amount allocated in the current operating budget to each operating expense category shall be provided to the HBA and copies shall be provided to homebuyers upon request.

§ 1270.110 Earned Home Payments Account (EHPA).

(a) *Credits to the account.* The LHA shall establish and maintain a separate EHPA for each homebuyer. Since the homebuyer is responsible for maintaining the home, a portion of his required monthly payment equal to the LHA's estimate, approved by HUD, of the monthly cost for such routine maintenance, taking into consideration the relative type and size of the homebuyer's home, shall be set aside in his EHPA. In addition, this account shall be credited with (1) any voluntary payments made pursuant to § 1270.110(f), and (2) any amount earned through the performance of maintenance as provided in § 1270.110(d) and § 1270.111(c).

(b) *Charges to the account.* (1) If for any reason the homebuyer is unable or fails to perform any item of required maintenance as described in § 1270.107(a), the LHA shall arrange to have the work done in accordance with the procedures established by the LHA and the HBA and the cost thereof shall be charged to the homebuyer's EHPA. Inspections of the home shall be made jointly by the LHA and the HBA.

(2) To the extent NRMR expense is attributable to the negligence of the homebuyer as determined by the HBA and approved by the LHA (see § 1270.111), the cost thereof shall be charged to the EHPA.

(c) *Exercise of option; required amount in EHPA.* The homebuyer may exercise his option to buy the home, by paying the applicable purchase price pursuant to § 1270.113 or § 1270.115, only after satisfying the following conditions precedent:

(1) Within the first two years of his occupancy, he has achieved a balance in his EHPA equal to 20 times the amount of the monthly EHPA credit as initially determined in accordance with paragraph (a) of this section;

(2) He has met, and is continuing to meet, the requirements of the Homebuyers Ownership Opportunity Agreement;

(3) He has rendered, and is continuing to render, satisfactory performance of his responsibilities to the HBA.

When the homebuyer has met these conditions precedent, the LHA shall give the homebuyer a certificate to that effect. After achieving the required minimum EHPA balance within the first two years of his occupancy, the homebuyer shall continue to provide the required maintenance, thereby continuing to add to his EHPA. If the homebuyer fails to meet either his obligation to achieve the minimum EHPA balance, as specified, or his obligation thereafter to continue adding to the EHPA, the LHA and the HBA shall investigate and take appropriate corrective action, including termination of the Agreement by the LHA in accordance with § 1270.107(m).

(d) *Additional equity through maintenance of common property.* Homebuyers may earn additional EHPA credits by providing in whole or in part any of the maintenance necessary to the common property of the development. When such maintenance is to be provided by the homebuyer, this may be done and credit earned therefor only pursuant to a prior written agreement between the homebuyer and the LHA (or the home owners association, depending on who has responsibility for maintenance of the property involved), covering the nature and scope of the work and the amount of credit the homebuyer is to receive. In such cases, the agreed amount shall be charged to the appropriate maintenance account and credited to the homebuyer's EHPA upon completion of the work.

(e) *Investment of excess.* (1) When the aggregate amount of all EHPA balances exceeds the estimated reserve requirements for 90 days, the LHA shall notify the HBA and shall invest the excess in federally insured, savings accounts, federally insured credit unions, and/or securities approved by HUD and in accordance with any recommendations made by the HBA. If the HBA wishes to participate in the investment program, it should submit periodically to the LHA a list of HUD-approved securities, bonds, or obligations which the association recommends for investment by the LHA of the funds in the EHPAs. Interest earned on the investment of such funds shall be prorated and credited to each homebuyer's EHPA in proportion to the amount in each such reserve account.

(2) Periodically, but not less often than semi-annually, the LHA shall prepare a statement showing (i) the aggregate amount of all EHPA balances; (ii) the aggregate amount of investments (savings accounts and/or securities) held for the account of all the homebuyers' EHPAs, and (iii) the aggregate uninvested balance of all the homebuyers' EHPAs. This statement shall be made available to any authorized representative of the HBA.

(f) *Voluntary payments.* To enable the homebuyer to acquire title to his home within a shorter period, he may, either periodically or in a lump sum, voluntarily make payments over and above his required monthly payments. Such voluntary payments shall be deposited to his credit in his EHPA.

(g) *Delinquent monthly payments.* Under exceptional circumstances as determined by the HBA and the LHA, a homebuyer's EHPA may be used to pay his delinquent required monthly payments, provided the amount used for this purpose does not seriously deplete the account and provided that the homebuyer agrees to cooperate in such counseling as may be made available by the LHA or the HBA.

(h) *Annual statement to homebuyer.* The LHA shall provide an annual statement to each homebuyer specifying at least (1) the amount in his EHPA, and (2) the amount in his NRMR. During the year, any maintenance or repair done on the dwelling by the LHA which is chargeable to the EHPA or to the NRMR shall be accounted for through a work order. A homebuyer shall receive a copy of all such work orders for his home.

(i) *Withdrawal and assignment.* The homebuyer shall have no right to assign, withdraw, or in any way dispose of the funds in its EHPA except as provided in this section or in § 1270.113 and § 1270.115.

(j) *Application of EHPA upon vacating of dwelling.* (1) In the event a Homebuyers Ownership Opportunity Agreement with the LHA is terminated or if the homebuyer vacates the home (see § 1270.107 (m), (n) and (o), the LHA shall charge against the homebuyer's EHPA the amounts required to pay (i) the amount due the LHA, including the monthly payments the homebuyer is obligated to pay up to the date he vacates; (ii) the monthly payment for the period the home is vacant, not to exceed 30 days from the date of notice of intention to vacate, or, if the homebuyer fails to give notice of intention to vacate, 30 days from the date the home is put in good condition for the next occupant in conformity with § 1270.107; and (iii) the cost of any routine maintenance, and of any nonroutine maintenance attributable to the negligence of the homebuyer, required to put the home in good condition for the next occupant in conformity with § 1270.107.

(2) If the EHPA balance is not sufficient to cover all of these charges, the LHA shall require the homebuyer to pay the additional amount due. If the amount in the account exceeds these charges, the excess shall be paid to the homebuyer.

(3) Settlement with the homebuyer shall be made promptly after the actual cost of repairs to the dwelling has been determine (see paragraph (j)(1)(iii) of this section), provided that the LHA shall make every effort to make such settlement within 30 days from the date the homebuyer vacates. The homebuyer may obtain a settlement within 7 days of the date he vacates, even though the actual cost of such repair has not yet been determined, if he has given the LHA notice of intention to vacate at least 30 days prior to the date he vacates and if the amount to be charged against his EHPA for such repairs is based on the LHA's estimate of the cost thereof (determined after consultation with the appropriate representative of the HBA).

§ 1270.111 Nonroutine Maintenance Reserve (NRMR).

(a) *Purpose of reserve.* The LHA shall establish and maintain a separate NRMR for each home, using a portion of the homebuyer's monthly payment. The purpose of the NRMR is to provide funds for the nonroutine maintenance of the home, which consists of the infrequent and costly items of maintenance and replacement shown on the Nonroutine Maintenance Schedule for the home (see paragraph (b) of this section). Such maintenance may include the replacement of dwelling equipment (such as range and refrigerator), replacement of roof, exterior painting, major repairs to heating and plumbing systems, etc. The NRMR shall not be used for nonroutine maintenance of common property, or for nonroutine maintenance relating to the home to the extent such maintenance is attributable to the Homebuyer's negligence or to defective materials or workmanship.

(b) *Amount of reserve.* The amount of the monthly payments to be set aside for NRMR shall be determined by the LHA, with the approval of HUD, on the basis of the Nonroutine Maintenance

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Schedule showing the amount likely to be needed for nonroutine maintenance of the home during the term of the Homebuyers Ownership Opportunity Agreement, taking into consideration the type of construction and dwelling equipment. This Schedule shall (1) list each item of nonroutine maintenance (e.g., range, refrigerator, plumbing, heating system, roofing, tile flooring, exterior painting, etc.), (2) show for each listed item the estimated frequency of maintenance or useful life before replacement, the estimated cost of maintenance or replacement (including installation) for each occasion, and the annual reserve requirement, and (3) show the total reserve requirements for all the listed items, on an annual and a monthly basis. This Schedule shall be prepared by the LHA and approved by HUD as part of the submission required to determine the financial feasibility of the Project. The Schedule shall be revised after approval of the working drawings and specifications, and shall thereafter be reexamined annually in the light of changing economic conditions and experience.

(c) *Charges to NRMR.* (1) The LHA shall provide the nonroutine maintenance necessary for the home and the cost thereof shall be funded as provided in paragraph (c)(2) of this section. Such maintenance may be provided by the homebuyer but only pursuant to a prior written agreement with the LHA covering the nature and scope of the work and the amount of credit the homebuyer is to receive. The amount of any credit shall, upon completion of the work, be credited to the homebuyer's EHPA and charged as provided in paragraph (c)(2) of this section.

(2) The cost of nonroutine maintenance shall be charged to the NRMR for the home except that (i) to the extent such maintenance is attributable to the fault or negligence of the homebuyer, the cost shall be charged to the homebuyer's EHPA after consultation with the HBA if the homebuyer disagrees, and (ii) to the extent such maintenance is attributable to defective materials or workmanship not covered by warranty, or even though covered by warranty if not paid for thereunder through no fault or negligence of the homebuyer, the cost shall be charged to the appropriate operating expense account of the Project.

(3) In the event the amount charged against the NRMR exceeds the balance therein, the difference (deficit) shall be made up from continuing monthly credits to the NRMR based upon the homebuyer's monthly payments. If there is still a deficit when the homebuyer acquires title, the homebuyer shall pay such deficit at settlement (see paragraph (d)(2) of this section).

(d) *Transfer of NRMR.* (1) In the event the Homebuyer's Ownership Opportunity Agreement is terminated, the homebuyer shall not receive any balance or be required to pay any deficit in the NRMR. When a subsequent homebuyer moves in, the NRMR shall continue to be applicable to the home in the same amount as if the preceding homebuyer had continued in occupancy.

(2) In the event the homebuyer purchases the home, and there remains a balance in the NRMR, the LHA shall pay such balance to the homebuyer at settlement. In the event the homebuyer purchases and there is a deficit in the NRMR, the homebuyer shall pay such deficit to the LHA at settlement.

(e) *Investment of excess.* (1) When the aggregate amount of the NRMR balances for all the homes exceeds the estimated reserve requirements for 90 days the LHA shall invest the excess in federally insured savings accounts, federally insured credit unions, and/or securities approved by HUD. Income earned on the investment of such funds shall be prorated and credited to each homebuyer's NRMR in proportion to the amount in each reserve account.

(2) Periodically, but not less often than semi-annually, the LHA shall prepare a statement showing (i) the aggregate amount of all NRMR balances, (ii) the aggregate amount of investments (savings accounts and/or securities) held for the account of the NRMRs, and (iii) the aggregate uninvested balance of the NRMRs. A copy of this statement shall be made available to any authorized representative of the HBA.

§ 1270.112 Operating reserve.

(a) *Purpose of reserve.* To the extent that total operating receipts (including subsidies for operations) exceed total operating expenditures of the Project, the LHA shall establish an operating reserve up to the maximum approved by HUD in connection with its approval of the annual operating budgets for the Project. The purpose of this reserve is to provide funds for (1) the infrequent but costly items of nonroutine maintenance and replacements of common property, taking into consideration the types of items which constitute common property, such as nondwelling structures and equipment, and in certain cases, common elements of dwelling structures, (2) nonroutine maintenance for the homes to the extent such maintenance is attributable to defective materials or workmanship not covered by warranty, (3) working capital for payment of a deficit in a homebuyer's NRMR, until such deficit is offset by future monthly payments by the homebuyer or at settlement in the event the homebuyer should purchase, and (4) a deficit in the operation of the Project for a fiscal year, including a deficit resulting from monthly payments totaling less than the break-even amount for the Project.

(b) *Nonroutine Maintenance—common property (Contribution to operating reserve).* The amount under this heading to be included in operating expense (and in the break-even amount) established for the fiscal year (see § 1270.108 and § 1270.109) shall be determined by the LHA, with the approval of HUD, on the basis of estimates of the monthly amount needed to accumulate an adequate reserve for the items described in paragraph (a)(1) of this section. This amount shall be subject to revision in the light of experience. This contribution to the operating reserve shall be made only during the period the LHA is responsible for the maintenance of any common property; and during such period, the amount shall be determined on the basis of the requirements of all common property in the development in a manner similar to that explained in § 1270.109(c). When the operating reserve reaches the maximum authorized in § 1270.112(c) below, the break-even (monthly operating expense) computations (see § 1270.108 and § 1270.109) for the next and succeeding fiscal years need not include a provision for this contribution to the operating reserve unless the balance of the reserve is reduced below the maximum during any such succeeding fiscal year.

(c) *Maximum operating reserve.* The maximum operating reserve that may be retained by the LHA at the end of any fiscal year shall be the sum of (1) one-half of total routine expense included in the operating budget approved for the next fiscal year and (2) one-third of total break-even amounts included in the operating budget approved for the next fiscal year; provided that such maximum may be increased if necessary as determined or approved by HUD. Total routine expense means the sum of the amounts budgeted for administration, homebuyers services, LHA-supplied utilities, routine maintenance of common property, protective services, and general expense or other category of day-to-day routine expense (see § 1270.109 above for explanation of various categories of expense).

(d) *Transfer to homeowners association.* The LHA shall be responsible for and shall retain custody of the operating reserve until the homeowners acquire voting control of the homeowners association (see § 1270.118(c) and § 1270.119(f)). When the homeowners acquire voting control, the homeowners association shall then assume full responsibility for management and maintenance of common property under a plan approved by HUD, and there shall be transferred to the homeowners association a portion of the operating reserve then held by the LHA. The amount of the reserve to be transferred shall be based upon the proportion that one-half of budgeted routine expense (used as a basis for determining the current maximum operating reserve—see paragraph (c) of this section) bears to the approved maximum operating reserve. Specifically, the portion of operating reserve to be transferred shall be computed as follows: obtain a percentage by dividing one-half of budgeted routine expense by the approved maximum operating reserve; and multiply the actual operating reserve balance by this percentage.

(e) *Disposition of reserve.* If, at the end of a fiscal year, there is an excess over the maximum operating reserve, this excess shall be applied to the operating deficit of the Project, if any, and any remainder shall be paid to HUD. Following the end of the fiscal year in which the last home has been conveyed by the LHA, the balance of the operating reserve held by the LHA shall be paid to HUD, provided that the aggregate amount of payments by the LHA under this paragraph shall not exceed the aggregate amount of annual contributions paid by HUD with respect to the Project.

§ 1270.113 Achievement of ownership by initial homebuyer.

(a) *Determination of initial purchase price.* The LHA shall determine the initial purchase price of the home by two basic steps, as follows:

Step 1: The LHA shall take the Estimated Total Development Cost (including the full amount for contingencies as authorized by HUD) of the development as shown in the Development Cost Budget in effect upon award of the Main Construction Contract or execution of the Contract of Sale, and shall deduct therefrom the amounts, if any, attributed to (1) relocation costs, (2) counseling and training costs, and (3) the cost of any community, administration or management facilities including the land, equipment, and furnishings attributable to such facilities as set forth in the development program for the development. The resulting amount is herein called Estimated Total Development Cost for Homebuyers.

Step 2: The LHA shall apportion the Estimated Total Development Cost for Homebuyers among all the homes in the development. This apportionment shall be made by obtaining an FHA appraisal of each home and adjusting such appraised values (upward or downward) by the percentage difference between the total of the appraisal for all the Homes and the Estimated Total Development Cost for Homebuyers. The adjusted amount for each home shall be the initial purchase price for that home.

(b) *Purchase price schedule.* Each homebuyer shall be provided with a Purchase Price Schedule showing (1) the monthly declining purchase price over a 30-year period,[1] commencing with the initial purchase price on the first day of the month following the effective date of the Homebuyers Ownership Opportunity Agreement and (2) the monthly debt service amount upon which the Schedule is based. The Schedule and debt service amount shall be computed on the basis of the initial purchase price, a 30-year period,[2] and a rate of interest equal to the minimum loan interest rate as specified in the Annual Contributions Contract for the Project on the date of HUD approval of the Development Cost Budget, described in paragraph (a) of this section, rounded up, if necessary, to the next multiple of one-fourth of one percent (¼ percent).

(c) *Methods of purchase.* (1) The homebuyer may achieve ownership when the amount in his EHPA, plus such portion of the NRMR as he wishes to use for the purchase, is equal to the purchase price as shown at that time on his Purchase Price Schedule plus all Incidental Costs (Incidental Costs mean the costs incidental to acquiring ownership, including, but not limited to, the costs for a credit report, field survey, title examination, title insurance, and inspections, the fees for attorneys other than the LHA's attorney, mortgage application and organization, closing and recording, and the transfer taxes and loan discount payment, if any). If for any reason title to the home is not conveyed to the homebuyer during the month in which such circumstances occur, the purchase price shall be fixed at the amount specified for such month and the homebuyer shall be refunded (i) the net additions, if any, credited to his EHPA subsequent to such month, and (ii) such part of the monthly payments made by the homebuyer after the purchase price has been fixed which exceeds the sum of the break-even amount attributable to the unit and the interest portion of the debt service shown in the Purchase Price Schedule.

(2) Where the sum of the purchase price and Incidental Costs is greater than the amounts in the homebuyer's EHPA and NRMR as described in paragraph (c)(1) of this section, the homebuyer may achieve ownership by obtaining financing for or otherwise paying the excess amount. The purchase price shall be the amount shown on his Purchase Price Schedule for the month in which the settlement date for the purchase occurs.

(d) The maximum period for achieving ownership shall be 30 years, but depending upon increases in the homebuyers income and the amount of credit which the homebuyer can accumulate through maintenance and voluntary payments, the period may be shortened accordingly.

§ 1270.114 Payment upon resale at profit.

(a) *Promissory note.* (1) When a homebuyer achieves ownership (regardless of whether ownership is achieved under § 1270.113 or § 1270.115), he shall sign a note obligating him to make a payment to the LHA, subject to the provisions of paragraph (a)(2) or this section, in the event he resells his home at a profit within 5 years of actual residence in the home after he becomes a homeowner. If, however, the homeowner should purchase and occupy another home within one year (18 months in case of a newly constructed home) of the resale of the Turnkey III home, the LHA shall refund to the homeowner the amount previously paid by him under the note, less the amount, if any, by which the resale price of the Turnkey III home exceeds the acquisition price of the new home, provided that application for such refund shall be made no later than 30 days after the date of acquisition of the new home.

(2) The note to be signed by the homebuyer pursuant to paragraph (a)(1) of this section shall be a non interest-bearing promissory note (see Appendix IV) to the LHA. The note shall be executed at the time the homebuyer becomes a homeowner and shall be secured by a second mortgage. The initial amount of the note shall be computed by taking the appraised value of the home at the time the homebuyer becomes a homeowner and subtracting (i) the homebuyer's purchase price plus the Incidental Costs and (ii) the increase in value of the home, determined by appraisal, caused by improvements paid for by the homebuyer with funds from sources other than the EHPA or NRMR. The note shall provide that this initial amount shall be automatically reduced by 20 percent thereof at the end of each year of residency as a homeowner, with the note terminating at the end of the five-year period of residency, as determined by the LHA. To protect the homeowner, the note shall provide that the amount payable under it shall in no event be more than the net profit on the resale, that is, the amount by which the resale price exceeds the sum of (i) the homebuyer's purchase price plus the Incidental Costs, (ii) the costs of the resale, including commissions and mortgage prepayment penalties, if any, and (iii) the increase in value of the home, determined by appraisal, due to improvements paid for by him as a homebuyer (with funds from sources other than the EHPA or NRMR) or as a homeowner.

(3) Amounts collected by the LHA under such notes shall be retained by the LHA for use in making refunds pursuant to paragraph (a)(1) of this section. After expiration of the period for the filing of claims for such refunds, any remaining amounts shall be applied (i) to reduce the LHA's capital indebtedness on the Project and (ii) after such indebtedness has been paid, for such purposes as may be authorized or approved by HUD under such Annual Contributions Contract as the LHA may then have with HUD.

Illustration. If the homeowner's purchase price is $10,000, the Incidental Costs are $500, the value added by improvements is $1,000, and the FHA appraised value at the time he acquires ownership is $17,000, the note computation would be as follows:

[1] Change to 25-year period where appropriate pursuant to § 1270.101(b)(3).

[2] Under section 234(c) of the National Housing Act, as of the date of publication of this subpart, mortgage insurance for a condominium unit in a multi-family project is generally authorized only if the project is currently or has been covered by a mortgage insured under another section of the National Housing Act. There is, however, a proviso which authorizes mortgage insurance for a condominium unit in a multi-family project even though the project is not or has not been covered by such a project mortgage, if the project involves eleven or less units.

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FHA appraised value		$17,000
Homeowner's purchase price	10,000	
Incidental Costs	500	
Improvements	1,000	−11,500
Initial note amount		5,500

In this example, the amount of the note during the first year of residence is $5,500. In the second year, the amount of the note is $4,400, and in the third year, it is $3,300, etc. The note shall terminate at the end of the fifth year.

If the homeowner in this example resells his home during the first year for a sales price of $17,500, has resale costs of $1,600 (including a sales commission), and has added $1,500 value by further improvements, he would be required to pay the LHA $2,900 rather than the $5,500, as indicated in the following computations:

Resale price		$17,500
Resale costs	1,600	
Purchase price and Incidental Costs	10,500	
All improvements	2,500	−14,600
Payable to LHA		2,900

(b) *Residency requirements.* The five-year note period does not end if the homeowner rents or otherwise does not use the home as his principal place of residence for any period within the first five years after he achieves ownership. Only the actual amount of time he is in residence is counted and the note shall be in effect until a total of five years time of residence has elapsed, at which time the homeowner may request the LHA to release him from the note, and the LHA shall do so.

§ 1270.115 Achievement of ownership by subsequent homebuyers.

(a) *Definition.* In the event the initial homebuyer and his family vacate the home before having acquired ownership, a subsequent occupant who enters into a Homebuyer's Ownership Opportunity Agreement and who is not a successor pursuant to § 1270.107(l)(2) is herein called a "subsequent homebuyer."

(b) *Determination of initial purchase price.* The initial purchase price for a subsequent homebuyer shall be an amount equal to (1) the purchase price shown in the initial homebuyer's Purchase Price Schedule as of the date of this Agreement with the subsequent homebuyer plus (2) the amount, if any, by which the appraised fair market value of the home, determined or approved by HUD as of the same date, exceeds the purchase price specified in paragraph (b)(1) of this section.

(c) *Purchase price schedule.* The subsequent homebuyer's Purchase Price Schedule shall be the same as the unexpired portion of the initial homebuyer's Purchase Price Schedule except that where his purchase price includes an additional amount as specified in paragraph (b)(2) of this section, the initial homebuyer's Purchase Price Schedule shall be followed by an Additional Purchase Price Schedule for such additional amount based upon the same monthly debt service and the same interest rate as applied to the initial homebuyer's Purchase Price Schedule.

(d) *Residual receipts.* After payment in full of the LHA's debt, if there are any subsequent homebuyers who have not acquired ownership of their homes, the LHA shall continue to pay to HUD all residual receipts from the operation of the Project, including payments received on account of any Additional Purchase Price Schedules applicable to the homes, provided the aggregate amount of such payments of residual receipts does not exceed the aggregate amount of annual contributions paid by HUD with respect to the Project.

§ 1270.116 Transfer of title to homebuyer.

When the homebuyer is to obtain ownership as described in § 1270.113 or § 1270.115, a closing date shall be mutually agreed upon by the parties. On the closing date the homebuyer shall pay the required amount of money to the LHA, sign the promissory note pursuant to § 1270.114, and receive a deed for the home.

§ 1270.117 Responsibilities of homebuyer after acquisition of ownership.

After acquisition of ownership, each homeowner shall be required to pay to the LHA or to the homeowners association, as appropriate, a monthly fee for (a) the maintenance and operation of community facilities including utility facilities, if any, (b) the maintenance of grounds and other common areas and, (c) such other purposes as determined by the LHA or the homeowners association, as appropriate, including taxes and a provision for a reserve. This requirement shall be set out in the planned unit development or condominium documents which shall be recorded prior to the date of full availability, or in an LHA-homeowner contract in this regard.

§ 1270.118 Homeowners association—planned unit development (PUD).

If the development is organized as a planned unit development:

(a) *Ownership and maintenance of common property.* The common areas, sidewalks, parking lots, and other common property in the development shall be owned and maintained as provided for in the approved planned unit development (PUD) program except that the LHA shall be responsible for maintenance until such time as the homeowners association assumes such responsibility (see § 1270.112(d)).

(b) *Title restrictions.* The title ultimately conveyed to each homebuyer shall be subject to restrictions and encumbrances to protect the rights and property of all other owners. The homeowners association shall have the right and obligation to enforce such restrictions and encumbrances and to assess owners for the costs incurred in connection with common areas and property and other responsibilities.

(c) *Votes in association.* There shall be as many votes in the association as there are homes in the development, and, at the outset, all the voting rights shall be held by the LHA. As each home is conveyed to the homebuyer, one vote shall automatically go to the homeowner so that, when all the homes have been conveyed, the LHA shall no longer have any interest in the homeowners association.

(d) *Voting control.* The LHA shall not lose its majority voting interest in the association as soon as a majority of the homes have been conveyed, unless the law of the state requires control to be transferred at a particular time, or the LHA so desires. If permitted by state law, provision shall be made for each home owned by the LHA to carry three votes, while each home owned by a homeowner shall carry one vote. Under this weighted voting plan, the LHA shall continue to have voting control until 75 percent of the homes have been acquired by homeowners. However, at its discretion, the LHA may transfer voting control to the homeowners when at least 50 percent of the homes have been acquired by the homeowners.

§ 1270.119 Homeowners association—condominium.

If the development is organized as a condominium:

(a) The LHA at the outset shall own each condominium unit and its undivided interest in the common areas;

(b) All the land, including that land under the housing units, shall be a part of the common areas;

(c) The homeowners association shall own no property but shall maintain and operate the common areas for the individual owners of the condominium units except that the LHA shall be responsible for maintenance until such time as the homeowners association assumes such responsibility (see § 1270.112(d));

(d) The percentage of undivided interest attached to each condominium unit shall be based on the ratio of the value of the units to the value of all units and shall be fixed when the development is completed. This percentage shall determine the homeowner's liability for the maintenance of the common areas and facilities;

(e) Each homeowner's vote in the homeowners association shall be identical with the percentage of undivided interest attached to his unit; and

(f) The LHA shall not lose its majority voting interest in the association as soon as units representing 50 percent of the value of all units have been conveyed, unless the law of the state requires control to be transferred at a particular time or the LHA so desires. For voting purposes, until units representing 75 percent of the value of all units have been acquired by homeowners, the total undivided interest attributable to the homes owned by the LHA shall be multiplied by three, if such weighted voting plan is permitted by state law. Under this plan, the LHA shall continue to maintain voting control until 75 percent of the homes have been acquired by homeowners. However, at its discretion, the LHA may transfer voting control to the homeowners when units representing at least 50 percent of the value of all units have been acquired by the homeowners.

§ 1270.120 Relationship of homeowners association to HBA.

The HBA and the LHA may make arrangements to permit homebuyers to participate in homeowners association matters which affect the homebuyers. Such arrangements may include rights to attend meetings and to participate in homeowners association deliberations and decisions.

§ 1270.121 Use of appendices.

Use of the following Appendices is mandatory for Projects developed under this subpart:

Appendix I—Annual Contributions Contract "Special Provisions for Turnkey III Homeownership Opportunity Project"
Appendix II—Homebuyers Ownership Opportunity Agreement (Turnkey III)
Appendix III—Certificate of Achievement of Homebuyer Status
Appendix IV—Promissory Note for Payment Upon Resale by Homebuyer at Profit

No modification may be made in format, content or text of these Appendices except (1) as required under state or local law as determined by HUD or (2) with approval of HUD.

APPENDIX I
(Subpart B)

ANNUAL CONTRIBUTIONS CONTRACT

( ) Special Provisions for Turnkey III Homeownership Opportunity Project No. ----------

(1) The Local Authority agrees to operate the Project in accordance with requirements for the Homeownership Opportunity Program for Low-Income Families (Turnkey III) as prescribed by the Government. The Local Authority shall enter into an agreement with the occupant of each dwelling unit in the Project which agreement shall be in the form of the Homebuyers Ownership Opportunity Agreement approved by the Government, which form provides an opportunity for the acquisition of ownership of the dwelling unit by each occupant who has performed all of the obligations and conditions precedent imposed upon him by such agreement. Upon conveyance of any such dwelling unit, the Local Authority's outstanding obligations in respect to the Project shall be reduced by the amount received for such conveyance, and the Government's obligation for payment of annual contributions in respect to the Project shall be reduced by the amount allocable to the initial purchase price of the dwelling unit. The term "initial purchase price" as used in these Special Provisions shall have the same meaning as in the Homebuyers Ownership Opportunity Agreement, and the term "dwelling unit" shall have the same meaning as the term "Home" used in the Homebuyers Ownership Opportunity Agreement.

(2) Failure of the Local Authority to enter into such Homebuyers Ownership Opportunity Agreements at the time and in the form as required by the Government, failure to perform any such agreement, and failure to meet any of its obligations under these Special Provisions shall constitute a Substantial Default under this Contract.

(3) The books of account and records of the Local Authority shall be maintained to meet the requirements of the Homebuyers Ownership Opportunity Agreement as well as the other provisions of this Contract and in such manner as will at all times show the operating receipts, operating expenditures, reserves, residual receipts, and other required accounts for the Project separate and distinct from all other Projects under this Contract.

(4) As of the Date of Full Availability, or at such earlier date as the Government may require, the Local Authority shall determine and submit to the Government for its approval the amount below which the Development Cost of the Project will in no event fall. Upon approval thereof by the Government, such amount shall constitute and be known as the "Minimum Development Cost" of the Project. The Local Authority shall issue its Project Loan Notes, Permanent Notes or Project Notes as the Government may require to finance the Minimum Development Cost. On each Annual Contribution Date the Governmen. shall pay an annual contribution for the Project in an amount equal to the Maximum Contribution Percentage of the latest approved Minimum Development Cost. The first annual contribution shall be paid or made available as of the next Annual Contribution Date following the approval of the Minimum Development Cost of the Project.

(5) Notwithstanding section 403(A)(4), the term "Development Cost" shall include interest on that portion of borrowed monies allocable to the Project for the period ending with the Date of Full Availability or such earlier date as may be specifically approved by the Government.

(6)(a) During the —[1] year Maximum Contribution Period established for the Project, the Local Authority shall, within 60 days after the end of each Fiscal Year, pay to the Government all Residual Receipts of the Project for such Fiscal Year for application to the reduction of Annual Contributions payable by the Government with respect to the Project.

(b) During the period of years immediately following and equal to the Maximum Contribution Period established for the Project, the Local Authority shall, within 60 days after the end of each Fiscal Year, pay to the Government all Residual Receipts of the Project for such Fiscal Year.

(c) Following the end of the Fiscal Year in which the last dwelling unit has been conveyed by the Local Authority, the balance of the operating reserve held by the Local Authority shall be paid to the Government, provided that the aggregate amount of payments under (b) and (c) of this paragraph shall not exceed the aggregate amount of annual contributions paid by the Government with respect to the Project.

(7) No part of the Funds on deposit in the Debt Service Fund or the Advance Amortization Fund with respect to any other Project under this Contract or the funds available for deposit in such Funds for such other Projects, shall be applied to the retirement of Notes issued for this Project, nor shall any such funds on deposit for this Project be used with respect to any other Project or Projects under this Contract.

(8) To the extent that the provisions of this section conflict with other provisions of this Contract, the provisions of this section shall be controlling with respect to the Project.

APPENDIX II
(Subpart B)

HOMEBUYERS OWNERSHIP OPPORTUNITY AGREEMENT
(Turnkey III)

PART I

This Agreement, made and entered into ----------, 19--, by and between ---------- (herein called the "Authority"), and ---------- (herein called the "Homebuyer");

WITNESSETH:

In consideration of the agreements and covenants contained in this Agreement and in Homebuyers Ownership Opportunity Agreement Part II, which is hereby incorporated into this Agreement by reference, the Authority leases to the Homebuyer the following described land and improvements thereon together with an undivided interest in all common areas and property (herein called the "Home") located in the ---------- Development (Project No. ----), which Home is identified and located as follows: [Insert address and legal description of location of Home, including rights with respect to common areas and property, and making reference to Book and Page No. in Recorder of Deeds Office].

A. *Term of Agreement.* The term of this Agreement shall commence on ----------, 19--, and shall expire at midnight on the last day of this same calendar month. Said term shall be extended automatically for successive periods of one calendar month for a total term of ----[1] years from the first day of the next calendar month unless the Homebuyer acquires title to the home pursuant to section 16 or 17 of Part II, as applicable, or unless this Agreement is terminated pursuant to section 24 of Part II.

B. *Monthly Payment.* 1. Until changed in accordance with this Agreement, the Homebuyer's Monthly Payment shall be $---- per month, due and payable on or before the first day of each month. If liability for the Monthly Payment shall start on a day other than the first day of a calendar month, or if for any reason the effective date of termination occurs on other than the last day of the month, the Monthly Payment for such month shall be proportionate to the period of occupancy during that month.

2. The amount of the Monthly Payment may be increased or decreased only by reason of changes in the Rent Schedule (see section 7c of Part II) or changes in the Homebuyer's family income or other circumstances (see section 7b of Part II). Any change in Monthly Payment shall become effective by written notice from the Authority to the Homebuyer as of the date specified in such notice, and such notice shall be deemed to constitute an Amendment to this Agreement.

C. *Option to Purchase.* In consideration of the covenants contained herein, the Authority grants the Homebuyer an option to purchase the Home for the applicable purchase price, to be exercised in accordance with section 10d of Part II.

D. *Purchase Price.* The Initial Purchase Price of this Home is $---------- (this price has been determined in accordance with section 16 or 17 of Part II as applicable); this amount shall be reduced periodically in accordance with the schedule (hereinafter called Purchase Price Schedule) for that amount, which Schedule is hereby furnished the Homebuyer.

E. *Amount of NRMR.* The balance (or deficit) in the NRMR on the date of this Agreement is $---------.

F. *Homebuyers Association.* Upon the signing of this Agreement, the Homebuyer's family automatically becomes a member of the Homebuyers Association, as provided in section 5 of Part II.

G. *Designation of Successor.* For the purpose of section 25 of Part II, the designee and his address are: ----------

First Name	Initial
Last Name	Relationship

H. *Entire Agreement.* THIS AGREEMENT (COMPRISING PARTS I AND II, THE PURCHASE PRICE SCHEDULE, THE NONROUTINE MAINTENANCE SCHEDULE, AND THE PROMISSORY NOTE) IS THE ENTIRE AGREEMENT BETWEEN THE AUTHORITY

[1] 25 or 30, as applicable.

[1] Fill in term of years equal to term of Purchase Price Schedule (and Additional Purchase Price Schedule, if applicable) (see Section 16 or 17 of Part II as applicable).

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AND THE HOMEBUYER, AND, EXCEPT AS OTHERWISE PROVIDED IN THIS AGREEMENT, NO CHANGES SHALL BE MADE OTHER THAN IN WRITING SIGNED BY THE AUTHORITY AND THE HOMEBUYER.

THIS AGREEMENT is signed in duplicate, original for all purposes. The Homebuyer hereby acknowledges receipt of one of these signed copies.

WITNESSES:

The Authority:

By----------

(Official Title)

The Homebuyer(s):

☐ Initial

☐ Subsequent

PART II

TERMS AND CONDITIONS

1. *Introduction*—a. *The Home.* The Home described in Part I of this Agreement is part of a Development, which the Authority has acquired or caused to be constructed. This Development contains a number of dwelling units including related land, and may also include common areas and property as described in Part I for occupancy by low-income families under lease-purchase agreements, each in the form of this Homebuyers Ownership Opportunity Agreement. This Development is financed by sale of the Authority's notes which will be amortized over the period of years specified in the Annual Contributions Contract relating to this Development.

b. *Annual Contributions Contract.* The Authority has entered into an Annual Contributions Contract ("ACC") with the Department of Housing and Urban Development ("HUD") under which the Authority will receive Annual Contributions provided by HUD, and will perform certain operational functions, to provide housing for the Homebuyers and assist the Homebuyers in achieving homeownership.

c. *Management.* The Authority may enter into a contract or contracts for management of the Development or for performance of management functions, by the Homebuyers Association (see section 5) or others.

d. *Definitions.*

(1) The term "Authority" means the local housing authority which acquires or develops a low-rent housing development with financial assistance from HUD, owns the Homes until title is transferred to the Homebuyers, and is responsible for the management of the homeownership opportunity program.

(2) The term "common property" means the nondwelling structures and equipment, common areas, community facilities, and in some cases certain component parts of dwelling structures, which are contained in the Development: *Provided, however,* That in the case of a Development that is organized as a condominium or a planned unit development (PUD), the term "common property" shall have the meaning established by the condominium or PUD documents and the State law pursuant to which the condominium or PUD is organized, under the terms, "common areas," "common facilities," "common elements," "common estate," or other similar terms.

(3) The term "Development" means the entire undertaking including all real and personal property, funds and reserves, rights, interests and obligations, and activities related thereto.

(4) The term "EHPA" means the Earned Home Payments Account established and maintained pursuant to section 10 of the Agreement.

(5) The term "Homebuyer" means the member or members of a low-income family who have executed a Homebuyers Ownership Opportunity Agreement with the Authority.

(6) The term "Homebuyers Association" (HBA) means an organization as defined in section 5 of this Agreement.

(7) The term "Homeowner" means a Homebuyer who has acquired title to his Home.

(8) The term "Homeowners Association" means an association comprised of Homeowners, including condominium associations, having responsibilities with respect to common property.

(9) The term "HUD" means the Department of Housing and Urban Development which provides the Authority with financial assistance through loans and annual contributions and technical assistance in development and operation.

(10) The term "NRMR" means the Nonroutine Maintenance Reserve established and maintained pursuant to section 11 of this Agreement.

(11) The term "Project" is used to refer to the Development in relation to matters specifically related to the Annual Contributions Contract.

2. *The Homebuyers Ownership Opportunity Agreement.* Under this Homebuyers Ownership Opportunity Agreement, the Homebuyer may achieve ownership of the home described in Part I by making the required monthly payments and providing maintenance and repairs to build up a credit in his Earned Home Payments Account (hereinafter called "EHPA"). While the Homebuyer is performing his obligations, the purchase price will be reduced in accordance with the Purchase Price Schedule, so that, while this purchase price is being reduced, the Homebuyer is increasing the amount of his EHPA. The Homebuyer may also make voluntary payments to his EHPA which will enable him to acquire ownership more quickly. The Homebuyer may take title to his Home when he is able to finance or pay in full the balance of the purchase price as shown on the Purchase Price Schedule plus the costs incidental to acquiring ownership, as provided in section 16 or 17, as applicable.

3. *Status of Homebuyer.* Until the Homebuyer satisfies the conditions set forth in section 10d precedent to the exercise of his option to purchase the Home for the applicable purchase price, the Homebuyer shall have the status of a lessee of the Authority from month to month with an obligation to build up such balance in his EHPA within the first two years of his occupancy and to continue adding to his EHPA thereafter. For convenience the term "Homebuyer" also refers to the occupant during his status as a lessee.

4. *Counseling of Homebuyers.* The Authority shall provide training and counseling, as required and approved by HUD. The Authority's own staff and resources, existing community resources, a private agency under contract with the Authority, or any combination of the three, shall be utilized to prepare Homebuyers for the rights, responsibilities, and obligations of homeownership including participation in the Homebuyers Association. The Homebuyer agrees to participate in and cooperate fully in all official training and counseling activities.

5. *Homebuyers Association.*[2] Upon the signing of this Agreement, the Homebuyer's family automatically becomes a member of the Homebuyers Association having membership and purposes as set forth in the Articles of Incorporation of said Association. In the absence of a duly organized Homebuyers Association, the Authority shall be free to act without the HBA action required by this Agreement.

6. *Routine maintenance, repair and use of premises.* a. *Routine maintenance.* The Homebuyer shall be responsible for the routine maintenance of his dwelling and grounds, to the satisfaction of the Homebuyers Association and the Authority. This routine maintenance includes the work (labor and materials) of keeping the dwelling structure, grounds and equipment in good repair, condition and appearance so that they may be utilized continually at their designed capacities and at the satisfactory level of efficiency for their intended purposes, and in conformity with the requirements of local housing codes and applicable regulations and guidelines of HUD. It includes repairs (labor and materials) to the dwelling structure, plumbing fixtures, dwelling equipment (such as range and refrigerator), shades and screens, water heaters, heating equipment and other component parts of the dwelling. It also includes all interior painting and maintenance of the grounds (lot) on which the dwelling is located. It does not include maintenance and replacements provided for by the Nonroutine Maintenance Reserve described in Section 11.

b. *Repair of damage.* In addition to his obligation for routine maintenance, the Homebuyer shall be responsible for repair of any damage caused by the Homebuyer, members of his family, or visitors.

c. *Care of Home.* The Homebuyer agrees to keep his dwelling in a sanitary condition; to cooperate with the Authority and the Homebuyers Association in keeping and maintaining the common area and property, including fixtures and equipment, in good condition and appearance; and to follow all rules of the Authority and of the Homebuyers Association concerning the use and care of the dwellings and the common areas and property.

d. *Inspections.* The Homebuyer agrees to permit officials, employees, or agents of the Authority, and of the Homebuyers Association to inspect his Home at reasonable hours and intervals in accordance with rules established by the Authority and the Homebuyers Association.

e. *Use of Home.* The Homebuyer shall not (1) sublet his Home without the prior written approval of the Authority and HUD, (2) use or occupy his home for any unlawful purpose nor for any purpose deemed hazardous by insurance companies on account of fire and other risks, or (3) provide accommodations (unless approved by the Homebuyers Association and the Authority) to boarders or lodgers. The Homebuyer agrees to use the Home only as a place to live for himself and his family (as identified in his initial application or by subsequent amendment with the approval of the Authority), for children thereafter born to or adopted by members of such family, and for aged or widowed parents of the Homebuyer or spouse who may join the household.

f. *Obligations with respect to other persons and property.* Neither the Homebuyer nor any member of his family shall interfere with rights of other occupants of the Development, or damage the common property or the property of others, or create physical hazards.

g. *Structural changes.* A Homebuyer shall not make any structural changes in or additions to his Home unless the Authority has first determined in writing that such change would not (1) impair the value of the unit, the surrounding units, or the Development as a whole, or (2) affect the use of the Home for residential purposes, or (3) violate HUD requirements as to construction and design. Any changes made in accordance with this paragraph shall be at the Homebuyer's expense, and in the event of termination of this Agreement before the Homebuyer acquires title to the Home, whether by reason of the Homebuyer's default or otherwise, the Homebuyer shall not be entitled to any compensation on account of his having made such changes.

h. *Statement of condition and repair.* When the Homebuyer moves in, the Authority shall inspect the Home and shall give the Homebuyer a written statement, to be signed by the Authority and the Homebuyer, of the condition of the Home and the equipment in it. Should the Homebuyer vacate, the Authority shall inspect the Home and give the Homebuyer a written statement of the repairs and other work, if any, required to put the Home in good condition for the next occupant (see section 10k). The Homebuyer or his representative, or both, may join in any such inspections with the Authority and the Homebuyer Association.

7. *Monthly payments by Homebuyer*—a. *Determination of amount.* Except as otherwise provided hereinafter, the Homebuyer agrees to pay to the Authority, so long as this Agreement is in effect, a required Monthly Payment as lease rental in an amount determined in accordance with a schedule adopted by the Authority and approved by HUD. Although the total monthly housing cost consists of the sum of the break-even amount (see section 8) and the debt service (payment of principal and interest) on the applicable share of the capital cost of the Development, the Homebuyer, so long as he qualifies as low income, is not required to pay the full amount, but is assisted by HUD annual contributions. The schedule shall provide for payments to be based upon a percentage of the family's adjusted monthly income and shall indicate allowances for those utilities which the Homebuyer will pay for directly.

b. *Changes in monthly payment due to changes in family income or other circumstances.* The required Monthly Payment may be adjusted as a result of the Authority's regularly or specially scheduled reexamination of the Homebuyer's family income and family composition. Interim changes may be made in accordance with the Authority's policy on reexaminations, or under unusual circumstances, at the request of the Homebuyer, if both the Authority and the Homebuyers Association agree that such action is warranted.

c. *Changes in monthly payment due to changes in rent schedules.* The required Monthly Payment may also be adjusted by changes in the required percentage of income to reflect (1) changes in operating expense as described in section 9b and (2) changes in utility allowances.

d. *Acceptance of monthly payment.* The Authority shall not refuse to accept monthly payments because of any other charges (i.e., other than overdue monthly payments) owed by the Homebuyer to the Authority; however, by accepting monthly payments under such circumstances the Authority shall not be deemed to have waived any of its rights and remedies with respect to such other charges.

e. *Application of monthly payment.* The Homebuyer's Monthly Payment shall be applied by the Authority as follows: First, to the credit of the Homebuyer's EHPA pursuant to section 10 below; second, to the credit of the Nonroutine Maintenance Reserve for the Home pursuant to Section 11 below; and third, for payment of Monthly Operating Expense, including contribution to Operating Reserve, as provided in section 9 below.

8. *Break-even amount*—a. *Definition.* The term "Break-even Amount" means the minimum monthly amount needed to provide funds for:

(1) Monthly Operating Expense, including provision for a contribution to Operating Reserve, pursuant to section 9a below;

(2) the monthly amount to be credited to the Homebuyer's EHPA pursuant to Section 10 below; and

(3) the monthly amount to be credited to the Nonroutine Maintenance Reserve for the Home pursuant to section 11 below.

b. *Monthly payment in excess of break-even amount.* When the Homebuyer's required Monthly Payment exceeds the applicable Break-even Amount, the excess shall constitute additional Project income and shall be deposited and used in the same manner as other Project income.

c. *Monthly payment below break-even amount.* When the Homebuyer's required Monthly Payment is less than the applicable Break-even Amount, the deficit shall be applied as a reduction of that portion of the Monthly Payment designated for Operating Expense (i.e., as a reduction of project income). In all such cases, the EHPA and the NRMR shall be credited with the amount included in the Break-even Amount for these accounts.

9. *Monthly operating expense*—a. *Definition and categories of monthly operating expense.* The term "monthly operating expense" means the monthly amount needed for the following purposes:

(1) *Administration.* Administrative salaries, travel, legal expenses, office supplies, postage, telephone and telegraph, etc.;

(2) *Homebuyer services.*—Authority expenses in the achievement of social goals, including costs such as salaries, publications, payments to the HBA to assist its operation, contract and other costs;

(3) *Utilities.* Those utilities (such as water), if any to be furnished by the Authority as part of operating expense;

(4) *Routine maintenance—Common property.* For community building, grounds, and other common areas, if any. The amount required for routine maintenance of common property depends upon the type of common property included in the Development and the extent of the Authority's responsibility for maintenance (see also section 9c);

(5) *Protective services.* The cost of supplemental protective services paid by the Authority for the protection of persons and property;

(6) *General expense.* Premiums for fire and other insurance, payments in lieu of taxes to the local taxing body, collection losses, payroll taxes, etc.;

(7) *Nonroutine maintenance—common property (contribution to operating reserve).* Extraordinary maintenance of equipment applicable to the community building and grounds, and unanticipated items for non-dwelling structures (see section 12).

b. *Monthly operating expense rate.* The monthly operating expense rate for each fiscal year shall be established on the basis of the Authority's HUD-approved operating budget for that fiscal year. The operating budget may be revised during the course of the fiscal year in accordance with HUD requirements. If it is subsequently determined that the actual operating expense for a fiscal year was more or less than the amount provided by the monthly operating expense established for that fiscal year, the rate of monthly operating expense to be established for the next fiscal year may be adjusted to account for the difference (see section 12). Such adjustment may result in a change in the required monthly payment (see section 7c).

c. *Provision for common property maintenance.* During the period the Authority is responsible for the maintenance of common property, the annual operating budget and the monthly operating expense rate shall include the amount required for routine maintenance of all common property in the Development, even though a number of the homes may have been acquired by homebuyers. During such period, this amount shall be computed on the basis of the total number of homes in the Development (i.e., the annual amount budgeted for routine maintenance of common property shall be divided by the number of Homes in the Development, resulting in the annual amount for each Home; this figure shall in turn be divided by 12 to determine the monthly amount to be included in the monthly operating expense (and in the break-even amount) for routine maintenance of common property). After the Homeowners Association assumes responsibility for maintenance of common property, the monthly operating expense (and break-even amount) shall include an amount equal to the monthly assessment by the homeowners association for the remaining homes owned by the Authority (see section 11 for nonroutine maintenance of common property).

d. *Posting of monthly operating expense statement.* A statement showing the budgeted monthly amount allocated in the current operating budget to each operating expense category shall be provided to the HBA and a copy shall be provided to the Homebuyer upon request.

10. *Earned Home Payments Account (EHPA).*—a. *Credits to the account.* The Authority shall establish and maintain a separate EHPA for each Homebuyer. Since the Homebuyer is responsible for maintaining his Home as provided in section 6, a portion of his required Monthly Payment equal to the Authority's estimate, approved by HUD, of the monthly cost for such routine maintenance, taking into consideration the relative type and size of the Home, shall be set aside in his EHPA. In addition, this account shall also be credited with (1) any voluntary payments made pursuant to section 10g and (2) any amount earned through the performance of maintenance pursuant to paragraph e of this section. All amounts received by the Authority for credit to the Homebuyer's account, including credits for performance of maintenance pursuant to paragraph e of this section, shall be held by the Authority for the account of the Homebuyer.

b. *Use of EHPA funds.* The unused balance in the Homebuyer's EHPA may be used toward purchase of the Home as provided in section 16 or 17 as applicable, or shall be payable to the Homebuyer if he leaves the Project as provided in paragraph k of this section.

c. *Charges to the account.* (1) If for any reason the Homebuyer is unable or fails to perform any item of required maintenance as described in section 6, the Authority shall arrange to have the work done in accordance with the procedures established by the Authority and the HBA and the cost thereof shall be charged to the Homebuyer's EHPA. Inspections of the Home shall be made jointly by the Authority and the HBA.

[2] There may be cases, such as where the homes are on scattered sites, where there is no Homebuyers Association but an alternative method for homebuyer representation and counseling is provided (see 24 CFR 1270.307). In such cases, section 5 and other portions of this Agreement referring to the Homebuyers Association should be modified to reflect the alternative method provided for homebuyer representation and counseling.

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(2) To the extent nonroutine maintenance expense is made necessary by the negligence of the Homebuyer as determined by the HBA and the Authority (see section 11), the cost thereof shall be charged to the EHPA.

d. *Exercise of option; required amount in EHPA.* The Homebuyer may exercise his option to buy the Home, by paying the applicable purchase price pursuant to section 16 or 17, only after satisfying the following conditions precedent:

(1) Within the first two years of his occupancy, he has achieved a balance in his EHPA equal to 20 times the amount of the monthly EHPA credit as initially determined in accordance with paragraph a of this section;

(2) He has met, and is continuing to meet, the requirements of this Agreement;

(3) He has rendered, and is continuing to render, satisfactory performance of his responsibilities to the HBA.

When the Homebuyer has met these conditions precedent, the Authority shall give the Homebuyer a certificate to that effect. After achieving the required minimum EHPA balance within the first two years of his occupancy, the Homebuyer shall continue to be obligated to provide the required maintenance, thereby continuing to add to his EHPA. If the Homebuyer fails to meet either his obligation to achieve the minimum EHPA balance as specified or his obligation thereafter to continue adding to the EHPA, the Authority and the HBA shall investigate and take appropriate corrective action, including termination of this Agreement by the Authority in accordance with section 24.

e. *Additional equity through other maintenance.* Besides the maintenance which the Homebuyer must provide pursuant to section 6, the Homebuyer may earn additional EHPA credits by providing in whole or in part any of the maintenance necessary to the common property of the Development or maintenance for which the Nonroutine Maintenance Reserve is established (see section 11). Such maintenance may be provided by the Homebuyer and credit earned therefor only pursuant to a prior written agreement between the Homebuyer and the Authority (or the Homeowners Association, depending on who has responsibility for maintenance of the property involved), covering the nature and scope of the work and the amount of credit the Homebuyer is to receive. Upon completion of such work, the agreed amount shall be charged to the appropriate maintenance account and credited to the Homebuyer's EHPA.

f. *Investment of excess.* When the aggregate amount of all EHPA balances exceeds the estimated reserve requirements for 90 days, the Authority shall notify the HBA and shall invest the excess in federally-insured savings accounts, federally insured credit unions, and/or securities approved by HUD and in accordance with any recommendations made by the HBA. If the HBA wishes to participate in the investment program it should submit periodically to the Authority a list of HUD approved securities, bonds, or obligations which the HBA recommends for investment by the Authority of the funds in the EHPAs. Interest earned on the investment of such funds shall be prorated and credited to each Homebuyer's EHPA in proportion to the amount in each such reserve account.

Periodically, but not less often than semi-annually the Authority shall prepare a statement showing: (1) The aggregate amount of all EHPA balances; (2) the aggregate amount of investments (savings accounts and/or securities) held for the account of all the Homebuyers' EHPAs, and (3) the aggregate uninvested balance of all the Homebuyers' EHPAs. This statement shall be made available to any authorized representative of the HBA.

g. *Voluntary payments.* To enable the Homebuyer to acquire title to the Home within a shorter period, he may either periodically or in a lump sum voluntarily make payments over and above his required monthly payments. Such voluntary payments shall be deposited to his credit in his EHPA.

h. *Delinquent monthly payments.* Under exceptional circumstances as determined by the HBA and the Authority, the Homebuyer's EHPA may be used to pay his delinquent required monthly payments, provided the amount used for this purpose does not seriously deplete the account and provided that the Homebuyer agrees to cooperate in such counseling as may be made available by the Authority or the HBA.

i. *Annual statement to homebuyer.* The Authority shall provide an annual statement to the Homebuyer specifying at least (1) the amount in his EHPA, and (2) the amount in his Nonroutine Maintenance Reserve. During the year, any maintenance or repair done on the dwelling by the Authority which is chargeable to the EHPA or to the Nonroutine Maintenance Reserve, shall be accounted for through a work order. The Homebuyer shall receive a copy of all such work orders for his Home.

j. *Withdrawal and assignment.* The Homebuyer shall have no right to assign, withdraw, or in any way dispose of the funds in his EHPA except as provided in this section or in sections 16 and 17.

k. *Application of EHPA upon vacating of dwelling.* (1) In the event this Agreement is terminated or if the Homebuyer vacates the Home, the Authority shall charge against the Homebuyer's EHPA the amounts required to pay: (i) The amount due the Authority, including the monthly payments the Homebuyer is obligated to pay up to the date he vacates; (ii) the monthly payment for the period the Home is vacant, not to exceed 30 days from the date of notice of intention to vacate, or if the Homebuyer failed to give notice of intention to vacate, 30 days from the date the Home is put in good condition for the next occupant in conformity with section 6; and (iii) the cost of any nonroutine maintenance, and of any nonroutine maintenance attributable to the negligence of the Homebuyer, required to put the Home in good condition for the next occupant in conformity with section 6.

(2) If the Homebuyer's EHPA balance is not sufficient to cover all of these charges, the Authority shall require the Homebuyer to pay the additional amount due. If the amount in the EHPA exceeds these charges, the excess shall be paid the Homebuyer.

(3) Settlement with the Homebuyer shall be made promptly after the actual cost of repairs to the dwelling has been determined (see paragraph k(1)(iii) of this section), provided that the Authority shall make every effort to make such settlement within 30 days from the date the Homebuyer vacates. The Homebuyer may obtain a settlement within 7 days of the date he vacates, even though the actual cost of such repairs has not yet been determined, if he has given the Authority notice of intention to vacate 30 days prior to the date he vacates and if the amount to be charged against his EHPA for such repairs is based on the Authority's estimate of the cost thereof (determined after consultation with the appropriate representative of the HBA).

11. *Nonroutine maintenance reserve (NRMR)*—a. *Purpose of reserve.* The Authority shall establish and maintain a separate nonroutine maintenance reserve (NRMR) for the Home, using a portion of the Homebuyer's monthly payment. The purpose of the NRMR is to provide funds for the nonroutine maintenance of the Home, which consists of the infrequent and costly items of maintenance and replacement shown on the Nonroutine Maintenance Schedule for the Home (see paragraph b of this section). Such maintenance may include the replacement of dwelling equipment (such as range and refrigerator), replacement of roof, exterior painting, major repairs to heating and plumbing systems, etc. The NRMR shall not be used for nonroutine maintenance of common property, or for nonroutine maintenance relating to the Home to the extent such maintenance is attributable to the Homebuyer's negligence or to defective materials or workmanship.

b. *Amount of reserve.* The amount of the monthly payments to be set aside for NRMR shall be determined by the Authority, with the approval of HUD, on the basis of the Nonroutine Maintenance Schedule showing the amount estimated to be needed for nonroutine maintenance of the Home during the term of this Agreement, taking into consideration the type of construction and dwelling equipment. This Schedule shall (1) list each item of nonroutine maintenance (e.g., range, refrigerator, plumbing, heating system, roofing, tile flooring, exterior painting, etc.), (2) show for each listed item the estimated frequency of maintenance or useful life before replacement, the estimated cost of maintenance or replacement (including installation) for each occasion, and the annual reserve requirement, and (3) show the total reserve requirements for all the listed items, on an annual and a monthly basis. This Schedule shall be prepared by the Authority and approved by HUD as part of the submission required to determined the financial feasibility of the Project. The Schedule shall be revised after approval of the working drawings and specifications, and shall thereafter be reexamined annually in the light of changing economic conditions and experience.

c. *Charges to reserve.* (1) The Authority shall provide the nonroutine maintenance necessary for the Home and the cost thereof shall be funded as provided in paragraph c(2) and c(3) of this section. Such maintenance may be provided by the Homebuyer but only pursuant to a prior written agreement with the Authority covering the nature and scope of the work and the amount of credit the Homebuyer is to receive. The amount of any credit shall, upon completion of the work, be credited to the Homebuyer's EHPA and charged as provided in paragraph c(2) of this section.

(2) The cost of nonroutine maintenance shall be charged to the NRMR for the Home except that (i) to the extent such maintenance is attributable to the fault or negligence of the Homebuyer, the cost shall be charged to the Homebuyer's EHPA after consultation with the HBA if the Homebuyer disagrees, and (ii) to the extent such maintenance is attributable to defective materials or workmanship not covered by warranty, or even though covered by warranty if not paid for through no fault or negligence of the Homebuyer, the cost shall be charged to the appropriate operating expense account of the Project.

(3) In the event the amount charged against the NRMR exceeds the balance therein, the difference (deficit) shall be made up from continuing monthly credits to the NRMR based upon the Homebuyer's monthly payments. If there is still a deficit when the Homebuyer acquires title, the Homebuyer shall pay such deficit at settlement.

d. *Transfer of NRMR.* (1) In the event this Agreement is terminated, the Homebuyer shall not receive any balance or be required to pay any deficit in the NRMR. When a subsequent Homebuyer moves in, the NRMR shall continue to be applicable to the Home

in the same amount as if the preceding Homebuyer had continued in occupancy.

(2) In the event the Homebuyer purchases the Home, and there remains a balance in the NRMR, the Authority shall pay such balance to the Homebuyer at settlement. In the event the Homebuyer purchases the Home and there is a deficit in the NRMR, the Homebuyer shall pay such deficit to the Authority at settlement.

e. *Investment of excess.* (1) When the aggregate amount of the NRMR balances for all the Homes exceeds the estimated reserve requirements for 90 days, the Authority shall invest the excess in federally insured savings accounts, federally insured credit unions, and/or securities approved by HUD. Income earned on the investment of such funds shall be prorated and credited to each Homebuyer's NRMR in proportion to the amount in each reserve account.

(2) Periodically, but not less often than semi-annually, the Authority shall prepare a statement showing (i) the aggregate amount of all NRMR balances, (ii) the aggregate amount of investments (savings accounts and/or securities) held for the account of the NRMR and (iii) the aggregate uninvested balance of the NRMRs. A copy of this statement shall be made available to any authorized representative of the HBA.

12. *Operating reserve*—a. *Purpose of reserve.* To the extent that total operating receipts (including subsidies for operations) exceeds total operating expenditures of the Project, the LHA shall establish an operating reserve up to the maximum approved by HUD in connection with its approval of the annual operating budgets for the Project. The purpose of this reserve is to provide funds for (1) the infrequent but costly items of nonroutine maintenance and replacements of common property, taking into consideration the types of items which constitute common property, such as nondwelling structures and equipment, and, in certain cases, common elements of dwelling structures, (2) nonroutine maintenance for the Homes to the extent such maintenance is attributable to defective materials or workmanship not covered by warranty, (3) working capital for payment of a deficit in a Homebuyer's NRMR, until such deficit is offset by future monthly payments by the Homebuyer or at settlement in the event the Homebuyer should purchase, and (4) a deficit in the operation of the Project for a fiscal year, including a deficit resulting from monthly payments totaling less than the break-even amount for the Project.

b. *Nonroutine maintenance — common property (contribution to operating reserve).* The amount under this heading to be included in operating expense (and in the break-even amount) established for the fiscal year (see sections 8 and 9) shall be determined by the Authority, with the approval of HUD, on the basis of estimates of the monthly amount needed to accumulate an adequate reserve for the items described in paragraph a(1) of this section. This amount shall be subject to revision in the light of experience. This contribution to the Operating Reserve shall be made only during the period the Authority is responsible for the maintenance of any common property; and during such period, the amount shall be determined on the basis of the requirements of all common property in the Development in a manner similar to that explained in Section 9. When the Operating Reserve reaches the maximum authorized in paragraph c of this Section, the break-even (monthly operating expense) computations (see Sections 8 and 9) for the next and succeeding fiscal years need not include a provision for this contribution to the Operating Reserve unless the balance of the Reserve is reduced below the maximum during any such succeeding fiscal year.

c. *Maximum operating reserve.* The maximum operating reserve that may be retained by the Authority at the end of any fiscal year shall be the sum of (1) one-half of total routine expense included in the operating budget approved for the next fiscal year and (2) one-third of total break-even amounts included in the operating budget approved for the next fiscal year; provided that such maximum may be increased if necessary as determined or approved by HUD. Total routine expense means the sum of the amounts budgeted for administration, homebuyer services, Authority-supplied utilities, routine maintenance of common property, protective services, and general expense or other category of day-to-day routine expense (see section 9 above for explanation of various categories of expense).

d. *Transfer to Homeowners Association.* The Authority shall be responsible for and shall retain custody of the Operating Reserve until the Homeowners acquire voting control of the Homeowners Association (see sections 21c and 22f). When the Homeowners acquire voting control, the Homeowners Association shall then assume full responsibility for management and maintenance of common property under a plan approved by HUD, and there shall be transferred to the Homeowners Association a portion of the Operating Reserve then held by the Authority, as determined by the Authority with the approval of HUD.

e. *Disposition of reserve.* If, at the end of a fiscal year, there is an excess over the maximum Operating Reserve, this excess shall be applied to the operating deficit of the Project, if any, and any remainder shall be paid to HUD. Following the end of the fiscal year in which the last Home has been conveyed by the Authority, the balance of the Operating Reserve held by the Authority shall be paid to HUD, provided that the aggregate amount of payments by the Authority under this paragraph shall not exceed the aggregate amount of annual contributions paid by HUD with respect to the Project.

13. *Annual statement and copies of work orders to homebuyer.* a. The Authority shall maintain books of accounts and provide a statement at least annually to each Homebuyer which will show (1) the amount in his EHPA, and (2) the amount in the NRMR for his Home.

b. During the year, any maintenance or repair done on the dwelling by the Authority, which is chargeable to the EHPA or to the NRMR shall be accounted for through a work order. The Homebuyer shall receive a copy of all such work orders for his Home.

14. *Insurance.* a. Until transfer of title to the Homebuyer, the Authority shall carry all insurance prescribed by HUD including fire and extended coverage insurance upon the Home in such form and amount and with such company or companies as it determines. The Authority shall not carry any insurance on the Homebuyer's furniture, clothing, automobile, or any other personal property, or personal liability insurance covering the Homebuyer.

b. In the event the Home is damaged or destroyed by fire or other casualty, the Authority shall consult with the Homebuyer as to whether the Home shall be repaired or rebuilt. If the Authority determines that the Home should not be repaired or rebuilt but the Homebuyer disagrees, the matter shall be submitted to HUD for final determination. If the final determination is that the Home should not be repaired or rebuilt, the Authority shall terminate this Agreement upon reasonable notice to the Homebuyer. In such case, the Homebuyer shall be paid the balance in his EHPA and (to assist him in connection with relocation expenses) the balance in his NRMR, less amounts, if any, due from him to the Authority, including Monthly Payments he may be obligated to pay.

c. In the event of termination or if the Home must be vacated during the repair period, the Authority will use its best efforts to assist in relocating the Homebuyer. If the Home must be vacated during the repair period, Monthly Payments shall be suspended during the vacancy period.

15. *Eligibility for continued occupancy.* a. The Homebuyer shall cease to be eligible for continued occupancy with the aid of HUD annual contributions when the Authority determines that his adjusted monthly income has reached the level, and is likely to continue at such level, at which the current amount of his required monthly payment equals or exceeds the monthly housing cost (see paragraph b of this section). In such event, if the Authority determines, with HUD approval, that suitable financing is available, the Authority shall notify the Homebuyer that he shall either (1) purchase the Home or (2) move from the Development; provided, however, that if the Authority determines that, due to special circumstances, the Homebuyer is unable to find decent, safe and sanitary housing within his financial reach although making every reasonable effort to do so, the Homebuyer may be permitted to remain for the duration of such a situation if he pays an increased monthly payment consistent with his adjusted monthly income; provided that this monthly payment shall not exceed the sum of the monthly break-even amount plus the monthly debt service amount shown on the Purchase Price Schedule for the Home, except that if the rent, including utilities, for comparable unsubsidized housing in the locality is lower, such lower amount may be established as the maximum if the Authority determines with HUD approval that this would be in the best interest of the project. Such an increased monthly payment shall also be payable by the Homebuyer if he continues in occupancy without purchasing the Home because suitable financing is not available.

b. The term "monthly housing cost," as used in this section means the sum of: (1) The monthly debt service amount shown on the Purchase Price Schedule (except where the Homebuyer can purchase the Home by the method described in section 16 below); (2) one-twelfth of the annual real property taxes which the Homebuyer will be required to pay as a Homeowner; (3) one-twelfth of the annual premium attributable to fire and extended coverage insurance carried by the Authority with respect to the Home; (4) the current monthly per unit amount budgeted for routine maintenance (EHPA) and routine maintenance-common property; and (5) the current Authority and HUD approved monthly allowance for utilities paid for directly by the Homebuyer plus the monthly cost of utilities supplied by the Authority.

16. *Achievement of ownership by initial homebuyer.*—a. *Determination of initial purchase price.* The Authority shall determine the initial purchase prices of the Homes by two basic steps, as follows:

Step 1. The Authority shall take the Estimated Total Development Cost (including the full amount for contingencies as authorized by HUD) of the Development as shown in the Development Cost Budget in effect upon award of the Main Construction Contract or execution of the Contract of Sale, and shall deduct therefrom the amounts, if any, attributed to (1) relocation costs, (2) counseling and training costs, and (3) the cost of any community, administration or management facilities including the land, equipment and furnishings attributable to such facilities as set forth in

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the development program for the Development.

The resulting amount is herein called Estimated Total Development Cost for Homebuyers.

Step 2: The Authority shall apportion the Estimated Total Development Cost for Homebuyers among all the Homes in the Development. This apportionment shall be made by obtaining an FHA appraisal of each Home, and adjusting such appraised values (upward or downward) by the percentage difference between the total of the appraisal for all the Homes and the Estimated Total Development Cost for Homebuyers. The adjusted amount for each Home shall be the Initial Purchase Price for that Home.

b. *Purchase Price Schedule.* The Homebuyer shall be provided with a Purchase Price Schedule showing (1) the monthly declining purchase price over a 30-year period,[3] commencing with the initial purchase price on the first day of the month following the effective date of this Agreement and (2) the monthly debt service amount upon which the Schedule is based. This Schedule and debt service amount shall be computed on the basis of the initial purchase price, a 30-year period,[3] and a rate of interest equal to the minimum loan interest rate as specified in the Annual Contributions Contract for the Project on the date of HUD approval of the Development Cost Budget, described in paragraph a of this section, rounded up, if necessary, to the next multiple of one-fourth of one percent (¼ percent).

c. *Methods of Purchase.* (1) The Homebuyer may achieve ownership when the amount in his EHPA, plus such portion of the NRMR as he wishes to use for the purchase, is equal to the purchase price as shown at that time on his Purchase Price Schedule plus all Incidental Costs ("Incidental Costs" means the costs incidental to acquiring ownership, including, but not limited to, the costs for a credit report, field survey title examination, title insurance, and inspections, the fees for attorneys other than the LHA's attorney, mortgage application and organization, closing and recording, and the transfer taxes and loan discount payment if any). If for any reason title to the Home is not conveyed to the Homebuyer during the month in which such circumstances occur, the purchase price shall be fixed at the amount specified for such month and the Homebuyer shall be refunded (i) the net additions, if any, credited to his EHPA subsequent to such month, and (ii) such part of the monthly payments made by the Homebuyer after the purchase price has been fixed which exceeds the sum of the break-even amount attributable to the Home and the interest portion of the debt service shown in the Purchase Price Schedule.

(2) Where the sum of the purchase price and Incidental Costs is greater than the amounts in the Homebuyer's EHPA and NRMR, the Homebuyer may achieve ownership by obtaining financing for or otherwise paying the excess amount. The purchase price shall be the amount shown on his Purchase Price Schedule for the month in which the settlement date for the purchase occurs.

d. The maximum period for achieving ownership shall be 30 years, but depending upon increases in the Homebuyer's income and the amount of credit which the Homebuyer can accumulate through maintenance and voluntary payments, the period may be shortened accordingly.

17. *Achievement of Ownership by Subsequent Homebuyer.* a. *Definition.* In the event the initial Homebuyer and his family vacate the Home before having acquired ownership, a subsequent occupant who enters into a Homebuyer's Ownership Opportunity Agreement and who is not a successor pursuant to section 25 is herein called "Subsequent Homebuyer."

b. *Determination of Initial Purchase Price.* The initial purchase price for a subsequent Homebuyer shall be an amount equal to (1) the purchase price shown in the initial Homebuyer's Purchase Price Schedule as of the date of this Agreement with the subsequent Homebuyer plus (2) the amount, if any, by which the appraised fair market value of the Home determined or approved by HUD as of the same date, exceeds the purchase price specified in (1). In the event such appraised value has not been determined by the date of execution of this Agreement, the amount of the Initial Purchase Price shall be inserted in part I, section D after this determination has been made, with appropriate initialling or signing by the parties.

c. *Purchase Price Schedule.* The Subsequent Homebuyer's Purchase Price Schedule shall be the same as the unexpired portion of the initial Homebuyer's Purchase Price Schedule except that where his purchase price includes an additional amount as specified in paragraph b(2) of this section, the initial Homebuyer's Purchase Price Schedule shall be followed by an Additional Purchase Price Schedule for such additional amount based upon the same monthly debt service and the same interest rate as applied to the initial Homebuyer's Purchase Price Schedule.

18. *Transfer of Title to Homebuyer.* When the Homebuyer is to obtain ownership, a closing date shall be mutually agreed upon by the patries. On the closing date, the Homebuyer shall pay the required amount of money to the Authority, sign the promissory note pursuant to section 19, and receive a deed for the Home.

19. *Payment Upon Resale at Profit*—a. *Promissory Note.* (1) When a Homebuyer (whether Initial or Subsequent Homebuyer) achieves ownership, he shall sign a note obligating him to make a payment to the Authority, subject to the provisions of paragraph (a)(2) of this section, in the event he resells his Home at a profit within 5 years of actual residence in the Home after he becomes a Homeowner. If, however, the Homeowner should purchase and occupy another Home within one year (18 months in case of a newly constructed home) of the resale of the Turnkey III Home, the Authority shall refund to the Homeowner the amount previously paid by him under the note, less the amount, if any, by which the resale price of the Turnkey III Home exceeds the acquisition price of the new home, provided that application for such refund shall be made no later than 30 days after the date of acquisition of the new home.

(2) The note to be signed by the Homebuyer pursuant to paragraph (a)(1) of this section shall be secured by a second mortgage. The initial amount of the note shall be computed by taking the appraised value of the Home at the time the Homebuyer becomes a Homeowner and subtracting (i) the Homebuyer's purchase price plus the Incidental Costs and (ii) the increase in value of the Home, determined by appraisal, caused by improvements paid for by the Homebuyer with funds from sources other than the EHPA or NRMR. The note shall provide that this initial amount shall be automatically reduced by 20 percent thereof at the end of each year of residency as Homeowner, with the note terminating at the end of the five-year period of residency, as determined by the Authority. To protect the Homeowner, the note shall provide that the amount payable under it shall in no event be more than the net profit on the resale, that is, the amount by which the resale price exceeds the sum of (i) the Homebuyer's purchase price plus the Incidental Costs, (ii) the costs of the resale, including commissions and mortgage prepayment penalties, if any, and (iii) the increase in value of the Home, determined by appraisal, resulting from improvements paid for by him as a Homebuyer (with funds other than from the EHPA or NRMR) or as a Homeowner.

(b) *Residency requirements.* The five-year note periods does not end if the Homeowner rents or otherwise does not use the Home as his principal place of residence for any period within the first five years after he achieves ownership. Only the actual amount of time he is in residence is counted and the note shall be in effect until a total of five years time of residence has elapsed, at which time the Homeowner may request the Authority to release him from the note, and the Authority shall do so.

20. *Responsibilities of Homeowner.* After acquisition of ownership, the Homeowner shall pay to the Authority or to the Homeowners Association, as appropriate, a monthly fee for (a) the maintenance and operation of community facilities including utility facilities, if any, (b) the maintenance of grounds and other common areas, and (c) such other purpose as determined by the Authority or the Homeowners Association, as appropriate, including taxes and a provision for a reserve.

21. *Homeowners Association—Planned Unit Development (PUD)*[4]

If the Development is organized as a planned unit development:

a. The common areas, sidewalks, parking lots and other common property in the Development shall be owned and maintained as provided for in the approved planned unit development (PUD) program, except that the Authority shall be responsible for maintenance until such time as the Homeowners Association assumes such responsibility (see section 12 above).

b. The title ultimately conveyed to the Homebuyer shall be subject to restrictions and encumbrances to protect the rights and property of all other Homeowners. The Homeowners Association shall have the right and obligation to enforce such restrictions and encumbrances and to assess Homeowners for the costs incurred in connection with common areas and property and other responsibilities.

c. There shall be as many votes in the Association as there are Homes in the Development, and at the outset all the voting rights will be held by the Authority. As each Home is conveyed to a Homebuyer, one vote shall automatically go to that Homebuyer so that when all the Homes have been conveyed, the Authority shall no longer have any interest in the Homeowners Association.

d. The Authority shall not lose its majority voting interest in the Association as soon as a majority of the Homes have been conveyed, unless the law of the state requires control to be transferred at a particular time or the Authority so desires. If permitted by state law, provisions shall be made for each Home owned by the Authority to carry three votes while each Home owned by a Homeowner shall carry one vote. Under this weighted voting plan, the Authority will continue to have voting control until 75 percent of the Homes have been acquired by Homeowners. However, at its discretion, the Authority may transfer voting control to the Homeowners when at least 50 percent of the Homes have been acquired by the Homeowners.

[3] Change to 25-year period where appropriate pursuant to § 1270.101(b)(3) of this subpart.

[4] If this Home is a Development of scattered sites, delete both sections 21 and 22. If this Home is in a Planned Unit Development, delete section 22. If this Home is in a Condominium, delete section 21.

22. *Homeowners Association—Condominium.*[5] If the Development is organized as a condominium:

a. The Authority at the outset shall own each condominium unit and the undivided interest of such unit in the common areas.

b. All the land, including that land under the housing units, shall be a part of the common areas.

c. The Homeowners Association shall own no property and shall merely maintain and operate the common areas for the individual owners of the condominium units, except that the Authority shall be responsible for maintenance until such time as the Homeowners Association assumes such responsibility (see section 12 above).

d. The percentage of undivided interest attached to each condominium unit shall be based on the ratio of the value of the unit to the value of all units and shall be fixed when the Development is completed. This percentage shall determine the Homeowner's liability for the maintenance of the common areas and facilities.

e. Each Homeowner vote in the Homeowners Association will be identical with the percentage of undivided interest attached to his unit.

f. The Authority shall not lose its majority voting interest in the Association as soon as units representing more than 50 percent of the value of all units have been conveyed, unless the law of the state requires control to be transferred at a particular time or the Authority so desires. For voting purposes, until units representing 75 percent of the value of all units have been acquired by Homeowners, the total undivided interest attributable to the Homes owned by the Authority shall be multiplied by three, if such weighted voting plan is permitted by state law. Under this plan, the Authority will continue to have voting control until units representing 75 percent of the value of all units have been acquired by Homeowners. However, at its discretion the Authority may transfer voting control to the Homeowners when units representing at least 50 percent of the value of all units have been acquired by the Homeowners.

23. *Relationship of Homeowners Association to Homebuyers Association.* The Homebuyers Association and the Authority may make arrangements with the Homeowners Association to permit Homebuyers to participate in Homeowners Association matters which affect the Homebuyers. Such arrangements may include rights to attend meetings and to participate in Homeowners Association deliberations and decisions.

24. *Termination of Agreement.* a. *Termination by the Authority.* (1) In the event the Homebuyer should breach this Agreement by failure to make a required Monthly Payment within 10 days after its due date, by misrepresentation or withholding of information in applying for admission or in connection with any subsequent reexamination of income and family composition, or by failure to comply with any other Homebuyer obligation under this Agreement, the Authority may terminate this Agreement 30 days after giving the Homebuyer notice of its intention to do so in accordance with paragraph (2) of this section.

(2) Notice of termination by the Authority shall be in writing. Such notice shall state (i) the reason for termination, (ii) that the Homebuyer may respond to the Authority, in writing or in person, within a specified reasonable period of time regarding the reason for termination, (iii) that in such response he may be represented or accompanied by a person of his choice, including a representative of the HBA, (iv) that the Authority will consult the HBA concerning the termination, and (v) that, unless the Authority rescinds or modifies the notice, the termination will be effective at the end of the 30-day notice period.

b. *Termination by the Homebuyer.* The Homebuyer may terminate this Agreement by giving the Authority 30 days notice in writing of his intention to terminate and to vacate the Home. In the event that the Homebuyer vacates the Home without notice to the Authority, this Agreement shall be terminated automatically and the Authority may dispose of, in any manner deemed suitable by it, any items of personal property left by the Homebuyer in the Home.

c. *Transfer to rental unit.* (1) Inasmuch as the Homebuyer was found eligible for admission to the Project on the basis of having the necessary elements, of potential for Homeownership, continuation of eligibility requires continuation of this potential, subject only to temporary unforeseen changes in circumstances. The standards of potential for Homeownership are the following:

(i) Income sufficient to result in a required monthly payment which is not less than the sum of the amounts necessary to pay the EHPA, the NRMR, and the estimated average monthly cost of utilities attributable to the Home;

(ii) Ability to meet all the obligations of a Homebuyer under the Homebuyers Ownership Opportunity Agreement;

(iii) At least one member gainfully employed, or having an established source of continuing income.

(2) Accordingly, in the event it should develop that the Homebuyer no longer meets one or more of these elements of Homeownership potential, the Authority shall investigate the circumstances and provide such counseling and assistance as may be feasible in order to help the family overcome the deficiency as promptly as possible. After a reasonable time, not to exceed 30 days from the date of evaluation of the results of the investigation, the Authority shall make a re-evaluation as to whether the family has regained the potential for Homeownership or is likely to do so within a further reasonable time, not to exceed 30 days from the date of the re-evaluation. Further extension of time may be granted in exceptional cases, but in any event a final determination shall be made no later than 90 days from the date of evaluation of the results of the initial investigation. The Authority shall invite the HBA to participate in all investigations and evaluations.

(3) If the final determination of the Authority, after considering the views of the HBA, is that the Homebuyer should be transferred to a suitable dwelling unit in an Authority rental project, the Authority shall give the Homebuyer written notice of the Authority determination of the loss of Homeownership potential and of the offer of transfer to a rental unit. The notice shall state that the transfer shall occur as soon as a suitable rental unit is available for occupancy, but no earlier than 30 days from the date of the notice, provided that an eligible successor for the Homebuyer unit has been selected by the Authority. The notice shall also state that if the Homebuyer should refuse to move under such circumstances, the family may be required to vacate the Homebuyer unit, without further notice. The notice shall include a statement (i) that the Homebuyer may respond to the Authority in writing or in person, within a specified reasonable time, regarding the reason for the determination and offer of transfer, (ii) that in such response he may be represented or accompanied by a person of his choice including a representative of the HBA, and (iii) that the Authority has consulted the HBA concerning this determination and offer of transfer.

(4) When a Homebuyers Ownership Opportunity Agreement is terminated pursuant to this paragraph 24c, the amount in the Homebuyer's EHPA shall be paid in accordance with the provisions of paragraph 10k of this Agreement.

25. *Survivorship.* (1) In the event of death, mental incapacity or abandonment of the family by the Homebuyer, the person designated as the successor in part I of this Agreement shall succeed to the rights and responsibilities under the Agreement if that person is an occupant of the Home at the time of the event and is determined by the Authority to meet all of the standards of potential for homeownership as set forth in section 24a. This designation may be changed by the Homebuyer at any time. If there is no such designation or the designee is no longer an occupant of the Home or does not meet the standards of potential for homeownership, the Authority may consider as the Homebuyer any family member who was in occupancy at the time of the event and who meets the standards of potential for homeownership.

(2) If there is no qualified successor in accordance with the above, the Authority shall terminate the Agreement and another family shall be selected, except under the following circumstances: where a minor child or children of the Homebuyer family are in occupancy, then in order to protect their continued occupancy and opportunity for acquisition of ownership of the Home, the Authority may approve as occupants of the unit, an appropriate adult(s) who has been appointed legal guardian of the children with a duty to perform the obligations of the Homebuyers Ownership Opportunity Agreement in their interest and behalf.

26. *Nonassignability and Use of Reserves and Accounts.* a. *Nonassignability.* The Homebuyer shall not assign this Agreement, or assign, mortgage or pledge any right or interest in the Home or in this Agreement including any right or interest in any reserve or account, except with the prior written approval of the Authority and HUD.

b. *Use of Reserves and Accounts.* It is understood and agreed that the Homebuyer shall have no right to receive or use the money in any reserve or account created pursuant to this Agreement except for the limited purposes and under the special circumstances set forth by the terms of this Agreement. It is further understood and agreed that both the Authority and HUD have a financial and a governmental interest in the Earned Home Payments Account and other reserves as security for the financial integrity of the Development, as a means of savings in cost to the Government by minimizing the amount and period over which HUD annual contributions must be paid, and as a means of advancing the public interest and welfare by assisting low-income families to achieve homeownership.

27. *Notices.* Any notice required hereunder or by law shall be sufficient if delivered in writing to the Homebuyer personally or to an adult member of his family residing in the dwelling unit or if sent by certified mail, return receipt requested, properly addressed to the Homebuyer, postage prepaid. Notice to the Authority shall be in writing, and either delivered to any Authority employee at the office of the Authority or sent to the Authority by certified mail, properly addressed, postage prepaid.

[5] If this Home is a Development of scattered sites, delete both section 21 and 22. If this Home is in a Planned Unit Development, delete section 22. If this Home is in Condominium, delete section 21.

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28. *Grievance Procedure.* All grievances or appeals arising under this Agreement shall be processed and resolved pursuant to the grievance procedure of the Authority, which procedure shall provide for participation of the HBA in the grievance process. This grievance procedure shall be posted in the Authority's Office.

APPENDIX III

(Subpart B)

CERTIFICATION OF HOMEBUYER STATUS

State of_____} ss
County of_____}

This is to certify that _____ (Homebuyer)

of the Home located at _____:

(1) has achieved, within the first two years of his occupancy a balance in his Earned Home Payments Account (EHPA) of at least _____ dollars (representing 20 times the amount of the monthly EHPA credit applicable to said Home);

(2) has met and is continuing to meet the requirements of his Homebuyers Ownership Opportunity Agreement; and

(3) has rendered and is continuing to render satisfactory performance of his responsibilities to the Homebuyers Association.

Accordingly, said Homebuyer may, upon payment of the purchase price, exercise the option to purchase the Home in accordance with and subject to the provisions of his Homebuyers Ownership Opportunity Agreement.

Housing Authority	Homebuyers Association
By _____ (Signature and official title)	By _____ (Signature and official title)
_____ (Date)	_____ (Date)

APPENDIX IV

(Subpart B)

PROMISSORY NOTE FOR PAYMENT UPON RESALE BY HOMEBUYER AT PROFIT

FOR VALUE RECEIVED, _____ (Homeowner) promises to pay to _____ (Authority) or order, the principal sum of _____[1] Dollars ($_____), without interest, on the date of resale by the Homeowner of the property conveyed by the Authority to the Homeowner.

Such principal sum shall be reduced automatically by 20 percent of the initial amount at the end of each year of such residency, as a Homeowner, and this note shall terminate at the end of five years of such residency, as determined by the Authority; Provided, however, that the amount payable under this note shall in no event be more than the net profit on the resale, that is, the amount by which the resale price exceeds the sum of (1) the Homeowner's purchase price, (2) the costs incidental to his acquisition of ownership, (3) the costs of the resale, including commissions and mortgage prepayment penalties, if any, and (4) the increase in value of the Home, determined by appraisal, due to improvements paid for by the Homeowner whether as a Homebuyer (with funds from sources other than his Earned Home Payments Account or his Non-routine Maintenance Reserve) or as a Homeowner.

If the Homeowner shall pay this note at the time and in the manner set forth above, or if, by its provisions, the amount of this note shall be zero, then the note shall terminate and the Authority shall, within thirty (30) days after written demand therefor by the Homeowner, execute a release and satisfaction of this note. The Homeowner hereby waives the benefits of all statutes or laws which require the earlier execution or delivery of such release and satisfaction by the Authority.

Presentment, protest, and notice are hereby waived.

Dated _____, 19--

Local Housing Authority	Homeowner
By: _____	_____ Homeowner's Spouse

[1] Amount determined in accordance with section 19 of the Homebuyers Ownership Opportunity Agreement.

Subpart C—Homeownership Counseling and Training

§ 1270.201 Purpose.

The purpose of the counseling and training program shall be to assure that the homebuyers, individually and collectively through their homebuyers association (HBA), will be more capable of dealing with situations with which they may be confronted, making decisions related to these situations, and understanding and accepting the responsibility and consequences that accompany those decisions.

§ 1270.202 Objectives.

The counseling and training program should seek to achieve the following objectives:

(a) Enable the potential homebuyer to have a full understanding of the responsibilities that accompany his participation in the Homeownership Opportunity Program;

(b) Enable the potential homebuyer to have an understanding of homeownership tasks with specific training given to individuals as the need and readiness for counseling or training indicates;

(c) Assure that the role of the HBA is understood and plans for its organization are initiated at the earliest practical time;

(d) Develop an understanding of the role of the LHA and of the need for a cooperative relationship between the homebuyer and the LHA;

(e) Encourage the development of self-help by the homebuyer through reducing dependency and increasing independent action;

(f) Develop an understanding of mutual assistance and cooperation that will develop a feeling of self-respect, pride and community responsibility;

(g) Develop local resources that can be of assistance to the individual and the community on an on-going basis.

§ 1270.203 Planning.

(a) The counseling and training program shall be flexible and responsive to the needs of each prospective homebuyer. While many subjects lend themselves to group sessions, consideration shall be given to individual counseling. Individuals should not be required to attend training classes on subject matter they are familiar with unless they can actively participate in the instruction process.

(b) The program may be provided by contract with an outside organization, or by the LHA staff, in either case with voluntary involvement and assistance of groups and individuals within the community. It is essential that the training entity be completely knowledgeable and supportive of the entire Homeownership Opportunity Program. It may be recognized that most of the objectives stated require specialized instructional skill and content knowledge. There shall be recognition of the differences in communication and in value systems, and an understanding and respect for past experience of the individual. Maximum possible use shall be made of indigenous trainers to insure good communication and rapport. Special attention shall be directed to the needs of working members of the family for counseling and training sessions to be held where and during the time they can attend. Where the services of outside contractors are utilized, there shall be a close working relationship with the LHA and a program for phasing in LHA staff who will have the on-going responsibility for the program. The value of local agencies, educational institutions, etc., for implementing the program rather than an outside firm shall be carefully considered since the continuing presence of such agencies and institutions in the community can often develop into an on-going resource beyond the contract period.

(c) In planning a homeownership counseling and training program, whether self-administered or contracted, the LHA shall consult with HUD for advice and information on programs, qualified contractors, local resources, reasonable costs, and other similar matters.

(d) Where the program is to be contracted to an outside group, proposals shall be secured either by public advertising or by sending requests for proposals to a number of competent public or private organizations.

(e) In areas where there are large concentrations of homebuyers who do not read, write, or understand English fluently, the native language of the people shall be used. If feasible all instructional materials shall be in both languages.

§ 1270.204 General requirements and information.

(a) The counseling and training program shall be designed to meet the needs of the homebuyers and be sufficiently flexible to meet new needs as they arise. The nature of the program suggests four phases of counseling: (1) Pre-occupancy; (2) move-in; (3) post-occupancy; (4) assistance to the HBA. While some elements of the program lend themselves more to one phase than another, the program areas shall be coordinated and interrelated. It is recommended that the entity providing these services work closely with the participants and ensure that policies established are agreeable to both the LHA and the homebuyer.

(b) The following is a description of major elements of the program which experience thus far has shown to be relevant. More detailed information is set forth in Appendix I, "Content Guide for Counseling and Training Program."

(1) *Pre-occupancy phase.* The purpose of this phase is to prepare the selected families to assume the responsibilities of homeownership, and to provide an opportunity for the LHA and each family to reassess the family's potential for successful participation in the homeownership development.

(i) An overload of information should be avoided in this phase since many of the subjects will be dealt with in greater depth after the family is in occupancy, and experience has shown that much of the information will be more relevant at that time.

(ii) This phase should be completed for each family before the beginning of its occupancy.

(2) *Move-in phase.* During this phase, the counseling and training staff should be available to the homebuyers on an individual basis. Services may include (i) inspecting the units, interior and exterior, with the homebuyers and a representative of the LHA, (ii) testing appliances and equipment, (iii) providing information on the moving process (packing, trucks, etc.), and (iv) assisting homebuyers in making adjustments occasioned by the move, serving as liaison among homebuyers, LHA, builder and other agencies, and assisting homebuyers in meeting new neighbors.

(3) *Post-occupancy phase.* Before this phase begins, a period (possibly one month) should elapse to allow homebuyers an opportunity to adjust to their new surroundings. This is a time when new questions and problems come to light that can be dealt with in further counseling and training. This phase should be designed to cover many of the same basic subjects as the pre-occupancy phase, both by review and refresher where necessary but in much greater depth.

(4) *Assistance to the HBA.* The parties responsible for the counseling and training program shall be responsible for the formation, incorporation, and development of the HBA, including the execution of the Recognition Agreement between the LHA and HBA, as provided in Subpart D of this part.

§ 1270.205 Training methodology.

Equal in importance to the content of the pre- and post-occupancy training is the training methodology. Because groups vary, there should be adaptability in the communication and learning experience. Methods to be utilized may include group presentations, small discussion groups, special classes, and workshops. Especially important to a successful program are individual family home visits for discussion and instruction on unique problems and operation of equipment.

§ 1270.206 Funding.

(a) *Source of funds.* For purpose of funding counseling and training pursuant to this Subpart and for establishing the HBA, the LHA shall include an amount equal to $500 per dwelling unit in the development cost budget. If additional funds should be needed for any of these purposes, the LHA with the assistance of the CPC, if any, shall explore all other possible sources of services and funds.

(b) *Planned use of $500-per-unit funds.* These funds are to be used to pay for:

(1) Pre- and post-occupancy counseling and training;

(2) Establishment and initial operation of the HBA (for operation in the management phase, see § 1270.305).

In planning the use of these funds, the LHA shall recognize that for a number of years after the initial counseling and training there is likely to be some turnover and follow-up counseling and training needs. Therefore, the LHA shall limit the amounts for the counseling and training of the initial homebuyers and shall reserve a reasonable amount for future counseling and training needs during the management phase of the development.

(c) *Period of availability of $500-per-unit funds.* These funds shall be available during the development phase, and a specific amount shall be set aside, in accordance with paragraph (b) of this section, to be used for ongoing needs after the close of the development period.

(d) *Budgeting of $500-per-unit funds.* (1) The Development Cost Budget submitted with the Development Program shall include an estimated amount for counseling and training program costs. However, such costs shall not be incurred until after HUD approval of the counseling and training program.

(2) Upon HUD approval of the counseling and training program, the LHA shall include the approved amount in its Contract Award Development Cost Budget. This amount shall constitute the maximum amount that may be included for such purposes in the project development cost; provided that, if the approved amount is less than $500 per dwelling unit, it may, if necessary, be amended with HUD approval, but not later than the Final Development Cost Budget and subject to the $500-per-unit limitation.

(e) *Application for approval of counseling and training program.* (1) The LHA shall submit an application for approval of a counseling and training program and for approval of funds therefor. This application shall be submitted to HUD at the time of the submission of the development program or as soon thereafter as possible but no later than the submission of the working drawings and specifications.

(2) The application shall include a narrative statement outlining the counseling and training program, including any services and funds to be obtained from other sources, together with copies of any proposed contract and other pertinent documents. This statement shall include the following:

(i) Indication that the training entity is completely knowledgeable of the Homeownership Opportunity Program and is aware of the needs and problems of prospective homebuyers;

(ii) The method and/or instruments to be used to determine individual training and counseling needs;

(iii) The scope of the proposed program, including a detailed breakdown of tasks to be performed, products to be produced, and a time schedule, including provision for progress payments for specific tasks;

(iv) An outline of the proposed content of the counseling and training to be provided, and the local community resources to be utilized;

(v) The methods of counseling and training to be utilized;

(vi) The experience and qualifications of the organization and of personnel who will directly provide the counseling and training;

(vii) The estimated cost, source of funds, and methods of payment for the tasks and products to be performed or produced, including estimates of costs for each of the following categories:

(*a*) Counseling and training during development phase:

Salaries
Materials, supplies and expendable equipment
Contract costs
Other costs

(*b*) Establishment and initial operation of HBA

(c) Counseling and training during management phase

§ 1270.207 Use of appendix.

A Content Guide for Counseling and Training Program (Appendix I) is provided as further detailed information for consideration in designing the counseling and training program. The items set forth therein are not to be considered mandatory.

APPENDIX I

(Subpart C)

CONTENT GUIDE FOR COUNSELING AND TRAINING PROGRAM

Inclusion of the following items in the Counseling and Training Program should be considered, keeping in mind that the extent to which they are covered will depend on specific needs of homebuyers in the given development.

PREOCCUPANCY PHASE

1. *Explanation of program.* Includes the background and a full description of the program with special emphasis on the financial and legal responsibilities of the homebuyers, the HBA, and the LHA; and a review for homebuyers of the computation of the monthly payment and of the accumulation and purpose of EHPA and reserves.

2. *Property care and maintenance.* Includes making homebuyers generally familiar with the overall operation of the home, including fixtures, equipment, interior designing, and building and equipment warranties, and the appropriate procedures for obtaining services and repairs to which the homebuyers may be entitled. (This aspect will probably have to be covered in more detail during the Post-Occupancy Phase.)

3. *Money management.* Includes budgeting, consumer education, credit counseling, insurance, utility costs, etc.

4. *Developing community.* Includes a view of the surrounding community, and especially how the homebuyer relates to it as an individual and as a member of the HBA.

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5. *Referrals.* Includes information as to community resources and services where assistance can be obtained in relation to individual or family problems beyond the scope of the contract agency. This may include referrals to community services that can upgrade employment skills, provide legal services, offer educational opportunities, care for health and dental needs, care for children of working mothers, provide guidance in marital problems and general family matters, including drugs and alcohol.

POST-OCCUPANCY PHASE

1. *Home maintenance.* This should include builder responsibility, identification of minor and major repairs, instructions on do-it-yourself repairs and methods of having major repairs completed.

2. *Money management.* This should involve an in-depth study of the legal and financial aspects of consumer credit, savings and investments, and budget counseling.

3. *Developing community.* This will consist primarily of creating an awareness on the part of the homebuyer of the nature and function of the HBA and the value of his participation in, and working through, the HBA as a responsible member of his community. By this means much will be learned about relationships with neighbors, community cooperation, and the ways in which individual and group problems are solved.

OTHER ITEMS

In addition to the above, there are other needs and concerns, especially those expressed by the homebuyers, that may be dealt with in special classes or workshops. These may include such topics as child care, selection of furnishings, decorating and furnishing, refinishing of furniture, upholstery, sewing, food and nutrition, care of clothing, etc.

Subpart D—Homebuyers Association (HBA)

§ 1270.301 Purpose.

(a) It is essential that the homebuyers have an organized vehicle for pursuing their common interests, for effectively representing the needs of residents in dealing with the LHA, and for undertaking eventual management responsibility for the development. Although this organization, called the homebuyers association (HBA), shall be representative of the homebuyers and independent of the LHA, it shall be the responsibility of the LHA and the training and counseling staff to assist the homebuyers in their initial efforts at organization.

(b) Except as noted in § 1270.307, each Turnkey III development shall have an HBA. There shall be a separate HBA for each development or developments where there is a physical and financial community of interest.

§ 1270.302 Membership.

Every family entitled to occupancy pursuant to a Homebuyers Ownership Opportunity Agreement and every family which is a homeowner shall automatically be a member of the HBA.

§ 1270.303 Organizing the HBA.

(a) The HBA should be organized and incorporated as early in the life of the development as is feasible, in order to allow selected homebuyers an opportunity to meet each other and begin forging a sense of community, but in any case the HBA shall be organized and incorporated no later than the date on which 50 percent of the homebuyers have been selected. Interim officers and directors shall be designated as part of the initial organization of the HBA to serve until full-term officers and directors are elected. Such full-term officers and directors shall be elected when 60 percent of the homebuyers are in occupancy, but, in any event, not later than one year from the date the first home is occupied.

(b) The LHA, in cooperation with the CPC, if any, shall be responsible for assuring that competent counseling and training assistance pursuant to Subpart C of this Part will be provided in organizing the HBA. These services shall be continued until the HBA is fully operational.

(c) The provision of such services shall include at least the following functions:

(1) Assembling homebuyers for initial orientation and planning;

(2) Explaining to homebuyers the structure and functions of an HBA and the rights and responsibilities of the HBA and the LHA;

(3) Aiding in the preparation of charters, by-laws, contracts with the LHA and other appropriate documents;

(4) Assisting in the formation of the organization, including such things as the initial designation of interim officers and directors and subsequent election of full-term HBA officers and directors, and the establishment of necessary committees, if any.

(d) The LHA and the HBA shall execute an agreement recognizing the HBA as the official representative of the homebuyers, and establishing the functions, rights, and responsibilities of both parties (see Appendix II). This agreement shall be executed as soon as possible after incorporation of the HBA.

§ 1270.304 Functions of the HBA.

(a) Subject to possible variations agreed to by the HBA and approved by HUD, the functions of the HBA shall include the following:

(1) Representing its members, individually and collectively, with respect to any deficiencies in the development or in the homes and with respect to fulfillment of the construction contract and related warranties;

(2) Representing its members, individually and collectively, in their relationships with the LHA and others in regard to financial matters such as monthly payments, credits to and charges against reserves, settlement upon vacating the home, acquisition of ownership, and other matters pertaining to operation and management of the development;

(3) Recommending policies and rules to the LHA for operation and management including rules concerning use of the common areas and community facilities;

(4) Participating in the operation of official grievance mechanisms;

(5) Advising and assisting its members regarding procedures and practices relative to the Earned Home Payments Account and the acquisition of homeownership;

(6) Participating with the LHA in periodic maintenance inspections of homes after occupancy, and making recommendations in case of disagreements arising out of maintenance inspections;

(7) Participating with the LHA in the selection of subsequent homebuyers;

(8) Coordinating, supervising, or managing the operation of credit union, child care, or other supportive services established for the development;

(9) Participating with the LHA in the establishment and implementation of policies related to collection of monthly payments, termination of occupancy, and resolution of hardship situations; and

(10) Performing management services as specified under contract with the Authority or with the Homeowners Association and participating in other activities pursuant to agreement with the LHA or with the Homeowners Association.

(b) In addition, the HBA may offer such special services as the following:

(1) The development of self-help such as consumer clubs, furniture and other co-ops, credit unions, transportation pools, and skill pools;

(2) Assisting homebuyers in acquiring group insurance;

(3) Developing programs and contracting for services such as child care centers to be located in the community facility where such a facility exists;

(4) Assisting homebuyers in their employment, especially by participating in skill development and apprenticeship programs in cooperation with local educational organizations;

(5) Assisting homebuyers in planning the management role of the HBA and in negotiating any contract for management services with the LHA.

§ 1270.305 Funding of HBA.

(a) In addition to providing the HBA with noncash contributions such as office space and duplicating services, the LHA shall make cash contributions for operating expenses of the HBA, in the amount provided for in paragraph (b) of this section. Until the project goes into management, these contributions shall be made from the development funds budgeted for the counseling and training program (see § 1270.206). Thereafter, these contributions shall be provided for in the annual operating budgets of the LHA.

(b) The cash contributions pursuant to paragraph (a) of this section shall be in the amount provided for in the LHA budget (development cost budget or annual operating budget, as the case may be) and approved by HUD. Such contributions shall be subject to whatever restrictions are applied by HUD to the funding of tenant councils generally, but they shall not exceed $3 per year per dwelling unit; provided that as an incentive to the HBA to provide additional funds from other sources such as homebuyer's dues, contributions, revenues from special projects or activities, etc., the LHA shall, to the extent approved by HUD in the LHA budget, match such additional funds beyond the $3 up to a maximum of $4.50, for a total LHA share of $7.50 where the total funding for the HBA is $12 or more. The HBA shall not be precluded from seeking to achieve total funding in excess of $12 per unit where this can be done with additional funds from sources other than the LHA. Furthermore, funding by the LHA for the normal expenses of the HBA is not to be confused with fees paid pursuant to management services contracts as described in § 1270.306.

§ 1270.306 Performing management services.

The LHA may also contract with the HBA to perform some or all of the functions of project management for which the HBA may be better suited or located than the LHA. Such functions may include security, maintenance of common property, or collection of monthly payments. For this purpose, the HBA may form a management corporation and the officers of the HBA shall be the directors of such corporation. This corporation and the LHA shall then negotiate a management services contract. Such arrangements are consistent with the objective of providing for maximum participation by residents in the management of their developments. As an alternative, the HBA and the LHA may elect to undertake any other arrangement approved by HUD.

§ 1270.307 Alternative to HBA.

Where the homes are on scattered sites (noncontiguous lots throughout a multiblock area, with no common property), or where the number of homes may be too few to support an HBA, and where an alternative method for homebuyer representation and continuing counseling is provided, an HBA shall not be required. For such cases, a modified form of homebuyers association may be called for or a less formal organization may be desirable. This decision shall be made jointly by the LHA and the homebuyers, acting on the recommendation of HUD.

§ 1270.308 Relationship with homeowners association.

The HBA and the homeowners association are, in legal terms, separate and distinct organizations with different functions. The homeowners association may hold title to and be responsible for maintenance of common property (see § 1270.119 and § 1270.120), while the HBA has more general service and representative functions. While all residents are members of the HBA, only those who have acquired title to their homes are members of the homeowners association.

§ 1270.309 Use of appendices.

Use of the Articles of Incorporation (Part I of Appendix I) and the Recognition Agreement between the Local Housing Authority and Homebuyers Association (Appendix II) is mandatory for projects developed under Subpart B of this Part which have homebuyers associations. No modification may be made in format, content or text of these Appendices except (1) as required under state or local law as determined by HUD or (2) with approval of HUD. The By-Laws of the Homebuyers Association is provided as a guide for such projects and it may be used or modified to the extent required by the HBA and LHA respectively to meet local needs and desires.

§ 1270.310 Waivers.

Upon determination of good cause, the Secretary of Housing and Urban Development may, subject to statutory limitations, waive any provision of this Chapter. Each such waiver shall be in writing and shall be supported by documentation of the pertinent facts and grounds.

APPENDIX I

(Subpart D)

ARTICLES OF INCORPORATION AND BY-LAWS OF ---------- HOMEBUYERS ASSOCIATION

Part I—*Articles of Incorporation*

In compliance with the requirements of

(reference to statute under which incorporation is sought)

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the undersigned, all of whom are natural persons, residents of ----------, of full age, have this day voluntarily associated themselves together for the purpose of forming a Corporation, not-for-profit, and do hereby certify:

ARTICLE I—NAME

The name of the corporation is ---------- Homebuyers Association (hereinafter referred to as the "Association").

ARTICLE II—OFFICE

The principal office of the Association is located at----------

ARTICLE III—AGENT

----------, whose address is ----------, is hereby appointed the initial registered agent of the Association.

ARTICLE IV—DURATION

The period of duration of the Association is perpetual.

ARTICLE V—MEMBERSHIP

Membership in the Association shall be limited to families who are entitled to occupancy of a Home in the Development pursuant to a Homebuyers Ownership Opportunity Agreement and families who are Homeowners in the Development, and all such families shall automatically be members so long as they are in occupancy of a Home. For purposes of these Articles, the term "Development" includes the following described Development or Deveolpments in the Homeownership Opportunity Program of ---------- (hereinafter referred to as the Authority):

ARTICLES VI—PURPOSES

The purposes for which this Association is formed shall not result in pecuniary gain or profit to the members thereof. These purposes are to provide organization and representation for its members in their relationships with the Authority in all matters regarding the homeownership opportunity program and, if appropriate, to perform management responsibilities for the Development under contract with the Authority.

1. In order to carry out these purposes, the Association shall perform the following functions:

a. Represent its members, individually and collectively, with respect to any deficiencies in the Development or in the Homes and with respect to fulfillment of the construction contract and related warranties;

b. Represent its members, individually and collectively, in their relationships with the Authority and others in regard to financial matters such as monthly payments, credits to and charges against reserves, settlement upon vacating a Home, and acquisition of ownership, and other matters pertaining to operation and management of the development;

c. Recommend policies and rules to the Authority for operation and management including rules concerning use of the common areas and community facilities;

d. Participate in the operation of official grievance mechanisms;

e. Advise and assist its members regarding procedures and practices relative to their Earned Home Payments Accounts and to their acquisition of homeownership;

f. Participate with the Authority in periodic maintenace inspections of the Homes after occupancy and make recommendations in case of disagreement arising out of maintenance inspections;

g. Participate with the Authority in the selection of subsequent homebuyers;

h. Coordinate, supervise, or manage the operation of credit union, child care, or other supportive services established for the Development;

i. Participate with the Authority in the establishment and implementation of policies related to collection of monthly payments, termination of occupancy, and resolution of hardship situations;

j. Perform management services as specified under contract with the Authority or with the Homeowners Association and participate in other activities pursuant to agreement with the Authority or with the Homeowners Association.

2. The Association may also offer special services such as:

a. The development of self-help such as consumer clubs, furniture and other co-ops, credit unions, transportation pools, and skill pools;

b. Assisting Homebuyers in acquiring group insurance;

c. Developing programs and contracting for services such as child care centers to be located in the community facility, where such a facility exists;

d. Assisting Homebuyers in their employment, especially by participating in skill development and apprenticeship programs in cooperation with local educational organizations; and

e. Assisting Homebuyers in planning the management role of the Association and in negotiating any contract for management services with the Authority.

ARTICLE VII—POWERS

This Association shall have all the powers, privileges, rights and immunities which are necessary or convenient for carrying out its purposes and which are conferred by the provisions of all applicable laws of the State of ---------- pertaining to non-profit corporations.

ARTICLE VIII—VOTING

There shall be only one vote per Home regardless of the number of persons in the family that occupies the Home.

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ARTICLE IX—BOARD OF DIRECTORS AND BY-LAWS

The affairs of the Association shall be managed by a Board of Directors, all of whom shall be members of the Association. The number of Directors shall be as provided in the By-Laws of the Association. The following persons shall serve as the first Board of Directors and as the first officers:

Name	Office	Address
----------	----------	----------
----------	----------	----------
----------	----------	----------

This Board shall manage the affairs of the Association until election of their successors by the membership.

Promptly after 60 percent of the Homes are occupied, or one year from the date the first Home is occupied, whichever occurs sooner, the Board shall call the first annual meeting of the Association at which the members shall adopt By-Laws and elect one-third of the Board for a term of one year, one-third for a trem of two years, and one-third for a term of three years. At each annual meeting thereafter the members shall elect one-third of the Board for a term of three years.

ARTICLE X—DISSOLUTION

After all members have acquired ownership of their Homes, the Association shall be dissolved with the assent given in writing and signed by not less than two-thirds of the members. The dissolution shall be effective when all of the assets of the Association remaining after payment of its liabilities have been granted, conveyed and assigned in such manner as the Association and Authority may mutually agree.

ARTICLE XI—AMENDMENT

Amendment of these Articles shall require the assent of 75 percent of the entire membership.

In witness whereof, for the purposes of incorporating this Association under the laws of the State of ---------- we, the undersigned constituting the incorporators of this Association, have executed these Articles of Incorporation this -------- day of ------ ------, 19----.

[Witness, Notary, or Acknowledgment as required by state law]

[NOTE.—The following is a suggested form of By-Laws. Different format and content to meet local needs may be used. For example, it may be considered desirable to combine HBA offices, eliminate or change functions of various committees, provide for other committees, etc.]

Part II—*By-Laws*

The members of the ---------- Homebuyers Association (hereinafter referred to as the "Association") do hereby adopt in accordance with Article IX of the Articles of Incorporation the following By-Laws:

SECTION 1. *Organization.*—The affairs of the Association shall be managed by a Board of Directors elected by and from the members of the Association. The Board shall elect officers of the Association, including a President, Vice President, Secretary, and Treasurer, who shall carry out such functions and duties as are prescribed by these By-Laws and the Board.

SEC. 2. *Association meetings.*—A. *Annual meetings.* The Association shall have an annual meeting at ----------
(time)
on the ----------
(day of week and month)
each year for the purpose of transacting such business as may be necessary or appropriate. If the date of the annual meeting is a legal holiday, the meeting shall be held at the same hour on the first day following which is not a legal holiday.

B. *Quarterly and special meetings.* Between annual meetings, quarterly meetings shall be called by the President and be held for the purpose of advising the membership of activities of the Board and enabling the members to bring up matters of common concern. Special meetings may be called at any time (1) by the President with the written concurrence of at least two of the other officers or (2) by a petition filed with the Secretary stating the purpose of the meeting and signed by at least one-fifth of the total number of members in the Association.

C. *Notice of meetings.* Written notice of each annual, quarterly or special meeting of the members shall be given by, or at the direction of, the Secretary by mailing a copy of such notice at least fifteen days before an annual or quarterly meeting or at least seven days before a special meeting, addressed to each member at the member's address shown on the records of the Association. Such notice shall specify the place, date, and hour of the meeting and, in the case of a special meeting, the purpose of such meeting. No business shall be transacted at any special meeting other than that stated in the notice unless by consent of at least one-half of the total number of votes of the Association.

D. *Quorum.* A quorum at any meeting shall consist of members entitled to cast votes which represent at least one-tenth of the votes of the Association. If such a quorum is not present, those present shall have the power to reschedule the meeting from time to time without notice other than an announcement at the meeting until there is a quorum. At any rescheduled meeting at which a quorum is present, the only business which may be transacted is that which might have been transacted at the original meeting.

E. *Voting.* Each family shall designate in writing to the Secretary the family member who is to cast the family vote. That designee may appoint as a proxy for a specific meeting any other member of the Association. A proxy must be in writing and filed with the Secretary not later than the time that meeting is called to order. Every proxy shall be revocable and shall be automatically revoked when the person who appointed the proxy attends the meeting or ceases to have voting privileges in the Association. Votes represented by proxy shall be counted in determining the presence or absence of a quorum at any meeting.

F. *Agenda.* An agenda shall be prepared for every meeting.

SEC. 3. Board of Directors—A. *Number of directors.* The affairs of the Association shall be managed by a Board of ------ Directors, all of whom shall be members of the Association. The number of Directors may be changed by amendment of the By-Laws of the Association.

B. *Term of Office.* The Board of Directors shall be elected at the annual meeting of the Association. At the first annual meeting, the members shall elect ------[1] Directors for a term of one year, ------[1] Directors for a term of two years, and ------[1] Directors for a term of three years. At each annual meeting thereafter the members shall elect --------[1] Directors for a term of three years.

[1] Each group shall be one-third of the total number of Directors.

C. *Removal and other vacancies of Directors.* Any Director may be removed from the Board, for cause, by a majority of the votes of the Association at any annual or quarterly meeting or any special meeting called for such purpose, provided that the Director has been given an opportunity to be heard at such meeting. In the event of death, resignation or removal of a Director, his successor shall be elected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.

D. *Chairman of the Board.* At the first regular Board meeting after each annual meeting, the Board of Directors shall elect a Chairman from among their number.

E. *Compensation.* No compensation shall be paid to the Board for its services. However, any Director may be reimbursed for his actual expense incurred in the performance of his duties, as long as such expense receives approval of the Board and is within the approved Association budget.

SEC. 4. *Nomination and election of the board.*—A. *Nomination.* Nomination for election to the Board of Directors (other than for filling of vacancies under section 3. C.) shall be made by the Nomination Committee; provided, however, that nominations may also be made from the floor at the annual meeting by motion properly made and seconded, or by a petition which states the name of the person nominated, is signed by members representing at least ten votes, and is filed with the Secretary not later than the day prior to the annual meeting. Persons nominated must be members of the Association.

B. *Election.* Election of the Board of Directors shall be in accordance with Section 2. E., and by secret written ballot. The ballots shall be prepared by the Secretary. Cumulative voting is not permitted (that is, a voter who refrains from voting with respect to one or more vacancies may not on that account cast any extra vote or votes with respect to another vacancy). The persons receiving the largest number of votes shall be elected.

SEC. 5. *Meetings of Directors.*—A. *Regular meetings.* Regular meetings of the Board of Directors shall be held monthly at such time and hours as may be fixed from time to time by resolution of the Board. Notice of time and place of the meetings shall be mailed to each Director no later than seven days before the meeting.

B. *Special meetings.* Special meetings of the Board of Directors shall be held when called by the President of the Association, the Chairman of the Board or by any two Directors, after not less than three days notice to each Director.

C. *Quorum.* A simple majority of the Board shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the Board present at a duly held meeting shall be regarded as an act of the Board.

D. *Action taken without a meeting.* Any action which could be otherwise taken at a Board meeting may be taken in the absence of a meeting, by obtaining the written approval of all Directors. Any action so approved shall have the same effect as though taken at a meeting of the Board.

SEC. 6. *Power and duties of the Board of Directors.*—A. *Power and duties generally.* The Board of Directors shall have and exercise all the powers, duties, and authority necessary for the administration of the affairs and to carry out the purposes of the Association, excepting only those acts and things as are required by law, by the Articles of Incorporation, or by these By-Laws to be exercised and done by the members or their officers.

B. *Powers.* The Board shall have the power to: (1) adopt and publish such rules and regulations as are appropriate in the exercise of its powers and duties, including but not limited to rules and regulations governing the amount and payment of dues, use of common areas and facilities and the conduct of the members and their guests thereon, and the establishment of penalties for violation of such rules and regulations; (2) appoint or designate officers, agents, and employees, and make such delegations of authority as in its judgment are in the best interest of the Association; (3) declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from at least three consecutive regular meetings of the Board of Directors.

C. *Duties.* It shall be the duty of the Board of Directors to: (1) Cause to be kept a complete record of all its acts and Association affairs, and to present a statement thereof to the members at the annual meeting, or at any special meeting when such statement is requested in writing by members representing at least one-fifth of the votes of the Association; (2) cause to be prepared an annual audit of the Association books to be made at the completion of each fiscal year; (3) cause to be supervised all officers, agents, and employees of the Association, and see that their duties are properly performed; (4) procure and maintain adequate liability and hazard insurance on any property owned by the Association; (5) cause such officers or employees having fiscal responsibilities to be bonded as the Board may deem appropriate; (6) cause to be performed the functions listed in Article V of the Articles of Incorporation.

SEC. 7. *Association officers and their duties.*—A. *Election.* The Board of Directors shall elect the following officers of the Association: a President, a Vice President, a Secretary, a Treasurer, and such other special officers as, in the opinion of the Board, the Association may require. The President and Vice President shall be elected from members of the Board. The election of officers shall take place biennially at the first meeting of the Board of Directors following the annual meeting of the members.

B. *Term.* The officers shall hold office for two years unless they shall resign sooner, be removed, or otherwise be disqualified to serve; provided, however, that special officers shall hold office for such period as the Board may determine, but not to exceed one year.

C. *Removal and resignation.* Any officer may be removed from office for cause, by the Board. Any officer may resign at any time by giving written notice to the Board, the President or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

D. *Vacancies.* A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

E. *Multiple Officers.* No person shall simultaneously hold more than one of the offices required by these By-Laws.

F. *Duties.* The duties of the officers are as follows:

(1) *President.* The President shall preside at all Association meetings; shall excute the orders and resolutions of the Board; shall sign all leases, mortgage, deeds, and other written instruments; and shall cosign with the Treasurer all checks and promissory notes.

(2) *Vice President.* The Vice President shall act in place and stead of the President in the event of his absence or disability and shall exercise and discharge such other duties as may be required of him by the Board.

(3) *Secretary.* The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the Association; shall keep the corporate seal of the Association and affix it on all papers requiring said seal; shall serve notice of the meetings of the Board and of the Association; shall keep appropriate current records showing the names and addresses of the members of the Association; and shall perform such duties as may be required by the Board.

(4) *Treasurer.* The Treasurer shall receive and deposit in appropriate bank accounts all funds of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall cosign with the President all checks and promissory notes of the Association; shall keep proper books of account; and shall prepare an annual budget and statement of income and expenditures which shall be approved by the Board before presentation to the Association at its regular annual meeting, and furnish a copy to each of the members.

(5) *Special officers.* Special officers shall have such authority and perform such duties as the Board may determine.

(6) *Compensation.* Officers may not be compensated except as may be determined by the Board, in accordance with the approved Association budget.

SEC. 8. *Committees.*—A. *Committees to be established.* The Board of Directors shall establish the following committees:

(1) *Representation Committee* which shall represent members, individually and collectively, with respect to: any deficiencies in the Development or the individual Homes therein; fulfillment of the construction contract and related warranties; relationships with the Authority and others in regard to financial matters such as monthly payments, credits to and charges against reserves, settlement upon vacating the home, and acquisition of ownership; matters pertaining to project management; and matters in the Authority's official grievance mechanisms.

(2) *Rules Committee* which shall present to the Board for recommendation to the Authority policies for operation and management and, where appropriate, assist the Board in establishing Association rules in that respect.

(3) *Homeownership Committee* which shall advise and assist members in regard to maintenance and acquisition of ownership of their homes, financial matters and other matters related to homeownership and home management.

(4) *Selection Committee* which shall recommend proposed homebuyers from a list of eligible applicants.

(5) *Nominating Committee* which shall consist of a chairman, who shall be a member of the Board of Directors, and two or more members of the Association, none of whom are Directors. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting, to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies to be filled.

B. *Other committees.* The Board may establish other committees, permanent or temporary, which it deems necessary or desirable to carry out the purposes of the Association.

C. *Committee Chairman and Members.* The chairmen of all committees, except the Nominating Committee, shall be appointed by and serve at the pleasure of the President. Committee members shall be appointed by the chairman of the committee on which they are to serve and shall serve until a new chairman is appointed.

D. *Committee Reports.* The chairman of each committee shall make a report to the President in writing of committee meetings and activities prior to each regular monthly meeting of the Board of Directors.

E. *Authority.* Unless specifically authorized in writing by the Board of Directors or the President, a committee chairman or a committee shall have no authority to legally obligate the Association or incur any expenditure on behalf of the Association.

SEC. 9. *Suspension of rights.* The Board may suspend, by a majority vote of the Board, the voting rights and rights to use the recreational facilities, of a member, and his family and guests, during any period in which the member shall be in default in the payment of any dues or assessment imposed by the Association. Such rights may also be suspended, after notice and hearing, for a period not to exceed sixty days, for violation of the Association's rules and regulations.

SEC. 10. *Books and records.* The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member.

SEC. 11. *Amendments.* Amendments to these By-Laws may be introduced and discussed at any annual or special meeting of the Association, provided that copies of any proposed amendment shall be mailed to all the members with the notice of the meeting at which such amendment will be introduced. A vote on adopting such amendment shall be taken at the first Association meeting held at least two weeks subsequent to the meeting at which the amendment was introduced. Amendments shall be adopted by a vote of a majority of the members of the Association.

SEC. 12. *Corporate seal.* The Association shall have a seal which shall appear as follows: [SEAL]

SEC. 13. *Fiscal year.* The first fiscal year of the Association shall begin on the date of incorporation and shall end on the last day of ---------- Each successive fiscal
(month, year)
year shall begin on the first day of ----------
(month)
and end on the last day of ----------
(month)

The foregoing By-Laws were adopted at the first annual meeting of the Association held ---------- by the undersigned members of the Association.

APPENDIX II

(Subpart D)

RECOGNITION AGREEMENT BETWEEN LOCAL HOUSING AUTHORITY AND HOMEBUYERS ASSOCIATION

WHEREAS, the ----- ---------- ("Authority"), a public body corporate and politic, has developed or acquired with the aid of loans and annual contributions from the Department of Housing and Urban Development ("HUD"), the following Development or Developments in its homeownership opportunity program (hereinafter referred to as the "Development"): [1]

---

[1] List here the specific Development or Developments whose Homebuyers are represented by the Homebuyers Association with which this Agreement is entered into.

V 39 57 MAR 22 74 XUM

WHEREAS, an organization of residents ("Homebuyers") is an essential element in such Development for purposes of effective participation of the Homebuyers in the management of the Development and representation of the Homebuyers in their relationships with the Authority, and for other purposes; and

WHEREAS, the _____ Homebuyers Association ("Association") fully represents the Homebuyers of the Development;

NOW, THEREFORE, this agreement is entered into by and between the Authority and the Association and they do hereby agree as follows:

1. The Association, whose Articles of Incorporation are attached hereto and made a part hereof, is hereby recognized as the established representative of the Homebuyers of the Development and is the sole group entitled to represent them as tenants or Homebuyers before the Authority;

2. For each fiscal year, the Authority shall make available funds to the Association for its normal expenses, in such amounts as may be available to the Authority for such purposes and subject to whatever applicable HUD regulations;

3. The Association shall be entitled to the use of office space in _____ at the Development without charge by the Authority for such use;

4. The Authority and the officers of the Association shall meet at a location convenient to both parties on the _____ (day) of each month to discuss matters of interest to either party;

5. In the event the parties later agree that the Association should assume management responsibilities now held by the Authority, a contract for such purpose will be negotiated by _____ the Association;

_____ terminate upon dissolution of the Association.

IN WITNESS HEREOF, the parties have executed this Agreement on _____, 19____.

Local Housing Authority
By _____
(Official Title)
Homebuyers Association
By _____
(Official Title)

WITNESSES:
_____
_____

[FR Doc.74-6178 Filed 3-21-74;8:45 am]

ARTICLE IX—BOARD OF DIRECTORS AND BY-LAWS

The affairs of the Association shall be managed by a Board of Directors, all of whom shall be members of the Association. The number of Directors shall be as provided in the By-Laws of the Association. The following persons shall serve as the first Board of Directors and as the first officers:

Name	Office	Address

This Board shall manage the affairs of the Association until election of their successors by the membership.

Promptly after 60 percent of the Homes are occupied, or one year from the date the first Home is occupied, whichever occurs sooner, the Board shall call the first annual meeting of the Association at which the members shall adopt By-Laws and elect one-third of the Board for a term of one year, one-third for a trem of two years, and one-third for a term of three years. At each annual meeting thereafter the members shall elect one-third of the Board for a term of three years.

ARTICLE X—DISSOLUTION

After all members have acquired ownership of their Homes, the Association shall be dissolved with the assent given in writing and signed by not less than two-thirds of the members. The dissolution shall be effective when all of the assets of the Association remaining after payment of its liabilities have been granted, conveyed and assigned in such manner as the Association and Authority may mutually agree.

ARTICLE XI—AMENDMENT

Amendment of these Articles shall require the assent of 75 percent of the entire membership.

In witness whereof, for the purposes of incorporating this Association under the laws of the State of _____, we, the undersigned constituting the incorporators of this Association, have executed these Articles of Incorporation this _____ day of _____, 19____.

_____

_____

_____

_____

_____

[Witness, Notary, or Acknowledgment as required by state law]

[NOTE.—The following is a suggested form of By-Laws. Different format and content to meet local needs may be used. For example, it may be considered desirable to combine HBA offices, eliminate or change functions of various committees, provide for other committees, etc.]

Part II—*By-Laws*

The members of the _____ Homebuyers Association (hereinafter referred to as the "Association") do hereby adopt in accordance with Article IX of the Articles of Incorporation the following By-Laws:

SECTION 1. *Organization.*—The affairs of the Association shall be managed by a Board of Directors elected by and from the members of the Association. The Board shall elect officers of the Association, including a President, Vice President, Secretary, and Treasurer, who shall carry out such functions and duties as are prescribed by these By-Laws and the Board.

SEC. 2. *Association meetings.*—A. *Annual meetings.* The Association shall have an annual meeting at _____ (time) on the _____ (day of week and month) each year for the purpose of transacting such business as may be necessary or appropriate. If the date of the annual meeting is a legal holiday, the meeting shall be held at the same hour on the first day following which is not a legal holiday.

B. *Quarterly and special meetings.* Between annual meetings, quarterly meetings shall be called by the President and be held for the purpose of advising the membership of activities of the Board and enabling the members to bring up matters of common concern. Special meetings may be called at any time (1) by the President with the written concurrence of at least two of the other officers or (2) by a petition filed with the Secretary stating the purpose of the meeting and signed by at least one-fifth of the total number of members in the Association.

C. *Notice of meetings.* Written notice of each annual, quarterly or special meeting of the members shall be given by, or at the direction of, the Secretary by mailing a copy of such notice at least fifteen days before an annual or quarterly meeting or at least seven days before a special meeting, addressed to each member at the member's address shown on the records of the Association. Such notice shall specify the place, date, and hour of the meeting and, in the case of a special meeting, the purpose of such meeting. No business shall be transacted at any special meeting other than that stated in the notice unless by consent of at least one-half of the total number of votes of the Association.

D. *Quorum.* A quorum at any meeting shall consist of members entitled to cast votes which represent at least one-tenth of the votes of the Association If such a quorum is not present, those present shall have the power to reschedule the meeting from time to time without notice other than an announcement at the meeting until there is a quorum. At any rescheduled meeting at which a quorum is present, the only business which may be transacted is that which might have been transacted at the original meeting.

E. *Voting.* Each family shall designate in writing to the Secretary the family member who is to cast the family vote. That designee may appoint as a proxy for a specific meeting any other member of the Association. A proxy must be in writing and filed with the Secretary not later than the time that meeting is called to order. Every proxy shall be revocable and shall be automatically revoked when the person who appointed the proxy attends the meeting or ceases to have voting privileges in the Association. Votes represented by proxy shall be counted in determining the presence or absence of a quorum at any meeting.

F. *Agenda.* An agenda shall be prepared for every meeting.

SEC. 3. Board of Directors—A. *Number of directors.* The affairs of the Association shall be managed by a Board of _____ Directors, all of whom shall be members of the Association. The number of Directors may be changed by amendment of the By-Laws of the Association.

B. *Term of Office.* The Board of Directors shall be elected at the annual meeting of the Association. At the first annual meeting, the members shall elect _____[1] Directors for a term of one year, _____[1] Directors for a term of two years, and _____[1] Directors for a term of three years. At each annual meeting thereafter the members shall elect _____[1] Directors for a term of three years.

[1] Each group shall be one-third of the total number of Directors.

C. *Removal and other vacancies of Directors.* Any Director may be removed from the Board, for cause, by a majority of the votes of the Association at any annual or quarterly meeting or any special meeting called for such purpose, provided that the Director has been given an opportunity to be heard at such meeting. In the event of death, resignation or removal of a Director, his successor shall be elected by the remaining members of the Board and shall serve for the unexpired term of his predecessor.

D. *Chairman of the Board.* At the first regular Board meeting after each annual meeting, the Board of Directors shall elect a Chairman from among their number.

E. *Compensation.* No compensation shall be paid to the Board for its services. However, any Director may be reimbursed for his actual expense incurred in the performance of his duties, as long as such expense receives approval of the Board and is within the approved Association budget.

SEC. 4. *Nomination and election of the board.*—A. *Nomination.* Nomination for election to the Board of Directors (other than for filling of vacancies under section 3. C.) shall be made by the Nomination Committee; provided, however, that nominations may also be made from the floor at the annual meeting by motion properly made and seconded, or by a petition which states the name of the person nominated, is signed by members representing at least ten votes, and is filed with the Secretary not later than the day prior to the annual meeting. Persons nominated must be members of the Association.

B. *Election.* Election of the Board of Directors shall be in accordance with Section 2. E., and by secret written ballot. The ballots shall be prepared by the Secretary. Cumulative voting is not permitted (that is, a voter who refrains from voting with respect to one or more vacancies may not on that account cast any extra vote or votes with respect to another vacancy). The persons receiving the largest number of votes shall be elected.

SEC. 5. *Meetings of Directors.*—A. *Regular meetings.* Regular meetings of the Board of Directors shall be held monthly at such time and hours as may be fixed from time to time by resolution of the Board. Notice of time and place of the meetings shall be mailed to each Director no later than seven days before the meeting.

B. *Special meetings.* Special meetings of the Board of Directors shall be held when called by the President of the Association, the Chairman of the Board or by any two Directors, after not less than three days notice to each Director.

C. *Quorum.* A simple majority of the Board shall constitute a quorum for the transaction of business. Every act or decision done or made by a majority of the Board present at a duly held meeting shall be regarded as an act of the Board.

D. *Action taken without a meeting.* Any action which could be otherwise taken at a Board meeting may be taken in the absence of a meeting, by obtaining the written approval of all Directors. Any action so approved shall have the same effect as though taken at a meeting of the Board.

SEC. 6. *Power and duties of the Board of Directors.*—A. *Power and duties generally.* The Board of Directors shall have and exercise all the powers, duties, and authority necessary for the administration of the affairs and to carry out the purposes of the Association, excepting only those acts and things as are required by law, by the Articles of Incorporation, or by these By-Laws to be exercised and done by the members or their officers.

B. *Powers.* The Board shall have the power to: (1) adopt and publish such rules and regulations as are appropriate in the exercise of its powers and duties, including but not limited to rules and regulations governing the amount and payment of dues, use of common areas and facilities and the conduct of the members and their guests thereon, and the establishment of penalties for violation of such rules and regulations; (2) appoint or designate officers, agents, and employees, and make such delegations of authority as in its judgment are in the best interest of the Association; (3) declare the office of a member of the Board of Directors to be vacant in the event such member shall be absent from at least three consecutive regular meetings of the Board of Directors.

C. *Duties.* It shall be the duty of the Board of Directors to: (1) Cause to be kept a complete record of all its acts and Association affairs, and to present a statement thereof to the members at the annual meeting, or at any special meeting when such statement is requested in writing by members representing at least one-fifth of the votes of the Association; (2) cause to be prepared an annual audit of the Association books to be made at the completion of each fiscal year; (3) cause to be supervised all officers, agents, and employees of the Association, and see that their duties are properly performed; (4) procure and maintain adequate liability and hazard insurance on any property owned by the Association; (5) cause such officers or employees having fiscal responsibilities to be bonded as the Board may deem appropriate; (6) cause to be performed the functions listed in Article V of the Articles of Incorporation.

SEC. 7. *Association officers and their duties.*—A. *Election.* The Board of Directors shall elect the following officers of the Association: a President, a Vice President, a Secretary, a Treasurer, and such other special officers as, in the opinion of the Board, the Association may require. The President and Vice President shall be elected from members of the Board. The election of officers shall take place biennially at the first meeting of the Board of Directors following the annual meeting of the members.

B. *Term.* The officers shall hold office for two years unless they shall resign sooner, be removed, or otherwise be disqualified to serve; provided, however, that special officers shall hold office for such period as the Board may determine, but not to exceed one year

C. *Removal and resignation.* Any officer may be removed from office, for cause, by the Board. Any officer may resign at any time by giving written notice to the Board, the President or the Secretary. Such resignation shall take effect on the date of receipt of such notice or at any later time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

D. *Vacancies.* A vacancy in any office may be filled by appointment by the Board. The officer appointed to such vacancy shall serve for the remainder of the term of the officer he replaces.

E. *Multiple Officers.* No person shall simultaneously hold more than one of the offices required by these By-Laws.

F. *Duties.* The duties of the officers are as follows:

(1) *President.* The President shall preside at all Association meetings; shall excute the orders and resolutions of the Board; shall sign all leases, mortgage, deeds, and other written instruments; and shall cosign with the Treasurer all checks and promissory notes.

(2) *Vice President.* The Vice President shall act in place and stead of the President in the event of his absence or disability and shall exercise and discharge such other duties as may be required of him by the Board.

(3) *Secretary.* The Secretary shall record the votes and keep the minutes of all meetings and proceedings of the Board and of the Association; shall keep the corporate seal of the Association and affix it on all papers requiring said seal; shall serve notice of the meetings of the Board and of the Association; shall keep appropriate current records showing the names and addresses of the members of the Association; and shall perform such duties as may be required by the Board.

(4) *Treasurer.* The Treasurer shall receive and deposit in appropriate bank accounts all funds of the Association and shall disburse such funds as directed by resolution of the Board of Directors; shall cosign with the President all checks and promissory notes of the Association; shall keep proper books of account; and shall prepare an annual budget and statement of income and expenditures which shall be approved by the Board before presentation to the Association at its regular annual meeting, and furnish a copy to each of the members.

(5) *Special officers.* Special officers shall have such authority and perform such duties as the Board may determine.

(6) *Compensation.* Officers may not be compensated except as may be determined by the Board, in accordance with the approved Association budget.

SEC. 8. *Committees.*—A. *Committees to be established.* The Board of Directors shall establish the following committees:

(1) *Representation Committee* which shall represent members, individually and collectively, with respect to: any deficiencies in the Development or the individual Homes therein; fulfillment of the construction contract and related warranties; relationships with the Authority and others in regard to financial matters such as monthly payments, credits to and charges against reserves, settlement upon vacating the home, and acquisition of ownership; matters pertaining to project management; and matters in the Authority's official grievance mechanisms.

(2) *Rules Committee* which shall present to the Board for recommendation to the Authority policies for operation and management and, where appropriate, assist the Board in establishing Association rules in that respect.

(3) *Homeownership Committee* which shall advise and assist members in regard to maintenance and acquisition of ownership of their homes, financial matters and other matters related to homeownership and home management.

(4) *Selection Committee* which shall recommend proposed homebuyers from a list of eligible applicants.

(5) *Nominating Committee* which shall consist of a chairman, who shall be a member of the Board of Directors, and two or more members of the Association, none of whom are Directors. The Nominating Committee shall be appointed by the Board of Directors prior to each annual meeting, to serve from the close of such annual meeting until the close of the next annual meeting and such appointment shall be announced at each annual meeting. The Nominating Committee shall make as many nominations for election to the Board of Directors as it shall in its discretion determine, but not less than the number of vacancies to be filled.

B. *Other committees.* The Board may establish other committees, permanent or temporary, which it deems necessary or desirable to carry out the purposes of the Association.

C. *Committee Chairman and Members.* The chairmen of all committees, except the Nominating Committee, shall be appointed by and serve at the pleasure of the President. Committee members shall be appointed by the chairman of the committee on which they are to serve and shall serve until a new chairman is appointed.

D. *Committee Reports.* The chairman of each committee shall make a report to the President in writing of committee meetings and activities prior to each regular monthly meeting of the Board of Directors.

E. *Authority.* Unless specifically authorized in writing by the Board of Directors or the President, a committee chairman or a committee shall have no authority to legally obligate the Association or incur any expenditure on behalf of the Association.

SEC. 9. *Suspension of rights.* The Board may suspend, by a majority vote of the Board, the voting rights and rights to use the recreational facilities, of a member, and his family and guests, during any period in which the member shall be in default in the payment of any dues or assessment imposed by the Association. Such rights may also be suspended, after notice and hearing, for a period not to exceed sixty days, for violation of the Association's rules and regulations.

SEC. 10. *Books and records.* The books, records and papers of the Association shall at all times, during reasonable business hours, be subject to inspection by any member.

SEC. 11. *Amendments.* Amendments to these By-Laws may be introduced and discussed at any annual or special meeting of the Association, provided that copies of any proposed amendment shall be mailed to all the members with the notice of the meeting at which such amendment will be introduced. A vote on adopting such amendment shall be taken at the first Association meeting held at least two weeks subsequent to the meeting at which the amendment was introduced. Amendments shall be adopted by a vote of a majority of the members of the Association.

SEC. 12. *Corporate seal.* The Association shall have a seal which shall appear as follows: [SEAL]

SEC. 13. *Fiscal year.* The first fiscal year of the Association shall begin on the date of incorporation and shall end on the last day of _____ (month, year). Each successive fiscal year shall begin on the first day of _____ (month) and end on the last day of _____ (month).

The foregoing By-Laws were adopted at the first annual meeting of the Association held _____ by the undersigned members of the Association.

APPENDIX II

(Subpart D)

RECOGNITION AGREEMENT BETWEEN LOCAL HOUSING AUTHORITY AND HOMEBUYERS ASSOCIATION

WHEREAS, the _____ ("Authority"), a public body corporate and politic, has developed or acquired with the aid of loans and annual contributions from the Department of Housing and Urban Development ("HUD"), the following Development or Developments in its homeownership opportunity program (hereinafter referred to as the "Development"):[1]

_____

_____

_____

[1] List here the specific Development or Developments whose Homebuyers are represented by the Homebuyers Association with which this Agreement is entered into.

V 39 57 MAR 22 74 XUM

WHEREAS, an organization of residents ("Homebuyers") is an essential element in such Development for purposes of effective participation of the Homebuyers in the management of the Development and representation of the Homebuyers in their relationships with the Authority, and for other purposes; and

WHEREAS, the _____ Homebuyers Association ("Association") fully represents the Homebuyers of the Development;

NOW, THEREFORE, this agreement is entered into by and between the Authority and the Association and they do hereby agree as follows:

1. The Association, whose Articles of Incorporation are attached hereto and made a part hereof, is hereby recognized as the established representative of the Homebuyers of the Development and is the sole group entitled to represent them as tenants or Homebuyers before the Authority;

2. For each fiscal year, the Authority shall make available funds to the Association for its normal expenses, in such amounts as may be available to the Authority for such purposes and subject to whatever applicable HUD regulations;

3. The Association shall be entitled to the use of office space in _____ at the Development without charge by the Authority for such use;

4. The Authority and the officers of the Association shall meet at a location convenient to both parties on the _____ (day) of each month to discuss matters of interest to either party;

5. In the event the parties later agree that the Association should assume management responsibilities now held by the Authority, a contract for such purpose will be negotiated by _____ the Association;

_____ terminate upon dissolution of the Association.

IN WITNESS HEREOF, the parties have executed this Agreement on _____, 19____.

Local Housing Authority
By _____
(Official Title)
Homebuyers Association
By _____
(Official Title)

WITNESSES:
_____
_____

[FR Doc.74-6178 Filed 3-21-74;8:45 am]

federal register

FRIDAY, MARCH 22, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 57

PART III

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

Area Wage Determination Decisions, Modifications, and Supersedeas Decisions

No. 57—Pt. III——1

V 39 57 MAR 22 74 XUM

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor, specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas decisions to General Wage Determination Decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modfied, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New General Wage Determination Decisions

Florida	AQ–4091
	AQ–4092
Kentucky	AQ–4093
Tennessee	AQ–4094

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State:

California:	
AQ–1087	Feb. 22, 1974
AQ–1088	Mar. 1, 1974
Maryland:	
AQ–2040	Jan. 25, 1974
Mississippi:	
AQ–4081	Feb. 22, 1974
New Mexico:	
AQ–82	Mar. 8, 1974
Oklahoma:	
AQ–22	Aug. 31, 1973
Pennsylvania:	
AQ–2011	Aug. 17, 1973
AQ–2045; AQ–2057; AQ–2063; AQ–2064; AQ–2065	Feb. 15, 1974
Wyoming:	
AQ–1043	Oct. 5, 1973
AQ–1078	Feb. 8, 1974

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are in parentheses following the number of the decisions being superseded:

California:	
AQ–1064(AQ–1094); AQ–1065)(AQ–1095)	Dec. 14, 1973 Oct. 12, 1973
Connecticut:	
AQ–3014(AQ–3149)	Nov. 9, 1973
AQ–3035(AQ–3149)	May 18, 1973
Indiana:	
AP–662(AQ–3139); AP–663 (AQ–3140); AP–664(AQ–3141); AP–665(AQ–3142); AP–666(AQ–3143); AP–667(AQ–3144)	Jan. 4, 1974
Massachusetts:	
AQ–3073(AQ–3150)	

Signed at Washington, D.C., this 15th day of March 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

AQ-4091 Fl. 2 6-FLA-1-K (2-2)

NEW DECISION

STATE: Florida
DECISION NUMBER: AQ-4091
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).
6-FLA-1-K (1-2)
COUNTY: Brevard
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Air conditioning mechanics	$ 9.13	.35			.02
Asbestos workers	9.54	.35			.02
Bottomers	8.13	.40	.70		.01
Bricklayers	8.60	.38	.35		.03
Stonemasons	8.60	.38	.35		.03
Marble setters	8.60	.38	.35		.03
Terrazzo workers	8.60	.38	.35		.03
Plasterers	8.60	.38	.35		.03
Cement masons	8.76	.38	.35		.03
Block layers	8.85	.38	.35		.03
Carpenters & Soft floor layers	8.27	.45	.30		.02
Electricians	8.88	3.5%	15% + .40	4%	2%
Cable splicers	9.38	3.5%	15% + .40	4%	2%
Elevator constructors	9.03	3 1/2	.23	2%+a&b	.01 1/2
Elevator constructors' helpers	70% JR	3 1/2	.23	2%+a&b	.01 1/2
Elevator constructors' helpers (prob.)	50% JR				
Glaziers	7.62				
Ironworkers	8.55	.55	.33		.03
Laborers:					
Laborers	5.85	.55	.30		
Mason tenders	6.10	.55	.30		
Plasterers' tenders	6.15	.55	.30		
Mortar mixers	5.95	.55	.30		
Power tool operators	5.95	.55	.30		.02
Vibrators	5.95	.55	.30		
Lathers	5.95	.30	.10		
Line construction:					
Linemen	7.56	3%	15%		1/4 of 1%
Cable splicer	7.81	3%	15%		1/4 of 1%
Groundman	4.54	3%	15%		1/4 of 1%
"A" Class operators	7.56	3%	15%		1/4 of 1%
"B" Class operators	6.05	3%	15%		1/4 of 1%
Painters:					
Brush	7.70	.40	.40		.02
Spray	8.20	.40	.40		.02
Structural steel	7.95	.40	.40		.02
Plumbers & Steamfitters	9.90	.50	.50		.07
Roofers	6.40	.30	.15		
Sheet metal workers	9.75	.45	.35		
Sprinkler fitters	8.41	.30	.50		.07
Tile setters	6.60	.30			.05
Welders - Rate for craft					

FOOTNOTES:

a. Six paid holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS:

A. New Year's Day
B. Memorial Day
C. Independence Day
D. Labor Day
E. Thanksgiving Day
F. Christmas Day

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1-FL-PEO-1-A

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air compressor	$4.25				
Backhoe	5.20				
Batching plants	4.75				
Boring & Drilling machines (all types)	4.75				
Bulldozer & Pans	4.25				
Clam shell	5.20				
Compressor, small (under 105 cu. ft.)	3.90				
Cranes:					
Cranes or Derricks	5.20				
Austin Western Crane	5.20				
Hydro Crane	5.20				
Two (2) Operators on Tower Cranes	5.35				
Distributor - Bituminous	4.00				
Dragline	5.20				
Drilling of Piling (all types)	5.20				
Earth freezing equip. (all types)	5.20				
Finishing machine - paving	4.00				
Fireman	4.25				
Front end loader	4.25				
Generator (electric power supply)	4.50				
Gradall	5.20				
Hoist	5.20				
Jet pump	4.25				
Mechanics	4.75				
Mixers - Charger Pan	4.00				
Motor grader - finish grade	4.75				
Motor grader - pans & pulls & other dirt moving equipment	4.25				
Piledriver	5.20				
Pumps under 6"	3.90				
Pumps 6" and over	4.25				
Pumps concrete machines (all types)	4.75				
Pumps motor mixer (all types)	4.60				
Rollers	4.25				
Scraper	4.00				
Shovel	5.20				
Tractor boom	4.75				
Trenching machine	4.25				
Welding machines limit (4)	3.75				
Well points 1 system limit 3 pumps not over 600' distance	3.90				
Winch trucks & A frames	4.40				

FOOTNOTES: (Where Applicable)
a. Cranes with 150' boom or more additional 25¢ per hour

NEW DECISION

STATE: Florida
DECISION NUMBER: AQ-4092
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTIES: Martin & Palm Beach
DATE: Date of Publication

50-FLA-1-W (1-1)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Air conditioning & refrigeration mech.	$9.52	.39	.55		.16
Asbestos workers	9.96	.35	.35		.02
Boilermakers	7.50	.40	.90		.02
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, tile setters	8.42	.40	.50		
Carpenters & soft floor layers	8.07	.45	.30		.03
Electricians	8.55	3.5%	1%	6%	1.5%
Cable splicers	9.36	3.5%	1%	6%	1.5%
Elevator constructors	9.03	.345	.23	2%+a&b	.015
Elevator constructors' helpers	70%JR	.345	.23	2%+a&b	.015
Elevator constructors' helpers (prob.)	50%JR				
Ironworkers	8.05	.35	.28	.50	.10
Laborers:					
General	6.45	.45	.30		.01
Mason tenders, morter mixers, air tool operators & pipelayers	6.55	.45	.30		.01
Plasterers' tenders	6.73	.45	.30		.01
Lathers	7.47		.10		.025
Line construction:					
Linemen	8.00	3.5%	1%		3/8 of 1%
Cable splicers	8.30	3.5%	1%		3/8 of 1%
Winch truck operators	6.36	3.5%	1%		3/8 of 1%
Groundmen	4.35	3.5%	1%		3/8 of 1%
Truck drivers	5.24	3.5%	1%		3/8 of 1%
Heavy equipment operators	8.00	3.5%	1%		3/8 of 1%
Millwrights	8.70	.45	.30		.01
Painters, brush	7.27	.25	.30		.03
Piledrivermen	8.45	.45	.30		.01
Plumbers & steamfitters	9.52	.39	.55		.16
Roofers	6.85	.20	.25		
Sheet metal workers	8.60	.30	.25		.05
Sprinkler fitters	8.71	.40	.60		.10
Riveters & Welders - Rate for craft					

FOOTNOTES:
a. Six paid holidays; A through F.
b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

PAID HOLIDAYS (WHERE APPLICABLE)
A. New Year's Day, B. Memorial Day, C. Independence Day, D. Labor Day, E. Thanksgiving Day, F. Christmas Day.

1-FLA-PEO-1-A (1-1)

Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Air Compressors	$4.25					
Backhoe	5.20					
Batching plants	4.75					
Boring & Drilling machines (all types)	4.75					
Bulldozer & Pans	4.25					
Clam shell	5.20					
Compressor, small (under 105 cu. ft.)	3.90					
Cranes:						a.
Cranes or Derricks	5.20					
Austin Western Crane	5.20					
Hydro Crane	5.20					
Two (2) Operators on Tower Cranes	5.35					
Distributor - Bituminous	4.00					
Dragline	5.20					
Drilling of Piling (all types)	5.20					
Earth freezing equip. (all types)	5.20					
Finishing machine - paving	4.00					
Fireman	4.25					
Front end loader	4.25					
Generator (electric power supply)	4.50					
Gradall	5.20					
Hoist	5.20					
Jet pump	4.25					
Mechanics	4.75					
Mixers - Charger Pan	4.00					
Motor grader - finish grade	4.75					
Motor grader - pans & pulls & other dirt moving equipment	4.25					
Piledriver	5.20					
Pumps under 6"	3.90					
Pumps 6" and over	4.25					
Pumps concrete machines (all types)	4.75					
Pumps motor mixer (all types)	4.60					
Rollers	4.25					
Scraper	4.00					
Shovel	5.20					
Tractor boom	4.75					
Trenching machine	4.25					
Welding machines limit (4)	3.75					
Well points 1 system limit 3 pumps not over 600' distance	3.90					
Winch trucks & A frames	4.40					

FOOTNOTES: (Where Applicable)
a. Cranes with 150' boom or more additional 25¢ per hour

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NEW DECISION

STATE: Kentucky
DECISION NUMBER: AQ-4093
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

COUNTY: Henderson
DATE: Date of Publication

51-Kentucky-1-a

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.45	.35	.30		
Boilermakers	8.10	.30	.70	.55	.01
Bricklayers	8.15				
Carpenters	7.49	.30	.30		
Cement Masons	7.33	.40	.20		
Electricians	8.08	.25	1%		1/3 of 1%
Glaziers	7.565	.26	.20		.01
Ironworkers, structural, ornamental & reinforcing	8.15	.25	.25		
Millwrights	7.50	.25	.35		
Painters (Commercial):					
Brush	6.85	.45	.20		
Spray; Sandblasting	7.60	.45	.20		
Painters (Industrial):					
Brush	8.00	.45	.20		
Spray	8.75	.45	.20		
Sandblasting	8.75	.45	.20		
Plumbers & Pipefitters	8.48	.30	.50		
Roofers	7.43	.30	.15		
Sheet Metal Workers	7.70	.25	.25		
Steamfitters	8.48	.30	.50		
Truck Drivers	6.65		a		

Footnote:
a. $10.00 per week for each employee.

Footnote:
a. $10.00 per week for each employee

LABORERS: BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A					
Building & Construction Laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers & cleaners, roofers' helpers, railroad laborer, masonary wall washers (interior & exterior), cement finishers helper, carpenter helper, all portable water pumps with discharge up to 3", mason tenders	$5.85	.30	.25		.07
GROUP B					
Waterproofing, handling of creosote lumber on like treated material (excluding railroad material), asphalt rakers & lutemen, kettlemen, air tool operators, vibrators, chipping hammer operator, jackmen & sheeting men working in ditches deeper than 6', laborers working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic & non-metallic) motor-driven wheelbarrows & concrete buggies, hyster opera-pump crete assemblers, conveyor assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine & winch operator, water main & cable ducking (metallic & non-metallic)	6.05	.30	.25		.07
GROUP C					
Plaster tenders, Mortar Mixers, Welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or masons, mason tenders	6.15	.30	.25		.07
GROUP D					
Dynamite Men	6.85	.30	.25		.07

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Single axle straight trucks	$6.65		a			
Tandem trucks or "Dog-Legs", trucks over 15-ton payload, single axle semi-trucks (3-axle unit)	6.75		a			
Tandem axle semi-trucks, (4 axle unit) pavement breakers	6.85		a			
Tandem-tandem semi-trucks (5 axle unit)	6.91		a			
Equipment when not self-loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, Euclid bottom dump, Tournatrailers, Tournarockers or similar equipment 12 cu. yds, and under	6.85		a			
Equipment when not self-loaded or pusher loaded, such as Koehring or similar dumpsters, track trucks, Euclid bottom dump & hug bottom dump, Tournatrailers, Tournarockers or similar equipment over 12 cu. yds.	6.95		a			
Mechanics, mixer trucks, all types	6.95		a			
Bituminous distributor, two-man	6.70		a			
Bituminous distributor, one-man	6.81		a			
Winch trucks or A-Frames when used for transportation purposes, batch trucks wet or dry, over 3-34E batches	6.75		a			
Batch trucks, wet or dry, 3-34E, batches or less	6.65		a			
Pickup trucks when hauling equipment, supplies and materials to, from and on the job site, except when used by a superintendent or a foreman for his own transportation, or for the use of a mechanic for the transportation of himself, his tools, & repair parts, job site warehousemen	6.55		a			
Helpers, greasers, tire men, & members tending batch boards	6.56		a			

FOOTNOTE:
a. Per week per employee - $10.00

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Class A Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, Clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height), all types of boom cats, core drill, hopto, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, ross carrier, side boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KaCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader	$7.75	.25	.25			
Class B Operators: All air compressors, (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 H. P. and over) bull float, finish machine, outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, thirley oiler, self propelled compactor, tractair and road widening trencher and farm tractor with						

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class B Operators (cont'd): attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor	$6.11	.25	.25		
Class C Operators: Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper	5.67	.25	.25		

NEW DECISION

STATE: Tennessee COUNTY: Madison
DECISION NO.: AQ-4094 DATE: See Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

57-Tennessee-1-C

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.775	.35	.25		
Bricklayers	6.00	.30			
Carpenters	6.10				
Cement Masons	5.25				
Electricians	6.90	.22	1%		1%
Glaziers	6.80	.35	.20		
Ironworkers, structural, ornamental & reinforcing	7.75	.30	.35		.125
Laborers:					
Laborers	3.05		.10		
Air tool operator (Jackhammer, vibrator)	3.25		.10		
Mason tenders	3.15		.10		
Mortar mixers	3.25		.10		
Plasterer tenders	3.15		.10		
Lathers	6.80	.20			
Millwrights	6.30				
Painters, brush	5.30				
Piledrivermen	6.10				
Plasterers	5.25				
Plumbers	7.30				
Roofers	6.75		.20		
Sheet metal workers	7.15	.40	.15	.30	.02
Sprinkler fitters	8.20	.30	.25		
Tile setters	4.90	.30			
Truck drivers	3.05		.10		
Power Equipment Operators:					
Bulldozer	3.00				
Fork lift	3.60				
Front end loader	3.75				
Grader	3.00				
Motor patrol	4.35				
Paving machine	3.00				
Pump operator	3.25				
Roller	3.00				
Tractor	3.40				
Trenching machine	4.00				

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MODIFICATIONS P. 1

DECISION #AQ-1087 - Mod. #1 (39 FR 7021 - February 22, 1974) Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama Tuolumne, Yolo and Yuba Counties, California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos Workers	$9.05	.90	.65	1.07	.06
Cement Masons:					
Cement masons	7.39	.56	1.00	.75	
Mastic; Magnesite; All Composition Masons	7.64	.56	1.00	.75	
Men working from swinging or slip form scaffolds	7.64	.56	1.00	.75	
Glaziers					
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E. of Fairfield) and Sonoma Cos.	8.795	.45	.61		.01
Plasterers					
Alameda and Contra Costa Cos.	8.94	.645	.58		.03
San Mateo County	7.72	.48	.90	1.50	
Sheet Metal Workers					
San Mateo County	9.25	.38	.97		.02

MODIFICATIONS P. 2

DECISION #AQ-1088 - Mod. #1 (39 FR 8103 - March 1, 1974) Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba Counties, California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos Workers	$9.05	.90	.65	1.07	.06
Cement Masons:					
Cement Masons	7.39	.56	1.00	.75	
Mastic; Magnesite; All Composition Masons	7.64	.56	1.00	.75	
Men working from swinging or slip form scaffolds	7.64	.56	1.00	.75	
Glaziers					
Alameda, Contra Costa, Lake, Marin, Mendocino (Southern Half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E. of Fairffield) and Sonoma Counties	8.795	.45	.61		.01
Line Construction:					
Contra Costa County					
Groundmen	7.53	.60	1%+.50		.02
Line Equipment Operator	8.89	.60	1%+.50		.02
Linemen	9.80	.60	1%+.50		.02
Cable Splicers	11.05	.60	1%+.50		.02
Plasterers					
Alameda and Contra Costa Cos.	8.94	.645	.58		.03
San Mateo County	7.72	.48	.90	1.50	
Sheet Metal Workers					
San Mateo County	9.25	.38	.97		.02

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-2040 - Mod. #2 (39 FR 3396 - January 25, 1974) Anne Arundel County, Maryland						
ADD: To Modification #1 - 39 FR 3-15-74:						
CHANGE (Building Construction Schedule)						
DECISION #AQ-4081 - Mod. #1 (39 FR 7054 - February 22, 1974) Harrison & Pearl River Counties, Mississippi						
Change:						
Asbestos workers (Pearl River Co.)	$6.65	.30	.70			
Laborers:						
Laborers	4.20	.10	.10			
Vibrator - jackhammer, mortar mixer; pipelayers (sewer; power saw op)	4.35	.10	.10			
Piledrivermen	7.02	.30	.30			
Piledrivermen on creosote material	7.26	.30	.30			
Soft floor layers	6.65					

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-82 - Mod. #1 (39 FR 9396 - March 8, 1974) Statewide, New Mexico						
Omit:						
CARPENTERS:						
Dwelling houses and apartments over two stories in height:						
CEMENT MASONS:						
Dwelling houses and apartments over two stories in height:						
ELECTRICIANS (Chaves, Curry, Lincoln, Roosevelt Counties):						
The following zones shall be designated from the main post office of Roswell, Ruidoso, Portales and Carrizozo:						
Add:						
CARPENTERS:						
General Building and Heavy Engineering & Residential Construction (Dwelling houses and apartments over two stories in height):						
CEMENT MASONS:						
General Building and Heavy Engineering & Residential Construction (Dwelling houses and apartments over two stories in height):						
ELECTRICIANS (Chaves, Curry, Lincoln, Roosevelt Counties):						
The following zones shall be designated from the main post office of Roswell, Ruidoso, Portales, Carrizozo and Clovis:						

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MODIFICATIONS P. 5

DECISION #AQ-82 - Mod. #1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Change:						
PAINTERS:						
Colfax, Harding, Los Alamos, Mora, Sandoval, San Miguel, Rio Arriba, Taos, Union and Santa Fe Counties:						
Painters and roller	$5.30	.30			.01	
Paperhangers	5.55	.30			.01	
Spray; sandblast; pressure roller, and gunnite operator	5.95	.30			.01	
Steel painter; bridges, structural steel, machinery tank, towers, piped boiler roors and power plant-brush and spray	5.80	.30			.01	
Dry wall finisher:						
Hand finisher	5.80	.30			.01	
Amos tool operator and machine finishing	6.05	.30			.01	
High Pay:						
30 to 75 feet	5.80	.30			.01	
75 to 100 feet	6.30	.30			.01	
100 feet and over	7.30	.30			.01	

DECISION #AQ-22 - Mod. #6
(38 FR 23735 - August 31, 1973)
Oklahoma, Cleveland, Canadian, Lincoln and Pottawatomie Counties, Oklahoma.

Change:						
Plumbers and Pipefitters	$7.70	.45	.40		.10	

DECISION #AQ-2011 - Mod. # 1
(38 FR - 22341 - August 17, 1973)
Bucks, Chester, Delaware, Montgomery, Philadelphia Counties, Pennsylvania

Add:
Schedule Attached

MODIFICATIONS P. 6

Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others

DECISION NO. AQ-2011 Cont'd
POWER EQUIPMENT OPERATORS
HEAVY CONSTRUCTION

MODIFICATIONS P. 7

PA-51-PEO- 2 - E 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	$9.75	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers						
All types of cranes						
All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above	9.49	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y.						
Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	8.62	4.6%	9.5%	a	1.2%	

DECISION NO. AQ-2011 Cont'd
POWER EQUIPMENT OPERATORS
HEAVY CONSTRUCTION

MODIFICATIONS P. 8

PA-51-PEO- 2-E 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
WAGE GROUP IV					
Concrete breaking machines					
Rollers					
Machines similar to the above	$8.40	4.6%	9.5%	a	1.2%
WAGE GROUP V					
All bulldozers under D-7					
Tractors including rubber-tired type with front and overhead loaders under 2 c.y.					
Seaman pulverizing mixer					
Welders and Maintenance Engineers					
Fireman on Power Equipment					
Maintenance Engineer (Power Boat)					
Machines similar to the above	8.10	4.6%	9.5%	a	1.2%
WAGE GROUP VI					
Conveyors (Building)					
Welding Machines					
Heaters					
Wellpoints					
Compressors					
Farm Tractors					
Form line graders					
Road finishing machines					
Pumps					
Power Broom (Self contained)					
Seed Spreader					
Machines similar to the above	7.92	4.6%	9.5%	a	1.2%
WAGE GROUP VII					
Fireman	7.40	4.6%	9.5%	a	1.2%
WAGE GROUP VIII					
Oilers and Deck Hand (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

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MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2045 - Mod. #1 (39 FR 5934 - February 15, 1974) Indiana County, Pennsylvania					
Change:					
Line Construction:					
Lineman	$10.33	.30	1%		3/8%
Groundman	6.98	.30	1%		3/8%
Winch Truck Operator	7.23	.30	1%		3/8%
DECISION #AQ-2057 - Mod. #1 (39 FR 5943 - February 15, 1974) Beaver County, Pennsylvania					
Change:					
Line Construction:					
Lineman	$10.33	.30	1%		3/8%
Groundman	6.98	.30	1%		3/8%
Winch Truck Operator	7.23	.30	1%		3/8%
DECISION #AQ-2063 - Mod. #1 (39 FR 6014 - February 15, 1974) Westmoreland County, Pennsylvania					
Change:					
Line Construction:					
Lineman	$10.33	.30	1%		3/8%
Groundman	6.98	.30	1%		3/8%
Winch Truck Operator	7.23	.30	1%		3/8%
DECISION #AQ-2064 - Mod. #1 (39 FR 6018 - February 15, 1974) Washington County, Pennsylvania					
Change:					
Line Construction:					
Lineman	$10.33	.30	1%		3/8%
Groundman	6.98	.30	1%		3/8%
Winch Truck Operator	7.23	.30	1%		3/8%

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2065 - Mod. #1 (39 FR 6022 - February 15, 1974) Allegheny County, Pennsylvania					
Change:					
Line Construction:					
Linemen	$10.33	.30	1%		3/8%
Groundman	6.98	.30	1%		3/8%
Winch Truck Operator	7.23	.30	1%		3/8%

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1043 - Mod. #1 (38 FR 27745-October 5, 1973) Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming					
Change:					
Line Construction:					
All work over 34.5 KV, all work on steal towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:					
Cable Splicer	$7.55	.25	1%		3/4%
Linemen	6.86	.25	1%		3/4%
Equipment Operator	6.28	.25	1%		3/4%
Groundmen	5.18	.25	1%		3/4%
All work 34.5 KV and under					
Lineman	6.63	.25	1%		3/4%
Line Equipment Operator	5.76	.25	1%		3/4%
Groundman	5.12	.25	1%		3/4%

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1078 - Mod. #1 (39 FR 5163 - February 8, 1974) Statewide, Wyoming					
Change:					
Line Construction:					
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications works, and all motor traffic controlling, street and highway lighting:					
Cable Splicer	$7.55	.25	1%		3/4%
Linemen	6.86	.25	1%		3/4%
Equipment Operator	6.28	.25	1%		3/4%
Groundman	5.18	.25	1%		3/4%
All work 34.5 KV and under					
Lineman	6.63	.25	1%		3/4%
Line Equipment Operator	5.76	.25	1%		3/4%
Groundman	5.12	.25	1%		3/4%

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SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NO.: AQ-1094

DATE: Date of Publication

Supersedes Decision No. AQ-1064, dated December 14, 1973, in 38 FR 34579.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$ 10.17	.78	.72		.045	
BOILERMAKERS	7.95	.60	1.00	.50	.02	
BRICKLAYERS; Stonemasons;						
Imperial County	8.25	.62	.80		.05	
Inyo, Kern and Mono Counties	7.90	.65	.70	.40	.12	
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., Incl. Long Beach); Orange County	8.30	.65	.70		.07	
Los Angeles County (except cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach	8.53	.65	.70		.07	
Riverside and San Bernardino Counties	7.80	.65	.70		.07	
Santa Barbara and San Luis Obispo Cos.	8.55	.65	.45			
Ventura County	8.14	.50	1.00		.02	
BRICK TENDERS:						
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	6.05	.65	1.35	.35		
Kern, Los Angeles, Orange, Santa Barbara and Ventura Counties	6.15	.65	1.35	.35		
San Luis Obispo County	6.05	.65	1.35	.35		
CARPENTERS:						
Carpenters	7.05	.74	.99	.70	.01	
Saw filers	7.13	.74	.95	.70	.01	
Table power saw operators	7.15	.74	.95	.70	.01	
Shinglers; Piledriverman, bridge or dock carpenters; Derrick bargemen; Rock slinger	7.18	.74	.95	.70	.01	
Hard wood floor layers; Millwrights	7.25	.74	.95	.70	.01	
Head rock slinger	7.28	.74	.95	.70	.01	
Pneumatic nailer	7.30	.74	.95	.70	.01	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CEMENT MASONS:						
Cement masons	$ 6.26	.90	1.20	.80	.0325	
Cement floating and troweling machine	6.61	.90	1.20	.80	.0325	
DRYWALL INSTALLERS	8.60	.61	.75	.50	.04	
ELECTRICIANS:						
Imperial County						
Electricians	8.80	.50	1%+ .80			
Cable splicers	9.08	.50	1%+ .80			
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)						
Electricians, Technicians	10.70	.70	1%+ .90		.10	
Cable splicers	11.77	.70	1%+ .90		.10	
Kern County (Remainder of County)						
Electricians; Technicians	8.70	.70	1%+ .90		.10	
Cable splicers	9.57	.70	1%+ .90		.10	
Los Angeles County						
Electricians	9.64	.50	1%+ 1.05		.06	
Cable splicers	9.94	.50	1%+ 1.05		.06	
Traffic Signal & Street Lighting:						
Electricians	9.64	.50	1%+ 1.05		.06	
Utility Technician No. 1	7.23	.50	1%+ 1.05		.06	
Utility Technician No. 2	6.75	.50	1%+ 1.05		.06	
Tunnel:						
Electricians	10.60	.50	1%+ 1.05		.06	
Cable splicers	10.90	.50	1%+ 1.05		.06	
Sound Technicians:						
Sound Technicians (on building construction)	9.50	.50	1%			
Sound Technicians (on modification of existing building)	7.66	.50	1%			
Orange County						
Electricians	9.40	.45	1%+ .75		.02	
Cable splicers	9.81	.45	1%+ .75		.02	
Riverside County						
Electricians	9.16	.60	1%+ .40		.04	
Cable splicers	9.46	.60	1%+ .40		.04	
Inyo, Mono and San Bernardino Cos.						
Electricians	8.76	.50	1%+ 1.10		.04	
Cable splicers	9.06	.50	1%+ 1.10		.04	
Tunnel:						
Electricians	9.32	.40	1%+ .75		.02	
Cable splicers	9.62	.40	1%+ .75		.02	
San Luis Obispo County						
Electricians	9.18	.60	1%+ .55		.01	
Cable splicers	10.10	.60	1%+ .55		.01	
Santa Barbara County (Vandenburg AFB)						
Electricians	10.25	.65	1%+ .85		.05	
Cable splicers	11.25	.65	1%+ .85		.05	
Remainder of County						
Electricians	9.00	.65	1%+ .85		.05	
Cable splicers	10.00	.55	1%+ .85		.05	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ELECTRICIANS: (Cont'd)						
Ventura County						
Electricians	$ 9.57	.60	1%+ .45		.02	
Cable splicers	10.53	.60	1%+ .45		.02	
ELEVATOR CONSTRUCTORS:						
Imperial, Inyo, Kern (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties						
Elevator constructors	9.21	.195	.20	2% + a		
Elevator constructors' helpers	70%JR	.195	.20	2% + a		
Elevator constructors' helpers (Prob.)	50%JR					
Kern County (North of Tehachapi Range)						
Elevator constructors	9.48	.345	.23	2% + a	.015	
Elevator constructors' helpers	70%JR	.345	.23	2% + a	.015	
Elevator constructors' helpers (Prob.)	50%JR					
GLAZIERS:						
Imperial County	9.05	.35	.30			
Inyo, Kern, Mono Counties	7.68	.41	.55	.66	.05	
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Counties	8.27	.50	.60		.04	
IRONWORKERS:						
Fence erectors	8.64	.73	.975	.85	.02	
Reinforcing	8.75	.73	.975	.85	.02	
Ornamental; Structural	8.78	.73	.975	.85	.02	
IRRIGATION AND LAWN SPRINKLERS:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.	6.75	10%	16%	13%	1%	
LATHERS:						
Imperial County	7.00	.24			.01	
Inyo and Kern Counties	6.88	.45	.85	.55		
Los Angeles County (except City of Lancaster)						
Metal furring	7.12	.39	.50		.03	
Nail on (Area I)*	6.985	.29	.35		.045	
Nail on (Areas II; III; IV)**	7.12	.39	.50		.03	
Orange County	8.29	.55	.65	.50	.03	
Riverside County	7.375	.24	.105	.53	.01	
San Bernardino County	8.61	.245	.60		.015	
San Luis Obispo and Santa Barbara Cos.	8.47	.24	.35			
Ventura County	6.11	.30	.50	.60	.01	
LINE CONSTRUCTION:						
Imperial County						
Groundmen	7.04	.50	1%+ .80			
Linemen	8.80	.50	1%+ .80			
Cable splicers	9.08	.50	1%+ .80			

* See Page 8 for definition
** See Page 8 for definition

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION: (Cont'd)						
Kern (China Lake Naval Ordnance Test Station and Edwards AFB)						
Groundmen	$ 8.025	.70	1%+ .90		.10	
Linemen	10.70	.70	1%+ .90		.10	
Cable splicers	11.77	.70	1%+ .90		.10	
Kern County (Remainder of County)						
Groundmen	6.525	.70	1%+ .90		.10	
Linemen	8.70	.70	1%+ .90		.10	
Cable splicers	9.57	.70	1%+ .90		.10	
Los Angeles County						
Groundmen	7.30		1%			
Linemen	9.73		1%			
Cable splicers	10.03		1%			
Orange County						
Groundmen, 1st year	7.25	.25	1%+ .45			
Groundmen, 2nd year	7.68	.25	1%+ .45			
Linemen	8.90	.25	1%+ .45			
Cable splicers	9.31	.25	1%+ .45			
Riverside County						
Groundmen	6.87	.60	1%+ .40		.04	
Linemen; Line equipment operators	9.16	.60	1%+ .40		.04	
Cable splicers	9.46	.60	1%+ .40		.04	
Inyo, Mono, San Bernardino Counties						
Groundmen	6.36	.40	1%+ .75		.02	
Linemen	8.48	.40	1%+ .75		.02	
Cable splicers	8.78	.40	1%+ .75		.02	
San Luis Obispo County						
Linemen	8.98	.60	1%		.01	
Cable splicers	9.88	.60	1%		.01	
Santa Barbara County (Vandenberg AFB):						
Groundmen	6.95	.35	1%+ .45		.03	
Linemen	8.85	.35	1%+ .45		.03	
Cable splicers	9.10	.35	1%+ .45		.03	
Santa Barbara County (Remainder of Co.)						
Linemen	7.60	.35	1%+ .45		.03	
Cable splicers	7.85	.35	1%+ .45		.03	
Ventura County						
Groundmen	8.39	.60	1%+ .45		.02	
Linemen	9.57	.60	1%+ .45		.02	
Cable splicers	10.53	.60	1%+ .45		.02	

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AQ-1094 P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
MARBLE SETTERS:						
Inyo and Mono Counties	$ 8.57	.76	.51	1.03		
Imperial County	7.26	.55	.65	.60		
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.16	.65	.55			
PAINTERS:						
Imperial, Orange, Riverside, Los Angeles, (Pomona Area), San Bernardino (excl. western portion)	7.43	.49	.39	.60	.03	
Brush; Paint burners	7.93	.49	.39	.60	.03	
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	7.68	.49	.39	.60	.03	
Brush (swing stage); Spray	8.83	.49	.39	.60	.03	
Steeplejack						
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino west of a line north in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)	7.90	.305	.40	.30		
Brush	8.02	.305	.40	.30		
Structural steel and bridge; Paint burner; Taper	8.15	.305	.40	.30		
Brush swing stage (13 stories or less);	8.27	.305	.40	.30		
Paperhangers; Sandblasters; Spray	8.30	.305	.40	.30		
Brush swing stage (over 13 stories)	8.40	.305	.40	.30		
Structural steel and bridge, swing	9.15	.305	.40	.30		
Spray sandblaster swing stage (13 stories or less); Paste machine;	7.82	.35	.41		.01	
Special coating spray	7.97	.35	.41		.01	
Steeplejack	8.07	.35	.41		.01	
Kern County (Remainder of County)	8.02	.35	.41		.01	
Brush	8.22	.35	.41		.01	
Swing stage (brush-roller	8.01	.35	.40		.02	
Paperhangers; Spray; Sandblasters	8.26	.35	.40		.02	
Taping joint sheet rock	8.51	.35	.40		.02	
Swing stage and sandblasters	9.01	.35	.40		.02	
San Luis Obispo, Santa Barbara and Ventura Counties						
Brush						
Iron and steel; Paperhangers; Paste machine operator; Sandblaster; Taper						
Spraymen						
Steeplejack						

AQ-1094 P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Parking Lot Striping Work and/or Highway Markers:						
Inyo and Mono Counties	$ 7.37	.35	.20	b		
Striper	6.37	.35	.20	b		
Striper helper	6.27	.35	.20	b		
Traffic delineating device applicator; Sandblaster	5.77	.35	.20	b		
Traffic delineating device applicator helper	6.27	.20	.20	b		
Remaining Counties	5.88	.20	.20	b		
Traffic delineating device applicator	5.38	.20	.20	b		
Traffic surface protective coating applicator; Wheel stop installers;	8.15	.45	.75		.06	
Traffic surface sandblaster; Striper	7.77	.45	.60	.60	.06	
Helper (traffic surface sandblaster, wheel stop installer, and traffic surface protective coating applicator; Striper)	7.495	.53	1.60	.55	.07	
PLASTERERS:	10.675					
Imperial County	9.25					
Inyo, Kern and Mono Counties	8.69	.70	1.05		.01	
Los Angeles and Orange Counties	8.625	.55	.50	.50	.02	
Riverside and San Bernardino Counties						
San Luis Obispo County	7.93	.65	1.35	.30		
Santa Barbara County	6.50	.65	1.35	.30		
Ventura County	7.175	.65	1.80	.60		
PLASTER TENDERS:	6.50	.65	1.35	.30		
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	7.0275	.65	1.35	1.00		
Kern County	6.94	.65	1.35	1.29		
Los Angeles and Orange Counties	7.10	.65	1.475	1.00		
San Luis Obispo County						
Santa Barbara County (except Santa Maria)						
Santa Barbara County (Santa Maria)						
Ventura County						
PLUMBERS; Steamfitters:						
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.	8.62	10%	16%	13%	1%	
Inyo, Kern (except east of Los Angeles Aqueduct), and Mono Counties	7.74	.60	1.53	1.00	.10	
Kern County (east of Los Angeles Aqueduct)	9.74	.60	1.53	1.00	.10	

AQ-1094 P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS:						
Imperial County	$ 7.14	.40	.25	1.00		
Inyo, Kern and Mono Counties	7.50	.50	.50			
Riverside and San Bernardino Counties	7.05	.55	.40	.50		
Los Angeles, Orange and Ventura Cos.	8.18	.35	.60		.025	
San Luis Obispo and Santa Barbara Cos.	7.76	.36	.205		.0025	
SHEET METAL WORKERS:						
Imperial County	9.13	.69	1.15			
Inyo, Kern, Los Angeles (North of line between Gorman and Big Pines), and Mono Counties	8.72	.69	1.05			
Los Angeles County (Remaining portion)	6.27	.39	.40		.025	
Orange County	9.52	.69	1.20			
Riverside and San Bernardino Counties	8.25	.69	1.05		.05	
San Luis Obispo, Santa Barbara and Ventura Counties	9.32	.69	1.05			
SOFT FLOOR LAYERS:						
Imperial County	7 90	.45	.63	.60	.05	
Inyo (incl. Inyo-Kern Naval Reservation), Kern (east of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	8.14	.37	.28	.44	.02	
Kern County (remaining portion)	8.05	.37	.15	.44		
SPRINKLER FITTERS:						
Imperial, Inyo, Kern, Mono, Orange, (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara, and Ventura (except Santa Paula, Point Hugu, and Port Hueneme)	11.30	.40	.60		.07	
Los Angeles (Los Angeles City and area within 25 miles; and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Hugu, and Port Hueneme	11.04	.44	.50		.06	
TERRAZZO WORKERS:						
Imperial County	7.26	.55	.65	.60		
Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.	7.02	.25	.40	.60		
TILE SETTERS:						
Imperial County	7.26	.55	.65	.60		
Inyo, Kern and Mono Counties	7.30	.40		.30		
Los Angeles, Orange, and Ventura Cos.	7.65	.495	.65		.04	
Riverside and San Bernardino Counties	7.70	.70	.65		.025	
San Luis Obispo and Santa Barbara Cos.	8.29	.65	.45			

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holidays Fund plus $.10 per hour to Vacation for 1 year's service, $.20 per hour after 1 year but less than 5 years' service, $.30 per hour after 5 years but less than 10 years' service, $.40 per hour after 10 years' service.

* Area I - That portion of Los Angeles County including the Cities of Burbanks, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Redondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** Area II; III; and IV:

Area II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east of San Bernardino County line, then south along the San Bernardino County line.

Area III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrance Boulevard, west to Pacific Ocean, including Santa Catalina Island.

Area IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean including San Clemente Island.

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POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
*Group 1:	7.28	.75	1.50	.30	.02	
Group 2:	7.52	.75	1.50	.30	.02	
Group 3:	7.76	.75	1.50	.30	.02	
Group 4:	7.87	.75	1.50	.30	.02	
Group 5:	8.06	.75	1.50	.30	.02	
Group 6:	8.16	.75	1.50	.30	.02	
Group 7:	8.26	.75	1.50	.30	.02	
Group 8:	8.40	.75	1.50	.30	.02	
Group 9:	8.50	.75	1.50	.30	.02	
TRUCK DRIVERS						
** Group 1:	6.42	.75	.65	1.00		
Group 2:	6.50	.75	.65	1.00		
Group 3:	6.56	.75	.65	1.00		
Group 4:	6.65	.75	.65	1.00		
Group 5:	6.68	.75	.65	1.00		
Group 6:	6.74	.75	.65	1.00		
Group 7:	6.75	.75	.65	1.00		
Group 8:	6.83	.75	.65	1.00		
Group 9:	6.88	.75	.65	1.00		
Group 10:	6.90	.75	.65	1.00		
Group 11:	7.20	.75	.65	1.00		
Group 12:	7.45	.75	.65	1.00		
Group 13:	7.55	.75	.65	1.00		

* See Page 15 for definition
** See Page 18 for definition

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
CLEANING AND HANDLING OF PANEL FORMS; Concrete screading for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (Walls, slabs decks, floors foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$5.645	.65	1.35	.35		
CUTTING TORCH (Demolition); Scaler; Tarman; Morcarman	5.695	.65	1.35	.35		
GUINEA CHASER	5.825	.65	1.35	.35		
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways, and similar type heavy construction; Landscape gardener and nursery man	5.745	.65	1.35	.35		
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	5.77	.65	1.35	.35		
UNDERGROUND (INCL. CAISSON BELLOWERS)	5.775	.65	1.35	.35		
CHUCKTENDER; Septic tank digger and installer	5.795	.65	1.35	.35		
CESSPOOL DIGGER AND INSTALLER	5.825	.65	1.35	.35		
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER; Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	5.835	.65	1.35	.35		
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING	5.935	.65	1.35	.35		

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LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	$5.855	.65	1.35	.35		
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting, scoring old or new concrete; Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	5.955	.65	1.35	.35		
ROCK SLINGER	5.905	.65	1.35	.35		
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	6.035	.65	1.35	.35		
CONCRETE VIBRATOR OPERATOR, 70 lbs. and OVER	6.055	.65	1.35	.35		
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	6.155	.65	1.35	.35		
GAS AND OIL PIPELINE WRAPPER - (6" and Over; Kettlemen, potmen and man applying asphalt, lay-kold, creosote, lime caustic and similar type materials	5.985	.65	1.35	.35		
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	6.155	.65	1.35	.35		
BLASTER POWDERMAN	6.295	.65	1.35	.35		
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	6.07	.65	1.35	.35		

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LABORERS: (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
SANDBLASTER (Nozzleman)	$6.095	.65	1.35	.35		
DRILLER (Core-Diamond-Wagon)	6.295	.65	1.35	.35		
HEAD ROCK SLINGER	6.165	.65	1.35	.35		
GUNNITE LABORERS: NOZZLEMEN AND RODMEN	7.22	.65	1.35	.35		
GUNMEN	6.72	.65	1.35	.35		
REBOUNDMEN	5.76	.65	1.35	.35		

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
(Tunnel and Tunnel-Shaft Construction)						
BATCH PLANT LABORERS; Bull gang mucker, trackman; Concrete crew, incl. rodders and spreaders; Dumpman; Dumpman (outside); Scamper (brakeman and switchman on tunnel work); Tunnel materials handling man; Tool man	$6.88	.65	1.35	.35		
CABLE TENDER, Chucktender; Kipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	6.98	.65	1.35	.35		
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Grout gunman; Grout mixerman; Grout pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic Concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer man; Shotcrete man; Steel form raiser and setter; Timberman; Retimberman (wood or steel); Tunnel concrete finisher	7.13	.65	1.35	.35		
SHAFT, Raise miner; Diamond driller	7.38	.65	1.35	.35		

POWER EQUIPMENT OPERATORS (DREDGING)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
HYDRAULIC SUCTION DREDGES						
LEVERMAN	$8.55	.75	1.50	.30	.015	
WATCH ENGINEER; Welder	8.16	.75	1.50	.30	.015	
DECKMATE	7.76	.75	1.50	.30	.015	
WINCH MAN (stern winch or dredge)	7.70	.75	1.50	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler; Leverhand	7.24	.75	1.50	.30	.015	
(CLAM SHELL DREDGES)						
LEVERMAN	8.65	.75	1.50	.30	.015	
WATCH ENGINEER	8.16	.75	1.50	.30	.015	
DECKMATE	7.76	.75	1.50	.30	.015	
BARGEMATE	7.70	.75	1.50	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler	7.24	.75	1.50	.30	.015	

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, Skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portel units - over 5 units, .10c per hour for each additional unit up to nine units; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or Winch Truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Farguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt Plant Fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Concrete batch plant operator - (oiler or journeyman-trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clery - Johnson-Bidwell or similar): Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin-Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1 1/2 yds.); Tractor operator, Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)

POWER EQUIPMENT OPERATORS CONT'D:
(Except Piledriving and Steel Erection)

GROUP 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHL Lima Road Factor, Wagner Factor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted)(oiler required); Concrete mixer operator-paving; Crane operator (up to and including 25 tons capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift sleb machine (Vagtborg and similar types); Lift mobile operator; Loader operator (Athey, Euclid, Sierra and similar type; Material hoist; Mucking machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excl. caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, and similar types with any and all attachments over 25 yds. and up to and incl. 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skiploader (crawler and wheel type over 1-1/2 yds., up to and incl. 6-1/2 yds.); Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and incl. 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu.yds. M.R.C.

GROUP 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber- tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar)(over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6-1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination

GROUP8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, guy derricks or similar types (capable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull)(.50c per hour additional to base rate); Tandem equipment operators (2 units only); Tandem Tractor Op. (Quad 9 or similar type); Tunnel mole boring machine operator-

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POWER EQUIPMENT OPERATORS (cont'd)
(Except Piledriving and Steel Erection)

GROUP 9: Canal liner; Canal trimmer, Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Drivers of Vehicles or Combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load

Group 3: Truck mounted power broom

Group 4: Drivers of Vehicles or Combinacion of vehicles of 3 axles; Water truck, 2 axles

Group 5: Bootman, Cement distributor; Fuel truck; Driver of road oil spreader truck

Group 6: Transit-mix, under 3 yds.; Dumpcrete, less than 6 1/2 yds.

Group 7: Water Truck, 3 or more axles; Truck repairman helper

Group 8: Truck Greaser and Tiremen (50c per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used

Group 9: Transit-mix, 3 yds. or more; Dumpcrete, 6 1/2 yds. and over

Group 10: Drivers or Vehicles or combination of vehicles of 4 or more axles

Group 11: A-Frame or Swedish Crane, or similar type of equipment; Fork lift; Ross carrier (Hwy)

Group 12: All Off-Highway Equipment within Teamsters Jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman

Group 13: Truck Repairman - Welder

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NO.: AQ-1095

DATE: Date of Publication

Supersedes Decision No. AQ-1065 dated December 14, 1973, in 38 FR 34589.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.17	.78	.72		.045
BOILERMAKERS	7.95	.60	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Imperial County	8.25	.62	.80		.05
Kern County	7.90	.65	.70	.40	.12
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach); Orange County	8.30	.65	.70		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach)	8.53	.65	.70		.07
Rivarside and San Bernardino Cos.	7.80	.65	.70		.07
Santa Barbara and San Luis Obispo Counties	8.55	.65	.45		
Ventura County	8.14	.50	1.00		.02
BRICK TENDERS:					
Imperial, Riverside and San Bernardino Counties	6.05	.65	1.35	.35	
Kern, Los Angeles, Orange, Santa Barbara and Ventura Counties	6.15	.65	1.35	.35	
San Luis Obispo County	6.05	.65	1.35	.35	
CARPENTERS:					
Carpenters	7.05	.74	.95	.70	.01
Saw filers	7.13	.74	.95	.70	.01
Table power saw operators	7.15	.74	.95	.70	.01
Shinglers; Piledrivermen, bridge or dock carpenters; Derrick bargemen; Rock slinger	7.18	.74	.95	.70	.01
Hard wood floor layers; Millwrights	7.25	.74	.95	.70	.01
Head rock slinger	7.28	.74	.95	.70	.01
Pneumatic nailer	7.30	.74	.95	.70	.01
CEMENT MASONS:					
Cement masons	6.36	.90	1.20	.80	.0325
Cement floating and troweling machine	6.61	.90	1.20	.80	.0325

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DRYWALL INSTALLERS	$8.60	.61	.75	.50	.04
ELECTRICIANS:					
Imperial County					
Electricians	8.80	.50	1%+.80		
Cable splicers	9.08	.50	1%+.80		
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	10.70	.70	1%+.90		.10
Cable splicers	11.77	.70	1%+.90		.10
Kern County (Remainder of County)					
Electricians; Technicians	8.70	.70	1%+.90		.10
Cable splicers	9.57	.70	1%+.90		.10
Los Angeles County					
Electricians	9.64	.50	1%+1.05		.06
Cable splicers	9.94	.50	1%+1.05		.06
Orange County					
Electricians	9.40	.45	1%+.75		.02
Cable splicers	9.81	.45	1%+.75		.02
Riverside County					
Electricians	9.16	.60	1%+.40		.04
Cable splicers	9.46	.60	1%+.40		.04
San Bernardino County					
Electricians	8.76	.50	1%+1.10		.04
Cable splicers	9.06	.50	1%+1.10		.04
San Luis Obispo County					
Electricians	9.18	.60	1%+.55		.01
Cable splicers	10.10	.60	1%+.55		.01
Santa Barbara County (Vandenberg AFB):					
Electricians	10.25	.65	1%+.85		.05
Cable splicers	11.25	.65	1%+.85		.05
Remainder of County:					
Electricians	9.00	.65	1%+.85		.05
Cable splicers	10.00	.65	1%+.85		.05
Ventura County					
Electricians	9.57	.60	1%+.45		.02
Cable splicers	10.53	.60	1%+.45		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Imperial, Kern (South of Tehachapi Range), Los Angeles, Oranga, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties					
Elevator Constructors	$9.21	.195	.20	2%+a	
Elevator Constructors' Helpers	70%JR	.195	.20	2%+a	
Elevator Constructors' Halpers (Prob.)	50%JR				
Kern County (North of Tehachapi Range)					
Elevator Constructors	9.48	.345	.23	2%+a	.015
Elevator Constructors' Helpers	70%JR	.345	.23	2%+a	.015
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Imperial County	9.05	.35	.30		
Kern County	7.68	.41	.55	.66	.05
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara					
San Luis Obispo and Ventura Cos.	8.27	.50	.60		.04
IRONWORKERS:					
Fence erectors	8.64	.73	.975	.85	.02
Reinforcing	8.75	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
IRRIGATION AND LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	6.75	10%	16%	13%	1%
LATHERS:					
Imperial County	7.00	.24			.01
Kern County	6.88	.45	.85	.55	
Los Angeles County (except City of Lancaster)					
Metal furring	7.12	.39	.50		.03
Nail on (Area I)*	6.985	.29	.35		.045
Nail on (Area II; III; IV)**	7.12	.39	.50		.03
Orange County	8.29	.55	.65	.50	.03
Riverside County	7.375	.24	.105	.53	.01
San Bernardino County	8.61	.245	.60		.015
San Luis Obispo and Santa Barbara Counties	8.47	.24	.35		
Ventura County	6.11	.30	.50	.60	.01

* See Page 7 for definition
** See Page 7 for definition

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding western portion)					
Brush; Paint burners	$7.43	.49	.39	.60	.03
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	7.93	.49	.39	.60	.03
Brush (swing stage); Spray	7.68	.49	.39	.60	.03
Steeplejack	8.83	.49	.39	.60	.03
Kern (Lancaster, Mohave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (west of a line north in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	7.90	.305	.40	.30	
Structural steel & bridge; PAint burner; Taper	8.02	.305	.40	.30	
Brush swing staga (13 stories or less); Paperhangers; Sandblasters; Spray	8.15	.305	.40	.30	
Brush swing stage (over 13 stories)	8.27	.305	.40	.30	
Structural steel & bridge, swing	8.30	.305	.40	.30	
Spray sandblastar swing stage (13 stories or less); Paste machine; Special coating spray	8.40	.305	.40	.30	
Steeplejack	9.15	.305	.40	.30	
Kern County (Remainder of County)					
Brush	7.82	.35	.41		.01
Swing stage (brush-roller)	7.97	.35	.41		.01
Taping joint sheet rock	8.02	.35	.41		.01
Paperhangers; Spray; Sandblastars	8.07	.35	.41		.01
Swing stage and Sandblasters	8.22	.35	.41		.01
San Luis Obispo, Santa Barbara and Ventura Counties					
Brush	8.01	.35	.40		.02
Iron and steel; Paperhangers; Paste machine operator; Sandblastar; Taper	8.26	.35	.40		.02
Spraymen	8.51	.35	.40		.02
Steeplejack	9.01	.35	.40		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS:					
Imperial County	$8.15	.45	.75		.06
Kern County	7.27	.45	.60	.60	.06
Los Angeles and Orange Counties	7.495	.53	1.60	.55	.07
Riverside and San Bernardino Cos.	10.675				
San Luis Obispo County	9.25				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50	.50	.02
PLASTERERS' TENDERS:					
Imperial, Riverside, and San Bernardino Counties	7.93	.65	1.35	.30	
Kern County	6.50	.65	1.35	.30	
Los Angeles and Orange Counties	7.175	.65	1.80	.60	
San Luis Obispo County	6.50	.65	1.35	.30	
Santa Barbara County (except Santa Maria)	7.0275	.65	1.35	1.00	
Santa Barbara County (Santa Maria)	6.94	.65	1.35	1.29	
Ventura County	7.10	.65	1.475	1.00	
PLUMBERS; Steamfitters:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.62	10%	15%	13%	1%
Kern, (except east of Los Angeles Aqueduct)	7.74	.60	1.53	1.00	.10
Kern County (East of Los Angeles Aqueduct)	9.74	.60	1.53	1.00	.10
ROOFERS:					
Imperial County	7.14	.40	.25	1.00	
Kern County	7.50	.50	.50		
Los Angeles, Orange and Ventura Counties	8.18	.35	.60		.025
San Luis Obispo and Santa Barbara Counties	7.76	.36	.205		.0025
Riverside and San Bernardino Cos.	7.05	.55	.40	.50	
SHEET METAL WORKERS:					
Imperial County	9.13	.69	1.15		
Kern, Los Angeles (north of line between Gorman and Big Pines)	8.72	.69	1.05		
Los Angeles County (Remaining portion)	6.27	.39	.40		.025

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS (cont'd)					
Orange County	$9.52	.69	1.20		
Riverside and San Bernardino Cos.	8.25	.69	1.05		.05
San Luis Obispo, Santa Barbara and Ventura Counties	9.32	.69	1.05		
SOFT FLOOR LAYERS:					
Imperial County (Kern Naval Reservation), Kern (east of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Cos.	7.90	.45	.63	.60	.05
Kern County (Remaining portion)	8.14	.37	.28	.44	.02
TILE SETTERS:	8.05	.37	.15	.44	
Imperial County	7.26	.55	.65	.60	
Kern County	7.30	.40		.30	
Los Angeles, Orange, and Ventura Counties	7.65	.495	.65		.04
Riverside and San Bernardino Cos.	7.70	.70	.65		.025
San Luis Obispo and Santa Barbara Counties	8.55	.65	.45		

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

* AREA I - That portion of Los Angeles County including the Cities of Burbank, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Redondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** AREAS II; III; and IV:

AREA II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east to San Bernardino County line, then south along the San Bernardino County line.

AREA III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrence Boulevard, west to Pacific Ocean, including Santa Catalina Island.

AREA IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean, including San Clemente Island.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)					
*Group 1:	$ 7.28	.75	1.50	.30	.02
Group 2:	7.52	.75	1.50	.30	.02
Group 3:	7.76	.75	1.50	.30	.02
Group 4:	7.87	.75	1.50	.30	.02
Group 5:	8.06	.75	1.50	.30	.02
Group 6:	8.16	.75	1.50	.30	.02
Group 7:	8.26	.75	1.50	.30	.02
Group 8:	8.40	.75	1.50	.30	.02
Group 9:	8.50	.75	1.50	.30	.02
TRUCK DRIVERS					
**Group 1:	6.42	.75	.65	1.00	
Group 2:	6.50	.75	.65	1.00	
Group 3:	6.56	.75	.65	1.00	
Group 4:	6.65	.75	.65	1.00	
Group 5:	6.68	.75	.65	1.00	
Group 6:	6.74	.75	.65	1.00	
Group 7:	6.75	.75	.65	1.00	
Group 8:	6.83	.75	.65	1.00	
Group 9:	6.88	.75	.65	1.00	
Group 10:	6.90	.75	.65	1.00	
Group 11:	7.20	.75	.65	1.00	
Group 12:	7.45	.75	.65	1.00	
Group 13:	7.55	.75	.65	1.00	

* See Page 12 for definition
** See Page 15 for definition

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, timbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (walls, slabs, deck, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$5.645	.65	1.35	.35	
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	5.695	.65	1.35	.35	
GUINEA CHASER	5.825	.65	1.35	.35	
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways and similar type heavy construction; Landscape gardener and nursery man	5.745	.65	1.35	.35	
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	5.77	.65	1.35	.35	
UNDERGROUND (INCL. CAISSON BELLOWERS)	5.775	.65	1.35	.35	
CHUCKTENDER; Septic tank digger and installer	5.795	.65	1.35	.35	
CESSPOOL DIGGER AND INSTALLER	5.825	.65	1.35	.35	
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER; Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	5.835	.65	1.35	.35	

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING	$5.935	.65	1.35	.35	
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	5.855	.65	1.35	.35	
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; Concrete saw man, cutting, scoring old or new concrete; Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	5.955	.65	1.35	.35	
ROCK SLINGER	5.905	.65	1.35	.35	
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	6.035	.65	1.35	.35	
CONCRETE VIBRATOR OPERATOR, 70 lbs. and Over	6.055	.65	1.35	.35	
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	6.155	.65	1.35	.35	

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LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments: M & W	Pensions	Vacation	App Tr
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, potmen and men applying asphalt, fay-kold, creosote, lime caustic and similar type materials	$5.985	.65	1.35	.35	
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING, HAND-GUIDED LAGGING HAMMER	6.155	.65	1.35	.35	
BLASTER POWDERMAN	6.295	.65	1.35	.35	
STEEL HEADERBOARD MAN AND GUIDE-LINE SETTER	6.07	.65	1.35	.35	
SANDBLASTER (nozzleman)	6.095	.65	1.35	.35	
DRILLER (Core-Deimond-Wagon)	6.295	.65	1.35	.35	
HEAD ROCK SLINGER	6.165	.65	1.35	.35	
GUNNITE LABORERS: NOZZLEMEN AND RODMEN	7.22	.65	1.35	.35	
GUNMEN	6.72	.65	1.35	.35	
REBOUNDMEN	5.76	.65	1.35	.35	

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Birkeman; Compressor operator; Deck hand, Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman, Switchman

Group 2: Concrete mixer, Skip type; Conveyor; Fireman; Generator, pump or compressor (2-5 inclusive) portal units - over 5 units, .10c per hour for each unit up to nine units; Hydrostatic pump; Oiler crusher (support to concrete plant); Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or Winch Truck; Chainman; Elevator (inside); Equipment greaser (rack), Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt Plant Fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Concrete batch plant operator - (oiler or journeyman-trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Magianis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin-Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1 1/2 yds.); Tractor operator, Buildozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)

POWER EQUIPMENT OPERATORS CONT'D:
(Except Piledriving and Steel Erection)

GROUP 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHT, Lima Road Factor, Wagner Factor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted)(oiler required); Concrete mixer operator-paving; Crane operator (up to and including 25 tons capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtborg and similar types); Lift mobile operator; Loader operator (Athey, Euclid, Sierra and similar type; Material hoist; Mucking machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic concrete placing machine (Mackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excl. caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, and similar types with any and all attachments over 25 yds. and up to and incl. 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skiploader (crawler and wheel type over 1-1/2 yds., up to and incl. 6-1/2 yds.); Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and incl. 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu.yds. M.R.C.

GROUP 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber- tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar)(over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6-1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination

GROUP8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, guy derricks or similar types (capable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid; Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull)(.50c per hour additional to base rate); Tandem equipment operators (2 units only); Tandem Tractor Op. (Quad 9 or similar type); Tunnel mole boring machine operator

POWER EQUIPMENT OPERATORS (cont'd)
(Except Piledriving and Steel Erection)

GROUP 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

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TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Drivers of Vehicles or Combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load

Group 3: Truck mounted power broom

Group 4: Drivers of Vehicles or Combination of vehicles of 3 axles; Water truck, 2 axles

Group 5: Bootman; Cement distributer; Fuel truck; Driver of road oil spreader truck

Group 6: Transit-mix, under 3 yds.; Dumpcrete, less than 6 1/2 yds.

Group 7: Water Truck, 3 or more axles; Truck repairman helper

Group 8: Truck Greaser and Tiremen (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used

Group 9: Transit-mix, 3 yds. or more; Dumpcrete, 6 1/2 yds. and over

Group 10: Drivers of Vehicles or combination of vehicles of 4 or more axles

Group 11: A-Frame or Swadish Crane, or similar type off equipment; Fork lift; Ross carrier (Hwy)

Group 12: All Off-Highway Equipment within Teamsters Jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman

Group 13: Truck Repairman - Welder

SUPERSEDEDEAS DECISION

STATE: Connecticut
DECISION NUMBER: AQ-3149
Supersedes Decisions No. AQ-3014 dated October 12, 1973 in 38 FR 28475 and No. AQ-3035 dated November 9, 1973 in 38 FR 31088
DESCRIPTION OF WORK: Building (including residential), Heavy and Highway Construction.

COUNTY: Fairfield
DATE: Date of Publication

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.12	.55	.53			
Boilermakers	8.705	.50	10%		.01	
Bricklayers, cement masons-finishers, marble setters, plasterers, terrazzo workers, tile setters (Building Only):						
Darien-Stamford	9.05	.48	.25			
Norwalk-New Canaan-Westport Weston-Wilton & Ridgefield	8.75	.50	.50			
Bridgeport-Easton-Fairfield-Monroe-Stratford-Trumbull-Southport	8.90	.35+.15	.50			
Greenwich	9.10	.40	.45			
Remainder of County	8.90	.35+.15	.25			
Marble setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	6.93	.63	.66+.75			
Remainder of County	7.65	.35	.15+.25			
Terrazzo workers' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	7.43	.475+.45	.47%			
Remainder of County	7.65	.35	.15+.25			
Tile setters' helpers:						
Greenwich-Stamford-Darien-Norwalk-Westport	6.96	.40	.27+1.00			
Remainder of County	7.65	.35	.15+.25			
Bricklayers, cement masons-finishers stonemasons (Heavy & Highway Only):						
Stamford-Darien	8.68	.43	.25	g		
Greenwich	8.60	.40	.45	g		
Remainder of County	7.75	.35	.15	g		
Carpenters, soft floor layers (Building Only):						
Darien-Stamford-New Canaan-Wilton-Ridgefield Norwalk	8.90	.50	.30		.05	
Bridgeport, Easton, Fairfield, Monroe, Stratford, Trumbull, Westport, Weston	8.85	.50	.30	f	.02	
Greenwich	8.38	.45	.35	.50	.02	
Shelton	8.80	.50	.50	i		
Remainder of County	8.85	.45	.30	h		
Carpenters - Piledrivermen (Heavy and Highway Only)	8.65	.45	.30	g	.03	
Electricians:						
Darien-Greenwich-New Canaan-Stamford	9.33	.35	1%+.82	.93	½ of 1%	
Norwalk-Westport-Wilton-Weston	8.20	.33	1%+.20	6%	3/4of1%	
Remainder of County	9.20	.43	1%+.20		½ of 1%	
Remainder of County, Residential	5.30	.43	1%		½ of 1%	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Elevator Constructors	$8.21	.345	.23	2%+a+b	.015	
Elevator Constructors' Helpers	5.75	.345	.23	2%+a+b	.015	
Elevator Constructors' Helpers (Prob.)	4.105					
Glaziers	5.30	.125	.125			
Ironworkers:						
Structural, ornemental, reinforcing	9.30	.35	.44		.04	
Lathers:						
Bethel-Brookfield-Danbury-New Fairfield-Newton-Sherman	8.75	.25	.15		.01	
Norwalk	4.50					
Greenwich-Stamford-New Canaan	8.51	.35	.20	.75	.01	
Remainder of County	8.95	.25	.40		.01	
Lead burners	8.75	.30		c	.01	
Line Construction:						
Darien-Greenwich-New Canaan-Stamford-that portion of Norwalk West of Five Mile River:						
Linemen	8.88	3-3/4%	6.5%+m	10%	½ of 1%	
Cable splicer	8.88	3-3/4%	6.5%+m	10%	½ of 1%	
Driver groundman	8.88	3-3/4%	6.5%+m	10%	½ of 1%	
Remainder of County:						
Linemen	9.41	.35	1%	d	3/8 of 1%	
Equipment operator	8.78	.35	1%	d	3/8 of 1%	
Groundman, truck driver	6.78	.35	1%	d	3/8 of 1%	
Painters:						
Greenwich:						
Brush	7.15	3%	9%	4%		
Structural Steel	7.15	3%	9%	4%		
Bethel-Brookfield-Danbury-Ridgefield-Redding-Sandy Hook-New Fairfield-Newton-Sherman:						
Brush	6.20	.25				
Structural steel	7.20	.25				
Norwalk-Westport-Weston-Wilton:						
Brush	4.50	.10				
Roller	4.80	.10				
Steel	4.75	.10				
New Canaan:						
Brush	4.35	.15				
Roller	4.85	.15				
Shelton-Monroe:						
Brush	4.75	.12		e		
Structural steel	5.75	.12		e		
Spray	5.75	.12		e		
Byram:						
Brush	6.85	.29	.76-6/7			
Structural steel	7.82-6/7	.29	.76-6/7			
Darien-Stamford:						
Brush	7.38	.35	.30			
Structural steel	7.38	.35	.30			
Spray	6.00	.25	.20			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters (Cont'd)						
Remainder of County						
Brush	7.40	.35	.55	e		
Structural steel	8.40	.35	.55	e		
Millwrights:						
Norwalk	8.65	.50	.30			
Piledrivermen (Building Only):						
Greenwich	7.55	.35	.20	.50		
Darien-Stamford-New Canaan	8.25	.40	.20		.05	
Bridgeport-Easton-Fairfield-Monroe						
Stratford-Trumbull	8.45	.50	.30	f		
Norwalk	8.40	.50	.30			
Shelton	8.25	.50	.30	h		
Westport-Weston	8.15	.20	.20	f		
Wilton-Ridgefield	8.25	.40	.20		.05	
Remainder of County	8.15	.20	.20			
Plumbers, Steamfitters:						
Greenwich	9.25	.30	.50		.01	
Bethel-Brookfield-Danbury-New Fairfield-						
Newton-Redding-Ridgefield-Sherman	8.95	.40	.30	.45		
New Canaan	8.20	.40	.30			
Stamford-Darien	9.20	.55	.50	.37		
Bridgeport-Easton-Fairfield-Monroe-						
Shelton-Stratford-Trumbull	9.01	.45	.50	.36	.01	
Remainder of County	8.50	.55	.30	.30		
Roofers:						
Composition, kettlemen	8.75	.60	.30			
Slate	9.00	.60	.30			
Helper (slater)	8.00	.60	.30			
Sheet metal workers	9.71	.44	.29		.02	
Sprinkler fitters	9.08	.40	.60		.05	
Waterproofers	8.75	.60	.30			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E- Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Holidays: A through F.

c. Holidays: A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Holidays: 9 Paid Holidays, A through F; Washington's Birthday and Good Friday, plus one (1) floating holiday per year provided the employee has been employed for a period of ten (10) working days prior to the holiday and works the scheduled work days immediately preceding and following the holiday.

e. Two (2) paid holidays: C and D providing the employee works the day before and the day after the holiday.

f. Holidays: B,C,D, plus Good Friday provided the employee has been employed 14 consecutive days immediately prior to the holiday.

g. Paid Holidays: A through F plus Good Friday.

h. Paid Holidays: C through E.

i. Paid Holidays: C, D and E.

LABORERS: BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers: (Building):					
Laborers, carpenters tenders, wrecking laborers	6.90	.50	.40		.05
Jackhammer op., masons tenders, mortar mixer, pipe layers, plasterer tenders & power buggy	7.15	.50	.40		.05
Air track operators, wagon drill ops. and sandblasters	7.40	.50	.40		.05
Open Air Caisson, Cylindrical Work and Boring Crew:					
Bottom man	7.40	.50	.40		.05
Top man	6.90	.50	.40		.05
Laborers (Heavy and Highway):					
Laborers	6.90	.50	.40		.05
Asphalt rakers, adzemen, bracers, burners, concrete and power buggy operators, concrete saw op., chain saw op., fence and guard rail erectors, form setters, mortar mixers, pipelayers, riprap and drywall buildera, stone spreaders, masons tenders, pneumatic drill operators, tool operators, wagon drill op., tree trimmers, tree toppers, mulchers, chippers, stumpers & all operations connected there with	7.15	.50	.40		.05
Air track operators, block pavers, rammers, curb setters	7.40	.50	.40		.05
Powdermen and blasters	7.65	.50	.40		.05

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoisting Structural Steel, Setting Stone, Derrick, Pile Driver, Hoisting Engineer 2 drums and over	$8.97	.30	.50+a	b		
Tower Crane, Dragline, Gradall, Kohering Scooper Loader and/or Hoe, Hoisting Engineer (all types of equipment where a drum and cable are used to hoist, pull, or drag material regardless of motive power or operation), Front End Loader - 7 cy. or over, Master Mechanic, Shovel, Fork Lift - over 4 ft. lift	8.86	.30	.50+a	b		
Maintenance Engineer	8.76	.30	.50+a	b		
Vibratory Hammer, Front End Loader - 3 cy. up to 7 cy., Coleman Loader and Screening Plant or similar equipment, Welder, Joy Drill - limited to Joy Heavy Weight Champion or equivilent, Mucking Machine, Pumpcrete Machine, Rock Boring Machine, Post Hole Digger, Well Digger, Conveyors - regardless of motive power, High Pressure Portable Boiler, Central Mix Op., Combination Hoe and Loader over 1/4 yd.	8.60	.30	.50+a	b		
Compressor Battery Operator	8.49	.30	.50+a	b		
Asphalt Spreader	8.44	.30	.50+a	b		
Bulldozer, Grader Operator, Scraper Pan Operator, Carry-All Operators	8.39	.30	.50+a	b		
Combination Hoe and Loader Machine, Concrete Mixer Op. - 5 bags or over, Front End Loader under 3 cy., Powerstone Spreader Op.	8.33	.30	.50+a	b		
Air and Steam Valve Operator	8.31	.30	.50+a	b		
Generator Op., Compressor Op., Pump and Well Point Op.	8.21	.30	.50+a	b		
Steam Jenny Op., Fork Lift Op. not over 4 ft.	8.23	.30	.50+a	b		
Mechanical Heater Operator	8.12	.30	.50+a	b		
Roller Operator	8.18	.30	.50+a	b		

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SW-CONN-1-R

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (Cont'd):	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Dinky Machine Operator, Power Pavement Breaker Operator	$8.0?	.30	.50+a	b		
Fireman (High Pressure)	7.91	.30	.50+a	b		
Oiler	7.?.	.30	.50+a	b		
Crane with boom, excluding Jib, over 150 feet - .25 extra						
Crane with boom, excluding Jib, over 200 feet - .50 extra						

PAID HOLIDAYS (Where applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A through E and Good Friday.

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SW-CONN-?-3-W (1 of 2)

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Erecting and handling structural steel, front end loader (7 yds. or over)	$ 8.97	.30	.50 + a	b	.05
Piledriver, crane shovel, dragline, guadall, trenching machine, lighter derrick, paver (concrete), derrick (stiff leg and guy), steel pile sheeting, kolering loader (skooper)	8.86	.30	.50 +a	b	.05
Drill(Joy heavy weight champion or equivalent) side boom, loader (Euclid) mucking machine, pumpcrete, rock and earth boring machine post and well digger compressor (battery operated), hammer (vibratory), central mix operator, combination hoe & loader (over ½ yd.)	8.60	.30	.50 +a	b	.05
Asphalt spreader	8.44	.30	.50 +a	b	.05
Front end loader (3yds. or over), grader power stone spreader, combination hoe and loader	8.33	.30	.50 +a	b	.05
Asphalt roller, bulldozer, carryall, maintenance engineer, concrete mixer 5 bags and over	8.18	.30	.50 +a	b	.05
Front end loader (under 3 yds.), roller power chipper fork lift, finishing machine, asphalt plant, power pavement breaker, dinky machine	8.02	.30	.50 +a	b	.05
Compressor, pump opr.	7.83	.30	.50 +a	b	.05
Fireman, high pressure	7.91	.30	.50 +a	b	.05
Well point system	8.21	.30	.50 +a	b	.05
Compressor battery operator	8.49	.30	.50 +a	b	.05
Oiler	7.54	.30	.50 +a	b	.05
Batch plant, bulk cement plant,	7.65	.30	.50 +a	b	.05

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SW-CONN-2-3-W (2 of 2)

POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Crane with 150 ft. boom - additional ~~$.25 per hour~~					
Crane with 200 ft. boom - additional $.50 per hour					

~~PAID HOLIDAYS(Where applicable):~~
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a. Employer contributes $.15 per hour to Supplemental Unemployment Fund.

b. Seven (7) paid holidays: A thru F and Good Friday.

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1-TD-SW-CONN-1-2-3-G

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Two axle trucks	$6.21	a	b	c		
Three axle trucks	6.31	a	b	c		
Four axle trucks	6.41	a	b	c		
Two axle ready-mix	6.31	a	b	c		
Three axle ready-mix	6.36	a	b	c		
Four axle ready-mix	6.46	a	b	c		
Heavy duty trailer-up to 40 tons	6.36	a	b	c		
Heavy duty trailer - 40 tons and over	6.51	a	b	c		
Helpers	6.21	a	b	c		
Specialized earth moving equipment other than conventional type on-the-road trucks and Semi-trailers, including Euclids	6.46	a	b	c		

Paid Holidays (where applicable);

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

Footnotes;

a. $14.00 per week for employees employed over 16 hours and $.35 per hour for employees employed less than 16 hours during the week.

b. $20.00 per week for employees employed over 24 hours and $.50 per hour for employees employed less than 24 hours during the week.

c. Seven (7) holidays: A through F, and Good Friday provided the employee has 31 calendar days service and is available for work the day preceding and following the holiday.

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SUPERSEDEAS DECISION

STATE: Indiana
DECISION NO.: AQ-3139
Supersedes Decision No. AP-662, dated May 18, 1973, in 38 FR 13214
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

Ind-MH-Zone #1

COUNTIES: Adams, Allen, DeKalb, Elkhart, Huntington, Kosciusko, Wells, LaGrange, Marshall, Noble, Starke, Stueben & Whitley	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Starke County:	$9.20	.50	.57		.05	
Remainder of Counties	8.58	.40	.40		.05	
Cement Masons:						
Starke County	7.63	.45	.70		.03	
Marshall County	7.87	.40	.50		.01	
Wells County	7.45	.30				
Elkhart, Kosciusko & LaGrange Cos.	8.73		.30		.02	
Remainder of Counties	7.90	.40				
Ironworkers:						
Elkhart, Kosciusko, Marshall, Starke Counties & western ½ of LaGrange Co.	8.70	.55	.65		.01	
Remainder of Counties	8.80	.50	.75		.01	
Linemen:						
North Indiana exclusive of Calumet Area	7.38	.35	1%		.25%	
Calumet Area	7.68	.35	1%		.25%	
Painters:						
Adams, Allen, DeKalb, Huntington, Wells, (North of Bluffton) LaGrange, Noble, Stueben & Whitley Counties:						
Brush & Roller	6.76	.32	.25		.05	
Spray	7.76	.32	.25		.05	
Elkhart, Kosciusko & Marshall Cos:						
Brush, Roller & Spray	6.85		.20			
Starke County:						
Brush & Roller	4.80					
Spray	6.05					
Remainder of Wells County:						
Brush, Roller & Spray	4.35					

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Indiana-1-LAB-2-3- 1

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Class I						
Dynamite and powdermen	$5.45	.18	.25		.07	
Class II						
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudinal hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.25	.18	.25		.07	
Class III						
Common laburers, unskilled	5.10	.16	.25		.07	

INDIANA-5-LABORERS-T&S N

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: (SEWER AND TUNNEL)						
Top Laborer	$4.92	.18	.25		.07	
Well Point Lead Man	4.97	.18	.25		.07	
Jackhammer & Air Tool Operators	5.02	.18	.25		.07	
Bottom Man	5.22	.18	.25		.07	
Pipelayer	5.22	.18	.25		.07	
Free Air Tunnel & Caisson Work:						
Miners or header men	6.00	.18	.25		.07	
Muckers & Tunnel Laborers	5.50	.18	.25		.07	
Bottom men & concrete men	5.40	.18	.25		.07	
Topmen	5.30	.18	.25		.07	

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POWER EQUIPMENT OPERATORS: TUNNEL & SEWER CONST.	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
Air compressor(pressurizing shafts, tunnels & divers), Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor(w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over) Dredge, Elevators(when hoisting material or tool) Forklift (machinery) Formless Paver, Generator (power for welders or compressors) Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on Job Site, Mucking Machine, Panel Board Concrete Plant, Piledriver, Push Cat, Scoop & Tractor, Scraper-Rubber Tired, Spreader-Tractor mounted, Straddle Carrier-Ross Type, Sub Base Finish, Machine(C.M.I. or similar Tower Crane, Tractor w/backhoe(over ½ yard) Welder	$8.40	.30	.30		.05	
GROUP 2						
A-Frame truck, Batcher Plant(automatic dry batch) Bending Machine-Power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-Self Propelled, Concrete Mixer(21 cu. ft or over) Concrete Spreader-power driven, Dinkey Engine, Ditching Machine(less than 18") Drilling Machine, Finish Machine & Bullfloat, Finishing Machine, Fireman, Piledriving & Boilers, Forklift-Masonry & Material Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-Mesh Placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone & Sub Base, Sheep stone Roller Self-Propelled, Shop Mule						

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Spreader or Base Paver-Self Propelled Subgrader, Throttle Valve w/Air Compressor or Boiler, Tractor w/Backhoe (¾ yard & under) Tractor-High Lift-Farm-Type, Tractor-Industrial Type, Tractor w/winch, Well Points, Winch truck	7.60	.30	.30		.05	
GROUP 3						
Air Compressor(210 cu. ft. & over), Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope Pot-Power Agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-Power Driven, Minor Equip. Op. Paving Joint Machine, Post Hole Digger Roller-Earth, Throttle Valve, Track Jack-Power Driven, Tractor-Farm Type, Truck Crane Driver	7.00	.30	.30		.05	
GROUP 4						
Air Compressor(less than 210 cu. ft.) Concrete Mixer(under 21 cu. ft.) Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers	6.40	.30	.30		.05	

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ELKHART, KOSCIUSKO, LAGRANGE, MARSHALL, NOBLE & STARKE COS.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY & HIGHWAY CONSTRUCTION						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.) bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), keystone (skimmer scoop, locomotive, opes., mucking machine, panel board concrete plant (central mix type), pacer-Hetherington, piledriver-skid crawler, road pacing mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull tandem, tractor (boom or winch), tractor (push), trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame	$8.00	.40	.50		.05	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (indapendently operated), concrete speader (power driven), excavating loader portable), finishing machine (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. conrete belt placer, pull grader-power control, ross carrier sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous macadam, Brick surface, trench machine (24" and under(, welder	7.55	.40	.50		.05	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curl machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment paving breaker, power broom (self propelled), roller (earth and subbase material), slurry seal machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type	7.12	.40	.50		.05	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching ramper, heorm and belt machine, coleman type screen conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generater, Hetherington driver, Hetherington helper, mechcanics helper, mechanical heater, oper., two pieces of minor equipment outboard or inboard motor obat, power curing spraying machine, power saw concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine paint (motor driven),						

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POWER EQUIPMENT OPERATORS: Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

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POWER EQUIPMENT OPERATORS:(Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
subgrader, tractsire, tractor below 50 H.P.), truck crane oiler-driven, water pump, welding machine	6.31	.40	.50		.05	

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REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY & HIGHWAY CONSTRUCTION						
POWER EQUIPMENT OPERATORS:						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver - Hetherington, piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$8.30	.30	.30		.05	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine						

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (cont'd):						
and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tamper - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	$7.85	.30	.30		.05	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist, (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	7.42	.30	.30		.05	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader						

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (con'd): form tamper (motor driven), generator, Hatherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, cutboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	$6.61	.30	.30		.05	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP A						
Acey wagons over 3 buckets	$6.775	a14.00	a14.00			
GROUP B						
Acey wagon to and including 3 buckets	6.725	a14.00	a14.00			
GROUP C						
Tandem-tandem semi-trucks-truck mechanics - heavy equipment type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low boys, tandem-tandem axle	6.675	a14.00	a14.00			
GROUP D						
Tri-axle trucks - Tandem axle semi-trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low boys, tandem axle - Tri-axle batch	6.625	a14.00	a14.00			
GROUP E						
Tandem "Dog Legs" trucks - Semi-water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gallon & under	6.575	a14.00	a14.00			
GROUP F						
Truck mounted pavement breakers - Tandem trucks over 15 ton payload-Single axle semi-trucks-Farm tractors hauling material-Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cubic yds. & under-Mixer trucks, all types, - Single axle trucks pulling tilt top trailer lowboys, single axle	6.525	a14.00	a14.00			
GROUP G						
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	6.475	a14.00	a14.00			

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TRUCK DRIVERS (CON'T)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP H						
Single axle Dog-Legs - Tandem trucks or Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maint. trucks servicing tandem axle trucks	$6.425	a14.00	a14.00			
GROUP I						
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two man	6.375	a14.00	a14.00			
GROUP J						
Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & Maint. trucks servicing single axle trucks	6.325	a14.00	a14.00			
GROUP K						
Helpers, greasers, tire men, batch board tenders	6.275	a14.00	a14.00			
GROUP L						
Pick-Up trucks	6.175	a14.00	a14.00			

FOOTNOTE:

a. Per Week Per Employee

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SUPERSEDEAS DECISION

STATE: Indiana
DECISION NO.: AQ-3140
Supersedes Decision No. AP-663, dated May 18, 1973 in 38 FR 20420
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

Ind-HH-Zone #2 — 1 of 2

COUNTIES: Benton, Carroll, Cass, Clinton, Fulton, Howard, Jasper, Miami, Newton, Pulaski, Tippecanoe, Tipton, Wabash & White	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Jasper and Newton Counties	$9.20	.50	.57		.05	
Remainder of Counties	8.58	.40	.40		.05	
Cement Masons:						
Tipton County	7.87	.40	.35			
Wabash County	7.45	.30				
Cass, Fulton & Miami Counties	6.35	.15			.01	
Remainder of Counties	7.25	.40	.30			
Ironworkers:						
Wabash County	8.80	.50	.75		.01	
Fulton & Pulaski Counties	8.70	.55	.45		.01	
Newton County & nothern ⅓ of Jasper Co.	9.90	.50	.60		.05	
Howard & Tipton Cos. & eastern 1/3 of Clinton County	8.75	.55	.55		.05	
Southern ⅓ of Jasper Co., western 2/3 of Clinton Co. & Remainder of Counties	8.64	.55	.65		.02	
Linemen:						
Benton, Fulton, Jasper, Newton, Pulaski, & White Counties:						
North Indiana exclusive of Calumet Area	7.38	.35	12%		.25%	
Calumet Area	7.68	.35	12%		.25%	
Carroll, Cass, Clinton, Howard, Miami, Tippecanoe, Tipton & Wabash Cos:	7.47	.35	12%		.25%	
Painters:						
Cass, Fulton & White Counties:						
Brush	6.00					
Spray	7.25					
Benton, Clinton, Jasper & Tippecanoe:						
Brush	7.25					
Spray	10.52					
Howard & Miami Counties:						
Brush	7.25		.40			
Spray	8.00		.40			

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Ind-HH-Zone #2 — 2 of 2

Painters: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Newton County:						
Brush & Roller	8.35	.32	.35		.02	
Spray	9.10	.32	.35		.02	
Pulaski County:						
Brush & Roller	4.80					
Spray	6.05					
Tipton County:						
Brush	7.25					
Spray	8.00					
Wabash County:						
Brush & Roller	6.76	.32	.25		.05	
Spray	7.76	.32	.25		.05	

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Class I						
Dynamite and powdermen	$5.45	.18	.25		.07	
Class II						
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.25	.18	.25		.07	
Class III						
Common laborers, unskilled	5.10	.18	.25		.07	

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POWER EQUIPMENT OPERATORS: SEWER & TUNNEL	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
Air compressor(pressurizing shafts, tunnels & divers, Air Tugger, Auto Patrol, Backfiller, Backhoe, Beon Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Chet y Picker, Compactor(w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over) Dredge, Elevators(when hoisting material or tool) Forklift (machinery) Formless Paver, Generator (power for welders or compressors) Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on Job Site, Mucking Machine, Panel Board Concrete Plant, Piledriver, Push Cat, Scoop & Tractor, Scraper-Rubber Tired Spreader-Tractor mounted, Straddle Carrier-Rees Type, Sub Base Finish, Machine(C.M.I. or similar Tower Crane, Tractor w/backhoe(over ½ yard) Welder	$8.40	.30	.30		.05	
GROUP 2						
A-Frame truck, Batcher Plant(automatic dry batch) Bending Machine-Power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-Self Propelled, Concrete Mixer(21 cu. ft or over) Concrete Spreader-power driven, Dinkey Engine, Ditching Machine(less than 18") Drilling Machine, Finish Machine & Bullfloat, Finishing Machine, Fireman, Piledriving & Boilers, Forklift-Masonry & Material Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-Mesh Placer, P.C.C.-Concrete Belt Placer, Roller-Arnhalt Stone & Sub Base, Sheep stone Roller Self-Propelled, Shop Mule Spreader or Base Paver-Self Propelled Subgrader, Throttle Valve w/Air Compressor or Boiler, Tractor w/Backhoe (½ yard & under) Tractor-High lift-Farm-Type, Tractor-Industrial Type, Tractor w/winch, Well Points, Winch truck	7.60	.30	.30		.05	
GROUP 3						
Air Compressor(210 cu. ft. & over), Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope Pot-Power Agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-Power Driven, Minor Equip. Op. Paving Joint Machine, Post Hole Digger Roller-Earth, Throttle Valve, Track Jack-Power Driven, Tractor-Farm Type, Truck Crane Driver	7.00	.30	.30		.05	
GROUP 4						
Air Compressor(less than 210 cu. ft.) Concrete Mixer(under 21 cu. ft.) Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers	6.40	.30	.30		.05	

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FULTON, JASPER, NEWTON & PULASKI COS. Ind. -13-PEO 1 of 3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY & HIGHWAY CONSTRUCTION						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.) bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader euclid loader, formless paver, gradall, fravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), keystone (skimmer scoop, locomotive, opes., mucking machine, panel board concrete plant (central mix type), paver-Hetherington, piledriver-skid crawler, road pacing mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull tandem, tractor (boom or winch), tractor (push), trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$8.00	.40	.50		.05	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete spreader (power driver), excavating loader portable), finishing machine (who supervises 2 or more greasers or a greaser and a helper), mechanic multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader-power control, ross carrier sheepfoot roller (self-propelled), Tamper-multiple vibracing-asphalt, waterbound macadam, bituminous						

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POWER EQUIPMENT OPERATORS: Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
macadam, Brick surface, trench machine (24" and under(, welder	7.55	.40	.50		.05	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment) paving breaker, power broom (self propelled), roller (earth and subbase material), slurry seal machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type	7.12	.40	.50		.05	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, brorm and belc machine, coleman type screen conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generater, Hetherington driver, Hetherington helper, mechcanics helper, mechanical heater, oper., two pieces of minor equipment outboard or inboard motor obat, power curing spraying machine, power saw concrete (power driven), pull broom (power type), seaman filler, straw blower, stripping machine paint (motor driven),						

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Ind.-13-PEO 3 of 3

POWER EQUIPMENT OPERATORS:(Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
subgrader, tractaire, tractor below 50 H.P.), truck crane oiler-driven, water pump, welding machine	6.31	.40	.50		.05	

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REMAINDER OF COUNTIES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY & HIGHWAY CONSTRUCTION						
POWER EQUIPMENT OPERATORS:						
GROUP I						
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoiac (2 drums and over), keystone (skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver - Hetherington, piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, traccor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$8.30	.30	.30		.05	
GROUP II						
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine						

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (cont'd):						
and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tamper - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	$7.85	.30	.30		.05	
GROUP III						
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist, (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	7.42	.30	.30		.05	
GROUP IV						
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader						

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (con'd): form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	$6.61	.30	.30		.05	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP A						
Acey wagons over 3 buckets	$6.775	a14.00	a14.00			
GROUP B						
Acey wagon to and including 3 buckets	6.725	a14.00	a14.00			
GROUP C						
Tandem-tandem semi-trucks-truck mechanics - heavy equipment type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low boys, tandem-tandem axle	6.675	a14.00	a14.00			
GROUP D						
Tri-axle trucks - Tandem axle semi-trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low boys, tandem axle - Tri-axle batch	6.625	a14.00	a14.00			
GROUP E						
Tandem "Dog Legs" trucks - Semi-water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gallon & under	6.575	a14.00	a14.00			
GROUP F						
Truck mounted pavement breakers - Tandem trucks over 15 ton payload-Single axle semi-trucks-Farm tractors hauling material-Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cubic yds. & under-Mixer trucks, all types, - Single axle trucks pulling tilt top trailer lowboys, single axle	6.525	a14.00	a14.00			
GROUP G						
Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	6.475	a14.00	a14.00			

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TRUCK DRIVERS (CON'T)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP H						
Single axle Dog-Legs - Tandem trucks or Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maint. trucks servicing tandem axle trucks	$6.425	a14.00	a14.00			
GROUP I						
Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two man	6.375	a14.00	a14.00			
GROUP J						
Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & Maint. trucks servicing single axle trucks	6.325	a14.00	a14.00			
GROUP K						
Helpers, greasers, tire men, batch board tenders	6.275	a14.00	a14.00			
GROUP L						
Pick-Up trucks	6.175	a14.00	a14.00			

FOOTNOTE:

a. Per Week Per Employee

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SUPERSEDEAS DECISION

STATE: Indiana
DECISION NO.: AQ-3141
Supersedes Decision No. AP-664, dated May 18, 1973, in 38 FR 13227
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

Ind-IMI-Zone Ø3

COUNTIES: Blackford, Delaware, Fayette, Grant, Hamilton, Hancock, Henry, Jay, Johnson, Madison, Marion, Randolph, Rush, Shelby, Union and Wayne	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Rush & Shelby Counties	$8.38	.35	.35		.05	
Remainder of Counties	8.58	.40	.40		.05	
Cement Masons:						
Grant, Blackford, Jay, Delaware and Randolph Counties	7.45	.30				
Shelby County	6.70					
Fayette, Rush, Union & Wayne Counties	7.80					
Marion and Johnson Cos., southern ½ of Hamilton Co., & western ½ of Hancock County	7.76				.04	
Henry and Madison Cos., northern ½ of Hamilton Co. & eastern ½ of Hancock County	7.87	.40	.35			
Ironworkers:						
Fayette, Jay, Randolph, Union and Wayne Counties	9.16	.55	.65		.02	
Blackford & Grant Cos., & N/E corner corner of Delaware County	8.80	.50	.75		.01	
Marion County	8.60	.55	.55		.05	
Southwest 2/3 of Delaware County and the Remainder of Counties	8.75	.55	.55		.05	
Linemen:						
Jay County	7.38	.35	1%		.25%	
Remainder of Counties	7.47	.35	1%		.25%	
Painters:						
Fayette, Henry, Randolph, Rush, Union and Wayne Counties:						
Brush	6.25					
Spray	7.25					
Hamilton, Hancock, Johnson, Marion & Shelby Counties:						
Brush & Roller	6.60	.20	.20			
Spray	7.40	.20	.20			
Madison & Delaware Counties:						
Brush	7.25		.40			
Spray	8.00		.40			
Blackford & Jay Counties:						
Brush, Roller & Spray	4.35					

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IND.-4-LABORERS K

LABORERS: (SEWER & TUNNEL CONST.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1					
Common Laborers	$5.45	.18	.25		.07
CLASS 2					
Jackhammer, drill, air spades, air tampers & vibrator operators, oprs. of mechanical equipment (which replaces wheelbarrows & buggies), chipping & cutting hammers, laborers in ditches deeper than 6 feet not sheeted or sloped	5.65	.18	.25		.07
CLASS 3					
Sewer Pipe Layers	5.85	.18	.25		.07
CLASS 4					
FREE AIR TUNNEL WORK:					
Miner or Header Man	6.25	.18	.25		.07
Muckers & Tunnel Laborers	5.75	.18	.25		.07
Bottom Men & Concrete Men	5.65	.18	.25		.07
Top Men	5.55	.18	.25		.07

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HEAVY & HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Class I					
Dynamite and powdermen	$5.45	.18	.25		.07
Class II					
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.25	.18	.25		.07
Class III					
Common laborers, unskilled	5.10	.18	.25		.07

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POWER EQUIPMENT OPERATORS: SEWER & TUNNEL	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
Air compressor(pressurizing shafts, tunnels & divers, Air Tugger, Auto Patrol, Backfiller, Backhoe, Boom Cat, Boring Machine, Bulldozer, Caisson Drilling Machine, Cherry Picker, Compactor(w/dozer blade) Concrete Plant, Concrete Pump, Crane w/all attachments, Crane-Electric Overhead, Derrick, Ditching Machine (18" and over) Dredge, Elevators(when hoisting material or tool) Forklift (machinery) Formless Paver, Generator (power for welders or compressors) Gradall, Helicopter, Helicopter Winch Operator, Highlift-Front End Loader, Hoist, Locomotive, Mechanic on Job Site, Mucking Machine, Panel Board Concrete Plant, Piledriver, Push Cat, Scoop & Tractor, Scraper-Rubber Tired, Spreader-Tractor mounted, Straddle Carrier-Ross Type, Sub Base Finish, Machine(C.M.I. or similar Tower Crane, Tractor w/backhoe(over ½ yard) Welder	$8.40	.30	.30		.05	
GROUP 2						
A-Frame truck, Batcher Plant(automatic dry batch) Bending Machine-Power driven, Bituminous Mixer, Bituminous Paver, Bituminous Plant Engineer, Boatman, Bullfloat, Compactor or Tamper-Self Propelled, Concrete Mixer(21 cu. ft or over) Concrete Spreader-power driven, Dinkey Engine, Ditching Machine(less than 18") Drilling Machine, Finish Machine & Bullfloat, Finishing Machine, Fireman, Piledriving & Boilers, Forklift-Masonry & Material Gunnite Machine, Head Greaser, Mechanic in Shop, Mesh Depresser-Mesh Placer, P.C.C.-Concrete Belt Placer, Roller-Asphalt Stone & Sub Base, Sheep stone Roller Self-Propelled, Shop Mile						

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Spreader or Base Paver-Self Propelled, Subgrader, Throttle Valve w/Air Compressor or Boiler, Tractor w/Backhoe (½ yard & under) Tractor-High lift-Farm-Type, Tractor-Industrial Type, Tractor w/winch, Well Points, Winch truck	7.60	.30	.30		.05	
GROUP 3						
Air Compressor(210 cu. ft. & over), Bituminous Distributor, Chair Cart, Concrete Curing Machine, Concrete Saw, Dope Pot-Power Agitated, Flexplane, Form Grader, Hydrohammer, Jacks-Hydraulic-Power Driven, Minor Equip. Op. Paving Joint Machine, Post Hole Digger Roller-Earth, Throttle Valve, Track Jack-Power Driven, Tractor-Farm Type, Truck Crane Driver	7.00	.30	.30		.05	
GROUP 4						
Air Compressor(less than 210 cu. ft.) Concrete Mixer(under 21 cu. ft.) Conveyor, Generator, Mechanical Heater, Oiler, Power Broom, Pump, Welding Machine, Helpers	6.40	.30	.30		.05	

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HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP I Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.), bituminous mixer, bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel, backhoe, etc.) dredge operator, drilling machine (on which the drill is an integral part), elevating grader, euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), hoist (2 drums and over), keystone (skimmer scoop), locomotive oper., mucking machine, panel board concrete plant (central mix type), paver - Hetherington, piledriver - skid or crawler, road paving mixer, rock crusher, roller - asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull - tandem, tractor (boom or winch), tractor (push), tractor with scoop, tractor mounted spreader, trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-frame	$8.30	.30	.30	.05	
GROUP II Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader (portable), finishing machine						

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. T	Others
POWER EQUIPMENT OPERATORS (cont'd): and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.G.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tampec - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	$7.85	.30	.30		.05	
GROUP III Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist, (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wallpaint system, widener (Apsco or similar type)	7.42	.30	.30		.05	
GROUP IV Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader						

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (con't): form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), scaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	$6.61	.30	.30		.05	

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: GROUP A Acey wagons over 3 buckets	$6.775	a14.00	a14.00			
GROUP B Acey wagon to and including 3 buckets	6.725	a14.00	a14.00			
GROUP C Tandem-tandem semi-trucks-truck mechanics - heavy equipment type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low boys, tandem-tandem axle	6.675	a14.00	a14.00			
GROUP D Tri-axle trucks - Tandem axle semi-trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low boys, tandem axle - Tri-axle batch	6.625	a14.00	a14.00			
GROUP E Tridem "Dog Legs" trucks - Semi-water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gallon & under	6.575	a14.00	a14.00			
GROUP F Truck mounted pavement breakers - Tandem trucks over 15 ton payload-Single axle semi-trucks-Farm tractors hauling material-Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cubic yds. & under-Mixer trucks, all types, - Single axle trucks pulling tilt top trailer lowboys, single axle	6.525	a14.00	a14.00			
GROUP G Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	6.475	a14.00	a14.00			

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TRUCK DRIVERS (CON'T)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP H Single axle Tag-less - Tandem trucks or Dog-legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maint. trucks servicing tandem axle trucks	$6.425	a14.00	a14.00			
GROUP I Single axle fuel trucks - Single axle water trucks - Bituminous distributors, one man	6.375	a14.00	a14.00			
GROUP J Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & Maint. trucks servicing single axle trucks	6.325	a14.00	a14.00			
GROUP K Helpers, greasers, tire men, batch board tenders	6.275	a14.00	a14.00			
GROUP L Pick-Up trucks	6.175	a14.00	a14.00			

FOOTNOTE:

a. Per Week Per Employee

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: See Below
DECISION NO.: AQ-3142 DATE: Date of Publication
Supersedes Decision No. AP-665, dated May 18, 1973, in 38 FR 18817
DESCRIPTION OF WORK: Heavy and Highway Construction

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Ind-HH-Zone 04 1 of 2

COUNTIES: Boone, Clay, Davies, Fountain, Greene, Hendricks, Knox, Montgomery, Morgan, Owen, Parke, Putnam, Sullivan, Vermillion, Vigo & Warren	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Boone, Clay, Fountain, Hendricks, Montgomery, Parke, Putnam, Vigo, Vermillion, Warren, Owen (North of White River) & Morgan (North of White River)	$8.58	.40	.40		.05	
Morgan & Owen Cos., (South of White River) and Remainder of Counties	8.38	.35	.35		.05	
Cement Masons:						
Green County	6.85	.30				
Daviess and Knox Counties	7.45	.40				
Fountain, Montgomery, Warren and northern ½ of Boone County	7.25	.40	.30			
Hendricks County, southern ½ of Boone County & northern ½ of Morgan County	7.76				.04	
Southern ½ of Morgan County & southern half of Owen County	7.35					
Sullivan, Vermillion, Vigo, Clay, Parke, Putnam & the extreme western part of Owen County	6.60	.45	.25			
Ironworkers:						
Montgomery County & northwestern ½ of Boone County	8.64	.55	.65		.02	
Hendricks, Morgan, Owen & southeastern ½ of Boone County	8.75	.55	.55		.05	
Fountain and Warren Counties	7.70	.40	.60		.04	
Remainder of Counties	8.60	.55	1.10			
Linemen:						
Fountain, Warren & Vermillion Cos.	8.28	.25	1%+.30		.25%	
Remainder of Counties	7.47	.35	1%		.25%	
Painters:						
Fountain and Warren Counties:						
Brush	7.25					
Spray	10.52					
Putnam, Sullivan & Vigo Counties:						
Brush & Roller	7.30				.02	
Spray	8.30				.02	
Boone & Hendricks Counties:						
Brush & Roller	6.60	.20	.20			
Spray	7.40	.20	.20			

Painters: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Green, Morgan & Owen Counties:						
Brush & Roller	$6.40					
Spray	7.40					
Vermillion & Parke Counties:						
Brush	6.65					
Roller	7.45					
Spray	7.90					
Clay County:						
Brush	5.25					
Spray	7.375					
Daviess & Knox Counties:						
Brush	6.05					
Spray	7.50					

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Class I						
Dynamite and powdermen	$5.45	.18	.25		.07	
Class II						
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.25	.18	.25		.07	
Class III						
Common laborers, unskilled	5.10	.18	.25		.07	

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TUNNEL & SEWER CONST.

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP A						
Master Mechanic	$8.31	.30	.40		.05	
GROUP B						
Utility Operator	8.20	.30	.40		.05	
GROUP C						
Power Cranes, Draglines, Derricks, electric overhead cranes, shovels, gradall, mechanics, repair & maintenance of all equipment, tractor highlift shovel, tournadozer, concrete mixers with skip, tournamixer, two-drum machine or two cage hoists w/tower or boom, cableways, tower machines, motor patrol, boom tractor, boom or winch truck, winch truck, winch or hydraulic boom truck, truck crane, tornapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers & rollers on asphalt, gravel, macadam & brick surface, ross carrier or similar machine gravel processing machine, asphalt plant engineer or pug mill, 2 air compressors, hetherington paver operator, farm tractor with ½ yard bucket and/or backhoe attachment, dredge engineer, dredge operator, central mix plant engineer, rock spreader, CMI or similar type machine concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, boiler operator, concrete plant engineer, ditching machine over 6" or with a dual attachment, tractor mounted loaders, cherry picker, hydra crane, air compressor 300 cu. ft. or over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, backfiller, elevating machine, power blade, asphalt plant engineer, drilling machines including well testing, caissons, shaft or any similiar type drilling machines, paint machine,						

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POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
pipe cleaning machine, pipe wrapping machine, pipe bending machine, Apsco Paver, Boring Machine, Tractors without winch, head equipment greasers, barber green loaders, formless paver, well point system, concrete spreader	$8.02	.30	.40		.05	
GROUP D						
Power subgrader, bull float, form grader, finishing machine, concrete mixers without skip, pavement breaker, rock crushers, ditching machine under 6", curing machine, truck crane oiler and driver, one drum machines w/o tower or boom, air tugger, self propelled concrete saw, post hole digger, two or four generators or welding machines, mechanized heaters irrespective of motor power when used for temporary heat, small rollers on earth, two or four water pumps, fork-lift, curing machine, concrete & blacktop curb machine, farm tractor with less than half yard bucket	7.18	.30	.40		.05	
GROUP E						
One Water pumps, oilers, air valves or Steam Valves from plant, one welding machine, track jack, mud jack, air compressor less than 300 cu. ft. capacity, gunnite machine, house elevators, when used for hoisting material, engine tenders, foreman, wagon drill, flexplane, conveyor, siphon & pulsometer, switchman on paint pots, fireman on asphalt plants, distriping machine, (motor driven), form tamper, seaman tiller, bulk cement plant equipment greaser, operators to do winter work in shop between Nov. 1st & March 1st and Deck Hands	6.29	.30	.40		.05	

AQ-3142 P. 5 — Ind-1-PEO-2-3 1 of 3

POWER EQUIPMENT OPERATORS: HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP I					
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.) bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine autograde, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), keyatone (skimmer scoop, locomotive, opes., mucking machine, panel board concrete plant (central mix type), pacer-Hetherington, piledriver-skid crawler, road pacing mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull tandem, tractor (boom or winch), tractor (push), trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame	$8.10	.30	.50		.05
GROUP II					
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader portable), finishing machine (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader-power control, ross carrier sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous					

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POWER EQUIPMENT OPERATORS: Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
macadam, Brick surface, trench machine (24" and under(, welder	7.65	.30	.50		.05
GROUP III					
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment) paving breaker, power broom (self propelled), roller (earth and subbase material), slurry seal machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valve and compressor or clever brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type	7.22	.30	.50		.05
GROUP IV					
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distrioutor, bituminous patching ramper, brorm and belt machine, coleman type screen conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechcanics helper, mechanicel heater, oper., two pieces of minor equipment outboard or inboard motor obat, power curing spraying machine, power saw concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine paint (motor driven),					

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POWER EQUIPMENT OPERATORS:(Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
subgrader, tractaire, tractor below 50 H.P.), truck crane oiler-driven, water pump, welding machine	6.41	.30	.50		.05

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP A Acey wagons over 3 buckets	$6.775	a14.00	a14.00			
GROUP B Acey wagon to and including 3 buckets	6.725	a14.00	a14.00			
GROUP C Tandem-tandem semi-trucks-truck mechanics - heavy equipment type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low boys, tandem-tandem axle	6.675	a14.00	a14.00			
GROUP D Tri-axle trucks - Tandem axle semi-trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid buttom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low boys, tandem axle - Tri-axle batch	6.625	a14.00	a14.00			
GROUP E Tandem "Dog Legs" trucks - Semi-water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gallon & under	6.575	a14.00	a14.00			
GROUP F Truck mounted pavement breakers - Tandem trucks over 15 ton payload-Single axle semi-trucks-Farm tractors hauling material-Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cubic yds. & under-Mixer trucks, all types, - Single axle trucks pulling tilt top trailer lowboys, single axle	6.525	a14.00	a14.00			
GROUP G Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	6.475	a14.00	a14.00			

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TRUCK DRIVERS (CON'T)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP H Single axle Dog-Legs - Tandem trucks or Dog-Legs - Winch trucks or A frames used for transporcation - Batch trucks, wet or dry over 3 (3YE) batches - Grease and Maint. trucks servicing tandem axle trucks	$6.425	a14.00	a14.00			
GROUP I Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two man	6.375	a14.00	a14.00			
GROUP J Single axle straight trucks - Batch trucks, wet or dry 3 (3YD) batches or less - Grease & Maint. trucks servicing single axle trucks	6.325	a14.00	a14.00			
GROUP K Helpers, greasers, tire men, batch board tenders	6.275	a14.00	a14.00			
GROUP L Pick-Up trucks	6.175	a14.00	a14.00			

FOOTNOTE:

a. Per Week Per Employee

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SUPERSEDEAS DECISION

STATE: Indiana
DECISION NO.: AQ-3143
Supersedes Decision No. AQ-660, dated May 18, 1973, in 38 FR 13237
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

Ind-Hii-Zone #5 / 1 of 2

COUNTIES: Bartholomew, Brown, Clark, Dearborn, Decatur, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Lawrence, Martin, Monroe, Ohio, Orange, Ripley, Scott, Switerland & Washington	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Carpenters:						
Bartholomew (Camp Atterbury)	$8.58	.40	.40		.05	
Bartholomew (except Camp Atterbury) & Remainder of Counties	8.38	.35	.35		.05	
Cement Masons:						
Monroe County	7.80					
Martin County	7.45	.40				
Bartholomew and Brown Counties	7.80					
Decatur and Franklin Counties	6.25					
Clark, Floyd and Harrison Counties	7.98					
Dearborn, Ohio, Ripley and Switerland Counties	4.70					
Jackson, Jefferson, Jennings, Lawrence, Orange, Scott and Washington Counties	6.10					
Ironworkers:						
Western ½ of Martin County	8.15		.25			
N/W 1/6 of Lawrence County	8.60	.55	1.10			
Bartholomew, Brown & Monroe Counties & the N/E 1/6 of Lawrence County & the western ½ of Decatur County	8.75	.55	.55		.03	
Dearborn, Franklin, Ohio, Ripley, & Switerland Counties & the eastern ½ of Decatur County	8.895	.55	.85		.02	
Eastern ½ of Martin County, southern ½ of Jackson County & the southern ½ of Jennings County, southern 2/3 of Lawrence County & the Remainder of Counties	8.70	.55	.65		.04	
Linemen:						
All Counties	7.47	.35	1%		.25%	
Painters:						
Bartholomew, Decatur, Jackson & Jennings Counties:						
Brush & Roller	5.45					
Spray	5.70					
Clark, Floyd, Harrison, Jefferson, Scott & Washington Counties:						
Brush	7.59		.10		.03	
Spray	8.04		.10		.03	

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Ind-Hii-Zone #5 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Painters (Cont'd)						
Dearborn, Ohio, Ripley & Switerland Counties:						
Brush & Roller	$7.40					
Spray	7.90					
Lawrence & Martin Counties:						
Brush	5.00					
Spray	6.00					
Monroe & Brown Counties:						
Brush & Roller	6.40			.20		
Spray	7.40			.20		

Indiana-1-IAB-2-3- I

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Class I						
Dynamite and powdermen	$5.45	.18	.25		.07	
Class II						
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment side rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.25	.18	.25		.07	
Class III						
Common laborers, unskilled	5.10	.18	.25		.07	

TUNNEL & SEWER CONST. MONROE CO. AQ-3143 P. 3

INDIANA-9-PEO-1 T&S 1 of 2

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP A						
Master Mechanic	$8.31	.30	.40		.05	
GROUP B						
Utility Operator	8.20	.30	.40		.05	
GROUP C						
Power Cranes, Draglines, Derricks, electric overhead cranes, shovels, gradall, mechanics, repair & maintenance of all equipment, tractor highlift shovel, tournadozer, concrete mixers with skip, tournamixer, two-drum machine or two cage hoists w/tower or boom, cableways, tower machines, motor patrol, boom tractor, boom or winch truck, winch truck, winch or hydraulic boom truck, truck crane, torunapull, tractor operating scoops, bulldozer, push tractor, finishing machine on asphalt, large rollers & rollers on asphalt, gravel, macadam & brick surface, ross carrier or similar machine gravel processing machine, asphalt plant engineer or pug mill, 2 air compressors, hotherington paver operator, farm tractor with ½ yard bucket and/or backhoe attachment, dredge engineer, dredge operator, central mix plant engineer, rock spreader, CMI or similar type machine concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, boiler operator, concrete plant engineer, ditching machine over 6" or with a dual attachment, tractor mounted loaders, cherry picker, hydra crane, air compressor 300 cu. ft. or over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, backfiller, elevating machine, power blade, asphalt plant engineer, drilling machines including well testing, caissons, shaft or any similiar type drilling machines, paint machine,						

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INDIANA-9-PEO-1 T&S 2 of 2

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
pipe cleaning machine, pipe-wrapping machine, pipe bending machine, Apaco Paver, Boring Machine, Tractors without winch, head equipment greasers, barber green loaders, formless paver, well point system, concrete spreader	$8.02	.30	.40		.05	
GROUP D						
Power subgrader, bull float, form grader, finishing machine, concrete mixers without skip, pavement breaker, rock crushers, ditching machine under 6", curing machine, truck crane oiler and driver, one drum machines w/o tower or boom, air tugger, self propelled concrete saw, post hole digger, two or four generators or welding machines, mechanized heaters irrespective of motor power when used for temporary heat, small rollers on earth, two or four water pumps, fork-lift, curing machine, concrete & blacktop curb machine, farm tractor with less than half yard bucket	7.18	.30	.40		.05	
GROUP E						
One Water pumps, oilers, air valves or Steam Valves from plant, one welding machine, track jack, mud jack, air compressor less than 300 cu. ft. capacity, gunnite machine, house elevators, when used for hoisting material, engine tenders, foreman, wagon drill, flexplane, conveyor, siphon & pulsometer, switchman on paint pots, fireman on asphalt plants, distriping machine, (motor driven), form tamper, seaman tiller, bulk cement plant equipment greaser, operators to do winter work in shop between Nov. 1st & March 1st and Deck Hands	6.29	.30	.40		.05	

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MONROE COUNTY — AQ-3143 P. 5 — Ind-1-PEO-2-3 — 1 of 3

POWER EQUIPMENT OPERATORS:

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I					
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.) bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine auto-grade, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader euclid loader, formless paver, gradall, fravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), keystone (skimmer scoop, locomotive, opes., mucking machine, panel board concrete plant (central mix type), pacer-Hetherington, piledriver-skid crawler, road pacing mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull tandem, tractor (boom or winch), tractor (push), trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame	$8.10	.30	.50		.05
GROUP II					
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete speader (power driven), excavating loader portable), finishing machine (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. conrete belt placer, pull grader-power control, ross carrier sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous					

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POWER EQUIPMENT OPERATORS: Cont'd

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
macadam, Brick surface, trench machine (24" and under), welder	7.65	.30	.50		.05
GROUP III					
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler), greaser, hoist (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment) paving breaker, power broom (self propelled), roller (earth and sub-base material), slurry seal machine (R.R.), Tamper-multiple vibrating-earth and subbase material, throttle valve, throttle valne and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type	7.22	.30	.50		.05
GROUP IV					
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching ramper, brorm and belt machine, coleman type screen conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader, form tamper (motor driven), generater, Hetherington driver, Hetherington helper, mechcanics helper, mechanical heater, oper., two pieces of minor equipment outboard or inboard motor oat, power curing spraying machine, power saw concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine paint (motor driven),					

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POWER EQUIPMENT OPERATORS: (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
subgrader, trackadine, tractor below 50 H.P.), truck crane oiler-driver, water pump, welding machine	6.41	.30	.50		.05

REMAINDER OF COUNTIES — AQ-3143 P. 8 — Ind-19-PEO-2-3 — 1 of 3

POWER EQUIPMENT OPERATORS:

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I					
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.) bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine auto-grade, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader euclid loader, formless paver, gradall, fravel processing machine, oper. of guard rail post driver, high lift shovel (1½ yds. & over), keystone (skimmer scoop, locomotive, opes., mucking machine, panel board concrete plant (central mix type), pacer-Hetherington, piledriver-skid crawler, road pacing mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull tandem, tractor (boom or winch), tractor (push), trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame	$8.30	.30	.30		.05
GROUP II					
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete speader (power driven), excavating loader portable), finishing machine (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. conrete belt placer, pull grader-power control, ross carrier sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous					

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (cont'd): and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tamper - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	$7.85	.30	.30		.05	
GROUP VI Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist, (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	7.42	.30	.30		.05	
GROUP IV Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader						

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (cont'd). form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical heater, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	$6.61	.30	.30		.05	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP A Acey wagons over 3 buckets	$6.775	a14.00	a14.00			
GROUP B Acey wagon to and including 3 buckets	6.725	a14.00	a14.00			
GROUP C Tandem-tandem semi-trucks-truck mechanics - heavy equipment type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low boys, tandem-tandem axle	6.675	a14.00	a14.00			
GROUP D Tri-axle trucks - Tandem axle semi-trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low boys, tandem axle - Tri-axle batch	6.625	a14.00	a14.00			
GROUP E Tandem "Dog Legs" trucks - Semi-water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gallon & under	6.575	a14.00	a14.00			
GROUP F Truck mounted pavement breakers - Tandem trucks over 15 ton payload-Single axle semi-trucks-Farm tractors hauling material-Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cubic yds. & under-Mixer trucks, all types, - Single axle trucks pulling tilt top trailer lowboys, single axle	6.525	a14.00	a14.00			
GROUP G Tandem axle fuel trucks - Tandem axle water trucks - Bituminous distributor, one man	6.475	a14.00	a14.00			

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TRUCK DRIVERS (CON'T)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP H Single axle Dog-Legs - Tandem trucks or Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maint. trucks servicing tandem axle trucks	$6.475	a14.00	a14.00			
GROUP I Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two man	6.375	a14.00	a14.00			
GROUP J Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & Maint. trucks servicing single axle trucks	6.325	a14.00	a14.00			
GROUP K Helpers, greasers, tire men, batch board tenders	6.275	a14.00	a14.00			
GROUP L Pick-Up trucks	6.175	a14.00	a14.00			

FOOTNOTE:

a. Per Week Per Employee

SUPERSEDEAS DECISION

STATE: Indiana COUNTIES: See Below
DECISION NO.: AQ-3144 DATE: Date of Publication
Supersedes Decision No. AP-667, dated May 18, 1973, in 38 FR 13244
DESCRIPTION OF WORK: Heavy and Highway Construction

Ind-III-Zone #6

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
COUNTIES: Crawford, DuBois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh & Warrick						
Carpenters:						
All Counties	$8.38	.35	.35		.05	
Cement Masons:						
Gibson & Pike Counties	7.45	.40				
Remainder of Counties	7.33	.40	.20			
Ironworkers:						
Crawford County	8.70	.55	.65		.04	
Remainder of Counties	8.15	.25	.25			
Linemen:						
All Counties	8.48	.25	1%			
Painters:						
Crawford County:						
Brush	7.59	.25	.10		.03	
Spray	8.04	.25	.10		.03	
Gibson County:						
Brush	6.05					
Spray	7.50					
DuBois, Perry, Posey, Spencer, Vanderburgh & Warrick Counties:						
Brush & Roller	8.00	.45	.20			
Spray	8.75	.45	.20			

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION					
GROUP I					
Auto patrol, backhoe (on farm type tractor over 50 H.P.), Ballast regulator (R.R.) bituminous mixer bituminous paver, bituminous plant engineer, bulldozer, caisson drilling machine (crane mounted), C.M.I. machine auto-grade, concrete mixer (21 cu. ft. or over), core drilling machine, crane or derrick with any attachment (incl. clamshell, dragline, shovel backhoe, etc.), dredge operator, drilling machine (on which the drill is an integral part), elevating grader euclid loader, formless paver, gradall, gravel processing machine, oper. of guard rail post driver, high lift shovel (1¼ yds. & over), keystone (skimmer scoop, locomotive, oper., mucking machine, panel board concrete plant (central mix type), pacer-Hetherington, piledriver-skid crawler, road paving mixer, rock crusher, roller-asphalt, waterbound macadam, bituminous macadam, brick surface, roller with dozer blade, self-propelled widener, surface heater & planer, tandem push cat, tournapull, or similar type equipment, tournapull tandem, tractor (boom or winch), tractor (push), trench machine (over 24") tug boat operator, well drilling machine, winch truck with A-Frame	$8.30	.30	.30		.05
GROUP II					
Backfiller, backhoe on farm type tractor with less than 50 H.P., Bull float, concrete pump, concrete mesh depressor (independently operated), concrete spreader (power driven), excavating loader portable), finishing machine (who supervises 2 or more gressers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader-power control, ross carrier sheepfoot roller (self-propelled), Tamper-multiple vibrating-asphalt, waterbound macadam, bituminous					

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POWER EQUIPMENT OPERATORS (cont'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
and bull float, gunite machine, head greaser (who supervises 2 or more greasers or a greaser and a helper), mechanic, multiple tamping machine (R.R.), P.C.C. concrete belt placer, pull grader - power control, ross carrier, sheep foot roller (self-propelled), Tamper - multiple vibrating-asphalt, waterbound macadam, bituminous macadam, brick surface, trench machine (24" and under), welder	$7.85	.30	.30		.05
GROUP III					
Assistant plant engineer, concrete finishing machine, concrete mixer (less than 21 cu. ft.) curb machine, farm tractor (incl. farm tractor with all attachments except backhoe, and incl. high lift end loaders of 1 cu. yd. capacity and less), fireman (on boiler) greaser, hoist, (one drum), Jersey spreader or base paver, operator (3 to 5 pieces of minor equipment), paving breaker, power broom (self-propelled), roller (earth and subbase material), slurry seal machine, spike machine (R.R.) Tamper - multiple vibrating - earth and subbase material, throttle valve, throttle valve and compressor or clever Brooks type combination, throttle valve and fireman combination on horizontal or upright boiler, tractaire with drill, tractor (50 H.P. or over), wellpoint system, widener (Apsco or similar type)	7.42	.30	.30		.05
GROUP IV					
Air compressor, assistant to engineer, automatic dry batch plant, bituminous distributor, bituminous patching tamper, broom and belt machine, coleman type screen, conveyor (portable), deck hand, digger post hole (power driven), Ulrich spreader, form grader					

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POWER EQUIPMENT OPERATORS (con'd):	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
form tamper (motor driven), generator, Hetherington driver, Hetherington helper, mechanics helper, mechanical hearer, oper., two pieces of minor equipment, outboard or inboard motor boat, power curing spraying machine, power saw - concrete (power driven), pull broom (power type), seaman tiller, straw blower, stripping machine, paint (motor driven), subgrader, tractaire, tractor (below 50 H.P.), track crane oiler - driver, water pump, welding machine	$6.61	.30	.30		.05	

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Class I						
Dynamite and powdermen	$5.45	.18	.25		.07	
Class II						
Asphalt lutemen, asphalt raker men, batch truck dumpers, cement handlers (bulk or bag cement), concrete puddlers, hand blade operator, power tools and power equipment sido rail setters (for sidewalks, side ditches, radii and pavement), spreader box tenders, tile layers, transverse and longitudial hand bull float men, wagon drill operator, chain saws, concrete rubbers, concrete saws (manually operated)	5.25	.18	.25		.07	
Class III						
Common laborers, unskilled	5.10	.18	.25		.07	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP A Acey wagons over 3 buckets	$6.775	a14.00	a14.00			
GROUP B Acey wagon to and including 3 buckets	6.725	a14.00	a14.00			
GROUP C Tandem-tandem semi-trucks-truck mechanics - heavy equipment type water wagon over 5,000 gallons - Tri-axle trucks pulling tilt-top trailers - Low boys, tandem-tandem axle	6.675	a14.00	a14.00			
GROUP D Tri-axle trucks - Tandem axle semi-trucks - Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment over 12 cu. yd. - Tandem axle trucks pulling tilt-top trailers - Low boys, tandem axle - Tri-axle batch	6.625	a14.00	a14.00			
GROUP E Tandem "Dog Legs" trucks - Semi-water trucks - Sprinkler trucks - Heavy equipment-type water wagon 5,000 gallon & under	6.575	a14.00	a14.00			
GROUP F Truck mounted pavement breakers - Tandem trucks over 15 ton payload-Single axle semi-trucks-Farm tractors hauling material-Equipment not self loaded or pusher loaded such as Koehring or similar dumpster, track truck, Euclid bottom dump and hug bottom dump, Tournatrailers, Tournarockers, Athey wagons, or similar equipment 12 cubic yds. & under-Mixer trucks, all types. - Single axle trucks pulling tilt top trailer lowboys, single axle	6.525	a14.00	a14.00			
GROUP G Tandem axle fuel trucks - Tandem axle water trucks - Bituminous discributor, one man	6.475	a14.00	a14.00			

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TRUCK DRIVERS (CON'T)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
GROUP H Single axle Dog-Legs - Tandem trucks or Dog-Legs - Winch trucks or A frames used for transportation - Batch trucks, wet or dry over 3 (34E) batches - Grease and Maint. trucks servicing tandem axle trucks	$6.425	a14.00	a14.00			
GROUP I Single axle fuel trucks - Single axle water trucks - Bituminous distributors, two man	6.375	a14.00	a14.00			
GROUP J Single axle straight trucks - Batch trucks, wet or dry 3 (34E) batches or less - Grease & Maint. trucks servicing single axle trucks	6.325	a14.00	a14.00			
GROUP K Helpers, greasers, tire men, batch board tenders	6.275	a14.00	a14.00			
GROUP L Pick-Up trucks	6.175	a14.00	a14.00			

FOOTNOTE:

a. Per Week Per Employee

SUPERSEDEAS DECISION

STATE: Massachusetts COUNTY: Worcester
DECISION NO.: AQ-3150 DATE: Date of Publication
Supersedes Decision No. AQ-3073, dated January 4, 1974 in 39-FR 1197
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy & Highway Const.

AQ-3150 P. 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.62	.47	.20		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Cement masons; Plasterers; & Stonemasons:						
Warren	9.10	.45	.40		.02	
Hopedale, Milford, & Southboro	8.70	.60	.65		.04	
Ashburnham, Athol, E. Templeton, Pitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Westminster, & Winchendon	8.75	.60	.60		.04	
Remainder of County	8.50	.50	.45		.02	
CARPENTERS; Soft floor layers: Ashburnham, Athol, E. Gardner, E. Templeton, Fitchburg, Gardner, Harvard, Leominster, Lunenburg, N. Leominster, Petersham, Phillipston, Royalston, S. Ashburnham, S. Royalston, Templeton, Westminster, & Winchendon	8.85	.50	.50		.03	
Berlin, Bolton, Clinton, Northboro, Southboro, & Westboro	8.50	.50	.30		.07	
Blackstone, Millville	7.67	.25	.25			
Hopedale, Mendon, Milford, Upton, & W. Upton	8.48	.30	.30		.025	
Hardwick, Warren, & W. Brookfield	8.63	.35	.50		.02	
Remainder of County	8.95	.40	.50		.03	
ELECTRICIANS:						
Warren	8.47	.30	1%+.15	.43	a	
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Phillipston, Princeton, Royalston, Templeton, Westminster, & Winchendon	8.80	.45	1%+.35		.02	
Remainder of County	9.33	5%	1%+.24		.01	
ELEVATOR CONSTRUCTORS	8.13	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS:						
Blackstone	7.95	.50	1.40		.03	
Remainder of County	8.39	.50	1.40		.06	

LABORERS (BUILDING):	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS:						
Sturbridge, & Warren	7.60	.45	.25			
Clinton, Harvard, Lancaster, Leominster, Southboro, & Uxbridge	8.12	1.25	.25		.01	
LEADBURNERS	8.75	.30		d	.01	
LINE CONSTRUCTION:						
Lineman	8.08	.25	1%	e		
Equipment operator	7.17	.25	1%	e		
Driver groundman	5.41	.25	1%	e		
Groundman	5.16	.25	1%	e		
MARBLE SETTERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, Westminster	8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	9.13	.50	.50		.03	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Warren:						
Brush	$5.525	.30	.25			
Spray	7.366	.40	.3334			
Swing stage under 40 & steel	5.712	.30	.25			
Swing stage over 40 & steel	6.025	.30	.25			
Hopedale, Mendon, Milford, Southboro, Upton, & Westboro:						
Brush (New construction)	7.85	.35	.35		.06	
Brush (Repaint)	7.30	.35	.35		.06	
Steel (New construction)	8.10	.35	.35		.05	
Steel (Repaint)	7.55	.35	.35		.06	
Spray (New construction)	8.80	.35	.35		.06	
Spray (Repaint)	8.25	.35	.35		.06	
Remainder of County:						
Brush	7.83	.50	.25		.02	
Steel	8.455	.50	.25		.02	
Sandblasting; Spray	8.83	.50	.25		.02	
PILEDRIVERMEN	9.15	.50	.30			
PIPEFITTERS:						
Hopedale, & Southboro	9.175	.53	.55		.025	
Remainder of County	9.725	.35	.25		.05	
PLASTERERS' TENDERS:						
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, E. Brookfield, Grafton, Hardwick, Holden, Hopedale, Leicester, Hendon, Milford, Millbury, New Braintree, Northboro, Northbridge, N. Brookfield, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southboro, Southbridge, Spencer, Sterling, Sturbridge, Sutton, Upton, Uxbridge, Warren, Webster, Westboro, W. Boylston, W. Brookfield, Whitinsville, & Worcester	7.05	.40	.40		.05	
PLUMBERS:						
Hopedale, & Southboro	9.175	.53	.55		.025	
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster, & Winchendon	8.75	.30	.40	4%	.02	
Remainder of County	9.225	.65	.45			
ROOFERS; Damp-proofers	8.50					
SHEET METAL WORKERS	9.50	.55	.25		.05	
SPRINKLER FITTERS	9.08	.40	.60		.07	
STEAMFITTERS:						
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster & Winchendon	8.75	.30	.40	4%	.02	
Remainder of County	9.225	.65	.45			

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TERRAZZO WORKERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, & Westminster	$8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, & Westminster	8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day.

FOOTNOTES:
a. $.30 per man per week
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. 6 paid holidays: A through F.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, dragglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, electrical hoist, cement concrete pavers, shaft hoists, steam cranes, cableways, paving concrete mixers, trenching machines, hoisting engines, pile loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 180' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.76	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps; tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanic maintenance, group pumps, locomotive or machines used in place trench, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.90	.55	.60	a	.02	

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power JP Form 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; F-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

HEAVY & HIGHWAY CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Carpenter tenders; Cement finisher tenders; Laborers; Wrecking laborers	$6.55	.40	.40		.05	
Asphalt rakers; Fence & guard rail erectors; Laser beam operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic tool operators; Wagon drill operators	6.80	.40	.40		.05	
Air track operators; Block pavers; Rammers; Curb setters	7.05	.40	.40		.05	
Blasters; Powdermen	7.30	.40	.40		.05	

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BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.10	.45	.60	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-under 10 ton.	7.60	.45	.60	a	.05	

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BUILDING CONSTRUCTION
POWER EQUIPMENT OPERATORS (contd.)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$5.93	.45	.60	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	6.74	.45	.60	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.12	.45	.60	a	.05	

PAID HOLIDAYS:
A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

Footnotes:
a. Holidays: A through F, Veterans' Day and Columbus Day.

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HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.10	.45	.60	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-up to 10 ton.	7.60	.45	.60	a	.05	

AO-3150 P.10

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker, Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$6.93	.45	.60	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.	6.74	.45	.60	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines						
A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.12	.45	.60	a	.05	

Footnotes:
a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

TRUCK DRIVERS-BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Two axle equipment	$3.97	.24	.35	a+b		
Three axle equipment	4.02	.24	.35	a+b		
Four and five axle equipment	4.12	.24	.35	a+b		
Low bed trailer	4.22	.24	.35	a+b		
Specialized earth moving equipment other than conventional	4.22	.24	.35	a+b		
Helpers on low beds	3.97	.24	.35	a+b		
HEAVY AND HIGHWAY CONSTRUCTION						
Station wagons, panel trucks and pick-up trucks	$5.91	.35	.50	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.01	.35	.50	a+b		
Three axle equipment and tiremen	6.06	.35	.50	a+b		
Four and five axle equipment	6.16	.35	.50	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	6.26	.35	.50	a+b		
Specialized earth moving equipment over 35 tons	6.51	.35	.50	a+b		
Trailers for earth moving equipment, (double hookup)	6.76	.35	.50	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day and Veteran's Day after 30 days employment provided an employee works two days of the calendar week in which the holiday falls.

[FR Doc.74-6403 Filed 3-21-74;8:45 am]

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federal register

MONDAY, MARCH 25, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 58

Pages 11063–11161

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federal register

Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1974, and specifies how they are affected.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

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CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that one position of Special Assistant to the Associate Assistant Secretary for National Programs and one position of Special Assistant to the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, are excepted under Schedule C.

Effective on March 25, 1974, § 213.3315 (a) (37) and (38) are added as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary*

• • • • •

(37) One Special Assistant to the Associate Assistant Secretary for National Programs, Occupational Safety and Health Administration.

(38) One Special Assistant to the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration.

• • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577; 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6793 Filed 3–22–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Labor

Section 213.3315 is amended to show that the title of one position of Secretary (Stenography), excepted under Schedule C, is changed to Office Management Assistant, excepted under Schedule C.

Effective on March 25, 1974, § 213.3315 (a) (3) is amended and (a) (39) is added as set out below.

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.*

• • • • •

(3) One Private Secretary to each Assistant Secretary of Labor, who is appointed by the President except the Assistant Secretary for Occupational Safety and Health.

• • • • •

(39) One Office Management Assistant to the Assistant Secretary for Occupational Safety and Health.

• • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6792 Filed 3–22–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Secretary is re-established under Schedule C.

Effective on March 25, 1974, § 213.3316 (a) (2) is amended as set forth below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* • • •

(2) Two Confidential Assistants to the Secretary.

• • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6791 Filed 3–22–74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to reflect the following organizational redesignation: from Office of Assistant Secretary for Community Planning and Management, and Office of the Assistant Secretary for Community Development to Office of the Assistant Secretary for Community Planning and Development.

Effective on March 25, 1974, § 213.3384 (d) is amended and (e) is revoked as set out below.

§ 213.3384 Department of Housing and Urban Development.

• • • • •

(d) *Office of the Assistant Secretary for Community Planning and Development.* • • •

(3) Four Special Assistants to the Assistant Secretary.

• • • • •

(11) Deputy Assistant Secretary for Community Development.

(e) [Revoked]

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6790 Filed 3–22–74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

Ferroalloy Metals Exemption

The purpose of this amendment is to expand the exemption for nonferrous metals (§ 150.54(v)) under the Phase IV price regulations to include ferroalloy metals. Prior to this amendment, the exemption in § 150.54(v) specifically excluded ferroalloys.

This exemption is necessary to assure an adequate domestic supply of ferroalloy metals. A two-tiered pricing structure has developed which has encouraged an increase in exports of some domestically produced metals where the export price was significantly higher than the domestic price. This exemption will allow domestic prices to rise to levels which more closely parallel world price levels. The exemption should reduce the incentive to export and may encourage a return to normal domestic supply patterns.

A substantial segment of the ferroalloy industry was previously already exempt from Phase IV price controls following the January 25, 1974 action exempting prices charged for steel products listed in SIC Group No. 331 by manufacturers of those steel products who derive less than $50 million in annual sales and revenues from those steel products (§ 150.54(cc)). Ferroalloys are included among the items listed in Group 331. This amendment will grant an exemption to the ferroalloy metal producers who were not affected by the earlier steel exemption.

This exemption is also related to the exemption of ferrous scrap and ferrous alloy scrap (§ 150.54(p)) issued February 15, 1974. Ferrous scrap and ferrous alloy scrap are used in the production of certain ferroalloy metals. In addition, ferroalloy metals and ferrous alloy scrap metals are used in the production of iron and steel. This exemption will put these related materials in the same exempt status.

The ferroalloy industry is relatively small, with annual sales and revenues in 1973 estimated to be $400 million. The products of the industry make up a small percentage of the cost of most steel items.

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Thus the direct impact of this exemption on steel prices should be minimal. Exemption should ease supply problems for certain ferroalloy items and steel items made from ferroalloy materials.

The amendment to § 150.54(v) removes language which provided that the nonferrous metals exemption did not apply to ferroalloys. Language is added to make clear that the exemption now applies to ferroalloys and to make more specific the definition of the term "ferroalloys" used in the section. Under this amendment, "ferroalloys" means metals listed in the Tariff Schedules of the United States (19 U.S.C. 1202) in Schedule 6, Part 2, Subpart B, paragraphs 2 (d) and (e). The most important metals listed in paragraph 2(e) include the ferroalloys of manganese, silicon, chromium and tungsten. Ferronickel, listed in paragraph 2(d), is already exempt and continues to be so. Because of its close relationship to the ferroalloys listed in paragraph 2(e) it has been included in the definition of "ferroalloys" used in the exemption. Although ferronickel continues to be exempt, specific references to the metal have been deleted from the regulation.

Metals not listed in the referenced headnote paragraphs of the Tariff Schedules are not affected by this amendment and remain under Phase IV price controls. These metals include all forms of pig iron, spiegeleisen, wrought iron, steel and alloy iron or steel.

Under § 150.11(e) and 150.161(b), a firm with revenues from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless in its most recent fiscal year it derived both less than $50 million in annual sales and revenues from the sale or lease of nonexempt items and 90% or more of its annual sales and revenues from the sale of exempt items or exempt sales.

As with all exemptions from Phase IV controls, firms subject to this amendment remain subject to review for compliance with appropriate regulations in effect prior to these exemptions. A firm affected by this amendment will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by this exemption alleged to be in violation of stabilization rules in effect prior to this exemption is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds, and possible penalty of $2,500 for each stabilization violation.

The Council retains the authority to reestablish price controls in these industries if price behavior is inconsistent with the goals of the Economic Stabilization Program. The Council also has the authority, under § 150.162, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price regulations, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1743; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective March 21, 1974.

Issued in Washington, D.C., on March 21, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

In 6 CFR Part 150, § 150.54(v) is amended to read as follows:

§ 150.54 Certain price adjustments.

• • • • •

(v) *Nonferrous metals (except aluminum and copper) and ferroalloys.* Prices charged for the nonferrous metal content of ores, tailings, and secondary (scrap) metals; for nonferrous metal waste products, by-products, residues and basic shapes, derived from the milling, smelting and refining of ores and nonferrous metals; and for ferroalloys are exempt except as hereinafter specified in this paragraph. This paragraph does not apply to:

(1) Gold, silver, copper or aluminum, except aluminum scrap; or

(2) Any nonferrous metal waste product, by-product, residue or basic shape whose raw material content by value is greater than 50% copper or aluminum, separately or in combination, whether from primary or secondary materials.

The products exempted are generally those listed in Group Nos. 103, 106 and 109 and Industry Nos. 3313, 3332, 3333, 3339, and 3341 and ferroalloys listed in Industry No. 3312 of the Standard Industrial Classification Manual, 1972 Edition. For purposes of this paragraph, "ferroalloys" means the metals described in Schedule 6, Part 2, Subpart B, paragraphs 2(d), and (e) of the Tariff schedules of the United States (19 U.S.C. 1202).

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[FR Doc.74-6956 Filed 3-21-74;4:57 pm]

PART 150—PHASE IV PRICE REGULATIONS

PART 152—PHASE IV PAY REGULATIONS

Exemption of Unconcentrated Machinery Industries

The purpose of this amendment is to exempt prices charged by manufacturers for machinery in certain unconcentrated industries and to add a parallel exemption in the pay regulations. The items exempt are described in the Standard Industrial Classification Manual, 1967 Edition, under the following Industry Numbers:

3535 (Conveyors and Conveying Equipment).
3541 (Machine Tools, Metal Cutting Types).
3542 (Machine Tools, Metal Forming Types).
3544 (Special Dies and Tools, Die Sets, Jigs and Fixtures).
3545 (Machine Tool Accessories and Measuring Devices).
3551 (Food Products Machinery).
3559 (Special Industry Machinery, Not Elsewhere Classified).
3561 (Pumps, Air and Gas Compressors, and Pumping Equipment).
3564 (Blowers and Exhaust and Ventilation Fans).
3565 (Industrial Patterns).
3566 (Mechanical Power Transmission Equipment, Except Ball and Roller Bearings).
3569 (General Industrial Machinery and Equipment, Not Elsewhere Classified).
3585 (Air Conditioning Equipment and Commercial and Industrial Refrigeration Machinery and Equipment).
3589 (Service Industry Machines, Not Elsewhere Classified).
3599 (Miscellaneous Machinery, Except Electrical).
3642 (Lighting Fixtures).
3644 (Noncurrent-Carrying Wiring Devices).
3662 (Radio and Television Transmitting, Signaling and Detection Equipment and Apparatus).
3679 (Electronic Components and Accessories, Not Elsewhere Classified).
3699 (Electrical Machinery, Equipment and Supplies, Not Elsewhere Classified).

There are three reasons for exempting machinery in these industries from the Phase IV price regulations. First, future price increases in these industries are expected to be constrained because of their competitive nature. Shipments in these industries are dispersed among a relatively large number of individual firms and in no instance does a single firm produce more than 10 percent of the industry's output. Second, since August 1971, no industry in this group has had an annual rate of price change above 4.7 percent. Finally, decontrol will lessen the possibility that companies in these industries will increase exports, which result in domestic shortages.

In developing the list of items, the sale of which is exempt under this amendment, the Council relied on the SIC Manual Code system. Only the sale by the manufacturer of the specific items listed under the Industrial Numbers cited is exempt. Other items which may be generically similar but are not listed do not come within the scope of this amendment. Furthermore, for purposes of this amendment the 1967 edition of the SIC Manual is used.

Under §§ 150.11(e) and 150.161(b), a firm with revenues in its most recent fiscal year from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless it derived both less than $50 million in annual sales or revenues from the sale or lease of nonexempt items and 90 percent or more of its sales and revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in an unconcentrated machinery manufacturing industry. The exemption is set forth in new § 152.39e. "Establishment in an unconcentrated machinery manufacturing industry" is defined as an establishment classified in the Standard Industrial Classification Manual, 1967 edition, under Industry Number 3535 (Conveyors and Conveying Equipment), 3541 (Machine Tools, Metal Cutting Types), 3542 (Machine Tools, Metal Forming Tapes), 3544 (Special Dies and Tools, Die Sets, Jigs and Fixtures), 3545 (Machine Tool Accessories and Measuring Devices), 3551 (Food Products Machinery), 3559 (Special Industry Machinery, Not Elsewhere Classified), 3561 (Pumps, Air and Gas Compressors, and Pumping Equipment), 3564 (Blowers and Exhaust and Ventilation Fans), 3565 (Industrial Patterns), 3566 (Mechanical Power Transmission Equipment, Except Ball and Roller Bearings), 3569 (General Industrial Machinery and Equipment, Not Elsewhere Classified), 3585 (Air Conditioning Equipment and Commercial and Industrial Refrigeration Machinery and Equipment), 3589 (Service Industry Machines, Not Elsewhere Classified), 3599 (Miscellaneous Machinery, Except Electrical), 3642 (Lighting Fixtures), 3644 (Noncurrent-Carrying Wiring Devices), 3662 (Radio and Television Transmitting, Signaling and Detection Equipment and Apparatus), 3679 (Electronic Components and Accessories, Not Elsewhere Classified), or 3699 (Electrical Machinery, Equipment, and Supplies, Not Elsewhere Classified), and primarily engaged in the manufacture of any products classified under such Industry Numbers. The exemption is inapplicable to any such employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any such employee whose duties and responsibilities are not of a type exclusively performed in or related to an unconcentrated machinery manufacturing industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within this or another exempted industry. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment engaged in activities exempted under Subpart D. In addition, the exemption is inapplicable to any appropriate employee unit subject to a Decision and Order of the Council for the period covered by such Decision and Order. In cases of uncertainty of application, inquiries concerning the scope or coverage of the pay exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

As with all exemptions from Phase IV controls, firms subject to this amendment remain subject to review for compliance with appropriate regulations in effect prior to this exemption. A firm affected by this amendment will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by this exemption alleged to be in violation of stabilization rules in effect prior to this exemption is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds, and possible penalty of $2,500 for each stabilization violation.

The Council retains the authority to reestablish price and wage controls over any of the industries exempt by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the power, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these amendments. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective March 20, 1974.

Issued in Washington, D.C., on March 20, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

1. In 6 CFR Part 150, § 150.58 is amended to add a new paragraph (d) to read as follows:

§ 150.58 Certain price adjustments.

• • • • •

(d) *Unconcentrated machinery industries.* The prices which manufacturers of the following products charge for those products are exempt: products listed in the Standard Industrial Classification Manual, 1967 edition, under Industry Numbers 3535, 3541, 3542, 3544, 3545, 3551, 3559, 3561, 3564, 3565, 3566, 3569, 3585, 3589, 3599, 3642, 3644, 3662, 3679, and 3699.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.39e to read as follows:

§ 152.39e Unconcentrated machinery manufacturing industries.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in an unconcentrated machinery manufacturing industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in an unconcentrated machinery manufacturing industry.* For purposes of this section, "Establishment in an unconcentrated machinery manufacturing industry" means an establishment classified in the Standard Industrial Classification Manual, 1967 edition, under Industry Number 3535 (Conveyors and Conveying Equipment), 3541 (Machine Tools, Metal Cutting Types), 3542 (Machine Tools, Metal Forming Types), 3544 (Special Dies and Tools, Die Sets, Jigs and Fixtures), 3545 (Machine Tool Accessories and Measuring Devices), 3551 (Food Products Machinery), 3559 (Special Industry Machinery, Not Elsewhere Classified), 3561 (Pumps, Air and Gas Compressors, and Pumping Equipment), 3564 (Blowers and Exhaust and Ventilation Fans), 3565 (Industrial Patterns), 3566 (Mechanical Power Transmission Equipment, Except Ball and Roller Bearings), 3569 (General Industrial Machinery and Equipment, Not Elsewhere Classified), 3585 (Air Conditioning Equipment and Commercial and Industrial Refrigeration Machinery and Equipment), 3589 (Service Industry Machines, Not Elsewhere Classified), 3599 (Miscellaneous Machinery, Except Electrical), 3642 (Lighting Fixtures), 3644 (Noncurrent-Carrying Wiring Devices), 3662 (Radio and Television Transmitting, Signaling and Detection Equipment and Apparatus), 3679 (Electronic Components and Accessories, Not Elsewhere Classified), or 3699 (Electrical Machinery, Equipment, and Supplies, Not Elsewhere Classified), and primarily engaged in the manufacture of any products classified under such Industry Numbers.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in an unconcentrated machinery manufacturing industry or in support of such operation only if such employee is employed at an establishment in an unconcentrated machinery manufacturing industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) Pay adjustments with respect to an appropriate employee unit which is subject to a Decision and Order of the Council for the period covered by such Decision and Order.

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(2) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(3) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(4) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to an unconcentrated machinery manufacturing industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside an unconcentrated machinery manufacturing industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment exempted under this subpart, or in the operation of an establishment in an unconcentrated machinery manufacturing industry or in support of such operation within the meaning of paragraph (c) of this section.

(5) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment engaged in activities exempted under this subpart.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 20, 1974.

[FR Doc.74-6957 Filed 3-21-74;4:58 pm]

PART 152—COST OF LIVING COUNCIL, PHASE IV PAY REGULATIONS

Aerospace Tandem Pay Adjustments; Special Rule

On January 13, 1972, the Pay Board adopted a Resolution reducing from 51 cents to 34 cents an hour (except for one case involving 51 cents to 35 cents an hour) proposed wage increases scheduled in contracts between certain employers in the Aerospace Industry and collective bargaining agents representing certain employees in that industry. These collective bargaining agreements were regarded as "leader" or front-runner agreements. They set the pace for pay increases scheduled for other employees in the same industry which included both employees under contract and employees not covered by a contract.

After deciding on the leader contracts, the Pay Board processed several hundred cases involving "follower" appropriate employee units (AEU's) of aerospace employees. In order to prevent gross inequities and disruption of established historical wage relationships, the Pay Board's decisions on follower units either approved scheduled increases equal to the increases approved for the leader units or cut back scheduled increases to the amounts approved for the leader units. In some cases the Pay Board approved percentage increases for follower AEU's that were equal to the percentage increase 34 cents (35 cents) per hour would have represented in a leader AEU. In still other cases the Pay Board approved cents per hour increases or percentages for follower units that were "tandem to a tandem" (a follower of a follower of a leader) in the Aerospace Industry.

On June 21, 1973, the Temporary Emergency Court of Appeals of the United States in the case of Boldt v. UAW and IAM (482 F. 2d 985), affirmed a Decision of the United States District Court for the District of Columbia and directed the Cost of Living Council in its capacity as successor to the Pay Board to reconsider the Pay Board Resolution of January 13, 1972 as it affected certain AEU's involved in the litigation. Pursuant to the Court's order, on December 12, 1973, the Council issued a new series of decisions and orders applicable to all AEU's (not just those covered by the litigation) involved as leaders in the January 13, 1972 Resolution of the Pay Board. These subsequent decisions by the Council permitted payment of the 17 cents (16 cents) per hour cut back by the Pay Board to be made under certain prescribed "definitions and procedures."

Upon request for reconsideration, the Council on February 15, 1974 affirmed, with slight modification, the December 12, 1973 decisions and orders. The modifications were made in certain leader decisions to make uniform among all leader units the method of computing the allowable payment of amounts previously cut back.

The purpose of the special rule set forth below is to provide guidance and establish conditions for the payment of comparable amounts to employees in AEU's that follow the leader units involved in the Aerospace Decisions. The special rule is included as an appendix to subpart B of Part 152. Generally, the rule provides that an employer and the collective bargaining representative of employees, if any, may jointly certify to the Council that a follower unit is entitled to receive payment of amounts comparable to the amounts payable under the leader Aerospace Decisions. After expiration of a 30-day period following certification in the manner prescribed in the rule, an employer may assume approval by the Council to make payments unless the Council within that period notifies the employer that payments have been approved or that payments should not be made.

The special rule provides "definitions and procedures" that are comparable to those made part of the leader Aerospace Decisions. These include provisions relating to the determination of "eligible employees," the method of computation, and schedule of payments. If an employer and union do not jointly certify, and a party at interest believes payments should be made, provision has been made for that party to request a determination from the Council. All submissions, whether certifications or requests for determination, are required to be submitted in duplicate to the Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

Because the purpose of this special rule is to provide immediate guidance and procedures for making retroactive payments pursuant to a decision of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this special rule effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Part 152 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective March 21, 1974.

Issued in Washington, D.C., on March 21, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

In 6 CFR Part 152, subpart B is amended by adding an appendix thereto which reads as follows:

APPENDIX

SPECIAL RULE FOR AEROSPACE TANDEM PAY ADJUSTMENTS

1. *Scope.* This special rule is applicable only to certain pay adjustments affecting a follower appropriate employee unit (AEU) that has an established historical wage relationship to the pay adjustments in a leader AEU in the Aerospace Industry. Generally, an AEU eligible to apply this rule must have an established historical wage relationship to an AEU covered by the Aerospace Decisions of the Pay Board and Cost of Living Council. This rule applies to AEU's subject to collective bargaining agreements and to AEU's covered by pay practices. In the case of AEU's subject to collective bargaining agreements, the amounts payable under this rule must relate to services performed for the employer in the first year of a follower contract which is tandem to a leader contract covered by the Aerospace Decisions. In the case of AEU's not covered by a collective bargaining agreement, the amounts payable under this rule with respect to a follower unit must relate to services performed for the employer during the period of time (established as part of the historical wage relationship) that is comparable to the period with respect to which amounts are payable under the Aerospace Decisions (or this rule) for services performed by a leader unit. This rule shall not apply to any follower unit unless such follower unit was the subject of a decision and order of the Pay Board which approved or reduced a proposed increase in recognition of an established wage relationship to a leader unit in the Aerospace Industry.

2. *Leader units.* The Aerospace Decisions affecting leader units were issued by the Pay Board (as a Resolution) on January 13, 1972 and by the Council on December 12, 1973 and February 15, 1974. These decisions affected the following employers and union locals:

a. The Boeing Company and IAMAW Lodges 70, 751, and 2061.

b. Lockheed Aircraft Corporation and IAMAW Lodges 151, 166, 508, 709, 727, 843, 843-A, 1027, 1323, 1589, 2217, 2225, 2226, 2227, 2228, 2229, 2230, 2260, 2279, 2311, 2314, and 2386.

c. LTV Aerospace Corporation and UAW Local 848.

d. McDonnell Douglas Corporation and IAMAW Lodges 720 and 1578.

e. McDonnell Douglas Corporation and UAW Locals 148 and 1093.

f. Rockwell International and UAW Locals 887, 927, 1334, and 1519.

3. *Definitions and procedures.* Any payments made under this special rule shall be subject to the following definitions and procedures:

a. The term "eligible employees" means—

(1) Employees who worked during the first year covered by the follower contract (or comparable period in the case of a pay practice) and who were on the active payroll of the employer on December 12, 1973.

(2) Employees who worked during the first year covered by the follower contract (or comparable period in the case of a pay practice) and who during or subsequent to that year retired under a Company Pension Plan.

(3) Employees who worked during the first year covered by the follower contract (or comparable period in the case of a pay practice) and who during or subsequent to that year were placed on approved leave of absence and were on leave of absence on December 12, 1973.

(4) Employees who worked during the first year covered by the follower contract (or comparable period in the case of a pay practice) and who during or subsequent to that year were laid off for lack of work, have recall rights, and were not on the active payroll on December 12, 1973.

(5) Employees who worked during the first year covered by the follower contract (or comparable period in the case of a pay practice) and who during or subsequent to that year entered the military service and were not active employees on December 12, 1973 as a result of such military service.

(6) The estates of deceased eligible employees, including retirees, who worked during the first year covered by the follower contract (or comparable period in the case of a pay practice).

b. The term "eligible employees" shall not include employees who voluntarily left the employer's employment or were discharged for cause after the beginning of the first year covered by the follower contract (or comparable period in the case of a pay practice) and prior to December 13, 1973, unless such employee was subsequently reemployed during such first year (in which case he shall be considered eligible for payment only with respect to the period worked subsequent to such reemployment within such first year).

c. Eligible employees who voluntarily leave the employer's employment or are discharged for cause after December 12, 1973, shall not become ineligible by reason thereof, but shall remain eligible to receive payments as provided in this special rule.

d. Unless otherwise specified by the Council and except as provided in paragraph 3.e. below, amounts due each eligible employee shall be paid in not fewer than four equal payments, in a manner agreed upon by the employer and collective bargaining representative, if any. The fourth payment shall be made in December, 1974.

e. Payment of money due an eligible employee shall not be made in a single lump sum payment, except that a lump sum payment may be made where payment is to the estate of a deceased eligible employee or where the total payment due an eligible employee is less than 75 dollars.

f. The employer shall notify each eligible employee not on the active payroll on December 12, 1973 of the amount he is entitled to receive under the terms of this special rule, by addressing a letter sent via regular mail to his last address of record with the employer. The letter shall inform the employee that he must assert in writing his claim for such amount, and that such claim must be received by the employer not later than 45 calendar days after the date of such notice. In lieu of the foregoing notification requirement, an employer may elect to send to each such eligible employee a check for the amount due under paragraph 3.d. or 3.e. by regular mail to the last address of record with the employer. However, any checks returned shall not be destroyed until the expiration of 45 calendar days after the date of such mailing. Any employee eligible for payment who was notified as required in this paragraph and who does not file a written claim within the 45 day period shall be deemed ineligible for payment under the provisions of this rule.

g. The employer shall publish once in its house organ notice of these terms under which an employee may receive an additional payment for services performed during the first year covered by the follower contract (or comparable period in the case of a pay practice).

h. Each union representing eligible employees shall likewise cause to be published in its publication, if any, a notice similar to that referred to in paragraph 3.g. of this rule.

i. The amount of payment to each eligible employee covered by a tandem collective bargaining agreement shall not exceed an amount computed by multiplying the number of hours which were actually worked by 17 cents (16 cents in the case of AEU's that follow LTV Aerospace Corporation and UAW Local 848). However, to the extent that such hours actually worked were considered as overtime hours under a collective bargaining agreement, the overtime premium payment as provided for in such collective bargaining agreement may be applied to the 17 cents (16 cents) computation (e.g., if such hours were paid for at one and one-half times the employee's regular rate, such hours may be multiplied by 25.5 cents (24 cents) rather than 17 cents (16 cents)). The computation set forth in the two preceding sentences shall include only those hours which were actually worked and shall not include hours which were paid for but not worked such as vacations, holidays, and sick and injury pay. Employees who did not work during the first year of the follower contract are not entitled to any payment of the amount of the proposed adjustment which is in excess of 34 cents (35) cents per hour under this rule. In any case in which a Pay Board decision and order applicable to the first year of a follower contract permitted, in lieu of disallowance, a portion of the 17 cents (16 cents), or percentage representing such amount, to be applied to qualified benefits for the follower AEU, the amount paid under this special rule shall not exceed the difference between such 17 cents (16 cents) (or percentage representing such amount) and the amount (or percentage) previously allowed by the Pay Board to be allocated to qualified benefits. In no case shall an amount (or percentage representing such amount) computed under this rule exceed the amount (or percentage) originally agreed to by the parties with respect to work performed in the first year of the follower contract.

j. In the case of payments to eligible employees in follower AEU's not covered by a collective bargaining agreement (including employees paid on a random or variable timing basis, e.g., pursuant to a merit plan), the aggregate payment (or percentage representing such payment) to such eligible employees shall be computed in such a manner as to be equivalent to the amount which preserves or maintains the established historical relationship between the follower unit and the leader unit traditionally followed.

4. *Certifications.* An employer and collective bargaining representative, if any, proposing to implement pay adjustments pursuant to this rule may determine that employees in an AEU are eligible to receive payments equivalent to those received by eligible employees covered by the Aerospace Decisions. Before implementing any pay adjustments, however, the employer and collective bargaining representative, if any, shall jointly file with the Council a certified statement attesting that such employees are eligible to receive payments under this rule. Such certification shall specify that the follower AEU has an established historical relationship to a specified leader AEU covered by the Aerospace Decisions (or in certain situations, such as a "tandem to a tandem," to a leader unit which itself is a follower of a leader unit covered by the Aerospace Decisions). Such certification shall also specify that the follower AEU was covered by a decision and order of the Pay Board which approved or reduced a proposed increase in recognition of an established wage relationship to a leader unit in the Aerospace Industry. In addition, such certification shall be accompanied by a copy of the follower collective bargaining agreement, if any, and include information with respect to the total number of hours worked, number of eligible employees, and total amounts proposed to be paid. The Council shall review each certified statement to determine whether the conditions for payment have been met. If the submission is incomplete, or if the Council for any other reason determines that payment under this rule should be suspended or withheld, the Council shall notify the employer and collective bargaining representative, if any, of the reasons for withholding payment at this time and shall treat the submission as a request for determination in the manner prescribed in paragraph 5. No payment under this rule shall be made until the expiration of 30 calendar days after the date certification has been received by the Council, unless the Council notifies the employer, in writing, that earlier payment may be made. If the Council has not within that period notified the employer and union, if any, to refrain from making payment, such proposed payments shall be deemed to be approved by the Council. Every certification must be accompanied by a copy of the decision and order of the Pay Board with respect to the AEU covered by such certification and shall include the name, address, and telephone number of each person signing such certification.

5. *Requests for determination.* If an employer and the union representing employees do not jointly certify in the manner prescribed in paragraph 4, either party may request a determination by the Council whether a particular AEU may receive the payments authorized under this rule. The Council will review the submission and make an appropriate determination. However, the Council will not process a request for determination unless the request includes a certification that a copy of the request was served upon all parties at interest. No payment under the rule shall be made following the submission of a request for determination under this paragraph until the Council specifically authorizes the employer, in writing, that payments may be made.

6. *Filing procedures.* Every joint certification or request for determination shall be submitted in duplicate and shall be sent to the Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044. Each submis-

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sion and the envelope containing such submission shall be clearly designated in capital letters as AEROSPACE TANDEM CERTIFICATION or AEROSPACE TANDEM REQUEST FOR DETERMINATION, as appropriate.

7. *Effective date.* This rule shall be effective on and after March 21, 1974.

[FR Doc.74-6939 Filed 3-21-74;4:06 pm]

[APPENDIX; RULINGS]

[Phase IV Price Ruling 1974-4]

Public Utility Rate Exemption—Natural Gas Producers

Facts. Firm N produces natural gas. During Phases II and III Firm N was subject to the price control regulations which applied to public utilities.

The Phase IV price regulations, 6 CFR 150.56, provide an exemption for the rate increases for commodities or services provided by a public utility. Phase IV Price Ruling 1973-6 explained that the exemption in § 150.56 is applicable to certain activities classified in Division E of the Standard Industrial Classification Manual, 1972 edition. The only activities related to natural gas production which appear in Division E are mixed natural and "manufactured" gas production, "manufactured" gas production, and combined gas-electric service (listed in Group Nos. 492 and 493). Natural gas production is listed in Division B of the Standard Industrial Classification Manual.

Issue. Are the rates charged by N within the purview of the public utilities exemption of 6 CFR 150.56?

Ruling. Yes. Natural gas producers were subject to the public utility regulations of Phase II and Phase III and are subject to State and Federal public utilities regulations. Firms engaged in transmission of natural gas, distribution of natural gas and sale of natural gas service to consumers are classified within Division E. of the SIC Manual, and rates charged by these firms are exempt from Phase IV price controls as utility rates.

It was not the intention of the Council in exempting rate increases by public utilities under § 150.56, as interpreted by Phase IV Price Ruling 1973-6, to treat natural gas production in a manner inconsistent with its treatment as a public utility under Phases II and III or to make a distinction between natural gas production and its distribution and sale to consumers for purposes of Phase IV exemptions. Nor did the Council intend to distinguish between production of "manufactured" or "mixed" gas and the production of natural gas. Rate increases charged by natural gas producers are therefore exempt under Phase IV by operation of 6 CFR 150.56.

To the extent that Phase IV Price Ruling 1973-6 is inconsistent herewith, this ruling prevails.

ANDREW T. H. MUNROE,
General Counsel,
Cost of Living Council.

MARCH 20, 1974.

[FR Doc.74-6920 Filed 3-21-74;2:49 pm]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

PRICE DETERMINATION FOR CERTAIN CHEESE

The subpart, section 22 Import Quotas, is amended to change the price, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, which is used as a basis for establishing import restrictions under section 22 on certain cheese. The change from 72 to 78 cents per pound is required since one of the factors used in determining such price (the Commodity Credit Corporation purchase price for Cheddar Cheese under the milk price support program) will be increased as of April 1, 1974.

The subpart, section 22 Import Quotas, of Part 6, Subtitle A of Title 7, is amended as follows:

1. Section 6.16, under the heading "Price Determination for Certain Quotas", is revised to read as follows:

§ 6.16 Price determination.

The price referred to in items 950.10B through 950.10E of Part 3 of the Appendix to the Tariff Schedules, determined by the Secretary of Agriculture in accordance with headnote 3(a)(v) of said Part 3, is 78 cents per pound. This price shall continue in effect until changed by amendment of this section.

2. Group V of Appendix 1, under the heading "Licensing Regulations," is amended by changing the description appearing immediately below "Group V" to read as follows:

Cheese described below, if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 78 cents per pound.

The foregoing amendment shall be effective April 1, 1974. In accordance with headnote 3(a)(v) of Part 3 of the Appendix to the Tariff Schedules of the United States, the change in price effected by this amendment will not make the import restrictions contained in items 950.10B through 950.10E of part 3 of the Appendix to the Tariff Schedules of the United States applicable to cheese having a purchase price of 72 or more cents per pound if such cheese had been exported to the United States on a through bill of lading or had been placed in bonded warehouse on or before March 25, 1974. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 20th day of March 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-6818 Filed 3-22-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 22-28, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.617 Navel Orange Regulation 317.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is unsettled. Prices f.o.b. averaged $3.36 a carton on a reported sales volume of 1,569 carlots last week, compared with an average f.o.b. price of $3.43 per carton and sales of 1,301 carlots a week earlier. Track and rolling supplies at 790 cars were up 31 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of Navel oranges, retaining the same effective date, and such information is being disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 19, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 22, 1974 through March 28, 1974 are hereby fixed as follows:

(i) District 1: 1,395,000 cartons;

(ii) District 2: 155,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 21, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-6909 Filed 3-21-74;12:26 pm]

[Valencia Orange Regulation 456]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period March 22-28, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.756 Valencia Orange Regulation 456.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Aricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee reports that prices f.o.b. averaged $2.74 per carton on a reported sales volume of 64 carlots last week, compared with an average f.o.b. price of $3.15 per carton and sales of 67 carlots a week earlier.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulations; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 19, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 22, 1974, through March 28, 1974, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 75,000 cartons."

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: March 21, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-6908 Filed 3-21-74;12:26 pm]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 96]

PART 1096—MILK IN THE NORTHERN LOUISIANA MARKETING AREA

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Northern Louisiana marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 7592) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and

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arguments thereon. None was filed in opposition to the proposed suspension.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of April through July 1974 the following provisions of the order do not tend to effectuate the declared policy of the Act.

All of the language in § 1096.51(b) except the following:

(b) *Class II milk price.* The Class II milk price shall be the basic formula price computed pursuant to § 1096.50. • • •

STATEMENT OF CONSIDERATION

This suspension will result in establishing the Minnesota-Wisconsin manufacturing milk price as the Class II price under the order. The Class II price is now the lesser of the Minnesota-Wisconsin price or a butter-powder (nonfat dry milk) formula price.

The suspension was requested by cooperative associations representing a majority of the producers in the market. As contended by these producer groups, the butter-powder formula price, which in recent months has been the applicable Class II price under the order, does not reflect the actual value of Class II milk in the Northern Louisiana market. Reserve supplies of milk are being disposed of at a value generally equivalent to the Minnesota-Wisconsin price.

In the Department's decisions issued February 19, 1974 (39 FR 8202, 8452, 8712, 9012), it was concluded that the Minnesota-Wisconsin price should be adopted as the surplus price in 39 markets, including the Northern Louisiana market. Final action on the 39-market proceedings is still pending. In this circumstance, the butter-powder formula price should be suspended from the Class II price formula until the amendment procedure can be completed.

Moreover, the suspension will make the State and Federal regulations applicable in the Northern Louisiana market more uniform with respect to the pricing of surplus milk. On December 1, 1974, the Louisiana State Milk Commission, under the State's pricing regulations, began pricing surplus milk at the Minnesota-Wisconsin price.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension. None was filed in opposition to the proposed suspension. Moreover, it carries out the intent of the final decisions issued by the Department on February 19, 1974, in which it was concluded that the Minnesota-Wisconsin price should be adopted as the surplus price in 39 markets, including this market.

Therefore, good cause exists for making this order effective April 1, 1974.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of April through July 1974.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: April 1, 1974.

Signed at Washington, D.C., on March 20, 1974.

J. PHIL CAMPBELL,
Under Secretary.

[FR Doc.74–6773 Filed 3–22–74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Reg., 1974-Crop Oats Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1974-Crop Oats Loan and Purchase Program

On August 29, 1973, the U.S. Department of Agriculture announced loan rates for 1974-crop oats based on a national average of 54 cents per bushel. Support rates, at the county level for 1974-crop oats, reflect adjustments necessary to improve the loan rate relationship with historical cash oat prices received by farmers. Support rates, as established, reflect the previously announced national average loan rate unchanged from the 1973 crop. Therefore, it is found and determined that compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest.

The General Regulations Governing Price Support for 1970 and Subsequent Crops, published at 35 FR 7363 and 7781 and any amendments thereto and the 1970 and Subsequent Crops Oats Loan and Purchase Regulations, published at 35 FR 8340 and any amendments to such regulations are further supplemented for the 1974 crops of oats. The material previously appearing in these §§ 1421.270 through 1421.274 shall remain in full force and effect as to the crops to which it is applicable.

Sec.
1421.270 Purpose.
1421.271 Availability.
1421.272 Maturity of loans.
1421.273 Deduction of storage charges.
1421.274 Loan and purchase rates.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c; 7 U.S.C. 1421, 1441.

§ 1421.270 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops, the 1970 and Subsequent Crops Oats Loan and Purchase Program Regulations, and any amendments thereto, apply to loans on and purchases of the 1974 crop of oats.

§ 1421.271 Availability.

A producer desiring to participate in the program through loans must request a loan on his 1974-crop of eligible oats on or before April 30, 1975, in Alaska, Idaho, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and by March 31, 1975, in all other States. To sell eligible oats to CCC, a producer must execute and deliver to the appropriate county ASCS office a purchase agreement (Form CCC–614), indicating the approximate quantity of 1974-crop oats he will sell to CCC, on or before May 31, 1975, in the States named in this section and on or before April 30, 1975, in all other States.

§ 1421.272 Maturity of loans.

Unless demand is made earlier, loans on oats stored in Alaska, Idaho, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, mature on May 31, 1975, and loans on oats stored in all other States mature on April 30, 1975.

§ 1421.273 Deduction of storage charges.

Subject to the provisions of § 1421.252, the following schedules of deductions shall apply to oats stored in an approved warehouse operating under the uniform storage agreement.

Maturity date April 31, 1975	Deduction (cents per bushel)	Maturity date May 31, 1975
(1)		1
Prior to May 21, 1974	12	Prior to June 21, 1974.
May 21 to June 19, 1974	11	Jan. 21 to July 20, 1974
June 20 to July 19, 1974	10	July 21 to Aug. 19, 1974.
July 20 to Aug. 18, 1974	9	Aug. 20 to Sept. 18, 1974.
Aug. 19 to Sept. 17, 1974	8	Sept. 19 to Oct. 18, 1974.
Sept. 18 to Oct. 17, 1974	7	Oct. 19 to Nov. 17, 1974.
Oct. 18 to Nov. 16, 1974	6	Nov. 18 to Dec. 17, 1974.
Nov. 17 to Dec. 16, 1974	5	Dec. 18, 1974, to Jan 16, 1975.
Dec. 17, 1974, to Jan. 15, 1975	4	Jan. 17 to Feb. 15, 1975.
Jan. 16 to Feb. 14, 1975	3	Feb. 16 to Mar. 17, 1975.
Feb. 15 to Mar. 16, 1975	2	Mar. 18 to Apr. 16, 1975.
Mar. 17 to Apr. 30, 1975	1	Apr. 17 to May 31, 1975.

[1] Dates storage charges start, all dates inclusive.

§ 1421.274 Loan and purchase rates.

(a) *Basic loan and purchase rates.* County loan and purchase rates for oats and the schedule of premiums and discounts are shown below. The term "county" as used in this subpart with reference to the State of Alaska shall mean "marketing area". Marketing areas in Alaska shall be the areas established under the State small grain incentive program. Farm-stored loans will be made at the basic rate for the county where the grain is stored, adjusted only for the weed control discount where applicable. The loan and purchase rate for warehouse-stored oats loans shall be the basic rate for the county where the oats are stored, adjusted by the premiums and discounts shown in this section. Notwithstanding § 1421.23(c) settlement for oats delivered from other than approved warehouse-storage shall be based (1) on the basic rate for the county in which the producer's customary delivery point is located, and (2) on the quality and quantity delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose. The basic rate applies to oats grading U.S. No. 3, having moisture not in excess of 14 percent.

County	Rate per bushel
ALABAMA	
All counties	$0.65
ALASKA	
Delta	$1.01
Fairbanks	1.00
Glenallen	1.07
Homer	1.04
Kenai-Soldotna	1.09
Palmer	1.13
Talkeetna	1.13
ARIZONA	
All counties	$0.74
ARKANSAS	
All counties	$0.63
CALIFORNIA	
All counties	$0.70
COLORADO	
All counties	$0.61
CONNECTICUT	
All counties	$0.62
DELAWARE	
All counties	$0.63
FLORIDA	
All counties	$0.68
GEORGIA	
All counties	$0.65
IDAHO	
All counties	$0.59
ILLINOIS	
Adams	$0.57
Alexander	.60
Bond	.58
Boone	.57
Brown	.57
Bureau	.57
Calhoun	.57
Carroll	.57
Cass	.57
Champaign	.57
Christian	.57
Clark	.58
Clay	.59
Clinton	.59
Coles	.57
Cook	.59
Crawford	.59
Cumberland	.58
De Kalb	.57
De Witt	.57
Douglas	.57
Du Page	.57
Edgar	$0.57
Edwards	.60
Effingham	.58
Fayette	.58
Ford	.57
Franklin	.60
Fulton	.57
Gallatin	.61
Greene	.58
Grundy	.57
Hamilton	.60
Hancock	.57
Hardin	.61
Henderson	.57
Henry	.57
Iroquois	.57
Jackson	.60
Jasper	.59
Jefferson	.60
Jersey	.58
Jo Daviess	.57
Johnson	.60
Kane	.57
Kankakee	.57
Kendall	.57
Knox	.57
Lake	.58
La Salle	.57
Lawrence	.59
Lee	.57
Livingston	.57
Logan	.57
McDonough	.57
McHenry	.57
McLean	.57
Macon	.57
Macoupin	.58
Madison	.59
Marion	.59
Marshall	.57
Mason	.57
Massac	.60
Menard	.57
Mercer	.57
Monroe	.60
Montgomery	.58
Morgan	.57
Moultrie	.57
Ogle	.57
Peoria	.57
Perry	.60
Piatt	$0.57
Pike	.57
Pope	.61
Pulaski	.60
Putnam	.57
Randolph	.60
Richland	.59
Rock Island	.57
St. Clair	.60
Saline	.61
Sangamon	.57
Schuyler	.57
Scott	.57
Shelby	.57
Stark	.57
Stephenson	.57
Tazewell	.57
Union	.60
Vermilion	.57
Wabash	.60
Warren	.57
Washington	.60
Wayne	.60
White	.60
Whiteside	.57
Will	.58
Williamson	.60
Winnebago	.57
Woodford	.57
INDIANA	
Adams	$0.60
Allen	.60
Bartholomew	.60
Benton	.56
Blackford	.59
Boone	.59
Brown	.61
Carroll	.59
Cass	.59
Clark	.61
Clay	.59
Clinton	.59
Crawford	.61
Daviess	.61
Dearborn	.62
Decatur	.60
De Kalb	.60
Delaware	.59
Dubois	.61
Elkhart	.60
Fayette	.59
Floyd	.61
Fountain	.58
Franklin	.61
Fulton	.59
Gibson	.61
Grant	.59
Greene	.61
Hamilton	.59
Hancock	.59
Harrison	.61
Hendricks	.59
Henry	.59
Howard	.59
Hunnington	.59
Jackson	.61
Jasper	.58
Jay	.60
Jefferson	.62
Jennings	.62
Johnson	.59
Knox	.61
Kosciusko	.59
Lagrange	.60
Lake	.59
La Porte	.60
Lawrence	$0.61
Madison	.59
Marion	.59
Marshall	.59
Martin	.61
Miami	.59
Monroe	.61
Montgomery	.59
Morgan	.59
Newton	.58
Noble	.59
Ohio	.62
Orange	.61
Owen	.59
Parke	.58
Perry	.61
Pike	.61
Porter	.59
Posey	.61
Pulaski	.59
Putnam	.59
Randolph	.60
Ripley	.62
Rush	.59
St. Joseph	.60
Scott	.62
Shelby	.59
Spencer	.61
Starke	.59
Steuben	.61
Sullivan	.60
Switzerland	.62
Tippecanoe	.59
Tipton	.59
Union	.60
Vanderburgh	.61
Vermillion	.58
Vigo	.59
Wabash	.59
Warren	.58
Warrick	.61
Washington	.61
Wayne	.60
Wells	.59
White	.59
Whitley	.59
IOWA	
Adair	$0.57
Adams	.57
Allamakee	.55
Appanoose	.57
Audubon	.56
Benton	.57
Black Hawk	.57
Boone	.56
Bremer	.56
Buchanan	.57
Buena Vista	.56
Butler	.56
Calhoun	.56
Carroll	.57
Cass	.57
Cedar	.57
Cerro Gordo	.55
Cherokee	.55
Chickasaw	.56
Clarke	.57
Clay	.55
Clayton	.56
Clinton	.57
Crawford	.55
Dallas	.56
Davis	.58
Decatur	.57
Delaware	.57
Des Moines	.57
Dickinson	.53
Dubuque	.57
Emmet	.53
Fayette	.56
Floyd	.55
Franklin	.56
Fremont	.57
Greene	.56
Grundy	.56
Guthrie	.56
Hamilton	.56
Hancock	.55
Hardin	.56
Harrison	.56
Henry	.57
Howard	.55
Humboldt	.56
Ida	.55
Iowa	.57
Jackson	.57
Jasper	.58
Jefferson	$0.57
Johnson	.57
Jones	.57
Keokuk	.57
Kossuth	.54
Lee	.57
Linn	$0.57
Louisa	.57
Lucas	.57
Lyon	.62
Madison	.57
Mahaska	.57
Marion	.57
Marshall	.56
Mills	.57
Mitchell	.54
Monona	.55
Monroe	.57
Montgomery	.57
Muscatine	.57
O'Brien	.54
Osceola	.52
Page	.57
Palo Alto	.55
Plymouth	.53
Pocahontas	.56
Polk	.56
Pottawattamie	.57
Poweshiek	.56
Ringgold	.57
Sac	.56
Scott	.57
Shelby	.56
Sioux	.53
Story	.56
Tama	.56
Taylor	.57
Union	.57
Van Buren	.57
Wapello	.57
Warren	.57
Washington	.57
Wayne	.57
Webster	.56
Winnebago	.54
Winneshiek	.55
Worth	.54
Wright	.56
KANSAS	
Allen	$0.60
Anderson	.60
Atchison	.60
Barber	.63
Barton	.61
Bourbon	.61
Brown	.60
Butler	.62
Chase	.61
Chautauqua	.62
Cherokee	.62
Cheyenne	.60
Clark	.63
Clay	.59
Cloud	.59
Coffey	.60
Commanche	.63
Cowley	.62
Crawford	.61
Decatur	.59
Dickinson	.60
Doniphan	.60
Douglas	.60
Edwards	.61
Elk	.61
Ellis	.60
Ellsworth	.60
Finney	.62
Ford	.62
Franklin	.60
Geary	.60
Gove	.61
Graham	.60
Grant	.62
Gray	.62
Greeley	.61
Greenwood	.61
Hamilton	.62
Harper	.63
Harvey	.61
Haskell	.62
Hodgeman	.61
Jackson	$0.60
Jefferson	.60
Jewell	.58
Johnson	.61
Kearny	.62
Kingman	.62
Kiowa	.62
Labette	.62
Lane	.61
Leavenworth	.61
Lincoln	.59
Linn	.60
Logan	.61
Lyon	.60
McPherson	.61
Marion	.61
Marshall	.59
Meade	.63
Miami	.60
Mitchell	.59
Montgomery	.62
Morris	.60
Morton	.63
Nemaha	.59
Neosho	.61
Ness	.61
Norton	.59
Osage	.60
Osborne	.59
Ottawa	.59
Pawnee	.61
Phillips	.58
Pottawatomie	.59
Pratt	.62
Rawlins	.60
Reno	.61
Republic	.58
Rice	.61
Riley	.59
Rooks	.59

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KANSAS—Continued

County	Rate per bushel	County	Rate per bushel
Rush	$0.61	Stevens	$0.54
Russell	.60	Sumner	.63
Saline	.60	Thomas	.60
Scott	.61	Trego	.60
Sedgwick	.62	Wabaunsee	.60
Seward	.63	Wallace	.61
Shawnee	.60	Washington	.58
Sheridan	.60	Wichita	.61
Sherman	.60	Wilson	.61
Smith	.58	Woodson	.60
Stafford	.61	Wyandotte	.61
Stanton	.62		

KENTUCKY

All counties $0.65

LOUISIANA

All parishes $0.65

MAINE

All counties $0.62

MARYLAND

All counties $0.64

MASSACHUSETTS

All counties $0.62

MICHIGAN

Alcona	$0.57	Lake	$0.59
Alger	.59	Lapeer	.57
Allegan	.59	Leelanau	.58
Alpena	.57	Lenawee	.60
Antrim	.58	Livingston	.58
Arenac	.57	Luce	.59
Baraga	.58	Mackinac	.59
Barry	.59	Macomb	.58
Bay	.57	Manistee	.59
Benzie	.58	Marquette	.58
Berrien	.59	Mason	.59
Branch	.60	Mecosta	.58
Calhoun	.59	Menominee	.58
Cass	.59	Midland	.57
Charlevoix	.58	Missaukee	.58
Cheboygan	.58	Monroe	.60
Chippewa	.59	Montcalm	.58
Clare	.58	Montmorency	.57
Clinton	.58	Muskegon	.59
Crawford	.57	Newaygo	.59
Delta	.58	Oakland	.58
Dickinson	.58	Oceana	.59
Eaton	.58	Ogemaw	.57
Emmet	.58	Ontonagon	.58
Genesee	.57	Osceola	.58
Gladwin	.57	Oscoda	.57
Gogebic	.58	Otsego	.58
Grand Traverse	.58	Ottawa	.59
Gratiot	.58	Presque Isle	.57
Hillsdale	.60	Roscommon	.57
Houghton	.58	Saginaw	.57
Huron	.57	St. Clair	.58
Ingham	.58	St. Joseph	.59
Ionia	.58	Sanilac	.57
Iosco	.57	Schoolcraft	.59
Iron	.58	Shiawassee	.57
Isabella	.58	Tuscola	.57
Jackson	.59	Van Buren	.59
Kalamazoo	.59	Washtenaw	.59
Kalkaska	.58	Wayne	.59
Kent	.59	Wexford	.59
Keweenaw	.58		

MINNESOTA

Aitkin	$0.52	Chippewa	$0.50
Anoka	.54	Chisago	.54
Becker	.48	Clay	.47
Beltrami	.48	Clearwater	.48
Benton	.52	Cook	.54
Big Stone	.49	Cottonwood	.51
Blue Earth	.53	Crow Wing	.51
Brown	.52	Dakota	.54
Carlton	.54	Dodge	.53
Carver	.53	Douglas	.50
Cass	.50	Fairbault	.53

MINNESOTA—Continued

County	Rate per bushel	County	Rate per bushel
Fillmore	$0.54	Otter Tail	$0.49
Freeborn	.53	Pennington	.46
Goodhue	.53	Pine	.53
Grant	.49	Pipestone	.50
Hennepin	.54	Polk	.46
Houston	.54	Pope	.50
Hubbard	.49	Ramsey	.54
Isanti	.53	Red Lake	.46
Itasca	.52	Redwood	.51
Jackson	.52	Renville	.51
Kanabac	.53	Rice	.53
Kandiyohi	.51	Rock	.51
Kittson	.45	Roseau	.46
Koochiching	.49	St. Louis	.54
Lac qui Parle	.50	Scott	.53
Lake	.54	Sherburne	.53
Lake of the Woods	.47	Sibley	.52
Le Sueur	.53	Stearns	.51
Lincoln	.50	Steele	.53
Lyon	.50	Stevens	.49
McLeod	.52	Swift	.50
Mahnomen	.47	Todd	.50
Marshall	.46	Traverse	.48
Martin	.52	Wabasha	.53
Meeker	.52	Wadena	.50
Mille Lacs	.52	Waseca	.53
Morrison	.51	Washington	.54
Mower	.53	Watonwan	.52
Murray	.50	Wilkin	.48
Nicollet	.53	Winona	.54
Nobles	.51	Wright	.53
Norman	.46	Yellow Medicine	.50
Olmsted	.53		

MISSISSIPPI

All counties $0.64

MISSOURI

Adair	$0.59	Holt	$0.59
Andrew	.59	Howard	.60
Atchinson	.58	Howell	.62
Audrain	.58	Iron	.61
Barry	.62	Jackson	.60
Barton	.61	Jasper	.61
Bates	.60	Jefferson	.60
Benton	.60	Johnson	.60
Bollinger	.61	Knox	.58
Boone	.60	Laclede	.61
Buchanan	.61	Lafayette	.60
Butler	.61	Lawrence	.61
Caldwell	.61	Lewis	.57
Callaway	.60	Lincoln	.59
Camden	.61	Linn	.60
Cape Girardeau	.60	Livingston	.60
Carroll	.60	McDonald	.62
Carter	.61	Macon	.59
Cass	.60	Madison	.61
Cedar	.60	Maries	.61
Chariton	.60	Marion	.57
Christian	.62	Mercer	.60
Clark	.57	Miller	.61
Clay	.61	Mississippi	.60
Clinton	.61	Moniteau	.61
Cole	.61	Monroe	.58
Cooper	.61	Montgomery	.60
Crawford	.61	Morgan	.61
Dade	.60	New Madrid	.61
Dallas	.61	Newton	.61
Daviess	.60	Nodaway	.58
De Kalb	.60	Oregon	.62
Dent	.61	Osage	.61
Douglas	.62	Ozark	.62
Dunklin	.61	Pemiscot	.61
Franklin	.61	Perry	.60
Gasconade	.61	Pettis	.61
Gentry	.59	Phelps	.61
Greene	.61	Pike	.57
Grundy	.59	Platte	.61
Harrison	.59	Polk	.60
Henry	.60	Pulaski	.61
Hickory	.60	Putnam	.59
		Ralls	.57

MISSOURI—Continued

County	Rate per bushel	County	Rate per bushel
Randolph	$0.59	Shannon	$0.61
Ray	.61	Shelby	.55
Reynolds	.61	Stoddard	.61
Ripley	.62	Stone	.62
St. Charles	.59	Sullivan	.59
St. Clair	.60	Taney	.62
Sainte Genevieve	.61	Texas	.61
St. Francois	.60	Vernon	.60
St. Louis	.60	Warren	.60
Saline	.60	Washington	.61
Schuyler	.59	Wayne	.61
Scotland	.58	Webster	.61
Scott	.60	Worth	.58
		Wright	.61

MONTANA

Beaverhead	$0.56	Madison	$0.54
Big Horn	.50	Meagher	.51
Blaine	.47	Mineral	.56
Broadwater	.52	Missoula	.55
Carbon	.51	Musselshell	.49
Carter	.47	Park	.52
Cascade	.51	Petroleum	.48
Chouteau	.49	Phillips	.46
Custer	.47	Pondera	.50
Daniels	.44	Powder River	.49
Dawson	.44	Powell	.54
Deer Lodge	.54	Prairie	.46
Fallon	.45	Ravalli	.55
Fergus	.49	Richland	.43
Flathead	.54	Roosevelt	.43
Gallatin	.52	Rosebud	.48
Garfield	.46	Sanders	.56
Glacier	.51	Sheridan	.42
Golden Valley	.50	Silver Bow	.54
Granite	.55	Stillwater	.51
Hill	.48	Sweet Grass	.51
Jefferson	.53	Teton	.50
Judith Basin	.50	Toole	.50
Lake	.55	Treasure	.49
Lewis and Clark	.53	Valley	.45
Liberty	.49	Wheatland	.50
Lincoln	.56	Wilbaux	.44
McCone	.45	Yellowstone	.51

NEBRASKA

Adams	$0.56	Garden	$0.54
Antelope	.53	Garfield	.53
Arthur	.54	Gosper	.56
Banner	.54	Grant	.53
Blaine	.53	Greeley	.54
Boone	.54	Hall	.55
Box Butte	.53	Hamilton	.55
Boyd	.51	Harlan	.57
Brown	.52	Hayes	.57
Buffalo	.55	Hitchcock	.58
Burt	.55	Holt	.52
Butler	.56	Hooker	.53
Cass	.57	Howard	.54
Cedar	.53	Jefferson	.57
Chase	.57	Johnson	.58
Cherry	.52	Kearney	.56
Cheyenne	.55	Keith	.55
Clay	.56	Keya Paha	.51
Colfax	.55	Kimball	.55
Cuming	.55	Knox	.52
Custer	.54	Lancaster	.57
Dakota	.55	Lincoln	.55
Dawes	.53	Logan	.54
Dawson	.55	Loup	.53
Deuel	.55	McPherson	.54
Dixon	.54	Madison	.54
Dodge	.56	Merrick	.54
Douglas	.57	Morrill	.54
Dundy	.58	Nance	.54
Fillmore	.56	Nemaha	.58
Franklin	.57	Nuckolls	.57
Frontier	.56	Otoe	.57
Furnas	.57	Pawnee	.58
Gage	.58	Perkins	.56

NEBRASKA—Continued

County	Rate per bushel	County	Rate per bushel
Phelps	$0.56	Sherman	$0.54
Pierce	.53	Sioux	.53
Platte	.54	Stanton	.54
Polk	.55	Thayer	.57
Red Willow	.57	Thomas	.53
Richardson	.58	Thurston	.55
Rock	.52	Valley	.54
Saline	.57	Washington	.56
Sarpy	.57	Wayne	.54
Saunders	.57	Webster	.57
Scotts Bluff	.54	Wheeler	.53
Seward	.56	York	.55
Sheridan	.58		

NEVADA

All counties $0.71

NEW HAMPSHIRE

All counties $0.62

NEW JERSEY

All counties $0.63

NEW MEXICO

All counties $0.68

NEW YORK

All counties $0.66

NORTH CAROLINA

All counties $0.65

NORTH DAKOTA

Adams	$0.44	McKenzie	$0.42
Barnes	.45	McLean	.41
Benson	.43	Mercer	.41
Billings	.42	Morton	.43
Bottineau	.41	Mountrail	.41
Bowman	.44	Nelson	.44
Burke	.41	Oliver	.42
Burleigh	.43	Pembina	.45
Cass	.46	Pierce	.42
Cavalier	.44	Ramsey	.44
Dickey	.45	Ransom	.46
Divide	.41	Renville	.41
Dunn	.41	Richland	.47
Eddy	.44	Rolette	.42
Emmons	.44	Sargent	.46
Foster	.44	Sheridan	.42
Golden Valley	.43	Sioux	.44
Grand Forks	.45	Slope	.43
Grant	.43	Stark	.42
Griggs	.44	Steele	.45
Hettinger	.43	Stutsman	.45
Kidder	.44	Towner	.43
La Moure	.45	Traill	.45
Logan	.44	Walsh	.45
McHenry	.41	Ward	.41
McIntosh	.44	Wells	.43
		Williams	.41

OHIO

Adams	$0.64	Delaware	$0.63
Allen	.62	Erie	.63
Ashland	.63	Fairfield	.63
Ashtabula	.65	Fayette	.63
Athens	.65	Franklin	.63
Augulaize	.62	Fulton	.62
Belmont	.66	Gallia	.65
Brown	.64	Geauga	.64
Butler	.62	Greene	.63
Carroll	.65	Guernsey	.65
Champaign	.63	Hamilton	.63
Clark	.63	Hancock	.62
Clermont	.64	Hardin	.62
Clinton	.64	Harrison	.65
Columbiana	.65	Henry	.62
Coshocton	.64	Highland	.64
Crawford	.63	Hocking	.64
Cuyahoga	.64	Holmes	.64
Darke	.61	Huron	.63
Defiance	.61	Jackson	.64

OHIO—Continued

County	Rate per bushel	County	Rate per bushel
Jefferson	$0.66	Pickaway	$0.63
Knox	.63	Pike	.64
Lake	.64	Portage	.64
Lawrence	.64	Preble	.61
Licking	.63	Putnam	.62
Logan	.63	Richland	.63
Lorain	.64	Ross	.64
Lucas	.62	Sandusky	.63
Madison	.63	Scioto	.64
Mahoning	.65	Seneca	.63
Marion	.63	Shelby	.62
Medina	.64	Stark	.64
Meigs	.65	Summit	.64
Mercer	.60	Trumbull	.65
Miami	.62	Tuscarawas	.64
Monroe	.66	Union	.63
Montgomery	.62	Van Wert	.61
Morgan	.65	Vinton	.64
Morrow	.63	Warren	.63
Muskingum	.64	Washington	.66
Noble	.65	Wayne	.64
Ottawa	.63	Williams	.62
Paulding	.61	Wood	.62
Perry	.64	Wyandot	.63

OKLAHOMA

All counties $0.65

OREGON

All counties $0.65

PENNSYLVANIA

All counties $0.66

RHODE ISLAND

All counties $0.62

SOUTH CAROLINA

All counties $0.65

SOUTH DAKOTA

Aurora	$0.48	Jackson	$0.47
Beadle	.48	Jerauld	.48
Bennett	.48	Jones	.47
Bon Homme	.50	Kingsbury	.48
Brookings	.49	Lake	.48
Brown	.46	Lawrence	.46
Brule	.48	Lincoln	.51
Buffalo	.48	Lyman	.47
Butte	.46	McCook	.49
Campbell	.45	McPherson	.45
Charles Mix	.49	Marshall	.46
Clark	.47	Meade	.46
Clay	.52	Mellette	.48
Codington	.48	Miner	.48
Corson	.45	Minnehaha	.50
Custer	.49	Moody	.49
Davison	.48	Pennington	.47
Day	.47	Perkins	.45
Deuel	.49	Potter	.46
Dewey	.46	Roberts	.47
Douglas	.49	Sanborn	.48
Edmunds	.46	Shannon	.49
Fall River	.49	Spink	.47
Faulk	.46	Stanley	.47
Grant	.49	Sully	.47
Gregory	.48	Todd	.48
Haakon	.47	Trapp	.48
Hamlin	.48	Turner	.51
Hand	.47	Union	.52
Hanson	.48	Walworth	.46
Harding	.45	Washabaugh	.48
Hughes	.47	Yankton	.51
Hutchinson	.50	Ziebach	.46
Hyde	.47		

TENNESSEE

All counties $0.65

TEXAS

All counties $0.70

UTAH

All counties $0.68

VERMONT

All counties $0.62

VIRGINIA

All counties $0.64

WASHINGTON

All counties $0.61

WEST VIRGINIA

All counties $0.65

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Adams	$0.57	Marathon	$0.57
Ashland	.57	Marinette	.58
Barron	.55	Marquette	.57
Bayfield	.56	Menominee	.57
Brown	.56	Milwaukee	.59
Buffalo	.54	Monroe	.56
Burnett	.54	Oconto	.57
Calumet	.56	Oneida	.58
Chippewa	.56	Outagamie	.56
Clark	.56	Ozaukee	.58
Columbia	.56	Pepin	.54
Crawford	.57	Pierce	.54
Dane	.58	Polk	.54
Dodge	.57	Portage	.57
Door	.56	Price	.57
Douglas	.54	Racine	.59
Dunn	.55	Richland	.56
Eau Claire	.55	Rock	.58
Florence	.58	Rusk	.56
Fond du Lac	.56	St. Croix	.54
Forest	.58	Sauk	.58
Grant	.57	Sawyer	.56
Green	.58	Shawano	.57
Green Lake	.57	Sheboygan	.57
Iowa	.58	Taylor	.57
Iron	.58	Trempealeau	.55
Jackson	.56	Vernon	.55
Jefferson	.58	Vilas	.58
Juneau	.57	Walworth	.58
Kenosha	.59	Washburn	.55
Kewaunee	.56	Washington	.58
La Crosse	.55	Waukesha	.59
Lafayette	.58	Waupaca	.57
Langlade	.57	Waushara	.57
Lincoln	.57	Winnebago	.56
Manitowoc	.56	Wood	.57

WYOMING

All counties $0.58

(b) *Premiums and discounts.*

	Cents per bushel
Premiums: [1]	
Grade U.S. No. 2 or better	1
Test weight:	
Heavy	1
Extra heavy	2
Discounts:	
Grade U.S. No. 4 on the factor of test weight only but otherwise U.S. No. 3 or better	3
Grade U.S. No. 4 because of being "badly stained or materially weathered"	7
Grade U.S. No. 4 on the factor of test weight and because of being "badly stained or materially weathered"	10
Garlicky	3
Weed control discount (where required by § 1421.25)	10

[1] Premiums shall not be applicable to "sample grade" or "badly stained or materially weathered" oats.

Other factors. Amounts determined by CCC to represent discounts for quality factors not specified above which affect the value of the

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oats, such as (but not limited to) low test weight, foreign material, heat damage, percent of sound cultivated oats, wild oats, moisture, sour, stones, musty, ergoty, weevily, smutty, and bleached. Such discounts will be established not later than the time delivery of oats to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date.

Effective date: March 25, 1974.

Signed at Washington, D.C., on March 18, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-6814 Filed 3-22-74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 74-205]

PART 523—MEMBERS OF BANKS

Amendment Relating to Liquidity

MARCH 19, 1974.

The Federal Home Loan Bank Board considers it desirable to amend § 523.11 of the regulations for the Federal Home Loan Bank System (12 CFR 523.11) for the purposes of increasing the overall liquidity requirement of each Federal Home Loan Bank member from 5½ percent to 6½ percent of its liquidity base and of increasing each member's short-term liquidity requirement from 1½ percent to 2½ percent of such base. Accordingly, the Federal Home Loan Bank Board hereby amends said § 523.11 by revising paragraph (a) thereof, to read as follows, effective June 1, 1974:

§ 523.11 Liquidity requirements.

(a) *General.* For each calendar month, each member, other than a mutual savings bank as to which there is in effect the election provided for in paragraph (e) of this section, shall maintain an average daily balance of liquid assets in an amount not less than 6½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section. For each calendar month, each member, other than a mutual savings bank or an insurance company, shall maintain an average daily balance of short-term liquid assets in an amount not less than 2½ percent of the average daily balance of the member's liquidity base during the preceding calendar month, except as otherwise provided in paragraphs (b) and (d) of this section.

* * * * *

Since affording notice and public procedure on the above amendment would delay it from becoming effective for a period of time and since the Board determines that the institutions affected by such amendment should be given as much lead-in time as possible to comply with liquidity requirements which are higher than present liquidity requirements, the Board hereby finds that notice and public procedure as to such amendment are impracticable and contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b).

(Sec. 5A, 47 Stat. 727, as added by sec. 1, 64 Stat. 256, as amended, sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48, Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLIARD, JR.,
Assistant Secretary.

[FR Doc.74-6855 Filed 3-22-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION]

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-74-244]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Site Location

On December 13, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 34330), stating that the Department of Housing and Urban Development was considering an amendment to Part 201 of Title 24, Subchapter B, "Mobile Home Loans," that would permit mobile homes to be sold to purchasers utilizing FHA insured loans to be placed on sites leased from a municipality or other political subdivision of a state.

Interested persons were given 30 days in which to submit written comments or suggestions. One comment was received. The commenter stated that it strongly supported adoption of the amendment. The proposed amendment is hereby adopted without change.

Accordingly, § 201.525 is amended to read as follows:

§ 201.525 Mobile home location standards.

(a) *In general.* The mobile home shall be placed in a mobile home park approved by the Commissioner, on a site owned by the borrowers which meets certain requirements prescribed by the Commissioner, or on a site leased from a municipality or other political subdivision, where the leased site otherwise meets the requirements of paragraph (c) of this section.

(Sec. 7(d), 79 Stat. 670 (42 U.S.C. 3535(d)); Sec. 2, 48 Stat. 1246, (12 U.S.C. 1703).)

Effective date. This amendment is effective on April 22, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.74-6779 Filed 3-22-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 7306]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Taxpayer Identifying Numbers

Correction

In FR Doc. 74-6046 appearing at page 9946 in the issue for Friday, March 15, 1974, the following changes should be made in § 1.6109-1.

1. In paragraph (a) the first sentence should read, *"Information to be furnished after April 15, 1974".*

2. In paragraph (b) the first sentence should read, *"Information to be furnished before April 16, 1974".*

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Tetrahydrofurfuryl Alcohol; Exemption From Tolerance

In response to a petition (PP 2E1198) submitted by The Quaker Oats Co., Merchandise Mart Plaza, Chicago, IL 60654, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of February 4, 1974 (39 FR 4487), proposing establishment of an exemption from the requirement of a tolerance for residues of tetrahydrofurfuryl alcohol in or on raw agricultural commodities when used as an inert solvent or cosolvent in pesticide formulation applied to growing crops only. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.1001 is amended by alphabetically inserting a new item in the table in paragraph (d), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Tetrahydrofurfuryl alcohol		Solvent, cosolvent.
* * *	* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before April 24, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on March 25, 1974.

(Sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e))

Dated: March 20, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-6849 Filed 3-22-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-1—GENERAL

PART 3-26—CONTRACT MODIFICATIONS

Novation and Change of Name Agreements

Chapter 3 of 41 CFR is amended as set forth below. Subpart 3-1.51 is being deleted because the Federal Procurement Regulations have issued a regulation on the same subject, Novation and Change of Name Agreements. A new subpart 3-26.4 is being added to set forth internal procedures relative to the processing of such agreements.

It is the general policy of the DHEW to allow time for interested parties to participate in the rule making process. However, the amendments herein concern administrative matters. Therefore, the public rule making process is deemed unnecessary in this instance.

1. Subpart 3-1.51 is hereby deleted in its entirety.

2. The following is added as the table of contents of Part 3-26, Contract Modifications.

Subpart 3-26.4—Novation and Change of Name Agreements

Sec.
3-26.404 Processing novation and change of name agreements.

3. The following is added as § 3-26.404 *Processing novation and change of name agreements.*

§ 3-26.404 Processing novation and change of name agreements.

(a) Any Health, Education, and Welfare procuring activity upon being notified of a successor in interest to, or change of name of, one of its contractors, shall promptly report such information by letter to the Director of Procurement Policy and Regulations Development, OGPM, OASAM.

(b) To avoid duplication of effort on the part of HEW activities in preparing and executing agreements to recognize a change of name or successor in interest, only one supplemental agreement will be prepared to effect necessary changes for all contracts between HEW and the contractor involved. The Director of Procurement Policy and Regulations Development will, in each case, designate the activity responsible for taking all necessary and appropriate action with respect to either recognizing or not recognizing a successor in interest, or recognizing a change of name, including without limitation the following:

(1) Obtain from the contractor a list of the affected contracts, the names and addresses of the activities responsible for these contracts, and the required documentary evidence.

(2) Draft and execute a supplemental agreement to one of the contracts affected but covering all applicable outstanding and incomplete contracts affected by the transfer of assets or change of name.

A supplemental agreement number need not be obtained for contracts other than for the one under which the supplemental agreement is written. Each supplemental agreement will contain a list of the contracts affected and, for distribution purposes, the names and addresses of the activities having contracts subject to the supplemental agreement.

(c) The agreement and supporting documents shall be reviewed for legal sufficiency by Legal Counsel.

(d) After execution of the supplemental agreement, the designated activity shall:

(1) Forward an authenticated copy of the supplemental agreement to the Director of Procurement Policy and Regulations Development.

(2) Advise each of the affected activities, by letter, of the consummation of the supplemental agreement and request that an administrative change be issued for each affected contract. (A copy of the supplemental agreement should be enclosed.)

(e) For each such affected contract, the contracting officer shall prepare an administrative change acknowledging the change of name or successor in interest. The administrative change will receive the same distribution as the affected contract. The administrative change will indicate the nature of the transaction, the result attained, and will cite the number of the contract with which the original relevant documents and supplemental agreement are filed.

(5 U.S.C. 301; 40 U.S.C. 486(c))

Effective date. These amendments become effective March 25, 1974.

Dated: March 19, 1974.

THOMAS S. MCFEE,
Acting Deputy Assistant Secretary for Administration and Management.

[FR Doc.74-6787 Filed 3-22-74;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amendment E-139]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Computer Performance Evaluation and ADP Simulation

This amendment clarifies the procedure by which Federal agencies obtain ADP simulation and computer performance evaluation services from the Federal Computer Performance Evaluation and Simulation Center.

Section 101-32.1403 is amended to read as follows:

§ 101-32.1403 Procedure for obtaining ADP simulation and computer performance evaluation services from the Federal Computer Performance Evaluation and Simulation Center.

(a) Agencies requiring ADP simulation, computer performance evaluation assistance, hardware performance monitors, software performance monitoring packages, or other computer performance evaluation products or services shall contact the Center. The mailing address is: Department of the Air Force, Federal Computer Performance Evaluation and Simulation Center (FEDSIM), Washington, DC 20330.

* * * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective March 25, 1974.

Dated: March 15, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-6737 Filed 3-22-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19876; FCC 74-269]

PART 73—RADIO BROADCAST SERVICES

FM Station in Wichita Falls, Tex.; Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Wichita Falls, Texas).

1. This proceeding, begun by notice of proposed rule making issued November 20, 1973 (38 FR 32951) involves the deletion of FM Channel 236 at Wichita Falls, Texas. The only comment in support of the proposed deletion was filed by

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KAMC–Radio, Inc., licensee of Station KAMC(FM), Arlington, Texas. No comments in opposition were filed.

2. As set forth in the notice, Wichita Falls has four FM assignments. One is on Channel 225 for which an application for construction permit is pending; Station KLUR(FM) operates on Channel 260; and Station KNTO(FM) which is currently operating on Channel 236 but has been granted a construction permit to operate on Channel 277. Station KAMC(FM), Arlington, Texas, operating on Channel 235, is short-spaced to Channel 236 at Wichita Falls. Because of the short-spacing, Station KAMC(FM) is restricted under our rule to facilities not to exceed 50 kW in ERP. The proposed deletion of Channel 236 which cannot be fully utilized at Wichita Falls would remove the restrictions and permit KAMC (FM) to operate with maximum facilities as proposed in its tendered application on Channel 235.

3. Because of the short spacing problem outlined above, we find the deletion of the channel to be in the public interest and the proposal set forth in the Notice is hereby adopted. However, Station KNTO–FM will be permitted to continue operation on Channel 236 under a special temporary authorization until it receives program test authority to operate on Channel 277.

4. In view of the foregoing and pursuant to authority in sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, *it is ordered*, That effective April 29, 1974, the FM Table of Assignments (§ 73.202(b) of the rules) is amended to read with respect to the city listed below as follows:

City	*Channel No.*
Wichita Falls, Tex	225, 260, 277

5. *It is further ordered*, That special temporary authority is conferred to Station KNTO–FM to continue operation on Channel 236 with its presently licensed facility pending receipt and Commission action on FCC Forms 302 for license to cover construction permit (BPH–8307) which authorized the construction of changed facilities on Channel 277.

6. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 13, 1974.

Released: March 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–6794 Filed 3–22–74;8:45 am]

[Docket No. 19877; FCC 74–268]

PART 73—RADIO BROADCAST SERVICES

FM Stations in Maine and New Hampshire; Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Sanford, Maine; Rochester, New Hampshire.)

1. This proceeding, begun by notice of proposed rule making issued November 29, 1973, proposes a substitution of FM Channel 244A (now assigned to Sanford, Maine) to Rochester, New Hampshire, for FM Channel 280A and also would substitute Channel 221A for Channel 244A at Sanford. Two comments were filed in response to the notice: one comment by J. Sherwood, Inc., applicant for a new FM broadcast station at Rochester and the other comment was by Southern Maine Broadcasting Corporation, licensee of Radio Station WSME, Sanford, Maine, who has on file an application for an FM station at Sanford on Channel 244A.

2. The Sherwood comments were in complete support of the proposed substitution of channels because it would correct a short spacing problem preventing the construction of an FM station at Rochester. Southern Maine's comment neither supports or opposes the substitution of channels, and states that it will amend its pending application on Channel 244A to specify Channel 221A after the effective date of this Report and Order.

3. Sherwood asks that expedited action be taken in this matter because Rochester is an industrial community and a new FM station would provide residents with greater media coverage on the issues of importance to the area. We have considered the comments of the party in the light of the proposals set forth in the Notice and find that the assignments proposed to be in the public interest and they are hereby adopted.

4. In view of the foregoing and pursuant to authority in sections 4(i), 5(d)(1), 303 and 307(b) of the Communications Act of 1934, as amended, *it is ordered*, That effective April 29, 1974, the FM Table of Assignments (§ 73.202(b) of the rules) is amended to read with respect to the cities listed below:

City	*Channel No.*
Sanford, Maine	221A
Rochester, N.H	244A

5. *It is further ordered*, That this proceeding is TERMINATED.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: March 13, 1974.

Released: March 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–6795 Filed 3–22–74; 8:45 am]

[FCC 74–255]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA—PUBLIC FIXED STATIONS

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Issuance of Ship Station Licenses

In the matter of amendment of §§ 81.361 and 83.360 of the FCC rules and regulations.

1. By this order, it is intended to delete certain obsolete rule requirements regarding issuance of ship station licenses in order to bring the rules into conformity with current Commission licensing policy and practice and to expedite ship station application and licensing procedures.

2. Specifically, the "showing" requirements of §§ 81.361(b)(1) and 83.360(b)(1) are hereby deleted. This order also deletes the provisions of § 83.360(b)(3) which normally limits a grant of frequencies to one from each band.

3. These requirements are holdovers from past practices of the Commission stating specific frequencies on ship station licenses and of requiring a showing of need prior to authorizing use of frequencies below 27.5 MHz. Current Commission policy and practice favors a "flexible" ship station license which emphasizes the most versatile and wide use of frequencies while encouraging their use in conformity with the rules. Requiring such showings and listing specific frequencies no longer serves a useful purpose.

4. Because these deletions are editorial in nature, intended to reflect current license processing practices and because they eliminate restrictions hitherto applied, the prior notice, procedure and effective date provisions of 5 U.S.C. 553, do not apply. Authority for this amendment appears in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

5. In view of the above, *it is ordered*, That the rule amendments set forth below shall be adopted effective March 27, 1974.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 13, 1974.

Released: March 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 81 and 83 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. Section 81.361(b)(1) is deleted and designated as reserved.

2. Section 83.360(b)(1) and (3) is deleted and designated as reserved.

[FR Doc.74–6797 Filed 3–22–74;8:45 am]

[Docket No. 19881; FCC 74–256]

PART 87—AVIATION SERVICES

Abbreviated Method of Aircraft Identification

In the matter of amendment of § 87.115 of the Commission's rules to provide an abbreviated method of aircraft identification during organized flying activity of short duration.

1. A notice of proposed rule making in the above-captioned matter was released on November 30, 1973 (38 FR 33618). No comments or reply comments in response to that notice have been received.

2. Accordingly, for the reasons set forth in the notice of proposed rule making, the amendment § 87.115 of the rules, as originally proposed, appears warranted.

3. In view of the above, IT IS ORDERED, pursuant to the authority contained in Sections 4(i) and 303(r) of the sion's rules is amended as set Communications Act of 1934, as amended, That effective April 29, 1974. Part 87 of the Commission's rules is amended as set forth below.

4. *It is further ordered*, That the proceeding in Docket No. 19881 is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: March 13, 1974.

Released: March 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 87 of 47 CFR Chapter 1 of Title 47 is amended as follows:

Section 87.115(e)(1)(iii) is amended to read as follows:

§ 87.115 Station identification.

• • • • •

(e) • • •

(1) • • •

(iii) An aircraft identification approved in advance by the Commission after coordination with the FAA for use by aircraft stations participating in an organized flying activity of short duration. The Commission shall be advised in advance of each event of the registration marking (N number) of each participating aircraft.

NOTE: Approval of the identification method permitted in subdivision (iii) will be expedited when the requesting organization coordinates with FAA Headquarters, Washington, D.C., prior to submitting the request to the Commission.

• • • • •

[FR Doc.74–6796 Filed 3–22–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73–SW–74; Amdt. 39–1801]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 47 Series Helicopters

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring disassembly and internal inspection of certain control tubes for internal corrosion within 100 hours and thereafter at 1200 hour intervals on Bell Model 47 Series helicopters was published in 39 FR 1362. The proposal would also require replacement of corroded tubes, protection of the tube internal surfaces and sealing of the tube assembly to preclude corrosion. The proposal would also require submittal of reports to assess the magnitude of tube corrosion and to determine the necessity for mandatory inspections on vertical control tubes of other helicopter makes and models.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Responses to the proposal were received from four operators and from Bell Helicopter Company. Bell Helicopter Company recommended revisions to provide agreement with Service Bulletin No. 47–11–73–1. They recommended initial compliance at the next 1200 hour overhaul period and recommended a 50 hour periodic, external inspection of the tubes until the internal inspection was accomplished.

In addition, Bell recommended the tube assemblies be sealed as specified in the service bulletin to assure an air and water tight seal of the tubes. They also stated that the Model 47 maintenance manuals will include specific instructions for internal refinishing of tubes when the rod end bearings are replaced and they believe the proposed 1200 hour repetitive inspection will not be necessary when the tubes are properly processed when the rod end bearings are replaced.

One operator commented that the repetitive inspection should be scheduled on calendar time and based on their experience a 15 year inspection interval is more realistic. They have conducted the visual inspections specified in Service Bulletin 47–11–73–1 on sixteen year old equipment that has been operated in different environments and had negative findings.

One operator recommended that all control tubes be subject to the inspections, based on their inspection results. They stated proper sealing of the tubes should eliminate the 1200 hour repetitive inspection, but further stated a three to five year interval should be adequate if a repetitive inspection is still necessary.

One other operator recommended a daily visual inspection of the control tubes until the internal inspections were conducted at the next 600 hour or 1200 hour inspection period. They also recommended that the A.D. require proper sealing of the control tubes each time a rod end is replaced.

Another operator recommended a fifty hour visual inspection with a 1200 hour periodic inspection, because they found slight corrosion in control tubes that were used on Model 47G–5 helicopters that average 500 hours each year during aerial application of chemicals. The operator also provided a brief summary of their procedure used to seal the tubes.

The agency has given due consideration to all of the comments received but concludes that the rule should be adopted as proposed, except that the tube assembly sealing requirements will be more specific. The agency comments relating to the industry responses are discussed below. The agency now believes just the application of zinc chromate primer on the tube and rod end during riveting will not insure an air and water tight seal of the assembly. As recommended by Bell, the A.D. will be changed to require sealing as specified in Bell's Service Bulletin using Proseal 890–B2 or as specified in an FAA approved equivalent sealing procedure.

The agency proposed to require submittal of reports when corroded tubes were found to assess the extent or magnitude of tube corrosion and to determine the necessity for continued mandatory inspections of the Model 47 control tubes and for imposing mandatory inspections on vertical control tubes of other helicopter makes and models. No objections to this reporting proposal were received. The agency will review these inspection results and experience to alter or delete the A.D. inspection interval, and to substitute a calendar period for the 1200 hour repetitive inspection. However, at this time the 1200 hour inspection interval will be adopted as proposed.

The initial inspection of the Model 47 fleet to be conducted within 100 hours time in service after the effective date of the A.D., will be adopted as proposed. The recommendations to defer the initial inspection to the next 600 hour or 1200 hour heavy inspection of each helicopter would not obtain a timely survey of the entire Model 47 fleet and would not provide operators with helicopters near those inspections a suitable interval to accomplish the A.D. inspection. In addition, operators could not, in all cases, substantiate the interval since a previous inspection and would be subject to an immediate A.D. inspection.

The agency does not believe an external visual inspection to detect severe internal corrosion of a vertical control tube is sufficiently reliable; therefore, a daily or 50 hour periodic external visual inspection will not be adopted. Horizontal control tubes should not be subject to uniform reduction in cross sectional area due to internal corrosion such as was experienced by a vertical tube and internal corrosion of horizontal tubes has not been a significant airworthiness problem. Thus, only vertical control tubes will be subject to mandatory inspections.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL: Applies to all cyclic and collective main rotor control tube assemblies installed within a 30 degree angle of the vertical axis on Model 47 series helicopters, certificated in all categories.

Compliance required within the next 100 hours time in service after the effective date of this A.D., unless already accomplished, and thereafter at intervals not to exceed 1200 hours time in service from the last inspection.

To detect corrosion and prevent possible failure of the control tube assemblies, accomplish the following inspection.

(a) Remove the control tube assemblies from the helicopter and remove the rod end bearing and insert or clevis at each end of the tube assembly and clean the inside of the tube.

(b) Inspect each control tube for internal corrosion using a light and borescope or equivalent inspection means.

(c) Remove corroded control tubes from service prior to further flight and submit a

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report of finding a corroded tube to Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, FAA, P.O. Box 1689, Fort Worth, Texas 76101. The control tube assembly part number, degree of corrosion found and total time in service should be included in the report. FAA Form 8330-2 may be used for this report. (Reporting approved by the Bureau of the Budget under BOB No. 04-R0174.)

(d) Reinstall serviceable rod end bearings and inserts or clevis in the uncorroded and serviceable tubes using acceptable techniques, methods and practices as specified below.

(1) Tubes with double drilled rivet holes, sharp nicks or scratches and internal corrosion are considered unserviceable.

(2) Tubes must have internal corrosion protection using zinc chromate primer, hot linseed oil or other equivalent corrosion inhibitor. The tube ends must be sealed, air and water tight, as specified in Paragraphs 4 and 5, Part II, Bell Helicopter Company Service Bulletin No. 47-11-73-1, Rev. A, dated December 6, 1973 or later approved revision or as specified in an equivalent FAA approved procedure when the insert, rod end bearing or clevis and rivets are installed.

(e) Install control tube assemblies on the helicopter and check the controls rigging and check tracking of the main rotor blades in accordance with pertinent Model 47 maintenance and overhaul information manual.

(f) The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue, S.W., Washington, D.C. A historical file on this A.D. which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the Southwest Regional Office in Fort Worth, Texas.

(Bell Helicopter Company Service Bulletin No. 47-11-73-1, Rev. A, dated 12-11-73 pertains to this subject.)

This amendment becomes effective April 22, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Texas on March 11, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.74-6761 Filed 3-22-74;8:45 am]

[Airworthiness Docket No. 74-WE-6-AD; Amdt. 39-1802]

PART 39—AIRWORTHINESS DIRECTIVES

Hughes Model 369A, 369H, 369HE, 369HS, and 369HM Helicopters

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on February 22, 1974, and made effective immediately by airmail letter dated February 25, 1974 as to all known United States operators of Hughes Model 369A, 369H, 369HE, 369HS and 369HM Helicopters, equipped with aluminum tail rotor blade P/N 369A1613-3, certificated in all categories. The directive requires, before further flight, unless already accomplished, and upon any installation or replacement of aluminum tail rotor blade P/N 369A1613-3, an inspection of the tail rotor assembly to verify that the rotor blades P/N 369A1613-3 serial numbers 0001 through 0156 are not mated with blade serial numbers 0157 and subsequent. The AD also requires replacement of mismatched tail rotor blade(s) before further flight.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Hughes Model 369A, 369H, 369HE, 369HS and 369HM Helicopters, certificated in all categories by airmail letter dated February 25, 1974. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

Pursuant to the authority of the Federal Aviation Act of 1958, delegated to me by the Administrator, the following airworthiness directive applicable to operators of Hughes Model 369A, 369H, 369HE, 369HS and 369HM Helicopters, equipped with aluminum tail rotor blade P/N 369A1613-3, certificated in all categories is effective immediately upon receipt of this air mail letter. Before further flight, unless already accomplished, and upon any installation or replacement of aluminum tail rotor blade P/N 369A1613-3, inspect the tail rotor assembly to verify that the rotor blade P/N 369A1613-3 serial numbers 0001 through 0156 are not mated with blade serial numbers 0157 and subsequent. Replace mismatched tail rotor blade(s) before further flight. Note AD inspection in Aircraft Maintenance Records. Forthcoming Service Bulletin, No. HN-65 covers the same subject.

This amendment is effective March 26, 1974 for all persons except those to whom it was made effective by airmail letter, dated February 25, 1974, which contained this amendment.

Issued in Los Angeles, California on March 11, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[Telegram]

FEDERAL AVIATION ADMINISTRATION,
AIRCRAFT ENGINEERING DIVISION,
Los Angeles, Calif., February 22, 1974.

FEDERAL AVIATION ADMINISTRATION,
Oklahoma City, Okla.

Attention: Ralph Hare, AAC-218.

Transmitted as follows is emergency AD for early transmittal to all owners of Hughes model 369A, 369H, 369HE, 369HS, and 369HM helicopters. Early distribution by airmail letter is required in accordance with paragraph 33, Handbook 8040.1. Quote: Pursuant to the authority of the Federal Aviation Act of 1958, delegated to me by the Administrator, the following airworthiness directive applicable to operators of Hughes model 369A, 369H, 369HE, 369HS, and 369HM helicopters, equipped with aluminum tail rotor blade P/N 369A1613-3, certificated in all categories is effective immediately upon receipt of this telegram. Before further flight, unless already accomplished, and upon any installation or replacement of aluminum tail rotor blade P/N 369A1613-3, inspect the tail rotor assembly to verify that the rotor blade P/N 369A1613-3 serial numbers 0001 through 0156 are not mated with blade serial numbers 0157 and subsequent. Replace mismatched tail rotor blade(s) before further flight. Note AD inspection in aircraft maintenance records. Forthcoming service bulletin No. HN-65 covers the same subject. Unquote.

ARVIN O. BASNIGHT,
Director, Western Region, AWE-1,
Federal Aviation Administration.

DISTRIBUTION OF THE HUGHES TELEGRAM, DATED FEBRUARY 20, 1974

Heli—West
5471 Saffig, Germany

Servicios Aereos Amazonicos SA
Lima, Peru

Houston Beechcraft, Inc.
9011 Randolph
William P. Hobby Airport
Houston, Tex.

Olympic Helicopters
8241 Perimeter Road South
Boeing Field, SEA

Northern Wings Helicopters
Dorval Quebec, Canada

Western Helicopters
1670 Airport Way
P.O. Box 579,
Rialto, Calif. 92376

Helisolair
Dorval Quebec, Canada

Temsco Helicopters, Inc.
P.O. Box 57
Ketchikan, Alaska 99901

Pertamina Hangar
Pelita Air Service
Kemajoran International Airport
Jakarta, Indonesia

Southland Helicopters
3205 Lakewood Boulevard
Long Beach, Calif. 90712

List of foreign countries which have Hughes Model 369A, 369H, 369HE, 369HS and 369HM helicopters:

Agentina	Mexico
Australia	New Guinea
Belgium	New Zealand
Brazil	Nicaragua
Canada	Norway
Columbia	Peru
Dominican Republic	Philippines
Denmark	Sierra Leone
England	Union of South Africa
Finland	Spain
France	Sweden
Germany	Switzerland
Indonesia	Tanzania
Ireland	Thailand
Italy	
Japan	

[FR Doc.74-6744 Filed 3-22-74;8:45 am]

[Airspace Docket No. 73-SO-67]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On November 2, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 30276), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Laurel, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Laurel, Miss., transition area is amended as follows:

"• • • long. 89°10'20" W.)• • •" is deleted and "• • • long. 89°10'20" W.); within 3 miles each side of the 315° bearing from Tallahala RBN (lat. 31°41'16" N., long. 89°11'26" W.), extending from the 7-mile radius area to 8.5 miles northwest of the RBN • • •" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on March 14, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-6762 Filed 3-22-74;8:45 am]

[Airspace Docket No. 74-SO-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Florence, S.C., control zone and transition area.

The Florence control zone is described in § 71.171 (39 FR 354) and the Florence transition area is described in § 71.181 (39 FR 440). In the descriptions, reference is made to "Florence Municipal Airport." The name of the airport has been changed to "Florence City-County Airport" and it is necessary to alter the descriptions to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (39 FR 354) and § 71.181 (39 FR 440), the Florence, S.C., control zone and transition area are amended as follows:

"• • • Florence Municipal Airport • • •" is deleted and "Florence City-County Airport • • •" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on March 13, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-6763 Filed 3-22-74;8:45 am]

[Airspace Docket No. 73-WA-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Terminal Control Area and Alteration of Control Zone at Detroit, Mich.

On December 10, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 33994) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Group II Terminal Control Area (TCA) for Detroit, Mich.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Seven comments were received.

The Air Transport Association and the Board of Wayne County Road Commissioners (operators of Detroit Metropolitan Wayne County Airport) endorsed the establishment of the Detroit TCA as proposed. Two commentors concurred in the need for a TCA, however, they made certain recommendations regarding the airspace configuration. The other three commentors objected to the proposal.

The objections were based on the belief that the establishment of a TCA at Detroit was not justified; the energy crisis would provide a reduction in aircraft operations; the TCA would be unduly restrictive because of transponder equipment requirements after January 1, 1975, and that this requirement would effectively eliminate Detroit Metropolitan Wayne County Airport as the primary point of entry for many private aircraft entering the U.S. from Canada; and private aircraft are charged an overtime fee for Customs personnel when landing at other airports of entry in the Detroit area, thus imposing an additional financial hardship on private aviation.

The issue concerning the establishment of a Group II TCA at Detroit was contained in notice 69-41, published in the FEDERAL REGISTER on September 30, 1969 (34 FR 15252), and notice 69-41B, published in the FEDERAL REGISTER on March 13, 1970 (35 FR 4519), which delineated the locations of the 22 hub areas where Group I and Group II TCAs were proposed.

A review of aircraft operations at Detroit Metropolitan Wayne County Airport indicates there has been very little change in aircraft operations. It should be noted, however, that Group II TCAs are not based on the number of operations, but on passenger enplanements. A monitor of the activities at the proposed TCA areas has determined that Detroit still warrants the establishment of a Group II TCA. As a result of such a monitor, Cincinnati was deleted as a proposed Group II TCA location, because it failed to maintain the status of a large hub.

The requirements for the improved transponder equipment have been under development for many years. Regulatory proposals issued in 1965, 1969, and 1972 discussed the requirement for this equipment within the National Airspace System. Numerous members of the aviation community responded to these various proposals with constructive suggestions concerning the problem and many of their suggestions were reflected in the final regulation. There are many reasons for requiring altitude reporting transponders. This equipment eliminates much of the conversation that would otherwise be required between pilot and controller on busy voice communication frequencies. It also furnishes vital altitude information to controllers in situations where the pilot is not in radio communication with the ground system. In effect, with the use of automatic altitude reporting transponder equipment, the present two-dimensional radar becomes three-dimensional. The result of this is a more efficient and safer air traffic control system.

Regarding the availability of Customs services, this service is available at Detroit City Airport from 8 a.m. to 5 p.m. Monday through Friday on a call-up basis at no cost to the user. This service can be obtained by prior arrangement or by a telephone request after arrival. At other than the above hours, there is a charge for this service.

Comments about the TCA configuration included recommendations that the floor of the TCA airspace along the Detroit River be raised to 3,000 feet AGL; the floor of Area C should be raised to at least 3,500 feet MSL to provide more VFR altitudes beneath the TCA floor for aircraft transiting these areas and to avoid the radio towers in the Farmington area; Area D is too large and the area to the southwest should be bounded by U.S. Highway 23, a natural VFR landmark; and the area overlying the Mettetal and National Airports should be raised to 3,000 feet MSL. A possible safety hazard could exist in the vicinity of the Salem VORTAC with aircraft flying around the edge of the TCA between 3,000 feet and 8,000 feet MSL.

The Canadian Ministry of Transport has decided to raise the 2,300-foot floor altitudes of the Canadian airspace over the Detroit River to 3,000 feet MSL. Additionally, the top of the Windsor Positive Control Zone will be raised to 3,000 feet MSL to join the overlying TCA airspace. The Canadian Ministry of Transport has designated airspace over Canadian territory which is compatible with the Detroit TCA and is described as follows:

Area E

That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL bounded on the west and northwest by the United States/Canadian Border; on the northeast by the Windsor VOR 320° radial; on the southeast by the Windsor VOR 217° radial.

V 39 I 58 MAR 25 74 XUM

The suggestion to limit the southwest boundary of the 5,000-foot area to U.S. Highway 23 is not practical for the following reasons: The Milan Intersection, located on the western boundary of the TCA is a transitional fix used for the sequencing of arriving aircraft to the Detroit Metropolitan Wayne County Airport and must be located at its present position; the TCA configuration should include this intersection in order to provide the protection of the TCA to arriving aircraft.

The two comments on the desirability of raising the altitude of the 2,300-foot floor to at least 2,800 feet MSL in the airspace overlying the Mettetal and National Airports and the airspace lying southwest of the Detroit Control Zone to allow for additional movement of VFR traffic and a suggestion to raise the floor of the 3,000-foot area to 3,500 feet MSL is not practical because of the following reasons: The TCA floor altitudes are designed specifically to contain jet aircraft departing from the Detroit Wayne County Airport and any change in floor altitudes would mean that jet aircraft would drop out of this protected airspace. The radio towers in the Farmington area are located on the outer edge of the 3,000-foot area that adjoins the 5,000-foot area. It is felt that there is sufficient airspace to safely avoid these towers.

Although some increase of activity over the Salem VORTAC is possible, the use of this VORTAC for defining TCA boundaries in this area should be of benefit to a pilot correlating his position in respect to the TCA.

The FAA has determined that there is no longer a need for the east extension of the 2,300-foot area and it is hereby eliminated.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

1. In § 71.171 (39 FR 354) the Detroit, Mich. (Metropolitan Wayne County Airport), Control Zone is amended by deleting the coordinates "Latitude 42°13'-05" N., Longitude 83°21'00" W." and substituting the coordinates "Latitude 42°13'07" N., Longitude 83°20'55" W." therefor.

2. Section 71.401(b) (39 F.R. 636), is amended by adding the Detroit, Mich., Terminal Control Area reading as follows:

DETROIT, MICH., TERMINAL CONTROL AREA

Primary Airport. Detroit Metropolitan Wayne County Airport (Lat. 42°13'07" N., Long. 83°20'55" W.)

Boundaries—Area A. That airspace extending upward from the surface to and including 8,000 feet MSL within the Detroit, Mich. (Metropolitan Wayne County Airport), Control Zone.

Area B. That airspace extending upward from 2,300 feet MSL to and including 8,000 feet MSL within a ten-mile radius of Detroit Metropolitan Wayne County Airport excluding Area "A" previously described, that airspace east of the United States/Canadian Border, and the Detroit, Mich. (Willow Run Airport), Control Zone.

Area C. That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a sixteen-mile radius of Detroit Metropolitan Wayne County Airport, excluding Areas A and B previously described, that airspace within a three-mile radius arc of the Salem VORTAC, west of the Salem VORTAC 197° radial, and east of the United States/Canadian Border.

Area D. That airspace extending upward from 5,000 feet MSL to and including 8,000 feet MSL south of Detroit Metropolitan Wayne County Airport, bounded on the north by a sixteen-mile radius arc of the Detroit Metropolitan Wayne County Airport, on the east by the United States/Canadian Border, on the south by a twenty-five mile radius arc of the Detroit Metropolitan Wayne County Airport, on the west by the Salem VORTAC 197° radial and the Waterville VORTAC 353° radial; and an area north of Detroit Metropolitan Wayne County Airport bounded on the south by a sixteen-mile radius arc of Detroit Metropolitan Wayne County Airport, on the northwest by the Salem 052° radial, on the northeast by the Windsor VOR 320° radial and on the southeast by the United States/Canadian Border.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on March 15, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-6746 Filed 3-22-74;8:45 am]

[Reg. Docket No. 13577; Amdt 95-244]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of The Federal Aviation Regulations is amended, effective April 25, 1974 as follows:

1. By amending Subpart C as follows:

Section 95.101 *Amber Federal airway 1* is amended to read in part:

From; To; and MEA

Yakutat, Alaska, LFR; Cape Yakataga INT, Alaska; 2,000.
Cape Yakataga INT, Alaska; East Cordova INT, Alaska; 5,000.

Section 95.625 *Blue Federal airway 25* is amended to read in part:

Glenallen, Alaska, LF/RBN; *Big Delta, Alaska, LFR; 12,000. *9,200—MCA Big Delta LFR, S-bound.

Section 95.5000 *High altitude RNAV routes:*

From/to; total distance; changeover point *distance from geographic location; track angle; MEA and MAA*

J-861R is amended to read in part:

El Paso, Tex., VORTAC, Wycox, Ariz., W/P; 184.2; 80; El Paso; 269/089 to COP, 267/087 to Wycox; 18,000; 45,000.
Wycox, Ariz., W/P, Elope, Ariz., W/P; 93.2; 46.6; Wycox; 272/092 to COP, 269/089 to Elope; 18,000; 45,000.

Section 95.5500 *High altitude RNAV routes:*

J907R is amended to read in part:

Organ, N. Mex., W/P, Wycox, Ariz., W/P; 150.9; 75.4; Organ; 261/081 to COP, 261/081 to Wycox; 18,000; 45,000.
Wycox, Ariz., W/P, Elope, Ariz., W/P; 93.2; 46.6; Wycox; 272/092 to COP, 269/089 to Elope; 18,000; 45,000.

J935R is amended to read in part:

Wycox, Ariz., W/P, Jewel, N. Mex., W/P; 113; 56.5; Wycox; 030/210 to COP, 029/209 to Jewel; 18,000; 45,000.

Section 95.6002 *VOR Federal airway 2* is amended to read in part:

FROM; to; MEA

Helena, Mont., VOR, via N. alter.; *Watson INT, Mont., Via N. alter.; 10,000. *10,500—MCA Watson INT, E-bound.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

Waterville, Ohio, VOR, via S. alter.; Cleveland, Ohio, VOR, via S. alter.; 2,700.

Section 95.6013 *VOR Federal airway 13* is amended by adding:

McAllen, Tex., VOR; Harlingen, Tex., VOR; 1,600.
Harlingen, Tex., VOR; Raymondville INT, Tex.; *1,600. *1,300—MOCA.
Raymondville INT, Tex.; Armstrong INT, Tex.; *4,000. *1,300—MOCA.
Armstrong INT, Tex.; Solon INT, Tex.; *4,000. *1,100—MOCA.
Solon INT, Tex.; Pogo INT, Tex.; *1,600. *1,100—MOCA.
Pogo INT, Tex.; Corpus Christi, Tex., VOR; *1,600. *1,500—MOCA.
Harlingen, Tex., VOR, via W. alter.; Fox INT, Tex., via W. alter.; *1,600. *1,300—MOCA.
Fox INT, Tex., via W. alter.; Norias INT, Tex., via W. alter.; *2,000. *1,300—MOCA.
Norias INT, Tex., via W. alter.; Jerry INT, Tex., via W. alter.; *4,000. *1,300—MOCA.
Jerry INT, Tex., via W. alter.; Corpus Christi, Tex., VOR, via W. alter.; *1,600. *1,500—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Findlay, Ohio, VOR; Cleveland, Ohio, VOR; 2,700.

Section 95.6017 *VOR Federal airway 17* is amended by adding:

Brownsville, Tex., VOR; Harlingen, Tex., VOR; 1,500.
Harlingen, Tex., VOR; McAllen, Tex., VOR; 1,600.

Section 95.6020 *VOR Federal airway 20* is amended to delete:

McAllen, Tex., VOR, via S. alter.; Harlingen, Tex., VOR, via S. alter.; 1,600.
Harlingen, Tex., VOR, via S. alter.; Raymond-

ville INT, Tex., via S. alter.; *1,600. *1,300—MOCA.
Raymondville INT, Tex., via S. alter.; Armstrong INT, Tex., via S. alter.; *4,000. *1,300—MOCA.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

McAllen, Tex., VOR; Lasara INT, Tex.; 1,600.
Lasara INT, Tex.; Norias INT, Tex.; *4,000. *1,300—MOCA.
Norias INT, Tex.; Solon INT, Tex.; *4,000. *1,100—MOCA.
Solon INT, Tex.; Pogo INT, Tex.; *1,600. *1,100—MOCA.
Pogo INT, Tex.; Corpus Christi, Tex., VOR; *1,600. *1,500—MOCA.

Section 95.6035 *VOR Federal airway 35* is amended to read in part:

Eddy INT, Fla.; Cross City, Fla., VOR; *2,000. *1,400—MOCA.
*Crayfish INT, Fla., via W. alter.; Cross City, Fla., VOR, via W. alter.; **5,000. *4,000—MRA. **1,400—MOCA.

Section 95.6047 *VOR Federal airway 47* is amended to read in part:

Findlay, Ohio, VOR; Waterville, Ohio, VOR; 2,500.

Section 95.6053 *VOR Federal airway 53* is amended to delete:

Peotone, Ill., VOR; City INT, Ill.; *2,600. *2,300—MOCA.

Section 95.6074 *VOR Federal airway 74* is amended to read in part:

Little Rock, Ark., VOR; via N. alter.; Pine Bluff, Ark., VOR, via N. alter.; 2,000. *1,600—MOCA.

Section 95.6078 *VOR Federal airway 78* is amended to read in part:

Eau Claire, Wis., VOR; *Westboro INT, Wis.; **3,700. *3,700—MRA. **3,000—MOCA.
Westboro INT, Wis.; Rhinelander, Wis., VOR; *3,700. *3,000—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Tallahassee, Fla., VOR; Albany, Ga., VOR; 2,000.
City INT, Ill.; Peotone, Ill., VOR; *2,600. *2,300—MOCA.

Section 95.6128 *VOR Federal airway 128* is amended to delete:

Section 95.6133 *VOR Federal airway 133* is amended to read in part:

Mansfield, Ohio, VOR; U.S. Canadian Border; 3,000.

Section 95.6144 *VOR Federal airway 144* is amended to delete:

City INT, Ill.; Peotone, Ill., VOR; *2,600. *2,300—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to delete:

Brownsville, Tex., VOR; via W. alter.; Harlingen, Tex., VOR, via W. alter.; 1,500.
Harlingen, Tex., VOR; via W. alter.; Raymondville INT, Tex., via W. alter.; *1,600. *1,300—MOCA.
Raymondville INT, Tex., via W. alter.; Armstrong INT, Tex., via W. alter.; *4,000. *1,300—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended by adding:

Brownsville, Tex., VOR; via W. alter.; Madre INT, Tex., via W. alter.; 1,500.
Madre INT, Tex., via W. alter.; Raymondville INT, Tex., via W. alter.; *1,600. *1,300—MOCA.
Raymondville INT, Tex., via W. alter.; Jerry INT, Tex., via W. alter.; *4,000. *1,300—MOCA.
Jerry INT, Tex., via W. alter.; Corpus Christi, Tex., VOR, via W. alter.; *1,600. *1,500—MOCA.

Section 95.6163 *VOR Federal airway 163* is amended to read in part:

Brownsville, Tex., VOR; Mansfield INT, Tex.; *1,500. *1,300—MOCA.
Mansfield INT, Tex.; Armstrong INT, Tex.; *4,000. *1,300—MOCA.
Armstrong INT, Tex.; Solon INT, Tex.; *4,000. *1,100—MOCA.
Solon INT, Tex.; Pogo INT, Tex.; *1,600. *1,100—MOCA.
Pogo INT, Tex.; Corpus Christi, Tex., VOR; *1,600. *1,500—MOCA.

Section 95.6177 *VOR Federal airway 177* is amended to read in part:

Wausau, Wis., VOR; *Westboro INT, Wis.; 3,600. *3,700—MRA.
Westboro INT, Wis.; Union INT, Wis.; *6,000. *2,800—MOCA.

Section 95.6232 *VOR Federal airway 232* is amended to delete:

Harbor View INT, Ohio; Sandusky, Ohio, VOR; 2,600.
Sandusky, Ohio, VOR; Crib INT, Ohio; *3,000. *2,100—MOCA.

Section 95.6435 *VOR Federal airway 435* is amended to read:

Rosewood, Ohio, VOR; Int. 042 M rad Rosewood VOR and 255 M rad Cleveland VOR; *3,500. *2,700—MOCA.
Int. 042 M rad Rosewood VOR and 255 M rad Cleveland VOR; Cleveland, Ohio, VOR; 2,700.

Section 95.6493 *VOR Federal airway 493* is amended to read in part:

Waterville, Ohio, VOR; Carleton, Mich., VOR; 2,400.

(Secs. 307 and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510).)

Issued in Washington, D.C. on March 13, 1974.

JAMES M. VINES,
Chief, Aircraft Programs Division.

[FR Doc.74-6209 Filed 3-22-74;8:45 am]

[Docket No. 12040; Amdt. No. 103-21]

PART 103—TRANSPORTATION OF DANGEROUS ARTICLES AND MAGNETIC MATERIALS

Reporting Certain Dangerous Article Incidents

The purpose of this amendment to Part 103 of the Federal Aviation Regulations is to permit certificate holders under Parts 121, 127, and 135 of the Federal Aviation Regulations an option regarding the place to which they may report certain incidents involving dangerous articles.

This amendment is based on a notice of proposed rule making (Notice No. 73-17) published in the FEDERAL REGISTER on June 7, 1973 (38 FR 14963). Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to the comments received in response to that notice. This amendment and the reasons therefor are the same as those contained in notice 73-17.

Of the three comments received in response to the Notice, only one opposed the rule change based on the belief that the nearest FAA facility should be notified immediately of any unintentional release of hazardous materials to insure that appropriate immediate requirements are implemented. As was noted in notice 73-17, however, it appears that, in some instances, the objective of immediate notification may be more effectively achieved if certificate holders under Parts 121, 127, and 135 are permitted to report to the FAA District Office holding the carrier's operating certificate and charged with the overall inspection of the certificate holder's operations. Accordingly, § 103.28 is amended herein to permit certificate holders under Parts 121, 127, and 135 such an option.

This amendment is issued under the authority of sections 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, § 103.28 of the Federal Aviation Regulations is amended, effective April 22, 1974, to read as follows:

§ 103.28 Reporting certain dangerous article incidents.

(a) Each carrier that transports dangerous articles shall report to the nearest ACDO, FSDO, GADO, or other FAA facility, except that in lieu of reporting to the nearest of those facilities a certificate holder under Part 121, 127, or 135 of this chapter may report to the FAA District Office holding the carrier's operating certificate and charged with overall inspection of its operations, by telephone at the earliest practicable moment after each incident that occurs during the course of transportation (including loading, unloading or temporary storage) in which as a direct result of any dangerous article—

• • • • •

Issued in Washington, D.C., on March 14, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-6745 Filed 3-22-74;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 3300]

OUTER CONTINENTAL SHELF LEASING; GENERAL

Proposed Hard Mineral Leasing Regulations; Time Extension for Comments

The time within which written comments on the proposed rulemaking to provide regulations to permit the proper development of deposits on the outer continental shelf of all minerals other than oil and gas, sulphur and salt, which are treated in the present 43 CFR Part 3300, which was published in the FEDERAL REGISTER, Vol. 39, No. 23, February 1, 1974, is hereby extended from March 15, 1974, to April 15, 1974.

At the request of interested parties, the time period for submission of comments on these proposed regulations has been extended to give the general public additional opportunity for review. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed regulations to the Director (210), Bureau of Land Management, Washington, D.C. 20240 until April 15, 1974.

JACK O. HORTON,
Assistant Secretary of the Interior.

MARCH 18, 1974.

[FR Doc.74-6735 Filed 3-22-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1011]

[Docket No. AO-251-A16]

MILK IN THE APPALACHIAN MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Appalachian marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, on or before April 4, 1974. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Bristol, Virginia, on February 8, 1974, pursuant to notice thereof which was issued February 4, 1974 (39 FR 4483).

The material issues on the record of the hearing relate to:

1. The Class II milk price.
2. Need for emergency action.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class II price.* The Class II price should be the Minnesota-Wisconsin (M-W) price for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as announced by the Department for the month.

The present Class II price, which averaged $5.57 in 1973, is the average of the prices paid for ungraded milk at specified local manufacturing plants in March-August and, in other months, the higher of that average price or a butter-powder formula price. The local plant pay price and the order's butter-powder formula price for 1973 averaged $5.24 and $6.00, respectively. The 1973 M-W price averaged $6.30. The 1973 differences between these various prices are consistent with those that have prevailed for a number of years. (The prices referred to throughout this discussion are for a hundredweight of milk containing 3.5 percent butterfat.)

A cooperative representing all but one of the producers on the market proposed that the Class II price be the lower of the M-W price or a butter-powder formula price, with a proviso that the Class II price be not less than the M-W price minus 20 cents. The butter-powder formula proposed by the cooperative is presently used as a snubber price in conjunction with the M-W price in a number of other orders. Such formula price is 23 cents more than that resulting from the butter-powder formula now provided in the order. There was no opposition to changing the present basis for pricing Class II milk.

The Class II pricing provisions of the order, essentially unchanged since inception of the order in 1954, do not appropriately reflect the value of milk for manufacturing use in the market. Of the 10 specified local manufacturing plants, the pay prices for ungraded milk of which are used as a Class II price determinant, three are no longer in operation. The remaining plants receive both can and bulk tank ungraded milk from dairy farmers. Each plant's reported pay price used in computing the Class II price is a simple average of its pay price for can and bulk tank milk. The pay prices for can milk are from $1.25 to $1.40 below pay prices for bulk tank milk. Currently, the pay prices at these plants for bulk tank milk are 10 to 15 cents more than the M-W price.

The proponent cooperative sells the milk of member producers in excess of its buying handlers' needs to local manufacturing plants at a price 25 to 50 cents above the M-W price. Apart from its Grade A operations, the cooperative purchases ungraded milk from local dairy farmers for manufacturing uses. The cooperative's pay price for this milk currently is 15 cents more than the M-W price.

A substantial part of the Class II milk pooled under the order is utilized in the higher-valued Class II outlets, such as cottage cheese and ice cream mix. Production, however, is not adequate on a year-round basis to supply fully handlers' needs for these uses. Handlers commonly utilize nonfat dry milk to produce cottage cheese when local milk is not available. Their costs for nonfat solids from this source are significantly greater than would be the case for solids in milk purchased at the order Class II price.

Proponent cooperative is the primary supplier of all handlers under the order. The milk made available to handlers for Class II uses by the cooperative is priced at the M-W price plus a stated differential.

The spokesman for the proponent cooperative stated that the Class II price should reflect the competitive value of milk for manufacturing uses and should be appropriately aligned with the prices in orders regulating handlers with which Appalachian handlers have substantial competition. He cited particularly the competition of Appalachian order handlers with handlers under the Ohio Valley and the Middle Atlantic orders. However, on cross examination he could not substantiate any significant competition between regulated Appalachian and Middle Atlantic order handlers.

The competition with Ohio Valley handlers, related by proponent, is specifically with regard to cottage cheese sales. While proponent spokesman noted that the Ohio Valley lowest class price (Class III) is the lesser of the M-W price or a butter-powder formula, milk used to produce cottage cheese (Class II) under that order is priced at the M-W price plus 10 cents.

Notwithstanding proponent's position, the Appalachian order sales and the production areas overlap those of the nearby Knoxville order substantially more than any other order. The Class II price under the Knoxville order is the M-W price, which is here adopted for the Appalachian order.

Since more than half the manufacturing grade milk in the United States is produced in Minnesota and Wisconsin, tht M-W manufacturing milk price series reflects the value of manufacturing milk nationwide. This price series reflects a price level determined by open competition among unregulated manufacturing plants for the available milk supply and the finished products are sold competitively on a national market.

The M-W price is used in most orders as a basis for pricing milk in the lowest price class. Indicative of this is the decision issued February 19, 1974 (39 FR 8452, et al.) that adopts the M-W price as the lowest class (Class III) price in 32 orders. Official notice is taken of that decision. The same decision adopts a price 10 cents above the M-W price as the price for Class II milk, which includes milk used to produce higher-valued manufactured milk products such as cottage cheese and ice cream mix.

The cooperative's proposal (utilizing a butter-powder formula in conjunction with the M-W price to determine the Class II price) could result in a Class II price as much as 20 cents below the M-W price. The testimony presented at the hearing, however, provided no justification for a Class II price at this time less than the M-W price. The cooperative is able to market all milk in excess of its buying handlers' Class I needs at a price equal to or above the M-W price. Moreover, milk for Class II uses is not available to regulated handlers from the cooperative or from alternative sources of supply at less than the M-W price. Additionally, the value of milk for manufacturing purposes locally, as indicated by the prices paid for both Grade A and ungraded milk in bulk by local manufacturing plants, is above the level of the M-W price. Under these circumstances, it is concluded that the M-W pay price should be established as the appropriate means for pricing milk for other than Class I use under the Appalachian order.

2. *Need for emergency action.* The notice of hearing provided for evidence to be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision on the proposal to change the Class II pricing provisions. At the hearing, proponent recognized a need for prompt action on the proposal, but stated that marketing conditions did not require emergency action. Moreover, no testimony was presented at the hearing to justify omission of the recommended decision and the opportunity to file exceptions thereto. The proposal for taking emergency action is therefor denied.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

A brief and proposed findings and conclusions were filed on behalf of an interested party. This brief, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by the interested party are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Appalachian marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

In § 1011.51, paragraph (b) is revised as follows:

§ 1011.51 Class prices.

* * * * * *

(b) *Class II milk price.* The Class II milk price shall be the basic formula price for the month.

Signed at Washington, D.C., on March 20, 1974.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.74-6811 Filed 3-22-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 381]

CARGO PREFERENCE; U.S.-FLAG VESSELS

Availability of Privately Owned Vessels; Correction

In FR Doc. 74-6098, appearing in the FEDERAL REGISTER of March 15, 1974, (39 FR 9984) the typographical error in paragraph (a) of § 381.7, *Availability of U.S.-flag vessels*, indicating "that experiences difficulty in filing civilian preference cargo on privately owned U.S.-flag commercial vessels, * * *" is hereby corrected to read, "that experiences difficulty in fixing civilian preference cargo on privately owned U.S.-flag commercial vessels, * * *"

Dated: March 20, 1974.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-6816 Filed 3-22-74;8:45 am]

National Oceanic and Atmospheric Administration

[50 CFR Part 280]

YELLOWFIN TUNA

Eastern Pacific Fisheries

The resolution adopted by the Inter-American Tropical Tuna Commission for 1974 recommends to continue in 1974 the experimental fishing program in effect since 1969.

The Commission's resolution for 1974, as in 1973 allows vessels of less than 400 short tons, carrying capacity to fish for yellowfin tuna within the regulatory area during the closed season under such restrictions as may be necessary to limit the catch of yellowfin by such vessels to 6,000 tons during 1974. Regarding this allotment, the National Marine Fisheries Service recommends that the 1974 allotments to small seiners and bait and jig boats remain the same as in 1973, namely:

(1) Purse seiners of 400 short tons carrying capacity or less: 4,400 short tons.

(2) Bait and jig boats: 2,300 short tons.

The yellowfin tuna incidental catch limitation for each vessel category is recommended as follows:

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(1) Purse seiners of 301–400 short tons carrying capacity: 40 percent by round weight of each vessel's total catch: *Provided*, That vessels which are on a fishing voyage longer than 70 days may land 20 percent by round weight of each vessel's established short ton carrying capacity.

(2) Purse seiners of 300 short tons carrying capacity or less: 60 percent by round weight of each vessel's total catch: *Provided*, That vessels which are on a fishing voyage longer than 50 days may land 25 percent by round weight of each vessel's established short ton carrying capacity.

(3) Bait and jig boats: 50 percent by round weight of each vessel's established short ton carrying capacity.

The total allotment for 1974 is 6,700 short tons. The additional 700 tons allotted to the vessels under 400 short tons carrying capacity is expected to be available from the unused portion of the overall country 15 percent incidental catch.

Experience gained since the last publication of amendment to the yellowfin tuna regulations on March 6, 1973, indicates a need for further amendments to the regulations to make them more effective in implementing the yellowfin conservation measures recommended by the Commission.

The proposed changes and their rationale are presented below:

(1) Section 280.7(1). A new section to be added as follows:

> Any vessel sighted inside the regulatory area while reporting its position as outside the area shall return to port for inspection or to a U.S. port for unloading within ten days after receipt by the owner of the vessel or his agent of a certified letter from the Regional Director advising him of such sighting.

This section is necessary to insure that an equitable and prompt determination may be made as to whether criminal or civil penalties shall be invoked and the case may be expeditiously processed. Failure to return to port as required, would subject the master and the catch to the criminal and civil penalties provided in the Act, as appropriate in the circumstances.

(2) In the interest of clarity, it is proposed that the mathematical formulas used to determine the amount of yellowfin tuna, that may legally be landed by a vessel subject to one of the incidental catch rates be added to the regulations. This amendment in no way changes the incidental catch rates.

We therefore propose to add at the end of §§ 280.7(b)(1) and 280.(j), and immediately before the last sentences in §§ 280.7(b)(2), 280.7(b)(3), and 280.7(b)(4)(ii): "Legal yellowfin tuna=$^{15}/_{85}$ times mingled species catch.)"

Add immediately before proviso to § 280.7(b)(2): "(Legal Yellowfin tuna =40/60 times mingled species catch.)"

Add immediately before proviso to § 280.7(b)(2): "(Legal yellowfin tuna =60/40 times mingled species catch.)"

(3) Present regulations that implement conservation measures on the taking and transporting of yellowfin tuna require recordkeeping and written reports from masters or other persons in charge of a tuna vessel. The National Marine Fisheries Service has determined that a similar requirement should be imposed on cargo vessels that transship from another country to the United States tuna taken in the Eastern Tropical Pacific.

Therefore, it is our intent to amend § 280.9 to require, before obtaining permission from the U.S. Customs to unload round tuna, information regarding the source of such cargo and to state the penalty if such information is not provided.

Section 280.9 is amended by adding new paragraphs (f), (g), and (h) as set forth below.

Because numerous amendments to the original 1962 Yellowfin Tuna regulations have taken place since the last complete reprinting on March 4, 1972 we are herewith reprinting the entire regulations. Other than the above substantial changes, any changes are editorial.

Before final adoption of amendments, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing to the Regional Director, Southwest Region, National Marine Fisheries Service, 400 South Ferry Street, Terminal Island, CA 90731, on or before April 4, 1974. Interested persons will be afforded an opportunity to comment on the proposed amendments at a public hearing to be held in the United Portuguese Club, 2818 Addison Street, San Diego, CA, beginning at 9:30 a.m., April 2, 1974. Any person who intends to testify at this hearing is requested to furnish in writing, prior to the hearing, his name and the name of the organization he represents, if any, to the Regional Director.

The proposed amendments are issued under the authority contained in subsection (c) of Section 6 of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 955(c)), as modified by Reorganization Plan No. 4, effective October 3, 1970 (35 FR 15627).

Issued at Washington, D.C., and dated March 25, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

Part 280 of 50 CFR is revised as set forth below:

PART 280—YELLOWFIN TUNA

Sec.
280.1 Definitions.
280.2 Basis and purpose.
280.3 Catch limits.
280.4 Open season.
280.5 Closed season.
280.6 Open season restrictions applicable to fishing vessels.
280.7 Closed season restrictions applicable to fishing vessels.
280.8 Emergency action by Service Director.
280.9 Restrictions applicable to cargo vessels.
280.10 Restrictions applicable to purchasers.
280.11 Recordkeeping and written reports.
280.12 Persons and vessels exempted.
280.13 National Oceanic and Atmospheric Administration employees designated as enforcement agents.
280.14 State officers designated as enforcement agents.

AUTHORITY: The provisions of this Part 280 issued under 64 Stat. 777, as amended, 16 U.S.C. 951, as modified by Reorganization Plan No. 4, effective Oct. 3, 1970 (35 FR 15627).

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be understood to mean:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zone.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, D.C., May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.T. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) *Director of investigations.* The Director of Investigations, Inter-American Tropical Tuna Commission, La Jolla, California.

(e) *Service director.* The Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

(f) *Regional director.* The Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, California, telephone number, area code, 213, 548–2575.

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south latitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south latitude intersects the coast. Except that for 1974 only, the area encompassed by a line drawn starting at 110° west longitude and 3° north latitude extending east along 3° north latitude to 95° west longitude; thence south along 95° west longitude to 3° south latitude; thence east along 3° south latitude to 90° west longitude; thence south along 90° west longitude to 10°south latitude; thence west along 10° south latitude to 110° west longitude; thence north along 110° west longitude to 3° north latitude shall be excluded from the regulatory area to encourage exploratory fishing.

(h) *Yellowfin tuna.* No other fishes except the species *Thunnus albacores.*

(i) *Mingled species.* (1) Any species of billfish or shark.

(2) No other species of the family Scombridae except: Skipjack (*Euthynnus pelamis*), bigeye (*Thunnus obesus*), bluefin (*Thunnus thynnus*), albacore (*Thunnus alalunga*), or bonito (*Sarda chiliensis*).

(j) *Fishing vessel.* All watercraft subject to the jurisdiction of the United States which are used for catching or processing fish, except purse seine skiffs.

(k) *Fishing voyage.* The period between the date a fishing vessel departs from any port to carry out fishing operations and the date such vessel unloads any of its catch or the date such vessel returns to any port for the express purpose of receiving an inspection by a designated agent of the National Marine Fisheries Service.

(l) *Cargo vessel.* All watercraft which are used for transporting fish or fish products, except fishing vessels.

(m) *Person.* Individual, association, corporation, or partnership subject to the jurisdiction of the United States.

(n) *Open season.* The time during which yellowfin tuna may lawfully be captured without limitation by any fishing vessel operating within the regulatory area.

(o) *Closed season.* The time during which yellowfin tuna may not be captured in the regulatory area, except in limited quantities as an incident to fishing for species with which yellowfin may be mingled.

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, Calif., on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At each annual meeting held since 1962, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of an incidental catch by weight of yellowfin tuna when landed with one or more of the following fishes usually caught mingled with yellowfin tuna, that are taken on fishing trip begun after the close of the yellowfin tuna fishing season: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, the billfishes, and the sharks; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limits.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of Commerce of the recommended catch limit, announcement of the catch limit thus established shall be made by the Service Director through publication of a suitable notice in the FEDERAL REGISTER. The Service Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 0001 hours on the first day of January and terminate at 0001 hours on a date to be announced as provided in § 280.5. Time in hours shall refer to local time in the area affected.

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations will determine the date on which he deemed that the yellowfin fishing season should close and will promptly notify the Service Director of such date. The Service Director shall then announce the season closure date thus established by publication of a notice in the FEDERAL REGISTER. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined had been affected by changed circumstances, he may substitute another date which shall be announced by the Service Director in like manner as provided for the date originally determined.

§ 280.6 Open season restrictions applicable to fishing vessels.

(a) During the open yellowfin tuna season, every fishing vessel operating within the regulatory area shall transmit once each calendar week a message between 0900 and 2400 hours local California time. The message shall be transmitted directly to the Director of Investigations through the shore representative of the fishing vessel and shall state: the name of the reporting vessel and the tonnage by species of fish aboard. The above reporting procedure shall go into effect on a date to be announced by the Service Director through publication of a notice in the FEDERAL REGISTER.

(b) During the open yellowfin tuna season, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 0800 and 1000 hours local California time. This requirement will also apply, for 1974 only, to every fishing vessel operating in the area described in the second sentence of paragraph (g) of Section 280.1. The message shall be transmitted directly to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations, and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean, but outside the regulatory area as of this date (give date)."

§ 280.7 Closed season restrictions applicable to fishing vessels.

Except as otherwise provided in this section, after notice has been published in the FEDERAL REGISTER announcing closure of the yellowfin season, it shall be unlawful for any person or fishing vessel to land yellowfin tuna captured from within the regulatory area in any port or place until the season reopens on the following January 1.

(a) Any fishing vessel which has departed port to engage in tuna fishing, prior to the date of closure of the yellowfin season, may continue to capture yellowfin tuna within the regulatory area without restriction until the fishing voyage has been completed.

(1) In addition, for 1974 only, any fishing vessel which is in port at the closure and has either (i) completed a voyage in the regulatory area during the 1974 open season or (ii) completed a voyage in the regulatory area during 1973 will be allowed one additional unrestricted fishing voyage provided that departure is made within 30 days thereafter.

(2) For the purpose of the above, departure refers to the date a vessel leaves port prepared to carry out fishing operations. A stopover at a single intermediate port, not exceeding 48 hours, may, however, be made to meet deficiencies in outfitting, supplying, fueling, provisioning or manning needs for a fishing voyage. Remaining in excess of 48 hours shall constitute a new fishing voyage cor-

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responding to the delayed departure date.

(b) Any fishing vessel which departs port on a fishing voyage after closure of the yellowfin season, except as provided in paragraph (a) of this section, may land yellowfin tuna captured from within the regulatory area in limited quantities as provided in subparagraphs (1) to (3) of this paragraph as an incident to fishing for species with which yellowfin may be mingled. The Service Director may, however, through publication of a notice in the FEDERAL REGISTER adjust the incidental catch limitations to assure that the special allotments designated for vessels of 400 short tons carrying capacity or less are not underutilized and the 15 percent overall incidental catch for the entire tuna fleet is not exceeded. Any quantity of yellowfin tuna landed in excess of the limitations provided in (b)(1) to (b)(3) of this section shall be subject to seizure and forfeiture pursuant to the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

(1) Purse seiners over 400 short tons carrying capacity may land in any port or place yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 15 percent by round weight of its total catch (legal yellowfin tuna=$\frac{15}{85}$ times mingled species catch).

(2) Purse seiners of 400 short tons carrying capacity or less may land in any U.S. port yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 40 percent by round weight of its total catch (legal yellowfin tuna = 40/60 times mingled species catch): *Provided however*, That any vessel of 301–400 short tons carrying capacity which is on a fishing voyage longer than 70 days may land 20 percent yellowfin tuna by round weight of its established short ton carrying capacity. Nor shall any purse seiner of 300 short tons carrying capacity or less be permitted to land yellowfin tuna in excess of 60 percent by round weight of its total catch (legal yellowfin tuna= 60/40 times mingled species catch): *Provided however*, That any such vessel that is at sea longer than 50 days may land 25 percent yellowfin tuna by round weight of its established short ton carrying capacity. That local wet fish seiners may accumulate the 60 percent allowance by weight for the separate period from the date of closure of the yellowfin fishing season until the end of that month, and for each separate period consisting of one calendar month thereafter provided such vessels have not landed any yellowfin tuna during the open season and make deliveries only on a daily basis. When the catch of yellowfin tuna by purse seiners of 400 short tons carrying capacity or less reaches 4,400 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(3) Bait and jig boats may land in any U.S. port yellowfin tuna captured from within the regulatory area, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 50 percent by round weight of its short ton carrying capacity once established in accordance with subparagraph (4) of this paragraph. When the catch of yellowfin tuna by bait and jig boats collectively reached 2,300 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(4) The short ton capacity of vessels will be determined from tables prepared by the Commission which relate carrying capacity to registered tonnages and from official unloading records available to the National Marine Fisheries Service.

(i) Managing Owners of purse seine vessels of 400 short tons carrying capacity or less will be notified by registered mail that their vessel is in this category and is subject to the provisions of paragraph (b)(2) of this section.

(ii) Except as provided below for bait and jig boats, managing owners not receiving notification by registered mail can assume that their vessel is over 400 short tons carrying capacity and is subject to the provisions of (b)(1) of this section.

(iii) To qualify for the bait and jig boat yellowfin allocation, managing owners of such vessels shall supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information will be used by the Regional Director to establish the short ton carrying capacity of each vessel. Failure to comply shall result in each such vessel being limited to 15 percent yellowtail tuna by round weight of its total catch. This 15 percent limitation shall remain in effect until the aforesaid documentation is furnished by the vessel's managing owner.

(5) The tonnage limitations specified in (b)(2) and (3) of this section may be adjusted upward or downward. Any such adjustment will be based upon the estimated use of the incidental catch allowances, and shall be apportioned as determined by the Service Director. Announcement of such adjustment shall be made by publication of a notice in the FEDERAL REGISTER by the Service Director.

(c) Any fishing vessel operating within the regulatory area which began its fishing voyage during the closed season and is restricted to the catch limitations as provided in paragraph (b) of this section shall be subject to such limitation regardless of its arrival date in port. In addition, any vessel so restricted which discharges some but not all of its catch, shall be subject to the same restrictions upon completion of its next fishing voyage.

(1) Any fishing vessel having incidentally caught yellowfin tuna aboard may, however, begin fishing on January 1 for yellowfin tuna without restriction, provided such vessels are made available for inspection during the period December 27 through December 31. A request for the designation of an inspection port shall be made to the Regional Director on or before December 23. Upon notification by the Regional Director of the availability of an inspection port, each vessel shall proceed to such port for inspection by a designated agent of the National Marine Fisheries Service. Official seals will be affixed to wells containing incidentally caught yellowfin tuna and the same will be noted in the vessel's log. Fish in the wells at the time of inspection shall be subject to the incidental catch limitations as set forth in paragraph (b) of this section, regardless of the date of unloading. In addition, the Regional Director shall be notified not less than 48 hours in advance of the date and place of any unloadings from inspected vessels. Upon arrival at point of sale or delivery, the official seals will be removed by a designated agent of the National Marine Fisheries Service. Inspected vessels shall not be allowed to leave port to resume fishing activities until 0001 hours, January 1.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, tampering with or removing an official seal or altering the vessel's log, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(d) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall report to the Regional Director, within 48 hours before leaving port, giving name of the reporting vessel and the port of departure; within 24 hours before leaving the regulatory area, giving the latitude of departure and the approximate time of departure; and within 24 hours before returning to the regulatory area, giving the latitude of reentry, the approximate time of reentry and the tonnage by species of fish aboard. For 1974 only, the area described in the second sentence of paragraph (g) of Section 280.1 is considered to be outside the regulatory area.

(1) In addition, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 0800 and 1000 hours local California time. This message shall be transmitted directly to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations, and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean but outside the regulatory area as of this date (give date)." Any vessel failing to receive acknowledgement from Coast Guard San Francisco, must transmit the same message on the following day. Should the vessel fail to receive acknowledgement within three consecutive days, the vessel's radio equipment shall be considered inoperative and the vessel shall return directly to port without delay to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(e) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall proceed without delay to waters outside the regulatory area and upon reentering the regulatory area shall proceed directly to port without delay.

(1) If a vessel must, however, make an emergency port call, it shall proceed directly to port without delay and shall notify the Regional Director, not less than 48 hours prior to arrival, giving the name of the port to be entered. If the vessel elects to resume fishing outside the regulatory area, it must follow the procedures required in paragraph (d) of this section and shall proceed without delay directly to waters outside the regulatory area.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(f) Any fishing vessel which on the same voyage operates within and outside the regulatory area shall be subject to the incidental catch limitations as set forth in paragraph (b) of this section, unless such vessel is made available for inspection as provided in this paragraph.

(1) Any fishing vessel electing to change fishing areas, without having that portion of its catch taken outside the regulatory area restricted to such incidental catch limitations, shall request inspection services from the Regional Director. Vessels within the regulatory area shall report not less than 48 hours prior to electing to leave the area, stating their intention and requesting the designation of an inspection port. Vessels outside the area shall report within 24 hours before returning to the regulatory area, stating their intention, requesting the designation of an inspection port, and giving the latitude of reentry, the approximate time of reentry and the tonnage by species of fish aboard. Upon notification by the Regional Director of the availability of an inspection port, each vessel shall proceed directly without delay to such port inspection by a designated agent of the National Marine Fisheries Service. Official seals will be affixed to wells containing fish captured within or outside the regulatory area, as appropriate, and the same will be noted in the vessel's log. Upon arrival at point of sale or delivery, the official seals will be removed by a designated agent of the National Marine Fisheries Service.

(2) Any vessel failing to file the reports and to follow the procedures of this paragraph, tampering with or removing an official seal or altering the vessel's log shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage.

(g) All fishing vessels, except vessels proceeding directly to Puerto Rico or to any other U.S. port for unloading, shall notify the Regional Director not less than 48 hours prior to leaving the regulatory area via the Panama Canal. In addition, all fishing vessels, except vessels without fish aboard, shall notify the Regional Director not less than 48 hours prior to entering the regulatory area via the Panama Canal. Each report shall include the name of the reporting vessel, the tonnage by species of fish aboard and whether the fish were caught in or outside the regulatory area in Pacific waters or from Atlantic waters. Any vessel failing to file the reports and to follow the procedures of this paragraph, shall be restricted to the incidental catch limitations set forth in paragraph (b) of this section for its entire fishing voyage, regardless of its arrival date in port.

(h) All fishing vessels shall notify the Regional Director not less than 48 hours prior to any sale or delivery in a foreign country, of fish caught in the Pacific Ocean from within or outside the regulatory area. Such reports shall include the tonnage by species unloaded and whether such fish were caught in or out of the regulatory area.

(i) All fishing vessels shall notify the Regional Director not less than 48 hours prior to transferring fish caught in the Pacific Ocean from within or outside the regulatory area to another vessel for the purpose of transshipment. Such reports shall include the date and place of unloading, name and destination of the oncarrying vessel, tonnage by species of fish transferred and whether the transferred fish were caught in or outside the regulatory area.

(j) All fishing vessels that are permanently based in a foreign country, which elect to participate in the allocation provisions for vessels of 400 tons carrying capacity of less shall (1) unload in a U.S. port after each voyage begun during the closed season, or

(2) transship all fish taken on such voyages to a U.S. port in accordance with paragraphs (i) of this section. Any vessel failing to follow the procedures of this paragraph, shall be limited to an incidental rate of yellowfin tuna not to exceed 15 percent by round weight of its total catch (legal yellowfin tuna=$\frac{15}{85}$ times mingled species catch).

(k) All reports required in paragraphs (d) to (i) of this section, except messages transmitted directly to Coast Guard Radio San Francisco, shall be telephoned to area code 714, telephone number, 233–5511. Such reports, which must be delivered within the time limits specified, may be made by prepaid commercial radio message or relayed through the shore representative of the reporting vessel.

(l) Any vessel sighted inside the regulatory area while reporting its position as outside the regulatory area shall return to port for inspection or to a U.S. port for unloading within ten days after receipt by the owner of the vessel or his agent of a certified letter from the Regional Director advising him of such sighting.

§ 280.8 Emergency action by service director.

If during the closed yellowfin season, the Service Director finds that the provisions relating to the fishing outside the regulatory area are inadequate to insure that the recommendations of the Commission are met, he shall announce such findings through publication of a notice in the FEDERAL REGISTER and immediately thereafter:

(a) Every fishing vessel at sea, having yellowfin tuna aboard in excess of the incidental catch limitations as provided in § 280.7(b) which is claimed to have been captured outside the regulatory area, but in the Pacific Ocean, shall return directly without delay to its home port or port of departure to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service. Any vessel failing to comply with the above requirements, shall be restricted to the incidental catch limitations set forth in § 280.7(b) for its entire fishing voyage.

(b) Any fishing vessel which has operated in the regulatory area at any time during the calendar year and which departs on any fishing voyage within the Pacific Ocean after the notice described in this section is published in the FEDERAL REGISTER, shall be restricted to the incidental catch limitations as provided in § 280.7(b).

§ 280.9 Restrictions applicable to cargo vessels.

(a) Any fishing vessel shall be deemed to have completed a fishing voyage whenever any part of its catch is transferred to a cargo vessel in conformity with the requirements of this section.

(b) In keeping with the provisions of 46 U.S.C. 251, no foreign-flag vessel, whether documented as cargo vessel or otherwise, is permitted to land in port of the United States any fish or fish products taken on board such vessel on the high seas.

(c) The transfer of fish from a fishing vessel to a cargo vessel while in a foreign country or in waters over which each country has recognized jurisdiction is subject to the applicable laws and regulations of such foreign country.

(d) During the closed yellowfin tuna season, no fishing vessel shall transfer on the high seas any part of its catch to a cargo vessel documented under the laws of the United States and no such cargo vessel shall receive, possess, or bring to any place in the United States, fish taken on board on the high seas from a fishing vessel unless the cargo vessel shall hold

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a permit issued in conformity with paragraph (e) of this section.

(e) Upon written application made to him, the Regional Director may issue a permit authorizing a cargo vessel documented under the laws of the United States to receive, possess, transport to the United States, fish transferred from fishing vessels on the high seas during the closed yellowfin tuna season. Such permit may authorize the possession and transportation of yellowfin tuna by a cargo vessel without regard to the quantities of fish received, but it shall contain restrictions as the Regional Director shall determine to be necessary to achieve compliance with the regulations in this part and the objectives of the yellowfin tuna conservation program.

(f) Any cargo vessel seeking permission to land in a port of the United States a cargo of round tuna shall be required to provide to the nearest Customs Office as a prerequisite to obtaining such permission from Customs the following informations with respect to such cargo:

(1) Name, official number, and flag of each fishing vessel that transferred tuna either directly or indirectly through loading at port facilities, and whose tuna is aboard the cargo vessel at the time it seeks the aforesaid permission.

(2) Date of transfer or loading.

(3) Location of transfer or loading; and

(4) Certification from the master of each such fishing vessel that transferred such tuna setting forth the tonnage of tuna by species caught inside the regulatory area, tonnage by species of tuna caught outside the regulatory area, and as to each category, the dates of harvesting.

(g) Any cargo vessel failing to provide the information required in paragraph (f) of this section shall be denied the privilege of unloading its cargo of tuna in a port of the United States.

(h) Any person who knowingly unloads or permits to unload tuna from a cargo vessel in violation of paragraph (f) of this section or any person who knowingly provides false information in violation of paragraph (f) of this section shall, as well as the cargo of tuna, be subject to the penalties provided for in the Act.

§ 280.10 Restrictions applicable to purchasers.

(a) Except as provided in paragraphs (b) and (d) of this section, it shall be unlawful for any person knowingly to receive, purchase, sell, offer for sale, import, export, or have in custody, possession, or control any yellowfin tuna taken or retained by a fishing vessel in violation of the regulations in this part.

(b) In view of the perishable nature of yellowfin tuna when not processed otherwise than by chilling or freezing, and person authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable yellowfin tuna as may be seized and forfeited pursuant to the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–956).

(c) The proceeds of any sale made pursuant to paragraph (v) of this section after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Suspense Account of the National Marine Fisheries Service (Account No. 14X6875 (17)) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa seized any yellowfin tuna under the applicable laws or regulations of such government, such yellowfin tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any yellowfin tuna so seized by an official of State, the Commonwealth of Puerto Rico or American Samoa shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be processed against under applicable Federal laws or regulations.

§ 280.11 Recordkeeping and written reports.

(a) The master or other person in charge of a tuna vessel or such person as may be authorized in writing to serve as the agent of either of such persons shall throughout the open and closed yellowfin tuna fishing seasons:

(1) Keep an accurate log of all operations conducted from the vessel entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the tonnage of fish aboard by species. The record and bridge log maintained at the request of the Commission shall be sufficient to comply with this paragraph provided the items of information specified herein are fully and accurately entered in such log.

(2) Furnish on form obtainable from the Regional Director, following the sale or delivery of a catch of fish made by such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual giving the name and official number of the fishing vessel, the dates of beginning and ending of the fishing voyage, the port of departure, and a listing separately by species of the round weight quantities (pounds or short tons) of fish sold or delivered. At the option of the vessel master or other person in charge, a copy of the fish ticket, weightout slip, settlement sheet, or similar record issued by the fish dealer or his agent may, however, be used for reporting purposes in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph. In addition, any vessel landing its catch in California and reporting by means of a copy of the California fish ticket, the California Fish and Game boat number may be indicated in lieu of the vessel's official number. Such sale and delivery reports shall be delivered or mailed to the Regional Director within 72 hours after weightout has been completed.

(b) Any person authorized to carry out enforcement activities under the regulations in this part and any person authorized by the Commission shall have power, without warrant or other process to inspect, at any reasonable time, log books, catch reports, statistical records, or other reports as required by the regulations in this part to be made, kept or furnished.

§ 280.12 Persons and vessels exempted.

Nothing contained in § 280.2 to § 280.11 shall apply to:

(a) Any person or vessel authorized by the Commission, the Service Director, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personnel use.

§ 280.13 National Oceanic and Atmospheric Administration Employees designated as enforcement agents.

Any employee of the National Oceanic and Atmospheric Administration duly appointed and authorized to enforce Federal laws and regulations administered by the National Oceanic and Atmospheric Administration is authorized and empowered to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

§ 280.14 State Officers designated as enforcement agents.

Any officer or employee of a State of the United States, of the Commonwealth of Puerto Rico or of American Samoa who has duly designated by the Service Director or his delegate with the consent of the Government concerned, is authorized to function as a Federal law enforcement agent and to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

[FR Doc.74–6863 Filed 3–22–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 27]

CANNED PLUMS

Proposed Amendment to Standard of Identity and Establishment of Standards of Quality and Fill of Container; Correction

In FR Doc. 74–1510 appearing at page 2377 in the issue for Monday, January 21, 1974, paragraph (c)(1)(ii) was inadvertently dropped from § 27.45 on page 2382.

As corrected, § 27.45(c)(1) reads as follows:

§ 27.45 Canned plums; identity; label statement of optional ingredients.

* * * * * *

(c) *Packing media.* (1) The optional packing media referred to in paragraph (a) of this section which may be used as such, or to which any one or any combination of two or more safe and suitable nutritive carbohydrate sweetner(s) may be added, are:

(i) Water;

(ii) Fruit juice(s) and water; and

(iii) Fruit juice(s).

* * * * * *

Dated: March 18, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–6753 Filed 3–22–74;8:45 am]

[21 CFR Part 53]

TOMATO JUICE

Proposal To Amend Standard of Identity

Notice is given that the Del Monte Corp., 215 Fremont St., P.O. Box 3575, San Francisco, CA 94119, has filed a petition proposing to amend the standard of identity for tomato juice (21 CFR 53.1) to provide for the addition of ascorbic acid (vitamin C) in such quantity that the total vitamin C content in each 6 fluid ounces of the finished food amounts to 100 percent of the U.S. Recommended Daily Allowance (U.S. RDA) for vitamin C. The petitioner also proposes that use of the vitamin be declared on the label by one of the following statements: "added vitamin C", "with added vitamin C", or "fortified with vitamin C", and that the label bear nutritional information in accorance with the requirements promulgated in 21 CFR Part 1.

Grounds given by the petitioner in support of the proposed amendment are:

1. Tomato juice is frequently consumed as a morning or breakfast beverage.

2. When consumed at breakfast time, it replaces or is a substitute for citrus juices, pineapple juice or other fruit beverages containing a significantly higher amount of vitamin C, either occurring naturally or added to the juice or beverage.

3. Tomato juice contains a natural but limited amount of vitamin C. However, because the amount of the nutrient is limited, those persons who prefer tomato juice, rather than other fruit juices of higher vitamin C content, are not able to substitute tomato juice as an equally good source of vitamin C.

4. Having a fortified tomato juice available at the level proposed will benefit consumers in the following ways:

a. Providing a wider choice of juices, which fulfill the U.S. RDA for vitamin C and which have significantly different organoleptic characteristics, will aid in assuring that each member of a consumer's family, though having different preferences, can more readily obtain the optimum amount of vitamin C each day.

b. It is common practice for consumers to rely heavily on beverages served at breakfast as a major source of vitamin C. Most of these juices do provide 100 percent of the U.S. RDA for vitamin C. Data on tomato juice consumption rate and pattern reveal that over half of all tomato juice is consumed at breakfast. Therefore, it is in the best interest of consumers to have tomato juice available that also provides 100 percent of the U.S. RDA for vitamin C.

c. For those consumers wishing to control their caloric intake, vitamin C-fortified tomato juice will be particularly advantageous because it contains only about one-half the caloric content of other popular juices now available which supply 100 percent of the U.S. RDA for vitamin C.

Therefore, the Del Monte Corporation petition proposes to amend Part 53 by revising § 53.1 to read as follows:

§ 53.1 Tomato juice; identity; label statement of optional ingredients.

(a) Tomato juice is the unconcentrated liquid extracted from mature tomatoes of red or reddish varieties, with or without scalding followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such liquid is strained free from skins, seeds, and other coarse or hard substances, but carries finely divided insoluble solids from the flesh of the tomato. Such liquid may be homogenized, and may be seasoned with salt. Such liquid may contain added ascorbic acid (vitamin C) in a quantity such that the total vitamin C in each 6 fluid ounce serving of the finished food amounts to 100 percent of the U.S. Recommended Daily Allowance (U.S. RDA) for vitamin C. This level of ascorbic acid will be deemed to have been met if a reasonable overage of ascorbic acid, within limits of good manufacturing practice, is present to insure that the required level of ascorbic acid is maintained throughout the expected shelf life of the food under customary conditions of distribution. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

(b) When vitamin C is added as provided in paragraph (a) of this section, it shall be designated on the label as "added vitamin C", or "with added vitamin C" or "fortified with vitamin C". Further, the label shall bear such additional information in accordance with the requirements promulgated in 21 CFR Part 1 as applicable.

The petitioner's proposal is interpreted as requiring that when vitamin C is added the statement "added vitamin C", or "with added vitamin C," or "fortified with vitamin C" shall appear on the principal display panel accompanying the name of the food. The Commissioner proposes that the only requirements for declaring added vitamin C be the applicable sections of Part 1 of this chapter including § 1.17. The Commissioner's proposal would not preclude a manufacturer from placing a factual and nonmisleading statement concerning added vitamin C on the principal display panel.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs, 401, 701(e), 52 Stat. 1046, as amended, 70 Stat. 919; 21 U.S.C. 341, 371 (e)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Part 53 by revising § 53.1 to read as follows:

§ 53.1 Tomato juice; identity; label statement of optional ingredients.

(a) Tomato juice is the unconcentrated liquid extracted from mature tomatoes of red or reddish varieties, with or without scalding followed by draining. In the extraction of such liquid, heat may be applied by any method which does not add water thereto. Such liquid is strained free from skins, seeds, and other coarse or hard substances, but carries finely divided insoluble solids from the flesh of the tomato. Such liquid may be homogenized, and may be seasoned with salt. Such liquid may contain added ascorbic acid (vitamin C) in a quantity such that the total vitamin C in each 6 fluid ounce serving of the finished food amounts to 100 percent of the U.S. Recommended Daily Allowance (U.S. RDA) for vitamin C. This level of ascorbic acid will be deemed to have been met if a reasonable overage of ascorbic acid, within limits of good manufacturing practice, is present to insure that the required level of ascorbic acid is maintained throughout the expected shelf life of the food under customary conditions of distribution. When sealed in a container it is so processed by heat, before or after sealing, as to prevent spoilage.

(b) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 1 of this chapter.

Interested persons may on or before April 24, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 18, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–6755 Filed 3–22–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

United States Coast Guard

[33 CFR Part 117]

[CGD 74 48]

MYSTIC RIVER, MASS.

Drawbridge Operation Regulations

At the request of the Metropolitan District Commission, Boston, Massachusetts, the Coast Guard is considering amending the regulations for the Wellington Bridge across the Mystic River, between Somerville and Medford to allow the draw to remain closed to the passage of vessels. Present regulations require the draw to open for large vessels during certain periods of each day and for all vessels at other times. The draw has been opened on rare occasions and the entire bridge is scheduled to be replaced within the next few years.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, First Coast Guard District (oan), 150 Causeway Street, Boston, Massachusetts 02114. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, First Coast Guard District.

The Commander, First Coast Guard District, will forward any comments re-

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ceived before April 30, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that 33 CFR Part 117, be amended by adding a new subparagraph (3) to paragraph (g) of § 117.75 to read as follows:

§ 117.75 **Boston Harbor, Mass., and adjacent waters; bridges.**

• • • • •

(g) *Mystic River—Bridges from mouth to and including Boston and Maine Railroad bridge between Somerville and Medford.*

• • • • •

(3) *Wellington Bridge between Somerville and Medford.* The draw need not open for the passage of vessels, and paragraphs (b) to (f) of this section shall not apply to this bridge.

• • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: March 15, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-6731 Filed 3-22-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-RM-4]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the transition area at Helena, Mont.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Federal Aviation Administration, Park Hill Station, P.O. Box 7213, Denver, Colorado 80207. All communications received on or before April 19, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 10455 E. 25th Avenue, Aurora, Colorado 80010.

Instrument approach procedures at Helena, Mont., have been revised to include 15 nautical miles DME transition arcs to the ILS runway 26 and VOR/DME runway 26 SIAPs. Additional controlled airspace is required east of Helena VORTAC to provide protection for aircraft holding at Hauser NDB/Sewell DME fix.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (39 FR 440) amend the 1200-foot transition area at Helena, Mont., to read:

• • •; and that airspace extending upward from 1200 feet above the surface within a 24-mile radius of the Helena VORTAC, extending from the Helena VORTAC 272° radial clockwise to the Helena VORTAC 191° radial; within 6 miles south and 9 miles north of the Helena VORTAC 272° radial, extending from the VORTAC to 45 miles west of the VORTAC; within 5 miles east and 9 miles west of the Helena VORTAC 023° radial, extending from the 24-mile radius area to 36 miles northeast of the VORTAC; and within 6 miles south and 9.5 miles north of the Helena VORTAC 102° radial, extending from the 24-mile radius area to 28.5 miles east of the VORTAC.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Aurora, Colorado, on March 15, 1974.

I. H. HOOVER,
Acting Director, Rocky Mountain Region.

[FR Doc.74-6768 Filed 3-22-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-30]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Knoxville, Tenn., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Knoxville transition area described in § 71.181 (39 FR 440) would be amended as follows:

"• • • excluding the portion within the Morristown, Tenn., transition area • • •" would be deleted and "• • • within an 8-mile radius of Knoxville Downtown Island Airport (latitude 35°57'45" N., longitude 83°52'30" W.); excluding the portion within Morristown, Tenn., transition area • • •" would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for additional IFR operations at Knoxville Downtown Island Airport. A prescribed instrument approach procedure to this airport, utilizing the Knoxville VORTAC and conducting the approach from the north, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 13, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-6764 Filed 3-22-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-EA-11]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Lewisburg, W. Va., Transition Area (39 FR 529).

A new instrument landing system approach procedure to Runway 4 was recently developed for the Greenbrier Valley Airport, Lewisburg, W. Va. The new procedure will require additional 700-foot floor transition area to provide controlled airspace for the holding pattern associated with the procedure.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Lewisburg, West Virginia, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to alter the description of the Lewisburg, W. Va. 700 foot floor transition area as follows: In the text, delete, "within 3-miles each side of the 216° bearing from the Lewisburg, W. Va. RBN (lat. 37°46'52" N., long. 80°28'10" W.) extending from the RBN to 9.5 miles southwest" and by substituting, "within 6.5 miles west and 4.5 miles east of a 216° bearing from the Lewisburg, W. Va. RBN extending from the RBN to a point 11.5 miles southwest of the RBN.".

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 7, 1974.

JAMES BISPO,
Deputy Director, Eastern Region.

[FR Doc.74-6771 Filed 3-22-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-NW-05]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Eugene, Oregon Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

This amendment would provide additional controlled airspace for radar vectoring of enroute and arriving aircraft at Eugene, Oregon; thereby permitting more direct routing and some decrease in the distance flown.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (39 FR 440) the description of the Eugene, Oregon Transition Area is amended to read as follows:

EUGENE, OREGON

That airspace extending upward from 700 feet above the surface within a 21-mile radius of the Eugene VORTAC; that airspace extending upward from 1200 feet above the surface northeast of Eugene, bounded on the north by V-536, on the southeast by V-121N (proposed), on the southwest by the arc of the 21-mile radius circle, on the northwest by V-23E; that airspace east of Eugene bounded on the north by V-121 (proposed), on the east by latitude 122°30'00" W. on the southwest by V-452 and on the west by the arc of the 21-mile radius circle.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on March 12, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74-6765 Filed 3-22-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-NW-04]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Portland, Oregon Transition Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

The proposed amendment to the Portland, Oregon Transition Area would provide lower minimum vector altitudes between Salem and Redmond, Oregon and lower minimum altitudes for vectoring enroute aircraft operating to and from Portland, Medford and Eugene, Oregon.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (39 FR 440) the description of the Portland, Oregon Transition Area is amended as follows.

Delete the last sentence of the description beginning, "That airspace south of Portland extending upward from 10,000 feet MSL • • •" and substitute the following, "That airspace south of Portland extending upward from 7500 feet MSL bounded on the north by the 60-mile circle centered on Portland International Airport, on the northeast by the southwest edge of V-165, on the east by longitude 120°00'00"W, on the south by the north edge of V-536, on the west by longitude 122°23'00"W; that airspace southeast of Portland extending upward from 10,000 feet MSL bounded on the northeast by the southwest edge of V-165, on the south by the north edge of V-536, and on the west by longitude 122°00'00"W."

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on March 11, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74-6767 Filed 3-22-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-EA-13]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Potsdam, N.Y. (39 FR 571) and Ogdensburg, N.Y. (39 FR 557) Transition Areas.

A new instrument approach procedure to Runway 24 at Potsdam, N.Y. Airport, based on the Potsdam, N.Y. non-federal radio beacon, is in development. To provide controlled airspace for the procedure

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will require alteration of the transition areas.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Potsdam, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71, Federal Aviation Regulations by amending the description of the Potsdam, N.Y. 700-foot floor transition area by adding, "and within 3.5 miles each side of a 044° bearing from the Potsdam, N.Y. radio beacon (lat. 44°43'24'' N., long. 74°52'59'' W.) extending from the 6.5 mile radius area to 11.5 miles northeast of the radio beacon." following, "long. 74°57'00'' W.".

2. Amend § 71.181 of Part 71, Federal Aviation Regulations by amending the description of the Ogdensburg, N.Y. 1200-foot floor transition area by deleting, "to point of beginning." and by substituting "44°42'00'' N., 74°54'00'' W.; to 44°36'-00'' N., 75°00'00'' W.; to point of beginning.", therefor.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 7, 1974.

JAMES BISPO,
Deputy Director,
Eastern Region.

[FR Doc.74-6770 Filed 3-22-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-10]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Yoakum, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition is added:

YOAKUM, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Yoakum Municipal Airport (latitude 29°18'50'' N, longitude 97°08'18'' W) and within 3.5 miles either side of the 143°T (135°M) radial extending from the 5-mile radius to a point 8 miles southeast of the NDB (latitude 29°18'50'' N, longitude 97°08'-18'' W).

The proposed transition area will provide controlled airspace for aircraft executing the proposed NDB RWY 31 (original) approach procedure at the Yoakum Municipal Airport, Yoakum, Tex.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, TX, on March 11, 1974.

ALBERT H. THURBURN,
Director, Southwest Region.

[FR Doc.74-6766 Filed 3-22-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-EA-14]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Norwich, N.Y., Transition Area over Warren Eaton Airport, Norwich, New York.

A VOR/DME instrument approach procedure has been developed for Warren Eaton Airport, Norwich, N.Y., and will require designation of a Norwich, N.Y., transition area to provide controlled airspace protection for IFR arrivals and departures at Warren Eaton Airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Norwich, New York, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Norwich, N.Y. transition as follows:

NORWICH, N.Y.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of the center, 42°34'00'' N., 75°31'30'' W., of Warren Eaton Airport, Norwich, N.Y.; within a 12.5-mile radius of the center of the airport, extending clockwise from a 071° bearing to a 103° bearing from the airport; within a 13.5-mile radius of the center of the airport, extending clockwise from a 235° bearing to a 351° bearing from the airport.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on March 11, 1974.

JAMES BISPO,
Deputy Director,
Eastern Region.

[FR Doc.74-6769 Filed 3-22-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-10]

VOR FEDERAL AIRWAYS

Proposed Revocation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would revoke airway segments in the Atlanta, Ga., to Charlotte, N.C., area which are no longer needed.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 24, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would:

1. Revoke V-194, in part, between Norcross, Ga., and Liberty, N.C.

2. Revoke V-296, in part, between Sugarloaf Mountain, N.C., and Fort Mill, S.C.

The FAA proposes to revoke these airway segments because they do not conform to the new traffic flow patterns associated with revised terminal area procedures at Anderson County Airport, Anderson, S.C., and Douglas Municipal Airport, Charlotte, N.C. Other existing airways provide adequate routings for aircraft operating in this area.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 15, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-6747 Filed 3-22-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 15]

FEDERAL CONTRACTS, GRANTS, OR LOANS

Administration of the Clean Air Act and the Federal Water Pollution Control Act

Pursuant to his authority under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.) and particularly section 306 of that Act, which was added by the Clean Air Act Amendments of 1970 (Pub. L. 91-604), and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.) and particularly section 508 of that Act, which was added by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500), the President on September 10, 1973, issued Executive Order 11738, providing for the administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans. Executive Order 11738 superseded Executive Order 11602, dated June 29, 1971, providing for the administration of the Clean Air Act with respect to Federal contracts, grants, or loans.

Section 5 of Executive Order 11738 requires the Administrator of the Environmental Protection Agency to issue implementing rules and regulations. Regulations implementing the air requirements were promulgated in the FEDERAL REGISTER (see 40 CFR Part 15, 38 FR 35310). The regulations which follow are intended to revise the previously promulgated air regulations to incorporate appropriate provisions respecting the water requirements of the Executive Order.

The proposed program is intended to supplement Federal, State, and local enforcement activities under the Clean Air Act and the Federal Water Pollution Control Act. The primary purpose of the program is to ensure that facilities in noncompliance with clean air and water standards are not utilized for Federal contracts, grants, or loans.

Interested persons may submit written comments on or before April 24, 1974 in triplicate to the Office of Federal Activities, Environmental Protection Agency, Washington, D.C. 20460. All revelant comments received within this thirty (30) day period shall be considered.

Dated: March 15, 1974.

JOHN QUARLES,
Acting Administrator.

It is proposed to revise 40 CFR Part 15 as follows:

PART 15—ADMINISTRATION OF THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

Subpart A—Administrative Requirements

Sec.
15.1 Purpose.
15.2 Administrative responsibility.
15.3 Definitions.
15.4 Agency responsibilities.
15.5 Exemptions.

Subpart B—Remedies

15.20 List of Violating Facilities.
15.21 Hearings.
15.22 Public participation.
15.23 Agency participation.
15.24 Investigation.
15.25 Referral to the Justice Department.

Subpart C—Ancillary Matters

15.40 Interpretations.
15.41 Reports.
15.42 Delegation of authority by the Director.

Subpart A—Administrative Requirements

§ 15.1 Purpose.

(a) The regulations in this part are issued pursuant to the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub. L. 91-604), the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500), and Executive Order 11738, to provide certain prohibitions and requirements concerning administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants, and loans. The regulations in this part apply to all agencies in the Executive Branch of the Government which award contracts, grants, or loans. The regulations also apply to contractors and subcontractors and to recipients of funds under grants and loans to the extent set forth in this part.

(b) The rights and remedies of the Government hereunder are not exclusive and do not affect rights and remedies provided elsewhere by law, regulation, or contract; neither do the regulations limit the exercise by the Administrator, Federal agencies, or other parties of powers not herein specifically set forth, but otherwise granted to them by the Air Act and the Water Act or the Order.

(c) The program provides for the establishment of a List of Violating Facilities which will reflect those ineligible for the award of a Federal contract, grant, or loan. Facilities will be listed upon a determination by EPA of continuing or recurring noncompliance with clean air or water standards. Federal, State, and local criminal convictions, civil adjudications, and administrative findings of noncompliance may serve as a basis for consideration of listing. In cases where a facility has been subjected to a State or local civil adjudication or administrative finding that such facility is in noncompliance with clean air or water standards, EPA shall consider listing at the request of the Governor. The program shall apply to any contract, grant, or loan in excess of $100,000, as well as any contract of a lesser amount involving a facility giving rise to a Federal criminal conviction.

§ 15.2 Administrative responsibility.

The Director, Office of Federal Activities, is hereby delegated authority and assigned responsibility for carrying out the responsibilities assigned to the Administrator under the Order, except the power to issue rules and regulations, and provided that the Assistant Administrator for Enforcement and General Counsel, EPA, shall continue to exercise principal responsibility for EPA's enforcement of the Clean Air Act, the Federal Water Pollution Control Act, and clean air and water standards issued pursuant thereto. All correspondence regarding the Order or the regulations in this part should be addressed to the Director, Office of Federal Activities, U.S. Environmental Protection Agency, Washington, D.C. 20460.

§ 15.3 Definitions.

(a) The term "Air Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Public Law 91-604).

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(b) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(c) The term "agency" means any department, agency, establishment, or instrumentality in the Executive Branch of the Federal Government, including wholly owned government corporations which award contracts, grants, or loans.

(d) The term "applicant" means any person who has applied but has not yet received a contract, grant, or loan and includes a bidder or proposer for a contract which is not yet awarded.

(e) The term "air pollution control agency" means any agency which is defined in section 302(b) or section 302(c) of the Air Act.

(f) The term "borrower" means a prime recipient of a loan.

(g) The term "clean air standards" means any enforceable rules, regulations, guidelines, standards, limitations, orders, controls, prohibitions, or other requirements which are contained in, issued under, or otherwise adopted pursuant to the Air Act or the Order, an applicable implementation plan as described in section 110(d) of the Air Act, an approved implementation procedure or plan under section 111(c) or section 111(d), respectively, of the Air Act, or an approved implementation procedure under section 112(d) of the Air Act.

(h) The term "clean water standards" means any enforceable limitation, control, condition, prohibition, or other requirement which is set by the Water Act or contained in a permit issued to a discharger by EPA, or by a State under an approved program, as authorized by section 402 of the Water Act, or by a local government to ensure compliance with pretreatment regulations as required by section 307 of the Water Act.

(i) The term "compliance" means compliance with clean air or water standards. For the purpose of these regulations, "compliance" shall also mean compliance with a schedule or plan ordered or approved by a court of competent jurisdiction, the Environmental Protection Agency, or an air or water pollution control agency, in accordance with the requirements of the Air or Water Act and regulations issued pursuant thereto.

(j) The term "contract" means any Federal contract for the procurement of goods, materials, or services.

(k) The term "contractor" means the prime contractor with whom the Federal Government has contracted for procurement of goods, materials, or services.

(l) The term "Director" means the Director, Office of Federal Activities, U.S. Environmental Protection Agency, or any person to whom he delegates authority under the regulations in this Part.

(m) The term "facility" means any building, plant, installation, structure, mine, location or site of operations owned, leased, or supervised by an applicant, contractor, subcontractor, grantee, subgrantee, borrower or subborrower to be utilized in the performance of a contract, grant, or loan. Where a location, or site of operations contains or includes more than one building, plant, installation, or structure, the entire location or site shall be deemed to be a facility, except where the Director determines that independent facilities are co-located in one geographic area.

(n) The term "Governor" means the Governor or principal executive officer of each State.

(o) The term "grant" means any Federal grant, including grant-in-aid.

(p) The term "grantee" means the prime recipient of a grant.

(q) The term "loan" means a loan of Federal funds.

(r) The term "Order" means Executive Order 11738, dated September 10, 1973 (38 FR 25161), which superseded Executive Order 11602, dated June 29, 1971 (36 FR 12475).

(s) The term "person" means any natural person, corporation, partnership, unincorporated association, State or local government, or any agency, instrumentality, or subdivision of such a government or any interstate body.

(t) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territories of the Pacific Islands.

(u) The term "subborrower" means any person holding a subloan.

(v) The term "subcontract" means any agreement or arrangement under which any portion of the contractor's obligation is performed, undertaken, or assumed.

(w) The term "subcontractor" means any person holding a subcontract.

(x) The term "subgrant" means any agreement or arrangement under which any portion of the activity or program which is being assisted under the grant is performed, undertaken, or assumed.

(y) The term "subgrantee" means any person holding a subgrant.

(z) The term "subloan" means any agreement or arrangement under which any portion of the business, program, or activity which is being assisted under the loan is performed, undertaken, or assumed.

(aa) The term "United States" as used herein includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territories of the Pacific Islands.

(bb) The term "Water Act" means Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub. L. 92-500).

(cc) The term "water pollution control agency" means any agency which is defined in section 502(1) or section 502(2) of the Water Act.

§ 15.4 Agency responsibilities.

(a) *General.* Pursuant to the Order, each agency will take appropriate steps to ensure that all officers and employees whose duties entail compliance or comparable functions with respect to contracts, grants, and loans are familiar with the Order and the regulations under this Part. Such officers and employees will promptly report to the head of the agency or his designee any condition in any facility involved in a contract, grant, or loan made by an agency which may involve noncompliance with the clean air or water standards and which comes to their attention in the performance of their regular duties. The head of the agency or his designee will promptly transmit such reports to the Director. The Director shall take action as may be appropriate in accordance with §§ 15.24 and 15.20.

(b) *Procurement, grant, and loan regulations.* Section 4 of the Order provides that agencies responsible for promulgating contract, grant, and loan regulations shall, following consultation with the Administrator, amend such regulations to require, as a condition of entering into, renewing, or extending any nonexempt contract for the procurement of goods, materials, and services, or extending any financial assistance by way of nonexempt contract, grant, or loan, compliance with the Air and Water Acts and standards issued pursuant thereto. Pursuant to the authorities vested in the Administrator in section 5 of the Order, agencies responsible for promulgating contract, grant, and loan regulations shall be governed by this Part. Such regulations shall be amended to require, no later than July 1, 1974, the use of the provisions set forth below.

(c) *Procurement regulations.* The Federal Procurement Regulations, Armed Services Procurement Regulation, and to the extent necessary any supplemental or comparable regulations issued by any agency shall be amended to incorporate the following requirements with respect to nonexempt transactions to carry out the purposes of the Air and Water Acts, the Order, and this Part:

(1) A stipulation by the contractor or subcontractors that any facility to be utilized in the performance of any nonexempt contract or subcontract is not listed on the EPA List of Violating Facilities pursuant to § 15.20.

(2) Agreement by the contractor to comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder.

(3) A stipulation that as a condition for the award of a contract the applicant or contractor shall notify the awarding official of the receipt of any communication from the Director indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities. Prompt notification shall be required prior to contract award.

(4) Agreement by the contractor that he will include or cause to be included the criteria and requirements in paragraph (c) (1) through (4) of this section in every nonexempt subcontract and requiring that the contractor will take such action as the Government may direct as a means of enforcing such provisions.

(d) *Grant and loan provisions.* To carry out the purposes of the Air and Water Acts, the Order, and this Part, agency grant and loan regulations shall be amended as necessary to incorporate the requirements set forth in paragraph (c) (1) through (4) of this section with respect to nonexempt transactions.

§ 15.5 Exemptions.

(a) *Exempted transactions.* — (1) *Transactions $100,000 and under.* Contracts, subcontracts, grants, subgrants, loans, and subloans not exceeding $100,000 are exempt from this Part.

(2) *Contracts and subcontracts for indefinite quantities.* With respect to contracts and subcontracts for indefinite quantities (including but not limited to time and material contracts, requirements contracts, and basic ordering agreements), this Part shall be applicable unless the purchaser has reason to believe that the amount to be ordered in any year under such contract will not exceed $100,000.

(3) *Assistance to abate, control, or prevent environmental pollution.* Any grant, subgrant, loan, or subloan, a principal purpose of which is to assist a facility or facilities to comply with any Federal, State, or local law, regulation, limitation, guideline, standard, or other requirement relating to the abatement, control, or prevention of environmental pollution is exempt from this part.

(4) *Exclusion.* The foregoing exemptions shall not apply to a proposed contractor whose facility is listed on the basis of § 15.20(a)(1)(i) and § 15.20(a)(1)(iv). Utilization of such a facility through the award of a Federal contract is barred by section 306(a) of the Air Act and section 508(a) of the Water Act where a conviction has been obtained pursuant to section 113(c)(1) of the Air Act and section 309(c) of the Water Act.

(b) *Authority of heads of agencies.* Where a head of an agency determines that the paramount interest of the United States so requires, he may exempt any individual contract, subcontract, grant, subgrant, loan, or subloan for a period of one year, and by rule or regulation any class of contracts, grants, or loans. In the case of an individual exemption, the head of the agency granting the exemption shall notify the Director as soon before or after granting the exemption as practicable. The justification for such an exemption or any renewal thereof, shall fully describe the purpose of the contract, grant, or loan, except as the interests of national security preclude, and shall indicate the manner in which the paramount interest of the United States requires that the exemption be made.

(c) *Facilities located outside the United States.* This Part shall not apply to the use of facilities located outside the United States.

Subpart B—Remedies

§ 15.20 List of violating facilities.

(a) Listing of facilities: Sections 2, 4, and 5 of the Order, section 306 of the Air Act, and section 508 of the Water Act require the Administrator to establish procedures which will identify for Federal agencies those facilities giving rise to a criminal conviction under the Air and Water Acts and which will establish sanctions and penalties necessary to assure that contracts, grants, and loans are not awarded to applicants whose facilities are found to be in noncompliance with clean air and water standards. The Director shall maintain the List of Violating Facilities in accordance with the following procedures:

(1) *Basis for consideration of listing.* Federal, State, or local criminal convictions, civil adjudications, or administrative findings of noncompliance may serve as the basis for consideration of listing facilities. However, the listing of a facility based on a State or local civil adjudication or administrative finding shall not be considered unless the Governor of the State has referred the applicant, contractor, grantee, or borrower whose facility has given rise to such adjudication or finding to the Director in accordance with § 15.23. The following Federal, State, and local determinations may serve as bases for listing:

(i) Facilities which have given rise to a conviction under section 113(c)(1) of the Air Act.

(ii) Facilities which have given rise to any permanent order, judgment, decree, or other form of civil ruling by a Federal, State, or local court issued as a result of noncompliance with clean air standards or facilities which have given rise to a conviction in a State or local court for noncompliance with clean air standards.

(iii) Facilities not in compliance with an order under section 113(a) of the Air Act or which have given rise to the initiation of court action under section 113(b) of the Air Actor have been subjected to equivalent State or local proceedings to enforce clean air standards.

(iv) Facilities which have given rise to a conviction under section 309(c) of the Water Act.

(v) Facilities which have given rise to any permanent order, judgment, decree, or other form of civil ruling by a Federal, State, or local court issued as a result of noncompliance with clean water standards or facilities of which have given rise to a conviction in a State or local court for noncompliance with clean water standards.

(vi) Facilities not in compliance with an order under section 309(a) of the Water Act or which have given rise to the initiation of court action under section 309(b) of the Water Act, or have been subjected to equivalent State or local proceedings to enforce clean water standards.

(2) *Listing proceedings.* No facility shall be listed until there has been notification to the owner and where appropriate the operator by the Director of his intent to place the facility on the List and the basis therefor, the representatives of the facility have been afforded an opportunity to confer with the Director and present orally or in writing, and with assistance of counsel, data or information relating to the proposed placement of the facility on the List, and the Director determines before listing that there is adequate evidence of continuing or recurring noncompliance with clean air or water standards at the facility. The Director's determination to list shall be in writing and shall summarize the basis for his action.

(3) *The List.* Upon carrying out the aforesaid requirements, the Director may list a facility. The List shall be distributed periodically to all agencies and published in the FEDERAL REGISTER. The List shall contain as a minimum the name of each person whose noncomplying facility has given rise to the listing, the name of such facility, the basis for the listing, and the date for each listing.

(4) *Effective date.* The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on paragraph (a)(1)(i) or (iv) of this section effective immediately. The Director shall initiate the maintenance of the List of Violating Facilities where such listing is determined based on paragraph (a)(1)(ii), (iii), (v), or (vi) of this section effective July 1, 1974.

(b) Debarment or suspension of designated facilities: Facilities listed by the Director resulting from the bases described in paragraph (a)(1)(i) and (iv) of this section, shall be debarred and no agency shall enter into, renew, or extend any contract, grant, or loan where such debarred facility would be utilized for the contract, grant, or loan. Facilities listed by the Director resulting from any other basis shall be suspended and no agency shall enter into, renew, or extend any contract, grant, or loan where such suspended facility would be utilized for the contract, grant, or loan.

(c) Removal of facility from List: If a conviction, order, judgment, decree, other form of civil ruling, or finding which has constituted the basis for consideration of listing a facility is reversed or otherwise modified to remove such basis or if the Director determines the facility is in compliance, the facility shall be removed promptly from such listing effective upon receipt of notification of the reversal or modification by the Director. Requests for removal of facilities from the List for any other basis including a request from a Governor shall be addressed to the Director. For facilities whose listing constitutes a debarment under paragraph (b) of this section, such request shall be in writing and should contain appropriate evidence that the condition which gave rise to the basis for listing has been corrected. For facilities whose listing constitutes a suspension under paragraph (b) of this section, such request shall be in writing and should contain appropriate evidence of compliance by the facility with clean air or water standards. In the event the request for removal is denied, a hearing pursuant to § 15.21 shall be granted by the Director, if requested within twenty (20) days of receipt of a notice of denial.

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§ 15.21 Hearings.

(a) Hearings held pursuant to § 15.20 (c) shall be conducted by a hearing officer designated by the Administrator. Each party shall have the right of counsel and a fair opportunity to present evidence and argument and to cross-examine. Other persons may be permitted to participate upon a showing that such persons have substantial interest in the proceedings and will contribute materially to the proper disposition thereof. The hearing officer shall base his decision solely upon the record before him.

(b) The decision of the hearing officer shall be final unless within twenty (20) days from the date of receipt of the decision the party adversely affected requests in writing a review by the Administrator.

§ 15.22 Public participation.

(a) Persons who wish to bring an alleged failure of compliance with clean air or water standards under this Part to the attention of the Government should file a statement in writing with the Director, Office of Federal Activities, U.S. Environmental Protection Agency, Washington, D.C. 20460.

(b) The statement should include the name, address, and telephone number of the person responsible for its filing, the name and address or other accurate description of the facility allegedly in noncompliance, a description of the noncompliance, with any available accompanying data considered to show that the noncompliance has occurred, and any other pertinent information which will assist in the investigation and resolution of the reported noncompliance. The statement must be signed by the person responsible for the filing or his authorized representative.

(c) The Director shall review the statement and within a reasonable period advise the person of the disposition of his statement.

(d) No action under this section shall satisfy the service of notice of intent to file suit requirement pursuant to section 304 of the Air Act or section 505 of the Water Act.

§ 15.23 Agency participation.

(a) *Federal agency participation.* Pursuant to § 15.4 (c) and (d), applicants must indicate whether a facility to be utilized in the performance of any nonexempt contract, grant, or loan has been identified by the Director as under consideration for listing. Federal contracting officers or awarding officials must determine whether any facility to be utilized in the performance of a nonexempt contract, grant, or loan appears on the List distributed by the Director under § 15.20. If such facility has been identified by the Director but the facility does not appear on the List, the contracting officer or awarding official shall promptly notify the Director. In accordance with § 15.24, the Director may request that the award of the contract, grant, or loan be withheld for a period not to exceed fifteen (15) working days pending completion of an appropriate investigation.

(b) *State participation.* If a Governor determines that a facility is in continuing or recurring noncompliance with clean air or water standards, the Governor may notify the Director. The Director shall take the necessary steps, under § 15.20 of this Part, to determine whether listing shall occur.

§ 15.24 Investigation.

(a) When substantial evidence of noncompliance with clean air or water standards is presented by private individuals, agency employees, a Governor, or other sources, or when pursuant to § 15.23, Federal contracting officers or awarding official notify the Director that a facility contemplated to be utilized in the performance of a contract, grant, or loan has been identified as under consideration for listing, the Director after consultation with the agency whose proposed contract, grant, or loan is involved, may request that the award of the contract, grant, or loan be withheld for a period not to exceed fifteen (15) working days effective the date the Director, as well as the interested Federal agency, is notified of the existence of such information and the initiation of the investigation. The agency shall withhold such award except when it is determined that the delay is likely to prejudice the agency's programs or otherwise seriously disadvantage the Government. Prompt notice shall be given to the Director in any case where such determination to award has been made.

(b) The Director shall promptly inform the agency whose contract, grant, or loan is involved of the findings, dispositions, or actions resulting from the investigation. Where the information causing the investigation was presented by a private individual or Governor, that individual or Governor shall also be promptly notified.

§ 15.25 Referral to the Justice Department.

The Administrator may recommend that appropriate legal proceedings or other action be taken in reference to the requirements set forth in the regulations contained in this Part. Referrals of any matters arising under such regulations to the Department of Justice shall be made only by the Administrator or with his express approval.

Subpart C—Ancillary Matters

§ 15.40 Interpretations.

Interpretations of the regulations contained in this Part shall be made by the Administrator or his designee.

§ 15.41 Reports.

(a) *Agency reports.* The head of each agency shall ensure that the Administrator is informed of each exemption granted under § 15.5(b) during the preceding fiscal year annually before August 1.

(b) *EPA reports.* (1) The Administrator will annually report to the President on measures taken toward implementation of section 306 of the Air Act, section 508 of the Water Act, the Order, and regulations in this Part, including but not limited to the progress and problems associated with such implementation.

(2) The Administrator will annually notify the President and the Congress of all exemptions granted or in effect under this Part during the preceding year.

§ 15.42 Delegation of authority by the Director.

The Director is authorized to redelegate the authority conferred upon him by this part.

[FR Doc.74-6843 Filed 3-22-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

COLORADO

Proposed Revisions to Transportation Control Plan

On November 7, 1973 (38 FR 30818), the Administrator approved portions of the Colorado Transportation Control Plan and promulgated other portions. One of the portions promulgated consisted of regulations for the control of stationary hydrocarbon sources.

This notice is issued to advise the public that the State of Colorado adopted stationary hydrocarbon regulations, Colorado Regulation 7, and submitted these regulations to the Environmental Protection Agency as plan revisions on November 21, 1973. The revisions include regulations similar to the EPA promulgated regulations but do not require vapor recovery for gasoline marketing operations.

EPA regulation (38 FR 30818) § 52.331, *Control of drycleaning solvent evaporation*, is similar to Colorado Regulation 7.J; § 52.332, *Degreasing Operations* is similar to Regulation 7.K; § 52.333 *Organic solvent usage* is similar to Regulation 7.G, 7.H, and 7.I; and § 52.334, *Storage of petroleum products* is similar to Regulation 7.B.

Colorado Regulation 7 does not require vapor recovery for filling service station tanks or for filling of vehicular tanks as is required by 38 FR 30818, §§ 52.336 and 52.337. Regulation 7.C does not require an equivalent degree of control to EPA § 52.335 *Organic liquid loading* (Regulation 7.C would allow as much as 1.5 pounds of hydrocarbon vapors to be emitted per thousand gallons loaded. § 52.335 requires 90 percent control or about 0.5 pounds per thousand gallons if submerged fill is used). In addition, § 52.336 requires that the vapor-laden delivery vessel may only be refilled at facilities equipped with vapor recovery systems or their equivalent capable of 90 percent control. Regulation 7.C is not consistent with this requirement.

Colorado Regulation 7 contains the following provisions which are covered by EPA regulations §§ 52.334 through 52.337: 7.D, "Water Separation from Petroleum Products"; 7.E, "Pumps and Compressors". Colorado Regulation 7.F, "Waste Gas Disposal" is not covered by EPA regulations and would affect polymer processes. Control plans must be submitted by March 1, 1974, and final compliance must be achieved by December 31, 1974, for all sources subject to Colorado Regulation 7.

Colorado Regulation 7 does not require control consistent with EPA regulations §§ 52.335, 52.336, and 52.337. The sources covered by these three EPA regulations (gasoline marketing) account for almost half of the stationary source hydrocarbon emissions. Thus, §§ 52.335, 52.336, and 52.337 will probably not be withdrawn, unless subsequent changes are made to the State Regulation 7.

If after reviewing the regulations and any public comments, the Administrator finds they are approvable in whole or in part, any duplicated stationary hydrocarbon emission control regulations promulgated in 38 FR 30818 will be withdrawn. The additional stationary hydrocarbon regulations adopted by the State of Colorado, if approved by the Environmental Protection Agency, will also become a part of the Transportation Control Plan.

The public is invited to submit written comments on whether the proposed revisions should be approved or disapproved by the Administrator. His action will be based on whether the proposed revisions meet the requirements of section 110(a)(2)(a)–(H) of the Clean Air Act and 40 CFR Part 51. Only comments received on or before April 24, 1974, will be considered.

Copies of the proposed revisions are available for inspection at the Environmental Protection Agency, Office of Public Affairs, Region VIII, Lincoln Towers Building, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203; at the Environmental Protection Agency, Room 329, 401 M Street, SW., Washington, D.C. 20460; and at the Colorado State Department of Health, 4210 East 11th Avenue, Denver, Colorado 80220.

Comments should be addressed to the Regional Administrator, Environmental Protection Agency, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

(Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c-5(a))

Dated: March 19, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

[FR Doc.74-6845 Filed 3-22-74;8:45 am]

[40 CFR Part 85]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Recall Regulations

Notice is hereby given that the Environmental Protection Agency is considering the addition of a new Subpart S to 40 CFR Part 85, as set forth below.

Explanatory statement. Section 207 (c) (1) of the Clean Air Act provides that "if the Administrator determines that a substantial number of any class or category of vehicles or engines, although properly maintained and used, do not conform to the regulations prescribed under section 202, when in actual use throughout their useful life • • • he shall require the manufacturer to submit a plan for remedying the nonconformity • • •." The manufacturer may request a public hearing to contest the Administrator's determination of nonconformity. Unless, as a result of such hearing, the determination is withdrawn, the manufacturer must give dealers, ultimate purchasers, and subsequent purchasers notice of the noncomformity. Section 207(c)(2) authorizes the Administrator to promulgate regulations to prescribe the content of the notification and the manner in which it is given. Section 208(a) authorizes the Administrator to require the manufacturer to establish and maintain such records and to make such reports as are necessary to ensure that the manufacturer is in compliance with title II, part A of the Act and applicable regulations thereunder.

Without an adequate regulatory scheme, the effectiveness of any recall will be diminished by the delays which accompany ad hoc decision and policy making. These delays are contrary to the interest of the public, the environment, and the Agency and should be avoided. To this end, it is proposed that the statutory requirements of the Clean Air Act be implemented by promulgating the regulations to follow. These regulations are contained in six major sections:

1. Section 85.1802 describes the notification to be sent by the Administrator to a manufacturer of vehicles or engines against whom a determination of nonconformity has been lodged. The notification will include a description of each class or category of vehicles or engines subject to the determination of nonconformity as well as the factual basis for the determination. Finally the manufacturer will be given a date by which he is to submit a plan to remedy the nonconformity.

2. Section 85.1803 describes the Remedial Plan. The regulations require the manufacturer, upon notification by the Administrator that a nonconformity exists, to submit descriptions of the proposed repairs, alterations, or modifications he intends to use to correct the nonconformity, the method by which owners of the nonconforming vehicles or engines will be identified, and the procedure which owners must follow to have their vehicles remedied. The proposed regulations further require the manufacturer to describe any conditions upon which eligibility for repair is premised.

The proposed regulations also address the obligations of a manufacturer subject to a recall in regard to the notification of purchasers. Notification to ultimate and subsequent purchasers is required to be in writing. A copy of the notification must be included in the plan. To increase the efficiency of the notification process, a manufacturer must use all reasonable means necessary to locate ultimate and subsequent purchasers.

Under the proposed regulations, each vehicle brought to a repair facility in response to notification would have a decal affixed to one of the non-movable inside glass surfaces. In addition, vehicle owners would receive recall campaign certificates. Some owners of recalled vehicles may not be eligible for free remedial repair (e.g., the vehicle was not properly maintained and used) but the decal and certificate would still be issued if the vehicle were brought to the appropriate repair facility.

The decal and certificate programs are directly related to the purposes of recall. If maximum benefit is to be derived from a recall, the number of vehicles brought to repair facilities must be maximized. By imposing sanctions for failure to obtain the recall decal and certificate, States can encourage those owners who qualify for free repair under the remedial plan to obtain repair and can encourage vehicle owners not eligible for free remedial repair to visit repair facilities and possibly obtain repair at their own expense.

An alternative approach would be to condition the receipt of the decal and certificate upon actual repair of the vehicle. The decal-certificate programs are designed, however, to complement state programs. To impose such a condition, it was felt, could deter some States from utilizing the programs. The present provisions, therefore, only require an owner to bring his vehicle to a repair facility to qualify for a campaign certificate and decal.

Since the effectiveness of the decal and certificate provisions depends upon state action, the various states are particularly encouraged to comment upon these provisions of the proposed regulations.

3. Section 85.1804 provides for the approval of the remedial plan by the Administrator and for the implementation of the plan by the manufacturer. Under the proposed provisions, the manufacturer will receive written notice that the remedial plan has been approved. Upon receipt of this notice the manufacturer is to commence implementation of the plan.

One aspect of implementation is the notification of ultimate and subsequent purchasers. The proposed regulations provide that when no public hearing is requested to challenge the determination of nonconformity, consumer notification is to commence within 15 days of the receipt of the Administrators approval of the remedial plan. If a hearing is held, unless the Administrator withdraws his determination of nonconformity, the Administrator will, within 60 days of the completion of the hearing, order the manufacturer to commence prompt notification of vehicle and engine owners.

4. Section 85.1805 describes the content of the notification to be sent to ultimate purchasers and subsequent purchasers. The section requires the manufacturer to explain to the vehicle or engine owner most of what is contained in the remedial plan. Besides describing the procedural aspects of obtaining correc-

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tion of the nonconformity, the notification will inform the vehicle or engine owner of the adverse effects, if any, that an uncorrected nonconformity may have on performance, durability, and the functioning of other engine components. In addition, owners will be warned that failure to correct the nonconformity may cause vehicles to fail an emission inspection, if required by State or local law, and may jeopardize the warranty made applicable to engines and vehicles by section 207 of the Act. These warnings are designed to improve the response to the recall campaign by encouraging vehicle and engine owners to seek correction of the nonconformity as well as to give vehicle and engine owners important information concerning the mechanical condition of their vehicles or engines and the legal impact of the failure to obtain correction of the nonconformity.

5. Section 85.1806 describes the records which a manufacturer must keep and the reports he must make of the recall campaign. From this data, the Administrator will be able to evaluate the success of the recall campaign and determine whether a second notification will be required.

6. Section 85.1807 describes the procedures which will be followed in the event that the manufacturer requests a public hearing to contest the Administrator's finding of nonconformity. The hearing is designed to conform with the requirements of the Administrative Procedure Act, 5 U.S.C. 551–9, and 701–6, as amended. Section 207(c)(1) of the Clean Air Act requires the Administrator to provide "the manufacturer and other persons an opportunity to present their views and evidence in support thereof at a public hearing." Although the precise meaning of this provision is not entirely clear, a strong argument can be made that a formal hearing is required by it, and the proposed regulations would provide for a formal hearing. Under the proposed regulations, party status would be afforded the contesting manufacturer, the Agency, and intervenors. Any member of the public may petition to intervene. If the presiding officer determines that certain criteria are met, the petition will be granted. The criteria are designed to test the petitioner's interest in the proceeding. In this manner, effective public participation can be provided without sacrificing the concomitant public interest in an expedited hearing.

This rule is proposed under the authority of section 301(a) of the Clean Air Act, 81 Stat. 504, as amended by section 15(c), 84 Stat. 1713, 42 U.S.C. 1857g(a). The proposed regulations implement section 207(c)(1)–(2) of the Clean Air Act, 84 Stat. 1697, 42 U.S.C. 1847f–5a(c)(1)–(2); and section 208(a) of the Clean Air Act, 81 Stat. 501, as renumbered by section 8(a), 84 Stat. 1694, 42 U.S.C. 1857f–6(a).

Interested persons may participate in this rulemaking proceeding by submitting written comments in triplicate to:

Director
Mobile Source Enforcement Division
401 M Street SW., Room 3220
Washington, D.C. 20460

All comments received on or before May 24, 1974, will be considered. Comments received after publication of this proposal will be available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the Office of Public Affairs, Room 232, Waterside Mall, Fourth and M Streets, SW., Washington, D.C. 20460.

Final regulations, modified as the Administrator deems appropriate after consideration of comments, will be promulgated as soon as practicable after such consideration.

Dated: March 19, 1974.

JOHN QUARLES,
Acting Administrator.

PART 85—CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Subpart S—Recall Regulations

Sec.
85.1801 Definitions.
85.1802 Notice to manufacturer of nonconformity.
85.1803 Remedial plan.
85.1804 Approval of plan; implementation.
85.1805 Notification to ultimate purchasers and subsequent purchasers.
85.1806 Records and reports.
85.1807 Public hearings.

AUTHORITY: 81 Stat. 504, as amended, 84 Stat. 1713; 45 U.S.C. 1859g(a); 42 U.S.C. 1857.

§ 85.1801 Definitions.

For the purposes of this subpart, the term "Act" shall mean the Clean Air Act, 42 U.S.C. 1857, as amended. Except as otherwise provided, words shall be defined as provided for by sections 213 and 302 of the Act.

§ 85.1802 Notice to manufacturer of nonconformity.

A manufacturer will be notified that the Administrator has determined that a substantial number of a class or category of vehicles or engines produced by that manufacturer, although properly maintained and used, do not conform to the regulations prescribed under section 202 of the Act. The notification will include a description of each class or category of vehicles or engines encompassed by the determination of nonconformity, will give the factual basis for the determination of nonconformity, and will designate a date, no sooner than 30 days from the date of receipt of such notification, by which the manufacturer shall have submitted a plan to remedy the nonconformity.

§ 85.1803 Remedial plan.

(a) When any manufacturer is notified by the Administrator that a substantial number of any class or category of vehicles or engines, although properly maintained and used, do not conform to the regulations (including emission standards) promulgated under section 202 of the Act, the manufacturer shall submit a plan to the Administartor to remedy such nonconformity. The plan shall contain the following:

(1) A description of each class or category of vehicle or engine to be recalled including the model year, the make, the model, and such other information as may be required to identify the vehicles or engines to be recalled.

(2) A description of the specific modifications, alterations, repairs, corrections, adjustments or other changes to be made to bring the vehicles or engines into conformity including a brief summary of the data and technical studies which support the manufacturer's decision as to the particular remedial changes to be used in correcting the nonconformity.

(3) A description of the method by which the manufacturer will determine the names and addresses of purchasers and subsequent purchasers.

(4) A description of the proper maintenance and use, if any, upon which the manufacturer conditions eligibility for repair under the remedial plan, an explanation of the manufacturer's reasons for imposing any such condition, and a description of the proof to be required of a purchaser or subsequent purchaser to demonstrate compliance with any such condition. No such condition may be imposed unless the maintenance concerned is, in the judgment of the Administrator, demonstrably related to preventing the nonconformity.

(5) A description of the procedure to be followed by purchasers and subsequent purchasers (if known) to obtain correction of the nonconformity. This shall include designation of the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor required to correct the nonconformity, and the designation of facilities at which the nonconformity can be remedied: *Provided*, That repair shall be completed within 60 days from the date the owner first tenders the vehicle or engine unless the Administrator extends such period for good cause.

(6) If some or all of the nonconforming vehicles or engines are to be remedied by persons other than dealers of the manufacturer, a description of the class of persons other than dealers of the manufacturer who will remedy the nonconformity and a statement indicating (i) which members of the class are to perform the repair under the remedial plan; (ii) that each member has agreed to perform the necessary repair; and (iii) that each member will be properly equipped to perform such remedial action.

(7) Copies of the letters of notification to be sent to ultimate purchasers and subsequent purchasers (if known).

(8) A statement that an adequate supply of parts will be available to perform the repair under the remedial plan.

(9) Copies of all necessary instructions to be sent to those persons who are to perform the repair under the remedial plan.

(10) A description of the impact of the proposed changes on fuel consumption, driveability, and safety of each class or category of vehicles or engines to be recalled and a brief summary of the data or technical studies which support these conclusions.

(11) Any other information, reports or data which the Administrator may determine is necessary to evaluate the remedial plan.

(b)(1) Notification to ultimate purchasers and subsequent purchasers (if known) shall be in writing, shall be made by certified mail or such other means as approved by the Administrator, and shall conform to § 85.1805.

(2) The manufacturer shall use all reasonable means necessary to locate ultimate and subsequent purchasers: *Provided*, That the Administrator may require the manufacturer to use motor vehicle registration lists as available from State or commercial sources to obtain the name and addresses of purchasers and subsequent purchasers to ensure an effective notification.

(c)(1) Where allowed by State law, the manufacturer shall require those who perform the repair under the remedial plan to affix a decal to each vehicle submitted for such repair.

(2) The decal shall be placed in a conspicuous location on one of the non-movable, inside glass surfaces of the vehicle as allowed by applicable State law.

(3) The decal shall:

(i) Contain the recall campaign number as designated by the manufacturer.

(ii) Designate the facility to which the vehicle was submitted for repair.

(d)(1) The manufacturer shall require those who perform the repair under the remedial plan to issue a recall campaign certificate to each vehicle owner whose vehicle is submitted for repair under the remedial plan.

(2) The certificate shall:

(i) State that the vehicle was submitted for repair;

(ii) Contain the recall campaign number as designated by the manufacturer;

(iii) Designate the facility to which the vehicle was submitted for repair; and

(iv) Contain the vehicle identification number.

(e) The remedial plan shall be submitted to the Administrator within the time limit specified in the Administrator's notification: *Provided*, That the Administrator may grant the manufacturer an extension upon good cause shown.

(f) The Administrator may require the manufacturer to conduct tests on engines or vehicles incorporating a proposed change, repair, or modification by methods and under conditions as the Administrator may prescribe.

(g) The Administrator reserves the right to require the manufacturer to (i) send by appropriate and reasonable means a second notification in order to increase the effectiveness of the recall campaign and (ii) to require records to be maintained to evaluate both the first notification, and any subsequent notification.

§ 85.1804 Approval of plan; implementation.

(a) If the remedial plan is approved by the Administrator, he will so notify the manufacturer in writing. If the remedial plan is not approved by the Administrator, he will so notify the manufacturer and will give the reasons for the disapproval.

(b) Upon receipt of notice from the Administrator that the remedial plan has been approved, the manufacturer shall commence implementation of the approved plan. Notification of ultimate purchasers and subsequent purchasers shall be in accordance with the requirements of this subpart and shall proceed as follows:

(1) When no public hearing as described in section 85.1807 of this subpart is requested by the manufacturer, notification of ultimate purchasers and subsequent purchasers shall commence within 15 days of the receipt by the manufacturer of the Administrator's approval unless otherwise specified by the Administrator.

(2) When a public hearing as described in § 85.1807 is held, unless as a result of such hearing the Administrator withdraws the determination of nonconformity, the Administrator shall, within 60 days after the completion of such hearing, order the manufacturer to provide prompt notification of such nonconformity.

§ 85.1805 Notification to ultimate purchasers and subsequent purchasers.

(a) The notification of ultimate purchasers and subsequent purchasers shall contain the following:

(1) The statement: "This notice is sent in accordance with the Federal Clean Air Act."

(2) The statement: "The Administrator of the U.S. Environmental Protection Agency has determined that your (model year, make, model of a vehicle, or family identification, engine model number, and engine number of an engine) may be emitting pollutants in excess of the Federal emission standards. These standards were established to protect the public health or welfare from the dangers of air pollution."

(3) A statement that the nonconformity of any such vehicles or engines which have been, if required by the remedial plan, properly maintained and used, will be remedied at the expense of the manufacturer.

(4) A description of the proper maintenance and use, if any, upon which the manufacturer conditions eligibility for repair under the remedial plan and a description of the proof to be required of a purchaser or subsequent purchaser to demonstrate compliance with such condition.

(5) A clear description of the components which will be affected by the remedy and a general statement of the measures to be taken to correct the nonconformity.

(6) A statement that such nonconformity if not repaired may cause the vehicle or engine to fail an emission inspection test when such tests are required under State or local law.

(7) A description of the adverse affects, if any, that an uncorrected nonconformity would have on the performance or driveability of the vehicle or engine.

(8) A description of the adverse effects, if any, that such nonconformity would have on the functioning of other engine components.

(9) A description of the procedure which the vehicle owner should follow to obtain correction of the nonconformity. This shall include designation of the date on or after which the owner can have the nonconformity remedied, the time reasonably necessary to perform the labor required to correct the nonconformity, and the designation of facilities at which the nonconformity can be remedied.

(10) The statement: "It is recommended that you bring the (vehicle or engine) in for repair as soon as possible since failure to do so may jeopardize your protection under the warranty made applicable to your (vehicle or engine) by the Clean Air Act."

(11) A card to be used by an ultimate purchaser or subsequent purchaser in the event the vehicle or engine to be recalled has been sold. Such card should be addressed to the manufacturer and shall provide a space in which the ultimate or subsequent purchaser may indicate the name and address of the person to whom the car was sold.

(b) No notice sent pursuant to paragraph (a) of this section nor any other contemporaneous communication sent to ultimate purchasers, subsequent purchasers, or dealers shall contain any statement or implication that the nonconformity does not exist or that the nonconformity will not degrade air quality.

(c) The manufacturer shall be informed of any other requirements pertaining to the notification under this section which the Administrator has determined are necessary to fulfill the intent of the law.

§ 85.1806 Records and reports.

(a) The manufacturer shall provide to the Administrator a copy of all communications which relate to the remedial plan directed to dealers and other persons who are to perform the repair under the remedial plan. Such copies shall be mailed to the Administrator contemporaneously with their transmission to dealers and other persons who are to perform the repair under the remedial plan.

(b) The manufacturer shall provide for the establishment and maintenance of records to enable the Administrator to conduct a continuing analysis of the adequacy of the recall campaign. The records shall include for each class or category of vehicle or engine, but shall not be limited to, the following:

(1) The dates on which the notification of the ultimate and know subsequent purchasers was commenced and completed.

(2) The number of engines and vehicles subject to the recall campaign.

(3) The number of (i) ultimate purchasers and (ii) subsequent purchasers to whom notification was sent.

(4) The number of vehicles that were brought to repair facilities in response to notification.

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(5) When inspection or diagnosis is required by the remedial plan prior to any repair:

(i) The number receiving inspection or diagnosis;

(ii) The number shown by inspection or diagnosis to require repair;

(6) The number repaired under the remedial plan.

(7) The names and addresses of ultimate purchasers and subsequent purchasers to whom notification was given.

(8) The names and addresses of those purchasers whose vehicles or engines received repair under the remedial plan.

(9) The names and addresses of the ultimate and subsequent purchasers whose vehicles or engines were brought to repair facilities but not repaired or, when required, inspected or diagnosed, under the remedial plan and the reasons for the failure to do so.

(c) Unless otherwise directed by the Administrator, the manufacturer shall submit a quarterly report to the Administrator for six consecutive quarters beginning with the quarter in which notification of purchasers is begun containing the records described in paragraph (b) of this section except paragraph b(7), (8), and (9). Such report shall be received no later than 25 working days after the close of each calendar quarter.

(d) The records described in paragraphs b (7), (8), and (9) of this section shall be made available to the Administrator upon his request.

(e) The records and reports required by this section shall be retained for not less than 5 years.

§ 85.1807 Public hearings.

(a) *Definitions.* The following definitions shall be applicable to this section:

(1) "Hearing Clerk" shall mean the Hearing Clerk of the Environmental Protection Agency.

(2) "Intervenor" shall mean a person who files a petition to be made an intersection and whose petition is approved.

(3) "Manufacturer" refers to a manufacturer contesting a recall order directed at that manufacturer.

(4) "Party" shall include the Agency, the manufacturer, and any intervenors.

(5) "Presiding Officer" shall mean an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (see also 5 CFR 930 as amended), and such term is synonymous with the term "Hearing Examiner" as used in the Act or in the United States Code.

(b) *Request for public hearing.* (1) If the manufacturer disagrees with the Administrator's finding of nonconformity he may request a public hearing as described in this section. Requests for such a hearing shall be filed with the Administrator not later than 30 days after the Administrator's notification of nonconformity unless otherwise specified by the Administrator. A copy of such request shall simultaneously be filed with the Director of the Mobile Source Enforcement Division and with the Hearing Clerk. Failure of the manufacturer to request a hearing within the time provided shall constitute a waiver of his right to such a hearing. In such case, the manufacturer shall carry out the recall order as required by § 85.1803–6.

(2) The request for a public hearing shall contain:

(i) A statement as to which classes or categories of vehicles or engines are to be the subject of the hearing;

(ii) A concise statement of the issues to be raised by the manufacturer at the hearing for each class or category of engine or vehicle for which the manufacturer has requested the hearing; and

(iii) A summary of the evidence which supports the manufacturer's position on each of the issues so raised.

(3) A copy of all requests for public hearings will be kept on file in the Office of the Hearing Clerk and will be made available to the public during Agency business hours.

(c) *Time; filing of documents.* (1) In computing any period of time prescribed or allowed by this section, except as otherwise provided, the day of the Act or event from which the designated period of time begins to run shall not be included. Saturdays, Sundays, and holidays shall be included in computing any such period allowed for the filing of any document or paper, except that when such period expires on a Saturday, Sunday, or federal legal holiday, such period shall be extended to include the next following business day.

(2) Except as otherwise provided, all documents required or permitted to be filed should be filed with the Hearing Clerk. If filing is to be accomplished by mailing, the documents should be sent to the address set forth in the notice of public hearings as described in paragraph (e) of this section. Documents shall be dated and deemed filed upon receipt.

(3) A copy of all documents required or permitted to be filed, other than a request for a public hearing and requests to be made an intervenor, shall be served upon all parties.

(d) *Consolidation.* The Administrator or the Presiding Officers in his or their discretion may consolidate two or more proceedings to be held under this section for the purpose of resolving one or more issues whenever it appears that such consolidation will expedite or simplify consideration of such issues. Consolidation shall not affect the right of any party to raise issues that could have been raised if consolidation had not occurred.

(e) *Notice of public hearings.* (1) Notice of a public hearing under section 207(c)(1) of the Act shall be given by publication in the FEDERAL REGISTER. Notice will be given at least 30 days prior to the commencement of such hearings.

(2) The notice of a public hearing shall include the following information:

(i) The purpose of the hearing and the legal authority under which the hearing is to be held;

(ii) A brief summary of the Administrator's determination of nonconformity;

(iii) A brief summary of the manufacturer's factual and legal basis for contesting the Administrator's determination of nonconformity;

(iv) Information regarding the time and location of the hearing and the address to which all documents required or permitted to be filed should be sent;

(v) The address of the Hearing Clerk to whom all inquiries should be directed;

(vi) A statement that all petitions to be made an intervenor must be filed with the Hearing Clerk within 30 days and must conform to the requirements of paragraph (f) of this section.

(f) *Intervenors.* (1) Any person desiring to intervene in a hearing to be held under section 207(c)(1) of the Act shall file a petition setting forth the facts and reasons why he thinks he should be permitted to intervene.

(2) In passing upon a petition to intervene, the following factors, among other things, shall be considered by the Presiding Officer:

(i) The nature of the petitioner's interest including the nature and the extent of the property, financial, environmental protection, or other interest of the petitioner;

(ii) The effect of the order which may be entered in the proceeding on petitioner's interest;

(iii) The extent to which the petitioner's interest will be represented by existing parties;

(iv) The extent to which petitioner's participation may reasonably be expected to assist in the development of a complete record.

(3) A petition to intervene must be filed within 30 days following the notice of public hearing under section 207(c)(1) of the Act.

(4) All petitions to be made an intervenor shall be reviewed by the Presiding Officer using the criteria set forth in paragraph (f)(2) of this section. If the Presiding Officer grants the petition he shall so notify, or direct the Hearing Clerk to notify, the petitioner. If the Presiding Officer denies the petition he shall so notify, or direct the Hearing Clerk to notify, the petitioner and shall briefly state the reasons why the petition was denied.

(5) All petitions to be made an intevenor shall include an agreement by the petitioner, and any person represented by the petitioner, to be subject to examination and cross-examination and, in the case of a public interest group, corporation or association, to make any supporting and relevant records available at its own expense upon the request of the Presiding Officer, on his own motion or the motion of any party or other intervenor. If the intervenor fails to comply with any such request, the Presiding Officer may in his discretion, terminate his status as an intervenor.

(g) *Intervention by motion.* Following the expiration of the time prescribed in paragraph (f) of this section for the submission of petitions to intervene in a hearing, any person may file a motion with the Presiding Officer to intervene in a hearing. Such a motion must contain the information required by paragraph (f)(2) of this section, and, in addition, must show that there is good cause for granting the motion and must contain a statement that the intervenor shall be bound by agreements, arrangements, and other determinations which may have been made in the proceeding.

(h) *Amicus curiae.* (1) Persons not parties to the proceedings wishing to file briefs may do so by leave of the Presiding Officer granted on motion. A motion for leave shall identify the interest of the applicant and shall state the reasons why the proposed amicus brief is desirable.

(i) *Presiding Officer.* The Presiding Officer shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of the proceedings and to maintain order. He shall have all power consistent with the Agency rule and with the Administrative Procedure Act necessary to this end, including the following:

(1) To administer oaths and affirmations;

(2) To rule upon offers of proof and receive relevant evidence;

(3) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(4) To hold conferences for simplification of the issues or any other proper purpose;

(5) To consider and rule upon all procedural and other motions appropriate in such proceedings;

(6) To require the submission of testimony in written form with or without affidavit whenever, in the opinion of the Presiding Officer, oral testimony and cross-examination are not necessary for full and true disclosure of the facts. Testimony concerning the conduct and results of tests and inspections may be submitted in written form.

(7) To enforce agreements and orders requiring access as authorized by law;

(8) To require the filing of briefs on any matter on which he is required to rule;

(9) To require any party or any witness, during the course of the hearing, to state his position on any issue;

(10) To take or cause depositions to be taken whenever the ends of justice would be served thereby;

(11) To make decisions or recommend decisions to resolve the disputed issues on the record of the hearing.

(j) *Conferences.* (1) At the discretion of the Presiding Officer, conferences may be held prior to or during any hearing. The Presiding Officer shall direct the Hearing Clerk to notify all parties and intervenors of the time and location of any such conference. At the discretion of the Presiding Officer, persons other than parties may attend. At a prehearing conference the Presiding Officer may:

(i) Obtain stipulations and admissions, receive requests and order depositions to be taken, identify disputed issues of fact and law, and require or allow the submission of written testimony from any witness or party;

(ii) Set a hearing schedule for as many of the following as are deemed necessary by the Presiding Officer:

(A) Oral and written statements;

(B) Submission of written direct testimony as required or authorized by the Presiding Officer;

(C) Oral direct and cross-examination of a witness where necessary as prescribed in paragraph (m);

(D) Oral argument, if appropriate.

(iii) Identify matters of which official notice may be taken;

(iv) Consider limitation of the number of expert and other witnesses;

(v) Consider the procedure to be followed at the hearing; and

(vi) Consider any other matter that may expedite the hearing or aid in the disposition of the issue.

(2) The results of any conference including all stipulations shall, if not transcribed, be summarized in writing by the Presiding Officer and made part of the record.

(k) *Primary discovery (exchange of witness lists and documents).* At a prehearing conference or within some reasonable time set by the Presiding Officer prior to the hearing, each party shall make available to the other parties the names of the expert and other witnesses the party expects to call, together with a brief summary of their expected testimony and a list of all documents and exhibits which the party expects to introduce into evidence. Thereafter, witnesses, documents, or exhibits may be added and summaries of expected testimony amended upon motion by a party.

(l) *Other discovery.* (1) Except as so provided by paragraph (k) of this section further discovery, under this paragraph, shall be permitted only upon determination by the Presiding Officer:

(i) That such discovery will not in any way unreasonably delay the proceeding;

(ii) That the information to be obtained is not otherwise obtainable; and

(iii) That such information has significant probative value.

The Presiding Officer shall be guided by the procedures set forth in the Federal Rules of Civil Procedure, where practicable, and the precedents thereunder, except that no discovery shall be undertaken except upon order of the Presiding Officer or upon agreement of the parties.

(2) The Presiding Officer shall order depositions upon oral questions only upon a showing of good cause and upon a finding that:

(i) The information sought cannot be obtained by alternative methods; or

(ii) There is a substantial reason to believe that relevant and probative evidence may otherwise not be preserved for presentation by a witness at the hearing.

(3) Any party to the proceeding desiring discovery shall make a motion or motions therefor. Such a motion shall set forth:

(i) The circumstances warranting the taking of the discovery;

(ii) The nature of the information expected to be discovered; and

(iii) The proposed time and place where it will be taken.

If the Presiding Officer determines the motion should be granted, he shall issue an order for the taking of such discovery together with the conditions and terms thereof.

(m) *Evidence.* (1) The official transcripts and exhibits, together with all papers and requests filed in the proceeding, shall constitute the record. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable. Evidence may be received at the hearing even though inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given evidence shall be determined by its reliability and probative value.

(2) The Presiding Officer shall allow the parties to examine and to cross-examine a witness to the extent that such examination and cross-examination is necessary for a full and true disclosure of the facts.

(3) Rulings of the Presiding Officer on the admissibility of evidence, the propriety of examination and cross-examination and other procedural matters, shall be final, and shall appear in the record.

(4) An interlocutory appeal may be taken to the Administrator with the consent of the Presiding Officer and where he certifies on the record or in writing that the allowance of an interlocutory appeal is clearly necessary to prevent exceptional delay, expense or prejudice to any party or substantial detriment to the public interest. If an appeal is allowed, any party to the hearing may file a brief with the Administrator within such period as the Presiding Officer directs. No oral argument will be heard unless the Administrator directs otherwise.

(5) Except under extraordinary circumstances as determined by the Presiding Officer, the taking of an interlocutory appeal will not stay the hearing.

(6) Parties shall automatically be presumed to have taken exception to an adverse ruling.

(n) *Record.* (1) Hearings shall be stenographically reported and transcribed, and the original transcript shall be part of the record and the sole official transcript. Copies of the record shall be filed with the Hearing Clerk and made available during Agency business hours for public inspection. Any person desiring a copy of the record of the hearing or any part thereof shall be entitled to the same upon payment of the cost thereof.

(2) The official transcripts and exhibits together with all papers and requests filed in the proceeding, shall constitute the record.

(o) *Proposed findings, conclusions.* (1) Within 20 days of the close of the reception of evidence, or within such longer time as may be fixed by the Presiding Officer, any party may submit for the consideration of the Presiding Officer proposed findings of fact, conclusions of law, and a proposed rule or order, to-

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gether with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on.

(2) The record shall show the Presiding Officer's ruling on each proposed finding and conclusion, except when his order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

(p) *Decision of the Presiding Officer.* (1) The Presiding Officer shall issue and file with the Hearing Clerk his decision within 30 days after the period for filing proposed findings as provided for in paragraph (o) of this section has expired.

(2) The Presiding Officer's decision shall become the decision of the Administrator thirty (30) days after issuance thereof or thirty (30) days after the filing of notice of appeal, whichever shall be later, unless in the interim a party filing such a notice shall have perfected an appeal by filing an appeal brief, or the Administrator shall have taken action to review or stay the effective date of the decision.

(3) The Presiding Officer's decision shall include a statement of findings (with specific page references to principal supporting items of evidence in the record) and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact or law presented on the record, and an appropriate rule or order. Such decision shall be based upon a consideration of the whole record.

(4) At any time prior to the issuance of his decision, the Presiding Officer may reopen the proceeding for the reception of further evidence. Except for the correction of clerical errors, the jurisdiction of the Presiding Officer is terminated upon the issuance of his decision.

(q) *Appeal from the decision of the Presiding Officer.* (1) Any party to a proceeding may appeal the Presiding Officer's decision to the Administrator: *Provided,* That within ten (10) days after issuance of the Presiding Officer's decision such party files a notice of intention to appeal and an appeal brief within 20 days of such decision.

(2) When an appeal is taken from the decision of the Presiding Officer, any party may file a brief in support of such decision. The brief shall be filed within 30 days of the issuance of the decision of the Presiding Officer.

(3) Any brief filed pursuant to this paragraph shall contain, in the order indicated, the following:

(i) A subject index of the matter in the brief, with page references, and a table of cases (alphabetically arranged) textbooks, statutes, and other material cited, with page references thereto;

(ii) A specification of the issues intended to be urged;

(iii) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each issue, with specific page references to the record and the legal or other material relied upon; and

(iv) A proposed form of rule or order for the Administrator's consideration if different from the rule or order contained in the Presiding Officer's decision.

(4) No brief in excess of 40 pages shall be filed without leave of the Administrator.

(5) Oral argument will be allowed in the discretion of the Administrator.

(r) *Review of the Presiding Officer's decision in absence of appeal.* (1) If, after the expiration of the period for taking an appeal as provided for by paragraph (g) of this section, no appeal has been taken from the Presiding Officer's decision, the Hearing Clerk shall so notify the Administrator.

(2) The Administrator may, on his own motion, review the decision of the Presiding Officer. Notice of the intention of the Administrator to review the decision of the Presiding Officer shall be given to all parties and shall set forth the scope of such review and the issues which shall be considered and shall make provision for filing of briefs.

(s) *Decision on appeal or review.* (1) Upon appeal from or review of the Presiding Officer's decision, the Administrator shall consider such parts of the record as are cited or as may be necessary to resolve the issues presented and, in addition shall to the extent necessary or desirable exercise all the powers which he could have exercised if he had presided at the hearing.

(2) In rendering his decision, the Administrator shall adopt, modify or set aside the findings, conclusions, and rule or order contained in the decision of the Presiding Officer and shall include in the decision a statement of the reasons or bases for his action.

(3) In those cases where the Administrator believes that he should have further information or additional views of the parties as to the form and content of the rule or order to be issued the Administrator, in his discretion, may withhold final action pending the receipt of such additional information or views, or may remand the case to the Presiding Officer.

(t) *Reconsideration.* Within twenty (20) days after issuance of the Administrator's decision, any party may file with the Administrator a petition for reconsideration of such decision, setting forth the relief desired and the grounds in support thereof. Any petition filed under this subsection must be confined to new questions raised by the decision or final order and upon which the petitioner had no opportunity to argue before the Presiding Officer or the Administrator. Any party desiring to oppose such a petition shall file an answer thereto within ten (10) days after the filing of the petition. The filing of a petition for reconsideration shall not operate to stay the effective date of the decision or order or to toll the running of any statutory time period affecting such decision or order unless specifically so ordered by the Administrator.

(u) *End of hearing.* The hearing shall be deemed to have ended at the expiration of all periods allowed for appeal and review as provided for in this section.

(v) *Judicial review.* (1) The Administrator hereby designates the Deputy General Counsel, Environmental Protection Agency as the officer upon whom copy of any petition for judicial review shall be served. Such officer shall be responsible for filing in the court the record on which the order of the Administrator is based.

(2) Before forwarding the record to the court, the Agency shall advise the petitioner of costs of preparing it and as soon as payment to cover fees is made shall forward the record to the court.

[FR Doc.74-6846 Filed 3-22-74;8:45 am]

[40 CFR Part 420]

IRON AND STEEL MANUFACTURING POINT SOURCE CATEGORY

Proposed Effluent Limitations Guidelines and New Source Standards; Extension of Time for Comments

On February 19, 1974, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act as amended, 33 U.S.C. 1251, et. seq. (39 FR 6484). The proposed regulation establishes effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the iron and steel manufacturing point source category. The due date for comments provided in the notice was March 21, 1974.

EPA anticipated that the "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Iron and Steel Manufacturing Point Source Category" and the supplementary report entitled "Economic Analysis of Proposed Effluent Limitations Guidelines for the Iron and Steel Industry" which contain information pertinent to the proposed regulation, would be available to the public throughout the comment period. Production difficulties, however, delayed the availability of the Development Document until March 5, and the economic analysis report was not distributed until shortly before publication of this notice. The Agency believes that members of the public should have an opportunity to review the Development Document and the Economic Report in connection with their review of the proposed regulation. Accordingly, the date for submission of comments is hereby extended to and including April 7, 1974.

The Agency is under a Federal court order to promulgate effluent limitations guidelines for the iron and steel category by May 27, 1974. Under the court order, the Agency may not extend the public comment period such that the date upon which the extended period closes is less than 50 days from the date on which promulgation is required.

Dated: March 19, 1974.

ALAN G. KIRK, II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.74-6847 Filed 3-22-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 89, 91, 93]

[Docket No. 18261; FCC 74-242]

LAND MOBILE/UHF-TV SHARING PLAN FOR HOUSTON, DALLAS-FORT WORTH, AND MIAMI

Fourth Further Notice of Proposed Rule Making

In the matter of amendment of the Commission's rules to extend the Land Mobile/UHF-TV Sharing Plan for channels 14-20 to Houston and Dallas-Fort Worth, Texas, and Miami, Florida.

1. Notice of proposed rulemaking is hereby given in the above-entitled matter.

2. On May 20, 1970, the Commission adopted a plan for the shared use of some of the lower UHF television channels (Channels 14 through 20, 470–512 MHz) by the land mobile radio services within fifty miles of the center of the ten largest urban areas of the country, according to the 1960 census.[1] Key elements in the plan include geographic separations between land mobile stations and authorized television stations (operating or not yet in operation) on any of the Channels 14–21, to avoid co-channel, adjacent channel, or intermodulation interference to television reception; limitations on the antenna height and power for land mobile base stations (1,000 feet AAT, 1,000 ERP, or the equivalent); restrictions on the area of operation of mobile stations; and others. No more than two of the seven UHF television channels may be used in any one area for land mobile purposes. These, and other restrictions, were adopted because of the Commission's desire to protect television reception from interference, while providing reasonably adequate facilities for the land mobile services, and to preserve sufficient spectrum in and near the areas involved for future growth of UHF television. While this plan did freeze a number of UHF television table assignments, in almost every case, substitute channels were available, or could be made available, for proposed television stations.

3. The Commission had originally proposed in that proceeding to provide for shared use of as many of the lower seven UHF television channels as feasible in the twenty-five largest urban areas of the country. For a number of reasons, however, a more limited sharing plan was adopted and was confined to the largest ten urban areas.[2] When the Commission reached its decision, it stated that the sharing plan then adopted would be supervised closely for a five-year period and, at the end of that period as well as during the period, appropriate changes may be made. The plan has been in effect now for nearly four years. It has been implemented with detailed rules and suballocations. The land mobile services are making extremely good use of the frequencies in the 470–512 MHz band. For example, New York City has been provided the frequency resources in this band to accommodate the future communications requirements of its police department. In fact, in the New York and in the Washington, D.C., metropolitan areas, the frequency assignment growth in this band has been so rapid that changes in the suballocation structure became necessary.[3] During this period, we have had no complaints of interference to UHF television reception from land mobile operations in the 470–512 MHz band, and no indications that the sharing plan has had adverse effects on UHF television.

4. In view of this background and the continued growth of land mobile communications requirements, the Commission has studied the feasibility of extending the sharing plan into other urban areas. Our examination of land mobile requirements indicates that it is appropriate to extend the plan into the urban areas of Houston and Dallas-Fort Worth, Texas, and Miami, Florida. These areas were selected because land mobile growth there has been particularly rapid as a result of the burgeoning population and economic growth. Moreover, it appears that the land mobile radio services can be given access to frequencies in the 470–512 MHz band immediately, since replacement UHF television channels can be made available in these areas while providing full protection to existing television facilities (operating, or authorized but not yet constructed), with no modification of any television station authorization.

5. The Commission has also examined carefully the need for providing access to the 470–512 MHz band at this time to the land mobile radio services in these three areas. In so doing, we took into account the impending availability of frequencies in the 806–947 MHz region, as well as the possibility of accommodating the most urgent needs for spectrum within the present land mobile allocations below 470 MHz. Some room exists within the present allocations to accommodate part of the requirements, but not within the services where the need for additional communications is most pressing. Thus, for example, in the Business Radio Service in Houston, we have authorized, on the average, 145.87 mobiles per available frequency in the 450–470 MHz band. To a lesser degree, the Business frequencies are also heavily loaded in the Dallas-Fort Worth and in the Miami urban areas. While the number of authorized units may not always reflect the number of mobile units in actual operation, the average authorized channel loadings indicated may very well exceed the Commission's guidelines.

6. The frequencies in the 806–947 MHz region, when Docket No. 18262 is finalized, will, of course, provide for the future growth of land mobile communications. It should be noted, however, that there will be a period of time following the issuance of our decision in Docket No. 18262 before equipment will be available on a regular basis. By contrast, radio equipment for operation in the 470–512 MHz band is readily available; is produced on a regular basis; and has been tested in regular operation. In short, while the industry prepares to implement the frequency allocations in the 806–947 MHz region, present land mobile requirements in the areas mentioned can be accommodated in the 470–512 MHz band, particularly since this can be accomplished without appreciable adverse impact on existing television broadcasting.

7. However, since we are closer to the implementation of the frequencies in the 900 MHz band, we believe that a single UHF TV channel in each of the three urbanized areas should be sufficient to accommodate the immediate needs of the land mobile services there. Accordingly, we propose to amend Parts 2, 21, 89, 91 and 93 of the Commission's rules to make available to the land mobile radio services the following frequency bands: Miami, Florida, 470–476 MHz; Houston, Texas, 488–494; and Dallas-Fort Worth, Texas, 482–488 MHz. These frequencies would be made available under the rules and standards adopted in the First Report and Order in this proceeding. 23 FCC 2d 325. The necessary changes in the Table of Television Assignments are being covered in a separate notice adopted concurrently in Docket No. 19964.

8. Further, while the frequencies mentioned will be made available and are to be governed by the standards set out in our rules for 470–512 MHz land mobile operations, we will not suballocate the space as we did before. The reason for this stems partially from our experience, to date, in assigning frequencies in the "pools" designated in our prior orders in this case, but it is also based upon our desire to keep the assignment plan for Dallas-Fort Worth, Houston, and Miami as flexible as possible, so that whatever the pressing requirements of users in these areas turn out to be, we will be able to adjust to them with a minimum of procedural delay. Accordingly, unlike our prior assignment plan, we will not designate any particular frequency group for use by any particular class of eligibles.[4]

9. In view of the long background of this proceeding, we feel that the scope of the notice should be limited. In this regard, no useful purpose would be served by commenting on the sharing concept, as such, or on the particular sharing plan we have already implemented in other urbanized areas. Therefore, the parties should confine their comments to whether the UHF-television/land mobile sharing plan we have already adopted should be extended to the urbanized

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[1] Docket No. 18261, First Report and Order, 23 FCC 2d. 235.

[2] To date, because of delays in completing the necessary coordination with Canada, the sharing plan has not been implemented in Detroit, Michigan, and in Cleveland, Ohio.

[3] Fourth Report and Order, Docket No. 18261, 43 FCC 2d 949 (1973).

[4] We propose, however, to allocate, in each of the three urbanized areas, twelve frequency pairs in the Domestic Public Radio Services to be made available under existing rules.

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areas mentioned above. With this narrow limit, the comment period will be thirty days with additional fifteen days for replies.

10. Authority for the proposed amendments is contained in section 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before April 22, 1974, and reply comments on or before May 6, 1974. Relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

11. In accordance with the provisions of § 1.419 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission. Response will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: March 7, 1974.

Released: March 15, 1974.

FEDERAL COMMUNICATIONS COMMISSION [*]
[SEAL] VINCENT J. MULLINS,
Secretary.

[*] Dissenting statement of Commissioner Robert E. Lee filed as part of the original document.

Parts 2, 21, 89, 91, and 93 of 47 CFR Chapter I are amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

1. In § 2.106, the table is amended with respect to the frequency band 470–512 MHz in columns 7 through 11 and footnote NG 66 is amended to read as follows:

§ 2.106 Table of Frequency Allocations.

• • • • • • • •

Federal Communications Commission

Band (MHz)	Service	Class of station	Frequency	Nature of services of stations
7	8	9	10	11
•	•	•	•	•
470-512	BROADCASTING..... LAND MOBILE. (NG66)	Television broadcasting..... Land mobile.		BROADCASTING. PUBLIC SAFETY. LAND TRANSPORTATION. INDUSTRIAL. DOMESTIC PUBLIC.
•	•	•	•	•

NG66 The frequency band 470–512 MHz is allocated for use in the broadcasting and land mobile radio services. In the land mobile services it is available for assignment in the domestic public, public safety, industrial, and land transportation radio services at, or in the vicinity of 13 urbanized areas of the United States, as set forth in the table below, and subject to the standards and conditions set forth in parts 21, 89, 91, and 93 of this chapter.

Urbanized area	TV channel
New York-Northeastern New Jersey	14, 15
Los Angeles	14, 20
Chicago-Northwestern Indiana	(1)
Philadelphia, Pa.-New Jersey	(1)
Detroit, Mich	15, 16
San Francisco-Oakland, Calif	16, 17
Boston, Mass	14, 16
Washington, D.C.-Maryland-Virginia	17, 18
Pittsburgh, Pa	14, 16
Cleveland, Ohio	14, 15
Miami, Fla	14
Houston, Tex	17
Dallas, Tex	16

[1] The specific channel availability will be designated following the conclusion of a separate proceeding.

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

2. In § 21.501(l), Table A is amended by the addition of the three cities listed below:

§ 21.501 Frequencies.

• • • • •

(l) (5)

• • • • •

TABLE A.—*Frequency availability for land mobile use*

Urbanized area	Geographic center: North latitude	Geographic center: West longitude	Frequencies (MHz)
•	•	•	•
Miami, Fla.....	25°46'37"	80°11'32"	Channel 14 470-476.
Houston, Tex..	29°45'26"	95°21'37"	Channel 17 488-494.
Dallas, Tex.....	32°47'09"	96°47'37"	Channel 16 482-488.
•	•	•	•

PART 89—PUBLIC SAFETY RADIO SERVICES

3. Section 89.60(a)(2) is amended by the addition of three cities to the list of urbanized areas as follows:

§ 89.60 Use of FCC Form 425.

(a) • • •
(2) • • •

11. Miami, Fla.
12. Houston, Tex.
13. Dallas, Tex.

• • • • • •

4. In § 89.123(b), Table G is amended by the addition of the three cities listed below:

§ 89.123 Frequencies in the band 470–512 MHz.

• • • • • •

(b) • • •

TABLE G.—*Frequency availability for land mobile use.*

Urbanized area	Geographic center: North latitude	Geographic center: West longitude	Frequencies (MHz)
•	•	•	•
Miami, Fla.....	25°46'37"	80°11'32"	Channel 14 470-476.
Houston, Tex..	29°45'26"	95°21'37"	Channel 17 488-494.
Dallas, Tex.....	32°47'09"	96°47'37"	Channel 16 482-488.
•	•	•	•

PART 91—INDUSTRIAL RADIO SERVICES

5. Section 91.57(a)(2) is amended by the addition of three cities to the list of urbanized areas as follows:

§ 91.57 Use of FCC Form 425.

(a) • • •
(2) • • •

11. Miami, Fla.
12. Houston, Tex.
13. Dallas, Tex.

• • • • • •

6. In § 91.114(b), Table G is amended by the addition of the three cities listed below:

§ 91.114 Frequencies in the band 470–512 MHz.

• • • • • •

(b) • • •

TABLE G.—*Frequency availability for land mobile use*

Urbanized area	Geographic center: North latitude	Geographic center: West longitude	Frequencies (MHz)
•	•	•	•
Miami, Fla.....	25°46'37"	80°11'32"	Channel 14 470-476.
Houston, Tex..	29°45'26"	95°21'37"	Channel 17 488-494.
Dallas, Tex.....	32°47'09"	96°47'37"	Channel 16 482-488.
•	•	•	•

PART 93—LAND TRANSPORTATION RADIO SERVICES

7. Section 93.57(a)(2) is amended by the addition of the three cities listed below:

§ 93.57 Use of FCC Form 425.

(a) • • •
(2) • • •

11. Miami, Fla.
12. Houston, Tex.
13. Dallas, Tex.

• • • • • •

8. In § 93.114(b), Table G is amended by the addition of the three cities listed below:

§ 93.114 Frequencies in the band 470–512 MHz.

• • • • • •

(b) • • •

TABLE G.—*Frequency availability for land mobile use*

Urbanized area	Geographic center: North latitude	Geographic center: West longitude	Frequencies (MHz)
•	•	•	•
Miami, Fla.....	25°46'37"	80°11'32"	Channel 14 470-476.
Houston, Tex..	29°45'26"	95°21'37"	Channel 17 488-494.
Dallas, Tex.....	32°47'09"	96°47'37"	Channel 16 482-488.
•	•	•	•

[FR Doc.74-6660 Filed 3-22-74;8:45 am]

[47 CFR Part 73]

[Docket No. 19964; FCC 74-243]

TELEVISION BROADCAST STATIONS IN FLORIDA, OKLAHOMA, AND TEXAS

Table of Assignments

In the matter of amendment of § 73.606(b), table of assignments, television broadcast stations. (Boca Raton, Florida; Ardmore, Hugo, and Lawton, Oklahoma; and Longview, Texas).

1. Notice of proposed rulemaking is hereby given in the above-entitled matter.

2. In a First Report and Order in Docket No. 18261, adopted May 20, 1970, the Commission established a plan under which licensees in the land mobile radio services are allowed to share a maximum of two of the lower seven UHF television channels (Channels 14 through 20) in and near the ten largest urban areas of the country (23 F.C.C. 2d 235). In a Fourth Further Notice of Proposed Rule Making adopted today in the same docket No. 18261 (FR 11109), is proposed to extend the frequency sharing plan to the urban areas of Miami, Florida, and Houston and Dallas-Fort Worth, Texas. However, the proposal would allow the sharing of only one channel in each of these areas. Channel 14 would be shared at Miami, Channel 17 at Houston, and Channel 16 at Dallas-Fort Worth. The reasons for this proposed extension of the sharing plan are set forth in the Fourth Further Notice mentioned above and will not be repeated here.

3. If the proposed plan is adopted, it would not affect usage of currently assigned UHF channels in the vicinity of Houston. However, as to Miami, land mobile users in the area could not afford appropriate protection against interference to an occupant of Channel [*]14 at Boca Raton (presently unoccupied and unapplied for). Similarly, there are UHF channels, presently unoccupied and unapplied for, at Longview, Texas (Channel 16), and the Oklahoma communities of Ardmore (Channel [*]17), Hugo (Channel [*]15), and Lawton (Channel 16), to which land mobile users at Dallas-Fort Worth could not afford adequate protection if the channels were to become occupied. Because of this, we are proposing to freeze the aforementioned channel assignments at the communities mentioned, in the event that the proposed sharing plan is adopted. Moreover, in view of the fact that interest in activating some of these channels has been demonstrated, we think it in the public interest to propose replacement channels for them.

4. By freezing the channels, we mean that we shall not accept applications for construction permits for new television facilities on them, and that we shall not accept requests for changes in the table of assignments that would involve moving an assignment of an affected channel to another location within 212 miles, co-channel, and 140 miles, adjacent channel, of the geographic centers of the three aforementioned urbanized areas as set forth in the proposed amendment of Table G, § 89.123 of the rules, appearing in the Fourth Further Notice of Proposed Rulemaking adopted today in Docket No. 18261.

5. In view of the foregoing, we are proposing to make the following amendments to the Television Table of Assignments, § 73.606(b) of the Commission rules, if the sharing plan proposed in Docket No. 18261 is adopted:

City	Channel No.: Present	Channel No.: Proposed
Boca Raton, Fla	[*]14	[*]14,[1] [*]62
Ardmore, Okla	[*]17	[*]17,[1] [*]28
Hugo, Okla	[*]15	[*]15,[1] [*]48
Lawton, Okla	16	16,[1] 45
Longview, Tex	16	16,[1] 51

[1] Following the decision in docket No. 18261, channels so indicated will not be available for television use until further action by the Commission.

6. Authority for the proposed amendments is found in sections 4(i), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before April 22, 1974, and reply comments on or before May 6, 1974. All submissions by parties to this proceeding, or persons action on behalf of such parties, must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-661 Filed 3-22-74;8:45 am]

[47 CFR Part 73]

[Docket No. 19975; RM-2137]

FM STATIONS IN JEFFERSON, KY.

Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM broacast stations. (Jeffersontown, Kentucky).

1. Notice of proposed rule making is given with respect to the petition of Charles N. Cutler requesting amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's rules and regulations) to assign Channel 296A as a first FM assignment to Jeffersontown, Kentucky.

2. Jeffersontown, population 9,701, is located in Jefferson County, population 695,055.[1] Jeffersontown is approximately four miles east of Louisville (population 261,472), the central city of the Louisville Standard Metropolitan Statistical Area (SMSA); the SMSA has a 1973 population of 867,330.[2] In support of the petition, Cutler urges that despite the proximity of Jeffersontown to Louisville, it "is not a close-in suburb • • • [and] has a life of its own". (Petition p. 2.) We are told that Jeffersontown has a city government with a full range of municipal services; a full school system (two elementary schools, a junior high, and a high school) and a parochial school and a vocational school are there. The petition details other information and data indicating the independent nature of Jeffersontown's existence including a post office, banks, government, and commercial services, shopping centers and stores, 16 churches within a three mile radius. Petitioner states that it is unrealistic to expect the many Louisville broadcast stations to provide meaningful broadcast service to Jeffersontown; eight AM stations (five unlimited time), five FM stations, and two non-commercial educational FM stations. There are six other aural broadcast services in the area: a Class A FM station at St. Matthews, population 13,152, which, it might be noted, is completely within the city of Louisville; two daytime-only stations and a non-commercial educational FM station at New Albany, population 38,402, located in Floyd County, Indiana; and finally Jeffersonville, population 20,008, in Clark County, Indiana, has a Class IV AM station and a Class B FM station.

[1] All population information is from the 1970 U.S. Census unless otherwise indicated.

[2] It consists of Jefferson, Bullitt, and Oldham Counties in Kentucky, and Clark and Floyd Counties in Indiana. The populations of the latter are 26,090, 14,687, 75,876, and 55,622, respectively.

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3. It would appear that the petitioner has made an adequate showing that the assignment of Channel 269A to Jeffersontown might serve the public interest, convenience, and necessity, at least to the extent of our putting the matter out for proposed rule making. However, we should like further information as to whether other FM channels are available for assignment to three Kentucky communities of 2,000 or more population which would be precluded by assignment of Channel 269A to Jeffersontown; these are Eminence, population 2,225 the largest city in Henry County (population 10,910), Mt. Washington, population 2,020 (in Bullitt County) and Shelbyville, population 4,182, the seat of Shelby County (population 18,999); both Eminence and Shelbyville have a day-time-only AM station. In this respect, petitioner and other parties interested in this rule making are referred to discussions in Cayce, 30 F.C.C. 2d 180, 181, 184 (1971); Modesto and Albuquerque, 35 F.C.C. 2d 230, 231–2, 235 (1972), about assignments to communities in an SMSA where there is a plethora of service; see also Whaleyville, 28 F.C.C. 2d 641 (1971), on reconsideration, 34 F.C.C. 2d 856 (1973); and compare with Wilmington, 34 F.C.C. 2d 440 (1972), affirmed 35 F.C.C. 2d 735, 736 (1972); and Colorado Springs adopted January 23, 1974 (FCC 74–70), __ F.C.C. 2d ___.

4. In view of the foregoing, pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's Rules and Regulations, IT IS PROPOSED TO AMEND, Section 73.202 (b) of the Commission's Rules and Regulations, the FM Table of Assignments, as concerns Jeffersontown, Kentucky, as follows:

City	Channel No. Present	Proposed
Jeffersontown, Ky		269A

5. *Showings required.* Comments are invited on the proposal discussed above. Petitioner and other interested parties are expected to answer whatever questions are raised in the Notice. Petitioner or any other party interested in the assignment of Channel 269A to Jeffersontown should also specifically state an intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file such comments may lead to denial of the request.

6. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before April 30, 1974, and reply comments on or before May 10, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

9. All filings made in this proceeding will be available for examination by interested parties during business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted: March 15, 1974.

Released: March 20, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-6799 Filed 3-22-74;8:45 am]

[47 CFR Part 73]

[Docket No. 19974]

TELEVISION STATION IN PONCE, PUERTO RICO

Table of Assignments

INTRODUCTION

In the Matter of Amendment of section 73.606(b) of the Commission's Rules, the Table of Television Assignments, to change Channel 7 at Ponce, Puerto Rico to a Ponce-San Juan assignment. General Policy Questions Involved in the Proposal to Move the Transmitter location of the Ponce, Puerto Rico Channel 7 station to a point closer to San Juan, Puerto Rico.

1. This proceeding is instituted in order to explore various questions, and possible approaches, involved in a proposal by Ponce Television Corporation (WRIK), licensee of Station WRIK–TV, Ponce, Puerto Rico (Channel 7) to move that station's transmitter location to a point which is closer to San Juan, the major city of Puerto Rico, than to Ponce. The proceeding is prompted by a "Petition for Declaration of Policies with Respect to Television Service in Puerto Rico", filed by WRIK on September 19, 1973 (and opposed by various other parties as mentioned below). The petition follows, by some 15 months, the withdrawal and dismissal with prejudice of WRIK's application to make the above-mentioned move, which had been vigorously opposed by three stations, and designated for hearing on various issues (designated March 1972, Docket 19459; see Ponce Television Corporation, 33 FCC 2d 940).

2. As described in the petition (correctly as far as we know), WRIK–TV is one of four Puerto Rican stations which, among them, serve as the originating sources of the bulk of the island's TV programming,[1] the others being WAPA–TV and WKAQ–TV, San Juan, and WKBM–TV, Caguas-San Juan. All have other outlets increasing their coverage of the island beyond that possible by direct off-air reception of the main station, particularly in the Western portion; WAPA–TV and WRIK–TV have agreements under which regular stations at Aguadilla and Mayaguez respectively re-broadcast their programs. WKBM–TV has a satellite station at Ponce, and WKAQ–TV uses a number of translators (the other three systems also involve some translators). WRIK–TV claims in its petition that these are in effect Puerto Rico's "networks", and that competitive equality among them has the same high importance here as the Commission has recognized generally in connection with the three mainland U.S. national networks, ABC, CBS and NBC. This, it is said, requires both Island-wide coverage and equal access by the four "flagship" stations to the populous and relatively wealthy San Juan market, which WRIK–TV does not have because of its greater distance from San Juan than the other three (and terrain obstacles in this generally rugged area).[2]

3. In substance, WRIK asks the Commission to issue a policy statement to the effect that, in its case and any similar Puerto Rican situation, this concept of equality for the flagship stations of Island-wide systems (or networks) is "a matter of high importance not to be cast aside without very strong countervailing reasons". (See Appendix for the complete text of its requested policy statement.) It would have us make this statement even assuming arguendo the truth of the allegations against its application made by the opponents and embodied generally in the four Docket 19459 hearing issues particularly pertinent here: (1) "UHF impact" on the future establishment of a

[1] For linguistic and perhaps other reasons, there is virtually no "national" network service (from ABC, CBS, and NBC) in Puerto Rico, with the possible exception of some sports events. There is some use of "off-network" material translated into Spanish.

[2] WRIK–TV asserts that the public interest is harmed if one of these four program sources is in economic jeopardy, inter alia because it might mean the critical impairment or total destruction of the economic viability of the outlying stations to serve as means of local self-expression.

San Juan UHF station;[3] (2) "shadowing" problems with respect to coverage of Ponce from the proposed location, which might require "a waiver of a minor technical rule" (§§ 73.685(a), concerning determination of the signal intensity over the community of license, and 73.658(b) concerning suitability of transmitter location); (3) possible losses or degradations of television service to areas and populations; (4) that grant of WRIK's application to move site, to a point closer to the larger city of San Juan than to Ponce, might be considered a de facto reallocation of the channel to San Juan, "despite the fact that WRIK will continue to provide a local outlet for Ponce."

4. The WRIK "Petition" seeks a statement of policy as mentioned above. However, in a subsequent letter to the staff, petitioner suggested as an alternative the addition of a statement to the rules, as a footnote to § 73.606(a), as follows:

> The Commission's policy of providing equal facilities so far as possible to national networks is applicable to Puerto Rican television networks. Accordingly, in the absence of strong countervailing reasons, the Commission will grant authorizations or waivers, or both, to the extent necessary to provide Puerto Rican networks with facilities for equal and adequate access to the principal communities of the island.

BRIEF SURVEY OF PUERTO RICAN TV ASSIGNMENTS AND STATIONS, AND THE HISTORY OF WRIK–TV

5. There are 10 VHF channel assignments in Puerto Rico, of which two (at San Juan and Mayaguez) are used by non-commercial educational stations. One (Ch. 13 at Fajardo) is occupied by an authorized station which has not gone into operation (litigation over a modification is pending. The remaining 7 assignments are occupied by the two San Juan and one Caguas-San Juan stations mentioned, WRIK–TV and WSUR at Ponce (the latter a satellite of the Caguas-San Juan station) and, in the Western part of the island, WOLE–TV at Aguadilla (with authority to identify with Mayaguez also) and WORA–TV at Mayaguez.[4] There are also 25 UHF assignments, 9 of them reserved for education, of which one unreserved channel at Aguadilla is occupied by an authorized (1972) but not yet operational station, and one at San Juan is applied for (see footnote 3, above). It should be noted that the distances between major communities are comparatively small—e.g., about 47 miles between San Juan (on the northern coast slightly east of center) and Ponce (near the southern coast slightly west of center); but rugged terrain in much of the island prevents direct reception over long distances. The entire island extends slightly more than 100 miles from east to west and about 35 miles north-south.

6. *WRIK–TV.* This station is licensed to Ponce Television Corporation, 80 percent of whose stock since 1970 has been owned, ultimately, by United Artists Corporation, a major U.S. film producer and distributor. The station went on the air in 1958, and for several years operated from a site close to Ponce and served as a rebroadcast outlet for Station WKAQ–TV, San Juan. In 1967, after Commission approval, it moved its transmitter site to its present location (Cerro Maravilla) 10 miles north and slightly east of Ponce and 35 miles southwest of San Juan. At about the same time it took steps to become an independent programming source, enlarging its staff and building a large studio in San Juan. From this site, it puts a predicted principal-city signal over San Juan as well as Ponce, but in March 1969 the Commission denied an application for authority for dual-city identification, because of impact on the development of UHF (particularly on Station WTSJ, San Juan). See Ponce Television Corporation, 17 FCC 2d 411 and, on reconsideration, 18 FCC 2d 543 (both 1969). In the latter decisions, the Commission set forth certain conditions on WRIK's use of its "auxiliary" San Juan studio: more than 50% of the station's programs other than network and other than entertainment (including sports) must originate from Ponce, and if the San Juan studio has facilities for color telecasting the Ponce studio must have them also.

7. In March 1971 WRIK applied for permission to move transmitter site to a location close to those of the two San Juan stations, some 37 miles east and slightly north of Ponce and about 24 miles south of San Juan.[5] This was opposed by three stations, as mentioned above, particularly WAPA–TV and WTSJ, San Juan, and was designated for hearing in March 1972, on issues mentioned above, and also an issue as to whether, in fact, WRIK had moved its main studio to San Juan without Commission authority (the opponents claimed that WRIK–TV had not complied with the two requirements mentioned above). Shortly thereafter WRIK withdrew its application rather than go through a long and burdensome hearing proceeding (described in the instant petition as "an adventure in self-immolation"), and later paid a $10,000 fine in connection with the studio question, whereupon the hearing was terminated. In September 1973 it filed the instant petition requesting a declaration of policy. Other details of WRIK's operation, including its claimed losses, are set forth below.

MATERIAL IN THE PETITION AND RESPONSIVE PLEADINGS

8. Essentially, WRIK's petition sets forth the position that the whole island of Puerto Rico is one market for TV advertising purposes, with the greater San Juan area as the crucial core of that market; that the basis of Puerto Rican television is the island-wide systems (now four) each with a "flagship" station serving San Juan and having island-wide coverage through translators or rebroadcast arrangements with regular stations (no station has ever operated successfully without being part of such a system); that the WRIK system ("Rickavision") is at a serious disadvantage by virtue of its inferior coverage of San Juan compared to the other three "flagship stations", to the extent that it is cut off "from at least half the market opportunities in the island", which precludes its long-term viability; and that as a result it has had staggering losses, totalling nearly $8.5 million in the three years 1970–1972, requiring cash advances from the parent United Artists of about that amount in three years and a total of more than $10,000,000 by the end of 1973 (all despite higher than average program expenses ranging from $2,650,000 to $2,856,000 per year, including its payment to WORA–TV for rebroadcast of $720,000 or more each year, which in two of the three years were more than its total revenues). It is stated that the station's survival is jeopardized, and it cannot continue these losses much longer; the survival of outside stations as well would thus be jeopardized.

9. Recognizing that it had an opportunity in 1972 to make its case in a hearing, WRI asserts that it withdrew because of the delay and burden involved—"defeat by attrition". It asks now that the Commission dispose of the objections of its opponents by "advance recognition by the Commission of the unique nature of the television industry in Puerto Rico

[3] In the Docket 19459 hearing order, this was the first issue, and was put in general terms—whether grant would impair the ability of authorized and prospective UHF stations in the area to compete effectively, or would wholly or partly jeopardize the continuation of existing UHF service. At that time UHF Station WTSJ operated in San Juan, along with satellite stations at Ponce and Mayaguez; however, these three stations ceased operation, and their authorizations were surrendered, in November 1972. An application was tendered for the same San Juan UHF channel at about the time of WRIK's present petition (September 1973); the new San Juan applicant, who opposes the WRIK petition, proposes an English-language service, the same type of operation engaged in by WTSJ. One UHF station is authorized but not operational in Puerto Rico, at Aguadilla, in the northwestern part of the island.

[4] One aspect of this matter which should be noted is that there are no mileage separation problems. There are no co-channel assignments in Puerto Rico on this or any channel; the only adjacent-channel assignment in the area is Channel 8 at Christiansted, V.I., more than 85 miles from the location proposed in WRIK's last application and farther from either San Juan or Ponce.

[5] The site of the Caguas-San Juan station is north of these locations, closer to Caguas and San Juan.

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and the necessity of equal access to San Juan by the flagship station of each system." This would remove the contentions of the opponents as "substantial and material questions of fact" and thus make an evidentiary hearing on another application unnecessary, depriving the opponents of the procedural tool which otherwise they will be able to use indefinitely to perpetuate their competitive advantage and the anti-competitive situation. Accordingly, we are asked to make a formal statement to the effect that the various matters urged cannot equal in importance the "equality of access for flagship stations" concept—[8] which, it is claimed, the Commission has recognized many times in connection with mainland U.S. broadcast matters. Examples are cited of past Commission general statements concerning matters involved in applications and hearings—"307(b)", comparative broadcast hearings, TV multiple ownership, etc.

10. WRIK submits considerable factual data in support of various parts of its argument. One subject is the importance of San Juan and its area in the life of Puerto Rico, including only about 27% of the population but 70% of the wholesale and 50% of the retail trade, and 72% of service activities, and having with 45 of 52 of the island's advertising agencies which place 99% of the total advertising placed by Puerto Rican agencies.[9] It is also described as the center of government and of the island's cultural activity. A second area as to which data was advanced concerns WRIK–TV's share of audience in the San Juan area, in the South-West region which includes Ponce, Mayaguez and Aguadilla, and in the island overall. Based on a May 1973 survey, WRIK–TV is fourth in 61 of 63 weekly evening half-hours (third in two), whereas in the South-West Region it was first or second in 62 of 63 (third once).[9]

11. *Arguments of the opponents.* The WRIK petition was opposed by the licensees of the two San Juan stations, WAPA–TV and WKAQ–TV, and by Suburban Broadcasting Corporation, the new UHF applicant there. The first two oppositions were in the form of motions to dismiss. All of these parties urge largely procedural concepts—that the petition's request is without precedent, a "circumvention of established procedures" (either the hearing opportunity which WRIK decided not to accept, or formal rulemaking to reallocate the channel), a petition for reconsideration of matters already decided when the Commission designated the earlier WRIK application for hearing, or a request for an "advance waiver" of important matters which would be involved in any future hearing. It is claimed that WRIK has not sustained the burden of establishing why such an unprecedented approach should be taken, and, indeed, that it is not permissible under the Communications Act and the Administrative Procedure Act. It is urged that none of the past examples of Commission general policy statements cited is precedent here (for example, it is claimed that the Comparative Hearing policy statement was basically a statement of existing policy, not the formulation of a new policy); and that this kind of approach would spawn a host of similar requests by potential applicants, to have troublesome issues settled in advance.

12. WKAQ–TV also goes into the particular facts of the situation, urging: (1) WRIK obviously was not so concerned about time pressure when it dismissed its application in 1972, since it could well have had a hearing decision by now if it had continued; (2) the economic situation is simply not all that urgent, in view of the profitability of United Artists and Transamerica Corp. (the ultimate parent of WRIK); lower deficits in 1972 than in earlier years; the facts that Ponce, the WRIK–TV city of license, showed radio revenues of over $1,000,000 in 1970 and should be able to support two TV stations, and that there is a UHF permitted in the smaller city of Aguadilla; and (3) the fact that the Commission is not a guarantor of profit.

13. The new San Juan UHF applicant makes some of these arguments and also urges the importance of localism in the Commission's allocation of television channels, and the fact that the addition of a fourth San Juan VHF competitor would assertedly mean the end of the proposed UHF operation (splitting the advertising revenue available among four, rather than three, powerful VHF competitors). It asserts that what is involved here is really a reallocation of Channel 7 to San Juan, in which case the station authorized on the channel now does not have rights greater than any other applicant; and it requests equal opportunity to apply for the channel if it is reassigned to San Juan.

14. There were later pleadings by WRIK and WKAQ, but, since we are herein taking no final action, it is not necessary to discuss them.

15. *Letters from the representative of the Governor of Puerto Rico.* On September 27, 1973, a letter was addressed to the Commission by Mr. Jose A. Cabranes, of Washington, D.C., Administrator and Special Counsel to the Governor of Puerto Rico. It is asserted that the circumstances of Puerto Rico, including television, are unique and different as compared to those of the mainland U.S. (as to language, economic conditions, etc.), so that the same policies should not necessarily apply (citing our recent rule-making proposal concerning dual-language TV/FM programming). It is stated that for practical purposes the island is one television market, served by four systems or "networks" (as described above); and it is urged that the Commission recognize the problems and "take such action, as promptly as possible, as well as assure diverse sources of programming for Puerto Rico while avoiding undue or unusual concentration of control of the broadcast media."

16. On October 10, 1973, Mr. Cabranes directed another letter, stating that the Commonwealth Government neither supports nor opposes the WRIK petition, but that the earlier letter was simply designed to provide the Commission with information as to Puerto Rico and its acknowledged "uniqueness".

DISCUSSION

17. *Preliminary observations.* At the outset of our discussion of the foregoing matters, it is appropriate to make one general observation. At this point, it appears to us far from clear that the public interest would be furthered by permitting WRIK–TV to make the transmitter move proposed in its earlier application, or that, even if the move should be found ultimately to be in the public interest, it is appropriate or feasible to issue the kind of advance "policy statement" which WRIK seeks. The hearing process, whatever its drawbacks, is the procedure designed to develop most completely the facts of a given situation; and the Commission has often been reversed by the Court of Appeals for not adopting it in various situations. WRIK rejected its earlier opportunity to present its case in this fashion; and it may well be that the most appropriate course is simply to afford it the same opportunity if and when it tenders a similar application. The four hearing issues concerning the earlier application which were mentioned above—"UHF impact", the matter of de facto reallocation of the channel, "shadowing" over the principal community and net losses in service—are important considerations, and also subjects where at least a fairly close look at the particular facts involved appears likely to be necessary before a decision can be reached. Unless we conclude that the "equal facilities for flagship stations" concept urged, together with WRIK–TV's economic situation, is so compelling as to dwarf these other matters, it is rather hard to see how a hearing could be avoided, as long as Channel 7 remains assigned to Ponce.

18. Because of these reservations and problems concerning a possible "statement of policy", we are including herein, although not requested by petitioner, the matter of simply reassigning the channel so as to make it available for use by a station licensed to San Juan, by re-designating it as a hyphenated "Ponce-San Juan" assignment. This is the traditional and most direct approach to such matters, and it eliminates the question of "de facto reallocation", although it probably also means that the channel would be open to other applicants, such as the new UHF applicant. The matter of reassignment is discussed more fully below, and one of the questions on which comments are invited is whether—legally or as a matter of basic fairness—such reassignment does in fact open the channel to any applicant who wishes to seek it.

19. However, despite the foregoing doubts and problems, we believe the possibility of issuing a statement in this situation, with a view to settling at an early date as many matters as can be so resolved, should be explored, and that is one of the chief purposes of this proceeding. This threshold question is one of the matters set forth below on which comment is invited. As WRIK points out, the Commission has in the past issued policy statements designed to create certainty and simplify or eliminate matters as hearing issues.[9] While use of that approach here would be somewhat novel, for one reason because at most only a very few situations would be involved if the matter is limited to Puerto Rico, this does not by itself render such a procedure either inappropriate or unfeasible. The hearing process is undoubtedly a time-consuming and burdensome one, for the Commission and staff as well as for the parties. Consistent with the Commission's authority, and indeed its obligation, to adopt procedures which conduce to the most prompt and efficient handling of its business, we believe consideration should be given to the possible issuance of a statement which would settle some, or conveivably all, of the matters which might otherwise require a hearing if and when WRIK tenders an application similar to that of 1971. This is the only conclusion which has been reached at this point. There is another advantage also: instituting a proceeding in the form of this one may provide useful comments on questions which come up from time to time. One of these is the question of whether, under circumstances such as those here assuming a transmitter move like that previously applied for, there would have been a "de facto" reallocation of the channel to make it a San Juan assignment. Another is whether a channel reassignment—either a "de facto" one or a formal rule-making action—automatically opens the channel up to other applicants. These matters are discussed below.

20. *Re-designation of Channel 7 as a "Ponce-San Juan" assignment.* This is the only rule-making proposal included herein.[10] We have substantial reservations about whether it would be an appropriate move; as mentioned, it is advanced as probably the most direct approach to the problems raised by petitioner, assuming *arguendo* that any relief can and should be given. Use of the channel at San Juan might be justifiable, from a "307(b)" standpoint, in light of the comparative populations of the two cities (footnote 7 above), since this would mean three unreserved VHF channels at San Juan (or four if the Caguas assignment is counted) compared to one for Ponce. While there are arguments the other way, such as encouragement of a "choice of local service" at Ponce (particularly since the other existing station operates entirely or very largely as a satellite), we believe the formal reassignment warrants consideration. Many of the subjects set forth below on which comment is invited are relevant in this connection also, and will be considered in both connections without having to be set forth separately. One of these subjects is the question of whether, if the channel is so reassigned and WRIK–TV seeks modification of license to become a San Juan station, the channel thus becomes available to other Ponce and San Juan applicants.

21. *The economic situation and prospects of WRIK–TV.* While we do not here attempt to spell out the showings which will be required in this matter, it appears likely that the economic situation and prospects of WRIK–TV may well be an important part of the case, both as to the need for and propriety of the "advance ruling" requested and as to the ultimate merits of its transmitter-move proposal. The Commission will consider the data contained in stations' annual financial reports, and we will assume that WRIK agrees that such data for WRIK–TV may be made public to the extent necessary to support the decision reached. The same assumption will be made as to other Puerto Rican licensees who participate in the proceedings.

22. *"Inequality in access to San Juan".* One of the important aspects of WRIK's case is that WRIK–TV does not put a signal over the major city of San Juan comparable to those of the other three stations, despite the fact that all put a predicted principal-city signal over this area, and that therefore it is at a serious competitive disadvantage. The data in support of this consists of an audience-preference survey, showing respective shares of audience in greater San Juan and elsewhere. While this might be indicative of comparative signal quality, it might also reflect to a substantial extent the programming of the stations, since audience tastes vary among viewers, including variations among different areas, e.g., large-city vis-a-vis more rural areas. Therefore it would be desirable for a showing on this subject to include more than audience data, so as to indicate more precisely whatever technical difference in signals may exist.

23. *"Comparative equality for flagship stations" and "UHF impact".* The first of these concepts is the key to WRIK's argument—that here there should be equal facilities and access to the heart of the market for the four Puerto Rican "originating stations", and that the Commission should hold this to be an overriding consideration outweighing the various other aspects of the matter, including impact on UHF development. It is true, as WRIK points out, that past Commission actions have emphasized the concept of "equality" and "equal access" among networks and their outlets.[11] However, particularly in more recent years, there have been substantial limits on the application of such concepts, chiefly resulting from the matter of "UHF impact", which has been of particular concern to the Commission in light of our commitment to make vigorous efforts to further UHF development generally, a commitment made in connection with enactment of the "all channel receiver law" in 1962 (see § 303(s) and 330 of the Communications Act). Thus, in the VHF drop-in matter cited by the petitioner and above, we refused to make 7 additional VHF short-spaced drop ins. More recently, we acted to terminate ABC's authority to continue serving the San Diego market through a Tijuana, Mexico VHF station, in order to further the development of UHF in San Diego. See American Broadcasting Companies, Inc., 35 FCC 2d 1 (1972). There are numerous other examples. The all-channel law and our implementing rules apply as much to Puerto Rico as they do to the mainland U.S., and therefore the same general considerations would appear to apply also.

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[8] WRIK claims that the four lines of objection are not of great importance; the shadowing and "loss of service" problems (if any) can be cured by translators, the impact on a potential UHF station in San Juan cannot be held to equal the importance of maintaining existing services, and, as long as WRIK maintains its present extent of local service to Ponce, it is idle to ask whether the move might be considered by some a "de facto" reallocation of the channel to San Juan.

[9] Pertinent 1970 Census population figures are as follows: Puerto Rico, 2,712,033; San Juan city, 452,759, urbanized area 820,442, SMSA 851,247; Ponce city, 128,233, SMSA 158,981. Caguas, fairly close to San Juan, had a city population of 63,216 and an SMSA population of 95,661.

[9] For the island as a whole, WRIK–TV was first in 3 half-hours, second in 4, third in 25 and fourth in 31.

[9] See Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393 (1965); Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities 2 FCC 2d 190 (1965); Interim Policy Concerning Acquisition of Television Broadcast Stations, FCC 65–548, 30 F.R. 8173, 5 R.R. 2d 271 (1965).

[10] We do not believe it appropriate to consider the addition of a footnote to § 73.606, as suggested by petitioner in a letter and mentioned in par. 4 above. There appears no reason to clutter the Table of Assignments with a statement which is both somewhat indefinite and applicable only in a very few situations. As to reassigning the channel to San Juan alone, while comments making this suggestion will be entertained, we do not believe it appropriate as a Commission proposal, since it would, at least for now, foreclose the second largest city in Puerto Rico (Ponce) from having a local station other than a satellite. While "hyphenation" is not a favored concept, it appears the most suitable approach here if any change is to be made.

[11] WRIK cites the VHF drop-in decisions, 25 R.R. 1687, 1696 (1963), particularly Chairman Minow's concurring statement; the ABC–ITT Merger decision, 9 FCC 2d 546, 571 (1967); and in radio, various Court and Commission actions in the "KOB–WABC" case (1960 and 1965 Court decision, 280 F. 2d 631, 635, and 345 F. 2d 954, and the Commission's later 1969 rule-making action, Clear Channel Broadcasting, 17 FCC 2d 257, 270). Other actions could be cited, such as the third-VHF-channel "drop ins" made in 1961 in Grand Rapids, Mich. and Rochester and Syracuse, N.Y., as well as the "move-in" of the New Bedford, Mass. station to a location where it could better serve the Providence, R.I. market (see 17 R.R. 1737, 1748a and 1754, and 23 R.R. 1050, respectively).

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24. Since there have been San Juan UHF operations in the past and there is now a pending application, the "UHF impact" concept may be the most difficult hurdle facing WRIK in this matter, now or later. However, it may be that there are possible counter-arguments worthy of attention, for example the absence here of any mileage separation deviation, the fact that no impact on any existing UHF station is involved now (unlike the situation earlier) [12], and the importance (if in fact it exists) of a transmitter move to insure the survival of a station providing some locally originated service to Ponce. These matters appear to warrant exploration, together with the "equality" concept which WRIK urges so strongly.[13]

25. *"Shadowing" and "loss of service" resulting from the move.* These matters, included as two of the four basic hearing issues on which the earlier application was designated, are not subjects which can profitably be discussed at length in the absence of specific facts. They may be of high importance (for example, as to losses in service, see Hall v. FCC, 237 F 2d 567 (1956), and Television Corporation of Michigan v. FCC, 294 F 2d 730 (1961)), or they may be of considerably lesser weight, depending on the facts presented in a given situation.[14] As discussed below, the problem of "shadowing" into Ponce, to the extent it may exist, may be relevant in connection with the question of whether the transmitter move contemplated would amount to a *de facto* reassignment of the channel. One point should be noted: WRIK asserts that whatever drawbacks in these respects its proposal may have, they are curable by translator operation; it should be specific as to its intentions in these respects if it wishes to get any kind of an advance determination on these points (which may well not be possible anyhow).

26. *"De facto" reallocation and whether reallocation opens the channel to all applicants.* Comment is invited on two questions which involve legal as well as policy considerations: (1) Whether under all of the circumstances here, permitting a transmitter move such as that in WRIK–TV's earlier application is in effect a de facto reallocation or reassignment of the channel to San Juan, in any meaningful sense; and (2) assuming either a de facto or a formal reassignment, whether this means that the channel should be open to all applicants, assuming, in the case of a formal reassignment, that the station takes steps, such as moving its site or seeking a change in its city of license, to become a station tied to the larger city. In connection with the first question, it is certainly arguable that the combination of facts would make the station really a San Juan station, taking into account its location closer to San Juan than to Ponce (and providing a better signal to the former than to the latter), the maintenance of elaborate studios in San Juan, the origination of the bulk of its programming there (both entertainment and part of non-entertainment material), and the established fact that stations generally tend to be oriented toward the larger city, where the bulk of their potential audience and potential advertising revenues are located. On the other hand, it may be that this is too rigid a view of the matter to be realistic. TV stations and channels assigned in the general area of large cities, but not to them, have shown a very strong tendency to gravitate toward the larger center; and it may be that all that should be expected of an assignment like Ponce Channel 7 is that the station will be licensed to the smaller city, will maintain an adequate studio in and originate at least a fairly substantial amount of regular programming from it (geared to its needs and interests), and will put a predicted principal-city signal over it even though there are some shadowing problems (with the latter problems to be mitigated by translators). We reach no conclusions; comments on these matters are invited.

27. As to the second question—the consequences of reassignment of the channel, interns of opening it up to other applicants—the prevailing view at least for several years has been that a formal reassignment does have this effect. At least two U.S. Court of Appeals (D.C.) decisions have so indicated, though neither involved a square holding. See Community Telecasting Co. v. FCC, 255 F. 2d 891 (1958) and Louisiana Television Corp. v. FCC, 347 F. 2d 808 (1965), in which the Court appeared to extend this principle to de facto, as well as formal, reallocations. Nevertheless, neither of these was a square holding on the point, and in one early case the Commission did not follow this concept (Muskogee-Tulsa, Oklahoma, 15 R.R. 1720 (1957)). Therefore, comments upon this matter are invited, in light of both legal requirements and general public-interest policy and fairness considerations. However, we know of no reason at this time why the viewpoint set forth in the two court cases cited does not apply, at least to a formal reallocation.

SUBJECTS ON WHICH COMMENTS ARE INVITED

28. In light of the matters discussed above, comments are invited on the following matters.

(a) Whether Channel 7, now assigned in § 73.606(a) of the Rules to Ponce, P.R., should be re-designated a "Ponce-San Juan" assignment by amending the Table of Television Assignments in § 73.606(a) accordingly. This is the only rule-making proposal in this proceeding. Such action will be considered in light of the matters referred to above, comments filed in response to specific questions in this paragraph, below, and other matters pertinent to Commission decisions in television channel assignment proceedings.

(b) Whether a statement of policy can or should be issued concerning equality of access to the San Juan market (facilities and transmitter location) by Puerto Rican stations, particularly those which originate substantial amounts of programming, and concerning applications to move transmitter site to improve such access, like that by Ponce Television Corporation in 1971 (BPCT–4421) involving a proposal to move to a location closer to San Juan than to Ponce.* This statement, if issued, would be an attempt to indicate what weight will be attached to various considerations discussed above and in this paragraph below, if an application containing such a transmitter-move proposal is filed. The Appendix, WRIK–TV's proposed policy statement, is set forth to show the kind of material such a statement might contain, although it is not proposed for adoption as such:

(c) In connection with either a formal reassignment of the channel, or a possible "statement of policy", what significance should be attached to the following matters, in light of past Commission decisions, general Commission policies, and the facts of this case including the economic situation and prospects of WRIK–TV:

(1) Provision of generally equal facilities, in terms of quality of signal to the San Juan area, for the originating stations of the four existing Puerto Rican television broadcast "systems", and for any other VHF or UHF stations which originate substantial amounts of programming.

(2) The effect of the kind of site change proposed by WRIK–TV on the development of UHF in Puerto Rico, including the station recently applied for in San Juan, other authorized stations in Puerto Rico, and future UHF development in Puerto Rio generally.

(3) The extent to which such a transmitter move may be necessary to insure the survival of WRIK–TV and of the station (WORA–TV, Mayaguez) which rebroadcasts much of its programming.

(4) Whatever gains or losses in television service to areas and populations would result from such a transmitter move.

(5) "Shadowing" which may exist over Ponce from the proposed location, in relation to the requirements of § 73.658(a) and (b).

(d) Whether a transmitter move such as that proposed should be regarded in any significant sense as a "de facto reallocation" of the channel involved, bearing in mind the transmitter location closer to the larger city and likely provision of a better signal to it than to Ponce, the maintenance of studios in San Juan at least as well-equipped and elaborate as those in Ponce, and the origination of the bulk of the programming from San Juan but more than half of the non-entertainment programming from Ponce.

(e) Whether a reassignment of the channel, either the formal reassignment as proposed in (a) above (together with steps by the licensee to move toward San Juan), or a "de facto reallocation" to the extent it may be involved, serves to open the channel to application for its use by other parties either in Ponce or in San Juan.

29. Authority for the institution of this proceeding is found in §§ 4(i) and (j), 303 (d), (f), (g), (h), (i) and (r), 307(b), and 403 of the Communications Act of 1934, as amended.

30. Pursuant to applicable procedures set out in § 1.415 of the Commission's Rules, interested persons may file comments on or before April 22, 1974 and reply comments on or before May 3, 1974. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

31. In accordance with the provisions of § 1.419 of the Commission's Rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. These documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: March 13, 1974.

Released: March 20, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS, *Secretary.*

[12] Some of the Commission rule-making decisions involving formal reassignment of channels have turned on "UHF impact" in terms of potential development only. However, most, if not all, of the cases involving transmitter moves rather than new assignments have involved injury to an authorized UHF station.

[13] To the extent this concept may be determinative here, the question of course is what weight should be attached to the concept of equality among the four Puerto Rican television "systems". There are both similarities and differences between this question and the concept of equality among the three mainland networks, which may work both ways—for example, the question of whether these really are "networks," since they involve only two regular stations at most, and one of these serves the bulk of the population covered; and, on the other hand, the fact that there is involved here the matter of equality of access by the "flagship station", which has not arisen in the case of U.S. networks because all three have comparable access with respect to what could be considered their "flagship" stations (New York, Los Angeles and Chicago). "Network equality" in the U.S. television situations has involved access to smaller markets, such as those mentioned above.

[14] In terms of predicted Grade A coverage as as shown in the contour maps attached to the petition, the losses might not be crucial. WSUR, the Ponce satellite, provides all of the island with a predicted Grade A signal, the two San Juan stations so cover roughly 75% of it, and Stations WOLE–TV, Aguadilla, and WORA–TV, Mayaguez, both cover much of the Western area not reached by the San Juan stations. It appears that the move might result in reduction of a very small area in the central West to one Grade A signal, and more substantial areas in the Northwest and central West to two Grade A signals (WSUR and either WORA–TV or WOLE–TV). However, in view of the rugged terrain involved, depiction of predicted contours is not necessarily the complete answer.

* Parties may wish to comment on the situation of Station WSTE–TV, Fajardo, P.R. (authorized but never operating) in this respect.

APPENDIX

TEXT OF POLICY DECLARATION REQUESTED BY PONCE TELEVISION CORPORATION [1]

(a) Puerto Rico has been compelled by circumstances, linguistic and economic in nature, to develop for itself a microcosm of mainland networks.

(b) Four broadcasting systems operating in Puerto Rico compete with each other on an island-wide basis in the same manner as the three television networks on the mainland compete on a nationwide basis.

(c) The Commission will give high priority to the maintenance and encouragement of island-wide competition. The competitive disadvantage of one island-wide network or system has adverse island-wide effects on the public interest. Without such island-wide systems, with equivalent access to San Juan, the viability of non-San Juan outlets for local expression will be critically impaired if not destroyed.

(d) Equal facilities for the flagship stations of island-wide systems or networks is a matter of high importance not to be cast aside without very strong countervailing reasons.

[FR Doc.74–6801 Filed 3–22–74;8:45 am]

[47 CFR Part 76]

[Docket No. 18891; FCC 74–263]

DIVERSIFICATION OF CONTROL OF CABLE TELEVISION

Memorandum Opinion and Order Extending Time

In the matter of amendment of Part 76 of the Commission's rules and regulations relative to diversification of control of community antenna television systems; and inquiry with respect thereto to formulate regulatory policy and rule making and/or legislative proposals.

1. On June 24, 1970, the Commission adopted its notice of proposed rule making and of inquiry (Docket No. 18891), 35 FR 11042, 23 FCC 2d 833. There the Commission proposed to deal with several matters concerning diversification of control of cable television. One of the matters was whether the Commission should enact a rule prohibiting daily newspapers from owning local cable television systems. In paragraph 4 of the notice, the Commission stated that in view of the fact that the question of cross-ownership of newspapers and local broadcast stations is under study in Docket No. 18110, the newspaper/cable portion of Docket No. 18891 will be considered at the same time as Docket No. 18110.

2. The deadline for filing comments in the newspaper/cable cross-ownership phase of Docket No. 18891 was in May 1971; the deadline for reply comments was in August 1971. As we stated in paragraph 11, Memorandum Opinion and Order in Docket No. 18110, FCC 74–222, FCC 2d (Released March 7, 1974), although there are issues in common with certain of the questions pending in Docket 18110, there are enough unique considerations in the newspaper/cable proposal and other non-newspaper questions in Docket No. 18110 so that we will not totally consolidate these pending matters. On the other hand, there are enough common factors to warrant our consideration and final resolution of these issues at approximately the same time.

3. Although we are not now scheduling oral argument on the newspaper/cable matter, we believe it appropriate, in view of the time and the changes that have taken place in the industry since this proceeding was commenced, to reopen the docket for the filing of supplemental or new comments by all interested persons. All such comments should be filed by May 15, 1974. If deemed necessary, oral argument will be scheduled at a later date.

Adopted: March 13, 1974.

Released: March 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74–6798 Filed 3–22–74;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[Docket No. 74–11]

RULES OF PRACTICE AND PROCEDURE

Proposed Miscellaneous Amendments

The Commission has become concerned with the amount of time required to conduct formal proceedings before it. In an effort to expedite such proceedings, the Commission proposes to revise certain of the procedural rules and regulations under which they are conducted.

The principal thrust of the amendments proposed herein is to make discovery procedures more orderly and less time consuming. The Commission's present rules relating to discovery procedures were promulgated in September 1968 pursuant to Pub. L. 90–177, which amended section 27 of the Shipping Act, 1916. That law furthermore provided that such rules "shall, to the extent practicable, be in conformity with the rules applicable in civil proceedings in the district courts of the United States."

The basic purpose of the rules was to streamline and expedite proceedings before the Commission. Since the rules would enable litigants to obtain facts and documentary materials in advance of the hearing, it was believed that the parties would be better prepared for trial, that surprise would be avoided, and that consequently there would be little or no need to grant time-consuming continuances once the hearing had begun. These are also the purposes of the Federal Rules of Civil Procedure, after which the Commission rules are, to the extent practicable, required to be patterned.

Despite these good intentions, however, the Commission's present discovery rules have frequently failed to succeed in their basic objective for several reasons. Litigating parties often fail to utilize the procedures established by the rules expeditiously and the rules themselves do

[1] The text of the requested statement is set forth for information only.

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not generally impose specific time limitations especially with regard to commencement of discovery procedures and filing of motions to compel answers or applications for enforcement of discovery-related orders of the Commission or of the presiding officer. Furthermore, the Commission's rules have not been revised so as to conform to the present Federal Rules of Civil Procedure which were amended significantly in 1970 in order to promote greater expedition and efficiency in their use.

The following proposed revisions to the Commission's discovery rules are designed to follow the 1970 amendments to the Federal rules where practicable. Thus, the requirement in Rules 12(a), (f), and (h) that parties must wait 20 days or 10 days after commencement of the proceeding before serving interrogatories or requests for admission without leave of the Commission has been eliminated. Rules 12(f), 12(g), and 12(h) relating to interrogatories, motions for production, and requests for admission have been revised so as to conform generally to revised Federal Rules 33, 34, and 36. Federal Rule 33 no longer requires parties to answer interrogatories within 15 days or object within 10 days with a notice for hearing on the objections. Instead, a period of 30 days is generally prescribed for the filing of answers or objections and the party seeking to overcome objections must file a motion to compel answers. Federal Rule 34 eliminates the requirement that a party file a motion for production showing "good cause." Instead he may serve a request on any other party and, in case of objections, file a formal motion for an order compelling disclosure. Federal Rule 36 regarding requests for admissions has been similarly revised.

Other provisions in Federal Rule 33 have been incorporated in Commission Rule 12(f) relating to the scope of interrogatories and the option to produce business records. In the former case, the revision makes clear that an interrogatory may inquire as to opinions or contentions, even if involving the application of law to fact. In the latter case, an answering party may choose to allow the interrogating party to undertake the burden of researching answers by granting access to records containing pertinent material.

Certain provisions in revised Federal Rule 37(b) relating to sanctions for failure to comply with discovery-related orders have been incorporated in Commission Rules 12(j) and 12(k). These relate to adverse rulings which a party may suffer who refuses to comply with such orders. The Commission's rules presently provide no specific sanctions for failure to comply and leave the affected party no alternative but to seek ultimate enforcement in the courts.

In certain Federal district courts, the practice is to require counsel to meet informally in an effort to resolve discovery-related issues before seeking formal rulings from the presiding judge. See, e.g., U.S. District Court, Central District of California, Rule 3(l); U.S. District Court, Southern District, New York, Rule 9(f). These rules encourage counsel to resolve issues informally, thus saving both the court and the parties the time and expense of engaging in formal court proceedings. Provisions establishing this practice have been incorporated in Commission Rules 12(f) and 12(g) relating to interrogatories and requests for production.

New provisions have been incorporated in certain rules imposing specific time limitations in order to insure that parties intending to utilize discovery procedures will do so expeditiously and will pursue the matters to conclusion, including prompt application to the Commission or the courts for enforcement of orders compelling answers or production. Special provisions are applicable to interveners in order to avoid undue delay which may result if late-appearing interveners wish to commence discovery procedures. These provisions are contained in rules 12(a) (general), 12(d) and 12(e) (depositions), 12(f) (interrogatories), 12(g) (production), 12(h) (requests for admission), Rules 5(l) (interventions), 12(j) (enforcement of orders), and 12(k) (enforcement orders).

In addition to the revisions to Rules 12(j) and 12(k) discussed above which relate to sanctions in cases of noncompliance with orders of the Commission or the presiding officer and imposition of time limitations on parties seeking enforcement of such orders, these particular rules have been revised in order to clarify the procedures for enforcement. Rule 12(k) has also been amended so as to delete reference to persons, documents, or other things located in the United States, which matters are covered in Rule 12(j).

In addition, provision has been made for setting a specified hearing date in proceedings referred to the Office of Administrative Law Judges.

It is also proposed to amend Subpart K, Shortened Procedure, and Subparts S and T, Informal and Formal Procedures for Adjudication of Small Claims to reduce the number of filings and the amount of time required to conduct proceedings under such procedures.

Finally, a new § 502.243 is proposed to be added to specify the conditions under which oral argument will be granted and to clarify the position of an individual Commissioner who is not present at oral argument.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 553) and sections 27 and 43 of the Shipping Act, 1916 (46 U.S.C. 826, 841(a)), 46 CFR Part 502 is proposed to be amended as set forth below.

1. Section 502.61 is proposed to be amended by the addition of the following sentence:

§ 502.61 Proceedings.

• • • • • •

In proceedings referred to the Office of Administrative Law Judges, the Commission shall specify a date on or before which hearing shall commence, which date shall be no more than six months from date of service of the order or complaint. Hearing dates may be deferred by the presiding judge only upon a showing of extraordinary good cause.

2. Section 502.72 is proposed to be amended by redesignating the current text as paragraph (a) and adding a new paragraph (b) as follows:

§ 502.72 Petition for intervention.

• • • • • •

(b) Any intervener desiring to utilize the procedures provided by Subpart L must commence doing so no later than 10 days after his petition for leave to intervene has been granted. If the petition is filed later than 20 days after the date of service of the Commission's order instituting the procedings or the date of service of the complaint, petitioner will be deemed to have waived his right to utilize such procedures unless good cause is shown for the failure to file the petition within the 20-day period; provided, however, the use of Subpart L procedures by an intervener whose petition was filed beyond the 20-day period described above will in no event be allowed if, in the opinion of the presiding officer, such use will result in delaying the proceeding unduly.

3. Sections 502.182, 502.183, and 502.184 are proposed to be revised as follows:

§ 502.182 Complaint and memorandum of facts and arguments.

A complaint filed with the Commission under this subpart shall have attached a memorandum of the facts, subscribed and verified according to § 502.112 (Rule 8(b)), and of arguments separately stated, upon which it relies. The original of each complaint with memorandum shall be accompanied by copies for the Commission's use [Rule 11(b)].

§ 502.183 Respondent's answering memorandum.

Within twenty-five (25) days after date of service of the complaint, unless a shorter period is fixed, each respondent shall, if he consents to the shortened procedure provided in this subpart, serve upon complainant an answering memorandum of the facts, subscribed and verified according to § 502.112 (Rule 8(b)), and of arguments, separately stated, upon which it relies. The original of the answering memorandum shall be accompanied by a certificate of service as provided in § 502.114 of this part and shall be accompanied by copies for the Commission's use. If the respondent does not consent to the proceeding being conducted under the shortened procedure provided in this subpart, the matter will be governed by Subpart E of this part (Rule 5) and the respondent shall file an answer under § 502.64 [Rule 11(c)].

§ 502.184 Complainant's memorandum in reply.

Within fifteen (15) days after the date of service of the answering memorandum prescribed in § 502.183, unless a shorter period is fixed, each complainant may file a memorandum in reply, subscribed and verified according to § 502.112 (Rule 8

(b)), served as provided in § 502.114 of this part, and accompanied by copies for the Commission's use. This will close the record for decision unless otherwise determined by the Presiding Officer [Rule 11(d)].

4. Section 502.201 is proposed to be amended by deleting the second sentence of paragraph (b)(1) and revising the first sentence of paragraph (b)(2).

§ 502.201 General.

• • • • • •

(b) • • •

(2) Unless otherwise ordered by the presiding officer for good cause shown, the use of the procedures set forth in this subpart shall be completed prior to hearing and shall be commenced no later than 20 days after the date of service of the Commission's order instituting the proceeding or the date of service of the complaint, or, if the particular discovery is in the nature of a new phase of discovery generated by answers or information obtained through earlier discovery procedures, within 15 days after such answers have been served or such information obtained. Interveners desiring to use any such procedures must comply with the applicable provisions of § 502.72. • • •

• • • • • •

5. Section 502.204 is proposed to be amended by addition of the following new paragraph (h):

§ 502.204 Depositions upon oral examination.

• • • • • •

(h) Any party desiring to take a deposition as provided by this section must comply with the applicable provisions of § 502.201(b)(2).

6. Section 502.205 is proposed to be amended by addition of the following new paragraph (e):

§ 502.205 Depositions of witnesses upon written interrogatories.

• • • • • •

(e) Any party desiring to take a deposition as provided by this section must comply with the applicable provisions of § 502.201(b)(2).

7. Section 502.206(a) is proposed to be amended by deleting the present text following the first sentence and substituting the language set forth below. Paragraph (b) would be amended by inserting the sentence set forth below after the present first sentence. Paragraph (c) would be added as set forth below.

§ 502.206 Interrogatories to parties.

(a) • • • Any party desiring to serve interrogatories as provided by this section must comply with the applicable provisions of § 502.201(b)(2).

(1) Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them, and the objections signed by the attorney making them. The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any, on the party submitting the interrogatories within 30 days after the service of the interrogatories, unless the presiding officer for good cause shown, enlarges or shortens the time. The party submitting the interrogatories may move for an order under § 502.210 or § 502.211 with respect to any objection or to other failure to answer an interrogatory. Unless otherwise ordered by the presiding officer for good cause shown, such a motion shall be filed no later than 15 days after date of service of the answers or objections. Failure to file a timely motion, absent good cause, shall constitute a waiver of the party's right to utilize the provisions of § 502.210 or § 502.211 with respect to the particular answers or objections. Oral argument on answers or objections shall not be heard unless the presiding officer, as a matter of discretion, deems that the matter cannot be decided on the pleadings. No motion described in this paragraph will be entertained unless counsel for the moving party files with the Commission on or before the due date for filing a reply to the motion an affidavit certifying that he has conferred with counsel for the opposing party in an effort in good faith to resolve by agreement the issues raised by the motion without the intervention of the presiding officer and has been unable to reach such agreement. If part of the issues raised by motion have been resolved by agreement, the affidavit shall specify the issues so resolved and the issues remaining unresolved.

(b) • • • An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the presiding officer may order that such an interrogatory need not be answered until after designated discovery has been completed or until a prehearing conference or other later time. • • •

(c) *Option to produce business records.* Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, or from a compilation, abstract or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit or inspect such records and to make copies, compilations, abstracts or summaries.

8. Section 502.207 is proposed to be revised to read as follows:

§ 502.207 Production of documents and things and entry upon land for inspection and other purposes.

(a) *Scope.* Any party may serve on any other party a request (1) to produce and permit the party making the request, or someone acting on his behalf, to inspect and copy any designated documents (including writings, drawings, graphs, charts, photographs, phono-records, and other data compilations from which information can be obtained, translated, if necessary, by the respondent through detection devices into reasonably usable form), or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of § 502.201 and which are in the possession, custody or control of the party upon whom the request is served; or (2) to permit entry upon designated land or other property in the possession or control of the party upon whom the request is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of § 502.201.

(b) *Procedure.* The request shall set forth the items to be inspected either by individual item or by category, and describe each item and category with reasonable particularity. The request shall specify a reasonable time, place, and manner of making the inspection and performing the related acts. The party upon whom the request is served shall serve a written response within 30 days after the service of the request. The response shall state, with respect to each item or category, that inspection and related activities will be permitted as requested, unless the request is objected to, in which event the reasons for objection shall be stated. If objection is made to part of an item or category, the part shall be specified. The party submitting the request may move for an order under § 502.210 or § 502.211 with respect to any objection to or other failure to respond to the request or any part thereof, or any failure to permit inspection as requested. Oral argument on responses or objections shall not be heard unless the presiding officer, as a matter of discretion, deems that the matter cannot be decided on the pleadings.

(c) *Time and procedural requirements.* Any party desiring to serve a request as provided by this section must comply with the applicable provisions of § 502.201(b)(2). Any party submitting a request who desires to move for an order under § 502.210 or § 502.211 with respect to any objection to or other failure to respond to the request must file an appropriate motion within 15 days after date of service of the written response. Failure to file a timely motion, absent good cause, shall constitute a waiver of the party's right to utilize the provisions of § 502.210 or § 502.211 with respect to objection to or other failure to respond to the request. Such motion will not be entertained unless counsel for the moving party files with the Commission on or before the due date for filing a reply to the motion an affidavit certifying that he has conferred with counsel for the opposing party in an effort in good faith to resolve by agreement the issues raised by the motion without the intervention of the presiding officer and has been unable to reach such an agreement. If part of the issues raised

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by motion have been resolved by agreement, the affidavit shall specify the issues so resolved and the issues remaining unresolved.

9. Section 502.208 is proposed to be revised to read as follows:

§ 502.208 Requests for admission.

(a) A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of § 502.201(c) set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. Any party desiring to serve a request as provided by this section must comply with the applicable provisions of § 502.201(b)(2).

(i) Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the presiding officer may allow, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or by his attorney. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; he may, subject to the provisions of § 502.208(c) deny the matter or set forth reasons why he cannot admit or deny it.

(ii) The party who has requested the admissions may move to determine the sufficiency of the answers or objections provided that he files an appropriate motion within 15 days after date of service of such answers or objections. Oral argument on answers or objections shall not be heard unless the presiding officer, as a matter of discretion, deems that the matter cannot be decided on the pleadings. Unless the presiding officer determines that an objection is justified, he shall order that an answer be served. If the presiding officer determines that an answer does not comply with the requirements of this rule, he may order either that the matter is admitted or that an amended answer be served. The presiding officer may, in lieu of these orders, determine that final disposition of the request be made at a pretrial conference or at a designated time prior to trial.

(b) *Effect of admission.* Any matter admitted under this rule is conclusively established unless the presiding officer on motion permits withdrawal or amendment of the admission. The presiding officer may permit withdrawal or amendment when the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy the presiding officer that withdrawal or amendment will prejudice him in maintaining his action or defense on the merits. Any admission made by a party under this rule is for the purpose of the pending proceeding only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding.

(c) *Expenses on failure to admit.* If a party fails to admit the genuineness of any document or the truth of any matter as requested under § 502.208(a), and if the party requesting the admissions thereafter proves the genuineness of the document or the truth of the matter, he may apply to the presiding officer for an order requiring the other party to pay him the reasonable expenses incurred in making that proof, including reasonable attorney's fees. The presiding officer shall make the order unless he finds that (1) the request was held objectionable pursuant to § 502.208(a), or (2) the admission sought was of no substantial importance, or (3) the party failing to admit had reasonable ground to believe that he might prevail on the matter, or (4) there was other good reason for the failure to admit [Rule 12(h)].

10. Section 502.210 is proposed to be amended by adding the following sentence at the end of paragraph (a), revising paragraph (b), and adding paragraph (c) as follows:

§ 502.210 Refusal to make discovery: consequences.

(a) • • • Application for any order made pursuant to this section shall be filed within the time limits and in accordance with the provisions set forth in § 502.206, § 502.207, and § 502.208 where applicable. With respect to depositions, unless otherwise ordered by the presiding officer for good cause shown, application shall be filed within 15 days after deponent's refusal to answer.

(b) *Sanctions for failure to comply with order.* If a party or an officer or duly authorized agent of a party refuses to obey an order made under paragraph (a) of this section requiring him to answer designated questions or to produce any document or other thing for inspection, copying or photographing or to permit it to be done, the presiding officer may make such orders in regard to the refusal as are just, and among others the following:

(1) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purposes of the action in accordance with the claim of the party obtaining the order;

(2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence;

(3) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judgment by default against the disobedient party.

(c) *Enforcement of orders.* In the event of refusal to obey an order made under paragraph (a) of this section the affected party or the Commission may apply for enforcement to a district court having jurisdiction of the parties, provided that the affected party seeks court enforcement within 15 days of the date of refusal to obey the order in question. The presiding officer may direct the affected party to seek such enforcement of an order relating to persons, documents, or other things located in the United States. Failure to seek enforcement in timely fashion will result in a waiver of the affected party's rights to enforcement of the subject order.

11. Section 502.211 is proposed to be amended by revising the last sentence of paragraph (a), and revising paragraphs (b) and (c) to read as follows:

§ 502.211 Witnesses and evidence located in a foreign country.

• • • • •

(a) • • • Application for any order made pursuant to this section shall be filed within the time limits and in accordance with the provisions set forth in Sections 502.206, 502.207 and 502.208 where applicable. With respect to depositions, unless otherwise ordered by the Commission for good cause shown, application shall be filed within 15 days after deponent's refusal to answer.

(b) *Sanctions for failure to comply with order.* In the event of refusal to obey an order of the Commission described in paragraph (a), the Commission may make such orders or take such actions in regard to the refusal as are just, including the specific sanctions provided in § 502.210(b).

(c) *Enforcement orders.* Application to a district court for enforcement of an order which relates to persons, documents, or other things located in a foreign country, shall be made by the Commission. In the event of refusal to obey an order of the Commission described in paragraph (a) the affected party may request the Commission to seek court enforcement provided that such request is filed with the Commission within 15 days of the date of refusal to obey the order in question. Failure of the affected party to file a timely request with the Commission will result in a waiver of the affected party's rights to enforcement of the subject order. The presiding officer may direct the affected party to file such request with the Commission.

12. A new section 502.243 is proposed to be added as follows:

§ 502.243 Granting of oral argument.

Oral argument shall not be granted unless at least two Commissioners specify that they desire the parties to present further argument on particular points or furnish answers to particular questions. Where practicable, the notice of oral argument shall direct the parties to address themselves to such points or questions.

13. A new section 502.244 is proposed to be added as follows:

§ 502.244 Participation of absent commissioner.

Any commissioner who is not present at oral argument and who is otherwise authorized to participate in a decision shall participate in making that decision after reading the transcript of oral argument unless he files in writing an election not to participate.

14. In section 502.304, paragraphs (d), (e), (f) and (g) are proposed to be revised as follows:

§ 502.304 Procedures.

• • • • •

(d) A copy of each claim filed under this subpart, with attachments, shall be served by the Settlement Officer on the carrier involved.

(e) Within twenty-five (25) days from the date of service of the claim, the carrier shall file with the Commission its response to the claim, together with an indication as to whether the informal procedure provided in this subpart is consented to. Failure of the carrier to indicate refusal or consent in its response will be conclusively deemed to indicate such consent. The response shall consist of documents, arguments, legal authorities, or precedents, or any other matters considered by the carrier to be a defense to the claim. The Settlement Officer may request the carrier to furnish such further documents or information as he deems necessary, or he may require the claimant to reply to the defenses raised by the carrier.

(f) If the carrier refuses to consent to the claim being informally adjudicated pursuant to this subpart, the claim will be considered a complaint under section 502.311 and will be adjudicated under Subpart T.

(g) Both parties shall promptly be served with the Settlement Officer's decision which shall state the basis upon which the decison was made. This decision shall be final, unless, within fifteen (15) days from the date of service of the decision, the Commission exercises its discretionary right to review the decision.

15. Section 502.312 is proposed to be revised to read as follows:

§ 502.312 Answer to complaint.

The carrier shall file with the Commission an answer within 25 days of service of the complaint and shall serve a copy of said answer upon complainant. The answer shall admit or deny each matter set forth in the complaint. Matters not specifically denied will be deemed admitted. Where matters are urged in defense, the answer shall be accompanied by appropriate affidavits, other documents, and memoranda.

Interested persons may participate in this rulemaking proceeding by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 3, 1974 an original and 15 copies of their views or arguments pertaining to the proposed rules.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6860 Filed 3-22-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SIZE STANDARDS DIFFERENTIALS

Proposed Change in Application

Section 121.3-7(b)(1) of 13 CFR Part 121 provides a 25 percent size standards differential for the purpose of assistance under section 7(a) of the Small Business Act (Act). Further, § 121.3-7(b)(2) of the regulation provides a 25 percent differential for concerns receiving financial assistance from a small business investment company or from a development company in connection with a loan under section 501 or 502 of the Small Business Investment Act of 1958, as amended. However, there is no provision for application of a differential for the purpose of assistance under section 7(b) of the Act.

The Small Business Administration has concluded that, in addition to the financial assistance programs for which the differential now is applicable, it should, in the interest of consistency, be made applicable to financial assistance under section 7(b).

Accordingly, it is proposed to revise § 121.3-7(b)(1) of 13 CFR Part 121 to read as follows:

§ 121.3-7 Differentials.

• • • • •

(b) • • •

(1) *Assistance under sections 7(a) and 7(b) of the Small Business Act.* Notwithstanding any other provision of this part, the applicable size standards for the purposes of assistance under sections 7(a) and 7(b) of the Act are increased by 25 percent whenever the concern maintains or operates a plant, facility, or other business establishment within an area of substantial unemployment or underemployment or redevelopment area as defined in § 121.3-2 (d) and (v) or is designated as a "Certified Eligible" concern by the Department of Labor and agrees to use the assistance within such area or, if it does not maintain a plant, facility, or other business establishment within such area, agrees to utilize the assistance for the establishment and/or operation of a plant, facility, or other business establishment within such area.

Interested parties may file with the Small Business Administration on or before April 9, 1974, written statements of facts, opinions, or arguments concerning the proposal.

All correspondence shall be addressed to:

William L. Pellington, Director
Office of Industry Studies and Size Standards
Small Business Administration
1441 L Street N.W.
Washington, D.C. 20416

Dated: March 14, 1974.

THOMAS S. KLEPPE,
Administrator.

(Catalog of Federal Domestic Assistance Program Nos. 59.001, Displaced Business Loans; 59.002, Economic Injury Disaster Loans; 59.010, Product Disaster loans; and 59.014, Coal Mine Health and Safety Loans.)

[FR Doc.74-6738 Filed 3-22-74;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

NON-POWERED HAND TOOLS FROM JAPAN

Withholding of Appraisement

Information was received on August 20, 1973, that non-powered hand tools from Japan were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 *et seq.*) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 26, 1973, on page 26738. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) and the exporter's sales price (section 204 of the Act; 19 U.S.C. 163), of non-powered hand tools from Japan are less, or are likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the U.S. Customs Service tends to indicate that there are sufficient sales in the home market to provide an adequate basis of comparison for fair value purposes. Also, indications are that sales by certain manufacturers to the United States are to a related party. Accordingly, the probable basis of comparison will be between purchase price or exporter's sales price, as appropriate, and the adjusted home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated on the basis of either an ex-godown port of lading, Japan, unit price to the United States or a c.i.f. unit price to the United States, as appropriate, with deductions for inland freight, where the price was ex-godown port of lading, Japan, and with deductions for inland freight, ocean freight, insurance and brokerage charges, where the price was c.i.f. U.S. port of destination. Adjustments will probably be made for differences in packing costs, in the merchandise compared and in the applicable rate of currency exchange, where appropriate.

Exporter's sales price will probably be calculated by deducting from the resale price to unrelated purchasers in the United States, U.S. duties, brokerage fees, freight charges, insurance, commissions, and selling expenses, as appropriate.

Home market price will probably be calculated on the basis of a weighted-average delivered price, with a deduction for inland freight. Adjustments will probably be made for differences in the merchandise compared, interest, advertising costs, and packing.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price or exporter's sales price, as appropriate, will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of non-powered hand tools from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street, NW, Washington, D.C. 20229, in time to be received by his office not later than April 4, 1974. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than April 24, 1974.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective March 25, 1974. It shall cease to be effective September 25, 1974, unless previously revoked.

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

MARCH 21, 1974.

[FR Doc.74-6958 Filed 3-22-74;9:25 am]

DEPARTMENT OF DEFENSE

Department of the Navy

ACADEMIC ADVISORY BOARD, U.S. NAVAL ACADEMY

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act [Pub. L. 92-463 (1972)], notice is hereby given that the Academic Advisory Board, United States Naval Academy, will have a meeting from 8:00 a.m. to 11:30 a.m. on April 1, 1974, at the United States Naval Academy, Annapolis, Maryland.

The purpose of this meeting is to advise and assist the Superintendent of the Naval Academy concerning the education of midshipmen.

Dated: March 18, 1974.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

[FR Doc.74-6739 Filed 3-22-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of Hearings and Appeals

[Docket No. M 74-62]

CAROLINA MINING INC.

Mandatory Safety Standard; Petition for Modification of Application

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Carolina Mining Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 2 Strip Mine.

Section 77.1605(k) of 30 CFR reads as follows:

"Berms or guards shall be provided on the outer bank of elevated roadways."

In support of its petition, Petitioner states:

(1) Berms which Petitioner has installed have created a drainage problem since the water table is even with the roadway level. The drainage problem makes the roadway slippery and more hazardous.

(2) The berms have hampered removal of snow causing the road to ice over and become dangerous; guardrails would be a worse hindrance.

(3) Some of Petitioner's roadway is on solid rock, therefore, before guardrails or berms could be installed, drilling and blasting would have to be done. This activity in addition to increasing manhours, would increase the accident potential as well.

(4) More than half of Petitioner's haulage time is on county or state roads which do not have these berms or guardrails. Consequently, these roads are no safer than Petitioner's private roads.

(5) More than half of Petitioner's haulage roads are temporary, and the man-hours and equipment needed for the installation and removal of these berms or guardrails would be a needless expense, in addition to an increased accident risk.

(6) If this modification is granted, appropriate warning and speed limit signs would be posted where the guardrails or berms are required.

(7) This winter Petitioner lost "trucking time" due to existing berms that were installed.

(8) Petitioner's alternate method will at all times guarantee no less than the same measure of protection afforded by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 13, 1974.

[FR Doc.74-6742 Filed 3-22-74;8:45 am]

[Docket No. M 74-65]

FORD COAL CO.

Mandatory Safety Standard; Petition for Modification of Application

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Ford Coal Company has filed a petition to modify the application of 30 CFR 75.313 to its Mine No. 1.

Section 75.313 of 30 CFR reads in pertinent part as follows:

The Secretary or his authorized representative shall require, as an additional device for detecting concentrations of methane, that a methane monitor, approved as reliable by the Secretary after March 30, 1970, be installed, when available, on any electric face cutting equipment, continuous miner, longwall face equipment, and loading machine, except that no monitor shall be required to be installed on any such equipment prior to the date on which such equipment is required to be permissible under §§ 75.500, 75.501, and 75.504. When installed on any such equipment, such monitor shall be kept operative and properly maintained and frequently tested as prescribed by the Secretary. • • •

In support of its petition Petitioner states:

(1) Petitioner seeks a waiver of the mandatory safety standard as it applies to Petitioner's Jeffrey 100-L Continuous Miner (hereinafter, "miner").

(2) The miner in question is nine years old, and the life expectancy of the subject mine is nine months.

(3) The miner has been operating in the same seam of coal for approximately five years. During this period, no methane has been detected.

(4) The area in which the miner operates is tested for methane every twenty minutes when the miner is being used.

(5) The seam in which the miner operates is approximately 200 feet above the water table level.

(6) The miner will not be used after the present seam is discontinued.

(7) The miner is considered to be in permissible condition, and the operation of the miner without a methane monitor will provide the same amount of protection as afforded by the mandatory safety standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 15, 1974.

[FR Doc.74-6740 Filed 3-22-74;8:45 am]

[Docket No. M 74-63]

NEW CON COALS INC.

Mandatory Safety Standard; Petition for Modification of Application

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), New Con Coals Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 1 Strip Mine.

Section 77.1605(k) of 30 CFR reads as follows:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states:

(1) Berms which Petitioner has installed have created a drainage problem since the water table is even with the roadway level. The drainage problem makes the roadway slippery and more hazardous.

(2) The berms have hampered removal of snow causing the road to ice over and become dangerous; guardrails would be a worse hindrance.

(3) Some of Petitioner's roadway is on solid rock, therefore, before guardrails or berms could be installed, drilling and blasting would have to be done. This activity in addition to increasing manhours, would increase the accident potential as well.

(4) More than half of Petitioner's haulage time is on county or state roads which do not have these berms or guardrails. Consequently, these roads are no safer than Petitioner's private roads.

(5) More than half of Petitioner's haulage roads are temporary, and the man-hours and equipment needed for the installation and removal of these berms or guardrails would be a needless expense, in addition to an increased accident risk.

(6) If this modification is granted, appropriate warning and speed limit signs would be posted where the guardrails or berms are required.

(7) This winter Petitioner lost "trucking time" due to existing berms that were installed.

(8) Petitioner's alternate method will at all times guarantee no less than the same measure of protection afforded by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

MARCH 13, 1974.

[FR Doc.74-6743 Filed 3-22-74;8:45 am]

[Docket No. M 74-61]

TARHEEL COALS INC.

Mandatory Safety Standard; Petition for Modification of Application

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Tarheel Coals Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its No. 2 Strip Mine.

Section 77.1605(k) of 30 CFR reads as follows:

"Berms or guards shall be provided on the outer bank of elevated roadways."

In support of its petition, Petitioner states:

(1) Berms which Petitioner has installed have created a drainage problem since the water table is even with the roadway level. The drainage problem makes the roadway slippery and more hazardous.

(2) The berms have hampered removal of snow causing the road to ice over and become dangerous; guardrails would be a worse hindrance.

(3) Some of Petitioner's roadway is on solid rock, therefore, before guardrails or berms could be installed, drilling and blasting would have to be done. This activity in addition to increasing manhours, would increase the accident potential as well.

(4) More than half of Petitioner's haulage time is on county or state roads which do not have these berms or guardrails. Consequently, these roads are no safer than Petitioner's private roads.

(5) More than half of Petitioner's haulage roads are temporary, and the man-hours and equipment needed for the installation and removal of these berms or guardrails would be a needless expense, in addition to an increased accident risk.

(6) If this modification is granted, appropriate warning and speed limit signs would be posted where the guardrails or berms are required.

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(7) This winter Petitioner lost "trucking time" due to existing berms that were installed.

(8) Petitioner's alternate method will at all times guarantee no less than the same measure of protection afforded by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before April 24, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U. S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

MARCH 13, 1974.

[FR Doc.74-6741 Filed 3-22-74;8:45 am]

Bureau of Land Management

[INT FES 74-14]

OUTER CONTINENTAL SHELF OFFSHORE TEXAS

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement relating to a possible Outer Continental Shelf general oil and gas lease sale of 245 tracts of submerged lands on the Outer Continental Shelf in the Gulf of Mexico offshore Texas.

Single copies of the final environmental statement can be obtained from the Office of the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240. Additional copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151.

Copies of the final environmental statement will also be available for public review in the main public libraries in the following cities: Port Arthur, Freeport, Houston, and Galveston, Texas.

CURT BERKLUND,
Director.

MARCH 22, 1974.

Approved:
WILLIAM W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.74-6989 Filed 3-22-74;11:42 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation No. A038]

IOWA

Designation of Emergency Area

The Secretary of Agriculture has found that a general need for agricultural credit exists in Calhoun County, Iowa.

The Secretary has found that this need exists as a result of a natural disaster consisting of hailstorms June 26; July 1, 8, and 18; and August 16, 1973; and a windstorm and heavy rains September 21, 1973.

Therefore, the Secretary has designated this area as eligible for emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for emergency loans must be received by this Department prior to April 26, 1974, for physical losses and prior to November 26, 1974, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 19th day of March, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-6774 Filed 3-22-74;8:45 am]

Forest Service

GREEN MOUNTAIN NATIONAL FOREST; TIMBER MANAGEMENT PLAN

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement on the Timber Management Plan for the Green Mountain National Forest, USDA-FS-R9-FES-(Adm)-74-6.

The environmental statement concerns the implementation of the Green Mountain National Forest Timber Management Plan, which establishes an allowable harvest of 10.8 million board feet, and 7,000 cords per year for the two-year plan period FY '75-'76. The portion of the Green Mountain National Forest covered by this plan is wholly contained within the State of Vermont and includes portions of Addison, Bennington, Rutland, Washington, Windham and Windsor Counties.

This final environmental statement was filed with CEQ on March 18, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250
USDA, Forest Service
Eastern Region
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203
USDA, Forest Service
Green Mountain National Forest
Federal Building
151 West Street
Rutland, Vermont 05701

A limited number of single copies are available upon request to Forest Supervisor, Green Mountain National Forest, Federal Building, 151 West Street, Box 519, Rutland, Vermont 05701.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

JAY H. CRAVENS,
Regional Forester,
Eastern Region.

[FR Doc.74-6757 Filed 3-22-74;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON FOREIGN ANIMAL AND POULTRY DISEASES

Meeting

A meeting of the Advisory Committee on Foreign Animal and Poultry Diseases will be held at 8:30 a.m., on April 2, 1974, in the Emergency Programs Information Center on the 7th Floor of the Federal Building, 6505 Belcrest Road, Hyattsville, Maryland.

The purpose of the committee is to advise the Secretary of Agriculture regarding program operations or measures to prevent, suppress, control, or eradicate an outbreak of foot-and-mouth disease (FMD) or other destructive foreign animal and poultry diseases in the event such diseases should enter this country.

The purpose of the meeting is to review present criteria for determining if an area which is a territory of a FMD infected country, but which is geographically removed, can be considered as having a disease status different than the parent country.

The meeting is open to the public. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. F. J. Mulhern, Administrator, United States Department of Agriculture, Room 316E., Washington, D.C. 20250, telephone number (202) 447-3668.

Dated: March 20, 1974.

F. J. MULHERN,
Vice Chairman.

[FR Doc.74-6812 Filed 3-22-74;8:45 am]

Packers and Stockyards Administration

WELD COUNTY LIVESTOCK COMMISSION CO. ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being

subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility No., name, and location of stockyard, date of posting

CO—123 Weld County Livestock Commission Company, Greeley, Colo., May 23, 1957.
GA-142 Georgia Livestock Market, Inc., Macon, Georgia, January 18, 1938.
GA-177 Longhorn Livestock Auction, Inc., Poulan, Georgia, May 1, 1973.
IN-117 Indianapolis Stockyards Corporation, Indianapolis, Indiana, November 1, 1921.
MN-137 Pine City Livestock Sales, Pine City, Minnesota, October 14, 1959.
NB-155 Minden Livestock Sales Co., Inc., Minden, Nebraska, February 1, 1950.
OH-110 Union Stock Yards, Cleveland, Ohio, November 1, 1921.
PA-122 Jamestown Livestock Commission Market, Jamestown, Pennsylvania, December 10, 1959.
SC-114 Clarendon Auction Sales, Inc., Manning, South Carolina, August 15, 1960.
WA-100 Auburn Livestock, Inc., Auburn, Washington, October 16, 1959.

Notice or other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective March 25, 1974.

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 *et seq.*).

Done at Washington, D.C., this 19th day of March, 1974.

EDWARD L. THOMPSON,
Chief Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.74-6772 Filed 3-22-74;8:45 am]

Rural Electrification Administration

TRI-STATE GENERATION AND TRANSMISSION, INC.

Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan to Tri-State Generation and Transmission Association, Inc., P.O. Box 29198, Denver, Colorado 80229. This loan includes financing for the construction of 8.2 miles of 115 kV transmission line from Longmont Northeast Substation to Del Camino Substation.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 19th day of March 1974.

GEORGE P. HERZOG,
Acting Administrator, Rural Electrification Administration.

[FR Doc.74-6813 Filed 3-22-74;8:45 am]

DEPARTMENT OF COMMERCE

[File No. 22(71)-6]

WOLFGANG G. PRENOSIL, ET AL.

Order Denying Export Privileges for an Indefinite Period

In the matter of Wolfgang G. Prenosil, Apexa Deutschland G.m.b.H., and Bautelle fuer Elektronik (Apexa), Egerstrasse 2, 6200 Wiesbaden, Federal Republic of Germany (FRG), (Respondents).

The Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, US Department of Commerce, has applied for an order denying to the above-named respondents all export privileges for an indefinite period because said respondents failed to furnish answers to interrogatories and failed to furnish certain records and other writings specifically requested, without good cause being shown. This application was made pursuant to § 388.6 of the export regulations issued under the Export Administration Act.

The application for an indefinite denial order was referred to the Acting Hearing Commissioner, Bureau of East-West Trade, who after considering the evidence has recommended that the application be granted. The report of the Acting Hearing Commissioner and the evidence supporting the application have been considered.

The evidence presented shows that respondent Prenosil a naturalized U.S. citizen, is and has been engaged in the business of importing and exporting and otherwise dealing in electronic equipment. At one time, Prenosil controlled and operated North American Enterprises, Inc., a corporation engaged in the export business in California, but now defunct. At the same time, Prenosil also managed, and his wife and minor children purportedly owned, Apexa Deutschland GmbH, otherwise called Bautelle fuer Elektronik (Apexa), an export-import firm engaged in business in Wiesbaden, F.R.G., and they still do manage and own said firm.

The evidence further shows that the Compliance Division is conducting an investigation into the disposition by Prenosil and Apexa of certain US origin electronic equipment of a strategic nature which they obtained from the US through North American Enterprises, Inc., and other US firms.

It is impracticable to subpoena the respondents in West Germany. Accordingly, relevant and material interrogatories and a request to furnish certain specified documents relating to the transactions in question were served on respondents pursuant to § 388.6 of the export regulations. Said respondents have refused to answer said interrogatories and to furnish the requested documents, claiming that to do so would subject them to liability under four cited laws of the F.R.G. These laws having been examined by competent legal authorities, who deem them not to bar respondents from complying; and respondents having therefore been given further opportunity to answer the interrogatories and to furnish the documents; and respondents having again refused to do so; it is hereby determined that respondents have not shown good cause for their refusal. I therefore find that an order denying all US export privileges to said respondents for an indefinite period is reasonably necessary to protect the public interest and to achieve effective enforcement of the Act and regulations.

Accordingly, it is hereby ordered

I. All outstanding validated export licenses in which respondents appear or participate in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. The respondents, their successors or assigns, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the export regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the US or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) as a party or as a representative of a party to any validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States, and (e) financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor, and to any person,

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firm, corporation, or business organization with which they or either of them now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or services connected therewith.

IV. This order shall remain in effect until the respondents provide responsive answers, written information, and documents, in response to the interrogatories heretofore served upon them, or give adequate reasons for not doing so, except insofar as this order may be amended or modified hereafter in accordance with the export regulations.

V. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents or in any association with the respondents or any related party, or whereby the respondents or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.15 of the export regulations, the respondents may move at any time to vacate or modify this indefinite denial order by filing with the Hearing Commissioner, Bureau of East-West Trade, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested shall be held before the Hearing Commissioner, at Washington, D.C., at the earliest convenient date.

This order shall become effective on March 27, 1974.

Dated: March 27, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-6806 Filed 3-22-74;8:45 am]

[Case No. 459]

ALFRED P. GREENUP

Order Denying Export Privileges

On October 29, 1973, the Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, issued a charging letter against the above-named respondent, alleging violation of the regulations issued under the Export Administration Act of 1969, as amended. The charging letter was duly served, but the respondent did not answer or request an oral hearing. Accordingly, respondent is hereby found and held in default, pursuant to § 388.4(a) of the regulations. The Acting Hearing Commissioner held an informal hearing on March 4, 1974, at which evidence bearing on the following charges was presented by the Compliance Division.

The charge was, in substance, that, in February 1971, respondent in effect sold and exported to a person and firm which he knew were then denied all US export privileges, 21 strategic US origin oscilloscopes, worth about $130,000, without US government authorization.

The Acting Hearing Commissioner, after considering the evidence, reported his findings of fact and conclusion that a violation had occurred and he recommended that the sanction hereinafter set forth be imposed.

After considering the evidence, I adopt the Acting Hearing Commissioner's findings of fact, as follows:

FINDINGS OF FACT

1. Respondent was at the time of the violation charged a salesman employed by a UK firm engaged in the business of manufacturing electronic scientific instruments and of selling its own and other firms' products in the UK and other countries.

2. In January 1971, respondent obtained an order for 21 oscilloscopes from Franz Eggeling, of Austria, and the latter's firm Memisco Anstalt, of Liechtenstein. At the time, respondent knew that Eggeling and Memisco were denied all US export privileges. In addition, respondent then knew that the oscilloscopes were the product of a US manufacturer and were subject to US export controls with respect to any movement of them from England.

3. Shortly after, the 21 oscilloscopes were delivered to respondent's employer. In March 1971, shortly before the oscilloscopes were to be turned over to Eggeling, respondent was questioned by officials of the US manufacturer of the oscilloscopes as to the intended destination and end use. Respondent then told the US firm's representatives that all the oscilloscopes were for use by his employer in its production and service of other electronic scientific equipment in its UK factory, and were not to be sold or exported from England.

4. Notwithstanding this representation, respondent then caused the 21 oscilloscopes to be moved from his employer's establishment to his own home in Manchester, and shortly thereafter he delivered them to Eggeling, who took them by truck to Dover, for export from England to an undisclosed destination.

5. Thereafter, the UK government brought proceedings against respondent for participating in the exportation of the 21 oscilloscopes from that country without its required export license. In September 1972, respondent was fined £3000 for this transgression of UK laws.

Based on the foregoing findings, I have concluded that respondent violated §§ 387.4 and 387.10 of the US export control regulations, in that, without prior disclosure of the facts to, and specific authorization from, the Office of Export Administration, he knowingly sold and delivered commodities subject to US export controls to a party denied the privileges of participating, directly or indirectly, in transactions involving such commodities.

Now, after considering the record in this case and the report and recommendations of the Acting Hearing Commissioner, and being of the opinion that his recommendation as to the sanction that should be imposed is fair, just, and calculated to achieve effective enforcement of the law, it is

ORDERED

I. All outstanding validated export licenses in which respondent appears or participates in any manner or capacity are hereby revoked and shall be returned forthwith to the Bureau of East-West Trade for cancellation.

II. Respondent, for the duration of U.S. export controls, is hereby denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transactions involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation: (a) as a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or document to be submitted therewith; (c) in the obtaining, or using of any validated or general export license or other export control documents; (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data; (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondent, but also to his representatives, agents, and employees, and also to any person, firm, corporation, or other business organization, with which he now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith, including but not limited to Greenup Scientific (International), Ltd., P.O. Box 9, 27 Maple Road, Manchester, England, a company of which respondent is director and controlling shareholder.

IV. During the time when the respondent or other parties within the scope of this order are prohibited from engaging in any activity within the scope of Part II hereof, no person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of East-West Trade, shall do any of the following acts, directly or indirectly, in any manner or capacity, on behalf of or in any association with the respondent or other parties denied export privileges within the scope of this order, or whereby the respondent or such other parties may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control documents relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any such respondent or other parties denied export privileges within the scope of this order; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

This order shall become effective on March 25, 1974.

Dated: March 25, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-6621 Filed 3-22-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[NADA No. 4-173V]

PITMAN-MOORE, INC.

Amfetasul (Amphetamine Sulfate); Notice of Withdrawal of Approval of Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued:

New animal drug application No. 4-173V, held by Pitman-Moore, Inc., Washington Crossing, N.J. 08560, provides for Amfetasul, containing 5 percent amphetamine sulfate, for injectable use in cattle, horses and dogs.

The application was reevaluated by the Food and Drug Administration. The applicant was advised that data were needed to establish the absence of unsafe residues in edible tissues of cattle treated with the drug according to label directions for use. The applicant subsequently advised the Food and Drug Administration that distribution of the drug has been discontinued and requested that approval of the application be withdrawn. The firm further stated that they do not wish to avail themselves of an opportunity for a hearing regarding withdrawal of approval of the subject application. Therefore, notice is given that approval of NADA No. 4-173V, including all amendments and supplements thereto, is hereby withdrawn.

Effective date. This notice shall be effective March 25, 1974.

DATED: March 18, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-6756 Filed 3-22-74;8:45 am]

National Institutes of Health

DIVISION OF RESEARCH GRANTS

Notice of Meetings

Pursuant to Public Law 92-463, notice is hereby given of meetings of the following study sections and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

The Chief, Grants Inquiries Office of the Division of Research Grants, Mr. Richard Turlington, will furnish summaries of the meetings and rosters of committee members. Substantive information may be obtained from each Executive Secretary whose name, room number and telephone extension are listed below his Study Section. Mr. Turlington and the Executive Secretaries are all located in the Westwood Building, National Institutes of Health, Bethesda, Maryland 20014. Mr. Turlington's room number is 448, telephone area code 301-496-7441. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first meeting and closed thereafter in accordance with the provisions set forth in section 552(b)4 of Title 5 U.S. Code and section 10(d) of P.L. 92-463, in order to review, discuss and evaluate and/or rank grant applications. Attendance by the public will be limited to space available.

Study section	April meetings	Time	Location
		a.m.	
Allergy and Immunology: Dr. Mischa E. Friedman, room 320, telephone 496-7380.	22-24	8:45	Rockefeller University, Abby Aldrich Rockefeller Hall, New York, N.Y.
Applied physiology and bioengineering: Mrs. Ileen E. Stewart, room 318, telephone 496-7581.	6-7	9:00	Bellevue Stratford Hotel, Poor Richard Room, Philadelphia, Pa.
Bacteriology and mycology: Dr. Milton Gordon, room A-27, telephone 496-7340.	18-20	8:30	Connecticut Inn, room 212, Washington, D.C.
Biochemistry: Dr. William R. Sanslone, room 350, telephone 496-7516.	26-28	9:00	Building 31, room 2, Bethesda, Md.
Biomedical communications: Mrs. Ileen E. Stewart, room 318, telephone 496-7581.	25-26	9:00	Building 31, room 3, Bethesda, Md.
Biophysics and biophysical chemistry A: Dr. Irvin Fuhr, room 237, telephone 496-7060.	26-27	9:00	Shoreham Hotel, Executive Room, Washington, D.C.
		p.m.	
Biophysics and biophysical chemistry B: Dr. John B. Wolff, room 233, telephone 496-7070.	25-27	8:00	Building 31, room 7, Bethesda, Md.
		a.m.	
Cardiovascular and pulmonary: Dr. Wendell H. Kyle, room 339, telephone 496-7901.	17-20	8:30	Holiday Inn, Lobby Room, Chevy Chase, Md.
Cardiovascular and renal: Dr. Floyd O. Atchley, room 336, telephone 496-7901.	24-27	9:00	Holiday Inn, Hancock Room, Chevy Chase, Md.
Cell biology: Dr. Evelyn A. Horenstein, room 238, telephone 496-7020.	18-20	9:00	Holiday Inn, Franklin Room, Chevy Chase, Md.
Communicative sciences: Frederick J. Gutter, room 321, telephone 496-7550.	17-19	9:00	Holiday Inn, Connecticut Room, Bethesda, Md.
Computer and biomathematical sciences: Dr. Bernice S. Lipkin, room 310, telephone 496-7568.	17-19	9:00	Building 31, C-Wing, room 10, Bethesda, Md.
Dental: Dr. Ethel B. Jackson, room 234, telephone 496-7818.	16-20	9:00	Building 31, room 4, Bethesda, Md.
		p.m.	
Developmental behavioral sciences: Dr. Bertie H. R. Woolf, room 236, telephone 496-7471.	15, 18-20	3:00	Holiday Inn, Bethesda, Md.
		a.m.	
Endocrinology: Morris M. Graff, room 333, telephone 496-7346.	22-25	9:00	Sheraton Inn, Silver Spring, Md.
Epidemiology and disease control: Glenn G. Lamson, Jr., room 236, telephone 496-7471.	16	8:30	Building 31, room 7, Bethesda, Md.
	17-19	8:30	Holiday Inn, New Jersey Room Bethesda, Md.
Experimental psychology: Dr. A. Keith Murray, room 220, telephone 496-7004.	9-12	9:30	Shoreham Hotel, Board Room, Washington, D.C.
		p.m.	
Experimental therapeutics: Dr. Anne R. Bourke, room 319, telephone 496-7839.	10-13	4:00	Building 31, C-Wing, room 6, Bethesda, Md.
		a.m.	
General medicine A: Dr. Harold M. Davidson, room 354, telephone 496-7797.	11-13	9:00	Bellevue Stratford Hotel, Blue Room, Philadelphia, Pa.
General medicine B: Dr. William F. Davis, Jr., room 322, telephone 496-7730.	26-27	8:00	Embassy Row Hotel, Le Directoire Room, Washington, D.C.
Genetics: Dr. Katherine S. Wilson, room 349, telephone 496-7271.	23-25	9:00	Building 31, C-Wing, room 4, room 6,
	26-27	9:00	Bethesda, Md.
Hematology: Dr. Joseph E. Hayes, Jr., room 355, telephone 496-7508.	2-4	9:00	Holiday Inn, Chevy Chase, Md.
Human embryology and development: Dr. Samuel Moss, room 221, telephone 496-7597.	17-20	9:00	Building 31, room 5, Bethesda, Md.

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Study section	April meetings	Time	Location
		a.m.	
Immunobiology: Dr. James H. Turner, room A-25, telephone 496-7780.	25-27	9:00	Building 31, C-Wing, room 9, Bethesda, Md.
Medicinal chemistry A: Dr. Asher Hyatt, room 222, telephone 496-7286.	4-7	9:00	Biltmore Hotel, Mediterranean room, Los Angeles, Calif.
Medicinal chemistry B: Richard P. Brattel, room 222, telephone 496-7286.	19-21	9:00	Linden Hill Hotel, Terrace Room, Bethesda, Md.
		p.m.	
Metabolism: Dr. Robert M. Leonard, room 218, telephone 496-7091.	16-20	7:00	Building 31, room 2, Bethesda, Md.
		a.m.	
Microbial chemistry: Dr. Gustave Silber, room 357, telephone 496-7130.	18-20	8:30	Sheraton Inn, Council Room, Silver Spring, Md.
Molecular biology: Dr. Donald T. Disque, room 328, telephone 496-7830.	18-20	8:30	Building 31, C-Wing, room 7, Bethesda, Md.
Neurology A: Dr. William E. Morris, room 326, telephone 496-7096.	16-20	9:00	Building 31, C-Wing, room 8, Bethesda, Md.
Neurology B: Dr. Willard L. McFarland, room 2A-10, telephone 496-7422.	18-20	8:30	Sheraton Inn, Silver Spring, Md.
Nutrition: Dr. John R. Schubert, room 204, telephone 496-7178.	24-26	8:30	Holiday Inn, Adams Room, Chevy Chase, Md.
Pathology A: Dr. William B. Savebuck, room 337, telephone, 496-7305.	3-5	9:00	Sheraton Inn, Silver Spring, Md.
Pathology B: Dr. James K. MacNamee, room 352, telephone 496-7244.	17	8:30	Westwood Bldg., room 232, Bethesda, Md.
	18-20	8:30	Embassy Row Hotel, Washington, D.C.
Pharmacology: Dr. Lawrence M. Petrucelli, room 334, telephone 496-7408.	24-27	9:00	Building 31, C-Wing, room 8.
Physiological chemistry: Dr. Robert L. Ingram, room 338, telephone 496-7837.	11-13	9:00	Building 31, room 4, Bethesda, Md.
		p.m.	
Physiology: Dr. Clara E. Hamilton, room 219, telephone 496-7878.	25-28	1:00	Do.
		a.m.	
Population research: Miss Carol Campbell, room 210, telephone 496-7140.	21-23	9:00	Building 31, C-Wing, room 9, Bethesda, Md.
Radiation: Dr. Robert L. Straube, room 248, telephone 496-7510.	17-19	9:00	Do.
Reproductive biology: Dr. Robert T. Hill, room 206, telephone 496-7318.	24-26, 29	9:00	Holiday Inn, Woodmont East Room, Bethesda, Md.
Surgery A: Dr. Raymond J. Helvig, room 336, telephone 496-7771.	8-9	8:30	Building 31, C-Wing, room 9, Bethesda, Md.
Surgery B: Dr. Joe W. Atkinson, room 348, telephone 496-7506.	8-9	8:30	Building 31, C-Wing, room 6, Bethesda, Md.
Toxicology: Dr. Rob S. McCutcheon, room 226, telephone 496-7570.	5-7	8:30	Benjamin Franklin Hotel, Valley Forge Suite, Philadelphia, Pa.
Tropical medicine and parasitology: Dr. George W. Luttermoser, room 319, telephone 496-7494.	16	9:00	Landow Bldg., room C418, Bethesda, Md.
	18-20	12:00	
Virology: Dr. Claire H. Winestock, room 340, telephone 496-7128.	18-20	9:00	Building 31, C-Wing, room 6, Bethesda, Md.
Visual sciences A: Dr. Orvil E. A. Bolduan, room 2A-05, telephone 496-7180.	21-24	9:00	Sandcastle Motel, Lido Room, Sarasota, Fla.
Visual sciences B: Dr. Marie A. Jakus, room 353, telephone 496-7251.	21-23	9:00	St. Armands Inn, Sarasota, Fla.

Dated: March 13, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program Nos. 13.010, 13.011, 13.104, 13.105, 13.106, 13.200, 13.201, 13.202, 13.203, 13.204, 13.205, 13.206, 13.207, 13.208, 13.210, 13.211, 13.212, 13.213, 13.214, 13.215, 13.216, 13.217, 13.218, 13.220, 13.223, 13.224, 13.225, 13.226, 13.227, 13.228, 13.229, 13.230, 13.231, 13.232, 13.233, 13.234, 13.235, 13.237, 13.238, 13.239, 13.240, 13.241, 13.242, 13.243, 13.244, 13.246, 13.247, 13.248, 13.249, 13.250, 13.251, 13.252, 13.253, 13.254, 13.300, 13.302, 13.303, 13.304, 13.305, 13.306, 13.307, 13.308, 13.311, 13.312, 13.313, 13.315, 13.316, 13.318, 13.319, 13.320, 13.321, 13.322, 13.323, 13.324, 13.326, 13.327, 13.329, 13.330, 13.332, 13.333, 13.334, 13.336, 13.337, 13.338, 13.339, 13.340, 13.341, 13.342, 13.344, 13.345, 13.348, 13.350, 13.352, 13.353, 13.354, 13.355, 13.357, 13.358, 13.359, 13.360, 13.361, 13.362, 13.363, 13.364, 13.366, 13.367, 13.368, 13.369, 13.370, 13.372, 13.373, 13.374, National Institutes of Health, DHEW)

[FR Doc.74-6664 Filed 3-22-74;8:45 am]

Office of the Secretary

PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Meeting

The President's Committee on Mental Retardation was established to provide advice and assistance to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between Federal activities and related activities of State and local governments, foundations and private organizations; develop information designed for dissemination to the general public. The Committee will meet Friday and Saturday, March 29-30, 1974, from 9 a.m. to 4 p.m. at the L'Enfant Plaza Hotel in Washington, D.C. The Committee will discuss health, education, services and legal rights as they relate to the mentally retarded. These meetings are open to the public.

Dated: March 18, 1974.

FRED J. KRAUSE,
Executive Director, President's Committee on Mental Retardation.

[FR Doc.74-6789 Filed 3-22-74;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Part 1 in the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare, Chapter 1N entitled Office of the Assistant Secretary for Health (38 FR 18571, July 12, 1973) is hereby amended to abolish the Office of Drug Abuse Prevention. Its function will be performed by the National Institute of Drug Abuse of the Alcohol, Drug Abuse, and Mental Health Administration.

Section 1N.102 Special Functions is amended to delete the Office of Drug Abuse Prevention. Section 1N.20B2g, "Office of Drug Abuse Prevention," is deleted in total.

Dated: March 19, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-6788 Filed 3-22-74;8:45 am]

Social Security Administration

ADVISORY COMMITTEE ON MEDICARE ADMINISTRATION, CONTRACTING, AND SUBCONTRACTING

Public Meetings

Notice is hereby given, pursuant to Pub. L. 92-463, that the Advisory Committee on Medicare Administration, Contracting, and Subcontracting, established pursuant to section 1114(f) of the Social Security Act, as amended, which advises the Secretary of Health, Education, and Welfare on Medicare matters, will meet on Friday, March 29, 1974, and Friday, April 5, 1974, at 9 a.m., in the conference room on the 31st floor at 299 Park Avenue, New York, N.Y. These meetings are open to the public. However, there will be no formal agenda and no time allotted for public discussion because the Committee will be entirely involved in drafting its report to the Secretary.

Further information on the Committee may be obtained from Mr. Max Perlman, Executive Secretary of the Committee, Room 585 East Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Md. 21235, telephone 301-594-9134. Members of the public planning to attend should notify the Executive Secretary.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged-Hospital Insurance; 13.801, Health Insurance for the Aged-Supplementary Medical Insurance.)

Dated: March 20, 1974.

MAX PERLMAN,
Executive Secretary, Advisory Committee on Medicare Administration, Contracting, and Subcontracting.

[FR Doc.74-6817 Filed 3-22-74;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on April 1, 1974 in Charleston, West Virginia. The sessions will be held at The Charleston House (Holiday Inn), 600 Kanawha Boulevard, Charleston, West Virginia, Telephone 304-344-4092.

The National Council on Educational Research is established under section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of, the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational reseach, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

The Chairman of the Council is Patrick Haggerty, Chairman of the Board, Texas Instruments, Incorporated, Dallas, Texas.

All of the sessions of the meeting, except for the discussion of the budget and the executive session during lunch, will be open to the public. The tentative agenda includes:

J.20-00, fol. 25812, 31-10
37412, Grevera, E.T., 3-22-74

9:15-9:25	Welcoming Remarks.
9:25-9:30	Minutes of March 13 Meeting.
9:30-9:45	Director's Remarks.
9:45-10:15	Presentation by Dr. Lyman Ginger, Superintendent of Public Instruction, State of Kentucky, as liaison for Chief State School Officers.
10:15-10:30	Future Meetings of NCER.
10:30-12:00	NIE Budget (closed).
12:00-1:00	Lunch and Executive Session (closed).
1:00-2:00	Annual Report of NCER.
2:00-4:30	Presentation by Appalachia Educational Laboratory.

Members of the public are invited to attend the open sessions. Written statements relevant to an agenda item may be submitted at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address below. Requests to address the Council meeting should be submitted in writing to the Chairman and the Executive Secretary by the close of business Thursday, March 28, 1974. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074-8), copies of Council resolutions and the approved minutes of Council meetings can be obtained by contacting the Executive Secretary.

In order to assure adequate seating arrangements at this meeting, persons interested in attending are requested to contact in advance:

Mrs. Caroline Phillips
Executive Secretary
National Council on Educational Research
National Institute of Education Room 714
Washington, D.C. 20208
Telephone: 202-254-7900

THOMAS K. GLENNAN, JR.,
Director, National Institute of Education.

[FR Doc.74-7036 Filed 3-22-74;11:56 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74 57]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Notice of Approval

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 28, 1973 to January 28, 1974 (List No. 2-74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in 46 U.S.C. 367, 375, 390b, 416, 481, 489, 526p, and 1333; 43 U.S.C. 1333; 50 U.S.C. 198. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

BUOYANT APPARATUS FOR MERCHANT VESSELS

Approval No. 160.010/28/1, 3.75' x 3.0' x 0.75' buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 11-person capacity, dwg. No. M-99-13, Alt. C dated January 28, 1959, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective January 3, 1974. (It is an extension of Approval No. 160.010/28/1 dated March 25, 1969.)

Approval No. 160.010/29/1, 6.0' x 4.0' x 0.75' buoyant apparatus, fibrous glass reinforced plastic shell with unicellular plastic foam core, 20-man capacity, dwg. No. M-99-14, Alt. D dated January 22, 1959, and fabrication specification dated March 10, 1958, revised September 24, 1958, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective January 3, 1974. (It is an extension of Approval No. 160.010/29/1 dated March 25, 1969.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/105/0, Type M-13 winch; approval is limited to mechanical components only and for a maximum working load of 1,300 pounds pull at the drum on a single-part fall; identified by general arrangement drawing W1-D-014, revision A dated January 7, 1974, and drawing list, revision A dated January 8, 1974, manufactured by Marine Safety Equipment Corporation, Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective January 25, 1974.

WATER, EMERGENCY DRINKING (IN HERMETICALLY SEALED CONTAINERS), FOR MERCHANT VESSELS

Approval No. 160.026/27/2, container for emergency drinking water, Globe Equipment Corporation dwg. No. 1313 dated November 1, 1956, revised May 6, 1959, packed by Ash Jon Corporation, 257 Water Street, Brooklyn, New York 11201, for Globe Equipment Corporation, 257 Water Street, Brooklyn, New York 11201, effective January 3, 1974. (It is an extension of Approval No. 160.026/27/2 dated March 25, 1969.)

LIFEFLOATS FOR MERCHANT VESSELS

Approval No. 160.027/53/0, 5.0' x 3.83' (9'' x 9'' body section) rectangular life float, fibrous glass reinforced plastic shell with unicellular plastic foam core, 10-person capacity, dwg. No. M-99-16, Rev. A dated January 22, 1959, and fabrication specification dated March 10, 1958, revised March 19, 1958, manufactured by Marine Safety Equipment Corporation, specification dated March 10, 1958, revised March 19, 1959, manufactured by Foot of Wycoff Road, Farmingdale, New Jersey 07727, effective January 3, 1974. (It is an extension of Approval No. 160.027/53/0 dated March 25, 1969.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/56/0, 30-inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, Specification dated March 5, 1969 and Drawing No. 269 dated February 1, 1969, Type IV PFD, manufactured by Gladding Corporation, Flotation Division, Box 8277, Greenville, South Carolina 29604, formerly Style-Crafters, Inc., effective January 2, 1974. (It is an extension of Approval No. 160.050/56/0 dated March 19, 1969 and change of name of manufacturer.)

Approval No. 160.050/57/0, 24-inch ring life buoy, fibrous glass wrapped unicellular plastic foam core. Specification dated March 5, 1969 and Drawing No. 269 dated February 1, 1969, Type IV PFD, manufactured by Gladding Corporation, Flotation Division, Box 8277, Greenville, South Carolina 29604, formerly Style-Crafters, Inc., effective January 2, 1974. (It is an extension of Approval No. 160.050/57/0 dated March 19, 1969 and change of name of manufacturer.)

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Approval No. 160.050/58/0, 20-inch ring life buoy, fibrous glass wrapped unicellular plastic foam core, Specification dated March 5, 1969 and Drawing No. 269 dated February 1, 1969, Type IV PFD, manufactured by Gladding Corporation, Flotation Division, Box 8277, Greenville, South Carolina 29604, formerly Style-Crafters, Inc., effective January 2, 1974. (It is an extension of Approval No. 160.-050/58/0 dated March 19, 1969 and change of name of manufacturer.)

KITS, FIRST-AID, FOR INFLATABLE LIFE RAFTS

Approval No. 160.054/1/0, Model No. 729 first-aid kit for inflatable life rafts, dwg. revised November 27, 1959, manufactured by Marion Health and Safety, Inc., 1515 Elmwood Road, Rockford, Illinois 61101, formerly Medical Supply Company, effective January 16, 1974. (It supersedes Approval No. 160.054/1/0 dated January 19, 1970 to show change of name and address of manufacturer.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

Approval No. 160.055/56/1, Non-Standard Model 8115, adult molded cloth covered unicellular plastic foam life preserver, dwg. No. 8115/10/67, revision 2 dated March 25, 1968, Type I PFD, approved for use on all vessels, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective January 8, 1974. (It supersedes Approval No 160.055/56/0 dated February 2, 1973 to show minor modification in construction.)

Approval No. 160.055/92/0, Standard Model 63, adult cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, and dwg. No. 160.055–IB (Sheet 1 & 2), Type I PFD, manufactured by West Products Corporation, 236 South Street, Newark, New Jersey 07093, effective January 2, 1974. (It is an extension of Approval No. 160.-055/92/0 dated March 21, 1969.)

Approval No. 160.055/93/0, Standard Model 67, child cloth-covered unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, and dwg. No. 160.055–IB (Sheet 3 & 4), Type I PFD, manufactured by West Products Corporation, 236 South Street, Newark, New Jersey 07093, effective January 2, 1974. (It is an extension of Approval No. 160.055/93/0 dated March 21, 1969.)

FIRE-PROTECTIVE SYSTEMS

Approval No. 161.002/8/1, Detex Newman Watchclock and Models D, FKDS, FKDL, SK, and SKL Watchclock Key Stations, Detex Newman Watchclock data sheet N–10–67 and Detex Watchclock Stations data sheet S–10–67, components for a watchman's supervisory system, manufactured by Detex Corporation, 53 Park Place, New York, New York 10007, effective January 2, 1974. (It is an extension of Approval No. 161.002/8/1 dated February 25, 1969.)

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

Approval No. 162.017/111/2, Tate Temco 2½" pressure-vacuum relief valve, Models 53–25F and 53–45F, Tate Temco 2½" pressure-vacuum relief valve, Model 53–65F, Tate Temco 4" pressure-vacuum relief valve, Models 53–25F, 53–45F and 53–65F, Tate Temco 6" pressure-vacuum relief valve, Models 53–25F, 53–45F and 53–65F, all Models are bronze construction, manufactured by Tate Temco, Inc., 1205 S. Carey Street, Baltimore, Maryland 21230, effective January 28, 1974. (It supersedes Approval No. 162.017/111/1 dated September 27, 1973.)

Approval No. 162.017/112/2, Tate Temco 2½" pressure-vacuum relief valve, Models 53–20F and 53–40F, Tate Temco 2½" pressure-vacuum relief valve, Model 53–60F, Tate Temco 4" pressure-vacuum relief valve, Models 53–20F, 53–40F and 53–60F, Tate Temco 6" pressure-vacuum relief valve, Models 53–20F, 53–40F and 53–60F, all Models are bronze construction, valves identical to those that were approved by Certificate of Approval 162.017/111/0 except for the "Manual Control" feature, manufactured by Tate Temco, Inc., 1205 S. Carey Street, Baltimore, Maryland 21230, effective January 28, 1974. (It supersedes Approval No. 162.017/112/1 dated September 27, 1973.)

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/35/4, 4" Style JQ safety relief valve for liquefied chlorine service (corrosive), approved for a maximum set pressure of 300 p.s.i., discharge capacity 15,350 cubic feet per minute of air measured at 60° F. and 14.7 p.s.i.a., O.D. of inlet flange has been reduced from 10" to 9½", manufactured by Crosby Valve & Gage Company, Wrentham, Massachusetts 02093, effective January 9, 1974. (It supersedes Approval No. 162.018/35/3 dated June 28, 1973.)

Approval No. 162.018/80/0,

Type	Seat	Inlet size	Orifice	MAWP[1]
81	Plastic	(3/4", 1", 1½"	dash 2 through 8	2160 p.s.i.g.
		1½", 2"	F, G, H, J	2160 p.s.i.g.
83	O-Ring	(3/4", 1", 1½"	dash 2 through 8	2160 p.s.i.g.
		1½", 2"	F, G, H, J	2160 p.s.i.g.

1. The seat material shall be compatible with the intended service (chemistry, temperature).

2. Refer to manufacturers literature for actual orifice area. Nozzle coefficient for all sizes is 0.816.

3. Service temperatures for the body and seat materials shall be as indicated on AGCO dwg. 3–5424. Body materials may require impact testing for service temperatures below 0°F.

Manufactured by Anderson, Greenwood & Company, P.O. Box 1097, Bellaire, Texas 77401, effective January 25, 1974.

INDICATORS, BOILER WATER LEVEL, SECONDARY TYPE

Approval No. 162.925/107/0, Penberthy Houdaille Series 52A, 58A, 31A, 34A, 62A, 64A, 36A, 37A, 68A, 38A, 32A and 35A direct reading tubular type secondary boiler water level indicators and Series SB try cock, maximum allowable working pressure 150 p.s.i. saturated steam, manufactured by Penberthy Houdaille, P.O. Box 112, Prophetstown, Illinois 61277, effective January 18, 1974.

Approval No. 162.025/108/0, Penberthy Houdaille Series C–23, C–24, C–25 and C–26 direct reading tubular type secondary boiler water level indicators and Series SB try cock, maximum allowable working pressure 150 p.s.i. saturated steam, manufactured by Penberthy Houdaille, P.O. Box 112, Prophetstown, Illinois 61277, effective January 18, 1974.

Approval No. 162.025/109/0, Penberthy Houdaille Series E–13, E–14, E–15 and E–16 direct reading tubular type secondary boiler water level indicators and Series SB try cock, maximum allowable working pressure 150 p.s.i. saturated steam, manufactured by Penberthy Houdaille, P.O. Box 112, Prophetstown, Illinois 61277, effective January 18, 1974.

HALON 1301 FIXED FIRE EXTINGUISHING SYSTEM

Approval No. 162.029/1/0, FiQuench Model 5–BC1301–M, pre-engineered Halon 1301 extinguishing system unit, stored pressure type, identical to that described in Underwriters' Laboratories, Inc. report file EX2828, Project 72NK848 dated November 29, 1972, approved for use on recreational boats and certain other uninspected vessels, manufactured by Fike Metal Products Corporation, 704 S. 10th Street, Blue Springs, Missouri 64015, effective January 14, 1974.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/176/0, Barbron backfire flame arrester, part No. 57221B, brass element, base, and cover, alternate material for base and cover is anodized aluminum (57221A), all-aluminum models (not anodized) 57221AA, base is 2.25" high, opening in base is 5.09", manufactured by Barbron Corporation, 14580 Lesure Avenue, Detroit, Michigan 48227, effective December 28, 1973.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/118/0, "NA DISCO" fibrous glass cloth-faced fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–2180:FR3717 dated April 1, 1969 and Jamestown Fiber Glass, Inc. letter dated March 5, 1969 as Sample A, approved in a density of 4 pounds per cubic foot, basic board is manufactured by Owens Corning Fiberglas Corporation Plant located at Toledo, Ohio, manufactured by Jamestown Fiber Glass, Inc., 146 Blackstone Avenue, Jamestown, New York 14701, effective January 8, 1974. (It is an extension of Approval No. 164.009/118/0 dated April 9, 1969.)

Approval No. 164.009/124/0, "Thermafiber" mineral wool panels identical to that described in National Bureau of Standards Test Report No. TG10230–27; FR 3644 dated December 16, 1964 and U.S.C.G. letter dated March 14, 1969, approved in density of 4 through 8 pounds per cubic foot, manufactured by United States Gypsum Company, 300 West Adams Street, Chicago, Illinois 60606, Plant: South Plainfield, New Jersey, effective January 8, 1974. (It is an extension of Approval No. 164.009/124/0 dated March 14, 1969 and change of address of manufacturer.)

Approval No. 164.009/172/0, "Incombustible Hullboard SGU—(Unscalped)" glass fiber type incombustible hull board identical to that described in National Bureau of Standards Test Report No. FR 3860 dated December 10, 1973, approved in 1.6 to 2.0 pounds per cubic foot density, manufactured by Johns-Manville Sales Corporation, Denver, Colorado 80217, Plant location: Richmond, Indiana, effective January 25, 1974. (It supersedes Approval No. 164.009/172/0 dated January 10, 1974 to show minor changes.)

Dated: March 15, 1974.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74–6732 Filed 3–22–74;8:45 am]

Federal Highway Administration

MISSOURI; PROPOSED ACTION PLAN

Availability for Public Review

The Missouri State Highway Department has submitted to the Federal Highway Administration of the U.S. Department of Transportation a proposed Action Plan as required by Policy and Procedure Memorandum 90–4 issued on June 1, 1973. The Action Plan outlines the organizational relationships, the assignments of responsibility, and the procedures to be used by the State to assure that economic, social and environmental effects are fully considered in developing highway projects and that final decisions on highway projects are made in the best overall public interest, taking into consideration: (1) needs for fast, safe and efficient transportation; (2) public services; and (3) costs of eliminating or minimizing adverse effects.

The proposed Action Plan is available for public review at the following locations:

1. Missouri State Highway Department, State Highway Building, 119 West Capitol Avenue, Jefferson City, Missouri 65101.
2. Missouri Division Office—FHWA, 209 Adams Street, Jefferson City, Missouri 65101.
3. FHWA Regional Office—Region 7, 6301 Rickhill Road, Second Floor, Colonial Square Building, Kansas City, Missouri 64131.
4. U.S. Department of Transportation, Federal Highway Administration, Environmental Development Division, Nassif Building—Room 3246, 400–7th Street, S.W., Washington, D.C. 20590.

Comments from interested groups and the public on the proposed Action Plan are invited. Comments should be sent to the FHWA Regional Office shown above before April 20, 1974.

Issued on March 19, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74–6842 Filed 3–22–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–333]

JAMES A. FITZPATRICK NUCLEAR POWER PLANT

Notice of Availability of Decision

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations set forth in 10 CFR Part 50, Appendix D, paragraphs A.9 and A.11, notice is hereby given that a Decision dated January 29, 1974, by the Atomic Safety and Licensing Appeal Board in the above captioned proceeding, which relates to the Atomic Safety and Licensing Board's Initial Decision dated November 12, 1973 and Supplemental Initial Decision dated January 10, 1974, authorizing issuance of an operating license to the Power Authority of the State of New York and Niagara Mohawk Power Corporation for operation of the James A. FitzPatrick Nuclear Power Plant, Unit 1 located on the southeast shore of Lake Ontario in Oswego County, New York, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Oswego City Library, 120 East Second Street, Oswego, New York 13126.

The Decision is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and at the Central New York Regional Planning and Development Board, 321 East Water Street, Syracuse, New York 13202.

Based upon the record developed in the public hearing in the above captioned matter, the Decision modified in certain respects the Atomic Safety and Licensing Board's Initial Decision, and its Supplemental Initial Decision, as well as the contents of the Final Environmental Statements relating to the operation of the FitzPatrick Nuclear Power Plant, prepared by the Commission's Directorate of Licensing. Copies of the Initial Decision, the Supplemental Initial Decision and the Final Environmental Statement are also available for public inspection at the above designated locations.

Pursuant to the provisions of 10 CFR Part 50, Appendix D, Section A.11, the Initial Decision and Supplemental Initial Decision by the Atomic Safety and Licensing Board and the Final Environmental Statement are deemed modified to the extent that the findings and conclusions relating to environmental matters contained in the Decision are different from those contained in the Initial Decision, the Supplemental Initial Decision, and the Final Environmental Statement dated March 1973. As required by Appendix D, Section A.11, a copy of the Decision, which modifies the previously described documents, is being transmitted to the Council on Environmental Quality and has been made available to the public as noted herein.

Single copies of the Decision by the Atomic Safety and Licensing Appeal Board; the Initial Decision and Supplemental Initial Decision by the Atomic Safety and Licensing Board; and the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Regulation, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland this 18th day of March, 1974.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Project Branch 2–1 Directorate of Licensing.

[FR Doc.74–6752 Filed 3–22–74;8:45 am]

[Docket Nos. 50–327, and 50–328]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Application

Notice is hereby given that the Atomic Energy Commission (the Commission) has received an application for facility operating licenses from the Tennessee Valley Authority (the applicant) which would authorize the applicant to possess, use, and operate the Sequoyah Nuclear Plant, Units 1 and 2, two pressurized water nuclear reactors (the facilities), located on the applicant's site on the west shore of Chickamauga Lake in Hamilton County, Tennessee. Each unit would operate at a steady state reactor core power level of 3411 megawatts thermal.

The Commission will consider the issuance of facility operating licenses to the Tennessee Valley Authority, which would authorize the applicant to possess, use and operate the Sequoyah Nuclear Plant, Units 1 and 2, in accordance with the provisions of the licenses and the technical specifications appended thereto, upon: (1) The completion of a favorable safety evaluation on the application by the Commission's Directorate of Licensing; (2) the receipt of a report on the applicant's application for facility operating licenses by the Advisory Committee on Reactor Safeguards; and (3) a finding by the Commission that the application for the facility licenses, as amended, complies with the requirements

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of the Atomic Energy Act of 1954 as amended (Act), and the Commission's regulations in 10 CFR Chapter I. The Tennessee Valley Authority, as an agency of the Federal Government, and as the "lead agency" under the guidelines of the Council on Environmental Quality, has already prepared Draft and Final Environmental Statements for the facilities. The applicant's Final Environmental Statement incorporates comments by the Commission on the Draft Environmental Statement.

Construction of the facilities was authorized by Construction Permit Nos. CPPR–72 and CPPR–43, issued by the Commission on May 27, 1970. Construction of Unit 1 is anticipated to be completed by December 1, 1975, and Unit 2 by August 1, 1976.

Prior to issuance of any operating licenses, the Commission will inspect each facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of the Construction Permits. In addition, the licenses will not be issued until the Commission has made the findings reflecting its review of the application under the Act, which will be set forth in the proposed licenses, and has concluded that issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, the applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In addition to the above, the facility is subject to the provisions of section B of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits or operating licenses were issued in the period January 1, 1970 to September 9, 1971. These provisions require that a hearing be held to consider whether the construction permits should be continued, modified, terminated or appropriately conditioned to protect environmental values. With respect to this consideration, notice is hereby given, pursuant to the Act and the regulations in 10 CFR Part 2, Rules of Practice, and Appendix D to 10 CFR Part 50, Implementation of the National Environmental Policy Act of 1969, that a hearing will be held in the captioned proceeding by an Atomic Safety and Licensing Board (Board) at a time and place to be fixed by subsequent order of the Board to consider and make determinations on the matters set forth below.

1. In the event that this proceeding is not a contested proceeding as defined by 10 CFR 2.4(n) of the Commission's rules of practice, the Board will, without conducting a de novo evaluation of the application, determine whether the environmental review conducted by the applicant pursuant to NEPA has been adequate.

2. In the event that this proceeding is a contested proceeding, the Board will decide any matters in controversy among the parties within the scope of Appendix D to 10 CFR Part 50, with regard to whether, in accordance with the requirements of Appendix D to 10 CFR Part 50, the construction permits should be continued, modified, terminated, or appropriately conditioned to protect environmental values.

3. Regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D to 10 CFR Part 50, (a) determine whether the requirements of section 102(2)(C) and (D) of NEPA and Appendix D to 10 CFR Part 50 of the Commission's regulations, considering that the applicant is an agency of the Federal Government and the "lead agency" for these facilities under the guidelines of the Council on Environmental Quality, have been complied with in this proceeding; (b) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view toward determining the appropriate action to be taken; and (c) determine, after weighing the environmental, economic, technical, and other benefits against environmental costs and considering available alternatives, whether the construction permits should be continued, modified, terminated or appropriately conditioned to protect environmental values.

The Board will decide whether, in accordance with the applicable requirements of Appendix D of 10 CFR Part 50, considering that the applicant is an agency of the Federal Government and the "lead agency" for these facilities under the guidelines of the Council on Environmental Quality, the operating licenses should be issued as proposed.

The hearing will be scheduled to begin in the vicinity of the site of the proposed facility. The Board, which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consists of Edward Luton, Esq., Chairman, Dr. George C. Anderson, and Dr. Hugh C. Paxton.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

An answer to this notice, pursuant to the provisions of 10 CFR Part 2.705, must be filed by the applicant by April 15, 1974.

By April 25, 1974, the applicant may file a request for a hearing with respect to issuance of the facility operating license and any person whose interest may be affected by this proceeding may file a petition for leave to intervene (1) with respect to the issuance of the facility operating license; or (2) with respect to whether, considering those matters covered by Appendix D to 10 CFR Part 50, the construction permits should be continued, modified, terminated, or appropriately conditioned to protect environmental values. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required by 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., by April 25, 1974. A copy of the petition should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Robert H. Marquis, General Counsel, 629 New Sprankle Building, Knoxville, Tennessee 37919, attorney for the applicant.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR § 2.714(a)(1)(4) and § 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated January 31, 1974, and the Tennessee Valley Authority's Final Environmental Statement dated February 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Chattanooga Public Library, 601 McCalley Street, Chattanooga, Tennessee. As they become available, the following documents may be inspected at the above locations: (1) The Safety Evaluation report prepared by the Directorate of Licensing; (2) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (3) the proposed facility operating licenses; and (4) the technical specifications, which will be attached to the proposed operating licenses.

Copies of items (1), (2) and (3), when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For the Atomic Energy Commission.

Dated at Germantown, Maryland, this 12th day of March, 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74–6750 Filed 3–22–74;8:45 am]

CIVIL AERONAUTICS BOARD

AMERICAN SOCIETY OF TRAVEL AGENTS, INC.

Meeting

Notice is hereby given that a presentation will be made by ASTA on April 5, 1974, at 2:30 p.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., to explain the role of the travel agent industry in connection with the marketing and sale of air passenger service.

Dated at Washington, D.C., March 20, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–6807 Filed 3–22–74;8:45 am]

LAKER AIRWAYS LIMITED

[Docket 25427]

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in this proceeding is assigned to be held before the Board on May 15, 1974, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., March 19, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74–6809 Filed 3–22–74;8:45 am]

TRANSPORTATION ASSOCIATION OF AMERICA

Meeting

Notice is hereby given that a presentation will be made by the above Association on April 3, 1974, at 10:00 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., March 20, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–6808 Filed 3–22–74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Notice of Meeting

The Management-Labor Textile Advisory Committee will meet at 2 p.m. on April 3, 1974, in Room 4833, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 40 members having special expertise in the textile and apparel industry, advises Department officials on conditions in the textile industry and on trade in textiles and apparel.

The agenda for the meeting is as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the committee before or after the meeting. To the extent time is available at the end of the meeting the presentation of oral statements will be allowed.

Portions of future meetings which concern subjects not listed above will be open to public participation unless it is determined, in accord with section 10(d) of the Federal Advisory Committee Act and the OMB-Justice memorandum on Advisory Committee Management, that specifically identified portions will be closed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74–6914 Filed 3–22–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

PEUGEOT AND ISUZU MOTORS

1976 Nitrogen Oxide Standard Suspension Request and Procedures for Disposition

Section 202(b)(5)(B) of the Clean Air Act, as amended, provides that at any time after January 1, 1973, any automobile manufacturer may file with the Administrator of the Environmental Protection Agency an application requesting the suspension for one year only of the effective date, with regard to that manufacturer, of the nitrogen oxides emission standard applicable to light duty vehicles manufactured beginning with the 1976 model year.

If the Administrator determines that such suspension should be granted, he must simultaneously with such determination prescribe by regulation an interim emission standard applicable to light duty vehicles manufactured during the 1976 model year.

On July 30, 1973, the Administrator granted to Chrysler Corporation, Ford Motor Company, and General Motors Corporation a one-year suspension of the effective date of the statutory 1976 light duty vehicle nitrogen oxides emission standard. The Administrator simultaneously established an interim NO_x emission standard of 2.0 grams per mile applicable to each applicant's 1976 model year vehicles (see 38 FR 22474, August 21, 1973).

The Administrator's decision was based on findings required by section 202(b)(5)(D)(i), (ii), (iii), and (iv) of the Clean Air Act, as amended. EPA regards findings (i) (a suspension is essential to the public interest) and (iii) and (iv) (technology required to meet the standards is not generally available) as applicable to the automobile industry as a whole and, hence, conclusive as to any applications for suspension of the 1976 NO_x statutory standard. The remaining finding, that the applicant has made all good faith efforts to meet the statutory standard (section 202(b)(5)(D)(ii)), will be made with respect to each applicant on the basis of an application, and after adequate time for public review and comment. A decision granting or denying any application will be made within 60 days after receipt thereof. Any manufacturer granted a suspension will be subject to the interim 2.0 grams per mile NO_x standard established by the July 30, 1973 decision.

On Friday, December 28, 1973, the Administrator announced receipt of several additional requests for suspension of the 1976 NO_x standard, and delineated procedures for disposition of those applications and all other applications for suspension filed with the Administrator prior to January 4, 1974 (see 38 FR 35528). Then on February 1, 1974 (see 39 FR 4132), the Administrator granted suspension of the 1976 NO_x emission standard to sixteen (16) additional manufacturers. Subsequently, two other requests for suspension were received:

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Automobiles Peugeot (received on February 13, 1974), and Isuzu Motors (received on February 22, 1974).

The procedures for disposition of these two applications and all other requests for suspension under section 202(b)(5)(B) of the Act, filed with the Administrator prior to April 5, 1974, will be those procedures set forth in the aforementioned December 28, 1973, FEDERAL REGISTER notice, which are as follows: (i) The applications will be made available for public review and comment; (ii) the Administrator will conduct a public hearing, if, on the basis of public comments received, he determines a useful purpose would be served thereby (such hearing will be announced by FEDERAL REGISTER notice); (iii) each application will be reviewed by EPA to determine whether the applicant made all good faith efforts; (iv) if any application is deemed deficient the applicant will be notified by EPA to supplement his suspension request and, if the applicant fails to satisfactorily revise the application, the applicant will be required to appear and testify at a public hearing; and (v) the Administrator will issue by FEDERAL REGISTER notice his decision to grant or deny the respective applications on or before the 60th day from the day of receipt of such applications.

Any interested person may participate in this procedure through the filing of written comments or information with the Director, Mobile Source Enforcement Division, Environmental Protection Agency, Room 3220, 401 M Street SW., Washington, D.C. 20460 on or before April 12, 1974.

Any person who provides written information for consideration may be required, upon 24 hours notice, to appear at a hearing, if held, to respond to questions by the hearing panel or by such other interested persons as the panel deems appropriate at any time prior to conclusion of the hearing.

Presentations by interested persons shall be addressed to whether the applicant has made all good faith efforts to meet the standard.

The applications and such portions of the applicants' supporting documentation as may properly be made public will be available for public inspection in the Freedom of Information Office, Environmental Protection Agency, Room 227, 401 M Street SW., Washington, D.C. 20460. Any person may obtain copies of public portions of the applications as provided for by 40 CFR Part 2.

Dated: March 19, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-6852 Filed 3-22-74;8:45 am]

MOTOR VEHICLE POLLUTION CONTROL

Technological Feasibility of Meeting Various Oxides of Nitrogen Emission Standards

The Environmental Protection Agency has submitted the following request for information for the National Academy of Sciences pursuant to a Congressionally mandated study being conducted by the Academy on the technological feasibility of meeting the emissions standards required by the Clean Air Act.

ANNOUNCEMENT AND REQUEST FOR INFORMATION

The Committee on Motor Vehicle Emissions of the National Academy of Sciences is seeking information which will aid its study of vehicle emission control technology.

Since early 1971, the Committee on Motor Vehicle Emissions of the National Academy of Sciences has been conducting a comprehensive study and investigation of the technological feasibility of meeting U.S. light duty motor vehicle emission standards. This study is in response to a request from Congress embodied in section 202(c) of the Clean Air Act (42 U.S.C. § 185f-1(c)). From time to time, the Committee has presented the results of its continuing investigation to Congress, the U.S. Environmental Protection Agency, and the general public.

The phase of the study currently being conducted by the Committee deals primarily with emission control of oxides of nitrogen (NO_x). The Committee will investigate the technological feasibility of meeting various assumed maximum permissible levels of NO_x emissions ranging from 3.1 grams per mile to 0.4 grams per mile. Hydrocarbon and carbon monoxide emissions and control technology will also be considered to the extent that they are related to and interact with the primary thrust of the study. The motor vehicle emission control systems to be evaluated will include: the conventional internal combustion engine using various emission control options such as mixture preparation (advanced carburetors, electronic fuel injection, mechanical fuel injection), ignition systems, exhaust reactors, catalysts (oxidizing, reducing and three-way), exhaust gas recirculation and electronic controls (e.g., electronic fuel injection with feedback controls); and near-term alternative automotive power systems such as the stratified-charge engine, the diesel engine, and the rotary engine. The time frame of primary interest to the Committee is 1976–1980.

For the purposes of the study, the Committee defines the determination of "technological feasibility" to include the following:

1. Feasibility of developing and designing an emission control system that would enable compliance with various emission standards as judged by the certification procedures prescribed by the Environmental Protection Agency.
2. Feasibility of mass producing systems of promising design.
3. Projected performance of such emission control systems in customer usage, including fuel economy and the requirements for maintenance necessary to assure continuing reliability.
4. The cost, per vehicle, associated with acquisition, maintenance and operation of the emission control system.

Emission control data to be collected by the Committee during the course of its study will typically include emissions data, a comprehensive description of the emission control system tested, vehicle characteristics and weight of the vehicle tested, the type of fuel used, the fuel consumption, the test procedure used, the purpose of the test, scheduled and unscheduled maintenance performed during the test, diagnostic and engineering analysis data developed from emission control system and component tests including both successes and failures, and information on the driveability and performance of the vehicle tested. Information will also be collected on basic analysis of emission control systems and feasibility studies.

The Committee will collect information on the manufacturability and costs of emission control systems and related items. Topics considered will include plant requirements and lead time, tooling requirements and lead time, resource requirements, production scheduling, projected vehicle mixes, costs of labor, parts and materials, and vehicle operating costs in terms of fuel consumption and maintenance costs.

Certain other topics will receive special scrutiny by the Committee: fuel economy data, the test procedures used to develop the data, and potential changes in fuel types and characteristics; the performance and durability of motor vehicle emission control systems in use (including performance during high-stress modes of operation) and the effects on emissions, performance, and driveability of emission control systems failure; the problems of adequate vehicle maintenance in use; and data on currently unregulated emissions from motor vehicles. The Committee will also update its review of longer term alternatives to the internal combustion engine.

All submissions to the Committee on Motor Vehicle Emissions (including photographs, documents, components, etc.) will become the property of the National Academy of Sciences unless otherwise requested. Information which is regarded as proprietary or confidential by the person or organization providing the information shall be so labeled in advance of submittal to the Committee. Such information will be treated in accordance with the Committee on Motor Vehicle Emissions Policy for Handling Confidential Information dated January 24, 1974, a copy of which is available upon request from the Committee on Motor Vehicle Emissions, National Academy of Sciences.

All submissions should be sent to:

Dr. Emerson W. Pugh
Executive Director
Committee on Motor Vehicle Emissions
National Academy of Sciences
2101 Constitution Avenue, NW.
Washington, D.C. 20418

Dated: March 15, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-6850 Filed 3-22-74;8:45 am]

ALTERNATIVE WASTE TREATMENT MANAGEMENT TECHNIQUES AND SYSTEMS

Notice of Availability

Notice is hereby given that the Environmental Protection Agency (EPA) has published, in proposed form, a report entitled "Alternative Waste Treatment Management Techniques and Systems for Best Practicable Waste Treatment" pursuant to section 304(d)(2) of the Federal Water Pollution Control Act, as amended. (33 U.S.C. 1251, 1314(d)(2); 86 Stat. 816 et seq.; Pub. L. 92-500) ("The Act").

Section 304(d)(2) of the Act provides, in pertinent part, that the Administrator of EPA is to publish, after consultation with appropriate Federal and State agencies and other interested persons, information on alternative waste treatment management techniques and systems available to implement section 201 of the Act.

Section 201(b) of the Act provides, in pertinent part, that waste treatment management plans and practices shall provide for the application of the best practicable waste treatment technology before any discharge into receiving waters. Section 201(g)(2) provides, in pertinent part, that the Administrator shall not make grants from any funds authorized for any fiscal year beginning after June 30, 1974 for treatment works unless the grant applicant has demonstrated that alternative waste management techniques have been studied and evaluated and the works proposed for grant assistance will provide for the application of the best practicable waste treatment technology over the life of the works.

The report contains information on the three major alternative management techniques: land application; reuse; and treatment and discharge with an extensive bibliography on each technique.

The report is available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 4th and M Streets SW., Washington, D.C. Copies are being sent to all EPA Regional Offices and State water pollution control agency offices. An additional limited number of copies is available. Persons wishing to obtain a copy may write EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460; attention: Mr. Philip B. Wisman (A-107).

Interested persons are invited to comment on the proposed report by submitting written comments, in triplicate, to the Director, Municipal Construction Division, Office of Water Program Operations, Environmental Protection Agency, Washington, D.C. 20460. Comments may be submitted on or before May 9, 1974.

Dated: March 15, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-6851 Filed 3-22-74;8:45 am]

FEDERAL ENERGY OFFICE

EMERGENCY ADVISORY COMMITTEE FOR NATURAL GAS; SUBCOMMITTEE ON LP-GAS SUPPLY AND DEMAND

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Subcommittee on LP-Gas Supply and Demand of the Emergency Advisory Committee for Natural Gas will hold a meeting on Tuesday, March 26, 1974 at 2:30 p.m. in Room 595, Federal Court House, 19th and Stout Street, Denver, Colorado. The committee was established to advise the Administrator, FEO, with direct and timely access to the technical knowledge possessed by a wide range of highly qualified independent businessmen engaged in the movement and distribution of LP-Gas supplies. The agenda for the meeting is as follows:

1. Opening remarks by the Chairman.
2. Review and discussion of the four Task Group reports:
   a. Supply.
   b. Demand.
   c. Governmental Policy.
   d. Transportation and Storage.
3. Preparation of final subcommittee report to be presented to the full Emergency Advisory Committee.

The meeting is open to the public; however, space and facilities are limited. Further information concerning the meetings may be obtained from Lou D'Andrea, Federal Energy Office, Washington, D.C., telephone: 202/961-8559.

The chairman of the subcommittee is empowered to conduct the meetings in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Minutes of the meeting will be made available for public inspection at the Federal Energy Office, 13th and Pennsylvania Avenue, NW., Washington, D.C.

Issued in Washington, D.C. on March 21, 1974.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-6960 Filed 3-22-74;9:44 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notices of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01014---	Robert Bornhofen Reederei: *Karin Bornhofen.*
01035---	Ove Skou: *Dolly Skou.*
01178---	Olaf Federsen's Rederi A/S: *Sunny Fellow.*
01322---	Cardigan Shipping Co., Ltd.: *Norse Trader.*
01422---	Booth Steamship Co., Ltd.: *Berwell Adventure.*
01441---	Cottesbrooke Shipping Co., Ltd.: *Vancouver Trader.*
02367---	Canadian Pacific (Bermuda) Ltd.: *Fort MacLeod.*
02976---	Arthur-Smith Corp.: *AS 2001.*
02982---	The Shipping Corp. of India Ltd.: *Nanak, Shankara, Bharata, Rama, Gotama, Gandhi, Laxmi, Chandragupta, Kanishka, Gargi, Devaraya, Samudragupta, Chankaya, Leelavati, Bhaskara.*
03139---	Offshore Marine Ltd.: *Dogger Shore.*
03289---	Det Forenede Dampskibs-Selskab A/S: *Nopal Spray.*
03505---	Showa Yusen K. K.: *Maizuru Maru.*
03635---	Hines, Inc.: *Hines 418.*
03728---	Ocean Drilling & Exploration Co.: *Ocean Scout.*
04172---	Eklof Marine Corp.: *Reliable.*
04564---	Yamashita-Shinnihon K. K.: *Yamashin Maru.*
05014---	American Marine Corp.: *APB 38, Eagle, UMC-20, Tenaru River, Chuck, U 930, U 915, U 708, U 707, Bayou Barataria.*
05130---	Naviera Humboldt S.A.: *Coropuna.*
06248---	Commercial Corp. "Sovrybflot": *Raduzhnyy, Khronometr.*
06602---	Belcher Towing Co. of Boca Grande: *Belcher No. 25, Belcher No. 26.*
07290---	Hollywood Terminals, Inc.: *MGL-51, MGL-52.*
07498---	Louisiana Materials Co., Inc.: *Greenville, A 306, KE 13, KE 14, KE 16, Chicasaw.*
07624---	Josef Roth Reederei: *Christl Hermann.*
07880---	Logicon, Inc.: *Logicon 2103, Logicon 1300X, Logicon 2104.*
08218---	Salimar, S.A.: *Emma.*
08353---	Schiffahrts - Agentur "Hellas" G.m.b.h.: *Panarrange.*
08414---	I.F.R. Services Ltd.: *Tangelo.*
08471---	Villere Marine Corp.: *PP CO 303, Barge Xavier, Bayou Queue.*
08546---	Unicorn Shipping Co., Ltd.: *Happy Pioneer.*
08654---	Lucero Navegacion Transmare S.A.: *Sea Crest.*
08655---	Navios Viatlantica S.A.: *Wave Crest.*
08680---	Krethan Shipping Co., S.A. Panama: *Paraskevi H.*
08694---	Renata Compania Maritima S.A.: *Agios Nectarios.*
08704---	Bigane Vessel Fueling Co. of Chicago: *Jos. F. Bigane.*
08705---	Turbinia Steamship Co., Ltd.: *Turbinia.*
08727---	Mimika Shipping Co., Ltd.: *Mimika M.*
08750---	Ocean Oil Sanchu, Inc.: *Golar Kanto.*
08753---	Carnegie Maritime Co., Ltd.: *Sea Harmony.*
08754---	Exeter Maritime Co., Ltd.: *Sea Guardian.*
08756---	Kalimana Shipping Co., Ltd.: *Kehrea.*
08758---	Nagos Compania Maritima S.A.: *Maro.*
08767---	Psara Shipping Co., Ltd.: *Poros Island.*

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Certificate No.	Owner/operator and vessels
08770---	Trans-Pacific Fisheries, Inc.: *Mermaid II.*
08773---	Global Navigation & Investment, Inc.: *Voula.*
08774---	Chalandri Maritime Co., Ltd., Limassol: *H. Endurance.*
08775---	Dray Shipping Co., Ltd.: *Panglobal Friendship.*
08776---	Lendas Maritime Co., Ltd.: *Lendas.*
08778---	Hercules, Inc.: *Southern Big N.*
08779---	Tokyo Kinkai Yuso K. K.: *Yuhei Maru.*
08780---	Eagle Steamship Co., Ltd.: *Diamond Eagle.*
08781---	Eastport Navigation Corp., Panama: *Elafi.*
08782---	Martimaris Tercero Maritime Corp.: *Eleuropa.*
08783---	World Car Carriers, Inc.: *Nissan No. 1.*
08784---	Tavistock Shipping Ltd.: *Nego Jade.*
08786---	Ore International Corp.: *Lisa.*
08788---	I/S Sunore: *Arabella.*
08789---	S. Bartz-Johannessen A/S: *Bragd.*
08790---	Agtek International, Inc.: *Sandra C.*
08791---	Cox Marine Corp.: *Hoosier Friend.*
08794---	Pitria Sky Navigation Co., Inc., Monrovia: *Pitria Sky.*
08795---	Pitria Sun Navigation Co., Inc.: *Pitria Sun.*
08792---	C. Rowbotham & Sons (Management) Ltd.: *Astraman.*
08800---	Mariba Maritime Co., Ltd.: *Great Luck.*
08802---	Overseas Shipping Private (Hongkong) Ltd.: *Hwa Gek, Hwa Chu.*
08803---	Hightide Corp.—Monrovia: *Progreso.*
08804---	Fulvia Maritime Co., Ltd.: *Fulvia.*
08806---	Heyer Schiffahrtsgesellschaft M/S "Nordicmark" Bremen: *Roro Scandia.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6858 Filed 3-22-74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01014---	Robert Bornhofen Reederei: *Adviser.*
01015---	A/S Rederiet Odfjell: *Oak.*
01027---	Flensburger Befrachtungskontor Uwe C. Hansen & Co.: *Stern Hasselburg.*
01058---	States Steamship Co.: *Illinois, Arizona, California.*
01063---	E. B. AAby's Rederi A/S: *Svolder.*
01072---	Kommanditselskabet AF 26.9. 1966: *Heering Christel.*
01088---	Schulte & Burns, Ringstrasse 2: *Johann Schulte, Stadt Emden.*
01096---	Zapata Naess Shipping Co., Ltd.: *Naess Talisman.*
01098---	Sovereign Shipping Co., Ltd.: *Naess Endeavour, Naess Sovereign, Naess Champion.*
01103---	Poseidon Schiffahrt Gesellschaft Mit Beschrankter Haftung: *Transamerica.*
01113---	A/S J. Ludwig Mowinckels Rederi: *Hada, Strinda.*
01125---	N. V. Ubem S.A. (Union Belge D'Enterprises Maritimes): *Belval, Chertal, Eeklo, Stolt Boel, Zelzate.*
01156---	Partenreederei MS Dirk Mittmann: *Dirk Mittman.*
01681---	A/S Vafos Brug: *Ole Rinde.*
01910---	Deutsche Dampfschiffahrts Gesellschaft "Hansa": *Atlantica New York.*
01937---	Mermaid Marine Co.: *Valentine.*
02133---	Marsimbol Compania Naviera: *Medita.*
02152---	A. F. Klaveness & Co. A/S: *Stolt Surf.*
02295---	The Great Eastern Shipping Co., Ltd.: *Jag Jyoti, Jag Laadki.*
02416---	Boland & Cornelius, Inc.: *Ben W. Calvin.*
02548---	Compania Maritima San Basilio S.A.: *Eurybates, Eurylochus, Eurymachus, Eurypylus, Eurytan, Eurytion.*
02593---	Tankstar Shipping Co. S.A.: *Taurus.*
02698---	Marneptuno Compania Naviera, S.A.: *Meteora.*
02907---	Blue Horizon Shipping Co. S.A.: *Aghios Nicocaos.*
02949---	Valley Towing Service, Inc.: *GTC 10, GTC 11.*
02959---	Kokuyo Kaiun Kabushiki Kaisha: *Kinukawa Maru.*
03070---	Coastal Towing Corp.: *Coastal 2000B, Coastal 2503, Coastal 2504, Coastal 2615, Coastal 2650.*
03087---	Atlantic Far East Lines, Inc.: *Oriental Jade.*
03181---	N. V. Kustvaartmaatschappij "Holland Groninger": *Ana Isabel.*
03186---	N.V. Motorscheepvaartmaatschappij "Rotterdam": *Alban.*
03188---	N. V. Zeerederij Holland-Zeeland: *Aidan.*
03191---	Compania Naviera Francina S.A.: *Francina.*
03289---	Det Forenede Dampskibsselskab A/S: *Sussex.*
03765---	Arpa Shipping Corp.: *Damon.*
03792---	Fluorescene Shipping Co., Ltd.: *Increscent Moon.*
03800---	Elco Shipping Corp. S.A.: *Soula K.*
03883---	Ohio Barge Line, Inc.: *OBL 905B.*
04004---	Koninklijke Java China Paketvaart Lijnen N.V.: *Tuiwangi.*
04013---	Compania Atlantica Pacifica, S.A.: *Louise.*
04065---	Altair Maritime S.A.: *Minoan Trader.*
04099---	Waterways Marine of Memphis, Inc.: *B–1120.*
04113---	Mon River Towing, Inc.: *MRBL–88.*
04167---	Dillingham Oceanographic Corp., Ltd.: *Mahi.*
04420---	Navigazione Alta Italia S.P.A.: *Nai Giovanna.*
05206---	Gaelic Tugboat Co.: *MCB.*
05383---	Lineas Pinillos: *Genil.*
05393---	Okinawa Reito Suisan Kabushiki Kaisha: *No. 28 Takuyo Maru.*
05425---	Georgia Transporters, Inc.: *MBL 603, White Bear.*
05507---	Valerosa Compania Naviera S.A.: *San John.*
05608---	Fekete & Co.: *Bertha, Tommy Wiborg.*
05670---	Vasco Madrilena de Navegacion S.A.: *Valle de Ayala.*
05854---	Levin Metals Corp.: *D.E. 681, Howard F. Clark, Rolf, Tinsman.*
06044---	Mayflower Transport & Trading Comp. N.V.: *Sylvia–4.*
06149---	Thomas Towing Corp.: *G M 127.*
06504---	Partenreederei M/S "Grethe Reith": *Grethe Reith.*
06627---	Imperio Transoceanico, S.A. Panama: *Aristandros.*
06717---	Princefield Shipping Ltd: *Princefield.*
06719---	West Indian Trading Co: *Curtis Mathes.*
06832---	Lesue Shipping, Inc.: *Mount Hope.*
06869---	Armonia Shipping Corp.: *Armonia.*
06891---	Caribbean Bunkering Co., Inc.: *527 N.*
07141---	Miyagi Prefectural Government: *Shin Miyagi Maru.*
07473---	Vencedora Armadora S.A. of Panama: *Kavo Matapas.*
07623---	Hawaiian Tug and Barge Co., Ltd.: *H T B 36.*
07652---	Emblema Hidalgo Navigation S.A. of Panama: *Kavo Vrettranos.*
07690---	Tangi Co., Ltd.: *Brettingur.*
07877---	Beta Shipping Co., Inc.: *Captain John.*
07882---	Ocean Science Ships Liberia, Inc.: *Gulfrex.*
08209---	Baltic Navigation Co., Ltd.: *Elpetroil.*
08313---	Norness (Bulkcarriers) Ltd.: *Naess Patroit.*
08349---	Dae Yang Oil Tanker Co., Ltd.: *No. 103 Woo Yang.*
08417---	Dovey Shipping & Industrial Holdings Ltd.: *Lottinge.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6859 Filed 3-22-74;8:45 am]

FLAGSHIP CRUISES LIMITED AND KOMMANDITTSELSKAPET CRUISE VENTURE A/S & CO.

Revocation of Certificate

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P–93 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C–1, 101.

Flagship Cruises Limited
c/o Flagship Cruises, Inc.
522 Fifth Avenue
New York, New York 10036
AND
Kommandittselskapet Cruise Venture A/S & Co.
c/o Norwegian Cruiseships A/S
Radhusgt. 23, P. Box 355
Oslo 1, Norway

Whereas, Flagship Cruises Limited has ceased to operate the passenger vessel Island Venture; and

Whereas, Flagship Cruises Limited has returned Certificate (Performance) No. P–93 and Certificate (Casualty) No. C–1, 101 covering only the Island Venture for revocation.

It is ordered, That Certificate (Performance) No. P–93 and Certificate (Casualty) No. C–1, 101 applying to the Island Venture be and are hereby revoked effective March 18, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6856 Filed 3-22-74;8:45 am]

WALLENIUS LINE

Notice of a Petition Filed

Notice is hereby given that the following petition has been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the proposed contract form and of the petition at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126 or at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed contract form and the petition including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed contract system shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the proposed contract form and the petition (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of Application to Modify Dual Rate Contract Filed by:

Denning & Wohlstetter
1700 K Street NW.
Washington, D.C. 20006

An application has been filed by Wallenius Line to modify its Merchant's Rate Agreement covering new unboxed automobiles, trucks and miscellaneous four-wheel vehicles from the U.S. North Atlantic and Great Lakes to Europe to includes the United Kingdom. It also corrects the current address of Wallenius' General Agent in the United States.

By Order of the Federal Maritime Commission.

Dated: March 20, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6857 Filed 3-22-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RM74-14]

FERTILIZER INDUSTRY

Natural Gas Supply Priority, Senate Resolution and Request for Comments

MARCH 20, 1974.

On February 27, 1974, the United States Senate adopted S. Res. 289,[1] Report No. 93-691, 93rd Congress, 2nd Session, declaring, as the "sense of the Senate", that the Federal Power Commission afford the highest priority of natural gas delivery to the fertilizer industry. The Resolution, which is appended hereto and made a part hereof, states that the productive capacity of the fertilizer industry is not sufficient to meet this Nation's 1974 agriculture production goals. We are requested to do everything in our power to alleviate that situation, which is caused at least in part by the shortfall of natural gas supplies.

In our Statement of Policy issued March 2, 1973,[1a] the initial priority accorded natural gas used by the fertilizer industry could vary depending upon (1) the end-use, i.e., whether the natural gas is used as feedstock or as fuel and (2) whether the natural gas purchase contract held by the manufacturer is considered firm or interruptible.

If the industrial [2] contract is firm [3], the portion of natural gas requirements for use as a feedstock [4] would be placed in priority (2), subordinate only to gas needed for residential [5] and small commercial [6] requirements.

If the contract is firm, the portion used as fuel would generally fall into priority (3) unless the natural gas is used as boiler fuel [7], which would qualify its inclusion into priorities (4) or (5) depending upon the relative size of the requirement.

If the manufacturer can demonstrate upon a proper showing that its firm fuel requirements can qualify for process gas use,[8] those requirements would be placed into priority (2).

If the fertilizer manufacturer holds an interruptible [9] natural gas purchase contract, its requirements for feedstock, process gas, and plant protection would be placed in priority (3).[10] All other requirements will be placed into priorities (6) thru (9).

Customers of jurisdictional pipeline companies may seek relief from curtailment, first with the pipeline and upon denial of relief to the Commission. The Commission has authorized pipeline companies to grant relief unilaterally in response to emergency situations, including environmental emergencies, during periods where supplemental deliveries are required to forestall irreparable injury to life or property. If the pipeline denied relief to its customers, a petition requesting relief outlining the circumstances warranting extraordinary relief, may be filed with the Commission.

This Commission has no authority over natural gas deliveries to fertilizer manufacturers where the supplier is an intrastate pipeline company or a local distribution company. Curtailment of natural gas deliveries in those circumstances are subject to the authority of respective state public utility commissions. Any requested relief from curtailment should be addressed to those bodies.

Petitions for relief from curtailment have been filed recently with the Commission by or on behalf of the fertilizer or phosphate feed manufacturers and those petitions are presently pending final determination on their merits. The petitions were filed (1) Carnegie Natural Gas Company on behalf of its customer, United States Steel Corporation, on November 21, 1973, in Texas Eastern Transmission Corporation, Docket No. RP73-39-3; (2) Columbia Nitrogen Corporation and Nipro, Inc. on October 23, 1973, in Southern Natural Gas Company, Docket No. RP74-6, et al.; (3) Occidental Chemical Company on January 30, 1974, in South Georgia Natural Gas Company, Docket No. RP74-65-1; on January 22, 1974, Borden, Incorporated and on February 27, 1974, Gardinier, Inc., filed in

[1] A copy of S. Res. 289 is filed as part of the original document.

[1a] Order No. 467-B issued March 2, 1973 amending Order No. 467-A, January 15, 1973, and Order 467, January 8, 1973.

[2] "*Industrial.* Service to customers engaged primarily in a process which creates or changes raw or unfinished materials into another form or product including the generation of electric power." Order No. 493-A, issued October 29, 1973.

[3] "*Firm Service.* Service from schedules or contracts under which seller is expressly obligated to deliver specific volumes within a given time period and which anticipates no interruptions, but which may permit unexpected interruption in case the supply to higher priority customers is threatened." *Ibid.*

[4] "*Feedstock Gas.* Is defined as natural gas used as raw material for its chemical properties increasing an end product." *Ibid.*

[5] "*Residential.* Service to customers which consists of direct natural gas usage in a residential dwelling for space heating, air conditioning, cooking, water heating, and other residential uses." *Ibid.*

[6] "*Commercial.* Service to customers engaged primarily in the sale of goods or services including institutions and local, state, and federal government agencies for uses other than those involving manufacturing or electric power generation." *Ibid.*

[7] "*Boiler Fuel.* Is considered to be natural gas used as a fuel for the generation of steam or electricity, including the utilization of gas turbines for the generation of electricity." *Ibid.*

[8] "*Process Gas.* Is considered to be natural gas used as fuel for the generation of steam or electricity, including the utilization of gas turbines for the generation of electricity." *Ibid.*

[9] "*Interruptible Service.* Service from schedules or contracts under which seller is not expressly obligated to deliver specific volumes within a given time period, and which anticipates and permits interruption on short notice, or service under schedules or contracts which expressly or impliedly require installation of alternate fuel capability." *Ibid.*

[10] On October 29, 1973, in Order No. 493-A, the definition of "alternate fuel capability" was defined to exclude propane and other gaseous fuels. The Commission said: "The clarification made here is specifically intended to permit interruptible industrial consumers to qualify an appropriate portion of their requirements for Priority 3 usage under Order No. 467-B, where the use is for plant protection, feedstock, or process as those definitions are defined in this proceeding."

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Florida Gas Transmission Corporation, Docket Nos. RP74–50–3 and RP74–50–4; and (5) on February 13, 1974, North Alabama Gas District filed in Texas Eastern Transmission Corp. in Docket No. RP74–39–8. In the pending petitions of Carnegies Natural Gas Company, Columbia Nitrogen Corporation and Nipro, Inc., and Borden, Inc., the Commission has granted temporary emergency relief pending final determination on the merits through formal hearing.

According to a recent report titled Fertilizer Situation published by the Economic Research Service of the U.S. Department of Agriculture in January, 1974, a domestic shortage of nitrogen fertilizers will exist during 1974. The extent of the shortage, according to the report, depends upon increases in planted acreage, the likelihood of continued strong demand for fertilizer due to high farm products prices, increases in export demand, and domestic transportation problems. The report indicates that exports of nitrogen fertilizers have increased substantially in 1973 compared to 1972 and that these larger exports helped deplete current U.S. inventories, which resulted in restricted domestic availability. The report concludes that already limited production capacity may be affected by the natural gas shortage.

According to data from the Fertilizer Institute, approximately 52 percent of domestic anhydrous ammonia is produced by natural gas purchased from interstate suppliers while the remaining 48 percent is produced by using natural gas purchased from intrastate suppliers. Of the total anhydrous ammonia production, including both interstate and intrastate natural gas supplies, approximately 78 percent is produced from purchases of natural gas under firm contracts, the remaining 22 percent is produced by gas delivered under interruptible purchase contracts. In the interstate market, firm deliveries of natural gas account for 68 percent of anhydrous ammonia production and 32 percent is attributable to deliveries under interruptible contracts. The intrastate market shows firm deliveries of natural gas account for 88 percent of production with the remaining 12 percent of production attributable to deliveries under interruptible contracts.

The efficient and equitable allocation of limited natural gas supply to meet the demands of our industrial and agricultural economy has been impaired by the shortage of alternate supplies of substitutable fuels. Consequently, the unfulfilled demand for natural gas cannot be referred to other fuels to the same degree as in 1970–1972 when the shortfall of natural gas or substitutable fuels was not as widespread as currently and accordingly could not be filled by alternate fuels. We have instituted conservation policies to reduce effective demand for natural gas and electricity which currently consumes over 25 percent of our primary energy resources.[11]

Even if a national policy of conservation reduces electric energy and natural gas consumption by 10 percent, we are still confronted with a national economy of energy scarcity requiring equitable allocations to avoid economic dislocation. In a national energy emergency it is axiomatic that any increase in industrial consumption due to grant of relief from curtailment can be accomplished only by a corresponding diminution of consumption in some other section of the economy.

During the continuance of the national energy emergency, principles of balancing public and private benefits must evolve:

1. First, there must be equitable allocations among industries which utilize substitutable fuels, both by more efficient distribution as well as mandatory allocations.

2. If the basic feedstock for an end use is nonsubstitutable, as in the case of natural gas use for the production of nitrogen fertilizer or for other special applications in the petrochemical industry, there can be no reference to other fuels and the burden of the shortfall must either be equitably shared on a priority basis by the affected industries or a hard and critical choice must be made to grant a higher priority to the industry determined to be most important to the national welfare. Some of the factors bearing upon the resolution of this dilemma are the impact of the allocation of limited supply upon health and safety, employment, productivity, and the national security.

In the allocation of natural gas, unlike the mandatory allocation program for other fuels, the Federal Power Commission must determine priorities on the basis of an evidentiary record developed in a proceeding before the Commission as prescribed by the Natural Gas Act and the Administrative Procedures Act.

In order for this Commission to take meaningful and appropriate action as may be necessary and in the public interest, notice of the Senate Resolution is hereby given for the purpose of soliciting comments from all segments of the natural gas industry, their customers, consumers, and all other interested persons including State regulatory agencies. Specifically, we direct attention to points (1) and (2) of the Resolution and request that the comments be directed to those points as they apply to this Commission and its statutory responsibilities under the Natural Gas Act.

The Commission orders:

Persons wishing to file comments in this matter may do so by filing with the Secretary on or before April 5, 1974, an original and four copies.

By Direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6841 Filed 3–22–74;8:45 am]

[11] Order No. 496, issued November 29, 1973, Emergency Actions for Conservation of Petroleum and Natural Gas Fuel Resources by Electric Utilities, setting a targeted overall nationwide electric energy reduction of 10%, and Order No. 498, issued December 21, 1973, Further Emergency Procedures for Conservation of Natural Gas Directed to Natural Gas Pipeline Companies, Gas Distributors, State Commissions and Gas Consumers, implementing measures for the conservation of natural gas to develop methods of obtaining an objective of a reduction of 10% in the demand for natural gas by improving efficiency of gas utilization.

[Docket No. E–8624]

ARIZONA PUBLIC SERVICE CO.

Filing and Suspending Proposed Fuel Adjustment Clause

MARCH 15, 1974.

On February 12, 1974, Arizona Public Service Company (APS) tendered for filing supplements to 14 wholesale rates schedules and 1 tariff which would include in these schedules and tariff a superseding Fuel Adjustment Clause. APS indicates that it is requesting an effective date of April 1, 1974. APS states that the proposed fuel adjustment clause would result in increased revenues of $4,189,813 (49.1 percent) for the period of April, 1974 through March, 1975.

APS also requests that, in the event the proposed new clause is not accepted, the existing clause be implemented in the interim until the proposed new clause becomes effective. The operation of the existing clause has been frozen since it was not certified pursuant to Order No. 437A–5 following the Phase I price freeze. Certification was not granted because the clause did not conform to the principles of § 35.14 of the Commission's regulations. Arizona states that due to its present tenuous financial position, it would be "seriously hurt" if additional revenues are not forthcoming.

The filing was noticed on February 27, 1974, with comments and petitions to intervene due on or before March 20, 1974. No comments or petitions were received.

Our review indicates that the proposed fuel cost adjustment clause does not conform to § 35.14 of the Commission's regulations. Section 35.14 of the regulations under the Federal Power Act requires that the cost of fuel shall include no items other than those in Account 151. The proposed clause includes items other than Account 151 items. Section 35.14 requires that the fuel adjustment shall apply only to that energy supplied from fossil fuel generation whereas the proposed clause expressly applies to nuclear and hydro generation. Further, § 35.14 states that the intent of the fuel clause is to reflect changes in the fuel components per kilowatt hour of delivered energy cost. The proposed clause is based on estimated costs and implicitly assigns total system losses to the wholesale sales as opposed to the losses applicable to the wholesale customers.

Due to the possibility of APS' suffering substantial revenue loss as a result of continued operations without an effective fuel adjustment clause, we shall accept the proposed clause for filing, and suspend it one day. We shall require that APS file within 20 days amendments to its fuel clause to cure the previously discussed deficiencies. Upon receipt of such filing, and our review thereof, we shall issue such further orders as may be appropriate.

The Commission finds:

(1) It is in the public interest and it is necessary and appropriate to aid in the enforcement of the Federal Power Act that the fuel adjustment clause filed by APS on February 12, 1974, be accepted for filing and suspended for one day.

(2) APS should be required to file within 20 days of the issuance of this order amendments to the proposed fuel adjustment clause so as to cure the deficiencies enumerated herein.

The Commission orders:

(A) The fuel adjustment clause filed by APS on February 12, 1974, is hereby accepted for filing and suspended for one day, until April 2, 1974.

(B) Within 20 days of the issuance of this order, APS shall file amendments to the fuel adjustment clause accepted for filing herein so as to cure the deficiencies enumerated herein.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6819 Filed 3–22–74;8:45 am]

[Docket No. E–8187]

BOSTON EDISON CO.

Extension of Time and Postponement of Hearing; Correction

MARCH 14, 1974.

In the notice of extension of time and postponement of hearing and prehearing conference, issued March 8, 1974 and published in the FEDERAL REGISTER March 14, 1974, 39 FR 9858, please change the date of the Prehearing Conference from April 19 to "April 9".

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6820 Filed 3–22–74;8:45 am]

[Docket No. CP74–234]

CITIES SERVICE GAS CO.

Notice of Application

MARCH 20, 1974.

Take notice that on March 11, 1974, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP74–234 an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act for permission and approval to abandon certain facilities on its transmission system presently used for service to Continental Oil Company's oil refinery located near Ponca City, Oklahoma, and for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and regulating facilities to allow for the continued service to said refinery, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon and reclaim regulating facilities and abandon in place approximately 9.81 miles of 6-inch and 7-inch gas pipeline in the Ponca City 6-inch line in Kay County, Oklahoma, and construct and operate approximately 5.62 miles of 6-inch gas pipeline and regulating facilities extending from the existing Burbank 16-inch and Shilder 12-inch pipelines to the Ponca City 6-inch line in Kay County, Oklahoma.

Applicant states that the proposed abandonment and construction is necessitated by the construction of the Kaw Reservoir on the Arkansas River in Kay and Osage Counties, Oklahoma. The estimated cost of the proposed facilities is $183,000 and the total reclamation cost for the proposed abandonment is $640. Applicant states that it will be reimbursed for the full amount of its abandonment and construction costs by the United States Army Corps of Engineers.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6822 Filed 3–22–74;8:45 am]

[Docket Nos. E–7685, E–7798]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Order Approving Rate Settlement

MARCH 19, 1974.

On October 10, 1973, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement in the above separately docketed wholesale rate increase proceedings, together with the record relating thereto. The proposed settlement is jointly sponsored by Central Vermont and its wholesale customers. The settlement agreement, if approved, would resolve all issues in the proceedings, and would result in a reduction of approximately $631,492 annually in Central Vermont's presently effective rates for the period ending June 30, 1973.

Central Vermont filed its proposed increase in rates in Docket No. E–7685 on November 29, 1971. The new rate, designated Rate R, became effective after suspension and subject to refund on June 28, 1972. The proposed increase in Docket No. E–7798 was filed on November 1, 1972, and the new rate, designated Rate R–1, became effective after suspension and subject to refund on June 1, 1973. The Rate R increase amounted to approximately $751,000 annually while the R–1 increase amounted to approximately $278,000 annually, based on sales for years 1970 and 1971 respectively.

The Commission set hearings in both the Rate R and R–1 proceedings, The hearing on Rate R in Docket No. E–7685 is completed, and the Presiding Administrative Law Judge issued his initial decision on August 1, 1973. Hearings on Rate R–1 have not commenced. All further proceedings in both dockets have been deferred pending action on the proposed settlement agreement.

Notice of the proposed settlement agreement was issued on November 6, 1973, providing for the filing of comments by interested parties on or before November 23, 1973. No comments were received in response to the notice.

The principal provisions of the proposed settlement agreement may be summarized as follows:

(1) The settlement provides for separate rates to cover three successive periods. The first rate, designated modified Rate R, will apply from June 28, 1972, through May 31, 1973. The second rate, designated modified Rate R–1, will apply from June 1, 1973, through June 30, 1973. The third rate, designated Rate R–2, will apply during the period commencing July 1, 1973, and continuing until such rate is changed in accordance with the provisions of the Federal Power Act.

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(2) The modified Rates R and R-1 provide a single rate for both full and partial requirements service. Rate R-2 provides separate rates for these types of service, designated Rates R-2F and R-2P, respectively.

(3) Billing determinants for demand charges under Rate R-2 will be based on hourly interval readings rather than 15 minute interval readings.

(4) The ratchet provision for partial requirements service under Rate R-2 will be 50 percent rather than 90 percent.

(5) There is a moratorium on the filing of any rate changes or rate complaints prior to January 1, 1974.

(6) The settlement provides for certain additional clarifying and perfecting modifications in the general terms and conditions of wholesale service.

The settlement rates are based on a settlement cost of service as set forth in Appendix II of the settlement agreement and summarized in Appendix A hereto. The settlement rates result in an indicated rate of return on Central Vermont's net investment rate base of 4.57 percent. We find the settlement costs, return, and resulting rates to be reasonable, and they are accordingly approved.

Based on our review of the record in these proceedings, including the settlement agreement itself, the filings, documents and pleadings submitted by the parties, the evidence, and the transcripts of hearings and conferences which have been held, we conclude that the settlement agreement represents a reasonable resolution of the issues in these proceedings in the public interest, and that accordingly the settlement should be approved.

The Commission finds:

The settlement agreement certified by the Presiding Judge to the Commission in these dockets on October 10, 1973, should be approved and made effective.

The Commission orders:

(A) The settlement agreement certified by the Presiding Judge to the Commission in these dockets on October 10, 1973, is hereby approved and made effective.

(B) Within 30 days from the date of this order, Central Vermont shall file with the Commission revised tariff sheets and service agreements in conformity with the settlement agreement as herein approved.

(C) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Central Vermont or any person or party.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A—CENTRAL VERMONT PUBLIC SERVICE CORPORATION, DOCKET NOS. E-7685, E-7798

SUMMARY COST OF SERVICE TEST YEAR 1971, COMBINED WHOLESALE SERVICE

1. Settlement Revenues, $3,236,030.
2. Operating Expenses, $3,061,853.
3. Operating Income, $174,177.
4. Rate Base, $3,808,478.
5. Rate of Return (line 3 ÷ line 4), 4.57 percent.

[FR Doc.74-6823 Filed 3-22-74;8:45 am]

[Docket No. CP74-233]

COLUMBIA GULF TRANSMISSION CO.

Notice of Application

MARCH 20, 1974.

Take notice that on March 11, 1974, Columbia Gulf Transmission Company (Applicant), P.O. Box 683, Houston, Texas 77001, filed in Docket No. CP74-233 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon its Centerville Compressor Station located on Applicant's east supply lateral near Garden City, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon its Centerville Station consisting of a 20,000 horsepower gas turbine-driven compressor unit and related facilities constructed to compress additional quantities of gas which Applicant anticipated receiving from offshore Louisiana. Applicant states that due to changes in delivery conditions the flow of gas to its Centerville Station has been substantially reduced and Applicant, therefore, has no present use for and does not anticipate any future use for the subject compressor facilities at the present location.[1] The application states that upon abandonment the compressor unit will be transferred to gas plant held for future use by Applicant. Applicant also intends to return to Ingersoll-Rand Company a standby compressor unit at the Centerville Station.

Applicant states that the cost involved in the return of the compressor unit is $166,500 and the estimated cost of retiring the other unit is $125,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene if filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-6824 Filed 3-22-74;8:45 am]

[Docket No. E-8652]

CONNECTICUT LIGHT AND POWER CO.

Proposed Rate Schedule

MARCH 20, 1974.

Take notice that Connecticut Light and Power Company (CL&P), on March 6, 1974, tendered for filing a proposed Emergency Transmission Agreement, dated February 22, 1974, between CL&P, the City of Norwich, the Town of Wallingford, and the Second Taxing District, City of Norwalk.

The proposed rate schedule, CL&P alleges, provides for emergency transmission service to the municipal electric systems of the City of Norwich, Town of Wallingford and Second Taxing District, City of Norwalk, from the proposed effective date of February 22, 1974 until July 1, 1974, through CL&P's transmission facilities. CL&P states that this filing is in accordance with Part 35 of the Commission's regulations.

CL&P states that copies of this proposed schedule have been delivered to all those rendering or receiving service under such rate schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-6825 Filed 3-22-74;8:45 am]

[1] Applicant states offshore gas originally planned to be transported to its east lateral supply line is being transported through Applicant's west supply lateral and deliveries from producing fields attached to its east supply lateral are declining.

[Docket No. RP71-137, etc.]

EL PASO NATURAL GAS CO. AND NORTHWEST PIPE LINE CORP.

Order Granting Motion To Be Included as Party Applicant and for Redesignation of Proceedings

MARCH 19, 1974.

On January 18, 1974, Northwest Pipeline Corporation (Northwest) filed a motion before this Commission to be included as a party applicant, in addition to El Paso Natural Gas Company (El Paso), in the proceedings pending in Docket Nos. RP71-137, RP72-151, RP72-154, RP73-109, RP74-23 and RP74-43. Northwest further requested that such proceedings be redesignated to include Northwest as a party applicant effective January 31, 1974, the effective date of divestiture of El Paso's Northwest Division System to Northwest.

In accordance with the terms of divestiture, El Paso will be liable for any rate refund obligations applicable to the period up to divestiture irrespective of the date such refunds arise. Northwest will be liable for rate refund obligations, if any, applicable to the period subsequent to divestiture. Attached to Northwest's motion was an "Agreement and Undertaking" under which Northwest assumes responsibility and liability for any refunds which ultimately may be required in Docket No. RP73-109 applicable to the period subsequent to the date of divestiture.

The Commission finds:

(1) Since both El Paso and Northwest are to benefit by any rate increases that may be granted and are to be liable for refunds relating to their respective periods of ownership which may be required in the rate proceedings listed above, the granting of Northwest's motion to be included as a party applicant and for redesignation of those proceedings is in the public interest.

The Commission orders:

(A) Northwest Pipeline Corporation shall be included as a party applicant in those proceedings at Docket Nos. RP71-137, RP72-151, RP72-154, RP73-109, RP74-23, and RP74-43 effective January 31, 1974 and such proceedings shall be redesignated to reflect such change.

(B) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc. 74-6826 Filed 3-22-74;8:45 am]

[Docket No. CP74-230]

GALAXY ENERGIES, INC.

Notice of Application

MARCH 20, 1974.

Take notice that on March 8, 1974, Galaxy Energies, Inc. (Applicant), 8561 Long Point Road, Suite 107, Houston, Texas 77055, filed in Docket No. CP74-230 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural) at Natural's existing meter station in the Willmar Field, Willacy County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Natural up to 5,000 Mcf of gas per day with a gross heating value of at least 1,000 Btu per cubic foot on a dry basis for one year at 70.0 cents per Mcf at 14.65 psia within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-6827 Filed 3-22-74;8:45 am]

[Docket No. CP74-216 etc.]

INTERSTATE TRANSMISSION ASSOCIATES ET AL.

Notice of Applications

MARCH 20, 1974.

Take notice that on February 26, 1974, Interstate Transmission Associates (ITA), 720 N. Eighth Street, Los Angeles, California 90017, filed in Docket Nos. CP74-216 and CP74-217 applications pursuant to section 7(c) of the Natural Gas Act and Executive Order No. 10485, respectively, for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport natural gas in interstate commerce for the account of Pacific Interstate Transmission Company (PacIn) and authorizing the construction, operation, maintenance, and connection of facilities at the international boundary to effect the importation of natural gas for PacIn from Canada into the United States. Take further notice that on February 26, 1974, PacIn, 720 N. Eighth Street, Los Angeles, California 90017, filed in Docket No. CP74-218 and CP74-219 applications pursuant to sections 7(c) and 3 of the Natural Gas Act, respectively, for a certificate of public convenience and necessity authorizing the sale for resale of imported Canadian natural gas to Northwest Pipeline Corporation (Northwest), El Paso Natural Gas Company (El Paso), and Southern California Gas Company (SoCal) and for an order authorizing the importation of natural gas from Canada into the United States. Take further notice that on February 28, 1974, Northwest, P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP74-221 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport natural gas in interstate commerce and the transportation of gas for PacIn. Take further notice that on March 6, 1974, El Paso, P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP74-228 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to transport natural gas in interstate commerce and the transportation of natural gas for

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PacIn. These proposals are more fully set forth in the applications which are on file with the Commission and open to public inspection.

ITA proposes in Docket No. CP74–217 to construct and operate at the international boundary near Kingsgate, British Columbia, and Eastport, Idaho, 2.6 miles of 26-inch O. D. pipeline to connect the Canadian gas supply to its meter station, which is also to be constructed and operated at the Kingsgate import point.

ITA proposes in Docket No. CP74–216 to construct and operate a 26-inch O. D. pipeline of approximately 373 miles in length from a point near Kingsgate, British Columbia, through the states of Idaho and Washington to Rye Valley, Oregon. ITA proposes to construct and operate two 17,500 horsepower compressor stations on said pipeline in Boundary and Bonner Counties, Idaho, and two meter stations on said pipeline at Meacham and Rye Valley, Oregon. ITA requests, pursuant to a February 7, 1974, gas transportation agreement between it and PacIn, authorization to transport through the proposed facilities, commencing on or about November 1, 1974, a maximum of 443,000 Mcf[1] of the imported natural gas to be delivered for the account of PacIn to Northwest's system at the Meacham and Rye Valley meter stations. ITA states that the proposed transportation service will be rendered on a cost-of-service basis to assure recovery of costs. ITA further states that the proposed pipeline is designed to operate at a pressure of 1,680 psig.

ITA estimates that the total cost for the project in Docket Nos. CP74–216 and CP74–217 will be approximately $121,003,000, to be financed by the issuance of $91,664,000, of 8.5 percent first mortgage bonds and the receipt of $30,625,000, of partnership equity contributions.

PacIn in Docket No. CP74–219 seeks authorization to import approximately 402,800 Mcf of gas per day for a period of six years, commencing on or about November 1, 1974. PacIn indicated that it has contracted to purchase from Pan-Alberta Gas, Ltd. (Pan-Alberta), gas which will be produced in Alberta, Canada. PacIn states that it will pay Pan-Alberta 79.3 cents (Canadian) per Mcf at 14.65 psia for 92 percent of the gas delivered and 65.0 cents (Canadian) per Mcf at 14.65 psia for 8 percent of the gas delivered. PacIn states further that the gas will be imported near Kingsgate, British Columbia, through the facilities to be constructed and operated by ITA, and the PacIn will take possession and title to the gas upon importation.

PacIn in Docket No. CP74–218 proposes to sell the following volumes of the Canadian gas to:

(1) an average of 80,000 Mcf of gas per day to Northwest, to be delivered at Meacham and Rye Valley, Oregon;

(2) an average of 210,000 Mcf of gas per day to El Paso, the Btu equivalent of which is to be delivered to El Paso at Ignacio, Colorado; and

(3) an average of 107,500 Mcf of gas per day to SoCal, the Btu equivalent of which is to be delivered to SoCal at the California-Arizona border.

The applications in Docket Nos. CP74–218, CP74–221 and CP74–216 indicate that these deliveries will be made pursuant to existing transportation agreements between PacIn and ITA, as hereinbefore described, and between PacIn and Northwest.

Northwest in Docket No. CP74–221 proposes to construct and operate a total of 49 miles of 30-inch pipeline, looping its existing 22-inch pipeline, in three separate segments in the states of Oregon and Idaho, two new 7,200 horsepower compressor stations in Baker County, Oregon, and Elmore County, Idaho, stations and one new 2,400 horsepower compressor station on its existing pipeline in Twin Falls County, Idaho, 1,000 additional compressor horsepower at its existing Elmore County Compressor station, and 3,500 additional compressor horsepower at its existing Canyon County, Idaho, compressor station. Northwest proposes to utilize these facilities to effectuate the transportation agreement, dated February 7, 1974, in order to receive its own saleable volume of 88,000 Mcf per day of imported gas, as well as the remaining average volume of 317,500 Mcf per day of imported natural gas it has agreed to transport for the account of PacIn to El Paso's system at Ignacio, Colorado. Northwest requests authorization to transport a maximum daily volume of 342,000 Mcf, or such greater amount as it may through its best efforts be capable of transporting through its system. Northwest states that the volumes to be delivered to El Paso will be adjusted for heating value so that the quantity of heating units delivered to El Paso is the same as those which are received from PacIn. Northwest indicates that PacIn will pay Northwest 10.77 cents per Mcf transportation charge for the gas delivered to El Paso.

Northwest estimates that the cost of the facilities to be constructed will be $23,052,000, which will be financed initially from cash on hand, cash generated from operations and short-term borrowing, which borrowing will be refinanced through the issuance of intermediate and long-term debt securities.

El Paso in Docket No. CP74–228 proposes to construct and operate two 3,350 horsepower gas turbine-driven centrifugal compressor units to be located adjacent to El Paso's Blanco Field Plant on the 24-inch Blanco-to-Ignacio pipeline, two 7,800 horsepower gas turbine-driven compressor units at El Paso's Blanco Field Plant, a 16-inch O. D. check meter run with appurtenances at the Blanco Field Plant. El Paso further proposes the relocation of a 24-inch check meter run from the 24-inch Blanco-to-Ignacio pipeline to a point 500 feet from the Blanco-Ignacio pipeline. All the subject construction and relocation is to occur in San Juan County, New Mexico. El Paso proposes to utilize these facilities to effectuate the transportation and sales agreement, dated February 7, 1974, in order to receive its own saleable volumes of 210,000 Mcf per day of imported gas, as well as the remaining average volume of 107,500 Mcf of imported natural gas it has agreed to transport for the account of PacIn to SoCal's system at Topock, Arizona. El Paso indicates that PacIn will pay El Paso 13.58 cents per Mcf transportation charge for the gas delivered to SoCal.

El Paso estimates the cost of the facilities to be $7,122,803, which will be financed from working funds supplemented, as necessary, by short-term borrowing.

PacIn states that the cost of the imported Canadian natural gas delivered over the six-year life of the project will be 104 U.S. cents per Mcf to Northwest, 114 U.S. cents per Mcf to El Paso, and 128 U.S. cents per Mcf to SoCal.

The Applicants assert that these proposals are required to assure adequate service on the systems of Northwest, El Paso and SoCal and to offset curtailments on their systems.

PacIn states that it is a wholly owned subsidiary of Pacific Lighting Corporation, and that it and Northwest Energy Company, a wholly owned subsidiary of Northwest, have entered into a partnership to create ITA. PacIn states that the capital for the partnership is contributed 51 percent by PacIn and 49 percent by Northwest Energy Company.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the applications in Docket Nos. CP74–216, CP74–218, and CP74–228 if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants in Docket Nos. CP74–216, CP74–218, and CP74–228 to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6840 Filed 3–22–74;8:45 am]

[1] The transportation agreement between ITA and PacIn indicates that a maximum of 443,100 Mcf per day will be transported in the months of November, December, January, February, and March of each year, and in all other months 402,800 Mcf per day will be transported.

[Docket No. CS72–927]

KALDA CO.

Petition of Waiver of Regulations

MARCH 19, 1974.

Take notice that on February 4, 1974, as amended on February 27, 1974, KALDA Company (Petitioner), 308 City National Building, Wichita Falls, Texas 76301, filed a request in Docket No. CS72–927, that the Commission waive in part paragraph (c) of § 157.40 of the regulations under the Naural Gas Act (18 CFR 157.40(c)) so as to permit the sale of natural gas under its small producer certificate in said docket from reserves in place acquired from Skelly Oil Company (Skelly), all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Section 157.40(c) provides in part that sales of natural gas may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Petitioner states that it acquired from Skelly certain interests in the Bethany-Longstreet Field, DeSoto Parish, Louisiana, and would like to continue the sale of gas therefrom to Arkansas Louisiana Gas Company (Arkla) under its small producer certificate. Petitioner indicates monthly deliveries of gas at approximately 40,000 Mcf from said interest. The present sale of gas by Skelly to Arkla is covered by certificate authorization granted in Docket No. G–4327. Petitioner states that it is willing to accept a price, not in excess of the applicable FPC area ceiling rate, for this sale.

Any person desiring to be heard or to make any protest with reference to said request should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6828 Filed 3–22–74;8:45 am]

[Dockets Nos. E–8394, E–8439]

METROPOLITAN EDISON CO.

Order Amending Prior Order

MARCH 18, 1974.

On January 29, 1974 the Commission issued an order in this Docket denying Metropolitan Edison's applications for rehearing, accepting revisions to its previously tendered agreement and granting waiver of Commission Regulations. In ordering paragraph (B) of the order, in accepting for filing Metropolitan Edison's revised fuel adjustment clause and Exhibits (B) and (B–1) we identified them as being those tendered on December 10, 1973. The correct description is those tendered on December 10, 1973 as amended December 21, 1973. We will order this correction.

The Commission orders:

(A) At ordering paragraph (B) of the Commission order of January 29, 1974 in this Docket, "as amended December 21, 1973" shall be inserted immediately following the words "December 10, 1973".

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6829 Filed 3–22–74;8:45 am]

[Docket No. E–8651]

MINNESOTA POWER & LIGHT CO.

Notice of Application

MARCH 19, 1974.

Take notice that on March 4, 1974, Minnesota Power & Light Company (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the Company to enter into a Power Sales and Interconnection Agreement with Square Butte Electric Cooperative, Inc. (Square Butte) or, in the alternative, determining that the Company, by entering into the Power Sales and Interconnection Agreement is not issuing any security, or any obligation or liability as guarantor endorser, surety or otherwise in respect of any security of any other person, within the meaning of section 204 of the Federal Power Act.

Applicant is incorporated under the laws of the State of Minnesota, with its principal place of business at Duluth, Minnesota, and is engaged in the electric utility business within the State of Minnesota.

Square Butte proposes to construct a steam electric generating unit with a net capability of approximately 400,000 kilowatts, to be located at Center, North Dakota, and, in connection therewith, certain transmission facilities (with interconnecting transmission lines) to be located at Center and Duluth, Minnesota. The generating plant and transmission facilities will be financed by first mortgage bonds issued by Square Butte under an indenture and sold to certain lending institutions and two equipment trusts, covering real and personal property in the States of North Dakota and Minnesota, which trusts will issue certificates evidencing investments therein by certain banks. The total cost of the generating plant and transmission facilities is presently estimated to be $216,400,000.

The Power Sales and Interconnection Agreement will provide for the purchase by Applicant of certain portions of the electric output of Square Butte over an initial term of 30 years. Applicant will make payments to Square Butte in amounts sufficient to cover Square Butte's operating, maintenance and administrative expenses, certain taxes, and the obligations under the indenture and equipment trusts.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 8, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6830 Filed 3–22–74;8:45 am]

[Docket Nos. R–474 and RP71–119]

PANHANDLE EASTERN PIPE LINE CO.

Order Denying Petitions

MARCH 19, 1974.

On January 22, 1973, the General Service Customer Group (GSC)[1] and Michi-

[1] The General Service Customer Group consists of the following companies: Associated Natural Gas Company, Battle Creek Gas Company, Bowling Green Gas Company, Central Illinois Light Company, Central Illinois Public Service Company, Central Indiana Gas Company, Inc., Citizens Gas & Coke Utility, Citizens Gas Fuel Company, Illinois Power Company, Indiana Gas Company, Inc., Kokomo Gas and Fuel Company, Missouri Utilities Company, Ohio Gas Company, Richmond Gas Corporation and The Toledo Edison Company. For purposes of this petition, GSC does not include Citizens Gas Fuel Company, Kokomo Gas and Fuel Company and Richmond Gas Corporation.

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gan Gas Utilities Company (MGU) filed petitions pursuant to § 1.7 of the Commission's rules of practice and procedure requesting that the Commission amend § 2.78(c)[1] of its general policy and interpretations to include propane and other gaseous fuels as alternate fuels within the scope of the definition of "alternate fuel capability" set forth in the latter section.[2] These petitioners request in the alternative that the Commission pursuant to § 1.7(c) of its rules issue a declaratory order in Docket No. RP71–119 requiring that propane be considered as an alternate fuel in order to assure that there is no "firming-up" of a portion of Panhandle's industrial sales. They contend that the exclusion of propane as an alternate fuel by the Commission in Order No. 493–A would in effect be in contravention of certain outstanding certificate orders of this Commission and result, to some extent, in the alteration of the character of the service that was authorized for Panhandle's direct customers.

In Order No. 493–A, Docket No. R–474 issued on October 29, 1973, the Commission noted that the definitions and interpretive comments it had promulgated in that docket were the products of a general rule making proceeding which would not, in the absence of further proceedings, have an effect on any specific person. The Commission prior to issuing this order gave due consideration to the numerous comments tendered by interested parties relating to that proceeding. The aforementioned petitions requesting that we include propane within the scope of our definition "alternate fuel capability" contain no new impelling reason that we had not already considered prior to the promulgation of § 2.78(c) in its present form. The Commission will, therefore, deny GSC's request to amend § 2.78(c) of its general policy and interpretations. However, we will continue to review the alternate fuel situation and, take such future action as may be deemed necessary and appropriate.

These petitioners request in the alternative that the Commission issue a declaratory order pursuant to § 1.7(c) of its rules making § 2.78(c) inapplicable to the curtailment procedures being established for Panhandle in Docket No. RP 71–119. They claim that, if propane is permitted to be included as an alternate fuel within this definition of "alternate fuel capability", a portion of Panhandle's direct industrial sales may be treated as being firm in nature contrary to the Commission's certificate orders relating to such sales.

The proceeding relating to a permanent curtailment plan for Panhandle is presently in formal hearing before a duly designated Administrative Law Judge. The matters raised by GSC are issues that can be raised in the curtailment proceeding and, upon completion of the evidentiary record therein, all issues raised in that proceeding, including the instant issue, will be before us for determination.

Petitioners' contention that our action in essence has amended outstanding certificates lacks merit. The guidelines and definitions promulgated in Order No. 493, as amended, relate to curtailment situations and, therefore, are not in contravention of any outstanding certificate orders, since they do not permanently alter any service certificated by us. Those certificates are and will continue to serve as the basis for the rendition of service by jurisdictional pipelines and are subject to the Commission's continuing scrutiny and supervision. Furthermore, our power and responsibility to meet the public's needs under the conditions of the Nation's present critical shortfall of natural gas supply by means of allocating the available supply on a jurisdictional pipeline's system among its customers has been sustained by the Courts. (*FPC* v. *Louisiana Power and Light Company*, 406 US 621, *American Smelting and Refining Company, et al.* v. *FPC*, D.C. Cir. No. 72–2204 decided January 21, 1974.)

We shall, therefore, deny petitioners request at this time without prejudice. Petitioners may, if they desire, raise this issue in the record being developed in Docket No. RP71–119 relating to an appropriate curtailment plan for Panhandle. If raised therein, we will then review the issue within the context of the record of that proceeding when it comes before us. However, Petitioners have failed to establish in their petitions any appropriate basis which would compel us to prohibit Panhandle, in the implementation of its currently effective curtailment plan, from treating propane and other gaseous fuels in a manner contrary to the definitions and interpretative comments that we have promulgated in Order No. 493, as amended.

The Commission orders:

The petitions filed by the General Service Group customers and Michigan Gas Utilities Company on January 22, 1974, in Docket Nos. R–474 and RP71–119 are hereby denied without prejudice.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–6839 Filed 3–22–74;8:45 am]

[Docket No. E–8645]

PUGET SOUND POWER & LIGHT CO.

Filing of Agreement

MARCH 19, 1974.

Take notice that on March 7, 1974 Puget Sound Power and Light Company (PSP) tendered for filing an agreement between PSP and San Diego Gas and Electric Company (SDG). The said Agreement is for the sale of energy by PSP to SDG. The rates for and the amounts of such energy will be established by the parties, but in no event will the rate exceed six mills per kilowatt-hour at the point of delivery, the Oregon-California border.

PSP requests an effective date of March 1, 1974 for this Agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions should be filed on or before March 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–6831 Filed 3–22–74;8:45 am]

[Docket No. E–8251]

NEW ENGLAND POWER CO.

Order Denying Motion for Clarification and Reconsideration

MARCH 19, 1974.

On February 7, 1974, the Commission denied a request of New England Power Company (NEPCO) to assign an effective date of January 1, 1974 to an amendment to its June 1, 1973, rate increase filing to include therein cost adjustment clauses for energy and demand reduction resulting from the national fuel conservation program. The February 7, 1974, order also instituted an investigation pursuant to Section 206 of the Federal Power Act to determine if the proposed amendment is in the public interest and if such clause should be given prospective effect. Finally, this order permitted the intervention of Congressman Michael J. Harrington.

On February 19, 1974, Congressman Harrington filed with the Commission testimony which was accompanied by a Motion wherein Congressman Harrington objects to, and requests clarification of, the "limitation placed on (his) rights as an intervenor in the Commission order of February 7, 1974." Such limitations, according to Congressman Harrington, do not permit the full protection of his rights and the rights of his constituents, particularly as to the presentation of any right to appeal future Commission orders.

Ordering paragraph (E) of the February 7, 1974, Commission order provides, among other things, that the participation of Congressman Harrington (1) "shall be limited to matters affecting rights and interests specifically set forth in his petition to intervene" and that (2) "the admission of such intervenor shall not be construed as recognition by the Commission that it may be aggrieved because of any order or orders issued by the Commission in this proceeding."

With respect to (1), *supra*, this requirement is for the purpose of giving all parties to the proceeding adequate notice as to what rights and interests are represented by the intervening party. We do not believe that such a requirement in any way restricts Congressman Harrington in protecting his rights and the rights of his constituents.

With respect to (2), *supra*, this requirement merely directs that the admission of an intervenor does not constitute recognition by the Commission that such intervenor may be aggrieved because of any order the Commission should issue in this proceeding. This does not restrict Congressman Harrington's right to appeal, pursuant to section 313 (b) of the Federal Power Act, any future Commission orders which may aggrieve him. Therefore, we shall deny Congressman Harrington's motion for clarification of our February 7, 1974 order.

On February 20, 1974, Rhode Island Consumers' Council (Council) filed with the Commission a motion for reconsideration of the February 7, 1974 order. Council stated that since the proposed amendment is a request for a new rate, the Commission must either accept, reject or suspend the rate pursuant to section 205 of the Federal Power Act, or the rate would go into effect without being subject to refund. Therefore, Council requested that the proposed amendment be rejected.

Council is incorrect in assuming that we accepted NEPCO's proposed amendment as a new rate filing pursuant to section 205 of the Federal Power Act. To the contrary, the Commission, in instituting a section 206 investigation upon its own motion, declined to waive the provision in § 35.17(b) of the Commission's regulations which prohibits a change in a rate schedule which has been suspended. Council, or any other interested party, is not prejudiced by the action taken by this Commission in our February 7, 1974, order since the cost adjustment clause proposed by NEPCO may only be placed in effect prospectively if it is found to be in the public interest upon issuance of a final Commission order and the conclusion of the section 206 investigation and the hearings conducted thereunder. Therefore, we shall deny Council's motion for reconsideration of our February 7, 1974, order.

The Commission orders:

(A) Congressman Harrington's motion for clarification of our February 1, 1974, order is hereby denied.

(B) Council's motion for reconsideration of our February 7, 1974, order is hereby denied.

(C) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc. 74–6832 Filed 3–22–74;8:45 am]

[Docket No. RI74–78]

NUTT, T. L.

Order Granting Special Relief

MARCH 18, 1974.

On November 5, 1973, T. L. Nutt (Nutt), a small producer[1] filed a petition for special relief pursuant to Section 2.76 of the Commission's general policy and Interpretations as adopted in Commission Order No. 481.[2] Concurrently Nutt filed a Notice of Independent Producer Rate Change and an Agreement dated October 22, 1973, which amended a gas purchase contract dated May 29, 1957. The initial contract is on file with the Commission as Sun Oil Company FPC Gas Rate Schedule No. 339 and supplements thereto. Nutt is a successor in interest to this contract in an assignment dated April 28, 1972, accepted for filing effective May 1, 1972, and designated as Supplement No. 11 to the Sun FPC Gas Rate Schedule No. 339. As a small producer, Nutt does not have rate schedule on file at the Commission. Sales are made to Northern Natural Gas Company (Northern).

Notice of Nutt's application was issued December 12, 1973, and published in the FEDERAL REGISTER on December 21, 1973 (38 FR 35053). Petitions to intervene were due on or before December 27, 1973. No petitions to intervene were filed with the Commission.

Nutt shows that at the current sales rate of 16.5 cents per Mcf the lease cannot remain economically feasible as the result of an increase in the sales line pressure from 350 psig to 460 psig. The cost of installation, maintenance, and operation of compression facilities necessary to recover the 471,000 Mcf estimated remaining reserves is $31,675, a cost of 6.7 cents per Mcf. The request for a rate increase from 16.5 cents to 22.5 cents per Mcf, a 6.0 cents increase, is cost justified in order to prevent early abandonment of the wells.

On the purchase of Sun's interest in the wells covered by this petition, Nutt was granted a waiver, in part, of § 157.40 (c)[3] to sell the gas from leases acquired from Sun to Northern under a small producer certificate at a rate not to exceed the applicable area rate which in the Hugoton-Anadarko Area is 18.5 cents per Mcf for gas sold under contracts dated prior to November 1, 1969. It is just and reasonable to now waive § 157.40(e)[4] of the Regulations Under the Natural Gas Act and to permit the sale of natural gas at the rate of 22.5 cents per Mcf by Nutt to Northern.

Section 2.76 of the Commission's general policy and interpretations was promulgated by the Commission " • • • in order to promote the optimum recovery of gas reserves • • • " We find that the instant petition is consistent with the purposes of § 2.76 and that the petition sets forth adequate economic justification for approval of Nutt's request for a rate increase of 6 cents per Mcf from 16.5 cents to 22.5 cents per Mcf.

The Commission finds:

The petition for special relief filed by T. L. Nutt meets the criteria set forth in § 2.76 of the Commission's general policy and interpretations.

The Commission orders:

(A) For the above-stated reasons, the petition for special relief of T. L. Nutt is hereby granted. Nutt may collect a rate of 22.5 cents per Mcf for all gas subject to the amended contract referred to herein.

(B) The prescribed rate will be made effective upon Nutt filing of a sworn statement signed by Northern Natural Gas Company that the compression facilities as described in the application are installed and made operative.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–6833 Filed 3–22–74;8:45 am]

[Project No. 553]

CITY OF SEATTLE

Notice Changing Date of Hearing

MARCH 19, 1974.

On February 4, 1974, an order was issued ruling on Staff Motion for an extension of time and fixing the hearing for Monday, April 15, 1974.

Upon consideration, notice is hereby given that the hearing date is postponed to Tuesday, April 16, 1974, (10:00 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–6821 Filed 3–22–74;8:45 am]

[Docket No. CP73–129]

TENNESSEE GAS PIPELINE CO.

Petition To Amend and Request for Waiver of Regulations

MARCH 18, 1974.

Take notice that on March 1, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP73–129 a petition to amend the order of the Commission issued in said docket on March 27, 1973 (51 FPC ——), pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder, to waive the total project cost limitation of $7,000,000 contained therein, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued March 27, 1973, a budget-type certificate of public convenience and necessity was issued authorizing the construction during the calendar

[1] 18 CFR 2.78(c).

[2] Order 493A excluded propane or other gaseous fuel from the definition of "alternate fuel capability," when the use was for plant protection, feedstock, or process uses. The exclusion was not applicable when the use was for other purposes

[1] A small producer certificate was granted Nutt on June 22, 1971 in Docket No. CS71–140 (lead Docket No. CS71–59, *et al.*).

[2] Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Docket No. R–458, 49 FPC ---- (issued April 12, 1973), as amended by Order Amending Order No. 481 And Granting And Denying Petitions For Rehearing, 49 FPC ---- (issued June 8, 1973).

[3] 18 CFR 157.40(c); Regulations Under the Natural Gas Act.

[4] 18 CFR 157.40(e).

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year 1973 and the operation of certain natural gas facilities to enable Petitioner to take into its certificated main pipeline system natural gas purchased from producers thereof. Said order limits the total expenditures for facilities to $7,000,000 and limits the maximum expenditure for single onshore and offshore projects to $1,000,000 and $1,750,000, respectively.

Petitioner states that it has exceeded the $7,000,000 total project cost limitation by $85,195, which is primarily attributable to the Bay Lizette project. Inasmuch as these expenditures are in excess of the certificate-imposed expenditures for facilities, Petitioner requests waiver of said limitation.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6834 Filed 3-22-74;8:45 am]

[Docket No. RI74-143]

TEXAS ENERGIES, INC.

Order Granting Petition for Special Relief

MARCH 18, 1974.

On January 31, 1974, Texas Energies, Inc. (Texas Energies), a small producer,[1] filed a petition for special relief pursuant to § 2.76 of the Commission's general policy and interpretations as adopted in Commission Order No. 481.[2] Concurrently Texas Energies filed a motion asking the Commission to declare that no petition under Order No. 481 was required of small producers.

Notice of Texas Energies' application was issued February 4, 1974, and published in the FEDERAL REGISTER on February 8, 1974 (39 FR 4956). Petitions to intervene were due on or before February 20, 1974. No petitions to intervene were filed with the Commission.

In the instant petition Texas Energies seeks special relief for the economic expenditures for the installation of retreatment and water disposal equipment at its Peter's No. 1 well in Seward County, Kansas (Hugoton-Anadarko Area). The natural gas is currently sold to Panhandle Eastern Pipeline Company (Panhandle) under a contract dated December 19, 1960. In an amendment to the contract dated December 10, 1973,[3] Panhandle agreed to increase the purchase price from 16 cents per Mcf to 35 cents per Mcf provided that Texas Energies perform the necessary remedial work.

Texas Energies shows that an investment in the retreatment and water disposal equipment of $17,190.23 and operating expenses (excluding taxes) of $13,350.00 will enable it to produce an additional 90,000 Mcf over the next two and one-half years. Without the remedial work only 30,000 Mcf from the estimated reservoir of 120,000 Mcf allegedly could be recovered.

Staff studies, which employed the cost evidence provided by Texas Energies, indicate that the proposed 35 cents increase is proper. Since Texas Energies filed its petition pursuant to Order No. 481, its motion requesting the Commission to declare that a small producer need not make such a filing under Order No. 481 to increase its rate to the contract level is not dispositive herein. However, we deem it advisable to state that Texas Energies' point is well taken, and if it were necessary to grant its motion to decide this matter we would do so.

Section 2.76 was promulgated by the Commission "* * * in order to promote the optimum recovery of gas reserves * * * ." We find that the instant petition is consistent with the purpose of § 2.76 and sets forth adequate economic justification for approval.

The Commission finds:

The petition for special relief of Texas Energies, Inc. meets the criteria set forth in § 2.76 of the Commission's general policy and interpretations.

The Commission orders:

(A) For the reasons stated above, the petition for special relief of Texas Energies is hereby granted. Texas Energies may collect a rate of 35 cents per Mcf at 14.65 psia, for all gas subject to the contract, as amended, referred to herein.

(B) The prescribed rate will be made effective on the first day of the month following submittal by Panhandle, in accordance with the parties' contract, of proof that Texas Energies has completed the proposed capital improvements described in said petition for special relief.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6835 Filed 3-22-74;8:45 am]

[Docket No. RP71-100]

TRUNKLINE GAS CO.

Order Granting Interventions, Denying Motion by Customer, Providing for Additional Intervention Setting Date for the Filing of Evidence and Hearing Date

MARCH 19, 1974.

On April 9, 1971, Trunkline Gas Company (Trunkline) filed tariff sheets to implement its proposed pro-rata curtailment plan. These tariff filings were suspended until July 12, 1971, by order issued May 10, 1971. Trunkline has been curtailing continuously since November 1971, under this plan which assesses curtailments pro-rata on its jurisdictional customers purchasing under Rate Schedules P and G contract demand.

Not included in Trunkline's curtailment program are minor sales, mostly to small general service customers, which represents 1.8 percent of 1972 system sales.

On November 2, 1973, Consumers Power Company (Consumers), a major customer of Trunkline's, filed a motion for an order directing Trunkline to make immediate tariff filings implementing an end-use curtailment plan in compliance and conformity with the end-use priorities contained in § 2.78 of the Commission's rules and that the order make such tariff filings effective immediately. Consumers argues that Trunkline is required to file an end-use plan consistent with § 2.78, and that Trunkline is the only major pipeline which has not filed such a plan despite increasing gas supply deficiencies. However, Order No. 467-B, which implemented § 2.78, is merely a policy statement setting forth our views on curtailment for guidance and does not require pipeline companies to file any conforming tariff sheets.

Accordingly, we decline to order Trunkline to replace its existing pro-rata curtailment plan with an end-use plan implementing Order No. 467-B guidelines, at least until the merits of the Trunkline plan have been considered. But we shall direct that Trunkline file as part of its direct presentation system-wide end-use data for our consideration. In this regard, we adhere to our views set forth in our order issued February 1, 1974 in Texas Eastern Transmission Corporation[1] in which we stated that the failure of a pipeline company to submit data of this nature has as its unsatisfactory result the placing of the burden of proof on the customers of the pipeline and on the Commission Staff. It is our intent that a pipeline company has the burden of showing through detailed testimony and exhibits the manner in which an Order No. 467-B type end-use plan might or might not be implemented on its system. Such a submission is obviously without prejudice to any position it may take on the just and reasonable plan to be implemented on its system.

The following petitions to intervene have been filed:

[1] A small producer certificate was granted Texas Energies on February 3, 1972, in Docket No. CS72-428 (lead Docket No. CS68-15, *et al.*).

[2] Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Docket No. R-458, 49 FPC ---- (issued April 12, 1973), as amended by Order Amending Order No. 481 And Granting And Denying Petitions For Rehearing, 49 FPC ---- (issued June 8, 1973).

[3] Texas Energies is successor in interest to this contract.

[1] Docket No. RP71-130, *et al.*, --- FPC ---

Michigan Public Service Commission
Michigan Gas Utility Company
Central Illinois Light Company
Mississippi River Transmission Corporation
Consumers Power Company
Northern Indiana Public Service Company
Illinois Power Company
United Fuel Gas Company and Ohio Fuel Gas Company
Citizens Gas Fuel Company
Indiana Gas Company, Inc.
Battle Creek Gas Company
City of Indianapolis
Central Indiana Gas Company, Inc.
Toledo Edison Company
General Motors Corporation
Laclede Gas Company
Texas Gas Transmission Corporation
General Service Customer Group

All of the above petitions should be granted. However, in view of the elapsed time since the filing of the Trunkline Plan, and in view of the subsequent issuance of Order No. 467-B, the present interests of intervenors and potential intervenors may vary significantly from their interests in 1971. Accordingly, it is desirable that an opportunity be afforded for additional intervention, and we shall so order.

The Commission finds:

(1) It is desirable and in the public interest to allow all of the above-named petitioners to intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The Motion of Consumers Power Company to require a refiling by Trunkline should be denied.

(3) It is necessary and appropriate that the proceeding in Docket No. RP71-100 be set for hearing and that the procedures for that hearing be established as hereinafter ordered.

The Commission orders:

(A) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene, and provided, further, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Trunkline Gas Company shall file and serve on or before June 3, 1974, testimony and exhibits in support of its position and, as part of its presentations, shall present evidence on system-wide end-use data.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act (particularly sections 4, 5, and 15 thereof), and the Commission's rules of practice and procedure, a hearing will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426 on July 16, 1974, at 10:00 a.m., concerning the matters involved in and the issues presented by the Trunkline curtailment plan.

(D) Pursuant to § 2.64(c) of the Commission's rules of practice and procedure, Trunkline shall serve copies of their filings upon all intervenors promptly, unless such service has already been effected pursuant to Part 157 of the Regulations of the Natural Gas Act.

(E) The Motion of Consumers that Trunkline be required to refile its curtailment plan is denied.

(F) All interested persons desiring to be heard in this proceeding who are not already parties may file appropriate petitions to intervene on or before April 9, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6836 Filed 3-22-74;8:45 am]

[Docket No. CP74-231]

UNITED GAS PIPE LINE CO.

Notice of Application

MARCH 19, 1974.

Take notice that on March 8, 1974, United Gas Pipe Line Company (Applicant), 1500 Southwest Tower, Houston, Texas 77002, filed in Docket No. CP74-231 an application pursuant to section 7 (c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of a 3.4-mile segment of 6-inch pipeline in the Ship Shoal Area, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests authorization for the continued operation of 3.4 miles of 6-inch pipeline which extends from a point in Block 186, Ship Shoal Area, offshore Louisiana, to a point of interconnection with Transcontinental Gas Pipe Line Corporation's (Transco) 26-inch pipeline located in Block 185, Ship Shoal Area, offshore Louisiana. The application states the facilities were constructed, under the belief that they were authorized under the budget-type certificate issued in Docket No. CP73-103 under § 157.7(b) of the regulations under the Natural Gas Act (18 CFR 157.7(b)), to allow Applicant to receive certain volumes of natural gas available to it in Block 186 from Penzoil Producing Company (Penzoil) pursuant to the terms of a sales agreement dated August 28, 1973, between Penzoil and Applicant. Under the terms of this contract Applicant agrees to purchase and Penzoil to sell quantities of gas for delivery at a point on Consolidated Gas Supply Corporation's production platform located in Block 186. Applicant states that it had no facilities in the area of Block 186 and therefore, in order to receive such gas constructed the facilities for which authorization is sought herein to connect such supply with Transco's 26-inch pipeline in Block 185. Applicant entered into an agreement with Transco dated October 26, 1973, whereby Transco would transport said gas from Block 185 through its system and redeliver the gas to Applicant onshore in Terrebonne Parish, Louisiana.

Applicant states that the total cost of the facilities proposed herein was $452,530 which cost Applicant has financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matters finds that grants of the certificates are required by the public convenience and necessity. If petitions for leave to intervene are timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless other otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6837 Filed 3-22-74;8:45 am]

[Docket No. E-8656]

UTAH POWER & LIGHT CO.

Filing of Rate Schedule

MARCH 19, 1974.

Take notice that on March 8, 1974 Utah Power and Light Company (Utah) tendered for filing Service Schedule C-1, submitted as Supplement 3 to its Rate Schedule FPC No. 108, in Interconnection Agreement dated May 19, 1971 between Utah and Sierra Pacific Power Company (Sierra). Utah also tendered for filing Twelfth Revised Sheet No. 1 and Eighth Revised Sheet No. 15 to its FPC Electric Tariff, Original Volume No. 1. Utah requests a retroactive effective

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date of October 1, 1973 for said Schedule and Revised Sheets.

Utah states that Service Schedule C–1 was signed as part of the Interconnection Agreement but was not submitted for filing at that time because Utah had no rate schedule to cover Firm Power Service nor was such service expected to be utilized until October 1, 1974. Utah further states that Sierra began to take firm power service in October, 1973. The rates for such service by Utah were submitted as its FPC Tariff Schedule RS–3 for filing in Docket No. E–8379 which is now pending acceptance of the filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6838 Filed 3–22–74;8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 128 varieties of domestic cigarettes. The laboratory utilized the Cambridge filter method with the specifications set forth in the Commission's announcement dated July 31, 1967 (32 FR 11178). The varieties are arranged in alphabetical order with tar values rounded to the nearest whole milligram and nicotine values rounded to the nearest tenth of a milligram.

Tar [1] and nicotine [2] content of one-hundred twenty-eight (128) varieties of domestic cigarettes, Federal Trade Commission, March 1974

Brand	Type	TPM dry tar [1] (milligrams per cigarette)	Nicotine [2] (milligrams per cigarette)
Alpine	King size, filter, menthol	14	0.9
Do	100 mm, filter (hard pack)	15	.9
Belair	King size, filter, menthol	15	1.1
Do	100 mm, filter, menthol	17	1.2
Benson & Hedges	Regular size, filter (hard wide pack)	9	.6
Do	King size, filter (hard wide pack)	15	1.1
Benson & Hedges 100's	100 mm, filter	18	1.2
Do	100 mm, filter, menthol	18	1.2
Bull Durham	King size, filter	30	2.0
Camel	Regular size, nonfilter	23	1.5
Camel Filters	King size, filter	19	1.3
Carlton 70's [3]	Regular size, filter	1	.1
Carlton	King size, filter	4	.3
Do	King size, filter menthol	3	.3
Chesterfield	Regular size, nonfilter	25	1.5
Do	King size, nonfilter	29	1.8
Do	King size, filter	19	1.4
Do	King size, filter, menthol	18	1.3
Do	101 mm, filter	19	1.4
Domino	King size, nonfilter	26	1.3
Do	King size, filter	21	1.2
Doral	do	14	1.0
Do	King size, filter, menthol	14	1.0
DuMaurier	King size, filter (hard wide pack)	16	1.1
Edgeworth Export	King size, filter (hard pack)	22	1.7
Do	100 mm, filter	20	1.4
English Ovals	Regular size, nonfilter (hard wide pack)	23	1.7
Do	King size, nonfilter (hard wide pack)	29	2.1
Eve	100 mm, filter	18	1.3
Do	100 mm, filter, menthol	17	1.2
Fatima	King size, nonfilter	28	1.8
Frappe	King size, filter, menthol	11	.5
Galaxy	King size, filter	18	1.2
Half & Half	do	25	1.8
Herbert Tareyton	King size, nonfilter	30	1.8
Home Run	Regular size, nonfilter	19	1.6
Iceberg 10	King size, filter, menthol	9	.6
Kent	King size, filter (hard pack)	15	.9
Do	King size, filter	16	1.0
Do	100 mm, filter	18	1.2
Do	100 mm, filter, menthol	18	1.2
King Sano	King size, filter	6	.3
Do	King size, filter, menthol	7	.3
Kool	Regular size, nonfilter, menthol	20	1.2
Do	King size, filter, menthol	17	1.3
Kool Milds	do	13	.9
Kool	100 mm, filter, menthol	17	1.2
L & M	King size, filter (hard pack)	18	1.3
Do	King size, filter	19	1.3
Do	100 mm, filter	19	1.4
Do	100 mm, filter, menthol	19	1.3
Lark	King size, filter	17	1.2
Do	100 mm, filter	19	1.3
Life	do	12	.8
Lucky Strike	Regular size, nonfilter	28	1.7
Lucky Fliters	100 mm, filter	23	1.7
Lucky Ten	King size, filter	9	.7
Do	100 mm, filter	10	.8

See footnotes at end of table.

Tar [1] and nicotine [2] content of one-hundred twenty-eight (128) varieties of domestic cigarettes, Federal Trade Commission, March 1974—Continued

Brand	Type	TPM dry tar [1] (milligrams per cigarette)	Nicotine [2] (milligrams per cigarette)
Mapleton	King size, filter	23	1.3
Marlboro	King size, filter (hard pack)	17	1.1
Do	King size, filter	18	1.2
Do	King size, filter, menthol	14	.9
Do	100 mm, filter (hard pack)	17	1.2
Do	100 mm, filter	18	1.2
Marlboro Lights	King size, filter	13	.9
Marvels	King size, nonfilter	24	.9
Do	King size, filter	6	.2
Do	King size, filter, menthol	4	.2
Montclair	do	19	1.4
Multifilter	King size, filter (plastic box)	13	.9
Do	King size, filter, menthol (plastic box)	12	.9
Newport	King size, filter (hard pack)	18	1.2
Do	King size, filter, menthol	17	1.2
Do	100 mm, filter, menthol	21	1.5
Oasis	King size, filter, menthol	19	1.3
Old Gold Straights	Regular size, nonfilter	20	1.3
Do	King size, nonfilter	24	1.5
Old Gold Filters	King size, filter	17	1.1
Old Gold 100's	100 mm, filter	22	1.4
Pall Mall	King size, nonfilter	28	1.8
Pall Mall Extra Mild	King size, filter (hard pack)	10	.7
Do	King size, filter	10	.7
Pall Mall	100 mm, filter	21	1.5
Do	100 mm, filter menthol	17	1.3
Parliament	King size, filter (hard pack)	15	.9
Do	King size, filter	15	.9
Parliament 100's	100 mm, filter	18	1.2
Parliament	King size, charcoal filter (hard pack)	16	1.0
Do	King size, charcoal filter	16	1.0
Peter Stuyvesant	King size, filter	19	1.4
Do	100 mm, filter	20	1.4
Philip Morris	Regular size, nonfilter	22	1.4
Philip Morris Commander	King size, nonfilter	27	1.7
Pleasure	Regular size, nonfilter	20	1.6
Piedmont	do	25	1.5
Players	Regular size, nonfilter (hard wide pack)	31	2.2
Raleigh	King size, nonfilter	24	1.5
Do	King size, filter	16	1.1
Do	100 mm, filter	17	1.1
Raleigh Extra Mild	King size, filter	13	.9
Redford	do	17	1.3
St. Moritz	100 mm, filter	19	1.3
Do	100 mm, filter, menthol	18	1.1
Salem	King size, filter, menthol	18	1.3
Do	100 mm, filter, menthol	20	1.4
Sano	Regular size, nonfilter	16	.6
Silva Thins	100 mm, filter	17	1.2
Do	100 mm, filter, menthol	16	1.2
Spring 100's	do	20	1.2
Tareyton	King size, filter	21	1.4
Do	100 mm, filter	21	1.5
Tempo	King size, filter	12	.9
True	do	11	.7
Do	King size, filter, menthol	12	.7
Twist	100 mm, filter, lemon/menthol	17	1.3
Vantage	King size, filter	11	.9
Do	King size, filter, menthol	11	.9
Viceroy	King size, filter	16	1.1
Do	100 mm, filter	17	1.2
Viceroy Extra Mild	King size, filter	13	.8
Virginia Slims	100 mm, filter	16	1.1
Do	100 mm, filter, menthol	17	1.1
Vogue (black)	King size, filter (hard wide pack)	31	1.3
Vogue (colors)	King size, filter (hard wide pack)	22	.9
Winston	King size, filter (hard pack)	20	1.3
Do	King size, filter	19	1.3
Do	100 mm, filter	19	1.3
Do	100 mm, filter, menthol	20	1.4

[1] TPM (tar)—milligrams total particulate matter less nicotine and water.
[2] Milligrams total alkaloids reported as nicotine.
[3] Limited availability based on reduced sampling from Washington, D.C., only.

By direction of the Commission dated March 15, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74–6658 Filed 3–22–74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

LEWIS COAL CO. AND JACK COAL CO.

Applications for Initial Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4230–000, LEWIS COAL COMPANY, A Mine, Dante Hollow, Mine ID No. 44 01843 0, Dante, Virginia.

(2) ICP Docket No. 4279–000, JACK COAL COMPANY, Mine No. 1, Mine ID No. 15 02296 0, Mallie, Kentucky.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed on or before April 9, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

MARCH 20, 1974.

[FR Doc.74–6749 Filed 3–22–74;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

PUBLIC PROGRAMS PANEL

Notice of Meetings

MARCH 14, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on April 4 and 5, 1974.

The purpose of the meeting is to review Museum Program applications submitted to the National Endowment for the Humanities for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee
Management Officer.

[FR Doc.74–6760 Filed 3–22–74;8:45 am]

PUBLIC PROGRAMS PANEL

Notice of Meeting

MARCH 15, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) notice is hereby given that a meeting of the Public Programs Panel will meet in Washington, D.C. on April 1 and 2, 1974.

The purpose of the meeting is to review Museum Program applications submitted to the National Endowment for the Humanities for possible grant funding.

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Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer Mr. John W. Jordan, 806 15th Street, N.W., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74–6754 Filed 3–22–74;8:45 am]

OFFICE OF THE FEDERAL REGISTER

SUBMISSION OF NEW AND SEPARATELY PUBLISHED MATERIAL FOR PUBLICATION

Guidelines for Prior Consultation

In order to control operating costs more effectively and to provide more efficient service to the Government and the public, the Office of the Federal Register urges Federal agencies to comply with the following guidelines. They deal with the publication in the FEDERAL REGISTER of bodies of material that is to be published separately as well as in the FEDERAL REGISTER.

(1) Whenever an agency acquires responsibility for publishing an extensive amount of new material in the FEDERAL REGISTER (whether by statute, Presidential directive, or otherwise), the agency should consult with the Office of the Federal Register while the material is being prepared and well in advance of submission for publication. In this consultation the Office of the Federal Register and the agency can set up a production schedule for the material and if necessary a FEDERAL REGISTER format.

(2) Whenever an agency submits material to the Government Printing Office for separate printing prior to FEDERAL REGISTER publication, the agency should inform its Government Printing Office representative that the material will also be published in the FEDERAL REGISTER. The intent to publish in the FEDERAL REGISTER can be indicated by a notation to that effect in the information portion of the Printing and Binding Requisition (Standard Form 1). This knowledge will enable the Government Printing Office to print the material in a form suitable also for FEDERAL REGISTER publication.

Compliance with these guidelines will give the Office of the Federal Register and the Government Printing Office the opportunity to coordinate typography, format, and distribution in accordance with legal requirements and the needs of the affected public. Thus, unnecessary duplication and waste will be avoided and the public interest served.

Dated: March 20, 1974.

FRED J. EMERY,
Director of the Federal Register.

[FR Doc.74–6759 Filed 3–22–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

Lists of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 20, 1974 (44 USC 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529).

NEW FORMS

DEPARTMENT OF AGRICULTURE

Farmer Cooperative Service, Local Cooperative Grain Elevator Survey (Oklahoma and Texas), Form ----, Single Time, Lowry, Local Co-op Elevator Managers in Oklahoma and Texas.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Office of Education, Institutional Release of Federal Fund/Request for Additional Federal Funds Under the SEOG and/or CWS Programs, Form OE 1286, Occasional, Lowry, Institutions of Post-secondary Education participating in programs.

Application for CWS Grant for Students Who Reside in, But Attend Institutions Outside of American Samoa or Trust Territories of Pacific Islands, Form OE 1285, Annual, Lowry, Institutions of Post-education Participating in CWSP.

U.S. COMMISSION ON CIVIL RIGHTS

Commission on Civil Rights Information System Questionnaire, System Users Information Sources, Form CCR 95, Single Time, EGG/Sunderhauf/ISD, Public and Private Civil Rights Agencies.

REVISIONS

None.

EXTENSIONS

None.

PHILIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–6948 Filed 3–22–74;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on Thursday, March 28, 1974. The meeting will be open to the public on a first-come, first-served basis at 10 A.M., in Conference Room 8202, 2025 M Street NW., Washington, D.C.

The agenda will consist of a discussion of policy questions involving food industry wage matters, and if circumstances permit, of food industry wage cases pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C. on March 22, 1974.

JAMES A. WILKINSON,
Deputy Executive Secretary, Cost of Living Council.

[FR Doc.74–7034 Filed 3–22–74;11:44 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

Notice of Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, D.C., on April 3 and 4, 1974, at 9 am. The meeting will be held to conduct routine business.

The meeting will be open to the public up to the seating capacity of the conference room which is about 40 persons. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Mrs. Charlotte Withers in the office of the Director, National Cemetery System, Veterans Administration Central Office (phone 202–389–5211) prior to April 3, 1974.

Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting. Oral statements and/or reports from the public will be heard only between 3 p.m. and 5 p.m. on April 4, 1974, due to the number of items on the agenda for the meeting.

Dated: March 19, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74–6778 Filed 3–22–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V–74–15]

WEST BEND CO.

Application for Variance

Notice of application. Notice is hereby given that The West Bend Company, 400 E. Washington Street, West Bend, Wisconsin 53095 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.252(c)(2)(iii) concerning locks and interlocks on resistance welding machines (non-portable).

The addresses of the places of employment that will be affected by the application are as follows:

The West Bend Company
400 E. Washington Street
West Bend, Wisconsin 53095

The West Bend Company
Sheridan Division
RFD #1
Sheridan, Arkansas 72150

The West Bend Company
Ogden Division
Weber Industrial Park
2700 North 1515 West
Ogden, Utah 84404

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.252(c)(2)(iii) which requires that all doors and access panels of non-portable resistance welding machines and control panels be kept locked and interlocked to prevent access, by unauthorized personnel, to live portions of the equipment.

The applicant utilizes non-portable resistance welding equipment in the manufacture of cookware and home comfort accessories. The applicant states that this equipment conforms to the N.E.C. and OSHA requirements with the exception of the interlock clause cited above. They also conform to ANSI Z49.1–1973 5.1.7.1 which calls for locks or interlocks. On all new equipment, the disconnect switch built into the control panel provides the interlock feature called for in 29 CFR 1910.252(c)(2)(iii). On models purchased prior to 1966, the disconnect switch is accessible to the operator and, therefore, mounted separate from the control panel. All control panels and access doors have been locked with specially keyed padlocks. The keys for these locks are accessible only to the qualified electricians who service the welding equipment.

Furthermore, all control panels and access doors have been marked as follows: "Danger High Voltage, Authorized Personnel Only." Through the above physical and administrative controls, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.252(c)(2)(iii).

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street NW., Room 526, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
Federal Building—Room 15010
P.O. Box 3588,
1961 Stout Street
Denver, Colorado 80202

U.S. Department of Labor
Occupational Safety and Health Administration
7th Floor—Texaco Building
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
Suite 309
Executive Building
455 East 4th South
Salt Lake City, Utah 84111

U.S. Department of Labor
Occupational Safety and Health Administration
Room 303—Donaghey Building
103 E. 7th Street
Little Rock, Arkansas 72201

U.S. Department of Labor
Occupational Safety and Health Administration
Clark Building—Room 400
633 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than April 25, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than April 25, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

Signed at Washington, D.C., this 19th day of March, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–6758 Filed 3–22–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 471]

ASSIGNMENT OF HEARINGS

MARCH 20, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

I&S No. 8911, Freight Forwarder Class Rates, Between Florida Various States, now assigned March 27, 1974, at Washington, D.C., is postponed to April 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. 35976, Commutation Fares, Hudson Transit Lines, Inc., now being assigned hearing May 6, 1974, at New York, N.Y., in a hearing room to be later designated.

MC–30530 Sub 11, North Eastern Motor Freight, Inc., is continued to March 25, 1974, at the Holiday Inn, Casper, Wyo.

MC 138227, Rodney H. Blackwell, Dba Miss-Lou Truck Line, now being assigned hearing July 8, 1974 (1 week), at Picayune, Miss., in a hearing room to be later designated.

MC–C–8077, Middle and Western Farms Cooperative Association, Northern Fruit Company, Ritclo Produce, Inc., Jack T. Baillie Co., Inc., Couture Farms, B. J. McAdams, James D. Pauly, Edward Farrington, James Wade, and William R. Crow, Jr.—Investigation of Operations and Practices—now assigned April 1, 1974, at Little Rock, Arkansas, is cancelled.

MC–74321 Sub 91, B. F. Walker, Inc., now being assigned hearings June 3, 1974 (2 weeks), at San Francisco, Calif., and June 17, 1974 (1 week) at Phoenix, Ariz., in hearing rooms to be later designated.

MC 95540 Sub-886, Watkins Motor Lines, Inc., and MC 107515 Sub-865, Refrigerated Transport Co., Inc., now being assigned June 3, 1974 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC–F–11852, Neylon Freight Lines, Inc.—Control—Merscheim Transfer, Inc., and MC 111231 Sub-182, Neylon Freight Lines, Inc., now being assigned June 10, 1974 (1 week), at Denver, Colo., in a hearing room to be later designated.

MC 138256 Sub-2, Interior Transport, Inc., now being assigned June 17, 1974 (2 days), at Seattle, Washington, in a hearing room to be later designated.

MC 107012 Sub-182, North American Van Lines, Inc., now being assigned June 19, 1974 (3 days), at Seattle, Washington, in a hearing room to be later designated.

MC 8948 Sub 106, Western Gillette, Inc., now assigned April 29, 1974, at Carson City, Nevada, will be held in Main Hearing Room, Nevada State Legislative Bldg.

MC–42487 Sub 817, Consolidated Freightways Corporation of Delaware, now assigned June 4, 1974, will be held in Kona Kai

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Club & Inn, Shelter Island, San Diego, Calif.

W-381 Sub 18, Federal Barge Lines, Inc., now being assigned hearing June 3, 1974 (2 weeks), at St. Louis, Mo., in a hearing room to be later designated.

MC-113678 Sub 511, Curtis, Inc., application dismissed.

MC 77972 Sub 22, Merchants Truck Line, Inc., now assigned June 3, 1974, at Jackson, Miss., is cancelled and transferred to modified procedure.

MC-120981 Sub 15, Bestway Express, Inc., now being assigned hearing May 13, 1974 (1 week), at Charleston, West Virginia, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6802 Filed 3-22-74;8:45 am]

[Notice No. 38]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 13, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 45544 (Sub-No. 4 TA), filed March 5, 1974. Applicant: SILVER LINE, INC., 196 Stanton Street, New York, N.Y. 10002. Applicant's representative: William D. Traub, 10 East 40th Street, New York, N.Y. 10016. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Piece goods, cut materials and trimmings, thread, and wearing apparel and materials* used in the manufacture and shipping of wearing apparel, between Wilkes-Barre, Pa., and West Pittston, Pa., on the one hand, and, on the other, West Deptford, N.J., for 180 days. SUPPORTING SHIPPER: C. F. Hathaway Company, 90 Park Avenue, New York, N.Y. 10016. SEND PROTESTS TO: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 66462 (Sub-No. 15 TA), filed March 4, 1974. Applicant: THE WILLETT COMPANY, 700 South Des Plaines Street, Chicago, Ill. 60607. Applicant's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid*, spent, liquid in bulk, in tank vehicles, from Burns Harbor, Ind., to points in Michigan, for 180 days. SUPPORTING SHIPPER: P. A. DeWitt, Industrial Engineer, Reiss Envirochem, Inc., 1011 South 8th Street, Sheboygan, Wis. 53081. SEND PROTESTS TO: William J. Gray, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 82841 (Sub-No. 139 TA), filed March 1, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck tractors), *industrial, construction, excavating, and material-handling equipment;* and (2) *cabs, attachments, and parts* for (1) above, originating at the plantsites and storage facilities of J. I. Case Company at or near Burlington, Iowa, to points in Arizona, California, Nevada, Oregon, and Washington, for 180 days. SUPPORTING SHIPPER: J. I. Case Company, R. L. Henderson, Manager—Corporate Traffic, 700 State Street, Racine, Wis. 53404. SEND PROTESTS TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 110563 (Sub-No. 129 TA), filed March 1, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Margarine and dairy products*, from the plant sites and warehouse facilities utilized by Land O'Lakes at or near Chicago, Ill., to points in Connecticut, Maine, Vermont, Massachusetts, New Hampshire, Rhode Island, New York, New Jersey, Delaware, Maryland, District of Columbia, Virginia, West Virginia, and Pennsylvania, for 180 days. SUPPORTING SHIPPER: Land O' Lakes, Inc., 1325 W. 15th Street, Chicago, Ill. 60608. SEND PROTESTS TO: District Supervisor Keith D. Warner, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 113908 (Sub-No. 303 TA) (Amendment), filed February 14, 1974, published in the FR issue of March 5, 1974, and republished as amended this issue. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, Glenstone Station, P.O. Box 3180, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Neutral and distilled spirits* and *alcohol*, in bulk, from Lake Alfred, Fla., to Rogers, Ark., Kansas City, Mo., Charlotte, N.C., Memphis, Tenn., and Houston, Tex., for 180 days.

NOTE.—The purpose of this republication is to indicate the amended commodity description. SUPPORTING SHIPPER: Spcas Company, 2400 Nicholson Avenue, Kansas City, Mo. 64120. SEND PROTESTS TO: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114312 (Sub-No. 28 TA), filed March 4, 1974. Applicant: ABBOTT TRUCKING, INC., Box 74, Route 3, Delta, Ohio 43515. Applicant's representative: A Charles Tell, Columbus Center, 100 E. Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, from Chicago, Ill., to points in Michigan, for 180 days. SUPPORTING SHIPPER: Falstaff Brewing Corporation, 5050 Oakland Avenue, St. Louis, Mo. 63166. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 115651 (Sub-No. 22 TA), filed March 1, 1974. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, Ill. 61102. Applicant's representative: Robert D. Higgins (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the plantsite of the St. Paul Ammonia Products, Inc., at or near East Dubuque, Ill., to points in Illinois, Indiana, Iowa, Kansas, Missouri, Kentucky, Michigan, Nebraska, Ohio, South Dakota, Minnesota, and Wisconsin, with no transportation for compensation on return except as otherwise authorized, for 180 days. RESTRICTION: The operations authorized herein are restricted against tacking with any authority now held by carrier. SUPPORTING SHIPPER: St. Paul Ammonia Products, Inc., P.O. Box 418, So. St. Paul, Minn. 55075. SEND PROTESTS TO: District Supervisor Richard O. Chandler, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 116073 (Sub-No. 292 TA), filed February 26, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Government-owned trailers*, designed to be drawn by passenger automobiles, in secondary movements, from Wilkes-Barre and Mechanicsburg, Pa., to designated strategic storage areas in Forest Park, Ga., Richmond, Ky., Granite City, Ill., Greenville, Miss., and Ft. Wolters, Tex., for 180 days. SUPPORTING SHIPPER: Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 116273 (Sub-No. 174 TA), filed March 1, 1974. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Charles T. Jensen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastics*, in bulk, in tank vehicles, from the plantsite of Foster Grant Company, Inc., at Chesapeake, Va., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia, for 180 days. SUPPORTING SHIPPER: Foster Grant Co., Inc., 289 N. Main Street, Leominster, Mass. 01453. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 118831 (Sub-No. 110 TA), filed March 4, 1974. Applicant: CENTRAL TRANSPORT, INCORPORATED, P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fuel oil*, from Charlotte, N.C., to Chester, W. Va., for 180 days. SUPPORTING SHIPPER: The Celotex Corporation, 1500 N. Dale Mabry, Tampa, Fla. 33622. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 118989 (Sub-No. 107 TA), filed March 4, 1974. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and parts* related thereto and *plastic articles*, from Addison, Ill., to points in Indiana, Kentucky, Michigan, and Ohio, for 180 days. SUPPORTING SHIPPER: Container Corporation of America, 500 E. North Avenue, Carol Stream, Ill. 60187 (James R. Raudenbush, Central Traffic Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123670 (Sub-No. 13 TA), filed February 28, 1974. Applicant: CROWEL TRUCKING, INC., 4671 North Van Dyke, Almont, Mich. 48003. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Indianapolis, Ind., to Bridgeport, Imlay City, and Memphis, Mich., under a continuing contract with Vlasic Foods, Inc., for 150 days. SUPPORTING SHIPPER: Vlasic Foods, Inc., Plant Manager, 415 S. Blacks Corners Road, Imlay City, Mich. 48444. SEND PROTESTS TO: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 124054 (Sub-No. 3 TA), filed February 28, 1974. Applicant: MERLIN HERRMANN, 510 East Dodge Street, Luverne, Minn. 56156. Applicant's representative: James R. Becker, 412 West Ninth Street, Sioux Falls, S. Dak. 57104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Livestock bunk feeders, poultry brooder stoves, poultry nests and cages, poultry and livestock building ventilation equipment, chimney caps, poultry equipment, water softeners, water conditioning equipment, pig feeding equipment, and fireplaces*, from the plantsite of the A. R. Wood Manufacturing Company, Luverne, Minn., to points in California, Maryland, Pennsylvania, Virginia, and Oklahoma; (b) *fireplace parts*, from the plantsite of the A. R. Wood Manufacturing Company, Santa Cruz, Calif., to the plantsite of the A. R. Wood Manufacturing Company at Luverne, Minn.; (c) *poultry, farrowing, and pig equipment and materials for the construction thereof*, from the plantsite of the A. R. Wood Manufacturing Company at Santa Cruz, Calif., and from the plantsite of the Swish Manufacturing and Sales Company at Ceres (near Modesto), Calif., to the plantsite of the A. R. Wood Manufacturing Company at Luverne, Minn.; and (d) *brooker bricks and pan feeders for chicken equipment*, from the plantsite of the Beacon Steel Products Company in Westminster, Md., to the plantsite of the A. R. Wood Manufacturing Company at Luverne, Minn., for 180 days. SUPPORTING SHIPPER: A. R. Wood Manufacturing Company, Box 218, Luverne, Minn. 56156. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 125358 (Sub-No. 15 TA), filed March 5, 1974. Applicant: MID-WEST TRUCK LINES, LTD., 1216 Fife Street, Winnipeg, Manitoba, Canada. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Internal combustion engines* from Lima, Ohio, to port of entry on the United States-Canada International Boundary line at Pembina, N. Dak., with consignment to Winnipeg, Manitoba, Canada, for 180 days. SUPPORTING SHIPPER: Versatile Manufacturing, Ltd., 1260 Clarence Avenue, Winnipeg, Manitoba, Canada R3T 1T3. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 127115 (Sub-No. 7 TA), filed March 4, 1974. Applicant: MILLER'S TRANSPORT, INC., 510 West Fourth North Street, Hyrum, Utah 84319. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foam and cellular expanded plastics, rubber and related accessories*, from Santa Ana, Calif., to points in Utah and Idaho, for 180 days. SUPPORTING SHIPPER: Califoam Corporation, 16661 Von Karman, Santa Ana, Calif. 92705 (Mr. Hilton C. Schroder, Traffic Manager). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 128356 (Sub-No. 5 TA), filed March 1, 1974. Applicant: DOWNINGTOWN TRAILER CARRIERS, INC., 640 West Boot Road, West Chester, Pa. 19380. Applicant's representative: Arnold Machles, Suite 1315, Two Penn Center Plaza, 15th Street & J. F. Kennedy Boulevard, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New trailers* (except for house trailers and trailers designed to be drawn by passenger auto), *containers, container chassis, chassis, and parts* thereof in truckaway service, in initial movement, and *used trailers* (except for house trailers and trailers designed to be drawn by passenger autos), *containers, container chassis, and chassis and parts* thereof in secondary movement, from plants of Bertolini Engineering Co. in Quarryville and Leesport, Pa., to Chicago, Ill.; Detroit, Mich.; Baltimore, Md.; Port Newark, Port Elizabeth, Secaucus, and Jersey City, N.J.; Brooklyn, N.Y.; Portsmouth, Newport News, and Norfolk, Va.; Cleveland, Ohio; Savannah, Ga.; Jacksonville, Fla.; and Milwaukee, Wis., in initial movement and from those destinations to said plants in Quarryville and Leesport, Pa., in seconday movement, for 180 days. SUPPORTING SHIPPER: Bertolini Engineering Co., Montgomeryville, Pa. 18936. SEND PROTESTS TO: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

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No. MC 129350 (Sub-No. 41 TA), filed February 26, 1974. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, P.O. Box 212, Billings, Mont. 59103. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Sidney, Mont., and Billings, Mont.: From Sidney over Montana Highway 16 to junction U.S. Highway 10, thence over U.S. Highway 10 to Billings, Mont., and return over the same routes, serving all intermediate points and the off-route point of Horton, Mont.; (b) between Billings, Mont., and Wyola, Mont.: From Billings over U.S. Highway 87 to Wyola, Mont., and return over the same route, serving all intermediate points; and (c) between Glendive, Mont., and Brockway, Mont.: From Glendive over Montana Highways 200 and 200S to Brockway, Mont., and return over the same route, serving all intermediate points, for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority at Billings, Forsyth, Glendive, Hardin, Miles City, Sidney, and Wyola, Mont., with Garrett Freightlines, Salt Creek, Consolidated Freightways, Ringsby United, B. N. Transport, Midwest Motor Express Contractor Freight Service, Baker Transfer, Williston Sidney Transfer, and Williston Scobey Transfer.

SUPPORTING SHIPPERS: There are approximately 27 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 136640 (Sub-No. 8 TA) (Correction), filed January 31, 1974, published in the FR issue of February 20, 1974, and republished as corrected this issue. Applicant: ROBERT L. ALLEN, doing business as R. ALLEN TRANSPORT, P.O. Box 321, Pocomoke City, Md. 21851. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen onion rings made from diced fresh onions* when moving in mixed shipments with agricultural commodities otherwise exempt from economic regulations under Section 203(b)(6) of the Act, from Boston, Mass., to points in Milford, Del.; Miami, Fla.; Atlanta, Macon, and Albany, Ga.; Chicago, Ill.; Indianapolis, Evansville, Jeffersonville and Seymour, Ind.; Paducah, Louisville, Owensboro, and Bowling Green, Ky.; Baton Rouge, Alexandria, and Lafayette, La.; Silver Spring, Frederick, Newington, and Hagerstown, Md.; Detroit, Flint, Warren, Ferndale, and Grand Rapids, Mich.; Jackson, Miss.; St. Joseph, Springfield, Joplin, Princeton, Kansas City, and Columbia, Mo.; Woodbridge, Jersey City, and Paterson, N.J.; Liverpool, Elmira, Rochester, Buffalo, Jamestown, Yorkville, Utica, Brooklyn, Albany, Schenectady, Jamaica, Great Neck, N.Y.; Rocky Mount, Charlotte, Raleigh, Winston-Salem, Washington, Hickory, and Ahoskie, N.C.; Philadelphia, York, Pittsburgh, and Spring House, Pa.; Cincinnati, Cleveland, and Bellefontine, Ohio; Columbia, Waltersboro, and Dillon, S.C.; Nashville and Gallatin, Tenn.; Lubbock, Victoria, Corpus Christi, Sulphur Springs, Lufkin, Galveston, Burnet, San Antonio, and Austin, Tex.; Richmond, Rich Creek, Bristol, Tazewell, Bedford, Harrisburg, Kenbridge, and Lexington, Va.; and Charleston, Beckley, Parkersburg, W. Va., for 180 days.

NOTE: The purpose of this republication is to indicate Columbia, S.C., as a destination point. SUPPORTING SHIPPER: William M. Trilling, President, Boston Bonnie, Inc., Trilling Way, Boston, Mass. 02210. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 136818 (Sub-No. 3 TA), filed February 26, 1974. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, 4040 East McDowell Road, Suite 312, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and steel and flattened automobile bodies*, from points in Colorado, Utah, New Mexico, and Arizona to points in Arizona, Utah, Nevada, and California, for 180 days. SUPPORTING SHIPPER: Auto Recyclers Corp., 234 Columbine Street, Denver, Colo. 80206. SEND PROTESTS TO: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 139531 (Sub-No. 1 TA), filed March 5, 1974. Applicant: PEPLOW TRANSPORT LIMITED, 18 Royal Road, Guelph, Ontario, Canada. Applicant's representative: Robert D. Gunderman, 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exothermic products*, in bulk, in dump vehicles, from Toledo, Ohio, to ports of entry on the International Boundary line between the United States and Canada at the Niagara, Detroit, and St. Clair Rivers, restricted to traffic in foreign commerce, originating at or destined to the plantsites or storage facilities of Foseco Canada Limited, in the City of Guelph, Ontario, Canada, for 180 days. SUPPORTING SHIPPER: Foseco Canada Limited, Guelph, Ontario, Canada. SEND PROTESTS TO: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 139535 (Sub-No. 1 TA), filed February 26, 1974. Applicant: ERICKSON CONSTRUCTION LTD., 711 4th Avenue North, Lethbridge, Alberta, Canada T1J 3Y3. Applicant's representative: Ray F. Koby, 314 Montana Building, Great Falls, Mont. 59401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furnaces;* (2) *air conditioning units;* and (3) *parts* used in the manufacture, assembly or servicing of commodities described in (1) and (2) above, when moving with such commodities, from Wichita, Kans., to the International Boundary line between the United States and Canada at or near the port of entry of Sweetgrass, Mont., under a continuing contract or contracts with the Canadian Coleman Company, Limited, of Toronto, Canada, for 180 days. SUPPORTING SHIPPER: The Canadian Coleman Company, Limited, 1201 45th Avenue NE., Calgary, Alberta, Canada. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 139539 (Sub-No. 1 TA), filed March 5, 1974. Applicant: AFRO-URBAN TRANSPORTATION, INC., 1167 Atlantic Avenue, Brooklyn, N.Y. 11216. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, Michigan (Lower Peninsula), and Ohio, for 180 days. SUPPORTING SHIPPER: Bethlehem Steel Corporation, Bethlehem, Pa. 18016. SEND PROTESTS TO: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 139555 (Sub-No. 1 TA), filed March 5, 1974. Applicant: MODULAR TRANSPORTATION CO., 421 West Fulton Street, Grand Rapids, Mich. 49502. Applicant's representative: William D. Parsley, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer chassis* (except those designed to be drawn by passenger automobiles) and *trailer converter dollies and containers*; (1) from the plant site of Fruehauf Corporation at or near Milan, Mich., to various points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin; (2) from the plant site of Fruehauf Corporation at or near Fort Madison, Iowa, to various points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin; (3) from the plant site of Fruehauf Corporation at or near

Fort Wayne, Ind., to various points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin; (4) from the plant site of Fruehauf Corporation at or near Uniontown, Pa., to various points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin; and (5) in secondary movements, between various points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Fruehauf Corporation, 10940 Harper Avenue, Detroit, Mich. 48232. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 139557 (Sub-No. 1 TA), filed March 4, 1974. Applicant: ROBERT S. BROWN, doing business as BROWN TRUCKING, R. R. #6, Olney, Ill. 62450. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk, buttermilk, flavored milk, cottage cheese, cheese, dips, butter, cream, ice cream mix, fruit juices, sour cream, and dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in containers, in mechanically refrigerated vehicles, from Olney, Ill., to Vincennes, Princeton, Evansville, Mount Vernon, Sullivan, Terre Haute, Clinton, LaFayette, and Loogootee, Ind., for the account of Prairie Farms Dairy, Inc., for 180 days. SUPPORTING SHIPPER: Roger Taylor, Plant Manager, Prairie Farms Dairy, Inc., West Main Street, Olney, Ill. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Lelana Office Building, 527 East Capitol Avenue, Room 414 Springfield, Ill. 62701.

WATER CARRIER APPLICATION

No. W-723 (Sub-No. 4 TA), filed March 1, 1974. Applicant: PATTON-TULLY TRANSPORTATION COMPANY, 1252 No. 2nd, P.O. Box 28, Memphis, Tenn. 38101. Applicant's representative: John W. Slater, Jr., Suite 705, Union Planters Bank Building, Memphis, Tenn. 38103. Applicant, PATTON-TULLY TRANSPORTATION COMPANY, presently holds authority to operate as a *contract carrier by water* under a permit issued July 15, 1948, in Docket Number W-723, as follows: The Patton-Tully Transportation Company is hereby, authorized to continue operations as a *contract carrier by water*, in interstate or foreign commerce, (1) by non-self-propelled vessels with the use of separate towing vessels in the transportation of *forest products*, and by towing vessels in the towage of *forest products* between ports and points along the Mississippi River from St. Louis, Mo., to Vidalia, La., and Natchez, Miss., inclusive; and (2) at Memphis, Tenn., in the furnishing for compensation (under charter, lease, or other agreement) of *boats*, without crews, to persons dealing in or engaged in the production of *lumber and forest products* for use by such persons in the transportation of their own property, subject, however, to such terms, conditions and limitations as are now, or may hereinafter be, attached to the exercise of such authority by this Commission. By its present application, the applicant requests that the Commission extend the southern boundry of its present permit from Vidalia, La., and Natchez, Miss., to the St. Francisville Paper Company Mill, St. Francisville, La., and to amend its permit to read as follows: The Patton-Tully Transportation Company is hereby authorized to continue operations as a *contract carrier by water*, in interstate or foreign commerce, (1) by non-self-propelled vessels with the use of separate towing vessels in the transportation of *forest products*, and by towing vessels in the towage of *forest products* between ports and points along the Mississippi River from St. Louis, Mo., to the St. Francisville Paper Company Mill, St. Francisville, La., inclusive; and (2) at Memphis, Tenn., in the furnishing for compensation (under charter, lease, or other agreement) of towing vessels, non-self-propelled *barges, and derrick boats*, without crews, to persons dealing in or engaged in the production of *lumber and forest products*, for use by such persons in the transportation of their own property, subject, however, to such terms, conditions, and limitations as are now, or may hereinafter be, attached to the exercise of such authority by this Commission, for 180 days. SUPPORTING SHIPPER: Crown Zellerbach Corporation, One Bush Street, Room 926, San Francisco, Calif. 94119. SEND PROTESTS TO: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6804 Filed 3-22-74;8:45 am]

[Notice No. 39]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 15, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 138358 (Sub-No. 2 TA), filed March 5, 1974. Applicant: MIDWEST FEED TRANSPORT, INC., 805 Livestock Exchange Building, Omaha, Nebr. 68107. Applicant's representative: Donald L. Spencer (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from the plantsite of Minnesota Linseed Co. at or near Minneapolis, Minn., to Con-Agra at Omaha and Albion, Nebr. and Sioux City, Iowa, for 180 days. SUPPORTING SHIPPER: Con-Agra, Inc., Billy J. Milbert, Traffic Manager, Great Plains Region, 3801 Harney Street, Omaha, Nebr. SEND PROTEST TO: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 107403 (Sub-No. 887 TA), filed March 5, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Denatured alcohol*, in bulk, in tank vehicles, from Pekin, Ill. to Vicksburg, Miss.; Owensboro, Ky.; Murfreesboro, Tenn.; and Durham, N.C., for 180 days. SUPPORTING SHIPPER: Aldo L. Monti, General Traffic Manager, The American Distilling Company, South Front Street, Pekin, Ill. 61554. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 107403 (Sub-No. 888 TA), filed March 6, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Oswego and East Syracuse, N.Y. to points in Delaware, Maryland, New Jersey, and Pennsylvania, restricted to traffic having a prior movement by rail or water, for 180 days. SUPPORTING SHIPPER: Robert J. Fowlie, Distribution Manager, Northeast Cement

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Co., Inc., State Tower Building, Syracuse, N.Y. 13202. SEND PROTESTS TO: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 139567 (Sub-No. 1 TA), filed March 1, 1974. Applicant: BIG W TRANS, INC., 46 Fountain Street, Ashland, Mass. 01721. Applicant's representative: Robert P. Winterhaulter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*. Between Woonsocket, R.I., via Route 126 to Bellingham, Mass.; via Route 140 to Franklin, Hopedale and Milford, Mass.; via Routes 16 and 85 to Hopedale and Hopkinton, Mass.; via Route 135 to Ashland and Framingham, Mass.; via Route 126 and 16 to Holliston and Milford, Mass., and return over the same routes, for 180 days. SUPPORTING SHIPPER: Rockwell International, Hopedale St., Hopedale, Mass. SEND PROTESTS TO: Darrel W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, 5th Floor, Boston, Mass. 02114.

No. MC 139578 TA filed March 6, 1974. Applicant: MELVIN LEVINE, doing business as AERO LIMOUSINE, 536–546 N. Front Street, Allentown, Pa. 18102. Applicant's representative: S. Maxwell Flitter, 151 S. Seventh Street, Easton, Pa. 18042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in non-scheduled service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof and not including children under ten years of age who do not occupy a seat or seats, between points in Northampton and Lehigh Counties, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, and Pennsylvania, for 180 days. SUPPORTING SHIPPERS: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 136786 (Sub-No. 48 TA) filed March 4, 1974. Applicant: ROBCO TRANSPORTATION, INC., Room 205, 3033 Excelsior Blvd., Minneapolis, Minn. 55416. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Castings, iron or steel* (except those which because of size or weight require special equipment or handling) from Charlotte, N.C. to Jefferson, Iowa, for 150 days. SUPPORTING SHIPPER: Franklin Manufacturing Co., 600 Stockdale Street, Webster City, Iowa. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 139576 TA filed March 4, 1974. Applicant: YUKON FREIGHT LINES, LTD., Alaska Highway, Mile 918.5, Box 4248, Whitehorse, Yukon Territory, Canada. Applicant's representative: Gordie Gee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, from a point at or near Alaska Highway Miles #1281 and #1414 to the International Boundary line between the United States and Canada at or near Milepost #1221. RESTRICTION: Freight destined to Edmonton, Alberta, Canada, for 180 days. SUPPORTING SHIPPER: P. J. Sales and Rentals, Ltd., 5203 76th Avenue, Edmonton, Alberta, Canada. SEND PROTESTS TO: Hugh H. Chaffee, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 1532, Anchorage, Alaska 99510.

No. MC 123993 (Sub-No. 33 TA), filed March 4, 1974. Applicant: FOGLEMAN TRUCK LINE, INC., 1724 W. Mill Street, Crowley, La. 70526. Applicant's representative: Byron Fogleman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Texas City, Tex. to points in Louisiana, for 180 days. SUPPORTING SHIPPER: Red Barn Chemicals, Traffic Coordinator C. D. Owen, P.O. Box 141, Tulsa, Okla. 74102. SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T–9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 133276 (Sub-No. 12 TA), filed March 7, 1974. Applicant: BERRY TRANSPORT, INC., 11895 S. W. Cheshire, Beaverton, Oreg. 97005. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 S.W. Alder Street, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, in seagoing cargo containers, between ports of entry located in Oregon and Washington, on the one hand, and, on the other, points in Oregon and Washington, restricted to the transportation of shipments having a prior or subsequent movement by water through the ports, and *empty sea-going cargo containers* between points in Oregon and Washington, for 180 days. SUPPORTING SHIPPERS: American Main Line, 522 Pacific Building, Portland, Oreg. 97204; General Steamship Corporation, Ltd., 421 S.W. Sixth Avenue, Portland, Oreg. 97204; J. T. Steeb and Co., Inc., 415 Oregon Pioneer Building, Portland, Oreg. 97204; Port of Portland, P.O. Box 3529, Portland, Oreg. 97208. SEND PROTESTS TO: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, Oreg. 97204.

No. MC 118142 (Sub-No. 63 TA), filed March 5, 1974. Applicant: M. BRUENGER AND CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products and pizza ingredients and such commodities* as are used in the manufacturing of pizzas, from the plant site and warehouse of Doskocil Sausage Company at or near Hutchinson, Kans., to points in Georgia and Florida, for 180 days. SUPPORTING SHIPPER: Doskocil Sausage Company, 9 North Main, South Hutchinson, Kans. SEND PROTESTS TO: M. E. Taylor, District Supervisor, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 138627 (Sub-No. 4 TA), filed March 7, 1974. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, Iowa 50501. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed motor vehicles* (1) from points in Iowa to Alton, Illinois; and (2) from points in Nebraska to Minneapolis and St. Paul, Minnesota; Alton, South Beloit, and Chicago, Ill.; Pueblo and Denver, Colo.; and Kansas City, Mo., and their respective commercial zones, for 180 days. SUPPORTING SHIPPER: Acme Transfer, Inc., Box 404, Fort Dodge, Iowa 50501. SEND PROTESTS TO: Transportation Specialist, Herbert W. Allen, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 115860 (Sub-No. 4 TA), filed March 5, 1974. Applicant: DALBY TRANSFER AND STORAGE, INC., P.O. Box 7187, Colorado Springs, Colo. 80933. Applicant's representative: Attorneys John P. Thompson and Susan E. Ayer, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products* (except cement), from points in El Paso and Teller Counties, Colo., to points in Arizona, Kansas, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming, for 180 days. SUPPORTING SHIPPER: Calco, Inc., P.O. Box 816, Colorado Springs, Colo. 80901. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 115860 (Sub-No. 5 TA), filed March 5, 1974. Applicant: DALBY TRANSFER AND STORAGE, INC., P.O. Box 7187, Colorado Springs, Colo. 50533. Applicant's representative: Attorneys John P. Thompson and Susan E. Ayer, 450 Capitol Life Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems, parts and supplies*, from points in El Paso County, Colo., to points in Arizona, Kansas, Nebraska, New Mexico, Oklahoma, Texas, Utah, and Wyoming, for 180 days. SUPPORTING SHIPPER: Enresco, Inc., P.O. Box 7406, Colorado Springs, Colo. 80933. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114457 (Sub-No. 186 TA), filed March 7, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell, 780 N. Prior Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper machine rolls*, from Brainerd and Cloquet, Minn., to Appleton, Green Bay, and Neenah, Wisc., for 180 days. SUPPORTING SHIPPER: Potlatch Corp., Northwest Paper Division, Cloquet, Minn. 55720. SEND PROTESTS TO: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 So. 4th Street, Minneapolis, Minn. 55401.

No. MC 118989 (Sub-No. 108 TA), filed March 6, 1974. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Robert H. Levy, 29 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers (bottles) and incidental parts* thereof, from Burlington, Wis., to Jacksonville, Danville, Lincoln, Chicago, and Peoria, Ill., for 180 days. SUPPORTING SHIPPER: Continental Can Co., Inc., Plastic Container Division, 633 Third Avenue, New York, N.Y. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC–115181 (Sub-No. 30 TA), filed March 7, 1974. Applicant: HAROLD M. FELTY, INC., R.D. #1, Pine Grove, Pa. 17963. Applicant's representative: John W. Dry, Esq., 541 Penn Street, Reading, Pa. 19601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic plant food* in dry bulk, bags and packages, from points in the District of Columbia to points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine, for 180 days. SUPPORTING SHIPPER: Organic Recycling, Inc., 967 South Matlack Street, West Chester, Pa. 19380. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–6803 Filed 3–22–74;8:45 am]

MOTOR CARRIERS OF PROPERTY

Accounting and Reporting for Emergency Fuel Surcharge and Adjustment of Compensation for Equipment Leased

MARCH 19, 1974.

Recently the Commission issued two decisions in its efforts to alleviate the financial impact of rising fuel prices on motor carriers of property and certain lessors of equipment to motor carriers. These decisions affect amounts collected by carriers from shippers and amounts paid by carriers for leased equipment where the lessor supplies the fuel. Questions as to proper accounting have resulted from the orders concerning these additional receipts and payments.

Special Permission No. 74–2525, "Emergency Fuel Surcharge for Line-Haul Transportation Charges & Other Charges—Motor Common Carriers", authorizes the increase in freight rates up to 6 percent by supplementing the affected tariffs. Inasmuch as this surcharge becomes a part of the published tariffs and is designed to increase revenues, it should be considered revenue and credited to the appropriate revenue account. The nature of the increase as revenue is not altered by the fact that the surcharge may only be justified by higher fuel costs or might be subsequently passed through to owner-operators, agents, etc.

Correspondingly, the fuel charge adjustment paid to lessors under Ex Parte No. 43 (Sub-No. 2), "Adjustment of Compensation for Equipment Leased by Motor Carriers of Property Because of Rising Fuel Costs", should be treated as an additional cost of purchased transportation and charged along with rentals to the appropriate expense accounts.

In order that the Commission can evaluate the effects of these decisions, it will be necessary to augment data presently available from the system of accounts by segregating the following: (1) Amounts received under Special Permission No. 74–2525, (2) amounts paid pursuant to Ex Parte No. 43 (Sub-No. 2), and (3) number of gallons of fuel consumed. This information shall be enclosed in the quarterly and annual reports in the form of a footnote or an attachment along with fuel expense (accounts 4510/6110) and fuel tax expense (accounts 4710/8450 and 4760/8440).

Also, the necessary supporting documentation shall be maintained and available for inspection by authorized Commission representatives.

[SEAL] JOHN A. GRADY, *Director.*

[FR Doc.74–6805 Filed 3–22–74;8:45 am]

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WASHINGTON, D.C.

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federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 3—The President

PROCLAMATION 4277

Loyalty Day, 1974

By The President of the United States of America

A Proclamation

Loyalty has never been a word of easy definition because loyalty is a state of mind, a condition of the heart. Loyalty is something we feel in our deepest convictions. It is not a banner to be waved so much as a quality to be demonstrated by our deeds.

Just as healthy differences exist in the ways that Americans seek progress for our Nation, loyalty to our Nation means different things to different people. But regardless of how it is manifested, a common strain runs through our loyalty and has made it a distinctly profound part of our national heritage.

Loyalty includes a sense of deep patriotism. It is patriotism which calls upon all of us to make personal sacrifices when our Nation is challenged from within or without.

Loyalty means allegiance to the country which has maintained our liberties, blessed us with an abundance of material well-being and spiritual freedom, and provided us all with opportunities which no civilization in history has ever before matched.

A little over a year ago as our returning Vietnam prisoners of war gave all Americans a sense of joyous celebration, one of those courageous men came forth holding up a small American flag. His words were simple, but moving: "* * * we never lost faith in the American people, and we knew that these colors wouldn't run."

It might not have been a dictionary definition, but those words represent loyalty as well as any free American could ever hope.

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In recognition of the need to set aside a day to pay tribute to the quality of loyalty, the Congress by a joint resolution of July 18, 1958, designated May 1 of each year as Loyalty Day and requested the President to issue a proclamation inviting the people of the United States to observe such a day with appropriate ceremonies.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do call upon the people of the United States and upon all patriotic, civic and educational organizations to observe Wednesday, May 1, 1974 as Loyalty Day, with appropriate ceremonies in which all may join.

I call also upon appropriate officials of the Government to display the flag of the United States on all Government buildings on that day as an expression of our loyalty to the Nation symbolized by that flag.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of March, in the year of our Lord nineteen hundred seventy-four and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.74-7158 Filed 3-25-74;12:14 pm]

PROCLAMATION 4278

World Trade Week, 1974

By the President of the United States of America

A Proclamation

As we approach the midpoint of the nineteen seventies there are many problems which command the attention of the world's peoples.

Large and small, nations around the globe seek solutions to unprecedented problems of energy. How we and they react could have a lasting impact on international commercial relations. Moreover, the need for thoroughgoing reform of the international economic system has never been more acute.

The challenges are thus great, but the opportunities are even greater.

To meet those challenges and realize these opportunities, we need to move rapidly and confidently forward with a series of interrelated negotiations, of which those on trade reform are of vital importance.

World trade is important not only to the United States but to all nations. Fair open trade can contribute importantly to stability and harmony in the world, reducing the causes of international friction.

World Trade Week is an opportunity to recall this importance to all Americans and to renew our sense of national dedication to the success of this effort.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week beginning May 19, 1974, as World Trade Week, and I call upon all Americans to cooperate in observing that week by participating with the business community and all levels of government in activities that emphasize the importance of world trade to the United States economy and to our relations with other nations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of March, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-eighth.

Richard Nixon

[FR Doc.74-7159 Filed 3-25-74;12:14 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 9—Animal and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 4—RULES OF PRACTICE GOVERNING PROCEEDINGS UNDER ANIMAL WELFARE ACT

Miscellaneous Amendments

Pursuant to the Act of August 24, 1966, as amended (7 U.S.C. 2131 et seq.), the rules of practice governing proceedings under that Act (9 CFR Part 4) are hereby amended and revised to change the title of "Hearing Examiner" to "Administrative Law Judge" in accordance with the Civil Service Commission's amendment to Subpart B, Part 930, Title 5, Code of Federal Regulations (37 FR 16787); to provide for the issuance of initial decisions and the disposition of appeals therefrom in adjudications that are subject to the provisions of sections 556 and 557 of Title 5, United States Code; and to make amendments to the definitions in the rules of practice to conform them to the definitions in the regulations issued under the Act, as amended.

The amendments and revisions are as follows:

1. The table of contents is amended to read as follows:

* * * * *

Sec.
4.16 Procedure upon denial of any material fact.

* * * * *

Sec.
4.19–8 Proposed findings of fact, conclusions, orders and reply.
4.19–9 Judge's Decision.
4.19–10 Appeal of decision.
4.20 Appeal procedure and transmittal of record.
4.20–1 Filing of appeal.
4.20–2 Content of appeal.
4.20–3 Response to appeal.
4.20–4 Failure to file response.
4.20–5 Orders denying appeal after review.
4.20–6 Transmittal of record.
4.20–7 Oral argument.
4.20–8 Decision of the Secretary.

* * * * *

2. Section 4.2 is revised to read as follows:

§ 4.2 Definitions.

As used in this part, the terms as defined in Part 1 of Title 9, Code of Federal Regulations, shall apply to this Part 4 with equal force and effect. In addition, and except as may be provided otherwise in this part:

(a) "Act" means the Act of August 24, 1966 (Pub. L. 89–544), commonly known as the Laboratory Animal Welfare Act, as amended by the Animal Welfare Act of 1970 (Pub. L. 91–579) (7 U.S.C. 2131, et seq.), and any legislation amendatory thereof.

(b) "Regulations" means the regulations promulgated pursuant to the Act.

(c) "Hearing" means that part of the proceeding which involves the submission of evidence and means either an oral or written hearing.

(d) "Judge" means any Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (the Administrative Procedure Act) and assigned to the proceeding involved.

(e) "Decision" means the judge's initial decision made in accordance with the provisions of 5 U.S.C. 556 and 557, and includes the Judge's (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion, as well as the reasons or basis therefor, (2) order, and (3) rulings on proposed findings, conclusions and orders submitted by the parties.

(f) "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250.

(g) "Administrator" means the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, or any officer or employee to whom authority has heretofore or may hereafter be delegated to act in his stead in connection with the function involved.

(h) "Moving paper" means any formal complaint or other document by virtue of which a proceeding under the Act is instituted.

(i) "Complainant" means the party upon whose moving paper the proceeding is instituted.

(j) "Respondent" means the party proceeded against.

(k) "Proceeding" means any action arising under the Act, in which it is required by law that the order or other determination be made only after notice and opportunity for hearing, and if hearing be held, only upon the basis of a record made in the course of such hearing.

(l) "Summary action" means action taken by the Administrator to suspend a license under the Act temporarily.

3. Section 4.3 is amended to read as follows:

§ 4.3 Scope and applicability of this part.

The rules of practice in this part shall be applicable to the procedure governing proceedings and summary action for the suspension or revocation of the license of a person licensed under the Act and the regulations governing proceedings to determine if a person should not be granted a license under the Act and regulations; and governing proceedings for the issuance of cease and desist orders concerning any person subject to the Act.

§ 4.11–3 [Amended]

4. Section 4.11–3 is amended by deleting the period at the end thereof and inserting the following:
", if the Judge determines that such an adjournment is necessary to avoid prejudice to the respondent."

§ 4.12–2 [Amended]

5. Section 4.12–2 is amended by deleting the last sentence and inserting the following in lieu thereof:

If the complainant recommends that the order consented to by the respondent not be issued, the respondent shall file an answer within ten days from the service of such recommendation upon him in accordance with §§ 4.12–1 and 4.12–2 (a) or (b). The answer may contain a request for oral hearing or an express waiver of such hearing.

§§ 4.13–1, 4.13–4, 4.13–5, 4.17, 4.18, 4.18–1, 4.18–2, 4.18–3, 4.18–4, 4.18–5, 4.19–2, 4.19–3, 4.19–4, 4.19–5, 4.19–6, 4.25 and 4.27 [Amended]

6. The terms "Judge(s)," "decision(s)" and "appeal(s)" are substituted for the terms "examiner(s)" "report(s)", and "exception(s)", respectively, wherever the term "examiner(s)", "report(s)", and "exception(s)" appear in these sections of the rules of practice:

7. Section 4.14 is amended to read as follows:

§ 4.14 Consent order.

At any time after the institution of a proceeding, the respondent may file an answer or amended answer consenting to an order as set forth in § 4.12–2(c). Within 15 days after service of such an answer, the complainant shall file his recommendation. If the complainant recommends that the order consented to by the respondent be issued, the Judge may enter such order which shall have the same force and effect as a decision issued by the Judge.

§§ 4.15–1, 4.15–2 and 4.15–3 [Deleted]

8. Sections 4.15–1, 4.15–2 and 4.15–3 are deleted and a new § 4.15 is issued to read as follows:

§ 4.15 Procedure upon admission of facts.

The admission, in the answer or by failure to file an answer, of all the material allegations of fact contained in the

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moving paper shall constitute a waiver of hearing. Upon such admission of facts, the complainant shall file, in triplicate, a proposed decision along with a motion for adoption thereof, which motion and proposed decision shall be served upon the respondent by the Hearing Clerk. Within ten days after service of such motion and proposed decision upon him, respondent may file with the Hearing Clerk, objections thereto, and the Judge shall issue a decision without further procedure or hearing. Absent a waiver by the parties of service of the Judge's decision, it shall be served upon them in the manner provided in § 4.25. The parties shall be given an opportunity to file appeals to the decision, to file briefs in support of such appeals, and to make oral argument before the Secretary in accordance with § 4.20. Unless the initial decision is appealed under § 4.20, it shall become final and effective without further procedure 35 days after service thereof upon the respondent.

9. Section 4.16 is amended to read as follows:

§ 4.16 Procedure upon denial of any material fact.

In the event the respondent denies any material fact and fails to request a hearing within the time specified in the complaint, the matter shall be set down for hearing by the Judge, upon motion of the complainant in accordance with § 4.19–1.

10. Paragraphs (d) and (f) of § 4.18–4 are amended to read as follows:

§ 4.18–4 Powers.

* * * * *

(d) Summon and examine witnesses and receive evidence;

* * * * *

(f) Hear oral argument on facts or law or both.

* * * * *

11. Section 4.19–1 is amended to read as follows:

§ 4.19–1 Time and place of hearing.

If and when the proceeding has reached the stage when a hearing is to be held, the Judge, not less than ten days after service on all parties of a motion by any of the parties, jointly or individually, stating that the matter is at issue and is ready for hearing, shall set a time and place of hearing, giving careful consideration to the convenience of the parties, and shall file with the Hearing Clerk a notice stating the time and place of hearing, which shall be served upon the parties. If any change in the time or place of the hearing is made, the Judge shall file with the Hearing Clerk a notice of such change, which notice shall be served upon the parties, unless it is made during the course of the hearing and made a part of the transcript.

§ 4.19–4 [Amended]

12. The period at the end of paragraph (a) of § 4.19–4 is deleted and the following is added thereto:

: *Provided*, That the moving paper may be issued by the Administrator, the Judge, or the Secretary.

13. Paragraphs (b), (d) and (f) of § 4.19–6 is amended to read as follows:

§ 4.19–6 Evidence.

* * * * *

(b) *Objections.* If a party objects to the admission or exclusion of any evidence or to the limitation of the scope of any examination or cross-examination, or to any other ruling of the Judge, he shall briefly state the grounds for such objection, whereupon an automatic exception will follow which may be pursued in any appeal pursuant to § 4.20 hereof by the party adversely affected by the ruling of the Judge. The transcript need not include argument or debate thereon except as may be ordered by the Judge. The ruling of the Judge on any objection shall be a part of the transcript. Only objections made before the Judge may subsequently be relied upon in the proceeding.

* * * * *

(d) *Exhibits.* Except where the Judge finds that the furnishing of copies is impracticable, sufficient copies of each exhibit, in addition to the original and two copies, shall be filed with the Judge for the use of the other party to the proceeding. A true copy of an exhibit may be substituted for the original.

* * * * *

(f) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence excluded. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered part of the transcript and record if the Secretary, upon appeal, decides the Judge's ruling excluding the evidence was erroneous and prejudicial and that treating it as evidence will not be unduly prejudicial. The Judge shall not allow the insertion of such excluded evidence in toto, if the taking of such evidence will consume considerable time at the hearing. In this latter event, if the Secretary decides the Judge's ruling excluding the evidence was both erroneous and prejudicial, the hearing may be reopened to permit the taking of such evidence.

14. Paragraph (a) of § 4.19–7 is amended to read as follows:

§ 4.19–7 Transcripts.

(a) *Filing and certification.* Oral hearings shall be stenographically reported and transcribed. As soon as practicable after the close of the hearing, and within the time provided by the reporting contract, the reporter shall transmit to the Hearing Clerk the original of the transcript of testimony and the original copies of exhibits introduced or offered in evidence at the hearing, and as many copies of the transcript as required and officially requested. Upon receipt of the original and copies of the transcript and exhibits, the Hearing Clerk shall send to the Judge the original transcript and exhibits. At such time as the Judge may specify, but not later than the time fixed for filing proposed findings of fact, conclusions and order, or briefs, as the case may be, the parties may file with the Judge proposed corrections to the transcript. As soon as practicable, the Judge shall file with the Hearing Clerk his certificate indicating any corrections to be made in the transcript, and stating that, to the best of his knowledge and belief, the transcript, as corrected, is a true, correct, and complete transcript of the testimony given at the hearing and that the exhibits are all the exhibits properly a part of the hearing record. The original of such certificate shall be attached to the original transcript, and a copy of such certificate shall be served upon each of the parties by the Hearing Clerk who shall also enter onto the transcript (without obscuring the text) any corrections noted in the certification.

15. Section 4.19–8 is revised to read as follows:

§ 4.19–8 Proposed findings of fact, conclusions, and order; reply.

(a) Within such time as the Judge may prescribe, each party may file with the Hearing Clerk proposed findings of fact, conclusions, and order, based solely on the record, and a brief in support thereof. A copy of each such document filed by a party shall be served upon all other parties by the Hearing Clerk.

(b) Within twenty (20) days after service upon him of the proposed findings of fact, conclusions, and order, or within such other time as the Judge may prescribe, each party may file a reply in writing with the Hearing Clerk, to the proposed findings of fact, conclusions, and order, and any brief in support thereof of the opposing party.

(c) Within the same periods of time, either party may file with the Hearing Clerk a brief statement in writing concerning each of the objections taken to the action of the Judge at the hearing, as set out in § 4.19–6(b), upon which the party wishes to rely, referring, where relevant to the pages of the transcript.

16. Section 4.19–9 is amended to read as follows:

§ 4.19–9 Judge's decision.

(a) The Judge, within a reasonable time after the termination of the period allowed to the parties for the filing of the proposed findings of fact, conclusions, and order, and briefs in support thereof, and replies threto, shall prepare on the basis of the record and shall file with the Hearing Clerk, his decision. A copy of such decision shall be served by the Hearing Clerk upon each of the parties.

(b) Such decision shall become final and effective without further proceedings thirty-five (35) days after service thereof upon the respondent, unless there is an appeal to the Secretary by a party to the proceeding: *Provided, however*, That no decision shall be final for purposes of judicial review except a final decision issued by the Secretary pursuant to an appeal by a party to the proceeding.

17. Section 4.19–10 is amended to read as follows:

§ 4.19–10 Appeal of decision.

Any party who disagrees with the Judge's decision, or any part thereof, may file on appeal in writing to the Secretary in the manner specified in § 4.20.

§ 4.19–11 [Deleted]

18. Section 4.19–11 is deleted.

19. Sections 4.20, 4.20–1, 4.20–2, and 4.20–3 are revised to read as follows:

§ 4.20 Appeal procedure and transmittal of record.

§ 4.20–1 Filing of appeal.

Any party to the proceeding who desires to appeal a decision of the Judge shall file his appeal in writing with the Hearing Clerk within thirty (30) days after service of said decision upon him.

§ 4.20–2 Content of appeal.

Each issue shall be separately numbered and plainly and concisely stated. The same point shall not be restated in repetitive discussions of an issue. Each issue shall be supported by detailed citations of the record, statutes, regulations or principal authorities relied upon. A brief may be filed in support of the appeal simultaneously with the appeal.

§ 4.20–3 Response to appeal.

Within twenty (20) days after service of a copy of an appeal on the other party, said other party may file with the Hearing Clerk a response in support of or in opposition to the appeal.

§ 4.20–4 Failure to file response.

If appellee fails to file his response to the appeal as provided in § 4.20–3, he shall be deemed to have waived his right to file a response.

§ 4.20–5 Orders denying appeal after review.

If the Secretary decides on appeal, after reviewing the entire record, that no change or modification of the Judge's decision is warranted, he may adopt the Judge's decision as the final decision of the Secretary, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum.

§ 4.20–6 Transmittal of record.

Immediately following filing of an appeal, the Hearing Clerk shall transmit to the Secretary the record of the proceeding. Such record shall include: The pleadings; motions and requests filed, and rulings thereon; the transcript of the testimony taken at the hearing, together with the exhibits filed therein; any documents or papers filed in connection with prehearing conferences; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, and replies, as may have been filed in connection with the proceeding; the Judge's initial decision; and such exceptions, statements of objections, and briefs in support thereof, as may have been filed in the proceeding.

§ 4.20–7 Oral argument.

(a) *Request for oral argument.* Within the time allowed for filing of an appeal and brief in support thereof, appellant may request in writing opportunity for oral argument before the Secretary. Within the time allowed for filing a response, appellee may file a request in writing for opportunity for such oral argument. Failure to make such request in writing shall be deemed a waiver of oral argument. The Secretary in his discretion, may grant, refuse, or limit any request for oral argument on appeal. Except where the Secretary determines that argument on additional issues would be helpful, argument shall be limited to the issues raised by the appeal(s).

(b) *Scope of argument.* Argument to be heard on appeal, whether oral or on brief, shall be limited to the issues raised by the appeal, except that if the Secretary determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all issues to be argued.

(c) *Notice of argument; postponement.* The Hearing Clerk shall advise all parties of time and place at which oral argument will be heard. A request for postponement of the argument must be made by motion filed a reasonable amount of time in advance of the date fixed for argument.

(d) *Order and content of argument.* The appellant is entitled to open and conclude the argument. The opening argument shall include a concise statement of the case.

(e) *Cross and separate appeals.* A cross or separate appeal shall be argued with the initial appeal at a single argument, unless the Secretary otherwise directs. If a case involves a cross-appeal, the Administrator shall be deemed the appellant unless the parties otherwise agree or the Secretary otherwise directs. If separate appellants support the same argument, care shall be taken to avoid duplication of argument.

(f) *Submission on briefs.* By agreement of the parties, an appeal may be submitted for decision on the briefs, but the Secretary may direct that the appeal be argued orally.

§ 4.20–8 Decision of the Secretary.

(a) As soon as practicable after oral argument, or in case there is no oral argument, as soon as practicable after the filing of the appeal and grounds therefor and any response thereto, the Secretary shall issue his decision in the proceeding, which shall include findings of fact, conclusions, order and rulings on motions, exceptions, statements of objections, and proposed findings, conclusions, and orders submitted by the parties not theretofore ruled upon; unless he issues an order denying the appeal as provided for in § 4.20–5 herein.

(b) The decision, prepared as described in paragraph (a) of this section, shall be issued and served upon the parties as the final decision in the proceeding without further procedure.

§§ 4.22, 4.22–1, and 4.22–2 [Amended]

20. "Order" is deleted and "Secretary's decision" is inserted wherever "order" appears in §§ 4.22, 4.22–1, and 4.22–2.

21. Paragraph (a) of § 4.22–1 is amended by deleting "to the Secretary" and adding the following sentence thereto:

"Any such petition filed prior to an appeal being filed shall be ruled upon by the Judge, and any such petition filed after an appeal is filed shall be ruled upon by the Secretary."

22. Section 4.22–2 is amended by deleting the words "by the Secretary" in the fourth sentence therein and by amending the second sentence therein to read as follows:

"As soon as practicable thereafter, the Judge or the Secretary, as the case may be, shall announce his decision whether to grant or deny the petition."

§§ 4.23–1, 4.23–2, and 4.23–3 [Amended]

23. The words "under the Act" are inserted in place of "as a dealer" wherever the words "as a dealer" appear in §§ 4.23–1 and 4.23–2.

24. The word "person" is inserted in place of "dealer" wherever the term "dealer" appears in § 4.23–3.

25. Section 4.24 is amended to read as follows:

§ 4.24 Filing; number of copies.

Except as is provided otherwise in this section, all documents or papers required or authorized by the rules in this part to be filed with the Hearing Clerk shall be filed in triplicate: *Provided*, That, where there are more than two parties to the proceeding, a sufficient number of copies shall be filed so as to provide for service upon all the parties to the proceeding. Any document or paper, required or authorized under the rules in this part to be filed with the Hearing Clerk, shall, during the course of an oral hearing, be filed with the Judge.

(Sec. 21, 80 Stat. 353, (7 U.S.C. 2151); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendments and revisions shall become effective March 26, 1974.

Done at Washington, D.C. this 21st day of March 1974.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74–6890 Filed 3–25–74;8:45 am]

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PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Change in Disease Status of France Because of Existence of African Swine Fever

Statement of considerations. The purpose of this amendment is to add France to the list of countries in § 94.8 where African swine fever is known to exist. This action which restricts the importation of pork and pork products into the United States from France is necessary to protect the livestock of the United States from the threat of introduction or dissemination of African swine fever.

Accordingly, Part 94, Title 9, Code of Federal Regulations is hereby amended as follows:

In § 94.8, in the introductory paragraph, the name of France is added after the reference to "Cuba."

(Sec. 2, 32 Stat. 792, as amended; (21 U.S.C. 111); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective March 21, 1974, except with respect to intransit shipments of pork and pork products that are on board a carrier moving to the United States at the time of issuance hereof. Such intransit shipments shall upon arrival in the United States be allowed entry only under such specific requirements or be disposed of in such manner as the Administrator may determine in each specific case to be necessary and adequate to safeguard against the introduction or dissemination of African swine fever into the United States.

The restrictions imposed by this amendment must be made effective immediately to protect the livestock industry of the United States against the introduction of African swine fever from France. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of March 1974.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

[FR Doc.74-6942 Filed 3-25-74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER A—GENERAL

[74-222]

PART 511—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Statements of Employment and Financial Interests

MARCH 19, 1974.

The Federal Home Loan Bank Board considers it desirable to amend Part 511 of the General Regulations of the Federal Home Loan Bank Board (12 CFR Part 511) governing employee responsibilities and conduct.

Sections 511.735-35, -38 and -50 of the Board's General Regulations have heretofore required statements of employment and financial interest (Forms 511A and 511B) to be submitted to and reviewed by a Member of the Board designated by the Chairman. The Board now considers it desirable to have these statements submitted to the Director of the Personnel Management Division for review by the Board's General Counsel.

Section 511.735-36 of the General Regulations of the Federal Home Loan Bank Board designates those employees required to submit statements of employment and financial interests. The Board considers it desirable to revise the list of employees designated to submit statements in accordance with the criteria established by 5 CFR 735.403. The revised section provides an exception for employees classified below GS-13. Because the positions of Hearing Officer and Office Services Manager no longer exist, they have been deleted from the section. Positions that have been added to § 511.735-36 are: the Chief of the Special Services Branch, the Director of the Holding Companies Section, a Field Supervisor, a Chief Analyst, a Regional Director, a Regional Supervisor, an Assistant Regional Director or Supervisor and an Appraiser.

Section 511.735-36 also provides for exclusion of employees from the reporting requirements under certain circumstances. The section had provided for exclusion from those requirements when the Board determines that the duties of such person are at such a level of responsibility that the submission of such a statement is not necessary because of the degree of supervision and review over such person and the inconsequential effect on the integrity of the Agency and the Government.

The Civil Service Commission Regulations (5 CFR 735.404) permit a further exclusion from the reporting requirements when the duties of a position are such that the likelihood of the incumbent's involvement in a conflicts-of-interest situation is remote. The Board considers it desirable to adopt such further exclusion from the reporting requirements permitted by 5 CFR 735.404. To accomplish this, § 511.735-36 is revised to incorporate the additional ground for excluding employees from the reporting requirements.

Sections 511.735-38 and -39 state the time and place for submission of employee statements and supplementary statements. The Board considers it desirable to change the dates for such submissions and to include procedural provisions concerning these submissions.

Accordingly, the Board hereby amends said Part 511 by amending §§ 511.735-35, -36, -38, -39 and -50 thereof to read as set forth below.

Since the above amendments involve matters relating to Board management and personnel, the Board hereby finds that notice and public procedure with respect to said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendments for the 30-day period specified in 12 CFR 508.14 and 12 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board be unnecessary because said amendments relate to personnel matters and relieve restrictions as to such matters, the Board hereby provides that said amendments shall become effective as hereinbefore set forth. These amendments were approved by the Civil Service Commission on March 7, 1974, and are effective on March 26, 1974.

§ 511.735-35 Filing and review of statements of employment and financial interests.

(a) Each employee required to do so by § 511.735-36 shall complete and file Form 511A[1] in accordance with § 511.735-38. Each special Government employee shall complete and file Form 511B[1] in accordance with § 511.735-44.

(b) All Forms 511A and 511B shall be filed with the Director of the Personnel Management Division who shall submit them for review by the General Counsel of the Board to determine whether there are any conflicts of interest or other violations of law or this part. Information obtained from other sources shall be treated as if it were contained in the forms.

(c) All reports, forms, papers and the information contained therein, filed pursuant to this section shall be confidential, except as the Board or the Civil Service Commission may determine for good cause shown.

(d) To insure the confidentiality of the information contained in Forms 511A and 511B and attachments, such forms and attachments shall only be accessible to the Chairman, Board Members, the Director of the Personnel Management Division, the General Counsel, the Counselor and Deputy Counselors referred to in § 511.735-4 and such other persons as the General Counsel or the Director of the Personnel Management Division may, from time to time, deem appropriate or necessary. They shall be responsible for

[1] Forms 511A and 511B filed as part of the original document.

maintaining the statements in confidence and shall not allow access to or allow information to be disclosed from such forms and attachments to such forms except to carry out the purpose of this part and for good cause shown.

§ 511.735-36 Employees required to submit statements.

Except as provided in § 511.735-37 of this part, statements of employment and financial interests on Form 511A shall be filed by each employee of the Board classified at GS-13 or above, or at a comparable pay level, who is a Director, Deputy Director, Associate Director, or Assistant Director of a Division or an Office (regardless of the specific title), an Adviser or Assistant to the Board, an Assistant to the Chairman or Member of the Board, the Chief of the Special Services Branch, the Director of the Holding Companies Section, a Chief Examiner, an Assistant Chief Examiner, a Field Supervisor, a Chief Analyst, a Regional Director, a Regional Supervisor, an Assistant Regional Director or Supervisor, an Appraiser and an Examiner serving as Examiner-in-Charge. However, employees described in this paragraph may be excluded from the reporting requirement when the General Counsel, subject to the concurrence of the Chairman of the Board, determines that:

(a) The duties of a position are such that the likelihood of the incumbent's involvement in a conflicts-of-interest situation is remote; or

(b) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Agency and the Government.

§ 511.735-38 Time and place for submission of employees' statements.

(a) An employee required to submit a Form 511A under this part shall submit that form to the Director of the Personnel Management Division by the later of:

(1) May 31, 1974, if employed on or before May 1, 1974; or

(2) Thirty days after his entrance on duty; or

(3) Thirty days after the inclusion of his position in § 511.735-36.

(b) Prior to December 31 of each year, the Director of the Personnel Management Division shall furnish the appropriate form to each employee required to submit a supplementary statement under § 511.735-39. Each employee shall submit the completed form to the Director of the Personnel Management Division not later than January 31 of the following year.

(c) The Director of the Personnel Management Division shall promptly report to the General Counsel any failure to submit Form 511A as required by this section or of failure to submit a supplementary statement as required by § 511.735-39.

§ 511.735-39 Supplementary statements.

Changes in, or additions to, the information contained in an employee's Form 511A shall be reported in a supplementary statement as of December 31 each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or take an action that could result, in a violation of the conflict-of-interest provisions of section 208 of title 18 U.S.C. or Subpart B of this part.

§ 511.735-50 Reporting unresolved conflicts of interest.

When conflicts of interest or other violations or apparent violations of this part cannot be resolved or explained to the satisfaction of the General Counsel, he shall report the matter to the Chairman of the Board.

(E.O. 11222 of May 8, 1965, 30 FR 6469, 3 CFR, 1965, Supp.; 5 CFR 734-104.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74-6923 Filed 3-25-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 72-NE-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone; Correction

On October 9, 1973, FR Doc. 73-21410 was published in the FEDERAL REGISTER (38 FR 27820) designating a new Hartford, Connecticut Control Zone. A review of the language of the document revealed that the new control zone was inadvertently referred to as the East Hartford, Connecticut Control Zone instead of the Hartford, Connecticut Control Zone. Accordingly, action is taken herein to correct this minor error.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective in less than thirty (30) days notice.

In view of the foregoing, FR Doc. 73-21410 (38 FR 27820) is amended by deleting the phrase "East Hartford" in paragraph 1 of the amendment and inserting the word "Hartford" in lieu thereof.

(Sec. 307(a), Federal Aviation Act of 1958 [49 U.S.C. 1348(a)]; sec. 6(c) of the Department of Transportation Act [49 U.S.C. 166(c)])

Issued in Burlington, Massachusetts on March 13, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-6902 Filed 3-25-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8931]

PART 13—PROHIBITED TRADE PRACTICES

W. T. Grant Co.

Subpart—Advertising falsely or misleading: § 13.71 *Financing:* § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-25 Coupon, certificate, Check, credit voucher, etc., values; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act; § 13.205 *Scientific or other relevant facts:* § 13.260 *Terms and conditions:* 13.260-40 Insurance coverage. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1417 *Financing activities:* —Goods: § 13.1623 *Formal regulatory and statutory requirements.* 13.1623-95 Truth in Lending Act. — Prices: § 13.1790 *Coupons, credit vouchers, etc., of specified value:* § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act: § 13.1895 *Scientific or other relevant facts:* § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act. Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2063 *Scientific or other relevant facts:* § 13.2080 *Terms and conditions:* 13.2080-40 Insurance coverage. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46) Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; (15 U.S.C. 45, 1601-1605) [Cease and desist order, W. T. Grant Company, New York, N.Y. Docket 8931, Feb. 8, 1974]

In the Matter of W. T. Grant Company, a Corporation.

Consent order requiring a nationwide retail chain headquartered in New York City, among other things to cease using deceptive tactics to sell its coupon book credit plan; selling property insurance in a deceptive manner; and selling credit life and credit accident and health insurance in such a way as to violate the Truth in Lending Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent W. T. Grant Company, a corporation, and respondent's agents, representatives, employees and successors and assigns, directly or through any corporate or other

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device, in connection with the advertising, offering for sale, sale or distribution of merchandise or services in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting, directly or by implication, that:

a. The coupon book contract is an agreement for the extension of open end credit;

b. Coupon books are devices issued pursuant to an agreement for the extension of open end credit; or

c. A consumer is required to have had a coupon book account before he can obtain open end credit from respondent; *Provided*, That nothing herein contained shall prevent any representation to a consumer who then qualifies only for a coupon book account that he may thereafter qualify for open end credit.

2. Filling in any portion of or presenting a coupon book contract to any consumer for his signature unless, in connection with each such contract, respondent:

a. Prior thereto has presented to the consumer the following statement, printed in a clear and conspicuous manner on one side of a single sheet of paper (the reverse side of which sheet of paper may contain the coupon book contract) without any other language:

[In 16-point bold-faced type]

NOTICE: The Federal Trade Commission requires that we provide this information before we can offer you a coupon book contract:

[In 12-point bold-faced type]

W. T. Grant Company offers two different credit plans to qualified customers—an OPEN END CHARGE ACCOUNT and a COUPON BOOK PLAN. The Coupon Book Plan is NOT an open end or revolving credit plan. Some of the differences are:

1. *The kind of credit*—A CHARGE ACCOUNT is open end or revolving credit. The COUPON BOOK PLAN is installment credit. Once you use the first coupon, you would pay for the entire book in the same way you would pay for a small installment loan.

2. *Your payments*—Under the COUPON BOOK PLAN, after you use your first coupon, you pay each month part of the full price of the coupon book, which includes all finance charges, whether you have exchanged all the coupons for specific merchandise or not. When you have a CHARGE ACCOUNT, you pay only for the merchandise you have actually purchased, plus finance charges if you don't pay the entire balance each month.

3. *Computing finance charges*. Finance charges on a CHARGE ACCOUNT are computed on specific merchandise purchased up to that point in time. But COUPON BOOK PLAN finance charges are computed on the total price of the coupon book and not just on the coupons already exchanged.

4. *How to avoid finance charges*. You can avoid finance charges when you have a CHARGE ACCOUNT by paying the entire balance each month. You can only avoid finance charges on the COUPON BOOK PLAN by paying for the entire book within 30 days after you use the first coupon or by paying for the coupons used within 30 days after exchanging the first one and returning all unused coupons to Grant's. You may return coupons at any time and receive full credit for the unused portion.

[as applicable]

You may choose either Grant's open end charge account or its coupon book plan [or] at this time, you are only eligible for the coupon book plan.

[In 16-point bold-faced type]

I received and read the above statement before any coupon book contract was filled in or presented to me to sign.

Signed ---------- Date ----------

b. Prior thereto has obtained an acknowledgment, signed and dated by the consumer, of his having received and read the aforesaid statement; and

c. Provides the consumer with a copy which he may retain of the aforesaid statement, printed in the manner set forth in subparagraph (a) of this paragraph, which copy shall be on the reverse side of the coupon book contract.

3. Adding on the existing coupon book obligation of any consumer who had not previously been eligible for open end credit from respondent unless respondent has:

a. Obtained and scored a credit application from said consumer within the previous twelve months, which requirement can be fulfilled by updating and rescoring a credit application previously submitted to respondent by the consumer, and

b. Complied with the requirements of Paragraph Two hereof.

4. Offering or presenting to any consumer optional or voluntary property insurance written in connection with any credit sale unless respondent has:

a. Read and presented to the consumer the following statement, printed in a clear and conspicuous manner in 12-point bold-face type on one side of a single sheet of paper which does not contain the credit agreement:

Property insurance is entirely optional. You are not required to buy it to get credit.

b. Obtained from the consumer, on the same document as the aforesaid statement, an acknowledgment, signed and dated by the consumer, of his having received and had read to him the aforesaid statement.

5. Checking the box next to the statement "I wish Property" on the retail installment contract, or otherwise making any mark, designation, or indication on any document in connection with any similar statement respecting the selection of voluntary or optional property insurance; *Provided*, That nothing herein contained shall prevent respondent from setting forth the cost of such insurance, as permitted by § 226.4(a)(6) of Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.): *Provided further*, That the cost of such insurance shall not be filled in as part of the "amount financed" on the disclosure statement required by Regulation Z in advance of the consumer's free and independent selection of such insurance.

6. Requesting any consumer to sign any document which purports to indicate the consumer's desire for optional or voluntary property insurance without orally disclosing to the consumer that his credit has already been approved, that property insurance is not required in connection with the extension of credit, that he need not buy such insurance, and that his signature is being requested in connection with an election of voluntary or optional property insurance.

7. Misrepresenting, orally or otherwise, directly or by implication, that voluntary or optional property insurance is required as a condition of obtaining credit from respondent.

8. Discouraging, by misrepresentation, oral or otherwise, directly or by implication, the declination of voluntary or optional property insurance.

II. *It is further ordered*, That respondent W. T. Grant Company, a corporation, and respondent's agents, representatives, employees, and successors and assigns, directly or through any corporate or other device, in connection with the extension of consumer credit, as "consumer credit" is defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to include and to itemize the amount of premiums for credit life and credit accident and health insurance as part of the finance charge, unless the amount of such premiums is excluded from the finance charge because of appropriate exercise of the option available pursuant to § 226.4(a)(5) of Regulation Z.

2. Offering or presenting to any consumer optional or voluntary credit life and/or credit accident and health insurance in connection with any credit transaction unless respondent has:

a. Read and presented to the consumer the following statement, printed in a clear and conspicuous manner in 12-point bold-faced type on one side of a single sheet of paper which does not contain the credit agreement:

Credit life and/or credit accident and health insurance are entirely optional. You are not required to buy them to get credit.

b. Obtained from the consumer, on the same document as the aforesaid statement, an acknowledgment, signed and dated by the consumer, of his having received and had read to him the aforesaid statement.

3. Checking the box next to the statement "I wish Credit Life and Accident and Sickness" in the retail installment contract, or otherwise making any mark, designation or indication on any document in connection with any similar statement respecting the selection of voluntary or optional credit life insurance and/or credit accident and health insurance; provided that nothing herein contained shall prevent respondent from disclosing the cost of such insurance, as permitted by § 226.4(a)(5)(ii) of Regulation Z: *Provided further*, That the cost of such insurance shall not be filled in as part of the "amount financed" on the disclosure statement required by Regulation Z before the consumer has given affirmative written indication that he desires such insurance coverage.

4. Requesting any consumer to sign any document which purports to indicate the consumer's desire for optional or voluntary credit life and/or credit accident and health insurance without orally disclosing to the consumer that his credit has already been approved, that credit life and/or credit accident and health insurance are not required in connection with the extension of credit, that he need not buy such insurance and that his signature is being requested in connection with an election of optional credit life and/or credit accident and health insurance.

5. Misrepresenting, orally or otherwise, directly or by implication, that credit life and/or accident and health insurance are required as a condition of obtaining credit from respondent.

6. Discouraging, by misrepresentation, oral or otherwise, directly or by implication, the declination of optional or voluntary credit life and/or credit accident or health insurance.

7. Failing to compute and disclose accurately the finance charge, as required by §§ 226.4 and 226.8 of Regulation Z.

8. Failing to compute and disclose accurately the annual percentage rate to the nearest quarter of one percent, as required by §§ 226.5 and 226.8 of Regulation Z.

9. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.7, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondent shall retain a detailed description of the procedures used by it in the preceding three (3) years to determine whether a consumer has qualified for a coupon book account only or has also qualified for open end credit from respondent.

It is further ordered, That respondent shall, one (1) year after the date upon which this order becomes final and one (1) year thereafter, file with the Commission a report, in writing, which shall include the following information, with respect to those states in which respondent offers coupon books:

1. The number of coupon book contracts and open end credit agreements signed in the previous year;

2. The number of consumers who have qualified for open end credit from respondent but chose to sign a coupon book contract during the previous year;

3. The number of consumers who qualified during the prior year for a coupon book account only and did not sign a coupon book contract;

4. The number of consumers during the previous year who, having previously been ineligible for open end credit from respondent, became eligible for and chose such credit.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the making of respondent's policy concerning consumer credit, in the preparation or placement of advertisement offering to extend consumer credit, in the consummation of any extension of consumer credit, or in the offering of property, credit life or credit accident and health insurance in connection with any consumer credit transaction, and that respondent secure a signed statement from each such person acknowledging that he has received and read this order.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent shall retain for two (2) years following its execution the original of any statement or disclosure the receipt of which must be acknowledged by any consumer pursuant to this order.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth, in detail, the manner and form in which it has complied with the order to cease and desist contained herein.

Issued: February 8, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-6904 Filed 3-25-74;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY

[Docket No. R-74-245]

PART 81—REGULATIONS GOVERNING OPERATIONS OF THE FEDERAL NATIONAL MORTGAGE ASSOCIATION

Issuance and Custody of FNMA Securities

On December 14, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 34473) stating that the Department of Housing and Urban Development was considering the request of Federal National Mortgage Association for the proposed adoption in regulation form of a book-entry system to govern the issuance and custody of FNMA securities.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change as follows:

§§ 81.15, 81.16, 81.17 [Redesignated]

1. Sections 81.6, 81.7 and 81.8 are redesignated as §§ 81.15, 81.16 and 81.17 respectively.

2. The following new entries are added to the table of sections:

Sec.
81.6 Definition of terms.
81.7 Authority of Reserve bank.
81.8 Scope and effect of book-entry procedure.
81.9 Transfer or pledge.
81.10 Withdrawal of FNMA securities.
81.11 Delivery of FNMA securities.
81.12 Registered bonds and notes.
81.13 Servicing book-entry FNMA securities; payment of interest; payment at maturity or upon call.
81.14 Treasury Department regulations; applicability to the corporation.

3. New §§ 81.6 through 81.14 are added to read as follows:

§ 81.6 Definition of terms.

In this part, unless the context otherwise requires or indicates:

(a) "Reserve bank" means a Federal Reserve Bank and its branches acting as Fiscal Agent of the corporation and when indicated acting in its individual capacity or as Fiscal Agent of the United States.

(b) "FNMA security" means any obligation of the corporation (except short-term discount notes and obligations convertible into shares of common stock) issued under 12 U.S.C. 1719 (b), (d), and (e) in the form of a definitive FNMA security or a book-entry FNMA security.

(c) "Definitive FNMA security" means a FNMA security in engraved or printed form.

(d) "Book-entry FNMA security" means a FNMA security in the form of an entry made as prescribed in this part on the records of a Reserve bank.

(e) "Pledge" includes a pledge of, or any other security interest in, FNMA securities as collateral for loans or advances or to secure deposits of public monies or the performance of an obligation.

(f) "Date of call" is with respect to FNMA securities issued under 12 U.S.C. 1719 (d) and (e), the date fixed in the authorizing resolution of the Board of Directors of the corporation on which the obligor will make payment of the security before maturity in accordance with its terms, and, with respect to FNMA securities issued under 12 U.S.C. 1719(b), the date fixed in the offering notice issued by the corporation.

(g) "Member bank" means any national bank, State bank, or bank or trust company which is a member of a Reserve bank.

§ 81.7 Authority of Reserve bank.

Each Reserve bank is hereby authorized, in accordance with the provisions of this part, to:

(a) Issue book-entry FNMA securities by means of entries on its records which shall include the name of the depositor, the amount, the loan title (or series) and maturity date;

(b) Effect conversions between book-entry FNMA securities and definitive FNMA securities;

(c) Otherwise service and maintain book-entry FNMA securities; and

(d) Issue a confirmation of transaction in the form of a written advice (serially numbered or otherwise) which

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specifies the amount and description of any securities, that is, loan title (or series) and maturity date, sold or transferred, and the date of the transaction.

§ 81.8 Scope and effect of book-entry procedure.

(a) A Reserve bank as Fiscal Agent of the corporation may apply the book-entry procedure provided for in this part to any FNMA securities which have been or are hereafter deposited for any purpose in accounts with it in its individual capacity under terms and conditions which indicate that the Reserve bank will continue to maintain such deposit accounts in its individual capacity, notwithstanding application of the book-entry procedure to such securities. This paragraph is applicable, but not limited, to securities deposited:

(1) As collateral pledged to a Reserve bank (in its individual capacity) for advances by it;

(2) By a member bank for its sole account;

(3) By a member bank held for the account of its customers;

(4) In connection with deposits in a member bank of funds of States, municipalities, or other political subdivisions; or

(5) In connection with the performance of an obligation or duty under Federal, State, municipal, or local law, or judgments or decrees of courts.

The application of the book-entry procedure under this paragraph shall not derogate from or adversely affect the relationships that would otherwise exist between a Reserve bank in its individual capacity and its depositors concerning any deposits under this paragraph. Whenever the book-entry procedure is applied to such FNMA securities, the Reserve bank is authorized to take all action necessary in respect of the book-entry procedure to enable such Reserve bank in its individual capacity to perform its obligations as depositary with respect to such FNMA securities.

(b) A Reserve bank as Fiscal Agent of the corporation may apply the book-entry procedure to FNMA securities deposited as collateral pledged to the United States under Treasury Department Circulars Nos. 92 and 176, both as revised and amended, and may apply the book-entry procedure, with the approval of the Secretary of the Treasury, to any other FNMA securities deposited with a Reserve bank, as Fiscal Agent of the United States.

(c) Any person having an interest in FNMA securities which are deposited with a Reserve bank (in either its individual capacity or as Fiscal Agent of the United States) for any purpose shall be deemed to have consented to their conversion to book-entry FNMA securities pursuant to the provisions of this part, and in the manner and under the procedures prescribed by the Reserve bank.

(d) No deposits shall be accepted under this section on or after the date of maturity or call of the securities.

§ 81.9 Transfer or pledge.

(a) A transfer or pledge of book-entry FNMA securities to a Reserve bank (in its individual capacity or as Fiscal Agent of the United States), or to the United States, or to any transferee or pledgee eligible to maintain an appropriate book-entry account in its name with a Reserve bank under §§ 81.6 through 81.13 of this part, is effected and perfected, notwithstanding any provision of law to the contrary, by a Reserve bank making an appropriate entry in its records of the securities transferred or pledged. The making of such an entry in the records of a Reserve bank shall:

(1) Have the effect of a delivery in bearer form of definitive FNMA securities;

(2) Have the effect of a taking of delivery by the transferee or pledgee;

(3) Constitute the transferee or pledgee a holder; and

(4) If a pledge, effect a perfected security interest therein in favor of the pledgee. A transfer or pledge of book-entry FNMA securities effected under this paragraph shall have priority over any transfer, pledge, or other interest, theretofore or thereafter affected or perfected under paragraph (b) of this section or in any other manner.

(b) A transfer or a pledge of transferable FNMA securities, or any interest therein, which is maintained by a Reserve bank (in its individual capacity or as Fiscal Agent of the United States) in a book-entry account under §§ 81.6 through 81.13 of this part, including securities in book-entry form under § 81.8 (a) (3), is effected, and a pledge is perfected, by any means that would be effective under applicable law to effect a transfer or to effect and perfect a pledge of the FNMA securities, or any interest therein, if the securities were maintained by the Reserve bank in bearer definitive form. For purposes of transfer or pledge hereunder, book-entry FNMA securities maintained by a Reserve bank shall, notwithstanding any provision of law to the contrary, be deemed to be maintained in bearer definitive form. A Reserve bank maintaining book-entry FNMA securities either in its individual capacity or as Fiscal Agent of the United States is not a bailee for purposes of notification of pledges of those securities under this paragraph, or a third person in possession for purposes of acknowledgment of transfers thereof under this paragraph. Where transferable FNMA securities are recorded on the books of a depositary (a bank, banking institution, financial firm, or similar party, which regularly accepts in the course of its business FNMA securities as a custodial service for customers, and maintains accounts in the names of such customers reflecting ownership of or interst in such securities) for account of the pledgor or transferor thereof and such securities are on deposit with a Reserve bank in a book-entry account hereunder, such depositary shall, for purposes of perfecting a pledge of such securities or effecting delivery of such securities to a purchaser under applicable provisions of law, be the bailee to which notification of the pledge of the securities may be given or the third person in possession from which acknowledgment of the holding of the securities for the purchaser may be obtained. A Reserve bank will not accept notice or advice of a transfer or pledge effected or perfected under this paragraph, and any such notice or advice shall have no effect. A Reserve bank may continue to deal with its depositor in accordance with the provisions of this part, notwithstanding any transfer or pledge effected or perfected under this paragraph.

(c) No filing or recording with a public recording office or officer shall be necessary or effective with respect to any transfer or pledge of book-entry FNMA securities or any interest therein.

(d) A Reserve bank shall, upon receipt of appropriate instructions, convert book-entry FNMA securities into definitive FNMA securities and deliver them in accordance with such instructions; no such conversion shall affect existing interests in such FNMA securities.

(e) A transfer of book-entry FNMA securities within a Reserve bank shall be made in accordance with procedures established by the Reserve bank not inconsistent with this part. The transfer of book-entry FNMA securities by a Reserve bank may be made through a telegraphic transfer procedure.

(f) All requests for transfer or withdrawal must be made prior to the maturity or date of call of the securities.

§ 81.10 Withdrawal of FNMA securities.

(a) A depositor of book-entry FNMA securities may withdraw them from a Reserve bank by requesting delivery of like definitive FNMA securities to itself or on its order to a transferee.

(b) FNMA securities which are actually to be delivered upon withdrawal may be issued either in registered or in bearer form.

§ 81.11 Delivery of FNMA securities.

A Reserve bank which has received FNMA securities and effected pledges, made entries regarding them, or transferred or delivered them according to the instructions of its depositor is not liable for conversion or for participation in breach of fiduciary duty even though the depositor had no right to dispose of or take other action in respect of the securities. A Reserve bank shall be fully discharged of its obligations under this part by the delivery of FNMA securities in definitive form to its depositor or upon the order of such depositor. Customers of a member bank or other depositary (other than a Reserve bank) may obtain FNMA securities in definitive form only by causing the depositor of the Reserve bank to order the withdrawal thereof from the Reserve bank.

§ 81.12 Registered bonds and notes.

No formal assignment shall be required for the conversion to book-entry FNMA securities of registered FNMA securities held by a Reserve bank (in either its individual capacity or as Fiscal Agent of the United States) on the effective date of this part for any purpose specified in § 81.8(a). Registered FNMA securities deposited thereafter with a Reserve bank for any purpose specified in § 81.8 shall be assigned for conversion to book-entry FNMA securities. The assignment, which shall be executed in accordance with the provisions of Subpart F of 31 CFR Part 306, so far as applicable shall be to "Federal Reserve Bank of _____ as Fiscal Agent of the Federal National Mortgage Association for conversion to book-entry FNMA securities."

§ 81.13 Servicing book-entry FNMA securities; payment of interest; payment at maturity or upon call.

Interest becoming due on book-entry FNMA securities shall be charged to the general account of the Treasurer of the United States on the interest due date and remitted or credited in accordance with the depositor's instructions. Such securities shall be redeemed and charged to the general account of the Treasurer of the United States on the date of maturity, call or advance refunding, and the redemption proceeds, principal and interest, shall be disposed of in accordance with the depositor's instructions.

§ 81.14 Treasury Department regulations; applicability to the corporation.

The provisions of Treasury Department Circular No. 300, 31 CFR Part 306 (other than Subpart O), as amended from time to time, shall apply insofar as appropriate to obligations of the corporation for which a Reserve bank shall act as Fiscal Agent of the corporation and to the extent that such provisions are consistent with agreements between the corporation and the Reserve banks acting as Fiscal Agents of the corporation. Definitions and terms used in Treasury Department Circular No. 300 should read as though modified to effectuate the application of the regulations to the corporation.

(Sec. 7(d), Department of HUD Act; (42 U.S.C. 3535(d)))

Effective date. These amendments are effective as of April 25, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.74-6951 Filed 3-25-74;8:45 am]

CHAPTER IX—OFFICE OF INTERSTATE LAND SALES REGISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-228]

PART 1710—LAND REGISTRATION

Exemptions and State Filings; Effective Date

On March 11, 1974, the Department of Housing and Urban Development published regulations (39 FR 9431 and 9432) amending §§ 1710.13 and 1710.26 of the Interstate Land Sales Regulations. The published effective date of those amendments was April 1, 1974. However, § 1720.-25 of the Interstate Land Sales Regulations provides that the effective date of any rule or regulation shall not be less than thirty days after the date of publication unless the Secretary specifies an earlier effective date for good cause found and published with the rule or regulation. There having been no publication of cause to specify an earlier effective date and the published effective date being less than thirty days after the date of publication, the effective date is hereby extended to conform with the requirements in § 1720.25.

Accordingly, the effective date of §§ 1710.13 and 1710.26, as amended, shall be May 1, 1974.

(Sec. 7(d), Department of Housing and Urban Development Act, 79 Stat. 670 (42 U.S.C. 3535 (d), 1419, 82 Stat. 593), (15 U.S.C. 1718), Secretary's delegation of authority published at 37 FR 5071, March 9, 1972)

Issued at Washington, D.C., March 20, 1974.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.74-6915 Filed 3-25-74;8:45 am]

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-224]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Maryland	Wicomico	Salisbury, city of				Mar. 20, 1974, Emergency.
Massachusetts	Bristol	Norton, town of				Do.
Minnesota	Clay	Dilworth, city of				Do.
Do.	Morrison	Unincorporated areas.				Do.
Do.	Yellow Medicine	Porter, city of				Do.
New York	Herkimer	Mohawk, village of				Do.
Pennsylvania	Perry	Liverpool, borough of				Do.
Vermont	Caledonia	Lyndon, town of, also Lyndonville, village of.				Do.
Washington	Douglas	Unincorporated areas.				Do.
Wisconsin	Kenosha	Silver Lake, village of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 19 69), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 19, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-6782 Filed 3-25-74;8:45 am]

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[Docket No. FI-225]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Kentucky	Kenton	Covington, city of				Mar. 19, 1974, Emergency.
Minnesota	Anoka	Unincorporated areas.				Do.
Montana	Dawson	Glendive, city of				Do.
New Mexico	Hidalgo	Lordsburg, city of				Do.
North Carolina	Stanly	Albemarle, city of				Do.
Oregon	Clackamas	Lake Oswego, city of.				Do.
Pennsylvania	Columbia	South Centre, township of.				Do.
Do.	Lakawanna	Archbald, borough of.				Do.
Do.	do	Dunmore, borough of.				Do.
Do.	Mountour	Mahoning, township of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 12, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-6780 Filed 3-25-74;8:45 am]

[Docket No. FI-227]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Maine	Androscoggin	Lewiston, city of				Mar. 21, 1974, Emergency.
Missouri	Lincoln	Foley, city of				Do.
New York	Oswego	Richland, town of.				Do.
South Carolina	Chesterfield	Cheraw, town of				Do.
Texas	Hidalgo	Mission, city of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 18, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-6783 Filed 3-25-74;8:45 am]

[Docket No. FI-228]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Massachusetts	Middlesex	Wakefield, town of.				Mar. 26, 1974, Emergency.
New Jersey	Atlantic	Galloway, township of.				Do.
Pennsylvania	Adams	Antrim, township of.				Do.
Do.	York	Codorus, township of.				Do.
Do.	Monroe	East Stroudsburg, borough of.				Do.
Do.	Adams	Huntington, township of.				Do.
Do.	Perry	Juniata, township of.				Do.
Do.	Berks	Shoemakersville, borough of.				Do.
Do.	Lackawanna	Taylor, borough of.				Do.
Texas	Bexar	Converse, city of				Do.
Wisconsin	Ozaukee	Thiensville, city of.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 19, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-6781 Filed 3-25-74;8:45 am]

[Docket No. FI-226]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arizona	Maricopa	Goodyear, town of.	H 04 013 0220 01	Arizona State Land Department, 1624 West Adams, room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 West Glenrosa, Phoenix, Ariz. 85011.	Mayor, Town Hall, 119 North Litchfield, Goodyear, Ariz. 85338.	Mar. 15, 1974.
Do.	Navajo	Holbrook, city of	H 04 017 0240 01 through H 04 017 0240 04	do	Mayor, city of Holbrook, City Hall, Holbrook, Ark. 86025.	Do.
Arkansas	Ashley	Wilmot, city of	H 05 003 4200 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, P.O. Box 14, Portland, Ark. 71663.	Do.
Do.	Cross	Cherry Valley, town of.	H 05 037 0760 01	do	Mayor, Town Hall, Cherry Valley, Ark. 72324.	Do.
Do.	Fulton	Mammoth Springs, city of.	H 05 049 2510 01	do	Mayor, City Hall, Mammoth Springs, Ark. 72554.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Independence	Newark, city of	H 05 063 2810 01 through H 05 063 2810 02	do	Mayor, City Hall, Newark, Ark. 72562.	Do.
Do	St. Francis	Forrest City, city of.	H 05 123 1360 01 through H 05 123 1360 05	do	Mayor, City Hall, Leslie, Ariz. 72645.	Do.
Do	Searcy	Leslie, city of	H 05 129 2280 01	do	Mayor, City Hall, Mansfield, Ark. 72944.	Do.
Do	Scott and Sebastian.	Mansfield, city of	H 05 131 2530 01	do	Mayor, City Hall, DeQueen, Ark. 71832.	Do.
Do	Sevier	DeQueen, city of	H 05 133 1060 01 through H 05 133 1060 02	do	City of San Pablo, 2021 Market Ave., San Pablo, Calif. 94806.	Do.
California	Contra Costa	San Pablo, city of.	H 06 013 3100 01 through H 06 013 3100 05	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012 and, 1107 Market St., San Francisco, Calif. 94103.		
Do	Monterey	Salinas, city of	H 06 053 3180 01 through H 06 053 3180 08	do	Mayor, City Hall, 200 Lincoln Ave., Salinas, Calif. 93901.	Do.
Do	Orange	Newport Beach, city of.	H 06 059 2400 01 through H 06 059 2400 09	do	City Hall, 330 Newport Blvd., Newport Beach, Calif. 92660.	Do.
Do	Riverside	Banning, city of	H 06 065 0250 01 through H 06 065 0250 04	do	Mayor, 155 East Hays St., Banning, Calif. 92220.	Do.
Do	Solano	Benicia, city of	H 06 095 0330 01 through H 06 095 0330 07	do	Mayor, City Hall, 250 East L St., Benicia, Calif. 94510.	Do.
Do	do	Dixon, city of	H 06 095 1020 01	do	Mayor, City Hall, 155 North 2d St., Dixon, Calif. 95620.	Do.
Colorado	Yuma	Wray, city of	H 08 125 2610 01 through H 08 125 2610 02	Colorado Water Conservation Board, room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, City Hall, Wray, Colo. 80758.	Do.
Connecticut	Fairfield	Wilton, town of	H 09 001 0841 01 through H 09 001 0841 05	Department of Environmental Protection, Division of Water and Related Resources, room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Selectman, Wilton, Conn. 06897	Do.
Do	Middlesex	Portland, town of	H 09 007 0580 01 through H 09 007 0580 02	do	Town Hall, 265 Main St., Portland, Conn. 06480.	Do.
Do	Windham	Eastford, town of	H 09 015 0215 01 through H 09 015 0215 03	do	First Selectman, Town Office Bldg., Eastford, Conn. 06242.	Do.
Florida	Martin	Sewalls Point, town of.	H 12 085 2811 01 through H 12 085 2811 02	Department of Community Affairs, 2571 Executive Center Circle, East Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Town of Sewalls' Point, No. 1 Sewall's Point Rd., Jensen Beach, Fla. 33457.	Do.
Do	Palm Beach	Palm Springs, village of.	H 12 099 2446 01	do	Village of Palm Springs, 226 Cypress Lane, Palm Springs, Fla. 33460.	Do.
Do	Taylor	Perry, city of	H 12 123 2510 01 through H 12 123 2510 03	do	Mayor, City Hall, P.O. Drawer 109, Perry, Fla. 32347.	Do.
Illinois	Boone	Belvidere, city of	H 17 007 0710 01 through H 17 007 0710 04	Governor's Task Force on Flood Control, Natural Resources Service Center, Thornhill Bldg., P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, city of Belvidere, Belvidere, Ill. 61008.	Do.
Do	Cass	Beardstown, city of	H 17 017 0590 01 through H 17 017 0590 02	do	City Council, City Hall, 101 West 3d, Beardstown, Ill. 62618.	Do.
Do	Cook	Lyons, village of	H 17 031 5040 01	do	President, Village Hall, 7801 Ogden Ave., Lyons, Ill. 60534.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Merrionette Park, village of.	H 17 031 5500 01	do	President, Village Hall, 3165 West 115th St., Merrionette Park, Ill.	Do.
Do	do	Palos Park, village of.	H 17 031 6690 01	do	Mayor, Village Hall, 1234 128th Ave., Palos Park, Ill. 60464.	Do.
Do	do	South Holland, village.	H 17 031 8120 01 through H 17 031 8120 03	do	President, Village Hall, 16226 Wausau Ave., South Holland, Ill. 60473.	Do.
Do	do	Western Springs, village of.	H 17 031 9210 01	do	President, Village Hall, 740 Hillgrove Ave., Western Springs, Ill. 60558.	Do.
Do	Du Page	Burr Ridge, village of.	H 17 043 1207 01 through H 17 043 1207 03	do	Mayor, Village of Burr Ridge, Burr Ridge, Ill.	Do.
Do	do	Downers Grove, village of.	H 17 043 2440 01 through H 17 043 2440 08	do	Village Office, 801 Burlington Ave., Downers Grove, Ill. 60515.	Do.
Do	do	Lisle, village of	H 17 043 1867 01 through H 17 043 4867 02	do	Village of Lisle, 4710 Main St., Lisle, Ill. 60532.	Do.
Do	Kane	Batavia, city of	H 17 089 0560 01 through H 17 089 0560 02	do	Mayor, 30 South Island Ave., Batavia, Ill. 60510.	Do.
Do	do	St. Charles, city of	H 17 089 7640 01 through H 17 089 7640 03	do	Mayor, 2 East Main St., St. Charles, Ill. 60174.	Do.
Do	La Salle	Marseilles, city of	H 17 099 5300 01	do	Mayor, City Hall, Marseilles, Ill. 61341.	Do.
Do	do	Seneca, village of	H 17 099 7865 01 through H 17 099 7865 02	do	Mayor, City Hall, Seneca, Ill. 61360.	Do.
Do	Peoria	Bartonville, village of.	H 17 143 0550 01 through H 17 143 0550 05	do	Mayor, City Hall, Bartonville, Ill. 61607.	Do.
Do	Rock Island	Andalusia, village of.	H 17 161 0290 01	do	Mayor, Village Hall, Andalusia, Ill. 61233.	Do.
Do	do	Cordova, village of.	H 17 161 1950 01	do	Mayor, Village Hall, Cordova, Ill. 61242.	Do.
Do	Stephenson	Winslow, village of.	H 17 177 7490 01	do	Mayor, Winslow, Ill. 61089.	Do.
Do	Wabash	Mount Carmel, city of.	H 17 185 5830 01 through H 17 185 5830 02	do	Chairman, Zoning Board, City Hall, Mount Carmel, Ill. 62863.	Do.
Do	Will	Manhattan, village of.	H 17 197 5160 01	do	President, Village Hall, Manhattan, Ill. 60442.	Do.
Do	do	Peotone, village of.	H 17 197 6870 01	do	President, Village Hall, 208 Main St., Peotone, Ill. 60468.	Do.
Do	do	Symerton, village of.	H 17 197 8452 01	do	President, Village Hall, Symerton, Ill. 60481.	Do.
Do	Williamson	Hurst, city of	H 17 199 1100 01	do	City Hall, city of Hurst, Hurst, Ill. 62949.	Do.
Indiana	Lake	Hammond, city of.	H 18 089 2010 01 through H 18 089 2010 07	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46201.	Mayor, City Hall, 5925 Calumet Ave., Hammond, Ind. 46320.	Do.
Iowa	Keokuk	Sigourney, city of.	H 19 107 7820 01 through H 19 107 7820 02	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Sigourney, Iowa 52591.	Do.
Do	Wapello	Ottumwa, city of	H 19 179 6490 01 through H 19 179 6490 06	do	City Plan and Zoning Commission, Municipal Bldg., Ottumwa, Iowa 52501	Do.
Kansas	Barton	Ellinwood, city of	H 20 009 1590 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Ellinwood, Kans. 67526.	Do.
Do	Harvey	Burrton, city of	H 20 079 0720 01	do	Mayor, City Hall, Burrton, Kans. 67020.	Do.
Do	Linn	LaCygne, city of	H 20 107 2920 01	do	Mayor, City Hall, LaCygne, Kans. 66040.	Do.
Do	McPherson	McPherson, city of.	H 20 113 3430 01 through H 20 113 3430 02	do	Mayor, City Hall, McPherson, Kans. 67460.	Do.
Do	Osborne	Osborne, city of	H 20 141 4230 01	do	Mayor, City Bldg., Osborne, Kans. 67473.	Do.
Kentucky	Bullitt	Lebanon Junction, city of.	H 21 029 1920 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Administration official, Planning and Zoning Commission, Courthouse, Shepherdsville, Ky. 40165.	Do.
Do	Campbell	California, village of.	H 21 037 0510 01	do	Chairman, Campbell County Planning and Zoning Board, Newport, Ky. 41073.	Do.
Do	Graves	Mayfield, city of	H 21 083 2200 01 through H 21 083 2200 03	do	Chairman of Mayfield Planning Commission, City Hall, Mayfield, Ky. 42066.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Kenton	Covington, city of.	H 21-117 0800 01 through H 21 117 0800 05	do	Chairman, Covington Planning and Zoning Board, Covington, Ky. 41011.	Do.
Do	Knox	Barbourville, city of.	H 21 121 0069 01	do	City Treasurer, Barbourville Municipal Bldg., Room 104, Daniel Boone Dr., Barbourville, Ky. 40906.	Do.
Do	Trimble	Milton, city of	H 21 223 2216 01	do	Mayor, City Hall, Milton, Ky. 40045	Do.
Louisiana	Jefferson Davis Parish.	Elton, town of	H 22 053 0670 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. Louisiana Insurance Department Box 44241, Capitol Station, Baton Rouge, La. 70804.	Mayor, town of Elton, Elton, La. 70532	Do.
Do	Livingston Parish.	Denham Springs, city of.	H 22 063 0570 01 through H 22 063 0570 01	do	Mayor, City Hall, Denham Springs, La. 78726.	Do.
Do	Morehouse Parish	Bastrop, city of	H 22 067 0110 01 through H 22 067 0140 05	do	Mayor, City Hall, city of Bastrop, Bastrop, La. 71220.	Do.
Do	Vermilion Parish	Abbeville, city of	H 22 113 0010 01 through H 22 113 0010 02	do	Mayor, City Hall, Abbeville, La. 70510.	Do.
Do	Webster Parish	Minden, city of	H 22 119 1550 01 through H 22 119 1550 03	do	Mayor, Minden, La. 71055	Do.
Do	Webster Parish	Springhill, city of.	H 22 119 2200 01 through H 22 119 2200 02	do	Mayor, P.O. Box 398, Springhill, La. 71075.	Do.
Maine	Androscoggin	Durham, town of	H 23 001 2212 01 through H 23 001 2212 03	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Chairman, Board of Selectmen, R.F.D. No. 2, Lisbon Falls, Maine 01252.	Do.
Do	Penobscot	Dexter, town of	H 23 019 2050 01 through H 23 019 2050 05	do	Town manager, P.O. Box 313, Dexter, Maine 04930.	Do.
Do	Sagadahoc	Bowdoinham, town of.	H 23 023 0820 01 through H 23 023 0820 03	do	Town manager, Arthur Curtis, Bowdoinham, Maine 04008.	Do.
Massachusetts	Barnstable	Brewster, town of	H 25 001 0127 01 through H 25 001 0127 02	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman, Building of Selectmen, Town Hall, Brewster, Mass. 02631.	Do.
Do	Berkshire	Monterey, town of.	H 25 003 0826 01 through H 25 003 0826 03	do	Chairman, Board of Selectmen, Monterey, Mass. 01245.	Do.
Do	Bristol	North Attleborough, town of.	H 25 005 0895 01 through H 25 005 0895 06	do	Chairman, Board of Selectmen, 92 North Washington St., North Attleborough, Mass. 02760.	Do.
Do	Franklin	Gill, town of	H 25 011 0122 01 through H 25 011 0122 03	do	Chairman, Planning Bldg., Town Hall, Gill, Mass. 01376.	Do.
Michigan	Oakland	Farmington, city of.	H 26 125 1651 01 through H 26 125 1651 12	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48913. Michigan Insurance Bureau, 111 North Hosmer St., Lansing, Mich. 48913.	Manager, City Hall, 23600 Liberty St., Farmington, Mich. 48024.	Do.
Do	St. Clair	Marysville, city of.	H 26 147 3080 01 through H 26 147 3080 04	do	Marysville Administrative Offices, 887 East Huron Blvd., Marysville, Mich. 48040.	Do.
Minnesota	Wabasha and Goodhue.	Lake City, city of.	H 27 157 3890 01 through H 27 157 3890 05	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, Lake City, Minn. 55041.	Do.
Do	Washington	Marine-on-St. Croix, village of.	H 27 163 4561 01 through H 27 163 4561 02	do	Mayor, Village Hall, Marine-on-St. Croix, Minn. 55047.	Do.
Missouri	Cass	Harrisonville, city of.	H 29 037 3510 01 through H 29 037 3510 03	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Harrisonville, Mo. 64701.	Do.
Do	Clay	North Kansas City, city of.	H 29 047 5770 01 through H 29 047 5770 02	do	City Hall, 1828 Swift St., North Kansas City, Mo. 64116.	Do.
Do	do	Pleasant Valley, city of.	H 29 047 6375 01 through H 29 047 6375 02	do	Mayor, Route 2, city of Pleasant Valley, Liberty, Mo. 64068.	Do.
Do	Jasper	Carthage, city of	H 29 097 1440 01 through H 29 097 1440 03	do	Mayor, Jasper County Court House, Carthage, Mo. 64836.	Do.
Do	Jefferson	Crystal City, city of.	H 29 099 2020 01 through H 29 099 2020 02	do	City Bldg., 130 Mississippi Ave., Crystal City, Mo. 63019.	Do.
Do	New Madrid	Morehouse, city of.	H 29 143 5380 01 through H 29 143 5380 02	do	Mayor, City Hall, Morehouse, Mo. 63868.	Do.
Do	Nodaway	Hopkins, city of	H 29 147 3790 01	do	Mayor, City Hall, city of Hopkins, Hopkins, Mo. 64461.	Do.
Do	Phelps	Rolla, city of	H 29 161 6910 01 through H 29 161 6910 03	do	City Hall, 204 East 8th St., Rolla, Mo. 65401.	Do.

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Do	Polk	Bolivar, city of	H 29 167 0880 01 through H 29 167 0880 05	do	Mayor, City Hall, Bolivar, Mo. 65613	Do.
Do	St. Louis	LaDue, city of	H 29 189 4310 01 through H 29 189 4320 06	do	City Hall, city of LaDue, 9345 Clayton Rd., LaDue, Mo. 63124.	Do.
Do	do	Webster Groves, city of.	H 29 189 8230 01 through H 29 189 8230 04	do	Office of Director of Public Works, city of Webster Groves, 4 East Lockwood Ave., Webster Groves, Mo. 63119.	Do.
Do	Scott	Chaffee, city of	H 29 201 1530 01 through H 29 201 1530 02	do	Mayor, City Hall, Chaffee, Mo. 63740	Do.
Do	Shannon	Birch Tree, town of.	H 29 203 0740 01 through H 29 203 0740 02	do	Mayor, Birch Tree, Mo. 65438	Do.
Montana	Cascade	Belt, city of	H 30 013 0470 01	Montana Department of Natural Resources and Conservation, Water Resources Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, Belt, Mont. 59412	Do.
Do	Fallon	Baker, city of	H 30 025 0040 01	do	Mayor, Baker City Hall, Baker, Mont. 59313.	Do.
Do	Glacier	Browning, town of.	H 30 035 0470 01	do	Mayor, City Hall, Browning, Mont. 59417.	Do.
Do	Madison	Ennis, town of	H 30 057 0095 01	do	Mayor, City Hall, Ennis, Mont. 59729.	Do.
Nebraska	Burt	Tekamah, city of	H 31 021 0810 01	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City Hall, Tekamah, Nebr. 68061.	Do.
New Hampshire	Cheshire	Winchester, town of.	H 33 005 0550 01 through H 33 005 0550 16	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Chairman, Planning Board, Winchester, N.H. 03470.	Do.
Do	Grafton	Rumney, town of.	H 33 009 0140 01 through H 33 009 0140 06	do	Chairman, Planning Board, Rumney, N.H. 03274.	Do.
Do	Hillsborough	Deering, town of	H 33 011 0083 01 through H 33 011 0083 07	do	Selectmen, town of Deering, Hillsborough, N.H.	Do.
Do	do	Litchfield, town of	H 33 011 0220 01 through H 33 011 0220 05	do	Selectmen, Hudson, N.H.	Do.
Do	Merrimack	Boscawen, town of.	H 33 013 0022 01 through H 33 013 0022 08	do	Selectmen, Boscawen, N.H. 03301	Do.
Do	do	Epsom, town of	H 33 013 0124 01 through H 33 013 0124 08	do	Selectmen, town of Epsom, Gossville, N.H. 03234.	Do.
Do	do	Henniker, town of.	H 33 013 0219 01 through H 33 013 0219 12	do	Selectmen, Henniker, N.H. 03242	Do.
Do	do	Pittsfield, town of.	H 33 013 0410 01 through H 33 013 0410 07	do	Selectmen, Pittsfield, N.H. 03263.	Do.
New Jersey	Bergen	Demarest, borough of.	H 34 003 0740 01	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, 118 Serpentine Rd., Demarest, N.J. 07627.	Do.
Do	Burlington	Maple Shade, township of.	H 34 005 1821 01	do	Mayor, Municipal Bldg., Main St. and Maple Ave., Maple Shade, N.J. 08052.	Do.
Do	do	Palmyra, borough of.	H 34 005 2470 01 through H 34 005 2470 04	do	Mayor, Borough Hall, 20 West Main St., Palmyra, N.J. 08065.	Do.
Do	Essex	Newark, city of	H 34 013 2130 01 through H 34 013 2130 08	do	Chief Engineer's Office, Municipal Bldg., 920 Broad St., Newark, N.J. 07102.	Do.
Do	Gloucester	Pitman, borough of.	H 34 015 2620 01	do	Mayor, 8 North Broadway, Pitman, N.J. 08071.	Do.

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Do	Hunterdon	Kingwood, township of.	H 34 019 1100 01 through H 34 019 1100 03	do	Township Clerk's Office, Kingwood Municipal Bldg., rural delivery 1, Frenchtown, N.J. 08825.	Do.
Do	Monmouth	Farmingdale, borough of.	H 34 025 1000 01	do	Mayor, P.O. Box 58, Farmingdale, N.J. 07727.	Do.
New Mexico	Eddy	Carlsbad, city of.	H 35 015 0130 01 through H 35 015 0130 03	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Municipal Bldg., 126 South Canal St., Carlsbad, N. Mex. 88220.	Do.
New York	Broome	Endicott, village of.	H 36 007 1880 01 through H 36 007 1880 03	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Mayor, City Hall, Endicott, N.Y. 13760.	Do.
Do	Herkimer	Litchfield, town of.	H 36 043 3685 01 through H 36 043 3685 02	do	Town Supervisor, town of Litchfield, rural delivery No. 1, Clayville, N.Y. 13322.	Do.
Do	do	Schuyler, town of.	H 36 043 5578 01 through H 36 043 5578 03	do	Town Supervisor, rural delivery No. 1, Utica, N.Y. 13503.	Do.
Do	Montgomery	Fort Johnson, village of.	H 36 057 2100 01	do	Mayor, Fort Johnson, N.Y. 12070	Do.
Do	Niagara	Somerset, town of.	H 36 063 5803 01 through H 36 063 5803 03	do	Town Hall, town of Somerset, Main St., Barker, N.Y. 14012.	Do.
Do	Onondaga	Baldwinsville, village of.	H 36 067 0880 01 through H 36 067 0880 02	do	Mayor, 16 West Genesee St., Baldwinsville, N.Y. 13027.	Do.
Do	Orange	Montgomery, village of.	H 36 071 3840 01 through H 36 071 3840 03	do	Mayor, Village Hall, 133 Clinton St., Montgomery, N.Y. 12549.	Do.
Do	do	Newburgh, city of.	H 36 071 4060 01 through H 36 071 4060 05	do	Mayor, City Hall, Broadway, Newburgh, N.Y. 12550.	Do.
Do	Rockland	Hillburn, village of.	H 36 087 2700 01 through H 36 087 2700 05	do	Mayor, Village Hall, 5th St., Hillburn, N.Y. 10931.	Do.
Do	do	Nyack, village of.	H 36 087 4380 01 through H 36 087 4380 02	do	Mayor, Village Hall, Main St., Nyack, N.Y. 10960.	Do.
Do	do	Piermont, village of.	H 36 087 1810 01	do	Mayor, Village Hall, Piermont, N.Y. 10968.	Do.
Do	do	Pomona, village of.	H 36 087 1902 01 through H 36 087 1902 02	do	Mayor, West Pomona Community Center, Pomona, N.Y. 10970.	Do.
Do	do	South Nyack, village of.	H 36 087 5890 01	do	Mayor, Village Hall, 282 South Broadway, South Nyack, N.Y. 10960.	Do.
Do	do	Upper Nyack, village of.	H 36 087 6210 01	do	Mayor, Village Hall, North Broadway, Nyack, N.Y. 10960.	Do.
North Carolina	Jones	Pollocksville, town of.	H 37 103 3690 01	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Town Hall, Pollocksville, N.C. 28573	Do.
Do	Lenoir	Kinston, city of.	H 37 107 2450 01 through H 37 107 2450 05	do	Mayor, city of Kinston, Kinston, N.C. 28501.	Do.
Do	Randolph	Asheboro, city of.	H 37 151 0160 01 through H 37 151 0160 05	do	Mayor, City Hall, Asheboro, N.C. 27203.	Do.
Do	Richmond	Rockingham, city of.	H 37 153 3940 01 through H 37 153 3940 04	do	City Hall, P.O. Box 510, Rockingham, N.C. 28379.	Do.
Do	Wake	Wake Forest, city of	H 37 183 1780 01	do	Mayor, Wake Forest, N.C. 27587	Do.
Ohio	Crawford	Galion, city of	H 39 033 2880 01 through H 39 033 2880 03	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	Mayor, City Bldg., Harding Way East, Galion, Ohio 44833.	Do.
Do	Cuyahoga	Chagrin Falls, village of.	H 39 035 1170 01	do	Mayor, Village Hall, 21 West Washington St., Chagrin Falls, Ohio 44022.	Do.
Do	do	Newburgh Heights, village of.	H 39 035 5630 01	do	Mayor, 4071 East 49th, Newburgh Heights, Ohio 44105.	Do.
Do	do	Warrensville Heights, city of.	H 39 035 8540 01 through H 39 035 8540 03	do	Mayor, City Hall, 4301 Warrensville Center Rd., Warrensville Heights, Ohio 44128.	Do.
Do	Greene	Fairborn, city of.	H 39 057 2530 01 through H 39 057 2530 08	do	City Manager, 44 West Hebble St., Fairborn, Ohio 45342.	Do.
Do	Hamilton	North Bend, village of.	H 39 061 5920 01	do	Mayor, 25 Taylor, North Bend, Ohio 45052.	Do.
Do	Huron	Bellevue, village of.	H 39 077 0630 01	do	Mayor, City Hall, Bellevue, Ohio 44811.	Do.
Do	do	Greenwich, village of.	H 39 077 3190 01 through H 39 077 3190 02	do	Mayor and Village Council, Municipal Bldg., Greenwich, Ohio 44837.	Do.

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Do	do	North Fairfield, village of.	H 39 077 5950 01	do	Mayor, Municipal Bldg., North Fairfield, Ohio 44855.	Do.
Do	Jefferson	Empire, village of.	H 39 081 2490 01	do	Mayor's Office, Wheatly St., Empire, Ohio 43926.	Do.
Do	Lorain	Amherst, city of.	H 39 093 0170 01 through H 39 093 0170 03	do	Mayor, City Hall, 206 Main St., Amherst, Ohio 44001.	Do.
Do	Mahoning	Struthers, city of.	H 39 099 7890 01 through H 39 099 7890 04	do	Mayor, City Bldg., 6 Elm St., Struthers, Ohio 44471.	Do.
Do	Medina	Briarwood Beach, village of.	H 39 103 0095 01	do	Mayor, village of Briarwood Beach, Town Hall, Chippewa Lake, Ohio 44215.	Do.
Do	do	Gloria Glens Park, village of.	H 39 103 3010 01	do	Mayor, village of Gloria Glens Park, Town Hall, Chippewa Lake, Ohio 44215.	Do.
Do	do	Lodi, village of.	H 39 103 4330 01	do	Mayor, City Hall, 158 Ainsworth, Lodi, Ohio 44254.	Do.
Do	do	Seville, village of.	H 39 103 7400 01 through H 39 103 7400 02	do	Mayor, Town Hall, Spring St., Seville, Ohio 44273.	Do.
Do	Montgomery	Dayton, city of.	H 39 113 2090 01 through H 39 113 2090 17	do	Dayton City Planning Board, 101 West 3d St., Dayton, Ohio 45402.	Do.
Do	Portage	Windham, village of.	H 39 133 9070 01 through H 39 133 9070 02	do	Mayor, City Hall, Windham, Ohio 44288.	Do.
Do	Sandusky	Fremont, city of.	H 39 143 2760 01 through H 39 143 2760 02	do	Mayor, City Hall, Fremont, Ohio 43120.	Do.
Do	do	Lindsey, village of.	H 39 143 4260 01 through H 39 143 4260 02	do	Mayor, Lindsey, Ohio 43442.	Do.
Do	do	Woodville, village of.	H 39 143 9130 01	do	Mayor, Woodville, Ohio 43469	Do.
Do	Summit	Akron, city of.	H 39 153 0070 01 through H 39 153 0070 18	do	Mayor, City Hall, 166 South High St., Arkon, Ohio 44308.	Do.
Do	do	Norton, city of.	H 39 153 6065 01 through H 39 153 6065 06	do	Mayor, City Hall, 3230 Greenwich, Norton, Ohio 44203.	Do.
Do	do	Twinsburg, city of.	H 39 153 8205 01 through H 39 153 8205 05	do	City of Twinsburg, 9825 Ravenna Rd., Twinsburg, Ohio 44087.	Do.
Do	Tuscarawas	Dennison, village of.	H 39 157 2190 01 through H 39 157 2190 02	do	Mayor, 302 Grant St., Dennison, Ohio 44621.	Do.
Do	do	New Philadelphia, city of.	H 39 157 5770 01 through H 39 157 5770 05	do	Mayor, Municipal Bldg., 166 East High Ave., New Philadelphia, Ohio 44663.	Do.
Oklahoma	Choctaw	Boswell, town of.	H 40 023 0500 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73701. Oklahoma Insurance Department, room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Chairman, City Council, Boswell, Okla. 74727.	Do.
Do	Muskogee	Boynton, town of.	H 40 101 0510 01	do	President, Board of Trustees, Boynton, Okla. 74422.	Do.
Do	Osage	Pawhuska, city of.	H 40 113 3680 01 through H 40 113 3680 02	do	City Manager, Pawhuska, Okla. 74056.	Do.
Do	Woodward	Mooreland, city of.	H 40 153 3230 01	do	Mayor, City Hall, city of Mooreland, Mooreland, Okla. 73852.	Do.
Pennsylvania	Allegheny	Edgeworth, borough of.	H 42 003 2460 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, 301 Beaver Rd., Pittsburgh, Pa. 15243.	Do.
Do	do	Hampton, township of.	H 42 003 3464 01 through H 42 003 3464 06	do	Hampton Township Municipal Bldg., Township Manager's Office, 3101 McCully Rd., Allison Park, Pa. 15101.	Do.
Do	do	Rankin, borough of.	H 42 003 6850 01	do	Mayor, 200 Second and Kenmawr, Braddock, Pa. 15104.	Do.
Do	Beaver	Beaver, borough of.	H 42 007 0460 01	do	Mayor, Municipal Bldg., 469 3d St., Beaver, Pa. 15009.	Do.
Do	Blair	Woodbury, township of.	H 42 013 9464 01 through H 42 013 9464 03	do	Woodbury Township Municipal Bldg., rural delivery No. 2, Williamsbury, Pa. 16693.	Do.
Do	Cumberland	Silver Spring, township of.	H 42 041 7704 01 through H 42 041 7704 04	do	Silver Spring Township, 317 Carlisle Pike, Mechanicsburg, Pa. 17055.	Do.
Do	Lycoming	Woodward, township of.	H 42 081 4550 01 through H 42 081 4550 04	do	Woodward Township Bldg., Linden, Pa. 17744.	Do.
Do	Northumberland	Point, township of.	H 42 097 6100 01 through H 42 097 6100 03	do	Municipal Bldg., Point Township, Northumberland, Pa. 17857.	Do.
Texas	Bowie	Hooks, city of.	H 48 037 3270 01 through H 48 037 3270 03	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, Hooks, Tex. 75561	Do.
Do	Brazos	Bryan, city of.	H 48 041 0070 01 through H 48 041 0070 07	do	City Manager, Box 100, Bryan, Tex. 77801.	Do.

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Do	Coleman	Coleman, city of	H 48 083 1430 01 through H 48 083 1430 05	do	Mayor, City Hall, P.O. Box 592, Coleman, Tex. 76834.	Do.
Do	Denton	Lewisville, city of	H 48 121 3960 01 through H 48 121 3960 09	do	Mayor, City Hall, 151 West Church St., Lewisville, Tex. 75067.	Do.
Do	Kaufman	Kemp, city of	H 48 257 3610 01	do	Mayor, City Hall, Kemp, Tex. 75143	Do.
Do	Limestone	Mexia, city of	H 48 293 4540 01 through H 48 293 4540 03	do	Mayor, Mexia, Tex. 76667	Do.
Do	McLennan	Bellmead, city of	H 48 309 0545 01 through H 48 309 0545 04	do	Mayor, city of Bellmead, Waco, Tex. 76701.	Do.
Do	Tarrant	Richland Hills, city of	H 48 439 5745 01 through H 48 439 5745 04	do	City Secretary, city of Richland Hills, 3301 Diana Dr., Fort Worth, Tex. 76118.	Do.
Vermont	Chittenden	Williston, town of	H 50 007 0765 01 through H 50 007 0765 05	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Williston Board of Selectmen, Town Office, Williston, Vt. 05495.	Do.
Do	Franklin	Richford, village of	H 50 011 0560 01 through H 50 011 0560 02	do	Chairman, Richford Board of Trustees, Richford, Vt. 05476.	Do.
Do	Rutland	Rutland, city of	H 50 021 0580 01 through H 50 021 0580 03	do	City Hall, Washington St., Rutland, Vt. 05701.	Do.
Virginia	Southampton	Courtland, township of	H 51 175 0650 01 through H 51 175 0650 02	Bureau of Water Control Management, State Water Control Board, 2d floor, Davenport Bldg., 11 South 10 St., Richmond, Va. 23219. Virginia Insurance Department, 209 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Administrator of Zoning Commission, County Courthouse, Courtland, Va. 23837.	Do.
Washington	Adams	Othello, city of	H 53 001 1630 01 through H 53 001 1630 02	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	City Council, Othello, Wash. 99344	Do.
Do	Clark	Washougal, city of	H 53 011 2430 01 through H 53 011 2430 02	do	City Council, City Hall, Washougal, Wash. 98671.	Do.
Do	Lewis	Centralia, city of	H 53 041 0300 01 through H 53 041 0300 07	do	Mayor, City Hall, Centralia, Wash. 98531.	Do.
Do	Snohomish	Marysville, city of	H 53 061 1280 01 through H 53 061 1280 03	do	Mayor, City Council, Marysville, Wash. 98270.	Do.
West Virginia	Harrison	Nutter Fort, town of	H 54 033 1960 01	Office of Federal-State Relations, room west 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mayor, City Bldg., Nutter Fort, W. Va. 26301.	Do.
Do	Kanawha	Chesapeake, town of	H 54 039 0530 01	do	Mayor, City Hall, Chesapeake, W. Va. 25315.	Do.
Do	do	Nitro, city of	H 54 039 1940 01 through H 54 039 1940 02	do	Mayor, City Hall, Nitro, W. Va. 25143.	Do.
Wyoming	Goshen	Torrington, town of	H 56 015 0840 01	Wyoming Disaster and Civil Defense, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Mayor, Torrington, Wyo. 82210	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 11, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–6784 Filed 3–25–74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised S.O. No. 1174]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 19th day of March 1974.

It appearing, That an acute shortage of plain boxcars exists on the Illinois Central Gulf Railroad Company; that shippers located on lines of this carrier are being deprived of such cars required for loading, resulting in a severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by this railroad are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1174 Service Order No. 1174.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in paragraphs (3) or (12) herein, all plain boxcars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R., No. 390, issued by W. J. Trezise, or reissues thereof, as having mechanical designation XM, bearing reporting marks issued to the Illinois Central Gulf Railroad Company (ICG).

(2) Deliver to the ICG empty, or in the manner provided in paragraph (4) herein, all plain boxcars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 390, issued by W. J. Trezise, or reissues thereof, as having mechanical designation XM, owned by, or bearing reporting marks issued to any of the following railroads. (See exceptions, paragraphs (4) and (12)):

Atlantic and Western Railway (except ATW 3001–3022) Reporting marks: ATW
Roscoe, Snyder and Pacific Railway Company Reporting marks: RSP
Wellsville, Addison & Galeton Railroad Corporation Reporting marks: WAG
Pickens Railroad Company, Richmond, Fredericksburg and Potomac Railroad Company, and Vermont Railway, Inc., eliminated.

(3) Boxcars described in paragraph (1) herein may be loaded only to stations on the lines of the car owner or to any station which is a junction with the car owner. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(4) Boxcars described in paragraph (2) herein may be used for loading to any station on the lines of the ICG, or for loading to any station on the lines of the car owner, or for the movement of any traffic routed via the car owner. After unloading at a junction with the ICG, such cars shall be delivered to the ICG at that junction, either loaded or empty. After unloading at a junction with the car owner, such cars shall be either delivered to the car owner at that junction or forwarded to the ICG in the manner provided herein, as directed by the car owner.

(5) Empty plain boxcars owned by any railroad listed in paragraph (2) which are located on lines other than the car owner and which cannot be loaded in the manner prescribed in paragraph (4) shall be handled as follows:

(i) If located on a line which has a direct connection with the ICG:

Deliver empty to the ICG.

(ii) If located on a line which does not have a direct connection with the ICG and which is not listed in the index to Special Car Order No. 90 as defined in Car Service Rule 2 prescribed by the Commission in Ex Parte No. 241:

Deliver to the line designated to receive empty plain boxcars owned by the ICG. Such designated line shall accept and move these cars to the ICG in the manner provided herein.

(6) Empty plain boxcars described in paragraph (2) herein which are located on the lines of the car owner may be loaded to any destination.

(7) Plain boxcars described in paragraph (1) include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(8) The return to the owner or delivery to the ICG of a boxcar described in paragraph (1) or (2) herein shall be accomplished when it is delivered to the car owner or to the ICG, either empty or loaded.

(9) Junction points and connections with the car owner or with the ICG shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, I.C.C. R.E.R., No. 390, issued by W. J. Trezise, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(10) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraph (3), (4), or (6) of this paragraph.

(11) Plain boxcars described in paragraph (2) herein are exempt from the provisions of Car Service Rules 1 and 2 prescribed by the Commission in Ex Parte No. 241 while subject to the provisions of this order or when located on the lines of the ICG.

(12) *Exception:* To alleviate hardships or inequities, exceptions to this order may be authorized to the carrier by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C. Requests for such exceptions may be made only by carriers.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., March 24, 1974.

(d) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2).)

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–6940 Filed 3–25–74;8:45 am]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTERSTATE OR FOREIGN COMMERCE

Receipt or Bill of Lading; Corrections

MARCH 21, 1974.

In the above-captioned matter published June 22, 1972, certain language was inadvertently omitted. This section should be corrected to read as follows:

Section 1056.10(b) (9) (37 FR 12325, June 22, 1972) should be corrected by inserting the words "neglect or fail to make full, true, and correct entries or who shall knowingly and willfully" between the words "willfully" and "falsify" where they appear on line 15 of this section.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–6931 Filed 3–25–74;8:45 am]

[MC–C–6748]

PART 1061—LIMITATION OF SMOKING ON INTERSTATE PASSENGER CARRIER VEHICLES

Smoking by Passengers and Operating Personnel on Interstate Buses

MARCH 21, 1974.

Upon consideration of the record in the above-entitled proceeding, and of:

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(1) Petition of National Association of Motor Bus Owners, intervener in opposition, filed March 2, 1974, for postponement of the effective date of the order entered on November 8, 1971;

(2) Reply by Action on Smoking and Health, intervener in support, filed March 18, 1974;

and good cause appearing therefor:

It is ordered, That the effective date of the order of November 8, 1971, be, and it is hereby, extended and fixed as April 22, 1974.

It is further ordered, That the petition in all other respects, be, and it is hereby, denied.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 20th day of March 1974.

By the Commission, Chairman Stafford.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6929 Filed 3-25-74;8:45 am]

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. MC-67; Sub-No. 2]

PART 1131—TEMPORARY AUTHORITY APPLICATIONS UNDER SECTION 210a (a) OF THE INTERSTATE COMMERCE ACT

State Registration of Emergency Temporary and Temporary Authority; Correction

In FR Doc. 74-2039, appearing at page 2771 in the issue for Thursday, January 24, 1974, and in FR Doc. 74-4860, appearing on page 7925 in the issue for Friday, March 1, 1974, change the part heading to read as set forth above.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6930 Filed 3-25-74;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Ch. I]

[Docket No. 13579; Notice 74-12]

TWO-SEGMENT ILS NOISE ABATEMENT APPROACH

Advance Notice of Proposed Rule Making

The Federal Aviation Administration is considering proposing regulations that would require aircraft landing at specified airports to use a two-segment instrument landing system (ILS) approach in order to reduce the noise impact on persons and property underlying the approach path.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for the early institution of public proceedings in actions related to rule making. An advance notice is issued to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rule-making problem.

Interested persons are invited to participate in this rule-making action by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before June 30, 1974, will be considered by the Administrator before taking action with respect to the subject matter. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

I. *Relation to overall FAA noise abatement program.* The two-segment ILS approach procedure is one component of FAA's overall program to reduce aircraft noise. Its ultimate effectiveness is directly related to the other elements of this comprehensive program that are in various stages of completion. Public comment is invited, not only with respect to the limited subject of the two-segment approach itself, but also with respect to potential ways in which its effectiveness can be increased through its combined use with the other elements of this program. For example, the two-segment approach could be combined with retrofit of older technology turbojet aircraft since the noise reduction from both actions would be additive. Additional components of the FAA's overall program are:

1. Advanced notice of proposed rule making "Civil Airplane Fleet Noise Level (FNL) Requirements" issued on January 24, 1973, which would require all civil transport category and turbojet airplanes to comply with Part 36, "Noise Standards: Aircraft Type and Airworthiness Certification."

2. Prohibition of civil aircraft sonic boom. Regulation issued on March 23, 1973.

3. Notice of proposed rule making issued on October 10, 1973, to establish noise standards for the type certification and future production of propeller driven small airplanes.

4. Prohibition of continued production of old technology transport category and turbojet airplanes unless they meet Part 36. Regulation issued on October 26, 1973.

5. Advance notice of proposed rule making issued on December 28, 1973 to establish noise standards for VTOL, STOL, and RTOL aircraft.

6. Advisory Circular issued on January 18, 1974 recommending noise abatement takeoff and departure procedures for civil turbojet powered airplanes.

7. Advisory Circular issued on August 7, 1972 providing guidance material for VFR flight near noise sensitive areas.

8. FAA Order "Aircraft Sound Description System," issued on August 10, 1973 which establishes criteria to be used in aircraft noise analyses.

9. Standardization of standard (single segment) ILS glidescope angle at 3°.

10. Air traffic procedures designed to minimize the time that jet aircraft spend at low altitudes (keep 'em high policy).

11. Comprehensive engineering and development activities including retrofit feasibility studies, core engine noise control, development and evaluation of improved noise abatement approach and departure procedures, compatible land use development studies (and related studies of aircraft noise characteristics), and evaluation of propeller-driven aircraft noise.

II. *The two-segment approach: Background.* The two-segment noise abatement approach technique has been under development over the past several years and has progressed from the engineering and development phase to operational evaluation under actual operating conditions in the national airspace system. Several variations of the two-segment approach have been examined and one airline has adopted a noninstrumented two-segment approach procedure under VFR conditions. The government and industry groups involved in the development of the ILS two-segment approach have determined that a noninstrumented or dead-reckoning two-segment approach may be acceptable under certain conditions but that the development of a guidance system is needed before a regulatory requirement for implementation can be issued. Accordingly, the main development effort has been directed at an instrumented two-segment ILS noise abatement approach that could be used for both IFR or VFR approaches. An FAA/NASA research program now nearing completion has developed airborne flight control display and guidance systems, and related technology that appears to be adequate to accomplish two-segment approaches during IFR conditions.

A contract was awarded to an air carrier in 1971 for flight evaluation of a navigation system designated to define the upper segment of a two-segment approach procedure. The contract specified development of the airborne flight control display and guidance system, and procedures necessary to make the two-segment approach operationally acceptable and compatible with the National Airspace System.

The study included obtaining enough pilot participation to evaluate the airborne hardware and validate the operational concept. An extensive engineering test phase was conducted to optimize the airborne avionics and develop a suitable flight profile. The remainder of the flying was used to expose a broad sample of pilots to the experimental two-segment approach in a controlled test environment. The conclusions derived from this exploratory test program identified the two-segment approach as a feasible method of reducing noise levels under airport approach paths without a degradation in flight safety. Although limited in scope, the test data were useful in identifying those areas needing further exploration and refinement before the airborne equipment and flight profiles could be considered for commercial service.

In 1972, another air carrier was awarded a contract to develop an aircraft landing procedure using two-segment approach technology. The engineering flight test and offline pilot evaluation considered profile variations, noise level optimization, and system abnormalities such as abused approaches (including excessive flight path, airspeed deviations, and missed approaches). This resulted in optimized flight procedures and a standardized profile for later inservice evaluations.

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The inservice evaluation began on the West Coast in April 1973 and has been completed. Approximately 40 flight crews participated in the six-month evaluation, flying over 500 two-segment approaches at Los Angeles, San Francisco, Portland and other selected airports.

Data analysis and final report conclusions indicate general pilot acceptance and few equipment or procedural problems or ATC environment limitations. A review of over 400 air traffic control evaluation questionnaires revealed negligible impact on ATC system capacity. However, more experience in high density areas will be required to determine the total effect on the National Airspace System. A dynamic simulation to analyze ATC effects is being developed.

Another flight test phase involves the use of a jet aircraft equipped with a modified area navigation (RNAV) system for evaluating the two-segment approach procedure. The aircraft's 3-dimensional RNAV capability will be used for providing the upper glide slope segment of the two-segment profile. This program has begun and will be concluded in late 1974. If successful, it will provide another avionic option for conducting two-segment approaches.

In addition to the operational flight evaluations, analytical studies have been conducted that indicate the capability of the turbojet fleet to accomplish two-segment approaches. These studies indicate that the procedure is generally compatible with the airline turbojet performance capabilities.

III. *Estimated costs and benefits.* It is estimated that the two-segment ILS noise abatement approach will provide from 5 to 15 decibel dB(A) reductions in aircraft noise depending on the type of aircraft and the approach altitudes. The two-segment ILS approach procedure proposed in this Notice should provide the most benefit at distances 3 to 8 miles from the landing runway along the ILS approach path. Analysis of the 90 EPNdB noise contours of aircraft using the two-segment approach indicates that the area on the ground that a typical 4-engine turbojet exposed to 90 EPNdB or more on approach will be reduced from approximately 18 square miles to 3.7 square miles. A typical three-engine turbojet approach noise test showed a reduction from 4.7 square miles to 1.5 square miles. For a new technology large jet meeting Part 36, the reduction was from 1.1 square miles to .8 square mile. If similar reductions were achieved for the 100 approaches at the 58 airports now being considered for use of the two-segment approach (see discussion below), it is estimated that adoption of the two-segment approach would bring significant noise relief to hundreds of thousands of persons.

Since power requirements are reduced on the two-segment approach, a fuel savings is also possible. In addition, co-located ILS/DME (distance measuring equipment) on the ground should provide increased cockpit intelligence, thereby providing a safety benefit.

As far as costs are concerned, adoption of the two-segment ILS noise abatement approach will result in significant economic impact in the air and on the ground. On the ground, it is anticipated that colocated ILS/DME, with the DME located at the glide slope transmitter, will be the basic ground navigation equipment for the two-segment approach. Of the over 100 ILS approaches that are candidates for this procedure, very few have colocated DME. This equipment will be installed by FAA and operating on or before the effective date of the regulation. U.S. Government (FAA) costs for 100 DME installations at $50,000 per unit would amount to $5 million.

The cost of airborne equipment would be borne by the aircraft operator and is also estimated to be substantial. Avionics of the type used in one of the tests are estimated at $35,000 per aircraft (dual installation) including labor, parts and spares. Assuming this is the nominal cost figure, and that all air carrier turbojet aircraft (1800) would require the Avionics refit, air carrier costs would amount to $66.6 million. An equivalent amount is estimated for general aviation turbojet aircraft.

IV. *The regulatory proposal.* As now contemplated by the FAA, the two-segment ILS approach regulation would require the following: An ILS approach would be conducted. It would consist of a two-part descent with the upper segment glide angle flown at 5° to 6°, depending on the type of aircraft, and with the second segment being flown using the existing ILS glide slope angle. Transition between upper and lower segments would be accomplished far enough from touchdown to allow stabilized conditions by 700 feet AGL. Normally, the transition would begin approximately three nautical miles from touchdown and be completed by two nautical miles from touchdown. The regulation would allow a stable, controlled approach down to the Category I weather minimums in the standard instrument approach procedures issued under Part 97 of the Federal Aviation Regulations. The regulation would apply to all civil turbojet airplanes.

As stated above, the regulation would commit FAA to procure and install DME equipment, as necessary, at the designated ILS runways. Affected aircraft operators would be required to equip aircraft with approved avionics capable of executing two-segment approaches. The compliance date would be 24 months from the effective date of the regulation.

The regulation would apply to over 100 designated ILS approaches to 58 airports. These approaches were selected by the FAA since they all involve airport neighborhood situations in which a noise sensitive community or area exists from 3 to 8 miles from the runway under the approach path. This is the zone where the perceived noise relief from the two-segment approach is expected to be the greatest.

The following airports are now under consideration for implementation of the two-segment noise abatement approach (listed by State):

Arizona [Sky Harbor (Phoenix), Tucson International];
California [Fresno Air Terminal (Hollywood-Burbank, Lindberg Field (San Diego), Long Beach, Los Angeles International, Oakland International, Ontario International, Orange County (Santa Ana), San Jose Municipal, San Francisco International];
Colorado [Stableton International (Denver)];
Connecticut [Bradley International (Windsor Locks)];
Florida [Miami International, Tampa International];
Georgia [Atlanta Hartsfield International];
Illinois [Chicago-Midway, Chicago-O'Hare International];
Iowa [Des Moines Municipal];
Kentucky-Ohio [Greater Cincinnati, Standiford Field (Louisville)];
Louisiana [New Orleans International];
Maine [Bangor International, Portland International];
Massachusetts [Barnstable Municipal (Hyannis), Logan International (Boston)];
Michigan [Detroit—Wayne County Metropolitan];
Minnesota [Minneapolis-St. Paul International];
Missouri [Lambert International (St. Louis)];
Nebraska [Eppley Airfield (Omaha)];
New Jersey [Atlantic City, Mercer County (Trenton), Morristown Municipal, Newark];
New York [Albany County, J. F. Kennedy International (New York), La Guardia (New York), Stewart (Newburgh) Westchester County (White Plains)];
Ohio [Cleveland-Hopkins International, Dayton Municipal, Port Columbus International];
Oklahoma [Tulsa International, Will Rogers World (Oklahoma City)];
Pennsylvania [Philadelphia International];
Rhode Island [T. F. Green (Providence)];
Texas [Dallas-Ft. Worth Regional, Houston Intercontinental, San Antonio International];
Vermont [Burlington International];
Virginia [Dulles International (D.C.), Washington National (D.C.)];
Washington [Lewiston Nez Perce, Seattle-Tacoma International];
Wisconsin [Madison Municipal].

V. Issues for public comment.

The factors that will be considered by the FAA in determining whether to require use of the two-segment noise abatement ILS approach at the airports listed above involve safety, economics, and environmental effectiveness. These factors include:

1. Effectiveness in reducing noise (individually and in relation to the other elements of the FAA noise abatement program discussed in Section I above.

2. Compatibility of the system with various aircraft types, considering—

a. Flight safety aspects;

b. Weather aspects (such as wind, icing, and turbulence); and

c. Engine performance degradation, if any.

3. Wake turbulence (a joint FAA/NASA program is being conducted at present to determine whether turbulence hazards are introduced by the two-segment approach).

4. Impact on ATC system capacity, particularly in the terminal areas of the 58 listed airports.

5. Flight acceptance (pilot workload and functional characteristics).

6. Total system adequacy and redundancy (ground and air).

7. Cost effectiveness considering the cost of additional airborne avionics requirements and the immediate and long term ground navaid costs.

AUTHORITY: [Sections 307(c), 313(a), 601, and 611, Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421, 1431 (as amended by the Noise Control Act of 1972 (Pub. L. 92-574)); section 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and Executive Order 11514, March 5, 1970].

Issued in Washington, D.C., on March 20, 1974.

R. P. SKULLY,
Director, Office of Environmental Quality.

[FR Doc.74-6861 Filed 3-25-74;8:45 am]

[14 CFR Part 39]

[Airworthiness Docket No. 73-NW-17-AD]

BOEING MODEL 727 SERIES AIRPLANES

Proposed Inspection and/or Replacement Requirement

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 727 Series Airplanes. There have been failures of the nose and main landing gear actuator feeder tubes on Boeing 727 Series Airplanes that could result in loss of the capability (hydraulically or manually) to extend the affected landing gear. A failure of the landing gear to fully extend could result in a serious airplane accident during landing roll. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection and/or, as necessary, replacement of the aluminum nose landing gear actuator feeder tube, P/N 69-14198-1 and aluminum main landing gear actuator feeder tube, P/N 65-17971-1, on Boeing Model 727 Series Airplanes.

The Boeing Company has issued a telegraphic message No. 6-2750-15205 dated December 18, 1973, and Service Letter M-7020-021 dated January 23, 1974, pertaining to this service problem. About March 15, 1974, Boeing published Service Bulletin No. 727-32-218 with recommended corrective action pertaining to this problem. Replacement steel feeder tubes (P/N 69-14198-2 and 65-17971-2) are expected to become available in limited quantities about May 30, 1974.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Attention: The Regional Counsel, Airworthiness: Rules Docket, FAA Building Boeing Field, Seattle, Washington 98108. All communications received on or before June 15, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to all Model 787 Series Airplanes certificated in all categories.

Compliance required as indicated unless already accomplished.

To prevent failure of the nose and main landing gear actuator aluminum feeder tubes which could prevent complete extension of the landing gear and the possible loss of aircraft control during landing roll, inspect or replace, as necessary, the nose landing gear actuator aluminum feeder tube P/N 69-14198-1, and each main landing gear actuator aluminum feeder tube, P/N 65-17971-1, in accordance with the following:

PART I—COMPLIANCE TIME DETERMINATION

A. Applies to all main landing gear actuator assemblies listed in Boeing Service Bulletin 727-32-218 having a P/N 65-17971-1 aluminum feeder tube.

The main landing gear actuator feeder tubes must be inspected or replaced, as applicable, in accordance with PART II (A), (B), (C), or (D) of this AD within the number of landings determined below.

Compliance time (in number of landings) for main landing gear actuator feeder tubes must be determined at the effective date of this AD in accordance with the following equation:

$$"C" = 8000 - (0.3R) - (0.22T)$$

Where. (1) "C" is the number of landings within which compliance must be accomplished, however, it shall not be required that "C" be less than 1000 landings and shall not be greater than 8000 landings for any actuator.

(2) "R" is the number of landings since the actuator was initially overhauled or disassembled.

(3) "T" is the total number of landings since the actuator was new.

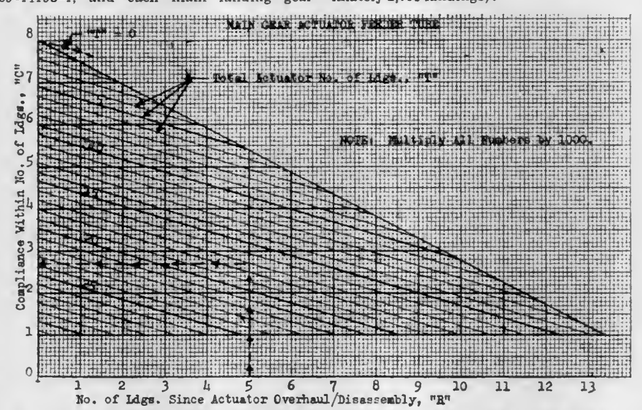
NOTE: The following graph may be used to determine the approximate number of landings remaining until compliance is required.

Example. Total number of landings on actuator (T) is 17,000. Number of landings on actuator since overhaul (R) is 5,000.

Step 1. Locate the number of landings since overhaul on the R axis (5,000).

Step 2. Follow the vertical line up to where it is intercepted by the sloping total number of actuator landings (17,000).

Step 3. Using a straight edge guide, follow horizontally to the left and read the number of landings within which compliance with this AD must be accomplished (Approximately 2,700 landings).



B. Applies to all nose landing gear actuator assemblies listed in Boeing Service Bulletin 727-32-218 having a P/N 69-14198-1 aluminum feeder tube.

Nose landing gear actuator feeder tubes must be inspected or replaced, as applicable, in accordance with Part II (A), (B), (C), or (D) of this AD within the number of landings listed in the following schedule.

NOSE GEAR ACTUATOR FEEDER TUBE

Total No. of Landings on Actuator Feeder Tubes	*Compliance Required Within Next No. of Landings*
0–8,000	14,000
8,000–14,000	8,000
14,000–18,000	5,000
More than 18,000	4,000

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C. Applies to nose landing gear actuator assemblies with aluminum feeder tubes, P/N 69–14198–1, and main landing gear actuators with aluminum feeder tubes, P/N 65–17971–1, which have been inspected or replaced in accordance with Part II (A) or (B) of this AD, as applicable.

(1) Nose landing gear and main landing gear actuator feeder tubes must be inspected at periodic intervals not to exceed 1000 landings, in accordance with Part II (A) of this AD; or

(2) Nose landing gear and main landing gear actuator feeder tubes must be replaced within 1000 landings in accordance with Part II(B), (C), or (D) of this AD.

D. Applies to nose landing gear actuator assemblies with new aluminum feeder tubes, P N 69–14198–1, and main landing gear actuators with new aluminum feeder tubes, P/N 65–17971–1, which were installed in accordance with the installation instructions contained in Boeing Service Bulletin 727–32–218 (issued on or about March 15, 1974).

(1) Main landing gear actuator feeder tubes must be inspected or replaced within 14,000 landings, in accordance with Part II (A), (B), (C), or (D) of this AD.

(2) Nose landing gear actuator feeder tubes must be inspected or replaced within 18,000 landings, in accordance with part II (A), (B), (C), or (D) of this AD.

E. For the purpose of complying with this AD, the number of landings may be determined by actual count or, subject to approval by the FAA assigned maintenance inspector, by dividing the airplane time in service by the operator's fleet average time per flight.

PART II—COMPLIANCE METHODS

(A) Inspect for evidence of cracks in the area of the "O" ring groove and the areas around the multiple orifice holes in the necked down portions of the nose and main landing actuator feeder tube in accordance with Boeing Service Bulletin 727–32–218 (issued on or about March 15, 1974) or an equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, FAA, Northwest Region, and then comply with Part I–C. If evidence of cracking is found replace feeder tube in accordance with Part II (B), (C), or (D) of this AD; or

(B) Replace the aluminum feeder tube, P N 69–14198–1 (nose gear), and P/N 65–17971–1 (main gear) with a serviceable used aluminum feeder tube, as determined per Part II (A) of this AD, of the same part number in accordance with Boeing Service Bulletin 727–32–218 (issued on or about March 15, 1974) and then comply with Part I–C of this AD as applicable; or

(C) Replace the aluminum feeder tube, P N 69–14198–1 (nose gear) and P/N 65–17971–1 (main gear) with a new aluminum feeder tube of the same part number in accordance with Boeing Service Bulletin 727–32–218 (issued on or about March 15, 1974) and then comply with Part I–D of this AD as applicable; or

(D) As terminating action for this AD, replace the aluminum feeder tubes, P/N 69–14198–1 (nose gear) and P/N 65–17971–1 (main gear) with steel feeder tubes, P/N 69–14198–2 (nose gear) and P/N 65–17971–2 (main gear) in accordance with Boeing Service Bulletin 727–32–218 (issued on or about March 15, 1974).

Issued in Seattle, Washington, on March 15, 1974.

J. H. TANNER,
Acting Director,
Northwest Region.

[FR Doc.74-6903 Filed 3-25-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 2]

[Docket No. 19973]

BANDS FOR TERRESTRIAL SERVICES

Allocation Provisions

Amendment of Part 2 of the Commission's Rules to provide allocations in the 40 GHz to 300 GHz bands for terrestrial Services.

1. Notice of proposed rule making in the above entitled matter is hereby given.

2. Prior to 1971 the frequencies above 40 GHz were essentially unallocated. On June 7 of that year a World Administrative Radio Conference for Space Telecommunications (WARC–ST) was convened in Geneva, Switzerland, by the International Telecommunications Union (ITU). The WARC–ST was convened for the purpose of allocating frequencies for space radio services and radio astronomy. Among the frequencies allocated were a number of bands between 40 GHz and 275 GHz. In its Report and Order of February 14, 1973 (38 FR 5562, March 1, 1973; FCC 73–169), terminating the proceedings in Docket No. 19547, the Commission amended the Table of Frequency Allocations (§ 2.106 of its Rules and Regulations) to conform as nearly as was practicable to the ITU Regulations as revised by the WARC–ST. With the exception of adding one footnote relating to radio astronomy and of making an interim allocation to the amateur and experimental services in bands not allocated to space services, the Commission adopted the same allocations above 40 GHz as had the WARC–ST.

3. The proceedings in Docket No. 19547 made allocations only as necessary to accommodate space services and radio astronomy, and, since the whole of the 40 to 300 GHz band had previously been unallocated (except for a small band for radio astronomy), there are currently no allocations in the band for regular terrestrial services. Although there is now little demand for frequencies above 40 GHz, a general allocation table up to 300 GHz including terrestrial services is desirable for future planning purposes and orderly growth as technology develops. In its Notice of Proposed Rule Making of July 14, 1972 (37 FR 15714, August 4, 1972; FCC 72–629), initiating the proceedings in Docket 19547 the Commission stated that it intended at some future time to initiate rule making to develop allocations for terrestrial services in this band. This proceeding is hereby initiated to make such allocations.

4. The proposed allocation table (see Appendix) was developed in coordination with the IRAC of the Office of Telecommunications Policy, and, as was generally the case for space services in this range, the proposed terrestrial allocations will be shared co-equally between Government and non-Government services. The allocations for space services will not be changed from those currently in force. With certain exceptions, bands presently allocated to space services are being allocated on a shared basis [1] to their terrestrial service counterparts. For example, aeronautical mobile is being added to aeronautical mobile-satellite bands, fixed to fixed-satellite bands, etc. Exceptions to this general rule include bands allocated to the inter-satellite service, for which there is no direct terrestrial counterpart, and bands allocated to the broadcasting-satellite service. In both of these cases, we are proposing to add the terrestrial fixed and mobile services to the bands involved. Also, terrestrial mobile as well as fixed is being added to fixed-satellite bands. No terrestrial radiocommunications services are being proposed in bands allocated to earth exploration-satellite and space research or in passive (receive-only) bands allocated to space research and radio astronomy. Some of the bands not currently allocated to space services are being proposed for allocation to the radiolocation service in response to specific Government needs. In keeping with our general sharing philosophy, these radiolocation bands will also be allocated to the non-Government radiolocation service and to the amateur service on a secondary basis. The remaining bands above 40 GHz which are not presently allocated to space services are to be allocated to the terrestrial fixed and mobile services.

5. The format described in § 2.105 of the existing rules has been used in presenting the proposed amendments to the Allocation Table as set forth below. Not shown in the appendix are columns 1 through 4 of the Table which pertain to international allocations and which are unaffected by this proceeding. Columns 5 through 11 show the national allocations as amended by Docket No. 19547 and as proposed herein. Where services are named in the Table in column 8, capital letters (FIXED) denote primary services and lower-case letters (amateur) denote secondary services. In column 6 the symbol "G" means that assignments may be made to stations belonging to the Federal Government; the symbol "NG" means that stations under the Commission's jurisdiction may be assigned frequencies in the band. Shared bands are therefore designated "G, NG". No changes in footnotes to the Allocation Table are being proposed.[2]

6. This proposal to amend the Commission's Rules is issued under the authority of sections 4(i) and 303(c) of the Communications Act of 1934, as amended.

7. Comments in support of or in opposition to the proposed amendments may be filed on or before April 29, 1974. Reply comments may be filed on or before May 10, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

8. In accordance with the provisions of § 1.419(b) of the Commission's Rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

9. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

Adopted: March 13, 1974.

Released: March 19, 1974.

FEDERAL COMMUNICATIONS COMMISSION.

[SEAL] VINCENT J. MULLINS,
Secretary.

Part 2 of 47 CFR Chapter I is amended as follows:

§ 2.106 [Amended]

United States			Federal Communications Commission			
Band (GHz)	Allocation	Band (GHz)	Service	Class of station	Frequency (GHz)	Nature of SERVICES (of stations
5	6	7	8	9	10	11
60.0–71.0	G, NG	66.0–71.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE. AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
71.0–76.0	G, NG	71.0–76.0	RADIOLOCATION.			
76.0–84.0	G, NG	76.0–84.0	FIXED. MOBILE.			
84.0–86.0	G, NG	84.0–86.0	BROADCASTING-SATELLITE. MOBILE-SATELLITE.			
86.0–92.0	G, NG 4121 US74	86.0–92.0	RADIO ASTRONOMY. SPACE RESEARCH (passive).			
92.0–93.0	G, NG	92.0–93.0	FIXED. MOBILE.			
93.0–95.0	G, NG	93.0–95.0	FIXED-SATELLITE.	Earth		
			FIXED. MOBILE.			
95.0–101.0	G, NG	95.0–101.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.			
101.0–102.0	G, NG 4121	101.0–102.0	SPACE RESEARCH (passive).			
102.0–103.0	G, NG	102.0–103.0	FIXED. MOBILE.			
103.0–105.0	G, NG	103.0–105.0	FIXED. FIXED-SATELLITE. MOBILE.	Space		
105.0–110.0	G, NG	105.0–110.0	FIXED. MOBILE (except Aeronautical Mobile).			
110.0–117.5	G, NG	110.0–117.5	FIXED. INTER-SATELLITE. MOBILE (except Aeronautical Mobile).			
117.5–122.5	G, NG	117.5–122.5	FIXED. MOBILE (except Aeronautical Mobile).			
122.5–130.0	G, NG	122.5–130.0	FIXED. INTER-SATELLITE. MOBILE (except Aeronautical Mobile).			
130.0–140.0	G, NG 4121 US74	130.0–140.0	RADIO ASTRONOMY. SPACE RESEARCH (passive).			

[1] No specific sharing criteria are being advanced at this time, but they may be proposed at a later date in separate proceedings as necessary to insure compatibility between the developing space and terrestrial services.

[2] Classes of stations (Column 9) are not being proposed for the terrestrial services at this time.

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United States		Federal Communications Commission					
Band (GHz)	Allocation	Band (GHz)	Service	Class of station	Frequency (GHz)	Nature	OF SERVICES of stations
5	6	7	8	9	10		11
140.0–141.0	G, NG	140.0–141.0	FIXED MOBILE.				
141.0–142.0	G, NG	141.0–142.0	FIXED FIXED-SATELLITE. MOBILE.	Earth			
142.0–150.0	G, NG	142.0–150.0	AERONAUTICAL MOBILE AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.				
150.0–151.0	G, NG	150.0–151.0	FIXED MOBILE.				
151.0–152.0	G, NG	151.0–152.0	FIXED FIXED-SATELLITE. MOBILE.	Space			
152.0–165.0	G, NG	152.0–165.0	FIXED MOBILE.				
165.0–170.0	G, NG	165.0–170.0	RADIOLOCATION Amateur.				
170.0–175.0	G, NG	170.0–175.0	FIXED MOBILE (except Aeronautical Mobile).				
175.0–182.0	G, NG	175.0–182.0	FIXED INTER-SATELLITE. MOBILE (except Aeronautical Mobile).				
182.0–185.0	G, NG 412J	182.0–185.0	SPACE RESEARCH (passive).				
185.0–189.0	G, NG	185.0–189.0	FIXED INTER-SATELLITE. MOBILE (except Aeronautical Mobile).				
189.0–190.0	G, NG	189.0–190.0	FIXED MOBILE (except Aeronautical Mobile).				
190.0–200.0	G, NG	190.0–200.0	AERONAUTICAL MOBILE AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.				
200.0–220.0	G, NG	200.0–220.0	FIXED MOBILE.				
220.0–230.0	G, NG	220.0–230.0	FIXED FIXED-SATELLITE. MOBILE.				
230.0–240.0	G, NG 412J US74	230.0–240.0	RADIO ASTRONOMY SPACE RESEARCH (passive).				
240.0–250.0	G, NG	240.0–250.0	RADIOLOCATION Amateur.				
250.0–265.0	G, NG	250.0–265.0	AERONAUTICAL MOBILE. AERONAUTICAL MOBILE-SATELLITE. MARITIME MOBILE. MARITIME MOBILE-SATELLITE. AERONAUTICAL RADIONAVIGATION. AERONAUTICAL RADIONAVIGATION-SATELLITE. MARITIME RADIONAVIGATION. MARITIME RADIONAVIGATION-SATELLITE.				
265.0–275.0	G, NG	265.0–275.0	FIXED FIXED-SATELLITE. MOBILE.				
275.0–300.0	G, NG	275.0–300.0	FIXED MOBILE.				
Above 300.0	G, NG	Above 300.0	Amateur				

[FR Doc.74-6800 Filed 3-25-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 505]

[No. 74–77]

ACCESS TO RECORDS

Notice of Proposed Rulemaking

FEBRUARY 6, 1974.

The Federal Home Loan Bank Board considers it advisable to propose amendments to Part 505 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.4 (a) and (d)) in order to provide for public access, retrieval and production of certain computerized information. Accordingly, the Board hereby proposes to amend said Part 505 by adding a new sentence at the end of § 505.4(a) and a new sentence at the end of § 505.4(d), as set forth below:

Paragraph 505.4(a) states the Board's general rule that records are to be made available to any person for inspection and copying, subject to the limitations found in §§ 505.5 and 505.6, even though such records may, in the Board's discretion, be exempted from disclosure under the Freedom of Information Act, section 552 of Title 5 of the United States Code. However, a request for information which requires special computer programming is in effect a request for the Board's staff to perform a research project, and this type of information is not considered to be a form of "identifiable records" within the meaning of section 552(a)(3). Information which can be produced by computer processing and which does not involve special processing is considered a form of "identifiable records". The additional language to § 505.4(a) therefore provides that computerized information which can be produced only by special processing, although not required to be provided, will be made publicly available in accordance with the policy guidelines now set forth in the paragraph, to the extent that it is not otherwise exempt from disclosure and its retrieval and production are not unduly burdensome.

Paragraph 505.4(d) sets out the procedures for inspection and copying of public records and the costs of searching, preparing for inspection and copying. The costs of retrieval and production of computerized materials (whether special processing is required or not) do not fit within the given payment schedule of $5 per research hour, 10¢ per page. The Board proposes to require payment of the full cost of such retrieval and production, as determined by the Director of the Board's Information Systems Division or his designate and with the concurrence of the Director of the Board's Office of Economic Research or his designate. Provision is also made for a waiver of costs in certain cases involving unnecessary hardship and the advancement of the public interest.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by April 10, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 505.4 Access to records.

(a) *General rule.* All records of the Board are made available to any person for inspection and copying in accordance with the provisions of this section and subject to the limitations stated in §§ 505.5 and 505.6. It is the policy of the Board to disclose its records to the public, even though such records may, in the Board's discretion, be exempted from disclosure by section 552 of title 5 of the United States Code or by § 505.6 wherever such disclosure can be made without resulting in injury to a public or private interest intended to be protected by the foregoing statute or in a significant interference with the statutory responsibilities of the Board and the national interest. Requests for information which can be produced only by processing through an information systems programs specially designed for that purpose are not regarded as requests for identifiable records that must be disclosed pursuant to section 552 of Title 5 of the United States Code; but it is the policy of the Board to make such information available if it is not otherwise exempt from disclosure, provided that the retrieval or production of such information does not unduly burden or interfere with the functioning of the Board.

* * * * *

(d) *Obtaining access to records.* Records of this Board subject to this section are available for public inspection or copying during regular business hours on regular business days at the offices of the Federal Home Loan Bank Board Building, 101 Indiana Avenue, NW., Washington, D.C. 20552. Any person requesting access to, or copying of, such records shall submit such request in writing to the Secretary to the Board. The request shall state the full name and address of the person requesting access to, or copying of, such records and a description of the records sought that is reasonably sufficient to permit their identification without undue difficulty. Wherever possible requests should be submitted in advance of the date inspection or copying is desired, preferably by mail. A person requesting access to or copies of particular records shall pay the costs of searching, preparing for inspection, or copying such records at the rate of $5 per hour for searching and preparing and 10 cents per page for copying. The Secretary or an Assistant Secretary designated by the Secretary is authorized to waive such payment in instances in which total charges are less than $2 or in which unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest. With respect to information obtainable only by processing through an information systems program, which has been made available under paragraph (a) of this section, a person requesting such information shall pay a fee equal to the full cost of retrieval and production of the information requested; and the Director, Information Systems Division, or such person or persons as he may designate, with the concurrence of the Director, Office of Economic Research, or such person or persons as he may designate, is authorized to determine the cost of such retrieval and production, and to waive such payment in instances in which unnecessary hardship would be inflicted upon the requesting person or in which waiver would serve the public interest.

(Secs. 11, 17, 47 Stat. 733, 736, as amended (12 U.S.C. 1431, 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1947 Supp.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-6922 Filed 3-25-74;8:45 am]

[12 CFR Parts 544, 545]

[74–125]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendments Relating to Employment Contracts

FEBRUARY 19, 1974.

The Federal Home Loan Bank Board considers it desirable to propose to amend Parts 544 and 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 544, 545) for the purpose of removing certain restrictions regarding the authority of Federal savings and loan associations to make employment contracts relating to the employment of certain officers of such associations. By a companion Resolution (Resolution No. 74–126), the Board proposes to amend Parts 563, 570 and 571 of the rules and regulations for Insurance of Accounts (12 CFR Parts 563, 570, 571) regarding employment contracts between State-chartered institutions whose accounts are insured by the Federal Savings and Loan Insurance Corporation and the officers of such institutions.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend said Part 544 by adding a new paragraph (k) immediately following paragraph (j) of § 544.6 and to amend Part 545 by adding a new § 545.25–1 immediately following § 545.25, to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552 by April 30, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise

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disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

1. The proposed amendment to said Part 544 provides for the addition of a new optional bylaw (§ 544.6(k)) authorizing a Federal association's board of directors to enter into an employment contract with any officer of such association "in accordance with regulations of the Federal Home Loan Bank Board". Also, this bylaw provides that "no such contract shall impair the right of the board of directors to remove any officer at any time". A Federal association adopting such new optional bylaw would substitute such bylaw for section 5 of the bylaws prescribed in § 544.5 of said Part 544.

2. The proposed amendment to said Part 545 provides for the addition of a new section (§ 545.25–1) containing the following principal points:

(a) After a Federal association has adopted the new optional bylaw mentioned in paragraph number 1, above, the association may enter into employment contracts with certain of its officers and provide in such contracts for original terms of not in excess of 3 years (and for renewal, at the association's option, for terms of not in excess of one year) if such contracts are made or assumed in connection with:

(1) A conversion of the Federal association to a stock type State-chartered institution;

(2) A merger, purchase of bulk assets or similar transaction and the person employed pursuant to such contract was an officer of an association whose assets are acquired by such Federal association upon completion of such merger, purchase of bulk assets or similar transaction; or

(3) An eligible "new officer" as specified in proposed paragraph (b)(1) of this new section.

It is noted that a person is not an eligible "new officer" if he is a close relative (as defined in said paragraph (b)(1)) of an officer or director of the employing association or if he has been employed by such association during the immediately preceding 12-month period.

(b) Each such employment contract for any term shall provide in substance that:

(1) The officer's employment may be terminated at any time, with or without cause. If such employment is terminated "for cause", the officer will have no right to receive under such contract any compensation or other benefit for any period subsequent to such termination; and the term "for cause" is defined (see the last sentence of § 545.25–1(c)(2) of the proposed amendment for this definition which is a principal provision in the proposed amendment). If such employment is terminated other than "for cause", such termination shall not prejudice the rights of the officer to receive compensation or other benefits under the employment contract.

(2) If the officer's employment is suspended and/or the officer is temporarily prohibited from participating in the conduct of the association's business pursuant to the Board's regulatory prescribed enforcement procedures under section 5 of the Home Owners' Loan Act of 1933, as amended, or section 407 of the National Housing Act, as amended, all obligations of the association under the employment contract shall be suspended. In the event the charges against the officer are dismissed, the association, in its discretion, may pay the officer all or any part of the compensation or other benefits withheld during the period of suspension and/or prohibition.

(3) All obligations of all parties to an officer-Federal association employment contract shall terminate immediately if the association "defaults" (as defined in section 401(d) of the National Housing Act, as amended).

(c) An officer of a Federal association shall not have an employment contract concerning such officer's employment as an officer of such association with any other person or entity such as a service corporation.

Section 544.6 is amended by reserving paragraphs (k)(1) through (k)(4) and by adding paragraph (k)(5) as follows:

PART 544—BYLAWS

§ 544.6 Amendment to bylaws.

* * * * *

(k) *Officers, employees and agents.* Substitute the following for section 5 of the bylaws prescribed in § 544.5:

(1)–(4) [Reserved]

(5) *Officers, employees and agents.* Annually at the meeting of the board of directors of the association next following the annual meeting of the members of the association, the board of directors shall elect a president, one or more vice presidents, a secretary, and a treasurer. The offices of secretary and treasurer may be held by the same person, and a vice president may also be either the secretary or the treasurer. The board of directors may appoint such additional officers and such employees and agents as it may from time to time determine. The term of office of all officers shall be one year or until their respective successors are elected (or appointed) and qualified. However, the board of directors may authorize the association to enter into an employment contract with any officer in accordance with regulations of the Federal Home Loan Bank Board; but no such contract shall impair the right of the board of directors to remove any officer at any time. In the absence of designation from time to time of powers and duties by the board of directors, officers shall have such powers and duties as generally pertain to their respective offices.

PART 545—OPERATIONS

Section 545.25–1 is added to read as follows:

§ 545.25–1 Employment contracts.

(a) *General.* A Federal association which has bylaws that include the provisions contained in paragraph (k) of § 544.6 of this chapter may, upon specific approval of its board of directors, enter into employment contracts with officers of the association, in accordance with the provisions of this section.

(b) *Limitations as to term.* (1) Except as is otherwise provided in paragraph (b)(1) of this section, no such employment contract may be made for a term in excess of one year. Such an employment contract may be for an initial term not in excess of three years if: (i) Such employment contract is made in connection with a conversion of the association pursuant to the provisions of Part 563b of this chapter; (ii) in connection with a merger, purchase of bulk assets or similar transaction, such employment contract is entered into or assumed by the resulting association (as defined in § 546.1 of this chapter) with a person who, immediately prior to such transaction, was an officer of the association being acquired and who, after such transaction, will be an officer of the resulting association; or (iii) such employment contract is made between a Federal association and a new officer of such association who is not a close relative of an officer or director of such association. A person who has served as a director, officer or employee of the employer-Federal association or its predecessor during any part of the immediately preceding 12-month period shall not be deemed to be a new officer. As used in paragraph (b)(1)(iii) of this section, the term "close relative" of a person means a relative by blood, marriage, or adoption who is a father, mother, brother, sister, son, daughter, or spouse of such person or such a relative of the spouse of such person.

(2) An employment contract may provide for renewal at the option of the association upon expiration of the initial term or any renewal thereof, but no such renewal may be for a term in excess of one year.

(c) *Required provisions.* Each such employment contract shall provide:

(1) That the employment of the officer may be terminated at any time by the association's board of directors, but any such termination, other than termination for cause, shall be without prejudice to the rights of the officer to receive compensation or other benefits under the contract.

(2) That in the event of termination for cause, the officer shall have no right to receive any compensation or other benefit for any period subsequent to such termination. For the purposes of this section, a termination of employment by the association shall be considered to be a termination for cause if such termination is by reason of the officer's personal dishonesty, incompetence, willful misconduct, breach of a fiduciary duty involving personal profit, intentional failure to perform stated duties, willful violation of any law, rule, regulation or final cease-and-desist order, or material breach of any provision of such contract.

(3) (i) That any suspension of the officer from office and/or temporary prohibition from participation in the conduct of the affairs of the association, pursuant to a notice served by the Board under § 550.4 or § 550.5 of this chapter, or by the Federal Savings and Loan Insurance Corporation under § 566.4 or § 566.5 of this chapter, unless stayed by appropriate proceedings, shall suspend, as of the date of such service, all obligations of the association under such contract.

(ii) That, in the event the charges specified in a notice served as provided in paragraph (c)(3)(i) of this section are dismissed, the association may, in its discretion, (*a*) pay the officer all or any part of the compensation withheld from such officer pursuant to the suspension of the association's obligations as required in said paragraph (c)(3)(i) of this section and (*b*) reinstate any or all (in whole or in part) of the obligations suspended as required in said paragraph (c)(3)(i) of this section.

(4) That any removal of the officer from office and/or permanent prohibition from participation in the conduct of the affairs of the association, pursuant to an order issued by the Board under § 550.3 or § 550.5 of this chapter, or by the Federal Savings and Loan Insurance Corporation under § 566.3 or § 566.5 of this chapter, shall terminate, as of the effective date of such order, all obligations of the association under such contract.

(5) That, in the event of default of the association (as the term "default" is defined in section 401(d) of the National Housing Act, as amended), all obligations of all parties to such contract shall terminate as of the date of such default.

(d) *Contracts with other entities or persons.* An officer of a Federal association shall not have any employment contract or any other written or oral agreement concerning such officer's employment as an officer of such association with any entity or person other than such association.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464.) Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp. p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.
Assistant Secretary.

[FR Doc.74-6924 Filed 3-25-74;8:45 am]

[12 CFR Parts 563, 570, 571]

[74-126]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposed Amendments Relating to Employment Contracts

FEBRUARY 19, 1974.

The Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, considers it desirable to propose to amend Parts 563, 570, and 571 of the Rules and Regulations for Insurance of Accounts (12 CFR Parts 563, 570, 571) for the purpose of prescribing certain restrictions regarding employment contracts between insured institutions and officers of such institutions. By a companion Resolution (Resolution No. 74–125), the Board proposes to amend Parts 544 and 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 544, 545) regarding employment contracts between Federal savings and loan associations and the officers of such associations.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend said Parts 563, 570 and 571 as follows:

1. Said Part 563 would be amended by adding a new § 563.39, immediately following § 563.38 thereof, to read as set forth below; (2) said Part 570 would be amended by rescinding paragraph (b) of § 570.2 thereof; and (3) Part 571 would be amended by adding a new § 571.7–1, immediately following § 571.8 thereof, to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552 by April 30, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

1. The proposed amendment to said Part 563 would add a new section (§ 563.39) containing the following principal points:

(a) As to employment contracts between State-chartered insured institutions and their officers, such contracts must comply with applicable State law; and, in addition, if the proposed amendment is adopted as a final regulation, a maximum term of three years will be prescribed for such contracts or renewals of such contracts.

(b) Each such employment contract shall provide in substance that:

(1) The officer's employment may be terminated at any time, with or without cause. If such employment is terminated "for cause", the officer will have no right to receive under such contract any compensation or other benefit for any period subsequent to such termination; and the term "for cause" is defined (see the last sentence of § 563.39(b)(2) of the proposed amendment for this definition which is a principal provision in the proposed amendment). If such employment is terminated other than "for cause", such termination shall not prejudice the rights of the officer to receive compensation or other benefits under the employment contract.

(2) If the officer's employment is suspended and or the officer is temporarily prohibited from participating in the conduct of the association's business pursuant to the Board's regulatory prescribed enforcement procedures under section 407 of the National Housing Act, as amended, all obligations of the association under the employment contract shall be suspended. In the event the charges against the officer are dismissed, the association, in its discretion, may pay the officer all or any part of the compensation or other benefits withheld during the period of suspension and/or prohibition.

(3) All obligations of all parties to an officer-insured institution employment contract shall terminate immediately if such insured institution "defaults" (as defined in section 401(d) of the National Housing Act, as amended).

(c) An officer of an insured institution shall not have an employment contract concerning such officer's employment as an officer of such institution with any other person or entity such as a service corporation or savings and loan holding company.

2. The proposed amendment to said Part 570 would rescind the following paragraph (b) of § 570.2 (a Board Ruling stating certain principles governing pension, retirement and deferred compensation plans and contracts):

(b) *Employment contract.* There should be no provision which, either by prohibition or by imposing economic sanction, places any obstruction in the way of free exercise by the board of directors of the duty or discretion provided by law, charter, bylaw or regulation as to the employment or termination of employment of any officer or employee of the institution.

3. The proposed amendment to said Part 571 would add a new Board statement of policy (§ 571.7–1) providing, in substance, that an employment contract between a mutual type, or a closely-held stock type, insured institution and an officer of such institution will be examined with care and may afford a basis for supervisory objection by the Board if such contract is entered into or assumed by the insured institution other than in connection with (1) a mutual-to-stock type conversion, (2) a merger, purchase of bulk assets or similar transaction and the person employed pursuant to such contract was an officer of an institution whose assets are acquired upon completion of such merger, purchase of bulk assets or similar transaction, or (3) a hiring of an eligible "new officer". It is noted that a person is not an eligible "new officer", as this term is used in the proposed policy statement, if such person is a close relative (as defined in the proposed policy statement) or if he has been employed by employer-institution during the immediately preceding 12-month period.

PART 563—OPERATIONS

Section 563.39 is added to read as follows:

§ 563.39 Employment contracts.

(a) *General.* A State-chartered insured institution, to the extent authorized by applicable State law, may, upon

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specific approval of its board of directors, enter into employment contracts with officers of the institution for terms not in excess of three years, subject to the requirements of this section.

(b) *Required provisions.* Each such employment contract shall provide:

(1) That the employment of the officer may be terminated at any time by the insured institution's board of directors, but any such termination, other than termination for cause, shall be without prejudice to the rights of the officer to receive compensation or other benefits under the contract.

(2) That in the event of termination for cause, the officer shall have no right to receive any compensation or other benefit for any period subsequent to such t rmination. For the purposes of this section, a termination of employment by the insured institution shall be considered to be a termination for cause if such termination is by reason of the officer's personal dishonesty, incompetence, willful misconduct, breach of a fiduciary duty involving personal profit, intentional failure to perform stated duties, willful violation of any law, rule, regulation or final cease-and-desist order, or material breach of any provision of such contract.

(3) (i) That any suspension of the officer from office and/or temporary prohibition from participation in the conduct of the affairs of the insured institution, pursuant to a notice served by the Corporation under § 566.4 or § 566.5 of this chapter, or by the Board under § 550.4 or § 550.5 of this chapter, unless stayed by appropriate proceedings, shall suspend, as of the date of such service, all obligations of the insured institution under such contract.

(ii) That, in the event the charges specified in a notice served as provided in paragraph (b)(3)(i) of this section are dismissed, the insured institution may, in its discretion, (*a*) pay the officer all or any part of the compensation withheld from such officer pursuant to the suspension of the insured institution's obligations as required in said paragraph (b)(3)(i) of this section and (*b*) reinstate any or all (in whole or in part) of the obligations suspended as required in said paragraph (b)(3)(i) of this section.

(4) That any removal of the officer from office and/or permanent prohibition from participation in the conduct of the affairs of the insured institution, pursuant to an order issued by the Corporation under § 566.3 or § 566.5 of this chapter, or by the Board under § 550.3 or § 550.5 of this chapter, shall terminate, as of the effective date of such order, all obligations of the insured institution under such contract.

(5) That, in event of default of the insured institution (as the term "default" is defined in section 401(d) of the National Housing Act, as amended), all obligations of all parties to such contract shall terminate as of the date of such default.

(c) *Contracts with other entities or persons.* An officer of an insured institution shall not have any employment contract or any other written or oral agreement concerning such officer's employment as an officer of such institution with any entity or person other than such institution.

PART 570—BOARD RULINGS

§ 570.2 [Amended]

Section 570.2 is amended by rescinding paragraph (b) in its entirety.

PART 571—STATEMENTS OF POLICY

§ 571.7–1 Employment contracts.

To the extent authorized by applicable State law, State-chartered insured institutions are permitted, under § 563.39 of this chapter, to enter into employment contracts with their officers, subject to the limitations and requirements of that section. As a matter of policy, however, the Corporation does not consider it necessary or desirable for mutual insured institutions or closely-held stock insured institutions to use employment contracts having a term in excess of one year except in connection with (a) a mutual-to-stock conversion (under Part 563b of this chapter), (b) a merger, purchase of bulk assets or similar transaction and the person employed pursuant to such contract was an officer of the institution being acquired and who, after such transaction, will be an officer of the resulting association, or (c) a hiring of a "new officer" who is not a close relative of an officer or director of such insured institution. A person who has served as a director, officer or employee of the employer-insured institution or its predecessor during any part of the immediately preceding 12-month period shall not be deemed by the Corporation to be a "new officer" of the employer-insured institution. As used in this section, the term "close relative" of a person means a relative by blood, marriage or adoption who is a father, mother, brother, sister, son, daughter or spouse of such person or such a relative of the spouse of such person. Therefore, if such an insured institution should enter into employment contracts having a term in excess of one year otherwise than in connection with one of the above specified exceptions, such contracts will be examined with particular care to determine whether the expense or obligation incurred by the institution under such contracts is unreasonable in light of all relevant circumstances or whether the duty or discretion of the board of directors is unduly hampered by the terms of such contracts or other conditions contained therein, so as to afford a basis for supervisory objection.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–6925 Filed 3–25–74; 8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Severance of Service Connection

The Administrator of Veterans' Affairs proposes a regulatory change to decentralize to field stations full authority to effect severance of service connection.

Under current regulatory provisions when a case is encountered where service connection was previously granted for the veteran's disability (or disabilities) and the evidence indicates the grant of service connection was clearly and unmistakably erroneous, the field station prepares a rating decision proposing severance of service connection for the disability. The case is then submitted to VA Central Office for review and approval or disapproval of the proposal. If the proposal is approved by Central Office the field station notifies the veteran of the proposed action and gives him 60 days in which to present additional evidence to maintain service connection. If such evidence is not submitted the field station completes rating action severing service connection and terminates the award of disability compensation.

The provision for submitting proposals to sever service connection to Central Office for review was intended to ensure that the severance was not in violation of statutory or regulatory provisions. Current experience indicates submission of these proposals is no longer necessary or desirable and the provision should be eliminated. To accomplish this it is proposed to amend Part 3 of the Code of Federal Regulations as set forth below.

In addition minor editorial changes have been made in §§ 3.105 (e) and (f) and 3.106(a) designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, dependents, or beneficiaries. No substantive change affecting benefits is involved.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (27H), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All relevant material received before April 25, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the change to § 3.105(d) would be effective the date of final approval.

1. In § 3.105, paragraphs (d), (e) and (f) are amended to read as follows:

§ 3.105 Revision of decisions.

* * * * *

(d) *Severance of service connection.* Subject to the limitations contained in §§ 3.114 and 3.957, service connection will be severed only where evidence establishes that it is clearly and unmistakably erroneous (the burden of proof being upon the Government). (Where service connection is severed because of a change in or interpretation of a law or Veterans Administration issue, the provisions of § 3.114 are for application.) A change in diagnosis may be accepted as a basis for severance action if the examining physician or physicians or other proper medical authority certifies that, in the light of all accumulated evidence, the diagnosis on which service connection was predicated is clearly erroneous. This certification must be accompanied by a summary of the facts, findings, and reasons supporting the conclusion. When severance of service connection is considered warranted, a rating proposing severance will be prepared setting forth all material facts and reasons. The claimant will be notified at his or her latest address of record of the contemplated action and furnished detailed reasons therefor and will be given 60 days for the presentation of additional evidence to show that service connection should be maintained. If additional evidence is not received within that period, rating action will be taken and the award will be discontinued effective the last day of the month in which the 60-day period expired. (38 U.S.C. 3012(b)(6).)

(e) *Reduction in evaluation; compensation.* Where the reduction in evaluation of a service-connected disability or employability status is considered warranted and the lower evaluation would result in a reduction or discontinuance of compensation payments currently being made, rating action will be taken. The reduction will be made effective the last day of the month in which a 60-day period from date of notice to the payee expires. The veteran will be notified at his or her latest address of record of the action taken and furnished detailed reasons therefor, and will be given 60 days for the presentation of additional evidence. (38 U.S.C. 3012(b)(6)).

(f) *Reduction in evaluation; pension.* Where a reduction in evaluation is considered warranted because of a change in non-service-connected disability or employability and the lower evaluation would result in a reduction or discontinuance of pension payments currently being made, the award will be reduced or discontinued effective the last day of the month in which reduction or discontinuance of the award is approved. The veteran will be notified at his or her latest address of record of the action taken and furnished detailed reasons therefor, and the conditions under which his claim may be reopened. (38 U.S.C. 3012(b)(5)).

2. In § 3.106, paragraph (a) is amended to read as follows:

§ 3.106 Renouncement.

(a) Any person entitled to pension, compensation, or dependency and indemnity compensation under any of the laws administered by the Veterans Administration may renounce his or her right to that benefit but may not renounce less than all of the component items which together comprise the total amount of the benefit to which the person is entitled nor any fixed monetary amounts less than the full amount of entitlement. The renouncement will be in writing over the person's signature. Upon receipt of such renouncement in the Veterans Administration, payment of such benefits and the right thereto will be terminated, and such person will be denied any and all rights thereto from such filing. (38 U.S.C. 3106(a)).

* * * * *

Approved: March 15, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc.74–6912 Filed 3–25–74; 8:45 am]

FEDERAL ENERGY OFFICE

[10 CFR Part 211]

SUPPLIER/PURCHASER RELATIONSHIPS FOR CIVIL AIR CARRIERS

Notice of Proposed Rulemaking

The Federal Energy Office hereby gives notice of a proposal to amend Title 10 of the Code of Federal Regulations, Part 211, concerning supplier/purchaser relationships for aviation fuel.

The current regulations of the FEO governing supplier/purchaser relationships for aviation fuel require the civil air carriers to obtain their supplies for any month from their suppliers in the corresponding month of 1972. By coordinating the supplier/purchaser relationship with the base period utilized for determining allocation levels, the regulations have simplified and expedited the allocation process.

The adoption of 1972 supplier/purchaser relationships, however, has disrupted existing contractual relationships and has significantly limited the amount of contractual protection which various carriers have concerning price and price escalation terms. Because of the regulations some carriers have reportedly been forced to use suppliers with which they have no contracts or less desirable contracts even though the carrier would be entitled absent the supplier/purchaser rule to volumes from other suppliers at lower prices. Removal of this contract protection has reportedly resulted in significant financial hardship to the affected carriers.

The proposed regulations would permit carriers to utilize those suppliers with which they have supply contracts by certifying their requirements to those suppliers. Volumes to which a carrier is entitled in excess of those contracted for would be supplied by the supplier in the base period.

The regulations would not increase the level of allocation to any carrier. The regulations would, however, call for exchanges between refiners having allocation fractions greater than one and those with allocation fractions less than one in order to equalize the amounts actually provided individual carriers.

It is expected that this change would eliminate the contractual problems created by the present regulations and would conform more closely to the Congressional mandate to minimize "economic distortion, inflexibility and unnecessary interference with market mechanisms." In addition the certification process for determining the base period volumes for particular suppliers would facilitate the ability to make allocations on a quarterly basis if that becomes feasible or desirable.

This change is to apply only to the civil air carriers. The much larger number of purchasers and suppliers and the differing industry practices and contractual arrangements in general aviation would appear to make a similar change for general aviation inadvisible.

Persons commenting on the proposed regulations are asked to address themselves particularly to the following questions:

1. To what extent have the present regulations deprived purchasers of contractual protection and to what extent has this created significant hardships?

2. To what extent would the proposed rule result in an actual change of suppliers or a change in the volume provided by particular suppliers and what difficulties would be caused by such a shift?

3. What circumstances are peculiar to the civil air carriers which make it appropriate to treat them differently from general aviation in this regard?

4. If civil air carriers and general aviation are treated differently, i.e., general aviation continues to be supplied by its 1972 suppliers, what difficulties will this create in the allocation program?

5. If it becomes desirable to utilize this system on a quarterly basis, how could this best be done?

Interested persons are invited to participate in the rulemaking by submitting written data, views or arguments with respect to the proposed regulations set forth in this notice to the Executive Secretariat, Federal Energy Office, Box AE, Washington, D.C. 20461. Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Office Executive Secretariat with the designation "Proposed Aviation Fuel Supplier/Purchaser Rule." Fifteen copies should be submitted. All comments received by April 10, 1974, and all other relevant information will be considered by the Federal Energy Office before final action is taken on the proposed regulation.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, E.O. 11748, 38 FR 3575; Economic Stabilization Act of 1970; as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order 47, 39 FR 24)

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In consideration of the foregoing, it is proposed to amend Part 211 Chapter 2, Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., March 15, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Section 211.144 is amended to read as follows:

§ 211.144 Supplier/Purchaser Relationships.

(a) All suppliers of aviation fuel used by civil air carriers shall supply civil air carriers in accordance with § 211.146.

(b) All suppliers of aviation fuels shall supply their wholesale purchasers of record as of the base period excepting civil air carriers supplied in accordance with paragraph (a) above.

(c) All suppliers of aviation fuel used in general aviation shall supply their end use customers of record in the base period.

(d) Unless otherwise specified, the provisions of § 211.13 and § 211.24 apply to this subpart.

2. The first sentence of § 211.145(a) is amended to read as follows:

§ 211.145 Method of allocation.

(a) Suppliers of wholesale purchasers other than civil air carriers shall allocate fuel in accordance with the provisions of § 211.11(b). * * *

* * * * *

3. A new section 211.146 is added to read as follows:

§ 211.146 Method of Allocation—Civil Air Carriers.

Notwithstanding any other provision of this subpart, suppliers of aviation fuels shall supply civil air carriers and assist other suppliers to meet their obligations in the following manner:

(a) Not later than thirty (30) days prior to the beginning of each allocation month, each civil air carrier shall determine its allocation level pursuant to § 211.143(b) in accordance with information furnished by suppliers under § 211.12 as adjusted in accordance with these regulations.

(b) Not later than thirty (30) days prior to the beginning of each allocation month, each civil air carrier shall certify to suppliers with which the carrier has a contract to provide aviation fuels the amount of aviation fuels to be delivered by each such supplier pursuant to the terms of these contract during each allocation month: *Provided*, That the amount so certified by any civil air carrier to any supplier under this paragraph (b) shall not exceed the less of the obligation of all applicable contracts or the allocation level determined under paragraph (a) of this section, and *Provided further*, That the total amount certified by any civil air carrier to all suppliers shall not exceed the allocation level determined under paragraph (a) of this section.

(c) Not later than thirty (30) days prior to the beginning of each allocation month, each civil air carrier which has issued certificates under paragraph (b) of this section in an amount less than its allocation level determined under paragraph (a) of this section, may certify to its suppliers of record during the base period an amount less than or equal to the difference between its allocation level and the total of certificates issued under paragraph (b) above. *Provided* that each carrier issuing certificates under this paragraph (c) shall allocate to each base period supplier of record an amount which bears the same relation to the total amount certificated under this subsection as the amount furnished by that supplier in the base period bears to the total amount supplied to such carrier in the base period.

(d) (1) Each supplier of aviation fuels to civil air carriers shall determine its total allocable supply of aviation fuels which shall be equal to the sum of its estimated production, imports, purchases and exchanges (including those pursuant to paragraph (d)(3) of this section) and its inventory adjustments for aviation fuel.

(2) Suppliers shall allocate their total allocable aviation fuels supply among their whoesale purchasers, incuding civil air carriers in proportion to their wholesale purchaser's base period volumes, adjusted base period volumes (where applicable), or certificated volumes in the case of civil air carriers.

(i) A supplier's allocation fraction for aviation fuels shall be equal to his total allocable supply divided by the sum of applicable base period volumes, adjusted base period volumes and certificated volumes.

(ii) Each wholesale purchaser's base period volume (or adjusted base period volume) for aviation fuels shall be equal to its base period purchases of aviation fuels as adjusted under these regulations.

(iii) The volume of aviation fuels allocated to a wholesale purchaser shall be the sum of the volumes allocated to it from each of its suppliers. The volume supplied to a wholesale purchaser of aviation fuels, other than a civil air carrier, by each of its suppliers shall equal the part of the wholesale purchaser's base period volume (or adjusted base period volume) purchased from that supplier multiplied by that supplier's allocation fraction. The volume of aviation fuels supplied to a civil air carrier by each of its suppliers shall equal the certificated requirements issued to each supplier multiplied by that supplier's allocation fraction.

(iv) Suppliers shall adjust their allocation fractions on a monthly basis to reflect adjustments in their own or their purchasers' base period volumes or certificated volumes and in their allocable supply.

(v) In allocating allocable supplies of aviation fuels among wholesale purchasers, no supplier may use an allocation fraction greater than one (1.0) without approval of FEO. If a supplier's total allocable supply of aviation fuels is of sufficient magnitude that the allocation fraction exceeds one (1.0) the supplier shall make allocations based on an allocation fraction of one (1.0), shall immediately offer the volume of surplus product available to other suppliers whose allocation fractions are below one (1.0) and shall separately report by certified mail to the National FEO and the appropriate regional FEO, the volume of any such surplus aviation fuels available The National FEO may direct that the product be sold to designated wholesale purchasers or end users, or be accumulated in inventory. If the reporting supplier is not notified to the contrary by the FEO within fifteen (15) days of reporting to the FEO, it may distribute these volumes at its discretion.

(3) Not later than 20 days prior to the beginning of each allocation month, each supplier shall make an estimate of the sum of its estimated production, imports, purchases and inventory adjustments for aviation fuels, and shall also estimate the sum of its wholesale purchasers base period volumes (or adjusted base period volumes) or certificated volumes as applicable. If the allocation fraction derived by any supplier on the basis of such estimates shall be less than one (1.0) for any applicable distribution point or area, such supplier shall contact all other suppliers which distributed aviation fuels to the deficit point or area in the base period or thereafter and such supplier shall, to the maximum extent feasible, obtain by purchase or exchange sufficient additional volume of aviation fuels to achieve an allocation fraction of one (1.0). If the allocation fraction derived by any supplier on the basis of such estimates exceeds one (1.0), for any applicable distribution area, such supplier shall immediately contact all other suppliers who distributed aviation fuels to the affected point or area in the base period or thereafter and such supplier shall offer for purchase or exchange the estimated surplus volume of aviation fuels.

(4) Nothing in this subpart shall affect the right of end users of aviation fuels, including civil air carriers, to make normal business exchanges among themselves.

4. Section 211.146 is renumbered § 211.147 and a new paragraph (d) is added to read as follows:

§ 211.147 Procedure and Reporting Requirements.

* * * * *

(d) Suppliers of aviation fuels to civil air carriers or other end-users shall maintain records on FEO forms, subject to FEO audit, which demonstrate the basis for distribution of allocable supplies among their various customers. These records shall contain the following information for each customer on a monthly basis, as appropriate.

(1) Customer identification.
(2) Base period volume.
(3) Adjusted base period volume.
(4) Certificated volume (civil air carriers only).
(5) Allocation level.
(6) Allocation requirements (item (3) or (4) multiplied by supplier's allocation fraction).
(7) Customer's share of allocable supply (item (6) multipled by supplier's allocation fraction).
(8) Actual volume supplied.

[FR Doc.74-7161 Filed 3-25-74;12:23 pm]

[10 CFR Parts 211, 212]

ALLOCATION AND PRICING OF NON-BONDED AVIATION FUEL FOR INTERNATIONAL CARRIERS

Notice of Proposed Rulemaking

The Federal Energy Office hereby gives notice of a proposal to amend Title 10 of the Code of Federal Regulations, Parts 211 and 212, concerning the allocation of non-bonded aviation fuel to international carriers in certain circumstances.

On March 5 of this year, the Federal Energy Office proposed regulations to substantially equalize the price of jet fuel used by domestic and international air carriers. This would have been accomplished by including bonded aviation fuel within the allocation and price control regulations.

In order to prevent substantial inequality in costs paid by domestic and international carriers, the regulation would have removed the exemption of bonded aviation fuels from price control. It also would have required suppliers to provide 95 percent of the international carriers' base-period use by supplying (1) bonded fuels to the maximum extent possible; (2) non-bonded naphtha-based jet fuel to make up shortfalls to the extent practicable, and (3) domestically produced aviation fuel or imported kerosene-based fuel only as a last resort to reach the allocation level.

Many comments were received from carriers, suppliers, shippers and aviation organizations, indicating that the proposed regulations could have other effects aside from equalizing new contract prices for domestic and international jet fuel. Fears were expressed by some that the proposal would result in raising domestic fuel prices and could reduce bonded supplies and cause an undue drain on domestic supplies. Some comments indicated that subjecting bonded fuel to the allocation and price control regulations could violate international agreements and draw retaliation from other countries. Comments from the maritime industry suggested it be made clear that the regulation was not intended to apply to bunker fuel.

After reviewing the comments and evaluating the prospects for increased supply of fuel in light of the lifting of the Arab oil embargo, the FEO has decided to propose new regulations to accomplish the goal of ensuring adequate supplies of reasonably priced aviation fuel to international carriers without directly allocating and controlling the price of bonded fuel.

Under the proposed regulations international carriers would be allocated non-bonded aviation fuels (including naphtha-based fuel) to cover shortfalls of bonded aviation fuels. Such non-bonded aviation fuels would be available to an international carrier upon its certification to its base period supplier that it is unable to obtain bonded aviation fuels for a month at a price which does not exceed the lawful price which that supplier may charge for non-bonded aviation fuel. The lawful price would be computed under the ordinary price control rules and would be computed on a station-by-station basis.

The amount of non-bonded aviation fuels which a supplier would provide to an international air carrier would be an amount which, when added to the bonded aviation fuel available to a carrier, would result in a total volume available to the carrier sufficient to bring it to parity with domestic carriers. Thus, total supplies of aviation fuels (both bonded and non-bonded) available to international carriers would be comparable to fuel supplies available to domestic, supplemental, and scheduled cargo air carriers. If a carrier which had certified the need for a particular amount of non-bonded fuel during a month, finds within the same month, that bonded fuel is available at the base period supplier's lawful price for non-bonded fuel, the carrier is required to amend its certification to take into account the increased amounts of bonded fuel available at such price.

In order to ensure that the proposed regulation does not adversely affect the supplies of fuel available to domestic carriers, FEO is extending the current adjustment factor for kero-jet fuels under the Refinery Yield Program. The extension of the adjustment factor, coupled with the increased availability of crude fuel due to the lifting of the Arab oil embargo, will guarantee sufficient supplies to allow international carriers access to non-bonded fuel without increasing the cost of such fuel.

If it is subsequently determined that sufficient supplies of kerojet fuels were not being made available to civil air carriers, FEO could increase the adjustment factor, require the removal from bond of bonded supplies, or order inventory adjustments as might be appropriate.

Part 212 would be amended to provide that aviation fuel uplifted in the United States for international flights would not be considered an export for pricing purposes.

Interested persons are invited to participate in the rulemaking by submitting written data, views or arguments with respect to the proposed regulations set forth in this notice to the Executive Secretariat, Federal Energy Office, Box AD, Washington, D .C.20461.

Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Office Executive Secretariat with the designation "Proposed Allocation of Non-bonded Aviation Fuel Regulation." Fifteen copies should be submitted. All comments received by March 29, 1974, and all other relevant information will be considered by the Federal Energy Office before final action is taken on the proposed regulations.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748; 38 FR 33575; Economic Stabilization Act of 1970 as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 92-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 47, 39 FR 24)

In consideration of the foregoing, it is proposed to amend Parts 211 and 212, Chapter 2, Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., March 25, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Section 211.142 is amended to add definitions of "adjusted allocable supply", "base period supplier" and "base period volume" to read as follows:

§ 211.142 Definitions.

* * * * *

"Base period supplier" means for an international air carrier its base period supplier of bonded or non-bonded aviation fuel or its supplier as assigned by FEO.

"Base period volume" means for an international air carrier the volume of bonded and non-bonded aviation fuels purchased by an international air carrier during a base period.

* * * * *

"Adjusted allocable supply" means the source of a supplier's allocable supply for a month plus the total volume of bonded aviation fuel available to the supplier's international air carrier purchasers from all sources for the month as certified to the supplier by such international air carriers.

2. Section 211.143(b)(2)(ii) is revised to read as follows:

§ 211.143 Allocation levels.

* * * * *

(b) * * *
(2) * * *
(ii) International air carriers.

* * * * *

3. Section 211.145 is amended to read as follows:

§ 211.145 Method of allocation.

* * * * *

(c)(1) International air carriers which have traditionally used bonded aviation fuel for international flights shall be allocated non-bonded aviation fuels (including naphtha-base jet fuel) by their base period suppliers to reduce their shortages of bonded aviation fuel. Upon certification by an international carrier to its base period supplier that the carrier is unable to purchase or obtain sufficient bonded aviation fuel for a month at prices which do not exceed the lawful price of the base period supplier for similar volumes of non-bonded aviation fuel at the desired location (the certification shall indicate the volumes which can be obtained at such prices), the base period supplier shall provide non-bonded aviation fuel (including naphtha-base jet fuel) to that carrier. Unless the international air carrier certifies that it can not utilize naphtha-base jet fuel, the base period supplier may to the extent of the carrier's

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capability to use such fuel allocate non-bonded naphtha-base jet fuel prior to allocating other non-bonded aviation fuels to the international carrier under this paragraph. International air carriers which do not have base period suppliers shall apply to FEO for assignment of suppliers of non-bonded aviation fuels.

(2) Suppliers of non-bonded aviation fuel shall allocate supplies to international air carriers as follows:

(i) The allocation fraction for providing aviation fuel pursuant to this paragraph shall be equal to the supplier's adjusted allocable supply divided by its base period volume or adjusted base period volume, including therein the base period volume bonded and non-bonded, of the international air carrier to be supplied.

(ii) For each international air carrier to be supplied, the supplier shall multiply the international air carrier's allocation level times the supplier's allocation fraction as adjusted in this paragraph. The resulting volume minus the amount of bonded fuel available to the international air carrier from all sources shall be the amount of non-bonded aviation fuel allocated by the supplier to the international air carrier for that month. *Provided,* That the amount of non-bonded fuel allocated each month to any international carrier when added to the bonded aviation fuel available to that carrier, shall not exceed the volume of aviation fuel which the carrier would receive if the carrier were to use only non-bonded aviation fuels to meet its base period use and if bonded fuel had been subject to allocation. *Provided,* further That if within a month bonded fuel becomes available to a carrier at the lawful price for non-bonded fuel, the carrier shall file an amended certification with its base period supplier, providing for a downward adjustment of the carrier's non-bonded fuel needs in that month.

4. Section 212.53 is amended to read as follows:

§ 212.53 Exports and imports.

* * * * *

(c) Fuel uplifted in the United States for international flights departing from the United States (whether bonded or non-bonded) shall not be considered an export for the purposes of this part.

[FR Doc.74-7160 Filed 3-25-74;12:23 pm]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74-104]

FOREIGN CURRENCIES

Certification of Rates

MARCH 13, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-40 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy lira:	
Mar. 4, 1974	$0.001532
Mar. 5, 1974	.001538
Mar. 6, 1974	.001538
Mar. 7, 1974	.001539
Switzerland franc:	
Mar. 4, 1974	$0.3166
Mar. 5, 1974	.3185
Mar. 6, 1974	.3190
Mar. 7, 1974	.3190
Mar. 8, 1974	.3210

[SEAL] R. N. MARRA,
Director,
Duty Assessment Division.

[FR Doc.74-6919; Filed 3-25-74;8:45 am]

Office of the Secretary

CERAMIC WALL TILE FROM THE UNITED KINGDOM

Notice of Tentative Determination To Modify or Revoke Dumping Finding

A finding of dumping with respect to ceramic wall tile from the United Kingdom was made in Treasury Decision 71-129 which was published in the FEDERAL REGISTER on May 18, 1971 (36 FR 9009).

After due investigation, I find that ceramic wall tile from the United Kingdom is no longer being, nor likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) by Pilkington's Tiles Sales Ltd., Manchester, England. Sales of ceramic wall tile by Pilkington's Tiles Sales Ltd. since October 1970 have been at not less than fair value, and that firm has given assurances that future sales of ceramic wall tile to the United States will not be made at less than fair value. Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to ceramic wall tile from the United Kingdom to exclude this ceramic wall tile produced and sold by Pilkington's Tiles Sales Ltd., Manchester, England, from the finding.

Prior to the issuance of the proposed modification, consideration will be given to any relevant data, views, or arguments which are submitted in writing by interested persons to the Commissioner of Customs, 2100 K Street, NW., Washington, D.C. 20229, and received not later than April 25, 1974.

This notice is published pursuant to section 153.41(c) of the Customs Regulations (19 CFR 153.41(c)).

Dated: March 21, 1974.

[SEAL] JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-6959 Filed 3-25-74;8:45 am]

[Public Debt Series—No. 4-74]

TREASURY NOTES OF SERIES H-1976

Notice Regarding Bidding and Sale

I. INVITATION FOR TENDERS

MARCH 21, 1974.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 99.76 percent of their face value for $1,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series H-1976. The interest rate for the notes will be publicly announced by the Secretary of the Treasury on March 27, 1974. Tenders will be received up to 1:30 p.m., Eastern Daylight Saving Time, Thursday, March 28, 1974, under competitive and noncompetitive bidding, as set forth in Section III hereof.

II. DESCRIPTION OF NOTES

1. The notes wil be dated April 9, 1974, and will bear interest from that date, payable on a semiannual basis on September 30, 1974, March 31 and September 30, 1975, and March 31, 1976. They will mature March 31, 1976, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Daylight Saving time, Thursday, March 28, 1974. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 99.76 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account. Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon and Government accounts. Tenders from others must be accompanied by payment of 5 percent of the face amount of notes applied for.

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3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than $1,500,000,000 of tenders, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated price from any one bidder will be accepted in full at the average price [1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., Eastern Daylight Saving time, Thursday, March 28, 1974.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before April 9, 1974, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226, in cash or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at an time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.74-6926 Filed 3-25-74;8:45 am]

[1] Average price may be at, or more or less than 100.00.

DEPARTMENT OF DEFENSE

Department of the Army

ADVISORY COMMITTEE FOR NATIONAL DREDGING STUDY

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given of the eighth meeting of the Advisory Committee for National Dredging Study to be held April 9-10, 1974. The meeting will begin at 9:00 a.m. in the Delta Ballroom, Delta Tower Hotel, 1732 Canal Street, New Orleans, Louisiana.

The purposes of the meeting are to have the Contractor, Arthur D. Little, Inc., present a briefing on the accomplishments of the study and discuss the proposed operations during the next several months and to permit port authorities, dredging contractors, waterway users and other interested parties to present their views with respect to how the future dredging requirements of the area may be best accomplished, including the division of work between Government and contractor dredge equipment.

Within the facilities available (about 125 persons) the meeting will be open to the public. Upon conclusion of the report of the Contractor, local interested parties may present their views. Such presentations should be in writing, preferably in ten copies each and oral presentations limited to a brief summary of the material presented. In any event, the Chairman will restrict oral discussion to the prescribed purposes with duration to be controlled by the number requesting speaking time.

Inquiries may be addressed to the Designated Federal Representative, Mr. Eugene B. Conner, DAEN-CWO-M, Office Chief of Engineers, U.S. Army, Washington, D.C. 20314.

Dated: March 20, 1974.

For the Chief of Engineers.

JAMES L. KELLY,
Brigadier General, USA, Deputy Director of Civil Works.

[FR Doc.74-6913 Filed 3-25-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

EUGENE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Eugene District Advisory Board will meet on April 17, 1974, commencing at 1:30 p.m., in the Eugene District Office, Bureau of Land Management, 1255 Pearl Street, Eugene, Oregon. The agenda for the meeting includes election of chairman and vice-chairman, consideration of the Eugene District's proposed timber sale plan for fiscal year 1975, off-road vehicle regulations, small business set-aside timber sale program, and accomplishments during fiscal year 1974.

The meeting will be open to the public. It is to be held in a room accommodating 50 people. In addition to discussion of agenda topics by board members, there will be time for brief statements by nonmembers. Persons wishing to make oral statements should so advise the chairman or co-chairman prior to the meeting, to aid in scheduling the time available. Any interested person may file a written statement for consideration by the board by sending it to the chairman, in care of the co-chairman: Eugene District Manager, P.O. Box 10226, Eugene, Oregon 97401.

JAMES E. HART,
Eugene Acting District Manager.

MARCH 15, 1974.

[FR Doc.74-6892 Filed 3-25-74;8:45 am]

UTAH

Competitive Lease Offer of Oil Shale Lands

Notice is hereby given that on April 9, 1974, Utah TRACT U-b, as hereafter described in paragraph 1, will be offered for oil shale lease by sealed bids to the qualified bidder submitting the highest amount per acre as bonus for the privilege of leasing the lands in accordance with the provisions of the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended (30 U.S.C. 181-263), and the general Notice of Sale of Oil Shale Leases published in the FEDERAL REGISTER of November 30, 1973.

1. TRACT U-b:

T. 10 S., R. 24 E., S.L.M.,
Sec. 12, S½, S½N½;
Sec. 13, All;
Sec. 14, All;
Sec. 23, All;
Sec. 24, All;
Sec. 25, W½W½;
Sec. 26, All.
T. 10 S., R. 25 E., S.L.M.,
Sec. 18, All;
Sec. 19, All.
The area described aggregates 5,120.00 acres.

2. *Lease terms.* The lease will be issued on a form the full text of which is published as Appendix "A" to the general notice of sale published in the FEDERAL REGISTER on November 30, 1973. The lease will be issued for a period of 20 years and so long thereafter as production is had in commercial quantities, subject to readjustment of terms at the end of each 20-year period. The lessee will be required to pay royalty on production in the amount and manner prescribed in section 7 of the lease, and to maintain a bond as provided in section 9.

3. *Minimum Royalty.* Section (7)(e)(1) of the lease form requires the payment of a minimum royalty for the sixth and each succeeding year which shall for this tract be based upon the following production rate and oil shale grade:

Tract	Shale grade (gallons per ton)	6th year production rate (tons per year)	15th year production rate (tons per year)
Tract U-b..	30	227,000	2,270,000

4. *Bidding procedures:* The lease will be offered competitively through sealed bidding. A lease will be issued only to the qualified bidder submitting the highest amount per acre as a bonus for the privilege of leasing the lands. No specific form of bid is required but all bids must identify the lease sale and must show the total amount bid, the amount bid per acre, and the amount submitted with the bid. Oil and Gas Bid Form No. 3120-17 may be adapted for this purpose. No telephonic or telegraphic bids will be accepted, and no oil payment, overriding royalty, logarithmic, or sliding scale bid will be considered. Bids shall not be modified after they have been submitted. Bids must be for the full tract described in this Notice of Sale. Bids must be submitted in sealed envelopes plainly marked "Sealed Bid for Oil Shale Lease. Not to be opened before 10 a.m., m.d.t. on April 9, 1974." Bids may be mailed or delivered in person until 10 a.m., m.d.t. April 9, 1974, to the State Director, Utah State Office, Bureau of Land Management, Room 8103, Federal Building, 125 South State Street, P.O. Box 11505, Salt Lake City, Utah 84111. Bids received after that time will be returned unopened. Bidders are warned against violation of section 1860 in Title 18 U.S.C. prohibiting unlawful combination or intimidation of bidders.

5. *Payment of bonus and advance rental.* All bids must be accompanied by a certified check, cashier's check, bank draft, money order, or cash for one-fifth of the bonus bid payable to the Bureau of Land Management, which amount shall be returned to the bidder after the lease sale should he be an unsuccessful bidder. If the bidder, after being notified that his bid has been accepted and that he will be awarded a lease, fails to comply with the applicable regulations or the terms of this notice, or if he fails to execute the lease within 15 days after receiving the lease form, his deposit will be forfeited.

Each bid must also be accompanied by a certified check, cashier's check, bank draft, money order, or cash for the first year's annual rental of $2,560,000. This amount shall be returned to all unsuccessful bidders after the lease sale.

6. *Evidence of qualifications.* Each bid must be accompanied by a statement over the bidder's signature or that of his authorized agent with respect to his qualifications. The statement shall contain the following information:

(a) If the bidder is an individual, a statement as to whether native born or naturalized; if an association, it must submit a certified copy of the articles of association and a statement by its members as to their citizenship. If the bidder is a corporation, it must submit statements showing: (i) The State in which it is incorporated; (ii) that it is authorized to hold leases for oil shale deposits, and the names of the officers authorized to act in such matters in behalf of the corporation; (iii) the percentage of the corporate voting stock and of all the stock owned by aliens or those having addresses outside the United States; and (iv) the name, address, and citizenship of any stockholder owning or controlling 20 percent or more of the corporate stock of any class. If more than 10 percent of the stock is owned or controlled by or in behalf of aliens, or persons who have addresses outside the United States, the corporation must give their names and addresses, the amount and class of stock held by each, and to the extent known to the corporation or which reasonably can be ascertained by it, the facts as to the citizenship of each. The bid of a corporation also shall be accompanied by a copy either of the minutes of the meeting of the board of directors or of the by-laws indicating that the person signing the bid has authority to do so, or, in lieu of such a copy, a certificate by the Secretary of the corporation to that effect, over the corporate seal, or appropriate reference to the record of the Bureau of Land Management in connection with which such articles and authority have been furnished previously; and

(b) The certification required by 41 CFR 60-1.7(b) and Executive Order No. 11246 of September 24, 1965, as amended by Executive Order No. 11375, on Form 1140-8 (November 1973) and Form 1140-7 (December 1971).

7. *Bid Opening.* The bids will be opened at 10:15 a.m., m.d.t. April 9, 1974, in Suites "A" and "B" at the Salt Palace, 100 SW Temple, Salt Lake City, Utah 84101. The opening of the bids is for the purpose of publicly announcing and recording bids received and no bids will be accepted or rejected at that time. If the Department is prohibited for any reason from opening any bid before midnight, m.d.t. April 9, 1974, that bid will be returned unopened to the bidder as soon thereafter as possible.

8. *Acceptance or rejection of bids:* No bid for this tract will be accepted and no lease for this tract will be awarded to any bidder unless the bidder has complied with all requirements of this Notice, his bid is the highest for the offered tract, and the amount of the bonus bid has been determined to be adequate by the United States. The Government reserves the right to reject any or all bids. Any cash, checks, drafts, or money orders submitted with the bid may be deposited in an unearned escrow account in the Treasury during the period the bids are being considered. Such a deposit does not constitute and shall not be construed as acceptance of any bids on behalf of the United States.

9. *Preliminary Development Plan.* Within forty-eight hours after being informed that his bid has been accepted and that a lease will be issued to him, the successful bidder must transmit a preliminary development plan, in duplicate, to the Officer conducting the lease sale. This plan will be made public upon issuance of the lease, and, therefore, confidential information relative to the lessee's operations should not be included in the submission. Confidential information should be submitted in the same manner, but under separate cover. The submission or acceptance of these plans will not be binding on the lessee or lessor and will not authorize any action by the lessee, but the plan is required for the lessor's guidance in establishing initial supervision of the lessee's activities. The preliminary development plan should include the method of development, the proposed location of on and off-site facilities, the schedule for development, and monitoring programs to determine environmental criteria.

10. *Interests of the State of Utah.* The State of Utah claims that it is entitled to lands offered for lease by this sale and to any bonus and royalty monies that may result therefrom. The claim is based upon the State's right under R.S. 2275 and 2276, as amended (43 U.S.C. 851-852), to make selections of public lands in lieu of other lands lost to it by virtue of Federal withdrawals and for other reasons. Applications for transfer of the lands to the State of Utah are presently pending before the Secretary but have not been approved. On March 4, 1974, the State filed an action in the United States District Court for the District of Utah, Central Division, to determine its right to the lands. In addition, the State has agreed, by the execution of an appropriate document by its Governor and Board of State Lands, that in the event it acquires title to the lands offered for lease by this sale, whether by action of the Secretary, court order, or otherwise, subsequent to the issuance of an oil shale lease by the United States on those lands, the State will succeed the United States as lessor under that lease and will fully honor all terms and conditions of the lease.

11. *Further Information.* Information concerning this oil shale lease sale may be obtained from the Chief, Division of Upland Minerals, Bureau of Land Management, Room 7146, Interior Building, 18th & C Streets, NW., Washington, D.C. 20240; and the State Director, Utah State Office, Bureau of Land Management, Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

CURT BERKLUND,
Director Bureau of Land Management.

[FR Doc.74-6950 Filed 3-25-74;8:45 am]

National Park Service

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10:30 a.m. on April 10, 1974, at 313 Walnut Street, Philadelphia, Pennsylvania.

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The Commission was established by Public Law 80–795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman), Philadelphia, Pa.
Mr. John P. Bracken, Philadelphia, Pa.
Hon. Michael J. Bradley, Philadelphia, Pa.
Hon. James A. Byrne, Philadelphia, Pa.
Hon. Edwin O. Lewis, Philadelphia, Pa.
Mr. Filindo B. Masino, Philadelphia, Pa.
Mr. Frank C. P. McGlinn, Philadelphia, Pa.
Mr. John B. O'Hara, Philadelphia, Pa.
Mr. Howard D. Rosengarten, Villanova, Pa.
Mr. Charles R. Tyson, Philadelphia, Pa.

Matters to be considered at this meeting include the following:

1. Status of Liberty Bell Pavilion.
2. Graff House drawings.
3. Visitor Center film.
4. Legislative Review.
5. Superintendent's Progress Report.

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit written statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania, at 215–597–7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Dated: March 13, 1974.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.74–6785 Filed 3–25–74;8:45 am]

[INT DES 74–33]

Office of the Secretary

ASSATEAGUE ISLAND WILDERNESS AREA, MARYLAND-VIRGINIA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91–190, the Department of the Interior has prepared a draft environmental statement for the proposed Assateague Island Wilderness Area, Maryland-Virginia, and invites written comments within 45 days of this notice.

The proposal recommends that 1,300 acres of Assateague Island in Accomack County, Virginia, and 5,200 acres of Assateague Island in Worcester County, Maryland, be designated as wilderness within the National Wilderness Preservation System. Of the total acreage involved in this proposal approximately 4,782 acres are under the administration of the National Park Service, the remainder, approximately 1,718 acres are administered by the Bureau of Sport Fisheries and Wildlife.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
John W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

Headquarters
Chincoteague National Wildlife Refuge
Box 62
Chincoteague, Virginia 23336

Mid-Atlantic Regional Office
National Park Service
143 South Third Street
Philadelphia, Pennsylvania 19106

Superintendent
Assateague Island National Seashore
Route 2, Box 294
Berlin, Maryland 21811

Bureau of Sport Fisheries and Wildlife
Office of Environmental Coordination
Department of the Interior
Room 2246
18th and "C" Streets, NW.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

Dated: March 20, 1974.

ROYSTON C. HUGHES,
Assistant Secretary, Program Development and Budget.

[FR Doc.74–6893 Filed 3–25–74;8:45 am]

[INT DES 74–36, 74–37]

DRAFT FACILITY LOCATION SUPPLEMENTS

Availability of Additional Environmental Statements

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared two additional Draft Facility Location Supplements to its Fiscal Year 1975 Environmental Statement. These Draft Supplements cover proposals for Maple Valley 500-kV Reinforcement and the Richland Area Electrical Service.

The proposal for the Maple Valley 500-kV Reinforcement consists of the construction of approximately 16 miles of double-circuit 500-kV transmission line. Of this total length 2.5 miles will require new right-of-way easement, 8.25 miles would parallel existing transmission lines, and 7.25 would occur on existing right-of-way. In addition, a new substation will also be required southwest of Snoqualmie, Washington.

The proposal for Richland Area Service involves the construction of 35.2 miles of 230-kV and 3.6 miles of 115-kV transmission line as well as the associated construction of three substation facilities.

Copies of the Draft Supplements are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and at the Seattle Area Office, 415 1st Avenue North, Room 250, Seattle, Washington 98109, and the Walla Walla Area Office, West 101 Poplar, Walla Walla, Washington 99362.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Seattle Area Manager or Walla Walla Area Manager at the above addresses. Comments on the Supplements should be sent to the Environmental Office on or before May 10, 1974.

Dated: March 20, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74–6896 Filed 3–25–74;8:45 am]

[INT DES 74–34]

LACASSINE WILDERNESS AREA, LOUISIANA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91–190, the Department of the Interior has prepared a draft environmental statement for the proposed Lacassine Wilderness Area, located in Louisiana, and invites written comments within 45 days of this notice.

The proposal recommends about 3,296 acres of the Lacassine National Wildlife Refuge, Cameron Parish, Louisiana, be designated as wilderness within the National Wilderness Preservation System.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
17 Executive Drive, NE.
Atlanta, Georgia 30329

Headquarters
Lacassine National Wildlife Refuge
Box 186, Route 1
Lake Arthur, Louisiana 70549

Bureau of Sport Fisheries and Wildlife
Office of Environmental Coordination
Department of the Interior
Room 2246
18th and "C" Streets NW.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

Dated: March 20, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74–6894 Filed 3–25–74;8:45 am]

[INT DES 74–35]

PARKER RIVER WILDERNESS AREA, MASSACHUSETTS

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91–190, the Department of the Interior has prepared a draft environmental statement for the Proposed Parker River Wilderness Area, Massachusetts, and invites written comments within 45 days of this notice.

The proposal recommends that approximately 3,110 acres of the Parker River National Wildlife Refuge in Essex County, Massachusetts, be designated as wilderness within the National Wilderness Preservation System.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
John W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

Headquarters
Parker River National Wildlife Refuge
Northern Boulevard, Plum Island
Newburyport, Massachusetts 01950

Bureau of Sport Fisheries and Wildlife
Office of Environmental Coordination
Department of the Interior
Room 2246
18th and "C" Streets NW.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Coordination, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Coordination. Please refer to the statement number above.

Dated: March 20, 1974.

ROYSTON C. HUGHES,
Assistant Secretary, Program Development and Budget.

[FR Doc.74–6895 Filed 3–25–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

MULTIPLE USE PLAN—CUBE IRON-SILCOX PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for implementation of a revised Multiple Use Plan for the Cube Iron-Silcox Planning Unit, Lolo National Forest, Sanders and Flathead Counties, State of Montana; Forest Service report number USDA–FS–DES (Adm) R1–74–10.

The environmental statement concerns a proposed Multiple Use Plan intended to provide the District Ranger with general management guidance for the Cube Iron-Silcox Planning Unit. The planning unit is subdivided into 12 management units having similar resource potentials and problems.

This draft environmental statement was filed with CEQ on March 18, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, MT 59801

USDA, Forest Service
Lolo National Forest
Building 24, Forest Missoula
Missoula, MT 59801

A limited number of single copies are available upon request to Forest Supervisor Jackson D. Large, Lolo National Forest, Building 24, Fort Missoula, Missoula, Montana 59801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Jackson D. Large, Lolo National Forest, Building 24, Fort Missoula, Missoula, Montana 59801. Comments must be received by May 17, 1974 in order to be considered in the preparation of the final environmental statement.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

MARCH 18, 1974.

[FR Doc.74–6862 Filed 3–25–74;8:45 am]

MULTIPLE-USE PLAN—NORTH FORK PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the proposed Multiple-Use Plan, North Fork Planning Unit, Report Number USDA–FS–DES (Adm) R1–74–11.

The environmental statement concerns a proposed management plan for about 224,130 acres of National Forest land on the Glacier View Ranger District of the Flathead National Forest, Flathead County, Montana. The proposed plan provides the District Ranger with management direction and guidance for each of the seven management units within the total planning area.

This draft environmental statement was filed with CEQ on March 18, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Region 1—Northern Region
200 East Broadway
Missoula, Montana 59801

USDA, Forest Service
Flathead National Forest
290 North Main
Kalispell, Montana 59901

USDA, Forest Service
Glacier View Ranger Station
Columbia Falls, Montana 59912

A limited number of single copies are available upon request to Edsel L. Corpe, Forest Supervisor, Flathead National Forest, 290 North Main, Kalispell, Montana 59901.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Edsel L. Corpe, Forest Supervisor, Flathead National Forest, 290 North Main, Kalispell, Montana 59901. Comments must be received by May 17, 1974, in order to be considered in the preparation of the final environmental statement.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

MARCH 18, 1974.

[FR Doc.74–6863 Filed 3–25–74;8:45 am]

Packers and Stockyards Administration

INDIANAPOLIS LIVESTOCK MARKET, INDIANAPOLIS, INDIANA, ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States

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Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.

IN–152 Indianapolis Livestock Market, Indianapolis, Indiana.
IA–250 Montezuma Sale Company, Montezuma, Iowa.
MN–164 Winger Livestock Sales, Winger, Minnesota.
MS–152 Davis Livestock Commission Company, Ecru, Mississippi.
MO–237 Cattlemen Auction Co., Inc., Humansville, Missouri.
MO–236 Mid-West Livestock Market, Inc., Nevada, Missouri.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. 20250, by April 10, 1974.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 21st day of March, 1974.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.74–6943 Filed 3–25–74;8:45 am]

Rural Electrification Administration

ALABAMA ELECTRIC COOPERATIVE

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated request to provide a combination of a loan guarantee and insured loan funds for Alabama Electric Cooperative, Inc., P.O. Box 550, Andalusia, Alabama 36420, which will provide for new generation facilities and related transmission lines and terminal facilities.

The proposed generating facilities consist of two coal fire units of approximately 200 MW each. A tentative proposed location for these units is the site of the existing 66 MW Tombigbee power plant of Alabama Electric Cooperative located on the Tombigbee River in Washington County near Jackson, Alabama.

Transmission facilities for movement of bulk power from these units into the existing transmission grid will be required. The location and degree of transmission facilities is under study, however, if the plant should be located at the above site, one tentative line consists of approximately 100 miles of 230,000 volt transmission line originating at the proposed site in Washington County and extending in an easterly direction thru parts of Washington County, Monroe County, Conecuh County and terminating in Covington County at an existing substation which would be expanded. This transmission line, for most of the way, would be on existing right of way. Some additional rights-of-way would be required.

Additional transmission lines originating at the proposed site and terminating in Washington County and Escambia County, along with other possible routings and terminal points, are under active consideration by Alabama Electric Cooperative.

Additional information may be obtained at the borrower's office during regular business hours.

Interested parties are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address is given.

Dated at Washington, D.C., this 19th day of March, 1974.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74–6889 Filed 3–25–74;8:45 am]

BIG RIVERS ELECTRIC CORP.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated request for insured loan funds for Big Rivers Electric Corporation, P.O. Box 24, Henderson, Kentucky 42420, which will provide for the installation of a combustion turbine.

The proposed facilities consist of the installation of a combustion turbine, approximately 65 W, on the site of the existing Robert Reid Station, 2.5 miles northeast of Sebree, Kentucky. The primary fuel for this unit will be No. 2 distillate fuel oil.

The primary purpose of this installation is to provide standby generation for use during emergencies and as an alternate generation source for use during pollution episodes.

Additional information may be obtained at the borrower's office during regular business hours.

Interested parties are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address is given.

Dated at Washington, D.C., this 20th day of March, 1974.

GEORGE P. HERZOG,
Acting Administrator, Rural Electrification Administration.

[FR Doc.74–6944 Filed 3–25–74;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 10–3, Amdt. 1]

ASSISTANT SECRETARY FOR DOMESTIC AND INTERNATIONAL BUSINESS

Delegation of Authority and Functions

This order, effective March 14, 1974, amends the material appearing at 38 FR 33624 of December 6, 1973.

Department Organization Order 10–3, dated November 11, 1973, is hereby amended as follows:

1. SECTION 4. *Delegation of Authority.* In paragraph .01, subparagraphs s, t, and y, are deleted, and subparagraphs u, v, w, and x, are redesignated as s, t, u, and v, respectively.

2. SEC. 5. *Functions.* Subparagraph c is revised to read as follows:

c. Conduct Commerce programs involving: the expansion of international commerce, including research, analysis and the development of policy initiatives in the areas of international trade, finance and investment; the expansion of East-West trade and other commercial relations; promotion of business-consumer relations; competitive assessment; energy programs; import quota administration; export administration; trade adjustment assistance; the collection, analysis, and dissemination of selected information on various industries, commodities, and markets; the preparation and execution of plans for industrial mobilization readiness; and participation in domestic trade fairs;

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.74–6945 Filed 3–25–74;8:45 am]

[Dept. of Organization Order 10–7]

ASSISTANT SECRETARY FOR TOURISM

Tourism and Functions

This order, effective March 14, 1974, supersedes the material appearing at 35 FR 18887 of December 11, 1970.

SECTION 1. *Purpose.* This order prescribes the scope of authority of the Assistant Secretary for Tourism and the functions of the United States Travel Service.

SEC. 2. *Status and Line of Authority.* .01 Pursuant to the authority vested in the Secretary by law, the United States Travel Service is continued as a primary operating unit of the Department of Commerce.

.02 As provided by Pub. L. 91–477 of October 21, 1970, the Assistant Secretary for Tourism (the "Assistant Secretary"), who is appointed by the President by and with the advice and consent of the Senate, shall be the head of the United States Travel Service.

.03 The Assistant Secretary shall be assisted principally by: a. A Deputy Assistant Secretary for Tourism who shall serve as the principal assistant of the Assistant Secretary and shall perform the functions of the Assistant Secretary in his absence; and

b. A Deputy Assistant Secretary for Bicentennial Affairs, who shall advise and assist the Assistant Secretary on all matters associated with the Department's plans and programs relative to the Nation's Bicentennial celebration.

SEC. 3. *Delegation of Authority.* .01 Subject to such policies and limitations as the Secretary of Commerce may prescribe, the Assistant Secretary for Tourism is hereby delegated the authority of the Secretary of Commerce under:

a. The International Travel Act of 1961, as amended (the "Act") (22 U.S.C. 2121 et seq.);

b. The Trade Fair Act of 1959 (19 U.S.C. 1751–1756), relating to the certification and promotion of domestic trade fairs;

c. The Act of May 27, 1970 (22 U.S.C. 2801 et seq.), relating to participation of the United States in international expositions;

d. The Acts of February 19, 1966 (Pub. L. 89–555) and October 27, 1966 (P.L. 89–697) regarding the Inter-American Cultural and Trade Center in Dade County, Florida ("Interama"); and

e. The Act of July 19, 1940 (54 Stat. 773; 16 U.S.C. 18–18d), relating to Domestic Travel Promotion.

.02 The Assistant Secretary may exercise other authorities of the Secretary as applicable to performing the functions assigned in this order.

.03 The Assistant Secretary may redelegate his authority to any employee of the United States Travel Service, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 4. *Functions.* The Assistant Secretary shall have primary responsibility for promoting travel to the United States by residents of foreign countries to improve the U.S. balance of payments and to promote friendly understanding and good will among peoples of foreign countries and of the United States. In carrying out this responsibility, the Assistant Secretary shall:

a. Develop, plan and carry out a comprehensive program designed to stimulate and encourage travel to the United States for the purpose of study, culture, recreation, business and other activities;

b. Encourage the development of tourist facilities, low cost unit tours, and other arrangements within the United States for meeting the requirements of foreign visitors;

c. Foster and encourage the widest possible distribution of the benefits of travel at the cheapest rates between foreign countries and the United States consistent with sound economic principles;

d. Encourage the simplification, reduction, and elimination of barriers to travel, and the facilitation of international travel generally;

e. Collect, publish, and provide for the exchange of statistics and technical information, including schedules of meetings, fairs, and other attractions, relating to international travel and tourism;

f. Utilize the facilities and services of Federal agencies to the fullest extent possible;

g. Consult and cooperate with individuals, businessmen, and organizations engaged in or concerned with international travel, including local, State, Federal and foreign governments and international agencies;

h. Obtain the advice and services of qualified professional organizations and personnel;

i. Make grants or proposals for contracts for projects designed to carry out the purposes of the Act, subject to the provisions of section 3(a) (5) and (6) of the Act;

j. Provide, according to such policies, standards, criteria and procedures as he may establish, incentives to travel agents and tour operators in foreign countries for the promotion of travel to the United States; and

k. Conduct the Commerce program involving Federal recognition of and participation in international expositions and trade fairs.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.74–6947 Filed 3–25–74;8:45 am]

[Dept. Administrative Order 205–12, Revised Appendix B]

PUBLIC INFORMATION

Domestic and International Business Administration

Appendix B to Department Administrative Order 205–12 of July 4, 1967, as amended and appended, is hereby revised.

Attached is the revised Appendix B, "Public Information Services of the Domestic and International Business Administration," dated June 26, 1973. It supersedes the following two appendices which were issued on April 10, 1972, and which were individually dated as indicated:

B, 2/25/72, Bureau of Domestic Commerce.
E, 3/13/72, Bureau of International Commerce.

HENRY B. TURNER,
Assistant Secretary for Administration.

This revised appendix, effective 7/16/73, further amends the material appearing at 32 FR 9734 of July 4, 1967; 35 FR 6601 of April 24, 1970; and 36 FR 19096 of September 28, 1971.

In addition, it supersedes, in part, material published under 37 FR 9679 of May 16, 1972, (namely Appendices B and E, each of which is individually identified and dated, as indicated).

APPENDIX B

PUBLIC INFORMATION SERVICES OF THE DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

JUNE 26, 1973.

A. *Purpose.* The purpose of this Appendix is to describe, in general, the public information services of the Domestic and International Business Administration, (DIBA); to describe the places at which, and the methods whereby, the public may obtain information; to inform the public as to the availability of its statistical reports, data files, unpublished materials, special tabulations, rules, regulations, procedures, instructions, forms, or other requirements established by the Domestic and International Business Administration which affect the public and otherwise to comply with the requirements of 5 U.S.C. 552 (Pub. L. 90–23, 81 Stat. 54).

B. *Public Information Services.* .01 The Domestic and International Business Administration collects, analyzes, and disseminates to business and industry a wide range of information on domestic and international business, industry and trade, domestic and foreign markets, business opportunities and imports; administers various statutory programs delegated to DIBA; and develops and operates programs to promote international trade and investment and to promote progressive business policies and growth. Included is information on:

BUREAU OF INTERNATIONAL COMMERCE (BIC)

For all countries except Union of Soviet Socialist Republics (U.S.S.R.), East European Countries, and People's Republic of China (PRC).[1]

Foreign trade statistics
Foreign market potentials
Information developed from country statistics
Country market research
Product market research
Tariffs, taxes, quotas, and customs regulations of foreign countries
Patent, trademark, and copyright laws of foreign countries
Transportation systems
Insurance activities
Foreign government procurement in the U.S.
Government export financing facilities
Insurance against commercial and political risks abroad
U.S. foreign direct investment
Domestic and International Sales Corporations (DISC's)
Documentation and shipping requirements for U.S. exports
Foreign trade opportunities
Procedures for obtaining import protection and reductions in trade restrictions of foreign countries
Procedures for participation of U.S. industries in export promotion events abroad
Rules and regulations for corporations organized under the China Trade Act of 1922
Procedures for certification of domestic trade fairs under the Trade Fair Act of 1959

[1] See the Bureau of East-West Trade (BEWT) for information on these excepted countries.

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Rules and regulations governing Federal participation in international expositions held in the U.S. and its territories

BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY (BCABP)

Market analyses and trends
Industry reports
Analyses of data on production, sales, employment, profits and distribution
Industrial outlook reports
Analysis on the competitive position of the United States

BUREAU OF RESOURCES AND TRADE ASSISTANCE (BRTA)

International trade in primary commodities
International trade in industrial products
Fiber, textile and apparel data
Information on Foreign-Trade Zones and Foreign-Trade Zones Board activity
Procedures concerning the importation of scientific, educational and cultural material (Florence Agreement); the Foreign Excess Property Program and the Watch Quota Program
Textile market and textile import analyses guidelines
Implementation of trade adjustment assistance provisions for firms under the Trade Adjustment Assistance Act of 1962
Energy programs

BUREAU OF EAST-WEST TRADE (BEWT)

For Albania, Bulgaria, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, People's Republic of China and Union of Soviet Socialist Republics.[2]

Foreign trade statistics
Economic trends and conditions
Foreign market potentials and opportunities and export market surveys
Market data and product information
Tariffs, quotas, laws, regulations, and administrative and procedural provisions governing trade and doing business
Texts, summaries and supporting documents pertaining to bilateral agreements between the U.S. and state-controlled economy countries
Activities of the Joint Commercial Commissions
Patents, trademarks and copyright laws
Insurance activities including insurance of U.S. business against commercial and political risks
Commercial arbitration
Accreditation and business representation
Business facilities
Taxation and fees
Export financing facilities

Conditions of and opportunities for joint ventures, including U.S. foreign investments
Documentation and shipping requirements for U.S. exports
Procedures for the participation of U.S. industries in export promotion events abroad

For all countries:

Rules and Regulations under the Export Administration Act of 1969, as amended governing export control

.02 Publications of the Domestic and International Business Administration are listed in the Annual Supplement to U.S. Department of Commerce Publications, and the weekly Business Services Checklist which are available from the District Offices of the Office of Field Operations (OFO), Department of Commerce, or the Department of Commerce, Washington, D.C. 20230.

[2] See the Bureau of International Commerce (BIC) for information on other countries.

.03 The Bureau of International Commerce publishes the Checklist of International Business Publications which can be obtained through the District Offices and from the U.S. Department of Commerce.

.04 The Office of Field Operations publishes the Commerce Business Daily through which it disseminates all proposed U.S. Government procurement actions over $10,000 in value for defense and over $5,000 for civilian purposes. The purpose is to advise all interested U.S. firms of such procurement opportunities and thereby reduce procurement costs through expanded competitive bidding. The publication also contains a listing of government contract awards including subcontracting leads, government surplus property sales and foreign business opportunities. Commerce Business Daily is published daily except Saturdays, Sundays and Government holidays. Subscriptions are available through Department of Commerce District Offices or the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 at an annual subscription rate of $40.00. Airmail service is an additional $30.25 annually.

C. *Guide to Published Rules and Regulations.* .01 *Defense Production Act.* Public orders and regulations issued in implementation of Title I (priorities and allocation powers) under the Defense Production Act of 1950, as amended, (64 Stat. 798; 50 U.S.C. 2061 et seq.) are found in Title 32A, Code of Federal Regulations, Chapter VI. Appeals procedures under these orders and regulations are through the normal Department of Commerce appeals procedures.

.02 *National Defense Executive Reserve.* Departmental responsibilities for the National Defense Executive Reserve, as exercised by the Bureau of Competitive Assessment and Business Policy and the Bureau of East-West Trade are outlined in Department Administrative Orders 210-4 and 210-8 (30 FR 12957). Applications for participation in the NDER must be made on Form CD-174, which is available from the Director, Office of Industrial Mobilization, Bureau of Competitive Assessment and Business Policy, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230 or from the Director, Office of Export Control, Bureau of East-West Trade, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

.03 *Automotive Products Trade.* Rules, procedures and criteria for determination of bona-fide motor vehicle manufacturers under the Automotive Products Trade Act of 1965 (79 Stat. 1023; 19 U.S.C. 3032) are found in 19 CFR 301.

.04 *Export Promotion Programs.* Applications, procedures, selection criteria, and other rules and regulations pertaining to trade and industrial exhibits, Trade Centers, trade development centers, catalog fairs, Joint Export Establishment Promotions (JEEPs) and trade missions abroad which are directed toward stimulation of the domestic community to export may be obtained from the Office of International Marketing, BIC, Domestic and International Business Administration, Department of Commerce, Washington, D.C. 20230 with regard to countries within the cognizance of the Bureau of International Commerce's export promotion activities and from the Office of East-West Trade Development, BEWT, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230, with regard to countries within the cognizance of Bureau of East-West Trade's export promotion activities. (See page 4 for listing of countries.)

.05 *China Trade Act.* Rules and regulations for corporations organized under the China Trade Act (42 Stat. 854; 15 U.S.C. 141-62) are found in 15 CFR 863.

.06 *Export Control.* Rules and regulations issued under the Export Administration Act of 1969, as amended, (50 U.S.C. App. 2401, et seq.) are contained in Title 15, Chapter 3, Subpart B, "Export Regulations", which may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or from the Office of Export Control, Bureau of East-West Trade, Room 1605, Department of Commerce Building, 14th and "E" Streets, NW, Washington, D.C. 20230. Additionally, lists of parties subject to restrictions in exporting or dealing in U.S.-origin commodities or technical data, are included in the Export Control Regulations. Amendments to the current rules and regulations are published in the FEDERAL REGISTER and in Export Control Bulletins which may be obtained from the above sources or District Offices of the DIBA Office of Field Operations.

.07 *Foreign Excess Property.* Rules, procedures, and criteria for importation of Foreign Excess Property are found in 44 CFR 401. Information on the activity and application forms may be obtained from the Foreign Excess Property Officer, Office of Import Programs, Bureau of Resources and Trade Assistance, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

.08 *Florence Agreement—Importation of Scientific Instruments or Apparatus by Nonprofit Educational and Research Institutions.* Rules, regulations and procedures concerning the processing by the Departments of Commerce and Treasury of applications for duty-free entry of scientific instruments or apparatus are published in the FEDERAL REGISTER at 37 FR 3892 et seq. They are issued pursuant to the Educational, Scientific and Cultural Importation Act of 1966 (80 Stat. 697; 19 U.S.C. 1202). The public may secure information and copies of the Regulations and application forms relating to the program from the Director, Office of Import Programs, Bureau of Resources and Trade Assistance, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230. However, applications for duty-free entry of scientific instruments should be filed as prescribed in the Act and the above referred Regulations with the Bureau of Customs, Attention: Tariff Classification Rulings, Washington, D.C. 20226.

.09 *Allocation of Quotas for the Duty-Free Importation into the United States of watches and watch movements* among producers located in the Virgin Islands, Guam and American Samoa. (19 U.S.C. 1202) added by Pub. L. 89-805, November 10, 1966. Requests for information concerning this activity may be obtained from the Director, Office of Import Programs, Bureau of Resources and Trade Assistance, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

.10 *Foreign-Trade Zones* are authorized by the Foreign Trade Zone Board under its authority given in the FTZ Act of 1934, as amended (19 U.S.C. 80). The Board's rules and regulations are found at 15 CFR Part 400. Bureau of Customs regulations on zones are at 19 CFR Part 146. Information on zone operations and activities are published in the Board's annual report to Congress.

D. *Submission of Requests and Applications.* .01 The public may make submittals, applications, or requests concerning matters discussed in section C of this Appendix as provided in the respective rules and regulations which are cited.

.02 DIBA's information address and telephone are: Domestic and International Business Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230. Phone: (202) 967-5418. Information may also be obtained from Field Operations District Offices located in principal cities throughout the country.

.03 Forms affecting the public in export control matters are identified in the Code of Federal Regulations and facsimiles of these forms are reproduced as a supplement to the Export Control Regulations. Actual forms may be obtained from the Office of Export Control, or as otherwise provided in the regulations. The regulations also describe procedures to be followed in submitting forms and documents.

E. *Final Delegations of Authority.* The officials and employees of DIBA to whom there has been delegated or redelegated the authority to take final actions, or make final decisions, with respect to requirements, submissions or other matters arising under published rules and regulations are identified in the following materials:

1. Department Organization Order 10-3 (37 FR 25555, December 1, 1972), which is the basic delegation of authority from the Secretary of Commerce to the Assistant Secretary for Domestic and International Business; and

2. DIBA Organization and Function Orders in the DIBA Manual of Administrative Instructions which set forth all redelegations of authority to officials and employees of DIBA and which are available for public inspection and copying in the Office of Management and Systems, Directorate of Administrative Management, DIBA, U.S. Department of Commerce, Room 3100, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230 (Telephone: Area Code 202-967-5436) or in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043.

F. *Inspection and Copying of Opinions and Orders.* All final opinions and orders made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that effect a member of the public; and any other materials required to be made available for public inspection and copying under section 552 (a)(2), Title V, U.S. Code, are made available for such purposes in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street and Constitution Avenue, NW, Washington, D.C. 20230. Rules concerning the use of this facility are contained in Part 4, Subtitle A, Title 15, Code of Federal Regulations, or may be obtained from the Facility.

G. *Inspection of Records.* Rules for persons desiring, pursuant to section 552(a)(3), to inspect records not available to the public as a part of the regular public information services of the Domestic and International Business Administration are contained in Part 4, Subtitle A, Title 15, Code of Federal Regulations. Applications are available from the Central Reference and Records Inspection Facility or from the Office of Field Operations' District Offices.

[FR Doc.74-6946 Filed 3-25-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 4B2977]

GOODYEAR TIRE AND RUBBER CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 121.52 Withdrawal of petitions without prejudice of the procedural food additive regulations (21 CFR 121.52), The Goodyear Tire and Rubber Co., Akron, OH 44316, has withdrawn its petition (FAP 4B2977) notice of which was published in the FEDERAL REGISTER of January 23, 1974 (39 FR 2617) proposing that § 121.2566 (21 CFR 121.2566) be amended to provide for the safe use of hexylated p-cresol as an antioxidant and/or stabilizer in ploymers that contact food.

Dated: March 19, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-6900 Filed 3-25-74;8:45 am]

[GRASP 4G0037]

MORTON SALT CO.

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 4G0037) has been filed by Morton Salt Co., 110 North Wacker Drive, Chicago, IL 60606, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that sodium hypochlorite in an aqueous solution (up to 200 ppm available chlorine) for intermittent spraying of beef, lamb, and hog carcasses during the cooler-chilling process is generally recognized as safe (GRAS).

Interested persons may, on or before May 28, 1974, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated: March 18, 1974.

VIRGIL D. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-6901 Filed 3-25-74;8:45 am]

Health Resources Administration

HOSPITAL AND NURSING HOME SERVICES

Payments to States Participating in Expenditure Review Program

Pursuant to section 1122(c) of the Social Security Act, the Secretary is required to pay States participating in the capital expenditure review program of section 1122 for the reasonable costs of performing the functions specified in section 1122(b). The procedure for calculating the amounts of such payments is set forth at 42 CFR 100.110. Section 100.110 (a)(3) states that "The percentage for each State obtained by dividing the total amount of Federal expenditures for hospital and nursing home services under Title V, XVIII, and XIX of the Act in such State by the total amount of all expenditures for hospital and nursing home services in such State for each fiscal year will be published in the FEDERAL REGISTER as soon as practicable following the beginning of such fiscal year." Although the States have not yet entered into agreements to implement section 1122, these calculations have been made for fiscal year 1974. The percentages so obtained for such fiscal year are set forth below.

Dated: March 6, 1974.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

	Percent		Percent
Totals	30		
REGION I			
Connecticut	30		
Maine	30		
Massachusetts	34		
New Hampshire	28		
Rhode Island	36		
Vermont	33		
REGION II			
New Jersey	25		
New York	41		
Puerto Rico	14		
Virgin Islands	17		
REGION III			
Delaware	17		
Dist. of Col	13		
Maryland	23		
Pennsylvania	27		
Virginia	18		
West Virginia	24		
REGION IV			
Alabama	21		
Florida	33		
Georgia	23		
Kentucky	29		
REGION IV			
Mississippi	21	South Carolina	21
North Carolina	21	Tennessee	21
REGION V			
Illinois	29	Minnesota	35
Indiana	26	Ohio	25
Michigan	29	Wisconsin	37
REGION VI			
Arkansas	33	Oklahoma	39
Louisiana	23	Texas	26
New Mexico	21		
REGION VII			
Iowa	29	Missouri	26
Kansas	30	Nebraska	27
REGION VIII			
Colorado	24	South Dakota	33
Montana	36	Utah	22
North Dakota	31	Wyoming	17
REGION IX			
Arizona	20	Hawaii	24
California	42	Nevada	26
Guam	04		
REGION X			
Alaska	08	Oregon	29
Idaho	30	Washington	31

[FR Doc.74-6897 Filed 3-25-74;8:45 am]

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Office of Education

FULBRIGHT-HAYS TRAINING GRANTS

Notice of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452), applications are being accepted from institutions of higher education for Fulbright-Hays Training Grants.

Applications must be received by the Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. 20202 (mailing address: Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202), on or before April 29, 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will reply on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the Office of Education.)

(Catalog of Federal Domestic Assistance Programs: 13.438 Fulbright-Hays Training Grants—Faculty Research Abroad; 13.439 Fulbright-Hays Training Grants—Foreign Curriculum Consultants; 13.440 Fulbright-Hays Training Grants—Group Projects Abroad; 13.441 Fulbright-Hays Training Grants—Doctoral Dissertation Research Abroad.)

Dated: February 20, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74-6928 Filed 3-25-74;8:45 am]

FULBRIGHT-HAYS TRAINING GRANTS

Proposed Criteria for Funding of Applications for Fiscal Year 1974

Pursuant to the authority contained in section 102(b)(6) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the criteria set forth below as the basis on which applications submitted under section 102(b)(6) (22 U.S.C. 2452) will be judged. Section 102(b)(6) authorizes programs to promote modern foreign language and area studies training in the United States by supporting research and study in foreign countries by teachers and prospective teachers, and by financing visits by foreign teachers to the United States to participate in foreign language and area studies programs at U.S. educational institutions.

Four separate programs are supported under the authority of section 102(b)(6). The programs and the proposed criteria for each read as follows:

1. *Doctoral Dissertation Research Abroad program.* Under this program the Commissioner, with the approval of the Board of Foreign Scholarships, will select applications to be funded on the basis of the following criteria:

(a) Academic qualifications of the candidate;

(b) Soundness and feasibility of the project;

(c) Preference will be given to foreign languages and areas that are critical to the national interest, for which adequate instruction has not been widely available in the United States, and for which there exists a shortage of trained personnel.

2. *Faculty Research Abroad program.* Under this program the Commissioner, with the approval of the Board of Foreign Scholarships, will select applications to be funded on the basis of the following criteria:

(a) Relevance of the proposed project to the U.S. educational institution's educational goals and to its plans for developing programs in foreign languages and area studies;

(b) The project's potential impact on foreign languages and area studies in American education;

(c) The project's relevance to contemporary issues and problems significantly related to the national interest;

(d) Scholarly qualifications of the candidate, and his previous opportunities for research abroad;

(e) The extent to which direct experience abroad is necessary to complete the project and the effectiveness with which host country resources would be utilized;

(f) Soundness and feasibility of the project.

3. *Group Projects Abroad program.* Under this program the Commissioner, with the approval of the Board of Foreign Scholarships, will select applications to be funded on the basis of the following criteria:

(a) The potential impact of the project on the development of foreign language and area studies programs in American education;

(b) The project's relevance to the applicant institution's educational goals and its relationship to the institution's program development in foreign languages and area studies;

(c) The extent to which direct experience abroad is necessary to achieve the project's objectives and the effectiveness with which host country resources would be utilized;

(d) Preference to projects concerning foreign languages and geographic areas which are of special concern to the national interest and for which adequate instruction has not been widely available in the United States.

4. *Foreign Curriculum Consultants program.* Under this program the Commissioner, with the approval of the Board of Foreign Scholarships, will select applications to be funded on the basis of the following criteria:

(a) Potential impact on the applicant institution's plans for developing its foreign language and area studies programs;

(b) Potential effective use of the results of the consultant's work following the completion of the project;

(c) Appropriateness of the consultant's duties and the approximate allocation of time among the duties;

(d) Number of faculty, students, and members of the relevant community who are expected to be affected by the consultant's activities;

(e) Likelihood that educational institutions other than the grantee will share in the consultant's services and the extent to which such institutions have participated in helping define the nature of these services;

(f) Adequacy of the arrangements made for coordinating the consultant's work under the supervision of a project director.

(22 U.S.C. 2452(b)(6))

Interested persons are invited to submit written comments, suggestions, or objections regarding these criteria to the International Studies Branch, Division of International Education, Office of Education, ROB 3, Room 3923, 7th and D Streets SW., Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material received on or before April 10, 1974 will be considered.

(Catalog of Federal Domestic Assistance Programs: 13.438 Fulbright-Hays Training Grants—Faculty Research Abroad; 13.439 Fulbright-Hays Training Grants—Foreign Curriculum Consultants; 13.440 Fulbright-Hays Training Grants—Group Projects Abroad; 13.441 Fulbright-Haya Training Grants—Doctoral Dissertation Research Abroad).

Dated: February 20, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: March 20, 1974.

CASPER W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.74-6927 Filed 3-25-74;8:45 am]

STATE POSTSECONDARY EDUCATION COMMISSIONS

Closing Date for Receipt of Information Concerning Establishment

In order for a State to receive funds appropriated during fiscal year 1974 to support comprehensive statewide planning for postsecondary education as authorized under section 1203 of the Higher Education Act of 1965 (Pub. L. 89-329, as amended), it must (a) establish a State Postsecondary Education Commission which, as required by section 1202(a), is "broadly and equitably representative of the general public and public and private nonprofit and proprietary institutions of postsecondary education in the State including community colleges, junior colleges, postsecondary vocational schools, area vocational schools, technical institutes, four year institutions of higher education and branches thereof"; and (b) submit the following information to the U.S. Commissioner of Education by April 25, 1974:

(1) Which of the following three options for establishing a section 1202 State Commission the State has chosen to follow: (i) Creation of a new Commission, (ii) designation of an existing State agency or State Commission, or (iii) expanding, augmenting or reconstituting the membership of an existing State agency or State Commission.

(2) Which, if any of the following State-administered program authorities contained in the Higher Education Act of 1965 has the State chosen to assign to the section 1202 State Commission:

(i) Community Services and Continuing Education (HEA Section 105);

(ii) Equipment for Undergraduate Instruction (HEA Section 603); and

(iii) Grants for Construction of Undergraduate Academic Facilities (HEA Section 704).

(3) The official name, address and telephone number of the State Commission.

(4) The names, mailing addresses and terms of office of the members of the State Commission.

(5) The name, title, mailing address and telephone number of the principal staff officer of the State Commission.

(6) A letter, signed by the Governor, explaining how the membership of the State Commission meets the "broadly and equitably representative" requirements of section 1202(a), and what provisions have been made to ensure continuing compliance with these requirements of the law.

The above information sent by mail will be considered to be received on time by the Cimmissioner if:

(a) The information was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(b) The information is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education). This information should be addressed to the U.S. Commissioner of Education, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

(20 U.S.C. 1142b)

(Catalog of Federal Domestic Assistance Number 13.550; State Postsecondary Education Commissions)

Dated: March 21, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74-6961 Filed 3-25-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

CITIZENS' ADVISORY COMMITTEE ON TRANSPORTATION QUALITY

Notice of Open Meeting

The Citizens' Advisory Committee on Transportation Quality of the Department of Transportation will hold an open meeting on Monday and Tuesday, April 1 and 2, 1974. The theme for the two-day session will be the adequacy and quality of public transportation in the United States.

The Citizens' Advisory Committee on Transportation Quality is made up of 21 citizens from various parts of the United States who represent, as far as possible, a cross-section of the Nation's citizenry.

Members of the general public planning to attend should call, in advance, Mr. Joseph DelVecchio, Executive Director of the Committee, at 202/426-4283, so that seating arrangements can be provided and so that they can be informed of any subsequent changes in arrangements. The meeting will convene at the Management Information Center of the Department of Transportation, 400 Seventh Street SW., Room 10214 (10th Floor—South side of the Nassif Building).

The agenda is as follows:

MONDAY, APRIL 1, 1974

9:30 a.m.	*Committee discussion:* Committee discussion on general public transportation goals and possible means for achieving them.
12:15 p.m.	*Lunch.*
2:00 p.m.	*Round table discussion:* Committee members and invited round table participants will discuss the major public transportation concerns of the Committee developed during the morning session.
4:00 p.m.	*Administrative matters.*
4:30 p.m.	*Adjournment.*

TUESDAY, APRIL 2, 1974

9:00 a.m.	*Committee meeting:* Discussion on actions to be taken including possible drafting of recommendations emanating from Committee and round table discussions.
12:15 p.m.	*Lunch.*
2:00 p.m.	*Committee meeting:* Completion of morning's business, Committee administrative matters, and plans for next meeting.
4:00 p.m.	*Adjournment.*

This notice is given pursuant to Section 10 of the Federal Advisory Committee Act (Pub. L. 92-463).

Issued in Washington, D.C., on March 21, 1974.

BENJAMIN O. DAVIS, JR.,
Assistant Secretary for Environment, Safety, and Consumer Affairs.

[FR Doc.74-6955; Filed 3-25-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON PEAKING FACTORS

Notice of Meeting

MARCH 22, 1974.

In accordance with the purposes of Section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Working Group on Peaking Factors will hold a meeting on April 10, 1974 in Room 1062, 1717 H Street, N.W., Washington, D.C. The subject scheduled for discussion is a Regulatory Staff working paper on light water reactor power distribution.

The Subcommittee is meeting with their consultants and Regulatory Staff participants to formulate recommendations to the full ACRS regarding the above subject.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that the meeting will be to discuss a document which falls within exemption (5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b), and in addition privileged material will be discussed which falls within exemption (4) of 5 U.S.C. 552(b). It is essential to close this meeting to protect such privileged information and to protect the free interchange of interval views and to avoid undue interference with agency or Committee operation.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-6657 Filed 3-25-74;10:04 am]

[Docket Nos. 50-450 and 50-451]

DELMARVA POWER AND LIGHT CO.

Availability of AEC Draft Environmental Statement for Summit Power Station

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Summit Power Station Units 1 and 2, to be constructed by Delmarva Power and Light Company in New Castle County, Delaware is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Newark Free Library, Elkton Road and Delaware Ave-

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nue, Newark, Delaware 19711. The Draft Statement is also being made available at the Department of Natural Resources and Environmental Control, Tatnall Building, Dover, Delaware 19901. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Applicant's Environmental Report, as supplemented, submitted by Delmarva Power and Light Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on August 31, 1973 (38 FR 23546).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by May 20, 1974. Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and the Newark Free Library, Elkton Road and Delaware Avenue, Newark, Delaware 19711. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 22nd day of March 1974.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.74-6985 Filed 3-25-74;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued four new guides in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 1, "Power Reactor Guides." Regulatory Guide 1.70.3, "Additional Information—Radioactive Materials Safety for Nuclear Power Plants," identifies information related to radioactive materials safety that the AEC Regulatory staff has often found to be missing from final safety analysis reports. Regulatory Guide 1.70.4, "Additional Information—Fire Protection Considerations for Nuclear Power Plants," identifies information related to fire protection in nuclear power plants that the AEC Regulatory staff has often found to be missing from safety analysis reports. Regulatory Guide 1.74, "Quality Assurance Terms and Definitions," identifies quality assurance terms and acceptable definitions that are important to the understanding of quality assurance requirements for the design, construction, and operation of nuclear power plants. Regulatory Guide 1.75, "Physical Independence of Electric Systems," describes an acceptable method of complying with the Commission's requirements with respect to the physical independence of the circuits and electric equipment comprising or associated with the Class IE power system, the protection system, systems actuated or controlled by the protection system, and auxiliary or supporting systems.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Availability of Electric Power Sources.
Requirements for Instrumentation to Assess Nuclear Power Plant.
Conditions During and Following an Accident for Water-Cooled Reactors.
Shared Emergency and Shutdown Power Systems at Multi-Unit Sites.
Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors.
Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors.
Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Nuclear Reactor Containment Facilities.
Inservice Surveillance of Grouted Prestressing Tendons.
Seismic Input Motion to Uncoupled Structural Model.
Primary Reactor Containment (Concrete) Design and Analysis.
Preservice Testing of In-Situ Components.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel.
Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Material Limitations for Component Supports.
Protection Against Postulated Events and Accidents Outside of Containment.
Design Basis Tornado for Nuclear Power Plants.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Assumptions used for Evaluating the Potential Radiological Consequences of a Boiling Water Reactor Gas Holdup Tank Failure.
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification of Class I Electrical Equipment.
Type Tests for Class I Cables and Connectors Installed Inside the Containment.
Seismic Qualification of Class I Electric Equipment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors.
Criteria for Heat-up and Cool-down Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Inservice Inspection and Testing of Steam Generators.
Component Design Criteria for Elevated Temperature Reactors.
Preoperational Testing of Emergency Core Cooling Systems for Pressurized Water Reactors.
Fuel Oil Supplies for Standby Diesel-Generators.
Assumptions Used for Evaluating the Habitability of a Nuclear Power Plant Control Room During a Postulated Toxic Chemical Release.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Code Case Acceptability for ASME Section III Materials.
Sumps for Engineered Safety Systems.
Surveillance, Inspection, and Testing of Fuel Rods.
Elevated Temperature Inservice Surveillance Tests for HTGR Plants.
Design Load Combinations for Component Supports.
Termination of Nuclear Reactor Operating Licenses.
Preoperational Testing of Instrument Air Systems.

(5 U.S.C. 522(a))

Dated at Bethesda, Maryland this 7th day of March, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-6870 Filed 3-25-74;8:45 am]

FEDERAL MARITIME COMMISSION

PORT OF OAKLAND AND MARINE TERMINALS CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 15, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

J. Kerwin Rooney, Port Attorney
Port of Oakland
66 Jack London Square
P.O. Box 2064
Oakland, California 94607

Agreement No. T-2913, between the Port of Oakland (Oakland) and Marine Terminals Corporation (Terminals) provides for the 2-year nonexclusive preferential assignment (with year-to-year renewal options) to Terminals of certain premises in the "Port Area" of Oakland, California, for the purpose of docking, loading, and unloading vessels. Oakland reserves the right to make temporary assignments of the space to other parties wherever such use will not unduly interfere with the use of the premises by Terminals. As compensation, Terminals will pay Oakland 75 percent of revenue from dockage, wharfage, wharf demurrage, etc., except Terminals will pay 90 percent of revenue received on military cargo when Terminals does not perform service and obtain revenue from the service and facilities charges. Oakland is guaranteed a minimum annual compensation of $250,000. Terminals may not use more than 25 percent of the leased premises for storage without the prior consent of Oakland. Terminals' charges shall conform with charges appearing in Oakland's Port Tariff, and shall be subject to review and control by Oakland. Terminals' tariff shall be filed with Oakland or, in lieu thereof, Terminals may elect to use and be bound by Oakland's tariff. The rate control exercised by Oakland does not include the charge designated as "Service and Facilities Charge."

Dated: March 21, 1974.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-6949 Filed 3-25-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8550 etc.]

APPALACHIAN POWER CO. ET AL.

Postponement of Prehearing Conference

MARCH 19, 1974.

Appalachian Power Co. Ohio Power Co. Wheeling Electric Co. Monongahela Power Co. West Penn Power Co. Ohio Power Co. The Dayton Power and Light Co. Columbus and Southern Ohio Electric Co. Indiana & Michigan Electric Co. Consumers Power Co. The Detroit Edison Co. Monongahela Power Co. The Potomac Edison Co. West Penn Power Co. Virginia Electric and Power Co. Appalachian Power Co. Virginia Electric and Power Co. Louisville Gas and Electric Co. Public Service Company of Indiana. Docket Nos. E-8550, E-8591, E-8567, E-8565, E-8614.

On March 15, 1974, Staff Counsel, with the concurrence of the above parties and the interveners, filed a motion for the continuance of the prehearing conference fixed by notice issued February 5, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the prehearing conference is postponed to May 16, 1974 at 10:00 a.m. (e.d.t.), in a Hearing Room of the Federal Power Commission at 825 N. Capitol St., NE., Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6880 Filed 3-25-74;8:45 am]

[Docket No. CI61-1437 and CI74-496]

COLORADO OIL AND GAS CORP.

Notice of Applications

MARCH 20, 1974.

Take notice that on March 5, 1974, Colorado Oil and Gas Corporation (Applicant), c/o H. Glen Van Horn, Five Greenway Plaza East, Houston, Texas 77046, filed in Docket No. CI74-496 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas from the Table Rock Field, Sweetwater County, Wyoming, under Applicant's Rate Schedule No. 66 to Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), and filed in Docket No. CI61-1437 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to continue the sale of the subject gas to CIG from its Patrick Draw Plant under Applicant's Rate Schedule No. 49, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant proposes in Docket No. CI74-496 to abandon service under its Rate Schedule No. 66 which provides for the sale of gas from the Table Rock Field to CIG at 15.0 cents per Mcf at 14.65 psia. Applicant states that due to a decline in the pressure in its Table Rock I-24 well the subject gas will no longer enter the Table Rock lateral, a high pressure line connecting the Table Rock gas filed with CIG's transmission facilities. Applicant states further that it is more economical to connect said well to its Patrick Draw Plant, located six miles northwest of the well, through an available low pressure line than to install compressor facilities. Applicant, therefore, proposes to continue the sale of the subject gas to CIG, estimated to be 3,200 Mcf per month, from the outlet of its Patrick Draw Plant under Applicant's Rate Schedule No. 49, which covers such plant outlet sales, at 23.16 cents per Mcf at 14.65 psia.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to

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intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6882 Filed 3-25-74;8:45 am]

[Docket No. CP70-97 (Phase I)]

COLUMBIA GAS TRANSMISSION CORP.

Petition To Amend

MARCH 20, 1974.

Take notice that on March 8, 1974, Columbia Gas Transmission Corporation (Petitioner), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP70-97 (Phase I) a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket on June 19, 1970 (43 FPC 919), pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to increase the maximum inventory of stored gas in its Donegal Storage Field from 8,800,000 Mcf to 9,500,000 Mcf at an average shut-in wellhead pressure not to exceed 1260 psig, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the order issued June 19, 1970, Petitioner was authorized,[1] inter alia, to increase the average shut-in well-head pressure of its Donegal Storage Field in Washington County, Pennsylvania from 1,000 psig to 1260 psig and to increase its inventory of stored gas in the Donegal Field to 8,800,000 Mcf of gas at 1260 psig. Petitioner states that on October 5, 1973, it commenced emergency injections in the Donegal Storage Field in excess of the volumetric limitation of 8,800,000, in view of anticipated curtailment of deliveries to its customers during the 1973-74 winter season.

Petitioner states that additional data and information obtained from a shut-in pressure test conducted on November 8, 1973, reveal that, at an average shut-in wellhead pressure of 1232 psig, the actual volume in storage is 9,278,831 Mcf.

Petitioner estimates that the appropriate maximum inventory of stored gas in the Donegal Field is approximately 9,500,000 Mcf at an average shut-in well-head pressure of 1260 psig. Accordingly, Petitioner requests the Commission amend its order of June 19, 1970 so as to increase the maximum inventory of stored gas from 8,800,000 Mcf to 9,500,000 Mcf at an average shut-in wellhead pressure not to exceed 1260 psig.

[1] Applicants in said proceeding were the Manufacturers Light and Heat Company and Home Gas Company, predecessor companies of Petitioner.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before April 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6881 Filed 3-25-74;8:45 am]

EL PASO NATURAL GAS CO.

[Docket Nos. RP72-155 and RP73-104]

Alternative Tariff Sheet Filing

MARCH 20, 1974.

Take notice that El Paso Natural Gas Company (El Paso) on March 11, 1974, tendered for filing alternative tariff sheets respecting its notice of change in rates filed with the Commission on February 14, 1974. Said notice of change is applicable to certain special rate schedules contained in El Paso's FPC Gas Tariff, Third Revised Volume No. 2 and Original Volume No. 2A and is proposed to become effective April 1, 1974.

El Paso states that the purpose of the alternative tariff sheets is to establish a single statement of rates tariff sheet concept applicable to said notice of change and are proposed to be made effective April 1, 1974, in lieu of the tariff sheets tendered as a part of the subject notice of change.

Further, El Paso states that the instant tender is mechanical in nature in that no change in rates is involved and only tariff sheet format changes are required. El Paso has requested that waiver be granted of all applicable rules and regulations of the Commission, including the notice requirements of § 154.22 of said regulations, as may be necessary to allow the alternative tariff sheets attached hereto to be accepted for filing and to become effective on April 1, 1974, for the purposes under the conditions herein described. Inasmuch as the alternative tariff sheets contain rates pending final determination, El Paso has requested that such tariff sheets should be accepted subject to final determination in the proceeding at Docket Nos. RP72-150, RP72-155 and RP73-104.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 26, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. El Paso's proposed alternative tariff sheets and rate filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6883 Filed 3-25-74;8:45 am]

[Rate Schedule 83]

PHILLIPS PETROLEUM CO.

Notice of Rate Change Filing

MARCH 20, 1974.

Take notice that the producer listed in the Appendix A attached hereto has filed a proposed increase rate to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to this is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before April 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Filing date	Producer	Rate schedule No.	Buyer	Area
Feb. 21, 1974	Phillips Petroleum Co., Bartlesville, Okla. 74004.	83	Diamond Shamrock Corp...	Hugoton-Anadarko.

[FR Doc.74-6884 Filed 3-25-74;8:45 am]

[Rate Schedule Nos. 282 etc.]

SUN OIL CO., ET AL.

Notice of Rate Change Filings

MARCH 20, 1974.

Take notice that the producers listed in the Appendix A attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filings should on or before April 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

Filing date	Producer	Rate schedule No.	Buyer	Area
Mar. 8, 1974	Sun Oil Co., Southland Center, P.O. Box 2880, Dallas, Tex. 75221.	282	Texas Eastern Transmission.	Texas Gulf Coast.
Mar. 11, 1974	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	178	Tennessee Gas Pipeline Co..	Do.
Do	Warren Petroleum Co., a division of Gulf Oil Corp., Tulsa, Okla. 74102.	30	El Paso Natural Gas Co.	Permian Basin.
Do	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	15	do	Do.
Do	do	17	do	Do.
Do	do	18	do	Do.
Do	do	20	do	Do.
Do	do	29	do	Do.
Do	do	243	do	Do.
Do	do	245	do	Do.

[FR Doc.74-6885 Filed 3-25-74;8:45 am]

TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Notice of Meeting

Agenda for a meeting of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply of the National Power Survey to be held at the Federal Power Commission Offices, 825 North Capitol Street NE, Washington, D.C., 10:00 a.m., April 8, 1974, Room 5200.

1. Meeting opened by FPC Coordinating Representative.
2. Objectives and purposes of meeting.
   a. Correction and additions to minutes of previous meeting.
   b. Further discussion of the goals and objectives of the Advisory Committee.
   c. Other business.
   d. Set date of next meeting.
3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6888 Filed 3-25-74;8:45 am]

[Docket No. RP74-73]

TENNESSEE GAS PIPELINE CO.

Filing of Proposed Research and Development Rate Adjustment Provision

MARCH 20, 1974.

In the matter of Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

Take notice that on March 11, 1974, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing proposed changes to Ninth Revised Volume No. 1 of its FPC Gas Tariff, to be effective on April 11, 1974, consisting of the following tariff sheets:

Original Sheet Nos. 213L, 213M and 213N
First Revised Sheet No. 213K
Third Revised Sheet Nos. 12A and 12B

Tennessee states that the sole purpose of such revised tariff sheets is to include a research and development (R&D) rate adjustment provision in Tennessee's tariff applicable to jurisdictional gas sales and to make necessary conforming changes in the form of tariff Sheet Nos. 12A and 12B. Such provision is set forth in a new Article XXV added to the general terms and conditions of Ninth Revised Volume No. 1. Tennessee further states that its proposed R&D rate adjustment provision is in full accord with § 154.38(d)(5)(b) of the Commission's regulations, except, perhaps for two provisions as to which the regulations are silent, but which are necessary and appropriate for the reasons set forth in the filing. Tennessee requests that the Commission grant such waivers as it may deem necessary for the acceptance of the filing.

Tennessee states that copies of its filing have been mailed to all of its affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 1, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-6887 Filed 3-25-74;8:45 am]

[Docket Nos. RP72-133 and RP74-20]

UNITED GAS PIPE LINE CO.

Proposed Rate Changes

MARCH 20, 1974.

Take notice that United Gas Pipe Line Company (United), on February 15, 1974, tendered for filing as part of its First Revised Volume No. 1, FPC Gas Tariff, Substitute Fifteenth Revised Sheet No. 4 (Substitute Sheet) with a proposed effective date of April 6, 1974. United states that the substitute sheet replaces Fifteenth Revised Sheet No. 4, which was filed with the Commission on September 21, 1973, in Docket No. RP74-20, and suspended until April 6, 1974, by order of November 6, 1973. United further states that the substitute sheet also replaces Substitute Fourteenth Revised Sheet No. 4 as well as Substitute Revised Sheet No. 4a, both of which were filed on November 14, 1973, in Docket No. RP72-133 and accepted by the Commission on January 4, 1974.

United states that subsequent to the filing of the above-mentioned tariff sheets in the respective dockets, certain events have occurred materially affecting the rates reflected thereon. United indicates that the substitute sheet reflects changes necessitated by the (1) Commission's new cost allocation embodied in Order No. 671, (2) an increase in Louisiana Severence Tax, (3) a current adjustment to the average unit cost of purchased gas, and (4) a surcharge adjustment.

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United states that copies of the Substitute Sheet will be mailed to United's jurisdictional customers, interested state commissions, and other parties to the proceeding in Docket No. RP74–20.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 1, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–6886 Filed 3–25–74;8:45 am]

FEDERAL RESERVE SYSTEM

ATLANTIC BANCORP.

Order Denying Acquisition of Bank

Atlanta Bancorporation, Jacksonville, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire not less than 80 percent of the voting shares of Bank of New Smyrna, New Smyrna Beach, Florida (Bank).

By order of November 22, 1972, the Board of Governors denied the application of Atlantic Bancorporation to acquire Bank (37 FR 25571).[1] On May 24, 1973, the Board granted Applicant's Request for Reconsideration. The request for reconsideration, filed pursuant to § 262.3(g)(5) of the Board's rules of procedure (12 CFR 262.3(g)(5)), was granted because the request presented relevant facts (concerning the market in which Bank operates) that, for good cause shown, were not previously presented to the Board, and reconsideration otherwise appeared appropriate.

Notice of the Board's order granting Applicant's request for reconsideration of its application to acquire Bank has been given (38 FR 14727) and the time for filing comments and views has expired and none has been timely received. The Board has reconsidered this application and supplemental material received in connection therewith in light of the factors set forth in section 3(c) of the Act.

Atlantic, the sixth largest banking organization and bank holding company in Florida, controls 30 banks with aggregate deposits of approximately $1.2 billion, representing about 5.1 percent of deposits in commercial banks in the State.[2] Acquisition of Bank ($29.7 million in deposits) would not represent a significant increase in Applicant's share of total deposits in the State.

At the request of the Board, the Federal Reserve Bank of Atlanta conducted a survey in the New Smyrna area and the results of this survey indicate that the two New Smyrna Beach banks, Bank and First National Bank ($12.7 million in deposits), operate in a local banking market[3] which adjoins, but is separate from the Daytona Beach banking market.

Applicant presently operates two banking subsidiaries in the Daytona Beach banking market and is the second largest banking organization in that market with nearly 20 percent of market deposits. Bank, located in the adjacent New Smyrna Beach market, is the dominant commercial banking institution in New Smyrna Beach, controlling over 70 percent of market deposits. The other commercial bank in New Smyrna Beach, First National Bank, is less than half the size of Bank.

Bank and Applicant's Daytona Beach banking subsidiaries are in separate banking markets; however, there is some slight competitive overlap between these banks with respect to certain banking services. Nonetheless, in viewing the total product market of commercial banking, the amount of competition eliminated is not significant.

In the Board's view, Applicant is one of the most likely entrants into the New Smyrna Beach banking market in light of the facts of record; namely, its capabilities for entry, the proximity of New Smyrna Beach to an area where Applicant has a significant presence (Daytona Beach), its expansion policy, and its expressed interest in the New Smyrna Beach market. Moreover, the New Smyrna Beach market appears to be capable of supporting new entry. If Applicant entered the New Smyrna Beach banking market de novo, or through the acquisition of a smaller bank, the effect would likely be procompetitive and in the public interest. Given the present concentration of the New Smyrna Beach banking market, the adverse effect consummation of this proposal would have upon the prospects for increased competition and deconcentration in the relevant market, the probability of Applicant as a future entrant into that market, and the opportunity for an alternative means of entry into New Smyrna Beach, the Board concludes that consummation of the transaction would have a substantially adverse effect on potential competition.

The financial condition and managerial resources and future prospects of Applicant, its subsidiary banks and Bank are regarded as satisfactory. Thus, banking factors are consistent with approval but provide no significant support for such action. There is no evidence in the record that the banking needs of the residents of the New Smyrna Beach area are not being adequately met at the present time. Moreover, consummation of the proposed transaction would have little impact on the convenience and needs of banking customers in the area since Applicant proposes no meaningful new service not already being offered. Accordingly, the Board finds that the anticompetitive effects inherent in Applicant's proposal are not outweighed by considerations relating to the convenience and needs of the community to be served.

On the basis of the record in this case and for the reasons set forth in this order, the Board's order of November 22, 1972, is hereby affirmed and the subject application is denied.

By order of the Board of Governors,[4] effective March 18, 1974.[5]

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–6864 Filed 3–25–74;8:45 am]

BANK OF UTAH

Order Approving Application for Merger of Banks

Bank of Utah, Ogden, Utah (Utah Bank), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Bank of Ben Lomond, Ogden, Utah (Lomond Bank), under the charter and title of Utah Bank. As an incident to the merger, the present head office of Lomond Bank and its Pleasant View branch would become branches of the resulting bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act.

Utah Bank ($36 million deposits),[1] a subsidiary of Tennessee Homestead Company, Ogden, Utah, operates five offices in the Ogden, Utah, banking market wherein it is the third largest of the six banks with 15.8 percent of the total commercial bank deposits represented in the market. Lomond Bank ($7 million deposits) operates its main office in Ogden and a branch in the nearby community of Pleasant View, and holds 3.2 percent of total deposits of the Ogden banking market. The two largest competing banks, in terms of deposits, hold 39 and 36 percent, respectively, of total market deposits. The closest offices of Utah Bank and Lomond Bank are four miles apart. The banks have been closely affiliated since the Lomond Bank was organized in 1957 by stockholders of the Bank of Utah. At the present time stockholders owning 88 percent of Bank of Utah also own 76 percent of the stock of Lomond Bank. There are nine common directors who represent a majority on the boards of each bank. There is no meaningful existing competition between the banks, and it is unlikely that any significant amount of potential competition would be foreclosed by the merger of the two institutions in view of their common ownership. It further appears that the proposed merger would effect only a corporate reorganization of the two banks without having any adverse effects on competition in the relevant areas.

The financial and managerial resources of Bank of Utah and Lomond Bank are generally satisfactory, and prospects for the resulting bank appear favorable. Banking factors, therefore, are consistent with approval of the application. Consummation of the proposed merger would enable customers of Lomond Bank to benefit from larger credit lines and the expansion of other banking services. It is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[2] effective March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–6865 Filed 3–25–74;8:45 am]

BANK OF VIRGINIA CO.

Proposed Acquisition of Harold Loan and Finance Corp.

Bank of Virginia Company, Richmond, Virginia, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire voting shares of Harold Loan and Finance Corp., Braddock, Pennsylvania, through its wholly owned subsidiary, General Finance Service Corporation, Huntingdon, Pennsylvania. General Finance Service Corporation, is owned directly by BVA Credit Corporation, Richmond, Virginia, a wholly owned subsidiary of Bank of Virginia Company. Notice of the application was published on February 25, 1974, in the Pittsburgh Post-Gazette, a newspaper circulated in Pittsburgh, Pennsylvania.

Applicant states that the proposed subsidiary would engage in the activities of making loans or extensions of credit such as would be made by a finance company and acting as agent for credit life, accident and health insurance directly related to extensions of credit by its subsidiaries, and also multi-peril insurance written to protect collateral on such loans during the period of credit extension. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 12, 1974.

Board of Governors of the Federal Reserve System, March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–6871 Filed 3–25–74;8:45 am]

CHASE MANHATTAN CORP.

Proposed Acquisition of Dial Financial Corporation

The Chase Manhattan Corporation, New York, New York, has re-applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire voting shares of Dial Financial Corporation, (DFC), Des Moines, Iowa. Its original application was denied by the Board by order dated January 30, 1974, for reasons expressed in that order (39 FR 4814, February 7, 1974). Notice of the application was published on various dates in newspapers circulated in the communities in which the approximately 471 offices of subsidiaries of DFC are located. Those offices are located in every State other than Alaska, Arkansas, Delaware, Maine, Maryland, Montana, New Hampshire, New Jersey, New York, North Dakota, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

Applicant states that the proposed subsidiary would engage through its subsidiaries in the activities of making direct consumer installment loans, secured and unsecured, to individuals in most instances by direct customer contact, in some instances, by mail; selling declining balance credit life (including joint credit life in certain circumstances) and credit health and accident insurance policies to those individuals; underwriting (in Missouri only) or re-insurance of such insurance; the sale to those individuals of insurance on items (other than automobiles) in which a subsidiary of DFC has a security interest; the sale of other insurance, premiums from which would not exceed five percent of aggregate premium income per State; purchasing installment sales finance contracts from retailers; providing data processing services, including computerized general accounting services, computerized billing services, and computerized delinquent list preparation, and the use of computer time, to its subsidiaries and other consumer credit companies. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). Consumer loan, insurance sales, and sales finance operations are conducted by DFC subsidiaries operating under the names, Dial Finance Company, Dial Financial Corporation, Inc., Dial Loan and Investment Company, Dial Industrial Finance Company, Dial Credit Company, Dial Consumer Discount Company, Dial Finance Acceptance Company, Dial Industrial Loan Company, and variations thereof. The insurance underwriting and reinsurance activities of DFC are conducted by its wholly-owned subsidiary Consumers Life Insurance Company from DFC's home office in Des Moines, Iowa. The data processing service operations are conducted by DFC from its home office in Des Moines, Iowa.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at

[1] Board denial was in part premised on the fact that acquisition of Bank would further increase the concentration of banking resources in the Daytona Beach banking market since the New Smyrna Beach area was considered a part of that market.

[2] All banking data are as of June 30, 1973, and reflect bank holding company acquisitions and formations approved by the Board through December 31, 1973.

[3] The New Smyrna Beach banking market is defined as that portion of Volusia County including New Smyrna Beach south to the county line.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, and Holland. Absent and not voting: Governor Daane.

[5] Board action was taken while Governor Daane was a Board member.

[1] All banking data are as of June 30, 1972.

[2] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Governors Mitchell, Bucher, and Wallich.

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the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 5, 1974.

Board of Governors of the Federal Reserve System, March 18, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6872 Filed 3-25-74;8:45 am]

CURRY BAN CORP.

Formation of Bank Holding Company and Continuation of Insurance Agency Activities

Curry Ban Corporation, Massena, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of the Farmers Savings Bank, Massena, Iowa ("Bank"). At the same time, Applicant has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y for permission to continue to engage in the activities of a general insurance agency in a community with a population not exceeding 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 2308). The time for filing comments and views has expired and none has been timely received. The Board has considered the applications in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant is a recently formed Iowa corporation, operating as an insurance agency on Bank's premises, and organized for the purposes of becoming a bank holding company through acquisition of Bank. Prior to the formation of Applicant, the insurance agency activities, now conducted by Applicant, were conducted on Bank's premises by an individual who is also the principal stockholder and president of Bank. Thus, there has been a close association between Bank and the insurance agency. Approval of the proposal herein will continue this association and thereby assure the availability of insurance to the community. There is no evidence in the record indicating that continuation of Applicant's insurance activities would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices or other adverse effects in the public interest.

Bank, with deposits of $4.0 million,[1] representing less than 1 percent of the total deposits in commercial banks in the State, is the third largest of five banking organizations in the Greenfield banking market,[2] controlling approximately 15 percent of total deposits in commercial banks therein. Bank is the only bank in Massena. Since the proposal represents a restructuring of Bank's ownership and Applicant has no banking subsidiaries, acquisition of Bank by Applicant would not eliminate any existing competition, nor would it appear to have any adverse effect on other banks or on the development of future competition in any relevant area. Accordingly, competitive considerations are consistent with approval of the applications.

The financial and managerial resources and future prospects of Applicant and Bank are generally satisfactory and consistent with approval. Although Applicant will incur debt in acquiring Bank, it appears that income from Bank and Applicant's insurance agency activities will provide sufficient revenue to service the debt adequately without impairing the financial condition of Bank.

Acquisition of Bank by Applicant may enhance Bank's ability to serve the banking needs of the local community because Applicant intends to provide Bank with additional capital, thereby permitting Bank to accept additional customer deposits. Therefore, considerations relating to the convenience and needs of the community lend some weight toward approval. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the factors under section 3(c) and the balance of public interest factors the Board is required to consider under section 4(c)(8) favor approval of Applicant's proposal. Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this order; and neither the acquisition of Bank nor the continuation of insurance activities shall be made later than three months after the effective date of this order. However, such periods may be extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority. The determination as to insurance agency activities is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6873 Filed 3-25-74;8:45 am]

[1] All banking data are as of June 30, 1973.

[2] The Greenfield banking market is approximated by portions of Cass County and Adair County, Iowa.

[3] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan and Holland. Absent and not voting: Governors Mitchell, Bucher and Wallich.

FASCO INTERNATIONAL HOLDING S.A.

Formation of Bank Holding Company

Fasco International Holding S.A., Luxembourg Ville, Luxembourg, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of an additional 9.7 percent of the outstanding common stock of Franklin New York Corporation, New York City, New York, a bank holding company by virtue of its ownership of all of the voting shares (except for directors' qualifying shares) of Franklin National Bank, New York City, New York. Fasco International Holding S.A. presently holds 21.7 percent of the outstanding common stock of Franklin New York Corporation, as well as 51.8 percent of the outstanding voting shares of Talcott National Corporation, which shares of Talcott National Corporation would be exchanged for the additional shares of Franklin New York Corporation, for acquisition of which Fasco International Holding S.A. now seeks the prior approval of the Board. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 16, 1974.

Board of Governors of the Federal Reserve System, March 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6874 Filed 3-25-74;8:45 am]

FEDERATED CAPITAL CORP.

Acquisition of Bank

Federated Capital Corporation, Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Guaranty State Bank of New Braunfels, New Braunfels, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than April 15, 1974.

Board of Governors of the Federal Reserve System, March 18, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6875 Filed 3-25-74;8:45 am]

[1] All banking data are as of June 30, 1973, and reflect bank holding company acquisitions, approvals, and divestitures through January 31, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland and Wallich.

FIRST UNION INC.

Proposed Acquisition of Preferred Life Insurance Company

First Union Incorporated, St. Louis, Missouri, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire voting shares of Preferred Life Insurance Company, St. Louis, Missouri. Notice of the application was published on (1) February 15, 1974, in the St. Louis Globe Democrat, a newspaper circulated in St. Louis, Missouri, and (2) the Arizona Weekly Gazette, a newspaper circulated in Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activity of acting as an underwriter for credit life and credit accident and health insurance which is directly related to extensions of credit by the bank holding company system. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 16, 1974.

Board of Governors of the Federal Reserve System, March 19, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6876 Filed 3-25-74;8:45 am]

FROSTBANK CORP.

Order Approving Acquisition of Bank

FrostBank Corporation, San Antonio, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Peoples National Bank, San Antonio, Texas (Bank), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the tenth largest banking organization in Texas, presently controls four banks with aggregate deposits of approximately $542 million, representing 1.6 percent of the total deposits in commercial banks in Texas.[1] Since Bank is a proposed new bank, consummation of the proposed acquisition would not immediately increase Applicant's share of commercial bank deposits in the State.

Bank is to be located in northern San Antonio, which is part of the San Antonio SMSA banking market. Applicant presently has three subsidiary banks (one of which is a recently acquired de novo bank) in the relevant market and controls 24.6 percent of the total commercial bank deposits in the market. Since Bank is a proposed new bank, Applicant's acquisition of Bank would not have any immediate effect on Applicant's share of commercial bank deposits in the San Antonio SMSA banking market; nor would it have any significant adverse effects on existing or potential competition with respect to the San Antonio SMSA banking market. In reaching this conclusion, the Board recognizes that continual de novo expansion by the market's largest banking organization within a particular area of the market could reduce the prospects for market deconcentration by pre-empting viable sites for de novo entry by other banking organizations not already represented in the market. However, with regard to this case, the evidence indicates that the northern San Antonio area is experiencing rapid and substantial growth and can support additional entries by other banking organizations. Accordingly, competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory. Bank, as a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to the banking factors are consistent with approval of the application. The addition of a new banking alternative in the rapidly growing San Antonio market will provide greater convenience to a segment of the population in this market. In addition, Bank's affiliation with Applicant will enable it to provide its customers with access to Applicant's specialized services, expertise, and financial resources. Accordingly, considerations relating to convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, and (c) Peoples National Bank, San Antonio, Texas, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors[2] effective March 18, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6877 Filed 3-25-74;8:45 am]

INDUSTRIAL NATIONAL CORP.

Acquisition of Mortgage Associates, Inc.

Industrial National Corporation, Providence, Rhode Island, a bank holding company within the meaning of the Bank Holding Company Act, as applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's regulation Y, to acquire the assets of Mortgage Associates, Inc., Milwaukee, Wisconsin ("MAI"), a company that engages in the following activities: (1) Origination and sale of residential and commercial mortgages; (2) origination and sale of loans for the purchase of mobile homes; (3) consumer finance; (4) servicing of mortgage loans and mobile home loans; and (5) operation of an insurance agency with respect to certain types of insurance. Such activities have

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been determined by the Board to be closely related to banking (12 CFR 225.4 (a) (1), (3), and (9)). MAI is also engaged in real estate development and property management activities. The Board has previously determined that such activities are not closely related to banking;[1] and Applicant has committed itself to phasing out these activities, if the proposed acquisition is approved.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 28115). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).[2]

Applicant, a one bank holding company, controls Industrial National Bank of Rhode Island, Providence, Rhode Island ("Bank"), the largest commercial bank in Rhode Island, with deposits of approximately $1.3 billion, representing about 56 percent of total deposits in commercial banks in the State.[3] Bank engages in both consumer finance and mortgage banking operations. Bank's portfolio of $288 million in residential mortgages (as of June 30, 1973) is confined to loans on property in Rhode Island, Connecticut, and Massachusetts. Applicant also controls several nonbanking subsidiaries which engage in the following activities: real estate investment and development[4] mortgage banking, data processing, investment advisor, personal property leasing, factoring, and consumer finance. Applicant's consumer finance subsidiary operates in Georgia, Florida, North Carolina, South Carolina, and Tennessee; and Applicant's mortgage banking subsidiary makes only interim and short-term real estate loans for its own account.

The primary business activity of MAI is mortgage banking. It originates, sells, and services both residential and commercial mortgages. MAI's residential mortgages are derived from 12 States,[5] while its commercial mortgages are derived from three States.[6] Of more than $219 million in mortgages originated by MAI in fiscal 1973, approximately 71 percent were residential mortgages, while the remaining 29 percent were commercial mortgages. Based on a mortgage servicing portfolio of about $957 million, MAI ranks as the sixteenth largest mortgage banking firm in the United States. MAI is also engaged in consumer finance activities in the States of Wisconsin and Illinois, where it has approximately $12 million in consumer loans outstanding. In addition, MAI engages in the origination and servicing of loans on mobile homes; and insurance agency activities with regard to certain types of insurance.

As a threshold matter, the Board believes that the acquisition of the 16th largest mortgage banking firm in the United States and the 6th largest independent mortgage banking company, deserves special scrutiny to insure that the proposal does not raise concern with respect to the question of undue concentration of resources. The Board has in the past closely examined acquisitions of such size. In the case at hand Applicant's primary subsidiary, Industrial National Bank of Rhode Island, while having resources of approximately $1.5 billion, ranked only 63rd among commercial banking organizations in the country (as of June 30, 1973). While Applicant is engaged in a number of nonbanking activities such as leasing, factoring, and consumer finance, Applicant is not a substantial factor nationwide in any of these activities. The Board therefore believes that the question of undue concentration of resources need not be accorded significant weight in the case at hand.

Although MAI and some of Applicant's subsidiaries engage in the same activities, all operate in separate geographic markets and there does not appear to be any significant existing competition between them in either their mortgage banking, consumer finance, or mobile home financing activities. Furthermore, it does not appear likely that any significant competition would develop between these institutions in the future due to the distances which separate their respective markets. Accordingly, it is the Board's judgment that considerations relating to the competitive aspects of the proposed acquisition are consistent with approval of the application.

Approval of the proposed acquisition would give MAI access to the financial resources of Applicant, and it is anticipated that such increase in the availability of funds will enable MAI to expand the volume of its mortgage banking activities as well as broaden the geographic markets it serves. For example, the volume of MAI's home improvement loans has declined over the past three years from about $25 million to $11 million, as the company was unable to obtain funds. Applicant proposes to increase this pool of lendable funds by $10 million and, in addition, assist MAI in the origination of over $100 million in loans on mobile homes in the next 15 months. Applicant also proposes to finance MAI's expansion within the next three years into five geographical markets in which it is not presently represented, including parts of the Southeastern section of the country. It is the Board's judgment that consummation of the proposed transaction would bring positive benefits to the public and that such benefits outweigh any possible adverse effects.

There is no evidence in the record indicating that consummation of the proposed transaction would result in undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(2) is favorable. Accordingly, the application is hereby approved subject to the condition that Applicant terminate MAI's real estate development and property management activities at the earliest possible date, but in no event later than one year from the date of consummation of the proposed acquisition. This determination is additionally subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Boston.

By order of the Board of Governors,[7] effective March 15, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[1] See: 1972 BULLETIN 429; and 12 CFR 225.126(d) and (e).

[2] The National Association of Insurance Agents, Inc., and related parties filed a petition on July 31, 1973, objecting to approval of the application and requesting a hearing be held on this application. Subsequently, the objections and related request for a hearing were withdrawn.

[3] All banking data are as of June 30, 1973.

[4] Applicant relies upon section 4(c)(12) of the Act to continue to engage in this activity.

[5] Arizona, Florida, Illinois, Indiana, Michigan, Minnesota, Missouri, Nevada, Oklahoma, Ohio, Texas, and Wisconsin.

[6] Illinois, Minnesota, and Wisconsin.

[7] Voting for this action: Chairman Burns and Governors Brimmer, Sheehan, and Holland. Absent and not voting: Governors Mitchell, Bucher and Wallich.

[FR Doc.74-6878 Filed 3-25-74;8:45 am]

MARCO CAPITAL CORP.

Formation of Bank Holding Company

Marco Capital Corporation, Wilmington, Delaware, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding Company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Marshall County Bank & Trust Company, Plymouth, Indiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than April 15, 1974.

Board of Governors of the Federal Reserve System, March 18, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-6879 Filed 3-25-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

EXECUTIVE BRANCH POSITION ON COMMISSION ON GOVERNMENT

Procurement Recommendations A-37 and D-3

Notice is given that official agency views on interagency Task Group proposals for an executive branch position relative to Commission on Government Procurement (COGP) Recommendations A-37 and D-3 have been obtained and are considered to constitute a consensus for adopting the general thrust of these COGP recommendations.

The two recommendations concern the following matters.

A-37. The COGP recommended establishment of a Government-wide policy for the review and approval of cost-type prime contractor procurement systems and transactions. The executive branch consensus is to adopt in the Federal Procurement Regulations the Armed Services Procurement Regulation's Contractor Procurement System Review Program and "Subcontracts" contract clauses as appropriate.

D-3. The COGP recommended limiting the development of new Federal specifications for commercial-type products to those that can be specifically justified. The executive branch consensus is to adopt Government-wide the thrust of this recommendation by promulgation of an appropriate policy statement in the Federal Property Management Regulations.

Agency coordination and private sector comments will be sought on the draft regulations implementing the subject policies.

Dated at Washington, D.C., on March 19, 1974.

WILLIAM W. THYBONY,
Acting Associate Administrator, Office of Federal Management Policy.

[FR Doc.74-6916 Filed 3-25-74;8:45 am]

[Federal Property Management Regs.; Temporary Reg. F-212]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a gas and electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Kentucky Public Service Commission in a proceeding (Case No. 5982) involving the application of the Louisville Gas and Electric Company for a rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Service.

MARCH 19, 1974.

[FR Doc.74-6917 Filed 3-25-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for Clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 21, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395—4529).

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Lender Confirmation of Borrower Address, Form OE 350, Single time, Sheftel, 800 lending institutions.
Sampling and Scheduling Forms: In-depth Field Instruments for Conditions and Processes of Effective School Desegregation, Form OE 190-21, Single time, Planchon, Principals or other school contacts in schools.
Health Resources Administration:
Local Determination of Dental Manpower Shortage or Surplus Areas in the State of Mississippi, Form, Single time, Caywood, Dentists.
Local Detemination of Dental Manpower Shortage or Surplus Areas in the City of Newark, New Jersey, Form, Single time, Caywood, Individuals.
National Institutes of Health: Film User Evaluation Request, Form, Occasional, Caywood, Health science professional in hospitals, colleges, and universities.

DEPARTMENT OF THE INTERIOR

Bureau of Sport Fisheries & Wildlife: Waterfowl Hunter Attitude Study (by Contract with National Analysis, Inc., Phila. Pa.), Form, Single time, Planchon, Individuals.

DEPARTMENT OF LABOR

Labor Management Services Administration: Survey for a Directory of Research in Public Sector Labor Relations, Form LMSA 54T, Single time, Sheftel, Persons involved in public labor-mgt. relations research.

NATIONAL SCIENCE FOUNDATION

Reliability and Validity Check on Survey of Graduate Science Student Support, 1973, Forms 811 and 812, Single time, Planchon, Graduate science students.

REVISIONS

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation: Supplement to Return A, Form 12-85, Monthly, Tunstall, Govt. agencies.

DEPARTMENT OF LABOR

Manpower Administration:
Comparison Group Interview, Wave II, EEA Welfare Demonstration Projects, Form MT-1040 A-2, Single time, Sunderhauf, Welfare recipients.
Participant Interview, Wave III, EEA Welfare Demonstration Projects, Form MT 1040 A-1, Single time, HRD/Sunderhauf, Participants in Welfare Demon. Project.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental: PCC-MIS Records to be Maintained in the Centers; PCC-MIS Reports to be Submitted to Contractor, Form, Occasional, Caywood, Individuals.

DEPARTMENT OF LABOR

Labor Management Services Administration:
Employee Pension Benefit Plan Description Form Supplement Form D-1S, Occasional, Evinger (x).
Labor Organization Information Report, Form LM-1, Occasional, Evinger (x).
Labor Organization Officer and Employee Report, Form LM-30, Occasional, Evinger (x).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-7033 Filed 3-25-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Notice of Meeting

Notice is hereby given that the Advisory Committee on Construction Safety

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and Health, established under section 107(e) (1) of the Contract Work Hours & Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (20 U.S.C. 656) will meet on Thursday, April 11, 1974, starting at 9:00 a.m. in Room 500 Council Chamber, District Building, 14th Street and Pennsylvania Avenue, NW, Washington, D.C. The meeting shall be open to the public.

The Committee will consider the proposed revisions of the Noise and Ionizing Radiation Standards. Status reports will be made on (a) the 1926/1910 project, (b) the proposed standard on Salamanders and (c) working platforms suspended from cranes. Also an update will be given on the ROPS contract.

Written data, views, or arguments concerning the subjects to be considered may be filed, together with 20 copies thereof, with the Committee Management Officer by April 8, 1974. Such submissions may also be filed with the Committee Management Officer at the meeting. Any such submissions will be provided to the members of the committee and will be included in the record of the meeting.

Communications may be mailed to:

N. Schnaubelt
Committee Management Office
Occupational Safety and Health Administration
1726 M Street, NW, Room 240
Washington, D.C. 20210

Signed at Washington, D.C., this 21st day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-6899 Filed 3-25-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 472]

ASSIGNMENT OF HEARINGS

MARCH 21, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 108340 Sub-25, Haney Truck Line, now assigned April 3, 1974, at Portland, Oregon, is cancelled and application dismissed.

MC 26396 Sub 102, Popelka Trucking Company, Dba the Waggoners, application is dismissed.

MC-120981 Sub 15, Bestway Express, Inc., now being assigned continued hearing May 13, 1974 (1 week), at Charleston, West Virginia, in a hearing room to be later designated.

MC 73165 Sub-331, Eagle Motor Lines, Inc., now assigned April 22, 1974, at *Dallas, Texas*, is cancelled and reassigned April 22, 1974, at *Houston, Texas*, in the Texas State Hotel, 720 Fannin.

MC 107295 Sub 664, Pre-Fab Transit Co., now being assigned hearing June 3, 1974 (2 weeks), at Chicago, Ill., in a hearing room to be later designated.

MC-C-8217, Advance Leasing, Inc., Marilyn Diver, Oral Lee Diver, Douglas Ray Diver, James L. Baker, Earl Baker, James W. Rains, Jim Tatman's Mobile Homes, Inc., and Golden West Mobile Homes, Inc.—Investigation of Operations and Practices—now assigned April 25, 1974, at Dallas, Tex., will be held in Room 5A15-17, New Federal Building, 1100 Commerce Street.

I&S No. 8910, Motor-Rail Grain Rates, Montana to Oregon & Washington, now assigned March 25, 1974, at St. Paul, Minn., is cancelled.

I&S-M-27554, Automobile Parts or Accessories, Between Points in Central States, now being assigned hearing May 7, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6935 Filed 3-25-74;8:45 am]

[No. AB-7 (Sub-No. 9)]

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO.

Abandonment Between Dryad Junction and Raymond, In Lewis and Pacific Counties, Wash.

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued because in this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.); and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Lewis and Pacific Counties, Wash., within 15 days of the date of service of this order, and to certify to this Commission that this has been accomplished.

It is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 13th day of March, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

The Interstate Commerce Commission hereby gives notice that by order dated March 13, 1974, it has been determined that the proposed abandonment by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company of a line of railroad between Dryad Junction and Raymond, in Lewis and Pacific Counties, Wash., a distance of approximately 28.5 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and that preparation of a detailed impact statement will not be required under section 4332(2)(c) of the NEPA.

It was concluded, among other things, that inasmuch as no rail service has been provided over the line for several months, there are no identifiable prospects for a demand for service over the line in the foreseeable future, and the Chicago, Milwaukee, St. Paul and Pacific Railroad Company is providing substantially the same service by operating pursuant to trackage rights over a roughly parallel line, the impact of the proposed abandonment on the area's transportation scheme would be minimal. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceeding, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 10, 1974.

[FR Doc.74-6932 Filed 3-25-74;8:45 am]

[Notice 49]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 15, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75009. By order of March 19, 1974, the Motor Carrier Board approved the transfer to Doric Distributors, Inc., New York, N.Y., of that portion of the operating rights in Certificate No. MC-83833 issued August 9, 1956, to Maat's Trucking Co., Inc., Paterson, N.J., authorizing the transportation of general commodities, usual exceptions, between New York, N.Y., and points in Nassau County, N.Y., on the one hand, and, on the other, points in Bergen, Hudson, Essex, and Passaic Counties, N.J. Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048, and George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, Registered Practitioners for applicants.

No. MC-FC-75015. By order of March 19, 1974, the Motor Carrier Board approved the transfer to Hi-Way Towing Service, Inc., Worth, Ill., of Certificate No. MC-117064 issued to Francis W. Mahaffay, dba Hi-Way Towing Service, Worth, Ill., authorizing the transportation of: Tractors and trailers as replacement vehicles, disabled vehicles, in a wrecker type service, between points in Illinois, Iowa, Indiana, Michigan, and Wisconsin. Edward J. De Pree, Attorney, 135 So. LaSalle St., Chicago, Ill. 60603.

No. MC-FC-75025. By order entered March 19, 1974, the Motor Carrier Board approved the transfer to Edward D. Pohutsky, doing business as Pohutsky Movers, Eynon, Pa., of the operating rights set forth in Certificates Nos. MC-123616 and MC-123616 (Sub-No. 1), issued by the Commission February 23, 1962, and August 8, 1966, respectively, to Stanley L. Shiflet, doing business as Shiflet's Transfer, Gassaway, W. Va., authorizing the transportation of household goods, as defined by the Commission, from points in Nicholas County, W. Va., to points in Virginia, North Carolina, South Carolina, Georgia, and Florida; and between points in Braxton and Nicholas Counties, W. Va., on the one hand, and, on the other, points in Ohio, Virginia, Pennsylvania, Kentucky, and West Virginia; and such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business, between Gassaway and Richwood, W. Va. Robert B. Pepper, 168 Woodbridge Ave., Highland Park, N.J. 08904, practitioner for applicants.

No. MC-FC-75029. By order of March 19, 1974, the Motor Carrier Board approved the transfer to Donald Marske, doing business as Marske Trucking, Westport, S.D., of the operating rights in Certificate No. MC-85955 (Sub-No. 8), issued October 5, 1970, to Crawford Freight Lines, Inc., Aberdeen, S.D., authorizing the transportation of general commodities, with exceptions, over regular routes between Aberdeen and Faith, S.D., serving certain specified intermediate and off route points. James R. Becker, 412 West Ninth St., Sioux Falls, S.D. 57104 Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-6936 Filed 3-25-74;8:45 am]

[Notice 41]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 21, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also held in field office to which protests are to be transmitted.

No. MC 2202 (Sub-No. 460 TA), filed March 12, 1974. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: William Slabaugh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of The Tappan Company at or near Oberling, Ohio, as an off-route point, for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority in MC-2202 and subs thereto and will affect interchange at all points served. SUPPORTING SHIPPER: The Tappan Company, 206 Woodford Avenue, Elyria, Ohio. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 26396 (Sub-No. 119 TA), filed March 7, 1974. Applicant: POPELKA TRUCKING CO., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Charlotte Vicars (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soil conditioners and organic soil conditions*, in bags, and in bulk, from the plant site of the Glacier Natural Products & Research, Inc., located at or near Polson and Elliston, Mont., to points in North Dakota, South Dakota, Washington, Oregon, Idaho, Wyoming, and California; (2) *products* used in the manufacture of the soil conditioner and organic soil conditioner, from points in North Dakota, South Dakota, Washington, Oregon, Idaho, Wyoming, and California to the plant site of Glacier Natural Products & Research, Inc., located at or near Polson and Elliston, Mont.; and (3) *urea*, from Duluth, Minn., to the plant site of Glacier Natural Products & Research, Inc., located at or near Polson and Elliston, Mont., for 180 days. SUPPORTING SHIPPER: Glacier Natural Products & Research, Inc., P.O. Box 569, Polson, Mont. 59860. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 48958 (Sub-No. 120 TA), filed March 12, 1974. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 E. 51st Avenue, Denver, Colo. 80216. Applicant's representative: Robert W. Wright, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, liquid commodities in bulk, in tank vehicles, household goods as defined by the Commission, and commodities which because of their size or weight require the use of special equipment), between Salt Lake City, Utah, and Ogden, Utah, serving all intermediate points, serving Salt Lake City as a point of joinder only: From Salt Lake City, Utah, over U.S. Highway 89 (also Interstate Highway 15) to Ogden, Utah, and return over the same routes (including service at the Commercial Zones of all points named), for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority in MC-48958 Sub-102, at Salt Lake City, Utah.

SUPPORTING SHIPPERS: There are approximately 15 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 64932 (Sub-No. 526 TA), filed March 6, 1974. Applicant: ROGERS CARTAGE CO., 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sound deadener*, in bulk, in tank vehicles, from the plantsite of Mortell & Company, at Kankakee, Ill., to the plant site of Chrysler Corporation at Fenton, Mo., for 180 days. SUPPORTING SHIPPER: Mr. J. W. Mortell, President,

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Mortell & Company, 5505 Hobbie, Kankakee, Ill. 60901. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirkensen Bldg., 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 92633 (Sub-No. 25 TA), filed March 12, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28th Street North, Lewiston, Idaho 83501. Applicant's representative: Jack S. Shepherd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap or junk batteries*, from Price, Provo, Salt Lake City, Ogden, and Brigham City, Utah, to Seattle, Wash., for 180 days. SUPPORTING SHIPPER: Quemetco, Inc., 2700 16th Avenue SW., Seattle, Wash. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98104.

No. MC 97270 (Sub-No. 4 TA), filed March 14, 1974. Applicant: REYCO MOTOR EXPRESS, INC., 5412 South 24th Street, Fort Smith, Ark. 72901. Applicant's representative: David A. Sutherlund, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), Between Fort Smith, Ark., and Jackson, Miss.: From Fort Smith, Ark., over U.S. Highway 64 to Little Rock, Ark., thence over U.S. Highway 65 to Lake Village, Ark., thence over U.S. Highway 82 to Leland, Miss., thence over U.S. Highway 61 to Vicksburg, Miss., and thence over U.S. Highway 80 to Jackson, Miss., and return over the same route, serving the intermediate points of North Little Rock and Little Rock, Ark. (except on traffic to or from Fort Smith, Ark.), and Greenville and Vicksburg, Miss.(except on traffic to or from Jackson, Miss.), including the Commercial Zones of all named points, for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority in MC-97270 to interline at Fort Smith and Little Rock, Ark. and Jackson, Miss.

SUPPORTING SHIPPERS: There are approximately 28 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 100449 (Sub-No. 44 TA), filed March 5, 1974. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. 4, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Hunter Packing Co., Division of John Morrell & Co., at East St. Louis, Ill., to Sioux Falls, S. Dak., for 180 days. SUPPORTING SHIPPER: John Morrell & Co., 208 South La Salle Street, Chicago, Ill. 60604. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 100666 (Sub-No. 273 TA), filed March 11, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment* designed for use in connection with tractors; (3) *agricultural, industrial, and construction machinery and equipment;* (4) *trailers* designed for the transportation of the above-described commodities (except those trailers designed to be drawn by passenger automobiles); (5) *attachments* for the above-described commodities; (6) *internal combustion engines;* (7) *parts* of the above-described commodities when moving in mixed loads with such commodities, (a) from the plantsites, warehouse facilities, and experimental farms of Deere & Company in Black Hawk, Dubuque, Polk, and Wapello Counties, Iowa, and Rock Island County, Ill., to points in Arkansas, Louisiana, and Texas; and (b) from the plantsites, warehouse facilities, and experimental farms of Deere & Company in Polk and Wapello Counties, Iowa, and Rock Island County, Ill., to points in Mississippi and Tennessee; and (8) *such merchandise* as is dealt in by lawn and garden dealers, from the plantsites, warehouse facilities, and experimental farms of Deere & Company in Dodge County, Wis., to points in Arkansas, Louisiana, and Texas, for 150 days. RESTRICTION: The above-requested authority is restricted to traffic originating at the plantsites, warehouse facilities, and experimental farms of Deere & Company. SUPPORTING SHIPPER: Deere & Company, Transportation Department, 909 Third Avenue, Moline, Ill. 61265 (Mr. S. H. Lane, Supervisor, Truck Transportation). SEND PROTESTS TO: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room T-9038, U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 105656 (Sub-No. 6 TA), filed March 11, 1974. Applicant: TOM PASQUALE, doing business as PASQUALE TRUCKING COMPANY, 905 Erie Avenue, Logansport, Ind. 46947. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from St. Paul, Minn., to Logansport, Ind.; and (2) *malt beverage empty containers*, from Logansport, Ind., to St. Paul, Minn., for 180 days. SUPPORTING SHIPPER: D'Andrea Distributing Co., Inc., 421 High Street, Logansport, Ind. 46947. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Fort Wayne, Ind. 46802.

No. MC 108835 (Sub-No. 27 TA), filed March 7, 1974. Applicant: HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Minneapolis, Minn. 55441. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Display fireworks* (Class B explosives), between Yankton, S. Dak., on the one hand, and, on the other, points, including all intermediate and off-route points, in Iowa, Minnesota, those points in South Dakota on and east of U.S. Highway 281, those points in Illinois in the Davenport, Iowa, Rock Island and Moline, Ill. Commercial Zones, Superior, Wis., St. Joseph and Kansas City, Mo., and Lincoln, Wahoo, and Omaha, Nebr., over the routes authorized and specifically set forth in applicant's certificates No. MC-108835 and subs thereunder, for 180 days. SUPPORTING SHIPPER: Rich Brothers Co., P.O. Box 514, Sioux Falls, S. Dak. 57101. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Bldg. & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 111301 (Sub-No. 18 TA), filed February 25, 1974. Applicant: L. J. Kreutzer d.b.a. Kreutzer Motor Express, 1423 3rd Avenue, P.O. Box 1056, Mankato, Minn. 56001. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe*, from Mankato, Minn., to points in Montana and Wyoming, for 180 days. SUPPORTING SHIPPER: Century Utility Products, Inc., 1905 1st Avenue, Mankato, Minn. 56001. SEND PROTESTS TO: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 111729 (Sub-No. 310 TA), filed March 11, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pharmaceuticals, specimens, serums, test kits, glassware, laboratory samples and supplies of all kinds, business papers, and documents related thereto*, restricted against the transportation of packages or articles weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day, (a) Between Birmingham and Mobile, Ala., on the one hand, and, on the other, Daytona Beach, Ft. Walton, Gainesville, Jacksonville, Lake City, Miami, Orlando, Panama City, Pensacola, Tallahassee, and Tampa, Fla.; Albany, Athens, Atlanta, Augusta, Columbus, Dalton, La Grange, Marietta, Marion, Savannah, Valdosta, and Waycross, Ga.; Alexandria, Algiers, Eunice, Hammond, Houma, Jackson, Lafayette, Lake Charles, Marrero, Metairie, Monroe, New Orleans, Shreveport, Slidell, and West Wego, La.; and Biloxie, Columbus, Corinth, Greenville, Greenwood, Gulf Port, Hattiesburg, Jackson, Laurel, Meridian, Natchez, Tupelo, and Vicksburg, Miss.; and (b) Between points in Iowa on the one hand, and, on the other, Omaha, Nebr.; and Shawnee Mission and Wichita, Kans.; (2) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material related thereto* (excuding motion picture film used primarily for commercial theatre and television exhibition), *business papers, records, audit and accounting media of all kinds*, between Omaha, Nebr. on the one hand, and, on the other, points in Minnesota and South Dakota; (3) *ophthalmic goods, business papers, records, audit and accounting media of all kinds*, (a) Between St. Louis, Mo. and points in Illinois (except points in Cook County, Ill.); and (b) Between Chicago, Ill. on the one hand, and, on the other, Cedar Rapids, Clinton, Des Moines, Iowa City and Waterloo, Iowa; and (4) *ophthalmic goods;* (a) Between Detroit, Mich. on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, and Wisconsin; and (b) Between points in Illinois, Indiana, Kentucky, New York, Ohio, Pennsylvania, and Wisconsin, on traffic having an immediately prior or subsequent movement by air or motor vehicle, for 90 days. SUPPORTING SHIPPERS: American Optical Corp., 2700 Clark Street, St. Louis, Mo.; American Optical Corp., 1561 Howard Street, Detroit, Mich. 48216; Professional Laboratory Supply, 6933 Madrid Avenue, Birmingham, Ala.; Stat Labs, Wing 207 (Physician's Building, 3610 Dodge, Omaha, Nebr.; Lobo Photo Services, Inc., 8921 H Street, Omaha, Nebr.; and Bausch & Lomb, 740 W. Washington, Chicago, Ill. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112063 (Sub-No. 17 TA), filed March 8, 1974. Applicant: P. I. & I. MOTOR EXPRESS, INC., P.O. Box 685, Sharon, Pa. 16146. Applicant's representative: Milan Tatalovich, 123 West Liberty Street, Girard, Ohio 44420. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petrochemicals, transported in containers), from Elk Grove Village and Franklin Park, Ill., to Reno and Rouseville, Pa., for 180 days. SUPPORTING SHIPPER: Pennzoil Company, P.O. Box 808, Oil City, Penna. 16301. SEND PROTESTS TO: District Supervisor John J. England, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 114569 (Sub-No. 107 TA), filed March 7, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: Herbert R. Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter, cheese, and cheese mixed with other ingredients*, from the facilities of John Wuethrich Creamery Co., Inc., at Greenwood, Wis., to Norwalk, Conn., Coatesville, Harleysville, and Pittsburgh, Pa., and New York, N.Y., for 180 days. SUPPORTING SHIPPER: John Wuethrich Creamery Co., Inc., Greenwood, Wis. 54437. SEND PROTESTS TO: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Bldg., P.O. 869, Harrisburg, Pa. 17108.

No. MC 115092 (Sub-No. 31 TA), filed March 7, 1974. Applicant: WEISS TRUCKING, INC., P.O. Box 0, Vernal, Utah 84078. Applicant's representative: Walter J. Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and frozen cherries, apples, apple sauce, and apple juice*, from the plant site of Skyland Foods Corp. at or near Delta, Colo., to points in Arkansas, Arizona, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, and Wisconsin, for 180 days. SUPPORTING SHIPPER: Skyland Food Corporation, P.O. Box 250, 9th and Dodge Street, Delta, Colo. 81416. SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 118806 (Sub-No. 33 TA), filed March 11, 1974. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Boulevard, Winnipeg, Manitoba, Canada R2J 0T8. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fans, blowers, and air exchange systems;* and (2) *parts and attachments* for fans, blowers, and air exchange systems, from the ports of entry on the International Boundary line between Canada and the United States in Minnesota to points in the United States (except Hawaii and Alaska), restricted to the transportation of traffic in foreign commerce, for 180 days. SUPPORTING SHIPPERS: Joy Manufacturing Company (Canada) Limited, 118 Midland Street, Winnipeg, Manitoba, Canada R3E 2Y6; and Chicago Blower (Canada), 901 Regent Avenue West, Winnipeg, Manitoba, Canada R2C 2Z8. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 119340 (Sub-No. 4 TA), filed March 6, 1974. Applicant: CENTRAL COAST TRUCK SERVICE, INC., P.O. Box A.D., Watsonville, Calif. 95076. Applicant's representative: Roland R. Schmidt (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by wholesale, retail, and general grocery and food houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk), and *commodities which are exempt from economic regulation* under Section 203(b)(6) of the Interstate Commerce Act, when moving in mixed shipments with the commodities specified above, from points in California, to points in Arizona, with no transportation for compensation on return except as otherwise authorized; and (2) *unsold, outdated, or damaged commodities* as specified above, and *empty glass bottles* returning to point of origin for reuse, from points in Arizona to points in California, for 180 days. SUPPORTING SHIPPER: Safeway Stores, Incorporated, 210 W. 7th Street, Los Angeles, Calif. 90014. SEND PROTESTS TO: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 123048 (Sub-No. 296 TA), filed March 12, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, Racine, Wis. 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snow throwers*, from Lake Mills, Wis., to points in California, Colorado, Iowa, Michigan, and Washington; and (2) *lawn mowers and accessories, attachments and parts* for lawn mowers and snow throwers, from Lake Mills, Wis., to points in the United States (except Alaska and Hawaii); for 180 days. SUPPORTING SHIPPER: Wisconsin Marine, Inc., P.O. Box 28, Lake Mills, Wis. 53551. SEND PROTESTS TO: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124306 (Sub-No. 14 TA), filed March 12, 1974. Applicant: KENAN

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TRANSPORT COMPANY, INCORPORATED, P.O. Box 2933, Durham, N.C. 27705. Applicant's representative: Francis W. McInerny, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank trucks, from Augusta, Ga., to points in North Carolina and South Carolina, for 180 days. SUPPORTING SHIPPER: Amoco Oil Company, 200 E. Randolph Drive, Chicago, Ill. 60601. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 124359 (Sub-No. 15 TA), filed March 11, 1974. Applicant: WIL-HELEN, INC., 1409 16th Avenue, Greeley, Colo. 80631. Applicant's representative: William R. Stevens (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor and wall tile, linoleum, rugs*, padded or otherwise, *padding, adhesive, carpet and carpeting, and other supplies* used in the installation thereof, such as *wood and metal moldings, felt and rubber padding, and supplies* not otherwise specified in straight or mixed loads or both, from Itasca, Ill., Salem and East Rutherford, N.J., Dallas and Mineral Wells, Tex., and their Commercial Zones to Adams, Arapahoe, Boulder, Denver, Jefferson, Larimer, Logan, Morgan, and Weld Counties, Colo., and Colorado Springs, Lamar, and Pueblo, Colo., Casper, Cheyenne, and Torrington, Wyo., and Scottsbluff, Nebr., and their Commercial Zones, for 150 days. SUPPORTING SHIPPER: Wholesale Flooring, Inc., 2200 Market Street, Denver, Colo. 80205. SEND PROTESTS TO: District Superivsor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 126555 (Sub-No. 27 TA), filed March 11, 1974. Applicant: UNIVERSAL TRANSPORT, INC., P.O. Box 268, Rapid City, S. Dak. 57701. Applicant's representative: Barry C. Burnette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Chicago, Ill., Metropolitan area to Watertown, S. Dak., for 180 days. SUPPORTING SHIPPER: Miracle Span Steel Buildings, Inc., 700 21st Street SW., Watertown, S. Dak. 57201 (Domenic Decarlo, Plant Manager). SEND PROTESTS TO: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 127047 (Sub-No. 17 TA), filed March 11, 1974. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, Kans. 67219. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Component parts for mobile homes and recreational vehicles*, from Newton, Kans., to points in Texas, Kansas, Oklahoma, Colorado, Nebraska, North Dakota, South Dakota, Iowa, Minnesota, Missouri, Illinois, and Arkansas, for 180 days. SUPPORTING SHIPPER: Elixir Industries, 520 South Payton, Newton, Kans. SEND PROTESTS TO: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128846 (Sub-No. 3 TA), filed March 7, 1974. Applicant: A. GUEBERT, INC., RR #2, Red Bud, Ill. 62278. Applicant's representative: Delmar O. Koebel, 109 West St. Louis Street, Lebanon, Ill. 62254. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough and unfinished lumber*, from the sawmill site of East Perry Lumber Co., Frohna, Mo., to points in Lake Porter and LaPorte, Ind., and points in Chicago, Ill., commercial zone, for 180 days. SUPPORTING SHIPPER: Carroll Morris, President, Michigan Industrial Hardwood Co., 1851 Front Street, Whiting, Ind. 46394. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, Room 414, Springfield, Ill. 62701.

No. MC 133796 (Sub-No. 20 TA), filed March 11, 1974. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic pipe fittings, materials and accessories* used in the installation thereof, on flatbed semi-trailers with special unloading equipment or devices, from the plant site of Carlon Division, Indian Head, Inc., at Mantua Township (Portage County), Ohio, to points in the United States lying on and east of a line beginning at the mouth of the Mississippi River and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, for 150 days. SUPPORTING SHIPPER: Carlon Division, Indian Head, Inc., 23200 Chagrin Boulevard, Cleveland, Ohio 44122. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 134377 (Sub-No. 4 TA), filed March 11, 1974. Applicant: DAVID J. WINNING, 2288 Aiken Road, McKees Rocks, Pa. 15136. Applicant's representative: John A. Pillar, 1122 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plant equipment and machinery and parts* thereof, and *plastic granules and plastic resins* (excluding commodities in bulk), between Natrium, W. Va., on the one hand, and, on the other, Robinson and Moon Townships (Allegheny County), Pa., under a contract with Mobay Chemical Company, for 180 days. SUPPORTING SHIPPER: Mobay Chemical Company, Penn-Lincoln Parkway West, Pittsburgh, Pa. 15205. SEND PROTESTS TO: District Supervisor, John J. England, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 138512 (Sub-No. 5 TA), filed March 5, 1974. Applicant: ROLAND'S TRANSPORTATION SERVICE, INC., DBA WISCONSIN PROVISIONS EXPRESS, 3383 E. Layton Ave., Cudahy, Wis. 53110. Applicant's representative: Allan J. Morrison (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products, and equipment, materials, and supplies*, used in the manufacture and display of cheese and cheese products, between Green Bay, Wis., Carthage, Mo., and Logan, Utah. RESTRICTION: Restricted against the transportation of commodities in bulk, and restricted to transportation originating at or destined to plants and facilities utilized by the L. D. Schreiber Cheese Co., Inc. SUPPORTING SHIPPER: L. D. Schreiber Cheese Co., Inc., 246 No. Main, Green Bay, Wis. 54305. SEND PROTESTS TO: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 138882 (Sub-No. 8 TA), filed March 12, 1974. Applicant: WILEY SANDERS, INC., 212 Oak Street, Troy, Ala. 36081. Applicant's representative: John W. Cooper, 1314 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nonferrous metal scrap*, between the plant site of Southeast Red Metals Company, Inc., located at or near Troy, Ala., on the one hand, and, on the other, points in the United States lying east of Montana, Wyoming, Colorado, and New Mexico; (2) *scrap batteries*, from points in the United States lying east of Montana, Wyoming, Colorado, and New Mexico (except Florida, Georgia, South Carolina, and North Carolina), to the plant site of Sanders Lead Company, Inc., at or near Troy, Ala.; and (3) *pallets*, from the plant site of Troy Box & Pallet, Inc., at or near Troy, Ala., to points in Mississippi and Louisiana, for 180 days.

NOTE.—Applicant states that he does intend to tack with his authority to interline at Dallas, Fort Worth, Oklahoma City, Kansas City, Memphis, Tenn., and St. Louis, Mo., for traffic to the State west of the territory applied for. SUPPORTING SHIPPERS: Troy Box & Pallet, Inc., P.O. Box 112, Troy, Ala. 36081; Sanders Lead Company, Inc., P.O. Box 161, Troy, Ala. 36081; and Southeast Red Metals Company, Inc., Henderson Road, Troy, Ala. 36081. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 139163 (Sub-No. 1 TA), filed March 11, 1974. Applicant: ELECTRONIC RIGGERS OF FLORIDA, INC., 1701 Directors Row, Orlando, Fla. 32809. Applicant's representative: M. Craig Massey, 202 East Walnut Street, P.O. Drawer J, Lakeland, Fla. 33802. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* manufactured, used, sold, or dealt in by the Xerox Corporation between Atlanta, Ga., and its Commercial Zone, on the one hand, and, on the other, points in Florida, for 180 days. SUPPORTING SHIPPER: Xerox Corporation, 3636 McKinney Avenue, Dallas, Tex. 75204. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay St., Jacksonville, Fla. 32202.

No. MC 139511 (Sub-No. 1 TA), filed March 5, 1974. Applicant: AIM CARTAGE & LEASING, INC., 2515 W. 25th Street, Chicago, Ill. 60608. Applicant's representative: Muriel B. Newman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose film foil, hot stamp foil, paint, machinery, and machine parts, and equipment, materials and supplies* used in the conduct of business of the Thermark Corporation, between plant and warehouse facilities of Thermark Corporation and its subsidiaries located at Schererville, Ind., and points in Indiana bounded on the east by U.S. Highway 35 and on the south by U.S. Highway 24, on the north by the shores of Lake Michigan and Illinois-Michigan State line, and on the west by the Illinois-Indiana State line, and points in Illinois bounded as follows, on the south by U.S. Highway 24, on the west by Illinois Highway 47, on the north by the Illinois-Wisconsin State line, and on the east by the shores of Lake Michigan, for the account of the Thermark Corp., Schererville, Ind., for 180 days. SUPPORTING SHIPPER: Thermark Corporation, 650 West 67th Place, Schererville, Ind. 46375. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 139454 (Sub-No. 1 TA), filed March 4, 1974. Applicant: AGRI TRUCKING, INC., 910 South Dexter Street, Denver, Colo. 80222. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bloodmeal, bonemeal, meatmeal, and meat scraps*, (1) from Nampa, Idaho, to points in Arizona, Montana, Iowa, Minnesota, Kansas, and Nebraska; (2) from Greeley, Colo., to points in Utah, Nevada, Idaho, California, Washington, and Oregon; (3) from Clovis, Albuquerque, and Roswell, N. Mex., to points in Utah, Arizona, and Colorado; (4) from Hereford and Pampa, Tex., to points in Oklahoma, Kansas, Missouri, and Nebraska; and (5) from Memphis, Tenn., to points in Arkansas, Missouri, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPER: Wellens & Co., Inc., 6700 France Avenue South, Minneapolis, Minn. 55435. SEND PROTESTS TO: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 139592 TA, filed March 12, 1974. Applicant: COSMOPOLITAN TOURS, INC., 315 Old National Building, Spokane, Wash. 99201. Applicant's representative: James L. Connell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations when in groups of 10 or less, in vehicles, to be operated by Hostess/Guide (bi-lingual on request) driver, between points in Washington, Oregon, Idaho, Montana, and Wyoming, for 180 days. SUPPORTING SHIPPERS: Expo '74, P.O. Box 1974, Spokane, Wash. 99210; Convention & Visitors Bureau of the Spokane Chamber of Commerce, P.O. Box 2147, Spokane, Wash. 99210; and Cosmopolitan Tours, Inc., 315 Old National Building, Spokane, Wash. 99201. SEND PROTESTS TO: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 139593 TA, filed March 11, 1974. Applicant: CLIFFORD T. GLENN, doing business as TOWN & COUNTRY EMPLOYMENT AGENCY, 1107 East Yandell Street, El Paso, Tex. 79902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers* (industrial workers) restricted to two pieces of regular baggage per passenger in each vehicle, special and charter operations, restricted to a maximum of 17 passengers per vehicle (two drivers excluded), from El Paso, Tex., to St. James, Minn., Harrisonburg, Va., Temple, Pa., Glassboro, N.J., Mentone, Ind., Glyndon, Md., Shenandoah, Iowa, Siloam Springs, Ark., Spanish Fork, Utah, Sheridan, Wyo., and Missoula, Mont., for 180 days. SUPPORTING SHIPPERS: There are approximately 10 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 139594 TA, filed March 11, 1974. Applicant: WILLIAM E. HASHBARGER, P.O. Box 261, Jennings, Okla. 74038. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock feed* (except in bulk) and *salt blocks*, from points in Kansas to points in Noble, Osage, Pawnee, Creek, and Payne Counties, Okla., for 180 days. SUPPORTING SHIPPERS: Richard McGuinn, Box 48, Hallett, Okla. 74034; Pat Kilpatrick, RR 2, Box 113B, Jennings, Okla.; Bert L. Harshbarger, Box 60, Hallett, Okla. 74034; Kent W. Walker, Box 106, Cleveland, Okla. 74020; Vic Bassett, Rt. 1, Box 210, Terlton, Okla.; and William H. Turner, Rt. #2, 1F, Jennings, Okla. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 139600 (Sub-No. 1 TA), filed March 11, 1974. Applicant: LA CRESTA, INC., doing business as CALIFORNIA BULK EXPRESS, 12912 Camino Del Valle, Poway, Calif. 92064. Applicant's representative: Fred E. Caldwell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore concentrates*, in bulk, or in bins, *sand*, in bulk, or in bags, and *stone, natural marble or granite* between points in Arizona, California, Nevada, and New Mexico, for 180 days. SUPPORTING SHIPPERS: La Cresta, Inc., P.O. Box 934, Tonopah, Nev. 89049; Crystal Silica Company, P.O. Box 1280, Oceanside, Calif. 92054; and Federal Resources Corporation, 1370 South 400 West, Salt Lake City, Utah 84115. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 N. Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6938 Filed 3-25-74;8:45 am]

[No. AB-12 (Sub-No. 10)]

SOUTHERN PACIFIC TRANSPORTATION CO. AND ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Abandonment Portion Oil City Branch Between Maitha and Oil City, in Kern County, Calif.

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act

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of 1969, (42 U.S.C. 4321 et seq.); and good cause appearing therefor:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Kern County, Calif., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 14th day of March, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The Interstate Commerce Commission hereby gives notice that by order dated March 14, 1974, it has been determined that the proposed abandonment of the line of the Southern Pacific Transportation Company and The Atchison, Topeka and Santa Fe Railway Company between mileposts 312.500 and 314.087 in Kern County, Calif., a distance of approximately 1.587 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), (42 U.S.C. 4321, et seq.), and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that there has been no traffic over this line since January 1972 and the abandonment would be consistent with local land use plans. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C., 20423, on or before April 10, 1974.

[FR Doc.74-6934 Filed 3-25-74;8:45 am]

[AB-26 (Sub-No. 3)]

SOUTHERN RAILWAY CO.

Abandonment Between Barnwell and Furman, Allendale and Hampton Counties, S.C.

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.); and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Allendale and Hampton Counties, S. Car., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 14th day of March, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

The Interstate Commerce Commission hereby gives notice that by order dated March 14, 1974, it has determined that the proposed abandonment in the above-entitled proceeding by the Southern Railway Company of a line of railroad between Barnwell and Furman, S. Car., if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321, et seq.), and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic originating at or destined to points along the line is not substantial. Nearby alternative rail access is available and motor carrier service in the area is adequate. Potential economic development efforts will, therefore, not be seriously impaired. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 10, 1974.

[FR Doc.74-6933 Filed 3-25-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

USE OF SAMPLING PLANS IN AND ENFORCEMENT OF MANDATORY SAFETY STANDARDS

Notice of Change of Date and Location of Public Hearing

In the FEDERAL REGISTER of March 5, 1974 (39 FR 8376), notice was given that CPSC would hold a public hearing on Wednesday, April 3, 1974, at 9:30 a.m. in the hearing room, 6th floor, CPSC, 1750 K Street NW., Washington, D.C., to obtain information and views concerning the use of sampling plans in mandatory safety standards issued by the Commission and in the enforcement of such mandatory safety standards.

Notice is given that the subject public hearing will be held instead on Thursday and Friday, April 4 and 5, 1974, at 10 a.m. in the General Services Administration Auditorium, 18th and F Streets NW., Washington, D.C.

Dated: March 21, 1974.

SADYE E. DUNN, *Secretary, Consumer Product Safety Commission.*

[FR Doc.74-6921 Filed 3-25-74;8:45 am]

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93d Congress, 2d Session
1974

Separate prints of Public Laws, published immediately after enactment, with marginal annotations and legislative history references.

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$36.00 per Session

Published by Office of the Federal Register, National Archives and Records Service, General Services Administration

Order from Superintendent of Documents, U.S. Government Printing Office Washington, D.C. 20402

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federal register

WEDNESDAY, MARCH 27, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 60

Pages 11239–11405

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federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.J. Res. 905 Pub. Law 93–252
Extending the filing date of the 1974 Joint Economic Committee report
(March 16, 1974; 88 Stat. 49)

H.R. 8245 Pub. Law 93–253
Reorganization Plan No. 2 of 1973, amendments
(March 16, 1974; 88 Stat. 50)

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Consumer Product Safety Commission—Use of sampling plans in mandatory safety standards; to be held in Washington, D.C. 8376; 3–5–74

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HEW—NIH: Colon-Rectum Cancer Advisory Committee to be held at Houston, Texas (open with restrictions). 7821; 2–28–74

HEW—NIH: Committee on Cancer Immunobiology to be held at Bethesda, Maryland (closed) 7822; 2–28–74

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Agriculture Department—Forest Service: Unita National Forest G–10 Grazing Advisory Board to be held at Provo, Utah (open) 8945; 3–7–74

Environmental Protection Agency—President's Air Quality Advisory Board to be held at Washington, D.C. (open). 10179; 3–18–74

HEW—FDA: Panel on Review of Obstetrical and Gynecology Devices to be held at Washington, D.C. (open with restrictions) 10924; 3–22–74

HEW—FDA: Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs to be held at Washington, D.C. (open with restrictions) 10924; 3–22–74

HEW—NIH: Committee on Cancer Immuno-Biology to be held at Bethesda, Maryland (closed) 7822; 2–28–74

Interior Department—National Park Service: Committee for the Recovery of Archaeological Remains to be held at Washington, D.C. (open) 9845; 3–14–74

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Agriculture Department—Manti Division G–10 Advisory Board to be held at College of Eastern Utah (open). 10636; 3–21–74

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Commission on the Review of the National Policy Toward Gambling to be held at Washington, D.C. (open). 10950; 3–22–74

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Environmental Protection Agency—President's Air Quality Advisory Board to be held at Washington, D.C. (open). 10179; 3–18–74

HEW—FDA: Panel on Review of Obstetrical and Gynecology Devices to be held at Washington, D.C. (closed). 10924; 3–22–74

HEW—FDA: Panel on Review of Sedative, Tranquilizer, and Sleep Aid Drugs to be held at Washington, D.C. (closed) 10924; 3–22–74

HEW—FDA: Panel on Review of Viral Vaccines and Rickettsial Vaccines to be held at Bethesda, Maryland (open with restrictions) 10924; 3–22–74

HEW—National Heart and Lung Institute, Hypertension Information and Education Advisory Committee to be held at Bethesda, Maryland (open). 6753; 2–22–74

HEW—NIH: Committee on Cancer Immunobiology to be held at Bethesda, Maryland (closed) 7822; 2–28–74

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Interior Department—National Park Service: Committee for the Recovery of Archaeological Remains to be held at Washington, D.C. (open) 9845; 3–14–74

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HEW—FDA: National Advisory Drug Committee to be held at Rockville, Maryland (open) 10924; 3–22–74

HEW—FDA: Panel on Review of Dentifrices and Dental Care Agents to be held at Rockville, Maryland (open with restrictions) 10924; 3–22–74

HEW—FDA: Panel on Review of Viral Vaccines and Rickettsial Vaccines to be held at Bethesda, Maryland (closed) 10924; 3–22–74

HEW—NIH: Diagnostic Research Advisory Group Subcommittee on Breast Cancer Demonstration Projects to be held at Bethesda, Maryland (open). 10462; 3–20–74

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Agriculture Department—Routt National Forest Multiple Use Advisory Committee to be held at Steamboat Springs, Colorado (open) 10637; 3–21–74

FCC—Panel 3 Committee of the Cable Television Technical Advisory Committee to be held at Washington, D.C. (open) 10483; 3–20–74

HEW—FDA: National Advisory Drug Committee to be held at Rockville, Maryland (open) 10924; 3–22–74

HEW—FDA: Panel on Review of Dentifrices and Dental Care Agents to be held at Rockville, Maryland (closed). 10924; 3–22–74

HEW—National Institute of Allergy and Infectious Diseases: Transplantation and Immunology Committee to be held at Bethesda, Maryland (open with restrictions) 7824; 2–28–74

HEW—NIH: Diagnostic Research Advisory Group to be held at Bethesda, Maryland (open with restrictions). 10462; 3–20–74

Interior Department—Bureau of Land Management: Albuquerque District Advisory Board to be held at Farmington, New Mexico (open). 10634; 3–21–74

Labor Department—Advisory Committee on Construction Safety and Health to be held at Washington, D.C. (open) 10193; 3–18–74

State Department—Government Advisory Committee on International Book and Library Programs to be held at Washington, D.C. (open). 10456; 3–20–74

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Agriculture Department—Forest Service: Rio Grande National Forest Grazing Advisory Board to be held at Monte Vista, Colorado (open). 8945; 3–7–74

Agriculture Department—Forest Service: San Juan National Forest Multiple Use Advisory Committee to be held at Durango, Colorado (open). 8945; 3–7–74

DoD—Department of the Army Historical Advisory Committee to be held at Washington, D.C. (open). 8941; 3–7–74

HEW—FDA: Panel on Review of Laxative, Anti-diarrheal, Emetic, and Anti-emetic Drugs to be held at Rockville, Maryland (open with restrictions) 10925; 3–22–74

HEW—National Institute of Allergy and Infectious Diseases: Transplantation and Immunology Committee to be held at Bethesda, Maryland (open with restrictions) 7824; 2–28–74

HEW—NIH: Committee on Cytology Automation to be held at Bethesda, Maryland (open with restrictions). 9566; 3–12–74

HEW—NIH: Diagnostic Research Advisory Group to be held at Bethesda, Maryland (closed) 10462; 3–20–74

Interior Department—Bureau of Land Management: Albuquerque District Advisory Board to be held at Farmington, New Mexico (open). 10634; 3–21–74

Labor Department—Advisory Committee on Construction Safety and Health to be held at Washington, D.C. (open) 10193; 3–18–74

State Department—Secretary of State's Advisory Committee on Private International Law, Study Group on International Sale of Goods to be held at New York, New York (open). 8639; 3–6–74

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HEW—FDA: Panel on Review of Laxative, Anti-diarrheal, Emetic, and Anti-emetic Drugs to be held at Rockville, Maryland (closed).... 10925; 3–22–74

Interior Department—Forest Service: Tierra Amarilla Grazing Division Advisory Board to be held at Tres Piedras, New Mexico (open). 7818; 2–24–74

Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Administrative Office of the United States Courts

Part 213 is amended to show that the position of Assistant Director, Office of the Director, is no longer excepted under Schedule C.

Effective on March 27, 1974, § 213.3372 is revoked.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6964 Filed 3–26–74; 8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 17]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

Realignment of Regional Boundaries

The regulations governing the National School Lunch Program (38 FR 17722) are amended to transfer Puerto Rico and the Virgin Islands are hereby transferred from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rulemaking and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the National School Lunch Program regulations are amended as follows:

In § 210.20, paragraphs (a) and (b) are revised to read as follows:

§ 210.20 Program information.

• • • • •

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, Georgia 30309.

• • • • •

(Catalog of Federal Domestic Assistance Program No. 10.555 National Archives Reference Services)

Effective date. This amendment is effective March 11, 1974.

Dated: March 22, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74–7112 Filed 3–26–74; 8:45 am]

NATIONAL SCHOOL LUNCH PROGRAM; SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES; SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Requirements for Meals

On April 12, 1973, there was published in the FEDERAL REGISTER (38 FR 9234), a notice of proposed rulemaking to amend the regulations governing the operations of the National School Lunch Program (7 CFR Part 210), the School Breakfast Program (7 CFR Part 220), and the Special Food Service Program for Children (7 CFR Part 225) to authorize the use of alternate foods to be specified in an appendix "A" to each regulation. Three food items were proposed for use as alternates for food components specified in the respective meal requirements of these regulations. Responses to the proposed amendments and appendices were received from 110 individuals. The principal comments and the action taken on the proposed amendments and appendices are discussed below.

1. A few respondents expressed opposition to the regulation amendments that would authorize use of an appendix procedure as a means of proposing and approving new foods for use in the child nutrition programs. After studying these comments, it appears that these respondents objected to a particular food item proposed for approval, and that this opposition carried over to the entire concept of using an appendix procedure. Consequently, no change was made in the method of proposing and approving new foods.

2. The comments received contained substantial opposition to the use of the three food types proposed for approval. The Department, however, after considering all the comments, "for" and "against," and after weighing all the evidence at its disposal, has ruled in favor of optional use of these foods. One factor in this decision is that the use of these foods by school food authorities is strictly *optional*. No school food authorities are required to use these foods in their food service programs. Another factor is that by permitting use of these foods the Department will be assisting schools to maintain the nutritional quality of meals served, and at the same time will help schools keep meal prices down.

3. The comments on the different foods are discussed below. Paragraphs a, b, and c discuss those comments germane to more than one food type, and paragraphs d, e, and f discuss those comments germane to a specific food type:

a. Some respondents maintained that there was no nutritional need for "textured vegetable protein products" and "enriched macaroni with fortified protein" products in child nutrition programs. The Department does not believe that this contention represents a sufficient showing of cause for not approving the use of these products. Items fabricated in each group of products have been in use on a widespread basis. The "textured vegetable protein products" and the "enriched macaroni with fortified protein" products are each equal to or of greater nutritional value than the several meat alternate food items specified in the meal requirements of the regulations. By permitting the use of these new foods, the Department is expanding its efforts to offer schools flexibility in planning menus by crediting a variety of nutritious foods in meeting meal requirements.

b. A large number of respondents stated that the use of "enriched macaroni with fortified protein" and "formulated grain-fruit products" was incompatible with children's nutrition education. The Department is well aware of the need of nutrition education and consequently has requested each company which manufactures these products to distribute nutrition education materials relating to their product. This information will explain the difference between the fortified product and similar nonfortified products that may be commercially available. Additionally, the Department recommends that each school utilizing an alternate food include information on the product in that school's nutrition education program.

c. A number of respondents made the point that "textured vegetable protein products" and "enriched macaroni with fortified protein" products should be used as supplements to, and not substitutes for, meat components. It is not intended that either of these food items should be used as substitutes for one of the meat or meat alternate food components. If "textured vegetable protein products" or "enriched macaroni with fortified protein" products are used in a meal, they must be served in combination with meat, poultry, or fish. Addi-

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tionally, "enriched macaroni with fortified protein" may be served with cheese. "Textured vegetable protein products" cannot exceed 30 percent of the uncooked meat used to fulfill the meat or meat alternate requirement. "Enriched macaroni with fortified protein" products cannot exceed 50 percent of the two-ounce meat or meat alternate requirement. A meal containing any such combination would, therefore, exceed in nutritional value a meal which had as its protein source only one-half cup of cooked dry beans or peas as is presently credited in the regulations.

d. Textured Vegetable Protein Products. Some respondents maintained that there had been no long-term testing results available on the use of these products. In addition, some respondents maintained that potential allergic reactions from these products could have an adverse effect on children. These products have been available to the general public through commercial markets for many years and there has been a large increase in their consumption during the past year. No demonstrable evidence exists that "textured vegetable protein products," when properly processed, are linked to allergic reactions. These fortified protein products have been used in schools since February, 1971, and no adverse effects resulting from their use have been reported. On the other hand, the Department is concerned about the potentiality of adverse effects caused by any products used in its programs. It is strongly recommended, therefore, that any school which plans to use "textured vegetable protein products" in meal preparation should inform parents that such products are being used.

e. Enriched Macaroni with Fortified Protein. The argument was advanced by some durum wheat producers and manufacturers of durum mararoni products that the Department's use of the term "macaroni" in the approved product was deceptive and harmful to that segment of the macaroni industry. The Department has no responsibility for establishing the Standard of Identity for "enriched macaroni products with fortified protein". In setting forth its appendix on "enriched macaroni products with fortified protein," the Department has used a standard identical to the Standard of Identity promulgated for such products by FDA in the Federal Register of September 13, 1972 (37 FR 18525).

f. Formulated Grain-Fruit Products. Many respondents maintained that due to its sugar content this product was basically a snack or dessert-type food that was not a suitable breakfast component for service to children participating in the School Breakfast Program. It is true that several "formulated grain-fruit products" bear some resemblance to a snack food or dessert. On the other hand, doughnuts and sweet rolls are generally considered basic components of breakfast.

Furthermore, the present breakfast program meal requirements (§ 220.8) permit the service of a sweet roll as part of a school breakfast. Certainly, the "formulated grain-fruit products," with additional nutrients and served with milk, are preferable from a nutritive standpoint to the same products without nutrient fortification.

A fear was expressed by some respondents that the "formulated grain-fruit products" would subject children to an excess of chemical vitamins and minerals that could be detrimental to their health. On the contrary, the Department has established guidelines that limit the amount of those vitamins that have been proven hazardous when consumed at high levels. Due to a variety of circumstances, including a lack of food preparation and serving facilities in schools, many American school children, particularly those of needy families, are deficient in the nutrients that one would gain from eating breakfast. Alternatives that might be used to alleviate this problem are: (1) Use of vitamin pills or capsules; (2) use of foods that naturally supply needed vitamins; or (3) use of our present foods fortified with nutrients. The Department deems the first alternative to be unacceptable. The second alternative is preferable and is emphasized in all practicable instances. However, where a real need exists for nutrients normally associated with breakfast, and a regularly prepared meal consisting of conventional foods is not possible, the "formulated grain-fruit products" when served with milk are a reasonable alternative meal which contains the necessary breakfast nutrients.

Some respondents questioned the need for the "formulated grain-fruit products" even in schools with very limited food service facilities. It should be noted that there is a clear legislative mandate to make a food service progam available to all the nation's school children. Use of the "formulated grain-fruit products" in combination with milk in schools without food service facilities has proved successful in its limited test usage over the past two years, because it represented a nutritious meal that could be served conveniently and required only limited preparation facilities. The Department has concluded that the "formulated grain-fruit products" fill a definite nutritional need particularly in schools which do not have adequate facilities to provide a conventional breakfast to children.

4. Several changes in the proposed appendices authorizing "enriched macaroni with fortified protein" and "formulated frain-fruit products" were made as a result of comments received, the major changes being revision of the "enriched macaroni with fortified protein" food component authorization so that the product must conform to the FDA standard of Identity for "enriched macaroni products with fortified protein," and an increase in the Vitamin A and calorie levels of the "formulated grain-fruit products" to take into account the change in the Child Nutrition Program regulations that allow schools to use fluid milks other than fluid whole milk.

5. In view of the comments received, substantial changes are being made to the proposed specifications for "textured vegetable protein products." Consequently, the Department will again seek comments under the proposed rulemaking procedure on the use of "textured vegetable protein products," now renamed "textured meat alternates." The new proposal will be issued shortly.

Accordingly, the National School Lunch Program, School Breakfast Program, and Special Food Service Program for Children program regulations are amended, as follows:

[Amdt. 16]

PART 210—NATIONAL SCHOOL LUNCH PROGRAM

1. In § 210.10, the reference to "CND" in paragraph (g) is hereby deleted and reference to "FNS" is hereby substituted therefor, and the first sentence of paragraph (a)(1) is revised to read as follows:

§ 210.10 Requirements for lunches.

"(a)(1) Except as otherwise provided in this section, and in any appendix to this part, a Type A lunch shall contain, as a minimum, each of the following food components in the amounts indicated: * * *

* * * * *

2. An Appendix A is added to this part, to read as follows:

APPENDIX A; ALTERNATE FOODS FOR MEALS

ENRICHED MACARONI PRODUCTS WITH FORTIFIED PROTEIN

1. Schools may utilize the enriched macaroni products with fortified protein defined in paragraph 3 as a food component in meeting the meal requirements of this part under the following terms and conditions:

(a) One ounce of dry enriched macaroni products with fortified protein may be used to meet not more than one-half of the meat or meat alternate requirements specified in § 210.10 when served in combination with one or more ounces of cooked meat, poultry, fish, or cheese. The size of servings of the cooked combination may be adjusted for various age groups.

(b) Only enriched macaroni products with fortified protein that bear a label containing substantially the following legend shall be so utilized: "One ounce dry weight of this product meets one-half of the meat or meat alternate requirements of lunch or supper of the USDA child nutrition programs when served in combination with one or more ounces of cooked meat, poultry, fish, or cheese."

2. Only enriched macaroni products with fortified protein that have been accepted by the Food and Nutrition Service (FNS) for use in the USDA child nutrition programs may be labeled as provided in paragraph 1(b) above. Manufacturers seeking acceptance of their product shall furnish FNS a chemical analysis, protein efficiency ratio analysis, and such other pertinent data as may be requested by FNS. This information is to be forwarded to: Director, Nutrition and Technical Services Staff, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. All laboratory analyses are to be performed by independent or other laboratories acceptable to FNS. (FNS prefers an independent laboratory.) All laboratories shall retain the "raw" laboratory data for a period of one year. Such information shall be made available to FNS upon request.

3. To be accepted by FNS, enriched macaroni products with fortified protein must conform to the following Standard of Identity, which is prescribed by the Food and Drug Administration in its regulations. The pertinent section (21 CFR 16.15) is as follows:

§ 16.15 Enriched macaroni products with fortified protein; indentity; label statement of ingredients.

(a)(1) Each of the foods for which a standard of identity is prescribed by this section is produced by drying formed units of dough made with one or more of the milled wheat ingredients designated in §§ 16.1(a) and 16.3(a),[1] and other ingredients to enable the finished food to meet the protein requirements set out in subparagraph (2)(i) of this paragraph. Edible protein sources, including food grade flours or meals made from nonwheat cereals or from oilseeds, may be used. Vitamin and mineral enrichment nutrients are added to bring the food into conformity with the requirements of paragraph (b) of this section. Safe and suitable ingredients, as provided for in paragraph (c) of this section, may be added. The proportion of the milled wheat ingredient is larger than the proportion of any other ingredient used.

(2) Each such finished food, when tested by the methods described in the cited sections of the book "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th editiou, 1970, meets the following specifications:

(i) The protein content (Nx6.25) is not less than 20 percent by weight (on a 13 percent moisture basis) as determined by the method in section 14.134. The protein quality is not less than 95 percent that of casein as determined on the cooked food by the method in sections 39.166 through 39.170 of the official methods.

(ii) The total solids content is not less than 87 percent by weight as determined by the method in section 14.125 of the official methods.

(b)(1) Each food covered by this section contains in each pound 5 milligrams of thiamin, 2.2 milligrams of riboflavin, 34 milligrams of niacin or niacinamide, and 16.5 milligrams of iron.

(2) Each pound of such food may also contain 625 milligrams of calcium.

(3) Iron and calcium may be added only in forms which are harmless and assimilable. The enrichment nutrients may be added in a enrichment nutrients may be added in a harmless carrier used only in a quantity necessary to effect a uniform distribution of the nutrients in the finished food. The requirements of subparagraphs (1) and (2) of this paragraph shall be deemed to have been met if reasonable overages, within the limits of good manufacturing practice, are present to assure that the prescribed levels of the vitamins and mineral(s) are maintained throughout the expected shelf life of the food under customary conditions of distribution.

(c) The safe and suitable ingredients referred to in paragraph (a) of this section are ingredients that serve a useful purpose, e.g., to fortify the protein or facilitate production of the food, but they do not include color additives, artificial flavorings, artificial sweeteners, chemical preservatives, or starches. Ingredients deemed suitable for use by this paragraph are added in amounts that are not in excess of those reasonably required to achieve their intended purposes. Ingredients are deemed to be safe if they are not food additives within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act, or in case they are food additives, if they are used in conformity with regulations established pursuant to section 409 of that Act.

(d)(1) The name of any food covered by this section is "Enriched Wheat ---------- Macaroni Product—with Fortified Protein," the blank being filled in with appropriate word(s) such as "Soy" to show the source of any flours or meals used that were made from non-wheat cereals or from oilseeds. In lieu of the words "Macaroni Product" the word "Macaroni," "Spaghetti," or "Vermicelli," as appropriate, may be used if the units conform in shape and size to the requirements of § 16.1(b), (c), or (d).[2]

(2) When any ingredient, not designated in the part of the name prescribed in subparagraph (1) of this paragraph, is added in such proportion as to contribute 10 percent or more of the quantity of protein contained in the finished food, the name shall include the statement "Made with ----------," the blank being filled in with the name of each such ingredient, e.g., "Made with nonfat milk."

(3) When, in conformity with subparagraph (1) or (2) of this paragraph, two or more ingredients are listed in the name, their designations shall be arranged in descending order of predominance by weight.

(4) In the case of a food made to comply with another section of this part, but which also meets the compositional requirements of this section, it may alternatively bear the name set out in that other section.

(e) The common name of each of the ingredients used shall be declared on the label as required by the applicable section of Part 1 of this chapter. Further, the declaration of ingredients as set forth in this paragraph, shall appear in letters not less than one-half the size of that required by § 1.8b of this chapter for the declaration of net quantity of contents, and in no case less than one-sixteenth of an inch in height.

The product should not be designed in such a manner that would require it to be classified as a Dietary Supplement as described by FDA in 21 CFR § 80.1. Any changes that are made in the Standard of Identity for enriched macaroni products with fortified protein (21 CFR § 16.15) will be accepted by FNS.

Note: The reporting and/or record keeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Program No. 10.555, National Archives Reference Services.)

[1] 21 CFR §§ 16.1(a) and 16.3(a) state in part that macaroni products are the class of food each of which is prepared by drying formed units of dough. (Footnote added by USDA.)

[2] 21 CFR §§ 16.1(b), 16.1(c), and 16.1(d) are as follows: § 16.1(b) Macaroni is the macaroni product the units of which are tube-shaped and more than 0.11 inch but not more than 0.2 inch in diameter. § 16.1(c) Spaghetti is the macaroni product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

§ 16.1(d) Vermicelli is the macaroni product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter. (Footnote added by USDA.)

[Amdt. 18]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

1. In § 220.8, the reference to "CND" in paragraph (f) is hereby deleted and reference to "FNS" is hereby substituted therefor, and the first sentence of paragraph (a) is revised to read as follows:

§ 220.8 Nutritional requirements for breakfasts.

(a) Except as otherwise provided in this section, and in any appendix to this part, a breakfast shall contain, as a minimum, the following food components in the amounts indicated: * * *

* * * * *

2. An Appendix A is added to this part. to read as follows:

APPENDIX A; ALTERNATE FOODS FOR MEALS

FORMULATED GRAIN-FRUIT PRODUCTS

1. Schools may utilize the formulated grain-fruit products defined in paragraph 3 as a food component in meeting the meal requirements of this part under the following terms and conditions:

(a) Formulated grain-fruit products may be used as an alternate to meet the bread/cereal and the fruit/juice requirements in the breakfast pattern specified in § 220.8.

(b) Only individually wrapped formulated grain-fruit products which bear a label conforming to the following legend shall be utilized: "This product conforms to USDA child nutrition program specifications. It meets the breakfast requirements when served with one-half pint of milk. It meets the supplemental food requirements when served with one-half cup of milk, juice, fruit, or vegetable." The product should not be designed in such a manner that would require it to be classified as a Dietary Supplement, as described by FDA in 21 CFR § 80.1.

2. Only formulated grain-fruit products that have been accepted by the Food and Nutrition Service (FNS) for use in the USDA child nutrition programs may be labeled as provided in paragraph 1(b) above. Manufacturers seeking acceptance of their product shall furnish FNS a chemical analysis, protein efficiency ratio analysis, and such other pertinent data as may be requested by FNS. This information shall be forwarded to: Director, Nutrition and Technical Services Staff, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. All laboratory analyses are to be performed by independent or other laboratories acceptable to FNS. (FNS prefers an independent laboratory.) All laboratories shall retain the "raw" laboratory data for a period of one year. Such information shall be made available to FNS upon request.

3. To be accepted by FNS, products must have the following characteristics and meet the following nutritional specifications:

(a) Types—There are two types of products: one is a grain-type product and the other a grain-fruit type product.

(b) Ingredients—A grain-type product shall have grain as its primary ingredient. A grain-fruit type product shall have fruit as its primary ingredient. Both types of products must have at least 25 percent of their weight derived from grain. All ingredients and/or components shall comply with pertinent requirements or standards of the USDA and the Food, Drug, and Cosmetic Act, as amended, and any regulations issued thereunder.

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(c) Nutritional specifications—Each serving of the product shall meet the minimum compositional requirements in the following table. The requirements as specified for those nutrients not limited by maximum values will be deemed to have been met if reasonable overages of the vitamins and minerals, within the limits of good manufacturing practice, are present to insure that the required levels are maintained throughout the expected shelf life under customary conditions of distribution and storage. An exception will be made for vitamins or minerals which occur naturally in an ingredient at such concentration that the level specified will be substantially exceeded in the final product. Such excess will be permitted but no label claim of nutritional advantage can be made for overages for any nutrients. Analytical methods employed should be according to the standard procedures defined in the Association of Official Analytical Chemists, 1970, "Official Methods of Analysis," 11th edition, Washington, D.C. or by appropriate analytical procedures FNS considers reliable.

Nutritional levels of grain-fruit products [1]

Nutrient	Unit	Minimum	Maximum
Weight	Ounce	2	4.0
PER	Casein=2.5	2.0	
Moisture	Percent weight		40.0
Fat [2]	do		22.0
Fiber	do		0.8
Protein (Nx6.25).	Gram	5.0	
Energy	Kilocalorie	250	
Vitamin A [3]	International unit.	1,115	1,675.0
Vitamin E	do	5	
Vitamin B12	Microgram	1.25	
Thiamin	Milligram	.26	
Riboflavin	do	.13	
Vitamin B6	do	.26	
Vitamin C	do	20	
Niacin	do	2.65	
Folacin	do	.04	
Iron [4]	do	4.4	
Calcium	do	120	
Phosphorus	do	120	
Magnesium	do	30	

[1] These specifications are based on a nutrient level for acceptable products plus ½ pint of fluid milk (as defined in § 220.2 of the regulations (7 CFR Part 220)) to provide at least 25 percent of the Recommended Dietary Allowances (RDA), 1968, for 10- to 12-year-old boys and girls for specified nutrients except magnesium and kilocalories. Magnesium and kilocalories—at least 13 percent of the RDA.

[2] Although the maximum fat in these specifications is 22 percent, consideration should be given to the development of formulated items containing less fat. Most medical authorities recommend keeping the dietary intake of fats at about ⅓ of the day's calories. At least 5 percent of the total calories shall be from linoleic acid.

[3] Vitamin A levels above the maximum of 1,675 I.U. will be allowed in products containing this nutrient as a natural food, and if the vitamin has not been added to the ingredients or foods.

[4] Recommended sources of iron are ferric ammonium citrate, ferrous fumarate, ferrous sulfates ($FeSO_4$ or $FeSO_4 \cdot 7H_2O$), ferrous gluconate, reduced iron, or other sources known to have a similar relative biological value.

NOTE.—The reporting and/or record keeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Program No. 10.553, National Archives Reference Services.)

[Amdt. 9]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

1. In § 225.9, the reference to "CND" in paragraph (g) is hereby deleted and reference to "FNS" is hereby substituted therefor, and the first sentence of paragraph (b) is revised to read as follows:

§ 225.9 Requirements for meals.

• • • • •

(b) Except as otherwise provided in this section, and in any appendix to this part, each meal shall contain, as a minimum, the indicated food components: • • •

• • • • •

2. An Appendix A is added to this part, to read as follows:

APPENDIX A: ALTERNATE FOODS FOR MEALS

ENRICHED MACARONI PRODUCTS WITH FORTIFIED PROTEIN

1. Service institutions may utilize the enriched macaroni products with fortified protein defined in paragraph 3 as a food component in meeting the meal requirements of this part under the following terms and conditions:

(a) One ounce of dry enriched macaroni products with fortified protein may be used to meet not more than one-half of the meat or meat alternate requirements specified in § 225.9 when served in combination with one or more ounces of cooked meat, poultry, fish, or cheese. The size of servings of the cooked combination may be adjusted for various age groups.

(b) Only enriched macaroni products with fortified protein that bear a label containing substantially the following legend shall be so utilized: "One ounce dry weight of this product meets one-half of the meat or meat alternate requirements of lunch or supper of the USDA child nutrition programs when served in combination with one or more ounces of cooked meat, poultry, fish, or cheese."

2. Only enriched macaroni products with fortified protein that have been accepted by the Food and Nutrition Service (FNS) for use in the USDA child nutrition programs may be labeled as provided in paragraph 1(b) above. Manufacturers seeking acceptance of their product shall furnish FNS a chemical analysis, protein efficiency ratio analysis, and such other pertinent data as may be requested by FNS. This information is to be forwarded to: Director, Nutrition and Technical Services Staff, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. All laboratory analyses are to be performed by independent or other laboratories acceptable to FNS. (FNS prefers an independent laboratory.) All laboratories shall retain the "raw" laboratory data for a period of one year. Such information shall be made available to FNS upon request.

3. To be accepted by FNS, enriched macaroni products with fortified protein must conform to the following Standard of Identity, which is prescribed by the Food and Drug Administration in its regulations. The pertinent section (21 CFR § 16.15) is as follows:

§ 16.15 Enriched macaroni products with fortified protein; identity; label statement of ingredients.

(a) (1) Each of the foods for which a standard of identity is prescribed by this section is produced by drying formed units of dough made with one or more of the milled wheat ingredients designated in §§ 16.1(a) and 16.3(a),[1] and other ingredients to enable the finished food to meet the protein requirements set out in subparagraph (2) (i) of this paragraph. Edible protein sources, including food grade flours or meals made from nonwheat cereals or from oilseeds, may be used. Vitamin and mineral enrichment nutrients are added to bring the food into conformity with the requirements of paragraph (b) of this section. Safe and suitable ingredients, as provided for in paragraph (c) of this section, may be added. The proportion of the milled wheat ingredient is larger than the proportion of any other ingredient used.

(2) Each such finished food, when tested by the methods described in the cited sections of the book "Official Methods of Analysis of the Association of Official Analytical Chemists," 11th edition, 1970, meets the following specifications:

(i) The protein content (Nx6.25) is not less than 20 percent by weight (on a 13 percent moisture basis) as determined by the method in section 14.134. The protein quality is not less than 95 percent that of casein as determined on the cooked food by the method in sections 39.166 through 39.170 of the official methods.

(ii) The total solids content is not less than 87 percent by weight as determined by the method in section 14.125 of the official methods.

(b) (1) Each food covered by this section contains in each pound 5 milligrams of thiamin, 2.2 milligrams of riboflavin, 34 milligrams of niacin or niacinamide, and 16.5 milligrams of iron.

(2) Each pound of such food may also contain 625 milligrams of calcium.

(3) Iron and calcium may be added only in forms which are harmless and assimilable. The enrichment nutrients may be added in a harmless carrier used only in a quantity necessary to effect a uniform distribution of the nutrients in the finished food. The requirements of subparagraphs (1) and (2) of this paragraph shall be deemed to have been met if reasonable overages, within the limits of good manufacturing practice, are present to assure that the prescribed levels of the vitamins and mineral(s) are maintained throughout the expected shelf life of the food under customary conditions of distribution.

(c) The safe and suitable ingredients referred to in paragraph (a) of this section are ingredients that serve a useful purpose, e.g., to fortify the protein or facilitate production of the food, but they do not include color additives, artificial flavorings, artificial sweeteners, chemical preservatives, or starches. Ingredients deemed suitable for use by this paragraph are added in amounts that are not in excess of those reasonably required to achieve their intended purposes. Ingredients are deemed to be safe if they are not food additives within the meaning of section 201(s) of the Federal Food, Drug, and Cosmetic Act, or in case they are food additives, if they are used in conformity with regulations established pursuant to section 409 of that Act.

(d) (1) The name of any food covered by this section is "Enriched Wheat_____ Macaroni Product—with Fortified Protein," the blank being filled in with appropriate word(s) such as "Soy" to show the source of any flours or meals used that were made from non-wheat cereals or from oilseeds. In lieu of the words "Macaroni Product" the word "Macroni," "Spaghetti," or "Vermicelli," as appropriate, may be used if the units conform in shape and size to the requirements of § 16.1 (b), (c), or (d).[2]

[1] 21 CFR §§ 16.1(a) and 16.3(a) state in part that macaroni products are the class of food each of which is prepared by drying formed units of dough. (Footnote added by USDA.)

[2] 21 CFR 16.1(b), 16.1(c), and 16.1(d) are as follows: § 16.1(b) Macaroni is the macaroni product the units of which are tube-shaped and more than 0.11 inch but not more than 0.2 inch in diameter. § 16.1(c) Spaghetti is the macaroni product the units of which are tube-shaped or cord-shaped (not tubular) and more than 0.06 inch but not more than 0.11 inch in diameter.

§ 16.1(d) Vermicelli is the macaroni product the units of which are cord-shaped (not tubular) and not more than 0.06 inch in diameter. (Footnote added by USDA.)

(2) When any ingredient, not designated in the part of the name prescribed in subparagraph (1) of this paragraph, is added in such proportion as to contribute 10 percent or more of the quantity of protein contained in the finished food, the name shall include the statement "Made with_____," the blank being filled in with the name of each such ingredient, e.g., "Made with nonfat milk."

(3) When, in conformity with subparagraph (1) or (2) of this paragraph, two or more ingredients are listed in the name, their designations shall be arranged in descending order of predominance by weight.

(4) In the case of a food made to comply with another section of this part, but which also meets the compositional requirements of this section, it may alternatively bear the name set out in that other section.

(e) The common name of each of the ingredients used shall be declared on the label as required by the applicable section of Part 1 of this chapter. Further, the declaration of ingredients as set forth in this paragraph, shall appear in letters not less than one-half the size of that required by § 1.6b of this chapter for the declaration of net quantity of contents, and in no case less than one-sixteenth of an inch in height.

The product should not be designed in such a manner that would require it to be classified as a Dietary Supplement as described by FDA in 21 CFR § 80.1. Any changes that are made in the Standard of Identity for enriched macaroni products with fortified protein (21 CFR § 16.15) will be accepted by FNS.

FORMULATED GRAIN-FRUIT PRODUCTS

1. Service institutions may utilize the formulated grain-fruit products defined in paragraph 3 as a food component in meeting the meal requirements of this part under the following terms and conditions:

(a) Formulated grain-fruit products may be used as an alternate to meet the bread/cereal and the fruit/juice requirements in breakfast pattern specified in § 225.9. It will also meet the full requirement for bread and one-half the requirement for milk, juice, fruit, or vegetable in the supplemental food pattern specified in § 225.9.

(b) Only individually wrapped formulated grain-fruit products which bear a label conforming to the following legend shall be utilized: "This product conforms to USDA child nutrition program specifications. It meets the breakfast requirements when served with one-half pint of milk. It meets the supplemental food requirements when served with one-half cup of milk, juice, fruit, or vegetable." The product should not be designed in such a manner that would require it to be classified as a Dietary Supplement, as described by FDA in 21 CFR § 80.1.

2. Only formulated grain-fruit products that have been accepted by the Food and Nutrition Service (FNS) for use in the USDA child nutrition programs may be labeled as provided in paragraph 1(b) above. Manufacturers seeking acceptance of their product shall furnish FNS a chemical analysis, protein efficiency ratio analysis, and such other pertinent data as may be requested by FNS. This information shall be forwarded to: Director, Nutrition and Technical Services Staff, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. All laboratory analyses are to be performed by independent or other laboratories acceptable to FNS. (FNS prefers an independent laboratory). All laboratories shall retain the "raw" laboratory data for a period of one year. Such information shall be made available to FNS upon request.

3. To be accepted by FNS, products must have the following characteristics and meet the following nutritional specifications:

(a) *Types.* There are two types of products: one is a grain-type product and the other a grain-fruit type product.

(b) *Ingredients.* A grain-type product shall have grain as its primary ingredient. A grain-fruit type product shall have fruit as its primary ingredient. Both types of products must have at least 25 percent of their weight derived from grain. All ingredients and/or components shall comply with pertinent requirements or standards of the USDA and the Food, Drug, and Cosmetic Act, as amended, and any regulations issued thereunder.

(c) *Nutritional specifications.* Each serving of the product shall meet the minimum compositional requirements in the following table. The requirements as specified for those nutrients not limited by maximum values will be deemed to have been met if reasonable overages of the vitamins and minerals, within the limits of good manufacturing practice, are present to insure that the required levels are maintained throughout the expected shelf life under customary conditions of distribution and storage. An exception will be made for vitamins or minerals which occur naturally in an ingredient at such concentration that the level specified will be substantially exceeded in the final product. Such excess will be permitted but no label claim of nutritional advantage can be made for overages for any nutrients. Analytical methods employed should be according to the standard procedures defined in the Association of Official Analytical Chemists, 1970, "Official Methods of Analysis," 11th edition, Washintgon, D.C. or by appropriate analytical procedures FNS considers reliable.

Nutritional levels of grain-fruit producers

Nutrient	Unit	Minimum	Maximum
Weight	Ounce	2	4.0
PER	Casein=2.5	2.0	
Moisture	Percent weight		40.0
Fat [1]	do		22.0
Fiber	do		.8
Protein (Nx6.25).	Gram	5.0	
Energy	Kilocalorie	250	
Vitamin A [2]	International unit.	1,115	1,675.0
Vitamin E	do	5	
Vitamin B12	Microgram	1.25	
Thiamin	Milligram	.26	
Riboflavin	do	.13	
Vitamin B6	do	.26	
Vitamin C	do	20	
Niacin	do	2.65	
Folacin	do	.04	
Iron [3]	do	4.4	
Calcium	do	120	
Phosphorus	do	120	
Magnesium	do	30	

[1] These specifications are based on a nutrient level for acceptable products plus ½ pint of fluid milk (as defined in § 220.2 of the regulations (7 CFR Part 220)) to provide at least 25 percent of the Recommended Dietary Allowances (RDA), 1968, for 10- to 12-year-old boys and girls for specified nutrients except magnesium and kilocalories. Magnesium and kilocalories—at least 13 percent of the RDA.

[2] Although the maximum fat in these specifications is 22 percent, consideration should be given to the development of formulated items containing less fat. Most medical authorities recommend keeping the dietary intake of fats at about ⅓ of the day's calories. At least 5 percent of the total calories shall be from linoleic acid.

[3] Vitamin A levels above the maximum of 1,675 I.U. will be allowed in products containing this nutrient as a natural food, and if the vitamin has not been added to the ingredients or foods.

[4] Recommended sources of iron are ferric ammonium citrate, ferrous fumarate, ferrous sulfates ($FeSO_4$ or $FeSO_4 \cdot 7H_2O$), ferrous gluconate, reduced iron, or other sources known to have a similar relative biological value.

NOTE.—The reporting and/or record keeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(Catalog of Federal Domestic Assistance Program No. 10.552, National Archives Reference Services.)

Effective date. The amendments and Appendices become effective on June 30, 1974.

Dated: March 22, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-6994 Filed 3-26-74;8:45 am]

[Amdt. 19]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Realignment of Regional Boundaries

Pursuant to Amendment 14 to the regulations governing the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses (38 FR 17723), Puerto Rico and the Virgin Islands are hereby transferred from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses regulations are amended as follows:

In § 220.29, paragraphs (a) and (b) are revised to read as follows:

§ 220.9 Program information.

• • • • •

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, Georgia 30309.

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(Catalog of Federal Domestic Assistance Program No. 10.553 National Archives Reference Services)

Effective date. This amendment is effective March 11, 1974.

Dated: March 22, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-7110 Filed 3-26-74;8:45 am]

[Amdt. 10]

PART 225—SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Realignment of Regional Boundaries

Pursuant to Amendment 6 to the regulations governing the Special Food

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Service Program for Children (38 F.R. 17723), Puerto Rico and the Virgin Islands are hereby transferred from the Southeast Region to the Northeast Region.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the Special Food Service Program for Children regulations are amended as follows:

In § 225.23, paragraphs (a) and (b) are revised to read as follows:

§ 225.23 Program information.

* * * * *

(a) In the States of Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia: Northeast Regional Office, FNS, U.S. Department of Agriculture, 729 Alexander Road, Princeton, New Jersey 08540.

(b) In the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office, FNS, U.S. Department of Agriculture, 1100 Spring Street NW., Atlanta, Georgia, 30309.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 10.552, National Archives Reference Services)

Effective date. This amendment is effective March 11, 1974.

Dated: March 22, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-7111 Filed 3-26-74;8:45 am]

[Amdt. 2]

PART 246—SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN

Realignment of Regional Boundaries

The regulations governing the operation of the Special Supplemental Food Program for Women, Infants and Children (WIC Program) are amended to transfer Puerto Rico and the Virgin Islands from the Southeast Region to the Northeast Region and to show the current address of the FNS Regional Office for the Northeast Region.

This amendment is of an organizational nature and does not substantially affect the rights or obligations of any members of the public. Therefore, it is impracticable and unnecessary to follow the proposed rulemaking and public participation procedures. Accordingly, this amendment is made effective in less than 30 days following publication in the FEDERAL REGISTER.

In § 246.15, paragraph (b) (1) and (2) is revised as follows:

§ 246.15 Miscellaneous.

(b) * * *

(1) Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, West Virginia: U.S. Department of Agriculture, FNS, Northeast Region, 729 Alexander Road, Princeton, New Jersey 08540.

(2) Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee: U.S. Department of Agriculture, FNS, Southeast Region, 1100 Spring Street, N.W., Atlanta, Georgia 30309.

* * * * *

Effective date. This amendment shall become effective on March 11, 1974.

Signed at Washington, D.C., on March 22, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-7115 Filed 3-26-74;8:45 am]

[Amdt. 25]

PART 250—DONATION OF FOODS FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS, AND AREAS UNDER ITS JURISDICTION

Realignment of Regional Boundaries

So that FNS regional boundaries will conform to the standard Federal Regional System, Puerto Rico and the Virgin Islands are, effective March 11, 1974, being transferred from the Southeast Region to the Northeast Region. Therefore, § 250.11 of this part is amended to show the current names and addresses of offices and the alignment of States, Territories, or Possessions as set out below.

This amendment is of an organizational nature and does not substantially affect the rights or obligations of any member of the public. Accordingly, it is found that notice and public procedure concerning this amendment are impracticable and unnecessary.

§ 250.11 Where to obtain information.

Interested persons desiring information concerning the program may make written request to the following Regional Offices:

Northeast Region, Food and Nutrition Service, USDA, 729 Alexander Road, Princeton, New Jersey 08540, for the following States and the District of Columbia: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia, and West Virginia.

Southeast Region, Food and Nutrition Service, USDA, 1100 Spring Street N.W., Atlanta, Georgia 30309, for the following States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Midwest Region, Food and Nutrition Service, USDA, 536 South Clark Street, Chicago, Illinois 60605, for the following States: Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

West-Central Region, Food and Nutrition Service, USDA, 1100 Commerce Street, Room 5-D-22, Dallas, Texas 75202, for the following States: Arizona (Navajo Nation only), Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

Western Region, Food and Nutrition Service, USDA, 550 Kearny Street, Room 400, San Francisco, California 94108, for the following States, Territories, or Possessions: Alaska, American Samoa, Arizona (except the Navajo Nation), California, Guam Hawaii, Idaho, Nevada, Oregon, Trust Territory, and Washington.

This amendment shall become effective on March 11, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Services.)

Dated: March 22, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-7113 Filed 3-26-74;8:45 am]

[Amdt. 25]

PART 270—GENERAL INFORMATION AND DEFINITIONS

Food Stamp Program

The purpose of this amendment to the regulations governing the Food Stamp program is to reflect the transfer of administrative responsibility for Puerto Rico and the Virgin Islands from the Southeast Regional Office to the Northeast Regional Office.

It is impracticable and unnecessary to follow the proposed rulemaking and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Accordingly, the Food Stamp regulations are amended as follows:

In § 270.5(b), subparagraphs (1) and (2) are revised to read as follows:

§ 270.5 Miscellaneous provisions.

* * * * *

(b) * * *

(1) For project areas in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands and West Virginia: Northeast Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 729 Alexander Road, Princeton, New Jersey 08540.

(2) For project areas in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee: Southeast Regional Office, U.S. Department of Agriculture, Food and Nutrition Service, 1100 Spring Street, N.W., Room 200, Atlanta, Georgia 30309.

* * * * *

(Catalog of Federal Domestic Assistance Program No. 10,551, National Archives Reference Services)

Effective date. This amendment shall become effective March 11, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

MARCH 22, 1974.

[FR Doc.74-7114 Filed 3-26-74;8:45 am]

[Amendment 4]

PART 295—AVAILABILITY OF INFORMATION TO THE PUBLIC

The purpose of this amendment to the regulations governing the Availability of Information to the Public is to reflect the transfer of Puerto Rico and Virgin Islands from the Southeast Region to the Northeast Region. Such realignment conforms to the standard Federal regional system.

It is impracticable and unnecessary to follow the proposed rule making and public participation procedure because this is a technical amendment that is nonsubstantive in nature. Pursuant to Title 5, United States Code, section 552 (a) (2), 552(a) (3) and 552(b), paragraph (b), of § 295.10 is revised to read as follows for the Northeast Region and Southeast Region only:

§ 295.10 Addresses of offices.

* * * * *

(b) Requests made to Regional Offices should be addressed to the Regional Administrator of the appropriate Office, as follows:

Northeast Region, Food and Nutrition Service, USDA, 729 Alexander Road, Princeton, NJ 08540, for the following States and the District of Columbia: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virginia, Virgin Islands, and West Virginia.

Southeast Region, Food and Nutrition Service, USDA, 1100 Spring Street, NW, Room 200, Atlanta, GA 30309, for the following States: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

The remainder of the paragraph remains the same.

Effective date. This amendment shall become effective March 11, 1974.

Dated: March 20, 1974.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.74-7109 Filed 3-26-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 920—HANDLING OF PEACHES GROWN IN UTAH

Termination of Marketing Agreement

This document terminates Marketing Agreement No. 91 and Order No. 920 (7 CFR Part 920) regulating the handling of peaches grown in Utah, hereinafter referred to as "order", effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

Notice of rulemaking with respect to termination of said order was published in the January 21, 1974, FEDERAL REGISTER (39 FR 2368). The notice provided that all written data, views, or arguments in connection with the proposed termination be submitted by February 28, 1974. Views were filed by Wayman Fruit Farms, Payson, Utah, favoring the termination of Order No. 920 and none was submitted in favor of its continuance.

STATEMENT OF CONSIDERATION

The program has been inactive for a number of years. The Administrative Committee was last appointed in 1958 for the term beginning May 1, 1958. Regulations were last effective during the 1957 season. Considerable change has taken place within the Utah peach industry in the past 17 years. There has been a shift in importance among growing areas in the State, accompanied by a substantial reduction in production and in the numbers of growers and handlers. These developments have reduced the need for an order, and there is no producer interest in reactivating the order.

The Administrative Committee's assets consist of approximately $1,500 in unexpended assessment funds and interest. The excess assessment funds accrued during the years 1951–54. A total of 546 handlers have equity in the funds. The address of many handlers is not known, the amounts due handlers are small, and in many instances the amount due individual handlers is less than the cost of making a refund. Waivers were secured for individual handler equities of $10 or more from those handlers who could be contacted. Inasmuch as it would be impracticable to try to refund the money pro rata to the handlers, the entire sum should be allocated to the Utah State University of Agriculture and Applied Science, Logan, Utah 84321 for research on peaches.

FINDINGS AND ORDER

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the views expressed by Wayman Fruit Farms, and pursuant to section 8c(16)(A) of the act (7 U.S.C. 608c(16)(A)), it is hereby found that the marketing agreement and order no longer tend to effectuate the declared policy of the act and should be terminated and that postponing the effective date beyond that hereinafter specified is impracticable, unnecessary and contrary to the public interest, and good cause exists for making this termination effective on the date hereinafter set forth. It is also found that the appointment of committee members and alternates should be terminated and the above-indicated funds should be distributed to the Utah State University of Agriculture and Applied Science.

It is therefore, ordered, That (1) Marketing Agreement No. 91 and Order No. 920 (7 CFR Part 920) are hereby terminated, (2) the appointment of Administrative Committee members and alternates is hereby terminated, and said committee members and alternates are hereby discharged and relieved of all further responsibility, and (3) the Administrative Committee's assets consisting of approximately $1,500 in unexpended assessment funds and interest are hereby directed to be disbursed to the Utah State University of Agriculture and Applied Science, Logan, Utah 84321 for research on peaches.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated March 22, 1974, to become effective March 29, 1974.

JOHN DAMGARD,
Deputy Assistant Secretary.

[FR Doc.74–7107 Filed 3–26–74;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE; DEPARTMENT OF AGRICULTURE

PART 1205—COTTON RESEARCH AND PROMOTION

Miscellaneous and Technical Amendments

On August 19, 1972, the Civil Service Commission published in the FEDERAL REGISTER (37 FR 16787) a rule changing the title of hearing examiner, as used in 5 CFR Part 930, Subpart B, to administrative law judge. By designation to the Office of Administrative Law Judges dated December 20, 1972 (37 FR 28475), as amended April 27, 1973 (38 FR 10795), the Secretary of Agriculture has provided for the issuance by the administrative law judges of initial decisions in adjudication proceedings subject to sections 556 and 557 of Title 5, United States Code, such decisions to become final without further proceedings unless there is an appeal to the Secretary by a party to the proceeding in accordance with applicable rules of practice: *Provided, however,* That no decision shall be final for purposes of judicial review except a final decision of the Secretary upon appeal. To incorporate these and other technical changes in the Rules of Practice (7 CFR 1205.1–52) under the Cotton Research and Promotion Act (80 Stat. 280 *et seq.*), and pursuant to the authority contained in sections 12(a) and 15, 80 Stat. 284–285, 7 U.S.C. 211(a) and 2114, said Rules of Practices are hereby amended as follows:

Subpart—Rules of Practice and Procedure Governing Proceedings To Formulate Orders Under the Cotton Research and Promotion Act

I. Amend § 1205.2 as follows:

Subparagraph (d) is revised to read as follows:

(d) The term "administrative law judge" or "judge" means any administrative law judge appointed pursuant to 5 U.S.C. 3105, and assigned to the proceeding involved.

Subparagraph (k) is deleted.

II. Amend § 1205.4, § 1205.6, § 1205.7, § 1205.8, § 1205.9, § 1205.10, § 1205.16, and § 1205.19 as follows: Wherever the terms "examiner" or "presiding officer" (or the plural or possessive thereof) appear, the term "judge" (or plural or possessive thereof) is substituted.

III. Amend § 1205.16(d) as follows:

(d) *Computation of time.* Saturdays, Sundays, and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That, when such time expires

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on a Saturday, Sunday or legal holiday, such period shall be extended to include the next following business day.

Subpart—Rules of Practice Governing Proceedings on Petitions To Modify To Be Exempted From Orders

I. Amend § 1205.51 as follows:

Subparagraph (d) is revised, subparagraph (m) is revoked and reserved, and subparagraph (n) is revised.

(d) The term "administrative law judge" or "judge" means any administrative law judge appointed pursuant to 5 U.S.C. 3105, and assigned to the proceeding involved;

(m) (reserved);

(n) The term "decision" means the judge's initial decision in proceedings subject to 5 U.S.C. 556 and 557, and includes the judge's (1) findings of fact and conclusions with respect to all material issues of fact, law or basis thereof, (2) order, (3) rulings on findings, conclusions and order submitted by the parties;

Effective date. The foregoing amendments and revisions shall become effective March 26, 1974.

(Section 12(a) and 15, 80 Stat. 284–285 (7 U.S.C. 2111(a) and 2114))

Done at Washington, D.C., this 21st day of March 1974.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.74–7028 Filed 3–26–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

This amendment releases a portion of Lamb, portions of Parmer, a portion of Hockley, a portion of Lubbock, and a portion of Hansford Counties in Texas from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas. No areas in Texas remain under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (a) relating to the State of Texas is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on March 22, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of March 1974.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–7105 Filed 3–26–74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Nonbanking Activities

By notice of proposed rulemaking published in the FEDERAL REGISTER on December 13, 1972 (37 FR 26534), the Board of Governors proposed to amend § 225.4(a)(6) of Regulation Y to permit bank holding companies to engage in both real and personal property leasing, subject to substantially the same conditions, as an activity closely related to banking or managing or controlling banks under section 4(c)(8) of the Bank Holding Company Act. After considering the comments on such proposal, the Board published a revised proposal for comment and ordered that a public hearing be held on such revised proposal on September 12, 1973. Notice of the revised proposal and the hearing was published in the FEDERAL REGISTER on Wednesday, August 8, 1973 (38 FR 21436). A public hearing was conducted on September 12, 1973, before available members of the Board.

The Board has considered all of the material submitted on the December 13, 1972 proposal, the August 8, 1973 proposal, the record of the September 12, 1973 hearing, and all material submitted subsequent to the hearing that was received by by the Board through October 3, 1973. After considering all relevant aspects of the proposal to amend § 225.4(a)(6) to include both real and personal property leasing among the activities determined to be closely related to banking, the Board has determined to amend § 225.4(a)(6) to permit the leasing of both real and personal property. The Board has determined that separate regulations for real and personal property leasing would allow greater flexibility for innovation and the evolution of bank holding company leasing transactions. Accordingly, the Board is adopting separate regulations with substantially the same provisions which contain certain modifications from the proposal as published for comment.

The modifications with respect to personal property leasing are: the limitation on estimated residual value in computing full-payout recovery has been changed from 10 percent of the acquisition cost of the property to the lessor to 20 percent; and a new provision has been added which permits inclusion in the full-payout recovery formula, in leases of 7 years or less, such additional amount, not exceeding 60 percent of the acquisition cost of the property, as may be be provided by an unconditional guarantee by a lessee, independent third party or manufacturer which has been determined by the lessor to have the financial resources to meet such obligation.

The text of the amendment to § 225.4(a)(6) which supersedes existing § 225.4(a)(6) and 12 CFR 225.123 reads as follows:

§ 225.4 Nonbanking activities.

(a) • • •

(6) (i) Leasing personal property or acting as agent, broker or adviser in leasing such property provided:

(*a*) the lease is to serve as the functional equivalent of an extension of credit to the lessee of the property;

(*b*) the property to be leased is acquired specifically for the leasing transaction under consideration or was acquired specifically for an earlier leasing transaction;

(*c*) the lease is on a nonoperating basis;

(*d*) at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transaction[4]) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease,[5] from: (*1*) Rentals; (2) estimated tax benefits (investment tax credit, net economic gain from tax deferral from accelerated depreciation, and other tax benefits with a substantially similar effect); (3) the estimated residual value of the property at the expiration of the initial term of the lease, which in no case shall exceed 20 percent of the acquisition cost of the property to the lessor; and (*4*) in the case of a lease of not more than 7 years in duration, such additional amount, which shall not exceed 60 percent of the acquisition cost of the property, as may be provided by an unconditional guarantee by a lessee, independent third party or manufacturer, which has been determined by the lessor to have the financial resources to meet such obligation, that will assure the lessor of recovery of its investment and cost of financing;

(*e*) the maximum lease term during which the lessor must recover the lessor's full investment in the property plus the estimated total cost of financing the property shall be 40 years; and

(*f*) at the expiration of the lease (including any renewals or extensions with the same lessee), all interest in the property shall be either liquidated or released on a nonoperating basis as soon as practicable but in no event later than two years from the expiration of the lease,[6] however, in no case shall the lessor retain any interest in the property beyond 50 years after its acquisition of the property.

• • • • •

As an incident to this amendment the footnotes in § 225.4(a) which are denoted by asterisks and numbers are hereby redesignated as follows for clarity and ease of reference: the footnote in § 225.4(a)(1) designated as * to footnote 1; footnotes 1 and 2 in § 225.4(a)(5) to footnotes 2 and 3; footnote 3 in § 225.4(a)(10) to footnote 7; footnote 3a in § 225.4(a)(11) to footnote 8; the footnotes in § 225.4(a)(12) designated as * and ** to footnotes 9 and 10; footnote 1 in § 225.4(b)(1) to footnote 11; and footnote 2 in § 225.4(d) to footnote 12.

Effective date: April 17, 1974.

By order of the Board of Governors, March 18, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74–7017 Filed 3–26–74;8:45 am]

[4] The Board understands that some Federal, State and local governmental entities may not enter into a lease for a period in excess of one year. Such an impediment does not prohibit a company authorized under § 225.4(a) from entering into a lease with such governmental entities if the company reasonably anticipates that such governmental entities will renew the lease annually until such time as the company is fully compensated for its investment in the leased property plus its costs of financing the property. Further a company authorized under § 225.4(a)(6) may also engage in so-called "bridge" lease financing of personal property, but not real property, where the lease is short term pending completion of long term financing, by the same or another lender.

[5] The estimate by the lessor of the total cost of financing the property over the term of the lease should reflect, among other factors, the term of the lease, the modes of financing available to the lessor, the credit rating of the lessor and/or the lessee, if a factor in the financing, and prevailing rates in the money and capital markets.

[6] In the event of a default on a lease agreement prior to the expiration of the lease term, the lessor shall either re-lease such property, subject to all the conditions of this subsection 6(a), or liquidate such property as soon as practicable but in no event later than two years from the date of default on a lease agreement.

[Reg. Y]

PART 225—BANK HOLDING COMPANIES

Nonbanking Activities

By notice of proposed rulemaking published in the FEDERAL REGISTER on December 13, 1972 (37 FR 26534), the Board of Governors proposed to amend § 225.4(a)(6) of Regulation Y to permit bank holding companies to engage in both real and personal property leasing, subject to substantially the same conditions, as an activity closely related to banking or managing or controlling banks under section 4(c)(8) of the Bank Holding Company Act. After considering the comments on such proposal, the Board published a revised proposal for comment and ordered that a public hearing be held on such revised proposal on September 12, 1973. Notice of the revised proposal and the hearing was published in the FEDERAL REGISTER on Wednesday, August 8, 1973 (38 FR 21436). A public hearing was conducted on September 12, 1973, before available members of the Board.

The Board has considered all of the material submitted on the December 13, 1972 proposal, the August 8, 1973 proposal, the record of the September 12, 1973 hearing, and all material submitted subsequent to the hearing that was received by the Board through October 3, 1973. After considering all relevant aspects of the proposal to amend § 225.4(a)(6) to include both real and personal property leasing among the activities determined to be closely related to banking, the Board has determined to amend § 225.4(a)(6) to permit the leasing of both real and personal property. The Board has determined that separate regulations for real and personal property leasing would allow greater flexibility for innovation and the evolution of bank holding company leasing transactions. Accordingly, the Board is adopting separate regulations with substantially the same provisions which contain certain modifications from the proposal as published for comment.

The modification with respect to real property leasing is that the limitation on the estimated residual value in computing full-payout recovery has been changed from 10 percent of the acquisition cost of the property to 20 percent.

The text of the amendment to § 225.4(a)(6) which supersedes existing § 225.4(a)(6) and 12 CFR 225.123 reads as follows:

§ 225.4 Nonbanking activities.

(a) • • •

(6) • • •

(ii) Leasing real property or acting as agent, broker or adviser in leasing such property provided:

(*a*) the lease is to serve as the functional equivalent of an extension of credit to the lessee of the property;

(*b*) the property to be leased is acquired specifically for the leasing transaction under consideration or was acquired specifically for an earlier leasing transaction;

(*c*) the lease is on a nonoperating basis;

(*d*) at the inception of the initial lease the effect of the transaction (and, with respect to governmental entities only, reasonably anticipated future transactions[4]) will yield a return that will compensate the lessor for not less than the lessor's full investment in the property plus the estimated total cost of financing the property over the term of the lease,[5] from: (*1*) Rentals; (2) estimated tax benefits (investment tax credit, net economic gain from tax deferral from accelerated depreciation, and other tax benefits with a substantially similar effect); and (3) the estimated residual value of the property at the expiration of the initial term of the lease, which in no case shall exceed 20 percent of the acquisition cost of the property to the lessor.

(*e*) the maximum lease term during which the lessor must recover the lessor's full investment in the property plus the estimated total cost of financing the property shall be 40 years; and

(*f*) at the expiration of the lease (including any renewals or extensions with the same lessee), all interest in the property shall be either liquidated or released on a nonoperating basis as soon as practicable but in no event later than two years from the expiration of the lease,[6] however, in no case shall the lessor retain any interest in the property beyond 50 years after its acquisition of the property.

• • • • •

Effective date: April 17, 1974.

[4] The Board understands that some Federal, State and local governmental entities may not enter into a lease for a period in excess of one year. Such an impediment does not prohibit a company authorized under § 225.4(a) from entering into a lease with such governmental entities if the company reasonably anticipates that such governmental entities will renew the lease annually until such time as the company is fully compensated for its investment in the leased property plus its costs of financing the property. Further, a company authorized under § 225.4(a)(6) may also engage in so-called "bridge" lease financing of personal property, but not real property, where the lease is short term pending completion of long term financing, by the same or another lender.

[5] The estimate by the lessor of the total cost of financing the property over the term of the lease should reflect, among other factors, the term of the lease, the modes of financing available to the lessor, the credit rating of the lessor and/or the lessee, if a factor in the financing, and prevailing rates in the money and capital markets.

[6] In the event of a default on a lease agreement prior to the expiration of the lease term, the lessor shall either re-lease such property, subject to all the conditions of this subsection 6(b), or liquidate such property as soon as practicable but in no event later than two years from the date of default on a lease agreement.

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By order of the Board of Governors, March 18, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-7016 Filed 3-26-74;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 12, Amdt. 10]

PART 121—SMALL BUSINESS SIZE STANDARDS REGULATION

Energy Crisis Provisos for Use in Determining Size of Loan Applicant Adversely Affected by the Shortage of Energy or Materials

This amendment provides a special procedure for determining the "annual receipts" or "number of employees" of a concern for the purpose of qualifying for financial assistance under Small Business Administration programs in cases where such concern's business has suddenly and significantly decreased due to the shortage of energy or materials.

It has come to our attention that there are concerns that have suffered severe financial reverses due to loss of business caused by the energy and material shortage crises, but which are ineligible to receive financial assistance because their total annual receipts *during their most recently completed fiscal year*, or average number of employees *during the preceding four calendar quarters*, exceeded the applicable size standard. For example, a retail dealership in recreational vehicles or boats can qualify as small for the purpose of an SBA loan if its gross annual receipts *for its most recently completed fiscal year* do not exceed $1 million. If, during its most recently preceding fiscal year, a dealership had annual receipts exceeding $1 million, it would not qualify as small even though, as a result of the gasoline shortage, its average monthly receipts clearly indicate that its current year's receipts will be well within the $1 million standard. Similar situations occur where a concern's size is determined by its average employment during the preceding four calendar quarters, but where it has had to lay off a substantial number of employees due to the energy crisis or because of the shortage of materials.

In view of the above, it is deemed appropriate to amend the definition of the term "annual receipts" in § 121.3-2(b) of the size standards regulation to provide that if, for the purpose of receiving financial assistance, it is determined that (1) an applicant has completed at least 3 months of its current fiscal year, (2) its gross receipts during the completed months of its *current* fiscal year are at least 25 percent lower than its receipts during the corresponding months of its most recently completed fiscal year, and (3) the reduction in receipts was primarily due to the shortage of energy or materials, its "annual receipts" for size determination purposes would be determined by reducing the concern's annual receipts for its most recently completed fiscal year by the determined percentile.

EXAMPLE: Applicant's fiscal year ends December 31, 1973. Its annual receipts for such fiscal year were $1,200,000, which exceeds the applicable size standard. However, its total receipts for January, February, and March 1974 were only $150,000 as compared with $300,000 for January, February, and March 1973, a 50 percent reduction in receipts. This change would trigger the alternative method of computing the concern's "annual receipts" with the following result: The concern's annual receipts for its most recently completed fiscal year ($1.2 million) would be reduced by 50 percent. Thus, its "annual receipts" for the purpose of qualifying for financial assistance would be $600,000.

It is also deemed appropriate to amend the definition of the term "number of employees" in § 121.3-2(t) to provide that, if it is determined that a concern's employment in its most recent calendar quarter is at least 25 percent lower than its employment for the corresponding quarter in the preceding calendar year and such reduction in employment was primarily due to the shortage of energy or materials, its "number of employees" for size determination purposes would be determined by reducing its average employment for the preceding four calendar quarters by the determined percentile.

EXAMPLE: Applicant's employment for several months has averaged 600 persons, which exceeds the applicable 500 employment standard. However, its employment for the most recent quarter is only 300 persons, a reduction of 50 percent from its employment during the same quarter of the preceding year. This being more than 25 percent, the alternative method of computation is triggered with the following result: The concern's average employment for its preceding four quarters would be reduced by 50 percent. Thus, its "number of employees" for the purpose of qualifying for financial assistance would be 300 persons.

Accordingly, Part 121 of Chapter I of Title 13 of the Code of Federal Regulations is hereby amended by revising the first sentences of § 121.3-2 (b) and (t) to read as follows:

§ 121.3-2 Definition of terms used in this part.

* * * * *

(b) "Annual receipts" means the gross income (less returns and allowances, sales of fixed assets, and interaffiliate transactions) of a concern (and its domestic and foreign affiliates) from sales of products and services, interest, rents, fees, commissions, and/or from whatever other source derived, as entered on its regular books of account for its most recently completed fiscal year (whether on a cash, accrual, completed contracts, percentage of completion, or other acceptable accounting basis) and, in the case of a concern subject to U.S. Federal income taxation, reported or to be reported to the U.S. Treasury Department, Internal Revenue Service, for Federal income tax purposes *provided however*, if, for the purpose of receiving financial assistance under a Small Business Administration program, it is determined that (1) the applicant has completed at least 3 months of its current fiscal year, (2) its gross receipts for the completed months of its current fiscal year are at least 25 percent lower than its receipts during the corresponding months of its most recently completed fiscal year, and (3) the reduction in receipts was primarily due to the shortage of energy or materials, its "annual receipts" for size determination purposes shall be computed by reducing its annual receipts for its most recently completed fiscal year by the determined percentile. * * *

* * * * *

(t) "Number of employees" means the average employment of any concern, including the employees of its domestic and foreign affiliates, based on the number of persons employed on a full-time, part-time, temporary, or other basis during the pay period ending nearest the last day of the third month in each calendar quarter for the preceding four quarters: *Provided however*, If, for the purpose of determining a concern's eligibility for financial assistance under a Small Business Administration program, it is determined that a concern's employment in its most recently completed calendar quarter is at least 25 percent lower than its employment in the corresponding quarter in the preceding calendar year and that such reduction in employment was primarily due to the shortage of energy or materials, its "number of employees" for size determination purposes shall be determined by reducing its average employment for the preceding four calendar quarters by the determined percentile. * * *

* * * * *

Effective date. This amendment shall become effective on March 27, 1974. In view of the need for immediate assistance to many concerns adversely affected by the shortage of energy or materials, we have determined that notice and public procedure on this amendment are impracticable.

(All Catalog of Federal Domestic Assistance Program Numbers except 59.009, Procurement Assistance to Small Business.)

Dated: March 19, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc. 74-7077 Filed 3-26-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-WA-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Terminal Control Area at Cleveland, Ohio

On November 12, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 31182) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a Group II Terminal Control Area (TCA) for Cleveland, Ohio.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. Seven comments were received.

The Air Transport Association endorsed the TCA as proposed, while six other commenters opposed it. The opposition was based primarily on the belief that the establishment of a TCA at Cleveland was not justified, especially in view of the energy crisis. Their contention is that air carrier schedule reductions will reduce the number of enplaned passengers and that additional fuel will be required for nontransponder-equipped aircraft to circumnavigate the TCA airspace.

The issue concerning the establishment of a Group II TCA at Cleveland was contained in Notice 69-41, published in the FEDERAL REGISTER on September 30, 1969 (34 FR 15252), and Notice 69-41B, published in the FEDERAL REGISTER on March 13, 1970 (35 FR 4519), which delineated the locations of the 22 hub areas where Group I and Group II TCAs were proposed.

The FAA has maintained a monitor of the activities at the proposed TCA areas and has determined that Cleveland still warrants the establishment of a Group II TCA. It may be noted, as an example, that as a result of monitoring the activity at the 22 hub locations, Cincinnati has been deleted as a proposed Group II TCA location.

A review of the enplaned passenger activity generated by communities in the Cleveland area for calendar years 1972, 1973 and the first part of January 1974, indicates that the number of enplaned passengers is increasing rather than decreasing even though some scheduled flights have been cancelled. This is attributed to the remaining flights operating at or near capacity and larger aircraft being utilized. Although, in view of the fuel shortage, it is desirable to conserve fuel, it is believed that this TCA represents the minimum amount of airspace necessary to accomplish the safety objectives for which this is action is taken.

Concern was expressed that transponder equipment costs would cause undue financial hardship for fixed base operators and owners of aircraft based at and desiring to use Cleveland-Hopkins Airport, including the surrounding airspace.

The requirements for the improved transponder equipment have been under development for many years. Regulatory proposals issued in 1965, 1969, and 1972 discussed the requirement for this equipment within the National Airspace System. Numerous members of the aviation community responded to these various proposals with constructive suggestions concerning the problem and many of their suggestions were reflected in the final regulation.

There are many reasons for requiring altitude reporting transponders. This equipment eliminates much of the conversation that would otherwise be required between pilot and controller on busy voice communication frequencies. It also furnishes vital altitude information to controllers in situations where the pilot is not in radio communication with the ground system. In effect, with the use of automatic altitude reporting transponder equipment the present two-dimensional radar becomes three-dimensional. The result of this is a more efficient and safer air traffic control system.

Comments about the TCA configuration included statements that a ceiling of 8,000 feet is unnecessary; Area B will interfere with aircraft using the south shore of Lake Erie as a VFR fly-away in that it will require aircraft to fly through Burke Lakefront traffic patterns or force them out over the lake a sufficient distance that they could not glide to shore in case of an emergency; raise the floor to but excluding 2,500 feet MSL in the southeast quadrant from Cleveland-Hopkins Airport because of the tall TV towers located in this area; and also, the northwest/southeast runway at Cleveland-Hopkins is closed.

TCA ceilings are normally designated at or near 7000 feet above the primary airport elevation. This altitude was selected as a result of the FAA 1968 Near Mid-Air Collision Study which found that most of the terminal area incidents occurred within this altitude range. The establishment of the Cleveland TCA will still allow aircraft to fly along the lakeshore at an altitude of approximately 1300 feet above the water which meets the requirements of Federal Regulations regarding VFR minimum altitudes. This altitude should also allow the aircraft to use the beaches for possible emergency landing areas. The Burke Lakefront Airport traffic area extends up to but not including 3584 feet MSL, however, this does not prohibit aircraft flying through this area at a lesser altitude provided they contact the Control Tower in accordance with existing regulations. This communications requirement is intended to increase safety while operating in an airport traffic area.

The TCA floors proposed in the NPRM are based on the airspace required to contain climb and descent profiles. The comment that the airspace in the southeast quadrant of Area "B" below 3,000 feet MSL is not needed since no aircraft are taking off in that direction does not allow for the maneuvering of aircraft close to the airport. Area "B" is designed to contain close-in vectoring of aircraft arriving and departing Cleveland-Hopkins Airport. In addition to sequencing arrivals in this area, aircraft taking off in a westerly direction use it for transitioning via V-297, V-30 and V-42 over Akron/Canton and via V-6 over Youngstown. Aircraft taking off in an easterly direction turn right and climb on course toward Mansfield. For these reasons Area "B" is adopted as proposed in the Notice.

Two commenters suggested a corridor plan aligned to each runway. A simulated test of the climb/descent corridor concept was conducted at Boston, Massachusetts, in June and July of 1971. Representatives of the major user organizations observed the simulation. One TCA and three corridor configurations were tested. It was concluded that any of the plans would provide the desired degree of safety; however, only the TCA would provide for efficient use of the airspace and air traffic control flexibility required in major terminal areas.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, May 23, 1974, by adding the following to § 71.401(b) (39 FR 636) Group II Terminal Control Areas.

§ 71-401 Designations.

(b) * * *

CLEVELAND, OHIO, TERMINAL CONTROL AREA

PRIMARY AIRPORT

Cleveland-Hopkins International Airport (Lat. 41°24'37'' N., Long. 81°50'56'' W.)

Cleveland-Hopkins distance measuring equipment (DME) antenna (Lat. 41°24'15'' N., Long. 81°51'44'' W.)

BOUNDARIES

Area A

That airspace extending upward from the surface to and including 8,000 feet MSL within a 5-mile radius of the Cleveland-Hopkins International Airport DME antenna, excluding that airspace within a 1-mile radius of the Strongsville Airpark (Lat. 41°19'25'' N., Long. 81°52'00'' W.) and Gilbert Airport (Lat. 41°22'00'' N., Long. 81°-58'00'' W.)

Area B

That airspace extending upward from 1900 feet MSL to and including 8,000 feet MSL within an 8.5-mile radius of the Cleveland-Hopkins International Airport DME antenna excluding Area A previously described, and that airspace within a 2-mile radius of Burke Lakefront Airport (Lat. 41°30'45'' N., Long. 81°41'15'' W.)

Area C

That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the Cleveland-Hopkins International Airport DME antenna excluding Areas A and B previously described.

Area D

That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of the Cleveland-Hopkins International Airport DME antenna, excluding Areas A, B, and C previously described.

* * * * *

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on March 20, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-7054 Filed 3-26-74;8:45 am]

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[Airspace Docket No. 73-NW-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of VOR Federal Airway

On January 11, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 1640) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal Airway No. 122 from Lakeview, Oreg., direct to Rome, Oreg.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

§ 71.123 (39 FR 307) is amended as follows:

In V-122—"Lakeview, Oreg." is deleted and "Lakeview, Oreg.; to Rome, Oreg." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 21, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-7056 Filed 3-26-74;8:45 am]

[Airspace Docket No. 73-SW-83]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area and Federal Airways

On January 31, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 3967) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation regulations that would alter the description of Restricted Area R-3801D, Camp Claiborne, La., to make its horizontal boundaries the same as those of Restricted Areas R-3801B and R-3801C. The description of V-114 would also be altered to exclude R-3801B and R-3801C.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation regulations are amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

In § 71.123 (39 FR 307) the description of V-114 is amended by deleting "within R-3801D." at the end of its description and substituting "within R-3801B, R-3801C and R-3801D." therefor.

2. In § 73.38 (39 FR 668) the description of Restricted Area R-3801D is amended to read as follows:

R-3801D CAMP CLAIBORNE, LA.

Boundaries. Beginning at latitude 31°-11'45" N., longitude 92°30'15" W.; to latitude 31°05'15" N., longitude 92°34'50" W.; to latitude 31°13'55" N., longitude 92°49'45" W.; to latitude 31°18'00" N., longitude 92°46'30" W.; to latitude 31°15'15" N., longitude 92°41'45" W.; to latitude 31°17'10" N., longitude 92°40'10" W.; to point of beginning.

Designated altitudes. 14,000 feet MSL to and including FL 200.

Time of designation. Continuous. R-3801D shall not be activated unless the Houston ARTC Center radar (Alexandria System) is operational.

Controlling agency. Federal Aviation Administration, Houston ARTC Center.

Using agency. Commander, England AFB, La.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 21, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-7055 Filed 3-26-74;8:45 am]

[Airspace Docket No 73-NE-32]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas; Correction

On March 6, 1974, FR Doc. 74-5099 was published in the FEDERAL REGISTER (39 FR 8609) amending Part 73 of the Federal Aviation Regulations to change the using agency for Restricted Areas, R-4105 No Man's Land Island, Mass., and R-4106 North Eastham, Mass., effective 0901 GMT, May 23, 1974.

The using agency for R-4105 was then incorrectly identified as Commander, Partol Wing FIVE, NAS Brunswick, Maine. The correct using agency for R-4105 is the Commanding Officer, Naval Air Station, South Weymouth, Mass.

Since designation of a different using agency is a minor amendment upon which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, as it is essential that the correct using agency of the restricted area be identified, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, F.R. Doc. 74-5099 (39 FR 8609) is amended, effective upon publication of this amendment in the FEDERAL REGISTER, as hereinafter set forth.

In § 73.41 (39 FR 671), subparagraph a., "Commander, Patrol Wing FIVE NAS Brunswick, Maine" is deleted and "Commanding Officer, NAS South Weymouth, Mass." is substituted therefor.

(Sec. 307(a), (Federal Aviation Act of 1958 (49 U.S.C. 1348(a)), Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on March 21, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-7057 Filed 3-26-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 5-74-02 R]

PART 127—SECURITY ZONES

Hampton Roads—James River—Newport News, Va.

This amendment to the Coast Guard's Security Zone Regulations establishes the waters of the James River in the area of the Newport News Shipbuilding and Drydock Company, Newport News, Virginia as a Security Zone. This security zone is established to prevent interference with the launching of the submarine LOS ANGELES at the Newport News Shipbuilding and Drydock Company, Newport News, Virginia.

This amendment is issued without publication of a notice of proposed rule making; and this amendment is effective in less than 30 days from the date of publication, because this security zone involves a military function of the United States.

In consideration of the foregoing, Part 127 and Title 33 of the Code of Federal Regulations is amended by adding § 127.501 to read as follows:

§ 127-501 Hampton Roads—James River—Newport News, Virginia.

The waters within the following boundary is a security zone: A line beginning at position 36°58'48" N., 76°26'26" W. to James River Buoy No. 1 at 36°57'53" N., 76°26'42" W. thence to a point at position 36°59'07" N., 76°28'08" W. thence to a point on shore at position 36°59'35" N., 76°26'55" W. thence to the beginning point.

(46 Stat. 220, as amended (§ 1, 63 Stat. 503,) § 6(b), 80 Stat. 937; 50 U.S.C. § 191 (14 U.S.C. § 91,) 49 U.S.C. § 1655(b); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949-1953 Comp. 356, 778, 873, 3 CFR 1964-1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b)).

Effective date: This amendment is effective from 1015Q to 1230Q April 6, 1974.

G. N. WOOD,
Captain, U.S. Coast Guard, Captain of the Port, Hampton Roads Area.

[FR Doc.74-6992 Filed 3-26-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-230]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Illinois	Madison	Alton, city of				Mar. 25, 1971, Emergency.
Do.	McHenry	Lakewood, village of.				Do.
Do.	Winnebago	South Beloit, city of.				Do.
Do.	Adams	Quincy, city of				Do.
Missouri	Lewis	Canton, city of				Do.
Do.	Lincoln	Elsberry, city of				Do.
Do.	Platte	Unincorporated areas.				Do.
Oregon	Clatsop	Seaside, city of				Do.
Pennsylvania	Berks	Bern, township of				Do.
Virginia	Gloucester	Unincorporated areas.				Do.
Do.	Surry	do.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969) (42 U.S.C. 4001-4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 18, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-6952 Filed 3-26-74;8:45 am]

[Docket No. FI-229]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Colbert	Sheffield, city of	H 01 033 2780 01 through H 01 033 2780 06	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Office of the City Clerk, City of Sheffield, Drawer Q, Sheffield, Ala. 35660.	March 22, 1974.
Do.	Lawrence	Moulton, city of	H 01 079 2150 01 through H 01 079 2150 06	do.	Mayor, City Hall, Moulton, Ala. 35650.	Do.
Do.	Marshall	Guntersville, city of.	H 01 095 1500 01 through H 01 095 1500 18	do.	Mayor, City Hall, Guntersville, Ala. 35976.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arkansas	Chicott	Dermott, city of	H 05 017 1070 01 through H 05 017 1070 03	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Dermott, Ark. 71638.	Do.
Do	Columbia	Taylor, city of	H 05 027 3800 01 through H 05 027 3800 02	do	Mayor, Taylor, Ark. 71861	Do.
Do	Cross	Wynne, city of	H 05 037 4260 01	do	City Planning Commission, P.O. Box 9, Wynne, Ark. 72396.	Do.
Do	Fulton	Salem, city of	H 05 049 3500 01	do	Mayor, City Hall, Salem, Ark. 72576	Do.
Do	Independence	Oil Trough, city of.	H 05 063 2925 01	do	Mayor, City Hall, Oil Trough, Ark. 72564.	Do.
Do	Izard	Calico Rock, city of.	H 05 065 0610 01 through H 05 065 0610 02	do	Mayor, City Hall, Calico Rock, Ark. 72519.	Do.
Do	St. Francis	Madison, city of	H 05 123 2460 01	do	Mayor, City Hall, Madison, Ark. 72359	Do.
California	Napa	Napa, city of	H 06 055 2330 01 through H 06 055 2330 07	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 91112, and, 1407 Market St., San Francisco, Calif. 74103.	Mayor, City Hall, 955 School St., Napa, Calif. 94558.	Do.
Do	Orange	Villa Park, city of	H 06 059 4045 01 through H 06 059 4045 04	do	Mayor, City Hall, 18401 Villa Park Rd., Villa Park, Calif. 92667.	Do.
Do	San Diego	National City	H 06 073 2340 01 through H 06 073 2340 04	do	Engineering Department, Civic Center, 1243 National Ave., National City, Calif. 92050.	Do.
Do	Santa Clara	Milpitas, city of	H 06 085 2182 01 through H 06 085 2182 04	do	Mayor, City Hall, 455 East Calaveras Blvd., Milpitas, Calif. 95035.	Do.
Do	do	Saratoga, city of	H 06 085 3520 01 through H 06 085 3520 03	do	Mayor, City Hall, 13777 Fruitvale Ave., Saratoga, Calif. 95070.	Do.
Do	Santa Cruz	Watsonville, city of.	H 06 087 4100 01 through H 06 087 4100 05	do	Mayor, City Hall, 250 Main St., Watsonville, Calif. 95076.	Do.
Do	Siskiyou	Yreka, city of	H 06 093 4266 01 through H 06 093 4266 04	do	City Manager, City Hall, Yreka, Calif. 96097.	Do.
Do	Solano	Suisun City, city of.	H 06 095 3780 01 through H 06 095 3780 03	do	Mayor, City Hall, 710 Suisun St., Suisun, Calif. 94585.	Do.
Colorado	Gunnison	Gunnison, city of	H 08 051 1100 01 through H 08 051 1100 02	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, City Bldg., Gunnison, Colo. 81230.	Do.
Do	La Plata	Ignacio, town of	H 08 067 1250 01	do	Mayor, Ignacio, Colo. 81137	Do.
Do	Larimer	Wellington, town of.	H 08 069 2530 01	do	Mayor, City Hall, Wellington, Colo. 80549.	Do.
Do	Prowers	Lamar, city of	H 08 099 1440 01 through H 08 099 1440 02	do	Mayor, Lamar, Colo. 81052.	Do.
Connecticut	Middlesex	Cromwell, town of.	H 09 007 0160 01 through H 09 007 0160 06	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Cromwell Town Hall, 5 West St., Cromwell, Conn. 06416.	Do.
Do	New Haven	Waterbury, city of.	H 09 009 0810 01 through H 09 009 0810 08	do	City Hall, Waterbury, Conn. 06702.	Do.
Georgia	Catoosa	Ringgold, city of.	H 13 047 4680 01 through H 13 047 4680 03	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	City Manager, city of Ringgold, City Hall, Ringgold, Ga. 30736.	Do.
Do	Fannin	McCaysville, city of.	H 13 111 3350 01 through H 13 111 3350 04	do	Mayor, City Hall, McCaysville, Ga. 30555.	Do.
Do	Walker	Chickamauga, city of.	H 13 295 1110 01 through H 13 295 1110 03	do	City of Chickamauga, City Hall, P.O. Box 68, Chickamauga, Ga. 30707.	Do.
Do	do	Rossville, city of	H 13 295 4780 01 through H 13 295 4780 03	do	City Hall, City of Rossville, Rossville, Ga. 30746.	Do.
Idaho	Kootenai	Harrison, city of	H 16 055 0670 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, Harrison, Idaho 83833	Do.
Illinois	Carroll	Mt. Carroll, city of.	H 17 015 5840 01	Governor's Task Force on Flood Control, Natural Resources Services Center, Thornhill Bldg., P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 509 State Office Bldg., Springfield, Ill. 6702.	Mayor, Mt. Carroll, Ill. 61053	Do.
Do	Champaign	Fisher, village of	H 17 019 3030 01	do	Mayor, City Hall, Fisher, Ill. 61843	Do.
Do	Clay	Clay City, village of.	H 17 025 1780 01	do	Mayor, City Hall, Clay City, Ill. 62824.	Do.
Do	Clinton	Albers, village of	H 17 027 0045 01	do	Mayor, Village Hall, Albers, Ill. 62215	Do.
Do	Cook	Alsip, village of	H 17 031 0140 01 through H 17 031 0140 03	do	Mayor, Village Hall, 4500 West 123d St., Alsip, Ill. 60658.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Cook and Lake	Barrington, village of.	H 17 031 0510 01 through H 17 031 0510 02	do	President, 206 South Hough, Barrington, Ill. 60010.	Do.
Do	Cook	Blue Island, city of.	H 17 031 0850 01	do	Mayor, City Hall, Blue Island, Ill. 60406.	Do.
Do	do	Bridgeview, village of.	H 17 031 0980 01 through H 17 031 0980 02	do	President, Village Hall, 7401 West 75th St., Oak Lawn, Ill. 60455.	Do.
Do	do	Broadview, village of.	H 17 031 1030 01	do	President, 1600 Roosevelt Rd., Broadview, Ill. 60153.	Do.
Do	do	Burnham, village of.	H 17 031 1200 01	do	President, Village Hall, 13925 Entre Ave., Burnham, Ill. 60633.	Do.
Do	do	Chicago Ridge, village of.	H 17 031 1690 01 through H 17 031 1690 02	do	President Village Hall, 10655 South Oak, Chicago Ridge, Ill. 60415.	Do.
Do	do	Crestwood, village of.	H 17 031 2050 01 through H 17 031 2050 02	do	Village of Crestwood, Village Hall, 13840 South Cicero, Crestwood, Ill. 60445.	Do.
Do	do	Dolton, village of	H 17 031 2300 01 through H 17 031 2300 02	do	President, Village Hall, 14014 Park Ave., Dolton, Ill. 60419.	Do.
Do	do	East Hazel Crest, village of.	H 17 031 2670 01	do	President, East Hazel Crest Village Hall, Hazel Crest, Ill. 60429.	Do.
Do	do	Evergreen Park, village of.	H 17 031 2890 01 through H 17 031 2890 02	do	Evergreen Park Village Hall, 9418 South Kedize Ave., Evergreen Park, Ill. 60642.	Do.
Do	do	Hickory Hills, city of.	H 17 031 3895 01 through H 17 031 3895 02	do	Office of the Bldg. Commissioner, 8652 West 95th St., Hickory Hills, Ill. 60451.	Do.
Do	do	Inverness, village of.	H 17 031 4180 01 through H 17 031 4180 03	do	President, 1918 Pheasant Trail, Inverness, Ill. 60067.	Do.
Do	do	Justice, village of	H 17 031 4350 01	do	President, Village Hall of Justice, Oak Lawn, Ill. 60458.	Do.
Do	do	Midlothian, village of.	H 17 031 5550 01	do	Municipal Bldg., 14801 Crawford Ave., Midlothian, Ill. 60445.	Do.
Do	do	Orland Park, village of.	H 17 031 6610 01 through H 17 031 6610 03	do	President, Village Hall, 14415 Beacon Ave., Orland Park, Ill. 60462.	Do.
Do	do	Palos Heights, city of.	H 17 031 6687 01 through H 17 031 6687 02	do	Bldg. Commissioner, City of Palos Heights, 12227 South Harlem Ave., Palos Heights, Ill. 60463.	Do.
Do	do	Palos Hills, city of.	H 17 031 6688 01	do	Mayor, City Hall, 8555 West 103d St., Palos Hills, Ill. 60465.	Do.
Do	do	Posen, village of	H 17 031 7100 01 through H 17 031 7100 02	do	Village of Posen, Village Hall, 14401 Campbell Ave., Posen, Ill. 60469.	Do.
Do	do	South Barrington, village of.	H 17 031 8075 01 through H 17 031 8075 03	do	President, Buckthorn Rd., Route No. 2, Barrington, Ill. 60010.	Do.
Do	do	Stone Park, village of.	H 17 031 8340 01	do	President, 1629 North Mannheim Rd., Stone Park, Ill. 60165.	Do.
Do	Effingham	Altamont, city of	H 17 049 0150 01	do	Mayor, Commnnity Bldg., Altamont, Ill. 62411.	Do.
Do	do	Effingham, city of.	H 17 049 2650 01 through H 17 049 2650 03	do	Mayor, City Hall, Effingham, Ill. 62401.	Do.
Do	Fayette	Vandalia, city of	H 17 051 8800 01 through H 17 051 8800 02	do	Mayor, City Hall, Vandalia, Ill. 62471	Do.
Do	Franklin	Buckner, village of.	H 17 055 1140 01	do	Mayor, City Hall, Buckner, Ill. 62819	Do.
Do	Fulton	Ellisville, village of.	H 17 057 2744 01	do	County Board Chairman, village of Ellisville, Lewistown, Ill. 61542.	Do.
Do	Gallatin	Equality, village of.	H 17 059 2840 01	do	President of Village Bldge., Municipal Bldg., Equality, Ill. 62834.	Do.
Do	Hamilton	McLeansboro, city of.	H 17 065 5080 01	do	Mayor, City Hall, McLeansboro, Ill. 62859.	Do.
Do	Hancock	Dallas City, city of.	H 17 067 2170 01	do	Mayor, Dallas City, Ill. 62330	Do.
Do	Jersey	Grafton, city of	H 17 083 3510 01 through H 17 083 3510 02	do	City Hall, Grafton, Ill. 62037	Do.
Do	Kane	Carpentersville, village of.	H 17 089 1390 01 through H 17 089 1390 02	do	President, 1200 Meadowdale Dr., Carpentersville, Ill. 60110.	Do.
Do	Lake	North Barrington, village of.	H 17 097 6279 01	do	President, 579 Crooked Lane, Barrington, Ill. 60010.	Do.
Do	La Salle	La Salle, city of	H 17 099 4690 01 through H 17 099 4690 02	do	Mayor, City Hall, La Salle, Ill. 61301	Do.
Do	Lawrence	Russellville, village of.	H 17 101 7605 01	do	Mayor, City Hall, Russellville, Ill. 60075.	Do.
Do	McHenry	Crystal Lake, city of.	H 17 111 2100 01 through H 17 111 2100 03	do	Mayor, Crystal Lake, Ill. 60014	Do.
Do	do	Woodstock, city of.	H 17 111 9560 01 through H 17 111 9560 04	do	Mayor, Woodstock, Ill. 60098	Do.
Do	Madison	Livingston, village of.	H 17 119 4890 01	do	Mayor, Livingston, Ill. 62058	Do.
Do	Monroe	Waterloo, city of	H 17 133 9060 01 through H 17 133 9060 02	do	City Manager, 104 West 4th St., Waterloo, Ill. 62298.	Do.
Do	Perry	Pinckneyville, city of.	H 17 145 6960 01 through H 17 145 6960 02	do	Mayor, City Hall, Pinckneyville, Ill. 62274.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Rock Island	Port Byron, village of.	H 17 161 7090 01 through H 17 161 7090 02	do	Mayor, City Hall, Port Byron, Ill. 61265.	Do.
Do	do	Rapids City, village of.	H 17 161 7230 01	do	Mayor, Village Hall, Rapids City, Ill. 61278.	Do.
Do	St. Clair	Freeburg, village of.	H 17 163 3200 01	do	Mayor, City Hall, Freeburg, Ill. 62243	Do.
Do	do	New Athens, village of.	H 17 163 6050 01	do	Board of Appeals, 101 North Johnson, New Athens, Ill. 62264.	Do.
Do	Saline	Harrisburg, city of.	H 17 165 3750 01	do	Mayor, City Hall, Harrisburg, Ill. 62946.	Do.
Do	do	Muddy, village of.	H 17 165 5926 01	do	President, Village Board, Village Hall, Muddy, Ill. 62965.	Do.
Do	Sangamon	Pleasant Plains, village of.	H 17 167 7030 01	do	Mayor, City Hall, Pleasant Plains, Ill. 62677.	Do.
Do	do	Thayer, village of.	H 17 167 8540 01	do	Mayor, City Hall, Thayer, Ill. 62689	Do.
Do	Tazewell	Armington, village of.	H 17 179 0290 01	do	Village Board, Armington, Ill. 61621	Do.
Do	Vermilion	Potomac, village of.	H 17 183 7110 01	do	Mayor, City Hall, Potomac, Ill. 61865	Do.
Do	Whiteside	Rock Falls, city of.	H 17 195 7450 01 through H 17 195 7450 03	do	City Council, Municipal Center, Rock Falls, Ill. 61071.	Do.
Do	Will	Rockdale, village of.	H 17 197 7430 01	do	President, Village Hall, Rockdale, Ill. 60436.	Do.
Do	Winnebago	Roscoe, village of.	H 17 201 7495 01	do	Village President, City Hall, Roscoe, Ill. 61073.	Do.
Indiana	Marion	Southport, city of.	H 18 097 4660 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, city of Southport, 2501 City-County Bldg., Indianapolis, Ind. 46204.	Do.
Iowa	Allamakee	Waukon, city of.	H 19 005 8830 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 52172.	Mayor's Office, 101 Allamakee St., Waukon, Iowa 52172.	Do.
Do	Appanoose	Centerville, city of.	H 19 007 1370 01 through H 19 007 1370 02	do	Mayor, City Hall, 15th and Maple, Centerville, Iowa 52544.	Do.
Do	Blackhawk	Dunkerton, town of.	H 19 013 2470 01	do	Mayor, City Hall, Dunkerton, Iowa 50626.	Do.
Do	do	Gilbertville, town of.	H 19 013 3220 01	do	Mayor's Office, City Hall, Gilbertville, Iowa 50634.	Do.
Do	do	Raymond, town of.	H 19 013 7052 01 through H 19 013 7052 02	do	Mayor, City Hall, Raymond, Iowa 50667.	Do.
Do	Bremer	Denver, town of.	H 19 017 2240 01	do	Mayor, Denver, Iowa 50622	Do.
Do	Dallas	Granger, town of.	H 19 049 3390 01	do	Mayor, City Hall, Granger, Iowa 50109.	Do.
Do	Plymouth	Akron, city of.	H 19 149 0080 01	do	Mayor, City of Akron, City Hall, Akron, Iowa 51001.	Do.
Kansas	Doniphan	Wathena, city of.	H 20 043 5660 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Wathena, Kans. 66090.	Do.
Do	Jefferson	McLouth, city of.	H 20 087 3120 01	do	Mayor, City Hall, McLouth, Kans. 66054.	Do.
Louisiana	Avoyelles Parish	Simmesport, town of.	H 22 009 2160 01 through H 22 009 2160 04	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70801.	Secretary of Simmesport, Town Hall, Simmesport, La. 71369.	Do.
Do	Franklin Parish	Gilbert, village of.	H 22 041 0830 01 through H 22 041 0830 02	do	Clerk, Town of Gilbert, Gilbert, La. 71336.	Do.
Do	St. Mary Parish	Franklin, city of.	H 22 101 0780 01 through H 22 101 0780 03	do	Office of the Mayor, Municipal Bldg., 317 Willow St., Franklin, La. 70538.	Do.
Maine	Aroostook	Mapleton, town of.	H 23 003 4960 01 through H 23 003 4960 03	Maine Soil & Water Conservation Commission, State House, Augusta, Maine.	Town Manager, Town Office, Mapleton, Maine 04757.	Do.
Do	Kennebec	Winslow, town of.	H 23 011 9134 01 through H 23 011 9134 06	Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Manager, Town of Winslow, 16 Benton Ave., Winslow, Maine 04902.	Do.
Massachusetts	Barnstable	Eastham, town of.	H 25 001 0293 01 through H 25 001 0293 02	Division of Water Resources, State Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Eastham Town Hall, Route 6, Box 8, Eastham, Mass. 02642.	Do.
Do	Berkshire	Lee, town of.	H 25 003 0581 01 through H 25 003 0581 03	do	Chairman, Planning Board, Town Hall, Lee, Mass. 01238.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Dukes	Tisbury, town of.	H 25 007 1295 01	do	Chairman, Board of Selectmen, Vineyard Haven, Mass. 02568.	Do.
Do	Franklin	Montague, town of.	H 25 011 0829 01 through H 25 011 0829 05	do	Chairman, Planning Board, Town Hall, Montague, Mass. 01351.	Do.
Do	Hampden	Longmeadow, town of.	H 25 013 0624 01 through H 25 013 0624 10	do	Chairman, Planning Board, 20 Williams St., Longmeadow, Mass. 01106.	Do.
Do	Hampshire	South Hadley, town of.	H 25 015 1230 01 through H 25 017 1230 04	do	Selectman's Office, Town Hall, Main St., South Hadley, Mass. 01075.	Do.
Do	Middlesex	Ayer, town of.	H 25 017 0060 01 through H 25 017 0060 05	do	Chairman, Board of Selectmen, Town Hall, Ayer, Mass. 01432.	Do.
Do	Worcester	Leominster, town of.	H 25 027 0610 01 through H 25 027 0610 08	do	Mayor, City Hall, Leominster, Mass. 01453.	Do.
Do	do	Southbridge, town of.	H 25 027 1210 01 through H 25 027 1210 09	do	Chairman, Board of Selectmen, Town Hall, Southbridge, Mass. 01550.	Do.
Minnesota	Hennepin	Maple Grove, village of.	H 27 053 4495 01 through H 27 053 4495 12	Division of Waters, Soils, and Minerals, Department of, Department of Natural Resources, Centennial Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, village of Maple Grove, 14310 93d Ave. North, Osseo, Minn. 55369.	Do.
Do	do	Minneapolis, city of.	H 27 053 4760 01 through H 27 053 4760 17	do	City Coordinator, City Hall, Minneapolis, Minn. 55402.6	Do.
Do	Washington	Newport, city of.	H 27 163 5150 01 through H 27 163 5150 02	do	Newport City Hall, 600 7th Avenue, Neport, Minn. 55101.	Do.
Do	do	Oak Park Heights, village of.	H 27 163 5339 01 through H 27 163 5339 02	do	Mayor, village of Oak Park Heights, Village Hall, 14168 57th North, Stillwater, Minn. 55082.	Do.
Mississippi	Tushomingo	Burnsville, city of.	H 28 141 0360 01 through H 28 141 0360 02	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, City Hall, Burnsville, Miss. 38833.	Do.
Missouri	Clay	Kearney, city of.	H 29 047 4130 01 through H 29 047 4130 04	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, city of Kearney, Kearney, Mo. 64060.	Do.
Do	Newton	Seneca, city of.	H 29 145 7240 01 through H 29 145 7240 02	do	Seneca City Hall, 1303 Cherokee Ave., Seneca, Mo. 64865.	Do.
Do	Pike	Bowling Green, city of.	H 29 163 0940 01 through H 29 163 0940 02	do	Office of the Mayor, 15 West Church St., Bowling Green, Mo. 63334.	Do.
Do	Platte	Weston, city of.	H 29 165 8310 01 through H 29 165 8310 02	do	Mayor, city of Weston, 526, Weston, Mo. 64098.	Do.
Do	St. Charles	St. Charles, city of.	H 29 183 7010 01 through H 29 183 7010 06	do	Engineering Office, 810 South Main St.	Do.
Montana	Fergus	Lewistown, city of.	H 30 027 0720 01	Montana Department of Natural Resources and Conservation, Water Resources Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Lewistown, Mont. 59457.	Do.
Do	Jefferson	Boulder, town of.	H 30 013 0120 01	do	Mayor, City Hall, Boulder, Mont. 59632.	Do.
Do	Sanders	Plains, town of.	H 30 089 0920 01	do	Mayor, Plains, Mont. 59859	Do.
Do	Teton	Choteau, city of.	H 30 099 0230 01 through H 30 099 0230 02	do	Mayor, City Hall, Choteau, Mont. 59423.	Do.
Nebraska	Antelope	Elgin, village of.	H 31 003 1640 01 through H 31 003 1640 02	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Elgin, Nebr. 68636	Do.
Do	Buffalo	Shelton, village of.	H 31 019 4390 01	do	City Council, Shelton, Nebr. 68876	Do.
Do	Clay	Clay Center, city of.	H 31 035 1040 01	do	Mayor, City Council Office, Clay Center, Nebr. 68933.	Do.
Do	do	Harvard, city of.	H 31 035 2270 01	do	Mayor, City Hall, Harvard, Nebr. 68944.	Do.
Do	Douglas	Elkhorn, city of.	H 31 055 1660 01	do	Mayor, Community Bldg., 401 Glenn St., Elkhorn, Nebr. 68022.	Do.
Do	Polk	Osceola, city of.	H 31 143 3690 01	do	Mayor, City Office, Osceola, Nebr. 68651.	Do.
Do	Richardson	Humboldt, city of.	H 31 147 2530 01	do	City Council, 618 3d St., Humboldt, Nebr. 68376.	Do.
Do	Sheridan	Hay Springs, city of.	H 31 161 2300 01	do	Mayor, Hay Springs, Nebr. 69347	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Wayne	Wayne, city of	H 31 179 5150 01 through H 31 179 5150 02	do	Mayor, City Hall, Wayne, Nebr. 68787.	Do.
New Hampshire	Belknap	Tilton, town of	H 33 001 0490 01 through H 33 001 0490 04	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Normand Lemire, Senior Selectman, town of Tilton, Tilton, N.H. 03276.	Do.
Do	Grafton	Holderness, town of.	H 33 009 0233 01 through H 33 009 0233 06	do	Chairman, Planning Board, Holderness, N.H. 03245.	Do.
Do	Hillsborough	Amherst, town of	H 33 011 0006 01 through H 33 001 0006 10	do	Selectmen, Amherst, N.H. 03031	Do.
Do	do	Milford, town of	H 33 011 0340 01 through H 33 011 0340 07	do	Selectmen, Milford, N.H. 03055	Do.
Do	Merrimack	Northfield, town of.	H 33 013 0390 01 through H 33 013 0390 04	do	Selectmen, town of Northfield, Tilton, N.H. 03276.	Do.
New Jersey	Bergen	Westwood, borough of	H 34 003 3640 01 through H 34 003 3640 02	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Administration Bldg., 51 Jefferson Ave., Westwood, N.J. 07675.	April 13, 1973 and March 22, 1974.
Do	Gloucester	Mantua, township of.	H 34 015 1814 01 through H 34 015 1814 04	do	Mayor, South Main St., Mantua, N.J. 08051.	Do.
Do	Monmouth	Upper Freehold, township of.	H 34 025 0040 01 through H 34 025 0040 04	do	Mayor, Township Hall, Upper Freehold, N.J.	Do.
Do	do	Howell, township of.	H 34 025 1466 01 through H 34 025 1466 14	do	Mayor, P.O. Box 558, Howell, N.J. 07727.	
Do	Ocean	Seaside Heights, borough of.	H 34 029 3010 01	do	Mayor, P.O. Box 38, Seaside Heights, N.J. 08751.	Do.
Do	Somerset	Millstone, borough of.	H 34 035 1950 01	do	Borough Clerk Office, Borough of Millstone, Main St. and Yorktown Rd. Millstone, N.J.	Do.
New York	Herkimer	Frankfort, village of.	H 36 043 2120 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038, and Albany, N.Y. 12210.	Mayor, Village of Frankfort, 107 West Main St., Frankfort, N.Y. 13340.	Do.
Do	Niagara	Niagara, town of	H 36 063 4210 01 through H 36 063 4210 04	do	Supervisor, Town Hall, 7105 Lockport Road, Niagara Falls, N.Y. 14304.	Do. Do.
Do	Onandaga	De Witt, town of	H 36 067 1539 01 through H 36 067 1539 03	do	Town of De Witt, Town Hall, 6605 Kinne Rd., De Witt, N.Y. 13214.	Do.
Do	Orange	Florida, village of	H 36 071 2030 01 through H 36 071 2030 03	do	Mayor, 635 Main St., Florida, N.Y. 10921.	Do.
Do	do	Goshen, town of	H 36 071 2320 01 through H 36 071 2320 04	do	Supervisor, Town Hall, Webster Ave, Goshen, N.Y. 10924.	Do.
Do	do	Montgomery, town of.	H 36 071 3841 01 through H 36 071 3841 04	do	Supervisor, Town Hall, Town of Montgomery, Walden, N.Y. 12586.	Do.
Do	Oswego	Phoenix, village of.	H 36 075 4800 01	do	Mayor, Phoenix, N.Y. 13135	Do.
Do	Putman	Brewster, village of.	H 36 079 0630 01	do	Mayor, Village Hall, Brewster, N.Y. 10509.	Do.
Do	Rensselaer	Nassau, village of	H 36 083 4000 01	do	Village Board, Nassau, N.Y. 12123	Do.
Do	Rockland	Sloatsburg, village of.	H 36 087 5760 01 through H 36 087 5760 03	do	Mayor, 96 Orange Turnpike, Sloatsburg, N.Y. 10974.	Do.
Do	Suffolk	North Haven, village of.	H 36 103 4260 01 through H 36 103 4260 02	do	Village Clerk's Office, Main St., Sag Harbor, N.Y. 11963.	Do.
North Carolina	Burke	Morganton, city of.	H 37 023 3130 01 through H 37 023 3130 05	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O., Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	City Hall, P.O. Drawer 430, Morganton, N.C. 28655.	Do.
Do	Davidson	Thomasville, city of	H 37 057 4590 01 through H 37 057 4590 04	do	City Hamange, Thomasville, N.C. 27360.	Do.
North Dakota	McHenry	Velva, city of	H 38 049 3180 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, Velva, N. Dak. 58790	Do

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	McLean	Turtle Lake, city of.	H 38 055 3120 01	do	President, City Commission, Turtle Lake, N. Dak. 58575.	Do.
Do	do	Washburn, city of.	H 38 055 3270 01	do	President, City Commission, Washburn, N. Dak. 58577.	Do.
Do	Pierce	Rugby, city of	H 38 069 2710 01	do	Mayor, City Hall, Rugby, N. Dak. 58368.	Do.
Ohio	Columbiana	Rogers, village of	H 39 029 7050 01	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	Mayor, City Hall, Rogers, Ohio 44455.	Do.
Do	Cuyahoga	Bedford Heights, city of.	H 39 035 0572 01 through H 39 035 0572 02	do	Mayor, City Hall, 65 Columbus Rd., Bedford, Ohio 44113.	Do.
Do	do	East Cleveland, city of.	H 39 035 2340 01	do	Mayor, City Hall, 14340 Euclid Ave., East Cleveland, Ohio 44112.	Do.
Do	do	Parma Heights, village of.	H 39 035 6370 01 through H 39 035 6370 02	do	Mayor, City Hall, 6281 Pearl Rd., Parma Heights, Ohio 44130.	Do.
Do	do	Richmond Heights, city of.	H 39 035 6910 01 through H 39 035 6910 02	do	Mayor, City Hall, 457 Richmond Rd., Richmond, Ohio 44124.	Do.
Do	do	Seven Hills, city of.	H 39 035 7380 01	do	Mayor, City Hall, 7247 Broadway, Seven Hills, Ohio 44105.	Do.
Do	do	South Euclid, city of.	H 39 035 7670 02 through H 39 035 7670 02	do	Mayor, City Hall, 1349 South Green Rd., South Euclid, Ohio 44121.	Do.
Do	Erie	Bay View, village of.	H 39 043 0511 01	do	Village Municipal Bldg., 304 East Bay View Dr., Bay View, Ohio 44870.	
Do	Geauga	Middlefield, village of.	H 39 055 4880 01 through H 39 055 4880 02	do	Mayor, 14974 South State St., Middlefield, Ohio 44062.	Do.
Do	Hancock	Van Buren, village of.	H 39 063 8350 01 through H 39 063 8350 02	do	Mayor, City Hall, Van Buren, Ohio 45889.	Do.
Do	Holmes	Holmesville, village of.	H 39 075 3580 01	do	Mayor, Holmesville, Ohio 44633	Do.
Do	Huron	Willard, city of	H 39 077 8880 01 through H 39 077 8880 02	do	Mayor, City Hall, Willard, Ohio 44890.	Do.
Do	Jefferson	Rayland, village of.	H 39 081 6850 01	do	Mayor's Office, Rayland, Ohio 43943	Do.
Do	Lake	Perry, village of	H 39 085 6480 01 through H 39 085 6480 07	do	Mayor, Village Hall, 1203 Harper St., Perry, Ohio 44081.	Do.
Do	Medina	Chippewa-On-The-Lake, village of.	H 39 103 1590 01	do	Mayor, City Hall, Chippewa-On-The-Lake, Ohio 44215.	Do.
Do	do	Medina, city of	H 39 103 4890 01 through H 39 103 4890 04	do	Mayor, City Hall, 132 North Elmwood, Medina, Ohio 44256.	Do.
Do	Summit	Peninsula, village of.	H 39 153 6460 01 through H 39 153 6460 02	do	Chairman, Board of Public Affairs, Peninsula, Ohio 44264.	Do.
Do	Union	Marysville, city of.	H 39 159 4890 01 through H 39 159 4890 02	do	City Manager, City Hall, Marysville, Ohio 43040.	Do.
Do	Wood	Perrysburg, city of.	H 39 173 6490 01 through H 39 173 6490 03	do	Mayor, 201 West Indiana, Perrysburg, Ohio 43551.	Do.
Oklahoma	Muskogee	Muskogee, city of	H 40 101 3310 01 through H 40 101 3310 08	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, City Hall, Muskogee, Okla. 74401.	Do.
Do	Pontotoc	Roff, city of	H 40 123 4070 01 through H 40 123 4070 02	do	Mayor, Roff, Okla. 74865	Do.
Oregon	Grant	John Day, city of	H 41 023 1120 01 through H 41 023 1120 02	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St., NE., Salem, Oreg. 97310.	City of John Day, 240 South Canyon Blvd., John Day, Oreg. 97845.	
Do	Josephine	Grants Pass, city of.	H 41 033 0860 01 through H 41 033 0860 04	do	Mayor, City Courthouse, Grants Pass, Oreg. 97526.	Do.
Do	Lane	Veneta, city of	H 41 039 3145 01 through H 41 039 3145 02	do	Mayor, City Hall, Veneta, Oreg. 97487.	Do.
Do	Lincoln	Waldport, city of	H 41 041 2160 01	do	Mayor, City Hall, Waldport, Oreg. 97376.	

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Allegheny	West Mifflin, borough of.	H 42 003 9170 01 through H 42 003 9170 05	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Box 24, West Mifflin, Pa. 15122	Do.
Do.	Beaver	Baden, borough	H 42 007 0390 01 through H 42 007 0390 04	do	Mayor, Boro Bldg., Baden, Pa. 15005	Do.
Do.	do	Harmony, township of.	H 42 007 3481 01 through H 42 007 3481 04	do	Township Municipal Bldg., Woodland and Breitenstein Rds., Ambridge, Pa. 15003.	Do.
Do.	do	Vanport, township of.	H 42 007 8752 01	do	Board of Supervisors, Township Municipal Bldg., 477 State St., Vanport, Pa. 15009.	Do.
Do.	Berks	Shoemakersville, borough of.	H 42 011 7690 01	do	Mayor, 500 Main St., Shoemakersville, Pa. 19555.	Do.
Do.	Bucks	Newton, borough of.	H 42 017 5950 01 through H 42 017 5950 02	do	Borough Hall, Borough of Newton Newton, Pa.	Do.
Do.	Clinton	Colebrook, township of.	H 42 035 1824 01 through H 42 067 5190 03	do	Township of Colebrook, Secretary, Farrandsville, Pa. 17734.	Do.
Do.	Juniata	Mifflintown, borough of.	H 42 067 5190 01	do	Chairman, Board of Supervisors, Mifflintown, Pa. 17059.	Do.
South Dakota	Brookings	Brookings, city of.	H 46 011 0360 01 through H 46 011 0360 03	South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	City Planning Commission, Through the City Commission, City Hall, Brookings, S. Dak. 57006.	Do.
Do.	Clay	Vermillion, city of.	H 46 027 2730 01 through H 46 027 2730 02	do	Mayor, City Hall, Vermillion, S. Dak. 57069.	Do.
Do.	Davison	Mitchell, city of.	H 46 035 1850 01 through H 46 035 1850 05	do	Mayor and City Council, City Hall, Mitchell, S. Dak. 57301.	Do.
Do.	Yankton	Yankton, city of.	H 46 135 3070 01	do	Yankton City Planning and Zoning Board, Yankton, S. Dak. 57078.	Do.
Tennessee	Anderson	Oliver Springs, city of.	H 47 001 1870 01 through H 47 001 1870 05	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, Oliver Springs, Tenn.	Do.
Do.	Lancaster	Washington, borough of.	H 42 071 8870 01	do	Washington Borough Fire House, Lancaster St., Washington Boro, Pa. 17582.	Do.
Do.	Luzerne	Hunlock, township of.	H 42 079 3813 01 through H 42 079 3813 06	do	Hunlock Township Firehall, Rural Delivery No. 1, Hunlock Creek, Pa. 18621.	Do.
Do.	do	Wyoming, borough of.	H 42 079 9820 01 through H 42 079 9820 02	do	Wyoming Borough Town Hall, 277 Wyoming Ave., Wyoming, Pa. 18644.	February 9, 1973 and March 22, 1974.
Do.	Lycoming	Anthony, township of.	H 42 081 0178 01 through H 42 081 0178 02	do	Charles A. Foster, Secretary, Linden, Pa. 17744.	Do.
Do.	Montgomery	Conshohocken, borough of.	H 42 091 1630 01	do	Conshohocken Borough Hall, 8th and Fayette Sts., Conshohocken, Pa. 19428.	Do.
Do.	Tioga	Wellsboro, borough of.	H 42 117 8960 01 through H 42 117 8960 06	do	Borough of Wellsboro, Wellsboro, Pa. 16901.	Do.
Do.	York	Springettsbury, township of.	H 42 133 9610 01 through H 42 133 9610 08	do	Springetts Township, 1501 Mt. Zion Rd., York, Pa. 17402.	Do.
Texas	Dallas	Hutchins, city of.	H 48 113 3350 01 through H 48 113 3350 05	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, P.O. Box AE, Hutchins, Tex. 75141.	Do.
Do.	Fayette	La Grange, city of.	H 48 149 3790 01 through H 48 149 3790 02	do	Mayor, P.O. Box 339, La Grange, Tex. 78945.	Do.
Do.	Hidalgo	San Juan, city of.	H 48 215 6160 01	do	Mayor, 709 South Nebraska, San Juan, Tex. 78589.	Do.
Do.	Kaufman	Kaufman, city of.	H 48 257 3590 01	do	Mayor, City Hall, Kaufman, Tex. 75142.	Do.
Do.	Kimble	Junction, city of.	H 48 267 3550 01 through H 48 267 3550 03	do	Mayor, City Hall, Junction, Tex. 76849.	Do.
Do.	Lubbock	Slaton, city of.	H 48 303 6410 01 through H 48 303 6410 04	do	Mayor, City Hall, Slaton, Tex. 79364	Do.
Do.	Orange	Vidor, city of.	H 48 361 7200 01 through H 48 361 7200 04	do	City of Vidor, City Hall, Vidor, Tex. 77662.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Smith	Lindale, city of.	H 48 423 3990 01 through H 48 423 3990 02	do	Mayor, City Hall, Lindale, Tex. 75771	Do.
Do.	Tarrant	Euless, city of.	H 48 439 2255 01 through H 48 439 2255 06	do	Mayor, 201 Ector Dr., Euless, Tex. 76039.	Do.
Vermont	Chittenden	Richmond, town of.	H 50 007 0570 01 through H 50 007 0570 03	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Richmond Board of Selectmen, Richmond, Vt. 05477.	Do.
Do.	Franklin	Swanton, village of.	H 50 011 0650 01 through H 50 011 0650 02	do	President, Municipal Bldg., Swanton, Vt. 05488.	Do.
Virginia	Independent City	Pennington Gap, city of.	H 51 105 1900 01 through H 51 105 1900 03	Bureau of Water Control Management, State Water Control Board, 2d floor, Davenport Bldg., 11 South 10 St., Richmond, Va. 23219. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, City Hall, Pennington Gap, Va. 24277.	Do.
Do.	Scott	Dungannon, town of.	H 51 169 0820 01	do	Mayor, Town Hall, Dungannan, Va. 24245.	Do.
Washington	Benton	West Richland, town of.	H 53 005 2475 01 through H 53 005 2475 02	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	City Council, City Hall, 5456 West Van Fiesen, West Richland, Wash. 99352.	Do.
Do.	King	Redmond, city of.	H 53 033 1820 01 through H 53 033 1821 11	do	Mayor, City Hall, 15670 Northeast 85th St., Redmond, Wash. 98052.	Do.
West Virginia	Kanawha	East Bank, town of.	H 54 039 0720 01	Office of Federal-State Relations, Room West 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mayor, City Hall, East Bank, W. Va. 25067.	Do.
Do.	Marshall	Moundsville, city of	H 54 051 1850 01 through H 54 051 1850 02	do	City Manager, Moundsville City Bldg., Moundsville, W. Va. 26041.	Do.
Wisconsin	Milwaukee	Oak Creek, city of.	H 55 079 3475 01 through H 55 079 3475 09	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53701.	City of Oak Creek, Plan Comm., city of Oak Creek, 8640 South Howell Ave., Oak Creek, Wis. 53154.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969) (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: March 18, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–6953 Filed 3–26–74;8:45 am]

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Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Acetic and Propionic Acids

A petition (PP 3F1411) was filed by Celanese Chemical Co., New York, NY 10017, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of acetic acid at 5,000 parts per million and propionic acid at 20,000 parts per million in or on the raw agricultural commodities alfalfa, Bermuda grass, bluegrass, brome grass, clover, cowpea hay, fescue, lespedeza, lupines, orchard grass, peanut hay, pea vine hay, soybean hay, sudan grass, rye grass, timothy, and vetch from postharvest application.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The pesticide chemicals are useful as fungicides when applied postharvest to the above raw agricultural commodities.

2. Exemption from tolerances rather than finite tolerances should be established.

3. The present restrictions in § 180.303 and § 180.1023 limiting use of acetic and propionic acids respectively to grains intended for use as animal feed are not necessary to protect the public health and should be deleted.

4. Established tolerances (§ 180.303) for residues of acetic acid in or on grains should be converted to an exemption from the requirement of tolerances.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), Part 180 is amended as follows:

§ 180.303 [Deleted]

1. Section 180.303 *Acetic acid; tolerances for residues* is deleted from Subpart C.

2. A new section is established in Subpart D to read as follows:

§ 180.1029 Acetic acid; exemption from the requirement of a tolerance.

Acetic acid, when used postharvest as a fungicide, is exempt from the requirement of a tolerance for residues in or on alfalfa, barley grain, Bermuda grass, bluegrass, brome grass, clover, corn grain, cowpea hay, fescue, lespedeza, lupines, oat grain, orchard grass, peanut hay, pea vine hay, sorghum grain, soybean hay, sudan grass, rye grass, timothy, vetch and wheat grain.

3. Section 180.1023 is revised to read as follows:

§ 180.1023 Propionic acid; exemption from the requirement of a tolerance.

Propionic acid, when used postharvest as a fungicide, is exempt from the requirement of a tolerance for residues in or on alfalfa, barley grain, Bermuda grass, bluegrass, brome grass, clover, corn grain, cowpea hay, fescue, lespedeza, lupines, oat grain, orchard grass, peanut hay, pea vine hay, sorghum grain, soybean hay, sudan grass, rye grass, timothy, vetch and wheat grain.

Any person who will be adversely affected by the foregoing order may at any time on or before April 26, 1974 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, S.W., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective March 27, 1974.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2)))

Dated: March 18, 1974.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-6999 Filed 3-26-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[FPR Amdt. 126]

PART 1-16—PROCUREMENT FORMS

New Edition of Standard Forms

This amendment of the Federal Procurement Regulations prescribes the use of the July 1973 edition of Standard Form 19, Invitation, Bid, and Award (Construction, Alteration or Repair), and the November 1972 edition of Standard Form 19-A, Labor Standards Provisions Applicable to Contracts in Excess of $2,000. The changes in the forms are limited to the addition of new and revised contract provisions which were previously approved for use in connection with the prior edition of these forms. Minor editorial changes are also included.

Subpart 1-16.4—Forms for Advertised Construction Contracts

Section 1-16.401 is amended as follows:

§ 1-16.401 Forms prescribed.

* * * * *

(a) Invitation, Bid, and Award (Construction, Alteration or Repair) (Standard Form 19, July 1973 edition).

(b) Labor Standards Provision Applicable to Contracts in Excess of $2,000 (Standard Form 19-A, November 1972 edition).

* * * * *

Subpart 1-16.9—Illustration of Forms

Sections 1-16.901-19 and 1-16.901-19-A are revised to illustrate the revised editions of Standard Forms 19 and 19-A.

§ 1-16.901-19 Standard Form 19, Invitation, Bid, and Award (Construction, Alteration or Repair).

(a) Page 1 of Standard Form 19. (Insert form, copy attached)

(b) Page 2 of Standard Form 19. (Insert form, copy attached)

§ 1-16.901-19-A Standard Form 19-A, Labor Standards Provisions Applicable to Contracts in Excess of $2,000.

(a) Page 1 of Standard Form 19-A. (Insert form, copy attached)

(b) Page 2 of Standard Form 19-A. (Insert form, copy attached)

Availability of forms. It is anticipated that copies of these forms will be available for use by April 29, 1974.

(Sec. 205(c) 63 Stat. 390 (40 U.S.C. 486(c)))

Effective date. This regulation is effective May 27, 1974, but may be observed as soon as copies of the new editions of the standard forms prescribed herein are available.

Dated: February 26, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

FORM APPROVED O.M.B. NO. 29-R0122

STANDARD FORM 19 JULY 1973 EDITION GENERAL SERVICES ADMINISTRATION FPR. PROC. REG. (41 CFR 1-16.401)	**INVITATION, BID, AND AWARD** (Construction, Alteration or Repair)	REFERENCE *(Include in correspondence)*
	☐ CHECK IF SMALL BUSINESS SET-ASIDE OR OTHER NEGOTIATED PROCUREMENT *(If checked, "Bid" includes "Proposal")*	

INVITATION FOR BIDS	DATE ISSUED:
ISSUING OFFICE *	BID RECEIVING OFFICE *

Information regarding bidding material may be obtained from the issuing office.

SEALED BIDS in _____ covering work described in specifications, schedules, drawings and conditions entitled and dated as follows:

will be received at the Bid Receiving Office until _____ (Hour) local time at place of bid opening _____ (Date) and at that time publicly opened.

Sealed envelopes containing bids shall be addressed to the Bid Receiving Office and shall be marked to show: Bidder's Name and Address;* Reference _____ Time and Date of Opening:

BID (This Section to be completed by Bidder)	→ DATE BID SUBMITTED:

The undersigned agrees, if this bid is accepted within _____ calendar days *(30 days unless a different period is inserted)* after date of opening, to complete all work specified in strict accordance with the above-identified documents and the General Provisions on the reverse hereof, within _____ calendar days after receipt of notice to proceed, for the following amount _____

Including all applicable Federal, State, and local taxes. The undersigned further agrees, if any contract award resulting from this bid exceeds $2,000, TO COMPLY with the provisions of Standard Form 19-A, Labor Standards Provisions Applicable to Contracts in Excess of $2,000 and TO FURNISH a performance bond in an amount equal to 100 percent and a payment bond in an amount equal to 50 percent of the contract price with surety or sureties acceptable to the Government, on Government forms within _____ days after forms are furnished.

SPECIMEN

The representations and certifications on the accompanying STANDARD FORM 19-B are made a part of this bid.

NAME AND ADDRESS OF BIDDER *(Street, City, State, ZIP Code)* (Type or print.)	SIGNATURE OF PERSON AUTHORIZED TO SIGN THIS BID →
	SIGNER'S NAME AND TITLE *(Type or print.)*
AREA CODE & PHONE NO.	
AWARD (This Section for Government only)	DATE OF AWARD:
THE ABOVE BID IS ACCEPTED IN THE AMOUNT OF $ ☐ YOU ARE DIRECTED TO PROCEED WITH THE WORK UPON RECEIPT OF THIS AWARD. ☐ NOTICE TO PROCEED WILL BE ISSUED UPON RECEIPT OF ACCEPTABLE PAYMENT AND PERFORMANCE BONDS.	
	THE UNITED STATES OF AMERICA BY _____ (Contracting Officer) _____ (Title)

*Include "ZIP CODE" in all mailing addresses. 19-118

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GENERAL PROVISIONS

1. CHANGES AND CHANGED CONDITIONS

(a) The Contracting Officer may, in writing, order changes in the drawings and specifications within the general scope of the contract. (b) The Contractor shall promptly notify the Contracting Officer in writing of subsurface or latent physical conditions differing materially from those indicated in this contract or unknown unusual physical conditions at the site, before proceeding further with the work. (c) If changes under (a) or conditions under (b) increase or decrease the cost of, or time required for, performing the work, upon assertion of a claim by the Contractor before final payment under the contract, a written equitable adjustment shall be made; except that no adjustment under (b) shall be made unless the notice required therein was given or unless the Contracting Officer waives the requirement therefor. If the adjustment cannot be agreed upon, the dispute shall be decided pursuant to Clause 3.

2. TERMINATION FOR DEFAULT—DAMAGES FOR DELAY—TIME EXTENSIONS

(a) If the Contractor does not prosecute the work so as to insure completion, or fails to complete it, within the time specified, the Government may, by written notice to the Contractor, terminate his right to proceed. Thereafter, the Government may have the work completed and the Contractor shall be liable for any resulting excess cost to the Government. If the Government does not terminate the Contractor's right to proceed, he shall continue the work and shall be liable to the Government for any actual damages occasioned by such delay unless liquidated damages are stipulated. (b) The Contractor's right to proceed shall not be terminated nor the Contractor charged with actual or liquidated damages under (a) above because of any delays in completion of the work due to causes other than normal weather, beyond his control and without his fault or negligence, including but not restricted to, acts of God, acts of the public enemy, acts of the Government (in either its sovereign or contractual capacity), acts of another contractor in the performance of a contract with the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather, or delays of subcontractors or suppliers due to causes beyond their control and without their fault or negligence: Provided, That the Contractor shall within 10 days from the beginning of any such delay, unless the Contracting Officer shall grant a further period of time prior to the date of final payment under the contract, notify the Contracting Officer in writing of the causes of delay and the facts relating thereto. The Contracting Officer shall consider the facts and ascertain the extent of the delay, and extend the time for completing the work when in his judgment the facts justify such an extension, and his decision shall be final and conclusive on the parties, subject only to appeal as provided in Clause 3. (c) As used in paragraph (b) of this clause, the term "subcontractors or suppliers" means subcontractors or suppliers at any tier.

3. DISPUTES

Any dispute concerning a question of fact arising under this contract, not disposed of by agreement, shall be decided by the Contracting Officer, who shall reduce his decision to writing and furnish a signed copy to the Contractor. Such decision shall be final and conclusive unless, within 30 days from the date of receipt thereof, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal, addressed to the head of the Federal agency. The Contractor shall be afforded an opportunity to be heard and to offer evidence. The decision of the head of the Federal agency or his authorized representative shall be final and conclusive unless fraudulent, or capricious or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

4. RESPONSIBILITY OF CONTRACTOR

At his own expense the Contractor shall: (a) obtain any necessary licenses and permits; (b) provide competent superintendence; (c) take precautions necessary to protect persons or property against injury or damage and be responsible for any such injury or damage that occurs as a result of his fault or negligence; (d) perform the work without unnecessarily interfering with other contractors' work or Government activities; (e) be responsible for all damage to work performed and materials delivered (including Government-furnished items), until completion and final acceptance.

5. MATERIAL AND WORKMANSHIP

All material incorporated in the work shall be new and the work shall be performed in a skillful and workmanlike manner. Both materials and workmanship shall be subject to the inspection of the Contracting Officer or his duly authorized representative who may require the Contractor to correct defective workmanship or materials without cost to the Government.

6. PAYMENTS TO CONTRACTOR

Progress payments equal to 90 percent of the value of work performed may be made monthly on estimates approved by the Contracting Officer. Upon payment therefor, title to the property shall vest in the Government. The Contractor will notify the Government when all work is complete. Final payment will be made after final acceptance.

7. OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

8. BUY AMERICAN.

The Contractor, subcontractors, material men, and suppliers must comply with the Buy American Act of March 3, 1933 (41 U.S.C. 10a–10d) and Executive Order 10582 of December 17, 1954 (19 Fed. Reg. 8723). (In substance the above requires use generally of domestic materials except as otherwise authorized by the Contracting Officer pursuant to the Act and Executive Order.)

9. ASSIGNMENT OF CLAIMS

If this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due hereunder may be assigned as provided in 31 U.S.C. 203 and 41 U.S.C. 15.

10. CONVICT LABOR

In connection with the performance of work under this contract, the Contractor agrees not to employ any person undergoing sentence of imprisonment at hard labor.

11. COVENANT AGAINST CONTINGENT FEES

The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty the Government shall have the right to annul this contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

12. PAYMENT OF INTEREST ON CONTRACTORS' CLAIMS

(a) If an appeal is filed by the contractor from a final decision of the Contracting Officer under the Disputes clause of this contract, denying a claim arising under the contract, simple interest on the amount of the claim finally determined owed by the Government shall be payable to the Contractor. Such interest shall be at the rate determined by the Secretary of the Treasury pursuant to Public Law 92-41, 85 Stat. 97, from the time the Contractor furnishes to the Contracting Officer his written appeal under the Disputes clause of this contract, to the date of (1) a settlement by a court of competent jurisdiction, (2) mutual agreement by a contractor of a supplemental agreement for implementing conforming completed negotiations between the parties, or (3) a decision of a board of contract appeals. (b) Except as provided in (a), above, (1) interest shall be applied only for the period during which Government payment was due, if such date is later than the filing of the appeal, and (2) interest shall not be paid for any period of time that the Contracting Officer determines the Contractor has unduly delayed in pursuing his remedies before a board of contract appeals or a court of competent jurisdiction.

13. EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

The clause entitled "Examination of Records by Comptroller General" prescribed by 41 CFR Subpart 1-7.1 is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

14. UTILIZATION OF SMALL BUSINESS CONCERNS

(The following clause is applicable if this contract exceeds $5,000.)

(a) It is the policy of the Government as declared by the Congress that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns. (b) The Contractor agrees to accomplish the maximum amount of subcontracting to small business concerns that the Contractor finds to be consistent with the efficient performance of this contract.

15. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

(The following clause is applicable if this contract exceeds $5,000.)

(a) It is the policy of the Government that minority business enterprises shall have the maximum practicable opportunity to participate in the performance of Government contracts. (b) The Contractor agrees to use his best efforts to carry out this policy in the award of his subcontracts to the fullest extent consistent with the efficient performance of this contract. As used in this contract, the term "minority business enterprise" means a business, at least 50 percent of which is owned by minority group members or, in case of publicly owned businesses, at least 51 percent of the stock of which is owned by minority group members. For the purposes of this definition, minority group members are Negroes, Spanish-speaking American persons, American Orientals, American Indians, American Eskimos, and American Aleuts. Contractors may rely on written representations by subcontractors regarding their status as minority business enterprises in lieu of an independent investigation.

STANDARD FORM 19 (Rev. 7-73) (Back)

☆ U.S. GOVERNMENT PRINTING OFFICE: 1974 O—510-466 (20-C)

FORM APPROVED O.M.B. NO. 29-R0121

LABOR STANDARDS PROVISIONS

APPLICABLE TO CONTRACTS IN EXCESS OF $2,000

1. DAVIS-BACON ACT (40 U.S.C. 276a–276a-7)

(a) All mechanics and laborers, including apprentices and trainees, employed or working directly upon the site of the work shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the Copeland Regulations, 29 CFR Part 3), the full amounts due at time of payment computed at wage rates not less than the aggregate of the basic hourly rates and the rates of payments, contributions, or costs for any fringe benefits contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the Contractor or subcontractor and such laborers and mechanics. A copy of such wage determination decision shall be kept posted by the Contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(b) The Contractor may discharge his obligation under this clause to workers in any classification for which the wage determination decision contains:

(1) Only a basic hourly rate of pay, by making payment at not less than such basic hourly rate, except as otherwise provided in the Copeland Regulations, (29 CFR Part 3); or

(2) Both a basic hourly rate of pay and fringe benefits payments, by making payment in cash, by irrevocably making contributions pursuant to a fund, plan, or program for, and/or by assuming an enforceable commitment to bear the cost of, bona fide fringe benefits contemplated by the Davis-Bacon Act, or by any combination thereof. Contributions made, or costs assumed, on other than a weekly basis shall be considered as having been effectively made or assumed during a weekly period to the extent that they apply to such period. Where a fringe benefit is expressed in a wage determination in any manner other than as an hourly rate and the Contractor pays a cash equivalent or provides an alternative fringe benefit, he shall furnish information with his payrolls showing how he determined that the cash equivalent or the alternative payment or to provide the alternative fringe benefit is equal to the cost of the wage determination fringe benefit. In any case where the Contractor provides a fringe benefit different from any contained in the wage determination, he shall similarly show how he arrived at the hourly rate shown therefor. In the event of disagreement between or among the interested parties as to an equivalent of any fringe benefit, the Contracting Officer shall submit the question, together with his recommendation, to the Secretary of Labor for final determination.

(c) The assumption of an enforceable commitment to bear the cost of fringe benefits, or the provision of any fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or in the wage determination decision forming a part of the contract, may be considered in payment of wages only with the approval of the Secretary of Labor pursuant to a written request by the Contractor. The Secretary of Labor may require the Contractor to set aside assets, in a separate account, to meet his obligations under any unfunded plan or program.

(d) The Contracting Officer shall require that any class of laborers or mechanics, including apprentices and trainees, which is not listed in the wage determination decision and which is to be employed under the contract shall be classified or reclassified conformably to such wage determination decision, and shall report the action taken to the Secretary of Labor. If the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers or mechanics to be used, the Contracting Officer shall submit the question, together with his recommendation, to the Secretary of Labor for final determination. Apprentices and trainees may be added under this clause only where they are employed pursuant to an apprenticeship or trainee program meeting the requirements of the Apprentices and Trainees clause below.

(e) In the event it is found by the Contracting Officer that any laborer or mechanic, including apprentices and trainees, employed by the Contractor or any subcontractor directly on the site of the work covered by this contract has been or is being paid at a rate of wages less than the rate of wages required by paragraph (a) of this clause, the Contracting Officer may (1) by written notice to the Government Prime Contractor terminate his right to proceed with the work, or such part of the work as to which there has been a failure to pay said required wages, and (2) prosecute the work to completion by contract or otherwise, whereupon such Contractor and Subcontractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(f) Paragraphs (a) through (e) of the clause shall apply to this contract to the extent that it is (1) a prime contract with the Government subject to the Davis-Bacon Act, or (2) a subcontract also subject to the Davis-Bacon Act under such prime contract.

2. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION (40 U.S.C. 327–333).

This contract is subject to the Contract Work Hours and Safety Standards Act and to the applicable rules, regulations, and interpretations of the Secretary of Labor.

(a) The Contractor shall not require or permit any laborer or mechanic, including apprentices, trainees, watchmen, and guards, in any workweek in which he is employed on any work under this contract to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer or mechanic, including apprentices, trainees, watchmen, and guards, receives compensation at a rate not less than 1½ times his basic rate of pay for all such hours worked in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours. The "basic rate of pay," as used in this clause, shall be the amount paid per hour exclusive of the Contractor's contribution or cost for fringe benefits, and any cash payment made in lieu of providing fringe benefits, or the basic hourly rate contained in the wage determination, whichever is greater.

(b) In the event of any violation of the provisions of paragraph (a), the Contractor shall be liable to any affected employee for any amounts due, and to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer or mechanic, including an apprentice, trainee, watchman, or guard, employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of the standard workweek of 40 hours without payment of the overtime wages required by paragraph (a).

3. APPRENTICES AND TRAINEES

(a) Apprentices shall be permitted to work as such only when they are registered, individually, under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or if no such recognized agency exists in a State, under a program registered with the aforesaid Bureau of Apprenticeship and Training. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the Contractor as to his entire work force under the registered program. Any employer listed on a payroll at an apprentice wage rate who is not a trainee as defined in paragraph (b) of this clause, and who is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Contractor shall furnish to the Contracting Officer written evidence of the registration of his program and apprentices, as well as of the appropriate ratios and wage rates required to be paid thereunder for the area of construction, prior to using any apprentices in the contract work. The term "apprentice" means (1) a person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Bureau of Apprenticeship and Training or with a State apprenticeship agency recognized by the Bureau, or (2) a person in his first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training, or a State Apprenticeship Council (where appropriate) to be eligible for probationary employment as an apprentice.

(b) Trainees shall be permitted to work as such when they are bona fide employees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training. The term "trainee" means a person receiving on-the-job training in the construction occupation under a program which is not necessarily sponsored) by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training and which is reviewed from time to time by the Manpower Administration to insure that the training meets adequate standards.

(c) In connection with contracts in excess of $10,000, the Contractor agrees as follows:

(1) The Contractor shall make a diligent effort to hire for performance of work under this contract a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the contract the applicable ratios as set forth in paragraph (c)(7) of this clause.

(2) The Contractor shall insure that 25 percent of such apprentices or trainees in each occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (i) the availability of training opportunities for first year apprentices, (ii) the hazardous nature of the work for beginning workers, and (iii) excessive unemployment of apprentices in their second and subsequent years of training.

(3) The Contractor shall, during the performance of the contract, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of paragraph (c)(1) and (c)(2) of this clause.

(4) The Contractor shall maintain records of employment on this contract by trade of the number of apprentices and trainees, apprentices and trainees in first year of training, and of journeymen, and wages paid and hours of work of such apprentices, trainees, and journeymen. In addition, the Contractor who claims compliance based on the criterion set forth in paragraph (c)(1)(6)(iii) of this clause shall maintain such records of employment on all his construction work in the same labor market area, both public and private, during the performance of this contract. In each of the above cases the Contractor shall make such records available for inspection upon request of the Department of Labor or the Contracting Officer.

(5) The Contractor shall supply one copy of each of the written notices required in accordance with paragraph (c)(6)(iii) of this clause at the request of the Contracting Officer. The Contractor also agrees to supply at 3-month intervals during the performance of the contract and after completion of contract performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to the Contracting Officer and one copy to the Secretary of Labor.

(6) The Contractor will be deemed to have made a "diligent effort" as required by paragraph (c)(1) if during the performance of this contract, he accomplishes at least one of the following three objectives: (i) The Contractor employs under this contract a number of apprentices and trainees by craft, at least equal to the ratios established in accordance with paragraph (c)(7) of this clause, or (ii) the Contractor employs, on all his construction work, both public and private, in the same labor

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market area, an average number of apprentices and trainees by craft at least equal to the ratios established in accordance with paragraph (c)(7) of this clause, or (iii) the Contractor (A) if covered by a collective bargaining agreement, before commencement of any work on the project, has given written notice to all joint apprenticeship committees, the local U.S. Employment Security Office, local chapter of the Urban League, Workers Defense League, or other local organizations concerned with minority employment, and the Bureau of Apprenticeship and Training Representative, U.S. Department of Labor, for the locality of the work; (B) if not covered by a collective bargaining agreement, has given written notice to all of the groups stated above, except joint apprenticeship committees, and will in addition notify all non joint apprenticeship sponsors in the labor market area; (C) has employed all qualified applicants referred to him through normal channels (such as the Employment Service, the Joint Apprenticeship Committees and where applicable, minority organizations and apprentice outreach programs who have been delegated this function) at least up to the number of such apprentices and trainees required by paragraph (c)(7) of this clause. The notice, as referred to herein, will include at least the Contractor's name and address, the agency designation, the contract number, job site address, value of the contract, expected starting and completion dates, the estimated average number of employees in each occupation to be employed over the duration of the contract work, and a statement of his willingness to employ a number of apprentices and trainees at least equal to the ratios established in accordance with paragraph (c)(7) of this clause.

(2) The Contractor recognizes that the Secretary of Labor has determined that the applicable ratios of apprentices and trainees to journeymen in any occupation for the purpose of this clause shall be as follows: (i) In any occupation the applicable ratio of apprentices and trainees to journeymen shall be equal to the predominant ratio for the occupation in the area where the construction is being undertaken, set forth in collective bargaining agreements, or other employment agreements, and available through the Bureau of Apprenticeship and Training Representative, U.S. Department of Labor, for the applicable area, (ii) for any occupation for which no ratio is found, the ratio of apprentices and trainees to journeymen shall be determined by the Contractor in accordance with the recommendations set forth in the Standards of the National Joint Apprentice Committee for the occupation, which are on file at offices of the U.S. Department of Labor's Bureau of Apprenticeship and Training; and (iii) for any occupation for which no such recommendations are found, the ratio of apprentices and trainees to journeymen shall be at least one apprentice or trainee for every five journeymen.

4. PAYROLLS AND BASIC RECORDS

(a) The Contractor shall maintain payrolls and basic records relating thereto during the course of the work and shall preserve them for a period of 3 years thereafter for all laborers and mechanics, including apprentices, trainees, watchmen, and guards working at the site of the work. Such records shall contain the name and address of each such employee, his correct classification, rate of pay (including rates of contributions for, or costs assumed to provide, fringe benefits), daily and weekly number of hours worked, deductions made and actual wages paid. Whenever the Contractor has obtained approval from the Secretary of Labor as provided in paragraph (c) the clause entitled "Davis-Bacon Act," he shall maintain records which show the commitment, its approval, written communication of the plan or program to the laborers or mechanics affected, and the costs anticipated or incurred under the plan or program.

(b) The Contractor shall submit weekly a copy of all payrolls to the Contracting Officer. The Government Prime Contractor shall be responsible for the submission of copies of payrolls of all subcontractors. The copy shall be accompanied by a statement signed by the Contractor indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic, including apprentices and trainees, conform with the work he performed. Submission of the "Weekly Statement of Compliance" required under this contract and the Copeland Regulations of the Secretary of Labor (29 CFR Part 3), shall satisfy the requirement for submission of the above statement. The Contractor shall submit also a copy of any approval by the Secretary of Labor with respect to fringe benefits which is required by paragraph (c) of the clause entitled "Davis Bacon Act."

(c) The Contractor shall make the records required under this clause available for inspection by authorized representatives of the Contracting Officer and the Department of Labor, and shall permit such representatives to interview employees during working hours on the job.

5. COMPLIANCE WITH COPELAND REGULATIONS

The Contractor shall comply with the Copeland Regulations of the Secretary of Labor (29 CFR Part 3) which are incorporated herein by reference.

6. WITHHOLDING OF FUNDS

(a) The Contracting Officer may withhold or cause to be withheld from the Government Prime Contractor so much of the accrued payments or advances as may be considered necessary (1) to pay laborers and mechanics, including apprentices, trainees, watchmen, and guards employed by the Contractor or any subcontractor on the work the full amount of wages required by the contract, and (2) to satisfy any liability of any Contractor and Subcontractor for liquidated damages under paragraph (b) of the clause entitled "Contract Work Hours and Safety Standards Act—Overtime Compensation."

(b) If any Contractor or subcontractor fails to pay any laborer, mechanic, apprentice, trainee, watchman, or guard employed or working on the site of work, all or part of the wages required by the contract, the Contracting Officer may, after written notice to the Government Prime Contractor, take such action as may be necessary to cause suspension of any further payments or advances until such violations have ceased.

7. SUBCONTRACTS

The Contractor agrees to insert the clauses hereof entitled "Davis-Bacon Act," "Contract Work Hours and Safety Standards Act—Overtime Compensation," "Apprentices and Trainees," "Payrolls and Basic Records," "Compliance with Copeland Regulations," "Withholding of Funds," "Subcontracts," and "Contract Termination—Debarment" in all subcontracts. The term "Contractor" as used in such clauses in any subcontract shall be deemed to refer to the subcontractor except in the phrase "Government Prime Contractor."

8. CONTRACT TERMINATION—DEBARMENT

A breach of the clauses hereof entitled "Davis-Bacon Act," "Contract Work Hours and Safety Standards Act—Overtime Compensation," "Apprentices and Trainees," "Payrolls and Basic Records," "Compliance with Copeland Regulations," "Withholding of Funds," and "Subcontracts" may be grounds for termination of the contract, and for debarment as provided in 29 CFR 5.6.

9. DISPUTES CONCERNING LABOR STANDARDS

Disputes arising out of the labor standards provisions of this contract shall not be subject to the Disputes clause except to the extent such disputes involve the making of classifications or wage rates contained in the wage determination decision of the Secretary of Labor or the applicability of the labor provisions of this contract which questions shall be referred to the Secretary of Labor in accordance with the procedures of the Department of Labor.

SPECIMEN

U.S. GOVERNMENT PRINTING OFFICE: 1973—O 510-458 #40-C

STANDARD FORM 19-A (Rev. 11-72) (Back)

[FR Doc.74-6918 Filed 3-26-74; 8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER Q—SPECIFICATIONS

[CGD 73-103R]

PART 160—LIFESAVING EQUIPMENT

Safety Features for Handcranking Power-Driven Winches

The purpose of these amendments to the regulations governing lifeboat winches for merchant vessels is to eliminate a duplication presently existing in the requirements for power-driven winches and to relocate a pertinent sentence applicable to hand cranks.

In the August 21, 1973 issue of the FEDERAL REGISTER (38 FR 22492), the Coast Guard proposed revising the present requirements for lifeboat winches by eliminating a duplication affecting power-driven winches and relocating a provision pertaining to the requirements for handcranking.

No written comments were received on the proposal.

In consideration of the foregoing, the proposed amendments to the regulations published in the August 31, 1973 issue of the FEDERAL REGISTER (38 FR 22492) are adopted and set forth below. Compliance with these amendments prior to the effective date is considered by the Coast Guard as compliance with the existing regulations.

Part 160 of Title 46 of the Code of Federal Regulations is amended as follows:

1. By revoking § 160.015–3(j)(1).

2. By revising the last sentence of § 160.015–3(1) to read:

"Mechanical means for accomplishing the above, such as throw-out couplings on the sockets of the hand cranks, will be given special consideration."

(46 U.S.C. 391a, 404, 481, 489; 49 U.S.C. 1655 (b)(1), and 49 CFR 1.46(b) and (o)(4)).

Effective date. This amendment is effective March 27, 1974.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74-6990 Filed 3-26-74; 8:45 am]

Title 4—Accounts

CHAPTER I—GENERAL ACCOUNTING OFFICE

SUBCHAPTER D—TRANSPORTATION

PART 52—FREIGHT TRANSPORTATION SERVICES FURNISHED FOR THE ACCOUNT OF THE UNITED STATES

Acceptance and Use of Government Bill of Lading

Part 52 is amended by the addition of a new § 52.51 as follows:

52.51 General conditions governing acceptance and use of Government bill of lading.

(a) In no case shall prepayment of charges be demanded by the carrier nor collection be made from the consignee. The Government bill of lading, properly certified and attached to Public Voucher for Transportation Charges, will be presented to the paying office indicated in the "Charges To Be Billed To" box on the face of the bill of lading for payment to:

(1) The last carrier or forwarder in privity with the contract of carriage as evidenced by the covering bill of lading; or

(2) A participating carrier or forwarder in privity with the contract of carriage as evidenced by the covering bill of lading, when submitted with a waiver accomplished by the last carrier (as described in paragraph (a)(1) of this section) in favor of the billing carrier; or

(3) A carrier (as described in paragraph (a)(1) of this section) or its properly designated warehouse agent as authorized in the paragraph of title 5 of the General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies (GAO Manual) dealing with certification of shipments in storage; or

(4) An agent of the carrier or forwarder (as described in paragraph (a)(1) or (a)(2) of this section) so long as the bill is submitted in the name of the principal. The agent's mailing address may be shown in such bills and the checks drawn in the name of the principal may be mailed to the agent.

(b) The Government bill of lading is subject to the same rules and conditions as govern shipments made on the usual commercial forms, unless otherwise specifically provided or stated in title 5 of the GAO Manual.

((c) Shipments made upon the Government bill of lading shall take a rate no higher than that chargeable had the shipment been made upon the uniform straight bill of lading, uniform express receipt, or any other forms provided for commercial shipments.

(d) No charge shall be made by any carrier for the execution and presentation of Government bills of lading in manner and form as provided herein or in title 5 of the GAO Manual.

(e) The shipment is made at the restricted or limited valuation specified in pursuant to section 22 of the Interstate Commerce Act, as amended, or to other equivalent contract, arrangement, or exemption from regulation at or under which the lowest rate is available, unless otherwise indicated on the face of the Government bill of lading.

(f) Receipt for the shipment is subject to the annotation of loss, damage, or shrinkage made by the consignee on the delivering carrier's documents and the consignee's copy of the same documents. When loss or damage is not discovered until after delivery of shipment and receipt therefor, the consignee shall notify the nearest office of last delivering carrier immediately, by telephone if located within the vicinity, and extend privilege of examining the shipment.

(g) In case of loss, damage, or shrinkage in transit, the rules and conditions governing commercial shipments shall not apply as to period within which notice thereof shall be given the carrier or to period within which claim therefor shall be made or suit instituted. Deletion of this item will be considered valid only with the concurrence, in writing, of the Government official responsible for making shipment.

(h) Carrier's rights to shipping charges are not affected by facts set out in the

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issuing office part of the Government bill of lading.

(i) The nondiscrimination clauses contained in section 202 of Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, creed, color, or national origin, and the implementing rules and regulations prescribed by the Secretary of Labor are incorporated in the Government bill of lading.

(Sec. 311, 42 Stat. 25, as amended (31 U.S.C. 52); Interpret or apply sec. 309, 42 Stat. 25 (31 U.S.C. 49); sec. 322, 54 Stat. 955, as amended; 86 Stat. 1163 (49 U.S.C. 66))

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.74-7076 Filed 3-26-74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

Reporting by Retail Firms

Section 150.311 is amended by adding a new paragraph (c) to require continued quarterly reporting by price category I and II retail firms with sales that are exempt under § 150.54(ff). The purpose of this new paragraph (c) is to provide the Council with the means to monitor post-exemption pricing behavior in the retail trade sector generally and to monitor the extent to which the ten major retail firms which made pricing and profit commitments to the Council at the time of the retail exemption are abiding by those commitments.

The new § 150.311(c) requires submission of quarterly reports (not including the Schedule T) through the fiscal quarter which includes August 1, 1974. In addition, each of the ten firms which made commitments must attach to the quarterly report a statement which explains the extent to which the specific commitment made by the firm was observed during the quarter for which the report is submitted.

Because the purpose of this amendment is to grant immediate guidance under the Phase IV price regulations, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective March 26, 1974.

Issued in Washington, D.C., on March 26, 1974.

JAMES W. MCLANE,
Deputy Director, Cost of Living Council.

In 6 CFR Part 150, § 150.311 is amended to read as follows:

§ 150.311 Reporting.

* * * * *

(c) Notwithstanding § 150.161(b)(1) of this title, each price category I or II firm with sales that are exempt under § 150.54(ff) remains subject to paragraphs (a) and (b) of this section with respect to all reports called for by those paragraphs through the fiscal quarter which includes August 1, 1974. Such a firm, however, may exclude the Schedule T from a report filed pursuant to this section. In addition, a firm which made a commitment to the Council in connection with the exemption in § 150.54(ff) shall attach to each report a statement explaining the extent to which the commitment was observed during the quarter that is the subject of the report.

[FR Doc.74-7235 Filed 3-26-74;9:41 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1126, 1121, 1127, 1128, 1129, 1130]

[Docket Nos. AO-231-A41, etc.]

MILK IN THE NORTH TEXAS AND CERTAIN OTHER MARKETING AREAS

Partial Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments and to Order

Notice is hereby given of the filing with the Hearing Clerk of this partial recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the South Texas marketing area.

7 CFR part	Marketing Area	Docket No.
1126	North Texas	AO-231-A41
1121	South Texas	AO-364-A8
1127	San Antonio, Texas	AO-232-A27
1128	Central West Texas	AO-238-A30
1129	Austin-Waco, Texas	AO-256-A23
1130	Corpus Christi, Texas	AO-259-A27

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250, by April 8, 1974. Five copies of the exceptions should be filed. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Dallas, Texas, on December 3-7, 1973, and January 22-25, 1974, pursuant to notice thereof which was issued on November 9, 1973 (38 FR 31432).

The material issues on the record of the hearing relate to:

1. Whether the handling of milk produced for sale in the proposed merged and expanded marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether the marketing areas of the present North Texas, South Texas, San Antonio, Central West Texas, Austin-Waco and Corpus Christi orders should be included under one order;

3. Whether the proposed merged marketing area should be expanded to include additional territory in the States of Texas and Arkansas;

4. If a single order is issued for the proposed merged and expanded marketing area, what its provisions should be with respect to:

(a) Milk to be priced and pooled;

(b) Classification of milk;

(c) Class prices, butterfat differentials, and location adjustments;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions;

5. Need for amending the classification and pricing provisions of the South Texas order prior to any merger of orders; and

6. Whether an emergency exists to warrant the omission of a recommended decision with respect to Issue 5.

This partial decision deals only with Issues 5 and 6. The remaining issues are reserved for a later decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on Issues 5 and 6 are based on evidence presented at the hearing and the record thereof:

5. *Classification and pricing of milk under the South Texas order.* A new classification and pricing plan for milk should apply in the South Texas Market at such time as similar plans become effective in the other Texas Federal order markets.

As set forth in recent decisions of the Assistant Secretary, it has been determined that a uniform milk classification plan should be incorporated in 39 milk orders, including all orders in Texas except the South Texas order.[1] Upon producer approval and effectuation of the proposed amended orders, each of the 39 orders will provide for three classes of utilization, with the milk uses included in each class being the same for each order. The same basic procedure will be used for classifying milk transferred or diverted from pool plants to other plants, and for allocating a handler's receipts to his utilization to determine the classification of his producer milk. Each order will use the same Class II and Class IIII prices, as well as a single butterfat differential.

At the hearing to consider the merger of the aforesaid six Texas orders, it was proposed that the same general classification plan be adopted for the proposed merged order. It was generally recognized, however, that the merger action could not be completed by the time the classification changes in the individual orders presumably would become effective. Since the South Texas order would not be similarly changed at that time, certain producer groups and handlers proposed or supported the incorporation of the new classification plan in the South Texas order during the interim period preceding any merger.

Proponents claimed that the South Texas order was not included in the 39-market classification proceedings because of pending litigation on the possible termination of the order. They contended that with the recent resolution of the legal matter steps should be taken to effectuate in the South Texas market the same classification and pricing changes that are expected to be implemented in the other Texas markets. Proponents stressed that the intermarket competition now existing among handlers in the several Texas markets, including South Texas, makes it necessary that all of the Texas orders be amended in this respect at the same time. There was no opposition to the proposal.

As already noted, the changes in the other orders will provide for three classes of utilization. Only two classes are provided under the present South Texas order. Under the other Texas orders, such products as cream, cottage cheese and ice cream will be included in a "middle" class and priced at the Minnesota-Wisconsin price for the month plus 10 cents. Under the South Texas order, cream is a Class I product, with the Class I price being the Minnesota-Wisconsin price for the second preceding month plus $2.68. Producer milk used in cottage cheese and ice cream, on the other hand, is now classified as Class II milk under the South Texas order. The applicable class price is the lower of the Minnesota-Wisconsin price or a butter-nonfat dry milk formula price. In recent months, the latter price determinant has prevailed. The South Texas Class II price in December 1973, for example, was $1.23 under the price that would have applied to such milk uses under the new classification plan. Similarly, the South Texas Class II

[1] Official notice is taken of two decisions issued by the Assistant Secretary on February 19, 1974, concerning the classification and pricing of milk under 32 orders (Georgia, et al., 39 F.R. 8452, 8712, 9012) and under 7 orders (Chicago Regional, et al., 39 F.R. 8202).

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price for milk used in butter, nonfat dry milk and hard cheese was $1.13 lower than the price that would have prevailed for such uses under the new pricing arrangement. Price differences would exist also for Class I products because of the use of different butterfat differentials.

There is substantial competition among handlers regulated by the North Texas and South Texas orders. In September 1973, for example, nearly 26.6 million pounds of fluid milk products were distributed in the South Texas marketing area from 11 North Texas pool plants. In this circumstance, the differences in the present classification and pricing of milk under the South Texas order relative to the new classification plan for the North Texas order would be disruptive to the competitive relationships of handlers and to the orderly marketing of producer milk. This would be particularly so for the handler who is now regulated under the South Texas order because the majority of his Class I sales are in that market but whose distributing plant, nevertheless, is located in the center of the North Texas market where he also has sales. This handler stressed that his competitive situation makes it particularly necessary that the new classification plan be adopted in the South Texas market concurrently with the implementation of similar plans for the other Texas markets.

For these reasons, classification and pricing changes similar to those determined appropriate for the other Texas orders should be made in the South Texas order. Such changes should be effectuated concurrently with the changes in the other orders. Although the cooperative association proposing the six-order merger urged that the plan be modified in several respects for the merged order, it indicated that the South Texas classification plan should coincide with the classification provisions of the other Texas orders during any interim period preceding a merger.

In view of the broad industry participation in the development of a uniform classification plan for the 39 markets, and because of the comprehensive review of this issue at two regional hearings, proponents of the South Texas order changes did not present extensive testimony at the Texas hearing concerning the details of the new plan. Proponents contended that the uniform plan developed for the other markets was equally appropriate for the South Texas market and that a full reconsideration at this hearing of all the order changes encompassed by the new plan, and the supporting reasons for such changes, was unnecessary.

The new classification plan that evolved from the 39-market proceedings reflects the combined efforts of both producers and handlers throughout much of the milk industry to develop a uniform plan for classifying milk for pricing purposes. Prior to the first of two regional hearings on uniform classification provisions, the National Milk Producers Federation, an organization of cooperative associations of dairy farmers and federations of such cooperative associations, undertook the development of a uniform milk classification plan for use under milk orders generally. Guidelines were formulated for use by member organizations in the drafting of specific classification proposals for consideration at public hearings. Using these guidelines as a basis for their proposals, several cooperative associations petitioned the Department for hearings on proposals relating to the classification and pricing of milk under 39 present orders, including all orders in Texas except the South Texas order. While differing on some of the provisions proposed by producers, a uniform classification plan for the 39 orders was advocated also by the Milk Industry Foundation and the International Association of Ice Cream Manufacturers, national trade associations of fluid milk and ice cream processors whose members were operating in each of the markets under consideration.

Following extensive hearings for 7 markets and then 32 markets and subsequent recommended decisions, revised recommended decisions were issued for both proceedings on the basis of industry exceptions to the initial recommendations. The industry was then provided a further opportunity to participate in these rule-making proceedings through the filing of exceptions to the revised recommendations concerning a new classification plan. Moreover, many of the parties that have a direct interest in the marketing of milk in the South Texas area participated in the development of the new classification plan for the 39 markets, and particularly with respect to the application of the new plan to the Texas orders that were under consideration.

Accordingly, the description and justification set forth herein concerning the detailed provisions of the proposed South Texas classification plan are patterned on the findings and conclusions of the 32-market decision applicable to the other Texas orders.

In conjunction with the development of uniform provisions pertaining to the classification and pricing of milk under the 39 orders, a uniform format of order provisions also was developed. Orders contain essentially the same categories of provisions, such as those relating to the definition of a pool plant or other source milk, those setting forth the class price formulas, or those describing how the uniform price is to be computed. However, many orders are structured in such a way that provisions serving essentially the same purpose under all orders do not appear in each order in the same place or under the same section title.

It has been determined that coordination of the 39 orders in this respect would be helpful to those in the industry who must work with several orders, a situation that is becoming increasingly common as cooperatives and handlers continue to expand their marketing activities into more and more regulated markets. Moreover, the opportunity to effect changes in a relatively large number of orders at the same time made the adoption of a uniform order format a particularly desirable step at this juncture of the order program.

For these same reasons, the new format of order provisions adopted for the other orders likewise should be adopted for the South Texas order.

The South Texas order is set forth in its entirety at the end of this document. The order reflects the revised order format as well as the classification and pricing amendments adopted herein. In adapting the order to the new format, no substantive changes have been made in those provisions not closely related to the classification issue. Since the classification and pricing amendments may be less discernable to the reader with the reprinting of the complete order, the sections in the order that encompass the basic changes in classification and pricing are listed below:

Sections 12–16, 30, 40–44, 50, 52–54, 60, 62, 74–76, and 85.

Some of the amendments adopted herein would change certain procedures under the order that are carried out after the end of the month to which they apply. These include the submission of reports, the classification of milk, and the computation and announcement of certain class prices, butterfat differentials, and producer prices. It is intended, however, that the amendments apply only to that milk handled after the effective date of the changes. Such amendments are not intended to affect the completion of previously existing procedures with respect to milk handled prior to the effectuation of the amendments.

(a) *Revision of the present Class I classification.* With certain exceptions noted below, Class I milk under the South Texas order should include all skim milk and butterfat disposed of in the form of milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milk shake and ice milk mixes containing less than 20 percent total solids. Skim milk and butterfat disposed of in any such product that is flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package), or reconstituted likewise should be classified as Class I milk. Such classification should apply whether the products are disposed of in fluid or frozen form.

In addition, Class I milk should include all skim milk and butterfat disposed of in the form of any other fluid or frozen milk product (if not specifically designated as a Class II or Class III use) that contains by weight at least 80 percent water and 6.5 percent nonfat milk solids, and less than 9 percent butterfat and 20 percent total solids.

Skim milk disposed of in any product described above that is modified by the addition of nonfat milk solids should be Class I milk only to the extent of the weight of the skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

Class I milk should not include, however, skim milk or butterfat disposed of in the form of such fluid products as evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, those containing by weight less than 6.5 percent nonfat milk solids, or whey.

As a convenience in drafting order provisions, each product designated herein as a Class I product would be defined in the order as a "fluid milk product."[3]

Class I milk also should include any skim milk and butterfat not specifically accounted for in Class II or Class III, other than shrinkage permitted a Class III classification.

Most of the products listed above for inclusion in Class I are now included in this class. When packaged as sterilized products in hermetically sealed metal or glass containers, however, such products are treated as Class II products. The present order also does not differentiate milkshake mixes for classification purposes on the basis of solids content.

The adopted Class I classification would not include several products now classified in the highest class. These include cream, sour cream, sour cream products and half and half. Since June 1973, sour cream and sour cream products have been treated as Class II products on the basis of orders suspending certain provisions of the South Texas order. The classification of the several cream products is discussed under Issue 5(b).

The order also now includes in Class I packaged fluid milk products in inventory at the end of the month. As discussed under Issue 5(f), such inventories would be classified in a lower class under the revised order.

As indicated, milkshake and ice milk mixes containing less than 20 percent total solids should be included in Class I. Such mixes containing a greater percentage of solids should be Class II products.

Milkshake and ice milk mixes are generally marketed through two channels. Limited quantities of such mixes are processed for home consumption, with such mixes being distributed to consumers through food stores and on home delivery routes. The major outlet for milkshake and ice milk mixes, though, is the so-called "soft-serve" trade. Mixes processed for this use are sold to commercial establishments where the product is run through a special freezer and dispensed to the public in a semisoft form.

Milkshake and ice milk mixes are basically similar in composition and purpose to what might be considered as traditional frozen desserts, such as ice cream. Although such shake mixes are intended to be consumed in a semisoft form, or even in a very thick fluid form, they are marketed for essentially the same use as the traditional frozen desserts. This is the case whether such mixes are sold through the "soft-serve" trade or for home use. With minor exception, as noted below, milk used in milkshake and ice milk mixes thus should be classified in the same class as milk used in the traditional frozen desserts. As discussed later in this decision, the classification plan adopted herein includes frozen desserts in Class II.

It is possible that a product very similar in composition and form to chocolate milk could be marketed under the label of a milkshake mix for the purpose of having a lower classification apply to the product. Since such a product actually would have the same general form and purpose as other fluid milk products now classified as Class I under this order, it should be included in the Class I classification. It is necessary, though, to provide some means of distinguishing between such a product and the general category of milkshake mixes that are sold in competition with frozen desserts. For this purpose, the total solids content of the product should be used.

A standard of 20 percent or more total solids should encompass those milkshake and ice milk mixes intended for use as a type of frozen dessert. Mixes with less solids are similar in composition to chocolate milk and other flavored fluid milk products and should be a Class I product.

No exception to the Class I classification of milk should be made for fluid milk products in sterilized form. The sterilization of fluid milk products does not change the form or purpose of such products. As in the case of the unsterilized fluid milk products which they resemble, such sterilized products ars disposed of in fluid form for consumption as a beverage. They are generally intended for use in place of their unsterilized counterparts and are thus competing for the same customers.

Returns to producers for milk disposed of in the form of fluid milk products should be the same whether such products are sterilized or unsterilized. Such products in either form may be marketed for the same beverage use. Classifying all such products in Class I will assure that the returns from producer milk used in sterilized fluid milk products will contribute on the same basis as returns from producer milk used in unsterilized fluid milk products toward inducing an adeqate supply of milk for beverage use.

With the removal of any exception to the Class I classification of milk because of sterilization, specific reference must be made in the "fluid milk product" definition to the exclusion of certain products that otherwise could be construed to fall within such definition. Such products are evaporated or condensed milk or skim milk, formulas in hermetically sealed glass or all-metal containers that are especially prepared for infant feeding or dietary use, and products (such as flavored drinks in "pop" bottles) containing by weight less than 6.5 percent nonfat milk solids. These products are now excluded from the Class I classification and such exclusion should be continued, notwithstanding the fact that they are sold to the public in fluid form. Evaporated milk and condensed milk sold for home use are intended primarily for cooking purposes. They are not consumed normally as a beverage. Infant and dietary formulas, which are being sold in hermetically sealed glass or all-metal containers, are specialized food products prepared for a limited use. Such formulas do not compete with other milk beverages consumed by the general public. Similarly, fluid products containing only a minimal amount of nonfat milk solids are not considered as being in the competitive sphere of the traditional milk beverages.

The present basis for defining a "fluid milk product" should be modified. The primary concern with any fluid milk product definition is that it clearly define the products or types of products that are intended to be included in the definition. The fluid milk product definition adopted herein, which incorporates both the listing of specified products and the use of composition percentages, should meet this requirement.

For simplicity, the fluid milk product definition should continue to list the generic names of those products commonly sold for consumption as beverages. The products listed in the adopted definition encompass most of the forms in which milk for fluid uses is sold. Anyone referring to this fluid milk product definition may easily ascertain in the case of most milk products whether or not a particular product is included in the definition.

A listing of products alone in the fluid milk product definition may not clearly indicate the classification of new milk products developed for fluid consumption. With certain limited exceptions noted, the fluid milk product definition is intended to include all milk products that are distributed for use as beverages. Although a new milk beverage introduced on the market might not be encompassed within the list of named products, it should be treated as a fluid milk product, nevertheless, if its composition is similar to that of the listed products. This will be the result of the standards of product composition for fluid milk products herein adopted.

As indicated, the adopted composition standards would embrace any fluid or frozen milk product not specified as a Class II or Class III product that contains by weight at least 80 percent water and 6.5 percent nonfat milk solids, and less than 9 percent butterfat and 20 percent total solids, including both milk solids and non-milk solids. The 9 percent butterfat standard coincides with the butterfat percentage adopted herein to delineate the mixtures of cream and milk or skim milk to be included in Class II. The total solids and water percentages

[3] The reader should keep in mind that the order does not classify products per se but rather the skim milk and butterfat disposed of in the form of a particular product or used to produce a particular product. To simplify the presentation of the findings and conclusions, however, reference is made in this decision to Class I products, Class II products and Class III products, or to certain products included in a particular class.

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represent a reasonable measure of the fluidity of those products that normally are consumed as beverages. The 6.5 percent nonfat milk solids standard is used to exclude from the fluid milk product definition those products which contain some milk solids but which are not closely identified with the dairy industry, such as chocolate flavored drinks in "pop" bottles.

These composition standards are chosen so as to conform as closely as possible to the water, solids and butterfat content of those products specifically listed in the fluid milk product definition, i.e., the traditional milk beverages. It is intended that these standards apply only to milk products, and only to such products that are being marketed for consumption in fluid form. Such standards would not be applied to products such as soups, which are not customarily thought of as milk products, or to products that would be a type of frozen dessert marketed for consumption in frozen form.

In determining whether or not a milk product in fluid form falls within the composition standards of the fluid milk product definition, such standards should be applied to the composition of the product in its finished form, not to the composition of the product on a skim equivalent basis. A new product not intended for beverage use might contain in its finished form somewhat more than the maximum total solids specified for a fluid milk product under the adopted composition standards. On this basis, the product would not fall within the fluid milk product definition. Application of the composition standards to this product on a skim equivalent basis, however, could result in the product meeting such standards and thus being defined as a fluid milk product.

Applying the composition standards to products in the form in which marketed could exclude from the fluid milk product definition a new concentrated fluid product that is intended to be consumed as a beverage only after reconstitution. For the present time, however, the composition standards should be applied to a product in its finished form. A refinement of such standards may be appropriate once there has been an opportunity to evaluate their applicability under actual market conditions.

It should be noted that under the adopted classification provisions accounting for a new product on other than a skim equivalent basis would be limited solely to determining whether or not the product meets the composition standards of the fluid milk product definition. For all other purposes under the order, the product would be accounted for on a skim equivalent basis.

In applying the 6.5 percent nonfat milk solids standard, it is intended that this standard apply to such solids in any form except sodium caseinate. As set forth in the "filled milk" decision applicable to this and other orders, sodium caseinate in any product is treated under the orders as a nonmilk ingredient.[1] There is no basis for changing the procedure.

The use of composition standards as a means of defining fluid milk products should not deter the development of new milk products, as might be contended. Should the Class I classification of a new product appear to be incongruous with the intended use of the product, the hearing process remains as an avenue through which a different classification may be considered.

(b) *Classification and pricing of milk not needed for Class I use.* Two use classes, Class II and Class III, should be provided for skim milk and butterfat utilized for other than Class I purposes. The Class II price should be the basic formula price (Minnesota-Wisconsin manufacturing milk price) for the month plus 10 cents. The price for Class III milk should be the basic formula price for the month.

Class II milk should include skim milk and butterfat disposed of in the form of eggnog, yogurt or a "fluid cream product", i.e., cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients. Any product containing 6 percent or more nonmilk fat (or oil) that resembles any of these products likewise should be in this class. Also, eggnog, yogurt and fluid cream products that are in inventory at the end of the month in packaged form should be in Class II.

Included also in this classification should be skim milk and butterfat used to produce cottage cheese, low fat cottage cheese, dry curd cottage cheese, milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, frozen dessert mixes, any concentrated milk product in bulk fluid form (unless used in a Class III product), plastic cream, frozen cream, anhydrous milkfat, custards, puddings, pancake mixes, and formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

A Class II classification should apply also to bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages.

Class III milk should include skim milk and butterfat used to produce cheese (other than cottage cheese, low fat cottage cheese and dry curd cottage cheese), butter, any milk product in dry form, any concentrated milk product in bulk fluid form that is used to produce a Class III product, evaporated or condensed milk (plain or sweetened) in a consumer-type package, evaporated or condensed skim milk (plain or sweetened) in a consumer-type package, and any product not otherwise specified as a Class I, Class II or Class III product.

Other Class III uses should include bulk and packaged fluid milk products and bulk fluid cream products in inventory at the end of the month, and that portion of modified (by the addition of nonfat milk solids) fluid milk products not included in Class I. Class III should include any fluid milk product or Class II product accounted for on a "disposed of" basis that is used for animal feed, or is dumped if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition. Also, shrinkage within certain limits should be classified as Class III milk.

Under the present South Texas order, skim milk and butterfat utilized for other than Class I purposes is classified in a single class, Class II. The Class II price is the Minnesota-Wisconsin manufacturing milk price (basic formula price) for the month, but not to exceed by more than 10 cents a butter-nonfat dry milk formula price. The product formula price is computed by adding together the values determined by (1) multiplying the average monthly price of Grade A bulk butter at Chicago, less 3 cents, by 4.2 and (2) multiplying the average monthly price of spray process nonfat dry milk in the Chicago area, less 5.5 cents, by 8.5 and then by 0.965.

Before discussing the basis for establishing a new intermediate price class, consideration should be given to the appropriate Class III price under the revised classification plan. This is necessary since the price level for Class III milk bears on what the Class II price should be.

The purpose of adopting a revised classification plan for the South Texas order strongly suggests that the Class III price should be the same as that determined appropriate for the other Texas orders. In developing a uniform classification plan for use among orders generally, producers and handlers alike urged that a particular product be classified in each market in the same class. Although the various parties were not in agreement on the classification scheme that should be adopted, the common purpose of their proposals was the resolution of the many differences among orders in the classification of milk. It was the general consensus that with the burgeoning intermarket sales of various milk products over increasingly wider areas, these differences in classification have been causing undue competitive inequities among handlers in various markets seeking the same outlets for milk.

Any attempt to resolve these competitive inequities through the adoption of a uniform classification plan cannot be

[1] Official notice is taken of the Assistant Secretary's decision issued on October 13, 1969 (34 F.R. 16881), with respect to the Memphis, Tenn., and certain other marketing areas.

divorced from consideration of the prices to be applicable to each class. The classification of milk does nothing more than determine what uses of milk are to be subject to different levels of price. The equity benefits to handlers of using the same classification plan in all markets can be fully realized only if the price for each class is uniform (except for appropriate location adjustments) in all markets.

On the basis of the classification proceedings for 39 markets, including most of the Texas markets, it has been determined that the Minnesota-Wisconsin price should be the Class III price in these markets. Thus, the continued use of the present South Texas Class III price formula, which includes the butter-nonfat dry milk formula price as a Class III price determinant, would nullify much of the intended effectiveness of classifying a particular product in the same class in each market.

In considering the appropriate mechanism for determining the Class III price, it is consistent with the purposes of the statute authorizing milk orders that reserve milk supplies be priced at the highest practicable level compatible with orderly disposal of the milk. Excess market supplies normally must be channeled into manufactured products that compete on a national basis with similar products made from ungraded milk. It is important, therefore, that the price for surplus milk in the regulated market be in close alignment with prices being paid by processors of manufacturing grade milk.

The Minnesota-Wisconsin price is a representative pay price for about half of the manufacturing grade milk in the United States. This price reflects a farm price level determined by competitive conditions that are affected by the demand for all major manufactured dairy products, it also reflects the supply and demand of such products within a highly coordinated marketing system, which is national in scope. Use of the Minnesota-Wisconsin price as the Class III price will result in order prices for surplus milk that are in close alignment with the dominant price structure for raw milk within the manufacturing milk segment of the dairy industry.

Certain uses of producer milk not needed for Class I purposes should be priced at a somewhat higher level than that applicable to milk in the adopted Class III uses. These higher-valued uses, to be included in the Class II classification, were set forth at the beginning of this discussion on pricing surplus milk. The Class II price should be the Minnesota-Wisconsin price plus 10 cents, the same price determined to be appropriate for Class II milk under the 39 orders mentioned earlier.

Of the products adopted herein for inclusion in Class II, the two usually of principal importance on a volume basis are frozen desserts and cottage cheese. For this discussion the term "cottage cheese" encompasses cottage cheese (i.e., creamed cottage cheese), lowfat cottage cheese, and dry curd cottage cheese.

There are several distinguishing production characteristics for cottage cheese and frozen desserts that support a higher price for milk in these proposed Class II uses than for milk channeled into the residual surplus uses. There is little, if any, relationship between the quantity of Class II products made and the amount of reserve milk in a market, as is the case with respect to butter and nonfat dry milk, for instance. The demand for these "soft" products is related closely to the current consumer demand for such products. Unlike the "hard" manufactured products, cottage cheese and frozen desserts have a more limited storage life and must be processed on a regular basis. Thus, as in the case of fluid milk products, handlers normally want adequate supplies of fresh, high-quality producer milk to be made available at their plants at all times for these Class II uses.

Frozen dessert and cottage cheese production is commonly an integral part of the processing operations of fluid milk distributing plants. Such plants are usually located in or near the populated centers of the market. This entails a greater hauling expense for producers than when the reserve milk is processed in the production area, as is generally the case with respect to butter, nonfat dry milk and hard cheese manufacture.

The marketing situation for other proposed Class II uses, such as eggnog, yogurt, custards, puddings, pancake mixes, dietary and infant formulas, and sales of bulk milk and cream to commercial food processors, is essentially the same as for cottage cheese and frozen desserts.

The adopted Class II price (the Minnesota-Wisconsin price plus 10 cents) is a reflection of some of the additional value which producer milk used in these several proposed Class II uses has to regulated handlers. Although local producers represent the regular source of milk for such uses, a handler may choose to use milk from some other source. Such milk could not be obtained on a regular basis, however, at less than the cost of producer milk under the adopted pricing scheme.

It is recognized that an individual handler may find at times that producer milk does not represent the cheapest source of milk for his Class II uses. Presumably the alternative source would be concentrated forms of milk since health regulations would not permit the receipt of ungraded supplies of whole milk at a pool distributing plant, and graded supplies would not be available on a regular basis at less than the Class II price.

Under the revised allocation provisions adopted herein, receipts of nonfluid other source milk such as condensed skim milk or nonfat dry milk that are used in a Class II product would be allocated directly to the handler's Class II uses, with no obligation applying under the order to such milk. Under this arrangement, the handler could choose to use the other source milk without the cost impact of down-allocation should the cost of such milk become less than the cost of producer milk. The handler thus could rely upon whichever source of milk best fits his competitive and operational circumstances.

Rather than produce his own Class II products a handler might choose to purchase the products from some other source. There is no indication, however, that under the adopted pricing, and with similar pricing in nearby regulated markets, such a handler could enhance his competitive position relative to handlers using producer milk. Moreover, the cost of transporting the proposed Class II products from some distant area where a lower product cost might prevail to outlets in the South Texas market would generally negate any seeming price advantage attributable to differences in applicable prices.

Classifying in Class II the several types of cream items, some of which are now in Class I while others are in Class II, will accommodate the industry's desire for a lower price for milk used in cream products and at the same time price at the same level a variety of products that compete with each other. Half and half, whether sterilized or unsterilized, and light cream are used principally by consumers in coffee. Aerated cream and sterilized and unsterilized whipping cream are used as dessert toppings. Both graded and ungraded sour cream and sour mixtures are used by consumers for similar purposes. The same classification for these cream products will result in uniform pricing to handlers for milk used in products competing in the same trade channels for essentially similar uses.

Although the present Class I cream products sold in the South Texas market must be made from inspected milk, which is delivered regularly by producers to distributing plants, it is the position of producers that milk sold in the form of such products should no longer be subject to the Class I price. Relative to the total Class I sales of producer milk, cream products generally represent only a very small percentage of the Class I market. Thus, this classification change will have relatively little effect in total on the returns to producers.

In connection with the reclassification of cream products, it is desirable to define a new term—"fluid cream product". "Fluid cream product" would mean cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

With the reclassification of cream, movements of cream to or from a plant no longer should be considered in determining whether a plant meets the pooling requirements of the order.

The order now provides that any "filled" product containing 6 percent or more nonmilk fat (or oil) shall be in the surplus price class. With the establishment of an intermediate price class, it is appropriate that any such filled products that resemble the proposed Class II products made with milk fat likewise be included in this class. The substitution of nonmilk fat for milk fat in a product

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merely changes the composition of the product and not its use. For competitive reasons, a comparable classification of products made with milk fat and their filled counterparts is necessary.

Condensed milk or skim milk in bulk, plastic cream, frozen cream and anhydrous milk fat are "intermediate" products that also should be included in Class II. These products are not end uses in themselves but instead are used in making other products, including frozen desserts and food products such as candy and soup. Under the classification adopted herein, frozen desserts and food products are Class II uses for milk. Accordingly, producer milk used in the several intermediate products likewise should be priced at the Class II level.

Recognition should be given, however, to the possible use of condensed milk or skim milk in making a Class III product. Such products may be processed at times into dried products, which would be a Class III use under the revised classification plan. In this case, the milk used to produce the condensed product should be classified as Class III milk.

Such classification requires, of course, that the condensed product be followed to its ultimate use. Presumably, the final disposition of the condensed product can be easily ascertained when it is moved to a plant containing only drying facilities. Should the condensed product be moved to a plant having mixed processing operations and receipts of condensed milk from different sources, ascertainment of the ultimate use of the condensed product in question may be difficult, if not impossible. To the extent that it can be satisfactorily determined that the ultimate use of the "intermediate" condensed product was in a Class III product, the lowest classification should apply to the producer milk used in the condensed product.

(c) *Other source milk definition.* Because of the revised classification plan, certain changes in the present other source milk definition are necessary. This definition would continue to serve, however, the present function of implementing the identification of various categories of receipts at a regulated plant.

At present, fluid milk products from any source other than producers, cooperatives acting as a handler for farm bulk tank milk, pool plants, and plant inventory at the beginning of the month are considered as other source milk. Under the revised classification plan, however, cream no longer would be defined as a fluid milk product. To facilitate the application of other provisions of the order, it is desirable, nevertheless, that fluid cream products, when in bulk form, continue to be treated in the same manner as fluid milk products for purposes of applying the other source milk definition.

Other source milk also should include any receipts in packaged form of fluid cream products, eggnog or yogurt (or any filled product resembling such products). These are Class II products under the revised classification plan. As provided herein, such receipts of other source milk would be allocated directly to the handler's Class II utilization, rather than being allocated to the extent possible to the handler's lowest utilization as is provided in some cases for other types of other source milk. Thus, no handler obligation would apply under the provisions adopted herein to these receipts of packaged Class II products.

The order should provide that products manufactured in a pool plant during the month and then reprocessed, converted into, or combined with another product in the same plant during the same month not be defined as other source milk. A typical processing operation would be for a handler to make condensed skim milk from producer milk and then use the condensed product in making ice cream. It is intended under this situation that the producer milk be considered as having been used to produce ice cream. The condensing operation is merely one of the steps performed by the handler in processing ice cream from raw milk.

It is recognized that there might be some difficulty in determining the source of the condensed skim milk that is reprocessed in the plant should a handler use during the month condensed skim milk not only from his current condensing operation but perhaps from inventory held over from the previous month or purchases from another plant. If this situation arises, the condensed skim milk produced in the plant during the current month should be considered as having been reprocessed first before any condensed skim milk from other sources.

(d) *Accounting for nonfat milk solids added to milk and milk products.* Certain changes should be made in the present method of classifying the skim milk equivalent of nonfat milk solids added to certain products.

Currently, the order provides that a modified fluid milk product shall be classified as Class I in the amount of the weight of an equal volume of an unmodified product of the same nature and butterfat content. The remaining skim milk equivalent of the nonfat milk solids in such product is classified in the lowest class. This procedure should be continued in the case of those products that would be defined as fluid milk products.

Under the new classification plan, cream products now defined as fluid milk products would be included instead in Class II. Because it is not intended that Class II outlets be protected in any way for producers, there is not the same economic basis for classifying modified Class II products in the manner just described. Accordingly, the order should provide in the case of modified Class II products, such as half and half and light cream, that the entire weight of the skim milk equivalent of the solids added be classified in Class II. This procedure would differ from that applicable to modified fluid milk products in that no part of the skim milk equivalent of the added solids would be classified in the lowest class. As described in detail later, nonfat dry milk or condensed milk that is added to a Class II product would be allocated directly to the handler's Class II use. Thus, classification of the entire skim milk equivalent in Class II would not affect adversely the handler's pool obligation under the allocation procedure.

(e) *Classification of milk transferred or diverted to other plants.* Certain changes should be made in the provisions of the order that prescribe the classification of fluid milk products transferred or diverted from a pool plant to another plant. Several of the changes become necessary with the adoption of three classes of utilization in place of the present two classes. Other changes are appropriate for purposes of uniformity among orders and clarity in the classification of milk.

Under the adopted classification plan, fluid cream products would be classified as Class II products. If such products are transferred to another plant in packaged form, the skim milk and butterfat contained therein should be classified as Class II milk since these items are moved in final form. The classification of fluid cream products when disposed of in bulk form, however, is determinable only by following the movement of the bulk product to its subsequent use. Thus, it is necessary that fluid cream products that are transferred in bulk form from a pool plant to another plant be classified in a manner similar to that now used in classifying transfers of bulk fluid milk products.

The order now prescribes a procedure for classifying transfers of bulk fluid milk products from a pool plant to a nonpool plant that is not an other order plant, a producer-handler plant or an exempt governmental agency plant. To determine such classification, the nonpool plants' utilization must be assigned to its receipts of milk from each source. Some amplification of this procedure is appropriate to set forth clearly the priority for assigning the different types of plant use to the different sources of fluid milk products and bulk fluid cream products received at the nonpool plant.

Under the adopted assignment priorities, the first step is to assign the nonpool plant's Class I utilization to its receipts of packaged fluid milk products from all federally regulated plants. Such receipts should receive first priority on the nonpool plant's Class I use since all orders provide that such packaged transfers from a pool plant to an unregulated nonpool plant shall be classified as Class I milk. Thus, any Class I route disposition of the nonpool plant in the marketing area of a Federal order, and any transfers of packaged fluid milk products from the nonpool plant to plants fully regulated under such order, would be assigned, first, to the nonpool plant's receipts of packaged fluid milk products from plants fully regulated under such order and, second, to any such remaining packaged receipts from plants fully regulated under other Federal orders.

A similar assignment of any such remaining disposition (i.e., the aforesaid Class I route disposition and transfers of packaged fluid milk products) then would be made to the nonpool plant's receipts of bulk fluid milk products from

pool plants and other order plants. Any other Class I disposition of packaged fluid milk products from the nonpool plant, such as route disposition in unregulated areas, would be assigned to any remaining unassigned receipts of packaged fluid milk products at the nonpool plan from plants fully regulated under any Federal order.

After these assignments, any Class I use at the nonpool plant that is attributable to the Class I allocation at a Federal order plant of fluid milk products transferred in bulk from the nonpool plant to the regulated plant would be assigned next. Such use would be assigned, first, to the nonpool plant's remaining unassigned receipts of fluid milk products from plants fully regulated under that order and, second, to any such remaining receipts from plants fully regulated under other orders.

Additional unassigned Class I utilization at the nonpool plant then would be assigned to the plant's receipts of Grade A milk from dairy farmers and unregulated nonpool plants that are determined to be regular sources of Grade A milk for the nonpool plant. Any remaining unassigned receipts of fluid milk products at the nonpool plant from plants fully regulated under any order would be assigned to any of the nonpool plant's remaining Class I utilization, then to its Class II utilization, and then to its Class II utilization.

Following these assignments, any receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants would be assigned to the nonpool plant's remaining unassigned utilization in each class. Such assignment would be made in sequence beginning with the lowest class.

In determining the classification of any transfers or diversions from a pool plant to a nonpool plant, the utilization of any transfers from the nonpool plant to another unregulated nonpool plant also must be established. In this case, the same assignment priorities just outlined should apply also at the second nonpool plant.

Certain changes should be made in the order concerning the classification of products transferred from a pool plant to a producer-handler. Under the revised classification plan, bulk fluid cream products transferred from a pool plant to a producer-handler should be assigned to the extent possible to the latter's Class III use, and then Class II use. If the producer-handler does not have enough utilization in these classes to cover such transfers, any remaining transfers should be classified as Class I milk.

As in the case of all other fluid milk products, such transfers of cream are now classified as Class I milk. Such classification tends to assure that producers do not carry for producer-handlers the burden of maintaining reserve supplies for the Class I sales of producer-handlers. With the removal of cream from the Class I classification, as adopted herein, a mandatory Class I classification of cream transfers to producer-handlers would not be necessary for this purpose.

The order also should provide that fluid milk products transferred from a pool plant to a producer-handler under another order be classified as Class I milk. This classification now applies only with respect to such transfers made on an intramarket basis.

Under orders generally, producer-handlers, in their capacity as handlers, have been exempt from the pricing and pooling provisions of the various orders. In consideration of this exemption, each order requires a Class I classification of all fluid milk products that are transferred from a pool plant to a producer-handler as defined under that particular order. Inasmuch as the producer-handler exemption under each order is predicated on essentially the same basis, a Class I classification of milk transferred from a pool plant regulated under the South Texas order to a producer-handler as defined under another order would be in keeping with the general basis for producer-handler exemption.

In addition to the Class I classification of all fluid milk products transferred from a pool plant to a producer-handler, the South Texas order provides for a similar classification of all fluid milk products transferred to a governmental agency plant. Such plants are exempt from the pooling and pricing provisions of the order in much the same manner as producer-handlers. It is appropriate, therefore, that the adopted method for classifying bulk fluid cream products transferred to a producer-handler likewise apply to transfers of bulk fluid cream products to government-operated plants.

(f) *Classification of end-of-month inventory.* Under the revised classification plan, fluid milk products in either packaged or bulk form that are in a handler's end-of-month inventory should be classified as Class III milk. Such inventory should be subject in the following month to reclassification in a higher class. Ending inventory of fluid cream products, eggnog and yogurt, when held in bulk form, likewise should be classified in Class III and subject to reclassification. Such products held in packaged form at the end of the month should be classified as Class II milk.

Presently, the South Texas order classifies all ending inventories of fluid milk products in bulk form in the lowest class. A Class I classification applies to such inventories in packaged form. In the latter case, a handler's obligation for the Class I inventory is adjusted in the following month by whatever amount the Class I price in such month changes from the Class I price level initially applicable to the inventory. This assures that such inventory is priced on a current basis when disposed of on routes.

In the interest of establishing uniform classification provisions among the Texas orders, the present procedure for classifying end-of-month inventory should be changed to conform with that determined appropriate for the other orders. This will have no consequential impact on the market since either type of inventory classification procedure results over the long run in essentially the same pool obligation for handlers and the same returns to producers. Under the adopted procedure, ending inventories of fluid milk products would be subject in the following month to reclassification in a higher class, as determined through the allocation of a handler's receipts to his utilization. A charge to the handler at the difference between the Class III price for the preceding month and the Class I or Class II price, as applicable, for the current month would apply to any reclassified inventory. This is the same reclassification procedure that now applies under the order to inventories of fluid milk products in bulk form.

Fluid cream products in bulk form that are on hand at the end of the month likewise should be classified in Class III. As in the case of bulk milk, the final use of cream being held in bulk form is not necessarily apparent from that form. The cream must be followed to its ultimate use, which may be in any class. Accordingly, it is reasonable to classify any closing inventory of bulk cream in Class III and then apply a reclassification charge should the cream, as beginning inventory the following month, be allocated to a higher class.

Fluid cream products, yogurt, and eggnog that are on hand in packaged form at the end of the month should be classified in Class II, the class of expected ultimate use, rather than in Class III as would be the case for ending inventories of such products in bulk form. The higher classification will accommodate the treatment adopted herein whereby such products that are received at a pool plant in packaged form and disposed of in the same packages would be permitted to "pass through" the plant without any pool obligation or downallocation. In this connection, the ending Class II inventory, as Class II inventory on hand at the beginning of the following month, would be allocated in the following month directly to the handler's Class II utilization.

For the first month that the revised classification plan is effective, certain transitional provisions relating to inventory should apply. This is necessary since the classification of ending inventory in the month preceding the order changes would differ from the classification of inventory under the new plan.

Under the new plan, beginning inventories of fluid milk products and, for the first month, all fluid cream products would be allocated to the extent possible to Class III. This allocation assumes that such inventories were priced at the lowest class price in the preceding month. Since such inventories in packaged form will have been classified as Class I milk and priced at the preceding month's Class I price, however, handlers should receive a credit on such packaged inventories equal to the difference between the Class I and Class II prices for

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the preceding month. If a higher classification results through the allocation procedure, the appropriate reclassification charge would apply.

Also under the new plan, beginning inventories of fluid cream products in packaged form normally would be allocated directly to a handler's Class II utilization. Such allocation assumes that the products were priced at the Class II price in the preceding month. As just described, an adjustment would be made in the first month under the new plan which would result in such inventories, in effect, having been priced in the preceding month at the Class III price. Therefore, such inventories should be allocated in the first month to the extent possible to Class III, as in the case of inventories of fluid milk products and bulk fluid cream products. A reclassification charge should apply if a higher classification results.

(g) *Classification of shrinkage, milk dumped, and milk disposed of for animal feed.* For purposes of uniformity among orders, the South Texas order provisions for classifying skim milk and butterfat dumped, disposed of for animal feed, or in shrinkage should conform to those determined appropriate for the other Texas orders. This will not result in any significant classification changes.

As at present, shrinkage would continue to be classified under the new three-class system in the lowest class (subject as now to certain limitations). Also, dumpage and animal feed dispositions would continue to be included in the lowest class. The products covered by the dumpage and animal feed provisions would be limited to fluid milk products, fluid cream products, eggnog, yogurt and similar filled products. Because of their relatively limited shelf life, it is these products that are commonly found in route returns and for which handlers realize little, if any, monetary value. Such provisions also would apply to skim milk being used in the manufacture of cottage cheese but which must be dumped because of a failure in the culturing process.

(h) *Allocation of receipts to utilization.* In adopting a revised classification plan for the South Texas order, conforming changes must be made in the provisions that prescribe ho wa handler's provisions that prescribe how a handler's allocated to his utilization for the purpose of classifying producer milk. Since the order now provides for only two classes of utilization, changes are necessary to provide for the allocation of receipts to three classes. Also, the order must be changed with respect to the allocation of beginning inventories, as previously described.

The adoption of three use classes requires a new consideration of how other source milk shall be allocated to a handler's utilization of milk. Under the present order, other source milk is allocated in most cases to a handler's surplus uses to the extent possible, regardless of how it actually may have been used. The producers who are relied upon for a regular supply of milk for the local fluid market thus receive the highest possible classification of their milk. Depending on the supply conditions, milk from unregulated supply plants and other Federal order plants is permitted to share in varying degrees with local producer milk in the higher value of the handlers' Class I sales.

In conjunction with the revised classification plan, however handlers using certain types of other source milk (whether in the form received or in reconstituted form) in the processing of Class II products should be permitted to have such other source milk allocated directly to their Class II uses. Under the plan adopted herein, such other source milk to which direct allocation could apply would be limited to milk products (such as nonfat dry milk and condensed milk or skim milk) that are not fluid milk products or fluid cream products.

In establishing a new intermediate price class, it is not intended that this outlet for producer milk necessarily be reserved for local producers. This new use class merely recognizes that some additional value attaches to producer milk used by regulated handlers in the Class II products. Pricing this milk at a level above the Class III price serves also to reduce the burden on the Class I price of attracting a supply of producer milk for the Class I market. It is not intended that producer returns be enhanced for the purpose of also attracting a full supply of producer milk for handlers' Class II uses. Accordingly, no obligation to the pool (commonly known as a compensatory payment) would be imposed under the revised classification plan on any other source milk which regulated handlers may use in Class II or on any Class II product that may be distributed in the market by nonpool plants, either directly on routes or through pool plants.

As long as the Class II price for producer milk remains in proper relationship with the cost of alternative supplies, it is not expected that this direct allocation of nonfluid other source milk to Class II will induce handlers to use other source milk in preference to producer milk to any greater extent than presently for processing Class II products. Under the adopted Class II price, producers would represent in most circumstances the most economical source of milk for Class II use.

No provision should be made for the direct allocation to a handler's Class II utilization of other source milk received in fluid form. Unlike the handling of nonfat dry milk, it would not be unusual for a handler to commingle in his plant receipts of fluid other source milk with his receipts of producer milk. In this circumstance, it would not be possible to know just how much of the other source milk may have been used in the processing of a Class II product. The difficulty which a handler would have in demonstrating that he actually used fluid other source milk in a Class II product, and the administrative difficulty in verifying such claimed use, warrants the allocation of such milk in essentially the same manner as now provided by the order.

In this connection, it should be noted that under the revised classification plan the order would provide for the specific allocation to a handler's Class II and Class III utilization of any receipts of bulk fluid milk products from an other order plant or an unregulated supply plant for which the handler requests a Class II or Class III classification. Such receipts would be allocated to the extent possible first to the handler's Class III utilization and then to his Class II utilization. This would be the case even if a Class II classification were requested by the handler.

The allocation procedure now used for handlers who operate two or more pool plants regulated under the South Texas order should be modified somewhat to conform with the procedure determined appropriate for other orders. The order should provide that for purposes of allocating a multiple-plant handler's receipts to his utilization, the operations at each of his pool plants shall be considered separately. As is the case now, however, those receipts of other source milk from unregulated supply plants and other Federal order plants eligible to share with producer milk in a handler's Class I utilization should be allocated on the basis of the handler's total plant system. This procedure is quite similar to that used under the present order. The order now requires, however, that if there are receipts of other source milk at any one of the plants that are to be prorated with producer milk to the plant's Class I utilization, all allocations of the handler's receipts to his utilization shall be done on the basis of his total system.

Conditions in the South Texas market do not require the use of an allocation procedure that differs from the procedure used in other Texas markets. Handlers may be subject at different times to the regulatory provisions of different orders. Applying the allocation provisions uniformly among all orders will reduce unnecessary regulatory differences that may be experienced by these handlers. There would be little, if any, change in a handler's total obligation under the order, or in producer returns, from applying the adopted allocation procedure in this market.

As indicated, the order now provides that certain receipts of milk from unregulated supply plants and other Federal order plants shall share in varying degrees with local producer milk in the receiving handler's Class I utilization at all of his pool plants combined. This procedure, which resulted from the so-called "compensatory payment" decisions issued in 1964 and which was included in the South Texas order when it was later promulgated, should be continued.[5] To implement this procedure, several additional allocation steps must be provided in this order.

The additional allocation steps establish a procedure whereby the milk from unregulated supply plants and other order plants will continue to be classified on the basis of the handler's total system, but will be assigned to classes at the pool plant of actual receipt. Under this procedure, the situation may arise where there is not enough utilization in a specific class at the plant of actual receipt to which such other source milk must be assigned (as determined from receipts and utilization of his entire system). In this case, an accounting technique is used for increasing the utilization in such class at the plant of actual receipt and making a corresponding reduction in the same class at one or more of the other pool plants in this system. This technique does not result, however, in changing the amount of milk to be accounted for at each plant, or the classification of milk within the handler's entire system.

(i) *Reports.* The proposed changes in the classification of milk are not expected to require any major change in the amount of information to be submitted by handlers in their monthly reports of receipts and utilization. The reporting provisions should be changed, however, to reflect the new categories of information that the market administrator will need in administering the order. These changes stem largely from the proposed reclassification of cream and the revised accounting methods necessary for implementing a three-class classification scheme.

As proposed herein, the reporting provisions would be stated in slightly less detail than is now the case. The market administrator would have, nevertheless, no less authority than at present to obtain through handler reports, in the detail and on forms prescribed by the market administrator, any information the latter believes is necessary for administration of the order.

(j) *Changing the butterfat differentials.* A single butterfat differential should apply under the order for adjusting prices to the actual butterfat content of the milk being priced. This differential should be the Chicago butter price multiplied by 0.115, rounded to the nearest one-tenth cent. The Chicago butter price, now used under the order, is the simple average of the wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk butter at Chicago as reported for the month by the U.S. Department of Agriculture.

Various butterfat differentials are now provided by the South Texas order for adjusting Class I, Class II and uniform prices. The Class I butterfat differential is computed by multiplying the Chicago butter price for the preceding month by 0.125. The Class II differential is based on the butter price for the current month times a factor of 0.115. The butterfat differential used in adjusting the uniform price to producers is the average of the butterfat differentials for each class weighted by the proportion of producer butterfat in each class.

[5] Official notice is taken of the Assistant Secretary's decisions issued on June 19, 1964 (29 F.R. 9002, 9110, and 9213) with respect to all milk orders then in effect.

Use of the single butterfat differential adopted herein will coordinate the pricing of milk under the South Texas order with such pricing under the other Texas orders. Unless a common butterfat differential is used, there would not be the complete uniformity in pricing among orders that is intended under a uniform classification plan.

Under the concept that all class prices should be adjusted by the same butterfat differential, it is necessary that the order provide only for a producer butterfat differential. No handler butterfat differentials for adjusting class prices need be set forth as such in the order, nor is there any need to pool the value of butterfat in each class. All producer "differential" butterfat received by handlers would be priced the same to all handlers regardless of the class in which the butterfat is used. There is no reason for handlers to be less aware under this procedure of what the cost of milk is in each class than under the present order provisions. Any adjustment of class prices that a handler may wish to make to reflect a certain butterfat content can be done merely by using the butterfat differential used to adjust pay prices to producers.

(k) *Uniform equivalent price provisions.* The "equivalent price" provision of the order should be changed to conform with the equivalent price provision determined appropriate for the other Texas orders. This will further assure uniformity of prices among the several orders.

An equivalent price provision is necessary to provide a price, or price constituent, in cases where published prices, quotations or other pricing constituents as may be prescribed by the order are not available.

If there were insufficient trading during the month in butter, for example, or if the specific butter price quotations were discontinued, the prescribed butterfat differential could not be computed without an equivalent price provision. By providing for the determination of an equivalent price as needed, the Department is in a position to draw on comprehensive resource data to assure that the computation of the butterfat differential, as well as the basic formula price and class prices, is not interrupted by the contingencies cited.

In providing for a determination of equivalent price, the same objective is sought for each order. It is appropriate, therefore, to provide for identical provisions in each order. Then, if a determination has to be made for more than one order simultaneously, there would be no question as to the applicability of the determination to each order.

Accordingly, the equivalent price provision in the order should be stated as follows:

"If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required."

6. *Need for omitting the recommended decision.* The timely execution of the function of the Secretary concerning Issue 5 does not require the omission of a recommended decision and opportunity for exceptions thereto.

Proponents of the revised classification plan for the South Texas order urged that the recommended decision be omitted to assure that such plan could be made effective concurrently with the effectuation of similar plans for the other Texas markets. Final action on the proposed amendments for the other Texas orders, however, has not yet been taken, and no date when such amendments, if issued, would become effective has been announced. It is concluded that the issuance of a recommended decision on the South Texas classification issue will not prevent the amendment of all the Texas orders at the same time.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling

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of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the South Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

PART 1121—MILK IN SOUTH TEXAS MARKETING AREA

Subpart—Order Regulating Handling

GENERAL PROVISIONS

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1121.1 General provisions.

DEFINITIONS

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1121.3 Route disposition.
1121.4 Plant.
1121.5 Distributing plant.
1121.6 Supply plant.
1121.7 Pool plant.
1121.8 Nonpool plant.
1121.9 Handler.
1121.10 Producer-handler.
1121.11 [Reserved]
1121.12 Producer.
1121.13 Producer milk.
1121.14 Other source milk.
1121.15 Fluid milk product.
1121.16 Fluid cream product.
1121.17 Filled milk.
1121.18 Cooperative association.

HANDLER REPORTS

1121.30 Reports of receipts and utilization.
1121.31 Payroll reports.
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CLASSIFICATION OF MILK

1121.40 Classes of utilization.
1121.41 Shrinkage.
1121.42 Classification of transfers and diversions.
1121.43 General classification rules.
1121.44 Classification of producer milk.
1121.45 Market administrator's reports and announcements concerning classification.

CLASS PRICES

1121.50 Class prices.
1121.51 Basic formula price.
1121.52 Plant location adjustments for handlers.
1121.53 Announcement of class prices.
1121.54 Equivalent price.

UNIFORM PRICE

Sec.
1121.60 Handler's value of milk for computing uniform price.
1121.61 Computation of uniform price.
1121.62 Announcement of uniform price and butterfat differential.

PAYMENTS FOR MILK

1121.70 Producer-settlement fund.
1121.71 Payments to the producer-settlement fund.
1121.72 Payments from the producer-settlement fund.
1121.73 Payments to producers and to cooperative associations.
1121.74 Butterfat differential.
1121.75 Plant location adjustments for producers and on nonpool milk.
1121.76 Payments by handler operating a partially regulated distributing plant.
1121.77 Adjustment of accounts.
1121.78 Charges on overdue accounts.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

1121.85 Assessment for order administration.
1121.86 Deduction for marketing services.

ADVERTISING AND PROMOTION PROGRAM

1121.110 Agency.
1121.111 Composition of Agency.
1121.112 Term of office.
1121.113 Selection of Agency members.
1121.114 Agency operating procedure.
1121.115 Powers of the Agency.
1121.116 Duties of the Agency.
1121.117 Advertising, Research, Education and Promotion Program.
1121.118 Limitation of expenditures by the Agency.
1121.119 Personal liability.
1121.120 Procedure for requesting refunds.
1121.121 Duties of the market administrator.
1121.122 Liquidation.

AUTHORITY: Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674).

GENERAL PROVISIONS

§ 1121.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

DEFINITIONS

§ 1121.2 South Texas marketing area.

"South Texas marketing area", hereinafter called the "marketing area", means all territory, including all piers, docks, and wharves connected therewith, and all craft moored thereat, and territory occupied by Government (municipal, State or Federal) reservations, installations, institutions, or other similar establishments, within the boundaries of the following counties, all in the State of Texas:

Angelina.	Liberty.
Austin.	Madison.
Brazoria.	Matagorda.
Brazos.	Montgomery.
Chambers.	Nacogdoches.
Colorado.	Newton.
Fort Bend.	Orange.
Galveston.	Polk.
Grimes.	San Jacinto.
Hardin.	Trinity.
Harris.	Tyler.
Houston.	Walker.
Jackson.	Waller.
Jasper.	Washington.
Jefferson.	Wharton.

§ 1121.3 Route disposition.

"Route disposition" means any delivery (including any delivery by a vendor or disposition at a plant store) of fluid milk products classified as Class I milk, other than a delivery to a plant.

§ 1121.4 Plant.

"Plant" means the land, buildings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products (including filled milk) are received, processed and/or packaged. Separate facilities used only as a reload point for transferring bulk milk from one tank truck to another shall not be a plant under this definition if the milk transferred at such facilities can be identified as receipts from specific farmers until the milk is received at a plant. Facilities used only as a distribution point for storing fluid milk products in transit for route disposition shall not be a plant under this definition.

§ 1121.5 Distributing plant.

"Distributing plant" means a plant approved by any duly constituted State or municipal health authority, or acceptable to any agency of the State or Federal Government for the disposition of Grade A fluid milk products in the marketing area, at which milk products are received, processed and/or packaged, and from which there is route disposition of fluid milk products in the marketing area.

§ 1121.6 Supply plant.

"Supply plant" means any plant approved by an appropriate health authority to supply fluid milk for distribution as Grade A milk in the marketing area and from which fluid milk products are moved to a distributing plant.

§ 1121.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) Any distributing plant from which during the month there is:

(1) Route disposition, except filled milk, in the marketing area equal to 10 percent or more of the receipts of Grade A milk at such plant; and

(2) Total route disposition, except filled milk, equal to 50 percent or more of the receipts of Grade A milk at such plant.

(b) A supply plant:

(1) During any month in which 50 percent or more of the receipts of Grade A milk from dairy farmers and handlers pursuant to § 1121.9(c) at such plant is moved as fluid milk products, except filled milk, in bulk to pool distributing plants; or

(2) During each of the months of January through August, if such plant was a pool plant pursuant to paragraph (b)(1) of this section during each of the immediately preceding months of September through December, unless the operator of such plant had filed with the market administrator before the first day of any month a written request that such plant not be a pool plant for each month through August during which it does not otherwise qualify as a pool plant.

(c) Any plant operated by a cooperative association which has been approved by any duly constituted State or municipal health authority and at which milk is received from dairy farmers

holding permits or authorization from such health authority, and at least 50 percent or more of the producer milk of members of such cooperative association is physically received during the month at pool plants of other handlers described in paragraph (a) of this section or is transferred to such pool plants from a plant of the cooperative association.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A governmental agency plant;

(3) A plant meeting the requirements of paragraph (a) of this section which also meets the pooling requirements of another Federal order and from which, the Secretary determines, there is a greater quantity of route disposition, except filled milk, during the month in such other Federal order marketing area than in this marketing area, except that if such plant was subject to all the provisions of this part in the immediately preceding month, it shall continue to be subject to all the provisions of this part until the third consecutive month in which a greater proportion of its route disposition is made in such other marketing area unless, notwithstanding the provisions of this subparagraph, it is regulated under such other order;

(4) A plant meeting the requirements of paragraph (a) of this section which also meets the pooling requirements of another Federal order on the basis of route disposition in such other marketing area and from which, the Secretary determines, there is a greater quantity of route disposition, except filled milk, during the month in this marketing area than in such other marketing area but which plant is, nevertheless, fully regulated under such other Federal order; and

(5) A plant meeting the requirements of paragraph (b) of this section which also meets the pooling requirements of another Federal order, and either qualifies as a fully regulated distributing plant under such other Federal order subject to paragraph (d) (3) and (4) of this section, or from such plant greater qualifying shipments are made as a supply plant during the month to plants regulated under such other order than are made to plants regulated under this part, except that this subparagraph shall not apply during the months of January through August if such plant retains automatic pooling status under this part pursuant to paragraph (b) (2) of this section.

§ 1121.8 Nonpool plant.

"Nonpool plant" means any milk or filled milk receiving, manufacturing, or processing plant other than a pool plant. The following categories of nonpool plants are further defined as follows:

(a) "Other order plant" means a plant that is fully subject to the pricing and pooling provisions of another Federal order issued pursuant to the Act.

(b) "Producer-handler plant" means a plant operated by a producer-handler as defined in any order (including this part) issued pursuant to the Act.

(c) "Unregulated supply plant" means a nonpool plant from which fluid milk products are moved to a pool plant during the month but which is neither an other order plant, a governmental agency plant, nor a producer-handler plant.

(d) "Partially regulated distributing plant" means a nonpool plant that is neither an other order plant, a governmental agency plant, nor a producer-handler plant, from which there is route disposition in consumer-type packages or dispenser units (other than to pool plants) in the marketing area during the month.

(e) "Governmental agency plant" means a plant owned and operated by a governmental agency or establishment which processes or packages milk or filled milk that is distributed in the marketing area. Such plant shall be exempt from all provisions of this part.

§ 1121.9 Handler.

"Handler" means:

(a) Any person in his capacity as the operator of a pool plant;

(b) Any cooperative association with respect to producer milk which it causes to be diverted pursuant to § 1121.13 for the account of such cooperative association;

(c) Any cooperative association with respect to milk of its producer members which is received from the farm for delivery to the pool plant of another handler in a tank truck owned and operated by or under contract to, such cooperative association;

(d) Any person in his capacity as the operator of a partially regulated distributing plant;

(e) A producer-handler; or

(f) Any person in his capacity as the operator of an other order plant from which there is route disposition in the marketing area.

§ 1121.10 Producer-handler.

"Producer-handler" means any person who:

(a) Produces milk and operates a distributing plant;

(b) Receives no milk from other dairy farmers;

(c) Disposes of no other source milk (except that represented by nonfat solids used in the fortification of fluid milk products) as Class I milk;

(d) Receives from pool plants not more than a total of 5,000 pounds of fluid milk products during the month or 5 percent of his Class I disposition, whichever is less; and

(e) Furnishes satisfactory proof to the market administrator that the maintenance, care and management of all dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) and the operation of the plant are each the personal enterprise of and at the personal risk of such person.

§ 1121.11 [Reserved]

§ 1121.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk approved for consumption as Grade A milk by any duly constituted State or municipal health authority which is:

(1) Received at a pool plant; or

(2) Diverted by a handler for his account pursuant to the provisions of § 1121.13.

(b) "Producer" shall not include:

(1) A governmental agency which operates a plant exempt pursuant to § 1121.8(e);

(2) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(3) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to Class II or Class III utilization pursuant to § 1121.44(a)(8)(iii) and the corresponding step of § 1121.44(b); and

(4) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

§ 1121.13 Producer milk.

"Producer milk" means skim milk and butterfat for each handler's account in milk from producers as follows:

(a) With respect to operations of a pool plant:

(1) Received directly from such producers;

(2) Received from a handler described in § 1121.9(c); and

(3) Diverted by the operator of such pool plant to a nonpool plant that is not a producer-handler plant nor a governmental agency plant for his account, subject to the conditions of paragraph (c) of this section.

(b) With respect to additional receipts by a cooperative association handler:

(1) Diverted by such cooperative association from the pool plant of another handler to a nonpool plant that is not a producer-handler plant nor a governmental agency plant for the account of such cooperative association, subject to the conditions of paragraph (c) of this section; and

(2) Received by such cooperative association from producers' farms as a handler described in § 1121.9(c) in excess of the quantity delivered to pool plants pursuant to paragraph (a)(2) of this section.

(c) With respect to diversions to nonpool plants:

(1) A cooperative association may divert for its account a total quantity of milk not in excess of one-third of the total producer milk of its members received at all pool plants during the month. Diversions in excess of such

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quantity shall not be producer milk and the diverting cooperative shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If the cooperative association fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such cooperative association;

(2) A handler operating a pool plant may divert for his account milk of producers other than members of a cooperative association diverting milk pursuant to paragraph (c)(1) of this section, in a total quantity not in excess of one-third of the milk at such pool plant during the month from producers who are not members of such a cooperative association. Milk diverted in excess of such quantity shall not be producer milk and the diverting handler shall specify the dairy farmers whose diverted milk is ineligible as producer milk. If a handler fails to designate such producers, producer milk status shall be forfeited with respect to all milk diverted by such handler and;

(3) For the purposes of location adjustments pursuant to §§ 1121.52 and 1121.75, diverted milk shall be priced at the location of the nonpool plant to which diverted.

§ 1121.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

(a) Receipts of fluid milk products and bulk products specified in § 1121.40(b)(1) from any source other than producers, handlers described in § 1121.9(c), or pool plants;

(b) Receipts in packaged form from other plants of products specified in § 1121.40(b)(1);

(c) Products (other than fluid milk products, products specified in § 1121.40(b)(1), and products produced at the plant during the same month) from any source which are reprocessed, converted into, or combined with another product in the plant during the month; and

(d) Receipts of any milk product (other than a fluid milk product or a product specified in § 1121.40(b)(1)) for which the handler fails to establish a disposition.

§ 1121.15 Fluid milk product.

(a) Except as provided in paragraph (b) of this section, "fluid milk product" means any of the following products in fluid or frozen form:

(1) Milk, skim milk, lowfat milk, milk drinks, buttermilk, filled milk, and milkshake and ice milk mixes containing less than 20 percent total solids, including any such products that are flavored, cultured, modified with added nonfat milk solids, concentrated (if in a consumer-type package) or reconstituted; and

(2) Any milk product not specified in paragraph (a)(1) of this section or in § 1121.40 (b) or (c)(1) (i) through (v) if it contains by weight at least 80 percent water and 6.5 percent nonfat milk solids and less than 9 percent butterfat and 20 percent total solids.

(b) The term "fluid milk product" shall not include:

(1) Evaporated or condensed milk (plain or sweetened), evaporated or condensed skim milk (plain or sweetened), formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers, any product that contains by weight less than 6.5 percent nonfat milk solids, and whey; and

(2) The quantity of skim milk in any modified product specified in paragraph (a) of this section that is in excess of the quantity of skim milk in an equal volume of an unmodified product of the same nature and butterfat content.

§ 1121.16 Fluid cream product.

"Fluid cream product" means cream (other than plastic cream or frozen cream), sour cream, or a mixture (including a cultured mixture) of cream and milk or skim milk containing 9 percent or more butterfat, with or without the addition of other ingredients.

§ 1121.17 Filled milk.

"Filled milk" means any combination of nonmilk fat (or oil) with skim milk (whether fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids), with or without milkfat, so that the product (including stabilizers, emulsifiers, or flavoring) resembles milk or any other fluid milk product, and contains less than 6 percent nonmilk fat (or oil).

§ 1121.18 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members.

HANDLER REPORTS

§ 1121.30 Reports of receipts and utilization.

On or before the seventh day after the end of each month, each handler shall report for such month to the market administrator, in the detail and on the forms prescribed by the market administrator, as follows:

(a) Each handler, with respect to each of his pool plants, shall report the quantities of skim milk and butterfat contained in or represented by:

(1) Receipts of producer milk, including producer milk diverted by the handler from the pool plant to other plants;

(2) Receipts of milk from handlers described in § 1121.9(c);

(3) Receipts of fluid milk products and bulk fluid cream products from other pool plants;

(4) Receipts of other source milk;

(5) Inventories at the beginning and end of the month of fluid milk products and products specified in § 1121.40(b)(1); and

(6) The utilization or disposition of all milk, filled milk, and milk products required to be reported pursuant to this paragraph.

(b) Each handler operating a partially regulated distributing plant shall report with respect to such plant in the same manner as prescribed for reports required by paragraph (a) of this section. Receipts of milk that would have been producer milk if the plant had been fully regulated shall be reported in lieu of producer milk. Such report shall show also the quantity of any reconstituted skim milk in route disposition in the marketing area.

(c) Each handler described in § 1121.9 (b) and (c) shall report:

(1) The quantities of all skim milk and butterfat contained in receipts of milk from producers; and

(2) The utilization or disposition of all such receipts.

(d) Each handler not specified in paragraphs (a) through (c) of this section shall report with respect to his receipts and utilization of milk, filled milk, and milk products in such manner as the market administrator may prescribe.

§ 1121.31 Payroll reports.

(a) On or before the 20th day after the end of each month, each handler described in § 1121.9 (a), (b), and (c) shall report to the market administrator his producer payroll for such month, in the detail prescribed by the market administrator, showing for each producer:

(1) His name and address;

(2) The total pounds of milk received from such producer;

(3) The average butterfat content of such milk; and

(4) The price per hundredweight, the gross amount due, the amount and nature of any deductions, and the net amount paid.

(b) Each handler operating a partially regulated distributing plant who elects to make payment pursuant to § 1121.76(b) shall report for each dairy farmer who would have been a producer if the plant had been fully regulated in the same manner as prescribed for reports required by paragraph (a) of this section.

§ 1121.32 Other reports.

(a) Each handler who causes milk to be diverted for his account directly from producers' farms to a nonpool plant shall, prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

(b) In addition to the reports required pursuant to paragraph (a) of this section §§ 1121.30 and 1121.31, each handler shall report such other information as the market administrator deems necessary to verify or establish such handler's obligation under the order.

CLASSIFICATION OF MILK

§ 1121.40 Classes of utilization.

Except as provided in § 1121.42, all skim milk and butterfat required to be reported by a handler pursuant to § 1121.30 shall be classified as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid milk product, except as otherwise provided in paragraph (b) and (c) of this section; and

(2) Not specifically accounted for as Class II or Class III milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat:

(1) Disposed of in the form of a fluid cream product, eggnog, yogurt, and any product containing 6 percent or more nonmilk fat (or oil) that resembles a fluid cream product, eggnog, or yogurt, except as otherwise provided in paragraph (c) of this section;

(2) In packaged inventory at the end of the month of the products specified in paragraph (b)(1) of this section;

(3) In bulk fluid milk products and bulk fluid cream products disposed of to any commercial food processing establishment (other than a milk or filled milk plant) at which food products (other than milk products and filled milk) are processed and from which there is no disposition of fluid milk products or fluid cream products other than those received in consumer-type packages; and

(4) Used to produce:

(i) Cottage cheese, lowfat cottage cheese, and dry curd cottage cheese;

(ii) Milkshake and ice milk mixes (or bases) containing 20 percent or more total solids, frozen desserts, and frozen dessert mixes;

(iii) Any concentrated milk product in bulk, fluid form other than that specified in paragraph (c)(1)(iv) of this section;

(iv) Plastic cream, frozen cream, and anhydrous milkfat;

(v) Custards, puddings, and pancake mixes; and

(vi) Formulas especially prepared for infant feeding or dietary use that are packaged in hermetically sealed glass or all-metal containers.

(c) *Class III milk.* Class III milk shall be all skim milk and butterfat:

(1) Used to produce:

(i) Cheese (other than cottage cheese, lowfat cottage cheese, and dry curd cottage cheese);

(ii) Butter;

(iii) Any milk product in dry form;

(iv) Any concentrated milk product in bulk, fluid form that is used to produce a Class III product;

(v) Evaporated or condensed milk (plain or sweetened) in a consumer-type package and evaporated or condensed skim milk (plain or sweetened) in a consumer-type package; and

(vi) Any product not otherwise specified in this section;

(2) In inventory at the end of the month of fluid milk products in bulk or packaged form and products specified in paragraph (b)(1) of this section in bulk form;

(3) In fluid milk products and products specified in paragraph (b)(1) of this section that are disposed of by a handler for animal feed;

(4) In fluid milk products and products specified in paragraph (b)(1) of this section that are dumped by a handler if the market administrator is notified of such dumping in advance and is given the opportunity to verify such disposition;

(5) In skim milk in any modified fluid milk product that is in excess of the quantity of skim milk in such product that was included within the fluid milk product definition pursuant to § 1121.15; and

(6) In shrinkage assigned pursuant to § 1121.41(a) to the receipts specified in § 1121.41(a)(2) and in shrinkage specified in § 1121.41 (b) and (c).

§ 1121.41 Shrinkage.

For purposes of classifying all skim milk and butterfat to be reported by a handler pursuant to § 1121.30, the market administrator shall determine the following:

(a) The pro rata assignment of shrinkage of skim milk and butterfat, respectively, at each pool plant to the respective quantities of skim milk and butterfat:

(1) In the receipts specified in paragraph (b)(1) through (6) of this section on which shrinkage is allowed pursuant to such paragraph; and

(2) In other source milk not specified in paragraph (b)(1) through (6) of this section which was received in the form of a bulk fluid milk product or a bulk fluid cream product;

(b) The shrinkage of skim milk and butterfat, respectively, assigned pursuant to paragraph (a) of this section to the receipts specified in paragraph (a)(1) of this section that is not in excess of:

(1) Two percent of the skim milk and butterfat, respectively, in producer milk (excluding milk diverted by the plant operator to another plant and milk received from a handler described in § 1121.9(c));

(2) Plus 1.5 percent of the skim milk and butterfat, respectively, in milk received from a handler described in § 1121.9(c), except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be 2 percent;

(3) Plus 0.5 percent of the skim milk and butterfat, respectively, in producer milk diverted from such plant by the plant operator to another plant, except that if the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this subparagraph shall be zero;

(4) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other pool plants;

(5) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received by transfer from other order plants, excluding the quantity for which Class II or Class III classification is requested by the operators of both plants;

(6) Plus 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products received from unregulated supply plants, excluding the quantity for which Class II or Class III classification is requested by the handler; and

(7) Less 1.5 percent of the skim milk and butterfat, respectively, in bulk fluid milk products transferred to other plants that is not in excess of the respective amounts of skim milk and butterfat to which percentages are applied in paragraph (b) (1), (2), (4), (5), and (6) of this section; and

(c) The quantity of skim milk and butterfat, respectively, in shrinkage of milk from producers for which a cooperative association is the handler pursuant to § 1121.9 (b) or (c), but not in excess of 0.5 percent of the skim milk and butterfat, respectively, in such milk. If the operator of the plant to which the milk is delivered purchases such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples, the applicable percentage under this paragraph for the cooperative association shall be zero.

§ 1121.42 Classification of transfers and diversions.

(a) *Transfers to pool plants.* Skim milk or butterfat transferred in the form of a fluid milk product or a bulk fluid cream product from a pool plant to another pool plant shall be classified as Class I milk unless both handlers request the same classification in another class. In either case, the classification of such transfers shall be subject to the following conditions:

(1) The skim milk or butterfat classified in each class shall be limited to the amount of skim milk and butterfat, respectively, remaining in such class at the transferee-plant after the computations pursuant to § 1121.44(a)(12) and the corresponding step of § 1121.44(b);

(2) If the transferor-plant received during the month other source milk to be allocated pursuant to § 1121.44(a)(7) or the corresponding step of § 1121.44(b), the skim milk or butterfat so transferred shall be classified so as to allocate the least possible Class I utilization to such other source milk; and

(3) If the transferor-handler received during the month other source milk to be allocated pursuant to § 1121.44(a)(11) or (12) or the corresponding steps of § 1121.44(b), the skim milk or butterfat so transferred, up to the total of the skim milk and butterfat, respectively, in such receipts of other source milk, shall not be classified as Class I milk to a greater extent than would be the case if the other source milk had been received at the transferee-plant.

(b) *Transfers and diversions to other order plants.* Skim milk or butterfat transferred or diverted in the form of a fluid milk product or a bulk fluid cream

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product from a pool plant to an other order plant shall be classified in the following manner. Such classification shall apply only to the skim milk or butterfat that is in excess of any receipts at the pool plant from the other order plant of skim milk and butterfat, respectively, in fluid milk products and bulk fluid cream products, respectively, that are in the same category as described in paragraph (b) (1), (2), or (3) of this section:

(1) If transferred as packaged fluid milk products, classification shall be in the classes to which allocated as a fluid milk product under the other order;

(2) If transferred in bulk form, classification shall be in the classes to which allocated under the other order (including allocation under the conditions set forth in paragraph (b)(3) of this section);

(3) If the operators of both plants so request in their reports of receipts and utilization filed with their respective market administrators, transfers or diversions in bulk form shall be classified as Class II or Class III milk to the extent of such utilization available for such classification pursuant to the allocation provisions of the other order;

(4) If information concerning the classes to which such transfers or diversions were allocated under the other order is not available to the market administrator for the purpose of establishing classification under this paragraph, classification shall be as Class I, subject to adjustment when such information is available;

(5) For purposes of this paragraph, if the other order provides for a different number of classes of utilization than is provided for under this part, skim milk or butterfat allocated to a class consisting primarily of fluid milk products shall be classified as Class I milk, and skim milk or butterfat allocated to the other classes shall be classified as Class III milk; and

(6) If the form in which any fluid milk product that is transferred to an other order plant is not defined as a fluid milk product under such other order, classification under this paragraph shall be in accordance with the provisions of § 1121.40.

(c) *Transfers to producer-handlers and governmental agency plants.* Skim milk or butterfat transferred in the following forms from a pool plant to a producer-handler under this or any other Federal order or a governmental agency plant shall be classified:

(1) As Class I milk, if transferred in the form of a fluid milk product; and

(2) In accordance with the utilization assigned to it by the market administrator, if transferred in the form of a bulk fluid cream product. For this purpose, the transferee's utilization of skim milk and butterfat in each class, in series beginning with Class III, shall be assigned to the extent possible to its receipts of skim milk and butterfat, respectively, in bulk fluid cream products, pro rata to each source.

(d) *Transfers and diversions to other nonpool plants.* Skim milk or butterfat transferred or diverted in the following forms from a pool plant to a nonpool plant that is not an other order plant, a governmental agency plant, or a producer-handler plant shall be classified:

(1) As Class I milk, if transferred in the form of a packaged fluid milk product; and

(2) As Class I milk, if transferred or diverted in the form of a bulk fluid milk product or a bulk fluid cream product, unless the following conditions apply:

(i) If the conditions described in paragraph (d)(2)(i) (*a*) and (*b*) of this section are met, transfers or diversions in bulk form shall be classified on the basis of the assignment of the nonpool plant's utilization to its receipts as set forth in paragraph (d)(2) (ii) through (viii) of this section:

(*a*) The transferor-handler or diverter-handler claims such classification in his report of receipts and utilization filed pursuant to § 1121.30 for the month within which such transaction occurred; and

(*b*) The nonpool plant operator maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available for vertification purposes if requested by the market administrator;

(ii) Route disposition in the marketing area of each Federal milk order from the nonpool plan and transfers of packaged fluid milk products from such nonpool plant to plants fully regulated thereunder shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of packaged fluid milk products at such nonpool plant from pool plants;

(*b*) Pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from other order plants;

(c) Pro rata to receipts of bulk fluid milk products at such nonpool plant from pool plants; and

(*d*) Pro rata to any remaining unassigned receipts of bulk fluid milk products at such nonpool plant from other order plants;

(iii) Any remaining Class I disposition of packaged fluid milk products from the nonpool plant shall be assigned to the extent possible pro rata to any remaining unassigned receipts of packaged fluid milk products at such nonpool plant from pool plants and other order plants;

(iv) Transfers of bulk fluid milk products from the nonpool plant to a plant fully regulated under any Federal milk order, to the extent that such transfers to the regulated plant exceed receipts of fluid milk products from such plant and are allocated to Class I at the transferee-plant, shall be assigned to the extent possible in the following sequence:

(*a*) Pro rata to receipts of fluid milk products at such nonpool plant from pool plants; and

(*b*) Pro rata to any remaining unassigned receipts of fluid milk products at such nonpool plant from other order plants;

(v) Any remaining unassigned Class I disposition from the nonpool plant shall be assigned to the extent possible in the following sequence:

(*a*) To such nonpool plant's receipts from dairy farmers who the market administrator determines constitute regular sources of Grade A milk for such nonpool plant; and

(*b*) To such nonpool plant's receipts of Grade A milk from plants not fully regulated under any Federal milk order which the market administrator determines constitute regular sources of Grade A milk for such nonpool plant;

(vi) Any remaining unassigned receipts of bulk fluid milk products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class I utilization, then to Class III utilization, and then to Class II utilization at such nonpool plant;

(vii) Receipts of bulk fluid cream products at the nonpool plant from pool plants and other order plants shall be assigned, pro rata among such plants, to the extent possible first to any remaining Class III utilization, then to any remaining Class II utilization, and then to Class I utilization at such nonpool plant; and

(viii) In determining the nonpool plant's utilization for purposes of this subparagraph, any fluid milk products and bulk fluid cream products transferred from such nonpool plant to a plant not fully regulated under any Federal milk order shall be classified on the basis of the second plant's utilization using the same assignment priorities at the second plant that are set forth in this subparagraph.

§ 1121.43 General classification rules.

In determining the classification of producer milk pursuant to § 1121.44, the following rules shall apply:

(a) Each month the market administrator shall correct for mathematical and other obvious errors all reports filed pursuant to § 1121.30 and shall compute separately for each pool plant and for each cooperative association with respect to milk for which it is the handler pursuant to § 1121.9 (b) or (c) the pounds of skim milk and butterfat, respectively, in each class in accordance with §§ 1121.40, 1121.41, and 1121.42;

(b) If any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk in such product that are to be considered under this part as used or disposed of by the handler shall be an amount equivalent to the nonfat milk solids contained in such product plus all of the water originally associated with such solids; and

(c) The classification of producer milk for which a cooperative association is the handler pursuant to § 1121.9 (b) or (c) shall be determined separately from the operations of any pool plant operated by such cooperative association.

§ 1121.44 Classification of producer milk.

For each month the market administrator shall determine the classification of producer milk of each handler described in § 1121.9(a) for each of his pool plants separately and of each handler described in § 1121.9 (b) and (c) by allocating the handler's receipts of skim milk and butterfat to his utilization as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class III the pounds of skim milk in shrinkage specified in § 1121.41(b);

(2) Subtract from the total pounds of skim milk in Class I the pounds of skim milk in receipts of packaged fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in fluid milk products received in packaged form from an other order plant, except that to be subtracted pursuant to paragraph (a)(7)(vi) of this section, as follows:

(i) From Class III milk, the lesser of the pounds remaining or 2 percent of such receipts; and

(ii) From Class I milk, the remainder of such receipts;

(4) Subtract from the pounds of skim milk in Class II the pounds of skim milk in products specified in § 1121.40(b)(1) that were received in packaged form from other plants, but not in excess of the pounds of skim milk remaining in Class II;

(5) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in products specified in § 1121.40(b)(1) that were in inventory at the beginning of the month in packaged form, but not in excess of the pounds of skim milk remaining in Class II. This subparagraph shall apply only if the pool plant was subject to the provisions of this subparagraph or comparable provisions of another Federal milk order in the immediately preceding month;

(6) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk in other source milk (except that received in the form of a fluid milk product or a fluid cream product) that is used to produce, or added to, any product specified in § 1121.40(b), but not in excess of the pounds of skim milk remaining in Class II;

(7) Subtract in the order specified below from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in each of the following:

(i) Other source milk (except that received in the form of a fluid milk product) and, if paragraph (a)(5) of this section applies, packaged inventory at the beginning of the month of products specified in § 1121.40(b)(1) that was not subtracted pursuant to paragraph (a)(4), (5), and (6) of this section;

(ii) Receipts of fluid milk products (except filled milk) for which Grade A certification is not established;

(iii) Receipts of fluid milk products from unidentified sources;

(iv) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal milk order and from a governmental agency plant;

(v) Receipts of reconstituted skim milk in filled milk from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) of this section; and

(vi) Receipts of reconstituted skim milk in filled milk from an other order plant that is regulated under any Federal milk order providing for individual-handler pooling, to the extent that reconstituted skim milk is allocated to Class I at the transferor-plant;

(8) Subtract in the order specified below from the pounds of skim milk remaining in Class II and Class III, in sequence beginning with Class III:

(i) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraph (a)(2) and (7)(v) of this section for which the handler requests a classification other than Class I, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(ii) The pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), and (8)(i) of this section which are in excess of the pounds of skim milk determined pursuant to paragraph (a)(8)(ii) (*a*) through (c) of this section. Should the pounds of skim milk to be subtracted from Class II and Class III combined exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount:

(*a*) Multiply by 1.25 the sum of the pounds of skim milk remaining in Class I at this allocation step at all pool plants of the handler (excluding any duplication of Class I utilization resulting from reported Class I transfers between pool plants of the handler);

(*b*) Subtract from the above result the sum of the pounds of skim milk in receipts at all pool plants of the handler of producer milk, fluid milk products from pool plants of other handlers, and bulk fluid milk products from other order plants that were not subtracted pursuant to paragraph (a)(7)(vi) of this section; and

(c) Multiply any plus quantity resulting above by the percentage that the receipts of skim milk in fluid milk products from unregulated supply plants that remain at this pool plant is of all such receipts remaining at this allocation step at all pool plants of the handler; and

(iii) The pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) of this section, if Class II or Class III classification is requested by the operator of the other order plant and the handler, but not in excess of the pounds of skim milk remaining in Class II and Class III combined;

(9) Subtract from the pounds of skim milk remaining in each class, in series beginning with Class III, the pounds of skim milk in fluid milk products and products specified in § 1121.40(b)(1) in inventory at the beginning of the month that were not subtracted pursuant to paragraph (a)(5) and (7)(i) of this section;

(10) Add to the remaining pounds of skim milk in Class III the pounds of skim milk subtracted pursuant to paragraph (a)(1) of this section;

(11) Subject to the provisions of paragraph (a)(11) (i) and (ii) of this section, subtract from the pounds of skim milk remaining in each class at the plant, pro rata to the total pounds of skim milk remaining in Class I and Class II and Class III combined at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler), with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, the pounds of skim milk in receipts of fluid milk products from an unregulated supply plant that were not subtracted pursuant to paragraphs (a)(2), (7)(v), and (8)(i) and (ii) of this section and that were not offset by transfers or diversions of fluid milk products to the same unregulated supply plant from which fluid milk products to be allocated at this step were received:

(i) Should the pounds of skim milk to be subtracted from Class II and Class III combined pursuant to this subparagraph exceed the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the

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handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(ii) Should the pounds of skim milk to be substracted from Class I pursuant to this subparagraph exceed the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount, beginning with the nearest plant at which Class I utilization is available;

(12) Subtract in the manner specified below from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of bulk fluid milk products from an other order plant that are in excess of bulk fluid milk products transferred or diverted to such plant and that were not subtracted pursuant to paragraph (a)(7)(vi) and (8)(iii) of this section:

(i) Subject to the provisions of paragraph (a)(12)(ii), (iii), and (iv) of this section, such subtraction shall be pro rata to the pounds of skim milk in Class I and in Class II and Class III combined, with the quantity prorated to Class II and Class III combined being subtracted first from Class III and then from Class II, with respect to whichever of the following quantities represents the lower proportion of Class I milk:

(*a*) The estimated utilization of skim milk of all handlers in each class as announced for the month pursuant to § 1121.45(a); or

(*b*) The total pounds of skim milk remaining in each class at this allocation step at all pool plants of the handler (excluding any duplication of utilization in each class resulting from transfers between pool plants of the handler);

(ii) Should the proration pursuant to paragraph (a)(12)(i) of this section result in the total pounds of skim milk at all pool plants of the handler that are to be subtracted at this allocation step from Class II and Class III combined exceeding the pounds of skim milk remaining in Class II and Class III at all such plants, the pounds of such excess shall be subtracted from the pounds of skim milk remaining in Class I after such proration at the pool plants at which such other source milk was received;

(iii) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class II and Class III combined that exceeds the pounds of skim milk remaining in such classes, the pounds of skim milk in Class II and Class III combined shall be increased (increasing as necessary Class III and then Class II to the extent of available utilization in such classes at the nearest other pool plant of the handler, and then at each successively more distant pool plant of the handler) by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class I shall be decreased by a like amount. In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount; and

(iv) Except as provided in paragraph (a)(12)(ii) of this section, should the computations pursuant to paragraph (a)(12)(i) or (ii) of this section result in a quantity of skim milk to be subtracted from Class I that exceeds the pounds of skim milk remaining in such class, the pounds of skim milk in Class I shall be increased by an amount equal to such excess quantity to be subtracted, and the pounds of skim milk in Class II and Class III combined shall be decreased by a like amount (decreasing as necessary Class III and then Class II). In such case, the pounds of skim milk remaining in each class at this allocation step at the handler's other pool plants shall be adjusted in the reverse direction by a like amount beginning with the nearest plant at which Class I utilization is available;

(13) Subtract from the pounds of skim milk remaining in each class the pounds of skim milk in receipts of fluid milk products and bulk fluid cream products from another pool plant according to the classification of such products pursuant to § 1121.42(a); and

(14) If the total pounds of skim milk remaining in all classes exceed the pounds of skim milk in producer milk, subtract such excess from the pounds of skim milk remaining in each class in series beginning with Class III. Any amount so subtracted shall be known as "overage";

(b) Butterfat shall be allocated in accordance with the procedure outlined for skim milk in paragraph (a) of this section; and

(c) The quantity of producer milk in each class shall be the combined pounds of skim milk and butterfat remaining in each class after the computations pursuant to paragraph (a)(14) of this section and the corresponding step of paragraph (b) of this section.

§ 1121.45 Market administrator's reports and announcements concerning classification.

The market administrator shall make the following reports and announcements concerning classification:

(a) Whenever required for the purpose of allocating receipts from other order plants pursuant to § 1121.44(a)(12) and the corresponding step of § 1121.44(b), estimate and publicly announce the utilization (to the nearest whole percentage) in each class during the month of skim milk and butterfat, respectively, in producer milk of all handlers. Such estimate shall be based upon the most current available data and shall be final for such purpose.

(b) Report to the market administrator of the other order, as soon as possible after the report of receipts and utilization for the month is received from a handler who has received fluid milk products or bulk fluid cream products from an other order plant, the class to which such receipts are allocated pursuant to § 1121.44 on the basis of such report, and, thereafter, any change in such allocation required to correct errors disclosed in the verification of such report.

(c) Furnish to each handler operating a pool plant who has shipped fluid milk products or bulk fluid cream products to an other order plant the class to which such shipments were allocated by the market administrator of the other order on the basis of the report by the receiving handler, and, as necessary, any changes in such allocation arising from the verification of such report.

(d) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handler were used in each class.

Class Prices

§ 1121.50 Class prices.

Subject to the provisions of § 1121.52, the class prices for the month per hundredweight of milk containing 3.5 percent butterfat shall be as follows:

(a) *Class I price.* The Class I price shall be the basic formula price for the second preceding month plus $2.68.

(b) *Class II price.* The Class II price shall be the basic formula price for the month plus 10 cents.

(c) *Class III price.* The Class III price shall be the basic formula price for the month.

§ 1121.51 Basic formula price.

The "basic formula price" shall be the average price per hundredweight for manufacturing grade milk, f.o.b. plants in Minnesota and Wisconsin, as reported by the Department for the month, adjusted to a 3.5 percent butterfat basis and rounded to the nearest cent. For such adjustment, the butterfat differential (rounded to the nearest one-tenth cent) per one-tenth percent butterfat shall be 0.12 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month. For the purpose of computing the Class I price, the resulting price shall be not less than $4.33.

§ 1121.52 Plant location adjustments for handlers.

(a) For that milk which is received from producers at a pool plant located (1) in Fayette County, Tex., or (2) north of U.S. Highway 90 and 60 miles or more from the nearer of the city halls in Beaumont and Houston, Tex., by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk subject to the limitations of paragraph (c) of this section, the price specified in § 1121.50(a) shall be reduced 1.5 cents per 10 miles of distance or fraction thereof that such plant is located from the Houston city hall by shortest hard-surfaced highway distance as determined by the market administrator: *Provided*, That the location adjustment at a plant located in Gregg, Harrison, or Smith Counties, Tex., shall be minus 30 cents and that the location adjustment pursuant to this paragraph for any plant located in Zone I as defined in the North Texas order, Part 1126, shall not result in a price less than the applicable Class I price at such plant location pursuant to the North Texas order.

(b) For that milk which is received from producers at a pool plant which is beyond 60 miles from the nearer of the city halls in Beaumont and Houston, Tex., by the shortest hard-surfaced highway distance, as determined by the market administrator, and south of the northern boundaries of the Texas counties of Matagorda, Jackson, Victoria, Goliad, Bee, Live Oak, McMullen, La Salle, and Dimmit and which is classified as Class I milk subject to the limitations of paragraph (c) of this section, the price specified in § 1121.50(a) shall be increased by any amount by which such price is less than the applicable Class I price at the same location pursuant to Part 1130 regulating the handling of milk in the Corpus Christi marketing area.

(c) For purposes of calculating such location adjustments, transfers between pool plants shall be assigned Class I disposition at the transferee-plant, in excess of the sum of 95 percent of receipts at such plant from producers and handlers described in § 1121.9(c), plus the pounds assigned as Class I to receipts from other order plants and unregulated supply plants, such assignment to be made first to transferor-plants having the same Class I price, next to transferor-plants having a higher Class I price, and then in sequence to plants having a lower Class I price beginning with the plant at which the highest Class I price would apply.

(d) The Class I price applicable to other source milk shall be adjusted at the rates set forth in paragraphs (a) and (b) of this section, except that the adjusted Class I price shall not be less than the Class III price.

§ 1121.53 Announcement of class prices.

The market administrator shall announce publicly on or before the fifth day of each month the Class I price for the following month and the Class II and Class III prices for the preceding month.

§ 1121.54 Equivalent price.

If for any reason a price or pricing constituent required by this part for computing class prices or for other purposes is not available as prescribed in this part, the market administrator shall use a price or pricing constituent determined by the Secretary to be equivalent to the price or pricing constituent that is required.

Uniform Price

§ 1121.60 Handler's value of milk for computing uniform price.

For the purpose of computing the uniform price, the market administrator shall determine for each month the value of milk of each handler with respect to each of his pool plants and of each handler described in § 1121.9 (b) and (c) as follows:

(a) Multiply the pounds of producer milk in each class as determined pursuant to § 1121.44 by the applicable class prices and add the resulting amounts;

(b) Add the amounts obtained from multiplying the pounds of overage subtracted from each class pursuant to § 1121.44(a)(14) and the corresponding step of § 1121.44(b) by the respective class prices, as adjusted by the butterfat differential specified in § 1121.74, that are applicable at the location of the pool plant;

(c) Add the amount obtained from multiplying the difference between the Class III price for the preceding month and the Class I price applicable at the location of the pool plant or the Class II price, as the case may be, for the current month by the hundred-weight of skim milk and butterfat subtracted from Class I and Class II pursuant to § 1121.44(a)(9) and the corresponding step of § 1121.44(b);

(d) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1121.44(a)(7)(i) through (iv) and the corresponding step of § 1121.44(b), excluding receipts of bulk fluid cream products from an other order plant;

(e) Add the amount obtained from multiplying the difference between the Class I price applicable at the location of the transferor-plant and the Class III price by the hundredweight of skim milk and butterfat subtracted from Class I pursuant to § 1121.44(a)(7)(v) and (vi) and the corresponding step of § 1121.44(b);

(f) Add the amount obtained from multiplying the Class I price applicable at the location of the nearest unregulated supply plants from which an equivalent volume was received by the pounds of skim milk and butterfat subtracted from Class I pursuant to § 1121.44(a)(11) and the corresponding step of § 1121.44(b), excluding such skim milk and butterfat in receipts of bulk fluid milk products from an unregulated supply plant to the extent that an equivalent amount of skim milk or butterfat disposed of to such plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order; and

(g) For the first month that this paragraph is effective, subtract the amount obtained from multiplying the difference between the Class I price applicable at the location of the pool plant and the Class II price, both for the preceding month, by the hundredweight of skim milk and butterfat in any fluid milk product or product specified in § 1121.40(b) that was in the plant's inventory at the end of the preceding month and classified as Class I milk.

§ 1121.61 Computation of uniform price.

For each month the market administrator shall compute the uniform price per hundredweight for milk of 3.5 percent butterfat content at pool plants at which no location adjustment applies as follows:

(a) Combine into one total the values computed pursuant to § 1121.60 for all handlers who have made the reports prescribed in § 1121.30 for the month and who have made the payments required pursuant to § 1121.71 for the preceding month;

(b) Add not less than one-fourth of the unobligated cash balance on hand in the producer-settlement fund;

(c) Add the aggregate of the values of the minus location adjustments pursuant to § 1121.75, and subtract the aggregate of the values of the plus location adjustments pursuant to § 1121.75;

(d) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

(e) Divide the resulting amount by the sum of the following for all handlers included in these computations:

(1) The total hundredweight of producer milk; and

(2) The total hundredweight for which a value is computed pursuant to § 1121.60(f); and

(f) Subtract not less than 4 cents nor more than 5 cents.

§ 1121.62 Announcement of uniform price and butterfat differential.

The market administrator shall announce publicly on or before:

(a) The fifth day after the end of each month the butterfat differential for such month; and

(b) The 12th day after the end of each month the uniform price for such month.

Payments for Milk

§ 1121.70 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund," into

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which he shall deposit all payments made by handlers pursuant to §§ 1121.71, 1121.76, and 1121.77, subject to the provisions of § 1121.78, and from which he shall make all payments to handlers pursuant to §§ 1121.72 and 1121.77.

§ 1121.71 Payments to the producer-settlement fund.

(a) On or before the 13th day after the end of the month, each handler shall pay to the market administrator the amount, if any, by which the amount specified in paragraph (a)(1) of this section exceeds the amount specified in paragraph (a)(2) of this section:

(1) The total value of milk of the handler for such month as determined pursuant to § 1121.60.

(2) The sum of:

(i) The value at the uniform price, as adjusted pursuant to § 1121.75, of such handler's receipts of producer milk; and

(ii) The value at the uniform price applicable at the location of the plant from which received plus 5 cents of other source milk for which a value is computed pursuant to § 1121.60(f).

(b) On or before the 25th day after the end of the month each person who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more marketwide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (b)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the Class III price) and the Class III price.

§ 1121.72 Payments from the producer-settlement fund.

On or before the 14th day after the end of each month the market administrator shall pay to each handler the amount, if any, by which the amount computed pursuant to § 1121.71(a)(2) exceeds the amount computed pursuant to § 1121.71(a)(1). If the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available. Any amount due to a handler pursuant to this section may be reduced by the amount of any unpaid balances due the market administrator from such handler pursuant to §§ 1121.71, 1121.77, 1121.78, 1121.85, and 1121.86.

§ 1121.73 Payments to producers and to cooperative associations.

Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer for whom payment is not made pursuant to paragraph (c) of this section, at not less than the uniform price for such month computed pursuant to § 1121.61, as adjusted pursuant to §§ 1121.74 and 1121.75, and less the amount of payment made pursuant to paragraph (b) of this section. If by such date such handler has not received full payment for such month pursuant to § 1121.72, he may reduce his total payments to all producers uniformly by not more than the amount of reduction in payments from the market administrator. He shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator.

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section, and (2) who has not discontinued delivery of milk to such handler, a partial payment for milk received from such producer during the first 15 days of such month computed at not less than the Class III price for 3.5 percent milk of the preceding month, without deduction for hauling.

(c) On or before the 13th and 23d days of each month, in lieu of payments pursuant to paragraphs (a) and (b) of this section respectively, to a cooperative association which so requests, with respect to producers for whose milk such cooperative association is authorized to collect payments, an amount equal to the sum of the individual payments otherwise payable to such producers. Such payment shall be accompanied by a statement showing for each producer the items required to be reported pursuant to § 1121.31.

(d) As follows, to each cooperative association for milk for which it is the handler pursuant to § 1121.9(c):

(1) On or before the 23d day of the month, a partial payment for milk received during the first 15 days of such month, at not less than the amount specified in paragraph (b) of this section; and

(2) On or before the 13th day of the following month, in final settlement, the value of such milk received during the month, at the applicable uniform price, as adjusted pursuant to §§ 1121.74 and 1121.75, less the amount of payment made pursuant to paragraph (d)(1) of this section.

(e) On or before the 13th day after the end of the month, for milk received from the pool plant of a cooperative association, to such cooperative association not less than the value of such milk as classified pursuant to § 1121.42(a) at the respective class prices, as adjusted by the butterfat differential specified in § 1121.74, that are applicable at the location of the transferee-handler's pool plant.

§ 1121.74 Butterfat differential.

For milk containing more or less than 3.5 percent butterfat, the uniform price shall be increased or decreased, respectively, for each one-tenth percent butterfat variation from 3.5 percent by a butterfat differential, rounded to the nearest one-tenth cent, which shall be 0.115 times the simple average of the wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk butter per pound at Chicago, as reported by the Department for the month.

§ 1121.75 Plant location adjustments for producers and on nonpool milk.

(a) In making payments pursuant to § 1121.73, the uniform price computed pursuant to § 1121.61 to be paid for such milk received at a pool plant at which a location adjustment pursuant to § 1121.52 (a) or (b) applies will be subject to a location adjustment (plus or minus) equal to that specified in such section.

(b) The uniform price applicable to other source milk shall be subject to the same adjustments applicable to the uniform price under paragraph (a) of this section, except that the adjusted uniform price plus 5 cents shall not be less than the Class III price.

§ 1121.76 Payments by handler operating a partially regulated distributing plant.

Each handler who operates a partially regulated distributing plant shall pay on or before the 25th day after the end of the month to the market administrator for the producer-settlement fund the amount computed pursuant to paragraph (a) of this section. If the handler submits pursuant to §§ 1121.30(b) and 1121.31(b) the information necessary for making the computations, such handler may elect to pay in lieu of such payment the amount computed pursuant to paragraph (b) of this section:

(a) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the pounds of route disposition in the marketing area from the partially regulated distributing plant;

(2) Subtract the pounds of fluid milk products received at the partially regulated distributing plant;

(i) As Class I milk from pool plants and other order plants, except that subtracted under a similar provision of another Federal milk order; and

(ii) From another nonpool plant that is not an other order plant to the extent that an equivalent amount of fluid milk products disposed of to such nonpool plant by handlers fully regulated under any Federal milk order is classified and priced as Class I milk and is not used as an offset for any other payment obligation under any order;

(3) Subtract the pounds of reconstituted skim milk in route disposition in the marketing area from the partially regulated distributing plant;

(4) Multiply the remaining pounds by the difference between the Class I price and the uniform price plus 5 cents, both prices to be applicable at the location of the partially regulated distributing plant (except that the Class I price and the uniform price plus 5 cents shall not be less than the Class III price); and

(5) Add the amount obtained from multiplying the pounds of reconstituted skim milk specified in paragraph (a)(3) of this section by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the Class III price.

(b) The payment under this paragraph shall be the amount resulting from the following computations:

(1) Determine the value that would have been computed pursuant to § 1121.60 for the partially regulated distributing plant if the plant had been a pool plant, subject to the following modifications:

(i) Fluid milk products and bulk fluid cream products received at the partially regulated distributing plant from a pool plant or an other order plant shall be allocated at the partially regulated distributing plant to the same class in which such products were classified at the fully regulated plant;

(ii) Fluid milk products and bulk fluid cream products transferred from the partially regulated distributing plant to a pool plant or an other order plant shall be classified at the partially regulated distributing plant in the class to which allocated at the fully regulated plant. Such transfers shall be allocated to the extent possible to those receipts at the partially regulated distributing plant from pool plants and other order plants that are classified in the corresponding class pursuant to paragraph (b)(1)(i) of this section. Any such transfers remaining after the above allocation which are classified in Class I and for which a value is computed for the handler operating the partially regulated distributing plant pursuant to § 1121.60 shall be priced at the uniform price (or at the weighted average price if such is provided) of the respective order regulating the handling of milk at the transferee-plant, with such uniform price adjusted to the location of the nonpool plant (but not to be less than the lowest class price of the respective order), except that transfers of reconstituted skim milk in filled milk shall be priced at the lowest class price of the respective order; and

(iii) If the operator of the partially regulated distributing plant so requests, the value of milk determined pursuant to § 1121.60 for such handler shall include, in lieu of the value of other source milk specified in § 1121.60(f) less the value of such other source milk specified in § 1121.71(a)(2)(ii), a value of milk determined pursuant to § 1121.60 for each nonpool plant that is not an other order plant which serves as a supply plant for such partially regulated distributing plant by making shipments to the partially regulated distributing plant during the month equivalent to the requirements of § 1121.7(b) subject to the following conditions:

(a) The operator of the partially regulated distributing plant submits with his reports filed pursuant to §§ 1121.30(b) and 1121.31(b) similar reports for each such nonpool supply plant;

(b) The operator of such nonpool supply plant maintains books and records showing the utilization of all skim milk and butterfat received at such plant which are made available if requested by the market administrator for verification purposes; and

(c) The value of milk determined pursuant to § 1121.60 for such nonpool supply plant shall be determined in the same manner prescribed for computing the obligation of such partially regulated distributing plant; and

(2) From the partially regulated distributing plant's value of milk computed pursuant to paragraph (b)(1) of this section, subtract:

(i) The gross payments by the operator of such partially regulated distributing plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1121.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated;

(ii) If paragraph (b)(1)(iii) of this section applies, the gross payments by the operator of such nonpool supply plant, adjusted to a 3.5 percent butterfat basis by the butterfat differential specified in § 1121.74, for milk received at the plant during the month that would have been producer milk if the plant had been fully regulated; and

(iii) The payments by the operator of the partially regulated distributing plant to the producer-settlement fund of another order under which such plant is also a partially regulated distributing plant and like payments by the operator of the nonpool supply plant if paragraph (b)(1)(iii) of this section applies.

§ 1121.77 Adjustment of accounts.

Whenever verification by the market administrator of any handler's reports, books, records, accounts, or payments discloses errors resulting in money due:

(a) From the market administrator from such handler;

(b) Such handler from the market administrator; or

(c) Any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 1121.78 Charges on overdue accounts.

The unpaid obligation of a handler pursuant to §§ 1121.71, 1121.76, 1121.77, 1121.85, or 1121.86 shall be increased three-fourths of 1 percent per month beginning on the first day after the due date, and on each date of subsequent months following the day on which such type of obligation is normally due: Provided, that—

(a) The amounts payable pursuant to this section shall be computed monthly on each unpaid obligation, which shall include any unpaid interest charges previously computed pursuant to this section; and

(b) For the purpose of this section any unpaid obligation that was determined at a date later than that previously prescribed by the order because of a handler's failure to submit a report to the market administrator when due shall be considered to have been payable by the date it would have been due if the report had been filed when due.

ADMINISTRATIVE ASSESSMENT AND MARKETING SERVICE DEDUCTION

§ 1121.85 Assessment for order administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 13th day after the end of the month 4 cents per hundredweight, or such lesser amount as the Secretary may prescribe, with respect to:

(a) Producer milk (including that described in § 1121.13(a)(2) and such handler's own production);

(b) Other source milk allocated to Class I pursuant to § 1121.44(a)(7) and (11) and the corresponding steps of § 1121.44(b), except such other source milk that is excluded from the computations pursuant to § 1121.60 (d) and (f); and

(c) Route disposition from a partially regulated distributing plant in the marketing area that exceeds the skim milk and butterfat subtracted pursuant to § 1121.76(a)(2).

§ 1121.86 Deduction for marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 1121.73, shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such monies shall be used by the market administrator to sample, test, and check the weights of milk received and to provide producers with market information.

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deduction specified in paragraph (a) of this section, such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such

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producers and on or before the 15th day after the end of such month pay such deductions to the cooperative association rendering such services, accompanied by a statement showing the quantity of milk for which deduction was computed for each such producer.

ADVERTISING AND PROMOTION PROGRAM

§ 1121.110 Agency.

"Agency" means an agency organized by producers and producers' cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1121.121(b)(1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, and educational and other programs designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall sreve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1121.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1121.113(b), is authorized one Agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers which have elected not to combine pursuant to § 1121.113(b), and participating producers who are not members of cooperatives, are authorized to select from such group, in total, one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent, it shall nevertheless be authorized to select from such group in total one Agency representative. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1121.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the Agency representatives.

§ 1121.112 Term of office.

The term of office of each member of the Agency shall be 1 year, or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1121.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative, who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to the Agency under the rules of § 1121.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order and annually thereafter the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives as the case may be and also shall specify the number of representatives to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among the individual producers eligible to vote. The election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1121.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1121.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1121.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1121.110 and 1121.117.

§ 1121.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary, and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1121.110 and 1121.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) Employ and fix the compensation of any person deemed to be necessary to its exercise of powers and performance of duties;

(f) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings and pay the expenses of administering the Agency; and

(g) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1121.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1121.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1121.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milks and its products.

§ 1121.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of wilful misconduct, gross negligence, or those which are criminal in nature.

§ 1121.120 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form prescribed by the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June, or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1121.121 Duties of the market administrator.

Except as specified in § 1121.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1121.113(c).

(b) Set aside the amounts subtracted under § 1121.61(d) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to paragraph (b) (2) and (3) of this section, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to producers the amounts of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1121.61(d).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1121.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1121.61(d) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to paragraph (b)(2) of this section.

(c) Promptly after the effective date of this amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1121.110 through 1121.122).

(d) Make necessary audits to establish that all Agency funds are used only for authorized purposes.

§ 1121.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund of § 1121.70.

Signed at Washington, D.C. on: March 21, 1974.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.74-6941 Filed 3-26-74;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Part 92]

IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Proposed Requirements for Use of Import Quarantine Facilities

Statement of considerations. The purpose of this proposed amendment is to include provisions in the regulations which will insure receipt of funds due the Department for services rendered while animals offered for entry are in quarantine.

The proposed amendment would require: (1) That the importer arrange for transportation of shipments from the port of arrival to the quarantine facility; (2) that the use of non-Federal quarantine facilities be approved by the Deputy Administrator prior to the issuance of the required import permit; (3) that requests for inspection and other services be made in writing, and that a waiver of all claims against the United States and Veterinary Services or any employee of Veterinary Services for damages which may arise be signed by the importer; (4) that payment for services received by the importer at rates prescribed by the Deputy Administrator be made by certified check or money order prior to release of the animals from quarantine; and (5) would provide that the Deputy Administrator may refuse entry or otherwise dispose of animals when the importer fails to pay for services received. Such animals may be sold at public sale after completion of the quarantine period to recover payment for services received while in quarantine, proceeds of sale in excess of funds due the Federal Government to be held in a special deposit account for a period of six months pending claim by the owner.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 6 of the Act of August 30, 1890, as amended, section 2 of the Act of February 2, 1903, as amended, and sections 2, 3, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 104, 111, 134a, 134b, 134c, and 134f), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations.

§ 92.12 would be amended to read:

§ 92.12 Feed and attendants for animals in quarantine.

(a) *Ports where quarantine facilities not maintained by veterinary services.* The importer, or his agent, of animals subject to quarantine under the regulations in this part shall arrange for acceptable transportation to the non-Governmental quarantine facility and for the care, feed, and handling of the animals from the time of unloading at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Deputy Administrator, Veterinary Services. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; Veterinary Services assumes no responsibility with respect thereto. The quarantine facility must be suitable for the quarantine of such animals and must be approved by the Deputy Administrator, Veterinary Services prior to the issuance of any import permit. The facilities occupied by animals should be kept clean and sanitary to the satisfaction of the inspector assigned to supervise the quarantine. If for any cause the care, feed, or handling of animals, or the

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sanitation of the facilities, is neglected, in the opinion of the inspector assigned to supervise the quarantine, such services may be furnished by Veterinary Services in the same manner as though arrangements had been made for such services as provided by paragraph (b) of this section, and/or the animals may be disposed of as the Deputy Administrator, Veterinary Services, may direct, including sale in accordance with the procedure described in paragraph (b) of this section. The importer, or his agent, shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and Veterinary Services or any employee of Veterinary Services for damages which may arise from such services. The Deputy Administrator, Veterinary Services, may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period; the importer, or his agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for all services received by the importer, or his agent, in connection with each separate lot of animals shall be made by certified check or U.S. money order prior to release of the animals. If such payment is not made, the animals may be sold in accordance with the procedure described in this paragraph or otherwise disposed of as directed by the Deputy Administrator, Veterinary Services.

(b) *Ports where quarantine facilities maintained by veterinary services.* The importer, or his agent, of animals subject to quarantine under the regulations in this part shall arrange for acceptable transportation to the quarantine facility, and for the care, feed, and handling of the animals from the time they arrive at the quarantine port to the time of release from quarantine. Such arrangements shall be agreed to in advance by the Deputy Administrator, Veterinary Services. The importer or his agent shall request in writing such inspection and other services as may be required, and shall waive all claim against the United States and Veterinary Services or any employee of Veterinary Services, for damages which may arise from such services. All expenses resulting therefrom or incident thereto shall be the responsibility of the importer; Veterinary Services assumes no responsibility with respect thereto. The Deputy Administrator, Veterinary Services may prescribe reasonable rates for the services provided under this paragraph. When it is found necessary to extend the usual minimum quarantine period, the importer, or his agent, shall be so advised in writing and shall pay for such additional quarantine and other services required. Payment for services received by the importer, or his agent, in connection with each separate lot of animals shall be made by certified check or U.S. money order prior to release of the animals. If such payment is not made, the animals may be sold in accordance with the procedure described in this paragraph or otherwise disposed of as directed by the Deputy Administrator, Veterinary Services. When payment is not made and the animals are to be sold to recover payment for services received, the importer, or his agent, will be notified by the inspector that if said charges are not immediately paid or satisfactory arrangements made for payment, the animals will be sold at public sale to pay the expense of care, feed, and handling during that period. The sale will be held after the expiration of the quarantine period, at such time and place as may be designated by the General Services Administration or other designated selling agent. The proceeds of the sale, after deducting the charges for care, feed, and handling of the animals and other expenses, including the expense of the sale, shall be held in a Special Deposit Account in the United States Treasury for 6 months from the date of sale. If not claimed by the importer, or his agent, within 6 months from the date of sale, the amount so held shall be transferred from the Special Deposit Account to the General Fund Account in the United States Treasury.

(c) Amounts collected from the importer, or his agent, for service rendered shall be deposited so as to be available for defraying the expenses involved in this service.

Any person who wishes to submit written data, views or arguments concerning this proposed amendment may do so by filing them with the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782 before April 29, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 22d day of March 1974.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-7106 Filed 3-26-74;8:45 am]

Food and Nutrition Service

[7 CFR Parts 210 and 225]

NATIONAL SCHOOL LUNCH PROGRAM; SPECIAL FOOD SERVICE PROGRAM FOR CHILDREN

Requirements for Meals

On April 12, 1973, there was published in the FEDERAL REGISTER (38 FR 9234), a notice of proposed rulemaking to amend the regulations governing the operations of the National School Lunch Program (7 CFR Part 210), and the Special Food Service Program for Children (7 CFR Part 225) to authorize use of alternate food components. Included in the notice was an apendix "A" to each regulation part in which the authorized alternates were specified. Three alternate food components were proposed.

Specifications for two of the components, "enriched macaroni products with fortified protein" and "formulated grain-fruit products," are being published in the appendices of the three regulations in final form with minor changes. Specifications for the third alternate food component, "textured vegetable protein products," proposed for use in the National School Lunch Program and Special Food Service Program for Children, are being reissued in proposed form because of substantial specification changes made as a result of public comments received.

These changes to the "textured vegetable protein products" are briefly presented, as follows: the required level of the various nutrients is listed on a per one gram of protein basis; the requirements for folic acid, phosphorous, calcium, zinc, and vitamin A have been included in the nutritional specifications; a minimum protein level of 18 percent has been established for the hydrated products; proteins other than those derived from plants are authorized as ingredients; and a more precise definition of physical structure has been included. Finally, the name of this group of products has been changed from "textured vegetable protein products" to "textured meat alternates."

Comments, suggestions, or objections are invited. In order to be assured of consideration, such comments, suggestions, or objections must be delivered or mailed, postmarked no later than April 26, 1974 to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Communications should identify the section and paragraph on which comments, etc., are offered. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director, Child Nutrition Division, during the regular business hours 8:30 a.m. to 5 p.m. (7 CFR 1.27(b)).

The following alternate food component is proposed to be authorized under the appendices for the National School Lunch Program and the Special Food Service Program for Children:

APPENDIX A—ALTERNATE FOODS FOR MEALS

TEXTURED MEAT ALTERNATES

1. Schools and service institutions may utilize the textured meat alternates, defined in paragraph 3, as food components in meeting the meal requirements of § 210.10 of the National School Lunch Program regulations, and § 225.9 of the Special Food Service Program for Children regulations, under the following terms and conditions:

(a) A two ounce equivalent combination of hydrated textured meat alternate and meat, poultry or fish may be used to meet the meat or meat alternate requirements specified in § 210.10 or § 225.9. The size of servings of the cooked combination may be adjusted for various age groups.

(b) Textured meat alternates shall be prepared and served only in combination with meat, poultry or fish.

(c) Combinations of hydrated textured meat alternate, with hydration levels specified in 3(e) with uncooked meat, poultry or fish shall contain at least 70 percent uncooked meat, by weight, and not more than 30 percent, by weight, of hydrated textured meat alternate.

(d) The meat, poultry or fish with which the textured meat alternate is mixed shall be ground and served as meat patties, meat loaves, lasagna, pizza, etc. Meat is defined in USDA Meat Inspection Regulations (9 CFR Part 301.2). Poultry is defined in USDA Poultry Inspection Regulations (9 CFR Part 381.1). Fish is defined as the edible flesh portions of fresh and salt water species of fish.

(e) All textured meat alternates shall bear a label identifying the product as being acceptable to the Department. Labels for the several forms of products that have met the structural integrity test of Category 1 shall conform to the following legend appropriate to their use:

(1) Label for Textured Meat Alternate packaged in dry form. "This is to certify that this product meets USDA–FNS specifications for dry textured meat alternate."

(2) Label for Textured Meat Alternate packaged in hydrated form. "This is to certify that this product meets USDA–FNS specifications for hydrated textured meat alternate."

(3) Label for Textured Meat Alternate products combined with meat. "This ----------[1] product contains ----------[2] percent meat, ----------[1] percent added fat, ----------[2] percent added water, and ----------[2] percent dry ----------[2], that meets USDA–FNS specifications for Textured Meat Alternate." In the blank marked "1," insert the name of the meat-combination product in accordance with USDA–APHIS regulations governing labelling of such meat products. In those blanks marked "2" list the actual percentages of the several ingredients in descending order of importance, by weight. In the blank marked "3," insert the common or usual name of the textured meat alternate products, as "soy flour," "cottonseed flour," etc.

The products that have met the structural integrity test of Category 2 shall be labeled in a similar manner, except that the word "granular" shall be substituted for the word "textured."

(f) Textured meat alternates with tracer materials, such as titanium dioxide, must be labeled to show inclusion of such tracer materials.

(g) Commercially prepared meat/textured meat alternates used in child nutrition programs must meet the requirements set forth in this appendix.

2. Only textured meat alternates which have been accepted by the Food and Nutrition Service (FNS) for use in the USDA child nutrition programs may be labeled as provided in paragraph 1(e) above. Manufacturers seeking acceptance of their product shall furnish FNS a chemical analysis, protein efficiency ratio analysis, and such other pertinent data as may be requested by FNS. This information shall be forwarded to: Director, Nutrition and Technical Services Staff, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250. All laboratory analyses are to be performed by independent or other laboratories acceptable to FNS. (FNS prefers an independent laboratory.) All laboratories shall retain the "raw" laboratory data for a period of one year. Such information shall be made available to FNS upon request.

3. Textured meat alternates are foods produced from protein products obtained from plant sources such as food grade oilseeds, or they may be derived from animal protein sources such as dairy products. Protein products from several sources may be mixed in combination to yield an acceptable product. When in dry form, textured meat alternates are to have a minimum of 50 percent protein (Nx6.25) by weight ("as-is" basis). When prepared in hydrated form, they are to have a minimum of 18 percent protein, by weight ("as-is" basis). Textured meat alternates must be mixed with water according to the instruction given in 3(e) and served with ground meat, poultry, or fish. Dry textured meat alternates must have the following characteristics:

(a) *Categories.* Textured meat alternates are classified in two categories according to protein levels. Category 1 products shall contain a minimum of 50 percent protein ("as-is" basis) and include extruded flours and isolate formulations. Category 2 products contain a minimum of 69 percent protein (moisture-free basis) and include granular concentrates and fabricated products. All products may be flavored or unflavored, colored or uncolored, dry or hydrated. The hydrated products may be frozen or unfrozen.

(b) *Physical characteristics.* Textured meat alternates may be in the form of granules, extruded particles, spun fibers, other processed forms, or their mixtures. Textured products of Category 1 are characterized by having structural integrity such that formed units will withstand hydration, retorting, mixing, cooling and other procedures used in preparing the food for consumption. Granular products are characterized by having structural integrity such that they will meet the screen test described for Category 2 products. Structural integrity for the two categories is defined as being able to meet one of the following tests appropriate for the category of products:

Category "1" products

(1) Completely hydrate the dry textured products by adding an excess amount of cold water. Allow to hydrate for one hour during which time there should be a visible layer of water.

(2) Place in a retort, cover particles with water, and cook at 250° F for 30 minutes.

(3) Drain off excess liquid.

(4) Grind the cooked materials in a meat grinder through a ⅛" plate.

(5) Weight out 100 grams of the ground material and spread evenly on an 8" diameter U.S. Std. No. 20 mesh screen.

(6) Spray rinse the material on the screen with cold water for one minute.

(7) Shake off excess water. Calculate the weight of the material remaining on the screen as a percent of the 100 grams.

To qualify as having structural integrity the Category 1 products should have at least 35 percent (35 grams) of the material retained on the screen.

Category "2" products

(1) Place one sample of dry granular product on a U.S. Std. No. 10 mesh screen and shake continuously for one minute. No more than 10 percent, by weight, of the dry product shall be retained.

(2) Place a second sample of dry granular product on a U.S. Std. No. 50 mesh screen and shake continuously for one minute. No more than 5 percent, by weight, of the dry product shall pass through.

(c) *Ingredients.* Textured meat alternates of both categories may be made from protein products derived from a single raw material source or from a mixture of protein products obtained from several different raw material sources. Protein products include both plant-derived flours, protein concentrates or isolates, or animal-derived protein products. Soybeans, cottonseed, peanuts, corn, and wheat are examples of raw material sources of plant-derived proteins. Whey protein concentrates, non-fat dry milk, egg albumin and fish protein concentrates are examples of raw material sources of animal-derived proteins. Acceptable products may contain the following optional ingredients: edible fat or oils, carbohydrates, binders, stabilizers, natural or artificial flavors, colors, and amino acids or their salts, vitamins and minerals. The ingredients deemed suitable for use under this paragraph are added in amounts that are not in excess of those reasonably required to achieve their intended purposes. All ingredients shall be in conformity with the Federal Food, Drug, and Cosmetic Act, as amended, and all regulations issued thereunder. All ingredients covered by USDA or FDA standards shall comply with requirements of those standards. Labeling of the product shall comply with applicable regulations prescribed by FDA, USDA, or other government agencies. Each product shall be labeled with the common or usual name, or as Textured Meat Alternate, qualified with the common or usual name of the product. The product should not be formulated in such a manner that would require it to be classified as a Dietary Supplement as described by FDA in 21 CFR 80.1.

(d) *Nutritional specifications.* Textured meat alternates shall have a PER of 1.8 (Casein=2.5) and shall meet the compositional requirements set forth in the following table. The requirements as specified will be deemed to have been met if moisture and ash contents do not exceed the values listed and if reasonable overages of the vitamins and minerals, within the limits of good manufacturing practice, are present to insure that the required levels are maintained throughout the expected shelf life under customary conditions of distribution and storage. An exception will be made for vitamins or minerals which occur naturally in an ingredient of the textured meat alternates at such concentration that the level specified in the following table will be substantially exceeded in the final product. Such excess will be permitted but no label claim of nutritional advantage can be made for any such overage. Analytical methods employed should be according to the standard procedures defined in the Association of Official Analytical Chemists, 1970, "Official Methods of Analysis," 11th edition, Washington, D.C. or by appropriate analytical procedures FNS considers reliable.

Nutritional specifications for textured meat alternates[1]

Nutrients	Unit	Required levels for all products	
		Units per gram of protein	Maximum
Moisture	Percent weight.		8
Ash, unflavored product.	do		6
Ash, flavored product.	do		8
Magnesium	Milligram	1.14	
Iron	do	.13	
Zinc	do	.23	
Calcium	do	10.0	
Phosphorous	do	10.0	
Thiamin	do	.014	
Riboflavin	do	.010	
Niacin	do	.30	
Vitamin B_6	do	.020	
Pantothenic acid	do	.040	
Folic acid	Microgram	.40	
Vitamin B_{12}	do	.000	
Vitamin A	International unit.	15.0	

[1] All specifications are expressed on a moisture-free basis except for moisture and ash which are expressed on "as-is" basis.

(e) *Hydration specifications.* The moisture content of hydrated textured meat alternates

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shall be such that, when hydrated, the mixture will have a minimum of 18 precent protein, by weight.

To determine the ratio of water to be mixed with textured meat alternates the following equation may be used:

$$\frac{\text{Percent dry matter in dry product}}{\text{Percent protein in dry product ("as-is" basis)} \times \text{0.18 (Percent protein in hydrated product)}} - 1 = \text{Pounds water required to add to each pound of dry product}$$

Since most dry products contain 2 to 8 percent moisture, the "percent dry matter" is 92 to 98 percent:

Following are given some water-to-dry product hydration ratios that may be used for commonly used products: (1) Extruded and some isolate formulations contain about 50 to 59 percent protein, in dry form. For these products, addition of 1.5 pounds water (about 2.8 cups) to 1 pound dry product is adequate hydration for most applications. One hundred pounds of hydrated product would require 40 pounds of dry product, plus 7 gallons of water. (2) Concentrates, which generally contain 69 to 72 percent protein, require about 2.5 pounds of water (about 4.2 cups) for each pound of dry product. One hundred pounds of hydrated product would require 28.5 pounds of dry product, plus 8 gallons of water. The Department will issue guidance materials for the use of the State Agencies and FNS Regional Offices on the hydration and use of the various textured meat alternates in child nutrition programs.

(f) Meat and hydrated textured meat alternate combination. The PER of the meat-hydrated textured meat alternate combination shall be not less than 2.5. The fat content of meat-hydrated textured meat alternate combination shall not exceed 30 percent, by weight.

When computing the cooking yield of a product containing a meat and textured meat alternate combination, the hydrated textured meat alternate is evaluated as having the same cooking yield as the uncooked meat, poultry, or fish it replaces.

Effective date. This appendix is proposed to be effective August 31, 1974, except that those sections pertaining to commercially prepared Textured Meat Alternate combination containing meat are proposed to be effective December 31, 1974.

Dated: March 22, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-6995 Filed 3-26-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

LABELING OR MISBRANDING OF DRUGS

Misleading Proprietary or Trade Names

Section 502(l)(3) of the Federal Food, Drug, and Cosmetic Act states that a drug is misbranded if it is offered for sale under the name of another drug, and section 502(a) states generally that a drug is misbranded if its labeling is misleading in any particular. Biological products are also subject to these provisions as well as similar provisions under section 351(b) of the Public Health Service Act. Pursuant to the drug efficacy review currently being implemented for human prescription drugs, animal drugs and for human biologics and the comprehensive review of safety and effectiveness undertaken for human OTC drugs, numerous drug products require changes in their formulation and/or labeling to bring them within the requirements of the two acts. It is the policy of the Food and Drug Administration to encourage such reformulation and/or relabeling promptly. It is the responsibility of the manufacturer or distributor of a drug to assure that the labeling is not in violation of the law because of use of a misleading brand name. Numerous questions have arisen as to the circumstances under which changes in formulation and/or labeling may bring drug products within these prohibitions. The Commissioner of Food and Drugs has therefore concluded that regulations should be promulgated to clarify these provisions of the law.

Formulation changes to eliminate or substitute an active ingredient are frequently made. Similarly, changes in labeling to eliminate or substitute an indication or other claim or to add or substitute a warning have also frequently occurred. In the case of an animal drug a change in the species of animal for which it is intended may occur. In general, these changes may be broken down into three general categories:

(1) Those that do not significantly change the use or expected composition of the drug and thus need not be reflected other than by changing the statement of active ingredients, the indications, the warnings, or the other applicable elements of the drug labeling;

(2) Those that significantly change the use or expected composition of the drug and which thus require prominent public notice of the change in addition to the changes made in the drug labeling; and

(3) Those that so fundamentally alter the nature or use of the drug that its brand name must be qualified or changed in addition to the drug labeling changes.

It is the policy of the Food and Drug Administration, in accordance with principles laid down in the courts, to require excision of a brand name only where nothing short of excision would eliminate the possibility of deception, and to permit retention of a brand name where either permanent qualification of the name or prominent public disclosure of the change in the product for a significant period of time is sufficient to inform the public of the change in the product or its use, e.g., *Jacob Siegal Co.* v. *Federal Trade Commission*, 327 U.S. 608 (1946); *Federal Trade Commission* v. *Algoma Lumber Co.*, 291 U.S. 67 (1934); *Magnaflow Co., Inc.* v. *Federal Trade Commission*, 343 F. 2d 318 (D.C. Cir. 1965); *Continental Wax Corp.* v. *Federal Trade Commission*, 330 F. 2d 475 (2d Cir. 1964); *Carter Products, Inc.* v. *Federal Trade Commission*, 268 F. 2d 461 (9th Cir. 1959); *Arrow Metal Products Corp.* v. *Federal Trade Commission*, 249 F. 2d 83 (3d Cir. 1957); *Federal Trade Commission* v. *Army and Navy Trading Co.*, 88 F. 2d 776 (D.C. Cir. 1937).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 501, 502, 505, 507, 512, 701(a), 52 Stat. 1049–1055, 59 Stat. 463, 82 Stat. 343–351; 21 U.S.C. 351, 352, 355, 357, 360b, 371(a)), the Public Health Service Act (sec. 351, 58 Stat. 702 as amended by 84 Stat. 1308; 42 U.S.C. 262), and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to revise § 1.101 in 21 CFR Part 1 to read as follows:

§ 1.101 Drugs and devices; labeling, misbranding.

(a) Among representations in the labeling of a drug or device which render such drug or device misbranded is a false or misleading representation with respect to another drug or device or a food or cosmetic.

(b) A drug product shall be deemed misbranded by reason (among other reasons) of the use of a proprietary or trade name if:

(1) The name includes or suggests the name of one or more but not all of the active ingredients, even though the names of all active ingredients are stated elsewhere in the labeling.

(2) The name includes or suggests an active ingredient which is not contained in the drug, even though the names of all active ingredients are stated elsewhere in the labeling.

(3) The name includes or suggests an indication for use of the drug (including a symptom, disease, pharmacological action or in the case of an animal drug where the name includes or suggests use in a species of animal) which is not contained in the drug labeling, even though the indications for use of the drug are stated elsewhere in the labeling.

(4) The name includes or suggests an indication for use of the drug (including a symptom, disease, pharmacological action or in the case of a new-animal drug where the name includes or suggests use in a species of animal) which is not included in an applicable approved new drug application (NDA), new animal drug application (NADA), human biological license, or Antibiotic Form 5 or 6 or, if the drug is not a new drug, a new animal drug, a certifiable or released antibiotic, or a biologic, the indication for use is not based on substantial evidence of the drug's safety and effectiveness .

(5) The name is otherwise false or misleading in any particular. In determining whether use of a brand name is misleading the following factors shall be considered:

(i) The nature and medical significance of the formulation and claims.

(ii) The condition(s) for which the drug has been and will be represented or suggested for use.

(iii) Any functional implication(s) which may be raised by the brand name.

(iv) The target population(s) to which the drug is promoted (professionals or consumers).

(v) The extent to which the target population(s) has been informed of salient facts relating to the drug through labeling and advertising (including direct mailing and educational media such as prescription drug detailing programs) and reports in newspapers, television, and the news media, and the effectiveness of such efforts.

(c) Reformulation to remove or substitute an active ingredient, or relabeling to remove or substitute an indication, or in the case of an animal drug the use in a particular species of animal, or to add or substitute an indication or to add or substitute a warning:

(1) Does not require excision or qualification of the proprietary or trade name, or a prominent notice to the public of the change in the product, if the change in the formulation or labeling does not significantly alter the use or active ingredients of the drug product.

(2) Requires a prominent notice to the public of the change in the product, through conspicuous statements in advertising and labeling for a continuous period of not less than 6 months, if the change significantly alters the use or active ingredients of the drug product or their bioavailability.

(3) Requires qualification of the proprietary or trade name (e.g., through the addition of a prefix or suffix or an explanatory phrase to correct and prevent ambiguity, confusion, or deception) if there has been a fundamental change in the indications for use or active ingredients of the drug product and the name includes or suggests (e.g., through long or close association) a use or composition that is no longer applicable.

(4) Requires excision of the proprietary or trade name if there has been a fundamental change in the indications for use or active ingredients of the drug product; the name includes or suggests (e.g., through long or close association) a use or composition that is no longer applicable or is otherwise misbranded under paragraph (b) of this section; and qualification of the name is inappropriate or inadequate to correct and prevent ambiguity, confusion, or misbranding.

Interested persons may, on or before May 28, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 16, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-7073 Filed 3-26-74;8:45 am]

Food and Drug Administration

[21 CFR Parts 121, 135g]

DIETHYLSTILBESTROL (DES) IN EDIBLE TISSUES OF CATTLE AND SHEEP

Proposal To Revoke Test Methods for Determination of Residue Levels

On August 4, 1972 (37 FR 15747) the Commissioner of Food and Drugs published an order withdrawing approval of all new animal drug applications (NADA's) for diethylstilbestrol (DES) in animal feeds for use as a growth promotant in sheep and cattle. On December 9, 1972 (37 FR 26307), the Commissioner revoked regulations pertaining to the use of DES in feeds pursuant to section 512(i) of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 360b(i).

Orders withdrawing approval of NADA's for DES in implant form and revoking regulations for use of DES in implant form were published in the FEDERAL REGISTER of April 27, 1973 (38 FR 10485) and in the FEDERAL REGISTER of May 3, 1973 (38 FR 10926), respectively.

On January 24, 1974, the United States Court of Appeals for the District of Columbia Circuit vacated all of the above orders. *Chemetron Corporation et al.* v. *United States Dept. of Health, Education, and Welfare*, No. 72–1864 (D.C. Cir., January 24, 1974); *Hess & Clark, Division of Rhodia, Inc.* v. *Food and Drug Administration*, No. 73–1581 (D.C. Cir., January 24, 1974). These decisions have the effect of reinstating the regulations and the approvals of the NADA's.

Since DES is a cancer-causing substance, its approval for use as a growth-promotant in cattle and sheep raised for human food is contingent upon the exemption from the anticancer clause of the new animal drug provision of the act, 21 U.S.C. 360b(d)(1)(H). That exemption is applicable only if the Commissioner of Food and Drugs "• • • finds that, under the conditions of use specified in proposed labeling and reasonably certain to be followed in practice • • • (ii) no residue of such drug will be found (by methods of examination prescribed or approved by the Secretary by regulations • • •), in any edible portion of such animals after slaughter or in any food yielded by or derived from the living animals • • •" This notice proposes to revoke the presently approved qualitative and quantitative methods for identification and measurement of DES residues in edible tissue, under §§ 135g.26 (b) and (c) and 121.241(e) and (f) (21 CFR § 135g.26(b) and (c) and § 121.241 (e) and (f)), for the reasons stated below, and offers all interested persons opportunity to comment on or before April 26, 1974.

Following action on this proposal, the Commissioner intends to issue a notice of opportunity for hearing proposing to withdraw approval of the new animal drug applications (NADA's) for use of DES in feed and implants for cattle and sheep. If the currently approved methods for detection of DES residues in edible tissues are revoked, the notice of opportunity for hearing will include the issue whether the NADA's should be withdrawn on the ground that section 512(d)(1)(H) of the act is applicable, as well as on any other grounds that may be applicable. Whether or not the methods are revoked, the Commissioner intends to hold a public hearing on the withdrawal of the NADA's, pursuant to section 512(e) of the act, and such hearing shall include the issue of whether DES has been shown to be safe within the meaning of section 512(e)(1)(B) of the act.

The original anticancer clause, section 409(c)(3)(A) of the act (72 Stat. 1786; 21 U.S.C. 348(c)(3)(A)), enacted as part of the Food Additives Amendment of 1958, Public Law 85–929, prohibited the use in food-producing animals of any carcinogenic substance. This prohibition forbade use of a carcinogenic substance in food-producing animals even if there was a total absence of residue of the substance in the edible tissues of the animal after slaughter. The anticancer clause was amended by section 104(f)(1) of the Drug Amendments of 1962, Public Law 87–781 (76 Stat. 784), to exempt from the prohibition of the anticancer clause such carcinogenic substances if the Secretary affirmatively finds, among other things, that no residues of such substance will be found, by methods of examination prescribed or approved by the Secretary by regulation, in the edible tissue of the animal after slaughter. The purpose of this amendment was to allow use of carcinogens in those situations where no residues occurred in the edible tissue of the animal after slaughter. Section 409(c)(3)(A) of the act, as amended, was essentially incorporated into section 512(d)(1)(H) upon enactment of the Animal Drug Amendments of 1968, Public Law 90–399.

DES is a known carcinogen. *Hess & Clark, Division of Rhodia, Inc.* v. *Food and Drug Administration*, No. 73–1581 (D.C. Cir., Jan. 24, 1974); *Bell* v. *Goddard*, 366 F2d 177 (C.A. 7, 1966). Experimental research has shown that DES has caused breast cancer in mice at a level of 6.25 parts per billion (ppb) (Gass, Coats, & Graham, "Carcinogenic Dose-Response Curve to Oral Diethylstilbestrol", *Journal of the National Cancer Institute* (Washington, DC) 33:971–977, 1964).

Methods of examination for DES, pursuant to the amendment to the anticancer clause, were published by the Commissioner in the FEDERAL REGISTER of February 16, 1963 (28 FR § 1507) and have not since been modified. They are now under §§ 135g.26 (b) and (c) and 121.241 (e) and (f). The Commissioner has concluded that the presently approved methods are not adequate to comply with the intent of section 512(d)(1)(H) of the act that no residue of a carcinogenic drug be present in edible tissue after slaughter. As pointed out below, the so-called "mouse uterine" method is not specific for DES; rather, it measures only total estrogenic activity.

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Further, the method, as explained below, is of questionable accuracy because of the problems concerning the control tissue to which the test tissue is compared. Finally, the method is not sensitive, i.e., will not dependably detect residues known to exist at levels lower than 2 parts per billion (ppb).

The currently approved qualitative method, the so-called "paper chromatography" method, also fails to meet the necessary requirements of accuracy and sensitivity. The sensitivity of this method is unknown, although the Commissioner has information that based on past use, it is incapable of detecting residues of DES in edible tissues of sheep or cattle at levels below 10 ppb.

The lack of sensitivity alone renders these methods unsuitable for use to permit the continued application to DES of the exemption from the anticancer clause of section 512(d)(1)(H) of the act. Since the reliable sensitivity of the mouse uterine method to measure estrogenic material is 2 ppb, and since the paper chromatography method (used to identify a residue as DES) is not capable of identifying a residue as DES unless the residue in 10 ppb or more, these methods are incapable of confirming a given residue as DES at a level below 10 ppb. This level of sensitivity is in excess of the 6.25 ppb level that has produced cancer in test animals. Residues of DES, when used as directed in both feed premix and implant form have been found in edible tissues at levels below 2 ppb. (Studies of United States Department of Agriculture and Worcester Foundation, originally published in the FEDERAL REGISTER of August 4, 1972 (37 FR 15747) regarding liquid and dry premixes, and published in the FEDERAL REGISTER of April 27, 1973 (38 FR 10485) regarding implants; laboratory reports upon which these results were based are on file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86 5600 Fishers Lane, Rockville, MD 20852.

Specific findings with respect to each of the currently approved methods are set forth below.

I. *The quantitative method.* The quantitative method presently designated for DES in edible tissue of cattle and sheep under §§ 135g.26(b) and 121.241(e) is a bio-assay method, the so-called mouse uterine method. It measures estrogenic response of mice to test tissue by comparing average uterine weight in two groups of laboratory mice. One group is fed tissue which initially contains no estrogenic material, and a second group is fed the tissue being assayed. Known equal quantities of DES must be added to both the control and assay tissue prior to feeding. After 7 days, the mice are sacrificed, and the uteri are surgically extracted and weighed. The difference in uterine weight of controls and unknowns is mathematically related to the estrogenic activity of the assayed tissue. With respect to this method, the Commissioner finds:

1. Although it has on occasion been able to detect residues in the range of .5 ppb, the mouse uterine method is reliable to detect residues of estrogenic material only at quantities of 2 ppb or more. (Umberger, Gass, and Curtis, "Design of a Biological Assay Method for the Detection and Estimation of Estrogenic Residues in the Edible Tissues of Domestic Animals Treated with Estrogens" *Endocrinology* 63:806–815 (1958); Umberger, Curtis and Gass, "Failure to Detect Residual Estrogenic Activity in the Edible Tissues of Steers Fed Stilbestrol"; *Journal of Animal Science* (Albany, NY), 18: 221–226, 1959.)

2. This method is known to be nonspecific. It compares total estrogenic activity of control to assayed tissue, and does not measure the quantity of any particular estrogen. (Umberger, et al., *ibid, Endocrinology* 63:806–815; affidavit of Ernest J. Umberger, March 8, 1974.)

3. Because of the nonspecificity of this method, were quantitations produced, how much of the observed estrogenic activity was due to DES, and how much was due to other natural or added estrogens in the food animal would still be unknown.

4. Often the test must contain a second cycle, and in such circumstances completion of the analysis would take 16 days for the laboratory work (not including necessary dissection, calculation, and reporting time). (Umberger affidavit, *supra.*)

5. The accuracy of the method is questionable because the method requires control tissue of the same type analyzed, but known to be initially free of estrogenic material. If the control tissue contains any estrogenic material, an equal amount of DES in the assayed tissue would be undetected. (Umberger, *ibid, Endocrinology* 63:806–815; Umberger affidavit, *supra.*) This is a serious problem, since there are at the present time no developed, proven methods by which the control tissue can be confirmed to be free of estrogenic material.

6. Quantitations indicated by this method are also noted by two of its originators to be affected by the relative fat content of the assay and control tissues. (Umberger and Gass, "The Effect Of Dietary Fat On The Uterine Weight Response Of Immature Mice To Orola Stilbestrol" *Endocrinology* 63:801–805, 1958.) This poses an additional difficulty in selection of adequate control tissue, since its fat content would therefore have to be matched to that of any assay sample.

7. The United States Department of Agriculture has declined to use this method in the only nationwide slaughterhouse sampling program for beef cattle and sheep. (Letter from Harry C. Mussman, Deputy Administrator, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, United States Department of Agriculture, to Dr. C. D. Van Houweling, Director, Bureau of Veterinary Medicine, Food and Drug Administration, February 13, 1974.)

II. *The qualitative method.* The presently designated qualitative method under §§ 135g.26(c) and 121.241(f) is a paper chromatography method. This method is solely a qualitative method and is not designed nor intended to quantify any DES residue identified by it. With respect to this method, the Commissioner finds:

1. The United States Department of Agriculture is unable to use this method in the only nationwide slaughterhouse sampling program for beef cattle and sheep (letter from Harry C. Mussman, Deputy Administrator, Scientific and Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, United States Department of Agriculture, to Dr. C. D. Van Houweling, Director, Bureau of Veterinary Medicine, Food and Drug Administration, March 8, 1974).

2. The sensitivity of this method in sheep and cattle tissue is not established in published scientific literature. The Commissioner is aware of trials of this method which indicate it will not dependably detect DES residues below 10 ppb in sheep and cattle tissue. (Umberger affidavit, *supra.*) Levels below 10 ppb have been shown to cause breast cancer in test animals. (Gass, Coats, & Graham, "Carcinogenic Dose - Response Curve to Oral Diethylstilbestrol," *Journal of the National Cancer Institute* (Washington, DC) 33:971–977, 1964.)

3. The method was approved without laboratory collaboration for use in sheep and cattle tissue and no collaboration of the method has been submitted since this method was first published in the FEDERAL REGISTER.

For the foregoing reasons, the Commissioner concludes that the methods for detection and quantitation of DES presently under §§ 135g.26(b) and (c) and § 121.241(e) and (f) are not suitable methods by which DES may qualify for an exemption from the anticancer clause of section 512(d)(1)(H) of the act.

Data and information available to the Commissioner concerning the methods upon which this proposal is based are on file and may be seen and/or copied during regular business hours at the office of the Hearing Clerk.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 409(c)(3)(A), 512(d)(1)(H), 701(a), 52 Stat. 1049 as amended, 1053 as amended, 1055; 21 U.S.C. 348(c)(A), 360b(d)(1)(H), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend Part 121 and 135g as follows:

1. In Part 121 by deleting paragraphs (e) and (f) from § 121.241.

2. In Part 135g by deleting paragraphs (b) and (c) from § 135g.26.

Interested persons may, on or before April 26, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during regular business hours, Monday through Friday.

Dated: March 25, 1974.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.74-7168 Filed 3-26-74;8:45 am]

[21 CFR Parts 610, 620]

BIOLOGICAL PRODUCTS

Proposed Revision of General Safety Test

The Public Health Service Act requires that all biological products to be offered for sale in interstate commerce must be licensed to insure their continued safety, purity and potency. Nearly all licensed products must comply with the requirements of the general safety test (21 CFR 610.11), which has been part of the biologics regulations since thier original adoption. The general safety test is intended to be a final check when each filling of each lot of product has been completed. The purpose of the test is to detect the presence of any toxic contaminant that may have resulted from the manufacturing process. Failure to perform a final safety test creates the risk of death to the recipient of the biological product.

The Commissioner of Food and Drugs is presently conducting a review of existing standards of safety, purity and potency of biological products so that these standards will reflect the best current testing procedures established by the scientific community. The existing safety test for biological products is stated in very general terms. As a result, specific test procedures developed during recent years have been incorporated into the license requirements of each manufacturer on an ad hoc basis. To promote uniformity and specificity in safety testing of licensed products, the Commissioner has determined that these improvements should be set forth in the general safety test regulation.

The principal goal of the Commissioner's proposal is to increase the sensitivity of the test. Therefore, the proposed regulation permits only the intraperitoneal route of administration of the product sample into the test animal, requires higher standards for test animals, and establishes greater specificity in test procedures and interpretation. In addition, the proposed regulation will provide an opportunity for a limited number of repeat tests to establish the safety of a product since test animals often reveal abnormalities which result from natural factors not caused by the test product.

As the safety test prescribed in the additional standards for licensed Pertussis Vaccine (21 CFR 620.6(a)) is patterned after and relates to the general safety test regulation, it is proposed that this regulation also be revised and clarified to be consistent with the proposed amendments to the general regulation.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended, 42 U.S.C. 262), and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Parts 610 and 620 of Subchapter F of Title 21 of the Code of Federal Regulations (formerly Part 273 recodified in the FEDERAL REGISTER of November 20, 1973 (38 FR 32048)) be amended as follows:

1. In Part 610, by revising § 610.11 to read as follows:

§ 610.11 General safety.

In addition to specific safety tests prescribed in this subchapter for individual products, a general safety test to insure freedom from extraneous toxic contaminants in biological products intended for administration to humans shall be performed in accordance with the following conditions:

(a) *Product to be tested.* The general safety test shall be conducted upon a representative sample of the product in the final container from every final filling of each lot of the product. If any product is to be processed further after filling, such as by freeze-drying or pasteurization, the test shall be conducted upon a sample from each filling of each drying chamber run or pasteurization bath. Nonliquid products shall be dissolved or ground and suspended in an appropriate diluent in a concentration of at least one human dose per five milliliters prior to testing. Insoluble material shall be thoroughly mixed in a suspension.

(b) *Test animals.* Only overtly healthy guinea pigs weighing less than 400 grams and mice weighing less than 22 grams shall be used. The animals shall not have been used previously for any purpose.

(c) *Procedure.* Inject intraperitoneally 0.5 milliliter of product into each of at least 2 mice and 5.0 milliliters of product into each of at least 2 guinea pigs. The duration of the test shall be not less than 7 days nor more than 12 days; the exact time shall be established by the manufacturer and not varied subsequently. Guinea pigs shall be observed and weighed individually on the first and last days of the test period and on 3 to 5 of the intervening days depending on the length of the observation period. Mice shall be observed and weighed individually on at least the first and last day of the test period. At the time of each observation, the weight of each animal and any abnormal signs shall be recorded.

(d) *Test requirements.* A safety test is satisfactory if all animals (1) survive the test period, (2) do not exhibit any abnormal signs during the test period, and (3) weigh no less at the end of the test period than at the time of injection.

(e) *Repeat tests*—(1) *First repeat test.* If a filling fails to meet the requirements of paragraph (d) of this section on the initial test, a repeat test may be conducted as prescribed in paragraph (c) of this section. The filling is satisfactory only if each retest animal meets the requirements prescribed in paragraph (d) of this section and at least 50 percent of all of the test animals used in the initial and first repeat tests survive, a second repeat test may be conducted. The second repeat test shall be conducted as prescribed in paragraph (c) of this section, except that at least 4 guinea pigs and 4 mice shall be used. The filling is satisfactory only if each second repeat test animal meets the requirements prescribed in paragraph (d) of this section.

(f) *Test variations.* Variations in the general safety test may be offered as an amendment to the product license and must be approved by the Director, Bureau of Biologics, Food and Drug Administration. Approval will be given only if the licensee provides substantial evidence demonstrating that the proposed test variation will assure safey equal to or greater than the test prescribed in this section.

(g) *Exceptions.* The test prescribed in this section need not be performed for Whole Blood (Human), Red Blood Cells (Human), Cryoprecipitated Antihemophilic Factor (Human), or Single Donor Plasma (Human).

2. In Part 620, by revising § 620.6(a) to read as follows:

§ 620.6 General requirements.

(a) *Safety.* Each lot of Pertussis Vaccine shall be tested for safety by the procedures prescribed in § 610.11 of this chapter except that the test shall consist of the intraperitoneal injection of no less than one-half of the recommended largest human dose into each of the mice, and either the intraperitoneal injection of no less than three times the recommended largest individual human dose, or the subcutaneous injection of 5.0 milliliters into each of the guinea pigs.

* * * * *

Interested persons may, on or before April 26, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-7072 Filed 3-26-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 1, 91]

[Docket No. 13581; Notice No. 74-13]

AIRPORTS WITH OPERATING CONTROL TOWERS

Operation of Aircraft

The Federal Aviation Administration is considering amendments to § 1.1 and

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§ 91.87 of the Federal Aviation regulations relating to the operation of aircraft at airports having operating control towers. The proposed amendments would add a definition of "movement area" and more clearly describe when a clearance is required from Air Traffic Control before a pilot may taxi an aircraft.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before June 10, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 91.87 of the Federal Aviation regulations prescribes the rules that each person operating an aircraft to, from, or on an airport with an operating control tower must comply with. Paragraph (h) of that section provides that no pilot may, at an airport with an operating control tower, taxi an aircraft "on" a runway, or takeoff or land an aircraft, unless he has received an appropriate clearance from ATC. The rule, as currently worded, is silent with respect to the need to receive an Air Traffic Control clearance in order to operate elsewhere than "on" a runway. Therefore, it is proposed to add to Part 1 of the Federal Aviation Regulations a definition of the "movement area" of an airport. "Movement area" would be defined as consisting of all areas of an airport used for the taxiing, takeoff, and landing of aircraft, except loading ramps and parking areas. The term "movement area" would also be used in § 91.87(h) instead of "runway."

It appears that a revision of paragraph (h) of § 91.87 will clarify the ambiguity as to the areas of an airport on which a clearance from Air Traffic Control is required.

(Section 307(c), Federal Aviation Act of 1958 (49 U.S.C. 1348(c)); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Parts 1 and 91 of the Federal Aviation Regulations as hereinafter set forth:

1. By adding a definition of "Movement Area" in § 1.1 to read as follows:

§ 1.1 General definitions.

• • • • •

"Movement Area" means, with respect to an airport, the runways, taxiways, and other areas of the airport that are used for the taxiing, takeoff, and landing of aircraft, except loading ramps and parking areas.

• • • • •

2. By amending paragraph (h) of § 91.87 to read as follows:

§ 91.87 Operations at airports with operating control towers.

• • • • •

(h) *Clearances required.* No pilot may, at an airport with an operating control tower, taxi, takeoff, or land an aircraft on a movement area, unless he has received an appropriate clearance from ATC. A clearance to "taxi to" a runway is a clearance to cross all intersecting runways but is not a clearance to "taxi on" the assigned runway.

Issued in Washington, D.C., on March 15, 1974.

RAYMOND G. BELANGER,
Director,
Air Traffic Service, AAT-1.

[FR Doc.74-7053; Filed 3-26-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SO-26]

FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation regulations that would alter V-159 from Palm Beach, Fla., to Vero Beach, Fla., and V-267 east alternate from Palm Beach, Fla., to Orlando, Fla.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 26, 1974 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign V-159 in part from Palm Beach via the Palm Beach 326° T/M radial and the Vero Beach 178° T/M radial to Vero Beach. V-267E would be realigned in part from Palm Beach via the INT Palm Beach 326° T/M radial and the Orlando 162° T/M radial to Orlando. The realigned V-267E would conform to revised terminal procedures at Palm Beach and would reduce the airway distance from Orlando to Palm Beach. V-159 would be adjusted slightly to coincide with V-267E as realigned northwest of Palm Beach.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 21, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-7058 Filed 3-26-74;8:45 am]

[14 CFR Part 91]

[Docket No. 13582; Notice No. 74-14]

CIVIL AIRCRAFT FLEET NOISE REQUIREMENTS

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending the Federal Aviation Regulations to establish additional civil aircraft noise requirements. The proposed amendments would require that subsonic turbojet engine-powered airplanes with maximum weights of 75,000 pounds or more, and that are operated under Parts 91, 121, 123, 129, and 135 of the Federal Aviation Regulations, conform to Part 36—"Noise Standards: Aircraft Type and Airworthiness Certification."

Interested persons are invited to participate in the subject rulemaking process by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Ave. SW., Washington, D.C. 20591. All communications received on or before June 28, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this Notice may be changed in the light of comments received. All comments submitted will be available both before and after the closing date for comments, in the rule docket for examination by interested persons. Comments are specifically requested on the overall environmental aspects of this proposal.

This Notice is published after consideration of the comments received in response to Advance Notice of Proposed Rule Making, Notice 73-3, "Civil Airplane Fleet Noise Requirements" (Docket No. 12534), published in the FEDERAL REGISTER (38 FR 2769) on January 30, 1973 (hereinafter referred to as Notice 73-3).

Notice 73-3 proposed to control and reduce airplane noise emissions by establishing a limit on the fleet noise levels of each air carrier operating under Part 121 of the Federal Aviation Regulations. Three phases of noise limits were proposed to be effective in a progressive reduction manner. The first and second phases of fleet noise levels were to be determined in 1973 and 1976, respectively, through the application of a logarithmic equation using the individual noise levels and operations of each airplane within the carrier's fleet. The third and final phase in establishing fleet noise level limits would have required that by July 1, 1978, all airplanes in the carrier's fleet not exceed the Appendix C levels of Part 36 of the Federal Aviation Regulations.

The comments received in response to Notice 73-3 were almost unanimously opposed to the use, implementation, structure, mathematical relationship and general concept of the logarithmic equation for determining fleet noise levels. The comments suggested that the equation proposed mathematical manipulation of noise; that it did not give the desired credit for quieter aircraft; that it should be a linear relationship rather than logarithmic; that it did not include weight factors for day-night operations; that it did not credit a factor for community annoyance; and that it did not account for effective noise levels at different airports. While it is true that the proposed mathematical equation would not have satisfied many of the objections raised by the commentators, the primary objective of that equation was to assist the fleet operator in evaluating his fleet noise levels in relation to the noise limits proposed. The proposal would have accomplished that objective. However, upon review of all the comments received, including an analysis of alternative equations submitted in response to Notice 73-3, the FAA has determined that the objective of the fleet noise rule can be attained without the use of any mathematical equation.

In addition, a large number of comments expressed strong opposition to the proposed exclusion from the noise requirements in Notice 73-3 of airplanes used in overseas, foreign and intrastate operations by Part 121 operators. The commentators pointed out that such exclusion would deprive many of the major airports in the more noise sensitive areas of the benefits of the noise reduction provided by that Notice. In view of the foregoing, and after further consideration, the FAA now considers it appropriate to cover subsonic turbojet airplanes of U.S. registry weighing 75,000 pounds or more operated under Part 121, including those in overseas and foreign air commerce. Moreover, this proposal would cover all subsonic turbojet engine-powered airplanes of U.S. registry weighing 75,000 pounds or more operated under Parts 91, 123, and 135. As such, it would apply to corporate and other general aviation operators as well as air carriers, certain air taxi and commercial operators, and air travel clubs. However, so far as U.S. aircraft are concerned, it is proposed to limit the applicability under this Notice to airplanes having standard airworthiness certificates. The FAA has not determined that a retrofit to Part 36 noise levels for experimentally and provisionally certificated airplanes or airplanes having a restricted category certificate would be technologically practicable. It should be noted that there are a number of U.S. registered civil airplanes that are of the type covered by this proposal but that are operated entirely outside the United States. This proposal would not apply to those airplanes.

The FAA has given particular attention to the matter of including foreign civil turbojet engine powered airplanes weighing 75,000 pounds or more. On the one hand, it is preferable that environmental problems affecting international civil aviation, like other aviation problems affecting more than one nation, be resolved by the International Civil Aviation Organization (ICAO). The United States strongly supports the effort being made in ICAO to achieve uniformity in the noise reduction area. Uniform international noise standards are viewed as the best ultimate solution to the international aspects of the aircraft noise problem. The United States will thus continue to work through ICAO to establish appropriate international noise standards.

On the other hand, the FAA does not believe that foreign registered aircraft should be excluded from application of Fleet Noise Level regulations pending the development of appropriate international standards. The regulations that would be issued following this Notice must, under the Noise Control Act of 1972, be economically reasonable, technologically practicable, and appropriate to the type of aircraft to which they apply. To withhold applicability of reasonable standards to foreign aircraft would not be an appropriate response to the FAA's duty, under that Act, to protect the public from aircraft noise. In addition, excluding foreign aircraft could be unfair to U.S. operators of similar aircraft who would be forced to operate (in the same markets as foreign aircraft) with an economic burden of noise compliance that is not borne by the foreign operators. On balance, the FAA believes that equal and nondiscriminatory application of economically reasonable noise standards, to all operators, is an appropriate noise regulatory policy. Detailed comments from foreign operators (as well as U.S. operators) are invited with respect to the technological and economic aspects of this proposal. Such comments will be carefully reviewed prior to taking any action.

Since the U.S. aircraft covered by this proposal are limited to those that have U.S. Standard Airworthiness Certificates, the only foreign aircraft that would be covered are those that, if registered in the U.S., would be required by applicable Federal Aviation Regulations to have a U.S. Standard Airworthiness Certificate in order to conduct their intended operation in the United States. Finally, since the purpose of this proposal is to ensure that the takeoff, sideline, and approach noise levels of Part 36 are complied with, it would serve no useful purpose to apply those standards to foreign aircraft that merely overfly the United States (and thus do not expose airport environments to their noise levels). This proposal, therefore, would only cover foreign aircraft that land or take off in the United States.

A number of commentators recommended that compliance times earlier than those proposed in Notice 73-3 be established. The FAA does not agree. The compliance dates proposed were based primarily on the time requirements associated with the implementation of retrofit modifications to the forecast fleet of pre-Part 36 aircraft. Consideration was given to tooling for retrofit hardware production, the time required in obtaining airworthiness certification for engine nacelle-airframe combinations, material procurement lead time, and projected installation time. For these reasons, earlier compliance dates are not considered reasonable.

Several commentators indicated concern regarding the availability of retrofit hardware, and doubt that the rule would be economically reasonable. FAA's investigation shows that retrofit designs are either available or are being flight tested for many types of airplanes covered by this proposal and that these types constitute most of the fleet. FAA is aware that this proposal includes the relatively few pure turbojet engine-powered airplanes currently in service. No acoustic modification exists for these aircraft and expensive reengining could be required to achieve conformance with our standards. However, based on the rate at which these airplanes are being retired from service by U.S. operators, it appears that few, if any, would be in operation by 1978. As previously stated, the expected retrofit configurations are definable, and from these definitions, retrofit cost and impact on performance and weight can be estimated so one can assess whether retrofit is economically reasonable. Economic analysis of the cost impact of retrofit on the collective operators indicates that the proposed program of retrofit is economically reasonable, though individual operators may consider the costs to be a financial burden. The FAA notes that the Civil Aeronautics Board generally allows fare adjustments in the domestic air carrier industry to reflect increases in operating costs. However, the impact of retrofit will vary among individual carriers, and fare adjustment approvals retain uniformity of fares among competing carriers. In addition, the rates for flag carriers are established by the International Air Transport Association, which has stated that it favors retrofit by means of public funding rather than fare adjustments.

In the light of the comments received and after further review within the FAA, it is believed that a phased compliance with Part 36 of the Federal Aviation Regulations, including Appendix C, is the appropriate means of implementing fleet noise requirements. While this proposal retains many of the proposed requirements of Notice 73-3, it is substantially different in many respects. The significant comparisons are discussed in some detail hereinafter.

As proposed in Notice 73-3, this notice applies to turbojet engine-powered airplanes with maximum weights of 75,000

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pounds or more. Contrary to numerous comments received in response to Notice 73-3, the FAA does not now consider it appropriate to propose these noise requirements for airplanes weighing less than 75,000 pounds. While it has been demonstrated that the manufacturers of some jets of less than 75,000 pounds maximum weight can, on a new design production basis, meet or better the noise levels prescribed in Part 36, this in itself does not justify a retrofit requirement for operators of jets in this weight category. The feasibility of potential application of these advances in small jet engine technology and the related costs in in-service retrofit are currently being evaluated. Therefore, jet airplanes with maximum weights of less than 75,000 pounds are not being included at this time.

All of the airplanes covered by the proposal, including those airplanes operated by air taxi operations, air travel clubs and those airplanes operated under Part 91, as well as the flag, domestic and supplemental air carriers and commercial operators operating under Part 121, would have to be in compliance with Part 36 by not later than July 1, 1978 Most of the Part 91 operators, the air taxi operators and the air travel clubs who have an airplane covered by this proposal in their fleet of airplanes generally have only one such airplane. Since the domestic, flag, supplemental air carriers and commercial operators operating under Part 121 and foreign air carriers operating under Part 129 have most of these airplanes, the impact of the operations of these operators far exceeds that of the other classes of users in terms of community noise exposure nationwide. For this reason it might be considered appropriate in the public interest to propose that the Part 121 and Part 129 operators have a significant portion of their airplanes meet the Part 36 requirements at an intermediate date. But as a consequence of engine/nacelle intermix problems prior to complete compliance of a total fleet and considerations of alternate retrofit cost for different compliance options, such a scheme, is impractical. To assure progress, though, it is now proposed that all domestic, flag, and supplemental air carriers and foreign air carriers, and commercial operators holding certificates under Part 121, cannot operate their subsonic turbojet engine-powered airplanes with maximum weights of 75,000 pounds or more after July 1, 1976, unless they can submit evidence that half of their inventory of engine/nacelles for these airplanes are of a type that has been demonstrated to permit these aircraft types to meet the requirements of Part 36 if the engine/nacelles were deployed in a full set.

Under this proposal, the operators would have the alternative of modifying existing airplanes, replacing them with other airplanes meeting the Part 36 requirements, or a combination of these actions.

None of the persons covered by this proposal should have any difficulty in determining whether an airplane has been shown to meet the Part 36 requirements since Part 36 requires that an entry to that affect be placed in the Airplane Flight Manual for the airplane.

As many commentators recommended with respect to Notice 73-3, this proposal provides for individual aircraft meeting the prescribed noise levels. However, this proposal does not, as suggested by some commentators, reduce the ultimate noise level for all airplanes to a minus (−) 10dB from the current Part 36, Appendix C. The FAA is addressing that matter in a separate rule-making action.

(Secs. 313(a), 601, 603, 604, and 611, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, 1424, and 1431 as amended by the Noise Control Act of 1972 (P.L. 92-574)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Title I, National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); Executive Order 11514, March 5, 1970).

In consideration of the foregoing, it is proposed to amend Part 91 of the Federal Aviation Regulations by adding a new Subpart E to read as follows:

Subpart E—Noise Requirements

Sec.
91.301 Applicability.
91.303 Relation to Part 36.
91.305 Interim noise requirements for air carriers.
91.307 Noise requirements for all airplanes.

Subpart E—Noise Requirements

§ 91.301 Applicability.

This subpart prescribes noise requirements for the operation, in the United States, of—

(a) U.S. registered civil subsonic turbojet engine-powered airplanes with maximum weights of 75,000 pounds or more and having standard airworthiness certificates; and

(b) foreign civil subsonic turbojet engine-powered airplanes with maximum weights of 75,000 pounds or more that land or take off in the United States and that, if registered in the United States, would be required by applicable Federal Aviation Regulations to have U.S. standard airworthiness certificates in order to conduct the operations intended for the airplane.

§ 91.303 Relation to Part 36.

Unless otherwise specified, all references in this subpart to the requirements of Part 36 of this chapter, include the noise levels of Appendix C of that Part, as effective on December 1, 1969, notwithstanding the provisions of that part excepting certain aircraft from those noise levels and notwithstanding the tradeoff provisions of that part.

§ 91.305 Interim noise requirements for air carriers.

After June 30, 1976, no domestic, flag, or supplemental air carrier or commercial operator holding a certificate under Part 121, of this chapter, or foreign air carrier holding a certificate under Part 129 of this chapter may operate, under that certificate, any airplane covered by this subpart and listed on the aircraft record required for domestic and flag air carriers or on the operations specifications required for the supplemental air carriers, commercial operators, and foreign air carriers, that is not shown to meet the requirements of Part 36 of this chapter unless at least one-half of the engine/nacelles for the airplanes covered by this subpart and listed for the certificate holder are of a design that has been shown to permit those aircraft types to meet the requirements of Part 36 if the engine/nacelles were deployed in a full set.

§ 91.307 Noise requirements for all airplanes.

After June 30, 1978, no person may operate any airplane covered by this subpart unless that airplane is shown to meet the requirements of Part 36 of this chapter.

Issued in Washington, D.C., on March 22, 1974.

R. P. SKULLY,
Director, Office of Environmental Quality.

[FR Doc. 74-7083 Filed 3-26-74; 8:45 am]

CIVIL SERVICE COMMISSION

[5 CFR Part 900]

ADMINISTRATION OF STANDARDS FOR MERIT SYSTEM OF PERSONNEL ADMINISTRATION

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to authority of section 503 of the Intergovernmental Personnel Act of 1970 (42 U.S.C. section 4728), the Civil Service Commission proposes to add subpart G to Part 900 of Title 5 of the Code of Federal Regulations to implement section 208 of the Intergovernmental Personnel Act of 1970.

Interested persons may submit written comments, objections, or suggestions to the Bureau of Intergovernmental Personnel Programs, U.S. Civil Service Commission, Washington, D.C. 20415, on or before April 26, 1974. Written comments, objections, and suggestions submitted will be available for public inspection at the address given in this notice during the Commission's regular business hours (8:15 a.m. to 4:45 p.m., Monday through Friday). The proposed subpart G reads as follows:

Subpart G—Administration of the Standards for a Merit System of Personnel Administration

Sec.
900.701 Purpose.
900.702 Applicability.
900.703 Definitions.
900.704 Review of merit system plans.
900.705 Review of personnel operations.
900.706 Reports and records.
900.707 Compliance.

AUTHORITY: The provisions of this subpart G issued under 42 U.S.C.A. § 4728, section 4763; and E.O. 11589, 3 CFR, 1971 Comp., p. 162.

§ 900.701 Purpose.

(a) This subpart effectuates the administration of the Standards for a Merit System of Personnel Administration (hereinafter the "Merit System Standards") as set out in 45 CFR 70, or as may be modified or superseded, for which the U.S. Civil Service Commission (hereinafter referred to as the "Commission") was given the responsibility by section 208 of the Intergovernmental Personnel Act of 1970 (91 Stat. 648).

(b) This subpart provides regulations under which the Commission will (1) determine whether plans for merit system administration conform to the requirements of the Merit System Standards; (2) evaluate personnel operations for compliance with the approved plans; and (3) provide a procedure for resolving issues of conformity or compliance.

§ 900.702 Applicability.

This subpart applies to each program or activity receiving a grant-in-aid subject to the Merit System Standards.

§ 900.703 Definitions.

In this subpart:

(a) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and a territory or possession of the United States.

(b) "Approved State plan" means a merit system plan found by the Commission to conform substantially with the Merit System Standards.

(c) "Federal agency" means the Federal agency providing financial or other assistance.

(d) "Federally aided State agency" means any State government agency administering a grant-in-aid or other Federally assisted program that under a law or regulation specifically requires the establishment and maintenance of personnel standards on a merit basis with respect to an aided program or activity.

(e) "Local agency" means an agency of a county or municipal government or like jurisdiction administering grant-aided programs or activities under the supervision of a federally aided State agency.

(f) "Merit System Plan" means the laws, rules, regulations, and policy statements of a State or local government under which a merit system is required as a condition for receiving a Federal grant or other assistance.

(g) "State merit system agency" means a State Civil Service Commission, Personnel Department, Merit System Council or other similar personnel agency providing services to State and/or local agencies.

(h) "Local merit system agency" means a Civil Service Commission, Personnel Department, Merit System Council or other similar personnel agency providing services to local agencies.

§ 900.704 Review of merit system plans.

(a) All federally aided State and local agencies shall maintain a merit system plan which shall be subject to review by the Commission.

(b) The regional office of the Commission having jurisdiction over the area where the federally aided State agency is located is responsible for reviewing the State's merit system plan.

(c) The State merit system agency shall be designated as a central submittal agency by the federally aided State agencies and shall submit for review the State's merit system plan and amendments thereto to the Commission's regional office.

(d) The federally aided State agency shall review the merit system plan and amendments thereto of each local agency, except that under a prior agreement this review may be conducted by a State merit system agency or other appropriate organization on behalf of the federally aided State agency.

(e) A Federally aided State agency or other organization conducting a review as provided in paragraph (d) of this section shall consult, as necessary, with the appropriate regional office of the Commission on questions of interpretation of the Merit System Standards.

(f) A review under paragraph (d) of this section shall include negotiations with the local agency to correct any deviations, and if required, shall include a recommendation for technical assistance by the State government or the Commission.

§ 900.705 Review of personnel operations.

(a) The Commission, in cooperation with the appropriate Federal agency, shall make or arrange for onsite reviews of each State merit system agency and each Federally aided State agency to determine compliance with the approved State plan, except that reviews of the latter agencies by the State merit system agency may be accepted in lieu of Commission reviews.

(b) Federally aided State agencies, in consultation with the appropriate regional office of the Commission, shall make or arrange for onsite reviews of the operations of the merit system in each local agency to determine compliance with the approved plan.

§ 900.706 Reports and records.

(a) Each Federally aided State or local agency and each State or local merit system agency shall maintain personnel records necessary for the proper administration of a merit system. The records shall consist of, but are not limited to: (1) Classification plans, (2) compensation plans, (3) examination announcements, and (4) affirmative action plans for equal employment opportunity.

(b) Each Federally aided State or local agency and each State or local merit system agency shall permit the Commission during normal business hours to review its books, records, and other sources of information as may be required to ascertain compliance with this subpart.

(c) Each Federally aided State or local agency shall furnish annually to the Commission completed report CSC Form 1129, Review of Personnel Operations—Grant-Aided Agency, and other reports as may be required to show compliance with the Merit System Standards.

(d) Each State and local merit system agency shall furnish annually to the Commission completed report CSC Form 1128, Review of Personnel Operations—Merit System Agency.

§ 900.707 Compliance.

(a) The Commission, when corrective action is required, will negotiate with the appropriate State merit system agency to achieve compliance and will coordinate its activities with the appropriate Federal agency.

(b) The Commission shall request the appropriate Federal agency to assist in rendering technical assistance when required to achieve compliance.

(c) The Commission, when compliance with the Merit System Standards is not achieved after negotiation or the rendering of necessary technical assistance, shall make a finding of lack of substantial conformity and forward this finding to the Federal agency, recommending that grant termination procedures or other appropriate action be initiated.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6965 Filed 3-26-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 171]

CERTIFICATION OF PESTICIDE APPLICATORS

Extension of Comment Period

This notice extends the period for filing comments related to the proposed rule published February 22, 1974 (39 FR 6730); this proposed rule would establish standards of competence under section 4 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973) for applicators using pesticides pursuant to section 3 of FIFRA. The comment period provided for in the February 22, 1974 publication was to end on March 25, 1974.

Because of the interest generated by the proposed regulations, the time for filing comments is hereby extended for an additional 30 days. There is, however, considerable urgency in promulgating these regulations in final form as soon as possible in order to provide the States the maximum amount of time to implement this section of the Act. The Agency hopes that this extension of the comment period will not result in a delay in the final promulgation of the regulation. To avoid this delay, the Agency would urge that all comments be forwarded as close to the original March 25 date as is possible or practical. Early submission will ensure that the comments receive the most complete review and consideration prior to promulgation of the final rule.

All persons who desire to submit written information or views in connection

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with this matter may file as late as April 25, 1974. Such comments should be filed in duplicate and addressed to Mrs. Betty J. Billings, Hearing Clerk, Environmental Protection Agency, Room E–1019, Waterside Mall, Washington, D.C. 20460. All written comments filed pursuant to this notice will be available for public inspection at the Office of the Hearing Clerk during regular business hours, 8 a.m. to 4:30 p.m. daily.

Dated: March 21, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Hazardous Materials Control.

[FR Doc.74–7065 Filed 3–26–74:8:45 am]

[40 CFR Part 172]

SHIPMENTS OF PESTICIDES FOR EXPERIMENTAL USE

Issuance of Permits

Notice is hereby given that, pursuant to the authority of Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 983), the Administrator of the Environmental Protection Agency (EPA) proposes to establish a new Part 172 of Chapter I of Title 40 of the Code of Federal Regulations and revoke § 162.17. The proposed regulations shall read as set forth below. The intent of this proposed rulemaking is to revise present procedures with respect to the use of pesticides for experimental purposes so as to conform to the provisions of FIFRA, as amended.

Background. The issuance of experimental use permits, as proposed in these regulations, does not represent a new pesticide regulatory activity. For more than twenty years, pesticide experimentation has been regulated by EPA and its predecessor agencies. Although the 1947 FIFRA provided no explicit authorization to regulate experimental uses of pesticides, Section 7(a)(4) of the 1947 Act has been the statutory basis for this regulatory activity. This section exempted from the penalty provisions of the Act experimental pesticide use "by or under the supervision of any Federal or State agency authorized by law to conduct research in the field of economic poisons; or by others if a permit has been obtained before shipment in accordance with regulations promulgated by the Secretary."

The current regulations for this regulatory program (referred to as the temporary permit program) appear at 40 CFR § 162.17. Basically, these regulations (as amended in 1964) state that temporary permits "will only be issued for bona fide experimental programs under the supervision of qualified persons." The regulations detail the information which must be submitted for the issuance of a permit and the requirements for data reporting during an experimental program.

In contrast to the 1947 FIFRA, FIFRA, as amended, specifically authorizes the issuance of experimental use permits and can best be interpreted as a codification of the experimental permit program existing under the 1947 FIFRA. Section 5 (a) states:

> Any person may apply to the Administrator for an experimental use permit for a pesticide. The Administrator may issue an experimental use permit if he determines that the applicant needs such permit in order to accumulate information necessary to register a pesticide under Section 3.

The purpose behind Section 5 is to facilitate the generation of data necessary to support an application for registration under Section 3 and yet provide sufficient regulatory control to prevent adverse environmental effects.

Section 5(c) provides that the "use of a pesticide under an experimental permit shall be under the supervision of the Administrator, and shall be subject to such terms and conditions and be for such period of time as the Administrator may prescribe in the permit." Thus, EPA is specifically authorized to regulate all use aspects of a testing program. Although these authorities were not specified in the 1947 FIFRA, again they were interpreted as part of EPA's regulatory authority under the Act and were reflected in the regulations.

The other provisions of Section 5 authorize the Administrator to:

(1) Establish a temporary tolerance for a pesticide prior to issuing an experimental use permit,

(2) Specify that, for a pesticide containing any chemical or combination of chemicals which has not been included in any previously registered pesticide, studies be conducted to detect whether the use of the pesticide under the permit may cause unreasonable adverse effects on the environment, and

(3) Authorize States to issue experimental use permits.

Environmental Explanation. The development of an effective pesticide is a multi-stage process often requiring substantial expenditures of time and finances. Typically, a commercial developer, college research department, or governmental agency initiates the process by applying a test substance in its own laboratories or test fields. The objective at this point is to determine whether the substance has sufficient pesticidal potential to warrant further formulation and research development. Also, it is at this stage that basic data on toxicity and environmental effects are obtained. The process then moves into a stage where the pesticide generally is tested on a larger scale, primarily to determine the effects of factors such as climatic conditions, soil composition, severity of pest problems, and application rates, as they relate to efficacy. When the developer has accumulated sufficient data, he seeks registration under Section 3.

Between October 1, 1972 and September 20, 1973 the Registration Division received 132 applications for experimental use permits and issued 96 permits. These permits authorized the use of approximately 1.5 million pounds of pesticides. Total experimental use actually was larger by an unknown quantity, since Federal and State agencies were not required to obtain permits for their own experimental programs. While total experimental use under these proposed regulations cannot be predicted, it is not likely to be quantitatively large in comparison to total annual use of pesticides in the U.S., which is more than one billion pounds. On the other hand, while it is not anticipated that pesticide research and development will increase greatly, the number of permit applications received by EPA will increase significantly under the provisions of FIFRA, as amended, since permits are required for Federal and State programs.

Under the 1947 FIFRA, any Federal or State agency authorized to conduct pesticide research did not need an experimental permit and was exempt from the provisions of the Act. Thus, several Federal agencies, particularly the Departments of Agriculture and Interior and State agricultural colleges, have conducted extensive pesticide research programs without being subject to FIFRA regulation. FIFRA, as amended, however, does not grant a blanket exemption to Federal and State agencies. While the legislative history is silent on this question, it is EPA's position that no exemption, such as that granted by the 1947 FIFRA, was intended under the 1972 amendments or can be allowed. Section 5(f) of the Act does authorize "any State to issue an experimental use permit for a pesticide" if a State plan for the issuance of such permits has been approved by the Administrator. This section has been interpreted as granting States with approved plans the authority to issue experimental permits only for pesticides designed to meet "special local needs" for eventual registration under Section 24. Again, the legislative history does not discuss this situation, but EPA has interpreted Section 5(f) as being limited by Section 24. Since experimental use permits are issued to gather data to support registration, States can be authorized to issue experimental use permits only for pesticides they could ultimately register for a "special local need," i.e., a permit authorizing distribution and use within that State to gather data necessary to support State registration.

The most important environmental consideration in the development of these proposed regulations is the necessity of striking a balance between facilitating—or, as a minimum, not unduly impeding—pesticide research and development and protecting against human and environmental injury. Experimental use of pesticides can, of course, pose both human and environmental hazards; it should be noted, however, that basic data on toxicity are required before an experimental use permit can be issued. On the other hand, experimental use and testing are essential to the development of new, less hazardous, more effective pesticides, including both chemical and biological agents. In short, there are both risks and

benefits associated with experimental use of pesticides. Given these considerations, EPA has designed the proposed regulations in such a way as to place experimental programs under reasonable constraints without imposing burdens unrelated to needed protection of human health and the environment. The remainder of this section on environmental considerations deals with the principal issues bearing on the question of what constraints are reasonable and necessary.

1. Among the research and development steps involved in accumulating data for registration, for which ones should experimental use permits be required? As indicated above, the first stages of development are designed simply to determine whether or not a substance has any pesticidal value. Testing is typically done on a wide range of substances in highly controlled laboratory settings. If a substance shows promise, various formulations are usually evaluated in small plot tests. Again, these are highly controlled and represent minimal hazards because of the small quantities applied and the highly trained personnel conducting such tests. Once a broad outline of a pesticide's character has been developed, it becomes necessary to test the pesticide under field conditions. At this point, larger quantities of the pesticide are used, often in several different locations. Thus, the potential hazards can be greater. EPA has determined that it is at this stage that an experimental use permit should be required to protect the environment. With basic data obtained from laboratory and small plot testing on efficacy, toxicity, and environmental effects, a reasonably good prediction on the pesticide's effects can be made; if a permit is granted, conditions can be imposed to protect applicators and other persons and the environment. The requirement to obtain a permit at this stage should be no real burden, since pesticides reaching this level of development are likely to become candidates for registration and the data accumulated in the experimental program will be required for registration. Finally, the decision to exempt the initial stages of experimentation from the requirements of these proposed regulations is consistent with Section 12(b)(5), which exempts from the penalty provisions of the Act the shipping of "a substance or mixture of substances being put through tests in which the purpose is only to determine its value for pesticide purposes or to determine its toxicity or other properties and from which the user does not expect to receive any benefit in pest control from its use." This language incorporates into the statute the existing regulatory policy, under which permits are not required for experimental use of substances not yet determined to have pesticidal value.

2. Should the sale of experimental pesticides be prohibited? Regulations under the 1947 FIFRA provided that material covered by a temporary permit shall not be offered for general retail sale. That terminology has been questioned many times and interpreted a number of different ways. It has been found to be ambiguous and unenforceable. This has made it difficult to prevent the introduction of experimental pesticides into unregulated and unmonitored use situations.

While the alternative of prohibiting the sale of experimental pesticides was considered, EPA has determined that such a provision would needlessly add to the cost of pesticide development. There is no environmental or human health reason why a participant in an experimental program should not compensate the developer for any benefit received. The cost to participants generally will be minimal, and sale itself has not caused problems. Rather, the problem has centered on the imprecise sale limitations of the current regulations. To solve this problem without imposing an unnecessary burden on research programs, the proposed regulations would limit sale or distribution to participants in experimental programs and prohibit resale or other retail sale or other distribution. Such a restriction should provide an adequate safeguard to prevent a manufacturer from trying to market an experimental pesticide. Further, permits will only authorize the use of enough experimental pesticide to gather data to support registration.

3. To what extent should permittees be required to make reports on their programs? EPA has a responsibility to monitor experimental programs to detect any unforeseen effects and failures by program participants to adhere to permit conditions. The current regulations require the submission of periodic reports every three months during an experimental program and a final report at its conclusion. The major shortcoming of this is that it frequently deprives EPA of the opportunity to observe experimental pesticide applications. With reports received only at three month intervals, notification of shipment often is received by EPA long after the experimental pesticide has been shipped and applied.

EPA is proposing to modify the reporting requirements applicable to the permittee in order to facilitate EPA monitoring of experimental permit programs. Under the proposed regulations, permittees would be required to notify EPA at the time of shipment *unless otherwise specified* in a permit. Although this imposes an additional administrative burden on the permittee, the requirement clearly is necessary to allow EPA to undertake any monitoring deemed necessary in particular cases. Where such monitoring is deemed unnecessary, this requirement can be waived.

4. To what extent should permittees be required to supervise experimental programs? It has been EPA's policy that permittees are expected to exercise close supervision. There is, however, some ambiguity on this point in the current regulations. The proposed regulations would specifically provide that permittees must supervise the testing activities of participants, evaluate the results of testing from each site of application, and report immediately to EPA any adverse effects from use of, or exposure to, the pesticide.

Effective Date. These regulations will be effective immediately upon final promulgation, with the following exceptions:

1. Temporary permits issued under 40 CFR § 162.17 prior to the date of final promulgation of these regulations will remain in effect until their expiration date. Extensions or renewals requested after the date of publication of these proposed regulations will be granted if they are consistent with the new requirements proposed herein.

2. Experimental testing of pesticides actually being conducted by Federal and State agencies on the date of final promulgation of these regulations will be allowed to continue for the period necessary to complete such testing, e.g., remainder of the growing season or comcomparable period. Federal and State agencies planning to initiate new testing activities after the date of final promulgation of these regulation will be required to obtain experimental use permits for such activities.

3. Permit applications received after the date of publication of these proposed regulations will be processed in accordance with the new requirements proposed herein. To the extent that additional information is needed with respect to any such application, the applicant will be promptly notified. EPA will attempt to minimize the delays involved in this transition from the existing to the new regulations.

4. Section 172.10 will not be effective until regulations under Section 24(c) of FIFRA are promulgated since the scope of State Experimental Permit Programs will be determined by the definition of "special local needs" as used under Section 24(c). Further, EPA will publish in the future more specific guidance on the requirements for approval of State Experimental Permit Plans. EPA particularly solicits comments from the States indicating which States are interested in establishing a State Experimental Permit Program under Section 172.10.

Public Comment. EPA will welcome public comments on all provisions of these proposed regulations, including, in particular, the proposed requirements for submittal of information in support of applications for experimental use permits and the proposed reporting requirements, including reporting on pesticide shipments and on progress of experimental programs.

Public comment also is invited on the question of whether special procedures and/or informational requirements should be established to simplify and expedite the issuance of experimental use permits for innovative pest control methods. EPA has received suggestions that such steps be taken in order to promote innovations in pest management.

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Any person may file comments on this proposal on or before April 26, 1974. Such comments should be filed in duplicate and addressed to Mrs. Betty J. Billings, Hearing Clerk, Environmental Protection Agency, Room No. 1019E, Waterside Mall, Washington, D.C. 20460. All written comments filed pursuant to this notice will be available for public inspection at the Office of the Hearing Clerk during regular business hours, 8 a.m. to 4:30 p.m. daily.

Dated: March 23, 1974.

RUSSELL E. TRAIN,
Administrator.

A new Part 172 is proposed to read as follows:

PART 172—EXPERIMENTAL USE PERMITS

§ 172.1 Definitions.

For the purposes of this part, the following terms shall be defined as listed below:

(a) The term "applicant" means any person who applies for an experimental use permit, pursuant to section 5 of the act.

(b) The term "permittee" means any applicant to whom an experimental use permit has been granted.

(c) The term "participant" means any person who supervises the use of an experimental use pesticide at the application site and any person upon whose property an experimental use pesticide is used.

(d) The term "experimental laboratory animals" means individual animals or groups of animals intended for use and used solely for laboratory research purposes, regardless of species, and does not include animals intended to be used for any food purposes, or animals intended to be kept as livestock.

(e) The term "act" means the Federal Insecticide, Fungicide and Rodenticide Act, as amended (86 Stat. 973), and other legislation supplementary thereto and amendatory thereof.

The terms defined in the act and not explicitly defined herein, are used herein with the meanings given in the act.

§ 172.2 General.

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 983), and except as herein provided by § 172.3, any person wishing to accumulate information necessary to register under section 3 and the regulations thereunder (a) for a pesticide product not registered with this Agency or (b) for a registered pesticide product for use not approved in connection with its registration under the act, may apply to the Administrator at any time for an Experimental Use Permit. Such pesticides may be sold or distributed only to the participants involved in an experimental program and are not for resale or other retail sale or other distribution.

§ 172.3 Exceptions.

No experimental use permit is required for:

(a) A substance or mixture of substances being put through screening tests in which the only purpose is to determine if it has value for specific pesticide purposes and from which the user does not intend to receive any direct benefit from pest control from its use. Such tests will be limited to laboratory and/or small plot replicated field tests less than 10 acres conducted by Federal or State agencies, colleges or universities, or commercial pesticide developers on areas leased or owned by them and continually operated as an experimental farm on a long-term basis (or, in the case of Federal agencies, used for experimental programs under written agreement with the property owner), where the crop or other test subject is destroyed or consumed only by laboratory or experimental animals or otherwise disposed of in a manner which will not endanger man or the environment.

(b) A substance or mixture of substances which under the Federal Food, Drug, and Cosmetic Act is defined as:

(1) A "new drug" (21 U.S.C. sec. 321(p) and sec. 355)

(2) A "new animal drug" (21 U.S.C. sec. 321(w) and sec. 360(b)) or

(3) An "animal feed" (21 U.S.C. sec. 321(x)) containing a "new animal drug" (21 U.S.C. sec. 360(b)).

These exemptions shall apply only insofar as the experimental uses are for drug and new animal drug purposes within the meaning of the Federal Food, Drug, and Cosmetic Act and shall not apply to pesticide experimental uses.

§ 172.4 Applications.

(a) *Time for Submission.* An application shall be submitted in triplicate to the Administrator, or his designee, as far as possible in advance of the intended date of shipment or use. Normally, processing of applications will require at least 90 days but may require a longer period, depending on the nature of the experimental program. In any event, applications will be processed as expeditiously as possible.

(b) *Contents of Application.* Each application for an experimental use permit must include the following information:

(1) *General.* (i) The purpose of the proposed testing; a description in detail of the proposed testing program; a designation of the pest organism(s) involved; the amount of pesticide product proposed for use; the crops, fauna, flora, sites, modes, and situation of application on or in which the pesticide is to be used; the States in which the proposed program will be conducted; the number of acres to be treated or included in the area of experimental use; and the proposed dates or period(s) during which the testing program is to be conducted.

(ii) The name and address of the applicant;

(iii) The name, address and telephone number of the individual(s) in the employ of the applicant who will be responsible for the day-to-day administration of the experimental use program for which a permit is being requested; and

(iv) The name, address and telephone number of any participant in the program (whether or not in the employ of the applicant), if available at the time an application is submitted or as soon thereafter as available. Any additions, deletions, or changes must be supplied promptly as they occur.

(2) *Chemical Information Required.* (i) A complete statement of composition for the formulation of the product to be tested giving the name and percentage by weight of each ingredient, active and inert.

(ii) Chemical and physical properties for each ingredient and for the formulation to be tested, including but not limited to the manufacturing processes and analytical methods suitable for the formulation.

(iii) Appropriate data on rate of decline of residues on the treated crop or environmental site.

(3) *Biological Information Required.* (i) A description and the specific results of any known prior testing of the product conducted to:

(A) Determine toxicity and effects in plants, animals, insects and other organisms at the site of application.

(B) Determine phytotoxicity, and other forms of toxicity or known adverse effects on nontarget plants, animals and insects surrounding the site of application and to determine adverse effects on the environment.

(ii) Results of toxicity tests and other data relevant to the product's potential for causing injury to the users or other persons who may be exposed, including any available epidemiological information as to man.

(4) If the experimental use pesticide is to be used in such a manner that any residue can reasonably be expected to result on or in food or feed, the applicant must:

(i) Submit evidence that a tolerance has been established for residues of the pesticide on or in any such food or feed, or

(ii) Submit a petition proposing establishment of a tolerance or exemption from the requirement of a tolerance, or

(iii) Certify that the food or feed derived from the experimental program will be destroyed or fed only to experimental laboratory animals for testing purposes, or otherwise disposed of in a manner which will not endanger man or the environment.

(5) *Other Information.* (i) The proposed method of storage and disposition of any unused experimental use pesticide and its containers.

(ii) A statement that the applicant and any participant in the experimental use program will permit, at any reasonable time, any authorized representative of the Agency, upon presentation of

official identification, entry to any premises involved in the testing program to inspect and to determine whether the provisions of the permit are being complied with as herein indicated.

(iii) Such other additional pertinent information as the Administrator may require.

§ 172.5 The Permit.

(a) *Issuance.* The Experimental Use Permit shall be issued when the Administrator determines that the conditions of section 5 of the act, and the regulations thereunder, have been met subject to such terms and conditions as the Administrator determines are warranted.

(b) *Duration.* Permits will be effective for a specified period of time, normally one year, depending upon the crop or site to be treated and the requirements of the testing program submitted. Permits and associated temporary tolerances may be renewed or extended upon request if circumstances warrant.

(c) *Limitations.* The quantity of a pesticide allowed by a permit may be less than requested if it is determined that the available information on efficacy, toxicity or other hazards, the need for data, or the adequacy of program supervision does not justify the quantity of the pesticide requested. Other limitations may also be placed in the permit if necessary for the protection of the public health and the environment.

(d) *Additions.* With respect to an experimental use pesticide containing any chemical or combination of chemicals not included in any previously registered pesticide, the Administrator may require that additional studies be conducted during the permit period to gather data to support the establishment of tolerances and/or registration. To the extent practicable, the applicant will be notified of any such requirements before or at the time an experimental use permit is issued.

§ 172.6 Labeling.

All pesticides shipped or used under an experimental use permit must be labeled with directions and conditions for use to be set by the Administrator. These labeling directions and conditions shall include:

(a) All information prescribed in 40 CFR 162.6 (Labeling) except that a registration number and previously registered use patterns shall not appear.

(b) The registration number of the establishment.

(c) Any limitations on entry of persons into treated areas.

(d) The prominent statement "For experimental use only."

(e) The Experimental Use Permit number.

(f) The statement "Not for resale."

§ 172.7 Program Surveillance and Reporting of Data.

(a) The permittee shall supervise the test program among the participants and evaluate the results of testing from each site of application. It will further be the responsibility of the permittee to report immediately to the Administrator, or to any person designated by him, any adverse effects from use of, or exposure to, the pesticide.

(b) A permittee shall submit the following reports during the experimental program.

(1) The following information must be submitted to the Administrator or his designee at the time of shipment, unless otherwise specified.

(i) Name and address of the shipper and place or places from which shipped.

(ii) Name and address of consignee.

(iii) Amount of each shipment.

(2) Reports will be required every three months, unless otherwise directed, which shall include the following:

(i) Quantity of the pesticide shipped and used during the reporting period;

(ii) List of States into which shipments were made;

(iii) A summary of the progress made and data obtained during the report period.

(3) A final report shall be submitted within 90 days after the expiration of the permit and shall include:

(i) All data gathered during the testing program,

(ii) Disposition of any unused pesticide,

(iii) Disposition of food or feed.

(4) In the case of any animals or birds that receive a direct treatment or application of any experimental use pesticide, the name and location of the packing plant where the animals will be processed shall be sent to Animal & Plant Health Inspection Service, USDA, Washington, D.C. 20250, at least ten days before the animals are to be shipped for slaughter. This requirement may be waived, on request, by USDA. These provisions do not exempt treated food-producing animals and their products from compliance with other applicable inspection requirements.

(5) Failure to submit required reports will be considered just cause for revocation of the permit.

§ 172.8 Renewals.

Application for renewal of experimental use permits and temporary tolerances, to provide for additional testing, should be submitted prior to expiration of the permit. Requirements for renewals are the same as for applications under § 172.4, except that information previously submitted may be incorporated by reference.

§ 172.9 Refusals to Issue and Revocation.

(a) At any time that the Administrator determines that an experimental use permit is not justified, or that the issuance of such a permit would cause unreasonable adverse effects on the environment, or for any other reason, he shall notify the applicant in writing.

(b) The Administrator may revoke an experimental use permit if he finds that its terms or conditions are being violated or that continued use under a permit could cause unreasonable adverse effects on the environment, or if new evidence is obtained which demonstrates that a revision of the temporary tolerance is needed. The Administrator will notify the permittee in writing. The permittee must notify all participants. The revocation of a permit for violative cause shall not preclude the Administrator from initiating civil or criminal sanctions for the violations of the permit conditions as authorized.

(c) *Hearing.* In the event that an applicant wishes to contest the refusal to issue an experimental use permit or a permittee wishes to contest the revocation of any such permit, he shall, within ten days after notification of such refusal or revocation, file a written response with the Administrator and a request for an opportunity to confer with the Administrator or his designee. Within 10 days after such conference, the applicant or permittee will be notified as to whether the Administrator's initial decision will be reconsidered.

§ 172.10 State Issuance of Permits.

(a) A State may issue an experimental use permit, pursuant to section 5 of the act, for the use of a pesticide for the purpose of accumulating information necessary to register a pesticide formulated solely for the distribution and use within that State to meet special local needs of that State if:

(1) The substance or mixture of substances has not been cancelled, suspended, or denied registration or the subject of a Federal experimental use permit.

(2) A State plan for issuing such permits has been submitted and approved in accordance with regulations to be prescribed by the Administrator.

§ 172.11 Publication.

At any time an experimental use permit is granted by the Administrator, he shall give prompt notice in the Federal Register. The Administrator, in his discretion, may publish notice of an application for an experimental use permit in the Federal Register prior to the granting or denying of the permit, with opportunity for comment by interested persons.

[FR Doc.74-7240 Filed 3-26-74;10:20 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19816, RM-1851, RM-1874]

EDUCATIONAL BROADCASTING

Order Extending Time for Filing Reply Comments

In the matter of ascertainment of community problems by educational broadcast applicants; amendment of Section IV (Statement of Program Service of FCC Broadcast Application Forms 340 and 342 (noncommercial Educational Broadcast Applications)); and Formulation of rules and policies relating to the renewal of educational broadcasting licenses

1. On September 6, 1973, the Commission adopted a notice of proposed rulemaking in the above-entitled proceeding.

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Publication was given in the FEDERAL REGISTER on September 19, 1973, 38 FR 26212 (Sept. 19, 1973). The date for filing comments has expired and the date for filing reply comments is presently March 22, 1974.

2. On March 19, 1974, the Public Broadcasting Service (PBS) requested that the time for filing reply comments be extended to and including April 1, 1974. It states that the comments cover a broad range of views and positions which must be reviewed and analyzed in order for it to prepare responsive reply comments. It therefore states a short extension is needed in order to complete this task and to coordinate the reply comments between counsel and PBS.

3. It appears that the requested extension is warranted. Accordingly, *It is ordered*, That the date for filing reply comments is extended to and including April 1, 1974.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: March 20, 1974.

Released: March 21, 1974.

[SEAL] MARTIN I. LEVY,
Acting Chief,
Broadcast Bureau.

[FR Doc.74-7062 Filed 3-26-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 74-202]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposal on Loans in Excess of 90 Percent of Value

MARCH 19, 1974.

The Federal Home Loan Bank Board considers it advisable to propose to amend Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) by adding a new section, § 563.9-7, which would require insured institutions making single-family-dwelling loans exceeding 90 percent of value either to establish a special reserve or to secure private mortgage insurance of a specified amount from an insurer approved by the Federal Home Loan Mortgage Corporation.

At present, only Federally-chartered associations are required by the Board to have the protection of a special reserve or approved private mortgage insurance for single-family-dwelling loans in excess of 90 percent of value, as provided by § 545.6-1(a)(5)(iv) of the rules and regulations for the Federal Savings and Loan System. The purpose of the proposed amendment is to extend this protection to such loans made by State-chartered, Federally-insured institutions. Section 403(b) of the National Housing Act of 1934, as amended, states that insured institutions "will provide adequate reserves satisfactory to the Corporation, to be established in accordance with regulations made by the Corporation * * *" Under this statutory authority, the Board is empowered to determine that investments by insured institutions in the higher-risk, low-equity single-family-dwelling-loan category should be protected by means of a special reserve or approved insurance coverage which in the Board's view will serve as an adequate substitute for such a reserve. The Board therefore proposes to incorporate the provisions of § 545.6-1(a)(5)(iv) for Federal associations into the regulations for insured institutions in Part 563.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend Part 563 by adding a new § 563.9-7 to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, D.C. 20552, by April 30, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 563.9-7 Loans in excess of 90 percent of value.

(a) An insured institution which is authorized to make loans on the security of "single-family dwellings" (as defined in § 541.10 of this chapter) in excess of 90 percent of value of such real estate may do so only if:

(1) The association establishes and maintains a specific reserve with respect to such loan equal to one percent of the unpaid principal balance thereof until the unpaid principal balance has been reduced to an amount not in excess of 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made; or

(2) That as long as the unpaid balance of such a loan is in excess of an amount equal to 90 percent of the value or purchase price of the real estate security, whichever is less, determined at the time the loan was made, that portion of the unpaid balance of such loan which is in excess of an amount equal to 80 percent of such value or purchase price of the real estate security is guaranteed or insured by a mortgage insurance company which has been determined to be a "qualified private insurer" by the Federal Home Loan Mortgage Corporation.

(b) This section does not apply to single-family dwelling loans to facilitate the sale of real estate owned described in § 561.15(d) of this subchapter.

(Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-7067 Filed 3-27-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 2, 154, 157]

[Docket No. R-389-B]

JUST AND REASONABLE NATIONAL RATES FOR FUTURE SALES OF NATURAL GAS FROM WELLS COMMENCED ON OR AFTER JANUARY 1, 1973

Issuance of Revised Staff Nationwide Cost Study and Staff Study of American Gas Association Reserve Additions

MARCH 21, 1974.

Notice is hereby given, pursuant to the Administrative Procedure Act, 5 U.S.C. § 551, *et seq.* (1970),[1] and sections 4, 5, 7, 8, 14, 15, and 16 of the Natural Gas Act, 15 U.S.C. § 717, *et seq.* (1970),[2] that the Commission has determined that the attached Staff reports should be made a part of the record in this proceeding, and that all parties to this proceeding should be given an opportunity to comment upon these reports since information contained in the reports may be used by the Commission in arriving at its decision in this proceeding. The reports attached to this notice [3a] are a revision to Appendix B [3b] that was attached to the "Notice Of Proposed Rulemaking And Order Prescribing Procedures" which was issued in this proceeding on April 11, 1973,[4] and new Appendix B-1,[3b] which is a Staff study of the annual nonassociated natural gas reserve additions as reported by the American Gas Association (AGA) for 1971 and 1972.

Appendix B to the notice of proposed rulemaking has been revised to reflect 1972 drilling cost data as reported by the Joint Association Survey of the U.S. Oil and Gas Producing Industry (1972 JAS) and 1972 nonassociated natural gas reserve additions as reported by AGA. The original Appendix B has also been revised to reflect the utilization of a 10.5 year investment life for an updated test period of seven years (1966-1972) and a test period based upon the average of the 11, 16, and 26 year average productivities, and to set forth the estimated costs associated with a ten-year test period (1963-1972) and a four-year test period (1969-1972).[5] These cost studies were prepared by the Commission's Staff for comparative and illustrative purposes only; they do not necessarily represent a position of the Commission Staff in these proceedings.

Appendix B-1 attached to this notice is a Staff report prepared by the Bureau of Natural Gas and the Office of Economics entitled "Report On Indicated Disparity In Reporting Of Offshore Louisiana Non-Associated Natural Gas Reserves."

This report shows an indicated disparity between the nonassociated natural gas reserve additions reported by AGA for the years 1971 and 1972 and the reserve additions for selected producible gas leases in the Federal domain offshore of Southern Louisiana as determined by the Commission Staff. Because reserve additions are a critical element in the determination of productivity factors, and, in turn, the cost of new natural gas supplies, we are requesting all parties to this proceeding to comment upon the Staff Report and the utilization of reserve additions reported by AGA in the costing of new natural gas supplies and to respond to the following specific questions:

1. In view of the apparent disparity between the nonassociated natural gas reserves as reported by AGA and the volume of reserve additions determined in the Staff Report, should the reserve additions for the most recent years, *i.e.*, 1971 and 1972, be used in determining productivity factors to be considered in this proceeding?

2. By what methods, if any, can the reported reserve additions for 1971 and 1972 be appropriately adjusted in order to derive a reasonably reliable productivity factor for adoption in this proceeding?

3. Should the nonassociated natural gas reserve additions as reported by AGA be utilized in the calculation of a productivity factor for the costing of new natural gas supplies, and, if not, what alternative methods for calculating a productivity factor would offer greater reliability?

The Staff's current findings indicate that a disparity of approximately 1.7 trillion cubic feet (Tcf) may be due to a reporting lag which will be corrected in future years. The following statement of reporting procedures utilized by AGA for determining and reporting annual reserve additions underscores the fact that full reporting of reserve additions is deferred until the base information for determining the volume of reserve additions is furnished to the relevant AGA subcommittee:

> Subcommittees (which are responsible for the determination of reserves) are not necessarily aware of or have access to the subsurface information for all new discoveries at the time reserve estimates are prepared. This is especially true if a discovery is made late in the year for which a report is being prepared or when competitive situations relating to open acreage dictate that the subsurface information be held proprietary. In such cases new proved reserves are reported * * * as revisions * * * for the year in which the subsurface information becomes available.

Reserve Of Crude Oil, Natural Gas Liquids, And Natural Gas In The United States And Canada And United States Productive Capacity As Of December 31, 1971, Volume 26, p. 103, published jointly by the American Gas Association, American Petroleum Institute, and the Canadian Petroleum Institute (May 1972). This same statement appeared in the AGA report for 1972 reserve additions, Volume 27, p. 103 (May 1973).[6]

These statements suggest that the reserve additions reported by AGA may not be all inclusive, but may, in fact, not include certain reserves actually discovered in a given reporting year when "subsurface information" relating to those discoveries is not disclosed to the appropriate AGA subcommittee. If, in fact, all reserve additions occurring with a given reporting year have not been reported to AGA, the productivity factor for that year may be understated. Thus, we find that it is essential that the parties and respondents to this proceeding be given an opportunity to comment upon the Staff Report pertaining to reserve additions are reported by AGA so that the Commission will have a complete record upon which to base its decision in this proceeding.

In addition to the issues raised by Appendix B-1 noted above, Revised Appendix B suggest other issues concerning which the Commission desires evidence be submitted, by way of comment and cross-comment, before reaching a decision herein. Although all issues are open to comment, specific comment is invited upon the following:

1. Should the rate of return utilized in the pricing of new gas supplies be determined on the basis of the marginal rate of return necessary to attract new venture capital? What is the marginal rate of return necessary to attract new venture capital to the development of new supplies of natural gas? What rates of return are currently realizable in alternate new venture capital investment opportunities?

2. Should the principles of full cost accounting be applied to producer ratemaking, thereby including dry hole costs, other exploration costs, and exploration overhead in the rate base, or should such expenditures still be classified as current expenses for ratemaking purposes? What rate of return should be utilized if full cost account is utilized to determine producer rates?

3. Should estimation of new gas costs be related to the recent cost experience of the industry, or should estimation be based upon all data, remote and recent? What time series is appropriate? Is current data reasonably reliable, or is adjustment necessary to render such data reasonably reliable? If adjustment is necessary, upon what basis should the adjustments be made?

4. Should estimation of new gas costs be based, in whole or in part, upon statistical trending of historical cost data, and specifically do any of the data series for drilling costs, dry hole costs, lease acquisition costs, cost of producing wells, exploratory overhead, other exploration costs, production operating expense, and liquid credits lend themselves to trending by statistical analysis? What time series should form the basis for statistical trending?

5. As a substantial portion of the new natural gas supplies for the United States in future years will come from wells drilled to depths of 15,000 feet or more below the surface in the onshore areas and from offshore areas where the water depths will be increasingly greater than those being explored today, should some additional cost allowance be made for these drilling efforts? If so, upon what factual basis can a reasonable allowance be based for these projected additional costs and what amount (cents per Mcf) should be provided as the allowances for deeper drilling (in both the onshore and offshore areas) and deeper water depths in the offshore areas?

6. If non-cost factors are to be considered, what factors should be considered and how should they be quantified in computing a rate for new natural gas supplies?

We have concluded that the information and data contained in the attached Staff reports (which are denoted as Revised Appendix B and Appendix B-1) and the data and information contained in the comments of the parties submitted in response to these Staff reports and the specific questions enumerated in this notice may be material to the Commission's resolution of the issues raised in this proceeding, and that the public interest requires that all parties and respondents to this proceeding be given an opportunity to comment upon the attached Staff reports and the specific questions enumerated in this notice. The public interest requires that any interested persons, not now a party or respondent to this proceeding, be given an opportunity to become a party to this proceeding and comment upon the attached Staff reports, the specific questions enumerated in this notice, and the comments of all other parties to this proceeding which are submitted in response to this notice. Those interested persons desiring to become a party to this proceeding, who are not already a party or respondent to this proceeding, shall be required to accept the record of this proceeding as it is presently constituted and to limit their comments and cross-comments to the matters set forth in this notice and the attached Staff reports and the comments submitted in response to this notice.

It is also in the public interest that expedited procedures for the filing comments and cross-comments be adopted in this notice. To that end, we shall require that all interested persons, who are not now either a party or respondent to this proceeding, to notify the Secretary of the Commission of their desire to become a party to this proceeding on or before March 26, 1974, and the Secretary shall serve a revised service list for this proceeding upon all parties of record as of March 27, 1974, on or before April 1, 1974. Initial written comments pertaining to

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[1] 60 Stat. 237, 918, 993 (1946); 61 Stat. 37, 201 (1947); 62 Stat. 99 (1948); 80 Stat. 250 (1966).

[2] 52 Stat. 822, 823, 824, 825, 829, 830 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); 76 Stat. 72 (1972); 15 U.S.C. §§ 717c, 717d, 717f, 717g, 717m, 717n, 717o (1970).

[3a] Revised Appendix B and Appendix B-1 filed as part of the original document.

[3b] 38 FR10014 (1973).

[4] 38 FR 10014 (1973).

[5] The seven-year and the average of the 11, 16, and 26 year productivities correspond to the six-year and the average of the 10, 15, and 25 year productivities presented in the original Appendix B with the addition of productivity data for 1972.

[6] Prior to the AGA report for 1971 reserve additions, the following statement appeared in the annual AGA report on reserve additions:

> New discoveries seldom are delineated or fully developed during the year of discovery. Therefore, the year-end reserves estimates of discoveries generally represent only a part of reserves that ultimately will be assigned. *E.g.*, Volume 25, p. 103 (May 1971) (1970 AGA).

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this notice and the attached Staff reports are to be filed on or before April 22, 1974, and responses to the initial written comments are to be filed on or before May 13, 1974.

The Commission finds: (1) The public interest and the orderly and effective administration of the Natural Gas Act requires that all interested persons, who are not now either a party or respondent to this proceeding, be given an opportunity to became a party to this proceeding subject to the condition that they shall accept the record of the proceeding as such record is presently constituted and limit their comments to the matters raised in this notice, the attached Staff reports, and the comments submitted in response to this notice.

(2) The public interest requires that the attached Staff reports (which are denoted as Revised Appendix B and Appendix B–1) be made a part of the record to this proceeding and that all parties to this proceeding be given an opportunity to comment upon the contents of Revised Appendix B and Appendix B–1 and the specific questions enumerated in this notice.

(3) The public interest requires that the Commission provide for the filing of comments upon Revised Appendix B and Appendix B–1 and the specific questions enumerated in his notice on an expedited basis so that this proceeding will not be unduly delayed.

The Commission orders: (A) All persons, who are either a respondent to or a party to this proceeding, may file written comments pertaining to the attached Staff reports (which are denoted as Revised Appendix B and Appendix B–1) on or before April 22, 1974, with the Secretary of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Replies to the written comments may be filed with the Secretary of the Commission on or before May 13, 1974. The initial comments and replies thereto shall state the name, title, mailing address, and telephone number of the person or persons to whom communications concerning this matter should be addressed. An original and fourteen (14) conformed copies of such comments and replies to such initial comments shall be filed with the Commission, and copies of the initial comments and replies thereto shall be served upon all persons who are parties to or respondents to this proceeding.

(B) All comments and replies thereto filed in response to this notice shall be under oath, acknowledged by a notary public or comparable official, as follows:

---------- being duly
(Name)

sworn, deposes and says that he is (title and organization, if filing is in a representative capacity) that he is authorized to verify and file this document, that he has examined the statement contained in the initial comments or replies thereto, and that all such statements are true and correct to the best of his knowledge, information, and belief. The persons preparing the written comments and replies thereto shall submit such filings on letter-size paper (8" by 10½" or 8½" by 11") in accordance with the Rules of Practice and Procedure of the Federal Power Commission.

(C) All interested persons, who are not now either a party or respondent to this proceeding, may become a party to this proceeding by filing a notice of intention to respond to this notice with the Secretary of the Commission on or before March 26, 1974. Such persons shall accept the record of this proceeding as it is presently constituted and shall limit their comments and replies to the comments of the other parties and respondents to the matter raised in this notice, the attached Staff reports, and the comments submitted in response to this notice.

(D) The Secretary of the Commission shall serve a revised service list of all parties of record as of March 27, 1974, upon all such parties and respondents to this proceeding on or before April 1, 1974, by United States mail.

(E) The Secretary of the Commission shall cause prompt publication of this notice and the attached Staff reports in the FEDERAL REGISTER and shall serve this notice and the attached Staff reports upon all parties and respondents to this proceeding.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–7000 Filed 3–26–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC–8273, File No. S7–518]

CERTAIN JOINT TRANSACTIONS INVOLVING REGISTERED INVESTMENT COMPANIES

Exemption From Application Requirements

Notice is hereby given that the Securities and Exchange Commission has under consideration the amendment of Rule 17d–1 [17 CFR 270.17d–1] under the Investment Company Act of 1940 ("Act") [15 U.S.C. 80a–1 et seq.]. The proposed revision would enable certain affiliated companies and certain persons affiliated with such companies to participate in joint transactions with registered investment companies and companies controlled by registered investment companies without an order of the Commission. It would also clarify the present rule to remove any doubt as to whether certain SBIC stock option plans may become operative without an order of the Commission. The proposed amendment would be adopted pursuant to the authority in sections 17(d), 6(c) and 38(a) of the Act [15 U.S.C. 80a–17(d), 80a–6(c), 80a–37(a)].

Section 17(d) of the Act makes it unlawful for any affiliated person of or principal underwriter for a registered investment company • • • or any affiliated person of such a person or principal underwriter, acting as principal to effect any transaction in which such registered company, or a company controlled by such registered company, is a joint or a joint and several participant with such person, principal underwriter, or affiliated person, in contravention of such rules and regulations as the Commission may prescribe for the purpose of limiting or preventing participation by such registered or controlled company on a basis different from or less advantageous than that of such other participant.

Rule 17d–1(a) prohibits all such affiliated persons, and principal underwriters, acting as principal, from participating in or effecting any—

Transaction in connection with, any joint enterprise or other joint arrangement or profit-sharing plan in which any such registered company, or a company controlled by such registered company, is a participant • • • unless an application regarding such joint enterprise, arrangement or profit-sharing plan has been filed with the Commission and has been granted • • •

Section 6(c) of the Act provides that the Commission, by rule, regulation or order, may exempt any person or transaction, or any class of persons or transactions, from any provision of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 38(a) of the Act authorizes the Commission to issue and amend such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

Proposed New Subparagraph (4) of Rule 17d–1(d)—SBIC Stock Option Plans. Paragraph (c) of Rule 17d–1 presently defines "joint enterprise or other joint arrangement or profit-sharing plan" for purposes of Rule 17d–1 as, *inter alia*, any "stock option or stock purchase plan." In *The National Association of Small Business Investment Companies* (Investment Company Act Release No. 6523, May 14, 1971) the Commission exempted from the provisions of Sections 18, 19, and 23 of the Act [15 U.S.C. 80a–18, 80a–19, 80a–23], subject to conditions for the protection of investors, the issuance by registered small business investment companies ("SBICs") of stock options which qualify under section 422 of the Internal Revenue Code and under appropriate SBA regulations to officers, directors and employees of SBICs. It appears, however, that a question remains as to whether or not an application is needed under Rule 17d–1 for an order of the Commission permitting the issuance of such qualified stock option plans. In order to remove any doubt in this regard, proposed new subparagraph (4) of Rule 17d–1(d) would permit registered SBICs to issue qualified stock options to their officers, directors and employees without a prior Commission order.

Proposed New Subparagraph (5) of Rule 17d–1(d)—Joint Transactions with Certain Affiliated Persons. Proposed new subparagraph (5) would provide an exemption from the application provisions of Rule 17d–1 for joint transactions or arrangements in which any registered investment company or a company controlled by such registered investment company is a participant, and in which a company affiliated with such registered investment company or an affiliated person of such affiliated company is also a participant, provided that neither certain affiliated persons nor the principal underwriter of the registered investment company participate or have a financial interest in the transaction. The proposed exemption would be available in the case of SBICs, venture capital and other registered investment companies in like manner.

In proposing new subparagraph (5) of Rule 17d–1 the Commission believes that when the persons designated do not participate or have a financial interest in a joint transaction, there is little likelihood that participation by registered investment companies, or controlled companies thereof, in joint transactions with other affiliated persons, or affiliated persons of such other affiliated persons, will result in unfair or disadvantageous treatment to the investment companies or their controlled companies.

Proposed new subparagraph (5) would not, however, exempt from the application requirements of the rule those joint transactions in which an investment company or a company controlled by such company commits in excess of 5 percent of its assets. This limitation should further protect against the possibility that exempted transactions would occur when a direct association with the investment company exists. The 5 percent limitation is consistent with the limitation already imposed by Section 5 of the Act [15 U.S.C. 80a–5] for diversified companies[1] and it is also consistent with the 5 percent limitation contained in Section 851 of the Internal Revenue Code [26 U.S.C. 851], as amended, under which the vast majority of investment companies qualify for "pass through" tax treatment.

Apart from the provisions of the proposed amendments, it should be noted that the anti-fraud provisions of the federal securities laws are also applicable to joint transactions in which registered investment companies or their controlled companies participate. In particular, Rule 10b–5 under the Securities Exchange Act of 1934 [17 CFR 240.10b–5] prohibits the employment of manipulative and deceptive devices in connection with the purchase or sale of any security. That prohibition would be applicable even where the exemption afforded by the proposed amendment would be available. Furthermore, the officers, directors and investment advisers of registered investment companies will remain subject to section 36(a) [15 U.S.C. 80a–35(a) Sec. 20, Pub. L. 91–547, 84 Stat. 1428] of the Act with respect to joint transactions exempted by the proposed subparagraph.

Proposed new subparagraph (5) of Rule 17d–1(d) also empowers the Commission to require the submission of reports of joint transactions effected pursuant to the proposed new subparagraph. The Commission intends shortly to publish a proposal for the implementation of this reporting requirement.

Illustrative of the type of joint transaction whtich would be exemp under proposed subparagraph (5), are the following:

1. Frequently, a company is an affiliated person of a registered investment company because 5 percent or more of the former's common stock is in the portfolio of the registered investment company. In addition, an officer or director of the affiliated portfolio company may own some of the affiliated portfolio company's common stock, or another individual may own 5 percent or more of the portfolio company's common stock. As a result, each of these individual owners of the portfolio company's common stock is an affiliated person of an affiliated person of the registered investment company. If the portfolio company reorganizes its capital structure, proposed subparagraph (5) would eliminate the need for an application under Rule 17d–1 if certain specified persons do not also participate or have a financial interest in the transaction. The exemption would be available even though such a reorganization would involve participation by an affiliated person of an affiliated person of the registered investment company in a joint enterprise (namely the exchange of securities of the portfolio company for new securities thereof) in which the registered investment company is also a participant.

2. A somewhat similar situation arises when an affiliated portfolio company of the registered investment company is to be merged with a company controlled by the registered investment company. Frequently, an affiliated person of the affiliated portfolio company (e.g., an officer, director or 5 percent stockholder) participates or has a financial interest in the joint transaction. Under proposed new subparagraph (5), an application for an order of the Commission to permit this transaction would not be required, provided that the persons specified in proposed subparagraph (5) do not participate or have a financial interest in the joint transaction.

3. Where two registered investment companies each own 5 percent or more of the common stock of the same portfolio company, each is an affiliated person of an affiliated person of the other. Under proposed new subparagraph (5) it would not be necessary to file an application under Rule 17d–1 where either or both of the investment companies desire to increase or decrease their holdings of such security or to exchange securities with the portfolio company, provided that the persons specified in proposed subparagraph (5) do not participate or have a financial interest in the joint transaction.

Accordingly, the Securities and Exchange Commission, pursuant to authority given it in Sections 6(c), 17(d), and 38(a) of the Investment Company Act of 1940, hereby proposes to amend Section 270.17d–1(d) of Chapter II of Title 17 of the Code of Federal Regulations by adding new subparagraphs (4) and (5). The amendment starts with (4) below; the preliminary language exists in Rule 17d–1 and has been included only for purposes of readability.

§ 270.17d–1 Applications Regarding Joint Enterprises or Arrangements and Certain Profit-Sharing Plans.

• • • • • •

(d) Notwithstanding the requirements of paragraph (a) of this section, no application need be filed pursuant to this section with respect to any of the following:

• • • • • •

(4) The issuance by a registered investment company which is licensed by the Small Business Administration ("SBA") pursuant to the Small Business Investment Act of 1958 of stock options which qualify under Section 422 of the Internal Revenue Code, as amended, and which conform to § 107.805(b) of Chapter I of Title 13 of the Code of Federal Regulations (revised as of January 1, 1972), as amended in 37 FR 3950 and 37 FR 8865, adopted by the SBA, effective August 1, 1972.

(5)(i) Any joint enterprise or other joint arrangement or profit-sharing plan other than a stock option or stock purchase plan (hereinafter referred to as a "joint enterprise") in which a registered investment company or a company controlled by such a company, is a participant, and in which a company which is an affiliated person of such registered investment company or an affiliated person of such a person is also a participant, provided that no person who is included in items (A) through (E) below is, was, or proposes to be, a participant in the joint enterprise in any manner, including participation through a financial interest, direct or indirect, in any person (except the registered investment company) who is, was or will be a participant in the joint enterprise, and further provided that in such joint enterprise neither the investment company nor a company controlled by such company commits in excess of 5 percent of its assets, and further provided that reports containing pertinent details of the joint enterprise shall be made at such time, on such forms and by such persons as the Commission may from time to time prescribe.

(A) An officer, director, employee, investment adviser, member of an advisory board, depositor, promoter of or principal underwriter for the registered investment company,

(B) A person directly or indirectly controlling the registered investment company,

(C) A person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of the registered investment company,

(D) A person directly or indirectly under common control with the registered

[1] Section 5(b)(1) of the Act in effect requires a diversified management company to invest at least 75 percent of the value of its total assets in cash and cash items, government securities, securities of other investment companies and other securities "limited in respect of any one issuer to an amount not greater in value than 5 per centum of the value of the total assets" of such company.

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investment company, except a person who, if it were not directly or indirectly controlled by the registered investment company, would not be directly or indirectly under the control of a person who controls the registered investment company, or

(E) An affiliated person of any of the foregoing, except (*1*) the registered investment company, or (*2*) a person who (*i*) if it were not directly or indirectly controlled by the registered investment company, or (*ii*) if 5 per centum or more of its outstanding voting securities were not directly or indirectly owned, controlled, or held with power to vote by the registered investment company, would not be an affiliated person of a person described in item (B) or (C) hereinabove.

(ii) For the purpose of determining whether, pursuant to this subparagraph (5), an application need be filed pursuant to this section, the term "financial interest" as used herein shall not include (A) any interest through ownership of securities issued by the registered investment company; (B) any interest of a wholly-owned subsidiary of the registered investment company; (C) usual and ordinary fees for services as a director; (D) an interest of a nonexecutive employee; (E) an interest of an insurance company arising from a loan or policy made or issued by it in the ordinary course of business to a natural person; (F) an interest of a bank arising from a loan or account made or maintained by it in the ordinary course of business to or with a natural person, unless it arises from a loan to a person who is an officer, director or executive of a company which is a participant in the joint transaction or from a loan to a person who directly or indirectly owns, controls, or holds with power to vote, 5 per centum or more of the outstanding voting securities of a company which is a participant in the joint transaction; or (G) an interest acquired in a transaction described in paragraph (d)(3) hereof.

(Sec. 8(c), 17(d), 38(a); 54 Stat. 800, 815, 841; 15 U.S.C. 80a-6(c), 80a-17(d), 80a-37(a)).

All interested persons are invited to submit their written views and comments on the proposed amendment to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before May 10, 1974. All communications in this regard should refer to File No. S7-518, and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 14, 1974.

[FR Doc.74-7042 Filed 3-26-74;8:45 am]

FEDERAL ENERGY OFFICE

[10 CFR Part 212]

PUERTO RICO

Further Notice of Proposed Price Regulations and Public Hearing

Notice is hereby given that the public hearing in this proceeding, announced by the Federal Energy Office on March 18, 1974 (39 FR 10454, March 20, 1974) will be held beginning at 10:00 a.m., on Monday, April 8, 1974 and Tuesday, April 9, 1974, at the Governmental Building-Las Minnellas, Santurce, Puerto Rico, in the Public Hearing Room, eighth floor, to receive comments from interested persons on the matters set forth in the initial notice of this proceeding.

Any person who has an interest in the subject of the hearing, or who is a representative of a group or class of persons which has an interest in the subject of the hearing, may make a written request for an opportunity to make an oral presentation. Such a request should be directed to the Executive Secretariat of the Federal Energy Office, and must be received before 5:30 p.m., e.d.s.t., Monday, April 1, 1974. Such a request may be delivered by hand to Room 3309, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:30 a.m. and 5:30 p.m., Monday through Friday, or may be submitted by Telex, 710-822-0155. The request should identify the individual who would testify, describe the interest concerned, state, if appropriate, why the individual is a proper representative of a group or class of persons which has an interest, and provide a telephone number where the individual may be contacted through April 2, 1974.

Each person selected to be heard will be so notified by the Federal Energy Office before 5:30 p.m., e.d.s.t., April 2, 1974.

The Federal Energy Office reserves the right to select the persons to be heard at the hearing, to schedule their respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation may be limited, based on the number of persons requesting to be heard.

A Federal Energy Office official will preside at the hearing. It will not be a judicial or evidentiary type hearing. Questions may be asked only by those conducting the hearing, and there will be no cross-examination of persons presenting statements. Any decision made by the Federal Energy Office with respect to the subject matter of the hearing will be based on all information available to the Federal Energy Office, from whatever source received. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearing, to the Executive Secretariat before 5:30 p.m., e.d.s.t., April 4, 1974. Any person who makes an oral statement and who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer. The presiding officer will determine whether a question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearing will be announced by the presiding officer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be made available for inspection at the Public Reference Facility of the Federal Energy Office, Room 3130, New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:30 a.m. and 5:30 p.m. Monday through Friday. Anyone may buy a copy of the transcript from the reporter.

This public hearing will be conducted under the authority of § 5 of the Emergency Petroleum Allocation Act and Section 207(c) of the Economic Stabilization Act of 1970, as amended.

The Federal Energy Office is inviting public participation in the form of written submissions as well as oral presentations. All written submissions received by the Federal Energy Office not later than 5:30 p.m., e.d.s.t., Thursday, April 4, 1974, will be considered by the Federal Energy Office before it makes its determination in this proceeding.

Fifteen copies of all written submissions should be sent to the Federal Energy Office in Washington, D.C. All submissions should be clearly identified on the outside of the envelope as "Puerto Rican Price Regulation Comments." If submitted by mail they should be addressed to the Federal Energy Office, Executive Secretariat, Box AC, Washington, D.C. 20461. If submitted by hand, they should be delivered to The Federal Energy Office, Executive Secretariat, Room 3309, The New Post Office Building, 12th and Pennsylvania Avenue, NW., Washington, D.C. Fifteen copies of all written submissions should also be submitted to the Federal Energy Office in Puerto Rico.

They may be submitted by mail or delivered by hand to the Federal Energy Office, c/o Officina Sobre Asuntos de Combustibles Derivados del Petroleo, Room 804, Governmental Building-Las Minnellas, Santurce, Puerto Rico, 00910.

Any information or data considered by the person furnishing it to be confidential must be so indicated and submitted in writing, one copy only. The Federal Energy Office reserves the right to determine the confidential status of the information or data and to treat it accordingly.

Issued in Washington, D.C. March 26, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

[FR Doc.74-7276 Filed 3-26-74;12:06 pm]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD

Notice of Advisory Committee Meeting

The Defense Science Board will meet in closed session in the Pentagon, Washington, D.C., April 18 and 19, 1974.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 22, 1974.

[FR Doc.74-7019 Filed 3-26-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT SUPPLEMENT TO THE FISCAL YEAR 1975 PROGRAM STATEMENT

Notice of Public Meeting

Notice of a public information meeting is hereby given by the Bonneville Power Administration to solicit public comments on a Draft Facility Location Supplement to BPA's Fiscal Year 1975 Program Statement. This Supplement describes the environmental impact of constructing a new substation near the town of Sappho located in Clallam County, Washington.

The purpose of this public information meeting is to present to the public alternative facility or site locations relative to the above proposal and to solicit comments from the public with respect to the environmental impact of the proposal.

The meeting on the proposed substation will be held on April 29, 1974, at 1 p.m., in the Clallam County PUD Office, Port Angeles, Washington.

Oral and written statements will be accepted at this meeting. Members of the public who wish to be given preference in the order of appearance should contact the Seattle Area Manager, 415—1st Avenue North, Room 250, Seattle, Washington 98109, Area Code (206) 284-6820. However, all those present wishing to comment will be allowed to do so in the time remaining. Those wishing to comment orally are encouraged but not required to submit a written copy of their statement. All comments, whether oral or written, will be given consideration. Because of the technical nature of the subject matter, members of the public and other reviewers are also encouraged to familiarize themselves with the Draft Facility Location Supplement on the proposed Sappho Substation before commenting.

Requests for copies of the draft supplement on the above proposal or any questions regarding this meeting should be forwarded to the Seattle Area Manager, 415—1st Avenue North, Room 250, Seattle, Washington 98109.

Written comments on the Draft Facility Location Supplements have been invited and will be accepted on or before Monday, April 29, 1974. Copies of the draft supplement are also available for inspection at the above Area Office or at the headquarters building, Bonneville Power Administration, 1002 NE. Holladay Street, Portland, Oregon 97232.

Additional or clarifying information may be obtained by writing or calling the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208; Area Code (503) 234-3361, extension 5136.

WILLIAM H. CLAGETT,
Assistant Administrator.

MARCH 21, 1974.

[FR Doc.74-6898 Filed 3-26-74;8:45 am]

Bureau of Land Management

[N-219]

NEVADA

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 19, 1974.

The Bureau of Sport Fisheries and Wildlife have filed the above application for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., Ch. 2), but not the mineral leasing laws.

The applicant desires the land as an addition to the existing Desert National Wildlife Range.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 3008 Federal Building, 300 Booth Street, Reno, Nevada 89502.

The Department's regulations (43 CFR § 2351.4(c)), provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 8 S., R. 61 E., (partially unsurveyed)
Secs. 8 and 9, all;
Sec. 10, W½, W½E½;
Sec. 14, W½SW¼SW¼;
Sec. 15, NW¼NE¼NE¼, S½NE¼NE¼, S½NE¼, NW¼NE¼, NW¼, S½;
Secs. 16 to 22, incl., all;
Sec. 23, W½NW¼, S½SE¼NW¼, NW¼SE¼NW¼, SW¼;
Sec. 25, SW¼NW¼, NW¼SW¼, S½SW¼;
Secs. 26 to 35, incl., all;
Sec. 36, NW¼NE¼, S½NE¼, NW¼, S½.
T. 8 S., R. 62 E.,
Sec. 31, lots 3, 4, SE¼SW¼.
T. 9 S., R. 62 E.,
Secs. 10, 11, 14, 15, 22, 23, 26, 27, 34 and 35, those portions lying between the east boundary of the existing Desert National Wildlife Range (D.N.W.R.) and the westerly line of the right-of-way of U.S. Highway 93.
T. 10 S., R. 62 E.,
Secs. 1, 2, 12, 13 and 24 those portions lying west of the westerly line of the right-of-way of Highway 93.
Sec. 11, all;
Sec. 14, NE¼, NE¼NW¼, SW¼SE¼;
Sec. 23, SE¼NE¼, W½NE¼, E½SE¼;
Sec. 25, SW¼SW¼;
Sec. 36, that portion lying between the east boundary of the existing D.N.W.R. and the westerly line of right-of-way of U.S. Highway 93.
T. 11 S., R. 62 E.,
Sec. 1, that portion lying between the east boundary of the existing D.N.W.R. and the westerly line of the right-of-way of U.S. Highway 93.
T. 11 S., R. 63 E.,
Secs. 18, 19, 30 and 31, those portions lying west of the westerly line of the right-of-way of U.S. Highway 93.
T. 12 S., R. 63 E.,
Secs. 6, 7, 18, 19, 29, 30 and 32, those portions lying west of the westerly line of the right-of-way of U.S. Highway 93;
Sec. 31, all.
T. 13 S., R. 63 E.,
Secs. 5, 8, 17, 20, 28, 29 and 33, those portions lying west of the westerly line of the right-of-way of U.S. Highway 93;
Secs. 6, 7, 18, 19, 30, 31 and 32, all.

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T. 13½ S., R. 63 E., (unsurveyed)
Secs. 31 and 32, all;
Sec. 33, that portion lying west of the westerly line of the right-of-way of U.S. Highway 93.
T. 14 S., R. 63 E., (unsurveyed)
Secs. 4, 9, 16, 21, 28 and 33, those portions lying west of the westerly line of the right-of-way of U.S. Highway 93;
Secs. 5 to 8, incl., 17 to 20, incl., 29 to 32, incl., all.
T. 15 S., R. 63 E.,
Secs. 3, 4, 10, 15, 22, 27 and 34, those portions lying west of the westerly line of the right-of-way of U.S. Highway 93;
Secs. 5 to 9, incl., 16 to 21, incl., 28 to 33, incl., all.
T. 16 S., R. 63 E.,
Secs. 3, 4, 9, 16, 20, 21, 29 and 32, those portions lying west of the westerly line of the right-of-way of U.S. Highway 93;
Secs. 5 to 8, incl., 17, 18, 19, 30 and 31, all.
T. 17 S., R. 63 E.,
Secs. 7, 8, 18, 19, 30 and 31, all;
Secs. 9, 16, 17 and 20, those portions lying west of the westerly line of the right-of-way of U.S. Highway 93;
Sec. 29, N½, that portion lying west of the westerly line of the right-of-way of U.S. Highway 93;
Sec. 29, S½ and sec. 32, those portions lying west of the westerly line of the right-of-way of the Caliente power line.
T. 18 S., R. 63 E.,
Secs. 5, 8, 17, 18, 19, 29, 30 and 31, those portions lying west of the westerly line of the right-of-way of the Caliente power line;
Secs. 6 and 7, all.

The lands described aggregate approximately 70,000 acres.

RALPH S. DUNN,
Acting Chief,
Division of Technical Services.

[FR Doc.74-7022 Filed 3-26-74;8:45 am]

[New Mexico 20098 (943a)]

NEW MEXICO

Transwestern Pipeline Company; Notice of Pipeline Application

MARCH 18, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Transwestern Pipeline Company has applied for a natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,
Sec. 2, SW¼SW¼;
Sec. 10, E½NE¼, SW¼NE¼, NE¼SW¼, NW¼SE¼;
Sec. 11, NW¼NW¼.

The pipeline will convey natural gas crossing Federal lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analysis necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-7027 Filed 3-26-74;8:45 am]

[New Mexico 20178 (943a)]

NEW MEXICO

Transwestern Pipeline Company; Notice of Pipeline Application

MARCH 18, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Transwestern Pipeline Company has applied for a natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 28 E.,
Sec. 26, S½SW¼;
Sec. 27, S½SE¼.

The pipeline will convey natural gas crossing Federal lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analysis necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-7023 Filed 3-26-74;8:45 am]

[New Mexico 20480 (943a)]

NEW MEXICO

Notice of Application

MARCH 18, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Transwestern Pipeline Company has applied for a natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 23 S., R. 24 E.,
Sec. 23, SW¼NE¼, SE¼NW¼, E½SW¼, W½SE¼;
Sec. 26, E½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 34, E½NE¼, N½SE¼, SW¼SE¼;
Sec. 35, NW¼NW¼.
T. 24 S., R. 24 E.,
Sec. 3, NW¼NE¼, E½NW¼, N½SW¼;
Sec. 4, E½SE¼, SW¼SE¼;
Sec. 9, W½NE¼, SE¼NW¼, E½SW¼.

The pipeline will convey natural gas crossing Federal lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1449, Santa Fe, NM 87501.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-7024 Filed 3-26-74;8:45 am]

PRINEVILLE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Prineville District Advisory Board will meet on May 3, 1974, commencing at 1 p.m., in the Prineville District Office, Bureau of Land Management, 185 E. Fourth Street, Prineville, Oregon. The agenda for the meeting will focus on the role, function and composition of the Advisory Board.

The meeting will be open to the public. It is to be held in a room accommodating 30 people. In addition to discussion of agenda topics by board members, there will be time for brief statements by nonmembers. Persons wishing to make oral statements should so advise the chairman or co-chairman prior to the meeting, to aid in scheduling the time available. Any interested person may file a written statement for consideration by the board by sending it to the chairman, in care of the co-chairman: Prineville District Manager, P.O. Box 550, Prineville, Oregon 97754.

PAUL W. ARRASMITH,
Prineville District Manager.

MARCH 19, 1974.

[FR Doc.74-7026 Filed 3-26-74;8:45 am]

[Wyoming 44574]

WYOMING

Notice of Application

MARCH 19, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Colorado Interstate Corporation has applied for a natural gas pipeline right-of-way in the following townships:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 21 N., R. 89 W.,
T. 21 N., R. 90 W.,
T. 20 N., R. 91 W.,
T. 20 N., R. 92 W.

The pipeline will convey gas from a point in sec. 32, T. 21 N., R. 89 W., to a point in sec. 8, T. 20 N., R. 92 W.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-7025 Filed 3-26-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

[Notice No. 76]

CANNING AND FREEZING PEAS—IDAHO AND UTAH

Extension of the Closing Date for Filing of Applications for the 1974 Crop Year

Pursuant to the authority contained in § 401.103 of Title 7 of the Code of Federal Regulations, the time for filing applications for canning and freezing pea crop insurance for the 1974 crop year in the Idaho and Utah counties listed below is hereby extended until the close of business on April 5, 1974. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

IDAHO

Franklin	
UTAH	
Box Elder	Salt Lake
Cache	Weber

[SEAL] M. R. PETERSON,
Manager, Federal Crop Insurance Corporation.

[FR Doc.74-7108 Filed 3-26-74;8:45 am]

Farmers Home Administration

[A030]

SOUTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in South Carolina:

Dorchester
Sumter

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall in June 1973 in Dorchester County and excessive rainfall June 8–15, 1973, in Sumter County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor John C. West that such designation be made.

Applications for Emergency loans must be received by this Department prior to May 13, 1974, for physical losses and prior to December 16, 1974, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 20th day of March 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-7029 Filed 3-26-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Electronic Instrumentation Technical Advisory Committee of the U.S. Department of Commerce will meet April 9, 1974 at 9:30 a.m. in Room 3817 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to electronic instrumentation, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Director, Office of Export Administration, Rauer H. Meyer.
2. Election of Chairman.
3. Presentation of papers or comments by the public.
4. Review of current controls on electronic instrumentation, including report on any decontrol action effected since August 29, 1972.
5. Technical problems relating to export control coverage of electronic instrumentation and related technology.
6. Licensing procedures relating to electronic instrumentation and technology.
7. Foreign availability of electronic instrumentation currently under licensing control, including extent of U.S. participation and use of U.S. technology.
8. Executive session.
a. Background of U.S. and COCOM control program and strategic criteria.
b. Technical problems:
(1) Military and military support uses of electronic instrumentation.
(2) Significant parameters from the strategic standpoint, including adequacy of present control definition or coverage.
c. Foreign availability, including state of the art in the USSR, Eastern Europe, and People's Republic of China.
d. Licensing control over technology related to electronic instrumentation.

This will be the first meeting of the Electronic Instrumentation Technical Advisory Committee. It was established October 23, 1973, and consists of technical experts from a representative cross section of the electronic industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a 2-year term.

The public will be permitted to attend the discussion of agenda items 1–7, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (8), "Executive session," the Assistant Secretary of Commerce for Administration, on March 12, 1974, determined, pursuant to section 10(d) of Public Law 92–463, that this agenda item should be exempt from the provision of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202–967–4196).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to: Central Reference and Records Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: March 22, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74-7068 Filed 3-26-74;8:45 am]

Maritime Administration

[Report No. 124]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through February 28, 1974, exclusive of those vessels that called at Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total, all flags (171 ships)	1,311,860
Cypriot (80 ships)	676,632
Aegis Banner	9,024
Aegis Care	7,803
Aegis Courage	8,961
Aegis Eternity	8,814
Aegis Fame	9,241
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678

V 39 160 MAR 27 74 XUM

	Gross tonnage
Aegis Legend (previous trips to Cuba—Greece)	8,925
Aegis Loyal	10,405
Aegis Strength	9,439
Aftadelfos	8,136
*Aghia Tholassini	8,120
Aghios Ermolaos	7,208
Aghios Georgios	8,377
Akrotiri (previous trips to Cuba as the Anemone)	7,168
Alamar	12,299
Alda	7,292
Alexandros Skoutaris	8,280
Alma	9,097
Alpa	9,159
Amarilis	8,959
Annunciation Day	8,047
Antigoni	3,174
Areti	8,560
Arion	5,245
Aris (previous trips to Cuba as the Aris II)	9,561
Armar	9,559
Artigas	5,841
Anthenian Democracy (tanker)	8,675
Baracoa	9,242
Begonia	6,576
Byron (tanker)	8,720
Camelia	8,111
Castalia	7,641
Cleopatra	8,150
Degedo	9,000
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Elpida	8,382
Eftyhia (trips to Cuba—Greek)	10,347
Enarxis	9,212
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot	9,483
Georgios T	9,646
Goodluck	7,307
Granikos (previous trips to Cuba as the Silver Oak)	5,313
Herodemos	7,356
Hymettus (tanker)	12,038
**Irene's Pride (ex-Kika, Panama—previous trips to Cuba as the Santa Lucia—Italian)	9,278
Iris	8,479
June	9,357
Kentavros	10,173
Kiki (previous trips to Cuba as the Gardenia)	9,723
Kitsa	9,519
Magnolia	7,249
Margaret H	8,378
Mariner	7,916
Master George	7,334
May	8,853
Mimis N. Papalios	9,069
Mimosa	8,782
Miss Papalios	9,241
Mitera Assimina	7,731
Nea Hellas	9,241
Nike	9,505
Pantazis Caias	9,618
Petunia	7,843
Protoapostolos	8,130
Protoklitos	6,154
Protomachos	9,218
Ravens	8,036
Reifens	8,071
Rothens	8,106
Salvia	8,522
Silver Coast	7,473
Skipper	8,788
Successor	11,471
Theoskepasti	6,618
Torenia	8,077
Venturer	9,070
Zinnia	7,114
Somali (31 ships)	254,525
*Agate Islands	8,738
Amber Islands	8,947
*Atlantic Ocean	9,077
**Atlas (trip to Cuba—Finnish)	3,916
Ber Sea	8,269
Coral Islands (previous trips to Cuba—British)	8,673
Eastglory (previous trips to Cuba—British)	8,995
Feihang	8,924
Feita	8,903
*Flores Sea	9,107
**Fortune Enterprise (trips to Cuba—British)	7,696
**Gloden Bridge (previous trips to Cuba—British)	7,898
Hemisphere (previous trips to Cuba—British)	8,718
Jade Islands	10,270
**Jolliy (trips to Cuba—British)	8,819
**Kinross (previous trips to Cuba—British)	5,388
Marbella	8,409
Marble Islands	8,797
Mindanao Sea	8,871
Minfung	5,980
Mingwei	8,390
Molucca Sea	8,871
Nebula (previous trips to Cuba—British)	8,773
**New East Sea (previous trips to Cuba—British)	9,679
Onyx Islands	8,618
*Opal Islands	9,003
**Oriental (trips to Cuba as the Oceantramp—British)	5,986
*Sea Pioneer	9,614
**Seasage (previous trips to Cuba—British)	3,794
Topaz Islands	8,998
**Venice (trips to Cuba—British)	8,504
Polish (14 ships)	99,730
Baltyk	6,984
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,654
Grodziec	3,379
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Piast	3,184
Rejowiec	3,401
Transportowiec	10,629
British (12 ships)	100,831
Arctic Ocean	8,701
Cheung Chau	8,566
Ho Fung	7,121
Ivory Islands	9,718
Mystic	6,656
Rowanmore	8,274
Sea Amber	10,421
Sea Coral	10,421
Sea Moon	9,085
Shun Wah (trips to Cuba as the Vercharmian—British)	7,265
Steed	8,389
Yunglutation	5,414
Yugoslav (8 ships)	56,016
Agrum	2,449
Bar	8,699
Cetinje	8,120
Niksic	9,916
Piva	7,519
Plod	3,657
Ulcinj	8,215
Tara	7,441
French (5 ships)	10,966
Capitoine Nemo (ex-Atlanta—previous trips to Cuba as the Enee	1,232
Circe	2,874
Danae	3,486
**Urdazuri II (trips to Cuba as the Meike—Netherlands)	500
Nelee	2,874
Greek (4 ships)	32,171
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
Ariadne	6,487
**Triaena (trips to Cuba as the Lambros M. Fatsis and the Lahortensia—British)	9,486
**Pothiti (trips to Cuba as the Huntsville—British)	9,486
Netherlands (6 ships)	6,794
*Antarctic	1,384
*Leo Polaris	1,528
Markab II	790
Megrez (previous trips to Cuba as the Gerda)	1,190
Rochab	787
Tempo	1,115
Italian (3 ships)	35,987
Alderamine (tanker)	12,505
Elia (tanker)	11,021
San Nicola (tanker)	12,461
Moroccan (2 ships)	4,739
El Mansour Bi Llah	1,525
Marrakech	3,214
Singapore (2 ships)	15,611
**Hwa Chu (trips to Cuba—British)	9,091
Tong Hoe	6,520
Guatemalan (1 ship)	2,239
**Peten (previous trips to Cuba as the Magister—British)	2,239
Guinean (1 ship)	852
**Drame Oumar (trip to Cuba as the Neve—French)	852
Lebanese (1 ship)	6,259
Antonis	6,259
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708

*Added to Report No. 123 appearing in the FEDERAL REGISTER issue of September 26, 1973.

**Ships appearing on the list which have made no trips to Cuba under their present registry.

SEC. 2. In accordance with approved procedures, the following vessels listed in this section which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance;

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:
None.

b. Previous reports:

Flag of registry:	Number of ships
British	49
Cypriot	12
Danish	1
Finnish	4
French	4
Germany (West)	1
Greek	31
Israeli	1
Italian	15
Japanese	1
Kuwaiti	1
Lebanese	9
Liberia	1
Moroccan	2
Norwegian	5
Singapore	1
Somali	2
Spanish	6
Swedish	1
Yugoslav	2
Total	149

SEC. 3. The following number of vessels have been removed from this list since they have been broken up, sunk or wrecked.

	Gross tonnage
a. Since last report:	
Anna Maria (Greek)	2,111
Empress (British)	9,841
Happy Land (Cypriot)	9,080
Huta Labedy (Polish)	7,221
Ilena (Cypriot)	5,925
Kopalnia Dziads (Polish)	7,252
Nedi 2 (Cypriot)	7,679
New Heath (Cypriot)	7,643
Noelle (Cypriot)	7,251

b. Previous reports: Flag of registry:	Broken up, sunk, or wrecked
British	35
Cypriot	83
Finnish	6
French	1
Greek	19
Italian	5
Japanese	1
Lebanese	37
Maltese	3
Polish	5
Monaco	1
Moroccan	1
Norwegian	1
Pakistani	1
Panamanian	9
Singapore	1
Somali	1
South Africa	2
Swedish	1
Yugoslav	7
Total	220

SEC. 4. The Ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through February 28, 1974.

Flag of registry	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	Total
British	133	150	126	101	78	62	45	53	18	10	6	812
Cypriot		1	11	27	42	68	115	199	173	86	96	824
Lebanese	64	91	58	12	16	16	4	1				275
Greek	99	27	23	27	29	7			1	1		214
Italian	16	20	24	11	11	10	15	13	9			129
Yugoslav	12	11	15	10	14	9	8	7	9	5	9	107
French	8	9	9	10	10	4	2	5	2	2	1	62
Finnish	1	4	5	11	12	8	2	1				44
Spanish	9	17										26
Norwegian	14	10										24
Moroccan	9	13	1						1			24
Maltese		2	6	1	4	8	1	2				24
Somali					2	11	7	4	9	6	23	59
Netherlands		4	2							8	17	31
Swedish	3	3										6
Kuwaiti		2	1									3
Israeli			2									2
Japanese	1					1						2
Danish	1											1
German (West)	1											1
Haitian			1									1
Monaco				1								1
Singapore									1			1
Subtotal	371	394	290	224	218	204	197	285	219	119	152	2,673
Polish	18	16	12	10	11	7	2	3	4			83
Grand total	389	410	302	234	229	211	199	288	223	119	152	2,756

NOTE.—Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated March 20, 1974.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.74-6954 Filed 3-26-74;8:45 am]

National Bureau of Standards

COMMERCIAL STANDARDS

Notice of Intent To Withdraw

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw the following Commercial Standards:

CS 120-58, "Ponderosa Pine Doors"
CS 163-64, "Ponderosa Pine Windows, Sash and Screens (Using Single Glass and Insulating Glass)"
CS 171-58, "Hardwood Veneered Doors (Solid-Core, Hollow-Core, and Panel and Sash)"
CS 190-54, "Wood Double-Hung Window Units"
CS 204-64, "Wood Awning Window Units"
CS 205-64, "Wood Casement Window Units"
CS 208-57, "Standard Stock Exterior Wood Window and Door Frames"
CS 262-63, "Water-Repellent Preservative Non-Pressure Treatment for Millwork"
CS 264-64, "Wood Horizontal-Sliding Window Units (All Sash Operating)"
CS 265-64, "Wood Horizontal-Sliding Window Units (One or More Non-Operating Sash)"
CS 266-64, "Wood Single-Hung Window Units"

It has been tentatively determined that each of these standards has become technically inadequate, and in view of the existence of up-to-date National Woodwork Manufacturers Association standards for the products covered, revision of the Commercial Standards would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of these standards should be made in writing and directed to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, by April 26, 1974. The effective date of withdrawal, if appropriate, will be not less than 60 days after the final notice of withdrawal. Withdrawal action will terminate the authority to refer to these standards as voluntary standards developed under the Department of Commerce procedures from the effective date of the withdrawal.

Dated: March 21, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-7018 Filed 3-26-74;8:45 am]

National Oceanic and Atmospheric Administration

CORONADO PRODUCTIONS, INC.

Notice of Permit Application

On December 5, 1973, notice was published in the FEDERAL REGISTER (38 FR 33509) that an application had been filed with the National Marine Fisheries Service by Coronado Productions, Incorporated, Burbank, California 91505, for a scientific research permit to film documentary footage of migrating California gray whales (*Eschrichtius robustus*).

After reviewing the application, it was determined that the proposed filming was of sufficient merit to warrant granting a permit, as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407). However, the Endangered Species Act of 1973 (P.L. 93-205), which became effective December 28, 1973, prohibits such activities without an endangered species permit. Applications for endangered species permits will be considered following the formulation of regulations under the Endangered Species Act. Notice is hereby given that

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Coronado Productions, Incorporated, was not allowed to proceed with the proposed filming of gray whales.

Dated: March 20, 1974.

JACKIE GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-7038 Filed 3-26-74;8:45 am]

HOWARD E. WINN

Issuance of Permit for Marine Mammals

On December 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 34004) that an application had been filed with the National Marine Fisheries Service by Dr. Howard E. Winn, Professor of Oceanography and Zoology, University of Rhode Island, Kingston, Rhode Island 02881, for a permit to conduct scientific research on certain marine mammals.

Notice is hereby given that, on March 15, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit to Howard E. Winn, authorizing him to: (1) Conduct whale census; (2) conduct an aerial and hydrophone census on Silver Navidad Banks; (3) photograph humpback whales and record the sounds of humpback whales on the Virgin Banks; (4) study the underwater behavior of the minke whale and record its sounds; (5) study the behavior, record the sounds, and play back sounds of pilot whales; (6) collect skin samples from dead humpback whales from the whale fisheries at Bequia West Indies; (7) record sounds, photograph, and study the behavior of any cetacean encountered. The Holder shall not conduct any research on marine mammals that could be considered as undue harassment. The activities authorized by this Permit are subject to certain conditions set forth therein. The Permit is available for review by interested parties in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, and the office of the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: March 15, 1974.

ROBERT W. SCHONING,
Director, National Marine
Fisheries Service.

[FR Doc.74-7040 Filed 3-26-74;8:45 am]

LAFAYETTE PARK ZOO AND ST. PAUL COMO ZOO

Notice of Receipt of Application for Public Display Permits

Notice is hereby given that the following applicants have applied in due form for permits to take marine mammals for public display as authorized by section 101(a)(1) of the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

1. Lafayette Park Zoo, 3500 Granby Street, Norfolk, Virginia 23508, to take three California sea lions (*Zalophus californianus*) for public display:

a. The animals will be captured by professional sea lion capturers along the coast of California and transported to the Applicant's facility by air freight in appropriate containers.

b. The animals will be held in a facility with a pool 4½ feet deep, 41 feet wide, 55 feet long and with a 65,000 gallon capacity.

c. James L. Bousquet, the superintendent of the Zoo, has had considerable experience with marine mammals. He has worked with seals at Lodi, California; Fresno, California; San Francisco, California; and Providence, Rhode Island. The Zoo also has a full-time zoologist on the staff, and a veterinarian who is on call.

d. The estimated attendance will be 330,000 to 350,000 persons annually. Lafayette Park Zoo plans to initiate an educational program in the near future.

e. The Applicant's facilities and arrangement for transporting and maintaining the animals have been personally inspected and reviewed by a licensed veterinarian, who has certified that such arrangements are adequate for the well-being of the animals.

2. Saint Paul Como Zoo, Saint Paul, Minnesota 55103, to take six California sea lions (*Zalophus californianus*) for public display:

a. The animals will be captured by professional sea lion capturers along the coast of California and transported to the Applicant's facility by air freight in appropriate containers;

b. In winter quarters the California sea lions will be held on the main floor zoological building in a pen 10 feet by 23 feet, containing a pool 9 feet by 6 feet, depth 4½ feet. Additional winter quarters are located in basement of the zoological building, cage size 10 feet by 15 feet, pool size 10 feet by 15 feet, depth 3 feet. Summer display is a circular moated area, external diameter 100 feet, internal diameter 85 feet, water depth 3 feet.

c. John Fletcher, Director of Saint Paul Como Zoo, has been at the Zoo since 1957. He is a graduate of the University of Washington in Biological Sciences and had 10 years prior experience as keeper and supervisor at the Woodland Park Zoo in Seattle, Washington.

d. Saint Paul Como Zoo has about a million visitors annually. Como Zoo Docents, a trained volunteer service group, conducts educational programs for Como Zoo throughout the year. All exhibits and displays are used in this educational effort.

e. The Applicant's facilities and arrangements for transporting and maintaining the animals have been personally inspected and reviewed by a licensed veterinarian who has certified that such arrangements are adequate for the well-being of the animals.

Documents submitted in connection with these applications are available as follows:

Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-4543;

Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester Massachusetts 01930, telephone 617-281-0640;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-548-2575.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Director, National Marine Fisheries Service, is sending copies of the applications to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on these applications on or before April 26, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of these applications are those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: March 21, 1974.

JACKIE GEHRINGER,
Acting Director, National
Marine Fisheries Service.

[FR Doc.74-7037 Filed 3-26-74;8:45 am]

THOMAS R. LOUGHLIN

Notice of Receipt of Application for Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take, tag and release marine mammals for scientific research as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Thomas R. Loughlin, Department of Biology, Humboldt State University, Arcata, California 95521, to take, tag and release 60 harbor seals (*Phoca vitulina richardii*) in south Humboldt Bay, California.

The seals will be taken during the months of April, May and June, 1974. Several seals will be driven into a large seine net which has been extended across a narrow blind channel. As many as 15 seals may be taken at one time. The seals are driven into the net by a slow moving motor boat. The netted seals will then be hauled onto a mud-bank where each seal will be individually handled using a small hand net, marked and released. Each seal will be marked by using one or more colored plastic ear tags in the web of the hind flipper. A few selected animals (5-10) will be fitted with harnesses that strap around the back and contain telemetry devices. The straps are designed to disintegrate after a maximum time of four months in sea water.

The Applicant is a graduate student at Humboldt State University, working under the direct supervision of Dr. Warren J. Houck, Professor of Zoology at Humboldt. Five harbor seals were successfully taken using this technique as authorized by an economic hardship exemption issued under the provisions of the Marine Mammal Protection Act of 1972.

The capture, marking and subsequent observation of harbor seals in Humboldt Bay will furnish valuable information on the behavior, movements and ecology of this population of seals. The results of the proposed study will aid in understanding the influence of biological and environmental factors on age structure, longevity, social structure, reproductive ages, fecundity, and selection of haulingout areas and pupping grounds.

Documents submitted in connection with this application are available as follows:

Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-4543;

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-548-2575.

Concurrent with the publication of this notice in the FEDERAL REGISTER the Director, National Marine Fisheries Service, is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before April 26, 1974, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statement and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: March 15, 1974.

JOSEPH W. SLAVIN,
Acting Director, National
Marine Fisheries Service.

[FR Doc.74-7039 Filed 3-26-74;8:45 am]

National Technical Information Services

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,751,295: Plasma ARC Sprayed Modified Alumina High Emittance Coatings for Noble Metals; filed 5 November 1970, patented 7 August 1973; not available NTIS.

Patent 3,752,872: Method of Preparing Uniform Size Powders; filed 26 August 1971, patented 14 August 1973; not available NTIS.

Patent 3,753,666: Noble Metals Having a High Emittance Coating of Iron Titanate; filed 4 December 1967, patented 21 August 1973; not available NTIS.

Patent 3,753,763: Coatings for Columbium and Columbium Base Alloys; filed 24 January 1964, patented 21 August 1973; not available NTIS.

Patent 3,753,883: Process for Providing a Hydride-Free and Oxide-Free Surface on Zirconium and Zirconium-Alloy Bodies; filed 26 June 1972, patented 21 August 1973; not available NTIS.

Patent 3,754,506: Spark Gap Detonator; filed 7 May 1971, patented 28 August 1973; not available NTIS.

Patent 3,755,675: Nondestructive Analysis of Fuel Pins; filed 3 November 1972, patented 28 August 1973; not available NTIS.

Patent 3,757,249: Q-Switched-Mode-Locked Laser Oscillator; filed 15 February 1972, patented 4 September 1973; not available NTIS.

Patent 3,758,670: Production of Predominantly Crystalline Sols; filed 1 August 1969, patented 11 September 1973; not available NTIS.

Patent 3,759,709: Method for Producting Porous Metal Products; filed 28 April 1970, patented 18 September 1973; not available NTIS.

Patent 3,761,546: Method of Making Uranium Dioxide Bodies; filed 22 May 1972, patented 25 September 1973; not available NTIS.

DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, D.C. 20314.

Patent 3,690,953: Vertical Junction Hardened Solar Cell; filed 10 September 1970, patented 12 September 1972; not available NTIS.

Patent 3,691,848: Fluid Rotary Speed Sensor; filed 10 July 1970, patented 19 September 1972; not available NTIS.

Patent 3,692,082: Jointed Door Assembly; filed 28 July 1971, patented 19 September 1972; not available NTIS.

Patent 3,693,265: Pilot Armreach and Cockpit Control Locator Machine; filed 7 July 1971, patented 26 September 1972; not available NTIS.

Patent 3,693,419: Compression Test; filed 30 December 1970, patented 26 September 1972; not available NTIS.

Patent 3,693,423: Natural Circulation Liquid Pumping System in Plume Pumping System for Test Engines; filed 6 October 1971, patented 26 September 1972; not available NTIS.

Patent 3,694,883: Method of Mounting a Nozzle Insert; filed 20 May 1970, patented 3 October 1972; not available NTIS.

Patent 3,731,106: Beam Scanner for High Power Laser; filed 16 November 1971, patented 1 May 1973; not available NTIS.

Patent 3,731,221: Tunable Optical Cavity for Chemical Laser; filed 10 August 1971, patented 1 May 1973; not available NTIS.

Patent 3,731,992: Spiral Grooved Liquid Cooled Laser Mirror; filed 6 April 1972, patented 8 May 1973; not available NTIS.

Patent 3,732,505: End Pump Device for a Laser; filed 7 June 1972, patented 8 May 1973; not available NTIS.

Patent 3,734,444: Safety Locking Device for Airborne Shockmounts; filed 8 June 1971, patented 22 May 1973; not available NTIS.

Patent 3,734,619: Method Utilizing Brewster Angle for Determining Angular Velocity and Light Beam Incidence Angles; filed 10 August 1971, patented 22 May 1973; not available NTIS.

Patent 3,735,146: Nanosecond Pulse Modulator; filed 27 June 1972, patented 22 May 1973; not available NTIS.

Patent 3,735,305: High Power Electrically Variable Inductor; filed 20 September 1972, patented 22 May 1973; not available NTIS.

Patent 3,735,399: Method for Improving the Target Position Vector Accuracy of an AMTI Radar; filed 23 November 1971, patented 22 May 1973; not available NTIS.

Patent 3,735,404: Crossover Circuit for Monopulse Radar; filed 7 June 1965, patented 22 May 1973; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Chief, Research Agreements and Patent Mgmt. Branch, Federal Building, General Services Division, Agricultural Research Service, Hyattsville, Maryland 20782.

Patent Application 288,761: Process for Removing Thermoplastic Film from a Mixture of Thermoplastic Film and Wastepaper; 13 September 1972; PC $4.00/MF $1.45.

Patent Application 194,161: Rigid Laminate of Creped Secondary Fiber Sheets; filed 1 November 1971; PC $3.00/MF $1.45.

Patent Application 336,187: Process for Removing Bark from Wood Chips; 1 June 1973; PC $4.00/MF $1.45.

Patent application 348,583: Combination Siding-Sheating Product; 6 April 1973, PC $4.00/MF $1.45.

Patent application 389,795: Impact Distribution Device; 20 August 1973, PC $4.00/MF $1.45.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014.

Patent application 400,760: Production of Interferon; 26 September 1973; PC $4.75/MF $1.45.

Patent 3,772,150: Process for Producing Vitamin D3 Metabolite; filed 29 December 1971, patented 13 November 1973; not available NTIS.

Patent 3,773,755: Conversion of Cytidylic Acid into Aracytidine-3'-Phosphate; filed 9 December 1970, patented 20 November 1973; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, DC 20240.

Patent application 412,845: Process for the Preparation of Yttrium-Silicon Compounds or Master Alloys by Silicon Carbide Reduction of Yttria; filed 5 November 1973; PC $4.00/MF $1.45.

Patent application 413,408: Hydrometallurgical Process for Copper Recovery from Sulfide Ores and Other Source Materials; filed 6 November 1973; PC $4.00/MF $1.45.

Patent application 415,908: Preparation of Microporous Rare-Earth Oxyhalides; filed 14 November 1973; PC $4.00/MF $1.45.

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Patent 3,350,166: Synthesis of Aluminum Borate Whiskers; filed 19 January 1965, patented 31 October 1967; not available NTIS.

Patent 3,357,819: Preparation of Homogeneous Powders Composed of Ultrafine Particles; filed 16 March 1966, patented 12 December 1967; not available NTIS.

Patent 3,362,894: Anodic Method for Cleaning Nickel and Other Metal Surfaces for Electroplating; filed 3 December 1964, patented 9 January 1968; not available NTIS.

Patent 3,369,978: Electrodeposition of Molybdenum; filed 1 October 1964, patented 20 February 1968; not available NTIS.

Patent 3,370,319: Crab Processing Apparatus; filed 21 October 1965, patented 27 February 1968; not available NTIS.

Patent 3,371,322: Shingle Filing and Retrieval System; filed 29 December 1965, patented 27 February 1968; not available NTIS.

Patent 3,372,428: Shellfish Meat Picking Machine for a Crab Processing Apparatus; filed 29 March 1966, patented 12 March 1968; not available NTIS.

Patent 3,421,877: Method of Precipitating Potash from a Phosphate Mixture; filed 19 April 1965, patented 14 January 1969; not available NTIS.

Patent 3,424,556: Production of Carbon Black from Coal; filed 27 July 1966, patented 28 January 1969; not available NTIS.

Patent 3,425,791: Underwater Gravity-Type Monomolecular Film Dispensor and Method of Use; filed 9 June 1965, patented 4 February 1969; not available NTIS.

Patent 3,425,793: Process for Fractionating Lanthanide Mixtures Containing Cerium; filed 8 June 1966, patented 4 February 1969; not available NTIS.

Patent 3,427,683: Apparatus for Forming Spherical Pellets; filed 18 January 1967, patented 18 February 1969; not available NTIS.

Patent 3,428,114: Method and Apparatus for Preventing Scale Formation in Heat Exchangers; filed 27 March 1967, patented 18 February 1969; not available NTIS.

Patent 3,429,657: Method for Recovering and Producing Potassium Salts; filed 2 September 1966, patented 25 February 1969; not available NTIS.

Patent 3,429,679: Process for Improving the Heating Values of Fuel Gases; filed 7 June 1965, patented 25 February 1969; not available NTIS.

Patent 3,431,766: Device for Drawing Wire Which Eliminates Chatter; filed 15 June 1966, patented 11 March 1969; not available NTIS.

Patent 3,433,680: Platinum Type Electrode for a Solid Electrolyte Fuel Cell; filed 31 January 1967, patented 18 March 1969; not available NTIS.

Patent 3,434,401: Sealing Strips for Concrete Slabs; filed 20 June 1967; patented 25 March 1969; not available NTIS.

Patent 3,434,800: Process for Determining Mercury in Geologic Materials; filed 16 May 1966, patented 25 March 1969; not available NTIS.

Patent 3,434,850: Process for Preserving Fish by Irradiation; filed 29 July 1966, patented 25 March 1969; not available NTIS.

Patent 3,435,668: Method of Determining Preferred Orientation in Metals; filed 26 August 1966, patented 1 April 1969; not available NTIS.

Patent 3,439,074: Method for Preparing Desalination Membranes; filed 1 October 1965, patented 15 April 1969; not available NTIS.

Patent 3,441,404: Extraction of Copper from Molten Metal Melts; filed 25 November 1966, patented 29 April 1969; not available NTIS.

Patent 3,443,891: Method and Apparatus for Growing Large Monocrystals of Nonmetallics; filed 6 June 1966, patented 13 May 1969; not available NTIS.

Patent 3,446,720: Preparation of High-Purity Nickel and Cobalt; filed 27 January 1965, patented 27 May 1969; not available NTIS.

Patent 3,455,789: Process for Continuous Carbonization of Coal; filed 21 October 1965, patented 15 July 1969; not available NTIS.

Patent 3,516,503: Electrically Controlled and Powered Submarine Rotary Corer System; filed 23 December 1968, patented 23 June 1970; not available NTIS.

Patent 3,540,983: Method for Producing Protein by Growth of Microorganisms on a Water Extract of Coal; filed 11 April 1968, patented 17 November 1970; not available NTIS.

Patent 3,540,995: II-Coal Process: Slurry Oil System; filed 14 November 1968, patented 17 November 1970; not available NTIS.

Patent 3,562,916: Retrievable Borehole Extensometer; filed 14 May 1969, patented 16 February 1971; not available NTIS.

Patent 3,572,506: Underwater Storage Tank; filed 14 February 1969, patented 30 March 1971; not available NTIS.

Patent 3,575,697: Acid Leaching of Manganese from Siliceous Ores and Slags; filed 7 January 1969, patented 20 April 1971; not available NTIS.

Patent 3,576,262: Rotary Particle Distributor for Minimizing Particle Size Segregation in a Bin; filed 6 June 1969, patented 27 April 1971; not available NTIS.

Patent 3,607,236: Reclaiming of Superalloy Scrap; filed 22 September 1969, patented 21 September 1971; not available NTIS.

Patent 3,607,329: Cellulose Acetate Butyrate Semipermeable Membranes and Their Production; filed 22 April 1969, patented 21 September 1971; not available NTIS.

Patent 3,612,797: High-Voltage Fluidic Circuit Interrupter; filed 22 September 1969, patented 12 October 1971; not available NTIS.

Patent 3,613,779: Apparatus for Obtaining High Transfer Rates in Falling Water Film Evaporators and Condensers; filed 6 October 1969, patented 19 October 1971; not available NTIS.

Patent 3,615,190: Oxidation of Lead Blast Furnace Matte; filed 29 January 1969, patented 26 October 1971; not available NTIS.

Patent 3,617,540: Removal of Nitrogen and Phosphorus from Waste Waters; filed 13 May 1970, patented 2 November 1971; not available NTIS.

Patent 3,620,206: Fluid Heating by Radiation; filed 24 March 1970, patented 16 November 1971; not available NTIS.

Patent 3,620,715: Steel Scrap Oxidation Acceleration by Surface Impregnation Techniques; filed 24 July 1969, patented 16 November 1971; not available NTIS.

Patent 3,622,304: Ferrothermic Extraction of Copper; filed 3 March 1970, patented 23 November 1971; not available NTIS.

Patent 3,624,684: Borehole Deformation Gage; filed 19 November 1969, patented 30 November 1971; not available NTIS.

Patent 3,625,861: Regeneration of Zinc Halide Catalyst Used in the Hydrocracking of Polynuclear Hydrocarbons; filed 15 December 1969, patented 7 December 1971; not available NTIS.

Patent 3,629,390: Avian Specific, Bio-Affecting Preparation and Treatment Method; filed 18 December 1969, patented 21 December 1971; not available NTIS.

Patent 3,630,058: Process and Apparatus for Forming Tubes with Spiral Corrugations; filed 27 January 1970, patented 28 December 1971; not available NTIS.

Patent 3,630,943: Preparation of Absorbents for Sulfur Oxide Removal; filed 14 August 1969, patented 28 December 1971; not available NTIS.

Patent 3,631,338: Method and Apparatus for Determining Galvanic Corrosion by Polarization Techniques; filed 30 June 1969, patented 28 December 1971; not available NTIS.

Patent 3,636,751: Radial Flow Cell; filed 1 September 1970, patented 25 January 1972; not available NTIS.

Patent 3,638,035: Primary and Secondary Shunt Paths for Dissipating an Electrical Charge; filed 23 March 1971, patented 25 January 1972; not available NTIS.

Patent 3,666,297: Tube Connector Fitting; filed 22 April 1971, patented 30 May 1972; not available NTIS.

Patent 3,785,731: Method and Apparatus for Producing Orthophotoplans; filed 2 June 1972, patented 15 January 1974; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, DC 20546.

Patent application 414,042: Fine Particulate Capture Device; filed 8 November 1973; PC $3.00/MF $1.45.

Patent application 418,010: Adjustable Frequency Response Microphone; filed 21 November 1973; PC $3.00/MF $1.45.

Patent application 419,831: Pseudo-Noise Test Set for Communication System Evaluation; filed 28 November 1973; PC $3.00/MF $1.45.

Patent 3,752,996: Method of and Device for Determining the Characteristics and Flux Distribution of Micrometeorites; patented 14 August 1973; not available NTIS.

Patent 3,772,174: Deposition of Alloy Films; patented 13 November 1973; not available NTIS.

Patent 3,772,272: Digital Second-Order Phase-Locked Loop; patented 4 December 1973; not available NTIS.

Patent 3,772,691: Automatic Vehicle Location System; patented 13 November 1973; not available NTIS.

Patent 3,776,432: Lyophilized Spore Dispenser; patented 4 December 1973; not available NTIS.

Patent 3,777,200: High Powered Arc Electrodes; patented 4 December 1973; not available NTIS.

Patent 3,777,546: System for Calibrating Pressure Transducer; patented 11 December 1973; not available NTIS.

Patent 3,777,605: Vee-Notching Device; patented 11 December 1973; not available NTIS.

Patent 3,778,791: Thermomagnetic Recording and Magneto-Optic Playback System Having Constant Intensity Laser Beam Control; patented 11 December 1973; not available NTIS.

[FR Doc.74-6891 Filed 3-26-74;8:45 am]

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The meeting of the Computer Systems Technical Advisory Committee, scheduled for Thursday, March 28, 1974, has been cancelled and rescheduled for Wednesday, April 10, 1974, at 9:30 a.m. in Room 3817 of the Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. The agenda and other information relating to the committee, as published in the FEDERAL REGISTER, 39 FR 9683, on Wednesday, March 13, 1974, remains unchanged.

Dated: March 26, 1974.

RAVER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74-7251 Filed 3-26-74;11:38 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

SAFETY AND OCCUPATIONAL HEALTH STUDY SECTION

Notice of Meeting

Pursuant to Public Law 92-463, the Director, Center for Disease Control, announces the meeting dates and other required information for the following National Advisory body of the National Institute for Occupational Safety and Health which is scheduled to assemble during the month of April 1974.

Committee name	Date, time, and place	Type of meeting and/or contact person
Safety and Occupational Health Study Section.	Apr. 18-19, 1974, 9 a.m., conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open Apr. 18, 1974, 9 a.m.-12 noon, closed remainder of meeting. Contact: Dr. John F. Rester, Parklawn Bldg., 5600 Fishers Lane, room 3-44, Rockville, Md. Code: 301-443-4493.

Purpose. The committee is charged with the initial review of research, training, demonstration, and fellowship grant applications for Federal assistance in program areas administered by the National Institute for Occupational Safety and Health, and with advising the Institute staff on training and research needs.

Agenda. From 9 a.m. to 12 noon on April 18, the Study Section will be open for administrative and staff reports, presentation of certificates to retiring members, and the Committee report on training. From 1:20 p.m. on April 18 through the end of the meeting, the Study Section will be reviewing research and demonstration grant applications and will not be open to the public, in accordance with the determination by the Director, Center for Disease Control, pursuant to the provisions of Public Law 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the meeting may be obtained from the contract person listed above.

Dated: March 19, 1974.

DAVID J. SENCER,
Director, Center for Disease Control.

[FR Doc.74-7021 Filed 3-26-74;8:45 am]

Food and Drug Administration

[DESI 7937; Docket No. FDC-D-683; NDA 7-937, etc.]

CERTAIN ANTIHISTAMINIC DRUGS USED IN ALLERGY

Drug Efficacy Study Implementation; Follow-up Notice; Reevaluation

Correction

In FR Doc. 74-2973, appearing at page 4679 in the issue for Wednesday, February 6, 1974, in paragraph "5." in the first column on page 4680, the designation "NDA-937" should be changed to read "NDA 7-937".

DIETHYLSTILBESTROL FOR USE IN CATTLE AND SHEEP

Notice to Holders of New Animal Drug Applications

On January 24, 1974, the United States Court of Appeals for the District of Columbia Circuit handed down its decisions holding that the action of the Food and Drug Administration in withdrawing approval of the new animal drug applications (NADA's) for diethylstilbestrol (DES) for use in feed and implants in cattle and sheep was unlawful. *Chemetron Corporation et al.* v. *United States Department of Health, Education, and Welfare*, No. 72-1864 (D.C. Cir. January 24, 1974); *Hess & Clark, Division of Rhodia, Inc.* v. *Food and Drug Administration*, No. 73-1581 (D.C. Cir. January 24, 1974). These decisions have the effect of reinstating the regulations and the previously approved NADA's for such uses.

Elsewhere in this issue of the FEDERAL REGISTER (pg. 11299), the Commissioner of Food and Drugs is proposing to revoke approval of the methods of analysis for DES in edible animal tissue currently specified in 21 CFR 121.241 and 135g.26, which were approved in 1963. Using these methods, the Commissioner of Food and Drugs had concluded that the exemption to the anticancer provisions in section 512(d)(1)(H) of the Federal Food, Drug, and Cosmetic Act was applicable. After a decision is made on that proposal, the Commissioner intends to issue a notice of opportunity for hearing proposing withdrawal of approval of the NADA's for DES for all animal drug use. A hearing will be held if one is requested.

The Commissioner has considered whether interim action is warranted to reduce the potential for residues from use of DES, pending resolution of this matter.

The Commissioner has concluded that there is presently available insufficient data and information upon which any change in the existing DES NADA's could be approved. The Commissioner has also concluded that the level of sensitivity of the present methods used for approval under section 512(d)(1)(H) of the act and for regulatory detection of illegal residues under section 512(b)(7) of the act is inadequate, in view of the demonstrated carcinogenic effect of the drug in animals and humans and the fact that a more sensitive method of analysis has detected residues of DES in edible tissue at levels below the known sensitivity of the currently approved methods. The Commissioner has further concluded that approval of any alternative controls for use of DES must be supported by proof that such controls would be reasonably expected to be followed in practice. On the basis of the existing information available to the Commissioner, there is no basis for determining that DES has been proved to be safe.

The Commissioner recognizes that new controls for the use of DES in cattle and sheep, as have been suggested by some manufacturers, may reduce the potential for residues from use of DES. The Commissioner urges the filing of supplemental NADA's for this purpose, and particularly to extend from 7 to 14 days the withdrawal period after the use of DES in feed. Supplemental NADA's proposing such changes may be submitted in the following two ways:

1. Any holder of an NADA for DES may submit a supplemental NADA proposing changes in the NADA pursuant to § 135.13a (21 CFR 135.13a). To be approved, such supplemental NADA's must contain the information required by section 512(b), (d)(1)(H), and (d)(2) of the act, including specifically (a) a suitable method(s) of analysis for detection of residues of DES as required by section 512(b)(7) and (d)(1)(H) of the act; (b) data demonstrating that, using such a suitable method, no residues of DES will occur in edible tissue after slaughter when the drug is used as directed in the labeling; and (c) information upon which the Commissioner can conclude that any proposed changes in conditions of use are reasonably certain to be followed in practice. In particular, the Commissioner believes that it is essential to approval of any supplemental NADA for DES that a suitable method(s) of analysis for detection of residues of DES be developed and validated with a greater sensitivity than is presently available, and that additional studies be conducted using such a method(s) to show the depletion curve of DES from muscle tissue, liver, kidneys, blood, urine, and feces, on a statistically significant number of test animals after use of DES in feed and in implants. If any such supplemental NADA's are submitted, the Commissioner will review the data, and the application will be approved unless any of the reasons for refusing or withdrawing approval as stated in section 512(d) and (e) of the act, or 21 CFR 135.12 and 135.28 apply, or if the application fails to meet the requirements of 21 CFR 135.7.

2. Any holder of an NADA for DES may also submit a supplemental NADA proposing changes in the NADA pursuant to § 135.13a (d) through (k) (21 CFR 135.13a (d) through (k)). Under these provisions, a supplemental NADA which provides additional precautionary or warning information in labeling may be immediately implemented, prior to review by the Food and Drug Administration. This permits, and the Commissioner urges, an NADA holder immediately to adopt whatever additional restrictions

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designed to reduce the likelihood of residues he may conclude to be appropriate, even if he is unable at this time to submit the data required for a supplemental NADA as specified in paragraph 1 above. If, however, such a supplemental NADA is not accompanied by the supporting data specified in paragraph 1 above, the Commissioner will, pursuant to § 135.13a(f), defer review of the submission until all of the issues surrounding the currently approved NADAs are finally resolved. Appropriate action will then be taken on any such supplemental NADA's.

Although no supplemental NADA's for DES may be approved in the absence of supporting data, the statute provides that applications with respect to animal feeds containing a new animal drug (Form FD–1800) submitted pursuant to section 512(m) of the act may be approved so long as a regulation promulgated under section 512(i) permitting use of the drug is in existence. Accordingly, a Form FD–1800 and a supplement to a Form FD–1800 for DES will be approved regardless of pending questions with respect to the safety or effectiveness of the drug, if no grounds for refusing approval under section 512(m) are applicable. Approval of a Form FD–1800 or a supplement to a Form FD–1800 in no way constitutes approval of the safety of the drug itself.

Dated: March 25, 1974.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.74–7169 Filed 3–26–74;8:45 am]

[FAP 4H2929]

VINELAND CHEMICAL CO.

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 4H2929) has been filed by Vineland Chemical Co., P.O. Box 745, Vineland, NJ 08360 proposing that § 121.2505 *Slimicides* (21 CFR 121.2505) be amended to provide for the safe use of 2,3-dibromopropionaldehyde as a slimicide in the manufacture of paper and paperboard intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: March 20, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–7070 Filed 3–26–74;8:45 am]

Office of Education

DRUG ABUSE PREVENTION AND EARLY INTERVENTION PROJECTS

Notice for Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 3 of the Drug Abuse Education Act of 1970 (84 Stat. 1386, 21 U.S.C. 1002), applications are being accepted from local educational agencies for the training of school leadership teams to establish drug abuse prevention and early intervention projects in schools within the school district of the applicant local educational agency. Criteria for selection of applications and other relevant program standards have been published in the FEDERAL REGISTER in proposed form on March 15, 1974.

Applications must be received by the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.420), on or before May 1, 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

A separate set of selection criteria and a notice of closing date are being published in final form for community based drug abuse education projects to be carried out by community based public and private nonprofit agencies, institutions, and organizations.

(21 U.S.C. 1002)

Dated: March 21, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

(Catalog of Federal Domestic Assistance Number 13.420, Drug Abuse Education Program)

[FR Doc.74–6962 Filed 3–26–74;8:45 am]

INDIAN ELEMENTARY AND SECONDARY SCHOOL ASSISTANCE

Notice of Closing Date for Receipt of Applications

The Commissioner of Education hereby gives notice that, pursuant to the Indian Elementary and Secondary School Assistance Act, Title III of P.L. 81–874, as added by Title IV, Part A of Public Law 92–318 (20 U.S.C. 241aa–241ff), applications for assistance are being accepted from schools (located on or near a reservation) which are nonlocal educational agencies and local educational agencies which have been local educational agencies for less than three years, for grants pursuant to section 303(b) of the Act (20 U.S.C. 241bb(b)). Section 303(b) enables the Commissioner to provide financial assistance to eligible local and nonlocal educational agencies for programs that meet the purpose of the Act. Such assistance is to be provided in any fiscal year from sums not to exceed five percent of the amount appropriated for that fiscal year for grants under section 303(a) of the Act.

Assistance under section 303(b) of the Act may be used for the purpose of developing and carrying out elementary and secondary school programs specially designed to meet the special educational needs of Indian students, and for meeting costs incurred in connection with the establishment of eligible local and nonlocal educational agencies. A Notice of Proposed Rulemaking adding a new Subpart D to 45 CFR Part 186, and containing eligibility factors and criteria for the selection of applications under section 303(b) of the Act, was published at 39 FR 9842, March 14, 1974. These regulations will become effective 30 days after publication in the FEDERAL REGISTER in final form.

Awards under section 303(b) of the Act will be subject to the requirements of the Act and to appropriate provisions of 45 CFR Part 186, as indicated in § 186.33(b) of the Proposed Rule. Assistance under this program also is subject to applicable provisions in 45 CFR Part 100a (38 FR 30662, November 6, 1973). Criteria for the selection of applications are contained in 45 CFR 100a.26(b) (38 FR 30664, November 6, 1973) and in § 186.33 of the Proposed Rule.

Applications may be obtained from: Program Manager, Part A, U.S. Office of Education, Office of Indian Education, Room 426, Reporters Building, 7th and D Streets SW., Washington, D.C. 20202.

Completed applications for assistance pursuant to this notice should be submitted to: U.S. Office of Education, Application Control Center, Room 5673, Regional Office Building #3, 7th and D Streets SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C.)

In order to allow sufficient time for review by the Office of Education and the National Advisory Council on Indian Education as provided for under the Act, applications under section 303(b) must be received by the Application Control Center on or before April 29, 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal Holiday not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mailrooms in Washington, D.C. (In establishing the date of receipt the Commissioner will rely on the time-date stamp of such mailrooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.

(20 U.S.C. 241aa–241ff)

Dated: March 21, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74–6963 Filed 3–26–74;8:45 am]

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Notice of Meeting

Notice is hereby given, pursuant to Section 10(a)(2), Public Law 92–463, that the next meeting of the National Advisory Council on Education Professions Development will be held on Friday, April 19, 1974, 8:30 a.m. to 3:00 p.m. local time, in the Executive Suite of the Statler Hilton Hotel, Sixteenth Street, between K and L Streets, NW., Washington, D.C.

The National Advisory Council on Education Professions Development is established under Section 502 of the Education Professions Development Act (Public Law 90–35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting will be held for the purpose of appointing an Executive Director. The proposed agenda includes review of applications and references, discussion of applicants' qualifications, and the interviewing of candidates nominated by a committee of the Council.

Because of the nature of the agenda, the meeting will be closed to the public. Approval for closing the meeting has been granted by the U.S. Commissioner of Education under the authority of section 10(d) of the Federal Advisory Committee Act (P.L. 92–463) and section 552(b)(6) of Title 5 of the United States Code.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Council office, located at 1111 20th Street, NW., Room 308, Washington, D.C. 20036.

Signed at Washington, D.C., on March 21, 1974.

JOSEPH YOUNG,
Executive Director.

[FR Doc.74–7035 Filed 3–26–74;8:45 am]

Office of the Secretary

OFFICE FOR CIVIL RIGHTS

Statement of Organization, Functions, and Delegations of Authority

The Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare has been amended to reflect certain changes in the Statement of the Office for Civil Rights (38 FR 29103) 10/15/73, as follows:

Section 1D.10, the Statement of Organization is amended to include an Office of Governmental Relations in the Office of the Director, and to change the title "Assistant Director (Policy, Planning, and Program Development)" to "Assistant Director (Planning and Program Coordination)."

Section 1D.20, the Statement of Functions is amended to include the functional statement for the new Office of Governmental Relations and the revised functional statement of the Assistant Director (Planning and Program Coordination).

The revised sections read as follows:

SEC. 1D.10 *Organization.* The Office for Civil Rights is under the supervision of the Director, Office for Civil Rights, who reports directly to the Secretary. He also serves as Special Assistant to the Secretary for Civil Rights. The Office for Civil Rights consists of:

Office of the Director:
- Director
- Deputy Directory
- Office of Policy Communication
- Office of Public Affairs
- Office of Governmental Relations
- Assistant Director (Planning and Program Coordination)
- Assistant Director (Administration and Management)

Contract Compliance Division
Elementary and Secondary Education Division
Higher Education Division
Health and Social Services Division

The statement for the Office of Governmental Relations in *Sec.1D.20 Functions* will be inserted after the statement for the Office of Public Affairs. The statement for the Office of Governmental Relations will be numbered (5). As a consequence, the numbers of the remaining functional statements which follow will change accordingly.

The added and amended statements read as follows:

(5) *Office of Governmental Relations.* The Office of Governmental Relations is responsible for facilitating coordination between the Office for Civil Rights and other Executive Branch Departments and agencies, as well as other Department of Health, Education, and Welfare agencies and offices. It reviews policies and regulations which are circulated to the Office for Civil Rights by other agencies; identifies and coordinates inter-Office comments on new Departmental policies and regulations of potential interest to Department of Health, Education, and Welfare civil rights programs; ensures that final policy comments and determinations proceed according to schedule.

(6) *Assistant Director Planning and Program Coordination.* The Assistant Director (Planning and Program Coordination) is responsible for advising, coordinating and assisting the operating Divisions and the Directors, Office for Civil Rights in the various HEW Regional Offices in determining priorities, the development of long range planning, and the determination of program requirements. He coordinates the development of the annual enforcement plan and he provides overall guidance to the training and technical assistance functions carried out by each of the Divisions. He is responsible for initiating appropriate planning activities and for ensuring that new programs are coordinated at the National and Regional levels.

Dated: March 18, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74–7067 Filed 3–26–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74 20]

INTERNATIONAL VOYAGE LOAD LINES

Implementation of New Provisions

The purpose of this notice is to inform the public of the implementation of the International Voyage Load Line Act of 1973 (Pub. L. 93–115, 87 Stat. 418 (Oct. 1, 1973)).

The International Voyage Load Line Act of 1973 replaces the Foreign Load Lines Act (46 U.S.C. 85–85g), which has been repealed. The purpose of the new Act is to implement the provisions of the International Convention on Load Lines, 1966 (18 U.S.T. 1857; TIAS 6331), to which the United States is a party and which came into force on July 21, 1968.

To implement the Convention, and new Act substantially re-enacted the repealed Act, except for the following changes:

1. Application has been modified as follows:

a. In lieu of the 150-gross ton limit formerly used, the Convention and the Act apply to vessels of more than 79 feet in length, the keel of which is laid (or which is at a similar stage of construction) on or after July 21, 1968; and

b. The former exemption allowed for a ship that is being towed and not carrying cargo or passengers has been discontinued.

2. The sanction of imprisonment is increased:

a. From three months to one year for the intentional violation of a detention order; and

b. From one year to two years for the alteration, defacement, or obliteration of the prescribed load line.

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Since Congress has affirmed and continued the original statute and, in effect, has validated the regulations issued thereunder, the regulations promulgated in 46 CFR Part 42, continue in effect under the authority of the International Voyage Load Line Act of 1973, until expressly abrogated, modified, or amended as published in the FEDERAL REGISTER.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74-6991 Filed 3-26-74;8:45 am]

[CGD 74-79]

TOWING INDUSTRY ADVISORY COMMITTEE

Notice of Open Meeting

This is to give Notice pursuant to Public Law 92-463, Sec. 19(a), approved October 6, 1972, that the Towing Industry Advisory Committee will conduct open meetings on Wednesday, April 17, 1974, and Thursday, April 18, 1974, in Meeting Room No. 2 of The Rivergate, 4 Canal Street, New Orleans, Louisiana. The first day's session will begin at 9:00 a.m. and will last all day. The meeting on April 18, 1974, will begin at 9:00 a.m. and will adjourn at noon.

Discussion items on the agenda are the following:

1. Marine Sanitation Devices
2. Shipboard Radiotelephones
3. Safety and Qualifications Personnel
4. Personnel Education
5. Ports and Waterways Safety
6. Oil Pollution Prevention
7. Bridges
8. Rules of the Road
9. Coast Guard Work with the Occupational Safety and Health Act
10. Regulations on Tank Vessels and Hazardous Cargoes
11. Barge Repairs

The Towing Industry Advisory Committee was chartered by the Commandant of the Coast Guard on August 3, 1973 to advise the Marine Safety Council on matters regarding safe towing operations. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Commandant (G-CMC/82)
U.S. Coast Guard
Washington, D.C. 20590

or by calling the Executive Director, Towing Industry Advisory Committee at 202-426-1477.

Dated: March 21, 1974.

W. F. REA III,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Merchant
Marine Safety.

[FR Doc.74-6993 Filed 3-26-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON AGENCY ORGANIZATION AND PERSONNEL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Agency Organization and Personnel of the Administrative Conference of the United States, to be held at 1:30 p.m. on April 3, 1974 in the Library, Suite 500, 2120 L Street, NW., Washington, D.C. 20037.

The Committee will meet to discuss two pending studies, the role of the chairman in independent regulatory agencies and the use of administrative law judges.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least a day in advance. To the extent that time permits the Committee Chairman may allow public presentation of oral statements at the meeting. Any member of the public may file a written statement with the Committee before, during or after the meeting. For further information concerning this committee meeting contact Richard K. Berg, Suite 500, 2120 L Street, NW., Washington, D.C. 20037 or phone 202-254-7065. Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

MARCH 20, 1974.

[FR Doc.74-7078; Filed 3-26-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-450, 50-451]

DELMARVA POWER & LIGHT CO. AND PHILADELPHIA ELECTRIC CO.

Notice of Prehearing Conference

In the matter of Delmarva Power & Light Co., and Philadelphia Electric Co. (Summit Power Station, Units 1 & 2).

Take notice, that pursuant to the Atomic Energy Commission's "Notice of Hearing on Application for Construction Permits," dated August 24, 1973, and in accordance with Section 2.752 of the Commission's Rules of Practice, the Atomic Safety and Licensing Board will conduct a prehearing conference for the proceeding on April 25, 1974 at 9:30 a.m. local time, in the U.S. District Court, Courtroom No. 2, 844 King Street, Wilmington, Delaware 19801.

This conference is in connection with the application of the Delmarva Power & Light Co. and the Philadelphia Electric Co. for construction permits to build two high temperature gas-cooled nuclear reactors in New Castle County, Delaware, five miles northeast of Middletown, Delaware, to be known as the Summit Power Station, Units 1 and 2. Each of the units is designed for initial operation at 2,000 megawatts thermal with a net electrical output of approximately 785 megawatts.

The prehearing conference will deal with the following matters:

(1) Simplification, clarification, and specification of the issues;

(2) The necessity or desirability of amending the pleadings;

(3) The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;

(4) Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

(5) The setting of a hearing schedule; and

(6) Such other matters as may aid in the orderly disposition of the proceeding.

The Board will be concerned with the radiological health and safety issues and environmental issues set forth in the Commission's August 24, 1973 Notice of Hearing, 38 FR 23547, Aug. 31, 1973. All interested members of the public are invited to attend this conference, as well as the public evidentiary hearing, to be scheduled later. No limited appearance statements will be heard at this conference; however, they will be heard on the first day of the later-scheduled evidentiary hearing.

It is so ordered.

Issued at Washington, D.C., this 22d day of March 1974.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY,
Chairman.

[FR Doc.74-7074 Filed 3-26-74;8:45 am]

LMFBR BASE PROGRAM

Determination in Regard to Pending Preparation of NEPA Impact Statement

On June 12, 1973, the U.S. Court of Appeals for the District of Columbia Circuit held in *Scientists' Institute for Public Information, Inc.* v. *AEC* that present preparation of an environmental impact statement on the Liquid Metal Fast Breeder Reactor (LMFBR) program is required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). The Commission, on June 14, 1973, determined that preparation of an environmental impact statement on the LMFBR program would immediately be initiated pursuant to the Court's decision. A subsequent declaratory order of the U.S. District Court for the District of Columbia provided for completion of this statement by June 14, 1974.

The Commission has already prepared the issued section 102(2)(C) impact statements on a conceptual LMFBR demonstration plant and on the Fast Flux Test Facility. In addition to these statements and the overall statement called for by the Court's decision, the Commission will issue further environmental impact statements in connection with licensing of construction and operation of the first LMFBR Demonstration Plant as well as any other future LMFBR power plants, as provided for in AEC Regulations (10 CFR Part 50, Appendix D).

The Commission has determined that an examination should be made as to whether proceeding with the LMFBR program during the period of preparation of the referenced NEPA impact statement would be consistent with its NEPA responsibilities in regard to environmental protection, or would prejudice its ability to make the required NEPA review and take whatever action may be appropriate in light thereof.

In undertaking this interim NEPA examination, the Commission has utilized factors analogous to those developed for determinations as to whether to suspend certain reactor construction permits and operating licenses pending completion of the section 102(2)(C) reviews. These determinations were required as a result of the decision of the Court of Appeals for the District of Columbia Circuit in the *Calvert Cliffs'* litigation.[1] The factors utilized are set forth in 10 CFR Part 50, Appendix D, section E.2. An additional factor has been added to recognize the subsequent decision of the Court of Appeals for the District of Columbia Circuit in *Coalition For Safe Nuclear Power* v. *AEC, et al.* (463 F. 2d 954), which involved judicial review of the interim NEPA review approach.

On July 20, 1973, the AEC issued its determination and findings, based on an interim environmental review, concerning the execution and implementation of the LMFBR Demonstration Plant contracts. This determination was made after review of comments received on a proposed determination published in the FEDERAL REGISTER on June 29, 1973. AEC determined, after considering the aforementioned factors, that the contracts could be executed and thereafter implemented during the limited period of the ongoing NEPA review of the entire LMFBR program (38 FR 19853).

The review encompassed in the present documents relates to the LMFBR base technology program. This program entails analytical, experimental and prooftesting activities and encompasses the construction and operation of experimental testing facilities to provide information on breeder plant design, plant systems and components, instrumentation and control, sodium technology, fuels and materials, fuel cycle, physics, and safety under operating conditions simulating those that will be encountered when LMFBR plants are in service. With limited exception, all contract work to be performed in connection with the LMFBR base program during the review period is a continuation of prior work.

[1] *Calvert Cliffs' Coordinating Committee, Inc.* v *Atomic Energy Commission*, 449 F. 2d 1109 (DC Cir 1971).

As applied to continuation of the LMFBR base program, the Commission, in making the determination at hand, has considered and balanced the following factors:

1. Whether it is likely that the continuation of LMFBR base program activities during the prospective review period will give rise to a significant adverse impact on the environment; the nature and extent of this impact, if any; and whether redress of any adverse environmental impact can reasonably be effected should modification, suspension or termination of program activities result from the NEPA environmental review.

2. Whether continuation of the LMFBR base program activities during the prospective review period would foreclose subsequent adoption of alternatives.

3. The effect of any delay in the LMFBR base program upon the public interest.

4. Whether the additional irretrievable commitment of resources to the LMFBR base program during the prospective review period might affect the eventual decision reached on the NEPA review.

To assist the Commission in its consideration of the foregoing factors, the Commission published in the FEDERAL REGISTER on October 26, 1973 (38 FR 29635) its proposed determination with a request that interested persons who desire to submit written comments or suggestions for Commission consideration do so on or before November 17, 1973.

Comments were received from two of the participants in the LMFBR Demonstration Plant Project, namely Commonwealth Edison Company and Project Management Corporation, and from J. G. Speth, Esquire, on behalf of the Natural Resources Defense Council and the Scientists' Institute for Public Information. The comments of Commonwealth Edison and the Project Management Corporation support AEC's Proposed Determination that continuation of the LMFBR base program during the NEPA review period is in the public interest. Mr. Speth contended that continuation of the base program with the ensuing expenditure of funds during the period of NEPA program review would effectively prevent AEC from making a determination other than to proceed with LMFBR program implementation at the conclusion of the review period, thereby foreclosing consideration of other energy options.

In assessing the four factors enumerated earlier, and in making its consequent Determination, the Commission has carefully considered all comments received. It is appropriate, however, to take special note of those comments which were adverse to this Determination, namely, those of Mr. Speth. In our judgment Mr. Speth's concern, summarized above, does not take appropriate account of several relevant considerations. To begin with, the existing technological base for the LMFBR program represents an investment of more than $1.3 billion over the past 20 years and the future monies projected to be expended on the overall program are about $5-6 billion. The planned expenditure of resources by AEC and other LMFBR program participants during the limited period of NEPA review (approximately $300 million), while not insubstantial, will not be of such magnitude in the context of prior and projected expenditures as to constitute an irrevocable commitment to the continuation of the base technology program. Nor, for the same reasons, would it affect the outcome of the NEPA review of the LMFBR program and the actions which may be appropriate in light thereof, including reorientation, delay or abandonment of the program, in whole or in part, or subsequent pursuit of alternative energy sources. It is worth additional note, in this connection, that the risk involved in the expenditure of such resources is not unique. Such risks are continually being taken in research and development efforts. As discussed in the Commission's Findings (at pp. 87-88), programs have been terminated where it has been found that their continuation is no longer justified, notwithstanding the substantial prior expenditure of time, effort and funds. This is addressed more fully in the supporting Findings.

The results of the Commission's examination of this matter in the light of all comments received are set forth in a document entitled, "Findings Supporting Determination in Regard to LMFBR Base Program Pending Preparation of a section 102(2)(C) NEPA Impact Statement." Copies of this document are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies may be obtained upon request, addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: General Manager.

Based on the results of the foregoing examination, the Commission has determined that:

1. Continuation of the LMFBR base program during the period of preparation of the NEPA impact statement will not give rise to any significant adverse impact on the environment; and that the limited impact that may occur will be redressable should the full NEPA review of the program indicate that a course of action other than proceeding with the LMFBR program is advisable.

2. Subsequent adoption of program alternatives—including reorientation, delay or cessation of the program itself—would not be foreclosed by continuation of the LMFBR base program during the limited period of the NEPA review. All work performed in connection with this program can be terminated by AEC at any time.

3. Should continuation of the LMFBR base program be consistent with the outcome of the full NEPA program review, discontinuance of base program activities until the NEPA program review is completed would, adversely affect the public interest since (a) it could result in compromising program viability by the

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loss of key management and engineering personnel in the many organizations involved in the program, and (b) it would result in delay in realizing the availability of a key energy option for the Nation, with significant adverse consequences in terms of increased program costs and substantial dollar penalties in higher costs of electricity.

4. The expenditure of resources by the AEC and the other program participants during the limited period of the NEPA review of the program (approximately $300 million), while not insubstantial, will not be of such magnitude, taken in relationship to monies already expended on the LMFBR program ($1.3 billion through fiscal year 1973) or monies projected to be expended during the course of completion of the LMFBR program ($5–6 billion), as to constitute an irrevocable commitment to the continuation of the base technology program; nor will it affect the eventual outcome of the NEPA review of the LMFBR program. Industrial participants have spent, and will continue to spend, their resources at their own risk since all base program activities are subject to alteration or termination pending the outcome of the NEPA program review. In the event the NEPA review suggests discontinuance of the base program in its presently projected dimensions, the accomplishments in design and analysis during this period will contribute to the technology of designing and constructing reliable components for nuclear power plants of all designs.

In summary, based on the results of the foregoing examination, the Commission has determined that the LMFBR base technology program may be continued during the limited period of the ongoing NEPA program review.

Dated at Washington, D.C., this 25th day of March 1974.

For the Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74–7165 Filed 3–26–74;8:45 am]

[Docket No. 50–58]

OKLAHOMA STATE UNIVERSITY

Order Terminating Facility License

The Atomic Energy Commission ("the Commission") has found that Oklahoma State University's AGN–201 (Serial No. 102) nuclear research reactor previously located on its campus in Stillwater, Oklahoma, has been dismantled, decontaminated, and disposition made of the component parts and fuel, pursuant to the Commission's dismantling order dated July 13, 1972, in accordance with the Commission's regulations in 10 CFR, Chapter I, and in a manner not inimical to the common defense and security or to the health and safety of the public, and that termination of the license does not involve significant hazards considerations.

In accordance with the dismantling order and the safety evaluation issued in connection therewith dated July 13, 1972, the research reactor and the fuel have been removed and transferred to Tuskegee Institute in accordance with CPPR–117 issued March 23, 1973, to Tuskegee Institute. The former location of the reactor has been inspected by the Commission's Directorate of Regulatory Operations and, as required by the dismantling order dated July 13, 1972, Oklahome State University has submitted a report dated January 23, 1974, on radiation surveys of the facility which the Commission finds satisfactory.

Accordingly, pursuant to the application by Oklahoma State University dated May 26, 1971, and its request dated January 23, 1974, and Commission regulations, Facility License No. R–22 is hereby terminated as of the date of this order.

Also, Indemnity Agreement No. E–9 between Oklahoma State University and the Atomic Energy Commission, dated September 21, 1962, as amended, is hereby terminated as of the date of this order and concurrently Amendment No. 9 to Indemnity Agreement No. E–9 is being executed.

Date of issuance: March 19, 1974.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Operating Reactors Directorate of Licensing.

[FR Doc.74–6986 Filed 3–26–74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

MARCH 25, 1974.

In accordance with the purposes of sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards will hold a meeting on April 11–13, 1974, in Room 1046, 1717 H Street, NW., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

1. Thursday, April 11, 1974: 9:45 a.m.–11:15 a.m.—Meeting with AEC Regulatory Staff—The Committee will hear presentations and discuss matters related to reactor operating experience and licensing activities, including:

Browns Ferry Nuclear Plant Unit 1—Pressure relief valve operation.
Surry Power Station—Modification of high pressure piping restraints.
Indian Point Nuclear Generating Station Unit 2—Performance of modified feedwater piping.

5:00 p.m.–6:00 p.m.—Meeting on North Anna Power Station Units 3 and 4—The Committee will hear presentations and hold discussions with representatives and consultants of the Regulatory Staff and the Virginia Electric Power Company regarding the nature of the seismic faults at the site in connection with an application for a construction permit for this facility.

2. *Friday, April 12, 1974:* 9:15 a.m.–12:30 p.m.—*Millstone Nuclear Power Station Unit 3*—The Committee will consider the application for a construction permit for this plant. This will include presentations by and discussions with representatives and consultants of the AEC Regulatory Staff and the Applicants for this project.

2:00 p.m.–7:00 p.m.—*Alvin W. Vogtle Nuclear Plant Units 1, 2, 3 and 4*—The Committee will consider the application for a construction permit for this plant. This will include presentations by and discussions with representatives and consultants of the AEC Regulatory Staff and the Georgia Power Company.

Closed sessions will be held during the periods noted above, if required, to discuss proprietary information related to security plans for these facilities and to fuel element, design, fabrication, and operation including loss-of-coolant accident analysis in accordance with subsection 10(d) of Public Law 92–463 and 5 U.S.C. 552(b)(4).

It should be noted that, in addition to the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of subsection 10(d) of Public Law 92–463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined, in accordance with subsection 10(d) of Public Law 92–463, that it is necessary to close such portions of the meeting to protect classified documents and information (5 U.S.C. 552(b)(1) and (3)), and to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b)(5)).

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than April 3, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and as follows:

NORTH ANNA NUCLEAR STATION

Office of Mr. Dean Agee
Executive Secretary
Board of Supervisors
Louisa County Courthouse
Louisa, Virginia 23093

MILLSTONE NUCLEAR STATION

Miss Margaret Walter, Librarian
Waterford Public Library
49 Rope Ferry Road
Waterford, Connecticut 06385

ALVIN W. VOGTLE PLANT

Burke County Library
Fourth Street
Waynesboro, Georgia 30830

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on April 10, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 a.m. and 5:15 p.m. daylight saving time.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing, 7 days prior to the meeting, a copy of an executed agreement to safeguard this material.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., on or after June 12, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–7248 Filed 3–26–74;10:35 am]

[Docket No. 50–201]

NUCLEAR FUEL SERVICES, INC. AND NEW YORK STATE ATOMIC AND SPACE DEVELOPMENT AUTHORITY

License No. CSF–1; Applications for Amendments; Conversion to Full-Term Operating License; Time for Submission of Views on Antitrust Matter

Nuclear Fuel Services, Inc., and New York State Atomic and Space Development Authority (the applicants), have filed applications for amendments to License No. CSF–1, including any construction permit required for authorization to perform certain modifications to the West Valley Fuel Reprocessing Plant and authorization to operate the modified Facility for a term of 40 years. Pursuant to the Commission's order of November 13, 1973, published in the FEDERAL REGISTER on November 20, 1973 (38 FR 31985), the applications will be processed in accordance with the requirements of section 103 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations pertaining to applications for a license pursuant to section 103 of the Act.

An application was tendered by Nuclear Fuel Services, Inc., on October 3, 1973. Following a preliminary review for completeness, it was amended and resubmitted on December 13, 1973. The application for the New York State Atomic and Space Development Authority was submitted on December 13, 1973. The applications were docketed on December 17, 1973.

The West Valley Fuel Reprocessing Plant is located in the Western New York Nuclear Service Center in the town of Ashford, near Riceville, Cattaraugus County, New York, about thirty miles south of Buffalo. After modification, the reprocessing facility will have an operating capacity of approximately 750 metric tons of uranium per year.

A Note of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust aspects of the applications presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attn: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, Regulation, on or before May 20, 1974.

The request should be filed in connection with Docket No. 50–201A.

Copies of the applications are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Memorial Library of Little Valley, Main Street, Little Valley, New York.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969, and the regulations of the Commission in Appendix D to 10 CFR part 50, an environmental report dated December 13, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed modifications and subsequent operation of the modified West Valley Fuel Reprocessing Plant is also being made available at the State Clearinghouse, New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and at the Southern Tier West Regional Planning Board, 303 Court Street, Little Valley, New York 14755.

After the report has been analyzed by the Commission's Director of Regulations or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission, will among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 5th day of March 1974.

For the Atomic Energy Commission.

LELAND C. ROUSE,
Chief, Fuel Fabrication and Reprocessing Branch, Directorate of Licensing.

[FR Doc.74–6324 Filed 3–19–74;8:45 am]

[Docket Nos. STN 50–477, STN 50–478]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Receipt of Application for Site Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

Public Service Electric and Gas Company (the applicant), on behalf of itself and Atlantic City Electric Company and Jersey Central Power & Light Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on March 1, 1974, for authorization to construct all necessary site related structures and to install two floating nuclear power plants, each of which incorporates a pressurized water reactor. An application filed by Offshore Power Systems for a license to manufacture these and other floating nuclear plants is currently under review. The floating nuclear plants will be manufactured in Jacksonville, Florida, and towed to selected sites. The Public Service Electric and Gas Company application was tendered on December 19, 1973. Following a preliminary review for completeness, the application was found acceptable for docketing on February 11, 1974.

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The application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants, wherein applications may be filed utilizing reactors manufactured at a location different from where they will eventually be located. Docket Nos. STN 50–477 and STN 50–478 have been assigned to the application and should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Atlantic Generating Station, Units 1 and 2, are to be moored behind a protective breakwater in the Atlantic Ocean approximately 2.8 statute miles off the southeastern coast of New Jersey. Each unit is to be designed for initial operation at 3411 megawatts thermal and a net electrical output of approximately 1150 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before May 20, 1974. The request should be filed in connection with Docket Nos. STN 50–477A and STN 50–478A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Stockton State College Library, Pomona, New Jersey 08240.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated March 1, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Division of State and Regional Planning, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 7th day of March 1974.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Light Water Reactors Group 13, Directorate of Licensing.

[FR Doc.74–6323 Filed 3–19–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26528; Order 74–3–97]

AMERICAN AIRLINES, INC.

Order of Suspension and Investigation Regarding Fuel-Related Freight Rate Surcharge

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22d day of March, 1974.

By tariff revisions filed February 22 and marked to become effective March 24, 1974, American Airlines, Inc. (American) proposes a 6 percent surcharge applicable to bulk minimum charges, general and specific commodity bulk and container rates, and small package charges between points in the 48 contiguous states. American's proposal utilizes a rule published in the rules tariff[1] including a 6 percent surcharge table, and applicable to freight rates and charges published in the various tariffs.[2]

In support of its proposal, American contends that, inter alia, the surcharge is required to offset the rapidly escalating costs of jet fuel; the average fuel cost for the domestic industry in January 1974 was 17.23 cents per gallon as compared with only 11.75 cents in fiscal year 1973—an increase of 47 percent; fuel surcharges have been recognized by the Federal Power Commission, and, only recently the Interstate Commerce Commission allowed truck rate surcharges to offset the increased cost of fuel; by ER–831, the Board provided for automatic fuel price increases for Logair and Quicktrans rates, and recommended a surcharge for overseas and foreign military rates in EDR–263; the Board has allowed fuel surcharges to become effective in certain charter tariffs; the proposed surcharge will not cause windfall profits for the carriers; the increase is based only upon known currently incurred costs and does not involve any projected or hypothetical costs; the proposal will not permit the carrier to recover any of the other cost increases that are presently being incurred; and, between June 1973 and January 1974, the domestic industry absorbed about $85 million in higher fuel costs.

American has made a showing of increased costs based upon industry figures. The Board has been aware of the unprecedented increases of fuel prices in recent months and believes that some adjustment in rates and charges is warranted to help offset these increased costs.

The carrier, however, has made no showing that the resultant increased rates for the several types of traffic are in line with costs in various markets. Based upon data available to the Board, the following increased rates are found to exceed costs:

1. Westbound bulk general commodity rates for markets with lengths of haul of 1,800 miles and over;

2. Westbound general commodity container rates and charges for hauls of 750 miles or over for container Types A, LD–7, LD–5, and D, hauls 2,200 miles or over for B–2's, and hauls 1,300 miles and over for other container types;

3. Eastbound general commodity rates and charges for Type D, LD–5, and LD–7 for hauls 750 miles or over;

4. Bulk specific commodity rates, westbound, in markets with lengths of haul 2,100 miles or over; and

5. All bulk rates on human remains.

In view of the foregoing and upon consideration of all relevant factors, the Board finds that American's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that this proposal should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the charges and provisions for account of the carrier "AA" in Rule No. 59 on 6th, 7th and 8th Revised Pages 29 and 30 of Airline Tariff Publishers, Inc., Agent's C.A.B. No. 96, and rules, regulations, or practices affecting such charges and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions for account of the carrier "AA" in Rule No. 59 on 6th, 7th, and 8th Revised Pages 29 and 30 of Airline Tariff Publishers, Inc., Agent's C.A.B. No. 96 are suspended and their use deferred to and including June 21, 1974, unless otherwise ordered by the Board, and that no changes be made there in during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein, designated Docket 26528, be assigned before an Administrative Law Judge of the Board at a time and place to be designated; and

4. Copies of this order shall be filed with the tariff and served upon American Airlines, Inc., which is hereby made a party to Docket 26528.

[1] Airline Tariff Publishers, Inc., Agent, C.A.B. No. 96.

[2] The proposed surcharge applies in connection with rates and charges published in Airline Tariff Publishers, Inc., Agent, Tariffs C.A.B. No. 131, 140, 169, and 208.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–7079 Filed 3–26–74;8:45 am]

[Docket No. 25427]

LAKER AIRWAYS LTD.

Notice of Reassignment of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the oral argument in this proceeding heretofore assigned to be held before the Board on May 15, 1974, is hereby reassigned to be held on April 17, 1974, at 10 a.m. (local time) in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., March 22, 1974.

[SEAL] RALPH W. WISER,
Chief Administrative Law Judge.

[FR Doc.74–7082 Filed 3–26–74;8:45 am]

[Docket No. 26352; Order 74–3–101]

SOUTHERN AIRWAYS, INC.

Order To Show Cause Regarding Application for Amendment of Certificate

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22d day of March 1974.

On January 25, 1974, Southern Airways, Inc. (Southern), filed an application (Docket 26352) to redesignate the intermediate point Florence-Sheffield-Tuscumbia, Alabama, on segments 2 and 4 of Route 98, as Muscle Shoals-Florence-Sheffield-Tuscumbia, Alabama. In addition, Southern filed a petition seeking issuance of an order to show cause why its certificate should not be amended as requested.

No answers in opposition were filed. In support of the application, Southern submitted a letter dated January 14, 1974, from the Muscle Shoals Council of Local Governments requesting Southern to use the designation "Muscle Shoals, Ala." for all purposes in identifying air service to the area. The letter was signed by the Mayor of each concerned community, i.e., Florence, Sheffield, Tuscumbia and Muscle Shoals. Southern states that if the requested redesignation is granted, it will utilize the single identification "Muscle Shoals" to the extent practicable.[1]

Upon consideration of the application and all the revelant facts, we tentatively find and conclude that the public convenience and necessity require the amendment of Southern's certificate for Route 98 so as to change the name of the intermediate point "Florence-Sheffield-Tuscumbia" to "Muscle Shoals-Florence-Sheffield-Tuscumbia."

In support of our tentative conclusion, we find that Southern Airways was authorized to serve Florence-Sheffield-Tuscumbia, Ala., on a temporary basis in the *Southeastern Area Local-Service Case*, 30 C.A.B. 1318 (1959);[2] that Southern inaugurated service at Florence-Sheffield-Tuscumbia through the Muscle Shoals Airport on February 26, 1960, and has continuously served the area through the same airport since that date; and that the requested redesignation will help to alleviate confusion on the part of the traveling public as to the availability of air service at Florence-Sheffield-Tuscumbia and, particularly, at Muscle Shoals.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of facts or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That: 1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Southern's certificate of public convenience and necessity for Route 98 so as to redesignate the intermediate point "Florence - Sheffield - Tuscumbia, Ala.," as "Muscle Shoals-Florence-Sheffield-Tuscumbia, Ala.";

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after the service of a copy of this order, file with the Board, and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the cities of Florence, Sheffield, Tuscumbia and Muscle Shoals, Alabama; Southern Airways; and the Airport Manager, Muscle Shoals Airport, who are hereby made parties to this proceeding.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–7080 Filed 3–26–74;8:45 am]

[1] The communities of Florence, Sheffield and Tuscumbia will continue to be shown in Southern's schedules and cross-referenced to "Muscle Shoals" as shown currently in the *Official Airline Guide*.

[2] The authority to serve Florence-Sheffield-Tuscumbia was made permanent in the proceeding entitled *Renewal of Southern Airways, Inc., Segments 1(b), 6, 8, 9, and 10, and Anniston, Alabama on Segment 1* (43 C.A.B. 498 (1966)).

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator-Program Operations, Farmers Home Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6968 Filed 3–26–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Assistant Deputy Administrator, Farmers Home Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6973 Filed 3–26–74;8:45 am]

DEPARTMENT OF THE ARMY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Army to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary of the Army (International Affairs), Office, Under Secretary of the Army, Office, Secretary of the Army.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–6974 Filed 3–26–74;8:45 am]

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DEPARTMENT OF THE ARMY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Army to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary of the Army, Office, Under Secretary of the Army, Office, Secretary of the Army.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6969; Filed 3-26-74;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, April 3, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74-6967 Filed 3-26-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary for Drug Abuse Prevention, Office of the Assistant Secretary for Health and Scientific Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6975 Filed 3-26-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner, Rehabilitation Services Administration, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6971 Filed 3-26-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Assistant Director, Urban Program Coordination, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6976 Filed 3-26-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Director, Operation BREAKTHROUGH, Assistant Secretary for Research and Technology.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6977 Filed 3-26-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6978 Filed 3-26-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary—Program Development and Budget, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6979 Filed 3-26-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Associate Solicitor for Procurement and Patents, Office of the Solicitor.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6980 Filed 3-26-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Associate Solicitor (General Law), Office of the Solicitor.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6970 Filed 3-26-74;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil

Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Field Operations, Office for Drug Abuse Law Enforcement, Office of the Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6981 Filed 3-26-74;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Fraud Section, Criminal Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6982 Filed 3-26-74;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Deputy General Counsel, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6972 Filed 3-26-74;8:45 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Director, Intergovernmental Relations Division, Office of Program Review.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6983 Filed 3-26-74;8:45 am]

PRESIDENT, FEDERAL CITY COLLEGE

Notice of Listing of Manpower Shortage

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission has found effective March 12, 1974, that there is a manpower shortage for the single position of President, Federal City College. The appointee may be paid for the expense of travel and transportation to his first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6968 Filed 3-26-74;8:45 am]

VETERANS ADMINISTRATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Veterans Administration to fill by noncareer executive assignment in the excepted service the position of Assistant Deputy Administrator, Office of the Assistant Deputy Administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-6984 Filed 3-26-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

SHOCK, FIRE, AND OTHER HAZARDS FROM TELEVISION RECEIVERS

Notice of Public Hearing

Correction

In FR Doc. 74-6475 in the issue of Friday, March 22, 1974, make the following change.

On page 10931, in the table under paragraph B of main paragraph IV., the first entry under the heading "Number of deaths" should be changed from "0" to "3".

ENVIRONMENTAL PROTECTION AGENCY

AMCHEM PRODUCTS, INC.

Notice of Extension of Temporary Tolerances

Amchem Products, Inc., Ambler, PA 19002, was granted temporary tolerances for negligible residues of the herbicide *N-sec*-butyl-4-*tert*-butyl-2,6 dinitroaniline in or on cottonseed and soybeans at 0.1 part per million on March 26, 1973, in connection with Pesticide Petition 2G1285 (notice was published in the FEDERAL REGISTER of March 30, 1973, (38 FR 8301)).

The petitioner has requested a 1-year extension of the temporary tolerances to obtain additional experimental data. It is concluded that such extension of the temporary tolerances for residues of the herbicide in or on cottonseed and soybeans at 0.1 part per million will protect the public health. A condition under which these temporary tolerances are extended is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Amchem Products, Inc. name.

As extended, these temporary tolerances expire March 26, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: March 18, 1974.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-6997 Filed 3-26-74;8:45 am]

BASF WYANDOTTE CORP.

Notice of Extension of Temporary Tolerance

BASF Wyandotte Corp., 100 Cherry Hill Road, Post Office Box 181, Parsippany, NJ 07054, was granted a temporary tolerance for residues of the herbicide bentazon (3-isopropyl-1*H*-2,1,3-benzothiadiazin(4)-3*H*-one-2,2-dioxide) in or on the raw agricultural commodity soybeans at 0.05 part per million on March 30, 1973, in connection with Pesticide Petition No. 3G1309 (notice was published in the FEDERAL REGISTER of April 5, 1973 (38 FR 8691)). The temporary tolerance expires March 30, 1974.

The firm has requested a 1-year extension of the temporary tolerance to obtain addition experimental data. It is concluded that this extension of the temporary tolerance of 0.05 part per million for residues of the herbicide in or on soybeans will protect the public health. A condition under which this temporary tolerance is extended is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the BASF Wyandotte Corp. name.

As extended, this temporary tolerance expires March 30, 1975.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated: March 18, 1974.

EDWIN L. JOHNSON,
Acting Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-6998 Filed 3-26-74;8:45 am]

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MOTOR VEHICLE EXHAUST EMISSION RETROFIT DEVICES

Voluntary Retrofit Evaluation Program

Notice is hereby given that the Environmental Protection Agency seeks public comment on proposed motor vehicle exhaust emission retrofit device evaluation protocols.

The air quality implementation plans approved or promulgated by the Environmental Protection Agency for a number of states pursuant to section 110 of the Clean Air Act include provisions for the implementation of programs to retrofit emission control devices to motor vehicles presently in use.

The basic technology for such devices is essentially proven. For each category of devices, either all or the major part of the preliminary development work has been done, and individual devices in the category should be ready for widespread commercial use by the time the plans require this. To ensure this, however, the work of converting the proven basic technology into satisfactory commercially available and mass-produced devices must be pursued vigorously. In particular, further testing of such devices in the same or almost the same form as proposed for commercial use is called for. This will assist the individual states for which retrofit programs are required in selecting the specific devices which will be made eligible for installation to comply with the applicable retrofit requirements.

To provide such test data, and to avoid unnecessary duplication of data gathering and testing programs, the Environmental Protection Agency proposes to establish a voluntary retrofit evaluation program. Under the voluntary evaluation program, developers or marketers of individual retrofit emission control devices would arrange with independent testing laboratories for testing of their devices according to procedures published by the Environmental Protection Agency. Such testing would be at the expense of the device proponent. The Environmental Protection Agency would maintain cognizance over such testing programs, and would evaluate and confirm the results in its own laboratory as necessary. The results of all evaluations under the program would be published by the Environmental Protection Agency for use by states and other interested parties.

Proposed protocols for the conduct of this voluntary retrofit evaluation program are set forth below for public comment. Interested persons may submit written comments on these proposed protocols (in quadruplicate) to the Environmental Protection Agency, Office of Mobile Source Air Pollution Control (AW 455), 401 M Street SW., Washington, D.C. 20460. All relevant comments received not later than May 13, 1974, will be considered in the preparation of final protocols for the voluntary program.

Comments received will be available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Room 329 C, Washington, D.C. 20460.

Dated: March 15, 1974.

JOHN QUARLES,
Acting Administrator.

1.0 *General provisions.*

1.1 *Program Goals.* The purpose of this program is to provide a standardized and centralized evaluation program to compile technical data on various exhaust emission retrofit devices. The program does not include test procedures suitable for the evaluation of fuels, fuel additives, refueling loss retrofit devices, or evaporative emission control retrofit devices.

Data generated under this program will be evaluated by the Environmental Protection Agency and published for use by those authorities, state and local, responsible for the implementation of transportation controls to assist in the achievement of ambient air quality goals. It should be stressed that the role of this program will be the generation, analysis, and dissemination of technical data, and not one of approval or certification of retrofit devices.

The program will primarily address the emission control potential, durability, and driveability and fuel consumption effects of specific retrofit devices presented for evaluation. Multiple vehicle testing will allow statistical analysis of the test results. Testing is intended to be performed at independent commercial testing laboratories, and will be subject to monitoring and inspection by the Environmental Protection Agency. All costs incurred in the evaluation other than those of the Environmental Protection Agency's participation will be the responsibility of the applicant for evaluation.

1.2 *Eligibility for participation.* Participation in this evaluation program will be available to any individual or company who agrees to follow the procedures set forth in these protocols. Failure to conform to any aspect of these protocols, without the approval of the Environmental Protection Agency, may be interpreted by the Environmental Protection Agency, as withdrawal from participation in the program.

1.3 *Applicant's responsibility.* Each applicant for evaluation under this program will be responsible for the following:

(a) Submission of an application, of specified format, to the Environmental Protection Agency prior to initiation of the evaluation. Each application shall include summaries of any information available to the applicant concerning:

(i) whether or not the device or system in its operation or function causes a motor vehicle equipped with that device or system to emit into the ambient air any substance (other than hydrocarbons, carbon monoxide, oxides of nitrogen, or normal atmospheric constituents such as oxygen, nitrogen, or water vapor) in a quantity differing from that emitted in the operation of the motor vehicle without such device or system, and

(ii) whether or not the device or system in its operation or function or malfunction results in any unsafe condition endangering the motor vehicle or its occupants or persons or property in close proximity to the vehicle.

(b) Arrangement with independent testing laboratories for testing necessary for all phases of the evaluation,

(c) Payment of all costs incurred in the evaluation except for the costs of Environmental Protection Agency participation,

(d) Submisssion of progress reports and notifications to the Environmental Protection Agency as specified in these protocols, and

(e) Submission of a final report, of specified format, to the Environmental Protection Agency promptly after completion of the evaluation (details in section 7.2).

1.4 *Definitions.* (a) Except as specifically defined below, all terms used in these protocols which are defined in the Clean Air Act (42 U.S.C. 1857) or Subpart A of Title 40, Part 85 of the Code of Federal Regulations shall have the meanings provided therein.

(b) "Retrofit" means the addition or removal of an item of equipment, or a required adjustment, connection, or disconnection of an existing item of equipment, for the purpose of reducing emissions.

(c) "Light duty vehicle" means, for the purpose of these protocols, a motor vehicle other than a motorcycle whose gross vehicle weight is 6000 pounds or less. This class includes both passenger cars and light trucks.

(d) "Medium duty vehicle" means, for the purpose of these protocols, a motor vehicle whose gross vehicle weight is greater than 6000 but not more than 10,000 pounds.

(e) "Baseline configuration" means the unretrofitted test configuration after appropriate tune-up maintenance has been performed.

(f) "Parametrically adjusted configuration" means the test configuration after adjustment of engine parameters to the retrofit specifications, but *excluding* retrofit hardware installation.

(g) "Retrofitted configuration" means the test configuration after adjustment of engine parameters to the retrofit specifications and after all retrofit hardware has been installed.

(h) "Zero device-miles" means that period of time between retrofit installation and the accumulation of 50 miles of vehicle operation after installation.

(i) "Emission data fleet" means a fleet of vehicles tested at "zero device-miles" to determine the average emission reduction associated with the retrofit device.

(j) "Durability fleet" means a fleet of vehicles operated for mileage accumulation used to assess deterioration effects associated with the retrofit device.

(k) "Federal emission test procedures" means the test procedures specified in § 85.075–7 through § 85.075–27 of Title 40, Chapter I, Part 85 of the Code of Federal Regulations in effect on the date of the adoption of these protocols, except

as those procedures are modified in these protocols.

2.0 *Emission test procedures.*

2.1 *Light duty vehicle emission testing.* For the purpose of evaluation under these protocols, testing will utilize a modified 1975 Federal emission test procedure. The following modifications will be allowable to the Federal emission test procedures for evaluation of light-duty vehicles under these protocols:

(a) No evaporative emission loss need be measured (with the exception of systems modifying or disconnecting existing evaporative control devices or systems in such a manner as would be expected to adversely affect their evaporative emission control performance).

(b) Vehicle pre-conditioning shall consist of operation of the vehicle through one hot-start LA–4 driving cycle. This preconditioning must be done at least 12 hours before but no earlier than 24 hours before the emission test.

(c) While the test fuel must meet the specifications outlined in the Federal emission test procedures, fuel conditioning as specified for evaporative emission test procedures is not required.

2.2 *Medium duty vehicle emission testing.* For the purpose of evaluation under these protocols, emission testing of medium duty vehicles will be performed using a modification of the Federal emission test procedures for light duty vehicles. The following modifications to the Federal emission test procedures shall be employed for medium duty vehicle retrofit evaluation under these protocols:

(a) No evaporative emission loss need by measured.

(b) Vehicle pre-conditioning may be limited to operation of the vehicle through one hot-start LA–4 driving cycle. This preconditioning must be done at least 12 hours but no earlier than 24 hours before the emission test.

(c) While the test fuel must meet the specifications outlined in the Federal emission test procedures, no heat build or fuel conditioning is required.

(d) The following equation and table shall be used to determine inertia test weight and power absorption for the emission test:

Inertia weight = 500 lbs. if gross vehicle weight minus curb weight equals 2000 lbs
curb weight + 1000 lbs. if gross vehicle weight minus curb weight is greater than 2000 lbs. but not more than 4000 lbs.
1500 lbs. if gross vehicle weight minus curb weight is greater than 4000 lbs.

(The inertia weight should be rounded off to the closest 500 pound increment).

Inertia weight:	Actual absorbed HP
4,500	13.1
5,000	17.9
5,500	22.7
6,000	27.5
6,500	32.3
7,000	37.1
7,500	41.9
8,000	46.7
8,500	51.5
9,000	56.3
9,500	61.1
10,000	65.9

2.3 *Emission test configurations.* In order to measure the effectiveness (at zero device-miles) of a retrofit device or system at least two, and in some cases three, vehicle configurations will be tested.

The first test configuration is a baseline test. In this test the baseline or unretrofitted vehicle emissions will be measured.

The second test may be required at the discretion of the Environmental Protection Agency for the following reason: If a device concept uses both hardware and engine parameter modifications jointly to achieve emission control, it is necessary to distinguish the hardware effects from the parameter adjustments effects. If, in the Environmental Protection Agency's judgment based on a review of the application for evaluation, the combined effects of retrofit hardware installation and parametric adjustment could be substantially duplicated by parametric adjustment alone, then the Environmental Protection Agency may specify a second test, defined as the parametrically adjusted configuration, to evaluate such adjustment exclusive of the retrofit hardware.

The third test will evaluate the full retrofit system installed on the vehicle.

3.0 *Durability test procedures.*

3.1 *Test configuration.* Vehicles included in the durability fleet will be subjected, at zero device-miles, to the same test sequence as is specified in section 2.3. Subsequently they will be tested at 3,000 device-mile intervals, up to and including the final mileage point of 15,000 device-miles.

Testing at these mileage points will be performed with the vehicle equipped with the full retrofit system. Subsequent to the 15,000 mile test, the vehicle will be tuned as necessary and the retrofit adjusted to the developer's specifications. The fully restored retrofitted configuration will then be tested. The retrofit system will then be removed from the vehicle and the vehicle set to manufacturer's specifications. A tuned baseline test will then be conducted.

3.2 *Mileage accumulation procedure.* Mileage accumulation procedures shall follow those outlined in the Federal emission test procedures. Both light and medium duty evaluations should use the light duty mileage accumulation schedule or a suitable alternate procedure approved by the Environmental Protection Agency. Alternate accumulation procedures may be approved by the Environmental Protection Agency prior to initiating durability testing. Fuel used in the mileage accumulation shall be a commercial fuel available in the retail market.

3.3 *Maintenance.* Maintenance during the durability portion of this evaluation will be allowed and can best be considered in three separate categories:

(a) Normal scheduled vehicle maintenance

(b) Unscheduled vehicle maintenance

(c) Retrofit maintenance

Normal scheduled vehicle maintenance can be defined as those periodic services vehicle operators do or should perform during the life of their vehicles. These procedures are specified in the original owner's manual supplied to the owner at the time of new vehicle purchase. In general they will include:

Oil changes & lubrication
Oil filter changes
Normal tune-up items:
(1) spark plugs
(2) condenser
(3) rotor
(4) distributor contact points
Air Cleaner Element
Inspect PCV
Dwell & Timing check
Charging circuit check

In the event that periodic maintenance items, other than those listed above, are specified by the manufacturer of the durability vehicle the manufacturer's recommendations should be followed. In this eventuality the Environmental Protection Agency shall be notified of the intent to perform additional periodic maintenance. This notification should detail both the nature and frequency of the additional planned maintenance.

Because the vehicles used for durability evaluation in this program will probably have considerable mileage accumulation and unknown maintenance prior to inclusion in the program, it can be anticipated that certain vehicle and engine failures may occur. These failures may be unrelated to the retrofit device. Unscheduled maintenance will be allowed only in those cases where poor vehicle operation has been indicated by the driver of the vehicle. With the exception of the following, the Environmental Protection Agency shall be notified of the failure and must approve the maintenance prior to correction of the problem.

Tire replacement (same size)
Vehicle body repairs (remote from engine and retrofit)
Windshield wipers
Fluid levels unrelated to retrofit
Brakes
Hoses unrelated to retrofit
Belts unrelated to retrofit
Suspension failures
Wheel alignment
Steering
Wheel bearings
Non-engine electrical system

No unscheduled maintenance of the engine or drivetrain may be made without Environmental Protection Agency approval. At the time of notification of a need for unscheduled maintenance the Environmental Protection Agency may require before and after maintenance emission tests. If any questionable failure occurs, a general rule to notify the Environmental Protection Agency prior to performance of corrective maintenance will be the safest course of action.

Certain retrofit devices may require periodic maintenance. These maintenance requirements shall be detailed in the application to the Environmental Protection Agency. Maintenance of the retrofit device shall be performed periodically as specified by the retrofit developer. Emission tests should be performed before and after this maintenance.

A log of *all* maintenance shall be kept for every vehicle. These logs will be summarized and reported to the Environ-

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mental Protection Agency in the final report.

4.0 *Other test procedures.*

4.1 *Driveability effects.* It is important to assess the impact which installation of a specific retrofit device may have on vehicle driveability. Driveability assessment of the baseline configuration, of the parametric adjustment configuration (if required), and of the fully retrofitted configuration shall be conducted at zero device-miles for all vehicles included in the durability fleet. Driveability evaluation procedures to be used are presented in Appendix A.

4.2 *Fuel consumption effects.* Part of the cost or benefit of a retrofit system can stem from that system's effect on fuel consumption. Carbon balance fuel consumption shall be calculated for all emission tests in all configurations during the evaluation program. Details of the carbon balance calculation are presented in Appendix B.

4.3 *Specialized testing.* Certain individual retrofit devices, due to their specific characteristics, may change engine operation in such a way as to potentially impact engine durability or cause potentially hazardous operational characteristics. It can be visualized, for instance, that dangerous temperature conditions, high exhaust valve temperatures or excessive noise levels may be encountered for certain devices. Evaluation of these problem areas will be an essential part of the retrofit program. In general, specific evaluations will be limited to the durability fleet. The Environmental Protection Agency will specify any additional evaluations required for a particular device subsequent to the receipt of the retrofit evaluation application. These evaluations will be based on a technical review of the operating principles of the specific device.

5.0 *Vehicle fleet selection.*

5.1 *Emission data fleet.* In order to compile data on the effectiveness of specific devices which will ultimately allow state authorities to make realistic device approval decisions, the following statistical goals have been established for this program. It is desired that the experiment allow determination of the mean percent reduction (or increase) of hydrocarbons, carbon monoxide, and oxides of nitrogen within a band of ±5 percent with 90 percent confidence. For example, the results of a particular evaluation might state that the mean hydrocarbon reduction associated with the device is a measured reduction of 25 percent within a band of 20 to 30 percent with 90 percent confidence.

An analysis of the variance experienced in various device evaluations previously performed by the Environmental Protection Agency indicates that a maximum sample size of 113 vehicles should be needed to obtain the desired statistical assurance.

To determine the sample size required for a particular device evaluation, two approaches are available to the applicant. First, he may elect to use a sample size of 113 vehicles. Alternatively he may conduct a preliminary device evaluation using a 10 vehicle fleet approved by the Environmental Protection Agency. The preliminary test data will be analyzed for variance by the Environmental Protection Agency and a new sample size will be determined which could be 113 or fewer vehicles. The data from the 10 vehicles can be included in the overall analysis. To assure adequate test vehicle coverage of the in-use vehicle population a minimum of 25 vehicles will be tested. Discussion of the statistical test to be used for fleet sizing can be found in Appendix C.

Once the sample size has been determined, the Environmental Protection Agency will specify the test fleet makeup by model, model year, engine displacement and transmission type. The sample of vehicles to be tested will be representative of the distribution of vehicles in the national population to which the device applies. Because of their limited availability and relatively small impact on air quality, no vehicles more than ten years old will be selected for evaluation. As appropriate, the oldest model year represented will be weighted to account for those older vehicles still in use.

The above criteria apply to both light and medium duty evaluations.

5.2 *Durability fleet.* A fleet of ten vehicles whose composition has been approved by the Environmental Protection Agency shall be operated and tested through 15,000 miles of device operation. This criterion applies for both light and medium duty evaluations.

5.3 *Specialized testing.* Unless otherwise specified by the Environmental Protection Agency, the durability fleet vehicles will be used for those specialized analyses necessary to evaluate potential detrimental effects of retrofit installation and operation. These may include temperature measurement, cold environment starting, time to coolant boil over at idle, noise level, etc. Requirements and details will be specified by the Environmental Protection Agency after review of the application.

5.4 *Test vehicle tune-up.* All vehicles employed in evaluations within this program will be adjusted to the vehicle manufacturer's specifications prior to conducting baseline testing. The following items may be replaced as necessary with suitable OEM replacements:

Oil
Oil Filter
Air Cleaner Element
Spark Plugs
Condenser
Rotor
Distributor Points
Ignition Wires
Distributor Cap
PCV Valve

No adjustments or replacements can be made to any internal engine component. Exhaust systems must be repaired to provide a leak-free system. A close visual scrutiny of each vehicle in the program must be made to assure this leak-free condition. Replacement of exhaust systems should use OEM parts and at least 50 miles of break-in should be provided to remove cutting oil residue.

5.5 *Vehicle rejection.* No vehicle within the confines of the selection criteria may be rejected from the program once it has been received by the test facility unless such gross mechanical defects are exhibited as would severely threaten its ability to complete the testing sequence. While diagnostic or inspection tests may be conducted, in *no* case will vehicles be rejected due to the results of engine diagnostic tests or inability to adjust engine parameters to the automobile manufacturer's or retrofit installation specifications.

6.0 *Device installation.* In order to assess the requirements for proper device installation through this evaluation the following procedures should be followed:

(a) Installers should be selected by the testing laboratory who have had no previous experience with installation of the specific system under evaluation.

(b) The applicant will design and conduct necessary training sessions and supply printed instructions to the installers.

(c) The applicant will not directly participate in the installation task.

(d) Anomalies encountered during installation should be corrected. Details on the problem and actions required to avoid the problem in future installations shall be submitted in the final report.

(e) Accurate records of the time required for installation and tools or equipment used for installation must be kept.

7.0 *Program administration.*

7.1 *Application format.* In order to compile relevant data on specific retrofit control techniques and to allow timely response by the Environmental Protection Agency to requests for evaluation, a standard application format should be used. Submissions should be made to:

Director, Emission Control Technology Division
Environmental Protection Agency
2565 Plymouth Road
Ann Arbor, Michigan 48105
Attn: Retrofit Evaluation

Three weeks should be allowed for analysis of the submission and response. As indicated in other sections of this document, evaluation may not proceed prior to the Environmental Protection Agency's approval of test fleets, specification of necessity of parameter testing and other testing requirements, and approval of proposed maintenance.

To facilitate rapid response by the Environmental Protection Agency, the application should concisely and yet fully detail the following: (It is recommended that the topics be organized in the same manner as the following outline.)

APPLICATION FORMAT

I. Device or Control Technique Description
A. Operational theory
B. Hardware description
1. Component description
2. Connections and interfaces to vehicle and/or engine
3. Sensors or modulators and calibration and trigger points
4. Materials used in device construction
5. Parametric adjustments
C. Pictorials showing installation
D. Retail cost estimate (installed)
E. Useful life (method of testing and data)
II. Device Applicability
A. Applicability to vehicle population
1. By make and model
2. By model year
3. By engine
B. Exceptions (e.g., multiple carburetion, fuel injection, 4 cylinder engines, trailer towing, high speed, etc.)
III. Installation Requirements
A. Printed installation instructions
B. Mechanic training required
C. Tools and/or equipment required
D. Estimated installation time
E. Parametric engine adjustments
F. Diagnotic procedures (special equipment)
VI. Device Maintenance
A. Frequency
B. Maintenance description
C. Time required
D. Tools, equipment, materials
E. Estimated cost to consumer
F. Diagnostic procedures
V. Existing Test Data, including information required by Section 1.3(a) of these protocols
IV. Proposed Testing Laboratory
A. Facility description
B. Capabilities
C. Calibration and maintenance procedures

7.2 *Reporting format.* In order for the Environmental Protection Agency to quickly analyze and disseminate the results of retrofit evaluations, the following report format should be employed and submitted to:

Director, Emission Control Technology Division
Environmental Protection Agency
2565 Plymouth Road
Ann Arbor, Michigan 48105
Attn: Retrofit Evaluation

REPORT FORMAT

I. Retrofit Device Effectiveness Data (data fleet)
A. Summary
1. Applicability (device)
2. Observed mean percent reduction (See Appendix C)
B. Test Fleet Description (tabular)
1. Make and model
2. Model year
3. Engine (CID)
4. Carburetion
5. Transmission
6. Odometer mileage
7. Program car number
8. Vehicle serial number
C. Emission Data
1. Program car number
2. Baseline HC, CO, CO_2, NO^x, fuel
3. Parametric HC, CO, CO_2, NO^x, fuel consumption (if required)
4. Retrofitted HC, CO, CO_2, NO , fuel consumption
D. Discussion of Statistical Analysis (See Appendix C)
II. Durability Results (durability fleet)
A. Summary
1. Individual plots of HC, CO, NO^x, and fuel consumption versus mileage for the retrofitted vehicles.
2. Device deterioration factors for individual vehicles and fleet average (See analysis technique in Appendix C)
B. Test Fleet Description (tabular)
1. Make and model
2. Model year
3. Engine (CID)
4. Carburetion
5. Transmission
6. Odometer mileage (begin and end)
7. Program car number
8. Vehicle serial number
C. Emission Data versus Mileage (tabular)
1. Program car number
2. Retrofitted configuration HC, CO, CO_2, NO^x, and fuel consumption versus mileage
3. Percent reduction of the fully retrofitted configuration as compared to baseline after the 15,000 mile tune-up.
D. Vehicle and Device Installation and Maintenance
1. Detailed description of all maintenance performed
2. Emission test results, where requested, before and after maintenance
3. Installation time requirements
IIII. Results of Other Testing
A. Driveability
B. Special tests

7.3 *EPA Monitoring.* In addition to those aspects of normal contact with the applicant discussed in previous sections, the Environmental Protection Agency will, to the extent possible, monitor the progress and execution of the retrofit evaluations. This monitoring may include announced and unannounced visits to testing sites, checks of raw data files, and limited correlation and/or confirmatory testing in the Environmental Protection Agency's Ann Arbor laboratory (vehicle to be shipped to Ann Arbor at applicant's expense if required by the Environmental Protection Agency).

Deficiencies will be reported to both the laboratory and to the applicant in order to facilitate correction. If necessary, however, caveats concerning the validity of the test results will be added to the test report by the Environmental Protection Agency prior to dissemination.

7.4 *Laboratory qualifications.* In order to qualify as a testing laboratory for this program, a facility must be so equipped as to be capable of conducting emission tests according to the Federal test procedures as specified in these protocols. In addition, the test facility should have the capabilities required for device installation, vehicle maintenance, and other testing as discussed in previous sections.

APPENDIX A

. DRIVEABILITY EVALUATION PROCEDURES

I. *General Provisions.*

A. *Background.* In addition to its ability to reduce emissions, the effect of a retrofit device on vehicle driveability is an important consideration. Since the term driveability encompasses a large number of different characteristics of the way in which a vehicle responds to different actions by the driver, it is necessary to employ a standardized driveability test procedure if comparisons between vehicles with and without retrofit devices and among different retrofit devices are to be meaningful. This appendix presents standard driveability test procedures which are to be used in performing all driveability evaluations required under these protocols.

B. *Definitions of Driveability Terms.* (1) *Road Load.* A fixed throttle position which maintains a constant vehicle speed on a level road.

(2) *Wide Open Throttle (WOT) Acceleration.* An acceleration made entirely at wide open throttle (from any speed).

(3) *Part Throttle (PT) Acceleration.* An acceleration made at any throttle position less than WOT.

(4) *Light Throttle Acceleration.* A part throttle acceleration made at a constant throttle position of approximately one-fourth of full throttle (WOT) opening.

(5) *Detent.* That point in throttle opening immediately preceding the point at which the transmission kickdown function of an automatic transmission is energized. (For manual transmission vehicles, wide open throttle will be used in place of detent position).

(6) *Tip-In.* A maneuver to evaluate vehicle response (up to two seconds in duration) to the initial opening of the throttle.

(7) *Crowd.* An acceleration made at a constant intake vacuum just prior to power enrichment (continually increasing throttle opening).

(8) *Idle Quality.* An evaluation of *vehicle* smoothness with the engine idling, as judged from the driver's seat.

(9) *Backfire.* An explosion in the induction or exhaust system.

(10) *Hesitation.* A temporary lack of initial response in acceleration rate to throttle opening.

(11) *Stumble.* A short, sharp reduction in acceleration rate.

(12) *Stretchiness.* A lack of anticipated response to throttle movement. This may occur on slight throttle movement from road load or during light to moderate accelerations.

(13) *Surge.* A continued condition of short, sharp fluctuations in power. These may be cyclic or random and can occur at any speed and/or load. Surge is usually caused by overlean carburetor mixtures.

(14) *Trace.* Rating of a malfunction that is just discernable to a test driver.

(15) *Moderate.* Rating of a malfunction that is judged to be probably noticeable to the average driver.

(16) *Heavy.* Rating of a malfunction that is pronounced and judged to be obvious to any driver.

II. *Test Procedures.*

A. *General Considerations.* (1) *Types of Testing Required.* Each driveability test consists of two parts, a cold driveability portion and a hot driveability portion. The cold portion of the test evaluates the starting characteristics of the vehicle, idle quality when cold, and driveability during a sequence of acceleration, low speed cruise, and idle modes as the engine warms up. The hot portion of the test evaluates the vehicle's driveability in a fully warmed-up condition during a series of cruise modes of different speeds, during various types of acceleration modes, and during idle. Evaluation of engine shut-down (for dieseling) and hot-restart are also made. The cold start testing is performed after an overnight soak at moderate (60–86 deg. F.) ambient temperature; no evaluation is made of vehicle starting or warm-up characteristics which would be encountered after overnight soak at low ambient temperatures.

(2) *Test Drivers.* A full driveability sequence (cold and hot portions) shall be performed on each vehicle configuration by each of three different test drivers. This is done to minimize the effect on the driveability rating given a vehicle configuration of the different subjective judgments made by different drivers. The same three drivers should be used to evaluate the baseline, retrofitted, and parametrically adjusted (if required) configurations of a given vehicle. The drivers shall not be informed as to what alterations or additions, if any, have been made to the vehicle, and the test driver should be given the opportunity to repeat any particular mode of the test sequence if necessary to confirm his evaluation. If possible, driver and observer teams should be used for the evaluations.

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(3) *Test Facilities.* Driveability testing must be performed on a dry, level, smooth-surfaced track or highway. If a highway is used, care should be taken to eliminate any traffic interference, as well as any traffic-induced effects.

(4) *Data Recording.* Data should be recorded during the course of each portion of the driveability test, either by the observer, or by the driver at an appropriate portion of the driving sequence. Recommended formats for the data recording sheets are shown in Figures A–1 through A–4.[1]

B. *Cold Driveability Portion.* (1) Prior to initiating the cold driveability portion of the test, the vehicle shall have been allowed to "soak" without having been operated for a period of at least twelve hours in an area where the ambient temperature is maintained between 60° F. and 86° F.

(2) Record all necessary vehicle and test information as indicated on data sheet 1 (Figure A–1).

(3) Start engine per owner's manual procedure and record start time.

(4) Record engine speed and idle quality in Neutral or Park immediately after start, with foot removed from throttle pedal (fast idle cam).

(5) If engine stalls, repeat steps 3 and 4.

(6) After 5 seconds from start, accelerate engine briefly, and again release throttle; record engine speed, idle quality, and/or number of stalls. If engine stalls, repeat steps 3 through 6.

(7) After 10 seconds from start, apply brakes, shift to normal drive range, and record engine speed, idle quality and stalls. (This step may be omitted for vehicles equipped with manual transmissions.)

(8) After 15 seconds from start, make a light throttle acceleration to 25 mph at a constant throttle opening. (Use manufacturer's recommended shift points for manual transmission.) Cruise at 25 mph for 0.1 mile (to check for choke loading), open throttle to detent and accelerate from 25 to 35 mph at constant throttle in top gear. Decelerate to a stop and accelerate WOT to 35 mph. (For manual transmission vehicles, accelerate WOT from 20 to 35 mph in gear recommended by manufacturer for this speed range.) Decelerate to 10 mph and accelerate 10 to 25 mph at constant light throttle.

(9) Observe and record any malfunctions such as the following:

(a) Hesitations
(b) Stumbles
(c) Surge
(d) Stalls
(e) Backfires

(10) At 0.5 miles from start, brake moderately to a stop. Idle for 30 seconds in drive range (neutral for manual transmission) and record engine speed, intake vacuum, and idle quality.

(11) Repeat steps 8, 9, and 10 through 1.5 miles from start (3 cycles).

(12) Make a light throttle acceleration to 45 mph at constant vacuum (crowd condition to check lean operating with choke off). (For manual transmission vehicles, make constant vacuum acceleration in high gear from lowest speed attainable in that gear to 45 mph.) Decelerate 45 to 25 mph, open throttle to detent and accelerate from 25 to 35 mph at constant throttle in top gear. Decelerate to a stop and accelerate WOT to 35 mph. (For manual transmission vehicles, accelerate WOT from 20 to 35 mph in gear recommended by manufacturer for that speed range.) Decelerate to 10 mph and accelerate 10 to 25 mph at constant light throttle. Repeat steps 9 and 10 above.

(13) Repeat step 12 through 6.4 miles from start (7 cycles).

C. *Hot Driveability Portion.* (1) Warm up vehicle for about 10 miles at 70 mph.

(2) Evaluate curb idle in Neutral and Drive (automatic transmission only) range. Record engine speed, intake vacuum and idle quality.

(3) Cruise at road load from 20 through 70 mph at 10 mph increments, and record stretchiness and surge.

(4) Accelerate WOT from 0 to 30 mph at sudden, moderate and slow throttle opening rates. (For manual transmission, accelerate WOT from 20 to 30 mph in gear recommended by manufacturer for this speed range.) Record hesitation, stumble, and surge.

(5) Accelerate PT from 0 to 30 mph (20 to 30 mph for manual transmission) at constant throttle positions of ¼, ½, and ¾ throttle. Record hesitation, stumble, and surge.

(6) Evaluate part throttle crowds in high gear at constant vacuum from the minimum speed attainable in high gear to 70 mph (or the maximum speed at each vacuum if less than 70 mph). Several runs are to be made at different vacuums to determine the worst surge condition. Also record hesitations and stumbles.

(7) Evaluate "tip-in" characteristics by making several PT accelerations in high gear from 20 to 30 mph. Do not accelerate at a throttle opening which will cause the automatic transmission to downshift. Record hesitations and stumbles.

(8) Accelerate WOT from 0 to 70 mph and record acceleration time. Drive 5 miles at 70 mph and brake moderately to stop. Idle for 30 seconds, shut off engine, and soak for 15 minutes.

(9) After hot soak, restart engine according to manufacturer's hot-start procedure (record start time and number of attempts). Return to idle, and maintain idle for 60 seconds in Neutral (record engine speed, intake vacuum, and idle quality). If engine stalls during the 60 second idle, repeat this hot-start and idle procedure.

III. *Data Analysis & Reporting.* In evaluating the effectiveness of a retrofit device, the *difference* in scores for the vehicle with and without the device is important, rather than the absolute value of either score. Thus, variations in the severity of different drivers' evaluations will be nullified. The final rating assigned to a vehicle configuration will be the average of the three drivers' scores.

Driveability demerits to be used in scoring the results of driveability evaluations are given in the table below:

Demerit summary schedule

Function rated	Demerits				Weighting factor	Weighted demerits			
	T	*M*	*H*	*Yes*		*T*	*M*	*H*	*Yes*
Idle roughness	1	2	4	-------	1	1	2	4	-------
Hesitation	1	2	4	-------	6	6	12	24	-------
Stumble	1	2	4	-------	6	6	12	24	-------
Surge	1	2	4	-------	4	4	8	16	-------
Stall at start									8
Stall, driving									32
Backfire	1	2	4	-------	6	6	12	24	-------
Stretchiness	1	2	4	-------	1	1	2	4	-------
Starting time									(1)

[1] Starting time demerits computed as (seconds−2.0)×0.1.

The purpose of the weighting factor is to assign relative importance to the malfunctions encountered; i.e., a driving stall is more significant to vehicle operational safety than idle roughness. As can be seen, stalls are given only a weighted demerit. When compiling demerits for any maneuver only the most severe malfunction is considered. For example, if during an acceleration a trace hesitation, heavy stumble, and moderate surge were all encountered, the demerits assigned would be based on the heavy stumble. The weighted demerits for the maneuver would be 4×6, or 24 demerits. After each mode of operation has been thus evaluated, a total weighted demerit rating (TWD) can be assigned to a vehicle. Where the driveability test sequence calls for repetition of a given sequence of operating modes, each repetition is scored separately and included in the total rating.

The results of the driveability tests shall be submitted with the final retrofit evaluation report. The results are to be in tabular form showing the total demerits associated with each test configuration and the difference in demerits between the baseline and the parametric and retrofit test configurations. Results are to be reported both for each individual durability test vehicle and for the average of all durability vehicles.

Appendix B

Calculation of Fuel Consumption Data

Fuel consumption over the 1975 Federal emission test procedure will be calculated for each vehicle emission test performed as part of a retrofit evaluation. Fuel consumption will be calculated from the emission test results using the carbon balance technique which is based on the fact that the total mass of carbon (in the form of unburned hydrocarbons, carbon monoxide, and carbon dioxide) emitted by the vehicle per mile of travel provides a measure of the fuel consumed by the vehicle over that distance.

Fuel consumption will be calculated according to the following equations:

$$\text{mpg}=\frac{\text{grams of carbon/gallon of fuel}}{\text{grams of carbon in exhaust/mile}}$$

$$=\frac{(K_1)\ (\text{grams/gallon})}{(K_1)\ (\text{grams HC/mi})+(K_2)\ (\text{grams CO/mi})+(K_3)\ (\text{grams CO}_2\text{/mi})} \quad \text{(I)}$$

where:

K_1 = carbon weight fraction of gasoline or unburned HC, (mol. wt. C)/(mol. wt. $CH_{1.85}$) = 0.866

K_2 = carbon weight fraction of CO, (mol. wt. C)/(mol. wt. CO) = 0.429

K_3 = carbon weight fraction of CO_2, (mol. wt. C)/(mol. wt. CO_2) = 0.273

grams/gallon = mean density of Indolene 30 test fuel = 2789

grams HC/mi = weighted average gm/mi of HC over the 1975 Federal test procedure as calculated according to 40 CFR 85.-075–26, and similarly for grams CO/mi and grams CO_2/mi

$$\text{fuel consumption}=\frac{1}{\text{mpg}} \quad \text{(II)}$$

[1] Filed as part of the original document.

In calculating mean fuel consumption figures for purposes of reporting data on retrofit evaluations, it is necessary to average the fuel consumption values calculated according to equation (II), rather than averaging the mpg figures calculated according to equation (I).

Appendix C

Statistical Procedures

I. *Determination of Emission Data Fleet Size.* Under these protocols, the applicant will elect to use either a one-stage or a two-stage sampling procedure for determining the size of the emission data fleet. The two-stage procedure requires a separate initial testing program and additional statistical analysis, but may result in a smaller total testing requirement than the one-stage procedure.

A. *One-Stage Sampling Procedure.* If the applicant elects the one-stage sampling procedure, the size of the emission data fleet is automatically set at 113 vehicles. This number has been determined by the Environmental Protection Agency based upon the desired statistical confidence in the mean emission reduction for the emission data fleet and the variability observed in previous device evaluations conducted by the Environmental Protection Agency. The composition of the fleet in terms of models, model years, engine displacements, and transmission types to be included will be specified by the Environmental Protection Agency, considering the applicability of the device specified in the application for evaluation.

B. *Two-Stage Sampling Procedure.* If the applicant elects to employ the two-stage sampling procedure, he will be required to arrange initially for emission data (zero device-mile) testing of a 10 vehicle fleet. The composition of the initial fleet will be specified by the Environmental Protection Agency after review of the application for evaluation.

Based upon the results of such testing, the applicant will be required to report to the Environmental Protection Agency separately for each pollutant (HC, CO, and NOx) the individual vehicle test results, the sample mean percent reduction ($\bar{p}$), and the sample variance (s^2). (See equations (C-2) and (C-3), below.)

$$P_i=\frac{Y_{ri}-Y_{ci}}{Y_{ri}}\times 100\% \quad \text{(C-1)}$$

where:

P_i = percent reduction (increase) in emissions or fuel consumption for the i^{th} vehicle,

Y_{ri} = baseline emissions in grams/mile or fuel consumption in gallons/mile for the i^{th} vehicle, and

Y_{ci} = emissions in grams/mile or fuel consumption in gallons/mile for the i^{th} vehicle in the retrofitted (or parametrically adjusted) configuration.

$$\bar{p}=\frac{\sum_{i=1}^{n} P_i}{n} \quad \text{(C-2)}$$

where:

$\bar{p}$ = sample mean percent reduction of the retrofitted (or parametrically adjusted) configuration relative to the baseline configuration, and

n = total number of vehicles in the sample.

$$s^2=\frac{\sum_{i=1}^{n}(P_i-\bar{p})^2}{n-1} \quad \text{(C-3)}$$

where:

s^2 = sample variance.

The required size of the second sample (the remainder of the emission data fleet which will be required to be tested) will be determined by the Environmental Protection Agency using the data submitted for the initial fleet. The total size of the emission emission data fleet will be selected to provide assurance that the mean percent reduction of each pollutant can be bracketed within a band of at most plus or minus five percent with 90% confidence. The procedure which will be used to size the second sample is discussed in "Estimation by Double Sampling", by W. E. Cox (Biometrica, 1952, Vol. 39). The sample size is given by:

$$n=\frac{4s_1^2}{\Delta^2}\left(1+\frac{2}{N}\right)g_\alpha^2 \quad \text{(C-4)}$$

where:

n = size of total test sample,

s_1^2 = variance of first sample,

Δ = full width of desired confidence interval,

N = sample size of first sample, and

g_α = the normal deviate exceeded with probability α. In this case, $N=10$, and $\Delta=0.10$ and $g_\alpha=1.645$ to achieve the desired confidence intervals. Thus, equation (C-4) reduces to:

$$n=1298.9(s_1^2) \quad \text{(C-5)}$$

where:

s_1^2 is expressed in decimal fractions and n, the total sample size, is taken to the next higher integer.

Thus, the Environmental Protection Agency will use formula (C-5) and the results of the initial fleet test to determine the total size of the emission data fleet. The total sample size will be the largest of the three values of "n" calculated from equation (C-5) for the three pollutants, but in no case will the total sample size be selected at a value greater than 113 vehicles. The initial fleet of 10 vehicles will be counted as part of the total emission data fleet, and the Environmental Protection Agency will specify the composition of the remainder of the fleet.

II. *Statistical Analysis of Test Results for Reporting.*

A. *Emission Data Fleet.* (1) *Calculation of Mean Percent Reductions.* For each pollutant and for fuel consumption, the mean percent reduction ($\bar{p}$) will be calculated according to equation (C-2). Data from all emission data vehicles tested, including the initial 10 vehicle fleet for the two-stage sampling procedure, will be used.

(2) *Calculations of Confidence Intervals.*

For each pollutant and for fuel consumption, the 90% confidence interval around $\bar{p}$ will be calculated as follows:

$$90\%\ \text{confidence interval}=\bar{p}\pm(1.645)\frac{s}{\sqrt{n}} \quad \text{(C-6)}$$

where:

s = the standard deviation, the square root of the variance, and

n = the size of the total emission data fleet.

(3) *Calculation of the Median.* The median is the point on the scale of observations on each side of which there are equal areas under the frequency distribution, the 50th percentile point. Thus, the median is the middle observation if there are an odd number of observations. The median is the mean of the two central observations if there are an even number of cases. For each pollutant and for fuel consumption, the median will be computed.

(4) *Outlier Analysis.* An outlier is defined as any observation which is greater than $\bar{p}+3s$ or less than $\bar{p}-3s$ where $\bar{p}$ is the sample mean percent reduction and s is the sample standard deviation. For each pollutant and for fuel consumption, all outliers will be listed along with an explanation of possible causes.

(5) *Histograms.* For each pollutant and for fuel consumption, a histogram will be calculated. The histogram should contain approximately $\sqrt{n}$ subdivisions where n is the total sample size.

(6) *Ranked List of Observations.* For each pollutant and for fuel consumption, a separate ranked list of test results will be prepared listing all results in order of decreasing percent reduction. These lists will be used by the Environmental Protection Agency to extract any patterns which are present in the data. Each list should present for all three pollutants and fuel consumption the percent reduction, baseline, and retrofitted (or parametrically adjusted) values, and the car number, make, model year, and engine displacement.

(B) *Durability Fleet.* (1) *Graphical Presentation of Data.* Individual plots will be prepared for each vehicle for each pollutant and for fuel consumption showing the observed absolute emission or fuel consumption levels at each mileage test point for the fully retrofitted configuration.

2. *Calculation of Deterioration Factors.* For each pollutant and for fuel consumption, separate linear regression equations will be fitted for each vehicle using a least-squares regression procedure. The model to be used in the regression fit is:

$$c=ax+b \quad \text{(C-7)}$$

where:

c = emission or fuel consumption level as a function of mileage,

x = mileage, and

a, b = constants determined through least-squares regression.

For each vehicle, a deterioration factor (d_i) will be calculated for each pollutant and for fuel consumption as follows:

$$d=\frac{a_i}{b_i} \quad \text{(C-8)}$$

where:

d_i = deterioration factor for the i^{th} vehicle for a given pollutant or fuel consumption,

a_i = slope of linear regression equation for the i^{th} vehicle, and

b_i = intercept of the linear regression equation for the i^{th} vehicle.

The mean deterioration factor for each pollutant and for fuel consumption will then be calculated as follows:

$$\bar{d}=\frac{\sum_{i=1}^{10} d_i}{10} \quad \text{(C-9)}$$

[FR Doc.74-6848 Filed 3-26-74;8:45 am]

MINNESOTA AIR QUALITY IMPLEMENTATION PLAN

Notice of Cancellation of Public Hearing

On February 4, 1974 (39 FR 4503), notice was given that a public hearing under section 110(f) of the Clean Air Act would be held on March 26, 1974, in Duluth, Minnesota, to consider the postponement of the requirements of Regulation APC–5 of the State of Minnesota Implementation Plan to Achieve and Maintain Air Quality Standards as applied to the kraft pulp and paper mill located in International Falls, Minnesota, owned and operated by the Boise Cascade Corporation. Notice of postponement of the public hearing was given on February 28, 1974 (39 FR 7836), rescheduling the public hearing for April 2, 1974, in Duluth, Minnesota.

On March 18, 1974, the Governor of Minnesota withdrew his request that the Environmental Protection Agency postpone for one year the requirements of Regulation APC–5 of the State of Minnesota Implementation Plan, as said regulation applies to the Boise Cascade Corporation kraft pulp and paper mill in International Falls, Minnesota. Notice is hereby given that the public hearing, scheduled to be convened on April 2, 1974, beginning at 9:30 a.m., at the United States District Court, 515 West 1st Street, Duluth, Minnesota, is cancelled.

Dated: March 22, 1974.

ALAN G. KIRK,
Assistant Administrator for Enforcement and General Council.

[FR Doc.74–7241 Filed 3–26–74;10:20 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19967, 19968; File Nos. BPH-8289, BPH–8375]

KBND, INC., AND JUNIPER BROADCASTING, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of KBND, Inc., Bend, Oregon, requests: 94.1 MHz, #231; 32.5 kW (H&V); 542 feet; Juniper Broadcasting, Inc., Bend, Oregon, requests: 94.1 MHz, #231; 50 kW (H&V): 1.909 feet; for construction permits.

1. The Commission, by the Chief Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that they seek the same channel in the same community.

2. Data submitted by the applicants indicate that there would be a significant difference in the sizes of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparitive issue, for the purpose of determining whether a comparative preference should accure to either of the applicants.

3. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are

V 39 I 60 MAR 27 74 XUM

mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

4. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

5. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to section 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

6. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594(g) of the rules.

Adopted: March 15, 1974.

Released: March 19, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-7061 Filed 3-26-74;8:45 am]

NATIONAL INDUSTRY ADVISORY COMMITTEE—AERONAUTICAL COMMUNICATIONS SERVICES SUBCOMMITTEE

Notice of Meeting

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of the Aeronautical Communications Services Subcommittee, National Industry Advisory Committee, to be held Thursday, April 11, 1974. The committee will meet at the FCC (Annex) 1229 20th Street, NW., at 10 a.m. in conference room #205.

Purpose. To consider, prepare and submit recommendations to the Federal Communications Commission concerning a Draft Aeronautical Emergency Communications Systems (AECS) Plan.

Agenda. The Agenda for the meeting is as follows:

Item ----------

1. Proposed new Part 87, Subpart Q—National Defense, of the Federal Communications Commission Rules and Regulations.
2. Final draft of the Basic Aeronautical Emergency Communications Systems Plan.
3. New Business.

It is suggested that those desiring more specific information about the meeting telephone the Emergency Communications Division, FCC (202) 632-7232.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-7059 Filed 3-26-74;8:45 am]

[Docket Nos. 19870, 19871; FCC 74R-101]

WINDHAM BROADCASTING GROUP AND NUTMEG BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Kenneth N. Dawson and Randall M. Mayer, d/b/a Windham Broadcasting Group, Willimantic, Connecticut, Docket No. 19870, File No. BPH-8177; The Nutmeg Broadcasting Company, Willimantic, Connecticut, Docket No. 19871, File No. BPH-8113; for construction permits.

1. This proceeding involves the mutually exclusive applications of Windham Broadcasting Group (Windham) and The Nutmeg Broadcasting Company (Nutmeg) for a permit to construct and operate a new FM broadcast station on Channel 252A in Willimantic, Connecticut. Nutmeg is presently the licensee of Connecticut standard broadcast Stations WILI, Willimantic; WNTY, Southington; and WINY, Putnam. By Order, 38 FR 34362, published December 13, 1973, the Chief of the Broadcast Bureau, acting pursuant to delegated authority from the Commission, designated the applications for consolidated hearing. Presently before the Review Board is a motion to enlarge issues, filed December 28, 1973, by Windham, seeking addition of Rule 1.65 and 1.615 issues against Nutmeg.[1]

2. Windham alleges that Rule 1.65 and 1.615 issues are required because Nutmeg filed inconsistent, tardy, and erroneous information with the Commission in its application and Ownership Reports. In support of the requested 1.65 issue,[2] Windham avers that Nutmeg's Ownership Report, dated February 7, 1973, and filed February 13, 1973, discloses certain stock transfers that were never reported in Nutmeg's original application or subsequent amendments thereto. Specifically, petitioner alleges that Herbert C. Rice transferred gifts of Class B common stock to various persons on December 31, 1971, February 2, 1972, and February 1, 1973,[3] and that none of these gifts are reflected in the ownership information submitted by Nutmeg in its application filed October 17, 1972, or amendments thereto, filed November 22, 1972, and January 29, 1973. Windham further alleges that Nutmeg's explanation, set forth in its November 22, 1972, amendment, the Edward G. Gerbic *then* owned no stock in Nutmeg, is apparently erroneous since Nutmeg's ensuing amendment, filed January 29, 1973, discloses that Gerbic did not sell his interest in Nutmeg until December 20, 1972. Finally, Windham contends that paragraph 11, section II, page 2 of the November 22, 1972, amendment fails to reflect the retirement of Gerbic's stock. The request for the 1.615 issue[4] is predicated upon Nutmeg's alleged failure to comply with that provision relative to the December 31, 1971, and February 2, 1972, stock transfers. In this regard, Windham maintains that Nutmeg's Ownership Reports were untimely filed since the above sets of gifts of Class B common stock were not reported until the February 13, 1973, Ownership Report.

3. The Broadcast Bureau supports Windham's motion. In addition, the Bureau contends that Nutmeg's failure to properly report the stock ownership in its original application is an apparent violation of Commission Rule 1.514.[5] The Bureau supports a full inquiry into the Gerbic stock discrepancy unless a satisfactory explanation is offered by Nutmeg. Finally, based upon information contained in Nutmeg's "reply" to Windham's motion to enlarge issues,[6] the Bureau suggests that a possible further violation of Rule 1.615 may exist since, as of January 9, 1973, Nutmeg had not filed the required Form 323 reflecting a transfer of 100 shares of Class A stock on December 10, 1973, from Herbert C. Rice to Ethel A. Rice.

4. In response, Nutmeg concedes that its Ownership Reports were tardy, relative to the Class B common stock transfers, and that such information was not properly reflected in its original application. Respondent explains, however, that the gifts were part of an estate plan prepared by local attorneys and that the information was inadvertently not transmitted to its Washington counsel.[7] Although the error was discovered in February 1973, respondent continues, and the Ownership Reports updated, Nutmeg alleges that it "forgot" to amend its application to properly reflect this information. Nutmeg declares that it was not its intention to deceive the Commission and that the stock transfers did not involve a shift in control since the Class B common stock is non-voting stock. Respondent further declares that an amendment is being properly filed to cover all Class B and Class A stock transfers to date.[8] Respondent, however, disputes allegations relating to the circumstances surrounding the reporting of the Gerbic stock purchase and the transfer of Class A stock to Ethel Rice. Respondent maintains, with respect to the former, that it submitted the proper information[9] in its January 29, 1973, amendment[10] and, as for the latter, that an FCC Form 323 was filed on December 12, 1973, to reflect this stock gift.[11] Nutmeg requests that the issues not be expanded, arguing that the Commission's rules and regulations are "burdensome for the small station operator", and that the issues should not be clouded with "trivia".

5. In reply, Windham concurs with the Bureau that Nutmeg's failure to submit accurate stock information in its application is an apparent violation of Rule 1.514, and contends that specific reference to that rule is appropriate in its requested issues since its motion articulates clear violations of Rule 1.514. In addition, Windham alleges that there are other discrepancies contained in Nutmeg's responsive pleading, and argues that these additional questions support the requested issues.

6. At the outset, it appears from the pleadings that Nutmeg violated Rule 1.514 by not filing an accurate and complete application with regard to its stock ownership, and Rules 1.615 and 1.65 in not reporting the gift transfers of the Class B common stock in a timely fashion.[12] *Cf. Athens Broadcasting Co., Inc.*, 37 FCC 2d 374, 25 RR 2d 488 (1972); *RKO General, Inc.*, 34 FCC 2d 265, 24 RR 2d 16 (1972). The applicant's reliance upon local attorneys to inform Washington counsel does not absolve it of responsibility to timely report the above information. *Cf. Ultravision Broadcasting Co.*, 11 FCC 2d 394, 407, 12 RR 2d 137, 152 (1968), review denied, FCC 68-1078, October 30, 1968, affirmed *sub nom. WEBR, Inc.* v. *FCC*, 136 U.S. App. D.C. 316, 420 F. 2d 158, 16 RR 2d 2191 (1969); *Milton Broadcasting Company*, 34 FCC 2d 1036, 24 RR 2d 369 (1972); affirmed *sub nom. Mapoles* v. *FCC*, Case No. 72-1583, D.C. Cir., January 31, 1973. In the Board's view, Nutmeg's explanation regarding admitted violations appears to reflect carelessness and inattentiveness in preparing and updating its application and Ownership Reports. Even now, the applicant's amendment (see note 8, *supra*) contains at least two additional discrepancies.[13] Moreover, the question concerning the date when Nutmeg reported that Gerbic sold his stock, and submitted paragraph 11, Section II, page 2 (which fails to reflect the retirement of the stock), cannot be resolved on the basis of the pleadings since there is some indication that the pages reflecting such information may have been misfiled in the Commission's docket file. Accordingly, we believe that an inquiry is necessary to explore the facts and circumstances surrounding Nutmeg's failure to submit a complete and accurate original application, timely Ownership Reports, timely amendment to its application and the various discrepancies mentioned in the pleadings. An appropriate issue will, therefore, be added. However, inasmuch as there appears to have been no intent to mislead or deceive the Commission, and the Class B common stock transfers concerned non-voting stock, were confined within the same family, and were voluntarily reported to the Commission in an Ownership Report filed prior to the motion to enlarge issues, the issue will be added on a comparative basis only. *Cf. Minshall Broadcasting Co., Inc.*, 10 FCC 2d 647, 11 RR 2d 754 (1967); *RKO General, Inc., supra.*

7. *Accordingly, it is ordered*, That the motion to enlarge issues, filed December 28, 1973, by Windham Broadcasting Group is granted to the extent indicated herein, and is denied in all other respects; and the issues in this proceeding are enlarged to include the following issues:

To determine whether The Nutmeg Broadcasting Company complied with the provisions of Sections 1.514, 1.65, and 1.615 of the Commission's Rules with regard to its stock ownership, and, if not, the facts and circumstances surrounding such failure to comply; and to determine, in the light of the evidence adduced pursuant to the foregoing issue, the effect on The Nutmeg Broadcasting Company's comparative qualifications to be a Commission licensee.

8. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the foregoing issues shall be upon Windham Broadcasting Group, and the burden of proof shall be upon The Nutmeg Broadcasting Company.

Adopted: March 18, 1974.

Released: March 20, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-7060 Filed 3-26-74;8:45 am]

FEDERAL POWER COMMISSION

[Doc. No. RP73-112]

ALGONQUIN GAS TRANSMISSION CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 21, 1974.

On February 12, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by notice issued November 9, 1973, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Evidence by Staff, September 6, 1974.
Service of Evidence by Interveners, September 27, 1974.
Service of Rebuttal Evidence, October 18, 1974.

[1] Also before the Review Board are the following related pleadings: (a) Broadcast Bureau's comments, filed January 9, 1974; (b) reply [opposition], filed January 11, 1974, by Nutmeg; (c) comments on Broadcast Bureau's comments, filed January 17, 1974, by Nutmeg; and (d) reply, filed January 21, 1974, by Windham.

[2] Rule 1.65 requires disclosure when the information furnished in an application is no longer substantially accurate and complete in all significant respects or when changes which may be of decisional significance have occurred.

[3] Herbert C. Rice is Chairman of the Board and principal stockholder of The Nutmeg Broadcasting Company. Nutmeg's "reply" indicates that his children were the recipients of the Class B common stock gifts.

[4] Rule 1.615 provides in pertinent part, that: "(c) a supplemental Ownership Report (FCC Form 323) shall be filed by each licensee or permittee within 30 days after any change occurs in the information required by the Ownership Report from that previously reported. Such report shall include without limitation • • • (3) Any transaction affecting the ownership, direct or indirect, or voting rights of licensee's or permittee's stock such as: (i) a transfer of stock • • •".

[5] Rule 1.514 provides that: "(a) Each application shall include all information called for by the particular form on which the application is required to be filed • • •."

[6] On January 7, 1974, the Bureau received a copy of Nutmeg's opposition pleading, which is erroneously captioned a "reply". The Commission's copy was received on January 11, 1974.

[7] Nutmeg's opposition indicates that its Connecticut standard broadcast stations are represented by Washington communications counsel. In this proceeding, however, Michael C. Rice, president of Nutmeg, is representing the applicant pursuant to § 1.21(d) of the Rules.

[8] A copy of this amendment, including a chart labeled "Chart A" reflecting the dates of the stock transfers, is attached to Nutmeg's pleading. Nutmeg filed the amendment on February 21, 1974, and it was accepted by the Presiding Judge, by Order, FCC 74M-235, released March 6, 1974.

[9] Respondent acknowledges that paragraph 11, Section II, page 2 contains a mistake because of a misunderstanding of the question.

[10] There appears to be some confusion, reflected in the allegations and response, regarding the dates when paragraph 11, Section II, page 2 and the disclosure pertaining to Gerbic's stock transfer were filed and with which amendment they were attached, i.e., the November 22, 1972, amendment or the January 29, 1973, amendment.

[11] Nutmeg filed an unauthorized pleading in response to that portion of the Bureau's comments which had inappropriately raised new matter for the first time. *Cf. Saul M. Miller*, FCC 62R-122, 24 RR 550 (1962). In the light of the facts that the Bureau's pleading raises new matter, that Nutmeg is not represented by legal counsel in this proceeding, and that Nutmeg's responsive pleading would aid in clarifying the issue before us, we will accept this additional pleading. *Cf. Elim Bible Institute, Inc.*, 10 FCC 2d 632, 11 RR 2d 751 (1967); *Southland, Inc.*, 37 FCC 2d 125, 126 n. 7, 25 RR 2d 186, 190 n. 7 (1972). The Board notes, however, "that a party who elects to act without counsel must assume the burden of becoming acquainted with and conforming to the requirements of the Commission's Rules." *Southland, Inc., supra.* See *Silver Beehive Telephone Co.*, 34 FCC 2d 78, 24 RR 2d 238 (1972). With respect to the Bureau's allegation, the Commission's files reflect that Nutmeg did, in fact, file an Ownership Report on December 12, 1973. Accordingly, no further discussion of this allegation is necessary.

[12] With regard to the gift transfers of nonvoting stock, the fact that the late filings did not involve a shift in control of the applicant does not mitigate the significance of the violations.

[13] First, Chart A of Nutmeg's February 21, 1974, amendment indicates that Herbert Rice's gift of Class B common stock was transferred on December 29, 1971, while the Ownership Report of February 13, 1973, reveals that the transfer occurred on December 31, 1971; and second, Nutmeg's amendment of January 29, 1973, discloses that Gerbic sold his stock on December 20, 1972, whereas the February 21, 1974, amendment indicates that the stock purchase occurred on December 1, 1972.

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Prehearing Conference, October 24, 1974 (10:00 a.m., e.d.t.).
Hearing, October 30, 1974 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7085 Filed 3-26-74;8:45 am]

[Docket No. RP71-131]

ALGONQUIN GAS TRANSMISSION CO.

Notice Fixing Hearing

MARCH 21, 1974.

On January 24, 1974, a notice was issued deferring the date of the hearing fixed by order issued November 16, 1973, in the above-designated matter pending further notice.

Notice is hereby given that the hearing will be held on March 26, 1974, at 10 a.m., e.d.t., in a Hearing Room of the Federal Power Commission at 825 N. Capitol Street, NE., Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7086 Filed 3-26-74;8:45 am]

[Doc. No. RP74-61]

ARKANSAS LOUISIANA GAS CO.

Filing of Substitute Tariff Sheets

MARCH 21, 1974.

Take notice that on March 11, 1974, Arkansas Louisiana Gas Company (Arkla) tendered for filing substitute tariff sheets in Arkla's FPC Gas Tariff, First Revised Volume No. 1. The sheets are designated First Substitute Sheet No. 12B (superseding Original Sheet No. 12B) and First Substitute Sheet No. 12C (superseding Original Sheet No. 12C). Company states that this filing was made in compliance with Ordering Paragraph (I) of the Commission's Order issued February 22, 1974, and that copies of the filing are being sent to each of the five customers served under this FPC Gas Rate Schedule No. G-2.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7087 Filed 3-26-74;8:45 am]

[Doc. No. RP74-56]

CASCADE NATURAL GAS CORP.

Notice of Extension of Time and Postponement of Hearing

MARCH 21, 1974.

On March 14, 1974, Cascade Natural Gas Corporation (Cascade) filed a motion for a limited extension of the procedural dates fixed by the notice issued February 27, 1974. The motion states that all of the participants including the Staff are agreeable to the extension.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of evidence by Cascade, April 12, 1974.
Service of evidence by Staff, May 6, 1974.
Hearing, May 16, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7088 Filed 3-26-74;8:45 am]

[Docket Nos. CP73-340 and CI74-430]

COLORADO INTERSTATE GAS CO. AND COLORADO OIL AND GAS CORP. AND GAS PRODUCING ENTERPRISES, INC.

Order Consolidating Dockets, Granting Motion of Staff for Deferral of Procedural Dates, and Establishing Further Procedures

MARCH 21, 1974.

By application filed on June 23, 1973, as supplemented on November 2, 1973, and amended on January 15, 1974, Colorado Interstate Corporation (CIG), proposes to construct and operate a major extension of its Wyoming Big Horn—Wind River line into the Bearpaw Mountain Area of Montana in order to attach a new gas supply. Included in the proposal are new transmission lines in Montana, additional looping in Wyoming, and a compressor station and dehydration plant near Big Sandy, Montana. CIG claims control over nearly 600,000 acres in the Bearpaw Mountain area throught a single contract with subsidiary companies from which proven and probable reserves are currently estimated to be 139,000 Mcf and 143,000 Mcf respectively. Additional potential reserves in the area are estimated to be 443,000 Mcf.

The Commission order issued November 15, 1973 (38 FR 32172), ---- FPC ---- set this matter for hearing on the direct case of CIG and supporting intervenors scheduled to commence on January 29, 1974. By notice issued January 3, 1974, the secretary postponed the hearing date at the request of CIG until April 16, 1974, and supplied dates for opposing testimony on March 15, 1974 and answering testimony on April 1, 1974. From these latter dates Staff now seeks relief by motion filed March 1, 1974. Staff points out that CIG amended its proposal on January 15, 1974, giving rise to a request for additional information and the need for reevaluation of the environmental impact of the project. Staff furthed noted that the producer application filed by Colorado Oil and Gas Corporation and Gas Producing Enterprises, Inc., in Docket No. CI74-430 may contain issues interrelated to the issues in Docket No. CP73-340. A similar motion seeking consolidation has been filed by Montana Power Company on February 28, 1974. No objections to consolidation have been filed, and we shall grant consolidation as herein ordered.

Although the parties are in general agreement on the matter of consolidation, the procedural dates are generating controversy. CIG's answer to Staff's motion filed March 15, 1974, urges that dates again be set for opposing and answering testimony prior to hearing, and that the hearing be delayed until June 19, 1974.

Public Service Company of Colorado, Western Slope Gas Company and Cheyenne Light, Fuel and Power Company, joint intervenors, by answer filed March 15, 1974, support the CIG proposal. In an answer filed March 1974, in support of Staff's motion, Montana Power Company stated that it has "no opposition to the commencement of the hearing on April 16, 1974, for the purpose of cross-examining the direct case of the pipeline and the producers."

Clearly there may be more than one way to accomplish an orderly and efficient disposition of this matter. For example, direct presentation of CIG and the producer may very well obviate the need for any opposing or answering testimony. This will not be known until the direct case of the applicants is presented and subjected to cross-examination. Moreover, until the availability of a Staff draft environmental impact statement can be established, dates cannot be set for the filing of any environmental presentation which Staff may wish to make. We also reiterate our position that the record in these proceedings must remain open until submission of the Commission Staff's final environmental impact statement. For these reasons we shall direct the hearing to commence as scheduled on April 16, 1974 on the applicants direct cases, leaving the matter of dates for the filing of answering or rebuttal cases to be set by the Presiding Law Judge at such time as he deems appropriate after cross-examination of the applicants' direct case.

The Commission finds:

(1) The issues presented in Docket No. CP73-340 and Docket No. CI74-430 may be interrelated and should be consolidated for hearing and decision.

(2) The motion of Commission Staff for deferral of procedural dates should be granted.

The Commission orders:

(A) The application of Colorado Interstate Gas Company filed in Docket No. CP73-340 and the application of Colorado Oil and Gas Corporation and Gas Producing Enterprises, Inc., filed in Docket No. CI74-430 are hereby consolidated for hearing and decision.

(B) The hearing scheduled to commence on April 16, 1974, at 10:00 a.m. shall commence as scheduled in a hearing room of the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426 to consider the direct case of the applicants in the consolidated docket.

(C) Colorado Oil and Gas Corporation and Gas Producing Enterprises, Inc., shall file testimony and exhibits in support of its position on or before April 1, 1974.

(D) The motion of Commission Staff filed March 1, 1974, is hereby granted as modified and conditioned herein.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7089 Filed 3-26-74;8:45 am]

[Docket No. E-8522]

DELMARVA POWER AND LIGHT CO.

Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 21, 1974.

On March 15, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by the Order issued December 28, 1974, in the above designated matter. The motion states that no party had any objection to the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Staff's Evidence, April 30, 1974.
Prehearing Conference, May 7, 1974 (10 a.m., e.d.t.).
Service of Intervener's Evidence, May 14, 1974.
Service of Company's Rebuttal Evidence, May 28, 1974.
Hearing, June 18, 1974 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7090 Filed 3-26-74;8:45 am]

[Docket Nos. CP73-132, CP73-135, CP73-230, CP74-122, CP74-137, CP73-148]

DISTRIGAS CORPORATION ET AL.

Notice of Further Extension of Time

MARCH 21, 1974.

On March 13, 1974, Distrigas Corporation *et al.*, filed a motion for a further extension of time to file a portion of applicants' direct case as required by notice issued March 8, 1974, in the above-designated matter and delegation of authority to the Presiding Administrative Law Judge to grant any further extension of time as may be deemed appropriate.

Upon consideration, notice is given that the time is extended to and including April 22, 1974, within which applicants shall file and serve the remainder of their case-in-chief. The request to delegate authority to the Presiding Administrative Law Judge to grant any further extension of time is denied.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7091 Filed 3-26-74;8:45 am]

[Project No. 2232]

DUKE POWER CO.

Application for Approval of Revised Exhibits and Permission To Withdraw Project Waters

MARCH 21, 1974.

Public notice is hereby given that application was filed August 20, 1973, for approval of revised exhibits and permission to withdraw project waters by Duke Power Company (Correspondence to: Mr. George W. Ferguson, Jr., Associate General Counsel, Duke Power Company, Legal Department, P.O. Box 2178, Charlotte, North Carolina 28201) for the Catawba Development of its constructed Catawba-Wateree Project No. 2232. The project lands involved are located on Big Allison Creek, Beaver Dam Creek, and Catawba River in York County, South Carolina and Mecklenburg County, North Carolina. The project affects navigable waters of the United States.

Applicant requests Commission approval of revised license Exhibits and for permission to remove from Lake Wylie, within project boundaries, a maximum of 350 cfs to meet needs of the proposed Catawba Nuclear Station for service water, cooling tower blowdown, and makeup water, of which approximately 287 cfs would be returned to the reservoir. The Station would be constructed adjacent to Lake Wylie and would have an installed capacity of 2360 mW.

Pursuant to the National Environmental Policy Act of 1969 and to the Council of Environmental Quality guidelines, particularly section 5(b), the Atomic Energy Commission will be the lead agency for the preparation of an environmental impact statement for any construction associated with the Catawba Nuclear Station, including the subject application.

Any person desiring to be heard or to make protest with reference to said application should on or before May 1, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7003 Filed 3-26-74;8:45 am]

[Doc. No. E-8663]

DUKE POWER CO.

Supplement to Agreement

MARCH 21, 1974.

Take notice that on March 11, 1974 Duke Power Company (Duke) tendered for filing a supplement to its Rate Schedule FPC No. 231, an Electric Power Contract with the City of Abbeville, South Carolina (Abbeville). Duke requests that the Supplement be given an effective date of April 19, 1974.

Duke states that the Supplement provides for an increase in contract demand from 3,000 KW to 5,000 KW made at the request of the customer. Duke also states a copy of this filing has been mailed to Abbeville.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7002 Filed 3-26-74;8:45 am]

[Docket No. E-8654]

INTERSTATE POWER CO.

Notice of Application

MARCH 21, 1974.

Take notice that on March 8, 1974, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Interstate Power Company (Applicant), seeking an order authorizing the issuance of $17,000,000 principal amount of First Mortgage Bonds, due 2004, 100,000 shares of its authorized but unissued Preferred Stock of the par value of $50 per share, and 365,315 shares of additional Common Stock of the par value of $3.50 per share.

Applicant is incorporated under the laws of the State of Delaware, with its principal business office in Dubuque, Iowa, and is engaged principally in the electric utility business in northern and northeastern Iowa, in southern Minnesota and a few small communities in Illinois.

The Bonds proposed to be issued will be in the aggregate principal amount of $17,000,000 and will bear interest at a rate and shall be sold at a price to be determined by competitive bids which the Applicant proposes publicly to invite pursuant to the requirements of § 34.1a (b) of the Commission's regulations under the Federal Power Act. The Bonds will be dated as of May 1, 1974, and will be expressed to mature by May 1, 2004, and will be issued under a Thirteenth Supplemental Indenture to be dated as of May 1, 1974.

Applicant proposes to issue 100,000 shares of its authorized but unissued Preferred Stock of the par value of $50 per share. The dividend rate is proposed to be determined pursuant to competitive bidding on or about May 20, 1974, and to be sold in accordance with the requirements of § 34.1a(b) of the Commission's regulations.

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Applicant also proposes to offer for subscription by its common stockholders 365,315 shares of additional Common Stock on the basis of one additional share for each 11 shares held on record. Should there be insufficient shares of Additional Common Stock to fill all Primary subscriptions, those made pursuant to the Primary Subscription Right on the basis of eleven Rights and exact multiples thereof will first be filled, then those made pursuant to the Incidental Right, first on the basis of ten Rights, then nine, and then successively eight, seven and so on in that order. Should it be possible to fill some but not all subscriptions for any one of such groups, subscriptions in the particular group will be filled in the order of their receipt. It is also proposed to issue and sell to underwriters at competitive bidding such of the 365,315 shares of additional Common Stock as shall not be subscribed for pursuant to the Company's proposed subscription offer. The closing date for the issuance of the Common Stock is tentatively fixed for June 14, 1974. The Applicant represents that the price at which the additional Common Stock will be offered to common stockholders for subscription will be determined by the Board of Directors of the Applicant shortly before the proposed offering date such price to be fixed in relation to, and at an appropriate discount from, the then market price of Applicant's presently issued and outstanding Common Stock. Applicant further represents that the compensation of the underwriters for their several commitments to purchase any such unsubscribed stock at such price is proposed to be fixed by competitive bidding to be conducted in accordance with the requirements of § 34.1a(b) of the Commission's regulations. It is presently proposed that sealed, written bids for the purchase of the unsubscribed stock will be opened at 3:45 p.m., New York time, on May 22, 1974, and that an amendment to this application giving the subscription price and the results of such competitive bidding will be filed on May 22, 1974 with this Commission and that a similar amendment will be filed with the Illinois Commerce Commission.

According to the application, the net proceeds to be received by the Applicant from the issuance and sale of the $17,000,000 principal amount of New Bonds, the shares of New Preferred Stock and the shares of Additional Common Stock will be used by the Applicant to discharge a portion of the short-term indebtedness on bank loans made by the Company which were used to pay for a portion of its construction program and towards payment of the $20,832,000 Construction program (excluding pollution control facilities) of the Applicant for 1974 and towards payment of the $49,000,000 Construction program for 1975 and for other corporate purposes. Additional funds will be raised from depreciation accruals, cash on hand and retained earnings.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7092 Filed 3-26-74;8:45 am]

[Doc. No. E-7488]

IOWA PUBLIC SERVICE CO.

Notice of Application

MARCH 21, 1974.

Take notice that on March 13, 1974, Iowa Public Service Company (Applicant) filed a supplemental application pursuant to section 204 of the Federal Power Act seeking authority to issue $30 million of short-term unsecured promissory notes to commercial banks and commercial paper dealers. All proposed notes are to be issued on or before March 31, 1975 and will bear final maturity dates not later than March 31, 1976.

The application states that the bank notes will bear interest at the prime rate in effect at the lending bank at the date of each borrowing. The commercial paper, having maturities not to exceed 270 days, will be sold directly to commercial paper dealers and will bear interest rates determined by the market conditions at the time of each borrowing. The aggregate amount of commercial paper outstanding at any one time will not exceed 25 percent of the Applicant's gross revenues for the twelve months ending December 31, 1973.

Applicant proposes to use the funds for construction or acquisition of permanent improvements, extensions and additions to Applicant's property and/or to pay off maturing short-term loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7004 Filed 3-26-74;8:45 am]

[Doc. No. CI74-19]

LVO CORP.

Settlement Agreement

MARCH 21, 1974.

The Federal Power Commission hereby issues notice of a settlement agreement submitted in this proceeding by LVO Corporation (LVO) on March 8, 1974. This proceeding involves an increase in rate for gas sold to Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska), pursuant to LVO's FPC Gas Rate Schedule No. 10. This gas is produced in the Bradshaw Field, Hamilton County, Kansas.

On July 5, 1973, LVO filed an application for abandonment of sale or, alternatively, petition for special relief in this proceeding seeking an increase in its rate to Kansas-Nebraska. Subsequently, on August 10, 1973, LVO executed an amendment to its contract with Kansas-Nebraska providing for a rate of 35.0 cents per Mcf, subject to downward Btu adjustment. After Btu adjustment, the rate is 30.1 cents per Mcf. The amendment also includes a provision for annual escalations of 1.0 cent per Mcf. The amendment was filed with a notice of change in rate with the Commission on September 13, 1973.

Pursuant to Commission order issued January 22, 1974, a prehearing conference was held on March 5, 1974, and continued on March 8, 1974. At the prehearing conference held on March 5, 1974, LVO submitted testimony of three witnesses, two exhibits, and one item by reference in support of its increased rate.

As a result of the prehearing conferences, parties have arrived at a Settlement Agreement which provides that LVO's increased contract rate, designated as Supplement No. 5 to its FPC Gas Rate Schedule No. 10, and its notice of change in rate, designated as Supplement No. 6 to its FPC Gas Rate Schedule No. 10, shall become effective as of the date of the Commission's order approving the settlement. The Settlement Agreement is supported by cost-of-service studies submitted by LVO and by the Commission's Staff.

The Commission Staff has filed a separate statement in support of the Settlement Agreement and Kansas-Nebraska also filed a letter supporting the Settlement Agreement.

Comments on the proposed Settlement Agreement may be filed with the Commission on or before April 3, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7005 Filed 3-26-74;8:45 am]

[Docket No. E-8395]

MAINE YANKEE ATOMIC POWER CO.

Notice Rescheduling Prehearing Conference

MARCH 21, 1974.

On March 12, 1974, Staff Counsel filed a motion to reschedule the prehearing conference set for March 26, 1974 by notice issued February 7, 1974, in the above-designated matter. The motion states that all parties agree to the rescheduling of the prehearing conference.

Upon consideration, notice is hereby given that the prehearing conference will be held on April 8, 1974, at 10 a.m., e.d.t., preceding the hearing scheduled for that day.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7093 Filed 3-26-74;8:45 am]

[Doc. Nos. IT-6078 and E-6640]

NIAGARA MOHAWK POWER CORP.

Notice of Applications

MARCH 20, 1974.

Take notice that Niagara Mohawk Power Corporation (Applicant), incorporated under the laws of the State of New York with its principal place of business at Syracuse, New York, filed applications with the Federal Power Commission in Docket Nos. IT-6078 and E-6640 on February 25, 1974 for supplemental orders, pursuant to section 202(e) of the Federal Power Act, authorizing increases in the amounts and rates of transmission of electric energy which Applicant may transmit from the United States to Canada.

By the Commission order issued March 28, 1969 in Docket No. IT-6078 (41 FPC 436), Applicant was authorized to transmit electric energy from the United States to Canada in an amount not to exceed 1,750,000 Kwh per year at a rate of transmission not to exceed 500 Kw for sale and delivery to Hydro-Quebec Electric Commission (Hydro-Quebec) over certain 4.8 Kv facilities of Applicant located at the international border between the United States and Canada near the Hamlet of Hogansburg, Franklin County, New York and within the boundaries of the St. Regis Indian Reservation. Applicant's facilities are covered by its Presidential Permit signed by the President of the United States on January 31, 1948, as amended, Docket No. IT-6079.

By Commission order issued March 28, 1969 in Docket No. E-6640 (41 FPC 438), Applicant was authorized to transmit electric energy from the United States to Canada in an amount not in excess of 750,000 Kwh per year at a rate of transmission not to exceed 200 Kw for sale and delivery to Hydro-Quebec over certain 4.8 Kv facilities of Applicant located at the international border between the United States and Canada in the vicinity of the Hamlet of Chapman, Town of Fort Covington, Franklin County, New York. Applicant's facilities are covered by its Permit signed by the Chairman of the Commission on January 24, 1956, Docket No. E-6640.

Applicant now requests that the authorizations granted by Commission orders of March 28, 1969, referred to above, be modified so as to authorize Applicant to export electric energy to Hydro-Quebec (1) in an amount not in excess of 3,000,000 Kwh per year at a rate of transmission not to exceed 800 Kw in Docket No. IT-6078, and (2) in an amount not in excess of 2,000,000 Kwh per year at a rate of transmission not to exceed 500 Kw in Docket No. E-6640, all for the purpose of meeting the growth in the electric service requirements of consumers served by Hydro-Quebec in the St. Regis Indian Reservation in the Province of Quebec, Canada. No change in Applicant's electric transmission facilities at the United States-Canadian border will be made by reason of the proposed increases in the amounts and transmission rates of the exported energy. That energy will be sold and delivered by Applicant to Hydro-Quebec in accordance with the terms and conditions and at the rates and charges set forth and included in the rate schedules which Applicant submitted as exhibits to its applications.

The amounts of electric energy which Applicant proposes to export to Hydro-Quebec will include energy purchased by Applicant from other electric utilities as well as energy generated by Applicant. According to the applications, such amounts are "relatively insignificant" when considered in the light of Applicant's total electric supply resources comprised of Applicant's own generation and purchases from other systems including Canadian Systems.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7006 Filed 3-26-74;8:45 am]

[Doc. No. E-8578]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Filing of Extension Agreement

MARCH 21, 1974.

Take notice that on March 6, 1974, Public Service Company of Oklahoma (Company) tendered for filing a Letter Agreement, dated February 25, 1974, extending the date of termination in Supplement No. 9 to Rate Schedule FPC No. 180 with the Associated Electric Cooperative, Inc.

According to Company, on February 22, 1974, Company was informed that Associated Electric Cooperative, Inc. wishes to extend the termination date of the agreement from February 28, 1974, to May 31, 1974. Company states that the terms and conditions of the three month extension are to remain the same as those contained in the original Letter Agreement dated January 31, 1973. Company requests waiver of the 30 day filing requirement of § 35.11 and an effective date for this agreement of March 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7008 Filed 3-26-74;8:45 am]

[Docket No. E-8660]

RUMFORD FALLS POWER CO.

Notice of Change in Rate Schedule

MARCH 21, 1974.

Take notice that on February 12, 1974 Rumford Falls Power Company (Rumford Falls) tendered for filing a change in rate schedule. Rumford Falls states that the change is from 3.51 mills per KWH to 6.95 miles per KWH on weekday purchases and from 3.12 mills per KWH to 5.33 mills per KWH on weekend purchases of surplus hydroelectric power by Central Maine Power Company.

Rumford Falls proposes an effective date of February 1, 1974 for said change.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies

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of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-7094 Filed 3-26-74;8:45 am]

[Project No. 719]

JESSIE I. SMITH

Application for New License for Constructed Project

MARCH 21, 1974.

Public notice is hereby given that application for new minor license was filed on June 30, 1972, and supplemented on December 26, 1972, under the Federal Power Act (16 U.S.C. 791a–825r) by Jessie I. Smith (Correspondence to: Jessie I. Smith, 12730 Lake City Way, Seattle, Washington 98125) for constructed Trinity Project No. 719, located on James and Phelps Creeks in Chelan County, Washington, in the Wenatchee National Forest.

The original license for Project No. 719 expired on November 1, 1972, and the project is currently under annual license. The installed capacity of the project is 240 kw.

The existing Trinity Project consists of: (1) A small diversion dam located on James Creek; (2) a 3,350-foot long spiral steel penstock extending along James Creek and across the Chiwawa River; (3) a diversion dam located on Phelps Creek; (4) a 9,450–foot long flume and penstock; (5) a powerhouse containing a 390 horsepower turbine connected to a 240 kw generator; and (6) appurtenant facilities.

The project power is used for general domestic purposes, serving three houses, two cabins, the powerhouse, a machine shop, and other buildings located on patented lands of the Applicant.

Any person desiring to be heard or to make protest with reference to said application should on or before May 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7095 Filed 3-26-74;8:45 am]

[Project No. 1002]

SOUTHERN CALIFORNIA EDISON CO.

Application for Surrender of Transmission Line License

MARCH 21, 1974.

Public notice is hereby given that application was filed September 10, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by Southern California Edison Company (Correspondence to: Mr. P. B. Peecock, Manager, Right of Way and Land Dept., Southern California Edison Company, P.O. Box 800, 2244 Walnut Grove Avenue, Rosemead, California 91770) for surrender of its Transmission Line License Project No. 1002 located in Los Angeles County, California, and affecting lands of the United States within Angeles National Forest.

Project No. 1002 consists of a woodpole 4 KV transmission line extending 4.85 miles from a point in the SE¼NE¼, Sec. 36, T. 3N., R. 15W., to a point in the SE¼NW¼, Sec. 28, T. 3N., R. 14W., S.B.B. & M., California, with several branches.

Applicant requests termination of its minor part license for the reason that the transmission line is presently operated under a special use permit dated July 25, 1972, issued by the Angeles National Forest for the Kagel Canyon Distribution Area. Earlier, on June 22, 1970, the U.S. Forest Service granted Applicant permission to operate and maintain the aforementioned transmission line under the authority of the Kagel Canyon Distribution Area Permit and requested Applicant to file an application for surrender of license in order to accommodate a land exchange.

Any person desiring to be heard or to make protest with reference to said application should on or before May 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7096 Filed 3-26-74;8:45 am]

[Project No. 2739]

CITY OF VANCEBURG, KENTUCKY AND VANCEBURG LIGHT, HEAT AND POWER SYSTEM

Application for Approval of a Preliminary Permit for Unconstructed Project

MARCH 21, 1974.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by City of Vanceburg, Kentucky and Vanceburg Light, Heat and Power System (Correspondence to: Philip P. Ardery, Brown, Todd & Heyburn, Sixteenth Floor, Citizens Plaza, Louisville, Kentucky 40202) for proposed Project No. 2739, known as the Meldahl Project, which is located on the Ohio River on the Kentucky side of the Captain Anthony Meldahl Locks and Dam in the Commonwealth of Kentucky, County of Bracken some 436.2 river miles below Pittsburgh, Pennsylvania, and approximately 1.7 river miles downstream from the town of Chilo, Ohio. The proposed project would also be located near the towns of Maysville and Newport, Kentucky, and New Richmond, Ripley, and Cincinnati, Ohio.

The proposed run of the river project would affect approximately 81.4 acres of U.S. land which are under the supervision of the U.S. Corps of Engineers and would utilize water from a government dam. The hydroelectric facilities for this project would consist of a powerhouse containing low-head generating units with a proposed capacity of 70,000 kw.

Vanceburg plans to use the power generated at the project to meet its load requirements and to sell any excess energy to East Kentucky Rural Electric Cooperative Corporation. Vanceburg, through its transmission facilities, plans to be interconnected with the East Kentucky System.

Any person desiring to be heard or to make protest with reference to said application should on or before June 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7001 Filed 3-26-74;8:45 am]

FEDERAL RESERVE SYSTEM

ADAIR CORP.

Order Denying Formation of Bank Holding Company

The Adair Corporation, Adair, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 97 percent of the voting shares of Exchange State Bank ("Bank"), Adair, Iowa.

At the same time, Applicant has applied for the Board's approval under section 4(c)(8) of the Act (12 U.S.C. 1843 (c)(8)) and § 225.4(b)(2) of the Board's Regulation Y to continue to engage in insurance agency activities in a community with a population of less than 5,000 persons.

Notice of the applications, affording opportunity for interested persons to submit comments and views, was published on December 17, 1973 (38 FR 35352, 35353) and the time for filing comments and views has expired. The Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act, and the considerations specified in section 4(c)(8) of the Act.

Applicant presently conducts general insurance agency activities in Adair, Iowa, a town of approximately 750 people. Bank has deposits of $6.6 million,[1] and is the smallest of 7 banks in the relevant banking market,[2] controlling 7.4 per cent of the total deposits in commercial banks in the market. The purpose of the proposed transaction is to effect a transfer of the ownership of Bank from individuals to a corporation owned by the same individuals with no change in Bank's management or operations. The principals of Applicant also own shares in several other bank holding companies and banks, including the Anita State Bank, Anita, Iowa ("Anita Bank"), which is located 7 miles from Bank and is Bank's nearest competitor. Anita Bank is the third largest bank in the market controlling about 10 per cent of deposits therein. Consummation of the proposal would have adverse effects on existing and potential competition, to the extent that it would facilitate maintenance of the existing ties between these two banks.

As it has indicated on previous occasions, the Board believes that a holding company should be a source of financial strength for its subsidiary bank(s) and every proposed acquisition or formation is closely examined with this consideration in mind. The future prospects of Applicant are primarily dependent upon the financial resources of Bank. Bank's capital to total assets ratio has declined significantly under current management of Bank. Despite Bank's need for additional capital, principals of Bank, who are also the owners of Applicant, have derived large management fees and cash dividends from Bank. The Iowa State Banking Department, in order to safeguard Bank's resources, has required that any future dividends must first be authorized by it. Obviously, any such limitation on Bank's dividends could impair Applicant's ability to service the debt it would assume incident to the proposed transaction.

The Board has considered Bank's present condition and declining capital position under current ownership. The past policies of principals of Applicant regarding the withdrawal from Bank of large management fees, makes it likely that Applicant would not have the necessary financial flexibility to meet its annual debt servicing requirements without adversely affecting the capital position of Bank. The above factors strongly suggest that the future financial requirements of Applicant could place an undue strain on Bank and thus impair Bank's ability to be a viable banking organization in meeting the banking needs of the communities which it serves. Such considerations lend weight toward denial of the application.

The Board notes that principals of Applicant already control or have significant interests in several other banks. The principals have received large management and directors' fees and liberal dividends from some of these other banks, resulting in the declining capital condition of such banks. These precedents lend support to the view that the capital position of Bank could be adversely affected upon approval of this proposal.

Under the above circumstances and on the basis of other facts of record, considerations relating to the financial condition, managerial policies and future prospects of Applicant and Bank lend weight for denial of the application. The Board does not sanction the use of a holding company structure to perpetuate management practices that will in due course impair the financial condition of the bank to be acquired. Such action would not be consistent with the standards of section 3(c) of the Act nor would it serve the public interest.

On the basis of all the facts in the record, it is the Board's judgment that the financial condition of Bank and management practices of principals of Applicant would be inconsistent with the standards set forth in Section 3(c) of the Act. Accordingly, the Board concludes that consummation of the proposal would not be in the public interest, and that the application should be denied.[3]

By order of the Board of Governors,[4] effective MARCH 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-7011 Filed 3-26-74;8:45 am]

[1] Banking data are as of June 30, 1973.

[2] The market area is approximated by the upper half of Cass County and portions of Audubon, Adair and Guthrie counties.

[3] Denial of Applicant's § 3(a)(1) application renders moot Board action on the accompanying § 4(c)(8) application.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher and Holland. Absent and not voting: Governors Brimmer and Wallich.

BYERS STATE BANKSHARES, INC.

Order Approving Formation of Bank Holding Company and Acquisition of Certain Assets of a General Insurance Agency

Byers State Bankshares, Inc., Byers, Colorado, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) for the formation of a bank holding company through acquisition of 80 percent or more of the voting shares of Byers State Bank ("Bank"), Byers, Colorado.

At the same time, Applicant has applied for the Board's approval under Section 4(c)(8) of the Act (12 U.S.C. 1843 (c)(8)) and Section 225.4(b)(2) of the Board's Regulation Y to engage in the sale of life insurance in a community of less than 5,000 persons.

Notices of the applications, affording an opportunity for interested persons to submit comments and views, were published on January 23 and 24, 1974 (39 Federal Register 2645, 2806) and the time for filing comments and views has expired. The Board has considered the applications and all comments received in light of the factors set forth in Section 3(c), and the considerations specified in Section 4(c)(8) of the Act.

Applicant is a nonoperating corporation formed for the express purpose of becoming a bank holding company through the acquisition of Bank, and engaging in the sale of life insurance. Bank (deposits of $3.9 million)[1] is the only bank in Byers, a community of approximately 600 persons, and ranks 66th among 68 banks in the Denver banking market,[2] in which it controls 0.1 percent of total market deposits. Since the transaction involves only a change from individual to corporate ownership, consummation of the proposal will have no adverse effects on existing or potential competition.

The future prospects of Applicant are primarily dependent upon the financial resources of Bank. Applicant proposes to service the debt it assumes incident to this proposal over a 10-year period through dividends from Bank of not more than 50 percent of Bank's net income and life insurance agency revenue. In light of Bank's past earnings and anticipated growth, the projected earnings of Bank appear to provide Applicant with the necessary financial flexibility to meet its annual debt servicing requirements and maintain an adequate capital position for Bank. Therefore, considerations relating to the banking factors are consistent with approval of the application.

Although there is no evidence in the record to indicate that the banking needs of the residents of the Byers area are not currently being met, considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment, therefore, that the proposed

[1] All banking data are as of June 30, 1973.

[2] The Denver banking market is approximated by Adams, Arapahoe, Denver, Jefferson Counties and the Broomfield area of Boulder County.

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transaction would be in the public interest and that the application to acquire Bank should be approved.

Applicant proposes to acquire the life insurance portion of the general insurance agency presently being operated by Bank. Thereafter, Applicant would conduct the life insurance activities directly, and Bank would continue to operate the remaining insurance agency activities. The operation of general insurance agency activities by a bank holding company in a community with a population not exceeding 5,000 is an activity previously determined by the Board to be so closely related to banking as to be a proper incident thereto (12 CFR § 225.4 (a)(9)(iii)(a)); and the sale of life insurance is an activity included in the operation of a general insurance agency. Consummation of this proposal would permit Applicant to continue to offer Byers residents the convenience of obtaining banking and insurance services in conjunction with each other. There is no evidence in the record to indicate that approval of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest or unsound banking practices.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c)(8) are consistent with approval of the Applicant's proposal.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; nor shall the acquisition of Bank, or the acquisition of Bank's life insurance activities be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination of the permissibility of the insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective MARCH 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-7012; Filed 3-26-74;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns.

CHEMICAL FINANCIAL CORP.

Formation of Bank Holding Company and Proposed Acquisition of Chemical Financial Corporation

Chemical Financial Corporation, Midland, Michigan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of Chemical Bank and Trust Company, Midland, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Chemical Financial Corporation has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y for permission to acquire voting shares of Westley's Data Processing Inc., Midland, Michigan. Notice of the application was published on February 13, 1974, in Midland Daily News, a newspaper circulated in Midland, Michigan.

Applicant states that the proposed subsidiary would engage in the activities of providing bookkeeping and data processing services for the internal operations of the proposed holding company and any future subsidiaries; storing and processing other banking financial or related economic data primarily for banks, savings and loan associations, credit unions, mortgage companies, municipalities and other bank customers including bookkeeping and billing; payroll accounting; process punch card accounting; account billing; accounts receivable; accounts payable; general ledger; write-up work; payroll; inventory accounting; tax and utility bill processing; demand deposits; savings, installment loans, mortgage loans, time deposits, certificates of deposit and trust accounting; and making excess computer time available to customers; furnishing byproducts of developments of programs; and furnishing services upon request of customers. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 17, 1974.

Board of Governors of the Federal Reserve System, March 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-7014 Filed 3-26-74;8:45 am]

FIRST JERSEY NATIONAL CORP.

Amended Order

By Order dated April 30, 1973, the Board approved an application of First Jersey National Corporation, Jersey City, New Jersey, to acquire the assets of Atlantic City Loan Company ("ACL"), Atlantic City, New Jersey (38 FR 12168, May 9, 1973). Applicant's proposal contemplated that the transaction was to be effected through Applicant's wholly-owned subsidiary, Guardian Commercial Corporation ("GCC"), a company which had been acquired by Applicant on June 30, 1970, and under the provisions of section 4(a)(2) of the Bank Holding Company Act could not be retained beyond December 31, 1980, without Board approval. However, in approving the application, the Board's Order stated that "the application is hereby approved on the condition that Applicant maintain the assets of ACL separate and apart from those of GCC and operate ACL as a separate business entity." In view of such condition, Applicant effected the acquisition through a newly formed subsidiary of the holding company, Guardian Loan Company of Atlantic City ("Guardian Loan Company").

Applicant requests to be relieved from the condition in the Board's Order so that the assets of Guardian Loan Company may be transferred to GCC for the purpose of effecting a sale of GCC no later than May 15, 1974.

On the basis of Applicant's commitment to sell GCC no later than May 15, 1974, the Board has concluded that the request should be granted. Accordingly, the Board's Order of April 30, 1973, is hereby amended by deleting the requirement that "Applicant maintain the assets of ACL separate and apart from those of GCC and operate ACL as a separate business entity."

By order of the Board of Governors,[1] effective March 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-7013 Filed 3-26-74;8:45 am]

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

McNEE, INC.

Formation of Bank Holding Company and Proposed Acquisition of McNee Insurance Agency

McNee, Inc., Grainfield, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 81 percent or more of the voting shares of The Citizens State Bank, Grainfield, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

McNee, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y for permission to acquire voting shares of McNee Insurance Agency, Grainfield, Kansas. Notice of the application was published on February 8, 1974, in The Grainfield Cap Sheaf, a newspaper circulated in Gove County, Kansas.

Applicant states that the proposed subsidiary would engage in the activities of the sales of fire, casualty, crop hail, credit life, credit accident and health, and liability insurance. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at Federal Reserve Bank of Kansas City, City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than April 17, 1974.

Board of Governors of the Federal Reserve System, MARCH 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-7015 Filed 3-26-74;8:45 am]

GENERAL ACCOUNTING OFFICE

U.S. GOVERNMENT BILL OF LADING AND U.S. GOVERNMENT TRANSIT BILL OF LADING (GBL)

Notice of Revision

The General Accounting Office has revised effective April 1, 1974, the U.S. Government Bill of Lading, SF 1103; the U.S. Government Transit Bill of Lading, SF 1131; the continuation sheet, SF 1109, and related forms making up snapout sets thereof, to incorporate the recommendations of the Joint Agency Transportation Study. Attachments I and II[1] show specimen copies of the SF 1103 and SF1131. These revised forms and regulations are for the procurement of and billing and payment for freight transportation services furnished for account of the United States. Joint regulations of the Comptroller General and the Secretary of the Treasury prescribing standards for the payment of charges therefor are codified in 4 CFR Part 56.

After April 1, 1974, the current standard, transit, and short form GBLs shall not be issued by shippers who have received their stocks of the revised standard and transit GBLs. The new forms may be available in March 1974, but some shippers may not receive stocks of the new forms until after April 1, 1974. A period of transition may be required to process current forms of the standard and transit GBL that are not accomplished before the transition date. Thus, current forms of the SF 1103 and SF 1131 issued before but not accomplished until after April 1, 1974 (or used after that date because of nonreceipt of the revised forms), shall be certified by the consignees under procedures applicable to those forms. The following forms are abolished and will not be used after April 1, 1974, unless required in connection with current GBLs.

SF 1107	Temporary Receipt in Lieu of U.S. Government Bill of Lading
SF 1108	Certificate of Lieu of Lost U.S. Government Bill of Lading
SF 1108a	Certificate in Lieu of Lost U.S. Government Bill of Lading (memorandum copy)
SF 1196	Short Form—U.S. Government Bill of Lading
SF 1197	Certified True Copy of Lost Short Form—U.S. Government Bill of Lading

Stocks of the superseded or cancelled forms shall be disposed of by burning or shredding and the serial numbers thereof reported through channels to the General Services Administration.

In implementing procedures for handling the new forms, the following is authorized or required:

Mandatory surrender of the original of the GBL to the origin carrier, or its agent, at time shipment is tendered, thus making the carrier responsible for safeguarding the document and for its delivery to the last line-haul carrier authorized to bill the related charges.

Forwarding of a Consignee's Copy, SF 1103b/SF 1131b, to be sent to the consignee immediately upon tender of the consignment to the origin carrier. That copy includes on the reverse instructions to the consignee (attachment IV) as to action to be taken upon receipt of the shipment, including loss and damage. Agencies shall design internal forms necessary for the reporting of loss and damage by consignees, if such forms are not already available.

Certification by the authorized billing carrier rather than the consignee as to delivery of the consignment.

Elimination of the requirement in 4 CFR 52.19; in A-24222 dated June 20, 1968, to the Assistant Secretary of Defense, Comptroller; and in circular letter T-OD-G-83 dated November 8, 1971, for furnishing delivery receipts to support billings for international airline shipments, for shipments of unaccompanied baggage via freight, and for shipments originating in continental United States and moving overseas on through Government bills of lading. However, on these types of shipments, a carrier other than the last line-haul carrier authorized to bill (in privity with the contract of carriage as specified in 4 CFR 52.38) may bill the charges on its own certification of delivery, provided it has submitted to the paying office a blanket "Certificate of Billing Carrier in Lieu of Waiver from Delivering Carrier" in the general format specified in 4 CFR 52.20.

Incorporation of the conditions (attachment V) on the reverse of the current GBL into the Code of Federal Regulations (see 4 CFR 52.51).

Use of the Carrier's Waybill (Original), SF 1105/SF 1133, as the substitute form for lost original GBL (SF 1103/SF 1131). These must be properly certified on the reverse (1) by the issuing officer as to the request for the services and (2) by the billing carrier as to delivery of the consignment. Upon receipt of the SF 1105/SF 1133 from the carrier and after determining that the services were ordered, the issuing office shall place the following certification on the reverse thereof:

"I certify that the services shown on this Freight Waybill were requested.

(Signature of issuing officer) (Date)"

The issuing office will then return the SF 1105/SF 1133 to the carrier which must place on the reverse thereof an endorsement identical to the "Certificate of Carrier Billing for Charges" appearing on the original GBL to indicate the condition of the shipment upon receipt at destination.

In the event the Carrier's Waybill (Original), SF 1105/SF 1133, is also lost, the carrier should request and be furnished a certified true copy of the issuing office's memorandum copy, SF 1103a/SF 1131a, certified as specified above, for use as the substitute document.

Detailed instructions on the preparation and processing of the new forms are incorporated into a handbook published by General Services Administration (and available from the Government Printing Office) and into regulations issued by

[1] Filed as part of the original document.

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the Military Traffic Management and Terminal Service, Department of the Army, for use of the military establishments and components. Pending complete revision of Part 52, Title 4, of the Code of Federal Regulations, §§ 52.3, 52.6, 52.7, 52.8, 52.9, 52.10, 52.11, 52.21, 52.22, 52.23, 52.24, 52.25, 52.26, 52.27 and 52.28, and those portions of §§ 52.18 and 52.19 that are inconsistent with the new procedures outlined above will no longer be complied with.

[SEAL] ELMER B. STAATS,
Comptroller General of the United States.

[FR Doc.74-7075 Filed 3-26-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

SPECIAL PROJECTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Special Projects Advisory Panel to the National Council on the Arts will be held at 1:00 p.m. on March 30, and at 9:00 a.m. on March 31, 1974 in the first floor conference room of the Shoreham Building, 806 15th Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on March 30 from 1:00 p.m. to 5:00 p.m. and on March 31 from 9:00 a.m. until 12:00 noon on a space available basis. Accommodations are limited. During the open session, policy and guidelines for reorganized Special Projects Program will be discussed.

The remaining sessions of this meeting, March 30 from 1:00 p.m. to 5:00 p.m., and March 31 from 9:00 a.m. to 5:00 p.m. are for purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these session, involving matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4) and (6), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

ED WOLFE,
Administrative Officer National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-6996 Filed 3-26-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

REQUEST FOR CLEARANCE OF REPORTS

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 22, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration, Evaluation of Fixed Exam Centers Alternative to Mobile Examination Centers, Form ----, Single time, HRD/Caywood, Individuals.

REVISIONS

None

EXTENSIONS

AGENCY FOR INTERNATIONAL DEVELOPMENT

Application for Approval of Commodity, Form AID 11, Occasional, Evinger (x), Business firms.

VETERANS' ADMINISTRATION

Report of Medical Examination for Disability Examination Form 21-2545, Occasional, Evinger (x), Physicians.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74-7213 Filed 3-26-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-4575]

BRANIFF INTERNATIONAL CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 19, 1974.

In the Matter of Application of the Boston Stock Exchange For Unlisted Trading Privileges in a Certain Security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Braniff International Corporation.

Upon receipt of a request, on or before April 4, 1974 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7043 Filed 3-26-74;8:45 am]

[File No. 7-4577]

BRANIFF INTERNATIONAL CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 19, 1974.

In the Matter of Application of the Midwest Stock Exchange, Inc. For Unlisted Trading Privileges in a Certain Security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Braniff International Corporation.

Upon receipt of a request, on or before April 4, 1974 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7047 Filed 3-26-74;8:45 am]

[File No. 7-4578]

BRANIFF INTERNATIONAL CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 19, 1974.

In the Matter of Application of the PBW Stock Exchange, Inc. for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Braniff International Corporation.

Upon receipt of a request, on or before April 4, 1974 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7048 Filed 3-26-74;8:45 am]

[File No. 7-4581]

CINCINNATI MILACRON INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 19, 1974.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Cincinnati Milacron Inc.

Upon receipt of a request, on or before April 4, 1974, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549, not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7044 Filed 3-26-74;8:45 am]

GTI CORP.

Order Granting Request for Withdrawal of Application

MARCH 19, 1974.

The PBW Stock Exchange Inc., pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, having made application to the Commission for unlisted trading privileges in the above named stock; and

The application having requested under date of February 21, 1974 that its application be withdrawn;

It is ordered, That the request of the applicant be granted and that the applicant be permitted to withdraw said application without prejudice to possible future action.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7051 Filed 3-21-74;8:45 am]

[70-5436]

METROPOLITAN EDISON CO.

Notice of Proposed Charter Amendment To Increase Authorized Shares of Company's Cumulative Preferred Stock and Proxy Solicitation in Connection Therewith

MARCH 19, 1974.

Notice is hereby given that Metropolitan Edison Company, 2800 Pottsville Pike, Muhlenberg Township, Berks County Pennsylvania 19605 ("Met-Ed"), a wholly-owned electric utility subsidiary company of General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and 12(e) of the Act and Rules 62 and 65 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Met-Ed proposes to amend its corporate charter in order to increase the number of shares of cumulative preferred stock, par value $100 per share, which it is authorized to issue from its present authorization of 1,400,000 shares (of which 1,393,912 shares are now outstanding) to 2,150,000 shares. It is stated that the increase in the number of shares is being sought in order that Met-Ed will be in a position to issue and sell, from time to time, additional shares of cumulative preferred stock if such issuance and sale are deemed necessary or desirable in order to facilitate the financing of its construction program. It is Met-Ed's present intention to meet its capital requirements by the issuance of additional funded debt and with funds generated from operations. However, by reason of the first mortgage bond and debenture indenture constraint's upon the ability of Met-Ed to issue additional funded debt and the enormous capital requirements of its substantial construction program, (estimated to be $1,400,000 in 1974), it may become necessary for Met-Ed to issue additional shares of Cumulative Preferred Stock to enable it to continue with its construction program.

The proposed increase in the authorized Cumulative Preferred Stock of Met-Ed will require the consent of the holders of a majority of the total number of shares of Preferred Stock of all series outstanding. Met-Ed plans to seek such consent at a Special Meeting of Holders of Met-Ed's Preferred and Common Stock and to solicit proxies for the granting of such consent.

The fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 15, 1974, request in writing that a hearing be held with respect to the proposed matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be

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served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective pursuant to Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7052 Filed 3-26-74;8:45 am]

[File No. 500-1]

NATIONAL ALFALFA DEHYDRATING AND MILLING CO.

Notice Amending Notice of Suspension of Trading

MARCH 19, 1974.

The Commission having determined to amend its notice of March 15, 1974 summarily suspending trading in the securities of National Alfalfa Dehydrating and Milling Company for the period from March 17, 1974 through March 26, 1974;

Therefore, pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the common stock, and all other securities of National Alfalfa Dehydrating and Milling Company being traded on the American Stock Exchange and all other securities of National Alfalfa Dehydrating and Milling Company being traded otherwise that on a national securities exchange is suspended, for the period from March 17, 1974 through March 26, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7050 Filed 3-26-74;8:45 am]

[File No. 7-4576]

THIOKOL CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 19, 1974.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Thiokol Corporation (Virginia).

Upon receipt of a request, on or before April 4, 1974 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7045 Filed 3-26-74;8:45 am]

[File No. 7-4579]

THIOKOL CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 19, 1974.

In the Matter of Application of the Midwest Stock Exchange, Inc. for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Thiokol Corporation (Virginia).

Upon receipt of a request, on or before April 4, 1974 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7046 Filed 3-26-74;8:45 am]

[File No. 7-4580]

THIOKOL CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MARCH 19, 1974.

In the matter of application of the PBW Stock Exchange, Inc. for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Thiokol Corporation (Virginia).

Upon receipt of a request, on or before April 4, 1974 from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7049 Filed 3-26-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 30-Region IV; Rev. 1]

ASSISTANT REGIONAL DIRECTOR FOR FINANCE AND INVESTMENT, ET AL.

Delegation of Authority To Conduct Program Activities in the Field Offices

Delegation of Authority No. 30-4 (37 FR 17603) as amended is hereby revised.

Pursuant to the authority delegated to Regional Directors by Delegation of Authority No. 30 (Revision 14), 37 FR 12651, as amended, and because of realignment within Region IV, the following authority is hereby redelegated to the positions within Region IV as indicated herein:

PART I—FINANCING PROGRAM

SECTION A. LOAN APPROVAL AUTHORITY

1. *Small Business Act Section 7(a) Loans.* To approve or decline business loans not exceeding the following amounts (SBA share):

a. Assistant Regional Director for Finance and Investment	$350,000
b. District Director	350,000
c. Assistant District Director for Finance and Investment	350,000
d. Branch Manager, Gulfport, Miss., Branch Office	50,000
e. Chief District Financing Division	50,000

2. *Economic Opportunity (EO) Loans.* To approve or decline economic opportunity loans not exceeding $50,000 (SBA share).

a. Assistant Regional Director for Finance & Investment.
b. District Director.
c. Assistant District Director for Finance & Investment.
d. Branch Manager, Gulfport, Mississippi, Branch Office.
e. Chief, District Financing Division.

3. *Handicapped Assistance Loans.* To approve or decline handicapped assistance loans, not exceeding the following amounts (SBA share):

a. Assistant Regional Director for Finance and Investment	$350,000
b. District Director	350,000
c. Assistant District Director for Finance and Investment	350,000
d. Branch Manager, Gulfport, Miss., Branch Office	50,000
e. Chief, District Financing Division	50,000

4. *Displaced Business and Other Economic Injury Loans.* a. To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to approve such loans up to the following amounts (SBA share):

(1) Assistant Regional Director for Finance and Investment, $350,000.

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA share):

(1) Assistant Regional Director for Finance and Investment	$350,000
(2) District Director	350,000
(3) Assistant District Director for Finance and Investment	350,000
(4) Branch Manager, Gulfport, Miss., Branch Office	50,000
(5) Chief, District Financing Division	50,000

SECTION B. OTHER FINANCING AUTHORITY

1. a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, and coal mine health and safety and handicapped assistance, and strategic arms limitation economic injury loan participation agreements with banks:

(1) Ass't Regional Director for Finance Investment.
(2) District Director.
(3) Ass't District Director for Finance Investment.
(4) Branch Manager, Gulfport, Mississippi, Branch Office.

b. To enter into blanket loan guarantee agreements with banks:

(1) Ass't Regional Director for Finance Investment.
(2) District Director.
(3) Ass't District Director for Finance Investment.
(4) Branch Manager, Gulfport, Mississippi, Branch Office.

2. a. To execute loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

(1) Ass't Regional Director for Finance Investment.
(2) District Director.
(3) Ass't District Director for Finance Investment.
(4) Branch Manager, Gulfport, Mississippi, Branch Office.

3. To cancel, reinstate, modify and amend authorizations:

a. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, handicapped assistance, and coal mine health and safety, and strategic arms limitation economic injury loans:

(1) Ass't Regional Director for Finance Investment.
(2) District Director.
(3) Ass't District Director for Finance Investment.
(4) Branch Manager, Gulfport, Mississippi, Branch Office.

b. For *fully undisbursed* or *partially disbursed* business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), occupational safety and health, handicapped assistance, coal mine health and safety loans, and strategic arms limitation economic injury loans:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Ass't District Director for Finance & Investment.
(4) Branch Manager, Gulfport, Mississippi, Branch Office.

c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, handicapped assistance, strategic arms limitation economic injury loans, and occupational safety and health loans personally approved under delegated authority:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Ass't District Director for Finance & Investment.
(4) Branch Manager, Gulfport, Mississippi, Branch Office.

4. To approve minor modifications in fully undisbursed loan authorization:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Ass't District Director for Finance & Investment.
(4) Branch Manager, Gulfport, Mississippi, Branch Office.

5. a. To extend the disbursement period on all loan authorizations:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Branch Manager, Gulfport, Mississippi, Branch Office.

b. To extend the disbursement period on all loan authorizations on loans *fully undisbursed:*

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Ass't District Director for Finance & Investment.
(4) Branch Manager, Gulfport, Mississippi, Branch Office.
(5) Chief, District Financing Division.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Ass't District Director for Finance & Investment.
(4) Branch Manager, Gulfport, Mississippi, Branch Office.
(5) Chief, District Financing Division.

PART II—DISASTER PROGRAM

SECTION A. DISASTER LOAN AUTHORITY

1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, and strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) except to the extent of refinancing of a previous SBA disaster loan:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Ass't District Director for Finance & Investment.

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(4) Branch Manager, Gulfport, Mississippi, Branch Office.
(5) Chief, District Financing Division.
(6) Disaster Branch Manager, as assigned.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health and safety, occupational safety and health, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000: (None.)

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

a. Assistant Regional Director for Finance and Investment	$500,000
b. District Director	500,000
c. Assistant District Director for Finance and Investment	350,000
d. Branch Manager, Gulfport, Miss., Branch Office	350,000
e. Chief, District Financing Division	50,000

4. To appoint as a processing representative any bank in the disaster area. None.

SECTION B. ADMINISTRATIVE AUTHORITY

1. *Establishment of Disaster Field Offices.* (a) To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (b) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space.

a. Assistant Regional Director for Finance & Investment.
b. District Director.

2. *Purchase and Contract Authority.* a. To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter.

(1) Ass't Regional Director for Administration.
(2) Ass't Regional Director for Finance & Investment.
(3) District Director.
(4) Disaster Branch Manager, as assigned.
(5) District Administrative Officer.
(6) Branch Manager, Gulfport, Mississippi, Branch Office.

b. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Ass't Regional Director for Administration.
(2) Regional Office Services Manager or Assistant.
(3) District Director.
(4) District Administrative Officer.
(5) District Office Services Mngr. or Office Services Ass't.
(6) Branch Manager, Gulfport, Mississippi, Branch Office.

PART III—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

SECTION A. SECTION 501 AND 502 LOAN APPROVAL AUTHORITY

1. To approve or decline section 501 state development company loans:
a. Without dollar limitation: None.
b. Up to the following amounts (SBA share), provided the official concurs in at least one prior recommendation:

(1) Assistant Regional Director for Finance and Investment	$350,000
(2) District Director	350,000
(3) Assistant District Director for Finance and Investment	350,000
(4) Branch Manager, Gulfport, Miss., Branch Office	50,000

2. To approve or decline § 502 local development company loans:
a. Up to the following amount (SBA share):

(1) Assistant Regional Director for Finance and Investment	$350,000
(2) District Director	350,000
(3) Assistant District Director for Finance and Investment	350,000
(4) Branch Manager, Gulfport, Miss., Branch Office	50,000

b. Up to the following amount (SBA share) when project cost does not exceed $1,000,000, provided the official concurs in at least one prior recommendation: None.

c. Up to the following amount (SBA share) when project cost does not exceed $700,000, provided the official concurs in at least one recommendation: None.

SECTION B. OTHER 501 AND 502 AUTHORITY

1. a. To extend the disbursement period on §§ 501 and 502 loan authorizations:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Branch Manager, Gulfport, Mississippi, Branch Office.

b. To extend the disbursement period on fully undisbursed §§ 501 and 502 loans: None.

2. a. To execute sections 501 and 502 loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Ass't District Director for Finance & Investment.
(4) Branch Manager, Gulfport, Mississippi, Branch Office.

3. a. To cancel, reinstate, modify, and amend authorizations for §§ 501 and 502 loans:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Branch Manager, Gulfport, Mississippi, Branch Office.

b. To cancel, reinstate, modify, and amend authorizations for fully undisbursed or partially disbursed §§ 501 and 502 loans: None.

4. To enter into § 502 loan participation agreements with banks:

(a) Ass't Regional Director for Finance & Investment.
(b) District Director.
(c) Ass't District Director for Finance & Investment.
(d) Branch Manager, Gulfport, Mississippi, Branch Office.

SECTION C. LEASE GUARANTEE APPROVAL AUTHORITY

1. To approve or decline applications for the direct guarantee of payment of rent not to exceed the following amounts:

(a) Assistant Regional Director for Finance and Investment	$500,000
(b) District Director	500,000

2. To guarantee sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts not to exceed $500,000:
(a) Ass't Regional Director for Finance & Investment.

SECTION D. OTHER LEASE GUARANTEE AUTHORITY

1. a. To issue and modify commitment letters:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Ass't District Director for Finance & Investment.

SECTION E. EDA LOAN DISBURSEMENT AUTHORITY

1. a. To disburse approved EDA loans, as authorized: None.

PART IV—PORTFOLIO MANAGEMENT (PA) PROGRAM

SECTION A. PORTFOLIO MANAGEMENT, SERVICING, COLLECTION, AND LIQUIDATION AUTHORITY

1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of matters in litigation, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing, the assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or

hereafter held by the Small Business Administration or its Administrator; the execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing; the approval of bank applications for use of liquidity privilege under the loan guaranty plan; and to advertise regarding the public sale of collateral in connection with liquidation of loans, and acquired property:

a. *Excerpt: To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participation or guaranty agreement:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Ass't District Director for Finance & Investment.
(4) Branch Manager, Gulfport, Mississippi, Branch Office.

b. Except: To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; *to authorize the liquidation of a loan; and the cancellation of authority to liquidate:*

(1) Ass't District Director for Finance & Investment.
(2) Chief, District & Branch Portfolio Management Div.

c. Except: To compromise or sell any primary obligation or other evidence or indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan *other than a disaster home loan* and the cancellation of authority to liquidate any loan *other than a disaster home loan:* None.

2. To contract for the services of fee appraisers, engineering, marketing and feasibility studies, and other required services, in conjunction with loan processing, servicing, and loan liquidation.

(a) Ass't Regional Director for Finance & Investment.
(b) District Director.
(c) Ass't District Director for Finance & Investment.
(d) Chief, District Portfolio Management Division.
(e) Chief, Branch Portfolio Management Division.

3. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of matters in litigation and acquired collateral, when and as authorized by EDA:

(a) Ass't Regional Director for Finance & Investment.
(b) District Director.
(c) Ass't District Director for Finance & Investment.
(d) Branch Manager, Gulfport, Mississippi, Branch Office.
(e) Chief, District Portfolio Management Division.
(f) Chief, Branch Portfolio Management Division.

SECTION B. PARTICULAR ACTIONS IN SERVICING ACCOUNTS NOT CLASSIFIED "IN LITIGATION"

1. To approve the following actions, except as to non-current § 502 loans:
a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.
b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.
c. Minor modifications in the authorizations.
d. Extension of disbursement period on loans partially undisbursed.
e. Extension of initial principal payments.
f. Adjustment of interest payment dates.
g. Release of hazard insurance checks on behalf of the Agency where SBA is named as joint loss payee.
h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Ass't District Director for Finance & Investment.
(4) Branch Manager, Gulfport, Mississippi, Branch Office.
(5) Chief, District Portfolio Management Division.
(6) Chief, Branch Portfolio Management Division.

SECTION C. LEASE GUARANTEE ADMINISTRATION AND SERVICING AUTHORITY

1. To service, approve payment or recommend denial of claims.
a. Issued in the Region:

(1) Ass't Regional Director for Finance & Investment.

b. Issued in his District:

(1) District Director.
(2) Ass't District Director for Finance & Investment.
(3) Chief, District Portfolio Management Division.

c. Assigned to Gulfport Branch Office:

(1) Branch Manager, Gulfport.
(2) Chief, Branch Portfolio Management Division.

2. To take all actions necessary to mitigate losses from lease guarantees.
a. Issued in the Region:

(1) Ass't Regional Director for Finance & Investment.

b. Issued in his District:

(1) District Director.
(2) Ass't District Director for Finance & Investment.
(3) Chief, District Portfolio Management Division.

c. Assigned to Gulfport Branch Office:

(1) Branch Manager, Gulfport, Mississippi, Branch Office.
(2) Chief, Branch Portfolio Management Division.

PART V—PROCUREMENT AND MANAGEMENT ASSISTANCE

SECTION A. CERTIFICATE OF COMPETENCY APPROVAL AUTHORITY

1. With the exception of re-referred cases, to approve applications for Certificates of Competency up to but not exceeding $250,000 bid value received from small business concerns located within Region IV:
a. Ass't Regional Director for Procurement Assistance.
2. To deny an application for a Certificate of Competency when an adverse determination as to capacity or credit is concurred in:
a. Ass't Regional Director for Procurement Assistance.

SECTION B. SECTION 8(a) CONTRACTING AUTHORITY

1. To enter into contracts, not exceeding the following amounts, on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies or materials to the Government and agreeing as to the terms and conditions of such contracts:
a. Ass't Regional Director for Procurement Assistance, not exceeding $350,000.
2. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts:
a. Ass't Regional Director for Procurement Assistance.
3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract, not exceeding the following amounts, to be let by any such officer:
a. Ass't Regional Director for Procurement Assistance, $350,000.

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SECTION C. SECTION 406 CONTRACT MANAGEMENT AUTHORITY

1. To take all necessary actions in connection with the administration and management of contracts, executed by the Associate Administrator for Financial Assistance under the authority granted in Section 406 of the Economic Opportunity Act of 1964, as amended, except changes, amendments, modifications, or termination of the original contract:

a. Ass't Regional Director for Management Assistance.

PART VI—LEGAL SERVICES

SECTION A. AUTHORITY TO CONDUCT LITIGATION ACTIVITIES

1. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation.

(1) *Except: To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement:

(a) Regional Counsel.
(b) Regional Office Attorney.
(c) District Counsel.
(d) District Office Attorney.
(e) Branch Counsel, Gulfport, Miss., Branch Office.

(2) *Except: To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; *to authorize the liquidation of a loan; and the cancellation of authority to liquidate:* None.

2. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to regional and district counsel:

a. The assignment, endorsement, transfer and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation: None.

3. To take all necessary action in liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA:

a. Regional Counsel.
b. Regional Office Attorney.
c. District Counsel.
d. District Office Attorney.
e. Branch Counsel, Gulfport, Miss., Branch Office.

SECTION B. LOAN CLOSING AUTHORITY

1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development:

a. Regional Counsel.
b. Regional Office Attorney.
c. District Counsel.
d. District Office Attorney.
e. Branch Counsel, Gulfport, Miss., Branch Office.
f. Loan Closing Assistant as assigned.

2. To approve, when requested, in advance of disbursements, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization:

a. Regional Counsel.
b. Regional Office Attorneys.
c. District Director.
d. District Office Counsel.
e. District Office Attorneys.
f. Branch Manager, Gulfport, Miss., Branch Office.
g. Branch Counsel, Gulfport, Miss., Branch Office.

3. To close, approve EDA loans as authorized. None.

PART VII—ELIGIBILITY AND SIZE DETERMINATIONS

SECTION A. ELIGIBILITY DETERMINATIONS

1. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance under programs of the agency, except the SBIC program, as indicated:

a. Loans under Sec. 7 of the Small Business Act, under the Economic Opportunity Act, under the Small Business Investment Act, and under related loan statutes:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Ass't District Director for Finance & Investment, if assigned.
(4) Chief, Financing Division, if no Ass't District Director for Finance & Investment is assigned.
(5) Branch Manager, Gulfport, Miss., Branch Office.
(6) Ass't Regional Director for Management Assistance.
(7) Ass't District Director for Management Assistance.

b. Lease guarantees:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.

c. Surety Bond Program.

(1) Ass't Regional Director for Finance & Investment.

d. Certificates of Competency, Section 8(a) contracts not involving Divestiture Agreements, and subcontracting programs:

(1) Ass't Regional Director for Procurement Assistance.

e. Section 406 Assistance:

(1) Ass't Regional Director for Management Assistance.
(2) Ass't Regional Director for Finance & Investment.
(3) District Director.
(4) Ass't District Director for Management Assistance.
(5) Ass't District Director for Finance & Investment.
(6) Ass't District Director for Portfolio Mgment. Div.

SECTION B. SIZE DETERMINATION

1. In accordance with Small Business Administration standards and policies, to make initial size determinations, and to make product classification decisions *except* for procurement purposes, as indicated:

a. Loans under Section 7 of the Small Business Act, under the Economic Opportunity Act, under the Small Business Investment Act, and under related loan statutes:

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.
(3) Ass't District Director for Finance & Investment, if assigned.
(4) Supervisory Loan Specialist, Financing Division, if no Ass't District Director for Finance & Investment is assigned.
(5) Branch Manager, Gulfport, Mississippi, Branch Office.
(6) Ass't Regional Director for Management Assistance.
(7) Ass't District Director for Management Assistance.

b. Lease guarantees

(1) Ass't Regional Director for Finance & Investment.
(2) District Director.

c. Certificates of Competency, Sec. 8(a) contracts not involving Divestiture Agreements, and subcontracting programs, *except* product classification decisions for procurement purposes:

(1) Ass't Regional Director for Procurement Assistance.

2. Product classification decisions for procurement purposes are made by contracting officers.

PART VIII—ADMINISTRATION

SECTION A. AUTHORITY TO PURCHASE, RENT, OR CONTRACT FOR EQUIPMENT, SERVICES AND SUPPLIES

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. attorneys in foreclosure cases:

a. Assistant Regional Director for Administration.
b. District Director.
c. District Administrative Officer.
d. Branch Manager, Gulfport, Mississippi, Branch Office.

2. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter:

a. Assistant Regional Director for Administration.
b. Regional Office Services Manager or Office Services Ass't.
c. District Director.
d. District Administrative Officer.
e. District, Office Services Manager or Office Services Ass't.
f. Branch Manager, Gulfport, Mississippi, Branch Office.

3. To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration:

a. Assistant Regional Director for Administration.
b. Regional Office Services Manager or Office Services Ass't.
c. District Director.
d. District Administrative Officer.
e. District, Office Services Manager or Office Services Ass't.
f. Branch Manager, Gulfport, Mississippi, Branch Office.

4. Use of Seal of the Small Business Administration. To certify true copies of any books, records, papers, or other documents on file with the Small Business Administration; to certify extracts from such material; to certify the non-existence of records on file; and to cause the Seal of the Small Business Administration to be affixed to all such certifications:

a. District Director.
b. Branch Manager, Gulfport, Mississippi, Branch Office.

PART IX—EXERCISE OF AUTHORITY BY OFFICE IN AN ACTING CAPACITY AND REDELEGATION

The authority delegated herein to a specific position may not be redelegated; however, such authority may be exercised by an SBA employee designated as acting in that position.

PART X—RESCISSION OF AUTHORITY

All authority previously delegated by the Administrator to specific positions in Region IV is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to effective date hereof.

Effective dates:

Atlanta Regional Office, September 30, 1973.
Atlanta District Office, September 30, 1973.
Birmingham District Office, November 11, 1973.
Charlotte District Office, December 16, 1973.
Columbia District Office, November 11, 1973.
Jackson District Office, December 16, 1973.
Jacksonville District Office, November 11, 1973.
Louisville District Office, November 11, 1973.
Miami District Office, November 11, 1973.
Nashville District Office, November 11, 1973.
Gulfport Branch Office, December 16, 1973.

WILEY S. MESSICK,
Regional Director,
Region IV.

[FR Doc.74-7032 Filed 3-26-74;8:45 am]

[Delegation of Authority No. 30—Region IX; Rev. 1]

ASSISTANT REGIONAL DIRECTOR FOR F AND I, ET AL.

Delegation of Authority To Conduct Program Activities in Region IX

Delegation of Authority No. 30, Region IX, (37 FR 17624), as amended, (37 FR 20288 and 38 FR 7033), is hereby revised in its entirety to reflect proper position title responsibility for certain program functions as a result of the establishment of a District Office in the Regional Office city and various position changes throughout the region, and reads as follows:

Pursuant to the authority delegated to Regional Directors by Delegation of Authority No. 30 (Revision 14), (37 FR 12651), as amended, the following authority is hereby redelegated to the positions within Region IX as indicated herein:

PART I—FINANCING PROGRAM

SECTION A. LOAN APPROVAL AUTHORITY

1. *Small Business Act section 7(a) loans.* To approve or decline business loans not exceeding the following amounts (SBA share):

(1) Assistant Regional Director for Finance and Investment	$350,000
(2) District Director	350,000
(3) Assistant District Director for Finance and Investment	350,000
(4) Chief, Financing Division	350,000
(5) District Supervisory Loan Specialist	50,000

2. *Economic Opportunity (EO) Loans.* To approve or decline economic opportunity loans not exceeding $50,000 (SBA share).

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, Financing Division.
(5) District Supervisory Loan Specialist.

3. *Displaced Business and Other Economic Injury Loans.* a. To decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury loans in connection with declarations made by the Secretary of Agriculture for natural disasters in any amount and to prepare such loans up to the following amounts (SBA share):

(1) Assistant Regional Director for Finance and Investment	$350,000
(2) District Director	350,000
(3) Assistant District Director for Finance and Investment	350,000
(4) Chief, Financing Division	350,000
(5) District Supervisory Loan Specialist	50,000

b. To approve or decline displaced business loans, coal mine health and safety loans, consumer protection loans (meat, egg, poultry), occupational safety and health, strategic arms limitation, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters up to the following amounts (SBA) share: Does Not Apply.

4. *Handicapped Assistance Loans.* To approve or decline handicapped assistance loans not exceeding the following amounts (SBA share):

(1) Assistant Regional Director for Finance and Investment	$350,000
(2) District Director	350,000
(3) Assistant District Director for Finance and Investment	350,000
(4) Chief, Financing Division	350,000
(5) District Supervisory Loan Specialist	50,000

SECTION B. OTHER FINANCING AUTHORITY

1. a. To enter into business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, strategic arms limitation economic injury, and handicapped assistance loan participation agreements with banks:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, Financing Division.
(5) District Supervisory Loan Specialist.
(6) Branch Manager.

b. To enter into blanket loan guarantee agreements with banks:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.

2. a. To execute loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

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(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, Financing Division.
(5) District Supervisory Loan Specialist.
(6) Branch Manager.

3. To cancel, reinstate, modify, and amend authorizations: a. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, strategic arms limitation economic injury, and handicapped assistance loans:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, Financing Division.
(5) District Supervisory Loan Specialist.
(6) Branch Manager.

b. For fully undisbursed or partially disbursed business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, strategic arms limitation economic injury, and handicapped assistance loans:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, Financing Division.
(5) Chief, Portfolio Management Division (for partially disbursed loans).
(6) District Supervisory Loan Specialist.
(7) Branch Manager.

c. For business, economic opportunity, disaster, displaced business, consumer protection (meat, egg, poultry), coal mine health and safety, occupational health and safety, strategic arms limitation economic injury, and handicapped assistance loans personally approved under delegated authority: Does Not Apply.

4. To approve minor modifications in fully undisbursed loan authorizations:

(1) District Loan Specialist, FD.
(2) Branch Loan Specialist, FD.

5. a. To extend the disbursement period on all loan authorizations:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Branch Manager.

b. To extend the disbursement period on all loan authorizations on loans fully undisbursed:

(1) Chief, Financing Division.
(2) District Supervisory Loan Specialist, FD.
(3) District Loan Specialist, FD.
(4) Branch Loan Specialist, FD.

6. To approve service charges by participating banks not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, Financing Division.
(5) District Supervisory Loan Specialist.

PART II—DISASTER PROGRAM

SECTION A. DISASTER LOAN AUTHORITY

1. To decline direct disaster and immediate participation disaster loans in any amount and to approve such loans up to the total SBA funds of: (1) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned for physical loss or damage exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and

(2) $500,000 on disaster business loans (excluding displaced business loans, coal mine health and safety loans, occupational safety and health loans, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture (for natural disasters) except to the extent of refinancing of a previous SBA disaster loan.

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, Financing Division.
(5) Disaster Branch Manager.

2. To decline direct disaster and immediate participation disaster loans (excluding displaced business loans, coal mine health, and safety, occupational safety and health, strategic arms limitation economic injury loans, and economic injury disaster loans in connection with declarations made by the Secretary of Agriculture for natural disasters) in any amount and to approve such loans up to the total SBA funds of $50,000:

(1) District Supervisory Loan Specialist.
(2) Disaster Branch Supervisory Loan Specialist.

3. To decline disaster guaranteed loans in any amount and to approve such loans up to an SBA guarantee of the following amounts:

(1) Assistant Regional Director for Finance and Investment	$500,000
(2) District Director	500,000
(3) Assistant District Director for Finance and Investment	500,000
(4) Chief Financing Division	500,000
(5) District Supervisory Loan Specialist	50,000
(6) Disaster Branch Manager	500,000

4. To appoint as a processing representative any bank in the disaster area:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Branch Manager.
(4) Disaster Branch Manager.

5. To approve the request of an applicant to file for a disaster loan after the period for acceptance under the original disaster declaration, or extension thereof, has expired.

(1) Assistant Regional Director for F&I.

SECTION B. ADMINISTRATIVE AUTHORITY

1. *Establishment of Disaster Field Offices.* a. To establish field offices upon receipt of advice of the designation of a disaster area and to close disaster field offices when no longer advisable to maintain such offices; and (b) to obligate the Small Business Administration to reimburse the General Services Administration for the rental of temporary office space.

(1) Assistant Regional Director for F&I.
(2) Assistant Regional Director for Administration.
(3) Disaster Coordinator.
(4) District Director.
(5) Disaster Branch Manager.

2. *Purchase and Contract Authority.* a. To contract for local credit bureau services and loss verification services pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter.

(1) Assistant Regional Director for F&I.
(2) Disaster Coordinator.
(3) Assistant Regional Director for Administration.
(4) Regional Office Services Manager.
(5) Regional Office Services Assistant.
(6) District Director.
(7) District Administrative Officer.
(8) Disaster Branch Manager.

b. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that Chapter.

(1) Assistant Regional Director for F&I.
(2) Disaster Coordinator.
(3) Assistant Regional Director for Administration.
(4) Regional Office Services Manager.
(5) Regional Office Services Assistant.
(6) District Director.
(7) District Administrative Officer.
(8) Disaster Branch Manager.

PART III—COMMUNITY ECONOMIC DEVELOPMENT (CED) PROGRAM

SECTION A. SECTIONS 501 AND 502 LOAN APPROVAL AUTHORITY

1. To approve or decline Section 501 state development company loans: a. Without dollar limitation: Does Not Apply.

b. Up to the following amounts (SBA share), provided the official concurs in at least one prior recommendation:

(1) Assistant Regional Director for Finance and Investment	$350,000
(2) District Director	350,000
(3) Assistant District Director for Finance and Investment	350,000

2. To approve or decline section 502 local development company loans: a. Up to the following amount (SBA share): Does Not Apply.

b. Up to the following amount (SBA share) when project cost does not exceed $1 million, provided the official concurs in at least one prior recommendation:

(1) Assistant Regional Director for Finance and Investment	$350,000
(2) District Director	350,000
(3) Assistant District Director for Finance and Investment	350,000

c. Up to the following amount (SBA share) when project cost does not exceed $700,000, provided the official concurs in at least one prior recommendation: Does Not Apply.

SECTION B. OTHER 501 AND 502 AUTHORITY

1. a. To extend the disbursement period on sections 501 and 502 loan authorizations:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, CED Division.
(5) District Supervisory Economic Development Specialist.
(6) District Economic Development Specialist.

b. To extend the disbursement period on fully undisbursed sections 501 and 502 loans: Does Not Apply.

2. a. To execute sections 501 and 502 loan authorizations for loans approved by higher authority and for loans personally approved under delegated authority:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, CED Division.
(5) Supervisory Economic Development Specialist.

3. a. To cancel, reinstate, modify, and amend authorizations for sections 501 and 502 loans:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, CED Division.
(5) District Supervisory Economic Development Specialist.

b. To cancel, reinstate, modify, and amend authorizations for fully undisbursed or partially disbursed sections 501 and 502 loans: Does Not Apply.

4. To enter into section 502 loan participation agreements with banks:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, CED Division.
(5) District Supervisory Economic Development Specialist.
(6) District Economic Development Specialist.

SECTION C. LEASE GUARANTEE APPROVAL AUTHORITY

1. To approve or decline applications for the direct guarantee of payment of rent not to exceed the following amounts:

(1) Assistant Regional Director for Finance and Investment	$500,000
(2) District Director	500,000
(3) Assistant District Director for Finance and Investment	500,000
(4) Chief, CED Division	250,000
(5) Supervisory Economic Development Specialist	250,000

2. To guarantee sureties of small businesses against portions of losses resulting from the breach of bid, payment, or performance bonds on contracts not to exceed $500,000:

(1) Assistant Regional Director for F&I.
(2) District Director, SF/DO only.
(3) Assistant District Director for F&I, SF/DO only.
(4) Chief, CED, Division, SF/DO only.
(5) Supervisory Economic Development Specialist, SF/DO only.

SECTION D. OTHER LEASE GUARANTEE AUTHORITY

1. a. To issue and modify commitment letters:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, CED Division.
(5) Supervisory Economic Development Specialist.

SECTION E. EDA LOAN DISBURSEMENT AUTHORITY

1. a. To disburse approved EDA loans, as authorized:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, CED Division.
(5) District Supervisory Economic Development Specialist.

PART IV—PORTFOLIO MANAGEMENT (PM) PROGRAM

SECTION A. PORTFOLIO MANAGEMENT, SERVICING, COLLECTION, AND LIQUIDATION AUTHORITY

1. To take all necessary actions in connection with the administration, servicing, collection, and liquidation of all loans, exclusive of matters in litigation, and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing, the assignment, endorsement, transfer, and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; the execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing; the approval of bank applications for use of liquidity privilege under the loan guaranty plan; and to advertise regarding the public sale of collateral in connection with the liquidation of loans, and acquired property.

a. *Except: To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, Portfolio Management Division.
(5) Supervisory Loan Specialist.
(6) Branch Manager.

b. *Except: To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; *to authorize the liquidation of a loan;* and *the cancellation of authority to liquidate:* Does Not Apply.

c. *Except: To compromise or sell* any primary obligation or other evidence or indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan *other than a disaster home loan* and the cancellation of authority to liquidate any loan *other than a disaster home loan:* Does Not Apply.

2. To contract for the services of fee appraisers, engineering, marketing, and feasibility studies, and other required services, in conjunction with loan processing, servicing, and loan liquidation:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, Portfolio Management Division.
(5) District Supervisory Loan Specialist.
(6) Branch Manager.

3. To take all necessary action in liquidating Economic Development Administration (EDA) loans, exclusive of matters in litigation, and acquired collateral, when and as authorized by EDA:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, Portfolio Management Division.
(5) District Supervisory Loan Specialist.

SECTION B. LOAN ADMINISTRATION, SERVICING AND COLLECTION AUTHORITY

1. To take all necessary actions in connection with the administration, servicing, and collection of all loans, *other than those accounts classified as "in liquidation,"* and to do and perform and

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to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing, the assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator; the execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations releases (in whole or part) of liens, satisfaction pieces, affidavits, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing; and the approval of bank applications for use of liquidity privilege under the loan guaranty plan:

a. *Except: To compromise or sell* any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate: Does Not Apply.

2. To approve the following actions:

a. Use of such portions of the cash surrender value of assigned life insurance as are required to pay premiums due on the policy.

b. Release of dividends on assigned life insurance or consent to application of dividends against premiums due or to become due.

c. Minor modifications in the authorizations.

d. Extension of disbursement period on loans partially undisbursed.

e. Extension of initial principal payments.

f. Adjustment of interest payment dates.

g. Release of hazard insurance checks not in excess of $500 and endorsement of such checks on behalf of the Agency where SBA is named as joint loss payee.

h. Release of equipment with or without consideration where the value of equipment being released does not exceed $500.

(1) Concerning all current direct and participation loans and First Mortgage Plan 502 Loans:

1. District Loan Specialist.
2. Branch Loan Specialist.

(2) Concerning all direct and participation loans: Does No Apply.

SECTION C. LEASE GUARANTEE ADMINISTRATION AND SERVICING AUTHORITY

1. a. To service claims arising under all lease insurance policies issued in the region, approving the payment, or recommending denial of such claims:

(1) Assistant Regional Director for F&I.

b. To service claims arising under all lease insurance policies issued in the district, approving the payment, or recommending denial of such claims:

(1) District Director.
(2) Assistant District Director for F&I.
(3) Chief, Portfolio Management Division.
(4) Supervisory Loan Specialist.

c. To service claims arising under all lease insurance policies issued in the branch office area, approving the payment or recommending denial of such claims:

(1) Branch Manager.

2. To take all actions necessary to mitigate losses from lease guarantees:

(1) Assistant Regional Director for F&I.
(2) District Director.
(3) Assistant District Director for F&I.
(4) Chief, Portfolio Management.
(5) Supervisory Loan Specialist.
(6) Branch Manager.

PART V—PROCUREMENT ASSISTANCE (PA) PROGRAM

SECTION A. CERTIFICATE OF COMPETENCY APPROVAL AUTHORITY

1. With the exception of re-referred cases, to approve applications for Certificates of Competency up to but not exceeding $250,000 bid value received from small business concerns located within the geographical jurisdiction of the following: Does Not Apply.

2. To deny an application for a Certificate of Competency when an adverse determination as to capacity or credit is concurred in: Does Not Apply.

SECTION B. SECTION 8(a) CONTRACTING AUTHORITY

1. To enter into contracts not exceeding the following amount on behalf of the Small Business Administration with the U.S. Government and any department, agency, or officer thereof having procurement powers, obligating the Small Business Administration to furnish articles, equipment, supplies or materials to the Government and agreeing as to the terms and conditions of such contracts:

(1) Assistant Regional Director for Procurement Assistance	$500,000
(2) District Director	100,000
(3) Assistant District Director for Procurement Assistance	100,000

2. To arrange for the performance of such contracts by negotiating or otherwise letting subcontracts to small business concerns or others for the manufacture, supply, or assembly of such articles, equipment, supplies, or materials, or parts thereof, or servicing or processing in connection therewith, or such management services as may be necessary to enable the Small Business Administration to perform such contracts:

(1) Assistant Regional Director for PA.
(2) District Director.
(3) Assistant District Director for PA.

3. To certify to any officer of the Government having procurement powers that the Small Business Administration is competent to perform any specific Government procurement contract not exceeding the following amounts to be let by any such officer:

(1) Assistant Regional Director for Program Assistance	$500,000
(2) District Director	100,000
(3) Assistant District Director for Program Assistance	100,000

PART VI—MANAGEMENT ASSISTANCE (MA) PROGRAM

SECTION 406 CONTRACT MANAGEMENT AUTHORITY

To take all necessary actions in connection with the administration and management of contracts, executed by the Associate Administrator for Procurement and Management Assistance under the authority granted in section 406 of the Economic Opportunity Act of 1964, as amended, except changes, amendments, modifications, or termination of the original contract:

(1) Assistant Regional Director for MA.
(2) Assistant District Director for MA.

PART VII—LEGAL SERVICES

SECTION A. AUTHORITY TO CONDUCT LITIGATION ACTIVITIES

1. To conduct all litigation activities, including SBIC matters as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse, or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents, and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain, and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation.

(1) *Except:* To compromise or sell any primary obligation or other evidence of

indebtedness owed to the Agency for a sum less than the total amount due thereon; and to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement:

(1) Regional Counsel.

(2) *Except:* To compromise or sell any primary obligation or other evidence of indebtedness owed to the Agency for a sum less than the total amount due thereon; to deny liability of the Small Business Administration under the terms of a participation or guaranty agreement, or the assertion of a claim for recovery from a participating bank under any alleged violation of a participation or guaranty agreement; to authorize the liquidation of a loan; and the cancellation of authority to liquidate:

(1) District Counsel.
(2) Branch Counsel.

2. To conduct all litigation activities, including SBIC matters, as assigned, and to take all action necessary in connection with matters in litigation; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, with the exception of the following, which are reserved to regional and district counsel and district attorneys:

a. The assignment, endorsement, transfer and delivery of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator, as to all matters in litigation.

b. The execution and delivery of contracts of sale or of lease or sublease, quitclaim, bargain and sale of special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates, and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing, as to all matters in litigation: Does Not Apply.

3. To take all necessary action liquidating Economic Development Administration (EDA) loans having litigative aspects, when and as authorized by EDA:

(1) Regional Counsel.
(2) District Directors.
(3) District Counsel.
(4) District Attorneys.
(5) Branch Manager.
(6) Branch Counsel.

SECTION B. LOAN CLOSING AUTHORITY

1. To close and disburse approved SBA loans and rehabilitation loans for Department of Housing and Urban Development:

(1) Regional Counsel.
(2) District Counsel.
(3) District Attorneys.
(4) Branch Counsel.

2. To close and disburse approved SBA loans: Does Not Apply.

3. To close approved EDA loans, as authorized:

(1) Regional Counsel.
(2) District Director.
(3) District Counsel.
(4) District Attorneys.
(5) Branch Manager.
(6) Branch Counsel.

4. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization:

(1) Regional Counsel.
(2) District Counsel.
(3) District Attorneys.
(4) Branch Counsel.

PART VIII—ELIGIBILITY AND SIZE DETERMINATIONS

SECTION A. ELIGIBILITY DETERMINATIONS

1. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance *under any program of the Agency:*

(1) *Except:* The SBIC program:

(1) District Director.

(2) *Except:* The SBIC, procurement assistance and management assistance programs:

(1) Assistant Regional Director for F&I.
(2) Assistant District Director for F&I.

2. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance *under the procurement assistance program of the Agency:*

(1) Assistant Regional Director for PA.
(2) Assistant District Director for PA.

3. In accordance with Small Business Administration standards and policies, to determine eligibility of applicants for assistance *under the management assistance program of the Agency:*

(1) Assistant Regional Director for MA.
(2) Assistant District Director for MA.

4. All positions to which approval authority in any program has been delegated are authorized to determine eligibility of applicants to the extent of the approval authority delegated to that position.

SECTION B. SIZE DETERMINATIONS

1. a. To make initial size determinations *in all cases* within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions *for financial assistance purposes only:* Does Not Apply.

b. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions *for financing purposes only:*

(1) Assistant Regional Director for F&I.
(2) Assistant District Director.
(3) Assistant District Director for F&I.

c. To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, *except sections 501 and 502 loans*, and further, to make product classification decisions *for financing purposes only:*

(1) Chief, Finance Division.

d. To make initial size determinations *in all sections 501 and 502 loans* within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for sections 501 and 502 loans only:

(1) Chief, CED Division.

e. To make initial size determinations in all procurement assistance programs within the meaning of the Small Business Size Standards Regulations, as amended.

(1) Assistant Regional Director for PA.
(2) District Director.
(3) Assistant District Director for PA.

f. Product classification decisions for procurement purposes are made by contracting officers.

PART IX—ADMINISTRATIVE

SECTION A. AUTHORITY TO PURCHASE, RENT OR CONTRACT FOR EQUIPMENT, SERVICES, AND SUPPLIES

1. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by U.S. Attorneys in Foreclosure cases:

(1) Assistant Regional Director for Administration.
(2) Regional Office Services Manager.
(3) Regional Office Services Assistant.
(4) District Director.
(5) District Administrative Officer.
(6) Branch Manager.

2. To purchase office supplies and equipment, including office machines and rent regular office equipment and furnishings; contract for repair and maintenance of equipment and furnishings; contract for printing (Government sources only); contract for services required in setting up and dismantling and moving SBA exhibits; and issue Government bills of lading pursuant to Chapter 4 of Title 41, United States Code, as amended, subject to the limitations contained in section 257 (a) and (b) of that chapter.

(1) Assistant Regional Director for Administration.
(2) Regional Office Services Manager.
(3) Regional Office Services Assistant.
(4) District Director.
(5) District Administrative Officer.
(6) Branch Manager.

3. To rent motor vehicles and garage space for the storage of such vehicles when not furnished by this Administration.

(1) Assistant Regional Director for Administration.
(2) Regional Office Services Manager.
(3) Regional Office Services Assistant.
(4) District Director.

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(5) District Administrative Officer.
(6) Branch Manager.

SECTION B. USE OF SEAL OF THE SMALL BUSINESS ADMINISTRATION

1. To certify true copies of any books, records, papers, or other documents on file with the Small Business Administration; to certify extracts from such materials; to certify the non-existence of records on file; and to cause the Seal of the Small Business Administration to be affixed to all such certifications:

(1) District Director.
(2) Branch Manager.

PART X—EXERCISE OF AUTHORITY BY OFFICE IN AN ACTING CAPACITY AND REDELEGATION

The authority delegated herein to a specific position may not be redelegated; however, such authority may be exercised by an SBA employee designated as acting in that position.

PART XI—RESCISSION OF AUTHORITY

All authority previously delegated by the Regional Director to specific positions in Region IX is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to effective date hereof.

Effective date: October 15, 1973.

GILBERT MONTANO,
Regional Director, Region IX

[FR Doc.74-7031 Filed 3-26-74;8:45 am]

[Declaration of Disaster Loan Area 1043]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1974, because of the effects of a certain disaster, damage resulted to property located in the State of Texas;

Whereas, the Small Business Administration has investigated and received reports of other investigation of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Orange, Hardin, and Liberty Counties, Texas, and adjacent affected areas, suffered damage or destruction resulting from severe storms and flooding which occurred the beginning of February 1974.

Applications will be processed under the provisions of Public Law 93-24.

Office:
Small Business Administration
District Office
Niels Esperson Building, Room 1210
808 Travis Street
Houston, Texas 77002

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to May 16, 1974.

Dated: March 15, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-7030 Filed 3-26-74;8:45 am]

TARIFF COMMISSION

[332-70]

CONVERSION OF TSUS INTO FORMAT OF BRUSSELS TARIFF NOMENCLATURE

Tentative Hearing Schedule

The U.S. Tariff Commission hereby gives notice of the tentative dates, locations, and subject matter of public hearings scheduled to be held on preliminary drafts of chapters of the Tariff Schedules of the United States (TSUS) converted into the format of the Brussels Tariff Nomenclature (BTN). Each such hearing will be the subject of a further public notice when the preliminary drafts of chapters are released. Public hearings were previously announced on March 8 and 15, 1974, with respect to chapters 44 through 49 (39 F.R. 9719 of March 13, 1974) and chapters 25, 68, 69, 70, 72, and 97 (39 F.R. 10501 of March 20, 1974).

TENTATIVE SCHEDULE OF HEARINGS

APR. 29, 1974, TO BE HELD IN NEW YORK CITY

Ch.
3 Fish, crustaceans and molluscs.
13 Raw vegetable materials of a kind suitable for use in dyeing or in tanning; lacs; gums, resins and other vegetable saps and extracts.
14 Vegetable plaiting and carving materials; vegetable products not elsewhere specified or included.
17 Sugars and sugar confectionery.
22 Beverages, spirits and vinegar.
41 Raw hides and skins (other than furskins) and leather.
42 Articles of leather, saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk-worm gut).
43 Furskins and artificial fur; manufactures thereof.
64 Footwear, gaiters and the like; parts of such articles.
71 Pearls, precious and semi-precious stones, precious metals, rolled precious metals, and articles thereof; imitation jewelery.

MAY 13, 1974, TO BE HELD IN CHICAGO, ILL.

1 Live animals.
2 Meat and edible meat offals.
4 Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included.
5 Products of animal origin, not elsewhere specified or included.
10 Cercals.
11 Products of the milling industry; malt and starches; gluten; inulin.
12 Oil seeds and oleaginous fruit; miscellaneous grains, seeds and fruit; industrial and medical plants; straw and fodder.
15 Animal and vegetable fats and oils and their cleavage products; prepared edible fats; animal and vegetable waxes.
19 Preparations of cereals, flour or starch; pastrycooks' products.
23 Residues and waste from the food industries; prepared animal fodder.
84 Boilers, machinery and mechanical appliances; parts thereof.
85 Electrical machinery and equipment; parts thereof.
92 Musical instruments; sound recorders and reproducers; television image and sound recorders and reproducers, magnetic; parts and accessories of such articles.

MAY 28, 1974, TO BE HELD IN WASHINGTON, D.C.

6 Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage.
9 Coffee, tea, maté and spices.
18 Cocoa and cocoa preparations.
24 Tobacco.
67 Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair; fans.
73 Iron and steel and articles thereof.
94 Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings.
95 Articles and manufactures of carving or moulding materials.
98 Miscellaneous manufactured articles.
99 Works of art, collectors' pieces, and antiques.

JUNE 3, 1974, TO BE HELD IN DETROIT, MICH.

87 Vehicles, other than railway or tramway rolling- stock, and parts thereof.

JULY 8, 1974, TO BE HELD IN NEW YORK, N.Y.

16 Preparations of meat, of fish, of crustaceans or molluscs.
21 Miscellaneous edible preparations.
26 Metallic ores, slag and ash.
65 Headgear and parts thereof.
66 Umbrellas, sunshades, walking-sticks, whips, ridingcrops and parts thereof.
74 Copper and articles thereof.
75 Nickel and articles thereof.
77 Magnesium and beryllium and articles thereof.
78 Lead and articles thereof.
79 Zinc and articles thereof.
80 Tin and articles thereof.

JULY 15, 1974, TO BE HELD IN SAN FRANCISCO, CALIF.

7 Edible vegetables and certain roots and tubers.
8 Edible friut and nuts; peel of melons or citrus fruit.
20 Preparations of vegetables, fruit or other parts of plants.
88 Aircraft and parts thereof; parachutes; catapults and similar aircraft launching gear; ground flying trainers.

JULY 29 1974, TO BE HELD IN WASHINGTON, D.C.

27 Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes.
36 Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations.
37 Photographic and cinematographic goods.
76 Aluminum and articles thereof.
81 Other base metals employed in metallurgy and articles thereof.
82 Tools, implements, cutlery, spoons and forks, of base metals; parts thereof.
83 Miscellaneous articles of base metal.
86 Railway and tramway locomotives, rolling-stock and parts thereof; railway and tramway track fixtures and fittings; traffic signalling equipment of all kinds (not electrically powered).
89 Ships, boats and floating structures.
90 Optical, photographic, cinematographic, measuring, checking, precision, medical and surgical instruments and apparatus; parts thereof.
91 Clocks and watches and parts thereof.
93 Arms and ammunition; parts thereof.

96 Brooms, brushes, feather dusters, powder-puffs and sieves.

AUG. 12, 1974, TO BE HELD IN NEW YORK, N.Y.

28 Inorganic chemicals; organic and inorganic compounds of precious metals, rare earth metals, of radioactive elements and of isotopes.
29 Organic chemicals.
30 Pharmacentical products.
31 Fertilizers.
32 Tanning and dyeing extracts; tannins and their derivatives; dyes, colours, paints and varnishes; putty, fillers and stoppings; inks.
33 Essential oils and resinoids; perfumery, cosmetics and toil preparations.
34 Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing and scouring preparations, candles and similar articles, modeling pastes and "dental waxes".
35 Albuminoidal substances; glues.
38 Miscellaneous chemical products.
39 Artificial resins and plastic materials, cellulose esters and ethers; articles thereof.
40 Rubber, synthetic rubber, factice, and articles thereof.

AUG. 19, 1974, TO BE HELD IN WASHINGTON, D.C.

50 Silk and waste silk.
51 Man-made fibres (continous).
52 Metaleized textiles.
53 Wool and other animal hair.
54 Flax and ramie.
55 Cotton
56 Man-made fibres (discontinuous).
57 Other vegetable textile materials; paper yarn and woven fabrics of paper yarn.

AUG. 26, 1974, TO BE HELD IN WASHINGTON, D.C.

58 Carpets, mats, matting and tapestries; pile and chenille fabrics; narrow fabrics; trimmings; tulle and other net fabrics; lace; embroidery.
59 Wadding and felt; twine, cordage, ropes and cables; special fabrics; impregnated and coated fabrics; textile articles of a kind suitable for industrial use.
60 Knitted and crocheted goods.
61 Articles of apparel and clothing accessories of textile fabric, other than knitted or crocheted goods.
62 Other made up textile articles.
63 Old clothing and other textile articles; rags.

By order of the Commission.
Issued: March 21, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-6988 Filed 3-26-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 473]

ASSIGNMENT OF HEARINGS

MARCH 22, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-124211 Sub 232, Hilt Truck Line, Inc., MC-138144 Sub-2, Fred Olson Co., Inc., now being assinged hearing June 3, 1974 (1 week), at Chicago, Ill., in a hearing room to be later designated.
MC-F-11963, Carolina Freight Carriers Corp.—Purchase—Deerfield Motor Express, Inc., and MC-2253 Sub 60, Carolina Freight Carriers Corp., now being assigned hearing June 10, 1974, at Chicago, Ill., in a hearing room to be later designated.
MC 4963 Sub-40, Alleghany Corporation, DBA Jones Motor, now assigned April 8, 1974, at New York City, N.Y., is cancelled and transferred to Modified Procedure.
MC 136408 Sub-14, Cargo Container Carrier Corp., now being assigned June 18, 1974, at Chicago, Ill., in a hearing room to be later designated.
MC 124692 Sub-125, Sammons Trucking, now being assigned June 19, 1974, at Chicago, Ill., in a hearing room to be later designated.
MC 110420 Sub-693, Quality Carriers, Inc., and MC 110988 Sub-304, Schneider Tank Lines, Inc., now being assigned June 21, 1974, at Chicago, Ill., in a hearing room to be later designated.
MC-F-11895, Crouse Cartage Company—Purchase—Marc Truck Lines, Inc., now being assigned June 24, 1974, at Chicago, Ill., in a hearing room to be later designated.
MC 123389 Sub-15, Crouse Cartage Company, now being assigned June 24, 1974, at Chicago, Ill., in a hearing room to be later designated.
MC 128521 Sub-2, Birmingham-Nashville Express, Inc., now being assigned hearing June 3, 1974 (2 weeks), at New Orleans, La., in a hearing room to be later designated.
MC 217 Subs 16 and 17, Point Transfer, Inc., MC 8600 Sub 31, Werner Continental, Inc., MC 13569 Subs 27 and 30, The Lake Shore Motor Freight Co., MC 14552 Sub 50, J. V. McNicholas Transfer Co., and MC 138286 Sub 2, John F. Scott Company, now assigned April 16, 1974, at Pittsburgh, Pa., postponed to May 13, 1974 (2 weeks), at Pittsburgh, Pa., in a hearing room to be later designated.
MC-F-11991, Roadway Express, Inc.—Purchase (Portion)—England Transportation Co., Inc., and MC-F-12029, Strickland Transportation Co., Inc.—Purchase (Portion)—England Transportation Co., Inc., now being assigned continued hearing June 17, 1974 (2 days), at New Orleans, La., in a hearing room to be later designated.
MC 72243 Sub 34, The Aetna Freight Lines, Inc., Extension—New Orleans, La., and MC 117565 Sub 82, Motor Service Co., Inc., Extension—New Orleans, La., now being assigned hearing June 19, 1974 (3 days), at New Orleans, La., in a hearing room to be later designated.
MC 133168 Sub 2, Delta Express, Inc., now being assigned hearing June 24, 1974 (1 week), at New Orleans, La., in a hearing room to be later designated.
MC-C-8235, Smitty's Van & Storage Inc., Julius Schmidt, DBA Jet Moving & Storage, Andrews Van Lines, Inc., Greyhound Van Lines, Inc., and King Van Lines Investigation of Operations, now assigned April 1, 1974, at Kansas City, Mo., is cancelled.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-7104 Filed 3-26-74;8:45 am]

[Ex Parte 241; Rule 19, Exemption 61, Amdt. 2]

MISSOURI PACIFIC RAILROAD CO.

Exemption From Mandatory Car Service Rules

MARCH 22, 1974.

Upon further consideration of Exemption No. 61 issued January 20, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 61 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to *expire June 15, 1974*.

This amendment shall become effective March 15, 1974.

Issued at Washington, D.C., March 12, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-7098 Filed 3-26-74;8:45 am]

[Notice No. 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 22, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-2202 (Deviation No. 126), ROADWAY EXPRESS, INC., P.O. Box 471, Akron, Ohio 44309, filed March 18, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From junction U.S. Highway 66 and Oklahoma Highway 33 at or near Tulsa, Okla., over Oklahoma Highway 33 to junction U.S. Highway 69, and (2) from junction U.S. Highway 69 and U.S. Highway 62 at or near Muskogee, Okla., over

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U.S. Highway 62 to junction U.S. Highway 75 near Okmulgee, Okla., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follow: (1) From junction U.S. Highway 66 and Oklahoma Highway 33 at or near Tulsa, Okla., over U.S. Highway 66 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction Oklahoma Highway 33, and (2) from junction U.S. Highway 69 and U.S. Highway 62 at or near Muskogee, Okla., over U.S. Highway 69 to junction U.S. Highway 266, thence over U.S. Highway 266 to junction U.S. Highway 75, thence over U.S. Highway 75 to junction U.S. Highway 62 near Okmulgee, Okla., and return over the same routes.

No. MC–42487 (Deviation No. 102), CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 7101 South Cicero Avenue, Chicago, Illinois 60629, filed March 15, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio, over Interstate Highway 75 to junction Interstate Highway 64 at or near Lexington, Ky., thence over Interstate Highway 64 to junction Interstate Highway 77 at or near Charleston, W. Va., thence over Interstate Highway 77 to junction U.S. Highway 460 near Princeton, W. Va., thence over U.S. Highway 460 to junction Virginia Highway 100 at or near Pearisburg, Va., thence over Virginia Highway 100 to junction U.S. Highway 221 at or near Hillsville, Va., thence over U.S. Highway 221 to junction U.S. Highway 52 at or near Hillsville, Va., thence over U.S. Highway 52 to Winston-Salem, N.C., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Cincinnati, Ohio, over U.S. Highway 25 to Corbin, Ky., thence over U.S. Highway 25E to Newport, Tenn., thence over U.S. Highway 25 to Asheville, N.C., thence over U.S. Highway 70 to Statesville, N.C., thence over U.S. Highway 64 to Mocksville, N.C., thence over U.S. Highway 158 to Winston-Salem, N.C., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-7103 Filed 3-26-74;8:45 am]

[Notice No. 23]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 22, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100 247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1974.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 138317 (REPUBLICATION), filed January 2, 1973, and published in the FR issue of February 8, 1973, and republished this issue. Applicant: CEMENT TRANSPORT, INC., Valley Station, Ky. 40272. Applicant's representative: Ollie L. Merchant, Suite 202, 140 South Fifth Street, Louisville, Ky. 40202. An Order of the Commission, Review Board Number 1, dated March 12, 1974, and served March 15, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *cement*, in bulk, in tank vehicles, and in bags, from the plant site of the Klintkote Company-Diamond Kosmos Division at or near Kosmosdale, Ky., to those points in Illinois, Indiana, and Ohio, within 180 miles of Kosmosdale, and to points in Tennessee, subject to the restriction that applicant shall not tack or join such grant with any authority to perform a through service; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to accurately indicate the authority applied for in part (1) of the application which should read cement, in bulk, in tank vehicles, and in bags, from Kosmosdale, Ky., to points in Illinois, Indiana, and Ohio, wtihin 180 miles of Kosmosdale, Ky., and to points in Tennessee. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld until April 26, 1974, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 138661 (REPUBLICATION), filed April 16, 1973, and published in the FR issue of March 13, 1974, and republished this issue. Applicant: ROBERT E. KUKURUZA, doing business as BTS, 50 Solano Avenue, Vallejo, Calif. 94590. Applicant's representative: Jack B. Burstein, 1730 Sonoma Boulevard, Vallejo, Calif. 94590. An Order of the Commission, Review Board Number 1, dated February 21, 1974, and served March 1, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *wrecked driveable automobiles*, in truckaway service, from San Francisco, San Jose, and Vallejo, Calif., to Troutdale, Oreg., under a continuing contract or contracts with Arrow Factors, of Troutdale, Oreg., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and with the Commission's rules and regulations thereunder. The purpose of this republication is to indicate the correct docket number of this application as MC–138661 instead of MC–138861, as erroneously published in the FR issue of March 13, 1974. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld until April 26, 1974, of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 138770 (Sub-No. 1) (Republication), filed April 26, 1973, and published in the FR issue of June 21, 1973, and republished this issue. Applicant: BOYD TRUCKING CO., INC., 637 South Hamilton Street, Dalton, Ga. 30720. Applicant's representative: Ariel V. Conlin, 53 Sixth Street NE., Atlanta, Ga. 30308. An Order of the Commission, Review Board Number 1, dated March 4, 1974, and served March 12, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *textile and textile products*, (1) from Winchester, Tenn., to Dalton and Ringgold, Ga.; (2) from Trenton and Chatsworth, Ga., to Winchester, Tenn.; and (3) from Decatur, Tenn., to points in that part of Georgia north of a line beginning at the Alabama-Georgia State line and extending along Interstate Highway 20 to Atlanta, Ga., and thence northeasterly along Interstate Highway 85 to the South Carolina-Georgia State line; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to

indicate the correct number of this application to be MC–138770 (Sub-No. 1) rather than MC–138711 as previously published in the FEDERAL REGISTER issue of June 21, 1973. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld until April 26, 1974, of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 107654 (Sub-No. 3) (Notice of Filing of Petition To Modify Permit) filed March 7, 1974. Petitioner: GLEN E. TRIPP, doing business as SPECIAL SERVICE, 760 Lindenwood Lane, Medina, Ohio 44246. Petitioner's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Petitioner holds a motor *contract carrier* permit in No. MC 107654 (Sub-No. 3) issued October 9, 1962, authorizing transportation, over irregular routes, of *canned and preserved foods*, from Medina, Ohio, to Baltimore, Md., Wilmington, Del., and the District of Columbia, under a continuing contract or contracts with The H. W. Madison Company of Medina, Ohio. By the instant petition, petitioner seeks to add the following authority to those described above: "from Orrville, Ohio, to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and points in Pennsylvania (except those on and south of a line beginning at the Ohio-Pennsylvania State Boundary line and extending along U.S. Highway 422 to Indiana, Pa., and those on and west of a line beginning at Indiana, Pa., and extending along U.S. Highway 119 to its intersection with the Pennsylvania-West Virginia State Boundary line) and Baltimore, Md., Wilmington, Del., and the District of Columbia, under a continuing contract or contracts with The J. M. Smucker Company, Orrville, Ohio." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before April 26, 1974.

No. MC 110098 (Sub-No. 53) (Notice of Petition To Eliminate a Vehicle Restriction), filed March 8, 1974. Petitioner: ZERO REFRIGERATED LINES, 1400 Ackerman Rd., P.O. Box 20386, San Antonio, Tex. 78220. Petitioner's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Petitioner holds a motor *common carrier* certificate in No. MC 110098 (Sub-No. 53), issued April 11, 1968, authorizing transportation, over irregular routes, of *foods, food preparations, foodstuffs, candy, and confectionery products* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from points in California, to points in Arizona, New Mexico, and Texas. By the instant petition, petitioner seeks to eliminate the vehicle restriction "in vehicles equipped with mechanical refrigeration." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 111839 (Notice of Filing of Petition To Eliminate a Service Restriction), filed March 8, 1974. Petitioner: BEE LINE EXPRESS, INC., Highway 75 North, P.O. Box 388, Albertville, Ala. 35950. Petitioner's representative: Drew L. Carraway and Elliot Bunce, 618 Perpetual Bldg. NW., Washington, D.C. 20004. Petitioner holds a motor *common carrier* certificate in No. MC 111839 issued June 24, 1963, authorizing transportation, over regular routes, of *general commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Chattanooga, Tenn., and Birmingham, Ala., serving the intermediate points of Albertville, Ala., and all intermediate points between Albertville, Ala., and Chattanooga, Tenn., with service at Albertville, Ala., restricted to the transportation of shipments moving from, to, or through Chattanooga, Tenn., and serving off-route points within three miles of the indicated portion of Alabama Highway 75: From Chattanooga, over U.S. Highway 11 to Trenton, Ga., thence over Georgia Highway 143 to the Alabama-Georgia State Boundary line, thence over Alabama Highway 75 via Albertville and Oneonta, Ala., to Birmingham, and return over the same route; (2) between Rainesville, Ala., and Scottsboro, Ala., serving all intermediate points: From Rainesville over Alabama Highway 35 to Scottsboro and return over the same route; and (3) between Scottsboro, Ala., and Chattanooga, Tenn., serving all intermediate points in Alabama on U.S. Highway 72 between Scottsboro and the Tennessee-Alabama State Boundary line, and the off-route point of Widows Creek, Ala.: From Scottsboro over U.S. Highway 72 to Chattanooga, and return over the same route. RESTRICTION: The service authorized herein is subject to the condition that the traffic moving to, from, or through Chattanooga may not be transported by said carrier to or from Birmingham. By the instant petition, petitioner seeks to eliminate the service restriction stated immediately above on operations between Chattanooga, Tenn., and Birmingham, Ala., to allow through operations between the two cities. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 114725 (Sub-No. 52) (Notice of Filing of Petition to Modify an Origin Point), filed March 3, 1974. Petitioner: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th St., Omaha, Nebr. 68110. Petitioner's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Petitioner holds a motor *common carrier* certificate in No. MC 114725 (Sub-No. 52) issued February 1, 1974, authorizing transportation, over irregular routes, of, *fuel oil*, in bulk, in tank vehicles, from Falls City, Nebr., to Marshall, Mo. By the instant petition, petitioner seeks to delete Falls City, Nebr., as a point of origin and substitute in lieu thereof, points in Richardson County, Nebr. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 134145 (Sub-Nos. 1 and 19) (Notice of Filing of Petition to Modify Commodity Descriptions), filed March 7, 1974. Petitioner: NORTH STAR TRANSPORT, INC., Route #1, Thief River Falls, Minn. 56701. Petitioner's representative: Robert P. Sack (same address as petitioner). Petitioner holds motor *contract carrier* permits in No. MC 134145 (Sub-Nos. 1 and 19) issued July 19, 1973, and April 3, 1973, respectively, authorizing transportation, over irregular routes, of in Sub-No. 1, (1) (a) *snowmobiles, boats, motor bikes, and racing vehicles;* and (b) *parts and accessories* of the commodities in (a) above, from Roseau, Thief River Falls, Karlstad, and Minneapolis, Minn., and Afton, Wyo., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* used in the manufacture of the commodities described in (1) (a) and (b) above (except commodities in bulk), from points in California, Colorado, Connecticut, Idaho, Iowa, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Montana, Nebraska, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Texas, Washington, and Wisconsin, to Roseau, Thief River Falls, Karlstad, and Minneapolis, Minn., and Afton, Wyo., under a continuing contract or contracts with Polaris Industries, Inc., of Roseau, Minn., and Arctic Enterprises, Inc., of Thief River Falls, Minn., and Arctic Metals Products, Inc., of Minneapolis, Minn.; and in Sub-No. 19, *materials, supplies, and equipment* used in the manufacture and sale of snowmobiles and motorbikes (except commodities in bulk), from points in Alabama, Arizona, Arkansas, Delaware, Florida, Georgia, Iowa, Kentucky, Louisiana, Nevada, New Hampshire, New Mexico, North Carolina, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wyoming, to Clearbrook, Detroit Lakes, Karlstad, Minneapolis, Moorhead, Roseau, and Thief River Falls, Minn.,

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under a continuing contract or contracts with Arctic Enterprises, Inc., of Thief River Falls, Minn., and Polaris Industries, Inc., of Roseau, Minn. By the instant petition, petitioner seeks to modify its commodity description in Sub-No. 1, 1(a) to read: *"Snowmobiles, boats, motor bikes, racing vehicles, and agriculture implements,"* and in (Sub-No. 19, to read: *"Materials, supplies, and equipment* used in the manufacture and sale of snowmobiles, motor bikes, and agriculture implements." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before April 26, 1974.

No. MC 136408 (Notice of Filing of Petition To Add an Additional Contracting Shipper), filed March 14, 1974. Petitioner: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Petitioner's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Petitioner holds a motor *contract carrier*, permit in No. MC 136408 issued August 30, 1972, authorizing, as pertinent, transportation, over irregular routes, of *meats, meat products, and meat byproducts and dairy products*, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Sioux City, Iowa, to New York, N.Y., under a continuing contract or contracts with Iowa Beef Packers, Inc., of Sioux City, Iowa (successor-in-interest to Sioux City Quality Packers, Inc.). By the instant petition, petitioner seeks to add Armour Food Co. as an additional contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before April 26, 1974.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE.

No. MC 2202 (Sub-No. 459), filed February 6, 1974. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, live stock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) Between Monroe, La., and Shreveport, La., serving the intermediate points of West Monroe, Ruston, Homer, and Springhill, La.: From Monroe over Interstate Highway 20 to Ruston, thence over U.S. Highway 80 to Arcadia, thence over Louisiana Highway 9 to junction of U.S. Highway 79, thence over U.S. Highway 79 to Homer, thence over Louisiana Highway 2 to junction of Louisiana Highway 159, thence over Louisiana Highway 159 to junction of Louisiana Highway 157, thence over Louisiana Highway 157 to junction of Louisiana Highway 3, thence over Louisiana Highway 3 to Shreveport, restricted against the transportation of local traffic between Homer and Springhill, La.; (2) between Arcadia and Shreveport, La., serving intermediate points of Minden and Bossier City: From Arcadia over U.S. Highway 80 to Shreveport and return over the same route; (3) between the junction of U.S. Highway 80 and Louisiana Highway 7 to Springhill, La., serving no intermediate points: From the junction of U.S. Highway 80 and Louisiana Highway 7 over Louisiana Highway 7 to Springhill and return over the same route;

(4) Between Bernice, La. and Vidalia, La., serving all intermediate points between Bernice and Jonesboro, La., Winnfield, La., and all intermediate points between Packton, La., and Vidalia, La.: From Bernice over U.S. Highway 167 to Packton, La., thence over Louisiana Highway 50 (formerly Louisiana Highway 108) to junction of U.S. Highway 84, thence over U.S. Highway 84 to Ferriday, thence over U.S. Highway 65 to Vidalia and return over the same route; (5) between Trout and Alexandria, La., serving all intermediate points: From Trout over Louisiana Highway 8 (formerly Louisiana Highway 19) to Pollack, thence over U.S. Highway 165 to Alexandria and return over the same route; (6) between Pollack, La., and junction of U.S. Highways 165 and 84 serving no intermediate points and serving the junction of U.S. Highways 165 and 84 for the purpose of joinder only: From Pollack over U.S. Highway 65 to junction of U.S. Highway 84 and return over the same route; and (7) between Winnfield and Trout, La. serving no intermediate points: From Winnfield over U.S. Highway 84 to Trout and return over the same route.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this application is to convert the Certificates of Registration issued to Kavanaugh Motor Freight MC 121162 to Certificates of Public Convenience and Necessity. This is a matter directly related to the Section 5 purchase proceeding in MC-F-12129 published in the FR issue of February 13, 1974. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 85850 (Sub-No. 9), filed December 26, 1973. Applicant: NEYLON FREIGHT LINES, INC., 541 South First Street, Lincoln, Nebr. 68508. Applicant's representative: Earl H. Scudder, Jr., 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value), Classes A and B explosives, commodities in bulk, commodities which because of size or weight require the use of special equipment, and commodities of unusual value), between Lincoln, Nebr., and Sidney, Nebr., serving the junction of U.S. Highway 385 and Nebraska Highway 19 as an intermediate point, with service at Sidney restricted for purposes of joinder only: From Lincoln, Nebr., via U.S. Highway 6 to junction Interstate Highway 80, thence via Interstate Highway 80 to junction U.S. Highway 385, thence via U.S. Highway 385 to junction U.S. Highway 30, thence via U.S. Highway 30 over its junction with Nebraska Highway 19 to Sidney, Nebr. and return over the same route.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. The purpose of this application is to convert applicant's irregular route authority to regular route authority. This matter is directly related to the Section 5 purchase proceeding in MC-F-11852, published in the FR issue of July 25, 1973. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC-F-11774. (Amendment) (MERCHANTS TRUCK LINE, INC.—CONTROL—MISSISSIPPI FREIGHT LINES, INC.), published in the January 24, 1973, issue of the FEDERAL REGISTER, on page 2368. Prior notice to be modified to read: "MERCHANTS TRUCK LINE, INC.—CONTROL AND *MERGER*—MISSISSIPPI FREIGHT LINES, INC.)."

No. MC-F-12126. (Correction) (REDBANK TRANSPORT, INC.—PURCHASE—CARL KREBS), published in the February 13, 1974, issue of the FEDERAL REGISTER on page 5543. Prior publication should be corrected to show that DRAVO CORPORATION controls UNION MECHLING CORPORATION, a motor common and contract carrier, and that UNION MECHLING CORPORATION controls RIVER FORWARDERS, INC., a freight forwarder.

No. MC-F-12137. (Correction) (MILLER TRANSFER AND RIGGING CO.—PURCHASE—COMMODORE CARTAGE COMPANY), published in the February 27, 1974, issue of the FEDERAL REGISTER on page 7629. Prior notice to be corrected to read as follows: ". . . commodities requiring special equipment because of size or weight . . ."

No. MC-F-12143. Authority sought for purchase by MAR VAN HAULING & RIGGING, INC., Avenue B, P.O. Box 169, Watervliet, NY 12189, of a portion of the operating rights of FORT EDWARD EXPRESS CO., INC., Route 9 Saratoga Rd., Fort Edward, NY 12828, and for acquisition by JAMES W. MARSHALL, AND ALVIN VAN DENBERG, both of Watervliet, NY 12189, of control of such rights through the purchase. Applicants' attorney: John J. Brady, Jr., 77 State St., Albany, NY 12207. Operating rights sought to be transferred: *Commodities* which because of size or weight require special equipment and special handling, as a *common carrier* over irregular routes, between points in Clinton, Essex, and Franklin Counties, N.Y., on the one hand, and, on the other, points in Franklin and Chittenden Counties, Vt. Vendee is authorized to operate under section 210a(a), pursuant to contract carrier permit in pending No. MC-136594 (Sub-No. 1). Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12150. (CORRECTION) (MOTOR CARGO—PURCHASE—WHOLESALE SERVICES, INC., DBA, R & R TRANSPORTATION COMPANY), published in the March 6, 1974, issue of the FEDERAL REGISTER on page 8696. Prior notice to be corrected to include: Applicants' attorney: Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, NE 68501; vendee is authorized to operate as a common carrier in Nevada, and Utah. The phrase (over regular routes) should be deleted from prior description.

No. MC-F-12154, (DODDS TRUCK LINE, INC.—PURCHASE—CLINTON TRUCK LINES, INC.), published in the March 13, 1974, issue of the FEDERAL REGISTER on page 9729. Application filed March 13, 1974, for temporary authority under section 210a(b).

No. MC-F-12169. Authority sought for purchase by HOWARD HALL COMPANY, INC., P.O. Box 698, Birmingham, AL 35201, of the operating rights and property of FOY CHALKER AND A. C. CREEL, doing business as DOVE TRUCK LINE, P.O. Box 1484, Dothan, AL 36301, and for acquisition by HOWARD HALL, SR., also of Birmingham, AL 35201, of control of such rights and property through the purchase. Applicants' attorney: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, AL 35203. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, and household goods, as a *common carrier* over irregular routes, from Jacksonville, Fla., to Dothan, Ala.; *canned citrus fruits and juices, and canned tomatoes*, from Winter Haven, Fla., and points and places in Florida within 70 miles of Winter Haven to Dothan and points and places in Alabama within 125 miles of Dothan; *cottonseed and raw peanuts*, from points and places in Georgia within 75 miles of Dothan, Ala., to Dothan; *cottonseed meal, peanut meal, shelled peanuts, cottonseed hulls, cotton lintors, cottonseed oil, and peanut oil*, from Dothan, Ala., to Mobile, Ala., and points and places in Georgia within 125 miles of Dothan and points and places in Florida west of Jefferson County; *cotton, cotton tags, livestock, and fertilizer*, between points and places in Florida west of Jefferson County, Fla., points and places in Georgia within 125 miles of Dothan, Ala., and points and places in Alabama within 125 miles of Dothan, including Dothan and Mobile, Ala.; *shelled corn*, between Dothan, Ala., and points and places in Alabama within 50 miles of Dothan, on the one hand, and, on the other, points and places in Georgia within 50 miles of Dothan, from Dothan, Ala., and points and places in Alabama and Georgia within 50 miles of Dothan, to points and places in Florida; *table sauces, mayonnaise, salad dressing, sandwich spread, French dressing, chili sauce, prune juice, and beverage syrup* (except in bulk, in tank vehicles), from Brundidge, Ala., to certain specified points in Florida; *canned non-alcoholic beverages*, other than citrus, from points in that part of Florida east of the Apalachicola River, to certain specified points in Alabama; *foodstuffs*, except in bulk, from Brundidge, Ala., to certain specified points in Florida, with restriction; *fruit and vegetable crystals*, from Lake Wales, Fla., to certain specified points in Alabama. Vendee is authorized to operate as a *common carrier* in Alabama, Florida, Georgia, North Carolina, and South Carolina. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12170. Authority sought for purchase by THE SANTA Fe TRAIL TRANSPORTATION COMPANY, 433 E. Waterman St., P.O. Box 56, Wichita, KS 67202, of a portion of the operating rights and property of THOMPSON BROS., INC., 21001 Cabot Blvd., Hayward, CA 94504, and for acquisition by SANTA Fe INDUSTRIES, INC., 80 E. Jackson Blvd., Chicago, IL 60604, of control of such rights and property through the purchase. Applicant's attorneys: Phillip Robinson, P.O. Box 2207, Austin, TX 78767, and Bertram S. Silver, 140 Montgomery St., San Francisco, CA 94104. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC-6275 (Sub-No. 6), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in Nebraska, Oklahoma, Kansas, Missouri, Colorado, New Mexico, Texas, California, Arizona, and Arkansas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12171. Authority sought for purchase by DON WARD, INC., P.O. Box 1488, Durango, CO 80216, of the operating rights of LESLEY ESTES, doing business as ESTES TRUCKING CO., P.O. Box 551, Rifle, CO 81650, and for acquisition by DON WARD, also of Denver, CO 80216, of control of such rights through the purchase. Applicants' attorney: Peter J. Crouse, 1700 Western Federal Bldg., Denver, CO 80202. Operating right sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between points in Garfield and Pitkin Counties, Colo., between points in Garfield and Pitkin Counties, Colo., on the one hand, and, on the other, points in Colorado, with restriction, between Rifle, Colo., on the one hand, and, on the other, points within 20 miles of Rifle except those on U.S. Highways 6 and 24; *oil shale*, in bulk, from points in Garfield and Rio Blanco Counties, Colo., to points in Albany County, Wyo. Vendee is authorized to operate as a *common carrier* in Arizona, California, Colorado, Iowa, Kansas, Montana, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, Utah, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-12172. Authority sought for purchase by OLIVER TRUCKING COMPANY, INC., P.O. Box 53, Winchester, KY 40319, of a portion of the operating rights of HARRISON - SHIELDS TRANSPORTATION LINES, INC., P.O. Box 445, Meadow Lands, PA 15347, and for acquisition by RALPH OLIVER, also of Winchester, KY 40391, of control of such rights through the purchase. Applicants' attorneys: Louis J. Amato, 1301 Ambassador Bldg., St. Louis, MO 63101 and Maxwell A. Howell, 1100 Investment Bldg., 1511 K St. NW., Washington, DC 20005. Operating rights sought to be transferred: *Such merchandise* as is dealt in by mail order houses and department stores, the business of which is the sale of general commodities, as a *common carrier* over irregular routes, between Coraopolis, McKeesport, Neville Island, and Pittsburgh, Pa., on the one hand, and, on the other, Williamson, W. Va., and Ashland, Ky. Vendee is authorized to operate as a *common carrier* in Kentucky, Pennsylvania, West Virginia, Tennessee, North Carolina, Georgia, Alabama, Mississippi, Illinois, Indiana, Michigan, Missouri, Ohio, South Carolina, Virginia, Wisconsin, Arkansas, Delaware, Florida, Iowa, Louisiana, Maryland, Minnesota, New Jersey, New York, Connecticut, Maine, Massachusetts, New Hampshire, Oklahoma, Rhode Island, Texas, Vermont, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12173. Authority sought for purchase by CHEROKEE HAULING & RIGGING, INC., 540 Merritt Ave., Nashville, TN 37203, of the operating rights of VIRGINIA HAULING COMPANY, 1205 8th Ave., So. Nashville, TN 37203, and for acquisition by M. BRYAN STANLEY, also of Nashville, TN 37203, of control of such rights through the purchase. Applicants' attorney: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Operating rights sought to be transferred: *Lime*, as a *common carrier*, over irregular routes, from points in a defined area of Virginia, to points in a defined area of Maryland, and Pennsylvania, and Wilmington, Del., Washington, D.C., and points within ten miles of Washington, D.C., from Glen Allen, Va., to Washington, D.C., and points in a defined area of

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Maryland, Pennsylvania, and Wilmington, Del., and points in Maryland within ten miles of Washington, D.C., from Richmond, and Boulevard, Va., to points in a defined area of Maryland, and Washington, D.C., and points within ten miles of Washington, D.C., from points in Mathews and Gloucester Counties, Va., to Washington, D.C., and Baltimore, Md., from Hagerstown, Md., and Martinsburg, W. Va., to points in a defined area of Virginia; *fertilizer* and *fertilizer materials*, from Baltimore, Md., to Richmond, Va.; (1) *commodities* the transportation of which because of size or weight requires the use of special equipment, (2) *self-propelled articles*, each weighting 15,000 pounds, and (3) *building materials*, between points in Virginia, except those points located in Northumberland, Lancaster, Westmoreland, and Richmond Counties, Va., and in that part of King George County, Va., on and east of U.S. Highway 301, on the one hand, and, on the other, points in the District of Columbia, and points in North Carolina, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, and New York;

Farm products, in truckload lots, between points in Virginia, excepting those located in Northumberland, Lancaster, Westmoreland and Richmond Counties, Va., and in that part of King George County, Va., on the east of U.S. Highway 301, on the one hand, and, on the other Washington, D.C., and New York, N.Y.; *wooden pallets*, set up or knocked down, from Williamsburg, Va., to points in Delaware, Maryland, New Jersey, and Pennsylvania, and those on Long Island, N.Y., and New York, N.Y., and the District of Columbia; *wooden pallets* and *lumber*, except plywood and veneer, from points in Virginia to points in Massachusets, Rhode Island, Connecticut, and Ohio (except from Chase City and Keysville, Va., to points in Ohio); *wooden pallets*, from Lorne and Tylers, Va., and from the plant site of Thornburg Manufacturing Company, Inc., near Woodford, Va., to points in North Carolina, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and the District of Columbia; *iron and steel articles*, as described in Appendix V to the report *Description in Motor Carrier Certificates*, 61 M.C.C. 209, on flatbed trailers, from the sites of plants or warehouses of the United States Steel Corporation located at Clairton, Duquesne, Braddock, Homestead, McKees Rocks, West Mifflin, and Vandergrift, Pa., and from the sites of plants or warehouses of Jones and Laughlin Steel Company located at Aliquippa and Pittsburgh, Pa., to points in Virginia (except points in King George, Fairfax, Loudoun, Clarke, Fauquier, Prince Williams, Frederick and Stafford Counties;

Wire bound box material, *wooden pallets*, and *pallet parts*, from Richmond, Va., to Greensburg, Creighton, and Ford City, Pa.; *pallets*, *pallet boxes*, *skids* and *platforms*, from points in a defined area of Virginia, to points in Delaware, New Jersey, New York, and a portion of West Virginia and Pennsylvania; *salt*, in bags, from Fairport Harbor, Ohio to points in a defined area of Virginia; *salt* and *salt mixtures*, from Cleveland, Akron, Rittman, Fairport, and Fairport Harbor, Ohio, to points in a defined area of Virginia; *composition building board*, from the plant site and storage facilities of Southern Johns-Manville Corporation at Jarratt, Va., to points in Connecticut, Massachusetts, and Rhode Island; *steel articles*, from the sites of the plants, warehouses, and storage facilities of Commercial Shearing and Stamping Company, and of Syro Steel Company at or near Youngstown, Ohio, to points in Maryland, Virginia, and the District of Columbia; *silica sand* (except in bulk), from the plant site of Ottawa Silica Company at North Stonington, Connecticut, to the plant site of Southern Johns-Manville Corporation at Jarratt, Va.; *wood fiberboard*, from the plant site and storage facilities of Evans Products Company at or near Doswell, Va., to points in North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Ohio, and the District of Columbia. Vendee is authorized to operate as a common carrier in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority unler section 210a(b).

Notice is hereby given that Fort Dodge, Des Moines & Southern Railway Company, 400 West Madison Street, Chicago, Illinois 60606, by its attorney, Christopher A. Mills, has filed an application with the Interstate Commerce Commission pursuant to section 5(2) of the Interstate Commerce Act for authority to purchase all of the assets of Des Moines Western Railway Company. The application has been docketed as Finance Docket No. 27575. The assets to be purchased include 4.83 miles of main, yard and side tracks and a freight house, all located in the City of Des Moines, Polk County, Iowa. In the opinion of the applicant, Commission approval of the proposed transaction will not constitute a major Federal action having a significant effect upon the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act of 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b) (1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before April 26, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-7102 Filed 3-26-74;8:45 am]

[Notice No. 50]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 16, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74947. By order of March 22, 1974, the Motor Carrier Board approved the transfer to Norbert R. Peters, doing business as Norbs Trucking, Delmont, S. Dak., Certificate No. MC–102570 issued October 30, 1967, to Lester Ebright, Delmont, S. Dak., authorizing the transportation of livestock between Delmont, S. Dak., on the one hand, and, on the other, Sioux City, Iowa; and building materials, livestock, poultry feed, and fertilizer from Sioux City, Iowa, to Delmont, S. Dak. Mr. Don A. Bierle, Attorney at Law, 322 Walnut Street, Box 38, Yankton, S. Dak. 57078.

No. MC–FC–74958. By order of March 21, 1974, the Motor Carrier Board approved the transfer to A & W Service, Inc., doing business as Chandley Cartage Co., Henderson, Ky., of the operating rights in Certificates Nos. MC–1035 and MC–1035 (Sub-No. 3) issued September 17, 1943, and May 10, 1973, respectively, to John W. Chandley, doing business as Chandley Cartage Co., Henderson, Ky., authorizing the transportation of general commodities, with exceptions, between Henderson, Ky., and Evansville, Ind., serving intermediate or off-route points in Henderson, McLean, and Webster Counties, Ky (except Geneva, Henderson, Providence, and Sebree, Ky., and points in the commercial zones thereof), and household goods as defined by the Commission, between Henderson, Ky., on the one hand, and, on the other, Evansville, Ind. William M. Deep, 140 North Main Street, Henderson, Ky. 42420, attorney for applicants.

No. MC–FC–75010. By order entered March 22, 1974, the Motor Carrier Board approved the transfer to Schoelman Lines of Texas, Inc., Houston, Tex., of the operating rights set forth in Permits Nos. MC–134455 and MC–134455 (Sub-No. 2), issued November 16, 1971, as corrected February 28, 1972, and July 11, 1973, respectively, to Schoelman Lines, Inc., Houston, Tex., authorizing the transportation of dry animal and poultry feeds and feed ingredients (except lime, urea, and salt), between points in Texas, on the one hand, and, on the other, points in Arkansas, Louisiana, and Mississippi, and Memphis, and Tiptonville, Tenn., under a continuing contract with Hathan Segal & Company, Incorporated; and defluorinated phosphate feed supplements, from Houston, Tex., to points in Mississippi, under a continuing contract with Olin Corporation. E. H. Thornton, Jr., 3610 One Shell Plaza, Houston, Tex. 77002, attorney for applicants.

[SEAL] ROBERT S. OSWALD, *Secretary.*

[FR Doc.74-7101 Filed 3-26-74;8:45 am]

[Rev. S.O. 994; Rev. I.C.C. Order 76; Amdt.]

READING CO.

Rerouting Traffic

MARCH 22, 1974.

Upon further consideration of I.C.C. Order No. 76 (Reading Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 76 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 15, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 15, 1974, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 13, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74-7097 Filed 3-26-74;8:45 am]

[Ex Parte No. 293 (Sub-No. 1)]

NORTHEASTERN RAILROAD INVESTIGATION

Review of the Secretary of Transportation's Rail Service Report; Public Hearings; Correction

MARCH 22, 1974.

In the above-captioned matter published at 39 FR 9508, March 11, 1974, the phone number on line 19 was inadvertently transposed and should be 716/842–2008.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-7100 Filed 3-26-74;8:45 am]

[Service Order 1179]

TEXAS AND PACIFIC RAILWAY CO.

Order To Operate Trains of National Railroad Passenger Corporation (Amtrak)

At a Session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 21st day of March 1974.

It appearing, that the National Railroad Passenger Corporation (Amtrak) has established through passenger train service between St. Louis, Missouri, and Laredo, Texas; that the operation of these trains requires the use of the employees, tracks and other facilities of The Texas and Pacific Railway Company (T&P) between a connection with the Missouri Pacific Railroad Company (MP) at Texarkana, Arkansas, and a connection with The Atchison, Topeka, and Sant Fe Railway Company (ATSF) at Fort Worth, Texas; that the T&P has refused to permit the continued operation of the aforementioned Amtrak trains over its tracks between Texarkana, Arkansas, and Fort Worth, Texas, pending completion of an operating agreement with Amtrak; that the failure to operate these trains over their entire routes would force the public to find alternative methods of transportation requiring greater expenditures of energy, thus creating an emergency and that operation of the aforementioned Amtrak trains over tracks of the T&P between Texarkana, Arkansas, and Fort Worth, Texas is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1179 **The Texas and Pacific Railway Company ordered to operate trains of National Railroad Passenger Corporation (Amtrak).**

(a) The Texas and Pacific Railway Company (T&P) be, and it is hereby, ordered, to operate trains of the National Railroad Passenger Corporation (Amtrak) between a connection with the Missouri Pacific Railroad Company (MP) at Texarkana, Arkansas, and a connection with The Atchison, Topeka and Santa Fe Railway Co. (ATSF) at Fort Worth, Texas including the use of any of its employees, tracks and other facilities as may be required.

(b) *It is further ordered*, That such operations of Amtrak trains by or over the facilities of T&P shall be continued until such time as they may be conducted under the terms of an agreement between Amtrak and the T&P which agreement shall be retroactive to the first day of operation of such trains. The aforementioned agreement may be voluntarily reached between the carriers or, if unable to so agree, shall be determined by the Commission after hearing.

(c) *It is further ordered*, That the relief granted herein is subject to, and without prejudice to the rights of the parties in, Civil Action 74–CV–111–4–4, *National Railroad Passenger Corporation v. Missouri Pacific Railroad Company, et al.*, before the United States District Court for the Western District of Missouri and any appeals from orders of said Court.

(d) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(e) *Effective date.* This order shall become effective at 12:01 a.m., March 22, 1974.

(f) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(45 U.S.C. (562).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-7099 Filed 3-26-74;8:45 am]

COST OF LIVING COUNCIL

HEALTH INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given that the Health Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on April 3, 1974. The meeting will be open to the public on a first-come, first-served basis at 10 a.m., in Conference Room 8009, 2025 M Street, NW., Washington, D.C.

The agenda will consist of a discussion of the health industry wage cases currently pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Issued in Washington, D.C., on March 25, 1974.

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.74-7260 filed 3-26-74;11:25 am]

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WEDNESDAY, MARCH 27, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 60
PART II

COST OF LIVING COUNCIL

■

PHASE IV HEALTH CARE REGULATIONS

Miscellaneous Amendments

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Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

Correcting and Supplemental Amendments to the Phase IV Health Care Regulations

The purpose of these amendments is to correct typographical and other errors and to clarify and supplement certain of the Phase IV health care regulations.

On November 5, 1973, the Council issued a notice of proposed rulemaking, 38 FR 30850 (November 7, 1973) setting out proposed Phase IV health care regulations for comment by the public. On January 23, 1974, at 39 FR 2670, the Council published the health care regulations in final form, with substantial changes from the proposed regulations as a result of extensive public participation in the rulemaking. On March 6, 1974, the Council issued for public comment certain proposed health care forms to be used for reports required by the regulations, and indicated at that time that additional clarifying and supplemental amendments to the regulations would be published in the near future. The proposed forms were published at 39 FR 9768 (March 13, 1974). These amendments include certain changes which the Council is making as a result of the development of the proposed forms (including frequent consultation with interested persons in the health care sector), as well as clarifying changes resulting in large part from public response to the regulations.

In order that the public may have a complete set of Phase IV health care regulations, with the changes incorporated in the text, Subpart R of Part 150 is being republished at this time. The more significant changes are indicated below for each category of covered health care provider: Acute care hospitals (§§ 150.701 through 150.722), medical practitioners and medical laboratories (§§ 150.730 through 150.745), Health Maintenance Organizations and Health Maintenance Organization providers of health care (§§ 150.748 through 150.764), and long term care institutions (§§ 150.769 through 150.788). In addition, various other clarifying and conforming changes have been made in Subparts D, M, and O of Part 150, and Part 155, as indicated below.

Miscellaneous Provisions

Section 150.57 of Subpart O has been substantially amended to provide greater clarity. Paragraph (a) contains the list of exempt providers, to which inhalation therapists have been added. The exemption for rehabilitation centers has been clarified to apply only to rehabilitation outpatient centers. A general classification has been added for residential shelter or child care institutions not included within the definition of long term care institutions.

Paragraph (b) excepts from the exemption provisions most of the categories of providers if they are owned or operated by an acute care hospital, long term care institution, Health Maintenance Organization or HMO provider of health care services, and clinics and dispensaries, if they are owned or operated by a medical practitioner.

Paragraph (c) has been added to § 150.57 to clarify that the exemption provided by this section is effective during the fiscal year ending on or after January 1, 1974, and all subsequent fiscal years.

Section 150.415 has been amended in several respects. The introductory language in both paragraphs (a) and (b) has been revised to make clear that "each health insurer is authorized and expected" to monitor and report violations by health care providers. Paragraph (b) has been revised in several minor respects to clarify the intent of the section. Previously this paragraph provided that claims selected for review need not include claims under all coverages. As revised, insurers may exclude from their review those coverages which represent an insignificant portion of that insurer's premium volume. However, in its semi-annual report (Form CLC–102) the insurer shall state the proportion of its premium volume that is thus excluded. The amendments to § 150.415 include references to Forms CLC–101 and 102 which have not been published. The Council anticipates the publication of the proposed Forms CLC–101 and 102 within the near future, as well as Form CLC–27 relating to prenotification and reporting requirements for HMOs.

Section 150.501 has been amended to clarify the scope of Subpart O. Essentially, the applicability of Subpart O is limited as provided in Subpart R.

Several minor changes have been made in Part 155 to update and correct references to the new health care sections of the regulations. Section 155.21 (c) has been amended to provide for the new reporting requirements of § 150.415 of Subpart M. Paragraph (d) of § 155.21 has also been amended to include reference to persons subject to Subpart R. Section 155.41 has been amended to include reference to persons subject to Subpart R.

Subpart R—Health Care, Acute Care Hospitals

There have been a number of clarifying changes in the acute care hospital regulations and a number of changes correcting typographical or other minor errors in the regulations published January 23, 1974. Other changes explained in this preamble are of substance and represent a refinement of the health care regulations.

In § 150.701, the March 31, 1974 deadline for the election between Subpart O and Subpart R has been changed to Monday, April 1, 1974. Paragraph (c) of § 150.701 has been revised to make clear that acute care hospitals subject to the HMO sections (§§ 150.758 through 150.764) are subject to the option provision of § 150.701. Paragraph (d) of § 150.701 clarifies that distinct long term care units within acute care hospitals are subject to the long term care sections (§§ 150.769 through 150.788) in lieu of §§ 150.701 through 150.722.

A paragraph (e) has been added to § 150.701 to emphasize that the acute care hospital regulations of Subpart R shall prevail over any other provisions of Part 150, should there be any conflict.

Several definitions in § 150.703 have been revised. The definition of "Cost reimbursement arrangement" has been amended to include arrangements for payment on the basis of charges when charges are less than cost. "Free care" has been redefined as the customary charges for health care services and property furnished to an inpatient unable to pay and for which a bill is not rendered to the patient or third party payor. "Free care" also includes the difference between the customary charge and the amount actually billed. The definition expressly excludes contractual allowances, bad debts and courtesy discounts.

An important change has been made in the definition of "new facility." Basically, the decision has been made to limit "new facility" treatment to hospitals which commence operations for the first time or have not operated for one year prior to current operations, or which have undergone physical replacement. Thus, as of the date of issuance of these clarifying amendments, the 70 percent test is no longer available to qualify a hospital as a new facility. That test is related to a determination of quality of services or property under the Phase II/III rules (6 CFR 300.409). Since any capital expenditure will result in an add on to the authorized base, there is no need to give special treatment to capital expenditures amounting to 70 percent net of book value. Under the definition as amended, "new facility" status will be allowed for any hospital that met the 70 percent or $100,000 test, which receives a "new facility" determination in response to a request filed prior to March 20, 1974, or which receives approval from the State planning agency or the Council in response to a request filed between January 1, 1974 and March 20, 1974, or which meets the requirements of § 150.713(a)(2).

The definition of "new market" has been deleted. Any situation formerly covered by that term will be treated as a new facility. The definition of "total inpatient reimbursed expenses" has been clarified to include total inpatient operating expenses either accrued or paid, or accrued and paid under the cost reimbursement arrangements.

Following publication of the final health care regulations in January it became apparent that § 150.704 was subject to conflicting interpretation. The prior commitments section was therefore clarified. As amended, § 150.704 provides that interpretations, decisions and prospective exceptions issued to hospitals prior to January 17, 1974, remain in force. Paragraph (b) of this section provides that the prior commitment shall not apply to exceptions authorizing dollar increases under Subpart O to hospitals that are subject to Subpart R

(either by election or automatically by the provisions of § 150.701). In other words, an exception under the Phase III rules granting a dollar increase in the future may be used only under the Phase III rules. The exception is inoperative under Phase IV rules. Finally, § 150.704 has been clarified to permit the annualization of charge increases and charges for new services allowed and put in effect during a hospital's last fiscal year under Subpart O, for purposes of determining the base for allowances under Subpart R.

The basic limitation of § 150.705 has been amended in several minor respects. The 7.5 percent limitation on increased charges and expenses is computed by reference to the lesser of the authorized or actual levels of charges and expenses in the base year. Paragraph (a) has been further amended to apply the adjustments of §§ 150.706, 150.708 and 150.712 to the trigger (total inpatient operating expenses) relaxing the limitations on total inpatient reimbursed expenses. Here again, the percentage limitation is computed by reference to the lesser of the authorized or actual level of total inpatient operating expenses per admission.

Paragraph (b) of § 150.706 has been amended to provide that the limitation on total inpatient reimbursed expenses shall not apply if total inpatient operating expenses do not exceed 107.5 percent of the authorized or actual level of total inpatient operating expenses for the preceding year, whichever is less. The substance of § 150.706(e) has been retained under the special pricing rules, § 150.709.

Section 150.707 has been changed in several places to provide greater clarity. References to "prices" in the formula in § 150.707(c)(2)(iii) have been changed to "charges." In § 150.707(c)(1) the parenthetical phrase has been deleted, since the rounding to the nearest quarter dollar was never intended to authorize increases up to a quarter dollar over allowables. Rounding remains permissible so long as the charge increase limitations are not exceeded.

In § 150.707(c)(2)(iii), "B_t" in the formula has been clarified to mean total gross charges during the immediately preceding fiscal year for outpatient services and property subject to the limitations of this section. Section 150.707(c)(3), as now amended, gives hospitals the option to use an alternative formula for determining %AWCI.

A number of changes have been made in § 150.709 to clarify the section itself, and to enable hospitals to understand more easily the inter-relationship of the special pricing rules and the capital expenditure provisions. Section 150.709(a) thus provides that the rules of this section may only be used as authorized in other sections of Subpart R; specifically, §§ 150.713 and 150.714(c).

For example, the price rule available to a new facility may be used only if the capital expenditure which results in the new facility meets the requirements of § 150.713 or § 150.714(c).

Section 150.709(b) is similar to § 150.709(a) of the regulations issued January 17, 1974. The references to new markets and capital expenditures not meeting the definition of a new facility have been deleted. A new facility, which, as previously explained, would include a new market situation, may utilize the special pricing rules of § 150.709(b). Section 150.709(e) applies to approved capital expenditures that do not result in a new facility.

Section 150.709(b)(1), (2) and (3) has undergone minor changes. The first has been amended to set the occupancy rate at "not less than" 65 percent (or such higher figure as may be appropriate). Section 150.709(b)(1), (2) and (3) have each been amended by the substitution of the word "interest" for "debt service" in the regulations as issued January 17, 1974. The previous allowance of debt service and depreciation costs inadvertently provided a double allowance for principal.

Section 150.709(b) of the previous regulations has been deleted. Phased construction will be priced as a single capital expenditure or as distinct capital expenditures.

The language in § 150.709(d) has been changed and the last sentence of this paragraph as issued on January 17, 1974, has been deleted. The effective limit of the time in which the special price rules may be used is unchanged.

Section 150.709(e) has been substantially revised to clarify the manner of pricing services because of capital expenditures. In the case of a capital expenditure which results in a new facility, the hospital may establish new charges for all services and property. For other capital expenditures, for each fiscal year in which the capital project is being constructed (or if it is not a construction project, for the fiscal year in which the project is being introduced) and during the first fiscal year of operation, the hospital may establish a level of charges and expenses sufficient to produce the level of revenues approved by the State agency described in § 150.713(c) or by the Council. The hospital shall determine for each fiscal year prior to the second full fiscal year of operation the allowable total inpatient operating charges and expenses. In each of the applicable fiscal years the level of charges and expenses established under § 150.709(e) are added to the base to which the adjustments authorized by §§ 150.705, 150.706, 150.708 and 150.712 are made.

Section 150.709(f) has been amended by the addition of a provision which subjects outpatient charges provided in a new facility to the unit charge limitations of § 150.707(c)(1) in the first full fiscal year after the service or property was made available to patients, and thereafter to § 150.707(c)(1) or (2).

The title of § 150.710 has been changed to "Charge schedules," and the last sentence has been amended to clarify that charge increases must be entered on the charge schedule before they may be implemented. The posting requirement and the requirement that he schedule be available for inspection remains in effect whether or not there is a charge increase.

Section 150.711, formerly reserved, now requires the maintenance of records sufficient for the hospital to establish its compliance status. Such records must be available for inspection upon request of an officer or employee of the Council, or any other person authorized to represent the Council. The section establishes a retention period of 3 years from the end of the fiscal year to which the records pertain.

A number of clarifying changes have been made in the patient mix section. The provisions under System B in § 150.712(b) have been amended to provide as an alternative system the Eighth Revision, International Classification of Diseases, which is the official disease classification in use by the U.S. Government and which has also been widely adopted by acute care hospitals. Several clarifying changes have been made in § 150.712(c), steps 6 through 8, including the substitution of "total inpatient operating expenses" in step 8 in place of "total inpatient reimbursed expenses."

The provisions of § 150.712(f) relating to the patient mix adjustment have been amended to include the percentage limitation of § 150.708 along with those of §§ 150.705 and 150.706. The prenotification required by § 150.712(f) must be given to the Council as soon as the hospital becomes aware of the trend in patient mix permitting the adjustment.

Section 150.713 relating to State approval procedures for capital expenditures has been substantially revised. Except as provided in § 150.713(a)(2), when a hospital has the approval of the State planning agency for a capital expenditure pursuant to § 150.713, it may establish new charges in accordance with § 150.709 necessary to produce, but not to exceed, the level of revenues approved by the State agency.

Section 150.713(a)(2) excepts from the provisions of paragraphs (b) through (f) of § 150.713 and paragraph (c) of § 150.714 those hospitals that have taken the following actions prior to January 1, 1974:

The hospital shall have obtained an approval on the merits by the State planning agency on the basis of community need for the capital expenditure. This requirement shall not apply, however, where the State approval procedures of § 150.713(b)(1) were neither required nor available. In the case of capital expenditures involving construction, the hospital shall have completed and have the approval of the governing board for the design development for the capital expenditure.

In the case of capital expenditures that do not involve construction, the hospital shall have been committed to the capital expenditure by authorization of the hospital's governing board and one or more implementing financial obligations shall have been contractually incurred in reliance on the authorization. Where these requirements have been met the hospital may establish new charges in accordance

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with § 150.709. The Council reserves the right to review the application of the special pricing rules authorized by this paragraph and to take appropriate action if it determines that the requirements have not been met.

Section 150.713(c) requires hospitals to obtain approval from the State agency of a level of revenues that is not unreasonable to finance the operating expenses directly related to the capital expenditure, including interest and depreciation, for the first full fiscal year of operations. This paragraph, as amended, also specifies that before a State approving agency may act pursuant to this section, the Council and the State agency shall have first agreed in writing for the State agency to approve capital expenditures pursuant to this section.

Section 150.713(d) has been added to authorize the State agency to allow an adjustment, where appropriate, for changes in volume of admissions resulting from a capital expenditure involving a change in bed capacity.

Several clarifying changes have also been made to § 150.713(e). A paragraph (f) has been added to provide for the situation where increased construction costs mean that the hospital needs to obtain approval for a higher level of revenues than originally authorized. The procedure for obtaining approval of a higher level of revenues is the same as used to obtain the original approval, except that in addition the hospital is required to submit documentation to substantiate the changed financial conditions that necessitate the increased level of revenues.

Section 150.714 (a) and (b) has been amended in minor respects for clarification. Section 150.714(c) has been amended to conform its provisions for Council approval of capital expenditures where no State approving agency exists to the provisions of § 150.713 for approval of capital expenditures by State agencies.

Section 150.715 has been amended to provide for the Council to authorize and appoint a Federal official to meet with State advisory agencies, and grant and deny exception requests pursuant to § 150.714.

Section 150.717 has been amended in several respects. Paragraph (a) as amended requires that the Form CLC–61 be filed with the Council, that it be signed by the chief executive officer, administrator or chief financial officer, and that it be furnished upon request to third party payors. Paragraph (b) of § 150.717 requires hospitals which, pursuant to § 150.713(a)(2); establish new charges for services or property resulting from a capital expenditure to append to and file with the Form CLC–61, a statement of incurred expenses and a statement of the method of application of § 150.709 to establish charges, prior to the second full fiscal year after the service or property was first made available to patients.

Section 150.720 has been amended at paragraph (a)(2) by the deletion of the words "charges and" which had been erroneously inserted.

Section 150.720(a) has been amended by the addition of a paragraph (3) to provide authority for the Council to order the reduction of prospective rate payments where the limitations of §§ 150.705 and 150.706 on prospective rate revenues have been exceeded. Paragraph (b) of § 150.720 has been amended to delay the requirement of filing a compliance plan where at the time for filing the annual report an exception request is pending which, if granted, would eliminate the violation. In such case the compliance plan must be filed within 20 days of receipt of the decision and order denying the exception request or granting an amount less than necessary to eliminate the violation.

MEDICAL PRACTITIONERS AND MEDICAL LABORATORIES

A number of clarifying changes have been made to the sections in Subpart R which govern the price increases made by medical practitioners and medical laboratories. Typographical and similar minor errors have been corrected throughout.

Paragraph (b) of § 150.730, "Scope and applicability", has been amended to treat as an HMO provider of health care any medical laboratory which derives at least 75 percent of its aggregate annual revenues from services rendered to Health Maintenance Organization members pursuant to a contract. Similar changes have also been made in those sections governing Health Maintenance Organizations and HMO providers of health care.

A new paragraph (c) has been added to § 150.730 to make clear that the provisions of Subpart R prevail over any possibly conflicting provisions within Part 150.

Section 150.731 *Continued applicability of existing regulations* has been expanded to specify that the prices in effect on December 28, 1973 shall be used as the base for the computation of allowable price increases.

The date for determining eligible base period fiscal years in the definition of "base period" in § 150.722 has been changed from August 15, 1968 to August 14, 1968. This change has been made in recognition of the fact that a fiscal year ending on August 15, 1968 would have been one of the three most recently completed fiscal years at the time the Economic Stabilization Program was announced on August 15, 1971. Fiscal years ending prior to August 15, 1968 which had been previously authorized for inclusion in the base period remain unaffected by the change.

The definition of "medical laboratory" has been modified to clarify the Cost of Living Council's intent that only independent medical laboratories are subject to the price controls on medical laboratories. If a firm providing laboratory services meets the definition of a medical practitioner or is owned or operated by an acute care hospital or long term care institution, it is not considered a "medical laboratory" notwithstanding the fact that it otherwise fits within that definition.

A typographical error has been corrected in the definition of "new market" by changing the citation for a medicare locality from 30 CFR 405.505 to 20 CFR 405.505.

The definition of "price" has been revised. Formerly the charge for a service or property was the price, even where the charge was greater than the amount actually reimbursed. Under the revised definition, in such a case the amount actually reimbursed is the price. The medical practitioner in revising his prices must subject such amounts to the unit price increase limitation or to the aggregate weighted price increase limitation of § 150.734.

Section 150.733 *Prior commitments* has been amended to permit the use of the aggregate weighted price increase formula provided in this subpart for unused allowable percentage price increases accumulated from Phases II and III.

Section 150.734 *Price increase limitations* has been amended to clarify that only the prices for services and property related to the provision of health care are subject to control under Subpart R. The rounding to the nearest quarter dollar provision has been deleted since it was not the Council's intention to make rounding of the price charged mandatory; rounding remains permissible so long as the price increase limitations are not exceeded. The Cost of Living Council has also determined that unused price increases in a fixed dollar amount contract may be accumulated for more than one calendar year; paragraph (c) has been amended to reflect this decision. Paragraph (d)(3) has been revised to give the medical practitioner or medical laboratory the option of using an alternative formula for determining %AWPI.

The revenue margin limitation provision, § 150.735, has been amended in paragraph (b) to identify more clearly the years for which salary and certain deferred compensation must be excluded from operating expenses.

The only change in § 150.736, "New services and property," is to delete the phrase "or expenses" in paragraph (c) since § 150.736 makes no provision for the establishment of an expense level for new services or property.

Section 150.738 *Price schedules* has been amended to clarify that price increases must be entered on the price schedule before they may be implemented. The posting requirement and the requirement that the schedule be available for inspection remains in effect whether or not there is a price increase.

The address for submission of compliance plans in § 150.741 *Remedies for non-compliance* is now the "Office of Health" instead of the "Office of Health (Compliance)."

A new § 150.743 *Reporting* has been added to provide for reporting to the Cost of Living Council upon request of the Council on Form CLC–81. Another new section, § 150.74, has been added to provide for the retention and availability of records. The savings and severability provision has been renumbered from §§ 150.743 to 150.745.

HEALTH MAINTENANCE ORGANIZATIONS (HMOs) AND HEALTH MAINTENANCE ORGANIZATION PROVIDERS OF HEALTH CARE

Section 150.748 *Scope and applicability* has been rewritten to make the effective date of these rules for Health Maintenance Organizations January 1, 1974, consistent with the provision in § 150.752 that all rate increases after December 31, 1973 must be made in accordance with the criteria set forth in that section. The revised section also makes the effective dates for HMO providers of health care consistent with the dates specified for acute care hospitals, medical practitioners, medical laboratories, and long term care institutions.

Section 150.749 *Continued applicability of existing regulations* has also been revised to correspond with the equivalent provisions elsewhere in Subpart R.

The definition of "HMO provider of health care" in § 150.750 has been expanded to include a medical laboratory under contract to an HMO which derives at least 75 percent of its aggregate annual revenues from services rendered to HMO members.

The prior commitments section, § 150.751, has been extensively revised to correspond with the changes made in §§ 150.704, 150.733 and 150.772 for acute care hospitals, medical practitioners and medical laboratories, and long term care institutions. The revisions provide the same authorizations for HMO providers of health care to adjust the base on which the Subpart R allowances are computed as are authorized for acute care hospitals, medical practitioners, medical laboratories, and long term care institutions.

Factors that may be used in the rate-making process to anticipate costs or price increases, § 150.752(a)(5), have been modified to include outpatient care provided in a long term care institution and health care provided by a medical laboratory. The factor representing provision of health care by medical practitoners or medical laboratories has been revised to make clear that contracts on a percentage of gross or net revenue basis are treated the same as contracts on a fee-for-service basis.

The form on which an HMO is to prenotify a rate increase has been specified in an amendment to § 150.754 *Prenotification*. The Form CLC–27 is to be used both for prenotification and for annual reports required under § 150.760.

Section 150.757 *Federal employees health benefits law* has been corrected by the reinsertion of language which was inadvertently omitted in both the proposed and final regulations governing HMOs. The additional language corresponds to the language in § 150.413 *Federal employees health benefits law* of Subpart M—Insurance.

Section 150.760 *Reporting* has been amended to specify that the annual report, filed on Form CLC–27, shall be signed by the chief executive officer or by an individual to whom he has delegated that authority. A copy of the delegation must be filed with the Cost of Living Council.

The rules for HMO providers of health care, § 150.761, have been modified to subject medical laboratories to the same limitations as medical practitioners and to clarify the Council's intent that contracts on a fee-for-service basis include contracts for a percentage of gross or net revenue. The rules have been further modified to make HMO providers of health care that are acute care hospitals and long term care institutions subject to the capital expenditure approval provisions, §§ 150.713, 150.714(c), 150.781, and 150.782(c), in addition to the special pricing rules, §§ 150.709 and 150.778, as appropriate.

A new § 150.763 *Retention and availability of records*, has been added and the existing § 150.763 *Savings and severability* has been renumbered § 150.764.

Corrections of typographical errors and changes in citations to correspond with these amendments have been made when necessary throughout these rules.

LONG TERM CARE INSTITUTIONS

On February 7, 1974, the United States District Court for the District of Columbia enjoined enforcement of the Economic Stabilization price regulations against nursing homes. The Council has appealed this decision to the Temporary Emergency Court of Appeals. These amendments to §§ 150.769 through 150.788 are being published for those long term care institutions not covered by the Court's order. With respect to nursing homes covered by the Court's order, the Council will take such action in the future as may be appropriate under the terms of a final Court order.

Many of the changes in §§ 150.769 through 150.788 parallel the changes made in §§ 150.701 through 150.722 relating to acute care hospitals which are discussed above. In particular, reference should be made to the earlier discussions of changes in the following sections: "Scope and applicability" (§§ 150.701 and 150.769), "Definitions," particularly that of "New facility" (§§ 150.703 and 150.771), "Prior commitments" (§§ 150.704 and 150.772), "Special pricing rules" (§§ 150.709 and 150.778), "Price schedules" (§§ 150.710 and 150.779), "Reporting procedures" (§§ 150.717 and 150.780), "Approval of capital expenditures by a State's planning agency" (§§ 150.713 and 150.781), "Exceptions" (§§ 150.714 and 150.782), "Advisory State actions" (§§ 150.715 and 150.783), and "Retention and availability of records" (§§ 150.711 and 150.787). The changes discussed below are unique to the sections relating to long term care institutions.

In § 150.772 relating to prior commitments, the provision for annualizing price increases allowable under Subpart O has been modified to conform with the long term care limitation on average realized revenues per diem. Section 150.772(c) now provides that for purposes of calculating the base, a long term care institution may use the average per diem charges lawfully in effect for each class of purchasers and level of care on the last day of the institution's last fiscal year under Subpart O and, for cost reimbursement arrangements, the total authorized cost reimbursements expressed on a per diem basis for the last fiscal year under Subpart O.

In § 150.775, the limitation on increases for outpatient services has been changed from a "price" limitation to a "charge" limitation in light of the fact that the definition of "price" under the Phase II/III health care regulations has been construed to include, in addition to a direct price paid, a price reimbursed by a third party payor on a cost basis. The intention of the Cost of Living Council under the Phase IV health care regulations is to control only the charges for outpatient services provided by a long term care institution.

APPENDIX TO SUBPART R

Only typographical corrections have been made in the Appendix to Subpart R—Control of Hospital Costs under the Economic Stabilization Program.

Because it is intended to authorize immediate application of these revised Phase IV health care regulations, the Council finds that publication in accordance with normal rule making procedure is impractical and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these amendments. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489).

In consideration of the foregoing, 6 CFR Parts 150 and 155 are amended as set forth herein, effective March 20, 1974.

Issued in Washington, D.C., on March 20, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

1. In 6 CFR Part 150, the table of contents is amended by revising the following items for Subpart R:

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150.702 Continued applicability of existing regulations.
150.703 Definitions.
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150.705 Limitation on charge and expense increases per inpatient admission.
150.706 Volume adjustment for change in inpatient admissions.
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150.712 Adjustment for significant changes in patient mix.
150.713 Approval of capital expenditures by a State's planning agency.
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150.734 Price increase limitations.
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150.748 Scope and applicability.
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LONG TERM CARE INSTITUTIONS

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150.788 Savings and severability.

Appendix to Subpart R—Control of Hospital Costs under the Economic Stabilization Program.

2. Section 150.57 of Subpart D is amended to read as follows:

§ 150.57 Certain providers of health care.

(a) Except as provided in paragraph (b) of this section, the following health care providers and categories of health care providers are exempt from the coverage of this part:

(1) Blood banks and blood donor stations.
(2) Chiropractors.
(3) Clinical psychologists.
(4) Clinics and dispensaries.
(5) Christian Science practitioners.
(6) Community mental health centers.
(7) Contact lens technicians.
(8) Curative baths or spas.
(9) Dental laboratories.
(10) Dieticians.
(11) Drug and alcohol abuse centers.
(12) Family planning clinics.
(13) Health camps and resorts.
(14) Homemaker, home health aide, and home health agencies or services.
(15) Housing for the elderly not included in the definition of "long term care institution" of § 150.771.
(16) Inhalation therapists.
(17) Institutions for the mentally retarded.
(18) Medical photography.
(19) Midwives.
(20) Migrant health clinics.
(21) Naturopaths.
(22) Neighborhood health centers.
(23) Nutritionists.
(24) Occupational therapists.
(25) Opticians.
(26) Optometrists.
(27) Oxygen tent service.
(28) Physiotherapists who are not licensed physicians.
(29) Psychiatric social workers.
(30) Rehabilitation outpatient centers (therapy and treatment).
(31) Tuberculosis and other sanatoria.
(32) Visiting nurse associations.
(33) Vocational rehabilitation institutions.
(34) Any other institutions for residential shelter or child care services not included within the definition of long term care institution.

(b) Except for homemaker, home health aide, and home health agencies or services and visiting nurse associations or services for which separate financial accounts are maintained, the exemption provided in paragraph (a) of this section does not apply to—

(1) Any health care provider, including a clinic or dispensary, which is owned or operated by an acute care hospital, long term care institution, Health Maintenance Organization or HMO provider of health care services (excluding an HMO provider who is a medical practitioner) as defined in Subpart R of this part; and

(2) Any clinic or dispensary which is owned or operated by a medical practitioner as defined in Subpart R of this part.

(c) The exemption provided in this section shall be applicable to all services and property furnished by these health care providers during the fiscal year ending on or after January 1, 1974 and all subsequent fiscal years.

3. Section 160.415 is amended to read as follows:

§ 150.415 Monitoring by health insurers.

(a) Each health insurer is authorized and expected to monitor and report to health care providers any price increases by those providers that involve significant deviation from the provisions that apply to those providers and any increases in use of services or benefits that significantly exceeds its experience with that provider. Upon the receipt of such a report, the provider and the insurer shall make a good faith effort to determine whether any violation of this part has occurred and to take any steps to remedy such violation.

(b) Each health insurer is authorized and expected in connection with its customary claims practices to review a percentage of the claims it processes which involve medical practitioners' fees to assist medical practitioners to comply with the limitations on increases in individual fees in § 150.734. The percentage of claims selected for review must be acceptable to the Cost of Living Council. The claims selected for review shall consist of (1) selected claims in which the practitioner's fee exceeds the fee determined by the insurer to be the prevailing fee for the geographic area or varies significantly from the practitioner's usual fee and (2) a random selection from all other claims payable by the carrier. Unless otherwise directed by the Council, an insurer in selecting claims for review need not include claims under coverages which represent an insignificant portion of that insurer's premium volume. In its semi-annual report (Form CLC–102) the insurer shall state the proportion of its premium volume that is represented by coverages excluded from review. For each claim reviewed, the insurer may request from the medical practitioner involved the price schedule required by § 150.738. Each insurer shall report to the Council on Form CLC–101 all instances of apparent non-compliance for possible investigation by the Council to determine whether there has been a violation of Subpart R. In addition, each insurer shall report to the Council on Form CLC–101 a 10 percent random sample of all other claims it reviews under this paragraph. The insurer shall include in each report to the Council any price schedule received from the medical practitioner concerned.

(c) Each health insurer shall file semi-annual reports not later than 45 days after the end of its second and fourth

quarters, on its monitoring activities under paragraph (b) of this section with the Cost of Living Council on a Form CLC–102.

4. Section 150.501 of Subpart O is amended to read as follows:

§ 150.501 Scope.

This subpart applies to institutional providers of health services. Except as provided in §§ 150.1, 150.2, 150.3, the definition of "base period" in §§ 150.31, 150.57, and Subpart R, no other provisions of Part 150 apply to institutional providers of health services.

5. Part 150 is amended by the addition of a new Subpart R to read as follows:

Subpart R—Health Care

ACUTE CARE HOSPITALS

§ 150.701 Scope and applicability.

(a) Sections 150.701 through 150.722 apply to each acute care hospital whose fiscal year commences on or after January 1, 1974. However, an acute care hospital may make an irrevocable election:

(1) To be governed by this subpart if its current fiscal year commenced on or after August 15, 1973, but before January 1, 1974; or

(2) To be governed by Subpart O of this part in effect on December 31, 1973, if its fiscal year commences on or after January 1, 1974, but before April 1, 1974. In no event may an acute care hospital elect to be governed by Subpart O if its fiscal year commences on or after April 1, 1974.

(b) No election made under paragraph (a) (1) or (2) of this section by any acute care hospital is valid unless the hospital files with or mails to the Cost of Living Council written notice of its specific election. The written notice must be filed with the Council not later than April 1, 1974, or mailed to the Council by certified or registered mail (return receipt requested) postmarked no later than April 1, 1974. No notice is required if the acute care hospital does not make an election referred to in paragraph (a) (1) or (2) of this section.

(c) Notwithstanding paragraph (a) of this section, an acute care hospital which is owned or operated by or is under contract to a Health Maintenance Organization and which derives at least 75 percent of its gross inpatient operating charges from services rendered to enrolled participants, is subject to this section and to §§ 150.748 through 150.764 governing Health Maintenance Organizations.

(d) Long term care, provided as a distinct unit of an acute care hospital and for which separate financial accounts are maintained by the hospital, is subject to §§ 150.769 through 150.788, in lieu of §§ 150.701 through 150.722.

(e) To the extent that §§ 150.701 through 150.722 of this subpart may conflict with other provisions of this part, §§ 150.701 through 150.722 shall prevail.

§ 150.702 Continued applicability of existing regulations.

Except as otherwise provided in § 150.701, each acute care hospital whose current fiscal year begins prior to January 1, 1974, is subject until the completion of its current fiscal year to Subpart O of this part in effect on December 31, 1973.

§ 150.703 Definitions.

For purposes of this subpart and in addition to the definitions in § 150.31:

"Acute care hospital" means any hospital that meets the requirements of the American Hospital Association for registration as a general or special hospital (see "Classification of Health Care Institutions," 1968 edition, American Hospital Association, 840 North Lake Shore Drive, Chicago, Ill. 60611) and in which the average length of stay for all patients is less than 30 days or over 50 percent of all patients are admitted to units where the average length of stay is less than 30 days.

"Admissions" means the number of patients (including free care patients) accepted for inpatient service either in beds licensed for hospital care or, in states where licensing is not required, in beds staffed for hospital care. For the purpose of this definition, births or transfers between departments may be treated as admissions if the hospital has by consistent administrative practice treated transfers or births as admissions.

"Capital expenditure" means an expenditure defined as a capital expenditure in 42 CFR 100.103(a) of the regulations implementing section 1122 of the Social Security Act as added by section 221(a) of the Social Security Amendments of 1972 (Pub. L. 92–603, 86 Stat. 1386–89 (42 U.S.C. 1320a–1)).

"Cost reimbursement arrangement" means any formula provided by contract or legislation to calculate the final amount payable for health services furnished by an acute care hospital on the basis of cost rather than charges or on the basis of charges when the charges are less than cost. Arrangements pursuant to which the amount to be reimbursed for one year is calculated on the basis of costs occurring in any other year are not cost reimbursement arrangements.

"Design development" means the documentation which describes the size and character of the construction project, including:

(1) the site plan indicating the nature of the improvements such as topography, utilities, and streets;

(2) plans, elevations and sections required to describe the project with respect to structural, mechanical and electrical systems;

(3) schedules and lists required to identify all fixed equipment with respect to character, size, function and finishes of interior spaces; and

(4) a general description of the types and requirements of the materials to be used.

"Free care" means the customary charge for health care services and property furnished to an inpatient unable to pay for such services or property and for which a bill is not rendered to the patient or third party payor. It also includes the difference between the customary charge for an inpatient service or property and the amount actually billed to the patient. Contractual allowances, bad debts, and courtesy discounts are excluded from the scope of this definition.

"New facility" means an acute care hospital which:

(1) commences operation for the first time, or which has not operated for at least one year prior to its current date of operation; or

(2) has undergone physical replacement; or

(3) has undergone major renovation, remodeling or expansion that costs a dollar amount equal to 70 percent of the book value (net of accumulated depreciation) of the property, plant and equipment in service at the end of the fiscal year in which the hospital was committed to construction by prior authorization of the hospital's governing board, or $100,000, whichever is greater, and which

(i) Receives a "new facility" determination in response to a request filed with the Council prior to March 20, 1974, under Cost of Living Council Notice 73–2 (38 FR 30798); or

(ii) Receives approval from the State planning agency or the Council in response to a request filed on or after January 1, 1974, and prior to March 20, 1974, for approval of a capital expenditure pursuant to § 150.713 or § 150.714 (c); or

(iii) Has undertaken a capital expenditure that meets the requirements of § 150.713(a)(2).

For purposes of this definition, the mere acquisition of a hospital or of the person that controls the hospital by another person does not result in the creation of a new facility.

"New service" means a service or property which the hospital did not sell or lease in the same or substantially similar form at any time during the one-year period immediately preceding the first date on which it is offered for sale or lease. For the purposes of this definition, a change in appearance or arrangement, or a change in the method or technology of providing a service, does not create a new service or property.

"Prospective rates" means payments applicable to third party payors established in advance for health care services, without provision for retrospective adjustment based on actual charges or costs incurred during the year in which the services were rendered.

"Total inpatient operating charges" means the sum of gross charges for all services performed on an inpatient basis in any fiscal year, computed by taking the sum of all inpatient service charges for the year concerned, including—

(1) Charges for daily patient services (routine services);

(2) Charges for other nursing services (operating room, central services and supplies, and similar services);

(3) Charges for other professional services (ancillary-laboratory, radiology, anesthesiology, and similar services); and

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(4) All other inpatient service charges not covered above;

But excluding those charges not collected as a result of free care.

"Total inpatient operating expenses" means the sum of all operating expenses determined in accordance with generally accepted accounting principles for hospitals as reflected in the AICPA Hospital Audit Guide (1972 edition, American Institute of Certified Public Accountants, Inc., 666 Fifth Avenue, New York, New York 10019), or by a system of accounting principles approved for use by Blue Cross (as defined in the principal Blue Cross plan in the community served by the hospital), Medicare, or a State Uniform Hospital Accounting System (as defined in the relevant state statutes and implementing regulations); and allocated to inpatient services in accordance with one of the latter three accounting systems. Once a selection of accounting principles has been made by an acute care hospital from among the systems identified above, the hospital may not thereafter adopt a different system without prior written approval by the Council, but must consistently apply the principles in all relevant calculations required by the Economic Stabilization Program.

"Total inpatient reimbursed expenses" means the total inpatient operating expenses accrued or paid or accrued and paid, under cost reimbursement arrangements.

§ 150.704 Prior commitments.

(a) Except as provided in paragraph (b), of this section, all interpretations, and decisions or exceptions having prospective effect, issued under the Economic Stabilization Act prior to January 17, 1974, to acute care hospitals covered under this subpart remain in force.

(b) This section shall not apply to any exception issued under Subpart O of this part authorizing a dollar increase to any hospital that is subject to Subpart R pursuant to § 150.701.

(c) Each acute care hospital may annualize the charge increases and charges for new services allowed and implemented under Subpart O of this part in effect on the last day of the hospital's last fiscal year under Subpart O of this part, for purposes of calculating the base on which allowances are authorized under this subpart.

§ 150.705 Limitation on charge and expense increases per inpatient admission.

(a) Except as otherwise provided in these regulations, an acute care hospital's total inpatient operating charges per admission and total inpatient reimbursed expenses per admission during any fiscal year may not exceed 107.5 percent of their respective authorized or actual levels for the preceding fiscal year, whichever respective level is less. This limitation on total inpatient reimbursed expenses per admission does not apply if the total inpatient operating expenses per admission do not exceed 107.5 percent, as may be adjusted in accordance with §§ 150.706, 150.708 and 150.712, of the authorized or actual level of total inpatient operating expenses per admission for the preceding year, whichever level is less.

(b) The total prospective rate revenues may not exceed the total charges for those patients whose health care is paid on the basis of prospective rates.

§ 150.706 Volume adjustment for change in inpatient admissions.

(a) If during any fiscal year an acute care hospital has more admissions than in its preceding fiscal year, for each admission exceeding 102 percent of the admissions during the preceding fiscal year, total inpatient operating charges and total inpatient reimbursed expenses per admission may not exceed 43 percent of their respective levels for the preceding fiscal year. This limitation on total inpatient reimbursed expenses per admission does not apply if, for each admission exceeding 102 percent of the admissions during the preceding fiscal year, the total inpatient operating expenses per admission do not exceed 43 percent of the preceding fiscal year's total inpatient operating expenses per admission. However, this paragraph does not require that the overall increase in total inpatient operating charges and total inpatient reimbursed expenses per admission permitted by § 150.705, this paragraph, and § 150.708 be limited to less than 103 percent of their respective levels for the preceding fiscal year.

(b) If during any fiscal year a hospital's admissions are less than 100 percent but not less than 95 percent of its admissions during the preceding fiscal year, its total inpatient operating charges and total inpatient reimbursed expenses for that fiscal year may not exceed 107.5 percent of their respective levels for the preceding fiscal year. This limitation on total inpatient reimbursed expenses does not apply if the total inpatient operating expenses do not exceed 107.5 percent of the authorized or actual level of total inpatient operating expenses for the preceding year, whichever is less.

(c) If during any fiscal year, a hospital has fewer admissions than in its preceding fiscal year, for each admission less than 95 percent of the admissions during the preceding year, the hospital shall deduct an amount from total inpatient operating charges and total inpatient reimbursed expenses per admission equal to 43 percent of their respective levels for the preceding fiscal year. This limitation on total inpatient reimbursed expenses does not apply if, for each admission less than 95 percent of the admissions during the preceding fiscal year, the total inpatient operating expenses per admission do not exceed 43 percent of the preceding fiscal year's total inpatient operating expenses per admission. However, the overall increase in total inpatient operating charges and total inpatient reimbursed expenses per admission authorized by § 150.705, this paragraph, and § 150.708 shall not exceed 120 percent of their respective levels for the preceding fiscal year.

(d) In the case of a hospital which has either less than $2,500,000 total inpatient operating charges or fewer than 4,000 admissions in its preceding fiscal year, the limitations on total inpatient operating charges and total inpatient reimbursed expenses per admission contained in paragraphs (a) and (c) of this section do not apply unless its admissions increase above 104 percent or fall below 90 percent of the admissions for the preceding fiscal year.

§ 150.707 Limitation on charge increases for outpatient services.

(a) This section applies to—

(1) the charges in each revenue department and cost center, as determined by the hospital's customary accounting practice, in which at least 70 percent of the gross charges of that revenue department or cost center are attributable to the provision of outpatient services; and

(2) the charge for each outpatient service which differs from the inpatient charge for the same service.

(b) Whether or not charges for outpatient services are required to be controlled under this section, all charges attributable to the provision of inpatient services shall be included in the computations made under §§ 150.705 and 150.706.

(c) Each acute care hospital shall control its charges for outpatient services under this section on the basis of either a unit charge system or an aggregate weighted charge system.

(1) If the hospital elects the unit charge system, it may not increase its charge for any outpatient service beyond 106 percent of the charge lawfully in effect for that service on the last day of the preceding fiscal year.

(2) If the hospital elects the aggregate weighted charge system:

(i) the aggregate weighted charges for all of its outpatient services may not exceed 106 percent of the aggregate weighted charges for all such services lawfully in effect during the preceding fiscal year; and

(ii) the charge for any outpatient service may not be more than 110 percent of the charge lawfully in effect for that service on the last day of the preceding fiscal year (however, this paragraph does not require that charge increases be limited to amounts less than $1.00).

(iii) the formula for determining charge increases computed on an aggregate weighted basis under this paragraph (c)(2), herein referred to as %AWCI, is as follows:

$$\%AWCI \quad \sum \frac{C_2}{C_1} \times \frac{B_1}{B_2} \times 100$$

where,

C_1 = the charge lawfully in effect on the last day of immediately preceding fiscal year for a service or property.
C_2 = the highest charge made or to be made during the current fiscal year for that service or property.
B_1 = the actual gross charges during the immediately preceding fiscal year for that service or property.
B_2 = the total gross charges during the immediately preceding fiscal year for all outpatient services and property subject to the limitations of this section.
Σ = the sum of.

(3) At the option of the acute care hospital the formula for determining %AWCI in paragraph (c)(2) of this section may be restated as follows:

$$\%AWCI = \sum \%I \times \frac{G_1}{B_2}$$

where,

$\%I$ = the highest percentage charge increase for any service or property within a group of similar or related services or property.
G_1 = the actual gross charges during the immediately preceding fiscal year for that group of similar or related services and property.

(4) If the charges in effect on the last day of the preceding fiscal year had been temporarily lowered to effect a restitution of overcharges to assure compliance by the end of that year, then such charges may be adjusted to the legally authorized level.

§ 150.708 Cumulative increases.

In the application of §§ 150.705, 150.706, and 150.707, charge or expense increases permitted in one year but not fully implemented may be accumulated, but not compounded, and may be implemented only in the fiscal year following the year in which the full allowable increase was not implemented.

§ 150.709 Special pricing rules.

(a) The methods of establishing charges for services or property set forth in this section may be used only after an acute care hospital has been authorized to use these provisions pursuant to other sections of this subpart.

(b) In the case of a new facility resulting from a capital expenditure which meets the requirements of § 150.713 or § 150.714(c), or a new outpatient service or property, the charges for services or property may be determined by any one of the following methods without regard to the limitations prescribed in §§ 150.705, 150.706, and 150.707:

(1) An acute care hospital may establish a charge capable of sustaining without financial loss the provision of the inpatient service or property by the hospital based on an occupancy rate of not less than 65 percent (or such higher figure as may be appropriate) for staffed beds in the hospital; or capable of sustaining without financial loss the provision of the new outpatient service or property by the hospital based on the projected utilization rate of the new outpatient service or property. The charges so determined may reflect an incremental charge attributable to interest and depreciation costs.

(2) An acute care hospital may establish a charge for a service or property which is not unreasonably inconsistent with the prevailing charges of a substantial number of current transactions for a similar service or property by a substantial number of other acute care hospitals. The charges so determined may reflect an incremental charge for interest and depreciation costs.

(3) An acute care hospital may establish its charges by using any charging practice commonly used by a substantial number of acute care hospitals. The charges so determined may reflect an incremental charge for interest and depreciation costs.

(c) New charges authorized pursuant to this section shall become effective no earlier than the first day on which the services or property shall be made available to patients. However, if the request for approval under § 150.713 or the request for exception under § 150.714(c) has not been filed before the close of the fiscal year in which the service or property was made available to patients, then the new charges shall become effective no earlier than the first day of the fiscal year in which the request was filed.

(d) An acute care hospital may use the special pricing rules of this section at any time within, but not later than, twelve months after the service or property described in paragraph (b) of this section was first made available to patients.

(e) In the case of a capital expenditure approved pursuant to § 150.713 or § 150.714(c) which does not result in a new facility, the charges for services or property for inpatient care shall be determined as follows: For each fiscal year in which the project resulting from the capital expenditure is being constructed or otherwise introduced, and during the first full fiscal year of operation, the hospital shall establish a level of charges and incur a level of expenses for the services and property sufficient to produce a level of revenues which has been approved by the agency described in § 150.713(c) or by the Council. The hospital shall calculate the total amount of allowable total inpatient operating charges and total inpatient operating expenses for each fiscal year prior to the second full fiscal year of operation. The level of inpatient charges and inpatient expenses established pursuant to this paragraph shall be added in each applicable fiscal year to the base to which the adjustments authorized by §§ 150.705, 150.706, 150.708 and 150.712 are made.

(f) In the case of a new facility the limitations set forth in § 150.705 shall apply during the second full fiscal year of operation and subsequent fiscal years, and the limitations set forth in § 150.706 shall apply during the third full fiscal year of operation and subsequent fiscal years. For an outpatient service or property which is provided in a new facility and to which the limitations in § 150.707 apply, an acute care hospital shall be subject to the unit charge limitation of § 150.707(c)(1) in the first full fiscal year after the service or property was first made available to patients; thereafter, the hospital may elect as provided in § 150.707(c).

(g) The Council may modify, defer, suspend, or disapprove any charges or expenses implemented pursuant to this section if the Council finds that such charges or expenses are inconsistent with the rules of this subpart or unreasonably inconsistent with the goals of the Economic Stabilization Program.

§ 150.710 Charge schedules.

Each acute care hospital shall maintain at each of its facilities a schedule showing its charges for all services on the last day of the preceding fiscal year, and each subsequent change in those charges and the date each change was made. The schedule shall be made available for public inspection, and a copy shall be furnished or mailed promptly to third party payors or to the Cost of Living Council upon request. Each hospital shall post an easily readable sign stating the availability and location of the schedule. The sign must be posted conspicuously in each location where payment for services is accepted. No charge increase may be implemented before the increase has been entered on the schedule as required by this section.

§ 150.711 Retention and availability of records.

(a) Each acute care hospital subject to this subpart shall maintain such records as are sufficient to establish the compliance status of the hospital with respect to this title.

(b) Records required to be maintained under paragraph (a) of this section shall be made available for inspection at any time upon the request of an officer or employee of the Council, or of any other person authorized to represent the Council.

(c) Each acute care hospital required to maintain records under this section shall retain such records for at least 3 years after the last day of the fiscal year in which the transactions or other events recorded in such records occurred or the property was acquired by that acute care hospital.

§ 150.712 Adjustment for significant changes in patient mix.

(a) If an acute care hospital experiences significant changes in patient mix, and if the hospital uses either of the systems described in paragraph (b) of this section and the methodology set forth in paragraph (c) of this section to allocate its admissions and to adjust its charges and expenses, the hospital may increase its applicable fiscal year allowances in total inpatient operating charges and total inpatient operating expenses per admission prescribed in §§ 150.705 and 150.706 in accordance with the provisions of this section.

(b) Standard Patient Allocation Systems. An acute care hospital shall use either of the following two standard patient allocation systems to allocate admissions:

System A. An acute care hospital may classify admissions among the following categories:

Medical	Obstetric
Surgical	Psychiatric
Pediatric	

System B. An acute care hospital may use the ICDA–8 "Eighth Revision International Classification of Diseases, Adapted for Use in the United States (Public Health Service Publication No. 1693, U.S. Department of Health, Education, and Welfare, Public Health Service, National Center for Health Statistics, Rockville, Maryland 20852, December 1968)" or the Hospital Adaptation-International Classification of Diseases Adapted for Use in the United States (H–ICDA, 1968 edition, Commission on Professional and

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Hospital Activities, 1968 Green Road, Ann Arbor, Michigan 48105) in such a way as to include at least 86 percent of its admissions. The balance of the admissions must be included as "other."

(c) Standard Methodology for Adjustment of Charges and Expenses.

STEP 1. Determine the basic patient categories according to either standard System A or B described in paragraph (b) of this section, or another allocation system.

STEP 2. Determine the current year distribution of patients using the categories selected in Step 1.

STEP 3. Calculate last year's total admissions, and apply the current year's distribution (Step 2) to them, i.e., restate last year's admissions in terms of this year's patient distribution.

STEP 4. Determine on a reliable and valid sample basis last year's gross charges per admission in each of the categories selected in Step 1.

STEP 5. Apply last year's gross charges per admission for each category (Step 4) to the number of "restated" admissions in each category (Step 3) to obtain the "restated" total charges for last year.

STEP 6. Divide the restated total charges (Step 5) by the actual admissions last year to obtain the "restated" charges per admission.

STEP 7. Substract last year's actual or authorized charges per admission, whichever is less, from last year's "restated" charges per admission and divide the result by last year's actual or authorized charges per admission, whichever is less, to obtain a "patient mix factor."

STEP 8. Adjust the limitations of the total inpatient operating charges and total inpatient operating expenses of §§ 150.705 and 150.706 by adding to the limitations set forth in such sections the patient mix factor obtained in Step 7. The supporting calculations must be included with the annual report (Form CLC–61) filed with the Cost of Living Council. For purposes of paragraph (f) of this section, if the adjustment is calculated on the basis of budgeted or projected data, the calculations shall be restated in the annual report on the basis of actual data.

(d) Notwithstanding the provisions of paragraphs (a) through (c) of this section, at any time during a fiscal year, an acute care hospital may request approval from the Cost of Living Council of a patient classification system different from those set forth in paragraph (b) of this section to document the effects of patient mix changes. The acute care hospital may also request approval of a methodology differing from that set forth in paragraph (c) of this section to adjust charges and expenses. The acute care hospital must demonstrate in documentation accompanying the request for approval of a differing methodology, the validity and reliability of its data and the proposed method to identitify the effects of change in patient mix. Once the alternative system or methodology has been approved, the acute care hospital may use it to adjust increases in total inpatient operating charges and total inpatient operating expenses per admission.

(e) Once an acute care hospital has received approval from the Council to document patient mix changes on the basis of an alternative system, any further change in system can be made only with the prior written approval of the Council. The Council will not approve changes to less sophisticated systems.

(f) (1) If the adjustment authorized by this section exceeds 25 percent of the percentage limitation authorized by §§ 150.705, 150.706, and 150.708, and is calculated on the basis of budgeted or projected data, the hospital shall notify the Council in writing of the magnitude of the percentage and dollar amount of the adjustment. The hospital may not apply the adjustment until the notice of the proposed adjustment, Form CLC–61, prepared in accordance with the instructions to Schedule M, and substantiating documentation, have been filed with the Council and 30 days have elapsed from the day on which the notice and substantiating documentation were filed. The notice required by this paragraph shall be filed as soon as the hospital becomes aware of the trend in patient mix which permits the adjustment pursuant to this section.

(2) If the adjustment authorized by this section exceeds 25 percent of the percentage limitation specified in §§ 150.705 and 150.706 but it is calculated on the basis of actual data, the hospital may immediately apply the adjustment up to a maximum adjustment of 25 percent of the percentage limitations specified in § 150.705 or § 150.706 for total inpatient operating charges and total inpatient operating expenses but may not apply that portion of the total adjustment exceeding 25 percent until after thirty days have elapsed following the filing of the annual report required by § 150.717 together with its request for permission to apply the adjustment in full. The Council shall notify the hospital in writing of the date of filing.

(3) During the 30 day period specified in this paragraph, the Council may issue an order disapproving, modifying, suspending or deferring the proposed adjustment in whole or in part, if it finds that the proposed adjustment does not conform to the rules of this part.

(4) The Council may issue a notice temporarily suspending the running of a 30 day period if it finds additional information is necessary, or if it finds that any notice or documentation required by this section is incomplete or inadequate, or if it finds that the annual report required by paragraph (f) (2) of this section is incomplete or insufficient with respect to the patient mix adjustment. The 30 day period shall resume running when the Council notifies the hospital in writing that the additional information has been received and accepted.

(5) If the Council does not act on the proposed adjustment within the 30 day period specified in this paragraph, the hospital may apply the proposed adjustment immediately upon expiration of the 30 day period. Failure of the Council to act upon the proposed adjustment within the 30 day period does not constitute approval of the adjustment and nothing in this section shall be construed to limit the authority of the Council to modify, suspend, disapprove or defer in whole or in part any adjustment applied pursuant to this section if the Council finds that the adjustment is based on erroneous calculations, has been applied in bad faith, or does not conform to the rules of this title.

§ 150.713 Approval of capital expenditures by a State's planning agency.

(a) (1) Except as provided in paragraph (a) (2) of this section, when an acute care hospital has obtained the approval of a State planning agency for a capital expenditure in accordance with the provisions of this section, the hospital may, in accordance with § 150.709, establish new charges for the services or property resulting from the capital expenditure which are necessary to produce, but not to exceed, the level of revenues approved by the agency.

(2) An acute care hospital shall not be subject to paragraphs (b) through (f) of this section or to § 150.714(c), and may establish new charges for the services or property furnished to patients as a result of the capital expenditure in accordance with the applicable provisions of § 150.709 when the following occurrences have taken place prior to January 1, 1974:

(i) the capital expenditure was approved on its merits on the basis of community need by a planning agency listed in paragraph (b) of this section; however, this requirement shall not apply where State approval procedures described in paragraph (b) of this section were neither required nor available to an acute care hospital; and

(ii) (A) With respect to a capital expenditure involving construction, the design development for the capital expenditure was completed and approved by the governing board of the hospital; or

(B) With respect to a capital expenditure which does not involve construction, the hospital was commited to the capital expenditure by authorization of the hospital's governing board and one or more implementing financial obligations were contractually incurred in reliance on the authorization.

The provisions of this paragraph (a) (2) are self-executing. No written determination or ruling of the Council is required to authorize an acute care hospital to apply the special pricing rules of § 150.709 if the hospital meets the criteria set forth in this paragraph.

If the Council determines upon subsequent review that the conditions of this paragraph have not been satisfied, it may disapprove any charges implemented pursuant to § 150.709 or take such other action as may be appropriate to ensure compliance with the rules of this subpart.

(b) A capital expenditure under consideration by the acute care hospital must be approved on the merits, based upon a clear demonstration of community need, by the appropriate planning agency specified in this paragraph. The acute care hospital must request approval from the planning agency designated pursuant to section 1122 of the Social Security Act. (Pub. L. 92–603, 86 Stat. 1386–89 (42 U.S.C. 1320a–1)). If a State is not participating in the program under section 1122, then the approval must be obtained from the State agency administering a certificate of need program for acute care hospitals. If a State is not participating in a program under section 1122 and has no State agency administering a certificate of need program, then the approval must be obtained from an agency designated under section 314(b) of the Public Health Service Act (Pub. L. 92–585, 86 Stat. 1292 (42 U.S.C. 246(b)); otherwise, approval must be obtained from a State agency designated pursuant to section 314(a) of the Public Health Service Act (Pub. L. 92–585, 86 Stat. 1292 (42 U.S.C. 246(a)).

(c) Approval of a level of revenues that is not unreasonable to finance the operating expenses directly related to the capital expenditure, including interest and depreciation, for the first full fiscal year of operation must be obtained from either the same agency which granted an approval under paragraph (b) of this section or another agency (such as a rate-setting commission or hospital commission) designated by the governor of the State or the mayor of the District of Columbia to perform this specific function. If a State is participating in the program under section 1122, the agency that performs the function specified in this paragraph must be the agency designated pursuant to section 1122. The agency that performs the function specified in this paragraph shall be referred to as the "State approving agency." Prior to the State approving agency taking any action to approve a level of revenues in accordance with this section the Council and the State agency shall have first agreed in writing for the State agency to approve capital expenditures pursuant to this section. For purposes of this paragraph, the first full fiscal year of operation means the first full fiscal year after the inauguration of all services and property resulting from the capital expenditure.

(d) For a capital expenditure involving a change in bed capacity, the State approving agency is authorized to approve a modification of the adjustment for changes in volume of admissions, where appropriate, to reflect anticipated changes in volume of admissions resulting from the capital expenditure.

(e) Within sixty (60) days after the date of an approval by the State approving agency, the chief executive officer of the acute care hospital shall notify the Council of such approval by sending a copy of the written decision to the Council, together with a written statement signed by the chairman of the governing board of the hospital certifying that funds legally available from restricted reserves have or will be applied to the capital expenditure or its directly related operating expenses in accordance with the approval.

(f) If after the original agency approval it appears that the authorized level of revenues will not reach the level required to finance the operating expenses directly related to the capital expenditure, including interest and depreciation, the hospital may file with the State approving agency a request in writing to allow the hospital to achieve a level of revenues in excess of the level originally authorized. A request under this paragraph shall be considered on the same basis as an original request under paragraph (c) of this section, except that in addition, the hospital shall submit sufficient documentation to enable the State approving agency to evaluate changes in financial conditions that have occurred since the original approval under paragraphs (c) and (d) of this section was granted, or other relevant circumstances which significantly alter the assumptions upon which the earlier approval was based. The notification provisions of paragraph (e) of this section shall apply to approvals under this paragraph.

§ 150.714 Exceptions.

(a) No acute care hospital may exceed the limitations set forth in §§ 150.705, 150.706, and 150.707 except as may be authorized pursuant to this subpart. Each acute care hospital making a request for exception shall, in addition to meeting the specific requirements of this section, prepare any request for exception to be filed with the Council in conformity with the general provisions relating to exceptions prescribed by Part 155 of this title and shall obtain the recommendation of the State advisory agency referred to in § 150.715 on the request for exception. The State advisory agency shall forward the hospital's request for exception, together with its recommendation, directly to the Council. The requirement for the recommendation shall not apply if the State advisory agency fails to act within thirty (30) days (and the hospital may then file its request directly with the Council) unless the agency shall have requested corrected or additional information in which case the thirty (30) day period shall be suspended from the date of the request until the agency informs the hospital that the information has been received. The 30 day period shall then resume running.

(b) Requests for exception filed under this section by an acute care hospital are considered to be provisionally approved 60 days after the date of filing of the request with the Council. The Council shall inform the acute care hospital promptly by written notice of the date of filing and the docket number of the request for exception. During the 60 day period, the Council may issue a suspense notice which shall have the effect of preventing the unexpired portion of the 60 day period from continuing to run, if the documents submitted by the hospital are incomplete, erroneous or do not meet the criteria set forth in this section. In any case in which the Council issues a suspense notice and requests additional or corrected information from the hospital, the 60 day period shall resume running only after the Council has informed the hospital that the information has been received and accepted. The charge or expense increases authorized by this section shall be applied only to services or property provided to patients by the hospital after the 60-day period has expired. If after implementation of an increase following the expiration of the 60-day period, the Council finds that the increase is inconsistent with the rules of this subpart or unreasonably inconsistent with the goals of the Economic Stabilization Program, it may issue an order modifying, deferring, suspending or disapproving the increase. In such an instance, if the exception request had been submitted in good faith, the acute care hospital shall not be required to refund any monies received, or to reduce reimbursements otherwise allowable from the date of expiration of the 60-day period until the Council's determination of the request or be subject to any criminal fine or civil penalty on account of the increase implemented on the basis of the provisional approval of this section.

(c) (1) If the State approval procedures referred to in § 150.713 are not or were not available to an acute care hospital, the hospital may request from the Council an exception to establish, in accordance with § 150.709, new charges for services or property resulting from a capital expenditure which are necessary to produce, but not to exceed, the level of revenues approved by the Council pursuant to this paragraph. The request for exception must be accompanied by supporting documentation, indicating the reason why the approval procedures are or were not available, and permitting the Council to evaluate the following:

(i) Whether there exists a community need for the proposed project adequate to assure financial support without causing localized shortages of labor or serious hospital market disruptions susceptible of requiring other exceptions by the Council;

(ii) Whether the project will foster cost containment initiatives or improved efficiency and productivity in the acute care hospital;

(iii) All expenses attributable to the operating expenses directly related to the capital expenditure, including interest and depreciation, calculated without regard to the annual allowances authorized by this subpart;

(iv) The level of patient service revenues required to finance the proposed project for the first full fiscal year of operation, considering funds legally available from restricted reserves for both capital expenditure and operating expenses; and

(v) The charge and expense level expressed in per admission terms which the hospital would propose to establish to produce the requested level of revenues.

(2) For a capital expenditure involving a change in bed capacity, the Council may approve a modification of the adjustment for changes in volume of admissions, where appropriate, to reflect anticipated changes in volume of admissions resulting from the capital expenditure.

(3) Each request shall be signed by the chief executive officer of the hospital and shall be accompanied by a written statement signed by the chairman of the

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governing board of the hospital certifying that funds legally available from restricted reserves have been or will be applied to the operating expenses directly related to the capital expenditures including interest and depreciation as stated in the request for exception.

(4) If after the original Council approval it appears that the authorized level of revenues will not reach the level required to finance the operating expenses directly related to the capital expenditure, including interest and depreciation, the hospital may file with the Council a request in writing to allow the hospital to achieve a level of revenues in excess of the level originally authorized. Such requests shall be considered on the same basis as an original request under this paragraph, except that in addition, the hospital shall submit sufficient documentation to enable the Council to evaluate changes in financial conditions that have occurred since the approval under this paragraph was initially granted, or other relevant circumstances which significantly alter the assumptions upon which the earlier approval was based.

(d) An acute care hospital may request an exception for experimentation in hospital reimbursement methodologies. The Council may grant a prospective exception to a single hospital or to a group of hospitals as members of a class, geographic or otherwise. The Council may consult with the Department of Health, Education and Welfare prior to making its determination. Requests submitted pursuant to this paragraph need not be cost justified.

(e) (1) An acute care hospital may request an exception as provided in this paragraph when a serious hardship or gross inequity has been caused by any of the following occurrences:

(i) a demonstrable increase in bad debts experience that causes the hospital's gross charges not to reflect accurately actual collections;

(ii) increased expenses resulting from requirements imposed by law or government regulation; and

(iii) increased expenses incurred by reason of wage and salary increases that are exempt under the provisions of § 152.32 of this chapter, or are below minimum wage rates imposed by Federal or State statutes of general application.

(2) Each request for an exception shall be evaluated on the basis of cost justification. In reviewing evidence of the cost justification submitted by the hospital, the Council will also consider evidence of cost containment initiatives, prudent management practices and evidence of consistent application of accepted accounting principles demonstrated by the hospital. As part of its evaluation, the Council will review the following financial factors:

(i) all allowable operating expenses, including depreciation, and special reserve accounts that are required to be replenished by reason of contractual agreement or consistent historical application of a governing board resolution;

(ii) working capital needs; and

(iii) all revenues from patient services, and revenues from other operating activities.

(f) An acute care hospital may request an exception for any reason causing a serious hardship or gross inequity. Each request submitted pursuant to this paragraph shall be evaluated on the basis of cost justification. In reviewing the cost justification submitted by the hospital, the Council will also consider evidence of cost containment initiatives, prudent management practices and consistent application of accepted accounting principles demonstrated by the hospital. As part of its evaluation, the Council will review the following financial factors:

(1) all allowable operating expenses, including depreciation, and special reserve accounts that are required to be replenished by reason of contractual agreement or consistent historical application of a government board resolution;

(2) working capital needs;

(3) all legally available funds from revenues from patient services, revenues from other operating activities; and revenues from non-operating sources such as unrestricted gifts received during the fiscal year being reviewed or unrestricted income from unrestricted and restricted reserves;

(4) changes in any charges or directly related operating expenses resulting from capital expenditures previously authorized under this subpart or resulting from services or property for which new charges have been authorized under Cost of Living Council Notice No. 73–2 (38 FR 30798); and

(5) evidence of cost behavior that is unanticipated and significantly different from that on which the hospital has budgeted.

§ 150.715 Advisory State actions and Federal Approving Officers.

(a) The governor of each State and the mayor of the District of Columbia are each requested to designate an agency to advise the Council on requests for exceptions to these regulations or on any other matters that the Council may from time to time specify. Each agency shall review the requests for exception filed with it under § 150.714(a) pursuant to the applicable guidelines set forth in this subpart and whenever it considers that the granting of an exception is essential to the provision of adequate health services and consistent with the Economic Stabilization Program shall recommend to the Administrator of the Office of Health, Cost of Living Council, or to an official appointed under paragraph (b) of this section, that an exception be granted by the Council.

(b) The Council may authorize and appoint an official who shall be a full time employee of the Federal Government to whom may be subsequently delegated the authority to issue initial decisions on requests for exceptions submitted under the provisions of § 150.714. Such official may, in his discretion, hear representatives of acute care hospitals, and request and receive additional information. He shall consult with, and receive the advice and recommendations of, State advisory agencies with respect to the requests for exception. After having reviewed the record and considered the recommendation of the State advisory agency, and all applicable statutory and regulatory criteria, he shall grant or deny the request for exception, in whole or in part, or shall forward the request to the Council, with or without a recommendation. He shall notify the requesting hospital in writing of his decision. A hospital aggrieved by an initial action under this paragraph may request reconsideration pursuant to Part 155 of this chapter.

§ 150.716 State control program.

(a) Any State or the District of Columbia, or within such jurisdiction, an agency designated by the governor or mayor of the District of Columbia that has a health care price control program may apply to the Cost of Living Council for authorization to administer the control program within the State in lieu of the controls set forth in §§ 150.701 through 150.722 and administered by the Cost of Living Council. The State agency shall submit to the Cost of Living Council a comprehensive description of its proposed stabilization plan and of its existing or proposed rules for use by the agency in considering requests for price increases for the acute care hospitals under its jurisdiction. The submission to the Council must include an evaluation by the acute care hospitals or associations of acute care hospitals to be covered by the control program.

(b) The governor of a State or the mayor of the District of Columbia may designate an agency to coordinate a health care price control program and assign to a nongovernmental organization the responsibility for administering the program.

(c) To qualify for authorization under this section, a control program must—

(1) have as its objective the substantial limitation of the rising price of health care, and there must be reasonable basis for determination that the objective can be met;

(2) include rules and regulations that are fair and equitable;

(3) contain adequate and assured funds for staffing, commencement of program and operations for a minimum of one year;

(4) provide for participation in policy development by provider groups, acute care hospitals and consumers;

(5) be coextensive in coverage with the Economic Stabilization Program controls for acute care hospitals, or it must be demonstrated that the State program will have substantial impact on health care charges and expenses;

(6) include objective standards by which to measure overall performance;

(7) include uniform standards for measuring individual provider performance;

(8) include procedures for consideration of requests for exception and for review of original decisions denying such requests;

(9) include provisions to assure compliance (Such provisions may provide for the agency to order refunds, rollbacks, or such other remedies that are reasonable and appropriate to achieve compliance.); and

(10) include a provision for price posting similar to that required in § 150.710.

(d) If the Cost of Living Council approves the proposed stabilization program and rules of an agency, it will notify the agency that when those proposed rules are finally adopted and put into effect by the agency, the Cost of Living Council will issue a certificate of compliance to that agency. If the Cost of Living Council approves existing rules of an agency, it will issue a certificate of compliance to that agency.

(e) An acute care hospital may place in effect, in accordance with the rules of an agency to which a certificate of compliance has been issued, any price increase authorized or allowed to go into effect under the State program.

(f) Except as provided in paragraphs (g) and (h) of this section, actions taken under the program of an agency to which a certificate of compliance has been issued under paragraph (d) of this section are not subject to review by the Cost of Living Council.

(g) Each agency to which a certificate of compliance has been issued under paragraph (d) of this section shall also agree to furnish periodically to the Cost of Living Council such information as the Council may prescribe for the Council's use in determining whether the agency is following its adopted rules and whether the purposes of the Economic Stabilization Program are being served.

(h) The Cost of Living Council may revoke a certificate of compliance issued under paragraph (d) of this section at any time, or take such other action with respect to the certificate as it considers appropriate, if it determines that the rules to which the certificate applies are not being followed or are not serving the purposes of the Economic Stabilization Program. Price increases approved under the State program prior to such revocation or other action shall in no way be affected by such revocation or other action.

(i) Any acute care hospital not subject to a control program certified under this section is subject to this subpart.

§ 150.717 Reporting procedures.

(a) Within 120 days after the end of each fiscal year, each acute care hospital shall file a completed Form CLC–61 signed by the chief executive officer, the administrator or the chief financial officer with the Office of Health, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508. Each acute care hospital shall, upon request, furnish a copy of the completed Form CLC–61 to third party payors.

(b) Each acute care hospital which, pursuant to § 150.713(a)(2), is authorized to establish new charges for services or property resulting from a capital expenditure and to adjust its charges and expenses, is required to file the following information with its annual report for each year prior to the second full fiscal year after the service or property was first made available to patients:

(1) Statement of incurred expenses attributable to the operating expenses directly related to the capital expenditure, including interest and depreciation;

(2) Statement of the method of application of § 150.709 to establish new charges for services and property to obtain the projected level of revenues required to finance the operating expenses directly related to the capital expenditure, including interest and depreciation.

§ 150.718 Self-monitoring.

Acute care hospitals are urged to monitor their own compliance with the regulations of this subpart by the quarterly preparation and review of Form CLC–61, and in accordance with any guidelines promulgated by the Council for the purposes of enhancing initiatives of self-compliance.

§ 150.719 Prohibition.

No acute care hospital subject to this subpart may adopt any change in charging practices, reduction in quality or quantity of services, or any other practice that has the effect of avoiding compliance with any provision of this title.

§ 150.720 Remedies for non-compliance.

(a) In addition to any remedies provided in Part 155, if the Council determines that:

(1) The limitations of charges contained in § 150.705, § 150.706, or § 150.707 have been exceeded and no exception has been granted, the Council may order—

(i) the reduction of charges to compensate for those charges made in excess of the limitations; or

(ii) The reduction of charges to assure that total charges will not exceed the limitations contained in § 150.705, § 150.706, or § 150.707; or

(iii) the refund to all charge payors of an amount equal to that portion of the excess allocable to charge paying patients (the amount to be refunded or credited to an account shall be allocated on a pro rata basis—each charge multiplied by the percent of excess over total charges); or

(iv) any other action which is reasonable and appropriate to cause the remission of such excess charges, or

(v) any combination of actions under this paragraph (a)(1);

(2) the limitations on total inpatient reimbursed expenses contained in §§ 150.705 and 150.706 have been exceeded, and the total inpatient operating expenses per admission have increased over the preceding fiscal year's total inpatient operating expenses per admission by a percentage greater than the percentage increase allowable for reimbursements, the Council may order—

(i) the amount of the excess of total inpatient reimbursed expenses to be credited to settlements with cost reimbursers on a pro rata basis; or

(ii) any other action which is reasonable and appropriate to cause the restitution of such excess reimbursed expenses.

(3) The limitations on prospective rate revenues contained in §§ 150.705 and 150.706, have been exceeded, and no exception has been granted, the Council may order—

(i) The reduction of prospective rate payments to compensate for those payments made in excess of the limitations; or

(ii) The reduction of prospective rate payments to assure that total payments will not exceed the limitations contained in §§ 150.705 and 150.706; or

(iii) Any other action which is reasonable and appropriate to cause the remission of such excess prospective rate revenues; or

(iv) Any combination of actions under this paragraph (a)(3).

(b) Except as otherwise provided in this subpart, if an acute care hospital determines that it has exceeded the applicable limitations of § 150.705, § 150.706, or § 150.707, unless an exception request is pending, the granting of which would eliminate the violation, the hospital shall submit together with its annual report filed pursuant to § 150.717, a plan for achieving compliance with these sections to the Office of Health, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508. If the hospital has such an exception request pending at the time of filing the annual report pursuant to § 150.717, the compliance plan required by this paragraph shall be filed with the Council within 20 days of receipt by the hospital of a decision and order denying the exception request or granting an amount less than that necessary to eliminate the violation. Such a compliance plan may provide for a reduction of charges or reimbursed expenses, a stipulation of no charge or reimbursed expense increases for a certain period of time, refunds, or any other action which is reasonable and appropriate to cause the remission of such excess charges or reimbursed expenses, or a combination of any of the foregoing. The Cost of Living Council may approve such a plan, order certain changes, or order a different plan of its own design.

§ 150.721 Communications with the Cost of Living Council.

Acute care hospitals should address all notices and requests made to the Council under this subpart to the Office of Health, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508.

§ 150.722 Savings and severability.

(a) If this subpart is held invalid with respect to any acute care hospital, Subpart O of this part in effect on December 31, 1973 shall govern the acute care hospital.

(b) If any provision of §§ 150.701 through 150.722 applicable to acute care

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hospitals is held invalid, the other provisions of those sections shall remain in full force and effect.

MEDICAL PRACTITIONERS AND MEDICAL LABORATORIES

§ 150.730 Scope and applicability.

(a) Effective January 1, 1974, §§ 150.730 through 150.745 apply to each medical practitioner and, except for §§ 150.734(e), 150.735, and 150.737, to each medical laboratory.

(b) A medical practitioner or a medical laboratory which is under contract to one or more Health Maintenance Organizations and which derives at least 75 percent of its aggregate annual revenues from services rendered to Health Maintenance Organization members pursuant to a contract, is subject to §§ 150.748 through 150.764 governing Health Maintenance Organizations.

(c) To the extent that §§ 150.730 through 150.745 of this subpart may conflict with other provisions of this part, §§ 150.730 through 150.745 shall prevail.

§ 150.731 Continued applicability of existing regulations.

Each medical practitioner and each medical laboratory is subject to Subpart O of this part through December 31, 1973, and the prices in effect on December 28, 1973 shall be deemed to be in effect on December 31, 1973 for purposes of forming the base on which the allowances permitted in this subpart are calculated.

§ 150.732 Definitions.

For purposes of this subpart and in addition to the definitions in § 150.31:

"Aggregate annual revenues" means the total revenues for the fiscal year concerned derived from the provision of all medical services and properties, including—

(1) Revenues from daily patient services (surgery, laboratory and X-ray, office visits, home and hospital calls, and similar services);

(2) Revenues from the sale of medicines and drugs; and

(3) Revenues from other services, sales, and activities directly related to the provision of health care.

"Base period" means, at the option of the medical practitioner, any two of that practitioner's fiscal years ending after August 14, 1968, and prior to a fiscal year for which compliance is being measured. However, a practitioner who was authorized under the provisions of 6 CFR 130.110 in effect on August 12, 1973, to include in its base period a fiscal year which ended before August 15, 1968, may continue to include that fiscal year in its base period.

"Base period revenue margin" means the ratio that the base period net revenues (aggregate annual revenues less total operating expenses directly related to the provision of health care) bears to the base period aggregate annual revenues, computed in accordance with generally accepted accounting principles consistently applied. For the purpose of this definition, revenues and operating expenses derived from the provision of health care under a contract with a Health Maintenance Organization may be excluded in the computation of base period revenue margin.

"Class of purchasers" means a category or a group of purchasers to which a medical practitioner or medical laboratory has charged a comparable price for a comparable service or property pursuant to a customary price differential among those groups or categories of purchasers.

"Customary price" means the price which was or would be charged in a substantial number of transactions to a class of purchasers for a service or property.

"Medical laboratory" means a firm or that part of a firm primarily engaged in providing professional analytic or diagnostic laboratory services to a provider of health care or to a patient on prescription of a medical practitioner. For purposes of this definition, the term does not include a medical practitioner, a dental laboratory, or a medical laboratory owned or operated by an acute care hospital or a long term care institution.

"Medical practitioner" means a physician, surgeon, osteopathic physician, dentist, dental surgeon, or podiatrist. A medical practitioner may be an individual practicing alone, or a group of individuals practicing together in the form of a professional partnership, association, or corporation.

"New market" means a location in a Medicare locality, as determined under 20 CFR 405.505, other than the Medicare locality in which a medical practitioner or medical laboratory had been providing health care services or property, or, with the prior approval of the Council by exception, a different location within the same Medicare locality.

"New service or property" means a service or property which the medical practitioner or medical laboratory did not sell or lease in the same or substantially similar form at any time during the one-year period immediately preceding the first date on which it is offered for sale or lease. For the purposes of this definition, a change in appearance, arrangement, combination, method or technology of providing a service, or certification by a medical specialty board, does not create a new service or property.

"Price" means any fee or charge for the sale or lease of any service or property, regardless of form.

"Revenue margin" means the ratio that net revenues (aggregate annual revenues less total operating expenses directly related to the provision of health care) bears to aggregate annual revenues for a fiscal year, computed in accordance with generally accepted accounting principles consistently applied. For the purpose of this definition, revenues and operating expenses derived from the provision of health care under a contract with an HMO may be excluded in the computation of revenue margin.

§ 150.733 Prior commitments.

(a) Notwithstanding any other provision of this subpart, all prospective decisions, interpretations, and exceptions authorizing a minimum dollar increase issued prior to January 17, 1974, to a specific medical practitioner or medical laboratory covered under this subpart remain in force.

(b) For purposes of calculating the first year's allowances authorized under this subpart, each medical practitioner and medical laboratory shall use no more than the unused portion of the maximum authorized allowable percentage price increase available on December 28, 1973, for the two control years under the non-institutional providers of health services sections of Subpart O of this part. The maximum authorized allowable percentage price increase for purposes of this paragraph is 5 percent, computed on an aggregate weighted basis in accordance with the formula specified in § 150.734(d).

§ 150.734 Price increase limitations.

(a) Except as provided in paragraph (b) of this section with respect to a fixed dollar amount charged under a contract with another health care provider and except for prices charges under a contract with a new HMO, a medical practitioner or medical laboratory may not increase any of its prices for services and property related to the provision of health care in excess of the following limitations:

(1) The customary prices for all services and property may not exceed 104 percent, computed on an aggregate weighted basis using the immediately preceding calendar year's billings, of the customary prices for all services and property lawfully in effect on the last day of the immediately preceding calendar year; and

(2) The price charged for any service or property may not exceed 110 percent of the customary price lawfully in effect for that service or property on the last day of the immediately preceding calendar year. However, price increases need not be limited to amounts less than $1.00.

(3) For purposes of paragraph (a) of this section, a "price" in a percentage of gross or net revenue contract with another health care provider is the amount determined by multiplying the percentage specified therein times the appropriate unit price, i.e. gross or net revenue price, of each service performed or product provided.

(b) The fixed dollar amount specified in a contract with another health care provider for a service or property, other than on a fee-for-service basis but including a maximum or minimum guarantee, may not exceed 106.2 percent of the dollar amount specified in the contract for the same service or property in the preceding contract year.

(c) Notwithstanding the limitations of paragraphs (a) (1) and (b) of this section, any unused price increase to which a medical practitioner or medical laboratory is lawfully entitled (including those accruing prior to the effective date of this regulation) may be accumulated for more than one calendar year and carried forward for use in a subsequent year, but not compounded.

(d) (1) The formula for determining price increases computed on an aggregate weighted basis under paragraph (a) (1) of this section, herein referred to as %AWPI, is as follows:

$$\%AWPI=\Sigma\frac{P_2-P_1}{P_1}\times\frac{B_1}{B_2}\times 100$$

where,

P_1 = the customary price lawfully in effect on the last day of the immediately preceding calendar year for a service or property.
P_2 = the highest customary price charged or to be charged during the current calendar year for that service or property.
B_1 = the actual gross billings during the immediately preceding calendar year for that service or property.
B_2 = the total gross billings during the immediately preceding calendar year for all services and property.
Σ = the sum of.

(2) If a medical practitioner or medical laboratory elects not to increase a price for any service or property over the price lawfully in effect for that service or property on the last day of the immediately preceding calendar year in excess of that percentage increase authorized under paragraphs (a) (1) and (c) of this section, the price increases may be implemented without regard to the computation of %AWPI in paragraph (d) (1) of this section.

(3) At the option of a medical practitioner or medical laboratory, the formula for determining %AWPI in paragraph (d) (1) of this section may be restated as follows:

$$\%\ AWPI=\Sigma\ \%\ I\times\frac{G_1}{B_2}$$

where,

$\%I$ = the highest percentage price increase for any service or property within a group of similar or related services or property.
G_1 = the actual gross billings during the immediately preceding calendar year for that group of similar or related services and property.

(e) A dentist may increase the price of a dental item in which gold or silver is used, without regard to paragraphs (a) (1) and (a) (2) of this section, to reflect the actual increase since November 14, 1971, in the cost of gold or silver used in that item on a dollar-for-dollar basis, without rounding off. Any actual decrease in the cost of gold or silver used in that item shall likewise be reflected, dollar-for-dollar, in the price of that item.

§ 150.735 Revenue margin limitation.

(a) In addition to the limitations set forth in § 150.734, if a medical practitioner increases any price, except for a price charged under a contract with a Health Maintenance Organization, as defined in § 150.750, over the price lawfully in effect on the last day of the immediately preceding fiscal year, his revenue margin may not exceed his base period revenue margin during—

(1) that fiscal year, if the price is increased during the first fiscal quarter, or

(2) that fiscal year and the succeeding fiscal year, if the price is increased subsequent to the first fiscal quarter.

(b) If a medical practitioner has incorporated or has abandoned its corporate status during or subsequent to the base period, the medical practitioner shall determine its revenue margin and base period revenue margin under paragraph (a) of this section by excluding from operating expenses for each year of incorporation all amounts of salary and the amount of deferred compensation in excess of the amount permitted to be deferred under the self-employed retirement plan (the Keogh Plan), authorized by 26 U.S.C. 401, for any individual medical practitioner who is an owner-employee as defined at 26 U.S.C. 401(c)(3).

(c) If a medical practitioner is a professional partnership, the partnership shall determine its revenue margin and base period revenue margin under paragraph (a) of this section by excluding from operating expenses any salaries paid to employees who are medical practitioners. For purposes of this paragraph employees who are medical practitioners shall include only those earning more than 50 percent of their medical practice income from the partnership.

§ 150.736 New services or property.

(a) The price for a new service or property or for a service or property being provided in a new market shall be determined as follows:

(1) The price of the service or property shall be the customary price charged by a substantial number of other comparable medical practitioners or medical laboratories providing a comparable health care service or property in the same marketing area; or

(2) If comparable health care services or property are not provided by other comparable medical practitioners or medical laboratories, then the medical practitioner or medical laboratory may use any other pricing practice commonly used by other comparable medical practitioners or medical laboratories engaged in comparable medical practice in the same marketing area.

(b) A medical practitioner or medical laboratory may use the special pricing rules of this section at any time within twelve months after the service or property described in paragraph (a) was first made available to patients. A medical practitioner or medical laboratory may not raise its charges for such a service or property when more than twelve months have elapsed since the service or property was first made available to patients.

(c) The Council may modify, defer, suspend or disapprove any charges implemented pursuant to this section if the Council finds that such charges are inconsistent with the rules of this subpart or unreasonably inconsistent with the goals of the Economic Stabilization Program.

§ 150.737 Group practice.

(a) The price with respect to the furnishing of a service or property when one medical practitioner joins or forms a group with another medical practitioner or practitioners shall be—

(1) The price previously in effect for each of the medical practitioners; or

(2) The highest price at or above which all medical practitioners to be in the group charged for the service or property in at least 25 percent of their transactions within the same market with the same class of purchasers during the immediately preceding calendar year.

(b) The revenue margin and base period revenue margin, when one medical practitioner joins or forms a group with another medical practitioner or practitioners, shall be combined and reconciled consistent with generally accepted accounting principles.

§ 150.738 Price schedules.

Each medical practitioner and medical laboratory shall maintain at each facility a schedule showing the customary prices in effect on December 31, 1973, for each class of purchasers for services or property which comprise 90 percent of aggregate annual revenues, each subsequent change (if any) in the price of these services or property, and the date the change of price was made. If price increases are computed on an aggregate weighted basis under § 150.734(d) (1) or (3), the weights for each service or property or group of related services or property whose prices are increased shall also be shown on the schedule. The schedule shall be made available for public inspection, and a copy shall promptly be furnished or mailed to any third party payor or Cost of Living Council representative upon request. Each practitioner and medical laboratory shall post a conspicuous and easily readable sign in each facility stating the availability and location of the schedule. No price increase may be implemented before the increase has been entered on the schedule as required by this section.

§ 150.739 Exceptions.

(a) Unless a medical practitioner or medical laboratory has requested and received an exception from the Cost of Living Council for the purpose of preventing or correcting a serious hardship or gross inequity, the medical practitioner or medical laboratory shall not implement a price increase in excess of the limitations set forth in these sections and the medical practitioner shall not exceed the revenue margin limitation set forth in § 150.735. Subject to the general requirements relating to exceptions imposed by Part 155 of this chapter, the Council shall consider all relevant factors in reviewing an exception request such as:

(1) For the revenue margin limitation—

(i) whether the base period is substantially unrepresentative of the petitioner's current practice;

(ii) whether a demonstrably significant increase in the amount of medical care has been delivered (including as one measurement, the additional total hours worked); or

(iii) whether effective cost containment initiatives have been undertaken by the medical practitioner.

(2) For the price increase limitations—

(i) whether the prices lawfully in effect prior to the effective date of these

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regulations are substantially unrepresentative of the petitioner's current practice;

(ii) whether a significant imbalance exists between the costs and a price charged for a specific service or property;

(iii) whether the medical practitioner is contemplating a move to an underserved area where medical care is badly needed.

(b) In the absence of the factors enumerated in paragraph (a)(2) of this section, it shall be presumed that the petitioner's revenue margin must not be increasing before factors such as the following are considered for an exception request for the price increase limitations:

(1) Substantial government mandated cost increases;

(2) Cost increases related to substantial and significant improvements in the quality of service or property already provided;

(3) Current operating revenues inadequate to meet current operating expenses;

(4) Significant change in amount of bad debts; or

(5) Increased expenses incurred by reason of wage and salary increases that are exempt under the provisions of § 152.32 of this chapter, or below minimum wage rates imposed by Federal or State statutes of general application.

(c) Requests for exception submitted by a medical practitioner or medical laboratory may be considered to have been provisionally approved sixty days after the date of filing of the request with the Council. The Council shall inform the medical practitioner or medical laboratory promptly by written notice of the date of filing and the docket number of the request for exception. During the 60-day period, the Council may issue a suspense notice which shall have the effect of preventing the unexpired portion of the 60-day period from continuing to run if the documents submitted by the medical practitioner or medical laboratory are incomplete or erroneous. In any case in which the Cost of Living Council issues a suspense notice and requests additional or corrected information from the medical practitioner or medical laboratory, the 60-day period shall resume running only after the Council has informed the medical practitioner or medical laboratory that the information has been received and accepted. The price increases made under the authority of this section shall be applied only to services or property provided to patients by the medical practitioner or medical laboratory after the 60-day period has expired. If after implementation of an increase pursuant to the expiration of the 60-day period, the Council finds that the increase is inconsistent with the rules of this subpart or unreasonably inconsistent with the goals of the Economic Stabilization Program, it may issue an order modifying, deferring, suspending or disapproving the increase. In such an instance, if the exception request had been submitted in good faith, the medical practitioner or medical laboratory shall not be required to refund any monies received, or to reduce reimbursements otherwise allowable from the last day of the 60-day period through the date of the Council's determination of the request; nor shall the medical practitioner or medical laboratory be subject to any criminal fine or civil penalty on account of the increase implemented on the basis of provisional approval granted pursuant to the operation of this section.

§ 150.740 Prohibition.

No medical practitioner or medical laboratory subject to this subpart may adopt any change in charging practices, reduction in quality or quantity of services, or any other practice that has the effect of avoiding compliance with any provision of this title.

§ 150.741 Remedies for non-compliance.

(a) In accordance with Subpart E of Part 155 of this chapter, and in addition to any remedies provided therein, if the Council determines that either the revenue margin limitation contained in § 150.735 or the price increase limitations contained in § 150.734 have been exceeded, and no exception has been granted, the Council may order—

(1) the reduction of prices to compensate for the amount by which the limitations were exceeded; or

(2) the reduction of prices to assure that the medical practitioner is in compliance; or

(3) the refund of an aggregate amount equal to the amount by which the limitations were exceeded (the amount to be refunded or credited to an account shall be allocated on a pro rata basis); or

(4) any other action which is reasonable and appropriate to cause the remission of such excess prices; or

(5) any combination of actions under paragraphs (a) (1), (2), (3), or (4) of this section.

(b) If a medical practitioner has exceeded the revenue margin limitation under § 150.735 or a medical practitioner or medical laboratory has exceeded any price increase limitation under § 150.734, the medical practitioner or medical laboratory shall submit a plan for achieving compliance with these sections to the Office of Health, Cost of Living Council, 2000 M Street N.W., Washington, D.C. 20508. Such a compliance plan may provide for a reduction of prices, a stipulation of no price increases for a certain period of time, the refund of revenues, or any other action which is reasonable and appropriate to cause the remission of such excess prices, or a combination of any of the foregoing. The Cost of Living Council may approve such a plan, order certain changes, or order a different plan of its own design.

§ 150.742 Communications with the Cost of Living Council.

Medical practitioners and medical laboratories should address all notices and requests made to the Council under this subpart to the Office of Health, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508.

§ 150.743 Reporting procedures.

Medical practitioners and medical laboratories are encouraged to make their computations and monitor compliance with §§ 150.734 and 150.735 of this part on Form CLC–81. Each medical practitioner and medical laboratory shall file a completed Form CLC–81 with the Office of Health, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508 within 30 days of a request therefor by the Cost of Living Council. The completed Form CLC–81 must be signed by the medical practitioner, a designated partner, the chief executive officer, the administrator, or the chief financial officer, and submitted together with such additional data as the Council may request.

§ 150.744 Retention and availability of records.

(a) Each medical practitioner and medical laboratory subject to this subpart shall maintain such records as are sufficient to establish the compliance status of the practitioner or laboratory with respect to this title.

(b) Records required to be maintained under paragraph (a) of this section shall be made available for inspection at any time upon the request of an officer or employee of the Council or of any other person authorized to represent the Council.

(c) Each medical practitioner or medical laboratory required to maintain records under this section shall retain such records for at least 3 years after the last day of the fiscal year in which the transactions or other events recorded in such records occurred or the property was acquired by that practitioner or laboratory.

§ 150.745 Savings and severability.

(a) If this subpart is held invalid with respect to any medical practitioner or medical laboratory, Subpart O of this part in effect prior to the effective date of Subpart R shall govern the medical practitioner or medical laboratory.

(b) If any provision of §§ 150.730 through 150.745 applicable to medical practitioners and medical laboratories is held invalid, the other provisions of those sections shall remain in full force and effect.

Health Maintenance Organizations (HMOs) and Health Maintenance Organization Providers of Health Care

§ 150.748 Scope and applicability.

Effective January 1, 1974, §§ 150.748 through 150.764 apply to each Health Maintenance Organization (HMO) and each HMO provider of health care that is a medical practitioner or a medical laboratory. Sections 150.748 through 150.764 apply to each HMO provider of health care that is an acute care hospital or long term care institution beginning with the effective date of these rules for acute care hospitals and long term care institutions as established in §§ 150.701 and 150.769 of this subpart.

§ 150.749 Continued applicability of existing regulations.

Except as otherwise provided in § 150.748, each HMO provider of health care whose current fiscal year begins prior to January 1, 1974 is subject to Subpart O of this part in effect on December 31, 1973, until the completion of its current fiscal year.

§ 150.750 Definitions.

For purposes of this subpart and in addition to the definitions in § 150.31:

"Health maintenance organization" (HMO) means a private or public organization which provides, either directly or indirectly through arrangements with others, reasonably comprehensive health care services to HMO members primarily on a per capita pre-payment basis, and which requires that a medical practitioner or group of medical practitioners who are under contract with an HMO share in the financial risk for the provision of health care services, and that members served are broadly representative of the general population. If an HMO operates in more than one geographical region, then for the purposes of this definition, the HMO may elect to treat each region as a separate HMO.

"HMO member" means a person entitled to the provision of health care by virtue of a prepaid contract or for stipulated consideration with an HMO.

"HMO provider of health care" means:

(1) An acute care hospital which owns or operates an HMO or which is owned or operated by or is under contract to an HMO, and which derives at least 75 percent of its total inpatient operating charges from services rendered to HMO members;

(2) A medical practitioner or a medical laboratory which is under contract to an HMO and which derives at least 75 percent of its aggregate annual revenues from services rendered to HMO members; or

(3) A long term care institution which owns or operates an HMO or which is owned or operated by or under contract to an HMO and which derives at least 75 percent of its realized revenues from services rendered to HMO members.

"New HMO" means an HMO that has been providing health care pursuant to a contract for prepaid services for less than four years and has fewer than HMO 35,000 members at the end of the last completed fiscal year.

"Prenotifier" means an HMO that had more than 60,000 HMO members at any time during the calendar year preceding the effective date of a proposed rate increase.

"Rate" means a unit charge which produces a premium amount to be charged or paid for the providing of health care through an HMO, calculated in accordance with a ratemaking practice or formula, or developed under a classification system.

"Rate increase" means any increase in the premium or co-payments, a restriction in coverage, an increase in a deductible level, or any similar reduction in benefits to HMO members without a corresponding reduction in rates.

"State regulatory agency" means any commission, board or other legal instrumentality of the State or District of Columbia that has jurisdiction over rates or practices of HMOs in the State or the District of Columbia.

§ 150.751 Prior commitments.

(a) Except as provided in paragraph (b), all interpretations, and decisions or exceptions having prospective effect, issued under the Economic Stabilization Act prior to January 17, 1974, to Health Maintenance Organizations or HMO providers of health care covered under this subpart remain in force.

(b) This section shall not apply to any exception issued under Subpart O of this part authorizing a dollar increase to any HMO provider of health care that is subject to Subpart R of this part pursuant to § 150.701 or § 150.769.

(c) Each HMO provider of health care that is an acute care hospital may annualize the charge increases and charges for new services allowed and implemented under Subpart O of this part in effect on the last day of the hospital's last fiscal year under Subpart O of this part, for purposes of calculating the base on which allowances are authorized under this subpart.

(d) Each HMO provider of health care that is a medical practitioner or a medical laboratory may add to the first year's allowances authorized under this subpart no more than the unused portion of the maximum authorized allowable percentage price increase available on December 28, 1973, for the two control years under the noninstitutional providers of health services sections of Subpart O of this part. The maximum authorized allowable percentage price increase for purposes of this paragraph is 5 percent, computed on an aggregate weighted basis.

(e) For purposes of calculating the base on which allowances are authorized under this subpart, each HMO provider of health care that is a long term care institution may use the average per diem charges lawfully in effect for each class of purchasers and level of care on the last day of the institution's last fiscal year under Subpart O of this part and, for each class of purchasers and level of care for which the institution is paid under a cost reimbursement arrangement, the total authorized cost reimbursements expressed on a per diem basis determined for the institution's last fiscal year under Subpart O of this part.

§ 150.752 Criteria for rate increases.

(a) Except as provided in paragraphs (b) and (c) of this section, each rate increase put into effect by an HMO after December 31, 1973, which would increase the rate above the level in effect on that date, must be consistent with the following criteria:

(1) Actual costs may be used in the customary manner in the ratemaking process.

(2) Factors in the ratemaking process or in the actual determination of the final rate that relate to or reflect changes in claim frequency, occurrence or utilization, or similar changed conditions of risk may be used in accordance with customary practice provided such factors are supported statistically.

(3) Administrative expenses may be loaded on an actual cost basis, if statistically supported. If factors for administrative expenses are loaded as a percentage of the rate, they must be limited to a maximum of a 5 percent increase in the dollar amount represented by the loading.

(4) Any profit portion of the rate, whether loaded as a percentage of the rate or a dollar amount per contract, must be limited to a 2.5 percent increase in the dollar amount represented by the loading for the profit that was used in the prior rate. For purposes of this section, any portion of the rate which is classified as a contribution to reserve, contingency reserve or similar element where a profit as such is not a part of the ratemaking process, shall be treated as the profit provision.

(5) Factors in the ratemaking process anticipating costs or price increases may be used, if statistically supported, in accordance with the customary practice in the ratemaking process, subject to the following restrictions:

(i) For that portion of the factor that represents the provision of inpatient care in an acute care hospital, if the contract between the HMO and the acute care hospital is on a percentage of charge or fixed charge per admission basis, the increase is limited to 7.5 percent per admission per year; if the contract is on a per diem or charge basis, it shall be recomputed on a per admission basis and subject to the per admission contract limitation; if the contract is on a fixed dollar amount or per capita basis, the increase is limited to 9 percent per fixed dollar amount or per capita per year; or if the acute care hospital owns or operates an HMO or is owned or operated by the HMO, the increase is limited to 9 percent of its inpatient operating expenses per year.

(ii) For that portion of the factor that represents the provision of outpatient care in an acute care hospital or long term care institution, if the contract is on a charge per procedure basis, the increase is limited to 6 percent per procedure per year; or if the contract is on a fixed dollar amount or per capita basis, the increase is limited to 9 percent per year.

(iii) For that portion of the factor that represents the provision of health care by a medical practitioner or medical laboratory, if the contract is on a fee-for-service or a percentage of gross or net revenue basis, the increase is limited to 4 percent per charge per year; or if the contract is on a fixed dollar amount or per capita basis, the increase is limited to 6.2 percent per year. For purposes of the preceding sentence, a "charge" in a percentage of gross or net revenue contract is the amount determined by multiplying the percentage specified therein times the appropriate unit charge, i.e.,

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gross or net revenue charge, of each service performed or product provided.

(iv) For that portion of the factor that represents the provision of inpatient care by a long term care institution, the increase is limited to 6.5 percent in average realized revenues per diem per year.

(b) Increases in charges by an HMO for services and property not covered by a rate are not subject to any limitations as long as the anticipated revenues from such sources are offset against the rate that otherwise would be permissible.

(c) A new HMO is not subject to the limitations set forth in this section.

§ 150.753 Change in ratemaking formula.

No HMO may change a ratemaking formula, procedure or technique, or other element in the ratemaking process unless—

(a) the change will not result in an overall rate increase; or

(b) the change is necessitated by legislation or regulation promulgated in a particular jurisdiction; or

(c) written approval has been granted by the Cost of Living Council.

§ 150.754 Prenotification.

Each prenotifier shall file a written notice on Form CLC–27 with the Cost of Living Council and the appropriate State regulatory agency of the State to which the rate increase is applicable or the State regulatory agency of the HMO's domicile when a rate increase is proposed for use in more than one State, of each proposed rate increase in excess of 5 percent which affects $500,000 or more of its annual revenues under the existing rate. Each HMO submitting a notice under this section shall certify to the Cost of Living Council and the State regulatory agency that the proposed rate increase conforms to the requirements of §§ 150.752 and 150.753. The certification must be signed by the chief executive officer of the prenotifier or by an individual to whom he has delegated that authority. A copy of the delegation must be filed with the Cost of Living Council.

§ 150.755 Certification by State regulatory agency.

A State regulatory agency may agree, in writing, with the Cost of Living Council to certify that the rate increases of which it has received prenotification under § 150.754 are or are not in compliance with §§ 150.752 and 150.753. Each agency entering into such agreement with the Cost of Living Council shall furnish its certification to the Council (with a copy to the HMO) within 20 days after it receives the notice. A certification by an agency under this section is prima facie evidence that the proposed rate increase is or is not in compliance with §§ 150.752 and 150.753.

§ 150.756 Self-certification.

Whenever a prenotifier cannot obtain a certification of a rate increase from a State regulatory agency in accordance with § 150.755 because:

(a) There is no State regulatory agency;

(b) The State regulatory agency concerned has not agreed to furnish certification under that section; or

(c) The State regulatory agency did not act upon the filing within the period required under § 150.755, the prenotifier shall immediately notify the Cost of Living Council that it cannot obtain the certification and may request the Council to act upon the certification filed with it under § 150.754.

§ 150.757 Federal employees health benefits law.

The Cost of Living Council designates the U.S. Civil Service Commission to act as certifying agent for contracts of HMOs under the Federal Employees Health Benefits Law (5 U.S.C., Chapter 89). Each prenotifier that proposes to increase rates under a Federal Employees Health Benefits contract by more than 5 percent shall file notice thereof with the Cost of Living Council and the Civil Service Commission. The Civil Service Commission shall, with respect to each such proposed increase, certify to the Cost of Living Council that the increase is or is not in compliance with § 150.752 and that certification is prima facie evidence of compliance or noncompliance. A rate certified by the Civil Service Commission as being in compliance may go into effect on any date, specified by that Commission, that is at least 10 days after the date of the certification, and at least 30 days after the date of prenotification.

§ 150.758 Cost of Living Council actions.

(a) With respect to any rate increase certified by a State regulatory agency under § 150.755, or self-certified by a prenotifier, the Cost of Living Council may, within 30 days after the State regulatory agency received the prenotification, or within 30 days after the Cost of Living Council receives the prenotification under § 150.754, take one or more of the following actions:

(1) Require the HMO to furnish additional information regarding the increase.

(2) Delay the effective date of the increase pending further Council action.

(3) Suspend all or part of the effect of the increase, pending further action by the Cost of Living Council or by the State regulatory agency.

(4) Limit, refuse, rescind, reduce, or modify the increase.

(b) If the Cost of Living Council does not act upon a request under this section before the end of the thirtieth day as described above, the increase may go into effect. However, in any case in which that period would otherwise end on a Saturday, Sunday, or Federal holiday, it will end at the close of the next succeeding workday. However, if after implementation of the rate increase the Council finds that the increase is inconsistent with the rules of this subpart or unreasonably inconsistent with the goals of the Economic Stabilization Program, it may issue an order modifying, deferring, suspending or disapproving the rate increase. A rate increase prenotified to a State regulatory agency which has been certified by that agency as being not in compliance with §§ 150.752 and 150.753 may not be placed into effect unless the written approval of the Cost of Living Council has been granted.

§ 150.759 HMO rates subject to State laws.

Approval of an HMO rate increase or rating formula under these sections does not authorize the use of a rate or formula in contravention of any applicable State law.

§ 150.760 Reporting.

Each HMO shall file an annual report on Form CLC–27 with the Cost of Living Council with a copy to the appropriate State regulatory agency at the time it normally releases its annual reports, but in any event no later than 120 days after the end of the fiscal year. This report must be signed by the chief executive officer of the HMO or by an individual to whom he has delegated that authority. A copy of the delegation must be filed with the Cost of Living Council.

§ 150.761 HMO providers of health care.

(a) An HMO provider of health care that is an acute care hospital is limited to—

(1) In the provision of outpatient care—

(i) An increase of 6 percent per year in its charges, computed on an aggregate weighted basis, if the contract between the HMO and the acute care hospital is on a charge per procedure basis; or

(ii) An increase in its charges of 9 percent per year, if the contract is on a fixed dollar amount or on a per capita basis.

(2) In the provision of inpatient care—

(i) An increase in its charges of 7.5 percent per admission per year, if the contract is on a percentage of charge or fixed charge per admission basis. Any contract on a per diem or charge basis shall be recomputed to a per admission basis and is subject to the per admissions limitation; or

(ii) An increase in its charges of 9 percent per capita per year, if the contract is on a per capita basis; or

(iii) An increase in its inpatient operating expenses of 9 percent per capita per year if that acute care hospital owns or operates the HMO or is owned or operated by the HMO.

(b) An HMO provider of health care that is a medical practitioner or a medical laboratory is limited to:

(1) An increase in its charges of 6.2 percent per year if remuneration under the contract is on a fixed dollar amount or on a per capita basis; or

(2) An increase of 4 percent per year in its prices, computed on an aggregate weighted basis using the preceding calendar year's billings, for all services and property, if the contract between the HMO and the practitioner or laboratory is on a fee-for-service or percentage of gross or net revenue basis. For purposes of the preceding sentence, a "price" in a percentage of gross or net revenue contract is the amount determined by multiplying the percentage

specified therein times the appropriate unit price, i.e., gross or net revenue price, of each service performed or product provided.

(c) An HMO provider of health care that is a long term care institution is limited to:

(1) In the provision of outpatient care—

(i) An increase of 6 percent per year in its charges, computed on an aggregate weighted basis, if the contract between the HMO and the long term institution is on a charge per procedure basis; or

(ii) An increase in its charges of 9 percent per year, if the contract is on a fixed dollar amount or on a per capita basis.

(2) In the provision of inpatient care, an increase of 6.5 percent per year in its average realized revenues per diem.

(d) Increases in charges by an HMO provider of health care for services and property not paid for by an HMO are not subject to any limitations as long as the anticipated revenues from such sources are offset against the limitations of paragraphs (a), (b), and (c) of this section.

(e) An HMO provider of health care is also subject to the provisions of §§ 150.709, 150.713, 150.714(c), 150.736, 150.778, 150.781, and 150.782(c) of this subpart relating to acute care hospitals, medical practitioners and medical laboratories, and long term care institutions, as appropriate.

(f) An HMO provider of health care is excluded from the limitations of paragraphs (a), (b), and (c) of this section if it is providing health care to a new HMO.

§ 150.762 Prohibition.

No Health Maintenance Organization or HMO provider of health care subject to this subpart may adopt any change in charging practices, reduction in quality or quantity of services, or any other practice that has the effect of avoiding compliance with any provision of this title.

§ 150.763 Retention and availability of records.

(a) Each Health Maintenance Organization and HMO provider of health care subject to this subpart shall maintain such records as are sufficient to establish the compliance status of the HMO or HMO provider of health care with respect to this title.

(b) Records required to be maintained under paragraph (a) of this section shall be made available for inspection at any time upon the request of an officer or employee of the Council or of any other person authorized to represent the Council.

(c) Each HMO and HMO provider of health care required to maintain records under this section shall retain such records for at least 3 years after the last day of the fiscal year in which the transactions or other events recorded in such records occurred or the property was acquired by the HMO.

§ 150.764 Savings and severability.

(a) If this subpart is held invalid with respect to any HMO or HMO provider of health care, Subpart M or Subpart O of this part in effect on December 31, 1973 shall govern the HMO or HMO provider of health care.

(b) If any provision of §§ 150.748 through 150.764 of this subpart applicable to HMOs and HMO providers of health care is held invalid, the other provisions of these sections shall remain in full force and effect.

LONG TERM CARE INSTITUTIONS

§ 150.769 Scope and applicability.

(a) Sections 150.769 through 150.788 apply to each long term care institution whose fiscal year commences on or after January 1, 1974. However, any long term care institution may make an irrevocable election:

(1) To be governed by this subpart if its current fiscal year commenced on or after August 15, 1973, but before January 1, 1974; or

(2) To be governed by Subpart O of this part in effect on December 31, 1973, if its fiscal year commences on or after January 1, 1974, but before April 1, 1974. In no event may a long term care institution elect to be governed by Subpart O if its fiscal year commences on or after April 1, 1974.

(b) No election made under paragraph (a) (1) or (2) of this section by any long term care institution is valid unless the institution files with or mails to the Cost of Living Council written notice of its specific election. The written notice must be filed with the Council not later than April 1, 1974, or mailed to the Council by certified or registered mail (return receipt requested) postmarked no later than April 1, 1974. No notice is required if the long term care institution does not make an election referred to in paragraph (a) (1) or (2) of this section.

(c) Notwithstanding paragraph (a) of this section, a long term care institution which is owned or operated by or under contract to a Health Maintenance Organization and which derives at least 75 percent of its gross inpatient operating revenues from services rendered to enrolled participants, is subject to this section and to §§ 150.748 through 150.764 governing Health Maintenance Organizations.

(d) To the extent that §§ 150.769 through 150.788 of this subpart may conflict with other provisions of this part, §§ 150.769 through 150.788 shall prevail.

§ 150.770 Continued applicability of existing regulations.

Except as otherwise provided in § 150.769, each long term care institution whose current fiscal year begins prior to January 1, 1974, is subject until the completion of its current fiscal year to Subpart O of this part in effect on December 31, 1973.

§ 150.771 Definitions.

For purposes of this subpart and in addition to the definitions in § 150.31:

"Average realized revenues per diem" means the realized revenues for each long term care institution's class of purchasers for each level of care divided by the number of patient days of care provided for the same level of care for the same class of purchasers. However, the number of patient days for which revenues were not realized may be excluded in determining the average realized revenues per diem.

"Capital expenditure" means an expenditure defined as a capital expenditure in 42 CFR 100.103(a) of the regulations implementing section 1122 of the Social Security Act as added by section 221(a) of the Social Security Amendments of 1972 (Pub. L. 92–603, 86 Stat. 1386–89 (42 U.S.C. 1320a–1)).

"Design development" means the documentation which describes the size and character of the construction project, including:

(1) The site plan indicating the nature of the improvements such as topography, utilities, and streets;

(2) Plans, elevations and sections required to describe the project with respect to structural, mechanical and electrical systems;

(3) Schedules and lists required to identify all fixed equipment with respect to character, size, function and finishes of interior spaces; and

(4) A general description of the types and requirements of the materials to be used.

"Levels of care" means the following:

(1) For Medicare patients—skilled nursing care and hospital care.

(2) For Medicaid patients—those categorizations of care specified by each State Title XIX (42 USC 1395aa) agency for reimbursement purposes.

(3) For all other patients—existing classifications of levels of care for patients, specifically identified in the accounting practices of the institution during the preceding fiscal year, including acute care.

"Long term care institution" means:

(1) A licensed hospital that is not an acute care hospital as defined in § 150.703.

(2) An institution that is certified for participation in Medicare as a skilled nursing facility.

(3) An institution that participates in Medicaid as a skilled nursing facility or intermediate care facility.

(4) Any other skilled nursing or intermediate care facility.

(5) The distinct unit of an acute care hospital, for which the hospital maintains separate financial accounts, that provides health care services similar to these specified in items (1) through (4).

For the purposes of this definition, if any housing for the elderly includes as part of its facility a distinct part licensed or certified for the provision of skilled nursing or intermediate care, only such distinct part is included in this definition. As used herein, "housing for the elderly" includes purely residential shelter, and personal and sheltered care institutions that provide health related services as part of a general program of supervision and personal care to residents not in need of substantial, continuous nursing services or medical care. The availability of 24-hour nursing service does not preclude the inclusion of an institution in the definition of "housing for the eld-

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erly", unless the primary purpose of the institution, or of a distinct part of the institution, is to provide nursing care on a continuous basis.

"New facility" means a long term care institution which:

(1) Commences operation for the first time, or which has not operated for at least one year prior to its current date of operation; or

(2) Has undergone physical replacement; or

(3) Has undergone major renovation, remodeling or expansion that costs a dollar amount equal to 70 percent of the book value (net of accumulated depreciation) of the property, plant and equipment in service at the end of the fiscal year in which the institution was committed to construction by prior authorization of the institution's governing board, or $100,000, whichever is greater, and which

(i) Receives a "new facility" determination in response to a request filed with the Council prior to March 20, 1974, under Cost of Living Council Notice 73–2 (38 FR 30798); or

(ii) Receives approval from the State planning agency or the Council in response to a request filed on or after January 1, 1974, and prior to March 20, 1974, for approval of a capital expenditure pursuant to § 150.781 or § 150.782 (c); or

(iii) Has undertaken a capital expenditure that meets the requirements of § 150.781(a)(2).

For purposes of this definition, the mere acquisition of an institution or of the person that controls the institution by another person does not result in the creation of a new facility.

"New level of care" means a new separate category of services recognized by third party payors or approved by the Cost of Living Council. For purposes of this definition, the new category of services must entail distinct costs which are significantly different from the costs associated with the levels of care previously provided. The new level of care must furnish significantly different kinds or intensity of services from those already prevailing within the institution.

"New service or property" means a service or property which the long term care institution did not sell or lease in the same or substantially similar form at any time during the one-year period immediately preceding the first date on which it is offered for sale or lease. For the purposes of the definition, a change in appearance, or arrangement, or a change in the method or technology of providing a service, does not create a new service or property.

"Realized revenues" means:

(1) For institutions on a cash basis of accounting, the total cash received for patient services. Revenue adjustments from retroactive cost reimbursement settlements shall be considered in the fiscal year received unless other treatment is consistent with generally accepted accounting principles; and

(2) For institutions on an accrual basis of accounting, the total charges less discounts, contractual allowances, bad debts, and charity allowances accrued for patient services rendered during the same fiscal year. Revenue adjustments from retroactive cost reimbursement settlements that were not accrued in the prior period shall be considered in the fiscal year received unless other treatment is consistent with generally accepted accounting principles.

§ 150.772 Prior commitments.

(a) Except as provided in paragraph (b) of this section, all interpretations, and decisions or exceptions having prospective effect, issued under the Economic Stabilization Act prior to January 17, 1974, to long term care institutions covered under this subpart remain in force.

(b) This section shall not apply to any exception issued under Subpart O of this part authorizing a dollar increase to any institution that is subject to Subpart R pursuant to § 150.769.

(c) For purposes of calculating the base on which allowances are authorized under this subpart, each long term care institution may use the average per diem charges lawfully in effect for each class of purchasers and level of care on the last day of the institution's last fiscal year under Subpart O and, for each class of purchasers and level of care for which the institution is paid under a cost reimbursement arrangement, the total authorized cost reimbursements expressed on a per diem basis determined for the institution's last fiscal year under Subpart O.

§ 150.773 Limitations on average realized revenues per diem.

A long term care institution's average realized revenues per diem by level of care for each class of purchasers during any fiscal year may not be more than 106.5 percent of its average realized revenues per diem by level of care for each class of purchasers during the preceding fiscal year.

§ 150.774 Application of limitations.

For purposes of § 150.773—

(a) In determining the levels of care provided and the amount of average realized revenues, an institution shall follow generally accepted accounting principles consistently applied. However, no institution shall change the criteria used during the preceding fiscal year for determining the respective levels of care for its patients.

(b) The unused portion of authorized revenue increases permitted for any level of care of any class of purchasers in any fiscal year may not be applied in that year to any other level of care of any class of purchasers.

(c) The unused portion of authorized revenue increases permitted in one year but not fully implemented may be implemented only in the fiscal year following the year in which the full allowable increase was not implemented and only for the level of care of the class of purchasers to which the increase applied. The unused portion of authorized revenue increases may not be compounded.

§ 150.775 Limitation on charge increases for outpatient services.

(a) Each long term care institution shall control its charges for outpatient services on the basis of either a unit charge system or an aggregate weighted charge system.

(1) If the institution elects the unit charge system, it may not increase its charges for any outpatient service beyond 106 percent of the charge lawfully in effect for that service on the last day of the preceding fiscal year.

(2) If the institution elects the aggregate weighted charge system:

(i) the aggregate weighted charges for all of its outpatient services may not exceed 106 percent of the aggregate weighted charges for all such services lawfully in effect during the preceding fiscal year; and

(ii) the charge for any outpatient service may not be more than 110 percent of the charge lawfully in effect for that service on the last day of the preceding fiscal year (however, this paragraph does not require that charge increases be limited to amounts less than $1.00).

(iii) the formula for determining charge increases computed on an aggregate weighted basis under this paragraph (a)(2), herein referred to as %AWCI, is as follows:

$$\%AWCI = \Sigma \frac{C_2 - C_1}{C_1} \times \frac{B_1}{B_2} \times 100$$

where,

C_1 = the charge lawfully in effect on the last day of the immediately preceding fiscal year for a service or property.
C_2 = the highest charge made or to be made during the current fiscal year for that service or property.
B_1 = the actual gross charges during the immediately preceding fiscal year for that service or property.
B_2 = the total gross charges during the immediately preceding fiscal year for all outpatient services and property subject to the limitations of this section.
Σ = the sum of.

(3) At the option of a long term care institution, the formula for determining %AWCI in paragraph (a)(2) of this section may be restated as follows:

$$\%\ AWCI = \Sigma\ \%\ I \times \frac{G_1}{B_2}$$

where,

%I = the highest percentage charge increase for any service or property within a group of similar or related services or property.
G_1 = the actual gross charges during the immediately preceding fiscal year for that group of similar or related services and property.

(4) If the charges in effect on the last day of the preceding fiscal year had been temporarily lowered to effect a restitution of overcharges to assure compliance by the end of that year, then such charges may be adjusted to the legally authorized level.

(b) The unused portion of authorized charge increases permitted in one year but not fully implemented may be implemented only in the fiscal year following the year in which the full allowable increase was not taken. The unused portion of authorized charge increases may not be compounded.

§ 150.776 Medicaid reimbursement rates.

(a) If a State agency responsible for administering the Medicaid program within that State decides to raise its State or a regional level of Medicaid reimbursement by more than 6.5 percent over the preceding fiscal year rate for any level of care and to obtain an exception to the limitations of § 150.773 with respect thereto for each long term care institution participating in Medicaid reimbursement within that region or State, the State shall demonstrate and certify to the Council the following with respect to that Medicaid reimbursement rate increase:

(1) The former rate, the date it was established, the new rate, the percentage increase, and the proposed effective date of the new rate;

(2) That the increase is cost related, as demonstated by a reliable and valid statistical sample;

(3) That the increase is necessary to implement and maintain the standards of service required by Federal or State regulations, or both; and

(4) That the increase, in the opinion of the agency, is not inflationary within the meaning of the Economic Stabilization Program guidelines.

(b) Within 30 days after receipt of the State agency's certification, the Council may take one or more of the following actions:

(1) Require the State agency to furnish additional information regarding the rate increase.

(2) Suspend the 30-day period for Council action.

(3) Issue the State agency a certificate of compliance.

(4) Refuse to issue the State agency a certificate of compliance.

(c) If the Council issues a certificate of compliance to a State agency or fails to take any action within the 30-day period specified in paragraph (b) of this section, then long term care institutions participating in Medicaid reimbursement within that region or State shall not be subject to the limitations contained in § 150.773 with respect to their average realized revenues per diem derived from levels of care covered by the State agency's certification.

(d) If the Council refuses to issue a certificate of compliance to a State agency, then long term care institutions in that region or State shall remain subject to all the limitations contained in § 150.773. Where a refusal to issue a certificate of compliance occurs after expiration of the 30-day period, the Council may issue an order modifying, deferring, suspending, or disapproving any increases already implemented by those long term care institutions.

§ 150.777 Patient's personal funds.

When a long term care institution provides services or property which are paid for from the personal funds of patients, the institution shall increase the price to the patient of a service or property only on a dollar-for-dollar basis for those net cost increases that have been incurred with respect to that service or property. In addition, a long term care institution shall not charge to a Medicaid patient's personal account any services or property that have been or are normally paid for from other sources.

§ 150.778 Special pricing rules.

(a) The methods of establishing prices for services or property set forth in this section may be used only after a long term care institution has been authorized to use these provisions pursuant to other sections of this subpart.

(b) In the case of a new level of care, a new outpatient service or property, or a new facility resulting from a capital expenditure which meets the requirements of § 150.781 or § 150.782(c), the prices for services or property may be determined by either of the following methods, without regard to the limitations prescribed in §§ 150.773 and 150.775:

(1) The price for the service or property or level of care shall not be unreasonably inconsistent with the prevailing prices charged in a substantial number of current transactions for a similar service or property by a substantial number of other long term care institutions providing health care services and properties. The prices so determined may reflect an incremental charge for interest and depreciation costs.

(2) The long term care institution shall establish its prices by using any pricing practice commonly used by a substantial number of long term care institutions. The prices so determined may reflect an incremental charge for interest and depreciation costs.

(c) New prices authorized pursuant to this section shall become effective no earlier than the first day on which the services or property shall be made available to patients. However, if the request for approval under § 150.781 or the request for exception under § 150.782(c) has not been filed before the close of the fiscal year in which the service or property was made available to patients, then the new prices shall become effective no earlier than the first day of the fiscal year in which the request was filed.

(d) A long term care institution may use the special pricing rules of this section at any time within, but not later than, twelve months after the service or property described in paragraph (b) of this section was first made available to patients.

(e) In the case of a capital expenditure approved pursuant to § 150.781 or § 150.782(c) which does not result in a new level of care or a new facility, the prices for services or property shall be determined as follows: For each fiscal year in which the project resulting from the capital expenditure is being constructed or otherwise introduced, and during the first full fiscal year of operation, the long term care institution shall establish prices sufficient to produce a level of revenues for the services and property which has been approved by the agency described in § 150.781(c) or by the Council. The institution shall calculate the total amount of allowable realized revenues per diem by level of care for each class of purchasers for each fiscal year prior to the second full fiscal year of operation. The approved level of revenues shall be added to the base authorized by §§ 150.773 and 150.774.

(f) The revenues derived from the provision of new levels of care and from the provision of services or property by a new facility shall be subject to the limitations contained in § 150.773 during the second full fiscal year such levels of care or services or property were provided, and subsequent fiscal years. For an outpatient service or property which is provided in a new facility, a long term care institution shall be subject to the unit charge limitation of § 150.775(a)(1) in the first full fiscal year after the service or property was first made available to patients; thereafter, the institution may elect as provided in § 150.775(a).

(g) The Council may modify, defer, suspend or disapprove any prices implemented pursuant to this section if the Council finds that such prices are inconsistent with the rules of this subpart or unreasonably inconsistent with the goals of the Economic Stabilization Program.

§ 150.779 Price schedules.

Each long term care institution shall maintain at each of its facilities a schedule showing its prices for all services on the last day of the preceding fiscal year, and each subsequent change in such a price and the date such change was made. The schedule shall be made available for public inspection, and a copy shall be furnished or mailed promptly to third party payors or to the Cost of Living Council upon request. Each institution shall either post a conspicuous and easily readable sign in each of its facilities stating the availability and location of the schedule or affix a legend to all billing statements stating the availability and location of the schedule. No price increase may be implemented before the increase has been entered on the schedule as required by this section.

§ 150.780 Reporting procedures.

(a) Within 120 days after the end of each fiscal year, each long term care institution shall file a completed Form CLC–71 signed by the chief executive officer, the administrator or the chief financial officer with the Office of Health, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508. Each long term care institution shall, upon request, furnish a copy of the completed Form CLC–71 to third party payors.

(b) Each long term care institution which, pursuant to § 150.781(a)(2), is authorized to establish new charges for services or property resulting from a capital expenditure and to adjust its charges and expenses, is required to file the following information with its annual report for each year prior to the second full fiscal year after the service or property was first made available to patients:

(1) Statement of incurred expenses attributable to the operating expenses

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directly related to the capital expenditure, including interest and derpreciation;

(2) Statement of the method of application of § 150.778 to establish new charges for services and property to obtain the projected level of revenues required to finance the operating expenses directly related to the capital expenditure, including interest and depreciation.

§ 150.781 Approval of capital expenditures by a State's planning agency.

(a) (1) Except as provided in paragraph (a) (2) of this section, when a long term care institution has obtained the approval of a State planning agency for a capital expenditure in accordance with the provisions of this section, the institution may, in accordance with § 150.778, establish new charges for the services or property resulting from the capital expenditure which are necessary to produce, but not to exceed, the level of revenues approved by the agency.

(2) A long term care institution shall not be subject to paragraphs (b) through (e) of this section or to § 150.782(c) and may establish new charges for the services or property furnished to patients as a result of the capital expenditure in accordance with the applicable provisions of § 150.778 when the following occurrences have taken place prior to January 1, 1974:

(i) the capital expenditure was approved on its merits on the basis of community need by a planning agency listed in paragraph (b) of this section; however, this requirement shall not apply where State approval procedures described in paragraph (b) of this section were neither required nor available to a long term care institution; and

(ii) (A) With respect to a capital expenditure involving construction, the design development for the capital expenditure was completed and approved by the governing board of the institution; or

(B) With respect to a capital expenditure which does not involve construction, the institution was committed to the capital expenditure by authorization of the institution's governing board and one or more implementing financial obligations were contractually incurred in reliance on the authorization.

The provisions of this paragraph (a) (2) are self-executing. No written determination or ruling of the Council is required to authorize a long term care institution to apply the special pricing rules of § 150.778 if the institution meets the criteria set forth in this paragraph. If the Council determines upon subsequent review that the conditions of this paragraph have not been satisfied, it may disapprove any charges implemented pursuant to § 150.778 or take such other action as may be appropriate to ensure compliance with the rules of this subpart.

(b) A capital expenditure under consideration by a long term care institution must be approved on the merits, based upon a clear demonstration of community need, by the appropriate planning agency specified in this paragraph. The long term care institution must request approval from the planning agency designated pursuant to section 1122 of the Social Security Act (Pub. L. 92–603, 86 Stat. 1386–89 (42 U.S.C. 1320a–1)). If a State is not participating in the program under section 1122, then the approval must be obtained from the State agency administering a certificate of need program for long term care institutions. If a State is not participating in a program under section 1122 and has no State agency administering a certificate of need program, then the approval must be obtained from an agency designated under section 314(b) of the Public Health Service Act (Pub. L. 92–585, 86 Stat. 1292 (42 U.S.C. 246(b)); otherwise, approval must be obtained from a State agency designated pursuant to section 314(a) of the Public Health Service Act (Pub. L. 92–585, 86 Stat. 1292 (42 U.S.C. 246(a)).

(c) Approval of a level of revenues that is not unreasonable to finance the operating expenses directly related to the capital expenditure, including interest and depreciation, for the first full fiscal year of operation must be obtained from either the same agency which granted an approval under paragraph (b) of this section or another agency (such as a rate-setting commission or long term care commission) designated by the governor of the State or the mayor of the District of Columbia to perform this specific function. If a State is participating in the program under section 1122, the agency that performs the function specified in this paragraph must be the agency designated pursuant to section 1122. The agency that performs the function specified in this paragraph shall be referred to as the "State approving agency." Prior to the State approving agency taking any action to approve a level of revenues in accordance with this section the Council and the State agency shall have first agreed in writing for the State agency to approve capital expenditures pursuant to this section. For purposes of this paragraph, the first full fiscal year of operation means the first full fiscal year after the inauguration of all services and property resulting from the capital expenditure.

(d) Within sixty (60) days after the date of an approval by the State approving agency, the chief executive officer of the long term care institution shall notify the Council of such approval by sending a copy of the written decision to the Council, together a written statement signed by the chairman of the governing board of the institution certifying that funds legally available from restricted reserves have or will be applied to the capital expenditure or its directly related operating expenses in accordance with the approval.

(e) If after the original agency approval it appears that the authorized level of revenues will not reach the level required to finance the operating expenses directly related to the capital expenditure, including interest and depreciation, the institution may file with the State approving agency a request in writing to allow the institution to achieve a level of revenues in excess of the level originally authorized. A request under this paragraph shall be considered on the same basis as an original request under paragraph (c) of this section, except that in addition, the institution shall submit sufficient documentation to enable the State approving agency to evaluate changes in financial conditions that have occurred since the original approval under paragraph (c) of this section was granted, or other relevant circumstances which significantly alter the assumptions upon which the earlier approval was based. The notification provisions of paragraph (d) of this section shall apply to approvals under this paragraph.

§ 150.782 Exceptions.

(a) No long term care institution may exceed the limitations set forth in §§ 150.773, 150.775 and 150.777 except as may be authorized pursuant to this subpart. Each long term care institution shall, in addition to meeting the specific requirements of this section, prepare any request for exception to be filed with the Council in conformity with the general provisions relating to exceptions prescribed in Part 155 of this title and shall obtain the recommendation of the State advisory agency referred to in § 150.783 on the request for exception. The State advisory agency shall forward the institution's request for exception, together with its recommendation, directly to the Council. The requirement for the recommendation shall not apply if the State advisory agency fails to act within thirty (30) days (and the institution may then file its request directly with the Council) unless the agency shall have requested corrected or additional information in which case the thirty (30) day period shall be suspended from the date of the request until the agency informs the institution that the information has been received. The 30 day period shall then resume running.

(b) Requests for exception filed under this section by a long term care institution are considered to be provisionally approved 60 days after the date of filing of the request with the Council. The Council shall inform the long term care institution promptly by written notice of the date of filing and the docket number of the request for exception. During the 60-day period, the Council may issue a suspense notice which shall have the effect of preventing the unexpired portion of the 60-day period from continuing to run, if the documents submitted by the institution are incomplete, erroneous or do not meet the criteria set forth in this section. In any case in which the Cost of Living Council issues a suspense notice and requests additional or corrected information from the institution, the 60-day period shall resume running only after the Council has informed the institution that the information has been received and accepted. The price increases authorized by this section shall be applied only to services or property provided to patients by the institution after the 60-day period has expired. If after implementation of an increase following the expiration of the 60-day period, the Council finds that the increase is inconsistent with the rules of this subpart or unreasonably inconsistent with the goals of the Economic Stabilization Program, it may issue an order modifying, deferring, suspending or disapproving the increase. In such an instance, if the exception request had been submitted in good faith, the long term care institution shall not be required to refund any monies received, or to reduce reimbursements otherwise allowable from the date of expiration of the 60-day period until the Council's determination of the request or be subject to any criminal fine or civil penalty on account of the increase implemented on the basis of the provisional approval of this section.

(c) (1) If the State approval procedures referred to in § 150.781 are not or were not available to a long term care institution, the institution may request from the Council an exception to establish, in accordance with § 150.778, new prices for services or property resulting from a capital expenditure which are necessary to produce, but not to exceed, the level of revenues approved by the Council pursuant to this paragraph. The request for exception must be accompanied by supporting documentation, indicating the reason why the approval procedures are or were not available, and permitting the Council to evaluate the following:

(i) Whether there exists a community need for the proposed project adequate to assure financial support without causing localized shortages of labor or serious long term care market disruptions susceptible of requiring other exceptions by the Council;

(ii) Whether the project will foster cost containment initiatives or improved efficiency and productivity in the long term care institution;

(iii) All expenses attributable to the operating expenses directly related to the capital expenditure, including interest and depreciation, calculated without regard to the annual allowances authorized by this subpart;

(iv) The level of patient service revenues required to finance the proposed project for the first full fiscal year of operation, considering funds legally available from restricted reserves for both capital expenditures and operating expenses; and

(v) The charge and cost reimbursement level expressed in terms of average realized revenues per diem which the institution would propose to establish to produce the requested level of revenues.

(2) Each request shall be signed by the chief executive officer of the institution and shall be accompanied by a written statement signed by the chairman of the governing board of the institution certifying that funds legally available from restricted reserves have been or will be applied to the operating expenses directly related to the capital expenditure, including interest and depreciation, as stated in the request for exception.

(3) If after the original Council approval it appears that the authorized level of revenues will not reach the level required to finance the operating expenses directly related to the capital expenditure, including interest and depreciation, the institution may file with the Council a request in writing to allow the institution to achieve a level of revenues in excess of the level originally authorized. Such requests shall be considered on the same basis as an original request under this paragraph, except that in addition, the institution shall submit sufficient documentation to enable the Council to evaluate changes in financial conditions that have occurred since the approval under this paragraph was initially granted, or other relevant circumstances which significantly alter the assumptions upon which the earlier approval was based.

(d) A long term care institution may request an exception for experimentation in long term care reimbursement methodologies. The Council may grant a prospective exception to a single institution or to a group of institutions as members of a class, geographic or otherwise. The Council may consult with the Department of Health, Education, and Welfare prior to making its determination. Requests submitted pursuant to this paragraph need not be cost justified.

(e) (1) A long term care institution may request an exception as provided in this paragraph when a serious hardship or gross inequity has been caused by any of the following occurrences:

(i) A demonstrable increase in bad debts experience that causes the institution's gross charges not to reflect accurately actual collections;

(ii) Increased expenses resulting from requirements imposed by law or government regulation; and

(iii) Increased expenses incurred by reason of wage and salary increases that are exempt under the provisions of § 152.32 of this chapter, or are below minimum wage rates imposed by Federal or State statutes of general application.

(2) Each request for an exception shall be evaluated on the basis of cost justification. In reviewing evidence of the cost justification submitted by the institution, the Council will also consider evidence of cost containment initiatives, prudent management practices and evidence of consistent application of accepted accounting principles demonstrated by the institution. As part of its evaluation, the Council will review the following financial factors:

(i) All allowable operating expenses, including depreciation, and special reserve accounts that are required to be replenished by reason of contractual agreement or consistent historical application of a governing board resolution;

(ii) Working capital needs; and

(iii) All revenues from patient services, and revenues from other operating activities.

(f) A long term care institution may request an exception for any reason causing a serious hardship or gross inequity. Each request submitted pursuant to this paragraph shall be evaluated on the basis of cost justification. In reviewing the cost justification submitted by the institution, the Council will also consider evidence of cost containment initiatives, prudent management practices and consistent application of accepted accounting principles demonstrated by the institution. As part of its evaluation, the Council will review the following financial factors:

(1) All allowable operating expenses, including depreciation, and special reserve accounts that are required to be replenished by reason of contractual agreement or consistent historical application of a governing board resolution;

(2) Working capital needs;

(3) All legally available funds, including revenues from patient services, revenues from other operating activities, and revenues from non-operating sources such as unrestricted gifts received during the fiscal year being reviewed or unrestricted income from unrestricted and restricted reserves;

(4) Changes in any prices or directly related operating expenses resulting from capital expenditures previously authorized under this subpart or resulting from services or property for which new prices have been authorized under Cost of Living Council Notice 73–2 (38 FR 30798) published on November 7, 1973; and

(5) Evidence of cost behavior that is unanticipated and significantly different from that on which the institution has budgeted.

§ 150.783 Advisory State actions and Federal Approving Officers.

(a) The governor of each State and the mayor of the District of Columbia are each requested to designate an agency to advise the Council on requests for exceptions to these regulations or on any other matters that the Council may from time to time specify. Each agency shall review the requests for exceptions filed with it under § 150.782(a) pursuant to the applicable guidelines set forth in this subpart and whenever it considers that the granting of an exception is essential to the provision of adequate health services and consistent with the Economic Stabilization Program shall recommend to the Administrator of the Office of Health, Cost of Living Council, or to an official appointed under paragraph (b) of this section, that an exception be granted by the Council.

(b) The Council may authorize and appoint an official who shall be a full time employee of the Federal Government to whom may be subsequently delegated the authority to issue initial decisions on requests for exceptions submitted under the provisions of § 150.782. Such official may, in his discretion, hear representatives of long term care institutions, and request and receive additional information. He shall consult with, and receive the advice and recommendations of, State advisory agencies with respect to the requests for exception. After having reviewed the record and considered the recommendation of the State advisory agency, and all applicable statu-

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tory and regulatory criteria, he shall grant or deny the request for exception, in whole or in part, or shall forward the request to the Council, with or without a recommendation. He shall notify the requesting institution in writing of his decision. An institution aggrieved by an initial action under this paragraph may request reconsideration pursuant to Part 155 of this chapter.

§ 150.784 State control program.

(a) An agency designated by the governor of a State or mayor of the District of Columbia that has a long term care price control program may apply to the Cost of Living Council for authorization to administer the control program within the State or District of Columbia in lieu of the controls set forth in §§ 150.769 through 150.788 and administered by the Cost of Living Council. The State agency shall submit to the Cost of Living Council a comprehensive description of its proposed stabilization plan and of its existing or proposed rules for use by the agency in considering requests for price increases for the long term care institutions under its jurisdiction. The submission to the Council shall include an evaluation by the long term care institutions or associations of long term care institutions to be covered by the control program.

(b) The governor of a State or the mayor of the District of Columbia may designate an agency to coordinate a long term care price control program and assign to a nongovernmental organization the responsibility for administering the program.

(c) To qualify for authorization under this section, a control program must—

(1) Have as its objective the substantial limitation of the rising price of long term care, and there must be reasonable basis for determination that the objective can be met;

(2) Include rules and regulations that are fair and equitable;

(3) Contain adequate and assured funds for staffing, commencement of program and operations for a minimum of one year;

(4) Provide for participation in policy development by provider groups, long term care institutions and consumers;

(5) Be coextensive in coverage with the Economic Stabilization Program controls for long term care institutions, or it must be demonstrated that the State program will have substantial impact on long term care charges and expenses;

(6) Include objective standards by which to measure overall performance;

(7) Include uniform standards for measuring individual provider performance;

(8) Include procedures for consideration of requests for exception and for review of original decisions denying such requests;

(9) Include provisions to assure compliance (such provisions may provide for the agency to order refunds, rollbacks, or such other remedies that are reasonable and appropriate to achieve compliance); and

(10) Include a provision for price posting similar to that required in § 150.779.

(d) If the Cost of Living Council approves the proposed stabilization program and rules of an agency, it will notify the agency that when those proposed rules are finally adopted and put into effect by the agency, the Cost of Living Council will issue a certificate of compliance to that agency. If the Cost of Living Council approves existing rules of an agency, it will issue a certificate of compliance to that agency.

(e) A long term care institution may place in effect, in accordance with the rules of an agency to which a certificate of compliance has been issued, any price increase authorized or allowed to go into effect under the State program.

(f) Except as provided in paragraphs (g) and (h) of this section, actions taken under the program of an agency to which a certificate of compliance has been issued under paragraph (d) of this section are not subject to review by the Cost of Living Council.

(g) Each agency to which a certificate of compliance has been issued under paragraph (d) of this section shall also agree to furnish periodically to the Cost of Living Council such information as the Council may prescribe for the Council's use in determining whether the agency is following its adopted rules and whether the purposes of the Economic Stabilization Program are being served.

(h) The Cost of Living Council may revoke a certificate of compliance issued underparagraph (d) of this section at any time, or take such other action with respect to the certificate as it considers appropriate, if it determines that the rules to which the certificate applies are not being followed or are not serving the purposes of the Economic Stabilization Program. Price increases approved under the State program prior to such revocation or other action shall in no way be affected by such revocation or other action.

(i) Any long term care institution not subject to a control program certified under this section is subject to this subpart.

§ 150.785 Prohibition.

No long term care institution subject to this subpart may adopt any change in charging practices, reduction in quality or quantity of services, or any other practice that has the effect of avoiding compliance with any provision of this title.

§ 150.786 Remedies for non-compliance.

(a) In addition to any remedies provided in Part 155, if the Council determines that the limitations contained in § 150.773, § 150.775, or § 150.777 have been exceeded, and no exception has been granted, the Council may order:

(1) The reduction of prices to compensate for realized revenues or other increases in excess of the limitations; or

(2) The reduction of prices to assure that realized revenues and prices will not exceed the limitations contained in § 150.773, § 150.775, or § 150.777,; or

(3) The refund to appropriate classes of purchasers of an aggregate amount equal to the excess (the amount to be refunded or credited to an account shall be allocated on a pro rata basis); or

(4) Any other action which is reasonable and appropriate to cause the remission of such excess realized revenues; or

(5) Any combination of actions under this paragraph.

(b) Except as otherwise provided in this subpart, if a long term care institution determines that it has exceeded the applicable limitations of § 150.773, § 150.775, or § 150.777, unless an exception request is pending, the granting of which would eliminate the violation, the institution shall submit together with its annual report filed pursuant to § 150.780, a plan for achieving compliance with these sections to the Office of Health, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508. If the institution has such an exception request pending at the time of filing the annual report pursuant to § 150.780, the compliance plan required by this paragraph shall be filed with the Council within 20 days of receipt by the institution of a decision and order denying the exception request or granting an amount less than that necessary to eliminate the violation. Such a compliance plan may provide for a reduction of charges, a stipulation of no price increases for a certain period of time, refunds, any other action which is reasonable and appropriate to cause the remission of excess charges, or a combination of any of the foregoing. The Cost of Living Council may approve such a plan, order certain changes, or order a different plan of its own design.

§ 150.787 Retention and availability of records.

(a) Each long term care institution subject to this subpart shall maintain such records as are sufficient to establish the compliance status of the institution with respect to this title.

(b) Records required to be maintained under paragraph (a) of this section shall be made available for inspection at any time upon the request of an officer or employee of the Council or of any other person authorized to represent the Council.

(c) Each long term care institution required to maintain records under this section shall retain such records for at least 3 years after the last day of the fiscal year in which the transactions or other events recorded in such records occurred or the property was acquired by that institution.

§ 150.788 Savings and severability.

(a) If this subpart is held invalid with respect to any long term care institution, Subpart O of this part in effect on December 31, 1973, shall govern the long term care institution.

(b) If any provision of §§ 150.769 through 150.788 of this subpart applicable to long term care institutions is held invalid, the other provisions of these sections shall remain in full force and effect.

6. In 6 CFR Part 150, an Appendix is added to Subpart R to read as follows:

APPENDIX TO SUBPART R—CONTROL OF HOSPITAL COSTS UNDER THE ECONOMIC STABILIZATION PROGRAM

Current inflationary problems of the health sector and the need for Federal activity

result from the nature of the industry itself, and the incentives faced by health care managers. As will be discussed below, the fact that most hospital bills are now paid on a cost-plus basis has generated a "blank check" environment for the financing of hospital care. Although this kind of reimbursement system existed before 1965, it was not until the introduction of Medicare and Medicaid that cost-plus reimbursement accounted for a substantial proportion of hospital revenue. Hence, it was this massive infusion of Federal and State funds that radically affected hospital behavior. The effects were especially significant given the original intent of Congress that Federal financing programs should be neutral with respect to the delivery system. Many now consider the passage of the Medicare and Medicaid amendments in 1972 as a partial repeal of the original intent of Congress.

Among the many amendments included in this bill, P.L. 92-603, several stand out as major changes in the role of the Federal Government vis-a-vis health providers: those with respect to capital expenditures, Professional Standards Review Organizations, limitations on reasonable cost reimbursement, payment for the services of teaching physicians, utilization review, and prospective reimbursement. In several instances the provisions of this act specifically prohibit reimbursement for costs that would normally be allowed unless the hospital has complied with comprehensive health planning requirements, and does not provide care in a much more expensive way than other similar providers. The usual procedure has been for Medicare to reimburse all costs actually incurred by an institution in providing medically necessary care to program beneficiaries. The important feature of the 1972 amendments is that they now recognize that some of the costs which used to be considered reasonable may not be reimbursed if a hospital spends more than other comparable institutions to provide similar services. Similarly, if non-Medicare and non-Medicaid patients are not asked to pay (the key is being asked, not actually paying) their full share of costs, i.e., charges are less than costs, Medicare will reimburse only to the level of charges.

At the time that most of these amendments were being debated in the Congress, the Administration introduced, in August 1971, Phase I of its Economic Stabilization Program. It is crucial for an understanding of this program to appreciate the environment in which it was created. This environment has both a past and a future. The past is Medicare and Medicaid; the future is National Health Insurance. A critical issue involved in the debate over National Health Insurance will be the level of government participation in the medical care system.

In the end, the discussion about the Economic Stabilization Program is really whether an uncontrolled and unregulated health delivery system should exist when all or most of the medical bill is paid on a cost-plus basis by some third-party payor. A second issue, of course, is if controls are necessary, what shape should they take.

Phase IV controls are now also being issued for long term care institutions, medical practitioners and medical laboratories, and health maintenance organizations. The remainder of those who were designated as "noninstitutional providers of health services", during Phase II are no longer covered by specific health price controls. The goal of the Phase IV controls in each sector of the health industry is to define the required limitations on the proper unit of volume and at the appropriate level in order to allow for continued development and growth within an effective cost containment framework.

Medical practitioners and medical laboratories are to continue under price increase limitations although prices may be raised an average of 4% instead of 2.5%, in recognition of higher practice costs. The Phase II requirement of cost justification has been removed, and the exceptions process simplified and liberalized. The new HMO controls attempt to deal directly with the dual nature of the HMO—they include provisions to cover both the insurance company functions and the activities that the HMO performs as a provider of health service. They are designed to aid and encourage the development of HMOs.

Long term care institutions are being placed under a system which limits to 6.5% increases in realized per diem revenue by class of purchaser. This recognizes the character of long term care institutions in which much revenue comes from just a few sources such as State Medicaid programs. The new system also recognizes the fact that stays are generally long, occupancy stable, and the bulk of reimbursed services can be included in a single daily rate.

Because of the overriding importance of the hospital sector and the complex procedures necessary to control its costs, we will focus our discussion on the hospital and the controls designed to moderate the rate of increase in hospital costs.

BACKGROUND

In the modern history of the health industry, 1965 stands out as a line of demarcation—pre- and post-Medicare/Medicaid.

Table 1, below, shows the rate of change of the Consumer Price Index for medical care and semi-private room rate compared with the "all-items" C.P.I. for selected years. This index, constructed and maintained by the Bureau of Labor Statistics is also referred to as the "cost of living" index. Even prior to the passage of Medicare, hospital costs were increasing more rapidly than the overall cost of living.

TABLE 1.—*Average annual increases in consumer price index*

[In percent]

	All items	Medical care	Semi-private room
1950			
1955	2.2	3.8	6.9
1960	2.0	4.1	6.3
1965	1.3	2.5	5.8
1967	2.9	7.1	19.8
1969	5.4	6.8	13.4
1970	5.9	6.3	12.9
1971	4.3	6.5	12.2
1972	3.3	3.2	6.6
Fiscal years 1969 to 1971	5.6	6.7	13.0
Phase II (November 1971 to January 1973)	3.6	3.4	5.4

Source: Consumer Price Index, Bureau of Labor Statistics.

The pre-Medicare/Medicaid experience suggests that the health industry has always possessed significant inflationary potential. However, it was only after the introduction of Medicare and Medicaid that the problem of hospital and medical care inflation really became serious and succeeded in achieving great visibility. The semi-private room rate which had been increasing at about 6.0 percent a year jumped to rates of increase of between 13 and 20 percent following the introduction of these two Federal programs. These rates of increase were more than three times the increase reported for all prices in the economy.

Table 2 presents a summary of the growth in hospital expenses for various items—labor, nonlabor, and capital in pre- and post-Medicare/Medicaid periods. Again the dramatic increases following the introduction of those Federal programs is apparent.

TABLE 2.—*Compound growth rates for selected hospital indices*

[In percent]

Index	Pre-medicare (1960-65)	Post-medicare (1966-71)
Total expense	10.2	17.0
Payroll expense	10.1	15.9
Nonpayroll expense	10.4	18.6
Personnel	5.1	5.6
Average salary	4.7	9.8
Increase in plant assets	8.0	9.1

Source: "The Hospital—A Changing Environment," Investment Research, First National City Bank, 1973, p. 6.

With the aid of this very simple table, two important aspects of hospital cost increases are shown:

1. Although significant, wage increase in the post-Medicare period did not account for all of the growth in payroll expenses; much of the increase resulted from increases in the number of hospital employees.

2. Payroll expenses in total grew in the post-Medicare period less rapidly than did nonpayroll expenses.

To obtain more meaningful measures of hospital cost increase, these aggregate statistics are converted into two commonly used measures—expense per patient day and expense per admission. These measures take into account the full picture of hospital cost inflation including the fact that major increases in spending resulted from increased use of laboratory tests, X-rays, therapy, drugs, etc.

Table 3 below summarizes these increases for selectively grouped periods.[1]

[1] The Phase III/IV row and the "intensity" columns were calculated using the projections and index discussed in the section on Phase IV controls.

TABLE 3.—*Increase in hospital expenses*

[In percent]

	Expense per adjusted patient-day	Expense per adjusted admission	Intensity of services per day [1]	Intensity of services per admission [2]
Pre-medicare (1963 to 1965)	7.5	8.2	3.0	3.7
Post-medicare (1966 to 1969)	12.2	14.4	7.2	9.0
Pre-ESP (1969 to 1971)	13.9	11.6	5.1	2.3
Phase II (1972 to 1973)	10.4	8.9	4.2	2.8
Phase III	[3] 9.0	[3] 7.4	2.9	1.9

NOTE.—The wage increases included in the input price index were of health workers which rose significantly faster after Medicare than wages for all workers. Hence, the increase in "wages and prices" is not all uncontrollable in the usual sense. The increase in intensity of services is therefore the amount of funds used to purchase more equipment or personnel.

[1] Obtained by dividing expense per adjusted patient-day by hospital wage and price index and calculating percentage increases.

[2] Obtained by dividing expense per adjusted admission by hospital wage and price index and calculating percentage increase.

[3] Projection using January-July 1973 and projected through 1974.

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Before Medicare, expense per patient day and expense per admission were rising at rates of 7.5 percent and 8.2 percent respectively. This meant intensity increases of 3.0 percent and 3.7 percent respectively.[2]

In contrast, the immediate post-Medicare period saw increases of 12.2% in expense per day and 14.4% in expense per admission, with increases in intensity of 7.2 percent per day and 9.0 percent per admission. As explained in the notes accompanying Table 3, these increases in intensity represent the amount spent in the provision of more services per patient day or per admission, after taking into account increases in the prices of goods and services bought by hospitals.

The period just before the imposition of economic controls (1969–1971) saw the annual per diem increase go up even more, to 13.9 percent. However, during 1968 the average length of stay declined with the result that expense per admission rose only 11.6 percent or an intensity increase of 2.3 percent. Intensity increases per day rose 5.1 percent, down from the 7.2 percent of the immediately preceding period, but still higher than before Medicare. These figures clearly show the very rapid growth of hospital costs per day of service or per day in a hospital immediately following the introduction of Medicare. They also show the start of a very encouraging trend. Length of stay has been declining steadily in the range of 1–2 percent annually since 1968. This means that when people go into the hospital, they get out faster. Thus, the cost of a total stay in a hospital, the real cost with which the patient is concerned, has been rising more slowly than the cost per day. More tests and other services are being performed, but in a shorter number of days.

The use of the last two columns in Table 3 is an attempt at separating hospital cost increases into: (1) Those necessary to provide the same level of services as in the previous year; and (2) those cost increases which were used to provide more services per day or per stay in a hospital, i.e., increases in "intensity of services". As noted in Table 2 however, part of the increase in the cost of producing the same care in the post-Medicare period was for wage increases higher than those offered to most workers in the economy. In the usual sense of an index, one would not take the data for the index from the area under analysis. Rather, comparisons would be drawn to the area from what had occurred in the economy in general. In this case, however, we have attempted to use actual input price data from the health industry itself wherever possible, in order to highlight the growth in the amount spent to provide more services. That is, after Medicare, when the pressures to control costs were reduced, hospital workers received increases in wages greater than those paid to non-hospital workers. Although some of this wage increase went to increase the earnings of low wage earners, all hospital workers benefited from these increases. This difference could amount to as much as one percent of total cost diverted from increased use of inputs to higher wage increases for health workers.

Table 4 brings together many of the ideas which we have discussed thus far. On a per patient day basis, cost increases accelerated rapidly after 1965 with an important factor being greater intensity and services provided per day of care. In order to understand the need for and the potential impact of economic controls it was necessary to decompose these cost increases in some summary format into that part which arose from the higher prices paid for the inputs, and that part that arose from increases in services.

Before the introduction of Medicare, the relatively low rates of increase in costs were divided evenly between increases in wages and prices, and increases in the amount spent on more services. With the introduction of Medicare, increased use of inputs began immediately, followed shortly thereafter by large increases in wages and hiring of more employees.

Table 4 shows that during the 1960–1971 period, when average cost per patient day was rising 14.8 percent, wages were rising 10 percent, and hospitals were increasing their employees per day at a rate of 3.7 percent. Similarly, non-payroll expenses during this period were rising 15.9 percent annually, when prices were going up only 5.1 percent and the use of non-wage inputs was increasing at an annual rate of 10.3 percent.

TABLE 4.—*Factors contributing to hospital cost increases (expenses per patient day)*

Item	Average annual percentage increase					
	1950–60	1960–65	1965–67	1967–69	1969–71	1971–72 [1]
Total increase	7.5	6.7	10.3	13.8	14.8	11.6
Increase in wages and prices	3.8	3.5	4.1	8.0	8.2	5.7
Wages	5.2	4.7	4.7	9.9	10.0	7.0
Prices	1.5	1.3	2.9	4.8	5.1	3.3
Changes in service	3.7	3.2	6.2	5.8	6.6	5.9
Labor	3.1	1.7	3.8	2.8	3.7	2.2
Other	4.6	5.6	9.6	9.8	10.3	10.1
Percent of total increase due to—						
Wages and prices	49.6	51.6	39.7	58.2	55.3	49.5
Changes in services	50.4	48.4	60.3	41.8	44.7	50.5

[1] Based on estimates from the "Hospital Indicators" National Hospital Panel Survey in Hospitals, J.A.H.A., Dec. 16, 1972.

Source: Price data are from the Consumer Price Index, Bureau of Labor Statistics. All other data are from Hospitals, Guide Issues, August 1, various years, and Hospital Statistics 1971, American Hospital Association, 1972.

The proportion of the increase in per day costs going into more inputs of all types has continued to the point where these intensity increases amount to almost half of the total. One possible explanation for this trend is that the system has not yet fully adjusted from the tremendous increase in inputs that began in 1965. Although the relative proportion of increases going to increased use of inputs declined in 1967–1969, it was not because these increases were tapering off, but because wages and prices began to increase at double pre-Medicare rates.

Having established that by all definitions of cost, hospital costs were rising at very high rates between 1965 and 1971, let us turn briefly to theories and definitions of hospital inflation before proceeding to discuss economic controls as they were designed to combat inflation in this health care sector.

INFLATION IN THE HOSPITAL INDUSTRY

In the discussion thus far we have passed over a discussion of the appropriate measure of the price of hospital services. As indicated previously, we have concentrated on the more inclusive measures of hospital prices such as cost per patient day or cost per admission. While these inclusive definitions of hospital prices are now widely used in the economics of health care literature, their use in the design of the health care cost control regulations is at the heart of the current controversy over the proposed Phase IV controls. To understand why the definitions of price as used in other sectors of the economy are not appropriate for the hospital sector, it is useful to briefly discuss why hospital cost inflation has occurred.

Martin Feldstein offers much evidence that hospital cost inflation is caused primarily by increases in the demand for services.[3] Several reasons are offered for the increased demand. As insurance coverage increases, and the net cost to the patient is reduced, more and higher quality care is demanded, hence higher costs. The growth of cost-plan reimbursement (see above) has also put hospitals in a position where they may incur higher costs (to provide higher quality or more expensive services) without fear of reductions in demand, or a reduction in their revenues.[4]

Explanations of the causes of inflation of this type usually place the emphasis on a general increase in demand for a commodity or service which can only be satisfied at higher prices. The higher price then serves to ration the available supply, making it available to those willing to pay this higher price. The inflation in health cost, due to increased demand for services was, however, characterized by an unusual circumstance. As the cost of care rose, because of the addition of more and costlier inputs, demand did not slacken. The patient faced an extremely low net price, resulting from ever-increasing insurance. In addition, under Medicare and Medicaid, where the net price to the patient is essentially zero, with the programs paying for all incurred costs, the desire to increase the number and kinds of services when totally unchecked. In essence, the potential menu of services rendered by the hospital was unlimited.

Blue Cross had always reimbursed on a cost basis, but until the introduction of Medicare and Medicaid, and the tremendous growth of insurance coverage in the late 1960's, Blue Cross cost reimbursement alone was generally not sufficient to cause this tremendous alteration in hospital behavior. The growth of Blue Cross during the 1940's and 1950's did change hospital behavior somewhat, but it was only when Medicare and Medicaid began, and over 50% of all hospital revenues came from cost reimbursement, that behavior changed substantially. In addition, at some point higher hospital costs are reflected back

[2] Feldstein (p. 17) using a different set of adjustments had calculated an annual increase in intensity of about 4 percent in this period, and a 3.8 percent average of 1955–1968 "The Rising Cost of Hospital Care". Martin S. Feldstein, 1971, Information Resources Press.

[3] Ibid, Chapter 3.

[4] Medicare, Medicaid, and most Blue Cross plans contract with participating hospitals, and agree to pay the costs of providing services to the beneficiaries or subscribers of the third party. The share of costs to be assumed is determined retrospectively (i.e., after the fiscal year is over) by calculating the ratio of the subscribers' gross charges to the total charges billed by the institution, and applying the ratio to the total costs of the covered departments.

to patients in the form of higher Blue Cross premiums. This was not the case with Medicare and Medicaid where the patient essentially pays no premium. There is however, a one day hospital deductible under Medicare which has gone up in proportion to increased hospital costs, but this accounts for only a small amount of the dollar increase in hospital expenses. The net result of all these changed activities is that while the total cost of a day of hospital care rose from $16 in 1950 to $109 in 1973, a patient's out-of-pocket costs actually declined from $10 per day to $9 per day.[5] As mentioned above one of the factors that generally limits inflation is the inability to expand production or services indefinitely as demand increases. The relative ease with which supply can respond to changes in price is called the "elasticity of supply". It has often been assumed that the supply of hospital services is relatively inelastic, i.e., that it does not respond significantly to changing prices or conditions. However, the post-Medicare/Medicaid experience did much to dispel that notion. The quantity response of the hospitals to the increase in demand that accompanied the introduction of Medicare and Medicaid was implicit in the increase in the number of nonfederal short-term general hospitals, the number of beds, and the average hospital size from 1965–1970 (see Table 5).

[5] Hospital Indicators Panel Survey.

TABLE 5.—*Hospitals, beds, size, and utilization, selected years*

Year	Hospitals	Beds (thousands)	Average bed size	Average length of stay (days)	Occupancy rate
1965	6,736	741	129	7.8	76.0
1968	6,890	866	138	8.4	78.2
1970	6,859	848	145	8.2	78.0
1972	5,843	884	151	7.9	75.2

Source: Hospital Statistics, 1972.

These figures might lead one to question the long-term wisdom of the post-Medicare/Medicaid quantity response. It is necessary to ask how many beds were really needed. If there had been no more beds in 1972 than in 1965, each bed would have had to be occupied only 88% of the time in order to serve all the 1972 admissions to hospitals. This does not seem to be an unusually high capacity untilization rate. But even granting that the optimal occupancy rate for most hospitals is several percentage points lower, one is still troubled by the expansion of supply and the resultant costs to all patients of maintaining one out of every four beds empty at all times.

The causes of hospital cost inflation described above, and the large increase in hospital expenses, would lead one to the conclusion that there would have been an inflation problem even if the prices hospitals paid for their inputs (labor, capital, consumable goods) had not risen in any unusual manner. Yet such increases did occur in the latter half of the 1960s, somewhat fueled by the cost pass-through approach to reimbursement, but also caused by external forces. These increases add an additional layer to the inflation problem. There have been many empirical studies which have shown the contribution to inflation made by increases in the cost of each factor. In the recent book by Karen Davis and Richard Foster,[6] the authors summarize this literature. The two basic cost items that have exacerbated the cost inflation problem are capital[7] and labor.[8] The assurance of adequate reimbursement for services led to an essentially unconstrained increase in the amount of equipment purchased and the number of hospitals, beds, and an increase in average bed size. These increases often occurred without regard to the usual analytical criteria of efficiency, need, or likely utilization. It also led to increases in the number of hospitals offering various kinds of complexity expanding services.[9] That is, as demand expanded without constraint, the use of non-wage inputs and different technologies expanded as well. Much of this expansion was in the physical plant itself, where the relatively small proportion of cash required allowed major capital expansion with the assurance that third party payments would generate adequate revenues to meet mortgage obligations.

Increased labor costs as well have been a factor in adding to hospital inflation. Increases in the hospital's wage bill have come about both through increases in the wages per employee, in part due to so-called "catch-up" wage increases, and increases in the number of employees.

The question of "catch-up" wage increases has two phases—catch-up of lower paid hospital employees with other hospital employees and catch-up of hospital employees with non-hospital employees. Although comparison is difficult since many hospital jobs do not exist elsewhere, data from the triennial BLS Industry Wage Study in Hospitals when compared with the general "Area Wage Surveys," also conducted by BLS, show that there has been significant closing of the gaps between hospital employees and those in other industries.[10]

Although it is difficult to measure the precise impact of the extension of minimum wage legislation to hospital employees, and the spread of collective bargaining agreements, there is little doubt that they have had major effects. Those areas of the country, such as Oakland-San Francisco and New York City, which had some of the first collective bargaining agreements (and strikes by hospital employees) now have the highest wage scales in the health industry, and have wages generally comparable to, if not higher than, similarly employed individuals outside the hospital industry. Much of these increases are reflected in the 10 percent wage increases after Medicare that are shown in Table 4.

In summary, the analysis of hospital cost inflation reveals that the uncontrolled increases in expenditures for health care were directed into a variety of channels. They were reflected only in part in higher room and board rates. Still further increases were reflected in the costs of ancillary services. The need for these increases had resulted from substantially higher wage increases to hospital employees, the employment of more workers per patient served, the purchase of newer and more elaborate equipment, and the building of more and fancier hospitals.

All of these cost increases were translated into higher unit charges and larger increases in the aggregations of charges per day and per stay, and higher total reimbursements from third party payors.

Consequently, no single measure of price can properly reflect the changes that occurred, nor can one seek to control hospital cost inflation by limiting the growth in only one price or group of prices. It is for this reason that most health economists now rely on the more inclusive measures of cost per patient day and the cost per admission as indices of hospital prices.

FIRST ATTEMPTS AT ECONOMIC CONTROLS—PHASE II

In 1971 hospital room charges were rising at 13 percent per year, and hospital costs per patient day were rising even faster, at 14.8 percent. The tremendous increase in the use of inputs, especially non-wage inputs, continued, and wage rates were now rising at 10 percent per year. Prices in the general economy were rising faster than at any time in the previous twenty years (at 5.1 percent per year).

The decision was made by the President in the summer of 1971 to place the economy under a 90-day wage and price freeze with a series of Phase II economic controls to be established by the end of the freeze. Because of its unique characteristics, the health industry was singled out for separate controls that would deal with the special nature of inflation in that sector of the economy. These controls, issued by the Price Commission in December 1971, were developed in conjunction with the Health Services Industry Committee.

[6] Community Hospitals: "Inflation in the Pre-Medicare Period", Karen Davis and Richard Foster, 1973, Social Security Administration.

[7] See Maw Lin Lee, "A Conspicuous Production Theory of Hospital Behavior", Southern Economic Journal, July 1971, pp. 48–58.

[8] See "Rising Cost of Hospital Care", op. cit. Chapter 5.

[9] See Ralph E. Berry, Jr. "Perspectives on Rate Regulation"; paper presented at the Conference on Regulation in the Health Industry, January 9, 1974 National Academy of Sciences, Institute of Medicine, Washington, D.C. P. 12ff.

[10] In addition to the evidence presented in Feldstein, Chapter 5, there is a discussion of hospital nursing wages relative to other nurse wages and relative to other female-oriented occupations such as teacher and secretary in: Altman, S.H. "The Present and Future Supply of Registered Nurses", 1971, U.S. Department of Health, Education and Welfare, Division of Nursing, p. 80. Altman shows significant progress made by registered nurses relative to these other occupations. Unpublished data from the same study also show larger increases for RN's relative to industrial nurses.

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PHASE II CONTROLS

The Phase II health controls included regulations for institutional providers of care (hospitals and nursing homes) and non-institutional providers of care (predominantly physicians and dentists). While the goal of the institutional provider regulations was based on the Price Commission goal for the general economy, a halving of inflation rates in each sector, it was impossible to implement health controls that were the same as, for example, shoe controls. As indicated previously, there are factors other than a narrow definition of price per unit of service that enter the picture; cost reimbursement, technological advance, greater use of inputs, and the ambiguous nature of the product produced by a hospital.

The first major problem was how to correlate hospital care paid for under cost reimbursement contracts with that paid for on the basis of charges per service.[11] Using a limitation of 6.0 percent on increases in aggregate annual revenues due to price increases as the basic control, a per diem limitation of 8.0 percent was instituted for cost reimbursers, with the additional 2.0 percent for increased intensity of services per day. Thus, there was an explicit limit on price increases for both charge paying patients (revenues generated through increases in prices) and cost paying patients (maximum allowable per diem increases in costs). Combined with the 6.0 percent increase in aggregate annual revenues due to price increases was a 5.5% limit on increases in the wage bill, not the wage rate. This meant that additional employees had to be balanced against funds for old workers. This 5.5 percent wage bill increase produced an allowable 3.3 percent increase in total costs.[12] The remainder of the 6 percent allowance was divided between a 2.5 percent increase in non-wage costs (the general goal for the entire economy) and a 1.7 percent factor to allow for increases in expenditures for new technology not directly billed to patient services. This was a residual intensity factor not specifically defined.

The 1.7 percent allowance for new technology and the 2 percent intensity allowance for cost reimbursement allowed for increases attributable to changes in the number of services and their method of provision. Table 6 shows increases in the intensity of hospital services for the years up to the beginning of the Economic Stabilization Program. As can be seen, these increases had fallen off from a high of 7.2 percent in 1968 to 4.5 percent in 1970.

TABLE 6.—*Estimated per diem "intensity" increases*

[In percent]

Year	Total	Excluding new technology factor
(1)	(2)	(3)[1]
1956 to 1965	3.2	1.8
1966	6.7	5.0
1967	7.6	5.9
1968	7.2	5.5
1969	5.5	3.8
1970	4.5	2.8

[1] Column (3) is derived by subtracting the 1.7 percent new technology factor from column (2), leaving just the intensity increases experienced in each year.

Source: 1972 Annual Report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, p. 21, transmitted June 6, 1971, to the Speaker of the House of Representatives.

[11] The Social Security Administration estimates (unpublished data) that in 1971 about 54% of all hospital care was paid for under cost reimbursement contracts.

[12] Labor costs in a hospital are estimated by the Social Security Administration to be about 60% of total costs.

The other main feature of the Phase II regulations was a volume index which adjusted a hospital's level of allowable cost and revenues, as the number of days of care or admissions increased or decreased. It was this volume index which prevented the total revenue of a hospital from being fixed, regardless of the number of services rendered. It did, however, provide for a one-to-one correspondence between changes in volume and changes in allowable revenue and costs.

The Phase II system was designed for the short run and therefore, it could not deal completely with such factors as changes in the volume of services of new capital facilities.

It has always been recognized that the added cost of treating more patients, particularly in a well-functioning hospital, is far less than the average cost of treating all patients. As a hospital adds a few more patients, it is not necessary to add such items as more X-ray machines, nurses, or even beds. Therefore, the hospital that increased its volume of patients was permitted more allowable costs and revenues than it really needed to treat the additional patients. The requirement for cost justification meant that if these potential revenues were not actually spent, they had to be returned. Thus, there was still an incentive to spend.

The hospital that declined in volume of patients faced a different and more severe problem. If the decline in volume was 5%, expenses had to be reduced by a full 5%. However, because a significant portion of hospital costs is fixed in the short run, the effect of the Phase II volume adjustment was to take away some allowable costs that had to be incurred regardless of how many patients were served. The result was that many hospitals facing declines in volume had to dip into (and perhaps exhaust) reserves in order to meet operating expenses.

RESULTS UNDER PHASE II

The 13 months under Phase II saw a halving of increases in the hospital room and board rates. The semi-private room rate rose only 6.6% during 1972, and only 5.4% between November 1971 and January 1973.[13] Analysis of just this measure of cost alone would have led one to believe that the problem of health care cost inflation was over. Yet economists, as was demonstrated previously, caution that the average daily service charge omits a large and growing fraction of costs that grows differently. Therefore, it was necessary to review the performance of other indices of cost such as cost per patient day and cost per admission. It became clear that while the rate of increase in room and board rates declined by over 50% during Phase II, cost per adjusted patient day and cost per adjusted admission declined by much less—only about 25%. What appears to have happened was that hospitals were willing to sacrifice some part of price increase revenues from charge payors as long as they knew that cost reimbursers were still there to pay the majority of the bills.

The Phase II regulations produced some unusual results in hospitals especially during the extension periods of Phase III/IV in 1973. Hospital charge increases were contained, and revenue increases from charge payors reduced accordingly. On the other hand, costs continued to increase at almost the pre-ESP rates. To the extent that they found them reasonable, cost reimbursers were continuing to reimburse for all incurred costs, thereby assuming a relatively larger share of reimbursed expenses than they had in the past. Aside from the general implications to the system this result was of special concern to the public programs such as Medicare and Medicaid. Although it is difficult to explain the reasons behind this result with any precision, it is also clear that admissions increased under Phase II. Whereas in 1971 admissions had only risen .4 percent and patient days went down 1.5 percent, during 1972, admissions rose 2.6 percent and patient days increased 1.8 percent. The trend toward shorter length of stay did, however, continue.

[13] Consumer Price Index, Bureau of Labor Statistics.

PHASE IV CONTROLS

The Phase IV hospital controls switch the emphasis from individual prices as a proxy for costs to a more aggregate measure of price—total cost of a hospital stay. Under the Phase IV regulations, changes in the number of admissions is used as a means of adjusting the hospital's volume of services and allowable cost increases.

Two important departures from the Phase II system are the separate treatment of increased costs due to new and approved capital expenditure and the separation of the controls on inpatient and outpatient services. The Phase II system had included a single 6% control limit which was to be an average for every hospital service. For the institution that was not expanding, such a limit was more than sufficient to meet its expenses. However, new construction generally requires a new pricing structure, and that required an exception which was not easy to obtain. Further complicating the situation was the fact that it was often impossible to obtain financing unless some assurance could be given that when the project was completed, the hospital pricing structure could be changed. Such an assurance was generally unobtainable, even in the exceptions process.

The Phase IV health regulations now provide that an institution planning a capital expenditure of more than $100,000 can recover such costs if it has demonstrated the need for the project and the reasonableness of the costs. The approval of the state agency designated under section 1122 of the Social Security Act) comprehensive health planning provisions) is to be taken as demonstration of community need. This change makes the process more reasonable and manageable since capital allowances are included in addition to those allowed for current operations. The new provisions also reinforce the development of area-wide and State-wide planning activities rather than the continued predominance of Federal controls.

In order not to discourage the trend towards increased use of outpatient services, a separate limit of 6 percent was established for hospital outpatient services. Such a limit could be implemented either on an aggregate weighted (by service) basis, similar to the physician limitations, or a 6 percent increase across the board for all services. This provision does not place any limits on the amount of outpatient services provided.

The controls dropped the requirement of cost justifying all price increases in order to maximize managerial flexibility. The only internal cost constraint remaining is the 5.5% wage limitation plus all allowable fringe benefit increases.

THE 7.5 PERCENT LIMIT

The basic control of Phase IV is a limit of 7.5 percent on increases in charges and reimbursed cost per admission. These limitations are placed on the institution that does not plan, and does not in fact have a different volume of admissions than in the past year. Since no change in admissions is projected, this allowance really amounts to a budget prospectively set no higher than 7.5 percent above the prior year's operating budget (remembering that new capital expenditure, even for the same number of patients is still an add-on).

Experience during the first part of 1973 showed that 7.5 percent was likely to be a reachable target. Data for the first quarter of 1973 taken from the "Hospital Indicators Panel Survey of the American Hospital Association" showed expenses per adjusted admission rising at an annualized rate of 7.1 percent compared to a rate of 8.9 percent for 1972 (and a rate of 8.2 percent for the fourth quarter of 1972). Results for the first half of the year showed an increase of about 7.5 percent. This was a significant trend since the economy was generally decontrolled under voluntary Phase III guidelines. It was this period that was used for projecting increases for 1974 rather than a time when the whole economy was under strict controls.

The 7.5 percent control limit was based on three components:

1. an estimate of the cost of producing the same level of services as in the previous year;
2. a productivity offset to account for more efficient production of last years' services; and
3. an intensity factor to provide a margin for increases in the quantity of services (in addition to those which result from capital expenditures of more than $100,000).

In estimating the increased cost of producing the same level of services, there was no difficulty in estimating the impact of wage increases because the 5.5 percent guideline plus 0.7% fringe benefit limit is still in effect. Similarly, it was not difficult to determine the proportion of a hospital's cost imputed to labor and non-labor inputs. It is generally recognized that a 60% payroll factor and 40% non-payroll factor are reasonable.[14]

The problem of estimating an index of factor prices, as Feldstein has noted, was the most severe. The major reason for the difficulty is the lack of weights to be attributed to each of the major non-wage items purchased by a hospital.

Because such an index was not generally available it was necessary for the Cost of Living Council to develop such an index. This was accomplished by using three sources for weights for non-wage items, and a variety of sources for projections of inflation. Table 7 presents the categories selected (column 1), their estimated percentage of non-wage costs (column 2), the increases projected for 1974 using 1973 observations as of September 1973 (column 3), and their weighted contributions to non-wage and total cost increases (columns 4 & 5). This factor input price index has also been applied retrospectively to data for 1963–1972 and calculations have yielded the wage and price index with values for the last ten years. These values were used to adjust the expense data in Table 3 to come up with estimates of the increases in intensity expenditures per day and per admission in pre-control years.

[14] These ratios were first used by the Phase II Health Services Industry Committee and have also been used by the Phase IV Health Industry Advisory Committee.

TABLE 7

1974 PROJECTION OF INCREASES IN NONWAGE COST ITEMS

Category	Percent of nonwage costs	Likely increase	Contribution to increase in—	
			Nonpayroll costs	Total costs
(1)	(2)	(3)	(4)	(5)
		Percent	*Percent*	*Percent*
1. Fringe benefits	13.5	0.7		0.42
2. Drugs	7.0	1.2	0.08	.03
3. Raw food	7.0	15.0	1.05	.42
4. Utilities	4.2	8.3	.35	.14
5. Depreciation	9.5			
6. Interest	4.1	3.5	.48	.19
7. Insurance	1.9	3.3	.06	.03
8. Medical supplies	21.5	4.6	.99	.40
9. Other	31.3	5.0	1.57	.63
Total	100.0		4.61	2.26

The weights used in rows 2–7 of column (2) were calculated from a sample of S–52 forms on file at the Cost of Living Council. Rows 1 and 8 were estimated from data supplied by the New York State Hospital Association, which also confirmed the estimates from the sample of S–52's. The weights derived were later confirmed to be consistent with available data from the American Hospital Association. The increases projected in column (3) are either 1973–1974 CPI projections or estimates based on other available data. The CPI drugs index showed no significant changes in 1973, but an allowance was included to allow for some substitution of more expensive drugs outside of the "intensity" allowance discussed later.

Most interest and depreciation funds are covered under the "new capital" provisions and can be recovered without regard to the operating limit. However, an allowance was included to take into account the effect of small (less than $100,000) projects. The increases projected for insurance (3.3%), and utilities and fuel (8.3%) are the 1973 CPI projections. The events of the last few months, however, suggest that the amount of future increases in hospital fuel costs are uncertain. For this reason a separate notice is being issued with the regulations to permit hospitals to adjust their allowance because of increased fuel costs.

The increases projected for medical supplies (4.6%) is half the annual increase in the value of industry shipments as projected by the U.S. Department of Commerce for 1972–1980. This item may be somewhat misleading because many supply prices do not increase as new products enter the market (similar to drugs). However, half the increase in shipment values was included to permit a large part of the product substitution (without technological change) without resort to the intensity allowance. The final item, the residual, "other", was estimated to increase by 5 percent. This represents the average increase for 1973 in the CPI all items, less food. This index was selected because we had already taken account of increases in the cost of raw food. The process was repeated using the 1973 WPI, less agricultural products, with similar results. This projection was originally designed to be consistent with COLC goals, but there was enough rounding in the final calculations so that even increases of up to 8 percent could be accommodated within the same control limit. The original estimate of wage and input price increases (using 5% CPI increase) was 5.86%. Using a 6% assumption the factor goes up to 5.97% while 7% yields 6.11% and 8% yields 6.23%.

PRODUCTIVITY OFFSET

It was necessary to develop some offset of the Phase IV allowances to recognize increased productivity of hospital services. The three authors whose works are discussed here provided us with the background for the selection of the 1% tradeoff.

Richard Elnicki estimates average annual changes in labor productivity in three combined Connecticut hospitals from a high of 1.54% to a low of .62% over a 10 year period.[15] As part of an effort undertaken for the Cost of Living Council, Jim Jeffers, Professor of Economics at Iowa University,[16] developed an alternative methodology and used the same data as Elnicki. Although the estimates are not comparable, the work of both Elnicki and Jeffers indicate that the hospitals studied experience significant increases in factor productivity over the period. Jeffers' estimates ranged from around .5% to about 1.7%. Jerry Cromwell, Senior Economist of Abt Associates, also undertook a study for the Department of Health, Education and Welfare.[17] He estimated hospital productivity nationally over the 1964–1971 period for nine cost centers that incur slightly more than 50% of all hospital costs. The results show a positive productivity increase for all bed sizes, and an overall productivity gain, nationally, of 1.13 percent. It was therefore determined that a 1% tradeoff for productivity gains was not unreasonable.

INTENSITY ALLOWANCE

Table 6 shows the per diem intensity increases recorded by the Social Security Administration for the pre- and post-Medicare periods. Before Medicare, per diem intensity increases averaged 3.2% annually. We divided these increases by the value of our wage and price index for each year and recalculated the effective increase in intensity in terms of 1967 input prices, obtaining 3.6 percent. Then in establishing our intensity allowances for Phase IV we sought to repeat the calculations for 1974 so as to obtain an intensity allowance which would be similar to the long term pre-Medicare trend.

Since all calculations for Phase IV had been done on a per admission basis, we had to establish a bridge from per diem increases to per admission increases. We have also seen that under Phase II rules, costs for the first nine months of 1973 have risen 7.4% per admission and 8.9% per day (since length of stay has continued to drop at 1.3%). If that relationship were to continue, the basic Phase IV system is likely to produce a 9% per diem increase. It is also likely that the more liberal capital expansion provisions, case mix adjustment, and exceptions policies should inflate that figure another 1.0 to 1.5 percent. Thus, the total per diem increase should be in the range of 10.0 to 10.5 percent.

We assumed that 50% of the per diem cost increase would be due to intensity (5.0–5.25 percent).[18] When the 10.0 to 10.5 percent per diem increases are deflated by the 1974 value

[15] Richard Elnicki, "Effect of Phase II Price Controls on Hospital Services," "Health Services Research," Summary 1972, Pp. 106–116.

[16] James Jeffers, "Measurement of Changes in the Productivity of Inputs Producing Hospital Services," final report on contract CLC–73–7139, July 1, 1973, unpublished.

[17] Jerry Cromwell, "Hospital Productivity Trends in U.S. Short-term General Non-Teaching Hospitals," supported under contract number HEW–05–73–19, by the Division of Health Evaluation.

[18] See table four.

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of the index, the resulting real increases in intensity allowed by the Phase IV regulations are 3.2–3.3 percent, which is comparable to the pre-Medicare intensity increases. That is, the 2.5% intensity allowance included in the 7.5% operating limit, is consistent with these intensity increases recorded before the Medicare/Medicaid inflationary cycle.

Combining the three factors, increased cost needed to produce last years' services, productivity offset, and intensity factor, leads to the following result:

TABLE 8

PHASE IV COST INCREASES

	Percent
Increased cost of unchanged operations	5.9
Payroll 6.0% × 60% (weight) = 3.6%	
Non-payroll 5.7% × 40 (weight) = 2.3%	
Adjustment for increased productivity	−1.0
Allowance for increased intensity	2.5
Net income increase	7.4

THE MARGINAL COST ASSUMPTIONS

Whereas Phase II assumed that almost all costs were variable as volume changed, the Phase IV controls took careful account of the differences that had to be recognized between fixed and variable costs. We used three pieces of research that could be categorized as studies in short run relationships of marginal (i.e., those that vary with output) to average costs, P. Feldstein, Lave and Lave, and M. Feldstein.[18]

J. Lave and L. Lave, "Estimated Cost Functions," "American Economic Review" June 1970, Pp. 370–395.

M. Feldstein, Economic Analysis for Health Service Efficiency, Amsterdam, North Holland Publishing Company, 1968.

Paul Feldstein used monthly cost and activity observations over a two year period for Gary (Indiana) Methodist Hospital. He found that the ratio of short run marginal cost to short run average cost ranged from 21–27%. Feldstein also estimated short run total cost functions for each of several hospital departments and concluded that in most cases, costs did not vary significantly with small increments in output.

The Laves used semi-annual observations on 74 Western Pennsylvania hospitals, and estimated an average cost function based on utilization, size, and a time trend. A second stage regressed the coefficients of the independent variables against a number of environmental factors (urban-rural, teaching status) to determine in each case the optimum set of explanatory variables according to the usual goodness of fit criteria. This technique of economic analysis yields a quantitative estimate of the amount of variation in costs explained by changes in volume of patients. The Laves also found evidence of slight economies of scale (services can be produced more cheaply as the number produced increases) and of an accelerating rate of cost inflation. They also found that marginal cost varied between 40–65% of average cost.

Martin Feldstein analyzed the cost implications of differences in the intensity of utilization of a given stock of facilities (Chapter 5). He was specifically concerned with the average and marginal costs of short-run increases in the rate of case-flow. The marginal cost of a case was found to be almost 21% of average cost, calculated at the mean values of the independent variables. Feldstein also calculated the MC/AC ratios for seven individual case-mix categories. The MC/AC ratios, by category, are: general medical, 0.17; pediatrics, 0.26; surgery, 0.21; ear-nose-throat, 0.47; gynecology, 0.03; obstetrics, 0.47; and others, 0.40. Feldstein also found a serious underutilization of the stock of hospital facilities in the short-run.

After evaluating the literature, with special emphasis on the above three studies, and with the assistance of the Bureau of Health Services Research and Evaluation of the Department of Health, Education, and Welfare, a marginal cost to average cost factor of 40% was included in the Phase IV regulations. If this adjustment were used from zero change in admissions, it would mean that an institution that was increasing in volume would be allowed only 40% of average cost and charge for each extra admission. The hospital that was declining in volume would be allowed to keep 60% of the average cost and charge of each lost admission, and recover the difference from the remaining patients.

There are, however, statistical indications that while the 40/60 ratio is a reasonable average, when volume of admissions increases the marginal cost may actually be somewhat higher, i.e., it costs more than 40% to service the increased admissions and that when volume is declining the fixed costs may be higher, i.e., a hospital cannot reduce its cost per case by 40%.[20] For this reason, and to reduce the need for hospitals to make charge adjustments for small changes in volume, a "zone of no adjustment" was created.

ZONE OF NO ADJUSTMENT

The imposition of the Phase IV volume adjustment is delayed for most hospitals, with the extent of the delay dependent on their size. For the first 2% increase in admissions for large hospitals (and 4% increase for small[21]) the 7.5% allowance is permitted over last year's per admission averages, with no adjustment required. That is to say, the hospital is allowed to assume that all costs are variable.

The large hospital that declines up to 5% in admissions (10% for small hospitals) is allowed to assume that all costs are fixed. That is to say, the hospital may keep its total budget at 107.5% of the last year's budget. Once volume changes go beyond these limits, the volume adjustment begins. The equations for calculating the percentage limits for each change in volume appear in the appendix. Much has been made of the marginal cost assumption and the potential harshness of the volume adjustment. The effect of the zone, however, is to postpone the volume adjustment and to liberalize the marginal cost assumption. Table 9 shows, for both large and small hospitals, the actual marginal cost assumption of the regulations, depending upon the change in volume that is actually experienced. A further modification in the volume adjustment formula is a limit on the required reduction in price for volume increases such that a hospital could impose at least a 3% increase in cost per admission. On the down-side a limit of 20% was imposed on the allowable cost increase per admission. These are shown in Table 9.

[18] P. Feldstein, "An Empirical Investigation of the Marginal Cost of Hospital Service," Chicago, University of Chicago, 1961.

[20] The American Hospital Association has been concerned with the 60–40 split of costs. They presented data that show that on the up-side, marginal costs are 80% of average costs and on the down-side, they are only 10–20% of average cost.

[21] A small hospital is defined as one with less than $2.5 million in budget or less than 4,000 admissions.

TABLE 9A.—*Increasing admissions allowance for variable costs and allowance per admission.*

[In percent]

Percent change admissions	Large hospital		Small hospital	
	Per admission	Variable cost	Per admission	Variable cost
0	7.50		7.50	
+1	7.50	100	7.50	100
+2	7.50	100	7.50	100
+3	6.87	80	7.50	100
+4	6.26	70	7.50	100
+5	5.66	64	6.87	88
+6	5.07	60	6.28	80
+7	4.49	57	5.69	74
+8	3.92	55	5.11	70
+9	3.36	53	4.54	67
+10	3.00	52	3.98	64
+11	3.00	50	3.43	62
+12	3.00	60	3.00	65
+13	3.00	63	3.00	68
+14	3.00	66	3.00	70
+15	3.00	68	3.00	72

TABLE 9B.—*Decreasing admissions allowance for fixed costs and allowance per admission*

[In percent]

Percent change admissions	Large hospital		Small hospital	
	Per admission	Fixed costs	Per admission	Fixed costs
0	7.50	100	7.50	100
−1	8.59	100	8.59	100
−2	9.69	100	9.69	100
−3	10.83	100	10.83	100
−4	11.98	100	11.98	100
−5	13.16	100	13.16	100
−6	13.90	93	14.36	100
−7	14.67	88	15.59	100
−8	15.45	85	18.13	100
−9	16.24	82	19.49	100
−10	17.06	80	20.00	100
−11	17.89	78	20.00	91
−12	18.74	77	20.00	83
−13	19.61	75	20.00	77
−14	20.00	70	20.00	71
−15	20.00	65	20.00	67

CASE-MIX ADJUSTMENT

There has also been much concern about the flexibility of the Phase IV system when a hospital's patient-mix changes. As many hospital services are shifted to out-patient settings, and as more illnesses become treatable, hospital patient-mix will become generally more complex, and perhaps also more expensive. There can also be shifts among institutions, with certain hospitals becoming referral centers for difficult cases.

The Phase IV controls include adjustment of revenues and costs that recognizes the increased costs of a more complex patient-mix. It is not part of the basic control system, and is placed in force at the option of the hospital. It will not be used to penalize hospitals that shift to less complex patients and is a self-executing adjustment.

The patient-mix adjustment procedure relies on either of two standard patient allocation systems. In addition, a hospital may use another allocation system with prior COLC approval. The procedure to allocate charges and expenses works in the following way. The current year's distribution of patients is determined by the category list below, and last year's total admissions are restated in these proportions.

ALLOCATION OF PATIENTS

1. Medical, Surgical, Obstetrics, Pediatrics, Psychiatric; OR

2. H-ICDA diagnostic codes representing at least 85% of the hospital's admissions, the balance being included in a residual "other" category.

A restated "total charges" for the last year is then calculated using the actual charge per case (in each category) multiplied by the restated number of admissions in that category, with all the results added. The restated total budget is then divided by the actual total admissions to get a restated average charge per admission for the last year. The percent by which this amount exceeds last year's actual average charge per admission is the increment which could be added to the basic control allowances for charges and expenses. There is, however, a potential bias in the assumption that expenses due to patient-mix changes will change by the same percentage as the charges. The more likely case is that the difference in costs would be greater than the difference in charges. This is due to the fact that charges for high cost items are often redistributed to room and board rates. Patients do not pay $800 per day for coronary care. They pay perhaps $250, with all the other patients absorbing $1–2 in their room rates. Therefore charge ratios might not reflect cost differences. If a hospital felt that the data were indeed not reflective of a particular situation, it could request an exception.

INCENTIVES UNDER PHASE IV

As in any system of control based on a particular unit of output, the incentive is to increase the volume of that unit. That is true of the Phase IV system as it was under Phase II. But Phase IV includes three features to minimize such undesirable incentives:

(1) It is more difficult to create an unnecessary admission than to extend each hospital stay one extra day or order some extra tests "just in case".

(2) The simple outpatient limitation (with no intensity limitation) does not inhibit the trend toward more services being performed on an outpatient basis.

(3) Finally, and most importantly, the hospital that increases its volume of admissions beyond the zone is required to recognize that all costs are not variable, and that some economies of scale should be realized. In contrast, the Phase II system allowed free rein to increase costs and charges one-for-one with volume increases.

The Phase II system worked in such a way as to have undesirable effects on the hospital that had declining length of stay or declining occupancy. The Phase IV regulations changed that situation. The Phase IV zone on the down-side is structured to allow hospitals to maintain their budgets even if volume decreases. This volume reduction might have been unanticipated, but it might also have been the result of an active program of utilization reivew or a movement to pre-admission testing. Either way, the institution is not forced into a position of having to stop such desirable and Federally required activities or face financial ruin.

Finally, the control limit itself was designed to provide for the needs of hospitals, although it will be necessary to exercise some measure of cost consciousness in order to continue operations without financial difficulties. The capital exception and patient-mix adjustment are added measures of flexibility to permit desirable growth and change in the industry.

APPENDIX

There are four regions of volume changes, and hence operating allowances, between the 20% ceiling and 3% floor of the Phase IV regulations. For those who wish to do their own calculations we list below the relevant equation for each region.

$$\text{Limitation} = \frac{ADM_B^{1.075}\left[1-\left(\frac{A}{ADM_B}\right)\cdot(C\cdot ADM_B)-(ADM_C)\right]}{ADM_C}-1$$

REGION 2—Negative change in admissions within the zone.

$$\text{Limitation} = \frac{ADM_B \cdot 1.075}{ADM_C}-1$$

REGION 3—Positive or no change in admissions within the zone—7.5% limitation.

REGION 4—Positive change in admissions beyond the zone (minimum allowance is 3%).

$$\frac{1.075}{ADM_C}\cdot[(C\cdot ADM_B)+.4(ADM_C-(C\cdot ADM_B))]-1$$

NOTATION

ADM_B = Number of admissions in the base year.
ADM_C = Number of admissions in the control year.
C = Zone level, defined as ratio (e.g., −5% zone is .95, +2% is 1.02).
1.075 = Base standard.

7. In 6 CFR Part 155, § 155.21(c) and (d) is amended to read as follows:

§ 155.21 Purpose and scope.

* * * * * *

(c) Except as provided in § 150.415 with respect to health insurers, insurers subject to Subpart M of Part 150 of this chapter shall make all filings pursuant to that subpart and shall file requests for interpretation with the Cost of Living Council, Insurance Division, 2000 M Street, N.W., Washington, D.C. 20508.

(d) Institutional providers of health services subject to Subpart O and persons subject to Subpart R of Part 150 of this chapter shall file requests for interpretation and shall make all other filings with the Office of Health, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508.

8. In 6 CFR Part 155, § 155.41(a) is amended to read as follows:

§ 155.41 Purpose and scope.

Exceptions from the provisions of Part 150 of this title may be granted for the purpose of preventing or correcting a serious hardship or gross inequity.

(a) All persons requesting exceptions shall file their applications with the key IRS District Office which serves the district in which their corporate headquarters are domiciled except that persons who are: (1) Insurers subject to subpart M of part 150 of this chapter, shall file with the Cost of Living Council, Insurance Division, 2000 M Street, N.W., Washington, D.C. 20508 and (2) Institutional providers of health services subject to subpart O and persons subject to subpart R of Part 150 of this chapter, shall file with the Office of Health, Cost of Living Council, 2000 M Street, N.W., Washington, D.C. 20508. All requests for exception, wherever filed, must conform to the requirements set out in § 155.11.

[FR Doc.74-6775 Filed 3-20-74;12:22 pm]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of January 1, 1974

Title 1—General Provisions $1.10

Title 7—Agriculture (Parts 1120–1199) 2.80

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**Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402**

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federal register

THURSDAY, MARCH 28, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 61

Pages 11407–11516

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Area Code 202 Phone 523-5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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EXECUTIVE ORDER 11774

Amending Executive Order No. 11768, Placing Certain Positions in Levels IV and V of the Executive Schedule

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, section 1 of Executive Order No. 11768,[1] of February 20, 1974, placing certain positions in level IV of the Executive Schedule, is amended by deleting "(7) Director of Program Analysis and Evaluation, Department of Defense." and inserting in lieu thereof "(7) Director of Telecommunications and Command and Control Systems, Department of Defense.".

Richard Nixon

THE WHITE HOUSE,
March 26, 1974.

[FR Doc. 74-7290 Filed 3-26-74; 1:56 pm]

[1] 39 FR 6693, February 22, 1974.

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EXECUTIVE ORDER 11775

Abolishing the Energy Policy Office

Executive Order No. 11726 of June 29, 1973, established in the Executive Office of the President an Energy Policy Office. Executive Order No. 11748 of December 4, 1973, established in the Executive Office of the President a Federal Energy Office. In order to permit an orderly transition, the Energy Policy Office was continued in being on an interim basis. That transition has been successfully completed and the Energy Policy Office should now be abolished.

NOW, THEREFORE, by virtue of the authority vested in me as the President of the United States of America it is hereby ordered as follows:

SECTION 1. The Energy Policy Office is hereby abolished and Executive Order No. 11726 of June 29, 1973, is hereby superseded.

SEC. 2(a). Section 8 of Proclamation No. 3279, as amended, is hereby amended to read as follows:

"SEC. 8. The Oil Policy Committee shall consist of the Administrator of the Federal Energy Office as Chairman, and the Secretaries of State, the Treasury, Defense, the Interior, Agriculture, Commerce, and Transportation, the Attorney General, the Chairman of the Council of Economic Advisers, and the Administrator of the Environmental Protection Agency. The President may, from time to time, designate other officials to serve as members of the Committee."

(b) The Oil Policy Committee, as reconstituted by the amendment made by subsection (a) of this section, is hereby continued.

(c) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred by the amendment made by subsection (a) of this section from the Director of the Energy Policy Office, to the Administrator of the Federal Energy Office, as Chairman of the Oil Policy Committee, as the Director of the Office of Management and Budget shall determine, in conformity with section 202(b) of the Budget and Accounting Act of 1950 (31 U.S.C. 581c(b)), shall be transferred at such time or times as he shall direct for use in connection with the functions transferred.

(d) Executive Order No. 11743 of October 23, 1973, is hereby superseded.

SEC. 3. The Administrator of General Services shall take such steps as may be necessary to wind up the affairs of the Energy Policy Office, and unobligated funds, if any, that may remain available to defray the expenses of that Office shall be returned to the Emergency Fund of the President.

Richard Nixon

THE WHITE HOUSE,
March 26, 1974.

[FR Doc.74-7291 Filed 3-26-74;1:56 pm]

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Rules and Regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revision 1, Amendment 2]

PART 106—SBA RULES AND REGULATIONS

Lease Guarantee

On January 28, 1974, there was published in the FEDERAL REGISTER (39 FR 3573) a notice that the Small Business Administration proposed to amend 13 CFR Part 106. A proposed addition to § 106.12 permits SBA, as insurer, to postpone the requirement that the lessor evict the defaulting tenant to obtain claim payments for defaulted rent, where such action is in the best interest of SBA and the small business tenant. The revisions to § 106.11 bring this section into conformance with the change to § 106.12. The new § 106.18 sets forth the rights and obligations of any assignee of the lease guarantee insurance policy. The change to § 106.10 permits the use of deductible period up to 6 months where it is in the interest of the insurer.

Prior to adoption of the amendments, a period of thirty (30) days from the date of publication was given for comments from interested parties. Since no comments have been received, 13 CFR Part 106 is hereby amended.

1. Revise § 106.10(a)(2) as follows:

§ 106.10 Minimizing the risk.

(a) • • •

(2) The lessor shall accept an insurance policy providing for a deduction of from three (3) to six (6) months rent due after the date of default as the amount of loss to be borne by the lessor, as determined by the insurer.

2. Revise § 106.11 (c), (d), and (h) as follows:

§ 106.11 Lessor's duties to lessee and insurers.

• • • • •

(c) Unless such default is corrected by amicable agreement of the lessee and lessor on or before 30 days from date of notice, the lessor will take prompt action to terminate the occupancy of the lessee, to make such repairs to the property as are necessary to restore it to its original condition, ordinary wear and tear excepted, and to deliver vacant possession to the insurer unless the requirement for vacant possession is postponed pursuant to § 106.12(c): *Provided, however,* This shall not be construed to prohibit improvements in the premises permitted by the lease.

(d) If such default is not corrected by the lessee, the lessor shall utilize the entire period for which there are funds available in escrow for the payment of rental claims (or the deductible period) in reasonably diligent efforts to eliminate or minimize losses by rerenting the property covered by the lease to another lessee subject to the approval of the insurer for the purpose of retaining the insurance coverage unless vacant possession has been postponed pursuant to § 106.12(c).

• • • • •

(h) Upon filing a claim for guaranteed rent in default, the lessor will continue to make reasonably diligent effort to minimize losses by assisting the insurer to locate a prospective lessee. Upon such filing and the exhaustion of the escrowed fund or the expiration of the deductible period, the lessor shall deliver vacant possession to the insurer with the right to rerent the premises unless vacant possession has been postponed pursuant to § 106.12(c).

3. Add the following paragraph (c) to § 106.12:

§ 106.12 Insurer's rights.

• • • • •

(c) The insurer may pay claims for the guaranteed rent where the lessor has been notified by the insurer, in writing, to postpone dispossession of the lessee, if in the judgment of the insurer it would be in the best interest of the insurer or the lessee and consistent with SBA's statutory purpose to permit the lessee to continue to occupy the property.

4. Add the following new § 106.18:

§ 106.18 Rights and obligations of assignees of the lease rerental-guarantee insurance policy.

An assignee of a lease rental guarantee insurance policy becomes a loss payee for its interest in rental payments made by the insurer after default by the tenant through an assignment of interest endorsement to the policy. Such rental payments will be made only when the lessor, or the assignee acting as lessor, is in compliance with the provisions of the policy and 106.11 of these regulations.

Effective date. This amendment shall become effective on March 28, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-7118 Filed 3-27-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-EA-108]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Airways

On January 17, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 2107) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign V-123 and V-467 southwest of LaGuardia, N.Y.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. May 23, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307) is amended as follows:

a. In V-123 "Robbinsville; LaGuardia, N.Y.;" is deleted and "Robbinsville; INT Robbinsville 044° and LaGuardia, N.Y., 209° radials; LaGuardia;" is substituted therefor.

b. In V-467 "Millville, INT Millville 037° and LaGuardia, N.Y., 211° radials;" is deleted and "Millville; INT Millville 037° and LaGuardia, N.Y., 209° radials;" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on March 21, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-7151 Filed 3-27-74;8:45 am]

[Airspace Docket No. 73-NW-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation and Redesignation of Federal Airways

On January 29, 1974, a notice of proposed rule making (NPRM) was pub-

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lished in the FEDERAL REGISTER (39 FR 3686) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal Airway No. 121 from Eugene, Oreg., to McCall, Idaho, and redesignate the segment of V–121 between Eugene, Oreg., and Redmond, Oreg., as V–121N.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307) is amended as follows:

In V–121 "INT Eugene 070° and Redmond, Oreg., 281° radials; Redmond." is deleted and "Redmond, Oreg.; including a N alternate via Eugene 070° and Redmond 281° radials; Kimberly, Oreg.; Baker, Oreg.; to McCall, Idaho." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on March 22, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–7152 Filed 3–27–74;8:45 am]

[Airspace Docket No. 73–AL–21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway and Designation of Transition Area

On January 29, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 3687) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign VOR Federal Airway No. 317S between Johnstone Point, Alaska, and Anchorage, Alaska, and designate a 700-foot transition area in the vicinity of Johnstone Point, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 23, 1974, as hereinafter set forth.

1. Section 71.125 (39 FR 340) is amended as follows:

In V–317 "Anchorage, including a south alternate via Johnstone Point 275° and Anchorage 130° radials" is deleted and "Anchorage, including a south alternate via INT Johnstone Point 271° and Anchorage 130° radials" is substituted therefor.

2. Section 71.181 (39 FR 440) is amended by adding:

JOHNSTONE POINT, ALASKA

That airspace extending upward from 700 feet above the surface within 4 miles north and 5 miles south of the Johnstone Point VORTAC 286° and the 106° radials, extending from 5 miles east to 23 miles west of the VORTAC; within a 35 mile radius of the Johnstone Point VORTAC, extending clockwise from the north edge of V–317 to the 332° radial of the VORTAC; and within 5 miles northeast of the Johnstone Point VORTAC 332° radial extending from the VORTAC to 23 miles northwest of the VORTAC.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on March 22, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–7071 Filed 3–27–74;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS

PART 379—TECHNICAL DATA

Export Administration Regulations

Before exporting technical data relating to certain processes and commodities to Country Groups T and V under the provisions of General License *GTDR*, the exporter must obtain from the importer a written assurance that neither the technical data nor the direct product thereof is intended to be shipped, directly or indirectly, to a destination in Country Group Q, W, Y, or Z.

The export of technical data and services related to those processes and commodities listed in §§ 379.4(e) (1) (i) and (ii) no longer requires a written assurance since these commodities have been decontrolled to the SZ level and may now be exported under General License *G–DEST* to Country Group Q, W, or Y.

Accordingly, §§ 379.4(e) (1) (i) and 379.4(e) (1) (ii) of the Export Administration Regulations are deleted and reserved for future use.

Effective Date: March 20, 1974.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.74–7234 Filed 3–27–74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

Correction

In Release No. 33–5100 dated November 12, 1970, which was published in the FEDERAL REGISTER for November 24, 1970 at 35 FR 17992, the Commission announced certain revisions in the instructions and items to Form S–7 (17 CFR 239.26). The effect of such revisions was not reflected in an amendment to 17 CFR 239.26 through an oversight. Accordingly, current editions of Title 17 of the Code of Federal Regulations should be corrected by revising § 239.26 of Chapter II thereof to read as follows:

§ 239.26 Form S–7, for registration under the Securities Act of 1933 of securities of certain issuers to be offered for cash.

Any registrant which meets the following conditions may use this form for registration under the Securities Act of 1933 of any securities which are offered for cash by or on behalf of the registrant or any other person, in a rights offering or otherwise:

(a) The registration meets either of the following conditions:

(1) Has a class of equity securities registered pursuant to Section 12(b) of the Securities Exchange Act of 1934; or

(2) Is organized under the laws of the United States or any State or Territory or the District of Columbia, has its principal business operations in the United States or its Territories and has a class of equity securities registered pursuant to section 12(g) of the above Act.

(b) The registrant has been subject to and has complied in all respects, including timeliness, with the requirements of sections 13 and 14 of the Securities Exchange Act of 1934 for a period of at least three fiscal years immediately preceding the filing of the registration statement on this form.

(c) A majority of the existing board of directors of the registrant have been directors of the registrant or a predecessor of the registrant from the beginning of the registrant's last three fiscal years to the date of filing the registration statement on this form.

(d) The registrant and its subsidiaries have not during the past ten years defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness or borrowed money, or in the payment of rentals under long term leases.

(e) The registrant and its consolidated subsidiaries had a net income, after taxes but before extraordinary items net of tax effect, of at least $500,000 for each of the last five fiscal years.

(f) If the securities to be registered are common stock or securities convertible into common stock, the registrant earned in each of the last five fiscal years any dividends, including the fair market value of any stock dividends, paid in each such year on all classes of securities. If the registrant paid a stock dividend in any of such fiscal years, the aggregate amount transferred from additional capital to capital in respect of each such dividend was charged only to retained earnings account and was equal to the aggregate fair market value of the stock issued as such dividend.

For the Commission, by the Division of Corporation Finance pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

MARCH 11, 1974.

[FR Doc.74–7126 Filed 3–27–74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Certification Procedure for Providers and Suppliers of Services; Redesignation of Subpart

On January 17, 1974, there were published in the FEDERAL REGISTER amendments to Part 405 of Chapter III of Title 20 (39 FR 2237). These amendments included the addition of Subpart T of Part 405 relating to certification procedure for providers and suppliers of services under the Medicare program. The new subpart contains sections numbered §§ 405.1901–405.1910.

At present, there are 18 subparts in Regulations No. 5, designated by letters A through Q and T. Subparts R and S are reserved. In order to reserve the Subpart R and T designations (rather than R and S) for corresponding section numbers series § 405.1801 et seq. and § 405.2001 et seq., Part 405 (20 CFR Part 405) is amended as follows:

Subpart T, Certification Procedure for Providers and Suppliers of Services, is redesignated Subpart S.

(Sec. 1871, 79 Stat. 331; 42 U.S.C. 1395hh)

Effective date. This amendment is effective on March 28, 1974.

Dated: March 12, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: March 21, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.74–7182 Filed 3–27–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A–11—FEDERAL, STATE, AND LOCAL TAXES

Exemptions From Federal Excise Taxes

This revision sets forth instructions to exempt from payment of Federal excise taxes GSA stock tires and tubes items which are ordered for direct delivery to overseas destinations.

Section 5A–11.270 is amended as follows:

§ 5A–11.270 Federal excise taxes.

• • • • • •

(a) Except when a contract is made on behalf of AID and the GSA Form 1246, GSA Supplemental Provisions (AID Procurement), is used as provided in § 5A–2.201–70(f) definite quantity contracts for nonstock items shall provide for the price to be exclusive of any Federal excise tax only if it is estimated that the amount of the tax will exceed $200. When making a definite quantity contract and it is estimated that the amount of the Federal excise tax will exceed $200 the clause set forth in § 1–11.401–3(b) shall be used.

(b) Where export delivery orders are issued under requirements type contracts which expressly set forth the Federal excise tax (e.g., as in contracts for tires and tubes), such orders shall exclude the Federal excise tax and the statement "For export or shipment to a possession" shall be entered on such orders. Where the Federal excise tax is not expressly set forth in the contract, purchase orders placed against such contracts shall be written including the Federal excise tax except where it is known (or estimated and the precise amount can be obtained from the contracting office) that the Federal excise tax exceeds $200, in which case the order shall exclude this tax.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); 41 CFR 5–1.101(c))

Effective date. This regulation is effective on March 14, 1974.

Dated: March 14, 1974.

M. J. TIMBERS,
Commissioner, FSS.

[FR Doc.74–7164 Filed 3–27–74;8:45 am]

PART 5A–30—CONTRACT FINANCING

The following is to update the procedures and to add instructions on contract financing.

The table of contents for Part 5A–30 is revised to read as follows:

Subpart 5A–30.1—Forms of Financing

Sec.
5A–30.109 Partial payments—description.

Subpart 5A–30.2—Basic Policies

5A–30.212 Coordination before contract award.

Subpart 5A–30.4—Advance Payments

5A–30.403 Interest.
5A–30.405 Statutory requirements.
5A–30.406 Responsibility—delegation of authority.
5A–30.410 Findings, determinations, and authorization.
5A–30.412 Action by contracting officer.
5A–30.414 Agreement for special bank account and contract provisions.
5A–30.414–2 Contract provisions for advice payments.
5A–30.450 Procedure for approval.

Subpart 5A–30.5—Progress Payments Based on Costs

5A–30.503 Customary progress payments—standards.
5A–30.503–50 Use of benchmarks with progress payments based on costs.
5A–30.504 Formal advertising — small business restricted advertising.
5A–30.504–1 Progress payment provision in invitation for bids.
5A–30.504–4 Notice to bidders.
5A–30.505 Unusual progress payments—standards—procedure.
5A–30.510 Contract clauses.
5A–30.511 General instructions for progress payment clauses.
5A–30.511–2 Variation in percentages.
5A–30.512 Progress payment liquidation.
5A–30.517 Contract financing office clearance.
5A–30.521 Administration—general.
5A–30.524 Suspension or reduction of payments—general.
5A–30.525 Government title.
5A–30.550 Eligibility for progress payments.
5A–30.551 Explanation of limitations and illustrations of their application.
5A–30.551–1 Total costs basis.
5A–30.551–2 Direct labor and materials costs basis.
5A–30.551–3 Illustrations.

Subpart 5A–30.7—Assignment of Claims

5A–30.702 Conditions governing assignment of claims.
5A–30.702–70 Requirements-type and indefinite quantity contracts.
5A–30.703 Contract clause—assignment of claims.
5A–30.703–70 Requirements-type and indefinite quantity contracts for use by more than one agency.
5A–30.703–71 Definite quantity contracts and requirements-type or indefinite quantity contracts for use only by GSA.
5A–30.706 Procedures upon receipt of notice of assignment and instrument of assignment.
5A–30.706–70 Requirements-type and indefinite quantity contracts for use by more than one agency.
5A–30.706–71 Definite quantity contracts and requirements-type or indefinite quantity contracts for use only by GSA.
5A–30.707 Further assignments and reassignments.

Subpart 5A–30.1 is added as follows:

Subpart 5A–30.1—Forms of Financing

§ 5A–30.109 Partial payments—description.

Partial payments shall be made as provided in § 1–7.102–7 and Clause 7 of Standard Form 32, General Provisions (Supply Contract).

Subpart 5A–30.2 is added as follows:

Subpart 5A–30.2—Basic Policies

§ 5A–30.212 Coordination before contract award.

(a) *Definitions.* As used in this § 5A–30.212, the following terms shall have the meanings set forth below:

(1) "Financial provisions" means provisions for payments (generally), partial payments, progress payments, advance payments, insurance provisions, or any other financial terms and conditions contained in or proposed to be included in an invitation for bids, solicitation of proposals, or resultant contract.

(2) "Standard financial provisions" means financial provisions which have been formally prescribed by the FPR, GSPR, or otherwise authorized by the Administrator, Assistant Administrator for Administration, a Regional Adminis-

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trator, or a Regional Director of Administration, as appropriate.

(3) "Nonstandard financial provisions" means financial provisions (or proposed additions, deletions, or other modifications with respect to standard financial provisions) which have not been formally prescribed in accordance with § 5A-30.212(a)(2).

(4) "Appropriate financial office" means the Director of Finance, OAD, or the regional Director, Finance Division, for regional contracts.

(b) *Assistance in development of financial provisions.* It is imperative that adequate and appropriate financial provisions are developed or properly used in accordance with Part 1–30 and this Part 5A–30. The appropriate financial office shall, upon request, provide technical advice and assistance in the development of all financial aspects of invitations for bids, solicitations of proposals, and resultant contracts. In addition, although there is no requirement to do so, advice may be requested by the procuring activity as to the adequacy of proposed contracts containing standard financial provisions.

(c) *Clearances.* Invitations for bids, requests for proposals, and amendments of existing contracts involving nonstandard financial provisions shall be forwarded to the appropriate financial office for review as early as possible during the procurement process. In all cases such review shall be prior to execution or submission of a contract to higher authority for clearance or approval. In cases of proposed additions, deletions, or other modification regarding standard financial provisions, applicable deviation procedures (§ 5A–1.109) must also be followed.

(d) *Action by appropriate financial office.* Where a matter has been referred to a financial office for review or clearance, that office shall immediately notify the contracting officer as to the sufficiency of the financial provisions. If financial provisions are proposed which are inadequate or improper, such deficiencies will be explained together with recommended remedial measures which must be taken.

Subpart 5A–30.4 is added as follows:

Subpart 5A–30.4—Advance Payments

§ 5A–30.403 Interest.

The Office of Finance, OAD, will inform procuring activities of the interest rate to be charged on the unliquidated balance of all advances payments.

§ 5A–30.405 Statutory requirements.

The determination required under § 1–30.405(c) shall be prepared by the contracting officer in cooperation with the appropriate legal counsel and representatives of the Director of Finance, OAD, or the regional Finance Division for regional contracts.

§ 5A–30.406 Responsibility—delegation of authority.

The responsibility and authority for making findings and determinations with respect to advance payments, and in each case for approval of contract provisions for advance payments, or for approval of the terms and conditions thereof, shall be exercised by the appropriate Commissioner or his designee.

§ 5A–30.410 Findings, determinations, and authorization.

The findings, determinations, and authorizations for advance payments provided under § 1–30.410 shall be made by the appropriate Commissioner or his designee in accordance with § 5A–30.406.

§ 5A–30.412 Action by contracting officer.

See § 5A–30.450.

§ 5A–30.414 Agreement for special bank account and contract provisions.

§ 5A–30.414–2 Contract provisions for advance payments.

The contracting officer shall prepare contract provisions for advance payments after coordination with the appropriate legal counsel and representatives of the Director of Finance, OAD, or the regional Director, Finance Division, for regional contracts.

§ 5A–30.450 Procedure for approval.

The required findings and determinations, proposed advance payments clauses, supporting data and recommendation (see § 1–30.412), and an indication of compliance with the procedures of Subpart 1–30.4 shall be submitted by the contracting officer after coordination in accordance with §§ 5A–30.405 and 5A–30.414–2 to the appropriate Commissioner, or his designee for review and approval.

Subpart 5A–30.5 is added as follows:

Subpart 5A–30.5—Progress Payments Based on Costs

§ 5A–30.503 Customary progress payments—standards.

§ 5A–30.503–50 Use of benchmarks with progress payments based on costs.

In unusual circumstances it may be desirable for progress payments based on costs (see § 1–30.501) to provide for the achievement of specified benchmarks prior to the receipt of progress payments where payments prior to the achievement of such benchmarks are not in the best interest of the Government. For example, such a benchmark might be the submission and acceptance of a preproduction or pilot model.

(a) The making of progress payments based on costs under any individual contract or class of contracts may be conditioned, in unusual circumstances, upon the achievement of specified benchmarks during the performance of the contract where the appropriate Commissioner determines in writing, based on all relevant facts, that the use of benchmarks is in the best interest of the Government. Where such a determination has been made, an appropriate provision establishing one or more such benchmarks shall be included in the invitation for bids or request for proposals and each resulting contract.

(b) Benchmarks may not be used in such a manner that their effect is to convert progress payments based on costs into progress payments based on a percentage or stage of completion. Where the use of progress payments based on a percentage or stage of completion is desired, such use shall be approved by the appropriate Commissioner as provided in § 1–30.501.

§ 5A–30.504 Formal advertising—small business restricted advertising.

§ 5A–30.504–1 Progress payment provision in invitation for bids.

(a) Where the contracting officer determines that the time between starting performance (usually immediately following date of award) and delivery of the first end items will be of short duration (6 months or less), the need for progress payments will ordinarily be obviated.

(b) Upon written determination by the contracting officer, provision for progress payments may be included in an invitation for bids even though one or more of the criteria enumerated in § 1–30.504–1(a)(2) or in (a) of this § 5A–30.504–1 may apply. Such determination must demonstrate that provision for progress payments is practical or reasonably necessary by documenting compliance with the appropriate standards and procedure concerning unusual progress payments set forth in § 1–30.505.

§ 5A–30.504–4 Notice to bidders.

When the notice set forth in § 1–30.504–4(b) is included in an invitation to bid, such notice shall include the following statement as an additional part thereof:

If a bidder desires progress payments, and accompanies his bid with a written request therefor, he shall also check the appropriate box below:

☐ Progress payments are desired but bid is not conditioned on receiving progress payments.

☐ Bid is conditioned on receiving progress payments.

(NOTE.—1. If a bid is conditioned on the availability of progress payments and bidder is found ineligible for such payments, the bid will be rejected. 2. Submission of a bid without requesting progress payments does not preclude the bidder from later requesting progress payments in accordance with applicable regulations, prior to or after award of the contract.)

§ 5A–30.505 Unusual progress payments—standards—procedure.

The appropriate Commissioner or his designee shall exercise responsibility for the approval or disapproval of requests for unusual progress payments on a case-by-case basis.

§ 5A–30.510 Contract clauses.

The contracting officer shall select the appropriate progress payment clause to be used in a particular contract after coordinating the matter with appropriate legal counsel and the Director of Finance, OAD, or regional Director, Finance Division, for regional contracts.

§ 5A–30.511 General instructions for progress payment clauses.

For general explanation and illustrations of the limitations (expressed in terms of the percentages specified in §§ 1–30.511–2, 1–30.511–3, and 1–30.511–4) on amounts of payments and liquidation incorporated in the progress payments clauses, see § 5A–30.551.

§ 5A–30.511–2 Variation in percentages.

Provision for progress payments based on costs at rates in excess of 70 percent of total costs or 85 percent of direct labor and material costs (either or both), as stated in paragraph (a)(1) of the clauses in §§ 1–30.510–1 and 1–30.510–2, or in excess of the respective percentages applicable to contracts with small business concerns (see §§ 1–30.503, 1–30.504–2, and 1–30.504–3), shall be made only with the approval of the appropriate Commissioner or his designee and the Director of Finance, OAD, or the Regional Director of Administration for regional contracts in accordance with the standards and procedures set forth in § 1–30.505.

§ 5A–30.512 Progress payment liquidation.

Recovery at rates lower than those specified in paragraph (b) of the clauses in §§ 1–30.510–1 and 1–30.510–2 may be made only with the approval of the appropriate Commissioner or his designee and the Director of Finance, OAD, or the Regional Director of Administration for regional contracts. The Office of Finance or the regional Director, Finance Division, in the case of regional contracts, will provide assistance to contracting officers in estimating costs for the purpose of establishing the liquidation rate.

§ 5A–30.517 Contract financing office clearance.

The contract financing office clearance required by § 1–30.517 shall be the responsibility of the Director of Finance, OAD, or the Regional Director of Administration for regional contracts.

§ 5A–30.521 Administration—general.

The Office of Finance, OAD, shall establish adequate administrative and fiscal procedures to ensure the accomplishment of the fiscal aspects of § 1–30.521. The Director of Finance, OAD, or the regional Director, Finance Division, for the appropriate regional accounting center, shall promptly report to the contracting officer the date and amount of each progress payment to a contractor and shall provide the contracting officer with written recommendations whenever findings are made which warrant action by the Government. (See § 1–30.216)

§ 5A–30.524 Suspension or reduction of payments—general.

Action recommended by the contracting officer under § 1–30.524 shall be submitted to the appropriate Commissioner or his designee for approval after coordination with the appropriate legal counsel and representatives of the Director of Finance, OAD, or the regional Director, Finance Division, for regional contracts. The circumstances and decision shall be documented in an appropriate finding as provided in § 1–30.524.

§ 5A–30.525 Government title.

In the interest of clarifying the provision of § 1–30.525, it should be noted that (a) the clauses in §§ 1–30.510–1(a) and 1–30.510–2(a) provide for the passage of title to property to the Government as of the date of the contract, and (b) the clauses in §§ 1–30.510–1(b) and 1–30.510–2(b) provide for the passage of title to property to the Government when any progress payment is made under the contract.

§ 5A–30.550 Eligibility for progress payments.

(a) Contracting officers shall determine the eligibility of contractors or prospective contractors to receive progress payments. The determination shall be approved by the appropriate Commissioner or his designee and the contractor or prospective contractor and the Office of Finance, OAD, or the regional Director, Finance Division, as appropriate, for regional contracts, shall be so notified. (See § 1–30.507) Contract files shall include appropriate documentation which supports such determinations.

(b) To be eligible to receive a progress payment, a contractor or prospective contractor must:

(1) Have submitted a written request therefor;

(2) Have been found responsible under the provisions of §§ 1–1.1200, 5A–1.1205, and 1–30.210; and

(3) Have an accounting system and controls adequate for the proper administration of the Progress Payments clause as described in § 1–30.506.

§ 5A–30.551 Explanation of limitations and illustrations of their application.

In accordance with § 1–30.510, all progress payment clauses must include limitations expressed in terms of percentages controlling the total amount of each progress payment, the aggregate amount of progress payments, the rate of liquidation of progress payments, and the amount of unliquidated progress payments. These limitations are described in (a) through (d) of this § 5A–30.551.

(a) A limitation on the total amount of each progress payment, expressed in terms of the cumulative costs to the contractor which are allocable to the contract (referred to in this § 5A–30.551 as percentage A), and included in paragraph (a)(1) of the clauses set forth in §§ 1–30.510–1 and 1–30.510–2.

(b) A limitation on the aggregate amount of progress payments, expressed in terms of a percentage of the total contract price (referred to in this § 5A–30.551 as percentage B), and included in paragraph (a)(4) of the clauses set forth in §§ 1–30.510–1 and 1–30.510–2(a) and in the second percentage space indicated in paragraph (a)(3) of the clause set forth in § 1–30.510–2(b).

(c) A limitation, expressed in terms of a percentage, prescribing the minimum portion of the payments for delivered items which must be applied toward the reduction of unliquidated progress payments (referred to in this § 5A–30.551 as percentage C), and included in paragraph (b) of the clauses set forth in §§ 1–30.510–1 and 1–30.510–2.

(d) A limitation on the amount of unliquidated progress payments at any one time, expressed in terms of the percentage specified in paragraph (a)(3) of the clauses set forth in §§ 1–30.510–1 and 1–30.510–2(a) and in the first percentage space indicated in paragraph (a)(3) of the clause set forth in § 1–30.510–2(b) (referred to in this § 5A–30.551 as percentage D), which provides that the amount of such unliquidated progress payments shall not exceed the lesser of the specified percentage (percentage D) of either (1) the contractor's total costs or costs of direct labor or material, as the case may be, plus any unliquidated progress payments to subcontractors, both of which are applicable only to the supplies and services not yet delivered and invoiced to and accepted by the Government, or (2) the total contract price of supplies and services not yet delivered and invoiced to and accepted by the Government, less unliquidated advance payments.

§ 5A–30.551–1 Total costs basis.

When either of the total costs type progress payments clauses set forth in § 1–30.510–1 is used, the maximum payments made (percentage A) may not ordinarily exceed 70 percent of the cumulative total costs allocable to the contract (see § 5A–30.511–2 regarding use of higher percentages). Under these clauses, percentage A is established first, and percentages B, C, and D are always the same as percentage A, except that a lower percentage for percentage C may be established pursuant to § 1–30.512–2. A discussion of these percentages and related computations are set forth in detail in §§ 1–30.511–3 and 1–30.512.

§ 5A–30.551–2 Direct labor and materials costs basis.

When the progress payment clause is based on costs of direct labor and materials (or based on narrower and more limited costs such as direct labor only or specified direct costs other than direct labor and material costs) utilizing the types of clauses set forth in § 1–30.512–2, the maximum progress payments made (percentage A) may not ordinarily exceed 85 percent of the cumulative direct labor and materials costs (or other specified costs) allocable to the contract. Under these types of clauses, percentage A is established first. (See § 5A–30.511–2 regarding the use of higher percentages.) The percentage used for B, C, and D equals the percentage which is to percentage A as the amount of estimated costs forming the basis for the progress

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payments is to the amount of the estimated total costs. (For a percentage C lower than the percentage computed pursuant to this method and § 1–30.512–1(b), see § 1–30.512–2.) A discussion of the percentages and related computations for these clauses are set forth in detail in §§ 1–30.511–4, 1–30.511–5, and 1–30.512.

§ 5A–30.551–3 Illustrations.

(a) In paragraphs (b) and (c) of this section, the following hypothetical contract values are used to illustrate the computation and application of the limiting percentages described in this § 5A–30.551:

(1) Total contract value: $100,000.

(2) Total costs: $90,000.

(3) Costs of direct labor and materials: $63,000.

(4) Value of delivered items at contract prices: $60,000.

(5) Value of undelivered items at contract prices: $40,000.

(6) Value of invoice submitted for payment of delivered items: $60,000.

(7) Percentage A (total costs basis): 70%.

(8) Percentage A (direct labor and materials costs basis): 85%.

(b) Under a total costs clause, percentage A is 70 percent by hypothesis (see § 5A–30.551–3(a)(7)) and percentages B, C, and D are 70 percent by definition. Accordingly, the dollar values of the factors corresponding to the limiting percentages are as follows:

Factor limited by percentage	Computation	Limit value of factor
A	$90,000×70%	$63,000
B	$100,000×70%	70,000
C	$60,000×70%	42,000
D	$40,000×70%	28,000

(c) Under a direct labor and materials costs clause, percentage A is 85 percent by hypothesis. (See § 5A–30.551–3(a)(8).) By definition, percentages B, C, and D are computed:

(1) By establishing a ratio as follows:

(B, C, or D)[1] : Percentage A = Costs of direct labor and materials : Total costs
(B, C, or D)[1] : 0.85 = $63,000 : $90,000

(2) Calculating the percentages as follows:

$$(B, C, \text{ or } D) = 0.85 \times \frac{63{,}000}{90{,}000}$$

$$(B, C, \text{ or } D) = 0.85 \times 0.70$$

$$(B, C, \text{ or } D) = 0.60 \text{ or } 60\%$$

(Percentage rounded off for purposes of this illustration.)

Factor limited by percentage	Computation	Limit value of factor
A	$63,000×85%	$53,550
B	$100,000×60%	60,000
C	$60,000×60%	36,000
D	$40,000×60%	24,000

[1] Percentages.

Subpart 5A–30.7—Assignment of Claims

1. Section 5A–30.706 is added as follows:

§ 5A–30.706 Procedures upon receipt of notice of assignment and instrument of assignment.

When complying with the procedures set forth in §§ 1–30.706(a)(3) and 1–30.707 with respect to the acknowledgement of an assignment or reassignment of claims in proper form, the contracting officer shall at the same time notify the contractor (assignor) that all future invoices or other requests for payment under the contract shall specify the name and address of the assignee and include a notation that payments due thereunder have been duly assigned and should be made to the named assignee.

2. Section 5A–30.707 is added as follows:

§ 5A–30.707 Further assignments and reassignments.

See § 5A–30.706.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective on the date shown below.

Dated: March 15, 1974.

M.J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.74–7174 Filed 3–27–74;8:45 am]

CHAPTER 14H—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 14H—GENERAL

Designation of Contracting Officer Positions

Chapter 14H of 41 CFR was published in the FEDERAL REGISTER for August 26, 1969, at 38 FR 13659. Chapter 14H contains the Bureau of Indian Affairs Procurement Regulations (BIAPR). Section 14H–1.451–2 of Chapter 14H was subsequently amended, most recently on page 32258 of the November 23, 1973, FEDERAL REGISTER (38 FR 32258).

Pursuant to the authority contained in the Act of November 2, 1921, Ch. 115, 42 Stat. 208 (25 U.S.C. 13) and 41 CFR 14–1.008, 41 CFR 14H–1.451–2 is being amended to reflect organization and title changes and to add several positions to the list of contracting officer positions. The position of Property and Supply Officer, Administrative Services Center, Albuquerque, New Mexico has been abolished. In lieu of that position, the Administrative Officer and the Procurement Officer at the Administrative Services Center in Albuquerque are designated as contracting officer positions. In addition, the Director of Southeastern Agencies is also designated as a contracting officer position.

Since this amendment involves internal Bureau procedures, advance notice and public procedure thereon have been deemed unnecessary and are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (1970).

Since delay in the amendment becoming effective could delay the internal processing of contracts in the Bureau with resultant delay in providing services to the Indian and Alaskan Native people, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective March 28, 1974.

As amended, 41 CFR 14H–1.451–2 reads as follows:

§ 14H–1.451–2 Designation of contracting officer positions.

(a) Each of the following organizational titles are designated as contracting officer positions:

(1) Headquarters Office Officials:

(i) Commissioner.

(ii) Deputy Commissioner.

(iii) Director, Office of Administration.

(iv) Chief, Division of Contracting Services.

(v) Chief, Division of Procurement and Property Management.

(vi) Chief, Division of Facilities Engineering, Albuquerque, New Mexico.

(vii) Chief, Indian Technical Assistance Center, Denver, Colorado.

(viii) Administrative Officer, Administrative Services Center, Albuquerque, New Mexico.

(ix) Procurement Officer, Administrative Services Center, Albuquerque, New Mexico.

(2) Area Office Officials:

(i) Area Director.

(ii) Deputy Area Director.

(iii) Assistant Area Director, Minneapolis and Sacramento Area Offices.

(iv) Assistant Area Director for Administration.

(v) Area Administrative Officer.

(vi) Area Property and Supply Officer.

(vii) Director, Seattle Liaison Office, Seattle, Washington.

(viii) Director of Southeastern Agencies.

LAFOLLETTE BUTLER,
Acting Deputy Commissioner of Indian Affairs.

MARCH 18, 1974.

[FR Doc.74–7120 Filed 3–27–74;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74–34; Docket No. 19493]

PART 1—PRACTICE AND PROCEDURE

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

PART 43—REPORTS OF COMMUNICATION COMMON CARRIERS AND CERTAIN AFFILIATES

In the matter of amendments of Parts 1, 2, 21, and 43 of the Commission's rules and regulations to provide for licensing and regulation of common carrier radio stations in the Multipoint Distribution Service.

1. The Commission has before it a Motion for Extension of Time filed March 18, 1974 by Counsel for Microband Corporation of America and ten other MDS applicants requesting a one month extension of time (through April 19, 1974), for filing amendments to pending applications in compliance with the Report and Order, released January 18, 1974 (FCC 74–34), appearing at 39 FR 2760, Jan. 24, 1974, and corrected at 39 FR 7134, Feb. 25, 1974. It is stated that this extension is required to allow sufficient time to prepare complete and meaningful amendments to bring numerous MDS applications presently pending into compliance with the new rules.

2. We recognize that some attorneys and consulting engineers are directly involved with revision of a large number of applications. Therefore, we believe a 30 day extension would be equitable and reasonable. However, at the end of such period we will review all applications to determine if they have been amended. It is anticipated that those that have not be amended by such date (or the Commission otherwise notified that no amendment is required to bring them into compliance with the rules) will be dismissed.

3. *Accordingly, it is hereby ordered,* Pursuant to the authority of Section 0.303 (e) of the Commission's Rules, that the time for filing amendments to applications as specified in paragraphs 26 and 28 of said Report and Order, supra, is extended to and including April 19, 1974.

Adopted: March 19, 1974.

Released: March 21, 1974.

[SEAL] KELLEY E. GRIFFITH,
Acting Chief,
Common Carrier Bureau.

[FR Doc.74–7181 Filed 3–27–74;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1–91]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Assistant Secretary for Environment, Safety, and Consumer Affairs

The Assistant Secretary for Environment, Safety and Consumer Affairs has previously been delegated, at 49 CFR 1.58(d)(1), functions vested in the Secretary by the Natural Gas Pipeline Safety Act of 1968 (August 12, 1968, Pub. L. 90–481, 82 Stat. 720; 49 U.S.C. 1671 et seq.). In 1972 the Act was amended (August 22, 1972, Public Law 92–401, 86 Stat. 616). The purpose of this amendment is to clarify that it is those functions which are vested by the Act as amended which are delegated to the Assistant Secretary.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, 49 CFR 1.58(d)(1) is revised to read as follows:

§ 1.58 Delegations to Assistant Secretary for Environment, Safety and Consumer Affairs.

(d) • • •

(1) The Natural Gas Pipeline Safety Act of 1968, as amended (49 U.S.C. 1671 et seq.).

Effective date. This amendment is effective March 28, 1974.

(Sec. 9(e), Department of Transportation Act (49 U.S.C. 1657(e)); 49 CFR 1.59(m).)

Issued in Washington, D.C., on March 21, 1974.

RODNEY E. EYSTER,
General Counsel.

[FR Doc.74–7150 Filed 3–27–74;8:45 am]

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM–86; Amdt. Nos. 173–76, 177–28, 178–29]

PART 173—SHIPPERS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Cargo Tank Use and Testing, Compressed Gases in Portable and Cargo Tanks, and Specification MC 331

On October 5, 1973, the Hazardous Materials Regulations Board ("the Board") published Amendment Nos. 173–76, 177–28, 178–29 (38 FR 27595) under Docket No. HM–86 which deleted obsolete requirements, updated the regulations, made editorial changes pertaining to the specification for the MC 331 cargo tank, and amended the requirements for the use and testing of portable and cargo tanks. A petition has been received to delay the effective date for § 178.337–11(c).

Included in the amended regulations was a requirement for a remotely controlled internal shut-off valve on each liquid and vapor discharge opening in a tank used for a flammable liquid, flammable compressed gas, or anhydrous ammonia. The Board has received a petition from the National LP-Gas Association to extend until October 1, 1974, the effective date for mandatory compliance with the requirement for an internal shut-off valve having a 1¼-inch diameter on liquefied petroleum gas tank trucks that have water capacities of 3,500 gallons or less. The amendments to the regulations were to become mandatorily effective March 31, 1974.

The reason for this requested delay is that the National LP-Gas Association states that it has been advised by manufacturers of internal valves that there is not a sufficient supply of 1¼-inch diameter internal shut-off valves available to meet the sudden demand brought about by § 178.337–11(c), as amended. The Association states that a six months extension of time for mandatory compliance would alleviate this temporary shortage condition.

The Board considers that the request for delay of the effective date for § 178.337–11(c) for cargo tanks of 3500 gallons or less to be reasonable and valid. In consideration of the foregoing, the Board has revised the next to the last paragraph of FR Doc. 73–21252 (38 FR 27595) to read as follows:

Amendment Nos. 173–76, 177–28, 178–29, except for § 178.337–11(c) as it pertains to cargo tanks having a water capacity of 3500 gallons or less, are effective March 31, 1974, and are effective in their entirety on September 30, 1974. However, compliance with the regulations, as amended therein, is authorized immediately.

(Transportation of Explosives Act (18 U.S.C. 831–835), section 6 of the Department of Transportation Act, (49 U.S.C. 1655); Title VI and section 902(h) of the Federal Aviation Act of 1958, (49 U.S.C. 1421–1430, 1472 (h), and 1655(c)))

Issued in Washington, D.C. on March 25, 1974.

ALAN I. ROBERTS,
Secretary.

[FR Doc.74–7210 Filed 3–27–74;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71–10; Notice 5]

PART 571—MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires: Revised Performance Requirements; Response to Petitions for Reconsideration

This notice responds to petitions for reconsideration received in response to the notice, published September 28, 1973 (38 FR 27050), revising the performance requirements of Motor Vehicle Safety Standard No. 109 (49 CFR 571.109). That notice modified the criteria for tire failure when tires are subjected to the high speed performance and endurance tests of the standard.

Timely petitions for reconsideration were received from five parties: The Firestone Tire and Rubber Company, Rubber Manufacturers' Association, Uniroyal Tire Company, B. F. Goodrich Tire Company, and the General Tire and Rubber Company. The petitions requested the agency to reconsider the definition of "innerliner separation" and the requirement that the tire be removed from the test wheel for inspection immediately after the prescribed tests are completed.

The petitions have argued that the definition of "innerliner separation" (a "parting of the innerliner from the carcass") is inconsistent with the defini-

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tion of "carcass" ("the tire structure, except tread and sidewall rubber"), for the former unlike the latter creates the inference that the innerliner is not part of the carcass. One petitioner (B. F. Goodrich) argued that innerliner should not be considered part of the carcass and would redefine carcass to so specify. The NHTSA agrees with the comments which argue that the definition of "innerliner separation" should reflect that the innerliner is part of the carcass. That definition is accordingly modified as recommended by the petitions to mean a separation of the innerliner from the cord material of the carcass. The NHTSA believes no ascertainable benefit would be achieved by further distinctions within the definition of "carcass." The requirement prohibiting the separation of the innerliner from the carcass cord material is the same whether or not the definition of "carcass" is further refined.

The petitions also state that innerliner is frequently composed of more than one layer of material. The definition of innerliner is revised to take this into account. However a separation of one innerliner layer from another does not constitute "innerliner separation" under the standard. That term means only a separation of the innerliner from the carcass cord material. The requirements specify that "visual evidence" of enumerated conditions will constitute a failure to the standard. The NHTSA believes the visual test, which has been consistently used in the past, to be satisfactory. However, in the case of innerliner separation, the visual evidence may not reflect an actual separation of the cord material from the innerliner. In such cases the standard is not intended to preclude a more detailed examination of the condition, including a cutting of the tire. This procedure has been afforded to manufacturers in past NHTSA enforcement efforts, and is considered consistent with the revised requirements.

The petitions also requested modification of the requirement that each tested tire be removed from the test wheel for inspection immediately after its testing is completed. The petitions argue that rapid deflation of a hot tire can cause innerliner separation. While several petitions recommended that the tire be allowed to cool to ambient temperature, Uniroyal has indicated that a one-hour period had been found sufficient to eliminate the chance that artificially caused separations will occur. The NHTSA agrees with the comment from Uniroyal that a one-hour period is adequate for the tire to cool and has amended the standard accordingly.

The Rubber Manufacturers' Association has argued that minor nicks and tears in the tread which would not grow in size during service might be improperly considered "chunking" under the standard. RMA alludes to the discussion of the micro-siping process in the preamble to the notice of September 28, 1974, claiming it recognizes that small pieces of the tread can be broken away which do not affect performance. The standard is clear that chunking in a new tire before testing will be considered a failure. A minor tear in the tread does not appear to involve a removal of rubber from the tire, and is not within the definition of chunking. Whether a "nick" in the tread represents chunking would necessarily be based on its size. As in micro-siping, minor tread loss resulting from the manufacturing process that is evident before test does not constitute a failure. Any loss resulting from the laboratory wheel test is a failure.

In light of the above, Motor Vehicle Safety Standard No. 109, "New Pneumatic Tires," appearing at 49 CFR 571.109, is amended as set forth below.

1. Paragraph S3., *Definitions*, is amended by revising the definitions of "innerliner" and "innerliner separation," as follows:

"Innerliner" means the layer(s) forming the inside surface of a tubeless tire that contains the inflating medium within the tire.

"Innerliner separation" means the parting of the innerliner from cord material in the carcass.

2. Identical paragraphs S5.4.2.4 and S5.5.5 are amended to read:

Immediately after running the tire the required time, measure its inflation pressure. Allow the tire to cool for one hour. Then deflate the tire, remove it from the test rim, and inspect it for the conditions specified in S4.2.2.5(a).

Effective date: March 29, 1974. This amendment modifies slightly amendments whose effective date was originally established as the above date on September 28, 1973. As these amendments relieve restrictions, provide clarification, and impose no additional burden on any person, good cause is found for an effective date less than 30 days from publication.

(Secs. 103, 110, 201, and 202, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407, 1421, and 1422; delegation of authority at 49 CFR 1.51)

Issued on March 25, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-7293 Filed 3-27-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER C—ACCOUNTS, RECORDS AND REPORTS

[No. 32155 (Sub-No. 3)]

PART 1207—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS I AND CLASS II COMMON AND CONTRACT MOTOR CARRIERS OF PROPERTY

Revenue and Expense Accounts

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 20th day of March 1974.

Upon consideration of the record in the above-entitled proceeding, including the prior report and order of the Commission, 344 I.C.C. 373 (1973); and

(1) Joint petition of Household Goods Carriers' Bureau and American Movers Conference for reconsideration, filed December 14, 1973;

(2) Petition of Movers Round Table for leave to intervene, embracing tendered petition for reconsideration, filed December 27, 1973; and

It appearing, that Movers Round Table should be allowed to intervene; and that the petitions provide sufficient and adequate basis for waiving the requirement for authorized carriers to obtain a detailed schedule of revenues and expenses from their agents for the calendar year preceding the date of an agency agreement as set forth in 49 CFR Part 1207, Instruction 2 Records, paragraph (f)(i);

It further appearing, that, as noted in the prior report in this proceeding, 344 I.C.C. 373, 381, and in Household Goods—Agency Relationships, 115 M.C.C. 628 (1972), principal carriers are required to use due diligence and to exercise reasonable care in selecting and maintaining agents because the principals, holding the certificates of public convenience and necessity, are fully liable for all acts or omissions of their agents which relate to the performance of interstate transportation held out in the name of the principals or where shippers are misled to believe the transportation would be performed by the principals; that, accordingly, the Commission looks only to the principal carriers whose responsibility it is to see to it that their agents keep the same records as the principals, and that where an agent experiences reporting difficulties, it is the principal's responsibility to resolve the matter by aiding the agent in its recordkeeping activities or terminating the agency where the agent is unable or unwilling to provide the principal with the appropriate records;

It further appearing, that the petitions therefore, except as noted above, set forth no material facts or arguments in addition to those previously considered in this proceeding; that the findings and conclusions in the prior report and order herein, except as modified in this order, are adequately supported by the record; and that no basis has been demonstrated for the relief sought other than as noted; and good cause appearing therefor:

It is ordered, That Movers Round Table be, and it is hereby, permitted to intervene and to participate fully in all future aspects of this proceeding.

It is further ordered, That the petitions, except to the extent granted herein be, and they are hereby denied.

It is further ordered, That 49 CFR Part 1207, Instruction 2, Records, paragraph (f)(i) be, and it is hereby, amended as set forth below.

It is further ordered, That this order shall become effective upon its date of service.

And it is further ordered, That service of this order shall be made on all parties to the proceeding; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

(49 Stat. 546, as amended, 563 as amended, and 564, as amended, (49 U.S.C. 304, 320, and 322))

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

In 49 CFR Part 1207, in Instruction 2 *Records*, paragraph (f) is amended to read as follows:

2. Records.

• • • • • •

(f) Carriers classified as household goods carriers shall also comply with the following requirements.

(1) As evidence of the financial condition of agents required in § 1056.19(b) of this chapter, Required Filings Relating to Agency Agreements, the authorized carrier shall acquire from each of its agents (i) an income statement for the calendar year preceding the effective date of the agency agreement and (ii) a balance sheet as of the last day of said year. Annually thereafter, for each year an agency agreement is in effect th authorized carrier shall acquire the required statements and a detailed schedule of operating revenues and expenses, from each of its agents no later than the time for the filing of the authorized carrier's annual report with the Commission. The required financial statements shall be prepared in accordance with the prescribed schedules for such statements in the annual report form filed with the Commission by the authorized carrier.

(2) The agents' annual financial statement shall be retained by the authorized carrier in a separate file as part of its required records for a period of 3 years.

[FR Doc.74-7214 Filed 3-27-74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Acute Care Hospitals and Long-Term Care Institutions, Extension of Time To File Notices of Election To Be Governed Under Subpart O or Subpart R

The purpose of these amendments is to extend from April 1, 1974, to April 15, 1974, the deadline for acute care hospitals and long term care institutions to file notices of their election to be governed under Phase II/III regulations (Subpart O of Part 150) or under Phase IV regulations (Subpart R of Part 150).

The original filing date deadline of March 31, 1974, was included in the Phase IV regulations pertaining to health care (Subpart R) issued on January 16, 1974, 39 FR 2670 (January 23, 1974). Because March 31 falls on a Sunday, the date was changed to April 1 as part of a series of recent amendments to those regulations issued on March 20, 1974, 39 FR 11371 (March 27, 1974). To provide an opportunity for consideration of health regulation refinements incorporated in the March 20 amendments and because reporting forms relating to those regulations were not available to all concerned hospitals and institutions until mid-March, the Council, in response to a number of requests, has decided to allow additional time for the hospitals and institutions concerned to make their elections and file the required notices. These amendments to the filing dates do not change the references to April 1, 1974, in § 150.701(a)(2) or § 150.769(a)(2) with regard to fiscal years.

Since these amendments merely grant additional time for complying with previously prescribed election and filing requirements, the Council finds that publication of notice for public comment is not required and that the amendments can be made effective in less than 30 days after publication.

In consideration of the foregoing 6 CFR 150.701 and 150.769 are amended as set forth below, effective March 26, 1974.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730; 38 FR 19345; Cost of Living Council Order Number 14, 38 FR 1489)

Issued in Washington, D.C., on March 26, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

1. In 6 CFR 150.701(b), the second sentence is amended to read as follows:

§ 150.701 Scope and applicability.

• • • • • •

(b) • • • The written notice of election must be filed with the Administrator, Office of Health, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508, not later than April 15, 1974, or mailed to the Administrator by certified or registered mail (return receipt requested) postmarked not later than April 15, 1974. • • •

• • • • • •

2. In 6 CFR 150.769(b), the second sentence is amended to read as follows:

§ 150.769 Scope and applicability.

• • • • • •

(b) • • • The written notice of election must be filed with the Administrator, Office of Health, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508, not later than April 15, 1974, or mailed to the Administrator by certified or registered mail (return receipt requested) postmarked not later than April 15, 1974. • • •

• • • • • •

[FR Doc.74-7301 Filed 3-26-74;3:30 pm]

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Cordage and Twine; Price and Pay Exemptions

The purpose of these amendments is to exempt the sale of cordage and twine by firms which manufacture those products and to add a parallel exemption to the Phase IV pay regulations.

In accordance with the Council's objective to remove controls selectively where conditions permit, the Council has decided to exempt the sale by manufacturers of cordage and twine products listed in the Standard Industrial Classification Manual, 1972 edition, under Industry No. 2298. The products listed include rope, cable, cordage, twine, and related products manufactured from abaca, sisal, henequen, hemp, cotton, paper, jute, flax, man-made fibers including glass, and other fibers.

The cordage and twine industry faces serious shortages of both raw materials and processed fibers. For example, the supply of agricultural twine to be used in baling the 1974 hay crop is expected to fall 15 to 20 percent short of the projected demand. Hay baling is the primary use for natural cordage and twine in the U.S. (about 90 percent of the annual hay crop is now baled, and of this less than one-fifth is baled with wire). Unless relieved, this projected shortage could reduce the supply of hay used for feed and have a detrimental effect on the dairy industry.

Approximately 90 percent of finished cordage and twine used in the U.S. is imported, and over 90 percent of the domestic industry's output of natural fiber twine is made from imported raw materials such as sisal and abaca. With world demand for raw fibers outstripping supply (the entire U.S. stockpile of sisal was sold in 1973), the Council expects that this exemption will encourage expanded domestic production of synthetic products such as polypropylene twine. In the short run, the exemption should also encourage domestic production of natural fibers. Currently, the U.S. produces only 7 to 10 percent of its raw material requirements for natural baling twine.

Only the sale by the manufacturer of products listed under Industry No. 2298 is exempt. Other items which may be generically similar but are not listed do not come within the scope of these amendments.

Under §§ 150.11(e) and 150.161(b), a firm with revenues in its most recent fiscal year from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless it derived both less than $50 million in annual sales or revenues from the sale or lease of nonexempt items and 90 percent or more of its sales and revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the cordage and twine industry. The exemption is set forth in new § 152.391. *Establishment in the cordage and twine industry* is defined as an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industry No. 2298

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(Cordage and Twine) and primarily engaged in the manufacture of products classified under such Industry Number. The exemption is inapplicable to any employee who receives an item of incentive compensation or who is a member of an executive control group. The exemption is also inapplicable to any employee whose duties and responsibilities are not of a type exclusively performed in or related to the cordage and twine industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within the exemption. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the cordage and twine industry or in support thereof. In cases of uncertainty of application, inquiries concerning the scope or coverage of the pay exemption should be addressed to the Administrator, Office of Wage Stabilization, PO. Box 672, Washington, D.C. 20044.

As with all exemptions from Phase IV controls, firms subject to these amendments remain subject to review for compliance with appropriate regulations in effect prior to this exemption. A firm affected by these amendments will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by this exemption alleged to be in violation of stabilization rules in effect prior to this exemption is subject to the same compliance actions as a nonexempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds, and possible penalty of $2,500 for each stabilization violation.

The Council retains the authority to reestablish price and wage controls over the industry exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the authority, under §§ 150.-162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding these amendments. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345, Cost of Living Council Order No. 14, 38 FR 1489).

In consideration of the foregoing, 6 CFR Parts 150 and 152 are amended as set forth herein, effective March 26, 1974.

Issued in Washington, D.C., on March 26, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

1. In 6 CFR Part 150, § 150.58 is amended to add a new paragraph (h) to read as follows:

§ 150.58 Additional price adjustments.

* * * * *

(h) *Cordage and twine.* The prices which manufacturers of the following products charge for those products are exempt: The products listed in the Standard Industrial Classification Manual, 1972 edition, under Industry No. 2296 (Cordage and Twine).

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.39i to read as follows:

§ 152.39i Cordage and twine industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the cordage and twine industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the cordage and twine industry.* For purposes of this section, "Establishment in the cordage and twine industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Industry Number 2298 and primarily engaged in the manufacture of products classified under such Industry Number.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the cordage and twine industry or in support of such operation only if such employee is employed at an establishment in the cordage and twine industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to th provisions of § 152.124, § 152.125, or § 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the cordage and twine industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the cordage and twine industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment in the cordage and twine industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment in the cordage and twine industry or in support of such operation.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 26, 1974.

[FR Doc.74–7302 Filed 3–26–74;3:30 pm]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 318]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 29–April 4, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.618 Navel Orange Regulation 318.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges was easier during the past week. Prices f.o.b. averaged $3.31 a carton on a reported sales volume of 1,421 carlots last week, compared with an average f.o.b. price of $3.36 per carton and sales of 1,569 carlots a week earlier. Track and rolling supplies at 831 cars were up 41 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 26, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period March 29, 1974, through April 4, 1974, are hereby fixed as follows:

(i) District 1: 1,260,000 cartons;

(ii) District 2: 140,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 27, 1974.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–7359 Filed 3–27–74;10:20 am]

[Valencia Orange Reg. 457]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period Mar. 29–Apr. 4, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices, and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.757 Valencia Orange Regulation 457.

(a) *Findings.* (1) Pursuant to the marketing agreement as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuatae the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee reports that prices f.o.b. averaged $7.61 per carton on a reported sales volume of 67 carlots last week, compared with an average f.o.b. price of $2.74 per carton and sales of 64 carlots a week earlier.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require

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any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 26, 1974.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period March 29, 1974, through April 4, 1974, are hereby fixed as follows:

(i) District 1: Unlimited;

(ii) District 2: Unlimited;

(iii) District 3: 125,000 cartons.

(2) As used in this section, "handled", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: March 27, 1974.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-7360 Filed 3-27-74;10:23 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 4]

VESSELS IN FOREIGN AND DOMESTIC TRADES

Provision of Information Relative to Collection of Navigation Fee

Notice is hereby given that under the authority of 5 U.S.C. 301, R.S. 251, as amended (19 U.S.C. 66), R.S. 2654, as amended (19 U.S.C. 58), R.S. 4382, as amended (46 U.S.C. 330), sections 440, 624, 46 Stat. 712, as amended, 759 (19 U.S.C. 1440, 1624), and section 501, 65 Stat. 290 (31 U.S.C. 483a), it is proposed to amend § 4.98 of the Customs Regulations to set forth additional information relative to the collection of navigation fee number 5, which is collected whenever an American or foreign vessel is required to file a post entry covering merchandise or baggage which was not included in or did not agree with the manifest. Section 4.98 presently sets forth additional information regarding the collection of each of the eight navigation fees listed in that section, except fee number 5. As a result, some uncertainty has arisen with respect to the proper collection procedures for fee number 5.

Consequently, in order to provide additional information regarding the collection of fee number 5, it is proposed to amend § 4.98, Customs Regulations, by adding a new paragraph (e–1) between paragraphs (e) and (f) to read as follows:

§ 4.98 Navigation fees.

* * * * *

(e–1) Fee 5 shall be collected from a foreign or American vessel at each port where the vessel is required to file a post entry in accordance with the provisions of § 4.12(a)(3). An original post entry may be supplemented by additional post entries in instances where items were omitted from the original post entry. A separate fee shall be collected for each supplemental post entry made to the original post entry.

* * * * *

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before April 29, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: March 19, 1974.

JAMES B. CLAWSON
Acting Assistant Secretary of the Treasury.

[FR Doc.74-7212 Filed 3-27-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 251]

FINANCIAL AID PROGRAM PROCEDURES

Fishery for Salmon in Alaska

MARCH 21, 1974.

Notice is hereby given that the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, has under consideration an amendment to the regulations (50 CFR Part 251) which sets forth financial aid program procedures.

It is the intent of Part 251 of this chapter that financial assistance programs will not be made available when upon review of situations and conditions at hand, as well as prospective developments, the Director deems that the use of such financial assistance programs would not be consistent with the wise use and with the development, advancement, management, conservation, and protection of fisheries resources.

The proposed amendment, as set forth below, would incorporate in subpart B of the regulation a new § 251.21 to classify the "fishery for salmon in Alaska" as a Conditional Fishery as the term is defined in § 251.1(i).

The principal situations and conditions under consideration for determining that the "fishery for salmon in Alaska" is in need of regulation under Part 251 of this chapter are described in the following Explanatory Statement.

Federal and State agencies as well as the public will be given time and opportunity to comment on this proposed amendment. Comments that are received will be evaluated giving full consideration to the national interest and the multiplicity of environmental, biological, economic, social, and other situations and conditions as the Director may deem relevant. Upon evaluation of all comments and available information the Director will take action as may be appropriate and will continue to monitor and assess situations and conditions related to the "fishery for salmon in Alaska" to determine the continued need for regulation. This proposed amendment is published pursuant to the authority contained in section 4 of the Fish and Wildlife Act, 1956, as amended, Title XI of the Merchant Marine Act, 1936, as amended, Section 607 of the Merchant Marine Act, 1936, as amended, the National Environmental Policy Act, and Reorganization Plan No. 4 of 1970.

Written views, data, or arguments on this proposed amendment should be submitted to the Director, National Marine Fisheries Service, Washington, D.C. 20235. All communications received on or before June 26, 1974, will be considered before action is taken with respect to adoption of the proposed amendment. No public hearing is contemplated at this time; however, any persons desiring a public hearing may request such a hearing by writing to the Director, National Marine Fisheries Service, Washington, D.C. 20235. In the event that a public hearing is found necessary, an appropriate notice to that effect will be published in the FEDERAL REGISTER.

By order of the Administrator, National Oceanic and Atmospheric Administration.

ROBERT M. WHITE,
Administrator.

Explanatory statement. The Director considers it necessary to classify the "fishery for salmon in Alaska" as a Conditional Fishery for regulation under Part 251 of this chapter. The necessary situations and conditions for such classification follow.

The "fishery for salmon in Alaska" is controlled by two regulatory agencies, the Alaska Department of Fish and Game and the Alaska Commercial Fisheries Entry Commission. These agencies consider that the number of fishermen participating in the harvest of salmon has reached acute levels in many areas. Thus, even though Alaska has developed a substantially improved biological management program for its salmon fishery, this fishery is not as healthy as it should be because a steadily increasing number of fishermen are participating in the harvest, including high seas fishing for salmon by foreign fleets. Consequently, from the dual perspective of adequate economic return to fishermen and manageability of the fishery, it is considered that there are presently too many units of salmon fishing gear being used in almost every salmon management area of Alaska.

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The Alaska Department of Fish and Game has compared the number of units of salmon fishing gear registered in each management area with estimates of the optimum number required to fully harvest the resource. In almost every area existing levels of gear were found to be substantially above optimum levels necessary for a healthy fishery. This agency also determined that there were a growing number of instances where too much concentrated fishing pressure made sound management of the salmon fishery difficult, if not impossible. Therefore, in view of these situations and conditions involving excess fishing capacity, Alaska established the Alaska Commercial Fisheries Entry Commission to control future participation in its salmon fisheries. All fishermen will be required to obtain a permanent entry permit to fish in a "distressed fishery" after January 1, 1975. A "distressed fishery," as defined by Alaska, is a fishery where excessive numbers of gear detrimentally affect the ability to manage this fishery, or where returns to capital and labor are severely depressed. Once a fishery is declared distressed, the Commission will seek to reduce the number of entry permits to a level which will be manageable and wil provide a reasonable average rate of return to labor and capital. Alaska plans that a reduction of entry permits will be achieved through a voluntary buy-back program. It is recognized that fishing pressure for salmon in Alaska has increased to a level at which reductions, not additions, of vessels and gear are needed for Alaska to achieve its management and conservation objectives.

Consequently, the Director is considering that the "fishery for salmon in Alaska" should be a Conditional Fishery in accordance with Part 251 of this chapter as it now appears that the use of financial assistance programs to add vessel capacity to this fishery would not be consistent with the needs and objectives of management.

It is proposed to amend Part 251 of this chapter, Subpart B—Conditional Fisheries, to add a new § 251.21 as follows:

§ 251.21 Fishery for salmon in Alaska.

[FR Doc.74-7122 Filed 3-27-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

DRUGS IN BULK PACKAGES

Exemption for Processing, Repacking, or Manufacture

Section 1.106(l) of Part 1 (21 CFR 1.106(l)) sets forth certain requirements for drugs in bulk packages intended for a use in manufacture, processing, or repacking which causes the finished article to be a new drug.

The Commissioner of Food and Drugs, having been petitioned by Merck, Sharp & Dohme, Division of Merck & Co., Inc., West Point, PA 19486, to amend § 1.106 (l), has determined that there may be occasions prior to approval of a new drug application where these provisions could be unduly restrictive, could cause unnecessary delay in production of drugs, and are not in the public interest. For example, the present provisions preclude interstate shipment of a new drug active ingredient for manufacture into final dosage form, thus increasing by several weeks or months the time that it may take for a useful new drug to be marketed after approval of a new drug application. The Commissioner has therefore concluded that this regulation should be amended to provide for an exemption from these requirements, conditioned upon the requirements that there may be no shipment of the finished drug product after it is manufactured. This exemption will not apply to exports. Pertinent background material has been filed with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(n), 502, 505, 507, 701, 52 Stat. 1041, 1050-1053 as amended, 1055-1056 as amended by 70 Stat. 919 and 72 Stat. 948, 59 Stat. 463 as amended; 21 U.S.C. 321(n), 352, 355, 357, 701) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Part 1 in § 1.106(l) by changing the period at the end of subparagraph (2) to a semicolon and by adding the word "or" immediately thereafter such semicolon, and by adding a new subparagraph (3). Section 1.106(l) is revised to read as follows:

§ 1.106 Drugs and devices; directions for use.

* * * * *

(l) * * *

(2) If no application is approved with respect to such new drug or new animal drug, the label statement "Caution: For manufacturing, processing, or repacking" is immediately supplemented by the words "in the preparation of a new drug or new animal drug limited by Federal law to investigational use," and the delivery is made for use only in the manufacture of such new drug or new animal drug limited to investigational use as provided in § 130.3 or § 135.3 of this chapter; or

(3) A new drug application covering the use of the drug substance in the production and marketing of a finished drug product has been submitted but not yet approved or disapproved, the bulk drug is not exported, and the finished drug product is not further distributed after it is manufactured.

* * * * *

Interested persons may, on or before May 28, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 22, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-7167 Filed 3-27-74;8:45 am]

Public Health Service

[42 CFR Part 62]

PUBLIC HEALTH AND NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

Award of Scholarships

Section 225 of the Public Health Service Act, as added by section 5 of the Emergency Health Personnel Act Amendments of 1972 (Pub. L. 92-585) directs the Secretary of Health, Education, and Welfare to establish a scholarship program to obtain trained physicians, dentists, nurses and other health-related specialists for the National Health Service Corps and other units of the Public Health Service. The section further provides that any person who receives a scholarship under this program is obligated to serve as a commissioned officer in the Service or as a civilian in the National Health Service Corps on a year for year basis with at least one-half of such service spent providing health care and services in an underserved (shortage) area.

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 42, Code of Federal Regulations by adding a new Part 62 which sets forth the conditions and procedures for the award of scholarships to obtain trained health specialists for the National Health Service Corps and other units of the Public Health Service.

Interested persons are invited to submit written comments, suggestions, or objectives regarding the proposed regulations to the Director, Office of Personnel Management, Public Health Service, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. Presently potential health professionals, for whom this program is designed, are completing their academic training and making decisions concerning their future employment. Delay in the adoption of the rules governing this program could not only deprive such persons of the opportunity for a scholarship but also adversely affect the Department's initial recruitment effort. In view of the foregoing, comments must be submitted on or before April 12, 1974. All comments received in response to this request will be available for public inspection in Room 18A-33 Parklawn Building, between the hours of 8:30 a.m. and 5 p.m., Monday through Friday.

It is therefore proposed to issue a new Part 62 as set forth below to be effective on the date of its republication in the FEDERAL REGISTER.

Dated: March 20, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: March 25, 1974.

CASPAR W. WEINBERGER,
Secretary.

PART 62—PUBLIC HEALTH AND NATIONAL HEALTH SERVICE CORPS SCHOLARSHIP PROGRAM

Sec.
62.1 Applicability.
62.2 Definitions.
62.3 Eligibility.
62.4 Application and selection.
62.5 Scholarship and tuition.
62.6 Designation of health related specialties and stipend amounts.
62.7 Service obligation.
62.8 Failure to perform.
62.9 Waiver or suspension.

AUTHORITY: Section 5, 86 Stat. 1293 (42 U.S.C. 234).

§ 62.1 Applicability.

The regulations in this part are applicable to scholarships awarded pursuant to section 225 of the Public Health Service Act, which authorized the Secretary to award scholarships in order to obtain trained physicians, dentists, nurses and other health-related specialists for the National Health Service Corps and other Units of the Public Health Service.

§ 62.2 Definitions.

As used in this part, the following terms shall have the following meanings:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "School" means a public or private, school or medicine, osteopathy, dentistry, pharmacy, nursing or other health related specialty which provides a course of study, or a portion thereof, which leads respectively to a degree of Doctor of Medicine, Doctor of Osteopathy, Doctor of Dental Surgery or an equivalent degree, Bachelor of Science in pharmacy, an associate degree, diploma, or baccalaureate degree in nursing or an appropriate degree for the particular health specialty and which is accredited or assured accreditation by an accrediting agency or association that is recognized for such purpose by the United States Commissioner of Education, or where appropriate by the Secretary.

(d) "Full time student" means a student who is enrolled in a school pursuing a course of study leading to a degree or diploma and who is enrolled for a sufficient number of credit hours in any semester or other academic term to enable such student to complete the course of study within not more than the number of semesters or other academic terms normally required therefor at the school in which such person it enrolled.

(e) "Service" means the United States Public Health Service.

(f) "Academic year" means the traditional, approximately nine month September to June annual session. For the purpose of computing academic year equivalents for students who, during a twelve-month period, attend for a longer period than the traditional academic year, the academic year will be considered to be of nine-months duration.

(g) "Corps" means the National Health Service Corps.

§ 62.3 Eligibility.

To be eligible for a scholarship under this subpart an applicant must:

(a) Be accepted for enrollment, or be enrolled, as a full-time student in a school in the United States or its territories or possessions;

(b) Maintain an acceptable level of academic standing. For the purpose of this paragraph acceptable level of academic standing means the eligibility of a student to continue in attendance at the school where the student is enrolled in accordance with the school's standards and practices;

(c) Be eligible for, or hold, an appointment as a commissioned officer in the Regular or Reserve Corps of the Service or be selected for civilian service in the National Health Service Corps;

(d) Agree in writing to serve, as described in § 62.7 in the Commissioned Corps of the Service or as a civilian member of the National Health Service Corps;

(e) Be a citizen of the United States.

§ 62.4 Application and selection.

(a) An application for a scholarship under this subpart shall be submitted in such form and at such time as the Secretary may require.

(b) Applicants in the health-related specialties so designated by the Secretary pursuant to section 62.6 will be evaluated and selected by the Secretary taking into consideration (1) academic performance, (2) faculty recommendations, (3) work experience, and (4) relative need of the Service for particular health-related specialties.

§ 62.5 Scholarship and tuition.

(a) The Secretary may award scholarships for each approved academic year of training not to exceed four years for any individual recipient. The amount of the scholarship stipend which will be paid monthly shall be an amount not in excess of the basic pay and allowances of a commissioned officer, without dependents, on active duty in pay grade 0-1 with less than two years of service as established by the Secretary pursuant to § 62.6.

(b) The Secretary will contract or otherwise arrange for the payment of those tuition and other educational fees necessarily incurred by a full time student.

§ 62.6 Designation of health related specialties and stipend amount.

(a) The Secretary will from time to time designate and publish in the FEDERAL REGISTER those health-related specialties for which the Service has need and for which support under this subpart will be available.

(b) The Secretary will also from time to time determine and publish in the FEDERAL REGISTER the amount of the scholarship stipend for each health-related specialty for which support under this subpart will be available.

§ 62.7 Service obligation.

(a) A scholarship recipient is obligated to serve on active duty for one year as a Commissioned Officer in the Service or as a civilian member of the National Health Service Corps following completion of academic training, for each academic year of support or fraction thereof received under this program: *Provided, however,* That in no event shall a recipient serve less than two years.

(b) At least one-half the total period of service required by paragraph (a) of this section to be performed by each recipient shall be spent providing health care and services: (1) In an area designated under section 329(b) of the Act, as a critical health manpower shortage area; (2) as a member of the Indian Health Service or Federal Health Programs Service and in an area determined by the Secretary (under section 329 of the Act or otherwise) to have a health manpower shortage; or (3) in connection with any program designated by the Secretary, for the provision of health care and services in such an area.

(c) For recipients receiving a degree from a school of medicine, osteopathy, or dentistry, the commencement of a period of obligated service may be deferred for a period of time not to exceed one year for internship (or equivalent training) and for good cause shown, at the option of the Secretary for an additional period of time for residency training. Such periods of internship and residency shall not be creditable in satisfying an active duty service obligation, unless such internship and residency is served in a facility of the Public Health Service, or other facility of the National Health Service Corps.

(d) For recipients receiving degrees in other health-related specialties the obligated service period will commence upon completion of their academic training.

§ 62.8 Failure to perform.

(a) If, for any reason, a participant fails to complete an active duty service obligation, such participant shall be liable for the payment of an amount equal to the scholarship payments, tuition and other educational fees paid, plus interest at the maximum legal prevailing rate running from the date such payments were made. Any amount which the United States is entitled to recover under this paragraph, shall within the three year period beginning on the date on which it is determined that a breach occurred, be paid to the United States. For the purpose of this paragraph maximum legal prevailing rate of interest shall mean the maximum

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permissible rate prescribed by the District of Columbia Code on the day of breach applicable to this type of debt.

(b) When a person undergoing training in the program terminates academic training, he shall be liable for repayment to the United States for an amount equal to the cost of tuition and other educational expenses paid to or for such person from Federal funds plus any scholarship payments received by such person under the program. Repayment of such amount shall be within three years of the date of termination.

§ 62.9 Waiver or suspension.

(a) A person who fails to complete an active duty service obligation or who fails to complete academic training may seek waiver or suspension of any obligation incurred pursuant to § 62.7 upon written request to the Secretary setting forth the basis, circumstances and causes which support the requested action.

(b) The Secretary may waive or suspend any obligation under § 62.7 with respect to any individual whenever compliance by such individual:

(1) Is impossible or

(2) Would involve extreme hardship to such individual and if enforcement of such obligation with respect to any such individual would be against equity and good conscience.

(c) For the purpose of paragraph (b) (1) of this section compliance with an obligation by an individual will be deemed impossible, and such compliance will be waived, where the Secretary determines, on the basis of such information and documentation as he may require that the individual has died or suffers from a physical or mental disability that results in the inability of such individual to perform the services or other activities which would be necessary in order to comply with the obligation.

(d) For the purpose of paragraph (b) (2) of this section in determining whether to waive or suspend any or all of indebtedness or service obligation of an individual as imposing an undue hardship and being against equity and good conscience, the Secretary on the basis of such information and documentation as he may require, will take into consideration the following:

(1) The individual's present financial resources and obligations;

(2) The individual's estimated future financial resources and obligations;

(3) The extent to which the individual is practicing the profession for which support was provided in a manner which is similar to and consistent with the position which such individual would have occupied in the Public Health Service or the Corps;

(4) The extent to which the individual has problems of a personal nature, e.g. physical or mental disability, terminal illness in the immediate family, which so intrude on the individual's ability to perform as to raise a presumption that the individual will be unable to perform the obligations incurred.

[FR Doc.74-7194 Filed 3-27-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1928]

[S-74-3]

GUARDING OF AGRICULTURAL EQUIPMENT

Extension of Comment Period

On February 8, 1974, pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655), Secretary of Labor's Order No. 12-71 (36 FR 8754), a proposal concerning the guarding of farm field equipment, farmstead equipment and cotton gins was published in the FEDERAL REGISTER (39 FR 4925). Notice was given that all written data, arguments, and views with respect to the proposal would be considered if received before April 9, 1974. On the basis of requests for additional time to submit such material, I hereby extend the period during which such comments will be received until June 10, 1974. Such written comments should be submitted by mail to the following address: Office of Standards Development, Occupational Safety and Health Administration, U.S. Department of Labor, 1726 M Street, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 22nd day of March, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-7200 Filed 3-27-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-AL-5]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations which would alter the Fort Yukon, Alaska, control zone by increasing the effective period from six to seven days per week. The Fort Yukon, Alaska, control zone is presently effective from 0800 to 1700 local time daily except Sunday.

A review of the present and the projected traffic activities anticipated at the Fort Yukon Airport, indicates the need for part-time control zone designation seven days per week.

Therefore, it is proposed to change the effective period of the control zone to 0800 to 1700 local time daily.

This proposed action will enhance the level of safety of flight operations conducted during the hours from 0800 to 1700 local time Sundays.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before April 29, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

1. In § 71.171 (39 FR 354) the Fort Yukon control zone is amended by deleting the words ". . . except Sunday . . ."

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Anchorage, Alaska, on March 20, 1974.

LYLE K. BROWN,
Director, Alaska Region.

[FR Doc.74-7156 Filed 3-27-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-AL-3]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the Fairbanks, Alaska, terminal airspace structure.

Interested persons are invited to participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before April 29, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the office of the Regional Counsel, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska.

Application of the U.S. Standard Terminal Instrument Procedures (TERPS) revised criteria for establishment of terminal airspace require amendments to the Fairbanks, Alaska, terminal airspace structure. Additionally, refined coordinates of the Fort Wainwright Airport Reference Point and an editorial change correcting the airport name from Wainwright to Fort Wainwright are contained in this docket.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. In § 71.171 (39 FR 354) the Fairbanks, Alaska, control zone is amended to read:

FAIRBANKS, ALASKA (EIELSON AFB)

Within a 5-mile radius of Eielson AFB (latitude 64°39'55" N., longitude 147°05'55" W.); within 2 miles each side of the Eielson localizer S course extending from the 5-mile radius zone to the Eielson outer marker; and within 2 miles each side of the Eielson Tacan 324° radial extending from the Eielson 5-mile radius zone to 6 miles NW of the Tacan.

FAIRBANKS, ALASKA (FAIRBANKS INTERNATIONAL/FORT WAINWRIGHT AAF)

Within a 5-mile radius of Fairbanks International Airport (latitude 64°49'09" N., longitude 147°51'14" W.); within a 5-mile radius of Fort Wainwright AAF (latitude 64°50'13" N., longitude 147°36'52" W.); within 2 miles each side of the Fairbanks localizer NE course, extending from the Fairbanks 5-mile radius zone to the outer marker; within 2 miles each side of the Fairbanks localizer SW course, extending from the Fairbanks 5-mile radius zone to 5 miles SW of the localizer antenna (latitude 64°48'11" N., longitude 147°53'01" W.); and within 2 miles each side of the Fairbanks RR E course, extending from the Fort Wainwright 5-mile radius zone to 5 miles E of the RR.

2. In § 71.181 (39 FR 440) the Fairbanks, Alaska, transition area is amended to read:

FAIRBANKS, ALASKA

That airspace extending upward from 700 feet above the surface within 9.5 miles W and 4.5 miles E of the Eielson localizer S course extending from the Eielson VOR to 18.5 miles S of the VOR; within 2 miles NW and 4.5 miles SE of the Fairbanks localizer NE course, extending from the Fairbanks outer marker to Fox RBN; within 4.5 miles SE and 9.5 miles NW of the Fairbanks localizer NE course extending from Fox RBN to 18.5 miles NE of the RBN; within 4.5 miles NW and 9.5 miles SE of the Fairbanks localizer SW course, extending from 5 miles SW of the localizer antenna (latitude 64°48'11" N., longitude 147°53'01" W.) to 18.5 miles SW of the localizer antenna; within 4.5 miles N and 9.5 miles S of the Fairbanks RR E course, extending from Fairbanks RR to 18.5 miles E of the RR; and that airspace extending upward from 1,200 feet above the surface beginning at latitude 68°00'00" N., longitude 153°00'00" W.; to 68°00'00" N., 144°00'00" W.; to 63°10'00" N., 144°00'00" W.; to 62°-38'00" N., 145°41'00" W.; to 62°45'00" N., 148°48'00" W.; to 62°59'00" N., 150°15'00" W.; to 63°00'00" N., 151°10'00" W.; to 64°-00'00" N., 153°00'00" W.; to points of beginning, excluding the portion within Restricted Areas R2202B and R2206.

The action proposed herein would alter the Fairbanks International, Fort Wainwright AAF, and Eielson AFB control zones to comply with new criteria. The configuration of the 700-foot transition area would be altered and reduced to accommodate revised instrument approach procedures at Eielson AFB, and the proposed instrument landing system (ILS) serving runway 01 at Fairbanks International Airport.

These amendments are proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Anchorage, Alaska on March 20, 1974.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc.74-7157 Filed 3-27-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-NE-4]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Highgate, Vermont, 700-foot Transition Area.

A standard instrument approach procedure has been established for Franklin County State Airport, Highgate, Vermont. This new procedure requires the designation of a Highgate, Vermont, 700-foot Transition Area in order to provide controlled airspace protection for aircraft executing this new procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before April 29, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Highgate, Vermont, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Highgate, Vermont, 700-foot Transition Area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an arc of a 5-mile radius circle centered on Franklin County State Airport, Highgate, Vermont (Lat. 44°56'26" N., 73°05'54" W.) extending clockwise between the 305° and 050° bearings from the Franklin County State Airport; within an arc of a 7-mile radius circle centered on Franklin County State Airport, extending clockwise between the 050° and 305° bearings of Franklin County State Airport; within 6.5 miles northwest and 4 miles southeast of Plattsburgh, New York VORTAC 060° radial extending from the radius area to the VORTAC, excluding that portion of the Plattsburgh, New York, 700-foot Transition Area.

This amendment is proposed under sec. 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749 (U.S.C. 1348) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Massachusetts, on March 15, 1974.

W. E. CROSBY,
Acting Director,
New England Region.

[FR Doc.74-7153 Filed 3-27-74;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 74-SO-22]

JET ROUTES

Proposed Designation and Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate J-165 from Charleston, S.C., to Richmond, Va., and extend J-121 from Norfolk, Va., to Charleston, S.C.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Administration, P.O. Box 20636, Atlanta, Ga. 30320.

All communications received on or before April 29, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW, Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

A ten-day traffic survey indicated 55 daily flights from Charleston direct Richmond, and 39 daily flights from

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Charleston direct Norfolk. In order to reduce pilot/controller communications and to simplify flight planning, it is proposed to designate jet routes over these frequently used route segments.

During those times when Special Operating Areas (SOA) are in use in the vicinity of these proposed jet routes, the FAA would clear en route traffic at or above FL 240.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in Washingon, D.C., on March 21, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-7154 Filed 3-27-74;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 74-WA-6]

JET ROUTE

Proposed Establishment

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would realign Jet Route No. 595 between London, Ontario, Canada, and Plattsburgh, N.Y.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before April 29, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW, Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign J-595 from London, Ontario, Canada, via the new Ash, Ontario, Canada, VORTAC (43°19'40'' N., 80°01'30'' W.) direct to Plattsburgh, N.Y. The centerline of the proposed jet route lies within Canadian airspace until entering United States' airspace north of Watertown, N.Y.; however, near Buffalo, N.Y., the route's airspace to be protected would overlap into United States' airspace for a longitudinal distance of approximately 43 miles and a lateral penetration of 6 miles or less. A letter of agreement would be executed which would give the Canadian Toronto ARTCC air traffic control jurisdiction of the airspace to be protected within the United States. Realignment of J-595 would provide a shorter route for aircraft proceeding over London to Canadian eastern provinces.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 21, 1974.

RAYMOND M. MCINNIS,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-7155 Filed 3-27-74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 31 and 32]

BYPRODUCT MATERIAL CONTAINED IN CERTAIN DEVICES; REVISION OF GENERAL LICENSE

Notice of Public Meeting

On February 5, 1974 the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 4583) a notice of proposed changes in its regulations pertaining to the use of byproduct material in certain gauges and similar devices. The proposed changes, among other things, would require the user to register with the Commission prior to receiving byproduct material for use under the general license in § 31.5 of the Commission's regulation, 10 CFR Part 31, General Licenses for Byproduct Material. Related changes would be made in the requirements imposed on persons specifically licensed under 10 CFR 32.51 to distribute byproduct material in devices for use under the general license. Interested persons were invited to submit written comments or suggestions in connection with the proposed amendments by March 18, 1974. That date was later extended to April 17, 1974.

On April 16, 1974, the Commission will hold a public meeting on the proposed changes to the general license in § 31.5 and related sections, beginning at 9:30 a.m. in Conference Room P-118, U.S. Atomic Energy Commission, 7920 Norfolk Avenue, Bethesda, Maryland. Interested persons are invited to attend the meeting and present oral or written statements on the proposed changes. The meeting will be conducted informally and as expeditiously as practicable, consistent with affording a reasonable opportunity for presentation of views. Written statements may be received for the record. Anyone desiring to make a statement should notify the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545 by April 11, 1974. It is expected that such statements will be limited to 10 minutes. Written summaries or copies of oral presentations are encouraged. Depending on the time available, discussion of the pertinent points raised by the participants may be undertaken by the regulatory staff.

A transcript of the meeting will be made and a copy of the transcript, together with copies of documents presented at the meeting, will be placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., where they will be available for inspection by members of the public.

Persons desiring additional information regarding the meeting should contact Mr. R. F. Barker of the Commission's Directorate of Regulatory Standards, telephone 301-443-6910.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this twenty-first day of March 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-7116 Filed 3-27-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 122]

THERMAL DISCHARGES

Proposed Procedures for the Imposition of Alternative Effluent Limitations

Notice is hereby given that the Environmental Protection Agency proposes to add a new Part 122 to Chapter I of Title 40 of the Code of Federal Regulations to implement section 316(a) of the Federal Water Pollution Control Act, as amended, 33 USC 1251, 1326(a).

Section 316(a) authorizes the Administrator to impose alternative effluent limitations for the control of the thermal component of a discharge if the owner or operator of a point source has demonstrated to the satisfaction of the Administrator that effluent limitations proposed with respect to the thermal component of the discharge are more stringent than necessary to assure the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made. This authority has been delegated to the Regional Administrator in EPA Order of Delegation 1270.4.

Section 316(a) requires that any such alternative effluent limitation imposed by the Administrator assure the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on that body of water into which the discharge is to be made.

Section 316(a) authorizes alternative effluent limitations to be imposed by a State (in those cases in which it is appropriate) upon an identical demonstration to the satisfaction of the State, and requires that any such alternative effluent limitation also assure the protection and propagation of a balanced, indigenous aquatic population.

The regulations proposed today would establish the procedures for the imposition of alternative effluent limitations, on the thermal component of discharges, authorized by section 316(a).

The following features of the proposed regulations should be noted:

(1) The proposed regulations establish substantially identical procedures for the imposition of alternative effluent limitations by the Administrator (in those cases in which the Environmental Protection Agency is to make the determinations) or by the Director of a State water pollution control agency (in those cases in which the determinations are to be made by a State participating in the National Pollution Discharge Elimination System pursuant to a State program approved by the Administrator).

(2) The proposed regulations are intended to assure that requests for imposition of alternative thermal effluent limitations are made at the earliest feasible time in the process of applying for a discharge permit and that the determination of the propriety of such effluent limitations is coordinated, wherever possible, with the resolution of all other issues involved in the permit application. Accordingly, the proposed regulations require the applicant to notify the Regional Administrator at the time an application for an NPDES permit is filed that imposition of alternative thermal effluent limitations is requested under section 316(a) and to submit evidence in support of this request. Any person desiring a hearing to consider more fully the effluent limitations proposed must request a hearing within 30 days after issuance of the public notice of the permit application, which notice will contain the proposed thermal effluent limitations as well as all other proposed terms and conditions of the permit.

(3) In addition, the regulations would provide that proposed alternative effluent limitations may themselves be included in the public notice of the permit application, in addition to effluent limitations which would be applicable apart from Section 316(a), in certain instances. Thus, where an applicant can produce sufficient evidence to demonstrate to the satisfaction of the Regional Administrator or the Director that no appreciable harm has resulted from the previous operation of an existing source and that its thermal discharge has not disturbed the balanced indigenous population in the receiving waters, alternative effluent limitations may be proposed initially, subject to later deletion or revision on the basis of information received during the public comment period or evidence submitted at any hearing held to consider the permit. Moreover, in those cases in which an applicant can demonstrate that the discharge will assure the protection and propagation of one or more "representative, important species" selected by the Regional Administrator after consultation with the State Director, alternative effluent limitations could be proposed. Evidence that the discharge will comply with maximum temperature tolerance levels specified by the Administrator under section 304(a) outside appropriately limited mixing zones would thereafter allow imposition of alternative effluent limitations unless subsequently received information casts doubt upon the correctness of the species selected; the sufficiency of the temperature tolerance levels employed to calculate the alternative effluent limitations; or the size, volume, location or configuration of the zone allowed.

(4) The Agency recognizes that, in some cases, the final resolution of all issues may not be possible in a single proceeding because the applicant will not possess sufficient data, at the time the hearing under section 316(a) must be requested, to permit a knowledgeable determination of the issues pertinent to a request for a section 316(a) determination. Since the Act clearly imposes the burden of proof on the applicant, the Agency is not empowered in such instances to issue a permit containing less stringent thermal limitations. Nevertheless, its seems probable that at least some plants in this category would be able, in a relatively short additional time, to assemble sufficient data for an informed determination to be made. Accordingly the regulation provides that, in appropriate cases, the Regional Administrator may issue a permit including the thermal effluent limitations which would otherwise be applicable under the Act but with a proviso allowing the permittee to request their modification at a subsequent 316(a) hearing, to be held after the engineering and biological studies necessary to develop the required information have been held. Such a deferred hearing must be held sufficiently in advance of the final compliance date in the permit to allow the applicant to install the technology required to comply should the 316(a) request ultimately be denied.

(5) The proposed regulations are also designed to ensure that adequate publicity is given to proposed effluent limitations on thermal components and that the public is afforded an opportunity to participate in the process of deciding whether or not alternative thermal effluent limitations are justified in a particular case. Thus, the proposed regulations would require that the public notice of a permit application include, where appropriate, information on the thermal effluent limitations proposed and indicate whether or not they are less stringent than limitations which would be required under sections 301 or 306 of the Act. If they are less stringent, the public notice must advise that all the data submitted by the applicant are available for inspection, and that comments may be submitted and a hearing requested by members of the public or that a hearing will be held at the instance of the Regional Administrator. If they are not less stringent, the public notice must advise that the applicant is entitled to request a hearing to consider imposition of alternative thermal effluent limitations.

(6) Hearings held by the Regional Administrator to consider imposition of alternative thermal effluent limitations normally will be conducted as adjudicatory hearings in accordance with 40 CFR 125.34(c). State held hearings are, of course, a matter of State law. Appeal from decisions of the Regional Administrator is to the Administrator and his review of the former's decision is to be conducted in accordance with the provisions of 40 CFR Part 125 prescribing review of permit decisions generally. State decisions concerning thermal effluent limitations are to be transmitted to and reviewed by the Regional Administrator in the same fashion as are other permit decisions, i.e., in accordance with the provisions of 40 CFR Part 124.

(7) The regulations contain a list of important biological characteristics which typify "balanced, indigenous" populations and a description of certain features of aquatic populations which are compatible with its being balanced and indigenous and of other features which are incompatible.

The description in the regulations recognizes that an "indigenous" population may contain species not historically native to the area which have resulted from major irreversible modifications to the water body (such as hydroelectric dams) or to the contiguous land area (such as deforestation attributable to urban or agricultural development) or from deliberate introduction in connection with a program of wildlife management. To qualify for an exemption under section 316(a) it is therefore not necessary to show that the discharge is compatible with a population which may have existed in a pristine environment but which has not persisted.

On the other hand, a "balanced" population would not, under the description contained in the regulations, include a population dominated by pollution-tolerant species whose dominance is attributable to polluted water conditions. The opposite position (i.e., determining the indigenous population in all cases by reference to that presently existing) would unfairly reward dischargers located on heavily polluted waters for their past neglect. In areas of poor water quality, modification of thermal limitations would be appropriate only if they would assure protection of those species which could be expected to exist if the receiving water met water quality criteria designed to protect fish, shellfish and wildlife.

During the interagency review period of these regulation, the Agency received several suggestions many of which are incorporated in the regulations as proposed. Others because of the pressures of time resulting from the necessity to publish these regulations in conjunction with the proposed effluent limitations guidelines for steam electric powerplants, are not reflected in the proposed 316(a) regulations. They will, however, receive careful consideration during the public comment period. Included in this category are suggestions for coordinating decisions under section 316(a) with decisions of the Atomic Energy Commission, which has statutory responsibility for licensing the construction or operation of nuclear-fueled electric generating facilities, and

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other Federal agencies with statutory responsibilities for the production of electrical energy of the protection of wildlife.

The most significant suggestions proffered during the interagency review process concern the relationship of existing State water quality standards to section 316(a) determinations. The Agency concurs in the view that section 316(a) permits imposition of effluent limitations, in particular cases, less stringent than those which would otherwise be applicable under section 301(b)(1)(C) of the Act. Effluent limitations derived from the technology-based guidelines issued under sections 304(b) and 306 are subject to modification upon a showing that they are more stringent than necessary to protect the relevant aquatic community. In addition, however, effluent limitations derived from water quality standards are similarly subject to section 316(a) review and modification when they have been demonstrated to be excessively stringent. Section 122.7(c) of the proposed regulation, concerning State certification, is intended to make this position.

In addition, it was urged forcefully that the section 316(a) regulations should provide that a demonstration that a discharge presently complies or will comply with existing water quality standards for fish and aquatic life uses approved by the Administrator under sections 303 (a) and (c), with water quality standards promulgated or proposed for promulgation under section 303 (b) or (c), or (when no such standards exist) with water quality standards in effect prior to passage of the 1972 Amendments to the Federal Water Pollution Control Act give rise to a presumption that the requirements of section 316(a) are satisfied. It was suggested that compliance with water quality standards may be demonstrated by submitting evidence of a previous determination by appropriate Federal or State agencies that the discharge in question does comply with the relevant standards. The presumption arising from this showing would be rebuttable, though the burden would of course be upon parties other than the applicant to produce substantial evidence that the water quality standards relied upon are less stringent than necessary to assure protection and propagation of a balanced indigenous aquatic population.

The Agency is uncertain as to the precise effect of such a provision and has not, accordingly, included it in the proposed regulation. This procedure, however, is receiving careful consideration. The Agency therefore solicits comments, not only on all aspects of the regulation as proposed, but on the desirability of this alternative, and the specific methods in which it should, if adopted, be implemented.

Interested members of the public may participate in this rulemaking by submitting written comments, in triplicate, to the Office of the General Counsel, Water Quality Division, Environmental Protection Agency, Washington, D.C. 20460. All comments received on or before May 28, 1974, will be considered prior to promulgation of the regulations in final form.

In consideration of the foregoing, it is proposed to amend Chapter I of Title 40, Code of Federal Regulations, by adding a new Part 122, to read as set forth below.

Dated: March 21, 1974.

JOHN QUARLES,
Acting Administrator.

PART 122—THERMAL DISCHARGES

Subpart A—General

Sec.
122.1 Definitions.
122.2 Scope and purpose.
122.3 Law authorizing alternative effluent limitations.
122.4 Delegation of authority.

Subpart B—EPA Determination of Alternative Effluent Limitations

122.5 Application for determination under section 316(a).
122.6 Public notice.
122.7 State certification.
122.8 Proposal of alternative effluent limitations.
122.9 Determination of alternative effluent limitations.
122.10 Public hearings.

Subpart C—State Determination of Alternative Effluent Limitations

122.11 Application for determination under section 316(a).
122.12 Public notice.
122.13 Proposal of alternative effluent limitations.
122.14 Determination of alternative effluent limitations.
122.15 Public hearings.
122.16 Transmission to regional administrator of proposed effluent limitations.
122.17 Transmission to regional administrator of issued effluent limitations.

AUTHORITY: 33 U.S.C. 1251, 1326(a).

Subpart A—General

§ 122.1 Definitions.

Except as otherwise specifically provided:

(a) The term "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq.

(b) The term "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

(c) The term "alternative effluent limitations" means effluent limitations for the control of the thermal component of any discharge which are imposed pursuant to section 316(a) of the Act and these regulations in lieu of effluent limitations or standards of performance otherwise applicable under sections 301 or 306 of the Act.

(d) The term "Director" means the chief administrative officer of a State water pollution control agency or interstate agency. In the event responsibility for water pollution control and enforcement is divided among two or more State or interstate agencies, the term "Director" means the administrative officer authorized to perform the particular procedure to which reference is made.

(e) The term "Environmental Protection Agency" means the U.S. Environmental Protection Agency.

(f) The term "Regional Administrator" means one of the Regional Administrators of the Environmental Protection Agency.

(g) The term "Representative, important species" means one or more species which are representative, in terms of biological needs, of a balanced, indigenous population of shellfish, fish and wildlife in the body of water into which discharge of heat is made.

(h) The term "balanced, indigenous population" refers to a population typically characterized by diversity at all trophic levels, the capacity to sustain itself through cyclic seasonal changes, presence of necessary food chain species and non-domination of pollution-tolerant species. Such a population may include historically non-native species introduced in connection with a program of wildlife management and species whose presence or abundance results from substantial, irreversible environmental modifications. Normally, however, such a population will not include species whose presence or abundance is attributable to the introduction of pollutants.

(i) The term "water quality standards" means applicable water quality standards which have been (1) approved or permitted to remain in effect by the Administrator pursuant to sections 303(a) or 303(c) of the Act, or (2) promulgated or proposed from promulgation by the Administrator pursuant to sections 303(b) or 303(c) of the Act, as of the date any notice is issued pursuant to § 122.6(a) or § 122.12(a) of this part.

(j) The term "section 316(a)" shall mean section 316(a) of the Act.

(k) The definitions of the following terms contained in section 502 of the Act shall be applicable to such terms as used in this part unless the context otherwise requires: "State water pollution control agency," "interstate agency," "State," "person," "pollutant," "navigable waters," "territorial seas," "contiguous zone," "ocean," "effluent limitations," "discharge of a pollutant," "point source," "discharge," and "pollution."

§ 122.2 Scope and purpose.

(a) The regulations in this part prescribe the procedures to be followed in connection with the imposition of alternative effluent limitations, pursuant to section 316(a), upon the thermal component of discharges from point sources otherwise subject to sections 301 and 306 of the Act.

(b) The regulations in this part prescribe the procedures for the imposition of such alternative effluent limitations in conjunction with applications both for permits which are issued by the Administrator pursuant to section 402(a) of the Act and for permits which are issued by the Director of a State water pollution control agency or interstate

agency which is authorized to issue permits pursuant to a program approved by the Administrator under section 402 of the Act and Part 124 of this chapter.

§ 122.3 Law authorizing alternative effluent limitations.

(a) Section 316(a) provides that:

With respect to any point source otherwise subject to the provisions of section 301 or section 306 of this Act, whenever the owner or operator of any such source, after opportunity for public hearing, can demonstrate to the satisfaction of the Administrator (or, if appropriate, the State) that any effluent limitation proposed for the control of the thermal component of any discharge from such source will require effluent limitations more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife in and on the body of water into which the discharge is to be made, the Administrator (or, if appropriate, the State) may impose an effluent limitation under such sections for such plant, with respect to the thermal component of such discharge (taking into account the interaction of such thermal component with other pollutants), that will assure the protection and propagation of a balanced indigenous population of shellfish, fish, and wildlife in and on that body of water.

§ 122.4 Delegation of authority.

(a) Subject to the appeal provisions of § 125.34 of this chapter and the national security responsibility provisions of § 125.34(c) of this chapter, the Regional Administrator is hereby delegated the authority, for the area which he administers, to impose alternative effluent limitations to control the thermal component of discharges in accordance with the provisions of section 316(a).

(b) This authority may be redelegated to the Director, Enforcement Division, of each region.

Subpart B—EPA Determinstion of Alternative Effluent Limitations

§ 122.5 Application for determination under section 316(a).

(a) (1) The owner or operator of any point source who desires the Regional Administrator to impose alternative effluent limitations pursuant to section 316(a) shall so notify the Regional Administrator and the appropriate State or interstate agency empowered to issued section 401 certifications in writing upon the filing of an application for a permit pursuant to § 125.12 of this chapter.

(2) Notice pursuant to paragraph (a)(1) of this section shall, in the case of any point source for which a discharge permit application has been filed prior to the publication of these proposed regulations, be given not later than 60 days after promulgation of these regulations or 60 days after promulgation of effluent limitations guidelines under section 304 or standards of performance under section 306 applicable to that point source, whichever is later.

(b) The owner or operator shall submit to the Regional Administrator within 60 days thereafter such data and other information as are available to it and, as soon as practicable thereafter, such other data as it wishes to be considered in support of its application for alternative effluent limitations.

§ 122.6 Public notice.

(a) In addition to the information required by § 125.32(c) of this chapter, the public notice of any application for a permit for a discharge which is subject, pursuant to sections 301 or 306 of the Act, to effluent limitations controlling its thermal component and for which an application has been filed pursuant to § 122.5 of this part shall include:

(1) A statement that the thermal component of the discharge is subject to effluent limitations pursuant to sections 301 or 306 of the Act and a brief description (which shall include a quantitative statement) of the thermal effluent limitations proposed pursuant to section 301 or 306; and

(2) A statement that such an application has been filed and that alternative (and less stringent) effluent limitations may be imposed on the thermal component of the discharge pursuant to section 316(a), and a brief description (which shall include a quantitative statement) of the proposed alternative effluent limitations, if any.

(b) (1) If no proposed alternative effluent limitations are described in the public notice of the application, it shall include, in addition to the statements required by paragraph (a) of this section, a statement that the applicant is entitled, at any time within 30 days of the issuance of the public notice, to request a hearing pursuant to § 125.34(c) of this chapter in order to demonstrate, pursuant to sec. 316(a) and these regulations, that the proposed effluent limitations are more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(2) If proposed alternative effluent limitations are described in the public notice of the permit application (in addition to the limitations applicable pursuant to sections 301 or 306 of the Act), the notice shall include, in addition to the statements required by paragraph (a) of this section, a statement that the applicant has submitted evidence in support of its request for alternative effluent limitations which warrants further consideration and that the Regional Administrator is considering imposition of such alternative limitations. The notice shall state that all data submitted by the applicant, as well as a summary thereof, are availible at the office of the Regional Administrator for public inspection during office hours. The notice shall also state that any person may comment in writing upon these proposed alternative effluent limitations in accordance with the provisions of § 125.32(c)(6) of this chapter and may request a hearing pursuant to § 125.34 of this chapter.

(c) The public notice of any hearing held pursuant to § 122.10(a) of this part shall include the information required by § 125.32(d) of this chapter.

(d) Nothing in this section shall be construed to relieve the applicant of the burden of demonstrating to the satisfaction of the Regional Administrator, after opportunity for public hearing afforded by § 122.10 of this part, that the effluent limitations proposed pursuant to sections 301 or 306 of the Act are more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife.

§ 122.7 State certification.

(a) Notification pursuant to § 122.5(a) of this part to a state or interstate agency empowered to issue section 401 certifications shall be deemed a withdrawal of any pending application for certification as to the compliance of the thermal component of the discharge with sections 301, 302, 306 and 307 of the Act. Such notification shall, as to the thermal component of the discharge, toll the running of the period of time within which the state or interstate certifying agency must act.

(b) When the Regional Administrator, (or the Administrator pursuant to § 125.34(p) of this chapter) has made a final determination as to the effluent limitations to be imposed on the thermal component of the discharge, he shall within 10 days thereafter notify the State or interstate certifying agency in writing of that determination. Such notification shall be deemed a resubmission of any application for certification as to the thermal component of the discharge under section 401 of the Act and the period of time within which the certifying agency must act shall resume upon receipt of such notification.

(c) Any alternative effluent limitation established pursuant to section 316(a) shall constitute the applicable thermal provisions of sections 301, 302, 306, and 307 of the Act for purposes of section 401 of the Act.

§ 122.8 Proposal of alternative effluent limitations.

(a) The Regional Administrator may include in the public notice of the permit application proposed alternative effluent limitations on the thermal component of the discharge if the owner or operator satisfies the requirements of either paragraph (a)(1) or (a)(2) of this section.

(1) *Demonstration of absence of prior harm.* In the case of a point source which has commenced operation and discharge prior to the filing of the notice required by § 122.5(a) of this Part, alternative effluent limitation... may be included in the public notice of the permit application if the owner or operator has demonstrated, to the satisfaction of the Regional Administrator, that no appreciable harm has resulted from the thermal component of the discharge (taking into account the interaction of such thermal component with other pollutants and the additive effect of other thermal sources) to the species of shellfish, fish, and wildlife in and on the body of water into

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which the discharge has been made, and therefore that the thermal component of the discharge has not disturbed a balanced, indigenous population of such species. In determining whether or not appreciable harm or disturbance has occurred, the Regional Administrator shall consider evidence demonstrating compliance during the period of operation and discharge with water quality standards designed to protect fish and aquatic life together with any additional evidence submitted by the owner or operator.

(2) *Protection of representative important species.* (i) In the case of any source, whether or not it has commenced operation and discharge prior to the filing of the notice required by § 122.5(a) of this Part, alternative effluent limitations may be included in the public notice of the permit application if the owner or operator has demonstrated, to the satisfaction of the Regional Administrator, that the discharge will assure the protection and propagation of representative, important species (selected in accordance with paragraph (2)(ii) of this section) whose protection and propagation, if assured, will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on that body of water. In determining whether or not the protection and propagation of such species will be assured, the Regional Administrator shall consider evidence demonstrating that the discharge will comply with the temperature requirements for growth, reproduction and survival of the selected species, as specified in the water quality criteria and water quality information published by the Administrator pursuant to section 304(a) of the Act, together with any additional information submitted by the owner or operator or required by the Regional Administrator.

(ii) (A) Whenever an applicant proposes to include a demonstration pursuant to this paragraph as an element of its support for an application for a determination pursuant to section 316(a), it shall so notify the Regional Administrator at the time the application is filed. The Regional Administrator shall promptly seek the advice and recommendation of the director as to the species whose protection and propagation in and on the receiving water body will, if assured, satisfy the requirements of paragraph (2)(i) of this section. Any species included in the State's approved water quality standards shall be selected, together with such additional species as the Regional Administrator considers appropriate. The Regional Administrator shall advise the applicant of the species selected within 60 days after receipt of notification under this paragraph.

(B) If the available information is insufficient to enable the Regional Administrator to select one or more representative, important species, the applicant may, at the request of the Regional Administrator, conduct such studies and furnish such evidence as may be necessary to select appropriate species. In such cases, the applicant shall have the burden of proving the appropriateness of the species as well as that its discharge will assure the protection and propagation of such species.

(C) Compliance with the temperature levels referred to in paragraph (a)(2)(i) of this section shall be determined outside a mixing zone whose temporal and spatial (area, volume, configuration and location) distribution will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the receiving water body.

(b) If an applicant is unable to demonstrate to the satisfaction of the Regional Administrator either that no appreciable harm has resulted from the thermal component of a discharge (pursuant to paragraph (a)(1) of this section) or that a discharge will assure the protection and propagation of any species selected (pursuant to paragraph (a)(2) of this section), the Regional Administrator shall not include proposed alternative effluent limitations in the public notice of the permit application. However, the applicant may thereafter request a hearing pursuant to § 122.10 of this Part at which evidence may be submitted in support of the application for a determination under section 316(a). Such evidence may consist of evidence intended to satisfy the requirements of paragraphs (a)(1) or (a)(2) of this section, or any other new or historical biological data, physical monitoring data, engineering or diffusion models, or other relevant evidence.

(c) Determinations of the Regional Administrator made pursuant to paragraphs (a)(1) and (a)(2) of this section may be reconsidered in any hearing held pursuant to § 122.10 of this Part.

§ 122.9 Determination of alternative effluent limitations.

(a) The Regional Administrator may impose alternative effluent limitations included in the public notice of the permit application pursuant to § 122.8(a)(1) of this Part (or appropriate modifications thereof) unless:

(1) Information received during the period provided for public comment under § 125.34(b) of this chapter or evidence introduced at any hearing held to consider the permit indicates that appreciable harm has occurred as a result of the thermal component of the discharge (taking into account the interaction of such thermal component with other pollutants) or that the thermal discharge has disturbed the balanced, indigenous population of shellfish, fish and wildlife; and

(2) The applicant does not demonstrate that, despite the occurrence of such previous harm or disturbance, the alternative effluent limitations proposed (or appropriate modifications thereof) will nevertheless assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is made.

(b) The Regional Administrator may impose alternative effluent limitations included in the public notice of the permit application pursuant to § 122.8(a)(2) of this Part (or appropriate modifications thereof) unless:

(1) Information received during the period provided for public comment under § 125.34(b) of this chapter or evidence introduced at any hearing held to consider the permit indicates: (i) that the species selected by the Regional Administrator is or are not representative, in terms of biological needs, of a balanced, indigenous population in the receiving water body; or (ii) that the temperature requirements employed in calculating the proposed alternative effluent limitations are not adequate to assure the protection and propagation of those species in and on the receiving water body; or (iii) that the temporal or spatial (area, volume, location and configuration) distribution of the mixing zone permitted is excessively large or otherwise inconsistent with the purposes of section 316(a); and

(2) This evidence is not rebutted.

§ 122.10 Public hearings.

(a) *Requests for hearings.* (1) If alternative effluent limitations are proposed any person may, within 30 days following the issuance of the public notice of the permit application containing such proposed limitations, submit to the Regional Administrator a request for a hearing pursuant to § 125.34 of this chapter to consider whether the alternative effluent limitations will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(2) If effluent limitations or alternative effluent limitations are proposed any person may, within 30 days following the issuance of the public notice of the permit application, or, if a public hearing is held pursuant to § 125.34(b), of this chapter, within 20 days following issuance of the notice provided in § 125.34(b)(4), submit to the Regional Administrator a request for a hearing pursuant to § 125.34(e) to consider any issues concerning the permit application including whether the effluent limitations or the alternative effluent limitations proposed are more stringent than necessary to assure the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(3) Any request for a hearing made pursuant to paragraph (a)(2) of this section shall include the issue of proposed effluent limitations and/or proposed alternative effluent limitations on the thermal component of the discharge in the statement of issues proposed to be considered at the hearing, as provided by § 125.34(c)(3), of this chapter.

(4) If a request for a hearing to consider the proposed effluent limitations or the proposed alternative effluent limitations on the thermal component of the discharge is granted, the Regional Administrator shall consolidate this issue with other issues, if any, relating to the proposed permit and its conditions raised by the owner or operator, or by any other person, which are included in the list or lists of issues submitted pursuant to § 125.34(c)(3) of this chapter and shall consider and resolve all such issues in a single hearing, unless he determines to defer the hearing on issues related to the proposed effluent limitations or proposed alternative effluent limitations on the thermal component pursuant to paragraph (b) of this section or deems such a procedure to be inappropriate for other reasons.

(5) Any hearing, other than a hearing held pursuant to § 125.34(b) of this chapter, held pursuant to this section shall be conducted in accordance with the provisions of sections 34 (a) and (c) through (o) of Part 125 of this chapter.

(6) The Regional Administrator may not impose an alternative effluent limitation on the thermal component of any discharge which is less stringent than the effluent limitations otherwise required by sections 301 or 306 of the Act unless the owner or operator has demonstrated that the effluent limitations otherwise required are more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife.

(7) The Regional Administrator may impose an alternative effluent limitations with respect to the thermal component of any discharge only if he is satisfied that such alternative effluent limitation (taking into account the interaction of such thermal component with other pollutants) will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(8) The Regional Administrator may hold a hearing pursuant to § 125.34 of this chapter in any case or class of cases in which he deems it appropriate.

(b) *Deferral of hearings.* (1) In any case in which the Regional Administrator determines, after reviewing the evidence which the owner or operator proposes to present at the hearing, that sufficient information is likely not to be available upon which to base a knowledgeable determination of whether or not the proposed effluent limitations on the thermal component of the discharge are more stringent than necessary, he may order that the hearing requested pursuant to section 316(a) be severed from the hearing scheduled pursuant to section 402 of the Act and be deferred until the owner or operator has completed such engineering and biological studies as the Regional Administrator may consider necessary.

(2) If the studies required under paragraph (b)(1) of this section have not been completed at the conclusion of the hearing held pursuant to section 402 of the Act and Part 125 of this chapter, the Regional Administrator shall issue a permit which is for a term of up to five years and which requires that the point source achieve the effluent limitations initially proposed for the control of the thermal component of the discharge no later than the date specified in applicable effluent limitations guidelines issued pursuant to sections 304(b) or 306 of the Act but which affords the permittee an opportunity to request a hearing under section 316(a) after having conducted biological and engineering studies in order to develop information sufficient for the Regional Administrator to make a knowledgeable determination as to whether alternative effluent limitations may be imposed pursuant to section 316(a).

(3) Any hearing scheduled under paragraph (b)(2) of this section shall be publicized in accordance with the requirements of § 125.32(b) of this chapter and shall be held sufficiently in advance of the final compliance date specified in the permit to allow the permittee to take necessary measures to comply by that date in the event its request for modification of thermal limits is denied after the hearing is concluded.

(c) *Appeal or review of decision of Regional Administrator.* (1) Any party shall have the right to appeal to the Administrator from a decision of the Regional Administrator imposing effluent limitations or alternative effluent limitations on the thermal component of a discharge following a hearing held pursuant to § 125.34(c) of this chapter. The Administrator may, on his own motion, review any decision of the Regional Administrator. Such appeal or review shall be conducted in accordance with the provisions of § 125.34(p) of this chapter.

(2) If an owner or operator did not request a hearing pursuant to paragraph (a) of this section in order to consider whether effluent limitations proposed for the control of the thermal component of a discharge are more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which discharge is to be made, he may raise this issue on appeal to the Administrator only if:

(i) The public notice also contained proposed alternative effluent limitations less stringent than those otherwise required under sections 301 or 306 of the Act; and

(ii) The decision of the Regional Administrator after the hearing imposed effluent limitations or alternative effluent limitations with respect to the thermal component of the discharge more stringent than those contained in the public notice of the application.

Subpart C—State Determination of Alternative Effluent Limitations

§ 122.11 Application for determination under section 316(a).

(a) (1) The owner or operator of any point source who desires the Director to impose alternative effluent limitations pursuant to section 316(a) shall so notify the Director in writing upon the filing of an application for a NPDES permit.

(2) Notice pursuant to paragraph (a)(1) of this section shall, in the case of any point source for which a discharge permit application has been filed prior to the publication of these proposed regulations, be given not later than 60 days after promulgation of these regulations or 60 days after promulgation of effluent limitations guidelines under section 304 or standards of performance under section 306 applicable to that point source, whichever is later.

(b) The owner or operator shall submit to the Director within 60 days thereafter such data and other information as are available to it; and as soon as practicable thereafter, such other data as it wishes to be considered in support of its application for alternative effluent limitations.

§ 122.12 Public notice.

(a) In addition to the information required by § 124.32(c) of this chapter, the public notice of any application for a permit for a discharge which is subject, pursuant to sections 301 or 306 of the Act, to effluent limitations controlling its thermal component and as to which an application has been filed pursuant to § 122.11 of this Part shall include:

(1) a statement that the thermal component of the discharge is subject to effluent limitations pursuant to sections 301 or 306 of the Act and a brief description (which shall include a quantitative statement) of the thermal effluent limitations proposed pursuant to section 301 or 306; and

(2) a statement that such an application has been filed and that alternative (and less stringent) effluent limitations may be imposed on the thermal component of the discharge pursuant to section 316(a), and a brief description (which shall include a quantitative statement) of the proposed alternative effluent limitations, if any.

(b) (1) If no proposed alternative effluent limitations are described in the public notice of the application, it shall include, in addition to the statements required by paragraph (a) of this section, a statement that the applicant is entitled, at any time within 30 days of the issuance of the public notice, to request a hearing pursuant to § 124.36 of this chapter in order to demonstrate, pursuant to section 316(a) and these regulations, that the proposed effluent limitations are more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(2) If proposed alternative effluent limitations are described in the public notice of the permit application (in addition to the limitations applicable pursuant to sections 301 or 306 of the Act), the notice shall include, in addition to the statements required by paragraph (a) of this section, a statement that the applicant has submitted evidence in support of its request for alternative effluent limitations which warrants further consideration and that the Director is considering

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imposition of such alternative limitations. The notice shall state that all data submitted by the applicant, as well as a summary thereof, are available at the Office of the Director for public inspection during office hours. The notice must also state that any person may comment in writing upon these proposed alternative effluent limitations in accordance with the provisions of § 124.32 of this chapter and may request a hearing pursuant to § 124.36 of this chapter.

(c) The public notice of any hearing held pursuant to § 122.15(a) of this Part shall include the information required by § 124.37 of this chapter.

(d) Nothing in this section shall be construed to relieve the applicant of the burden of demonstrating to the satisfaction of the Director, after opportunity for public hearing afforded by § 122.15 of this part, that the effluent limitations proposed pursuant to sections 301 or 306 of the Act are more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife.

§ 122.13 Proposal of alternative effluent limitations.

(a) The Director may include in the public notice of the permit application proposed alternative effluent limitations on the thermal component of the discharge if the owner or operator satisfies the requirements of either paragraph (a)(1) or (a)(2) of this section.

(1) *Demonstration of absence of prior harm.* In the case of a point source which has commenced operation and discharge prior to the filing of the notice required by § 122.11(a) of this Part, alternative effluent limitations may be included in the public notice of the permit application if the owner or operator has demonstrated, to the satisfaction of the Director, that no appreciable harm has resulted from the thermal component of the discharge (taking into account the interaction of such thermal component with other pollutants and the additive effect of other thermal sources) to the species of shellfish, fish and wildlife in and on the body of water into which the discharge has been made, and that therefore the thermal component of the discharge has not disturbed a balanced, indigenous population of such species. In determining whether or not appreciable harm or disturbance has occurred, the Director shall consider evidence demonstrating compliance during the period of operation and discharge with water quality standards designed to protect fish and aquatic life, together with any additional evidence submitted by the owner or operator.

(2) *Protection of representative, important species.* (i) In the case of any source, whether or not it has commenced operation and discharge prior to the filing of the notice required by § 122.11(a) of this Part, alternative effluent limitations may be included in the public notice of the permit application if the owner or operator has demonstrated, to the satisfaction of the Director, that the discharge will assure the protection and propagation of representative, important species (selected in accordance with paragraph (a)(2)(i) of this section) whose protection and propagation, if assured, will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on that body of water. In determining whether or not the protection and propagation of such species will be assured, the Director shall consider evidence demonstrating that the discharge will comply with the temperature requirements for growth, reproduction and survival of the selected species, as specified in the water quality criteria and water quality information published by the Administrator pursuant to section 304(a) of the Act, together with any additional information submitted by the owner or operator or required by the Director.

(ii) (A) Whenever an applicant proposes to include a demonstration pursuant to this paragraph as an element of its support for an application for a determination pursuant to section 316(a), it shall so notify the Director at the time the application is filed. The Director shall promptly select the species whose protection and propagation in and on the receiving water body will, if assured, satisfy the requirements of paragraph (a)(2)(i) of this section. Any species included in the State's approved water quality standards shall be selected, together with such additional species as the Director considers appropriate. The Director shall advise the applicant of the species selected within 60 days after receipt of notification under this subparagraph.

(B) If the available information is insufficient to enable the Director to select one or more representative, important species, the applicant may, at the request of the Director, conduct such studies and furnish such evidence as may be necessary to select appropriate species. In such case, the applicant shall have the burden of proving the appropriateness of the species as well as that its discharge will assure the protection and propagation of such species.

(C) Compliance with the temperature levels referred to in paragraph (a)(2)(i) of this section shall be determined outside a mixing zone whose temporal and spatial (area, volume, configuration and location) distribution will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the receiving water body.

(b) If an applicant is unable to demonstrate to the satisfaction of the Director either that no appreciable harm has resulted from the thermal component of a discharge (pursuant to paragraph (a)(1) of this section) or that a discharge will assure the protection and propagation of any species selected (pursuant to paragraph (a)(2) of this section), the Director shall not include proposed alternative effluent limitations in the public notice of the permit application. However, the applicant may thereafter request a hearing pursuant to § 122.15 of this Part at which evidence may be submitted in support of the application for a determination under section 316(a). Such evidence may consist of evidence intended to satisfy the requirements of paragraphs (a)(1) or (a)(2) of this section, or any other new or historical biological data, physical monitoring data, engineering or diffusion models, or other relevant evidence.

(c) Determinations of the Director made pursuant to paragraphs (a)(1) and (a)(2) of this section may be reconsidered in any hearing held pursuant to § 122.15 of this Part.

§ 122.14 Determination of alternative effluent limitations.

(a) The Director may impose alternative effluent limitations included in the public notice of the permit application pursuant to § 122.13(a)(1) of this Part (or appropriate modifications thereof) unless: information received during the period provided for public comment under § 124.34 of this chapter or evidence introduced at any hearing held to consider the permit indicates that appreciable harm has occurred as a result of the thermal component of the discharge (taking into account the interaction of such thermal component with other pollutants) or that the thermal discharge has disturbed the balanced, indigenous population of shellfish, fish and wildlife and the applicant does not demonstrate that, despite the occurrence of such previous harm or disturbance, the alternative effluent limitations proposed (or appropriate modifications thereof) will nevertheless assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(b) The Director may impose alternative effluent limitations included in the public notice of the permit application pursuant to § 122.14(a)(2) of this Part (or appropriate modifications thereof) unless:

(1) Information received during the period provided for public comment under § 124.34 of this chapter or evidence introduced at any hearing held to consider the permit indicates (i) that the species selected by the Director is or are not representative, in terms of biological needs, of a balanced, indigenous population in the receiving water body, or (ii) that the temperature requirements employed in calculating the proposed alternative effluent limitations are not adequate to assure the protection and propagation of those species in and on the receiving water body; or (iii) that the temporal and spatial (area, volume, location and configuration) distribution of the mixing zone permitted are excessively large or otherwise inconsistent with the purposes of section 316(a).

§ 122.15 Public hearings.

(a) *Requests for hearings.* (1) If alternative effluent limitations are proposed any person may, within 30 days following the issuance of the public notice of the permit application containing such proposed limitations, submit to the Director a request for a hearing pursuant to § 124.32(b) of this chapter to consider whether the alternative effluent limitations will assure the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(2) If effluent limitations or alternative effluent limitations are proposed any person may, within 30 days following the issuance of the public notice of the permit application, submit to the Director a request for a hearing pursuant to § 124.36 of this chapter to consider any issues concerning the permit application including whether the effluent limitations or the alternative effluent limitations proposed are more stringent than necessary to assure the protection and propagation of a balanced indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(3) If a request for a hearing to consider the proposed effluent limitations or the proposed alternative effluent limitations on the thermal component of the discharge is granted, the Director shall consolidate this issue with other issues, if any, relating to the proposed permit and its conditions raised by the owner or operator, or by any other person, and shall consider and resolve all such issues in a single hearing, unless he determines to defer the hearing on issues related to the proposed effluent limitations or proposed alternative effluent limitations on the thermal component pursuant to paragraph (b) of this section or deems such a procedure to be inappropriate for other reasons.

(4) The Director may not impose an alternative effluent limitation on the thermal component of any discharge which is less stringent than the effluent limitations otherwise required by sections 301 or 306 of the Act unless the owner or operator has demonstrated that the effluent limitations otherwise required are more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife.

(5) The Director may impose an alternative effluent limitation with respect to the thermal component of any discharge only if he is satisfied that such alternative effluent limitation (taking into account the interaction of such thermal component with other pollutants) will assure the protection and propagation of a balanced, indigenous population of shellfish, fish and wildlife in and on the body of water into which the discharge is to be made.

(b) *Deferral of hearings.* The provisions of § 122.10(b) of this part are applicable in any case in which the Director determines, after reviewing the evidence which the owner or operator proposes to present at the hearing, that sufficient information is likely not to be available upon which to base a knowledgeable determination of whether or not the proposed effluent limitations on the thermal component of the discharge are more stringent than necessary.

§ 122.16 Transmission to regional administrator of proposed effluent limitations.

(1) Any State or interstate agency whose permit program has been approved pursuant to section 402 of the Act and Part 124 of this chapter which proposes to issue a permit containing effluent limitations on the thermal component of a discharge less stringent than those otherwise required by sections 301 or 306 shall, if transmittal of such permit to the Regional Administrator is required under the agreement provided for in § 124.46 of this part, indicate to the Regional Administrator that the proposed effluent limitations are less stringent and shall set forth the grounds upon which they were proposed.

(2) The Regional Administrator may comment upon, object to or make recommendations with respect to such proposed effluent limitations pursuant to any agreement entered into under § 124.46 and may request a public hearing to consider them pursuant to § 124.36.

§ 122.17 Transmission to regional administrator of issued effluent limitations.

Any State or interstate agency which has issued a permit containing effluent limitation with respect to the thermal component of a discharge shall, in transmitting a copy of the permit to the Regional Administrator pursuant to § 124.47 of this chapter, indicate whether or not such effluent limitations are less stringent than would otherwise be required under sections 301 or 306 of the Act and, if they are less stringent, shall also transmit the evidence (including the record of any hearing) upon which they were determined.

[FR Doc.74-7281 Filed 3-27-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-10681, IC-8275, File No. S7-516]

SALES OF SHARES OF REGISTERED OPEN-END INVESTMENT COMPANIES TO PARTICIPANTS IN GROUP PLANS AND QUALIFIED INDIVIDUAL PENSION PLANS

Notice is hereby given that the Securities and Exchange Commission has under consideration the amendment of Rule 15c1-4 [17 CFR 240.15c1-4] under the Securities Exchange Act of 1934 ("Act") [15 U.S.C. 78a et seq.] to modify the confirmation requirements with respect to the sale of shares of registered open-end investment companies in connection with certain group plans and qualified individual pension plans. The amendment to Rule 15c1-4 is proposed pursuant to sections 15(c)(1) and 23(a) of the 1934 Act [15 U.S.C. 78o, 78w].

Rule 15c1-4 presently requires brokers and dealers to give or send to their customers written confirmations of transactions effected with or for the account of such customers at or before the completion of each such transaction. Representatives of the mutual fund industry have brought to the Commission's attention the need for an amendment to Rule 15c1-4 to make it economically more feasible for registered open-end investment companies to sell shares to participants in group plans and qualified individual pension plans involving small and often frequent purchases. The need for this amendment is considered to be especially important in view of the pending pension plan legislative which would permit the use of mutual funds as investment media for tax qualified individual and group pension plans. Because of the costs of preparing and mailing confirmations for each purchase of mutual fund shares mutual fund underwriters suggest that it is presently uneconomic for them to offer these plans to small investors purchasing under an individual or group investment plan.

Proposed new paragraph (b) of Rule 15c1-4 of the 1934 Act. The proposed amendment to Rule 15c1-4 would modify the present confirmation requirements under Rule 15c1-4 by redesignating present Rule 15c1-4 as paragraph (a) and adding a new paragraph (b) of Rule 15c1-4. Proposed new paragraph (b) would permit mutual funds, principal underwriters or their agents to send confirmations for purchases of mutual fund shares by participants in a group plan to a person designated by the group to receive the confirmations and to distribute them to plan participants. Under the proposed amendment, the designated person would be required to remit payments for mutual fund shares collected from members of any group promptly but in no event could such monies be accumulated for more than 30 days. Principal underwriters would be expected to obtain reasonable assurances that funds received for investment were remitted on a timely basis as contemplated by the rules.

For investors purchasing mutual fund shares under a group pension or profit-sharing plan qualified under Section 401 [26 U.S.C. 401] of the Internal Revenue Code and other employer-sponsored plans, principal underwriters or their agents would be permitted under the amendment to delay sending confirmations for mutual fund share purchases for as long as 90 days after payment is received. For investors purchasing mutual fund shares under individual retirement plans which may be qualified under proposed Section 408 of the Code as contemplated by the pending pension plan legislation or group purchase plans other than plans sponsored by employers for their employees, mutual funds, principal underwriters or their agents would be permitted under the amendment to delay sending confirmations for mutual fund share purchases for as long as 30 days after payment is received. For such non employer-employee groups, confirmations could be sent to a designated agent for distribution to members

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of the group. In either case, confirmations would cover the details of all transactions within the previous 90-day or 30-day period and would include an explanation of all information included in each statement.

The purpose of this amendment is to reduce the economic burden of the confirmation requirements with respect to mutual fund investment plans without, at the same time significantly lessening investor protections.

The present proposal is limited to group and individual pension and retirement plans funded by purchases of securities issued by registered investment companies. However, the concepts embodied in the rule amendment may well be applicable to other investment plans or to brokerage services which involve the accumulation of relatively small payments toward purchases of securities. The Commission specifically requests comments on the desirability or possible disadvantages of extending the proposed liberalization of the confirmation rules to such other investment plans or services.

The Commission also specifically requests comments with respect to the appropriate length of the extended time period within which mutual fund group or individual plan investors would receive confirmations under the proposed amendment.

The present Rule 15c1–4. which will be designated as paragraph (a) if the proposed new paragraph (b) is adopted, requires any broker or dealer effecting a transaction for the account of a customer to provide, at or before the completion of the transaction, a written notification of the capacity in which he has acted in the transaction, and, if he has acted as a broker, certain other specified information including the amount of any compensation received by him.

Commission action. Accordingly the Securities and Exchange Commission, pursuant to authority given to it in sections 15(c)(1) and 23(a) of the Securities Exchange Act of 1934, hereby proposes to amend 17 CFR Part 240 by amending § 240.15c1–4. The present provisions of § 15c1–4 will be redesignated as paragraph (a) and the amendment herein proposed will be added thereafter as paragraph (b) and, as so amended, will read as follows:

§ 240.15c1–4 Confirmation of transactions.

(a) The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15(c)(1) of the act is hereby defined to include any act of any broker or dealer designed to effect with or for the account of a customer any transaction in, or to induce the purchase or sale by such customer of, any security (other than United States Tax Savings Notes, United States Defense Savings Stamps, or United States Defense Savings Bonds, Series E, F, and G) unless such broker or dealer, at or before the completion of each transaction, gives, or sends to such customer written notification disclosing (1) whether he is acting as a broker for such customer, as a dealer for his own account, as a broker for some other person, or as broker for both such customer and some other person; and (2) in any case in which he is acting as a broker for such customer or both such customer and some other person, either the name of the person from whom the security was purchased or to whom it was sold for such customer and the date and time when such transaction took place or the fact that such information will be furnished upon the request of such customer, and the source and amount of any commission or other remuneration received or to be received by him in connection with the transaction.

(b) Notwithstanding paragraph (a) of this section, any broker or dealer which is a principal underwriter as defined in section 2(a)(29) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(29)), for a registered open-end investment company, may effect with or for the account of any customer the purchase of securities issued by such registered open-end investment company without giving or sending to such customer at or before the completion of each such transaction a written notification as required by paragraph (a) of this section provided that:

(1) The amounts paid by such customer pursuant to a group plan for the purchase of securities of a registered open-end investment company received by the broker or dealer as soon as practicable but in no event more than 30 days after the receipt of such amounts by a person designated by the group of which such customer is a member to collect and remit such amounts to the broker or dealer or an agent of the broker or dealer; and

(2)(i) If such securities are purchased by the customer pursuant to a group pension or profit sharing plan qualified under section 401 of the Internal Revenue Code, or other employer-sponsored plan, a written notification as required by paragraph (a) of this section is given or sent to such customer within 90 days of the completion of each such transaction, or

(ii) If such securities are purchased by the customer pursuant to an individual purchase plan qualified under section 408 of the Internal Revenue Code, or a group purchase plan other than a plan sponsored by an employer, a written notification as required by paragraph (a) of this section is given or sent to such customer within 30 days of the completion of each such transaction.

(3) The written notifications referred to in paragraph (b)(2)(i) and (iii) of this section may be given in bulk within such period to an employer or other person designated by the group for distribution to such customer.

(Sec. 2, 15 Stat. 1075, 15 U.S.C. 78o; sec. 15(c)(1), 23(a), 48 Stat. 895, 901 as amended 49 Stat. 1377, 15 U.S.C. 78o(c)(1), 78w(a).)

All interested persons are invited to submit their written views and comments on the proposed amendment to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before May 3, 1974.

All communications in this regard should refer to File No. S7–516, and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

MARCH 15, 1974.

[FR Doc.74–7225 Filed 3–27–74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

EFFECTIVE DATES OF AWARDS

Clarification

The Administrator of Veterans' Affairs proposes a regulatory change to clarify certain provisions relating to effective dates of awards of increased benefits on account of dependents.

Additional disability compensation is payable to veterans with dependents who are rated 50 percent or more disabled. No additional amount is payable when the rating is less than 50 percent.

Section 3010(f) of 38 U.S.C. provides that an award of additional compensation on account of dependents based on establishment of a disability rating at the requisite percentage evaluation will be effective from the effective date of the rating if proof of dependency is received within 1 year from the date of notification of the rating action. Under this provision where a veteran with dependents was previously rated at less than 50 percent disabled and current rating action increases the evaluation to 50 percent or more, additional compensation may be paid from the effective date of the increased evaluation if proof of dependency is already on file or is submitted within 1 year from the date he is notified of the increased disability evaluation. The regulatory provision related to this statutory provision is phrased in general terms and its intended application is not always realized. The proposed change rewords this provision to more specifically relate to the statutory provision on which it is based. This change is for clarification only and does not in any way affect benefits payable. To effect the change it is proposed to amend 38 CFR Part 3, as set forth below.

In addition minor editorial changes have been made in §§ 3.400(w) and 3.401(c) and the note following § 3.401(d) designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans, dependents, or beneficiaries. No substantive change affecting benefits is involved.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (27H), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All relevant material received before April 29, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is given that the proposed amendment to § 3.401(b) would be effective the date of final approval.

1. In § 3.400, the heading of paragraph (w) is amended to read as follows:

§ 3.400 General.

* * * * * *

(w) *Termination of remarriage of widow (widower) (38 U.S.C. 3010 (a), (k); 38 U.S.C. 103(d)(2) and 3010(1), effective January 1, 1971; § 3.55).*

* * * * * *

2. In § 3.401, paragraphs (b) and (c) and the Note following paragraph (d)(1) are amended to read as follows:

§ 3.401 Veterans.

* * * * * *

(b) *Dependent, additional compensation or pension for.* Latest of the following dates:

(1) Date of claim. This term means the following, listed in their order of applicability:

(i) Date of veteran's marriage, or birth of his or her child, or, adoption of a child, if the evidence of the event is received within 1 year of the event; otherwise,

(ii) Date notice is received of the dependent's existence, if evidence is received within 1 year of the Veterans Administration request.

(2) Date dependency arises.

(3) Effective date of the qualifying disability rating provided evidence of dependency is received within 1 year of notification of such rating action. (38 U.S.C. 3010(f))

(4) Date of commencement of veteran's award. (38 U.S.C. 3010 (f), (n)) (Other increases, see § 3.400(o). For school attendance see § 3.667.)

(c) *Divorce of veteran and wife (husband).* See § 3.501(d).

(d) * * *

NOTE.—If apportionment under §§ 3.452 (c) and 3.454 is in order or payment under § 3.850(a), Personal Funds of Patients account will not be set up but difference withheld for dependents.

* * * * * *

Approved: March 22, 1974.

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH, *Deputy Administrator.*

[FR Doc.74–7178 Filed 3–27–74;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74-110]

FOREIGN CURRENCIES

Certification of Rates

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-40 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Switzerland franc:	
Mar. 11, 1974	$0.3248
Mar. 12, 1974	.3238
Mar. 13, 1974	.3241
Mar. 14, 1974	.3210
Mar. 15, 1974	.3218

[SEAL] R. N. MARRA,
Director,
Duty Assessment Division.

[FR Doc.74-7211 Filed 3-27-74;8:45 am]

Office of the Secretary

[Treasury Dept. Order 190-2]

DEPUTY ASSISTANT SECRETARY FOR TAX POLICY (TAX LEGISLATION)

Delegation of Authority

By virtue of authority vested in the Secretary of the Treasury, which authority has been delegated to me as Assistant Secretary for Tax Policy by Treasury Department Order No. 190 (Revision 9), I hereby delegate to the Deputy Assistant Secretary for Tax Policy (Tax Legislation) authority to act on requests for changes in accounting for the investment credit in financial reports to Federal agencies, as required by section 101 (c) of the Revenue Act of 1971 (P.L. 92-178). This authority may be exercised by him in his own capacity and under his own title, and he shall be responsible for referring to the Assistant Secretary for Tax Policy any requests for changes in accounting for the investment credit on which action should appropriately be taken by him.

Dated: March 22, 1974.

[SEAL] FREDERIC W. HICKMAN,
Assistant Secretary for Tax Policy.

[FR Doc.74-7177 Filed 3-27-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

U.S. ARMY TRANSPORTATION SCHOOL BOARD OF VISITORS

Notice of Meeting

MARCH 21, 1974.

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following committee meeting.

The U.S. Army Transportation School Board of Visitors will meet during the period 24-27 April 1974 in Room 2, Wylie Hall, Fort Eustis, Virginia. Sessions on Wednesday, Thursday and Friday will commence at 8:30 a.m. and conclude approximately 4:30 p.m. The Saturday session will begin at 8:30 a.m. and conclude approximately 10 a.m. Agenda subjects will be as follows:

U.S. Army Transportation School Trends & Developments.
Briefing & Discussion of Officer Personnel Management Systems.
Briefing & Discussion of Transportation Officer Advanced and Transportation Officer Basic Course programs of instruction.
Briefing & Discussion of Combat & Training Development Projects.
Observation of TOBC Instruction in the Field (FTX).
Briefing & Discussion of Enlisted Personnel Management Systems.
Noncommissioned Officers' Education System—Briefing & Discussion.
The Station of Choice Program—Briefing & Discussion.
The Army Education Center & Volunteer Army Briefing & Tour of Facilities.
Briefing & Discussion of Industry Accreditation Program.
Observation of Enlisted Instruction.
Observation of Student Oriented Learning Environment (SOLE).
Discussion of Findings & Preparation of Report.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Any additional information concerning the meeting may be obtained from Dr. H. Jackson Darst, Special Assistant to the Commandant—Educational Advisor, Fort Eustis, Virginia, (804) 927-4400.

By authority of the Secretary of the Army.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc.74-7121 Filed 3-27-74;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held as follows:

Tuesday, 2 April 1974 at Los Angeles, Calif. Wednesday & Thursday, 3 & 4 April 1974 at Denver, Colorado. Changed from 8-9 April to 3-4.

These meetings commencing at 9 a.m. will be to discuss classified matters.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 25, 1974.

[FR Doc.74-7184 Filed 3-27-74;8:45 am]

INDUSTRIAL COLLEGE OF THE ARMED FORCES

Notice of Advisory Committee Meeting

The annual meeting of the Board of Advisers of the Industrial College of the Armed Forces will be held in the Conference Room of the College, at Fort McNair, Washington, D.C. 20319, on Friday, 5 April 1974, from 0830 to 1600.

The agenda will include a report on educational program activities and curricular changes, a discussion of educational policies and methods, student presentations on academic assignments, and observation of student discussion of a case study.

This meeting is open to the public, and the limited space available for observers will be allocated on a first-come, first-served basis. Interested persons should call the College (693-8134) to reserve space.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 25, 1974.

[FR Doc.74-7148 Filed 3-27-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Number AR 04855]

ARIZONA

Termination of Proposed Withdrawal and Reservation of Lands

Notice of application AR 04855, filed by the Corps of Engineers, United States Army, for withdrawal and reservation of lands to provide a site for the construction of a dam across the basin of the Gila River, to provide a reservoir and flowage area and a flood control channel, and for other purposes appurtenant to and necessary for the establishment and maintenance of the Painted Rock Reservoir Project, was published as FR Doc. 60-999, on page 882 of the FEDERAL REGISTER for February 2, 1960. The applicant agency has canceled its application insofar as it affects the following described lands. Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5, such lands, at 10 a.m. on April 11, 1974, will be relieved of the segregative effect of the above mentioned application. However, the lands herein involved are included in Multiple Use Classification A 922 for the Fred Weiler Green Belt and will remain segregated as provided in that classification. The lands are also subject to the Cooperative Agreement dated February 16, 1974, between the Corps of Engineers and the Bureau of Land Management, serial No. A 7944.

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 4 W.,
Sec. 20, S½SE¼;
Sec. 29, NE¼.
T. 5 S., R. 4 W.,
Sec. 5, lot 2, SW¼NE¼, SE¼NW¼, SW¼SW¼, and E½SW¼;
Sec. 6, SE¼SE¼;
Sec. 7, lots 1 and 2, E½SW¼, W½SE¼, SW¼NE¼, and E½NE¼.
T. 4 S., R. 5 W., partly unsurveyed,
Sec. 30, SW¼NW¼, SW¼, NW¼SE¼, and S½SE¼;
Sec. 31, lots 1 to 4, incl., E½W½ and E½;
Sec. 32, W½, W½SE¼, and SE¼SE¼;
Sec. 33, SW¼SW¼.
T. 4 S., R. 6 W., partly unsurveyed,
Sec. 15, SW¼ and SW¼SE¼;
Sec. 16, E½SW¼ and W½SE¼;
Sec. 17, S½NE¼, SW¼NW¼, and S½;
Sec. 18, SE¼NE¼, SW¼SW¼, SE¼SW¼, and SE¼;
Secs. 19, 20, and 21;
Sec. 22, W½E½, W½, and E½SE¼;
Sec. 23, NE¼SE¼, NW¼SW¼, and S½S½;
Sec. 24, SW¼ and SW¼SE¼;
Sec. 25;
Sec. 26, N½ and N½S½;
Sec. 27, NE¼ and NE¼NW¼;
Sec. 30, lots 1, 4 and NE¼NW¼;
Sec. 31, lots 1, 2, 5 to 11 incl., SE¼NW¼ and NW¼SE¼;
Sec. 33, lots 1 to 3 incl., lots 4, 9, N½N½, SE¼NW¼, and SW¼NE¼;
Sec. 34, lots 1 to 3 incl., lots 4, 5, 7, 8, 9, NE¼NE¼, and SE¼NW¼;
Sec. 35, lots 1 to 3 incl., lots 5 to 10 incl., NW¼NW¼, and SW¼SE¼.
T. 5 S., R. 6 W.,
Sec. 1, lots 1, 2, 3, 4 and S½N½;
Sec. 4, NE¼SW¼, S½SW¼, W½SE¼, and NE¼SE¼;
Sec. 9, NW¼NE¼.
T. 4 S., R. 7 W., partly unsurveyed,
Sec. 13, S½SE¼ and S½SW¼;
Sec. 14, SE¼SW¼, SW¼SE¼, W½SW¼, and SE¼SE¼;
Sec. 15, SE¼;
Sec. 16, W½SW¼;
Secs. 21 and 22;
Sec. 23, N½, N½S½, and SE¼SE¼;
Secs. 24, 25 and 26;
Sec. 27, SE¼NE¼, W½NE¼, NW¼, and S½;
Sec. 35, N½N½.
T. 4 S., R. 8 W.,
Sec. 10, SE¼SE¼;
Sec. 11, NE¼NE¼, S½NE¼, SE¼NW¼; and S½;
Sec. 14, NE¼, W½SW¼, and W½SE¼;
Sec. 15, S½S½ and SE¼NW¼;
Sec. 21, W½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 22;
Sec. 23, W½;
Sec. 27, N½;
Sec. 28;
Sec. 29, E½SW¼ and SE¼;
Sec. 31, SE¼NE¼, SW¼SE¼, and E½SE¼.
T. 5 S., R. 8 W.,
Sec. 5, lots 2, 3, 4, N½SW¼ and NW¼SE¼;
Sec. 6, lots 1, 2, 5, 6, E½SW¼ and SE¼.
T. 5 S., R. 9 W.,
Sec. 1, S½;
Sec. 2, E½SE¼;
Sec. 4, S½SW¼;
Sec. 5, S½S½;
Sec. 6, SE¼SW¼ and SW¼SE¼;
Sec. 7, lots 3, 4, E½SW¼, SE¼, and S½NE¼;
Sec. 8, N½ and SW¼;
Sec. 9, N½N½ and SE¼NE¼;
Sec. 10, NE¼NE¼, S½NE¼, SW¼NW¼, SE¼SW¼, SE¼, and N½SW¼;
Sec. 11, lot 1, N½, NE¼SW¼, and S½SE¼;
Sec. 12, N½N½, SW¼SW¼, and SW¼SE¼;
Sec. 13, NW¼NE¼, NW¼, and N½SW¼;
Sec. 14, NE¼NE¼;
Sec. 15, N½NE¼;
Sec. 17, NW¼NW¼;
Sec. 18, lot 1, N½NE¼ and NE¼NW¼.
T. 5 S., R. 10 W.,
Sec. 11, SE¼SW¼, SW¼SE¼, and E½SE¼;
Sec. 12, S½;
Sec. 13, N½NE¼ and NE¼NW¼;
Sec. 14, N½N½, S½NW¼, SW¼, and S½SE¼;
Sec. 15, S½;
Sec. 21, NE¼SW¼, S½SW¼, and SE¼;
Sec. 22;
Sec. 23, NW¼NW¼;
Sec. 28, N½ and NW¼SW¼;
Sec. 29, S½NE¼, SW¼, W½SE¼, and NE¼SE¼;
Sec. 30, lot 4, SE¼SW¼ and SE¼;
Sec. 31, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, and N½SE¼.
T. 5 S., R. 11 W.,
Sec. 25, SE¼SW¼ and S½SE¼;
Sec. 33, S½SE¼.
T. 6 S., R. 11 W.,
Sec. 1, SW¼SW¼;
Sec. 3, lots 1, 2, 3, 4, S½N½, and S½SE¼;
Sec. 4, lot 1, SE¼NE¼ and S½;
Sec. 5, SE¼SW¼, S½SE¼, and NE¼SE¼;
Sec. 8, NE¼, E½W½, and W½SE¼;
Sec. 9, N½N½ and SE¼SW¼;
Sec. 17, W½ and NW¼SE¼;
Sec. 18, lots 1, 2, 3, 4, NE¼ and E½W½;
Sec. 20, NW¼NW¼.
T. 6 S., R. 12 W.,
Sec. 11, NW¼SW¼ and SE¼SE¼;
Sec. 12, SE¼SE¼;
Sec. 13, NE¼ and NW¼SE¼;
Sec. 14, NW¼NE¼, N½NW¼, SE¼SW¼, and SE¼;
Sec. 15, W½SW¼;
Sec. 20, SE¼;
Sec. 21, W½SW¼, NE¼SW¼, and NW¼SE¼;
Sec. 22, E½NE¼, NW¼NE¼, and NW¼NW¼;
Sec. 23, N½N½;
Sec. 28, N½NE¼ and W½NW¼;
Sec. 29, N½ and SW¼;
Sec. 30, lots 2, 3, NE¼SW¼ and N½SE¼.
T. 6 S., R. 13 W.,
Sec. 25, SE¼NE¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 26, S½N½, SW¼, and NW¼SW¼;
Sec. 27, S½NW¼, SE¼SW¼, and NE¼SE¼;
Sec. 28, S½ N½ and S½;
Sec. 31, lot 4, SE¼SW¼ and SE¼;
Sec. 33, E½ and E½SW¼;
Sec. 34, W½ and SE¼;
Sec. 35, E½NE¼, SW¼NE¼, E½NW¼, N½SW¼, and SW¼SW¼.
T. 7 S., R. 13 W.,
Sec. 3, lot 2 and SW¼NW¼;
Sec. 4, W½SW¼, NE¼SW¼, and NW¼SE¼;
Sec. 5, lots 3, 4, SW¼NW¼, NW¼SW¼, and S½S½;
Sec. 6, lots 1 to 7 incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 7, lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 8, N½N½ and S½NW¼.
T. 7 S., R. 14 W.,
Sec. 1, SE¼;
Sec. 10, SE¼SE¼;
Sec. 11, S½S½;
Sec. 12, E½ and SW¼;
Sec. 14, N¼N½ and S½NW¼;
Sec. 15, NE¼.

The areas described aggregate approximately 37,061 acres in Maricopa and Yuma Counties.

Dated: March 20, 1974.

JOE T. FALLINI,
State Director.

[FR Doc.74-7146 Filed 3-27-74;8:45 am]

National Park Service

[Order 78, Amdt. 1]

DIRECTOR, NATIONAL CAPITAL PARKS

Delegation of Authority

Order No. 78, approved April 13, 1973, and published in the FEDERAL REGISTER of April 27, 1973 (38 FR 10477), set forth in section 2 the limitations on redelegations of authority.

Section 2, paragraph (2) is hereby amended to read as follows:

SEC. 2. *Redelegation.* * * * (2) Procurement and contracting authority may only be redelegated to the Chief, Division of Contracting in the National Capital Parks. The limitations in this subsection (2) of section 2 apply only to open market or nonmandatory sources of supply. Employees and officers who are otherwise authorized may continue to issue orders to GSA Centers and sources under established Federal supply schedules of contracts in amounts exceeding $2000.

(205 DM, as amended; 245 DM, as amended; sec. 2 of Reorganization Plan No. 3 of 1950).

Dated: March 15, 1974.

RUSSELL E. DICKENSON,
Acting Director,
National Park Service.

[FR Doc.74-7175 Filed 3-27-74;8:45 am]

[Order 5, Amdt. 2]

SUPERINTENDENTS, NATIONAL CAPITAL PARKS, ET AL.

Delegation of Authority

National Capital Parks Order No. 5, published in the FEDERAL REGISTER of July 26, 1972, 37 FR 14892, and National Capital Parks Order No. 5, Amendment 1, published in the FEDERAL REGISTER of

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July 20, 1973, 38 FR 19419, are amended as follows:

Section 1 is hereby amended by revising paragraph (e) as follows:

(e) Authority to approve contracts and purchase orders for supplies, equipment and services in excess of $2,000.

Section 2 is hereby amended by revising paragraph (f) as follows:

(f) Authority to approve contracts and purchase orders for supplies, equipment and services in excess of $2,000.

Section 3 is hereby amended as follows:

SEC. 3. *Associate Directors.* The Associate Directors may exercise all of the authority of the Director, National Capital Parks, with respect to any matter which may come before them, except the authority to approve master plans and the authority to conduct archeological investigations and salvage activities.

Section 4 is hereby amended as follows:

SEC. 4. *Chief, Division of Contracting.* The Chief, Division of Contracting, National Capital Parks, may execute, administer, and approve contracts not in excess of $200,000 for construction supplies, equipment, and services, except contracts for acquisition of lands and related property and options related thereto. This authority may be exercised on behalf of any office or area for which the National Capital Parks serves as the field finance office.

(National Park Service Order No. 78 (38 FR 10477, published April 27, 1973)

Dated: January 18, 1974.

MANUS J. FISH, Jr.,
Director,
National Capital Parks.

[FR Doc.74-7176 Filed 3-27-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CANADIAN FACE PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Canadian Face Planning Unit, report number USDA-FS-FES (Adm) 74-48.

The environmental statement concerns a proposed plan for management of 24,650 acres of National Forest in northern Ferry County, Washington.

This final environmental statement was filed with CEQ on March 22, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA Forest Service
Northern Region
Federal Building, Room 8077
Missoula, MT 59801

USDA Forest Service
Colville National Forest
Federal Building
Colville, WA 99114

USDA Forest Service
Kettle Falls Ranger Station
Kettle Falls, WA 99141

USDA Forest Service
Republic Ranger Station
Republic, WA 99166

A limited number of single copies are available upon request to Forest Supervisor, Colville National Forest, Federal Building, Colville, WA 99114.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

KEITH M. THOMPSON,
Acting Regional Forester,
Forest Service, Northern Region.

MARCH 22, 1974.

[FR Doc.74-7183 Filed 3-27-74;8:45 am]

DESCANSO DISTRICT GRAZING ADVISORY BOARD

Notice of Meeting

The Descanso District Grazing Advisory Board will meet at 7:30 p.m., April 16, 1974 at the Alpine Ranger Station Office, 2707 Alpine Boulevard, Alpine, CA 92001.

The purpose of this meeting is to provide National Forest grazing permittees means for expression of recommendations concerning management and administration of Cleveland National Forest grazing resource; better understanding of policy, regulations, and requirements; to develop local interest and responsibility in better range management; and to elect members to the Board of Directors and other offices of the organization as set forth in the bylaws.

The contact address is: William Tulloch, Star Route, Pine Valley, CA 92062, phone (714) 437-8344.

Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation. Public members may participate only when they are recognized by the officer in charge of the meeting.

Dated: March 13, 1974.

DONALD H. SMITH,
Forest Supervisor.

[FR Doc.74-7119 Filed 3-27-74;8:45 am]

BADLANDS PLANNING UNIT MULTIPLE USE PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Badlands Planning Unit Multiple Use Plan, Forest Service report number USDA-FS-DES (Adm) R1-74-12.

The environmental statement concerns the implementation of a Multiple Use Plan for the Badlands Planning Unit, Little Missouri River National Grasslands, Custer National Forest. The Planning Unit is located in McKenzie, Golden Valley, Billings, and Slope Counties of North Dakota and contains 1,232,831 acres of which 636,379 acres are administered by the U.S. Forest Service. In addition, this action considers four specific petroleum-related proposals. Two of these are oil pipelines; the other two proposals are seismic activity and leasing.

This draft environmental statement was filed with CEQ on March 22, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, MT 59801

USDA, Forest Service
Custer National Forest
2602 1st Avenue North
Billings, MT 59103

USDA, Forest Service
Medora Ranger District
1409 West Villard
Dickinson, ND 58601

USDA, Forest Service
McKenzie Ranger District
P.O. Box 492
Watford City, ND 58854

A limited number of single copies are available upon request to Forest Supervisor D.C. MacIntyre, Custer National Forest, P.O. Box 2556, Billings, MT 59103.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor D. C. MacIntyre, Custer National Forest, P.O. Box 2556, Billings, MT 59103. Comments must be received by May 22, 1974, in order to be considered in the preparation of the final environmental statement.

Dated: March 22, 1974.

KEITH M. THOMPSON,
Acting Regional Forester,
Forest Service.

[FR Doc.74-7219 Filed 3-27-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Order 47-1; Amdt. 2]

DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL ECONOMIC POLICY AND RESEARCH

Organization and Functions

This order effective February 25, 1974 amends the material appearing at 39 FR 1649 of January 11, 1974.

DIBA Organization and Function Order 47-1, dated November 12, 1973, as amended, is hereby further amended.

Section 8. *Office of Economic Research* is revised to read, as follows:

SEC. 8. *Office of Economic Research.*

.01 The *Office of the Director* includes: the *Director* who shall plan and direct the execution of policies and programs of the Office, and the *Deputy Director* who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The *Applied Research Division* shall conduct research and analysis on economic developments affecting U.S. trade and commercial interests abroad; shall conduct special economic and econometric studies to evaluate policy alternatives on issues impacting on U.S. trade and international economic relations; shall evaluate and analyze the effect that expected domestic economic conditions will have on U.S. international economic relations; shall conduct micro-economic studies of economic phenomena affecting U.S. trade and investment; and shall develop informational systems support for other offices reporting to the Deputy Assistant Secretary for International Economic Policy and Research.

.03 The *International Economic Division* shall be responsible for the development and coordination of econometric models concerned with longer-term U.S. trade and investment projections; shall conduct basic research in the area of the macro-economic factors affecting the U.S. comparative advantage in world trade and investment; shall employ econometric modeling, operations research techniques, and input-output analysis to forecast and simulate the behavior of economic sectors of importance to international economic policy issues; and shall serve as liaison with U.S. Government research and intelligence agencies as well as with private research groups.

Effective date: February 25, 1974.

TILTON H. DOBBIN,
Assistant Secretary for Domestic and International Business.

[FR Doc.74-7123 Filed 3-27-74;8:45 am]

Maritime Administration

[Docket No. S-413]

SPRUCE SHIPPING CO.

Notice of Application

Notice is hereby given that Spruce Shipping Company has filed an application dated March 7, 1974, under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy on three proposed 89,700 DWT tankers to be employed in U.S. foreign trade. Inasmuch as affiliated companies of Spruce Shipping Company own and/or operate U.S. flag tankers which from time to time may operate in domestic intercoastal or coastwise trade, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required by Spruce Shipping Company if its application for operating-differential subsidy is approved.

Spruce Shipping Company requests permission under section 805(a) for its affiliates to own and operate a total of 31 U.S. flag vessels for the transportation of liquid bulk cargoes within and between the following coastal areas with free interchange of the vessels among these various domestic trades. The following list also shows the maximum number of vessels to be employed in each domestic trade at any one time:

U.S. Gulf-Atlantic Coastwise	17 vessels.
U.S. Gulf-Atlantic-Puerto Rico	2 vessels.
U.S. Atlantic-Gulf Intercoastal (including Alaska and Hawaii)	5 vessels.
Pacific Coast-Alaska-Hawaii	10 vessels.

As information, the following U.S. flag tankers are owned, managed, or operated by Spruce's affiliates.

Baldbutte	Keytanker
Fort Fetterman	Keystoner
Julesburg	Keytrader
Gaines Mill	Valley Forge
Mill Spring	Golden Gate
Northfield	Chancellorsville
Tullahoma	Perryville
Meadowbrook	Shenandoah
Sandy Lake	Santa Clara
Mobiligas	Edgar M. Queeny
Monmouth	Sinclair Texas
Spirit of Liberty	Mobil Power
Birch Coulie	Mobil Fuel
Catawba Ford	David E. Day

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration, Room No. 4888, Department of Commerce Building, Fourteenth and E Streets NW., Washington, D.C. 20230.

Any person, firm or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on April 5, 1974, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

In the event that petitions for leave to intervene are received and a hearing is scheduled the purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential subsidies (ODS))

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: March 26, 1974.

JAMES S. DAWSON, Jr.
Secretary.

[FR Doc.74-7338 Filed 3-27-74;8:45 am]

Office of the Secretary

OZARKS ECONOMIC DEVELOPMENT REGION

Modification of Boundaries

Pursuant to the provisions of section 501(a) of the Public Works and Economic Development Act of 1965, as amended (42 U.S.C. 3181(a)), and having examined all pertinent data, I have determined that the Ozarks Economic Development Region, composed of part of the State of Kansas and the States of Arkansas, Louisiana, Missouri and Oklahoma, meets the requirements of the Act for enlargement. Accordingly, in response to a recommendation from the Ozarks Regional Commission and to a request from the Governor of the State of Kansas, I have today modified the boundaries of the Ozarks Economic Development Region so that it now includes the entire State of Kansas in addition to the entire States of Arkansas, Louisiana, Missouri and Oklahoma.

Inquiries relating to this modification should be addressed to the Special Assistant to the Secretary for Regional Economic Coordination, 2092 Main Commerce Building, Washington, D.C. 20230.

FREDERICK B. DENT,
Secretary of Commerce.

MARCH 25, 1974.

[FR Doc.74-7137 Filed 3-27-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

NATIONAL ADVISORY BODIES

Notice of April Meetings

Pursuant to the Federal Advisory Committee Act (P.L. 92-463) the Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of April 1974:

V 39 61 MAR 28 74 XUM

Council name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Health Professions Education.	April 8–9, 8:30 a.m., Conference Room No. 10, Building 31-C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Open—April 8, 1974, 8:30 a.m.—10:30 a.m. Closed remainder of meeting. Contact: Ms. Lynn Stevens, Room 4C-06, Building 31-C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014. Code 301-496-5353.

Purpose. Advises the Secretary with respect to the administration of programs of financial assistance for the health professions, including construction of facilities, student loans and scholarships, capitation for the support of educational programs, special projects and other purposes to improve the quality of education and conducts the final review of grant applications in these areas.

Agenda. The Council will discuss administrative and staff support and this portion will be open to the public. The Council will review grant applications, and this portion will be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463, section 10(d).

Council name	Date, time, place	Type of meeting and/or contact person
Health Care Technology Study Section.	April 16–17, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—April 16, 9 a.m.–10 a.m. Closed remainder of meeting. Contact: John R. Hall, Room 15–19 Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20852. Code 301-443-2920.

Purpose. The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Bureau of Health Services Research which relate to the use of systems analysis, operations research, management sciences, and computer sciences in the broad fields of community health services, hospital medicine, and patient care. It makes recommendations to the Bureau and its Advisory Councils on the scientific merits of such applications.

Agenda. During the open session the Study Section will conduct necessary administrative and informational business. During the closed sessions the Study Section will review research grant applications in the fields of systems analysis, operations research, management sciences and computer sciences and will be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Long-Term Care for the Elderly Research Review and Advisory Committee.	April 18–19, 1974, 9 a.m., Conference Room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open April 18, 1974, 9 a.m.—10 a.m. Closed remainder of day. Open April 19, 1974, 9 p.m.–5 p.m. Contact: David McFall, Room 15–29, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2930, or Martha O. Greenspan, Room 11A-33, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-3346.

Purpose. The Committee provides a coordinated professional technical review of proposals submitted to the Department concerning long-term care for the elderly, and identifies problems and issues and develops a tentative ordering of priorities in long-term care for consideration by the Division of Long-Term Care, Bureau of Health Services Research, Health Resources Administration.

Agenda. During the open sessions, the committee will review the Administrative Report, Minutes, establish future meeting dates and discuss other related general matters. The committee will also consult with Federal employees concerned with issues relating to training and continuing education and research and development. There will be a progress report on activities and a Bureau status report will be presented. During the closed session the Committee will review proposals concerning the care of the elderly, which will include nursing homes. This portion is closed in accordance with the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Health Services Research Study Section.	April 21, 1974, 8:30 p.m., Holiday Inn—Bethesda, 8120 Wisconsin Ave., Bethesda, Md., and April 22–24, 1974, 8:30 a.m., Conference Room G, Parklawn Bldg., Rockville, Md.	Open—April 21, 1974, 8:30 p.m.—10 p.m. Closed remainder of meeting. Contact: Dr. Alan E. Mayers, Room 15–19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. Code 301-443-2920.

Purpose. The Study Section is charged with the initial review of grant applications for Federal assistance in the program areas administered by the Bureau of Health Services Research and makes recommendations to the National Advisory Councils for final review.

Agenda. The open session of the meeting will be devoted to a business meeting covering administrative matters and reports. During the closed session, the Study Section will be reviewing research grant applications relating to the delivery and acceptance of health services, and this portion will be closed to the public in accordance with the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463, section 10(d).

Council name	Date, time, place	Type of meeting and/or contact person
Health Services Developmental Grants Study Section.	April 24, 1974, 8 p.m., Lobby Room, Holiday Inn of Chevy Chase, 5520 Wisconsin Ave., Chevy Chase, Md. and April 25–26, 1974, 9 a.m., Conference Room G, Parklawn Bldg., Rockville, Md.	Open—April 24, 1974, 8 p.m. to Adjournment, Closed remainder of meeting. Contact: David McFall, Room 15–29, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301-443-2930.

Purpose. The Study Section is charged with the initial review of developmental grant applications for Federal Assistance in the program areas administered by the Bureau of Health Services Research.

Agenda. The Study Section during the open session will review the Administrative Report, Minutes, establish future meeting dates and discuss other related general matters. The Study Section during the closed sessions will be reviewing research grant applications which relate to the development, utilization, quality, organization, and financing of services, facilities and resources of hospital care, and other medical facilities, and this portion will be closed to the public in accordance with the Determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463, Section 10(d).

Agenda items are subject to change as priorities dictate.

Those portions of the meetings so indicated, are open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members or other relevant information on the Committees, should contact the person listed above.

Dated: March 18, 1974.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.74–7020 Filed 3–27–74;8:45 am]

NURSING RESEARCH AND EDUCATION ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92–463), the Administrator, Health Resources Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of April 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
Nursing Research and Education Advisory Committee.	April 16–18, 8:30 a.m., Conference Room B168, Federal Bldg., 7550 Wisconsin Ave., Bethesda, Md.	Open—April 16, 8:30 a.m.–10 a.m. Closed—remainder of meeting. Contact Dr. Doris Bloch, Federal Bldg., Room 6A-10, 9000 Rockville Pike, Bethesda, Md. Code 301-496-6955.

Purpose. The committee is charged with the initial review of research grant applications in all areas of nursing education and practice, including studies of extended professional roles, model curricula, clinical investigations, historical research, and institutional research development and with surveying the status of research in nursing education and practice.

Agenda. The committee will discuss administrative and staff reports and this portion of the meeting will be open to the public. During the closed session, the committee will review grant applications, and this portion will be closed to the public in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Public Law 92–463, section 10(d).

Agenda items are subject to change as priorities dictate.

That portion of the meeting so indicated is open to the public for observation and participation. Anyone wishing to participate, obtain a roster of members, or other relevant information should contact the person listed above.

Dated: March 22, 1974.

KENNETH M. ENDICOTT,
Administrator,
Health Resources Administration.

[FR Doc.74–7162 Filed 3–27–74;8:45 am]

Office of Education

EMERGENCY SCHOOL AID

Special Projects; Notice for Receipt of Applications; Correction

FR Doc. 74–4866, published at 39 FR 7977, in the issue dated Friday, March 1, 1974, is corrected by changing the citation in line 11 from "45 CFR 185.96–99" to "45 CFR 185.91–1 through 185.94–1".

(Catalog of Federal Domestic Assistance Programs Number 13.532–Emergency School Aid-Special Projects)

Dated: March 22, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74–7170 Filed 3–27–74;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Notice of Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet Thursday and Friday, April 4–5, 1974. On Thursday, April 4, the Committee will meet from 9 a.m. to 4:30 p.m. in HEW Region VII Office, Federal Building, 601 E. 12th Street, Kansas City, Missouri. The four Subcommittee's; Education, Health, Social Services & Welfare, and Administration Fiscal will meet concurrently to hear from consumers of HEW programs. Those persons wishing to address the Committee should contact Mr. Max Mills, HEW Region VII, Regional Director by Monday, March 25, 1974. Phone: 816–374–5012. Written statements may also be sent to Mr. Max Mills for distribution to members of the Committee. Friday, the full Committee will hold its regular meeting from 11:30 a.m. to 4 p.m. in the HEW Region VII office building. At this meeting, the Committee will discuss recommendations and findings to date especially in the areas of their four priorities: Title IX of the Education Amendments of 1972, National Health Insurance, Career Ladders for Women, and Social Security. Members of the public are invited to attend the meeting.

Dated: February 28, 1974.

KAREN KEESLING,
Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.74–7147 Filed 3–27–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–163; FDAA–419–DR]

OKLAHOMA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Pub. L. 92–209 (85 Stat. 742); notice is hereby given that on March 22, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from heavy rains and flooding, beginning about March 10, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of Oklahoma. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act of 1970 (Pub. L. 91–606, as amended), I hereby appoint Mr. Joe D. Winkle, HUD Region 6, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Oklahoma to have been adversely affected by this declared major disaster:

The counties of:

Kay	Rogers
Osage	Tulsa
Ottawa	Washington

This disaster has been designated as FDAA–419–DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: March 22, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–7195 Filed 3–27–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

MACARTHUR BRIDGE TOLLS AND KEOKUK BRIDGE TOLLS, IOWA

Order Fixing Time for Filing Exceptions and Briefs

In the Matter of MacArthur Bridge Tolls (Burlington, Iowa) and Keokuk Bridge Tolls (Keokuk, Iowa).

On March 4, 1974, the Administrative Law Judge issued his recommended decisions in these two proceedings pursuant to § 310.12 of the Bridge Toll Procedural Rules, 49 CFR 310.12. The recommended decisions were received by the Federal Highway Administration on March 9, 1974. Under § 310.12(b) of the rules, parties to each proceeding are entitled to file exceptions to the recommended decision within 30 days of the date it was served.

In consideration of the foregoing, *it is hereby ordered*, That the parties to each of these procedings may file exceptions to the recommended decision of the Administrative Law Judge, together with a supporting brief, which must be received not later than the close of business on April 8, 1974. Exceptions and briefs filed by mail should be addressed to the Chief Counsel (HCC–1), Federal Highway Administration, Washington, D.C. 20590.

Issued on March 20, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74–7149 Filed 3–27–74;8:45 am]

V 39 61 MAR 28 74 XUM

ATOMIC ENERGY COMMISSION

[Docket No. 50-386]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Assignment of Members of Atomic Safety and Licensing Appeal Board

In the matter of the Consolidated Edison Company of New York, Inc. (Indian Point Nuclear Generating Unit 3).

Notice is hereby given that, in accordance with the authority in 10 CFR 2.727 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for the proceeding.

Alan S. Rosenthal, Chairman.
Dr. John H. Buck, Member.
William C. Parker, Member.

Dated: March 22, 1974.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.74-7173 Filed 3-27-74;8:45 am]

[Docket No. PRM-20-5]

NATURAL RESOURCES DEFENSE COUNCIL, INC.

Filing of Petiton for Rule Making

Notice is hereby given that the Natural Resources Defense Council, Inc. (NRDC) by petition for rule making dated February 14, 1974, has petitioned the Atomic Energy Commission to amend its radiation protection standards as they apply to insoluble particles of plutonium and other alpha-emitting hot particles as more fully described in a report appended to the petition by Drs. Arthur R. Tamplin and Thomas B. Cochran, entitled "Radiation Standards for Hot Particles."

The petitioner states that NRDC's basic interest in requesting amendment of the radiation protection standards is to assure that the public and radiation workers are adequately protected from exposure to hot particle radiation by establishing radiation standards governing permissible exposure to hot particles which carry a risk comparable to existing radiation standards governing uniform exposure to whole body radiation. It is the view of NRDC that the present radiation standards, when applied to hot particles, are too high. The petitioner proposes that, when hot particles are involved, the existing radiation standards governing plutonium exposure should be reduced by a factor of 115,000.

The petitioner states that although the report appended to the petition is written with reference to hot particles formed from plutonium-239, the standards requested by petitioner are intended to be applicable to all radionuclides or mixtures thereof capable of forming hot particles.

The petitioner requests that all approvals for construction or operation of any facilities for the handling, processing or reprocessing of plutonium, or other radionuclides or mixtures thereof, capable of forming hot particles, or for use of such radionuclides, be held in abeyance until final resolution of the matters raised by the petitioner. As to projects already using or processing such radionuclides, the petitioner requests that no increase in the quantity of such radionuclides processed or used be approved until final resolution of the matters raised by the petition.

A copy of the petition for rule making is available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of the petition may be obtained by writing the Rules and Proceedings Branch at the below address.

All interested persons who desire to submit written comments or suggestions concerning the petition for rule making should send their comments to the Rules and Proceedings Branch, Office of Administration—Regulation, U.S. Atomic Energy Commission, Washington, D.C., on or before May 28, 1974.

Dated at Germantown, Md., this 25th day of March 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-7171 Filed 3-27-74;8:45 am]

RADIOISOTOPIC POWER GENERATORS AND CONTAINMENT PROPERTIES OF SEALED RADIOACTIVE SOURCES

Issuance and Availability of Regulatory Guides

The Atomic Energy Commission has issued two new guides, Regulatory Guide 6.3, "Design, Construction, and Use of Radioisotopic Power Generators for Certain Land and Sea Applications" and Regulatory Guide 6.4, "Classification of Containment Properties of Sealed Radioactive Sources Contained in Certain Devices to be Distributed for Use Under General License," in its Regulatory Guide series. This series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

Regulatory Guides 6.3 and 6.4 indicate acceptability, subject to conditions, of the use of International Atomic Energy Agency Safety Series No. 33 and American National Standards Institute Standard USASI N5.10-1968, respectively, in implementing certain parts of the Commission's regulations.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other Division 6 Regulatory Guides currently being developed include the following:

Quality Control Sampling Procedures for Exempted and Generally Licensed Items Containing Byproduct Material
General Safety Standard for Installations Using Non-Medical Sealed Gamma-Ray Sources
(5 U.S.C. 552(a))

Dated at Bethesda, Maryland this 20th day of March 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-7172 Filed 3-27-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Change of Meeting Agenda

MARCH 26, 1974.

The FEDERAL REGISTER notice, published at 39 FR 10644 (March 21, 1974), relating to the April 10, 1974 Meeting of the ACRS Subcommittee on Regulatory Guides, is revised to remove two of the agenda items scheduled for discussion during the open portion of the meeting and to include discussion of preliminary working papers relating to those items during the closed session with members of the Regulatory Staff.

The items scheduled for discussion in open portions of this Subcommittee meeting are Regulatory Staff drafts of the following proposed Regulatory Guides in Division 1 of the Regulatory Guide series.

(1) Proposed Revision 2 of Regulatory Guide 1.3, "Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss-of-Coolant Accident for Boiling Water Reactors", Draft 1.

(2) Proposed Revision 2 of Regulatory Guide 1.4, "Assumptions Used for Evaluating the Potential Radiological Consequences of a Loss-of-Coolant Accident for Pressurized aWter Reactors", Draft 1.

(3) Proposed Regulatory Guide 1.XX, "Preoperational Testing of Instrument Air Systems", Draft 1.

(4) Proposed Revision 1 of Regulatory Guide 1.21, "Measuring, Evaluating and Reporting Radioactivity in Solid Wastes and Releases of Radioactivity in Liquid and Gaseous Effluents from Light-Water Nuclear Power Plants", Draft 2.

(5) Proposed Regulatory Guide 1.XX, "Inservice Inspection of Steam Generator Tubes", Draft 2.

(6) Proposed Regulatory Guide 1.XX, "Collection, Storage and Maintenance of Nuclear Power Plant Quality Assurance Records", Draft 1.

(7) Proposed Regulatory Guide 1.XX, "Construction Criteria for Class I Components in Elevated Temperature Reactors", Draft 1.

(8) Proposed Revision 1 of Regulatory Guide 1.35, "Inservice Inspection of Ungrouted Tendons in Prestressed Concrete Containment Structures", Draft 1.

(9) Proposed Regulatory Guide 1.XX, "Code Case Acceptability—ASME Section III Design and Fabrication", Draft 1.

(10) Proposed Regulatory Guide 1.XX, "Code Case Acceptability—ASME Section III Materials", Draft 2.

(11) Proposed Regulatory Guide 1.XX, "Assumptions Used for Evaluating the Habitability of a Nuclear Power Plant Control Room During a Postulated Hazardous Chemical Release", Draft 3.

(12) Proposed Regulatory Guide 1.XX, "Protection Against Postulated Piping Failures in Fluid Systems Outside of Containment", Draft 2.

The Subcommittee and any of its consultants that may be required will meet in closed session with members of the Regulatory Staff for the purpose of discussing Regulatory Staff preliminary working papers concerning requirements for instrumentation to assess plant conditions during and following an accident; quality group classifications and standards for water-, steam-, and radioactive waste-containing components of nuclear power plants; and sumps for emergency core cooling and containment spray systems.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the above-noted closed session with the Regulatory Staff will involve discussion of Regulatory Staff working papers which fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and agency operation.

All other matters pertaining to this meeting remain unchanged.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-7371 Filed 3-27-74;10:53 am]

GENERAL SERVICES ADMINISTRATION

SPECIAL STUDY COMMITTEE ON THE SELECTION OF ARCHITECTS AND ENGINEERS

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of meetings of the GSA Special Study Committee on the Selection of Architects and Engineers, on April 4, 1974, at 9 a.m. and April 5, 1974, at 9 a.m. in room 2126, General Services Building, 18th and F Sts., NW., Washington, DC 20405.

The purpose of these meetings is for the Committee to receive and review reports of the various subcommittees and to discuss other matters brought up by members of the Study Committee.

These meetings will be open to the public. Interested persons wishing to attend should telephone 202-343-6306 by close of business Tuesday, April 2, 1974.

Dated: March 21, 1974.

ALLAN G. KAUPINEN,
Assistant Administrator.

[FR Doc.74-7163 Filed 3-27-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26527; Order 74-3-96]

FUEL-RELATED FARE INCREASES; VARIOUS CARRIERS

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22d day of March, 1974.

By recent tariff revisions, seven trunk and four local service carriers have proposed domestic passenger-fare increases of between four and six percent.[1] In justification, the carriers allege that the increases are both warranted and necessary in order to alleviate the severe revenue imbalance occurring as the direct result of rapidly escalating fuel price increases. They claim to have applied data used by the Board in authorizing the five percent domestic fare increase, effective December 1, 1973 (Order 73-11-93) as the starting point for all fare calculations, and to have modified these data to reflect the latest information available on the magnitude of actual fuel cost increases. In addition, the carriers contend that their justifications fully consider all cost-reduction benefits which flow from the mandatory fuel allocation program, e.g., capacity reduction, higher load factors, reduced labor expenses, etc., and that the proposed increases will not result in excessive earnings or windfall profits.

The carriers propose various publication methods in implementing the increases. Continental Air Lines, Inc. (Continental), Eastern Air Lines, Inc., (Eastern), and Western Air Lines, Inc. (Western) propose specific across-the-board increases in basic fares. United Air Lines, Inc. (United) and Allegheny Airlines, Inc. (Allegheny), on the other hand, propose "tariff supplements" to be used in conjunction with existing tariffs, which would be in the nature of a surcharge table but which would provide the user with the total adjusted fare. The remaining carriers propose to publish a series of surcharges which would require the ticketing agent to add a specified amount to the published fare in each instance.

Proponents of specific publication of point-to-point fares in single-sum amounts cite ticketing accuracy and speed as the primary benefit, while proponents of the surcharge method suggest that this vehicle is most responsive to identifiable fluctuations in fuel costs and will ultimately permit a more timely flow-through of such changes. United cites tariff simplification, low publication cost, and both speed and accuracy in ticketing as the salient features of its proposal.

The Board has concluded that none of the proposals are excessive. However, we will nevertheless suspend all the filings other than that of United for reasons subsequently discussed herein. Since the need for a fare increase in the range proposed has been adequately demonstrated, we also conclude that the public interest would not be served by requiring carriers to refile on the full 30 days' statutory notice. On the other hand, some measure of public notice should be provided. Accordingly, the Board will be receptive to requests for short notice to publish the proposed increases effective not earlier than April 16, 1974, on not less than 15 days' notice.

Complaints against the proposal have been filed by the General Services Administration (GSA), Mimi Cutler and the Aviation Consumer Action Project (ACAP), and the Honorable John E. Moss et al., Members of Congress (MOC) requesting suspension and investigation. GSA alleges, inter alia, that the carriers have failed to consider the financial and operational benefits resulting from curtailments in flight frequency, reduced fuel consumption, lower labor costs and other factors which have resulted from imposition of the mandatory fuel allocation program. GSA further contends that the test period ending June 30, 1973 upon which the carriers have predicated their proposals, represents a time frame which totally ignores the altered circumstances surrounding the energy shortage and the magnitude of its effect upon the industry's economic operations.

ACAP takes the position that the domestic carriers have already been permitted direct and indirect passenger-fare increases of approximately 19.4 percent over the past few years. ACAP also alleges that the financial and statistical data offered by Eastern in support of its proposal are deficient in both level and quantity, particularly in that the impact of cost savings brought about by capacity reductions, decreased manpower requirements, etc., are not adequately considered.

MOC's consolidated complaint goes essentially to the argument that present price sensitivity in air transportation may be something greater than the −0.7 coefficient of elasticity which the Board used in Phase 7 of the Domestic Passenger-Fare Investigation (DPFI), and upon which the carriers now rely. It is MOC's position that higher fares at the present time may depress revenues to the point that the unit-cost increases will exceed the increases in unit yield, and thereby further depress carriers' earnings. Accordingly, MOC believes that unless historical market demand or consumer survey data can be shown to support such a coefficient as being "just and reasonable," its use should be deferred.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, C.A.B. Nos. 142 and 202. The following trunkline carriers have filed fare revisions: American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and Western Air Lines, Inc. In addition, four local service carriers, Allegheny Airlines, Inc., Frontier Airlines, Inc., Hughes Air Corp., d/b/a Airwest, and Southern Airways, Inc., have also filed increased fare proposals.

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MOC further alleges that the instant fare-increase proposals may adversely impact on the movement of traffic, both domestic and international, industry employment, and U.S. demand for foreign fuel imports, as well as lead to a deterioration in the U.S. position vis-a-vis international balance of payments.

The carriers have answered the various allegations, requesting that the complaints be dismissed as substantially inaccurate and immaterial. To the complaint that they have based their respective proposed increases on "outdated historical data," the carriers contend that they have incorporated all of the Board's standards applied in Order 73–11–93, and have adjusted fuel-cost statistics to reflect the latest available figures. The carriers rebut GSA's argument that approval of the proposals will reduce investment risk, since the proposals will do nothing more than protect the carriers from uncontrollable cost increases.

The Board last dealt with the matter of the domestic general fare level and the carriers' revenue requirements in Order 73–11–93, November 20, 1973. There the Board reviewed the latest available financial and operating data, applied its ratemaking policies and adjustments, found that unit costs of operation had risen 4.74 percent, and concluded the five percent general fare increase proposed by the carriers was warranted to provide the carriers an opportunity to realize the 12 percent return on investment (ROI) required in the long term to attract capital and maintain necessary services. Those tariff filings by the carriers and their subsequent disposition by the Board took place very early in the then developing fuel crisis. The questions of both future fuel supply and price were highly problematical at the time, and the carriers' filings and the Board's action did not purport to give any tangible consideration to possible further developments in this regard.[3]

Material changes in the fuel situation have developed since last year. Airline fuel supplies have been significantly reduced, schedules have been cut, and in numerous cases personnel laid off and aircraft grounded. Load factors have risen as a consequence of reductions in capacity and moderate traffic growth, and approximated 55 percent in January and February of this year. On the other hand, not the least of the changes has been a precipitous rise in jet fuel price per gallon. Fuel which cost the domestic trunkline carriers an average of 11.65 cents per gallon in the year ended June, 1973, cost 17.14 cents in January and 18.39 cents in February, 1974. Based on data adjusted for the various ratemaking standards, this would increase annual fuel costs by about $270 million (January prices) or in excess of $300 million (February prices).

[3] The overall cost increase of 4.74 percent included a small increase (1.8 percent) related to the price of fuel. This is a far cry from the increases sustained subsequently, which range upwards of 50 percent.

It seems perfectly clear that cost increases of this magnitude cannot be absorbed by the carriers, and that there currently exists an urgent need to provide a reasonable basis for recovery of this higher cost from the users of air transportation. To defer reasonable fare increases pending investigation would be to forestall forever recovery of the much escalated fuel costs now being experienced, and to impact seriously on the carriers' earnings prospects for 1974. By the same token, the facts regarding fuel costs are clear and isolable and an investigation would add little.

ACAP and GSA argue that schedule cutbacks resulting from the fuel shortage will have a favorable impact on earnings which will offset fuel price increases. While we agree that schedule cutbacks should reduce costs and improve profitability, this nevertheless affords no present basis to preclude the carriers from raising fares to cover the precipitous increase in fuel cost they have experienced. The costs attributable to excess capacity—those costs the carriers are now saving—are to a great extent the very elements of cost the Board has disallowed for purposes of evaluating fare level by applying load-factor standards.[4] In reviewing the carriers' need for the December 1973 increase, we disallowed more than $500 million in operating expenses, almost as much investment from the rate base, and excluded 9.6 percent of the capacity actually operated. This capacity adjustment is commensurate with actual capacity reductions since the offset of cost and investment reductions stemming from the fuel shortage is well in excess of short-term savings actually possible. Thus, the DPFI adjustments, in effect, recognize and meet the complainants contentions.

In short, by cutting schedules and attendant costs, albeit under the present unprecedented constraints, the carriers are bringing their services into line with the standards which the Board applies for rate-making purposes. The short answer to contentions that the Board must now offset the cost savings inherent in these schedule and personnel reductions against higher fuel costs is that we have done so. Whether or not the carriers' actual profitability improves in the immediate months ahead because of service cutbacks is not, in our opinion, dispositive of the issue before us. While actual return may increase from its present substandard average level, the same result does not necessarily follow as to the return adjusted for the various rate-making standards and it is the latter we rely on for rate-making purposes. (This issue is discussed in our order on reconsideration of the December, 1973 fare increase. Order 74–3–43). The fact remains that the industry's earnings would be substantially below the level needed to achieve the 12 percent rate of return on investment found reasonable by the Board if it must absorb the fuel cost increases. By the same token, it is clear that the fare increases proposed herein would not produce excess earnings for the carriers.[5] We emphasize, however, that our decision to permit the carriers to pass through their fuel cost increases rests solely on the extraordinary and precipitous nature of the price escalation, a unique circumstance which is clearly beyond the control of carrier managements.

Turning to the remaining complaint, MOC again raises the question of elasticity as its major argument against a fare increase at this time. The Board recently dealt at considerable length with MOC's arguments (Order 74–3–43, March 8, 1974), and it would serve no useful purpose to repeat that discussion here. Despite reiterations that the −0.7 elasticity coefficient is in error, and that the Board must weigh the probative value of various consumer confidence surveys through the hearing process before permitting any fare increase, MOC has yet to establish error in the Board's decision on this long-term elasticity coefficient. Irrespective of the fact that we remain unpersuaded that there is an inherent correlation between consumer confidence studies, which monitor and register the sum total of all demand for consumer goods and services, and the price elasticity of demand for one product in the spectrum (air service), we believe it relevant to note that traffic in January and February of this year (based on preliminary data) has grown by 4.6 and 7.3 percent, respectively, despite the recency of a five percent fare increase.

MOC seems to be suggesting that, because a fare increase may temporarily depress revenues and allegedly may therefore adversely affect profits in the short run, the increase should not be permitted notwithstanding the carriers' need in the longer run. Such an approach is directly at odds with the basic rate-making scheme developed in the DPFI.

In view of all these considerations, the Board is unable to find a basis for denying carriers an opportunity to cover the known increases in the price of jet fuel not included in the December 1973 general five percent increase, net of the savings flowing from fuel conservation measures adopted by the carriers. However, because of the volatility of fuel prices, we believe it is necessary to provide a means for dealing promptly with the matter should it develop that the need for such increases is reduced or

[4] By contrast, in the mainland-San Juan market where the present fare level has not been predicated on *DPFI* type rate-making standards, the Board has required carriers to consider cost savings stemming from a reduced scale of operations (Order 74–2–83, February 20, 1974).

[5] In particular, there is no reason to believe, nor is there any allegation, that the carriers have achieved savings in costs apart from those involved in the capacity costs discussed supra and the fuel conservation costs which we have taken into account. In this regard we take notice of the upward trend in unit costs experienced by the carriers in recent years (Order 73–11–93, November 20, 1973) and the effect of rising costs in the general economy on goods and services used in the conduct of the carriers' operations.

eliminated. Accordingly, we will require any tariffs reflecting a fuel-related increase to bear an expiration date, as some already do. The October 31, 1974 date proposed by United will permit the Board to evaluate the fare level on the basis of data through the second quarter of 1974 and thus appears reasonable.

Our analysis, which is designed solely to offset fuel price escalation on a flow-through basis, indicates that none of the proposed fare increases are excessive. Our basic approach, as set forth in Appendix A, was to adjust data for the year ended September 30, 1973 to reflect the increase in fuel prices which has occurred through February, 1974. The approach netted the amount of the increase already recognized by the Board in permitting the December 1 fare increase, and made a further adjustment to reflect potential savings in fuel stemming from conservation efforts.[6] Specifically, we first determined the price increase of fuel per gallon (domestic system operations of all trunk carriers excluding Pan American) for the month of February, 1974, compared with the average price per gallon for the year ended June 30, 1973 (used in our consideration of the December 1 increase). Against this was netted an estimate of the fuel increase already recognized in the December 1973 fare increase, which was made by calculating the increased price per gallon of fuel from year ended June 1972 to June 1973, and a further adjustment to reflect a three percent potential savings in fuel as a result of various conservation measures.

As indicated, the various filings reflect three methods by which the increases would be published, i.e., surcharge, increase in the published fare, or tariff supplement. We continue to favor the publication of domestic fares in single-sum amounts, and have no intention of departing from this longstanding policy in the longer term. We certainly would not countenance a surcharge as a device for rapid, repeated fare escalations based alone on fuel or any other single cost factor in the longer term. However, in the present circumstances and as a temporary measure, we tend to favor a surcharge approach, which we believe is consistent with the flow-through concept.[6] Reliable hard data on the full impact of the fuel shortage and price escalation will not be available until summer. The fuel situation is extremely volatile, and applicable regulations have also been subject to frequent change. In this light, we believe it preferable that fuel-related fare increases be kept as an isolated element which can be treated separately from more basic rate-making considerations, rather than one which becomes embedded in the fare base. The Board favors United's tariff supplement approach, which has the advantages both of flexibility and ease of fare quotation by selling agents.[7]

Upon consideration of the tariff filings, the justifications, complaints, answers, and all relevant matters, the Board concludes that each of the proposals here under consideration, except that of United, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. We further conclude that the fares should be suspended pending investigation.[8]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That: 1. An investigation be instituted to determine whether the fares and provisions described in Appendix B attached hereto, including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix B hereto are suspended and their use deferred to and including June 21, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaints in Dockets 26363, 26367, 26392, 26405, 26455, 26456, 26461, 26496, 26497, 26498, 26503, and 26506 are hereby dismissed;

4. The investigation ordered herein be assigned before an Administrative Law Judge at a time and place hereafter to be designated;

5. The provisions of sections 221.50, 221.52, and 221.110 of the Board's Economic Regulations are hereby waived to the extent necessary to permit carriers to file supplements to implement domestic fare increases in the manner proposed by United Air Lines, Inc.; and

6. A copy of this order be filed with the aforesaid tariffs and be served on the domestic scheduled certificated air carriers, the General Services Administration, the Honorable John E. Moss et al., Members of Congress, and Mimi Cutler and the Aviation Consumer Action Project which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[6] Lower cruising speeds, one-engine taxiing, reduced climb speed, delayed engine starts, etc.

[7] Notwithstanding the desirability of the surcharge concept, the methodology initially proposed by Frontier and matched by Airwest and Southern may result in unreasonable fares. Frontier's surcharge table is set forth in $10.00 increments, which we consider too broad, because application of the surcharge amount results in increases considerably more (or less) than the average increase sought. By comparison, the surcharge table proposed by American is set up in increments of $2.00 which substantially minimizes variances from the intended overall fare increase.

[8] We will herein grant the waiver necessary to implement the tariff supplement approach.

[9] We are suspending the proposals of Airwest Frontier, and Southern because the use of a $10.00 increment in their surcharge table does not equitably spread the increases, as discussed above. All other proposals are being suspended due to the lack of an expiration date.

APPENDIX A

DOMESTIC TRUNK INDUSTRY; RETURN ON INVESTMENT; 48-STATE SCHEDULED PASSENGER SERVICE—DOMESTIC OPERATIONS

Adjusted to reflect:

(a) 55% Standard load factor with standard seating.

(b) Annualization of the 5.0% fare increase and 4.74% cost increase.

(c) Removal of youth, family, and Discover America discount fares, revenues and costs.

For the 12 months ended

[Dollars in thousands]

	Sept. 30, 1973	Sept. 30, 1973, adjusted for fuel increase of 51.28 percent [1]	Sept. 30, 1973, adjusted for fuel increase and 6.0 percent fare increase
RPM's (millions)	96,311.8	96,311.8	92,462.3
ASM's (millions)	175,109.4	175,109.4	168,110.5
Load factor (percent)	55.0	55.0	55.0
Yield (cents)	7.1448	7.1448	7.5735
Passenger revenue	$6,881,297	$6,881,297	$7,002,641
Operating revenue	7,009,826	7,009,826	7,131,170
Operating expense	6,182,573	6,474,114	6,312,800
Operating profit	887,253	535,712	818,370
Interest	155,908	155,908	151,447
Income before tax	721,345	379,804	667,423
Income tax at 48 percent	346,246	182,306	320,363
Net income	375,099	197,498	347,060
Return element	531,007	363,406	498,507
Investment	4,534,497	4,534,497	4,406,029
Return on investment (percent)	11.71	7.79	11.3

[1] Fuel cost per gallon, 12 months ended June 30, 1972, 11.446 cents. Fuel cost per gallon, 12 months ended June 30, 1973, 11.653 cents. Increase=1.81 percent.

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DOMESTIC TRUNKLINES EXCLUDING PAN AMERICAN COMPUTATION OF FUEL COST INCREASE

Fuel cost per gallon:

	Cents
12 months ended June 1973	11.653
Month of February 1974	16.385
	Percent
Increase	57.771
Less fuel cost increase covered by Dec. 1, 1973, fare increase [1]	1.810
Net increase per gallon	55.961
Assume a 3 percent fuel savings as a result of conservation measures [2]	4.679
Adjusted increase per gallon	51.282

[1] Fuel cost per gallon, 12 months ended June 30, 1972, 11.446 cents. Fuel cost per gallon, 12 months ended June 30, 1973, 11.653 cents. Increase = 1.81 percent.

[2] 0.03 × 1.55961 = 4.679 percent.

APPENDIX B

TARIFF C.A.B. NO. 142 ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

On 56th and 57th Revised Pages 16, Rule 39 applicable via SO only.

On 58th and 59th Revised Page 16, Rule 39.

On Original, 1st and 2nd Revised Pages 16–A, Rule 39.

On 1st and 2nd Revised Pages 16–B, Rule 39.

TARIFF C.A.B. NO. 202 ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

All increased fares on the following pages (except fares to/from Canada):

7th and 8th Revised Pages 213, 214, 215 and 216.
5th and 6th Revised Pages 217, 218, 219 and 220.
6th and 7th Revised Pages 221 and 222.
3rd and 4th Revised Pages 223, 224, 225 and 226.
6th and 7th Revised Pages 767 and 768.
4th and 5th Revised Pages 769, 770, 771 and 772.
5th and 6th Revised Pages 773 and 774.
4th and 5th Revised Pages 775 and 776.
3rd and 4th Revised Pages 777 and 778.
6th and 7th Revised Pages 779 and 780.
4th Revised Pages 645 and 646.
5th Revised Pages 647 and 648.
6th Revised Pages 649 and 650.
3rd Revised Pages 651, 652, 653, 654, 655, and 656.
5th Revised Pages 657 and 658.
6th Revised Pages 659, 660, 661 and 662.
5th Revised Pages 163, 164, 165 and 166.

Supplement No. 12 applicable to AL only.

TARIFF C.A.B. NO. 191 ISSUED BY BRANIFF AIRWAYS, INC.

On Original Page 23–A, Rule 86.

[FR Doc.74–7081 Filed 3–27–74;8:45 am]

[Docket No. 26502]

AIR PACIFIC LTD.

Postponement of Prehearing Conference and Hearing

Fiji-Majuro via Intermediate Points and Fiji-Pago Pago via Intermediate Points.

Counsel for the applicant has requested a postponement of the prehearing conference and hearing on the above-entitled application from March 26, 1974, to April 23, 1974. Accordingly, notice is hereby given that the prehearing conference and hearing now scheduled for March 26, 1974 (39 FR 10174, March 18, 1974), is hereby postponed to April 23, 1974, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

Since it is contemplated that hearing in this proceeding may be held immediately following conclusion of the prehearing conference, any person objecting to this procedure should notify the Judge and all parties on or before April 10, 1974. Interested persons should also notify the Judge and all parties on or before April 10, 1974, of points on which they differ with Bureau Counsel's statement of issues and request for evidence, dated March 13, 1974.

Dated at Washington, D.C., March 25, 1974.

[SEAL] ROSS I. NEWMANN,
Administrative Law Judge.

[FR Doc.74–7204 Filed 3–27–74;8:45 am]

[Dockets 26057, 26075; Order 74–2–84]

ALITALIA, ET AL.

Order Approving Agreement; Correction

Issued under delegated authority February 21, 1974.

Joint application of Alitalia, Pan American World Airways, Inc., and Trans World Airlines, Inc.

Ordering paragraph 1(b) of Order 74–2–84 should read as follows:

(b) Schedule deletions resulting pursuant to the agreement herein approved which occur at any of the controlled high-density airports [1] and which result in the vacating of slots allocated by the Airline Scheduling Committees of the respective airports pursuant to authority granted in Order 72–11–72, shall not be refilled by the carrier applicants, nor be reallocated to other carriers by the Airline Scheduling Committees: *Provided, however,* That slots originally vacated may be reinstated in the same agreement market by the vacating carrier to the extent such carrier vacates another flight (at the same airport) which operates plus or minus three hours of the flight to be reinstated; [2]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

MARCH 20, 1974.

[FR Doc.74–7205 Filed 3–27–74;8:45 am]

[Dockets Nos. 26113, 24365; Order 74–3–103]

ALLEGHENY AIRLINES, INC.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of March 1974.

Application of Allegheny Airlines, Inc. under section 401 of the Federal Aviation Act of 1958, as amended, for an amendment of its certificate of public convenience and necessity for Route 97 so as to delete Lima, Ohio from segments 9 and 11.

Application of Allegheny Airlines, Inc. for authority to suspend service temporarily at Lima, Ohio.

On November 16, 1973, Allegheny Airlines, Inc. filed an application for amendment of Order 73–1–65 so as to permit the continuation of its suspension of service at Lima without the commuter replacement service now operated by Apollo Aviation, Inc.[1] The carrier has requested that such revised suspension authority continue pending a final Board determination on its concurrently filed application in Docket 26113 for deletion of Lima from its certificate. On the same day, Allegheny filed a petition for an order to show cause why Lima should not be deleted from its certificate.

In support of its application for amendment of Order 73–1–65, Allegheny alleges, interalia, that commencing on March 1, 1973, Apollo offered the Lima community an excellent pattern of commuter service, with six round trips offered in the Lima-Columbus market and two round trips in the Lima-Toledo market; that traffic response has been very low, with a March–September average of only 1.7 passengers per departure; that Allegheny financial guarantee payments to Apollo during the first seven months have amounted to more than $82,000, reflecting an average of $11,700 per month to achieve a breakeven operation; [2] that Lima is not isolated, being located on Interstate 75 which affords expeditious access to the air services available at both Dayton and Toledo; [3] and that it would be wasteful of effort and resources for Allegheny to be required to resume service at Lima.

In support of its petition for an order to show cause, Allegheny states, inter alia, that because of the advance of very large sums of cash support (which would amount to an annual outlay of over $140,000), Allegheny and Apollo have been compelled to agree to an early termination of the Lima commuter service; [4]

[1] By Order 73–1–65, dated January 22, 1973, the Board authorized Allegheny to temporarily suspend service at Lima, Ohio, and approved Agreement C.A.B. 23016, which provided for an Allegheny Commuter replacement service by Apollo. The authority was made effective for a period of ten years.

[2] Allegheny indicates that including the preoperating advances ($30,000) and the unreimbursed costs it has incurred in providing reservation and ground handling support for Apollo ($12,133), the Lima Allegheny Commuter service has for the first seven months alone cost Allegheny nearly $125,000.

[3] Dayton is situated 76 road miles from Lima and Toledo is situated 79 road miles from Lima.

[4] Allegheny attached as an appendix to its application a letter in which Allegheny and Apollo agree to the termination of the Lima Allegheny Commuter service upon the deletion of Lima from Route 97 or a grant by the Board of a modification of Allegheny's suspension authority at Lima so as to continue such authority without Apollo's replacement service. In any event, the Allegheny-Apollo service agreement has terminated and Apollo's commuter replacement service ceased as of March 1, 1974.

that changes in scheduled trunk service between Toledo and Columbus, and a simultaneous decline in traffic in that market have resulted in less than the predicted level of enplanements upon which the substitution agreement and order was predicated; that if Allegheny were required to resume service at Lima, it would incur an operating loss of nearly $180,000 and a subsidy requirement of $194,116; and that the deletion of Lima from Allegheny's certificate is consistent with current policy and recent Board precedent.

The U.S. Postal Service, the City of Lima, and the Lima Area Chamber of Commerce filed answers in opposition to Allegheny's application and petition.[5] The Postal Service states that Lima generates an average of 700 pounds of airmail daily, which is presently transported by Apollo to Columbus; that bus schedules are not adapted to the daily timely transportation of airmail from Lima; and that ten months' experience with the replacement service is not a sufficient period on which to base grant of the relief Allegheny now seeks.

The Lima Parties contend that the cessation of scheduled air service will exert an adverse effect on the community's orderly economic development, and that for a matter of this magnitude and importance and in order to protect the rights of the citizens of the community a formal hearing procedure should be authorized.

Allegheny filed a reply to the answer of the Postal Service, stating that Apollo cannot afford to retain the one flight in which the Postal Service has expressed an interest (a late-evening departure which generated only seven-tenths of a passenger per departure) and that a total of eight flights of the ten Apollo operated during November between Lima and Columbus carried no mail at all including the four flights Apollo now operates.[6]

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Allegheny's request for modification of Order 73–1–65 and its petition for an order to show cause, and to set for hearing its application for deletion of Lima. In light of the objections of the civic parties and the Postal Service, and considering that this would be the first of the Allegheny Commuter replacement arrangements to be completely terminated at a city, we find that temporary suspension without a replacement carrier and deletion by show cause procedures would be inappropriate, and that the disputed facts and issues can best be resolved on the basis of an evidentiary record after hearing.[7]

Accordingly, it is ordered, That:

1. The application of Allegheny Airlines, Inc. in Docket 24365 for amendment of Order 73–1–65 so as to permit the continuation of its suspension of service at Lima without the commuter replacement service now operated by Apollo Aviation, Inc., be and it hereby is denied;

2. The petition of Allegheny Airlines, Inc. in Docket 26113 for an order to show cause, be and it hereby is denied;

3. The application of Allegheny Airlines, Inc. in Docket 26113 be and it hereby is set for hearing at a time and place to be hereafter designated; [8]

4. The motions of the City of Lima, the Lima Area Chamber of Commerce, and the U.S. Postal Service, for leave to file a late-filed answer, be and they hereby are granted; and

5. A copy of this order shall be served upon Allegheny Airlines, Inc.; Apollo Aviation, Inc.; Mayor, City of Lima; Chairman, Regional Airport Authority; Airport Manager, Allen County Airport; and the Postmaster General (attention: Assistant General Counsel of Transportation), U.S. Postal Service.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–7208 Filed 3–27–74;8:45 am]

[Docket No. 25667; Order 74–3–105]

HUGHES AIRWEST

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 25th day of March 1974.

Application of Hughes Airwest for deletion of Lake Tahoe, California.

By application filed on July 2, 1973, and a petition for an order to show cause filed on July 26, 1973, Hughes Airwest has requested amendment of its certificate of public convenience and necessity for route 76 so as to delete therefrom Lake Tahoe, California.

The City of South Lake Tahoe filed an answer stating that it does not oppose the application.

Upon consideration of the application and petition and all the relevant facts, we have decided to issue an order to show cause why the deletion should not be granted. In addition, we will authorize Airwest to suspend service temporarily at Lake Tahoe pendente lite. Accordingly, we tentatively find and conclude that the public convenience and necessity require the amendment of Airwest's certificate for route 76 so as to delete the point, Lake Tahoe, California.

In support of our ultimate conclusion, we make the following tentative findings and conclusions. Airwest's service at Lake Tahoe has been characterized by declining traffic, excessive costs and inability to compete effectively with Holiday Airlines, its major competitor at Lake Tahoe.[1] Since 1967, Airwest's enplanements at Lake Tahoe have declined from a high of 10,946 to a 1972 level of 2,519.[2] Over the past five years Holiday has captured from 88 to 94 percent of the total origin-destination traffic by virtue of its superior schedules and equipment.[3]

The deletion of Lake Tahoe will, according to our estimate for the year ended May 31, 1973, reduce Airwest's operating loss by $33,000 and its subsidy need by $48,000, or nearly $7.50 per passenger. This saving can be achieved without seriously inconveniencing the traveling public. In addition to Holiday, Ram Airways, a commuter carrier, provides multifrequency small-aircraft service to Las Vegas, Reno and Carson City, Nevada, as well as to San Francisco; and Air Nevada, another Part 298 carrier, holds exemption authority to operate Electra aircraft in many California-Lake Tahoe markets, directly and via Hawthorne, Nevada.[4] Finally, Lake Tahoe is 55 miles over four-lane limited-access highway from Reno, Nevada; surface transportation is provided by two bus

[5] The answers were accompanied by motions for leave to file late documents. Good cause having been shown, the motions will be granted.

[6] Effective January 7, 1974, Apollo reduced its service pattern at Lima to two daily round trips between Lima and Columbus, the minimum service permitted under the terms of its replacement contract and Order 73–1–65.

[7] Allegheny has filed a letter with the Board, pursuant to section 205.8 of the Board's Economic Regulations, indicating that the resumption of service at Lima, which was scheduled to begin March 1, 1974, will be involuntarily postponed for an indefinite period. The carrier states that the postponement is necessitated by the fact that the Allen County Airport serving Lima is not certificated as required by Part 139 of the Federal Aviation Regulations nor has a waiver of the provisions of that Part been granted by the FAA. In consequence, Allegheny is prohibited from conducting regularly scheduled, large aircraft operations at Lima's Allen County Airport, until such time as the airport is properly certificated by the FAA or until a waiver of the FAA provisions is obtained. Thus, as a practical matter, Lima may be without certificated air service until steps are taken to qualify the Allen County Airport under FAA regulations.

[8] The hearing shall determine whether the public convenience and necessity require that Allegheny's certificate be altered, amended, or modified so as to suspend or delete Lima. As an alternative to amending Allegheny's certificate, we shall place in issue whether the public interest requires the temporary suspension of service by the carrier, with or without conditions.

[1] Holiday, an intrastate carrier, provides multi-frequency service between Lake Tahoe and Burbank, Los Angeles, Oakland, San Diego, San Francisco and San Jose, California. OAG, January 15, 1973.

[2] There was no service in 1972 until April 17 because of a mechanics' strike.

[3] Holiday operates Lockheed Electra aircraft which are better suited to cope with the various operational limitations of the airport than are Airwest's F–27 aircraft.

[4] Order 74–1–134, January 25, 1974. It should be noted that the order also authorized Holiday to engage in interstate air transportation with large aircraft in certain Lake Tahoe markets. Such authority will enhance the utility of Holiday's services. Furthermore, in dismissing the Lake Tahoe Service Investigation in Order 74–1–134, we found that Lake Tahoe does not appear to be a suitable point for certificated service and we herein incorporate that finding by reference.

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lines and by limousine under contract to some of the Lake Tahoe resorts. In these circumstances, the Lake Tahoe area will not be isolated from the nation's transportation system in the absence of Airwest.[4]

We have also concluded that the public interest requires the temporary suspension of Airwest pending the effectiveness of the proposed certificate amendment.[5] As noted above, Airwest's service is uneconomical, alternatives are available and the community has interposed no objection to having the service discontinued. Moreover, we believe that the need to conserve valuable fuel resources warrants a suspension under standards recently applied, quite apart from the pending deletion application.[7] In view of all these factors, it would be contrary to the public interest to require the carrier to continue its minimum level of service while its unopposed application for deletion is being processed.

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Hughes Airwest's certificate of public convenience and necessity for route 76 so as to delete Lake Tahoe, California, therefrom;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 6 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [8]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedual steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. Hughes Airwest be and it hereby is authorized to suspend service temporarily at Lake Tahoe, California, on route 76 until 60 days after the effective date of the Board's final decision on the application to delete Lake Tahoe, Docket 25667;

6. The authority granted in paragraph 5 above may be amended or revoked at any time at the discretion of the Board without hearing; and

7. A copy of this order shall be served upon Hughes Airwest; Mayor, City of South Lake Tahoe; Governor, State of California; California Public Utilities Commission; Airport Manager, South Lake Tahoe Airport; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-7206 Filed 3-27-74;8:45 am]

[Dockets Nos. 26435, 26482; Order 74-3-100]

TRANS WORLD AIRLINES, INC.

Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 22nd day of March 1974.

Demand-Scheduling fares proposed by Trans World Airlines, Inc.

By tariff revisions [1] marked to become effective March 25, 1974, Trans World Airlines, Inc. (TWA) proposes to establish a revised version of its Demand-Scheduling fare, which was originally introduced in 1973.[2] The proposed fares would apply between Boston, New York, Philadelphia, Baltimore, and Washington, on the one hand, and Los Angeles and San Francisco, on the other, for travel commencing on and after July 8, 1974.

The proposed fares vary depending on whether travel commences on a weekend (Friday, Saturday, or Sunday) or a weekday, and during the peak or off-peak (October 1 through March 31) season. Discounts from regular coach fares range from 16 to 32 percent during the peak season, and 22 to 37 percent during the remainder of the year.

Reservations must be made at least 90 days in advance; a $20 nonrefundable deposit must be submitted within 15 days of reservation, with full payment due 45 days prior to commencing travel. At the time a reservation is accepted, TWA commits itself to carry the passenger on the specified date for which the booking is made. After the carrier receives full payment, the pasenger will receive a ticket indicating the flight number, departure and arrival times, and routing of the transportation.

As originally contemplated, the 1973 Demand-Scheduling experiment was to be a self-contained operation—separate from regular service and operated with aircraft isolated from the carrier's fleet. Under the instant proposal, Demand-Scheduling passengers will be carried on regularly scheduled flights. The number of weekly seats the carrier will sell in each market is based on the number of nonstop seats scheduled during February 1974 in that market. From this base, TWA will make available seven percent of the average weekly nonstop scheduled seats in a particular market during the peak season, and 12 percent during the off-peak season. As a further constraint, no more than 150 percent of average daily seat inventory would be available for Demand-Scheduling service on any particular day. TWA expects to carry 197,000 passengers at Demand-Scheduling fares during the year ending June 30, 1975, and to achieve a profit of $5.14 million. It also calculates that it will break even if the fares generate 65,100 passengers.

Certain member carriers of the National Air Carrier Association (NACA) have filed a complaint against TWA's proposal, requesting that it be suspended and investigated. NACA contends that as a result of the Board's Phase 5 decision, combined with the effects of the fuel shortage and the capacity reduction agreements, the array of below-cost discount fares which have long plagued the domestic scheduled airline industry are finally being phased out, and that until now it appeared that the domestic air transport system would at long last return to a sound, rational, nondiscriminatory, cost-based pricing policy. TWA's proposed fares would allegedly start the same cycle all over again, and the Board should therefore adhere to its determination in Phase 5 to prohibit discount fares which do not cover fully-allocated costs, except where such fares are needed on a short-term basis to deal with temporary periods of excess capacity or to promote traffic in "thinly-developed markets served at low load factors with a minimum service pattern." NACA estimates that if capacity costs are taken into account, the fares would produce a

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[4] We also tentatively find that the carrier is fit, willing and able properly to perform the transportation pursuant to the proposed amended certificate of public convenience and necessity and to conform to the provisions of the Act and the Board's rules, regulations and requirements thereunder.

[5] Airwest reinstated a single round trip at Lake Tahoe on February 15 after having suspended service in apparent violation of its certificate early in January. Our action herein does not render moot any past violations of the Act and neither prejudices any enforcement action which may be taken for such violations nor lessens the severity of any such offense.

[7] See, e.g., Orders 74-1-3 and 74-1-9, January 2, 1974.

[8] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff Nos. 202 and 142.

[2] American Airlines, Inc. (American) and United Air Lines, Inc. (United) have filed to match in those markets covered by the TWA proposal where they provide nonstop service. American also includes the San Diego market, while United includes Seattle.

net loss of $2.31 million, rather than TDA's projected profit of $5.14 million, even accepting the accuracy of TDA's rather optimistically assumed 50 percent generation/diversion ratio.

NACA asserts that substantial displacement of full-fare passengers is inevitable, notwithstanding TWA's contention that the limitation on the number of Demand-Scheduling seats to be sold and the carrier's ability to assign passengers to any available flight (including, if necessary, a flight with intermediate stops) will tend to prevent these passengers from replacing those paying full fares. This is allegedly so since there are no blackout days or periods, and Demand-Scheduling passengers would accordingly be able to travel even during periods of peak demand. It asserts that Demand-Scheduling passengers would be assigned to specific flights no later than 30 days prior to departure, whereas most full-fare passengers normally make their reservations closer to departure date.

In answer to NACA's complaint, TWA alleges that its Demand-Scheduling proposal meets the Board's Phase 5 tests in all respects; it contends that the Board rejected a policy of prohibiting non-cost-based promotional fares, since that "• • • would largely remove the element of competition from airline pricing, and thus inhibit some of the dynamism and innovation which has been characteristic of the industry;" that the Board stated that the two objectives of allowing the carriers flexibility in pricing techniques and at the same time preventing discount fares from over-burdening the general fare level are not irreconcilable, and concluded that they could be achieved by adopting the following standards: (1) all discount-fare proposals must be accompanied by a prima facie showing that the fares will have a favorable profit impact; (2) the proposed discount-fare tariff must be marked to expire no later than 18 months following its effective date; and (3) in determining revenue requirements for fare-level purposes, the impact of promotional fares will be eliminated. TWA alleges that its filing meets the first two standards and, since the impact of promotional fares will not be recognized in evaluating the revenue needs of the industry, utilization of the profit-impact test is fully warranted.

TWA disputes NACA's allegation that Demand-Scheduling will result in substantial displacement of full-fare passengers and contends that never before has a promotional fare been so specifically structured to avoid such a possibility. While there are no travel black-outs, NACA ignores the fact that well over 95 percent of the nonstop seats in the peak season in these markets will be blacked-out to Demand-Scheduling travel by the capacity limitations of the proposal, a far more effective and meaningful black-out than is possible with customary daily or periodic black-outs. Since there is a limit on the number of seats which can be sold in a given week, each carrier will find it counter-productive to make too many of those seats available on a day or days when it would otherwise anticipate peak demand at full fare; that the more seats carriers might choose to sell on a day of potentially peak demand, the fewer it will have to sell on the surrounding days in the same week; and that normal business judgment will thus lead each carrier to concentrate Demand-Scheduling availability on days other than those of highest demand.

Finally, TWA concedes NACA's allegation that most full-fare passengers make reservations less than 30 days prior to departure. However, it contends that it will have an indication of the trend in bookings and the prospective loads on different flights by the time it must firm up Demand-Scheduling travel, and will therefore have the capability of planning for the distribution of this traffic onto flights where the loads are likely to be lightest.

Delta Air Lines, Inc. (Delta) has filed a consolidated complaint against the Demand-Scheduling fares proposed by American and United. Delta's primary concern is that the proposed "uneconomic, yield-diluting fares cannot be limited to the transcontinental markets," and alleges that such fares are particularly inappropriate now during the current period of serious fuel shortage and the concomitant limitations imposed upon airline capacity. Delta further asserts that claims of prior success with Demand Scheduling must be considered in light of American's statement, in connection with its cancellation of the fares, that it experienced a significant amount of diversion, as evidenced by a substantial decline in load factor on regular scheduled flights.

In answer to Delta's complaint, the three transcontinental carriers assert, inter alia, that Delta's concern over the spread of Demand Scheduling to other markets is merely hypothetical, and opportunity to complain will be available should a Demand-Scheduling tariff be filed in a Delta market; and that the capacity ceilings built into the fare program make it clear that the fares will not create short-term pressure to increase capacity to accommodate lower-yield traffic generation. With respect to last year's experiment, American asserts that it was the cost of operating separate flights which made the experiment uneconomic, since it was not possible to make a corresponding reduction in scheduled flights and thereby cut costs. Instead, diverted passengers moved on the added flights which had the effect of doubling the flight cost for these passengers.

Upon consideration of the tariff filings, the complaints, and answers thereto, and all other relevant matters, the Board finds that the complaints do not set forth sufficient facts to warrant investigation of the filings and the requests therefor, and consequently the requests for suspension, will be denied and the complaints dismissed.

Delta and NACA argue that the instant proposal raises the spectre of a renewed emphasis on unwise and unneeded industry-wide discounts, and contend that the proposal is contrary to the principles set forth in Phase 5. We do not agree. The Board did not intend to stifle reasonable pricing innovation by its Phase 5 decision. The decision was, in fact, explicit to the contrary, although it does require that carriers approach discount-fare pricing in a more cautious manner than in the past, and that a proposed fare must not only be nondiscriminatory but, most important, must not burden the general fare level. The safeguards built into the fare here proposed should protect against such a result.

In our opinion, excellent response to the Demand-Scheduling program last year is evidence that a significant segment of the public is willing to tolerate considerable restriction on their travel in order to qualify for the reduced fare and, by the same token, is sufficiently price-conscious that they would most probably not otherwise travel by air. We believe TWA's generation estimate to be reasonable and, accordingly, its estimate of profit impact, particularly since several major discount fares which have been available for a number of years will be terminated after the first week in June.[3]

We distinguish between this program and the Florida midweek excursion fares proposed by United which were suspended by the Board (Order 73-12-76). There the Board was concerned with the possibility that the fares would create pressure for additional capacity or would displace regular-fare passengers during a period of schedule reductions necessitated by the fuel shortage. In the instant case, on the other hand, the Demand-Scheduling capacity is specifically pegged to a maximum percentage of February 1974 schedules, and cannot be changed without Board approval. Similarly, Delta's concern with the possible spread of Demand-Scheduling fares to other cities, which is at best premature, is likewise controllable by the Board, since any expansion would necessitate a tariff filing.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The complaints in Dockets 26435 and 26482 be and hereby are dismissed; and

2. Copies of this order be served upon American Airlines, Inc., Capitol International Airways, Inc., Delta Air Lines, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and World Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-7207 Filed 3-27-74; 8:45 am]

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[3] We will expect carriers offering Demand-Scheduling fares to file reports with the Board, the contents of which are set forth in Appendix A. Appendix A filed as part of the original document.

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CIVIL SERVICE COMMISSION

COMMITTEE ON PRIVATE VOLUNTARY AGENCY ELIGIBILITY

Notice of Closed Meeting

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that the Committee on Private Voluntary Agency Eligibility will hold a closed meeting on April 2, 1974. The meeting will be held in Room 5323, Civil Service Commission Building, 1900 E Street NW., Washington, D.C., beginning at 1:30 p.m. and ending at approximately 4:30 p.m.

The Committee's primary responsibility is to make recommendations to the Chairman of the Civil Service Commission regarding eligibility of national voluntary agencies to participate in the Federal fund-raising program. At this meeting the Committee will review applications for fund-raising privileges which have been submitted by voluntary organizations to the Commission in compliance with the Federal Fund-Raising Manual.

The meeting will be closed to the public under a determination to do so made under the provisions of section 10(d) of Pub. L. 92–463. Additional information concerning this meeting may be obtained by contacting the Office of the Chairman, U.S. Civil Service Commission, 1900 E Street, NW., Washington, D.C.

IRVING KATOR,
Assistant to the Chairman.

[FR Doc.74–7126 Filed 3–27–74;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notice of Committee Meetings

Pursuant to the provisions of section 10 of Pub. L. 92–463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, April 4, 1974
Thursday, April 18, 1974
Thursday, April 25, 1974

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92–392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of section 10(d) of Pub. L. 92–463.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street NW., Washington, D.C.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

MARCH 25, 1974.

[FR Doc.74–7124 Filed 3–27–74;8:45 am]

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

NOTICE OF MEETING

Notice is hereby given that the Commission on Revision of the Federal Court Appellate System will meet Tuesday, April 2, 1974, at 1:30 p.m., in Room 2247 of the Rayburn House Office Building.

The purpose of the meeting is to discuss, preliminarily, proposals for creation of a National Division of the United States Court of Appeals, methods of selection of a Chief Judge and other items relevant to the Commission's study of the "structure and internal procedures of the Federal courts of appeal system."

The meeting is open to all interested persons.

A. LEO LEVIN,
Executive Director.

[FR Doc.74–7166 Filed 3–27–74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

Entry or Withdrawal From Warehouse for Consumption

MARCH 25, 1974.

On April 2, 1973, there was published in the FEDERAL REGISTER (38 FR 8469) a letter dated March 27, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Thailand and exported to the United States during the twelve-month period beginning April 1, 1973. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 5 of the Bilateral Cotton Textile Agreement of March 16, 1972, between the Governments of the United States and Thailand, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent.

Accordingly, there is published below a letter of March 25, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 9/10, produced or manufactured in Thailand and exported to the United States during the twelve-month period which began on April 1, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury, Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On March 27, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning April 1, 1973 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in Thailand in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 5 of the Bilateral Cotton Textile Agreement of March 16, 1972 between the Governments of the United States and Thailand, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed, effective as soon as possible, to increase the level of restraint established for cotton textile products in Category 9/10 to 2,009,300 square yards[2] for the twelve-month period which began on April 1, 1973.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textiles and cotton textile products from Thailand have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74–7203 Filed 3–27–74;8:45 am]

IMPORTERS TEXTILE ADVISORY COMMITTEE

Notice of Meeting

MARCH 27, 1974.

The Importers' Textile Advisory Committee will meet at 10:30 a.m. on April 11, 1974, in Room 4833, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of March 16, 1972 between the Governments of the United States and Thailand which provide, in part, that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

[2] This level has not been adjusted to reflect any entries made on or after April 1, 1973.

The Committee, which is comprised of 19 members having expertise in the importation of textiles and apparel, advises Department officials of the effects on import markets of the cotton, wool and man-made fiber textile agreements.

The agenda for the meeting is as follows:

1. Review of Import Trends.
2. Implementation of Textile Agreements.
3. Report on Conditions in the Domestic Market.
4. Other Business.

A limited number of seats will be available to the public. The public will be permitted to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistants.

[FR Doc.74–7379 Filed 3–27–74;11:02 am]

MANAGEMENT-LABOR TEXTILE ADVISORY COMMITTEE

Change of Meeting Date

MARCH 27, 1974.

On March 25, 1974, there was published in the FEDERAL REGISTER (39 FR 11133) a notice announcing that a meeting of the Management-Labor Textile Advisory Committee would be held on April 3, 1974 at 2 p.m., in Room 4833, Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230. The purpose of this notice is to advise that the date of that meeting has been changed to April 10, 1974. The time and location of the meeting remain the same.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74–7378 Filed 3–27–74;11:02 am]

ENVIRONMENTAL PROTECTION AGENCY

[Docket No. 301]

CANCELLATION OF REGISTRATION OF 707–X KILLS-CONTROLS RATS-MICE 707 WARFARIN MOUSE & RAT KILLER

Objections and Request for Hearing

Notice is hereby given pursuant to § 164.8 of the EPA rules of practice (38 FR 19371; 40 CFR 164.8), issued under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973; 7 U.S.C. 136), that objections and a request for a public hearing has been filed under § 164.20 of those rules, by The 707 Company, in connection with notices of intent to cancel registrations of the above-named products (EPA Reg. Nos. 1193–17 and 1193–48). The notices were based on the failure to supply revised labelings and required efficacy data as to the products.

For information concerning the issues involved and other details, interested persons are referred to the docket of this proceeding on file with the Hearing Clerk, Environmental Protection Agency, Room 1019, Waterside Mall, East Tower 401 M Street SW., Washington, D.C. 20460.

FREDERICK W. DENNISTON,
Administrative Law Judge.

MARCH 21, 1974.

[FR Doc.74–7282 Filed 3–27–74;8:45 am]

[OPP–32000/29]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION; DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before May 28, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after May 28, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 554–RGN, Agsco Chemicals, Inc., P.O. Box 458, Grand Forks, North Dakota 58201. *Agsco 666 Herbicide.* Active Ingredients: 2,4-Dichlorophenoxy acetic acid, isooctyl ester 94.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11327–RR. Chemco Industries, 7501 Adamo Drive, Tampa, Florida 33619. *N.T.I.–300.* Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 3.000%; Related compounds 0.409%; Aromatic petroleum hydrocarbons 91.471%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8314–EE. Cincinnati Milacron Chemicals Inc., 500 Jersey Avenue, New Brunswick, New Jersey 08903. *Avacide LP–100.* Active Ingredients: Bis (Tri-n-butyltin) Oxide 10%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 33585–R. Crop King, P.O. Box 574, Yakima, Washington 98907. *Crop King Parathion 4–E.* Active Ingredients: Parathion (O, O-diethyl O-p-nitrophenyl thiophosphate) 46.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279–2676AA. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Furadan 4 Flowable Insecticide.* Active Ingredients: Carbofuran 40.64%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 12059–L. Jag Chemical Corporation, 1965 New Highway, Farmingdale, New York 11735. *Assassinate Residual Surface Spray with Pyrenone/Diazinon.* Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl Butoxide, Technical 0.261%; Petroleum Distillate 98.608%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12059–A. Jag Chemical Corporation, 1865 New Highway, Farmingdale, New York 11735. *Larvicon Fogger Insecticide.* Active Ingredients: Pyrethrins 0.050%; Piperonyl Butoxide, Technical 0.125%; Malathion 2.000%; Aromatic Petroleum Derivative Solvent 7.625%; Petroleum Distillate 90.200%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1021–RGRG. McCaughlin Gormley King Company, 8810 Tenth Avenue, North, Minneapolis, Minn. 55427. *Pyrocide Intermediate 7217.* Active Ingredients: Pyrethrins 1.95%; Piperonyl butoxide, technical 9.73%; Rotenone 0.09%; Other cube resins 0.19%; 2-(1-methylethoxy) phenol methylcarbamate 2.78%; Petroleum distillate 40.61%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11800–O. Midwest Agricultural Warehouse Company, 200 S. Main, Fremont, Nebraska 68025. *Clean Crop Maneb-Lindane Seed Protectant.* Active Ingredients: Maneb (Manganese ethylene bisdithiocarbamate) 50.00%; Lindane (Gamma Isomer of Benzene Hexachloride) 16.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3468–UG. Harold E. Schall Wholesale Chemical Co., 130 N. Broadway, Monte Vista, Colorado 81144. *Tozaphene-Lindane Stock Spray and Dip.* Active Ingredients: Gamma Isomer of Benzene Hexachloride (from Lindane) 1.9%; Toxaphene (Technical chlorinated camphene) 42.0%; Xylene range aromatic solvent 49.7%. Method of Support: Application proceeds under 2(c) of interim policy.

V 39 61 MAR 28 74 XUM

EPA File Symbol 33722–A. Tex-Ag Company, P.O. Box 633, Mission, Texas 78572. *Methyl Parathion 4Lb. Emulsifiable Concentrate.* Active Ingredients: O,O-dimethyl O-p-nitrophenyl phosphorothioate 45.42%; Xylene-range aromatic solvent 49.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33722–R. Tex-Ag Company, P.O. Box 633, Mission, Texas 78572. *Forty-Four Emulsifiable Concentrate.* Active Ingredients: Toxaphene 37.1%; O,O-dimethyl-O, p-nitrophenyl thiophosphate 37.1%; Xylene Range Aromatic Hydrocarbon Solvent 22.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10486–E. Trenor Laboratories, P.O. Box 586, Houston, Ms. 38851. *Trenor HG–9 Germicidal Detergent.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethly benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Sodium Carbonate 4.0%; Tetrasodium ethylenediamine tetraacetate 2.0%. Method of Support: Application proceeds under 2(b) of interim policy.

REPUBLISHED ITEMS

The following items represent corrections and/or changes in the list of Applications Received previously published in the Federal Register of March 18, 1974 (39 FR 10160).

EPA File Symbol 33734–R. J. R. Schneider Co., Inc., Post Office Box 878, Tiburon, California 94920. *Schneider Micor-Cide II.* Active Ingredients: 1-(3-chloroallyl)-3,5,7 - triaza-1 - azoniaadamantane chloride 67.5%. Correction: Originally published as 1-(3-chloroallyl)-3,5,7-triaza - 1 - azoniaadamantene chloride 67.5%.

EPA Reg. No. 984–57. Whitmoyer Laboratories, Inc., 19 North Railroad Street, Myerstown, Pennsylvania 17067. *Whitmoyer Laro.* Active Ingredients: Soap 10%; Isopropanol 10%; 4 & 6-chloro-2-phenylphenol 7%; O-phenylphenol 6%; tetrasodium ethylenediamine tetraacetate 1.5%; p-tertiary amyphenol 1.0% 35.5%. Correction: One line of Active Ingredients statement deleted at time of publication.

Dated: March 21, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74–7284 Filed 3–27–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 320]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

MARCH 12, 1974.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		570 kHz							
CKEK (now in operation)	Cranbrook, British Columbia, N. 49°-29'13", W. 115°43'12".	10D/1N	DA–1	U	III				
		570 kHz							
CKCQ (correction to coordinates).	Quesnel, British Columbia, N. 52°56'-40", W. 122°30'00".	1	DA–2	U	III				
		580 kHz							
CKY (correction to coordinates).	Winnipeg, Manitoba, N. 49°36'09", W. 97°00'00".	50	DA–2	U	III				
		630 kHz							
CJET (change in radiation patterns—PO 630 kHz, 10 kw, DA-2.)	Smiths Falls, Ontario, N. 44°50'31", W. 75°58'44".	10	DA–2	U	III				E.I.O. 3-12-75.
		730 kHz							
CKLG (increase in power—PO 730 kHz, 10 kw, DA-2).	Vancouver, British Columbia, N. 49°-07'57", W. 123°00'18".	50	DA–2	U	II				E.I.O. 3-12-75.
		900 kHz							
CKBI (change in day-time operation—PO 900 kHz, 10 kw, DA-2).	Prince Albert, Saskatchewan, N. 53°-06'13", W. 105°45'30".	10	DA–N	U	II				E.I.O. 3-12-75.
		1190 kHz							
(New)	Charlottetown, Prince Edward Island, N. 46°11'02", W. 63°09'03".	10	DA–N	U	II				E.I.O. 3-12-75.
		1220 kHz							
CJRB (now in operation)	Boissevain, Manitoba, N. 49°15'26", W. 100°03'24".	10	DA–2	U	II				
		1250 kHz							
CKMP (correction to coordinates).	Midland, Ontario, N. 44°43'35", W. 79°53'35".	1D/0.25N	ND–182	U	IV	150	120	320	
		1340 kHz							
CFLH (now in operation with increase in power).	Hearst, Ontario, N. 49°41'38", W. 83°38'48".	1D/0.25N	ND–180	U	IV	125	120	295	
		1510 kHz							
CKOT (increase in power and change of site—PO 1510 kHz, 1 kw, DA-D).	Tillsonburg, Ontario, N. 42°44'08", W. 80°39'19".	10	DA–D	D	II				E.I.O. 3-12-75.

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc.74–7063 Filed 3–27–74;8:45 am]

[Report No. 692]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

MARCH 18, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

21056–C2P–(9)–74, New York Telephone Company (KEA774). C.P. to replace transmitter, change antenna system and relocate facilities to operate on base facilities 152.51, 152.57, 152.63, 152.69, 152.75, 152.81, 35.42, and 35.66 MHz and auxiliary test facilities 43.42 and 43.66 MHz to be located at One Marine Midland Center, Buffalo, New York.

21057—C2–P–74, Frank L. Yates, Jr., d/b as Gulf Mobilphone (New). C.P. for a new 2-way station to operate on 454.025 MHz to be located 3.6 miles Northeast of Picayune, Mississippi.

21059–C2–P–(3)–74, Communications Industries, Inc., d/b as Mobilfone (KKG565). C.P. for additional facilities to operate on 454.125, 454.225, and 454.300 MHz at Loc. #1: 2 miles SW of Midland, Texas, on US Highway 80, Midland, Texas.

21060–C2–P–74, Continental Telephone Company of California (KFL908). C.P. to change antenna system operating on 152.60 MHz and add facilities to operate on 152.72 MHz located at Junction of Nevada State Route #18 and Hwy. #50, Stateline, Nevada.

21061–C2–P–74, Tel-Page Corporation (KEC518). C.P. to add antenna Location #2 to operate on 43.58 MHz to be located 0.25 mile SW of Junction of Parish and McCarthy Road, Ionia, New York.

21062–C2–P–74, Kearsarge Telephone Company (New). C.P. for a new 1-way signaling station to operate on 158.10 MHz to be located at Main Street, New London, New Hampshire.

21063–C2–P–74, Kearsarge Telephone Company (New). C.P. for a new 2-way station to operate on 152.57 MHz to be located at Main Street, New London, New Hampshire.

21064–C2–P–74, E. B. Brownell d/b as Worland Services (KOP254). C.P. to change antenna location and control point location at Loc. #3 operating on 158.55 to be located at 337 North 6th Street, Thermopolis, Wyoming, new Loc. #3.

21065–C2–TC–74, Sigma Communications Corporation. Consent to Transfer of Control from Sandra Ottenstein, Transferor to Harvey Ottenstein, Transferee. Station: KCC484, Farmington, Connecticut.

21067–C2–P–(3)–74, Southeast Mobilphone, Inc. (KCI306). C.P. for additional facilities to operate on 454.025, 454.050, and 454.200 MHz at Loc. #3: WBIR TV Tower, Knoxville, Tennessee.

21068–C2–P–(4)–74, Fresno Mobile Radio, Inc. (KMA830). C.P. to replace transmitter operating on 2172 and 2178.4 MHz at Loc. #3: 160 North Broadway, Fresno, California; and replace transmitter operating on 2128.4 MHz at Loc. #1: 30 miles NE of Fresno at Adler Springs, California, and 2122 MHz at Loc. #2: On Joaquin Ridge, Nr. Coalinga, California.

21069–C2–P–74, New England Telephone and Telegraph Company (KCC473). C.P. to replace transmitter operating on 152.57 MHz located on Brownell Mtn., 5.9 miles SSE of Burlington, Vermont.

21070–C2–P–(3)–74, Delta Valley Radiotelephone Co., Inc. (KMA743). C.P. to replace transmitter and change antenna system operating on 454.325 MHz at Loc. #4: 7.5 miles NE of Danville, atop North Peak of Mt. Diablo, nr. Danville, California; replace transmitter and change antenna system operating on 152.21 MHz at Loc. #1: 3502 Kroy Way, Sacramento, California; and change antenna system operating on 152.21 MHz at Loc. #2: 1800 ft W. of California Hwy. 49, 3.5 miles S. of El Dorado, California.

21071–C2–P–74, RCC of Virginia, Inc. (New). C.P. for a new 2-way station to operate on 152.18 MHz to be located nr NW intersection of Va. 190 and Centerville Turnpike, Virginia Beach, Virginia.

Major Amendments

7056–C2–P–73, Radio Phone Communications, Inc. (New), Shoulders Hill, Virginia. Delete 152.18 MHz base frequency and add 454.250 and 454.300 MHz base frequencies. All other particulars to remain as reported on PN #642 dated April 2, 1973.

20488–C2–P–(4)–74, Exavier W. Nady d/b as Mobilephone-Yuma. Amend base frequency 152.18 MHz to read 152.21 MHz. All other particulars are to remain the same as reported on PN #673, dated November 5, 1973.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reason of economic competition or potential electrical interference.

Tel Page Corp. Horseheads, New York (KRH-636), File No. 8437–C2–P–73.

Williamsport Mobile Telephone Co., Williamsport, Pa. (New), File No. 20029–C2–P–(2)–73.

Correction

8561–C2–P–73, Morris Communications, Inc. (KFL904). Correct PN #651 dated June 4, 1973, to read: C.P. to change antenna system, location and power operating on 152.18 MHz and add additional facilities to operate on 152.12 MHz at 211 Clinckscales Street, Anderson, South Carolina.

Renewal of Licenses expiring April 1, 1974.
Term: April 1, 1974, to April 1, 1979.

Licensee	*Call sign*
ALABAMA	
Gulf Mobilphone	KQZ778
ALASKA	
Communications Engineering, Inc.	KWA634
ARIZONA	
Albert E. Armour, Jr	KOF912
ARKANSAS	
Mobilfone Communications	KFL870
Do	KFL890
Do	KFL893
Do	KFL899
Do	KFL903
Do	KKX720
Do	KLB500
Do	KLF633
Do	KLF634
Do	KQZ752
Mobilfone Service, Inc	KLF614
Do	KFL927
CALIFORNIA	
American Mobile Radio, Inc	KMA249
Chalfont Communications	KLF520
Do	KMA251
Do	KMD996
Do	KMM581
Do	KMM652
Communications, Inc	KAA280
Industrial Communications Systems, Inc.	KMD990
Intrastate Radio Telephone, Inc., of Los Angeles.	KSV977
Kern Radio Dispatch	KMD993
Mobile Radio System of San Jose, Inc.	KMA741
Mobile Radio System of Ventura, Inc.	KMA835
Mobile Radio System of San Jose, Inc.	KQZ715
Mobile Radio System of Ventura, Inc.	KSV976
Ukiah Autofone	KMM657
COLORADO	
Empire Dispatch	KAA279
Mobile Radio Communication Service.	KFL917
Mobilephone, Inc	KFL930
Pagrphone, Inc	KTS255
CONNECTICUT	
Connecticut Mobile Telephone Co.	KCA514
Do	KCA746
Do	KCC479
Do	KCC803
Do	KCI306
Do	KLF626
Do	KQZ747

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's, rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

V 39 61 MAR 28 74 XUM

FLORIDA

Licensee	Call sign
Florida Radio Phone	KIA958
Do	KIG845
Spencer Communications Service.	KIY446
Do	KIY748
Do	KTS263

GEORGIA

Airvoice, Inc	KUC899
Autofone, Inc	KUO373
Harold's Radio Service	KSD321
James L. Hope	KIB531
James G. Prestwood, Jr	KIG844
Raco, Inc	KQZ787

ILLINOIS

Credit Bureau of Decatur, Inc	KRM965
Do	KSJ770
Do	KSJ623

INDIANA

Delaware Telephone Answering Service, Inc.	KJU800

IOWA

Curtain Call Communications, Inc.	KTS233
Do	KTS236

KANSAS

Mobilfone of Kansas	KAQ624
Do	KAQ625
Do	KFL933
Do	KLF655
Do	KRS686
Do	KSV907
Do	KTS272
Do	KTS278

LOUISIANA

LaVergne's Telephone Answering Service.	KLF657
Do	KLF865
New Orleans Mobilfone	KKA400
Do	KLB759
Do	KLF617
Radiofone	KKO340
Do	KLB571
Do	KLF616
Do	KRS632
Do	KSV873
Do	KSV974
Selective Radio Paging, Inc	KKT407
Southern Message Service, Inc	KKO360
Do	KKQ962
Do	KLB494
Do	KLB681
Do	KLB756
Do	KLF528
Do	KLB319
Do	KUC878

MAINE

New Dawn Communications, Inc.	KCB892
Summit Mobile Radio Co	KCI304

MARYLAND

Modern Communications Corp	KGC402

MASSACHUSETTS

North Shore Communications, Inc.	KSV956
Do	KCC483
Peabody Telephone Answering Service.	KCC786
Worcester Communications Co	KCA721

MICHIGAN

John W. Bennett	KOP326
Do	KQK772
Do	KRS671

MINNESOTA

Minnesota Mobile Telephone Co.	KRS637
St. Cloud & Loop Answering Service.	KLF580

MISSISSIPPI

Licensee	Call sign
Edwin A. Boyce	KQZ728
AAA Anserphone, Inc.—Jackson.	KUO627
Delta Communications, Inc	KUC858

MISSOURI

Midwest Mobile Radio Service, Inc.	KRS649

NEVADA

Sierra Communications, Inc	KRH673

NEW JERSEY

Radiofone Corp. of New Jersey	KUO615
Tra-Mar Communications, Inc	KEJ886

NEW YORK

Byrnes Message Bureau, Inc	KEJ884
Relay Communications Corp	KLF579
Tel-Rad Message Center	KEC520
Westchester Mobilfone System, Inc.	KEA274

NEW MEXICO

Associated Telephone Answering Services.	KKI452
Do	KKX716
Jim Mayfield	KLB710
Associated Telephone Answering Services.	KQZ775
Western Mobilphone, Inc	KTS262
Do	KKM582

NORTH DAKOTA

Grand Forks Telephone Answering Service.	KDN400

NORTH CAROLINA

Anserphone	KIG841
Anserphone of Durham	KIY758
Do	KRH657
Anserphone of High Point	KFL931
Do	KRH658
Anserphone	KRH661
Raleigh Radio Paging Service, Inc.	KIY409
Ra-Tel Co	KIY777
Telephone Answering Service of Fayetteville, Inc	KIY778
Two-Way Radio of Carolina, Inc.	KIY754
Do	KIY755
Do	KUA277
Do	KIY441
Do	KLF612

OHIO

Buckeye Communications Co	KJU813
Do	KLF500
Do	KLF570
Do	KLF572
E & J Mobile Radio Service	KFJ887
Do	KRH651

OKLAHOMA

Mobilfone Service, Inc	KFQ944
Do	KKA341
Do	KKA401
Do	KKA402
Do	KKA403
Do	KKJ452
Do	KKN287
Do	KKO347
Do	KLB511
Do	KLB779
Do	KLB785
Do	KLB786
Do	KLF558
Do	KRH632
Do	KRH649
Do	KRS660
Do	KWA664

OREGON

Curry County Communications	KOK349
Do	KOP249
Do	KTS241

PENNSYLVANIA

Licensee	Call sign
Message Center	KGC588
Pennsylvania Radio Telephone Corp.	KGA808

SOUTH CAROLINA

Morris Communications, Inc	KFL880
Do	KFL904
Do	KIY731
Do	KLF505
Do	KSV933
Do	KUO629
James G. Prestwood, Jr	KIE960
Do	KQZ721

TENNESSEE

Nashville Mobilphone, Inc	KFL864
Do	KIY750
Do	KLF651
Do	KLF651

TEXAS

Am-Tex Dispatch Service	KTS259
E. H. Cannon	KRH671
Albert W. Dale	KLF470
Do	KLF509
Do	KLF599
Contact of Texas	KKD284
Do	KRS639
FWS Radio, Inc	KUO600
Robert E. Franklin	KKE965
Mobilfone Service, Inc	KKJ459
Do	KKM254
Do	KQZ771
Do	KQZ792
Page-A-Fone Corp	KUO597
Perrytex Communications	KLB320
Public Communications, Inc	KLB761

UTAH

Mobile Radio Telephone Service, Inc.	KRS691
Do	KRS692
Do	KRS693

VIRGINIA

Advanced Radio Communications Co.	KLF495
Do	KQZ755

WISCONSIN

Curtain Call Communications, Inc.	KUC868

Supplement

KENTUCKY

J. B. Wathen, Jr	KSC870

RURAL RADIO SERVICE

60232–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new inter-office station to operate on 454.375 MHz to be located at remote repeater site near Wiseman Village on Alyeska Pipeline route; 164 miles NW of Fairbanks, Coldfoot, Alaska.

60233–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new inter-office station to operate on 459.375 MHz to be located at Alyeska Pipeline construction site near Hill 2246; 155 miles NW of Fairbanks, Prospect Camp, Alaska.

60234–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new inter-office station to operate on 454.650 and 454.400 MHz to be located at remote repeater site near Hill 3911 on Alyeska Pipeline route; 128 miles NW of Fairbanks, Hamlin, Alaska.

60235–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new inter-office station to operate on 459.400 MHz to be located at Alyeska pipeline construction site near Hill 3154; 92 miles NW of Fairbanks, Five Mile Camp, Alaska.

60236–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new inter-office station to operate on 459.650 MHz to be located at Alyeska Pipeline construction site near Hill 3911; 118 miles NW of Fairbanks, Oldman Camp, Alaska.

60237–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new inter-office station to operate on 454.575 MHz to be located at remote repeater site at Hill 2758 on the Alyeska pipeline route; 60 miles NW of Fairbanks, West, Alaska.

60238–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new inter-office station to operate on 459.575 MHz to be located at Alyeska pipeline construction site near Livengood Village; 47 miles NW of Fairbanks, Livengood Camp, Alaska.

60239–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new inter-office station to operate on 454.375 MHz to be located at 200 Gaffney Rd., Fairbanks, Alaska.

60240–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new inter-office station to operate on 459.650 MHz to be located at Alyeska pipeline construction site near Eielson AFB; 38 miles SE of Fairbanks, Pump Stn #8, Alaska.

60241–C6–P–74, RCA Alaska Communications, Inc. (New). C.P. for a new inter-office station to operate on 459.375 MHz to be located at Alyeska pipeline construction site; 10 miles east of Fairbanks, Fairbanks Camp, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE

3410–C1–P–74, Southern Bell Telephone & Telegraph Co. (KJA89), 208 N. Caldwell Street, Charlotte, North Carolina. Lat. 34°–13'28'' N., Long. 80°50'15'' W. C.P. to add freq. 6034.2V MHz towards Anderson Mtn., N.C., on azimuth 328°49'.

3411–C1–P–74, Same (KJA86), Anderson Mountain, 6.5 Miles ESE of Maiden, N.C., Lat. 35°33'57'' N., Long. 81°05'26'' W. C.P. to add freq. 4050H MHz towards Cajah Mtn., N.C., on azimuth 305°47'; freq. 6256.5V MHz towards Charlotte, N.C., on azimuth 148°40'.

3412–C1–P–74, Same (KJA91), Cajah Mountain, 5 miles South of Lenoir, N.C., Lat. 35°49'38'' N., Long. 81°32'14'' W. C.P. to add freq. 4090H MHz towards Anderson Mtn., N.C., on azimuth 125°41'; freq. 4090V MHz towards Marion, N.C., on azimuth 250°59'.

3413–C1–P–74, Same (KJA92), End of Milford Avenue, Marion, North Carolina. Lat. 35°41'18'' N., Long. 82°01'39'' W. C.P. to add freq. 4050H MHz towards Black Mtn., N.C., on azimuth 245°39'; chg. polarization from Vertical to Horizontal on freq. 3730, 3810, 3890, and 3970 and from Horizontal to Vertical on freq. 3750, 3830, 3910, and 4070 MHz towards Black Mtn., N.E.; add freq. 4050V MHz towards Cajah Mtn., N.C., on azimuth 70°42'.

3414–C1–P–74, Same (KJA93), 2 Miles Southeast of Black Mountain, North Carolina. Lat. 35°35'26'' N., Long. 82°17'28'' W. C.P. to add freq. 4090H MHz towards Marion, N.C., on azimuth 65°29'; chg. polarization from Vertical to Horizontal on freq. 3770, 3850, 3930, and 4010 MHz and from Horizontal to Vertical on freq. 3710, 3790, 3870, and 4030 MHz; add freq. 4050V MHz towards Mt. Olive Church, North Carolina, on azimuth 279°03'.

3415–C1–P–74, Same (KJA95), 24 O'Henry Avenue, Asheville, North Carolina. Lat. 35°-35'45'' N., Long. 82°33'29'' W. C.P. to add freq. 4050H MHz towards Mt. Olive Church, N.C., on azimuth 56°06'; chg. polarization from Vertical to Horizontal on freq. 3730, 3810, 3890, and 3970 MHz and from Horizontal to Vertical on freq. 3710, 3790, 3870, and 4030 MHz. towards Mt. Olive Church, N.C.; add freq. 3890V MHz towards Camp Creek Bald, Tennessee, on azimuth 343°51'.

3416–C1–P–74, Same (KJA94), Mt. Olive Church, 3 miles Northeast of Asheville, North Carolina. Lat. 35°37'10'' N., Long. 82°30'54'' W. C.P. to add freq. 4090H MHz towards Asheville, N.C., on azimuth 236°-08'; chg. polarization from Vertical to Horizontal on freq. 3770, 3850, 3930, and 4010 MHz and from Horizontal to Vertical on freq. 3750, 3830, 3910, and 4070 MHz towards Asheville, North Carolina; add freq. 4090V MHz towards Black Mtn., North Carolina on azimuth 98°55'.

3417–C1–P–74, Northwestern Bell Telephone Company (New), 3.4 miles NNE of Lonsdale, Minn. Lat. 44°31'43'' N., Long. 93°-24'25'' W. C.P. for a new station on freq. 3930V MHz towards Minneapolis, Minn., on azimuth 12°32'; freq. 3930H MHz towards Medford, Minn., on azimuth 165°41'.

3418–C1–P–74, Same (KAS70), 224 South 5th Street, Minneapolis, Minn. Lat. 44°58'39'' N., Long. 93°15'59'' W. C.P. to add freq. 3890V MHz towards Lonsdale, Minn. on azimuth 192°38'; and correct geographical coordinates to read as above.

3419–C1–P–74, Same (New), 1.5 miles WSW of Medford, Minnesota. Lat. 44°10'03'' N., Long. 93°16'44'' W. C.P. for a new station on freq. 3890H MHz towards Lonsdale, Minnesota, on azimuth 345°46'; freq. 3890H MHz towards Owatonna, Minnesota, on azimuth 155°51';

3420–C1–P–74, Same (KYS97), 216 South Cedar, Owatonna, Minnesota. Lat. 44°04'-59'' N., Long. 93°13'35'' W. C.P. to add freq. 3930H MHz towards a new point of communication at Medford, Minnesota, on azimuth 335°54'.

3442–C1–P–74, West Texas Microwave Company (KLU88), Brakeen Ranch, Texas. Lat. 32°46'43'' N., Long. 98°29'10'' W. C.P. to change freqs. 6286.2V and 6315.9H to 6286.2H and 6315.9V MHz, respectively, towards Breckenridge, Texas, on azimuth 267°06', and (via power split) towards Graham, Texas, on azimuth 344°23'.

3443–C1–P–74, Same (KLU89), Breckenridge, Texas. Lat. 32°45'33'' N., Long. 98°55'43'' W. C.P. to change freq. 6063.8H and 6034.2V to 6063.8V and 6034.2H MHz via power split towards the following points of communication; Cisco, Texas, on azimuth 183°49'; Davis Ranch, Texas, on azimuth 262°43'; and Albany (intercept), Texas, on azimuth 262°43'.

3444–C1–P–74, Same (KLU91), Davis Ranch, Texas. Lat. 32°42'17'' N., Long. 99°25'26'' W. C.P. to change freq. 6315.9V to 6315.9H MHz towards Clyde, Texas, on azimuth 185°45'; and to change freqs. 6315.9H and 6286.2V to 6315.9V and 6286.2H MHz toward Estes Ranch, Texas, on azimuth 236°02'.

3448–C1–P–74, Continental Telephone Company of Utah (New), Hall's Crossing Post Office, Halls Crossing, Utah. Lat. 37°28'19'' N., Long. 110°42'43'' W. C.P. for a new station on freq. 2179.0V MHz towards Escalante (WOE34), Utah, on azimuth 05°32'.

3449–C1–P–74, Same (WOE34), Bullfrog Basin, 51 Miles SE of Escalante, Utah. Lat. 37°32'34'' N., Long. 110°42'12'' W. C.P. to add freq. 2129.0V MHz towards a new point of communication at Halls Crossing, Utah, on azimuth 185°32' and correct coordinates and ground elevation of antenna site to read as above.

3434–C1–P–74, Eastern Microwave, Inc. (KYZ75), High Knob, 1.5 Miles West of Peck's Pond, Pennsylvania. Lat. 41°18'00'' N., Long. 75°07'31'' W. C.P. to add freq. 5960.0V and 6019.3V MHz (Via Power Split) towards Ransom (#2), Pennsylvania, on azimuth 286°50'.

3435–C1–P–74, Same (New), Ransom (#2), Pennsylvania. Lat. 41°26'08'' N., Long. 75°43'39'' W. C.P. for a new station on freqs. 11385V and 11625V MHz towards Swoyersville, Pennsylvania, on azimuth 217°39'.

3445–C1–MP–74, United Video, Inc. (WPX22), 2.5 Miles East of Gridley, Illinois. Lat. 40°45'12'' N., Long. 88°49'57'' W. Modification of C.P. to change point of communication at Bloomington, Illinois, resulting in change of azimuth to 211°17'.

3436–C1–P–74, Midwestern Relay Company (WOF70), 2.2 Miles NE of Rochester, Minnesota. Lat. 44°02'46'' N., Long. 92°23'57'' W. C.P. to add freq. 6345.5H MHz towards Dexter (WOF71), Minn., on azimuth 211°52'.

3437–C1–P–74, Same (WOF71), 1.1 Mile SSE of Dexter, Minn. Lat. 43°42'33'' N., Long. 92°41'15'' W. C.P. to add freq. 6093.5H MHz towards Elma (WOF72), Iowa on azimuth 169°04'.

3438–C1–P–74, Same (WOF72), 6.1 Miles West of Elma, Iowa. Lat. 43°14'35'' N., Long. 92°33'50'' W. C.P. to add freq. 6345.5H MHz towards Bremer (WIF73), Iowa, on azimuth 163°54'.

3439–C1–P–74, Same (WOF73), 0.8 Miles East of Bremer, Iowa. Lat. 42°46'15'' N., Long. 92°22'42'' W. C.P. to add freq. 6123.1V (via power split) and 5945.2V MHz towards a new point of communication at Traer, Iowa, on azimuth 196°56'. (NOTE.—A waiver of Section 21.701(l) is requested by Midwestern.)

3446–C1–P–74, Eastern Microwave, Inc. (KEL89), Roger's Knob, 8 Miles NE of Sidney, New York. Lat. 42°23'27'' N., Long. 75°19'42'' W. C.P. to add freq. 6360.3H MHz towards Oneonta, New York, on azimuth 72°13'.

3447–C1–P–74, Same (KEL89), Same location as above. C.P. to add freq. 6360.3H MHz towards Norwich, New York, on azimuth 313°38'.

3440–C1–P–74, West Texas Microwave Company (KLU66), Aledo, Texas. Lat. 32°41'38'' N., Long. 97°40'29'' W. C.P. to change freq. 6315.9H to 6315.9V MHz towards Mineral Wells, Texas, on azimuth 288°33'.

3441–C1–P–74, Same (KLU87) Mineral Wells, Texas. Lat. 32°48'53'' N., Long. 98°06'13'' W. C.P. to change freq. 6063.8V to 6063.8H MHz towards Brackeen Ranch, Texas, on azimuth 263°44'.

3423–C1–P–74, RCA Alaska Communications, Inc. (New), Coldfoot. Remote repeater site near Wiseman Village on Alyeska Pipeline Route; 184 miles N.W. of Fairbanks, Alaska. Lat. 67°16'42'' N., Long. 150°15'56'' W. C.P. for a new station on freq. 2117.2H MHz towards Hamlin, Alaska, on azimuth 190° 16'; freq. 2112.0V MHz towards Table Mountain, Alaska on azimuth 18°43'; freq. 2122.-0H MHz towards Coldfoot Camp, Alaska on azimuth 125°17'.

3424–C1–P–74, Same (New), Coldfoot Camp. Remote repeater site near Wiseman Village on Alyeska Pipeline Route; 180 miles NW of Fairbanks, Alaska. Lat. 67°15'25'' N., Long. 150°11'15'' W. C.P. for a new station on freq. 2172.0H MHz towards Coldfoot, Alaska on azimuth 305°21'.

3425–C1–P–74, Same (New), Hamlin. Remote repeater site near Hill 3911 on Alyeska Pipeline route; 128 miles NW of Fairbanks, Alaska. Lat. 66°08'33'' N., Long 150°46'24'' W. C.P. for a new station on freq. 2174.8V MHz towards West, Alaska on azimuth 133°34'; freq. 2167.2 MHz towards Coldfoot, Alaska, on azimuth 9°48'.

3426–C1–P–74, Same (New), West. Remote repeater site at Hill 2758 on the Alyeska Pipeline route; 60 miles NW of Fairbanks, Alaska. Lat. 65°28'41'' N., Long. 149°06'55'' W. C.P. for a new station on freq. 2118.4H MHz towards Murphy, Alaska, on azimuth 143°50'; freq. 2124.8V MHz towards Hamlin, Alaska, on azimuth 315°05'.

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3427–C1–P–74, Same (New), Murphy. Remote repeater site near Murphy Dome on Sheep Creek Road; 18 miles NW of Fairbanks, Alaska. Lat. 64°57'37" N., Long. 148°13'36" W. C.P. for a new station on freq. 2162.4V MHz towards Fairbanks, Alaska on azimuth 118°58'; freq. 2168.4H MHz toward West, Alaska on azimuth 326°38'.

3428–C1–P–74, Same (WGF58), 200 Gaffney Road, Fairbanks, Alaska. Lat. 64°50'12" N., Long. 147°42'23" W. C.P. to add freq. 2112.4 V MHz towards Murphy, Alaska, on azimuth 299°27'; freq. 3710V MHz, 3790V MHz towards Pedro Dome (Wacs), Alaska on azimuth 24°30'; chg. antenna system on freq. 594.2V, 6063.8V MHz towards Hill 1688, Alaska on azimuth 259°54'.

3421–C1–P–74, Consolidated Telephone Company (New), 1.0 miles SE of Hyannis, Nebraska. Lat. 41°59'34" N., Long. 101°44'10" W. C.P. for a new station on freq. 2178.0H MHz towards Mullen, Nebraska, on azimuth 85°58'.

3422–C1–P–74, Same (New), 1.0 miles South of Mullen, Nebraska. Lat. 42°01'37" N., Long. 101°02'51" W. C.P. for a new station on freq. 2128.0H MHz toward Hyannis, Nebraska, on azimuth 266°25'.

3470–C1–P–74, Data Transmission Company (New), 1.0 Mile West of Brunswick, Illinois. Lat. 41°22'41" N., Long. 87°31'36" W. C.P. for a new station on freq. 11385V MHz on azimuth 75°34' towards Beatrice, Indiana.

Informative

Data Transmission Company filed the above cited application to maintain on file that part of its proposal deleted from application file No. 2269–C1–P–73.

3469–C1–TC–(22)–74, Transportation Microwave Corporation. Consent to Transfer of Control from Transportation Microwave Corporation, Transferor to Sunset Communications Company, Transferee for stations: WSL94-Tonawanda, New York; WSL95-Attica, New York; WSL96-Bristol Center, New York; WSL97-Rochester, New York; WSL98-Butler, New York; WSL99-Syracuse, New York; WSM20-Syracuse, New York; WSM21-Utica, New York; WSM22-Jordanville, New York; WSM23-Duanesburg, New York; WSM24-Camroden, New York; WSM25-Glenmont, New York; WSM26-Mt. Darby, Massachusetts; WSM27-Shaupeneak, New York; WSM28-Mountain Lodge, New York; WSM29-Mahwah, New Jersey; WSM30-Jersey City, New Jersey; WSM31-S. Amboy, New Jersey; WSM32-Rocky Hill, New Jersey; WSM33-Trenton, New Jersey; WSM34-Ivy Hill, Pennsylvania; WSM35-Philadelphia, Pennsylvania.

Major Amendments

1109–C1–P–74, United Video, Inc. (New), 3 miles West of Bloomington, Illinois. Lat. 40°28'20" N., Long. 89°03'20" W. Application amended to change station location to above coordinates; and to change point of communication at Minier, Illinois, on azimuth 257°12'.

1110–C1–P–74, Same (New), 3 Miles East of Minier, Illinois. Lat. 40°26'16" N., Long. 89°15'23" W. Application amended as follows: (1) Station location changed to above coordinates; (2) freqs. changed to 10895H and 10815H MHz towards a changed point of communication at Peoria, Illinois, on azimuth 319°47'.

Correction

368–C1–P–74, Southern Bell Telephone and Telegraph Company (KIB53), 614 Pendleton Street, Waycross, Georgia. Coordinates should read: Lat. 31°12'49" N., Long. 82°21'34" W. All other particulars remain the same as reported in Public Notice dated August 13, 1973.

[FR Doc.74–7064 Filed 3–27–74;8:46 am]

STANDARD BROADCAST APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Notice is hereby given, pursuant to § 1.571(c) of the Commission's rules, that on May 1, 1974, the standard broadcast applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227 (b)(1) and § 1.591(b) of the Commission's rules, an application, in order to be considered with any application appearing on the attached list or with any other application on file by the close of business on April 30, 1974, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on April 30, 1974. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.571(c) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending standard broadcast application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Adopted: March 21, 1974.

Released: March 22, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

BP–19499 WKYO, Caro, Michigan
Tuscola Broadcasting Co.
Has: 1360 kHz, 500 W, Day
Req: 1360 kHz, 1 kW, DA–2, U

BP–19546 NEW, Helena, Montana
Capital Investments
Req: 950 kHz, 5 kW, DA–N, U

BP–19549 NEW, Stanton, Kentucky
Rev. Forest Drake
Req: 1470 kHz, 500 W, DA, Day

BP–19558 NEW, Milledgeville, Georgia
Oconee Broadcasting Corp.
Req: 1060 kHz, 1 kW, Day

BP–19561 WSIR, Winter Haven, Florida
Cypress Central Communications Corp.
Has: 1490 kHz, 250 W, 500 W–LS, U
Req: 1490 kHz, 250 W, 1 kW–LS, U

BP–19579 WKJB, Mayaguez, Puerto Rico
Radio Stations WKJB AM–FM,
Has: 710 kHz, 500 W, 1 kW–LS, U
Req: 710 kHz, 500 W, 5 kW–LS, U

BP–19582 NEW, Parker, Arizona
O. M. Broadcasting, Inc.
Req: 1380 kHz, 1 kW, Day

BP–19583 NEW, Hibbing, Minnesota
Jerry J. Collins
Req: 1060 kHz, 1 kW, Day

[FR Doc.74–7179 Filed 3–27–74;8:45 am]

FEDERAL MARITIME COMMISSION

DELTA STEAMSHIP LINES, INC. AND EMPRESA LINEAS MARITIMAS ARGENTINAS, S.A.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 17, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thos. E. Stakem, Esq.
Macleay, Lynch, Bernhard & Gregg
1625 K Street, N.W.
Washington, D.C. 20006

Agreement No. 10039–1, between the lines listed above, modifies the approved basic agreement covering the apportionment of general liner cargo transported by the parties in the Northbound and Southbound trade between Gulf ports of the United States and Argentina by (1) deleting item c, subparagraph VII of Article 7 of both Annex I (Northbound) and Annex II (Southbound), in relation to the computation of pool penalty payments and to substitute therefor a revised pool penalty formula as more fully set forth in the modification, and (2) extending the term of the agreement, as amended, for three years from January 1, 1974, to December 31, 1976.

Agreement No. 10039, as presently constituted, is set to expire on May 3, 1974, unless extended. The first accounting period under the agreement ended on December 31, 1973; the second accounting period commencing on January 1, 1974.

By Order of the Federal Maritime Commission.

Dated: March 22, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–7117 Filed 3–27–74;8:45 am]

[Independent Ocean Freight Forwarder License No. 1459]

ACE SHIPPING CORP.

Revocation of License

By letter dated January 7, 1974, Air Cargo Expediters, Inc. d/b/a Ace Shipping Corp., P.O. Box 8621, San Francisco, California 94128 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1459 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before March 9, 1974.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Air Cargo Expediters, Inc. d/b/a Ace Shipping Corp. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 1459 of Air Cargo Expediters, Inc. d/b/a Ace Shipping Corp. be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1459 be and is hereby revoked effective March 9, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Air Cargo Expediters, Inc. d/b/a Ace Shipping Corp.

AARON W. REESE,
Managing Director.

[FR Doc.74–7224 Filed 3–27–74;8:45 am]

SOCIETA ITALIANA DE ARMAMENTO S.P.A. AND COSTA ARMATORI S.P.A.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 17, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statment describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Stanley O. Sher, Esq.
Billig, Sher & Jones, P.C.
Suite 300
1126 Sixteenth Street, N.W.
Washington, D.C. 20036

Agreement No. 10120 is an agreement between the above named parties to establish a joint service to be known as "Sidarma—Costa Line Joint Service" to operate in the trade between U.S. South Atlantic and Gulf ports and ports in the Mediterranean and on the Atlantic coasts of Spain, Portugal and Morocco.

By order of the Federal Maritime Commission.

Dated: March 25, 1974.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.74–7222 Filed 3–27–74;8:45 am]

[Independent Ocean Freight Forwarder License No. 1385]

E. BRUCE TILLMAN

Revocation of License

By letter dated February 12, 1974, E. Bruce Tillman, c/o Sealand Terminal Corp., P.O. Box 1857, Gulfport, Mississippi 39501 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1385 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before March 8, 1974.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

E. Bruce Tillman has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 1385 of E. Bruce Tillman be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1385 be and is hereby revoked effective March 8, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon E. Bruce Tillman.

AARON W. REESE,
Managing Director.

[FR Doc.74–7223 Filed 3–27–74;8:45 am]

FEDERAL POWER COMMISSION

[Doc. No. G–5716, et al.]

CERTIFICATES OF CONVENIENCE AND NECESSITY

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MARCH 21, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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plications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-5716 D 3-4-74	Northern Natural Gas Producing Co., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Northern Natural Gas Co., West Panhandle Field, Carson and Gray Counties, Tex.	Nonproductive.	
G-6265 D 3-4-74	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	Lone Star Gas Co., Sholem Alechem Field, Carter County, Okla.	(1)	
G-11961 C 3-7-74	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Cities Service Gas Co., Hardtner Field, Barber County, Kans.	[2] 15.0	14.65
C161-1327 D 3-7-74	do	Cities Service Gas Co., Guymon-Hugoton (Deep) Field, Texas County, Okla.	(3)	
C163-1306 A 3-4-74	Dorchester Gas Producing Co., P.O. Box 750, Amarillo, Tex. 75105.	Northern Natural Gas Co., acreage in Gray County, Tex.	[4] 45.0	14.65
C165-28 CF 2-22-74	American Petrofina Co. of Texas (successor to Simon Zunamon), P.O. Box 2159, Dallas, Tex. 75221.	Columbia Gas Development Corp., Killens Ferry Field, Franklin and Tensas Parishes, La.	[5] 25.7125	15.025
C167-1754 C 2-26-74	King Resources Co., P.O. Box 9698, South Denver Station, Denver, Colo. 80209.	Panhandle Eastern Pipe Line Co., Southwest Avard Field, Woods County, Okla.	[6] 19.14696	14.65
C174-268 (G-4400) 10-24-73 [7]	Vernon E. Faulconer (Operator) (successor to H. L. Hawkins et al.), P.O. Box 1251, Kilgore, Tex. 75662.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	[8] 25.0	14.65
C174-429 (G-17979) B 2-22-74	Wm. J. O'Connor, P.O. Box 521, Tulsa, Okla. 74102.	Transwestern Pipeline Co., Morrow (South) Field, Lipscomb County, Tex.	Uneconomic	
C174-446 (C170-789) B 2-19-74	The Ballard & Cordell Corp., P.O. Box 52151, Lafayette, La. 70501.	Columbia Gas Transmission Co., Florence Field, Vermilion Parish, La.	Depleted	
C174-452 (G-13221) F 2-15-74	Equitable Petroleum Corp. (successor to Richardson & Bass (Louisiana Account); Sid Richardson Carbon Co.), 1220 Hibernia Bank Bldg., New Orleans, La. 70112.	Southern Natural Gas Co., Little Lake Field, Jefferson Parish, La.	23.75	15.025
C174-455 A 2-22-74	Marathon Oil Co. (Operator) et al., 539 South Main St., Findlay, Ohio 45840.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Oregon Basin Field, Park County, Wyo.	13.0	15.025
C174-457 A 2-27-74	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Jalmat Field, Lea County, N. Mex.	[9] 35.0	14.65
C174-458 (C169-737) F 2-27-74	Royal Resources Exploration, Inc. (successor to King Resources Co.), 250 Hilton Office Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Monahans Field, Winkler County, Tex.	16.5618	14.65
C174-460 (C169-1213) F 2-28-74	do	Michigan Wisconsin Pipe Line Co., Chester (West) Field, Woodward County, Okla.	[9] 20.026	14.65
C174-461 (G-5336) F 3-4-74	Alfred C. Glassell, Jr. (successor to Skelly Oil Co.), 2300 First City National Bank Bldg., Houston, Tex. 77002.	Texas Gas Transmission Corp., Carthage Field, Panola County, Tex.	[9 10] 21.5	14.65
C174-465 (G-16752) F 2-25-74	Glen E. Jeffery (successor to Northern Natural Gas Producing Co.), P.O. Box 677, Meade, Kans. 67864.	Northern Natural Gas Co., McKinney Field, Meade County, Kans.	[9] 17.0025	14.65
C174-465 (C173-967) [11] F 2-25-74	Glen E. Jeffery (successor to Post & Brown Well Service, Inc.).	do	17.0	14.65
C174-466 (G-5716) F 2-25-74	Glen E. Jeffery (successor to Northern Natural Gas Producing Co.).	Northern Natural Gas Co., McKinney Field, Clark County, Kans.	[9] 16.0	14.65
C174-466 (C161-731) F 2-25-74	Glen E. Jeffery (successor to Suerte Oil Co. and Universal Well Servicing Co.).	do	17.0	14.65
C174-467 (G-16764) F 3-4-74	Devon Corporation (successor to Southwest Gas Producing Co., Inc.), 3300 Liberty Tower, Oklahoma City, Okla. 73102.	Texas Gas Transmission Corp.; Carlton, Calhoun, and Fremont Areas, Lincoln, Ouachita, and Jackson Parishes, La.	[9] 25.875	15.025
C174-468 (G-15664) F 3-4-74	do	Texas Gas Transmission Corp.; Lisbon Field, Claiborne and Lincoln Parishes, La.	17.6506	15.025
C174-469 (G-11745) F 3-4-74	do	Texas Gas Transmission Corp.; Terryville Field, Lincoln Parish, La.	21.675	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
C174-470 (G-8583) F 3-4-74	do	Tennessee Gas Transmission Co., Bell City Field, Calcasieu Parish, La.	18.5	15.025
C174-471 (G-9612) F 3-4-74	do	Texas Eastern Transmission Corp., Hico-Knowles Field, Claiborne, Lincoln, and Union Parishes, La.	21.475	15.025
C174-472 (C166-615) F 3-4-74	Devon Corp. (successor to Monla Gas Co., Inc.).	Arkansas Louisiana Gas Co., North Carlton Field, Ouachita Parish, La.	[2] 20.0	15.025
C174-473 (C161-287) F 3-4-74	do	Texas Gas Transmission Corp., Monroe Field, Ouachita, Union, and Morehouse Parishes, La.	[2] 17.3	15.025
C174-474 (G-16250) F 3-4-74	Devon Corp. (successor to Southwest Gas Producing Co., Inc.).	Mississippi River Transmission Corp., North Ruston Field, Lincoln Parish, La.	[12] 25.875	15.025
C174-475 (G-16150) F 3-4-74	do	Texas Gas Transmission Corp., Jeanerette Field, St. Mary Parish, La.	[2] 23.25	15.025
C174-476 (G-14435) F 3-4-74	do	Texas Gas Transmission Corp., Ramos Field, Assumption and St. Mary Parishes, La.	[2] 23.25	15.025
C174-477 (C172-575) F 3-4-74	do	Transcontinental Gas Pipe Line Corp., Leleux Field, Vermilion Parish, La.	[2] 27.295	15.025
C174-478 (C163-656) F 3-4-74	do	Arkansas Louisiana Gas Co., Chenlere Brake Field, Ouachita Parish, La.	20.0	15.025
C174-479 (C168-785) F 3-4-74	do	United Gas Pipe Line Co., Forest Grove Field, Claiborne Parish, La.	[2] 20.0	15.025
C174-480 (C166-553) F 3-4-74	do	Texas Gas Transmission Corp., Chenlere Field, Jackson and Ouachita Parishes, La.	[2] 20.0	15.025
C174-481 (C164-1064) F 3-4-74	do	Columbia Gas Transmission Corp., Midland Field, Acadia Parish, La.	[2] 20.25	15.025
C174-482 (C163-1195) F 3-4-74	do	Southern Natural Gas Co., Oldenburg Field, Franklin Parish, La.	[2] 15.0	15.025
C174-483 (C161-1731) F 3-4-74	do	Arkansas Louisiana Gas Co., Vixen Field, Caldwell Parish, La.	21.25	15.025
C174-484 (R161-111) F 3-4-74	do	Texas Gas Transmission Corp., Monroe Field, Ouachita, Union, and Morehouse Parishes, La.	16.3	15.025
C174-485 (G-17101) F 3-4-74	do	Texas Gas Transmission Corp., Bull Creek Field, Union Parish, La.	[2] 21.475	15.025
C171-486 (C173-35) F 3-4-74	do	Texas Gas Transmission Corp., North Ruston Field, Lincoln Parish, La.	[2] 21.475	15.025
C174-487 (G-6057) B 3-4-74	Sun Oil Co., P.O. Box 2880, Dallas, Tex. 75221.	United Gas Pipe Line Co., Cotton Valley Field, Webster Parish, La.	Depleted	
C174-488 (C167-1535) B 3-4-74	A/C Engineering & Operating Co., 1400 Wichita I'laza, Wichita, Kans. 67202.	Panhandle Eastern Pipe Line Co., Cedar Field, Barber County, Kans.	Water encroachment	
C174-493 (G-7438) B 2-25-74	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Constal States Gas Producing Co., East Mathis Field, San Patricio County, Tex.	Nonproductive	

[1] Flowing well head pressure is too low to permit the gas to enter purchaser's line, and compression by either party is uneconomical.
[2] Subject to downward Btu adjustment.
[3] Acreage assigned to E. Lyle Johnson and Clayton E. Lee, small producers.
[4] Under a new contract, which replaces a contract which has terminated, Applicant proposes to resell gas at the same price paid to the small producer of that gas. Applicant states that the only price differential is based upon the possible extraction of liquids.
[5] Subject to upward and downward Btu adjustment; estimated upward adjustment is 0.008 cents per Mcf.
[6] Being remodeled, because by amendment to application filed Mar. 4, 1974, Applicant reflects a change in price.
[7] Subject to downward Btu adjustment; estimated adjust is 0.0884 cents per Mcf.
[8] Subject to upward and downward Btu adjustment.
[9] Subject to upward and downward Btu adjustment; estimated adjustment is 0.23 cents per Mcf.
[10] Applicant states that the primary term of his predecessor's contract has expired. Applicant proposes to sell under a new contract.
[11] Post & Brown Well Service, Inc., has pending an application for a certificate in this docket as successor to Skelly Oil Co., Docket No. G-13416.
[12] Subject to upward and downward Btu adjustment; estimated adjustment is 1.16 cents per Mcf.

[FR Doc.74-7007 Filed 3-27-74;8:45 am]

V 39 61 MAR 28 74 XUM

[Docket Nos. RI73-258, *et al.*]

RATE CHANGES

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 21, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI73-258..	Texas Pacific Oil Co., Inc...	19	1 to 17	West Texas Gathering Co. (Emperor Field, Winkler County, Tex. (Permian Basin).	(1)	2-25-74	.....	2-26-74	[2] 23.95 32.20	29.5103 29.5103	
RI73-263..	Continental Oil Co.....	160	[3] 1 to 19	....do.....	$155,054	3-19-74	.....	6-16-74	23.95	42.1875	
RI74-176..	Sun Oil Co.....	60	19	Northern Natural Gas Co. (Eumont Pool, Lea County, N. Mex.) (Permian Basin).	40,900	2-21-74	.....	8-24-74	[2] 32.6	[4] 42.6	
RI74-177..	Atlantic Richfield Co.....	492	[5] 31	El Paso Natural Gas Co. (Jalmat et al., Fields, Lea County, N. Mex.) (Permian Basin).	.....	2-27-74	3-30-74	[6] Accepted	.....	.....	
	....do.....		[5] 32		239,432	2-27-74	.....	8-30-74	[7] 17.9023	[7] 36.0	

[*] Unless otherwise stated, the pressure base is 14.65 psia 10/in²a.
[1] Not stated.
[2] Variation in rates due to quality adjustment for different gas.
[3] Substitute increase for prior periodic increase to 29.109 cents per Mcf suspended in Docket No. RI73-263.
[4] Amended by letter dated Mar. 4, 1974.
[5] Includes 2.40 cents per Mcf reduction for quality.
[6] Amendment providing for drilling of new additional wells on certain acreage and among other things, a new price schedule for production from the additional wells.
[7] Subject to Btu adjustment.
[8] Applicable to production and sales pursuant to Supp. No. 31.
[9] Accepted for filing as of the date set forth in the "Effective Date Unless Suspended" column.

The proposed rate increase of Texas Pacific Oil Company, Inc., reflects an increase to a rate that was under suspension at the time of issuance of Opinion No. 662, and consistent with prior Commission action in other cases, it is suspended for one day from the date of filing.

The proposed rate increase of Continental Oil Company represents a favored nations increase which Continental proposes to substitute for a periodic increase that was suspended until June 18, 1974 in Docket No. RI73-263.

The remaining proposed increases exceed the applicable area ceiling rate and are suspended for five months.

[FR Doc.74-7010 Filed 3-27-74;8:45 am]

[Doc. No. RI74-174]

HIGH CREST OILS, INC.

Order for Hearing and Suspension of Proposed Change in Rate, Allowing Rate Change To Become Effective Subject to Refund [1]

MARCH 21, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] The subject proceeding is hereby consolidated for hearing in Doc. No. RI74-79.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
	High Crest Oils, Inc.....	2	[1] [2] 2	Northern Natural Gas Co. (Sherard Area, Blaine, Hill, and Chouteau Counties, Mont.) (Rocky Mountain Area).	.....	2-19-74	3-22-74	[3] Accepted	.....	.....	
	....do.....	2	[4] 3	....do.....	.....	2-19-74	3-22-74	[3] Accepted	.....	.....	
	....do.....	2	4	....do.....	$208,310	2-19-74	.....	8-22-74	[5] 22.795	[5] 42.083	

[*] Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Contract amendment dated Oct. 1, 1973.
[2] Letter agreement dated Oct. 1, 1973.
[3] Base rate of 23.5 cents adjusted for low Btu.
[4] Includes letter agreement dated Oct. 12, 1973.
[5] Base rate of 40 cents plus tax reimbursement; adjusted for low Btu.
[6] Accepted for filing to be effective Mar. 22, 1974, 30 days after date of filing.

The proposed rate increase of High Crest Oils, Inc. exceeds the applicable area ceiling rate under Order No. 435, and is suspended for five months.

On February 19, 1974, High Crest filed a motion to consolidate for hearing the subject proceeding with Docket No. RI74-79 which has previously been set for hearing. The contracts and amendments thereto involved in these proceedings are virtually identical. They involve sales by the same producer to the same purchaser. The sole difference is that one contract covers the Tiger Ridge Area and the other one covers the Sherard area. Moreover, the evidence submitted in Docket No. RI74-79 is applicable to both proceedings. In view of the foregoing, these proceedings are hereby consolidated and all intervenors in Docket No. RI74-79 are also deemed to be intervenors in the subject proceeding.

[FR Doc.74-7009 Filed 3-27-74;8:45 am]

[Docket No. CP74-98]

EL PASO NATURAL GAS CO.

Extension of Time

MARCH 22, 1974.

On March 20, 1973, El Paso Natural Gas Company filed a motion for an extension of time for the filing of testimony as required by order issued March 5, 1974, in the above-designated matter. The motion states that Southern Union Gas Company supports the motion, and the staff and other intervenors do not object.

Upon consideration, notice is hereby given that the time for filing testimony in the above-designated matter is extended to and including March 29, 1974. The hearing remains scheduled for April 9, 1974.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.74-7186 Filed 3-27-74;8:45 am]

[Docket No. CI74-498]

J. M. HUBER CORP.

Notice of Application

MARCH 22, 1974.

Take notice that on March 8, 1974, J. M. Huber Corporation, (Applicant), 2000 West Loop South, Houston, Texas 77027, filed in Docket No. CI74-498 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Company (Transwestern) from the No. 1 Moore Com. Well; South Carlsbad Field, Eddy County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced an emergency sale of natural gas to Transwestern which will terminate on June 15, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 9,000 Mcf of gas per month to Transwestern at 55.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot with a 1,175 Btu upward limit.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7187 Filed 3-27-74;8:45 am]

[Docket No. RP73-103]

McCULLOCH INTERSTATE GAS CORP.

Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 22, 1974.

On September 25, 1973, Staff Counsel filed a motion to extend the procedural dates fixed by notice issued July 26, 1973. On October 15, 1973, a notice was issued deferring the procedural dates pending disposition of the motion. On February 14, 1974, Staff Counsel filed a motion for a further extension of the procedural dates. The motion states that there is no opposition to the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified:

Staff Service, May 7, 1974.
Prehearing Conference, May 20, 1974 (10:00 a.m. e.d.t.).
Intervener Service, May 30, 1974.
Company Rebuttal, June 10, 1974.
Hearing, June 24, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7188 Filed 3-27-74;8:45 am]

[Docket Nos. E-8251, E-8169, E-8476]

NEW ENGLAND POWER CO.

Clarification

MARCH 22, 1974.

On March 5, 1974, a notice was issued which changed the procedural dates fixed by notice issued November 23, 1973 in Docket Nos. E-8251 and E-8169; by order issued December 28, 1973, consolidating Docket No. E-8476 with Docket No. E-8169 and No. E-8251, and order issued February 7, 1974, instituting an investigation in Docket No. E-8251.

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The procedural dates are the same as set forth in the March 5, 1974 notice:

Service of NEPCO's rebuttal evidence as required by notice of 11/23/73 and order of 12/28/73 (Docket Nos. E–8251, E–8169 and E–8476), April 2, 1974.
Service of Staff's evidence on cost adjustment clauses (Docket No. E–8251, order of 2/7/74), April 2, 1974.
Prehearing Conference and Hearing (Docket Nos. E–8251, E–8169, and E–8476, notice of 11/23/73 and order of 12/28/74), April 16, 1974 (10 a.m. e.d.t.).
Service of NEPCO's rebuttal evidence on cost adjustment clauses (Docket No. E–8251, February 7, 1974 order), April 16, 1974.
Prehearing Conference and Hearing on cost adjustment clause (Docket No. E–8251, 2/7/74 order), April 23, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–7189 Filed 3–27–74;8:45 am]

[Docket No. E–8252]

NORTHERN STATES POWER CO.

Extension of Time

MARCH 21, 1974.

On March 15, 1974, Northern States Power Company (Minnesota) filed a motion for an extension of time to file its rebuttal testimony as required by the notice issued March 6, 1974, in the above-designated matter.

The motion states that neither the Company, Staff, nor interveners object to the proposed schedule revision.

Upon consideration, notice is hereby given that the time for the filing of rebuttal testimony by Northern States Power Company is postponed to April 2, 1974. The prehearing conference and hearing scheduled for April 22 and April 23, respectively, are unchanged.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–7190 Filed 3–27–74;8:45 am]

[Docket No. CP74–198]

PICAYUNE, MISSISSIPPI, ET AL.

Postponement of Hearing

MARCH 22, 1974.

In the matter of City of Picayune, Mississippi (Complainant) v. United Gas Pipe Line Company, United Gas, Inc. (Respondents).

On March 21, 1974, Staff Counsel filed a motion for the postponement of the hearing fixed for March 26, 1974, by order issued February 5, 1974 in the above-designated matter. The motion states that none of the parties object to the motion.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to April 4, 1974, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission at 825 N. Capitol Street NE., Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–7185 Filed 3–27–74;8:45 am]

[Docket No. RP74–25]

TEXAS GAS TRANSMISSION CORP.

Extension of Time and Postponement of Prehearing Conference and Hearing

MARCH 22, 1974.

On February 5, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by order issued October 31, 1973, in the above-designated matter. On February 15, 1974, a notice was issued deferring the procedural dates pending further order of the Commission.

On February 14, 1974, Texas Gas Transmission Corporation (Texas Gas) filed a response in opposition to Staff's motion. Texas Gas also suggested that a prehearing conference be convened on March 25, 1974 and that the staff serve its evidence, on as many items of cost of service as possible prior to the prehearing conference.

On February 26, 1974, Cincinnati Gas & Electric Company and Lawrenceburg Gas Transmission Company advised that they jointly supported the response of Texas Gas.

On February 26, 1974, Indiana Gas Company also filed a response which supported the filing of Texas Gas.

On February 22, 1974, Memphis Light, Gas and Water Division filed a response stating that it did not agree with the response of Texas Gas.

Upon consideration, notice is hereby given that the request of Texas Gas is denied and the procedural dates are modified as follows:

Service of Evidence by the Staff, July 12, 1974.
Prehearing Conference, July 23, 1974 (10 a.m. e.d.t.).
Service of Evidence by Interveners, August 6, 1974.
Service of Rebuttal Evidence, August 20, 1974.
Hearing, September 24, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–7191 Filed 3–27–74;8:45 am]

[Docket No. RP72–156]

TEXAS GAS TRANSMISSION CORP.

Proposed Changes in FPC Tariff

MARCH 22, 1974.

Take notice that Texas Gas Transmission Corporation (Texas) on March 13, 1974, tendered for filing Ninth Revised Sheet No. 7 to its FPC Gas Tariff, Third Revised Volume No. 1. Texas requests an effective date of May 1, 1974, for said Revised Sheet.

Texas states the Sheet is being issued pursuant to the purchased gas cost adjustment provision of its FPC Gas Tariff, Third Revised Volume No. 1 and reflects increased purchased gas costs. Texas also states that copies of the filing were served on its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–7192 Filed 3–27–74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

MOUNTAIN RUN COAL CO., ET AL.

Applications for Initial Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4185–000, MOUNTAIN RUN COAL COMPANY, Mountain Run No. 5 Mine, Mine ID No. 46 01786 0, Kingwood, West Virginia.
(2) ICP Docket No. 4281–000, LICK BRANCH COAL COMPANY, No. 3 Mine, Mine ID No. 15 00628 0, Cranks, Kentucky.
(3) ICP Docket No. 4306–000, T. H. Coal Company, Upper Mason No. 1 Mine, Mine ID No. 44 00612 0, St. Charles, Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91–173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed on or before April 12, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 25, 1974.

[FR Doc.74–7145 Filed 3–27–74;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

NOTICE OF PUBLIC MEETING

Notice is hereby given, PL 92–463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on April 4, 1974 at 1 p.m.–7 p.m., and April 5, 1974 at 9 a.m.–10 p.m., located at 425 13th Street NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of Disadvantaged Children.

The meeting is called to review and discuss the 1974 annual report and to plan Council activities for 1974–75 report year.

Because of limited space for the meeting of April 4 and April 5, all persons wishing to attend should call for reservations at Area Code 202/382–6945 by March 29, 1974.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 13th Street, N.W., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C. on March 25, 1974.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.74–7320 Filed 3–27–74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR PHYSICS

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92–463), notice is hereby given of a meeting of the Advisory Panel for Physics to be convened at 9 a.m. on April 4 and 5, 1974, in Room 540 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of this Panel is to provide general advice and recommendations on the impact of the NSF support of Physics and to review and evaluate specific proposals in Physics.

The agenda for this meeting shall include:

APRIL 4

This session will be devoted to remarks and presentations by NSF officials and staff on the following topics:
1. NSF FY 1975 budget
2. Energy related research
3. The review of intermediate energy Physics
4. Physics in other components of NSF
5. Other business of interest to the Panel

APRIL 5

Continuation of discussions on April 4.
Discussion of planning issues and future trends in Physics.

Review of individual Physics projects (3:00 to 5:00 p.m.).

The entire session on April 4 and the morning and early afternoon portions (until 3 p.m.) of the April 5 session shall be open to the public. The late afternoon portion (3 to 5 p.m.) of the April 5 session is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of P.L. 92–463. Persons requiring further information concerning this Panel should contact Dr. Marcel Bardon, Section Head, Physics Section, at 632–4310 or Room 348, 1800 G Street NW., Washington, D.C. 20550. Summary minutes relative to the open portions of the meeting may be obtained from the Management Analysis Office, Room K–720, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director
for Administration.

MARCH 22, 1974.

[FR Doc.74–7285 Filed 3–27–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 25, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529).

NEW FORMS

DEPARTMENT OF COMMERCE

National Bureau of Standards, DELPHI STUDY on Vacuum Measurements, Form NBS 769, Quarterly, Lowry, Manufacturers and users of vacuum equipment.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Artists-in-Schools Report, Form NEA/AIS–1 through 8, Annual, Sheftel, State Arts agencies.

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

Outcome Analysis of Former Clients of NTA Program, Washington, D.C., Form ----, Single time, HRD/Reese, Former Clients of NTA Drug Program.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration, Highway Safety Improvement Program—(Vol. 6, Chap. 8, Sec. 2, Subsec. 1, Fed-aid Highway Program Manual), Form ----, Annual, EGGD/Foster, State highway depts.

U.S. CIVIL SERVICE COMMISSION

Technical Assistance Impact Study Information and Interview Checklists, Form ----, Single time, Caywood/Lowry, State and local govt. officials.

REVISIONS

None.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority, Application for Registration as Futures Commission Merchant and Biographical Supplement, Forms CEA 1–R, CEA–94, Annual, Evinger. Individuals in Commodity brokerage business.

Rural Electrification Administration, Estimate Work Order—REA Borrowers, Form REA 218, Occasional, Evinger, REA electric borrowers.

DEPARTMENT OF COMMERCE

Bureau of East West Trade, Petroleum Fuel Past Participation Statement, Form DIB 669P, Single time, Evinger, Petroleum fuel exporters.

Ferrous Scrap Past Participation Statement, Form DIB 664P, Single time, Evinger, Ferrous scrap exporters.

Departmental Application for Designation of a Fair, Form USTS–28, Occasional, Foster, Trade fair sponsors.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc.74–7299 Filed 3–27–74;8:45 am]

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of a meeting of an ad hoc panel of the Business Advisory Council on Federal Reports to be held in Room 2008, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C., on Thursday, April 11, 1974, at 9:30 a.m.

The purpose of the meeting is to obtain advice on problems associated with the reporting and recordkeeping requirements of Order No. 14, revised, of the Office of Federal Contract Compliance, Employment Standards Administration, Department of Labor. The meeting will be open to public observation and participation.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc.74–7262 Filed 3–27–74;8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[70–5340]

ALLEGHENY POWER SYSTEM, INC., ET AL.

Supplemental Notice of Proposed Amendments

MARCH 20, 1974.

In the matter of Allegheny Power System, Inc., 320 Park Avenue, New York, New York 10022; Monongahela Power Company, 1310 Fairmont Avenue, Fairmont, West Virginia 26554; The Potomac Edison Company, Downsville Pike, Hagerstown, Maryland 21740; The Potomac Edison Company of Virginia, Rt. 11 South, Kernstown, Virginia 22601; The Potomac Edison Company of West Virginia, 901 Wilson Street, Martinsburg, West Virginia 25401; The Potomac Edison Company of Pennsylvania, N. Grant Street Extension, Waynesboro, Pennsylvania 17268; Monterey Utilities Corporation, Monongahela Power Company Building, Fairmont, West Virginia 26554 (70–5340).

Notice is hereby given that Allegheny Power System, Inc. ("APS"), a registered holding company, its subsidiary electric utility and registered holding companies, Monongahela Power Company ("Monongahela") and The Potomac Edison Company ("PE"), PE's subsidiary electric utility companies, The Potomac Edison Company of Virginia (PE Va.), The Potomac Edison Company of West Virginia (PE W. Va.) and The Potomac Edison Company of Pennsylvania (PE Pa.) and Monongahela's electric utility subsidiary company, Monterey Utilities Corporation (Monterey), have filed further amendments to the amended application-declaration originally filed with this Commission designating sections 5(d), 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act") as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, as further amended, which is summarized below, for a complete statement of the proposed transactions.

By notice dated August 27, 1973, in this proceeding (Holding Company Act Release No. 18069) notice was given of a proposal by APS to simplify its corporate structure through the following steps: (i) PE Va. will acquire Monterey's common stock for cash equal to the stock's underlying book value; (ii) Monterey, PE Va., PE W. Va., PE Pa. will merge into PE; and (iii) PE will acquire the Maryland public utility properties ("Maryland properties") of Monongahela for cash equal to the Maryland properties' original cost depreciated. Applicants-declarants request that upon consummation of the proposed transactions, a further order be issued declaring that Monongahela and PE have each ceased to be holding companies under the Act and that their registrations under the Act are no longer in effect.

The notice stated, among other things, that PE proposes to amend and restate its Certificate of Incorporation ("Charter") without any change in the substance thereof. Applicants-declarants have now filed amendments to the original application-declaration proposing, among other things, to amend the PE Charter to increase the amount of cumulative preferred stock PE is authorized to issue from 450,000 shares to 5,450,000 shares. Additional changes to the PE Charter are also proposed, including revisions in the provisions relating to the number of PE Directors, the inclusion of a statement of powers exercisable by PE in the state of Virginia, and an amendment to state that the consent of "more than" two-thirds of the cumulative preferred stock rather than "at least" two-thirds of the cumulative preferred stock will be required in certain instances.

It is stated that these changes will not adversely affect the present PE preferred stockholders.

Notice is further given, that any interested person may, not later than April 12, 1974, request in writing that a hearing be held with respect to the proposed transactions, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended and as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–7127 Filed 3–27–74;8:45 am]

[File No. 500–1]

AMERICAN DATA SERVICES, INC.

Suspension of Trading

MARCH 21, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of American Data Services, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10 a.m. (e.d.t.) on March 21, 1974 through March 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–7226 Filed 3–27–74;8:45 am]

[812–3599]

ASA LTD.

Filing of Application

MARCH 20, 1974.

Notice is hereby given that ASA Limited (54 Marshall Street, Johannesburg, South Africa) ("Applicant"), a non-diversified, closed-end management investment company registered under the investment Company Act of 1940 (the "Act"), has been filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that Wesley A. Stanger, Jr. ("Stanger"), a director of Applicant, shall not be considered an "interested person" of Applicant within the meaning of section 2(a)(19) of the Act solely by reason of his status as a registered representative of Edwards & Hanley, a limited partnership, and a registered broker-dealer under the Securities Exchange Act of 1934 (the "1934 Act"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is a South African corporation which was permitted to register under the Act as a foreign investment company pursuant to the provisions of section 7(d) of the Act and Rule 7d–1 thereunder.

Applicant has not offered any of its securities for sale since 1958, and it has no underwriter. Its investment adviser, South African Investment Adviser (Proprietary) Limited ("SAIA"), is also a South African corporation and conducts no business other than acting as Applicant's investment adviser. Applicant's investment policy does not permit it to invest in the securities of any companies other than those doing the major portion of their business in South Africa. Applicant's securities transactions are arranged for by SAIA acting as its adviser and, with very rare exceptions, are executed on the Johannesburg Stock Exchange.

The Commission on July 10, 1973 issued an order pursuant to section 6(c) of the Act (Investment Company Act Release No. 7894) declaring that Stanger, a director of Applicant shall not be considered an "interested person" of Applicant within the meaning of section 2(a)(19) of the Act solely by reason of his status as a registered representative of Riter, Pyne, Kendall & Hollister ("Riter Pyne"), a registered broker-dealer under the 1934 Act. Applicants state that subsequent to the issuance of such order, Edwards & Hanley succeeded to the business of Riter Pyne.

Stanger has been a director of Applicant since 1960, and at Applicant's annual shareholders meeting on April 30, 1973, he was reelected to serve until the 1974 shareholders meeting. Mr. Stanger holds a $108,000 principal amount subordinated debenture of Edwards & Hanley but is not one of its officers or directors, and receives no salary from it. As a registered representative he receives commissions from Edwards & Hanley on transactions he handles, and he is covered by its major medical policy. Edwards & Hanley has no relationship of any kind with Applicant or its adviser, has no office outside the United States and has no particular expertise or experience with respect to South African securities. It has never sold a security to nor purchased a security from Applicant. Furthermore, it has agreed not to do so as long as Stanger remains a director of Applicant, and Applicant and SAIA have agreed that Applicant will engage in no securities transactions with Edwards & Hanley during such time. Applicant seeks the requested exemption to provide further flexibility in the composition of its board of directors in the event that deaths, resignations, or other circumstances make changes of directors necessary or advisable, and it contends that Stanger's association with Edward & Hanley will not impair his independence in acting on behalf of Applicant and its shareholders.

Section 2(a)(19) of the Act defines the term "interested person" of an investment company to include, in part, any broker or dealer registered under the 1934 Act or any affiliated person of a broker or dealer. The definition of "affiliated person" of any person contained in section 2(a)(3) of the Act includes any employee of such person. Consequently, Stanger, as a registered representative of a broker-dealer may be deemed to be an "interested person" of Applicant.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 15, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following April 15, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–7128 Filed 3–27–74;8:45 am]

[File No. 500–1]

BBI, INC.

Suspension of Trading

MARCH 19, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 20, 1974 through March 29, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–7129 Filed 3–27–74;8:45 am]

[File No. 500–1]

BRINCO, LTD.

Suspension of Trading

MARCH 20, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Brinco, Ltd. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 21, 1974 through March 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–7130 Filed 3–27–74;8:45 am]

[File No. 500–1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

MARCH 18, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 19, 1974 through March 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–7131 Filed 3–27–74;8:45 am]

[File No. 24A–2146]

DATE-A-SUPERGIRL, INC.

Order Permanently Suspending Exemption

MARCH 21, 1974.

I. Date-A-Supergirl, Inc. ("Issuer"), a Florida corporation, 1666 Kennedy Causeway, North Bay Village, Florida 33141, filed with the Commission on October 10, 1972, a notification, offering circular and supporting exhibits relating to a proposed offering of 50,000 shares of its $.01 par value common stock at $1.50 per share for an aggregate of $75,000. The purpose of this filing was to obtain an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3(b) thereof and Regulation A promulgated thereunder.

II. The Commission on October 2, 1973, temporarily suspended the Regulation A exemption of Date-A-Supergirl, Inc., stating it had reasonable cause to believe that:

A. The notification and offering circular contained untrue statements of material facts and omitted to state material

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facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly in that:

1. The notification and offering circular failed to adequately disclose securities sold or to be sold to the underwriter;

2. The offering circular failed to state that the lump sum payment due in connection with the sale of its first and only franchise had been extended over a three-year period; and,

3. The offering circular named H. E. Simpson & Co. as underwriter for the offering, and that no amendment was filed to disclose that H. E. Simpson & Co. withdrew as underwriter on November 10, 1972.

B. The terms and conditions of Regulation A had not been complied with in that:

1. The notification did not adequately disclose the jurisdictions in which the securities were to be offered;

2. The Issuer failed to disclose in the notification the proposed offerings of securities to the underwriter and Marketing Systems of America, Inc.;

3. The Issuer failed to include financial statements of the predecessor partnership as required by paragraph 11 of Schedule I;

4. The Issuer failed to adequately and accurately disclose in the offering circular the percentage of the Issuer's common stock to be held by its officers, directors and promoters, and the percentage to be held by the public investors assuming all shares offered are sold as required by paragraph 9(d) of Schedule I; and,

5. The Issuer failed adequately and accurately to disclose in the offering circular the present annual remuneration to each of the Issuer's three highest paid officers and the aggregate annual remuneration to all officers and directors as a group, as required by paragraph 9(b) of Schedule I.

C. The Issuer failed to cooperate with the Commission in that the Issuer and its officers failed or refused to reply to a comment letter and two follow-up requests from the Commission's staff with respect to the amending of the notification and offering circular.

D. The offering, if allowed to commence, would have been in violation of section 17 of the Securities Act of 1933.

No hearing having been requested by Date-A-Supergirl, Inc. within 30 days after the entry of an order temporarily suspending the exemption of the Issuer under regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the Issuer under regulation A be permanently suspended;

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of Date-A-Supergirl, Inc. under regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOTE.—An appendix listing parties to whom this order has been sent is filed as part of the original document.

[FR Doc.74-7227 Filed 3-27-74;8:45 am]

[File No. 500-1]

ELECTROSPACE CORP.

Suspension of Trading

MARCH 21, 1974.

The common stock and Conv. Sub. Deb. 5½ percent due October 1983 of Electrospace Corporation being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all securities of Electrospace Corporation being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 22, 1974 through March 31, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7132 Filed 3-27-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

MARCH 22, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 23, 1974 through April 1, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7228 Filed 3-27-74;8:45 am]

[File No. 500-1]

GEON INDUSTRIES, INC.

Suspension of Trading

MARCH 20, 1974.

The common stock of Geon Industries, Inc. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Geon Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 21, 1974 through March 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7133 Filed 3-27-74;8:45 am]

[File No. 500-1]

GRANBY MINING CO., LTD.

Notice Amending Notice of Suspension of Trading

MARCH 21, 1974.

The Commission having determined to amend its notice of March 11, 1974 summarily suspending trading in the securities of Granby Mining Co., Ltd. for the period March 12, 1974 through March 21, 1974;

Therefore, pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in the common stock and all other securities of Granby Mining Co., Ltd. being traded on the Pacific Coast Stock Exchange and on the Philadelphia-Baltimore-Washington Stock Exchange and all securities of Granby Mining Co., Ltd. being traded otherwise than on a national securities exchange is suspended, for the period from March 12, 1974 through March 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7134 Filed 3-27-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

MARCH 22, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 23, 1974 through April 1, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7229 Filed 3-27-74;8:45 am]

[811-2137]

INSTITUTIONAL FUND OF AMERICA, INC.

Notice of Filing of Application

MARCH 20, 1974.

Notice is hereby given that Institutional Fund of America, Inc., 611 West Sixth Street, Los Angeles, California 90017 ("Applicant"), registered as a diversified, open-end management investment company under the Investment Company Act of 1940 (the "Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant, a Delaware corporation, registered under the Act in November 1970 by filing a notification of registration. Applicant has not filed a registration statement on Form N-8B-1 under the Act or on Form S-5 under the Securities Act of 1933.

Applicant has no assets and no public offering or sale of shares of Applicant has been or will be made. Applicant has no present intention of commencing operations as an investment company.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 15, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued by the Commission as of course following April 15, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7135 Filed 3-27-74;8:45 am]

[File No. 81-127]

JOURNAL CO. AND JOURNAL EMPLOYEES' STOCK TRUST

Order for Hearing on Application for Exemptions

MARCH 21, 1974.

Notice is hereby given that The Journal Company ("the Journal") and The Journal Employees' Stock Trust ("JEST") (hereinafter sometimes referred to collectively as "the Applicants") have filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "Act"), for an order exempting the Applicants from the registration provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting the Applicants from sections 13 and 14 of the Act and their officers, directors and 10 percent beneficial owners from section 16 of the Act.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million and a class of equity securities held of record initially by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer from the registration, periodic reporting and proxy solicitation sections of the Act and to grant exemption from the insider reporting and trading provisions of the Act if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The Application, including the exhibits thereto, states, inter alia, that:

1. The Journal, a Wisconsin corporation with its principal offices in Milwaukee, Wisconsin, is engaged, through various subsidiaries, in the newspaper, broadcasting and printing business.

2. The Journal has total assets exceeding $1,000,000 and its only class of outstanding equity securities is owned by JEST and by two charitable foundations and two corporations controlled by family members of a deceased former chief executive and principal stockholder of the Journal.

3. JEST was established on May 15, 1937 in order to promote stability and continuity of management and control of the Journal by enabling its employees to acquire ownership of the Journal.

4. As of January 1, 1974, JEST owned 1,485,000 shares, representing 82.5 percent of the Journal's outstanding common stock, which securities have a value in excess of $1,000,000; and had 1,468 unitholders, each of whom was an employee of the Journal or a subsidiary thereof.

5. There are certain restrictions on the ownership and transfer of JEST units and certain information concerning the Journal is supplied or made available to all JEST unitholders.

For a more detailed statement of the information presented all persons are referred to said application which is on file in the Commission's Office of Public Reference at 1100 L Street, NW., Washington, D.C.

It is ordered, Pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, that a hearing on the application of the Journal Company and the Journal Employees' Stock Trust for exemptions from the provisions of section 12(g) of that Act be held on April 29, 1974 at 10 a.m., at the offices of the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. An Administrative Law Judge will be designated to preside at the hearing. Any person desiring to be heard is directed to file with the Secretary of the Commission his request as provided for by rule 9(c) of the Commission's rules of practice, setting forth any issues of fact or law which he desires to controvert and/or setting forth any additional issues which he feels should be considered.

The Division of Corporation Finance advises that it has made a preliminary examination of the application and that, on the basis thereof, the following matters and questions are to be presented for consideration at the hearing:

1. Whether the number of public investors and the amount of trading interest, actual or potential, in Applicants' securities is sufficiently limited to justify the requested exemptions for either or both of the Applicants; and

2. Whether the nature and extent of the activities of the Applicants are such

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to justify the requested exemptions for either or both of the Applicants; and

3. Whether adequate information is and will be available to investors concerning the financial affairs of the Applicants, to justify the requested exemptions for either or both of the Applicants; and

4. Generally, whether the requested exemptions are consistent with the public interest and with the protection of investors.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to the Journal Company and the Journal Employee's Stock Trust and to their attorney and that notice to all other persons be given by publication of this notice and order in the FEDERAL REGISTER, and that a general release of this Commission in respect to this notice and order be distributed to the press and mailed to those persons whose names appear on the mailing list for release.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-7230 Filed 3-27-74;8:45 am]

[70-4854]

METROPOLITAN EDISON CO. AND YORK HAVEN POWER CO.

Supplemental Notice of Proposed System Transactions

MARCH 20, 1974.

Notice is hereby given that Metropolitan Edison Company ("Met-Ed"), an electric utility subsidiary company of General Public Utilities Corporation, a registered holding company, and York Haven Power Company ("YHP"), a Pennsylvania corporation, 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pennsylvania 19605, have filed a joint application-declaration and an amendment thereto with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12(d) and 12 (f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the joint application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By notice dated February 26, 1968, in this proceeding (Holding Company Act Release No. 15982), notice was given of a proposal for YHP to issue to Met-Ed, and Met-Ed to acquire from YHP, in exchange for certain Met-Ed property, all the capital stock of YHP consisting of 500 shares of common stock without par value.

YHP is a Pennsylvania corporation which was incorporated on December 19, 1967 at Met-Ed's instance. YHP does not have any securities outstanding and does not propose to issue any securities prior to the consummation of the transactions herein proposed.

The property which Met-Ed proposes to transfer to YHP consists of (a) substantially all of the tangible and intangible project property comprising Met-Ed's York Haven hydroelectric project, as revised, which project has been licensed as Project No. 1888 under Part I of the Federal Power Act, and (b) the license, as amended, for said project. The transfer will exclude the land on which the Three Mile Island ("TMI") nuclear generating station is being constructed, as well as all land owned by Met-Ed and embraced generally within a radius of 2,000 feet from the center of the reactor building of each of the two units of said station.

The transfer will reserve to Met-Ed (and its successors and assigns) the right to make joint use of project waters for make-up, normal and cooling purposes at the TMI nuclear station and for the dilution and disposal of radioactive wastes, subject to water quality regulatory standards applicable to discharges of water for such purposes. The transfer will also exclude rights-of-way and facilities for existing transmission and distribution lines and a railroad and access road bridge and rights-of-way for certain future transmission and distribution lines, all of which are not part of the hydroelectric project. Met-Ed will contract with YHP for the rights, for the life of the nuclear generating station, to make joint use of the waters of the licensed project for make-up water and emergency cooling purposes for the nuclear station and the rights-of-way and easements across the project property necessary for the construction, operation and maintenance of the nuclear station.

The transfer will provide for the annual payment of $500 by Met-Ed (and its successors and assigns) to the licensee of the hydroelectric project for the value of the power and energy loss occasioned by the joint use of water for the TMI nuclear station.

The fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. The filing states that the Pennsylvania Public Utility Commission has jurisdiction with respect to Met-Ed's proposed sale of property to YHP and that the FPC has jurisdiction with respect to the proposed amendment to the license for the hydroelectric project and related matters. Copies of the orders of such commissions will be filed by amendment.

Notice is further given that any interested person may, not later than April 11, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said joint application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the joint applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the joint application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-7136 Filed 3-27-74;8:45 am]

[70-5415]

MIDDLE SOUTH UTILITIES, INC., ET AL.

Notice of Proposed Post-Effective Amendment

MARCH 19, 1974.

In the matter of Middle South Utilities, Inc., 280 Park Avenue, New York, New York 10017; System Fuels, Inc., 225 Baronne Street, New Orleans, Louisiana 70112; Arkansas Power & Light Company, Ninth and Louisiana Streets, Little Rock, Arkansas 72203; Louisiana Power & Light Company, 142 Delaronde Street, New Orleans, Louisiana 70174; Mississippi Power & Light Company, P.O. Box 1640, Jackson, Mississippi 39205; New Orleans Public Service, Inc., P.O. Box 60340, New Orleans, Louisiana 70160.

Notice is hereby given that System Fuels, Inc. ("SFI"), a jointly owned nonutility subsidiary of Arkansas Power & Light Company ("AP&L"), Louisiana Power & Light Company ("LP&L"), Mississippi Power & Light Company ("MP&L") and New Orleans Public Service, Inc. ("NOPSI"), hereinafter collectively referred to as the "Operating Companies," each an electric utility subsidiary company of Middle South Utilities, Inc. ("MSU"), a registered holding company, have jointly filed a first post-effective amendment to their application-declaration in this proceeding, as previously amended, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 12(b) and 12(f) of the Act and Rules 45 and 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By Commission Order dated December 17, 1973 (HCAR No. 18221), SFI was authorized to borrow from the Operating Companies from time to time through December 31, 1975, an aggregate amount not to exceed $90,000,000, as partial financing of SFI's capital requirements for the period 1974 to 1976. Borrowings under such $90,000,000 commitment were to be made, however, only to the extent that outside sources of financing were unavailable.

It is stated that SFI has negotiated a borrowing arrangement with First National City Bank ("FNCB") to provide outside financing (a) for a major portion of SFI's fuel oil inventory through 1976, presently estimated to vary between 5,000,000 and 10,500,000 barrels valued at as much as $115,500,000, (b) for expenditures relating to the construction of certain oil storage facilities to be owned by SFI in connection with SFI's overall storage program, (c) for progress payments for the construction of certain tows to be owned by SFI in connection with SFI's overall transportation program, and (d) for other miscellaneous expenditures in connection with SFI's fuel supply program and for general corporate purposes.

SFI proposes, by entering into a loan agreement with FNCB ("FNCB Loan Agreement"), to establish a line of credit with FNCB under which SFI may borrow and reborrow, for a period of two years from the date of the FNCB Loan Agreement, up to an aggregate of $40,000,000 outstanding at any one time.

The borrowings by SFI from FNCB will be evidenced by promissory notes ("FNCB Notes"), payable two years after the date of the FNCB Loan Agreement, which will bear interest on the unpaid principal amount thereof at a rate per annum equal to one hundred fifteen percent (115 percent) of the base rate charged by FNCB on 90-day loans to responsible and substantial commercial borrowers, with adjustments in the interest rate to be made effective as of the first day of the week following the week in which any change in such base rate of FNCB occurs. There is no requirement that SFI maintain compensating balances in connection with the borrowings from FNCB under the line of credit. The FNCB Notes will be prepayable at any time, in whole or in part, without penalty or premium.

In consideration for FNCB's commitment under the FNCB Loan Agreement, SFI will pay to FNCB a commitment fee from the date of the FNCB Loan Agreement to its termination date two years thereafter, computed at the rate of one-half of one percent (½ of 1 percent) per annum of the average daily unused portion of the commitment. The FNCB Agreement also provides that SFI may, at its option, terminate early, or reduce, from time to time, FNCB's commitment.

Under the terms of the proposed FNCB Loan Agreement, the Operating Companies will severally covenant and agree with FNCB to take any and all action as, from time to time, may be necessary to keep SFI in a sound financial condition and to place SFI in a position to discharge, and to cause SFI to discharge, its obligations to FNCB pursuant to the FNCB Loan Agreement and the FNCB Notes. The Operating Companies will further covenant and agree that they will, unless otherwise consented to in writing by FNCB, maintain their respective shares of ownership of the Common Stock of SFI, for the period during which any portion of the principal amount of the FNCB Notes remains unpaid, in approximately the same proportions as currently held by them.

SFI represents that, in carrying out its financing programs for the years 1974 through 1976, it will at all times maintain the aggregate of its capital stock, surplus and principal amount of its indebtedness to the Operating Companies at an amount equal to at least 35 percent of SFI's total capitalization.

As indicated above, SFI's cash requirements to finance fuel oil inventory from January 1, 1974 through 1976 have increased, under present estimates, by $55,500,000 from those set forth in the original filing. SFI consequently proposes to revise the amounts previously specified in the filing to be expended in the years 1974, 1975 and 1976 to $45,000,000, $16,500,000 and $16,500,000, respectively, for fuel oil inventory.

Fees and expenses anticipated in connection with the transactions proposed herein aggregate $5,500, including charges of $500 for administrative services, at cost, of Middle South Services, Inc., the service company of the Middle South Utilities System, and legal fees estimated not to exceed $5,000.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 12, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration as further amended by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended by said post-effective amendment or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-7138 Filed 3-27-74;8:45 am]

[70-5479]

NEW ORLEANS PUBLIC SERVICE, INC.

Proposal To Issue and Sell First Mortgage Bonds at Competitive Bidding

MARCH 22, 1974.

Notice is hereby given that New Orleans Public Service Inc., 317 Baronne Street, New Orleans, Louisiana 70160 ("NOPSI"), an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested parties are referred to said application, which is summarized below, for a complete statement of the proposed transaction.

NOPSI proposes to issue and sell, at competitive bidding, $35 million principal amount of its First Mortgage Bonds ("Bonds"), due May 1, 2004. The interest rate, which shall be a multiple of ⅛ of 1 percent, and the price, which will be not less than 100 percent nor more than 102.75 percent of the principal amount thereof, will be determined by competitive bidding. The Bonds will be issued under the Mortgage and Deed of Trust dated as of July 1, 1944 ("Indenture") between NOPSI and The Chase Manhattan Bank, Trustee, as supplemented and amended from time to time, and as further supplemented by a supplemental indenture to be dated May 1, 1974 ("Supplemental Indenture"). The Supplemental Indenture provides, among other things, that Bonds shall not be redeemed at the applicable general redemption price prior to May 1, 1979, from the proceeds of borrowings secured by NOPSI at an effective interest cost to NOPSI of less than the effective interest cost of the Bonds.

The application states that NOPSI will use the net proceeds from the sale of Bonds to retire $31,983,000 principal amount of First Mortgage Bonds, due July 1, 1974, to finance, in part, its 1974 construction program, and for other lawful purposes.

A statement of the fees, commissions and expenses incurred or to be incurred in connection with the proposed transaction will be supplied by amendment. The approval of the City of New Orleans is required for the issuance of the Bonds.

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An application has been made to, and approval granted by, that authority with respect to the proposed transaction. No other State commission, and no Federal commission, other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 17, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant of the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7139 Filed 3-27-74;8:45 am]

[File No. 500-1]

PATTERSON CORP.

Suspension of Trading

MARCH 20, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Patterson Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 21, 1974 through March 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7140 Filed 3-27-74;8:45 am]

[70-5478]

PENNSYLVANIA ELECTRIC CO. ET AL.

Proposed Acquisition by Subsidiary Company of All Assets of Associate Company and Related Transactions

MARCH 21, 1974.

Notice is hereby given that General Public Utilities Corporation ("GPU"), a registered holding company, and two of its electric utility subsidiary companies, Pennsylvania Electric Company ("Penelec") and Waterford Electric Light Company ("Waterford"), 80 Pine Street, New York, New York 10005, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a), 10, 12(b), 12(d), and 12(f) of the Act and rules 43, 44, and 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Penelec proposes to acquire from GPU, in exchange for 37,447 shares of Penelec's authorized and unissued common stock, plus $4.72 in cash, all of the issued and outstanding capital stock of Waterford, a wholly-owned subsidiary of GPU organized under the laws of Pennsylvania. The aggregate par value of the shares of additional Penelec common stock plus the cash payment of $4.72 is equal to GPU's carrying value for the Waterford capital stock of $748,944.72. GPU acquired the Waterford capital stock on December 16, 1968, pursuant to an order of the Commission (Holding Company Act Release No. 16243 (December 16, 1968)).

The business of Waterford is confined to the purchase, distribution, and sale of electric power and energy in a relatively small area located entirely within the existing service area of Penelec, approximately 15 miles from the city of Erie, Pennsylvania. At December 31, 1973, Waterford served 1,199 residential customers, 160 commercial and industrial customers, and one street lighting customer. Waterford purchases from Penelec its entire requirements of electric power and energy.

Waterford will declare a dividend on its common stock in an amount equivalent to its accumulated retained earnings from the date of acquisition by GPU of all the said common stock of Waterford to the close of business on the date preceding Penelec's acquisition of such stock. (Such earned surplus accumulated since the date of acquisition, December 16, 1968, by GPU amounted to $157,363 at December 31, 1973.) GPU's carrying value for the capital stock of Waterford ($748,944.72) is the sum of (a) the fair market value of the shares of GPU common stock delivered by GPU to the shareholders of Waterford in 1968 in exchange for the Waterford capital stock, (b) GPU's expenses incurred in connection with the acquisition of such Waterford capital stock, and (c) the subsequent cash capital contributions of $260,000 made by GPU to Waterford. GPU will record the additional Penelec common stock received by it at the par value thereof so that its additional investment in Penelec plus the $4.72 in cash to be delivered by Penelec in lieu of the issuance of a fractional share will merely be substituted for its existing investment in Waterford.

Immediately after Penelec's acquisition of the Waterford capital stock, Waterford will adopt a plan of liquidation pursuant to which Waterford will be dissolved and all of its assets will be transferred to Penelec (as Waterford's sole stockholder) subject to Waterford's liabilities and obligations. Upon such liquidation, the aggregate of the par value of the additional Penelec common stock and the cash payment of $4.72 by Penelec to GPU will be $166,925.27 in excess of the net assets (at net original cost) received by Penelec upon the liquidation of Waterford. GPU will make a cash capital contribution to Penelec of $166,925.27 in order to enable Penelec to write off such excess against the capital surplus resulting from such cash capital contribution so that Penelec will thereafter carry Waterford at net original cost.

The filing states that the Pennsylvania Public Utility Commission has jurisdiction over certain of the proposed transactions and that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses in connection with the proposed transactions will be filed by amendment.

Notice is further given that any interested person may, not later than April 15, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in

this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 74-7231 Filed 3-27-74;8:45 am]

[File No. 500-1]

REPUBLIC NATIONAL LIFE INSURANCE CO.

Suspension of Trading

MARCH 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Republic National Life Insurance Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 19, 1974 through March 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7141 Filed 3-27-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

MARCH 18, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 19, 1974 through March 28, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7142 Filed 3-27-74;8:45 am]

[File No. 500-1]

SILENUS CORP.

Suspension of Trading

MARCH 21, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Silenus Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 10 a.m. (c.d.t.) March 21, 1974 through March 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7232 Filed 3-27-74;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Suspension of Trading

MARCH 19, 1974.

The common stock of U.S. Financial Incorporated being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Incorporated being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from March 20, 1974 through March 29, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7143 Filed 3-27-74;8:45 am]

[70-5456]

UTAH POWER & LIGHT CO.

Proposed Cash and Property Contribution by Registered Holding Company to Geothermal Steam Exploration Venture

MARCH 22, 1974.

Notice is hereby given that Utah Power & Light Company ("Utah"), 1407 West North Temple Street, P.O. Box 899, Salt Lake City, Utah 84110, an electric utility company and a registered holding company, has filed an application, and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transaction.

On December 26, 1973, Utah entered into a Joint Venture Agreement ("agreement") with Geothermal Kinetics, Inc. ("GKI"), a Nevada corporation, creating a joint venture (venture) to explore for, develop and produce geothermal steam resources for use in the generation of electricity.

The agreement provides, among other things, that the venture will endeavor to drill sufficient wells to provide a steam supply for an electric generating station. In the event the venture is successful in the production of geothermal steam or other commodities of value, Utah shall have the exclusive right to purchase such production. The agreement provides that if Utah elects not to purchase such production, the substances produced may be sold to others, with the proceeds from any sale to be shared equally by Utah and GKI.

Utah's initial cash contribution to the venture is proposed to be a maximum of $500,000. These funds contributed by Utah are to be used for expenses connected with the drilling and completion of an initial test well in Box Elder County, Utah. Costs in excess of $500,000 for the initial test well will be borne by GKI. Utah will also transfer to the venture certain of Utah's geothermal rights in Bannock County, Idaho. Any additional expenditures or contributions by Utah in connection with the venture will require further authorization of this Commission.

GKI has agreed to transfer to the venture all GKI's interest in certain steam leases in Box Elder County, Cache County and Iron County, Utah together with subsequent leases to be acquired in the same area. GKI will also contribute all its geological, geophysical and geochemical data, studies and interpretations relating to said leases.

Fees and expenses to be incurred in connection with the proposed transaction are to be supplied by amendment. It is stated that the Utah Public Service Commission has authorized Utah's participation in the agreement and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than April 17, 1974, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the

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Commission may grant exemption from its rules under the Act as provided in rules 20(a) and 100 thereof or take such other action as it ma, deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7233 Filed 3-27-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

MARCH 20, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from March 21, 1974 through March 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-7144 Filed 3-27-74;8:45 am]

TARIFF COMMISSION

ESTIMATED CONSUMPTION OF BROOM CORN BROOMS

Report to the President

MARCH 21, 1974.

In accordance with Executive Order 11377 of October 23, 1967 (copy attached [1]), to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (79 Stat. 948; 19 U.S.C. 1202), the U.S. Tariff Commission herein reports its judgment as to the estimated domestic consumption of broom corn brooms for the year 1973, and the basis for that estimate. For convenience, the Commission also reports corresponding data for the years 1965 and 1972.

ESTIMATED CONSUMPTION OF BROOM CORN BROOMS

In the judgment of the Commission, the consumption in the calendar years 1965, 1972, and 1973 of brooms wholly or in part of broom corn was as follows (in dozens):

Type of broom	1965 [1]	1972 [2]	1973
Whiskbrooms of a kind provided for in items 750.26 to 750.28, inclusive, of the tariff schedules	470,612	446,238	436,514
Other brooms of a kind provided for in items 750.29 to 750.31, inclusive, of the tariff schedules	2,878,995	2,649,368	2,554,884

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on April 25, 1973.

BASIS FOR THE COMMISSION'S JUDGMENT WITH RESPECT TO BROOM CORN BROOMS

The Commission estimated consumption of broom corn brooms in 1973 by the same methods it used to estimate consumption in its previous reports pursuant to Executive Order 11377. Apparent annual consumption was determined by adding the quantity of shipments by domestic producers to the quantity of imports and subtracting therefrom the quantity of exports. Data on imports were obtained from the U.S. Customs Service, Department of the Treasury; data on production and exports were estimated from responses to questionnaires sent to all known domestic producers of broom corn brooms.

The data for each of the components used in the computation of apparent annual consumption of broom corn brooms are as follows (in dozens):

Item	1965 [1]	1972 [2]	1973
	Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive		
U.S. producers' shipments	318,691	338,008	333,202
Imports	152,686	109,257	104,092
Exports	765	1,027	780
Apparent consumption	470,612	446,238	436,514
	Other brooms in a kind provided for in TSUS items 750.29 to 750.31, inclusive		
U.S. producers' shipments	2,596,457	2,457,669	2,351,674
Imports	296,897	197,556	205,783
Exports	14,359	5,857	2,573
Apparent consumption	2,878,995	2,649,368	2,554,884

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on April 25, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-6987 Filed 3-27-74;8:45 am]

WATCHES AND WATCH MOVEMENTS FROM INSULAR POSSESSIONS

Determination of Apparent United States Consumption of Watch Movements in 1973 and of Quotas for Duty-Free Entry in 1974 of Watches and Watch Movements From Insular Possessions

In accordance with headnote 6(c) of schedule 7, part 2, subpart E, of the Tariff Schedules of the United States (TSUS), the Tariff Commission has determined that the apparent United States consumption of watch movements for the calendar year 1973 was 50,134 thousand units, and that the number of watches and watch movements, the product of the Virgin Islands, Guam, and American Samoa, which may be entered free of duty during the calendar year 1974 under headnote 6(b) of said subpart E of the TSUS is as follows:

	Thousand units
Virgin Islands	4,874
Guam	464
American Samoa	232

By order of the Commission.

KENNETH R. MASON,
Secretary.

MARCH 25, 1974.

[FR Doc.74-7221 Filed 3-27-74;8:45 am]

[TEA-W-232]

WESTLAND SHOE CORP.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the Westland Shoe Corp., Biddeford, Maine, a wholly-owned subsidiary of Standard Prudential Corp., New York, New York, the United States Tariff Commission, on March 22, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for men and women (of the types provided for in items 700.35, 700.43, 700.45 and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before April 8, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: March 25, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-7220 Filed 3-27-74;8:45 am]

[1] Filed as part of the original document.

DEPARTMENT OF LABOR

Office of the Secretary

DELAWARE

Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708, establishes a program of extended unemployment compensation which provides for payment of extended unemployment compensation to unemployed workers who have received all of the regular unemployment compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to § 203(b)(2) of the Act, notice is hereby given that J. Thomas Schranck, Secretary of the Delaware Department of Labor, has determined that there was a State "on" indicator in Delaware for the week ending March 9, 1974, and that an extended benefit period will commence with the week beginning March 24, 1974.

Signed at Washington, D.C., this 25th day of March 1974.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.74-7198 Filed 3-27-74;8:45 am]

MICHIGAN

Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708, establishes a program of extended unemployment compensation which provides for payment of extended unemployment compensation to unemployed workers who have received all of the regular unemployment compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to § 203(b)(2) of the Act, notice is hereby given that S. Martin Taylor, Director of the Michigan Employment Security Commission, has determined that there was a State "on" indicator in Michigan for the week ending March 9, 1974, and that an extended benefit period will commence with the week beginning March 24, 1974.

Signed at Washington, D.C., this 25th day of March 1974.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.74-7199 Filed 3-27-74;8:45 am]

[V-73-17]

PRINEVILLE MOULDING, INC., AND CONSOLIDATED PINE, INC.

Grant of Variance

I. *Background.* Prineville Mouldings, Inc., 215 Metuchen Road, South Plainfield, New Jersey 07080, and Consolidated Pine, Inc., Post Office Box 428, Prineville, Oregon 97754, have made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance from the safety and health standard prescribed in 29 CFR 1910.213(d)(1). The standard requires that circular crosscut table saws must be guarded by a specified kind of hood. Facilities affected by this application are:

Prineville Moulding Plant
Post Office Box 548
Lamonta Road
Prineville, Oregon 97754

Consolidated Pine Sawmill and Moulding Plant
Post Office Box 428
Lamonta Road
Prineville, Oregon 97754

Notice of application for variance was published in the FEDERAL REGISTER on August 23, 1973 (38 FR 22683). The notice invited interested persons, including affected employers and employees, to submit written data, views and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments and no request for a hearing have been received.

II. *Facts.* The applicants use end trim saws to trim linear moulding to various lengths. The operator of a trim saw stands several feet from the saw, with a working table between him and the blade. Using marks on the table as a guide, the operator trims the ends off the moulding by bringing the moulding down onto the saw.

Consolidated Pine, Inc. has placed a metal guard on each side of the saw and over a portion of the top of the saw, and has placed a barrier 50 by 60 inches and 50 inches high of one inch steel pipe around the saw, so that it prevents an employee from accidentally coming in contact with the saw.

Prineville Mouldings, Inc. has placed a metal guard on each side of the saw, and has also placed a barrier of ½ inch steel around the saw to prevent accidental contact with the saw. This barrier is 36 by 72 inches and up to 59 inches in height.

III. *Decision.* 29 CFR 1910.213(d)(1) requires that crosscut table saws be guarded with a hood which meets certain specifications. This is intended to protect the employee against being injured by the saw blade and by splinters thrown out by the saw.

The applicants have shown that the protection provided to the saw operators by the fact that they remain several feet from the saw during operation, and by the metal guards on the sides of the saw blades, provide a place of employment as safe as it would be if they complied with the standard.

They have also shown that equivalent safety is provided to other employees in the area by the barriers which have been placed around the saws to prevent anyone from coming into accidental contact with the saws.

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and Secretary of Labor's Order No. 12-71 (36 FR 8754), it is ordered that Prineville Mouldings, Inc. and Consolidated Pine, Inc. be, and they are hereby, authorized to use their end trim saws without complying with 29 CFR 1910.213(d)(1), provided they use the guarding method described above, consisting of keeping the operators several feet from the saws by means of worktables, placing metal guards on the sides of the saws, and placing steel barriers around the saws to prevent accidental contact with the saws.

As soon as possible, Prineville Mouldings, Inc., and Consolidated Pine, Inc., shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on March 28, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 25th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-7202 Filed 3-27-74;8:45 am]

[V-74-16]

ROLLINS COLLEGE

Grant of Variance

I. *Background.* Rollins College, Winter Park, Florida 32789, made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655), and 29 CFR 1905.11 for a variance from the safety and health standard prescribed in 29 CFR 1910.37(i). The standard requires that a means of egress must have a ceiling height of 7'6", with projections no less than 6'8" from the floor. Facilities affected by this application are: Eleven dormitories at Rollins College, Winter Park, Florida 32789, (Rollins, Hooker, Lyman, Gale, Pugsley, Mayflower, Cross, Strong, Corrin, Fox, Rex Beach). Notice of the application for variance was published in the FEDERAL REGISTER on September 25, 1973 (38 FR 26781). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request for a hearing have been a variance. No written comments and no request for a hearing have been received.

II. *Facts.* The applicant requests a variance to allow the installation of acoustical ceilings in the corridors at a height of 7'2". This ceiling will provide a cover for air conditioning pipes and a

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base for lighting and fire detectors. The clearance requirement of 6'8" for obstructions will be maintained. The corridors have a maximum travel distance to protected stairs or exits of 30 feet, with a maximum of 13 rooms opening onto a corridor. The buildings have a maximum height of 3 stories, and all functioning rooms have outside windows for alternate means of egress. The buildings are equipped with an automatic fire alarm system which has ionization detectors for very early warning. The system automatically relays alarms to the city fire department located within ½ mile of the buildings.

III. *Decision.* 29 CFR 1910.37(i) requires that the ceiling height for means of egress shall be no less than 7'6". This is intended to provide sufficient head clearance in emergency situations. The applicant states that it intends to lower the ceiling height by 4". This is not considered to be a significant change, since very few people exceed a height of 7'2", and few of such people would be employees working for substantial periods of time in corridors of the college dormitories affected by the application. Therefore, it is decided that the applicant will be providing a place of employment as safe as that required by the standard.

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that Rollins College be, and it is hereby, authorized to install an acoustical ceiling at a height of 7'2" from the floor in the means of egress, in lieu of the 7'6" ceiling height required by 29 CFR 1910.37 (i), provided that it maintains a 6'8" clearance for projections.

As soon as possible, Rollins College shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on March 28, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 25th day of March 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-7201 Filed 3-27-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 24]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MARCH 22, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after March 28, 1974, except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 340 (Sub-No. 29), filed February 5, 1974. Applicant: QUERNER TRUCK LINES, INC., 1131–33 Austin Street, San Antonio, Tex. 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortening, cooking and salad oil, and oleo margarine* (except in bulk in tank vehicles), from the plant site and storage facilities of P. V. O. International, Inc., at or near St. Louis, Mo., to points in Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 20783 (Sub-No. 99), filed December 1, 1972. Applicant: TOMPKINS MOTOR LINES, INC., 638 Langley Place, Decatur, Ga. 33030. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Gulfport, Miss., to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or New Orleans, La.

No. MC 22229 (Sub-No. 84), filed January 25, 1974. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Harold H. Clokey, 414 The Equitable Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in that area of Florida between Florida City and Key West, Fla., usually referred to as the Florida Keys.

NOTE.—Common control may be involved. Applicant presently holds authority in the lead certificate between points in Florida not requested herein. Applicant states that the requested authority can be tacked in the lead certificate at Florida City, Fla., to provide service between points in a specified region of Florida. If a hearing is deemed necessary, applicant requests it be held at either Miami or Key West, Fla.

No. MC 29910 (Sub-No. 139) (Amendment), filed January 14, 1974, published in the FR issue of February 22, 1974, and republished as amended this issue, Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43—Kelly Building, Fort Smith, Ark. 72001. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Day and Night Company, Payne Company, at Collierville, Tenn., as an off-route point in connection with applicant's regular route authority to and from Memphis, Tenn.

NOTE.—The purpose of this republication is to indicate that applicant seeks regular route authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or New Orleans, La.

No. MC 30887 (Sub-No. 203), filed February 7, 1974. Applicant: SHIPLEY TRANSFER, INC., 49 Main Street, Reistertown, Md. 21136. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, in tank vehicles or hopper-type vehicles, from Baltimore, Md., to points in Pennsylvania, New Jersey, Delaware, Virginia, West Virginia, and the District of Columbia, restricted to traffic having a prior movement by rail.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 33641 (Sub-No. 113), filed February 4, 1974. Applicant: I.M.L. FREIGHT, INC., 2175 S. 3270 West, Salt Lake City, Utah 84119. Applicant's representative: Stuart L. Poelman, 7th Floor Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Westvaco, Alchem, and Stauffer, Wyo., and the plantsite of Texas-gulf, Inc. (located 7 miles east of Granger, Wyo.) as off-route points in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Rock Springs, Wyo.

No. MC 41406 (Sub-No. 39), filed February 5, 1974. Applicant: ARTIM TRANSFORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, Ind. 46323. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel castings*, from Benton Harbor and St. Joseph, Mich., to Glasgow, Ky.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at Benton Harbor and St. Joseph, Mich., in Sub-No. 18, Sheet 1, to provide a through service from Chicago, Ill., to Glasgow, Ky. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., Cleveland, Ohio, or Washington, D.C.

No. MC 41432 (Sub-No. 137), filed February 11, 1974. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: W. P. Furrh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, rock, gravel, sand, household goods as defined by the Commission, and commodities requiring special equipment), serving the Holiday Industrial Park, located in DeSoto County, Miss., as an off-route point in connection with applicant's regular-route operations to and from Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Dallas, Tex.

No. MC 41432 (Sub-No. 138), filed January 31, 1974. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: W. P. Furrh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Memphis, Tenn., and Collierville, Tenn., serving no intermediate points: From Memphis over U.S. Highway 72 to Collierville, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Memphis, Tenn., or Dallas, Tex.

No. MC 41432 (Sub-No. 139), filed February 11, 1974. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex. 75207. Applicant's representative: W. P. Furrh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Rob Roy Industries, located at or near Gilmer, Tex., as an off-route point in connection with carrier's authorized regular-route operations to and from Longview, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 42212 (Sub-No. 5), filed February 13, 1974. Applicant: HARDER'S EXPRESS, INC., Route 9–H, Claverack, N.Y. 12513. Applicant's representative: Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Claverack, N.Y., and Port Jervis, N.Y., serving all intermediate points: (a) From Claverack over New York Highway 9H to junction New York Highway 23, thence over New York Highway 23 to junction Interstate Highway 87, thence over Interstate Highway 87 to junction U.S. Highway 6, thence over U.S. Highway 6 to Port Jervis, and return over the same route; (b) from Claverack to Interstate Highway 87 as above, thence over Interstate Highway 87 to U.S. Highway 209, thence over U.S. Highway 209 to Port Jervis, and return over the same route; and (c) from Claverack over New York Highway 9H to junction U.S. Highway 9, thence over U.S. Highway 9 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction U.S. Highway 6, thence over U.S. Highway 6 to Port Jervis, and return over the same route.

(2) Between Claverack, N.Y., and Albany, N.Y., serving all intermediate points: (a) From Claverack over New York Highway 9H to junction U.S. Highway 9, thence over U.S. Highway 9 to Albany, and return over the same route; (b) from Claverack over New York Highway 9H to junction New York Highway 23, thence over New York Highway 23 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Albany, and return over the same route; (c) from Claverack over New York Highway 9H to junction New York Highway 23B, thence over New York Highway 23B to junction U.S. Highway 9 to junction New York Highway 9J, thence over New York Highway 9J to Albany, and return over the same route; (d) from Claverack to U.S. Highway 9 as (2)(a) above, thence over U.S. Highway 9 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 87, thence over Interstate Highway 87 to Albany, and return over the same route; (e) from Claverack to New York Highway 23 as above, thence over New York Highway 23 to junction New York Highway 385, thence over New York Highway 385 to junction New York Highway 144, thence over New York Highway 144 to Albany, and return over the same route; (f) from Claverack to New York Highway 23B as above, thence over New York Highway 23B to junction New York Highway 66, thence over New York Highway 66 to junction U.S. Highway 20, thence over U.S. Highway 20 to Albany, and return over the same route; and (g) from Claverack over New York Highway 9H to junction New York Highway 66, thence over New York Highway 66 to junction New York Highway 295, thence over New York Highwey 295 to junction New York

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Highway 22, thence over New York Highway 22 to junction U.S. Highway 20, thence over U.S. Highway 20 to Albany, and return over the same route.

(3) Between Claverack, N.Y., and Ellenville, N.Y., serving all intermediate points: (a) From Claverack over New York Highway 9H to junction U.S. Highway 9, thence over U.S. Highway 9 to junction New York Highway 199, thence over New York Highway 199 to junction U.S. Highway 209, thence over U.S. Highway 209 to Ellenville, and return over the same route; (b) from Claverack over New York Highway 9H to junction New York Highway 23, thence over New York Highway 23 to junction Interstate Highway 87, thence over Interstate Highway 87 to junction U.S. Highway 209, thence over U.S. Highway 209 to Ellenville, and return over the same route; and (c) from Claverack to New York Highway 23 as in 3(b) above, thence over New York Highway 23 to junction U.S. Highway 9W, thence over U.S. Highway 9W to junction New York Highway 199, thence over New York Highway 199 to junction U.S. Highway 209, thence over U.S. Highway 209 to Ellenville and return over the same route; (4) between Claverack, N.Y., and Liberty, N.Y., serving all intermediate points: From Claverack to Ellenville as (3) above, thence over New York Highway 52 to Liberty, and return over the same route; (5) between Claverack, N.Y., and Monticello, N.Y., serving all intermediate points: (a) From Claverack to Liberty as (4) above, thence over New York Highway 17 to junction New York Highway 17B, thence over New York Highway 17B to Monticello, and return over the same route; and (b) from Claverack to Ellenville as (3) above, thence over U.S. Highway 209 to junction New York Highway 17, thence over New York Highway 17 to junction New York Highway 17B, thence over New York Highway 17B to Monticello, and return over the same route.

(6) Between Claverack, N.Y., and Kingston, N.Y., serving all intermediate points: (a) From Claverack, to New York Highway 199 as (3)(c) above, thence over New York Highway 199 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Kingston, and return over the same route; (b) from Claverack over New York Highway 9H to junction New York Highway 23B, thence over New York Highway 23B to junction New York Highway 9G, thence over New York Highway 9G to junction New York Highway 199, thence over New York Highway 199 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Kingston, and return over the same route; and (c) from Claverack over New York Highway 9H to junction New York Highway 23, thence over New York Highway 23 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Kingston and return over the same route; (7) between Claverack, N.Y., and Newburgh, N.Y., serving all intermediate points: (a) From Claverack over New York Highway 9H to junction U.S. Highway 9, thence over U.S. Highway 9 to junction Interstate Highway 84, thence over Interstate Highway 84 to Newburgh, and return over the same route; (b) from Claverack to Interstate Highway 87, as (3)(b) above, thence over Interstate Highway 87 to Newburgh, and return over the same route; (c) from Claverack to Kingston, N.Y., as (6) above, thence over U.S. Highway 9W to junction Interstate Highway 84, thence over Interstate Highway 84 to Newburgh, and return over the same route; and (d) from Claverack to U.S. Highway 9W as (6)(c) above, thence over U.S. Highway 9W to junction New York Highway 32, thence over New York Highway 32 to junction New York Highway 208, thence over New York Highway 208 to junction New York Highway 17K, thence over New York Highway 17K to Newburgh, and return over the same route.

(8) Between Claverack, N.Y., and Middletown, N.Y., serving all intermediate points: From Claverack to Newburgh, as (7) above, thence over Interstate Highway 84 to junction New York Highway 17, thence over New York Highway 211, thence over New York Highway 211 to Middletown, and return over the same route; (9) between Claverack, N.Y., and Warwick, N.Y., serving all intermediate points: (a) From Claverack to Newburgh, as (7) above, thence over Interstate Highway 87 to junction New York Highway 17A, thence over New York Highway 17A to Warwick, and return over the same route; and (b) from Claverack to Newburgh, as (7) above, thence over Interstate Highway 84 to junction New York Highway 416, thence over New York Highway 416 to junction New York Highway 17A, thence over New York Highway 17A to Warwick, and return over the same route; (10) between Claverack, N.Y., and West Point, N.Y., serving all intermediate points: (a) From Claverack to Newburgh, N.Y., as (7) above, thence over U.S. Highway 9W to West Point, and return over the same route; and (b) from Claverack to U.S. Highway 9W, as (6)(c) above, thence over U.S. Highway 9W to junction New York Highway 218, thence over New York Highway 218 to West Point, and return over the same route.

(11) Between Claverack, N.Y., and Poughkeepsie, N.Y., serving all intermediate points: (a) From Claverack over New York Highway 9H to junction U.S. Highway 9, thence over U.S. Highway 9 to Poughkeepsie, and return over the same route; (b) from Claverack to U.S. Highway 9 as (11)(a) above, thence over U.S. Highway 9 to junction New York Highway 9G, thence over New York Highway 9G to Poughkeepsie, and return over the same route; (c) from Claverack over New York Highway 9H to junction New York Highway 82, thence over New York Highway 82 to New York Highway 199, thence over New York Highway 199 to junction New York Highway 82A, thence over New York Highway 82A to junction U.S. Highway 44, thence over U.S. Highway 44 to Poughkeepsie, and return over the same route; and (d) from Claverack to New York Highway 82 as (11)(c) above, thence over New York Highway 82 to junction New York Highway 82A, thence over New York Highway 82A to junction U.S. Highway 44, thence over U.S. Highway 44 to Poughkeepsie, and return over the same route; (e) from Claverack to New York Highway 82 as (11)(c) above, thence over New York Highway 82 to junction New York Highway 376, thence over New York Highway 376 to Poughkeepsie and return over the same route; (f) from Claverack to New York Highway 82 as (11)(c) above, thence over New York Highway 82 to junction U.S. Highway 44, thence over U.S. Highway 44 to Poughkeepsie, and return over the same route; and (g) from Claverack to New York Highway 82 as (11)(c) above, thence over New York Highway 82 to junction New York Highway 55, thence over New York Highway 55 to Poughkeepsie, and return over the same route; (12) between Poughkeepsie, N.Y., and Garrison, N.Y., serving all intermediate points: From Poughkeepsie over New York Highway 9D to Garrison, and return over the same route; (13) between Claverack, N.Y., and Woodstock, N.Y., serving all intermediate points: From Claverack to U.S. Highway 9W as (6)(c) above, thence over U.S. Highway 9W to junction New York Highway 212, thence over New York Highway 212 to Woodstock, and return over the same route;

(14) Between Claverack, N.Y., and West Hurley, N.Y., serving all intermediate points: From Claverack to New York Highway 212 as (13) above, thence over New York Highway 212 to junction New York Highway 375, thence over New York Highway 375 to junction New York Highway 28, thence over New York Highway 28 to West Hurley and return over the same route; (15) between Claverack, N.Y., and Shokan, N.Y., serving all intermediate points: From Claverack to New York Highway 28 as (14) above, thence over New York Highway 28 to Shokan, and return over the same route; (16) between Claverack, N.Y., and Cairo, N.Y., serving all intermediate points: From Claverack to New York Highway 23 as (2)(b) above, thence over New York Highway 23 to Cairo, and return over the same route; (17) between Claverack, N.Y., and Palenville, N.Y., serving all intermediate points: From Claverack to New York Highway 23 as (1)(b) above, thence over New York Highway 23 to junction New York Highway 23A, thence over New York Highway 23A to Palenville, and return over the same route; (18) between Claverack, N.Y., and Troy, N.Y., serving all intermediate points: From Claverack to U.S. Highway 9 as (2)(a) above, thence over U.S. Highway 9 to junction U.S. Highway 4, thence over U.S. Highway 4 to Troy, and return over the same route; (19) between Claverack, N.Y., and Waterford, N.Y., serving all intermediate points: From Claverack to U.S. Highway 4 as (18) above, thence over U.S. Highway 4 to Waterford, and return over the same route; (20) between Claverack, N.Y., and Latham, N.Y., serving all intermediate points: From Claverack to U.S.

Highway 4 as (18) above, thence over U.S. Highway 4 to junction New York Highway 7, thence over New York Highway 7 to Latham, and return over the same route; (21) between Claverack, N.Y., and Scotia, N.Y., serving all intermediate points: From Claverack to U.S. Highway 9 as (2)(a) above, thence over U.S. Highway 9 to junction New York Highway 5, thence over New York Highway 5 to Scotia, and return over the same route.

(22) Between Claverack, N.Y., and Mahopac, N.Y., serving all intermediate points: (a) From Claverack to New York Highway 23, as (1)(b) above, thence over New York Highway 23 to junction New York Highway 22, thence over New York Highway 22 to junction Interstate Highway 84, thence over Interstate Highway 84 to junction U.S. Highway 6, thence over U.S. Highway 6 to Mahopac, and return over the same route; and (b) from Claverack to New York (22)(a) above, thence over New York Highway 22 to junction New York Highway 292, thence over New York Highway 292 to junction New York Highway 311, thence over New York Highway 311 to junction New York Highway 52, thence over New York Highway 52 to junction New York Highway 301, thence over New York Highway 301 to junction U.S. Highway 6, thence over U.S. Highway 6 to Mahopac and return over the same route; (23) between Albany, N.Y., and Suffern, N.Y., serving all intermediate points: (a) From Albany over Interstate Highway 87 to Suffern, and return over the same route; and (b) from Albany over U.S. Highway 9 to junction New York Highway 199, thence over New York Highway 199 to junction Interstate Highway 87, thence over Interstate Highway 87, to Suffern and return over the same route; (24) between Claverack, N.Y., and Suffern, N.Y., serving all intermediate points.

From Claverack to Newburgh, as (7) above, thence over Interstate Highway 87 to Suffern, and return over the same route; and (25) between Claverack, N.Y., and New York, N.Y., serving all intermediate points: (a) From Claverack to Suffern as (24) above, thence over New York Highway 17 to the New York-New Jersey State line, thence over New Jersey Highway 17 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 95 thence over Interstate Highway 95 to New York, N.Y., and return over the same route; (b) from Claverack to New Jersey Highway 17 as (25)(a) above, thence over New Jersey Highway 17 to junction New Jersey Highway 4, thence over New Jersey Highway 4 to junction Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., and return over the same route; (c) from Claverack to New Jersey Highway 17 as (25)(a) above, thence over New Jersey Highway 17 to junction U.S. Highway 3, thence over New Jersey Highway 3 to junction Interstate Highway 495, thence over Interstate Highway 495 to New York, N.Y., and return over the same route; (d) from Claverack to New Jersey Highway 17, as (25)(a) above, thence over New Jersey Highway 17 to junction U.S. Highway 46, thence over U.S. Highway 46 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction Interstate Highway 495, thence over Interstate Highway 495 to New York, N.Y., and return over the same route; (e) from Claverack to U.S. Highway 46, as (25)(d) above, thence over U.S. Highway 46 to junction Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highways 1 and 9, thence over U.S. Highways 1 and 9 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same route.

(f) From Claverack to New Jersey Highway 17 as (25)(a) above, thence over New Jersey Highway 17 to junction New Jersey Highway 7, thence over New Jersey Highway 7 to junction U.S. Highways 1 and 9, thence over U.S. Highways 1 and 9 to junction U.S. Highway 1, thence over U.S. Highway 1 to New York, N.Y., and return over the same route; (g) from Claverack to Suffern as (24) above, thence over Interstate Highway 87 to junction New York Highway 304, thence over New York Highway 304 to New York-New Jersey State line, thence over New Jersey Highway 503 to junction New Jersey Highway 4, thence over New Jersey Highway 4 to Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., and return over the same route; (h) from Claverack to Suffern as (24) above, thence over Interstate Highway 87 to junction New York Highway 303, thence over New York Highway 303 to New York-New Jersey State line, thence over New Jersey Highway 505 junction to East Clinton Avenue, thence over East Clinton Avenue to junction New Jersey Highway 501, thence over New Jersey Highway 501 to junction New Jersey Highway 4, thence over New Jersey Highway 4 to junction Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., and return over the same route; (i) from Claverack to Interstate Highway 95 as (25) (a, b, d, e, g, and h) above, thence over Interstate Highway 95 to junction Interstate Highway 278, thence over Interstate Highway 278 to New York, N.Y., and return over the same route; and (j) from Claverack to Suffern as (24) above, thence over Interstate Highway 87 to junction U.S. Highway 9W, thence over U.S. Highway 9W to Interstate Highway 95, thence over Interstate Highway 95 to New York, N.Y., and return over the same route.

NOTE.—Applicant presently holds the requested authority as an irregular route in MC-42212 Sub-Nos. 3 and 4, and seeks to convert this authority to regular route authority. If a hearing is deemed necessary, the applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 48958 (Sub-No. 118), filed February 15, 1974. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Morris G. Cobb, P.O. Box 9050, 601 Ross Street, Amarillo, Tex. 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined copper and commodities of unusual value*, between the plantsites and storage facilities of American Smelting and Refining Co., located at or near Amarillo, Tex., on the one hand, and, on the other, points in California, Arizona, New Mexico, Colorado, Wyoming, Nebraska, Kansas, Missouri, Iowa, Illinois, Indiana, Ohio, and Oklahoma.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with Sub-No. 102, at points in Arizona, to provide service between the facilities of American Smelting and Refining Co., on the one hand, and, on the other, points in Utah. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 48958 (Sub-No. 119), filed February 15, 1974. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, Colo. 80216. Applicant's representative: Morris G. Cobb, P.O. Box 9050, 601 Ross Street, Amarillo, Tex. 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Chicago, Ill., and its Commercial Zone, to points in Colorado, Nebraska, Texas, and Wyoming.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at points in Colorado, to serve points in New Mexico, Utah, Arizona, and California, and at points in Nebraska to serve points in Kansas and Kansas City, Mo. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 364), filed February 6, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 S. Broadway, Green Bay Wis. 54304. Applicant's representative: D. F. Martin, P.O. Box 2298, Green Bay, Wis. 54304. Applicant's rep- to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs, including foodstuffs not for human consumption*, between Beaver Dam and Milwaukee, Wis., on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, Wyoming, Colorado, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Indiana, Michigan, Kentucky, Ohio, Pennsylvania, New Jersey, Connecticut, Massachusetts, New York, Vermont, New Hampshire, Rhode Island, and Maine, restricted against the transportation of the above-named commodities in bulk, in tank vehicles, and further restricted to traffic originating at, or destined to, the plantsites and warehouse facilities of Wisconsin Cold Storage, Inc., at Beaver Dam and Milwaukee, Wis.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Chicago, Ill.

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No. MC 55778 (Sub-No. 20), filed February 5, 1974. Applicant: MOTOR DISPATCH, INC., 2559 South Archer Avenue, Chicago, Ill. 60608. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Danville and Kankakee, Ill., points in Indiana, Michigan (on and south of a line beginning at Ludington, Mich., and extending along U.S. Highway 10 to junction Business Route U.S. Highway 10, thence along Business Route U.S. Highway 10 to Midland, Mich., thence along Michigan Highway 20 to Saginaw River to Saginaw, and thence along the Saginaw River to Saginaw Bay), and Ohio, on the one hand, and, on the other, the plant and warehouse facilities of the American Motors Corp., at or near Kenosha, Wis., and in Racine County, Wis.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 55896 (Sub-No. 44), filed January 30, 1974. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, Mich. 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel;* and (2) *iron and steel articles*, (a) from the plantsites of Wheeling-Pittsburgh Steel Corporation, located at or near Benwood, Beech Bottom, Wheeling, and Follansbee, W. Va.; Allenport and Monessen, Pa., on the one hand, and, on the other, to points in Illinois, Indiana, Michigan, and Ohio; and (b) from the plantsites of Wheeling-Pittsburgh Steel, located at or near Steubenville, Yorkville, Martins Ferry, and Mingo Junction, Ohio, on the one hand, and, on the other, to points in Illinois and Indiana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 59150 (Sub-No. 87), filed February 11, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board;* from the facilities of Johns-Manville Corp., at or near Woodstock, Va., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., Jacksonville, Fla., or Washington, D.C.

No. MC 59150 (Sub-No. 88), filed February 11, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, P.O. Box 38047, Jacksonville, Fla. 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite and warehouse facilities of International Paper Company, in Georgetown County, S.C., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, and Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., Atlanta, Ga., or Washington, D.C.

No. MC 59570 (Sub-No. 38), filed January 23, 1974. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Road, Toms River, N.J. 08753. Applicant's representative: James C. Werner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Limestone, natural, ground, or pulversized*, from Perth Amboy, N.J., to points in Kentucky, Massachusetts, Virginia, and West Virginia; (2) *lumber and lumber products*, from Elizabeth, N.J., and its Commercial Zone, to points in Burlington, Mercer, Middlesex, Monmouth, and Ocean Counties, N.J.; and (3) *lumber and lumber products and roofing materials* (except in liquid in tank trucks), from Wilmington, Del., to points in Atlantic, Burlington, Mercer, Middlesex, Monmouth, and Ocean Counties, N.J., with the return of damaged or rejected material.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 67234 (Sub-No. 17), filed February 13, 1974. Applicant: GEORGIA-FLORIDA-ALABAMA TRANSPORTATION COMPANY, a Corporation, 1541 Reeves Street, Dothan, Ala. 36301. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Class A and Class B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Evergreen, Ala., and Waynesboro, Miss.: From Evergreen, Ala., over U.S. Highway 84 to Waynesboro, Miss., and return over the same route.

NOTE.—Common control may be involved. Applicant presently holds the requested authority as an irregular route and seeks to convert this authority to regular route authority. If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 67234 (Sub-No. 17, filed February 15, 1974. Applicant: UNITED VAN LINES, INC., No. 1 United Drive, Fenton, Mo. 63026. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional fixtures and laboratory equipment*, from Albuquerque, N. Mex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 73165 (Sub-No. 338), filed September 5, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33d Street, Birmingham, Ala. 35202. Applicant's representative: Joe W. Darden, 909–100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cast iron and brass valves, cast iron pressure pipe, fire hydrants and fire hydrant sections* and (2) *components, parts, attachments, accessories and* supplies used in connection with the commodities described in (1) above, from points in Marshall County, Ala., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at points in Marshall County, Ala., as follows: (a) In Sub-No. 180, on pipe, pipe connections, couplings, and fittings to provide a through service from Lone Star and Bond, Tex.; (b) in Sub-Nos. 183, 208, 216, 246, and 278 on iron and steel articles, to provide a through service from points in Brooke and Marshall Counties, W. Va.; points in Tennessee, Mississippi, Alabama, Pennsylvania, Maryland, and New York, and Tyler, Tex.; (c) in Sub-No. 186 to provide a through service from the plant site of Kentucky Electric Steel Co. in Boyd County, Ky.; (d) in Sub-No. 196, on pipe and pipe fittings to provide a through service from Swan Texas; and (e) in Sub-No. 276, on cast iron and bronze valves and components and cast iron fire hydrants to provide a through service from Birmingham, Ala., (a) through (e) to points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 74321 (Sub-No. 93), filed February 14, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17–B, 1555 Tremont Place, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined copper, and materials and supplies* used in the manufacture and distribution of refined copper (except in bulk, in tank vehicles), between the plantsite and storage facilities of American Smelting and Refining Company, Inc., at or near Amarillo, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Denver, Colo.

No. MC 76429 (Sub-No. 6), filed February 11, 1974. Applicant: WILLIAM A. STEWART, doing business as STEWART TRUCK LINE, P.O. Box 109, Dry Ridge, Ky. 41035. Applicant's representative: Phillip Tallaferro, Suite 400, General Savings Bldg., 1 W. Sixth St., Covington, Ky. 41011. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Corinth, Ky., and Lexington, Ky.: From Corinth, Ky., over Kentucky Highway 330 to junction of Interstate Highway 75, thence over Interstate Highway 75 to Lexington, Ky., and return over the same route, serving no intermediate points, restricted against the handling of traffic originating at, destined to, or interchanged at, Cincinnati, Ohio, or points within its Commercial Zone; and (2) between Holbrook, Ky., and Owenton, Ky.: From Holbrook, Ky., over Kentucky Highway 22 to junction of U.S. Highway 227, thence over U.S. Highway 227 to Owenton, Ky., and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Owenton, or Lexington, Ky.

No. MC 100666 (Sub-No. 270), filed February 11, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic laminates*, from Verona, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Shreveport, La., or Jackson, Miss.

No. MC 100666 (Sub-No. 271), filed February 14, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 NW. 58th, 280 National Foundation Life, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tile*, from San Antonio, Tex., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 102616 (Sub-No. 897), filed February 11, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Distillate fuel oils*, in bulk, in tank vehicles, from Vienna, Md., to the plantsites and facilities of Delaware Power & Light Company, at or near Tasley, Va., and Millsboro, Del.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 105461 (Sub-No. 90), filed February 4, 1974. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, Pa. 17566. Applicant's representative: Robert R. Herr, 406 Quarry Place, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products and accessories, equipment, and supplies*, used in the installation of sheet metal products, (1) between Columbus, Ohio, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, Connecticut, Massachusetts, Rhode Island, Maine, New Hampshire, Vermont, and the District of Columbia; and (2) between Philadelphia, Pa., and points in Bucks County, Pa., on the one hand, and, on the other, points in Ohio and Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Philadelphia, Pa.

No. MC 107012 (Sub-No. 197), filed January 21, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New commercial and institutional fixtures and equipment*, from points in De Soto County., Miss., to points in Kentucky, Tennessee, South Carolina, North Carolina, Florida, Alabama, Georgia, and Louisiana.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority can be tacked in Sub-No. 61, at points in Kentucky and Tennessee (except Hamblen County, Tenn.), to serve points in the United States including Alaska, but excluding Hawaii. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Chicago, Ill.

No. MC 107012 (Sub-No. 198), filed February 11, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Cuero, Tex., to points in Louisiana, Mississippi, Alabama, Georgia, South Carolina, Florida, Minnesota, Iowa, North Dakota, South Dakota, Kansas, Oklahoma, Montana, Wyoming, Colorado, New Mexico, Utah, and Arizona.

NOTE.—The portion of authority requested from Cuero, Tex., to points in Louisiana, Mississippi, Alabama, Georgia, South Carolina, and Florida, seeks removal of an Arkansas gateway. Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107012 (Sub-No. 199), filed January 31, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P. O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Michael L. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Air coolers*, from the plant site and storage facilities of Western Auto Supply Co., located at Phoenix, Ariz., to points in Texas, New Mexico, Colorado, California, Nevada, Utah, and Oregon; (2) *damaged defective, rejected, and returned shipments of the above-named commodities*, from the above-specified destination points, to the above-named origin point, restricted to the transportation of traffic originating at the named origin facilities and destined to the destination territory.

NOTE.—Common control and dual operations were approved in MC–F–9464. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Chicago, Ill.

No. MC 107295 (Sub-No. 693), filed February 8, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Dale L. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise*, as is dealt in by manufacturers and distributors of panels, paneling, shelving, mantels, and beams and related decorative items, from the plant site and warehouse facilities of Barclay Industries, Inc., located at or near Lodi, N.J., and Deer Park, N.Y., to points in Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee,

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Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 107295 (Sub-No. 694), filed February 11, 1974. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings*, complete, knocked down, or in sections, *structural steel, metal panels, and accessories* from Warrenton, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked at Warrenton, Mo., to provide a through service between points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 107295 (Sub-No. 695), filed February 14, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air distribution products*, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 107295 (Sub-No. 699), filed February 14, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from Chicago, Chicago Heights, and Port Bryon, Ill., and Pottstown, Pa., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked at Chicago, Chicago Heights, and Port Bryon, Ill., and Pottstown, Pa., to provide service between points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 107403 (Sub-No. 883), filed February 8, 1974. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Syrup noibn*, in bulk, in tank vehicles, from Southdown, La., to Wheeling, W. Va.; (2) *nitrogen solutions*, in bulk, in tank vehicles, from the storage facilities of Skyline Terminals, Inc., at Baltimore, Md., to points in Delaware and Virginia; and (3) *commodities*, in bulk, in watercarrier supplied containers, (1) from New Orleans, La., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas (except (a) vegetable oil between points in Louisiana, and (b) alcohol and alcohol products, to points in Alabama, Arkansas, Florida, Georgia, Mississippi, and Tennessee); and (2) from points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas, to New Orleans, La., restricted to (1) traffic having a prior or subsequent movement by water in the authority sought in items (1) and (2) above, and is further restricted to traffic originating at or destined to the territory described herein; and (2) chemicals, between Baton Rouge, La., to New Orleans, La.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107496 (Sub-No. 937), filed February 8, 1974. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua Way, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crude oil*, in bulk, from Clearbrook, Minn., to Superior and Saxon, Wis.; (2) *liquid resin*, from Burlington, Iowa, to Elizabethtown, Ky.; (3) *feed ingredients*, in bulk, from Weeping Water, Nebr., to points in California; (4) *refined soybean oil*, in bulk, in tank vehicles, from Belmond, Iowa, to points in Illinois; (5) *paint products*, in bulk, from Ft. Madison, Iowa, to points in Florida; (6) *petroleum products*, in bulk, in tank vehicles, from Havana, Ill., to points in Iowa; (7) *liquid feed and liquid feed supplements*, from the Cargill facilities located in Scott County, Iowa, to points in Indiana; and (8) *molasses*, in bulk, from Memphis, Tenn., to points in Arkansas and Mississippi.

NOTE.—Common control was approved in MC-F-9713 and is pending in MC-F-10042. Applicant states that the requested authority can be tacked with its existing authority: In Sub-No. 110 (1) at points in Nebraska to provide a through service to points in California, (a) on urea, from points in Iowa and Kansas; and (b) on molasses from points in Iowa, Kansas, Minnesota, Missouri, and South Dakota; (2) at Council Bluffs and Sioux City, Iowa, to serve points in Kansas and Nebraska; and (3) with the base certificate at Clear Lake, Iowa, to serve points in Minnesota on and south of Minnesota Highway 19. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 107515 (Sub-No. 892) (Amendment), filed January 31, 1974, published in the FR issue of March 14, 1974, and republished as amended this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, from the plantsite and other facilities utilized by The Nestle Co., Inc., at or near Burlington, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—The purpose of this republication is to amend the applicant's territorial description. Common control may be involved. Dual operations may be involved also. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at (1) New York, N.Y.; (2) Atlanta, Ga.; or (3) Chicago, Ill.

No. MC 108065 (Sub-No. 2), filed February 8, 1974. Applicant: PATTERSON TRUCKING COMPANY, a Corporation, 1790 Dock Street, P.O. Box 13406, Memphis, Tenn. 38113. Applicant's representative: Louis I. Dailey, 2208 Sterick Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, serving the site of Holiday Industrial Park, located in De Soto County, Miss., as an off-route point in connection with carrier's regular route operations between Memphis, Tenn., and West Memphis, Ark.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 110098 (Sub-No. 144), filed February 11, 1974. Applicant ZERO REFRIGERATED LINES, 1400 Ackerman Road, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Ohama, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Waterloo, Independence, and Vinton, Iowa, and Omaha, Nebr., to points in Missouri, Kansas, Oklahoma, Arkansas, and Texas, restricted to the transportation of traffic originating at the named origins, and destined to the points named above.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Antonio, Tex., or Omaha, Nebr.

No. MC 110420 (Sub-No. 704), filed September 7, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant's). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beverage bases, fruit emulsions, and fruit concentrates*, in bulk, in tank

vehicles, from points in the Chicago, Ill., Commercial Zone as defined by the Commission, to Inwood, W. Va.; Vincentown, N.J.; and Muskogee, Okla.; (2) *vinegar and vinegar stock, fermented, quick process and distilled vinegar, vinegar malt naphtha* (ethyl acetate), *salt* (calcium acetate), *vinegar acid* (acetic acid), and *vinegar wine*, in bulk, in tank and hopper-type vehicles, between Rogers, Ark.; Delta and Denver, Colo.; Chicago, Ill.; Hutchison and Wichita, Kans.; Bailey, Belding, and Fremont, Mich.; St. Paul, Minn.; Kansas City, Marionville, and Nixa, Mo.; Lyndonville and North Rose, N.Y.; Charlotte, N.C.; Oklahoma City, Okla.; Memphis, Tenn.; Dallas, Paris, and Houston, Tex.; Wenatchee and Yakima, Wash., and points in their respective Commercial Zones, restricted against the transportation of traffic wholly within one state; and (3) *sodium citrate* dry, in bulk, from Zeeland, Mich., to St. Louis, Mo.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110563 (Sub-No. 126), filed January 21, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsites and warehouse facilities utilized by The Miami Margarine Co. located at or near Cincinnati, Ohio, to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia, restricted to traffic originating at the above-named origin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cincinnati or Columbus, Ohio.

No. MC 111625 (Sub-No. 19), filed February 11, 1974. Applicant: BERMAN'S MOTOR EXPRESS, INC., IRS-Successor-In-Interest, P.O. Box 1566, Binghamton, N.Y. 13902. Applicant's representative: Norman Weiss, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Toilet preparations* and *candles*, and *materials and supplies* used in the manufacture of toilet preparations and candles (except in bulk), serving Binghamton, N.Y., as an off-route point; (2) *wines* and *related advertising materials*, and *materials and supplies* used in the manufacture of wines (except commodities in bulk), serving Hammondsport, N.Y., as an off-route point; (3) *ladders, scaffolds, planking, and footwalks*, and *materials and supplies* used in the manufacture thereof (except commodities in bulk), serving Bath and Newark Valley, N.Y., as off-route points; (4) *lift trucks* and *parts therefor*, and *materials and supplies* used in the manufacture of lift trucks and parts therefor (except commodities in bulk), serving Greene and Endwell, N.Y., as off-route points; (5) *drugs, medicines, pharmaceuticals, toilet preparations and related advertising materials*, and *materials and supplies* used in the manufacture of drugs, medicines, pharmaceuticals, toilet preparations (except commodities in bulk), serving Norwich, N.Y., as an off-route point; (6) *furniture* and *materials and supplies* used in the manufacture of furniture (except commodities in bulk), serving Berkshire, N.Y., as an off-route point; and (7) *pillow blocks and railway journals*, and *materials and supplies* used in the manufacture thereof (except commodities in bulk), serving Hornell, N.Y., as an off-route point, (1) through (7) in connection with carrier's presently authorized regular route operations between Elmira, N.Y., and Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Binghamton, N.Y.

No. MC 111729 (Sub-No. 418), filed February 1, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Laboratory, biological and medical samples, blood specimens, blood derivatives, human blood drawing materials, human tissue, urine specimens, serum specimens, and other clinical laboratory specimens, test tubes and containers therefor; business papers, records, audit and accounting media related thereto*, (a) between Columbus, Ohio, on the one hand, and, on the other, points in Ohio County, W. Va., and points in Pennsylvania; (b) between Birmingham, Ala., on the one hand, and, on the other, points in Florida, Georgia, Tennessee, and Texas, restricted to traffic having an immediately prior or subsequent movement by air or motor vehicle; (c) between Grand Rapids, Mich., on the one hand, and, on the other, points in Illinois, Indiana, and Ohio; and (d) from points in Indiana to St. Louis, Mo.; (2) *business papers, records, audit, and accounting media* of all kinds, *and advertising materials*, (a) between Chicago, Ill., on the one hand, and, on the other, points in Indiana, on or south of U.S. Highway 40; (b) between Keyport, N.J., on the one hand, and, on the other, Tullytown, Pa., and Hicksville, N.Y.; (c) between Lanham, Md., and Baltimore, Md.; and (d) between points in Georgia, restricted in Items (2) (c) and (d) above, to traffic having an immediately prior or subsequent movement by air.

(3) *Automotive parts and supplies*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds, from one consignor to one consignee on any one day, (a) between Cincinnati, Ohio, on the one hand, and, on the other, points in Indiana, Tennessee, and West Virginia; (b) between Lanham and Baltimore, Md.; (c) between points in Florida; (d) between points in Georgia; (e) between points in North Carolina; and (f) between points in South Carolina, restricted in items (3) (b) through (3) (f) above, to traffic having an immediately prior or subsequent movement by air; and (4) *proofs, cuts, copy, manuscripts, artwork, negatives, positives, printed matter, small office machine parts*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, *and business papers, records, audit and accounting media, and advertising materials*, between Warsaw, Ind., and Detroit, Mich.

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority can be tacked with (1) (a), in Sub-No. 79, at Columbus, Ohio, to provide service between Fort Wayne and Indianapolis, Ind., and Louisville, Ky., on the one hand, and, on the other, points in Ohio County, W. Va., and points in Pennsylvania, in Sub-No. 338, at King of Prussia, Pa., and Johnstown, Pa., in Sub-No. 345, to provide service between Columbus, Ohio, on the one hand, and, on the other, 12 specified points in New Jersey and New York, N.Y. (Sub-No. 338), and points in Maryland, West Virginia, and the District of Columbia (Sub-No. 345); with (1) (b), at points in Georgia, to provide service between Birmingham, Ala., on the one hand, and, on the other, Anderson, S.C., in Sub-Nos. 306 and 339, and at points in 27 specified counties in Tennessee, to provide service between Birmingham, Ala., on the one hand, and, on the other, Roanoke, Va., and Anderson, S.C., in Sub-Nos. 272 and 306.

With (1) (c), at specified points in Indiana, to provide service between Grand Rapids, Mich., on the one hand, and, on the other, Louisville, Ky., in Sub-Nos. 79 and 115, and St. Louis, Mo., in Sub-No. 285, and at specified points in Ohio, to provide service between Grand Rapids, Mich., on the one hand, and, on the other, Louisville, Ky., and Huntington, W. Va., in Sub-No. 79, and Johnstown, Pa., in Sub-No. 345; with (1) (d), at specified points in Indiana, to provide service between St. Louis, Mo., on the one hand, and, on the other, Louisville, Ky., points in Ohio and Michigan, and Chicago, Ill., in Sub-Nos. 79, 115, and 217; with (2) (a), at Chicago, Ill., to provide a service between points in Indiana, on or south of U.S. Route 40, on the one hand, and, on the other, points in Wisconsin in Sub-No. 180, points in 12 named counties in Michigan in Sub-No. 185, Dubuque, Iowa, in Sub-No. 205, eight named points in Michigan in Sub-No. 292, and Cedar Rapids, Iowa, in Sub-No. 338, and at points in Indiana on or south of U.S. Route 40, to provide a service between Chicago, Ill., on the one hand, and, on the other, Cincinnati, Ohio, in Sub-No. 300, St. Louis, Mo., in Sub-Nos. 137 and 228, Louisville, Ky., in Sub-Nos. 152 and 188, Dayton, Ohio, in Sub-No. 172, Celina, and Delaware, Ohio, in Sub-No. 266, Columbus, Ohio, in Sub-No. 302, Sandusky, Ohio, in Sub-No. 272, Owensboro and Hopkinsville, Ky., in Sub-No. 292 and 12 named points in Kentucky in Sub-No. 336.

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With (2)(b), at Keyport, N.J., to provide service between Tullytown, Pa., and Hicksville, N.Y., on the one hand, and, on the other, Boston, Mass., in Sub-No. 110, points in Middlesex County, Mass., in Sub-No. 247, and points in Delaware County, Pa., in Sub-No. 262, at Tullytown, Pa., to provide service between Keyport, N.J., on the one hand, and, on the other, Clifton, N.J., in Sub-No. 168, Dayton, Ohio, in Sub-No. 172, Celina and Delaware, Ohio, in Sub-No. 266, points in Baltimore County, Md., in Sub-No. 290, and Columbus, Ohio, in Sub-No. 302, at Hicksville, N.Y., to provide service between Keyport, N.J., on the one hand, and, on the other, Cleveland, Ohio, in Sub-No. 164, Hartford, Conn., and Clifton, N.J., in Sub-No. 168, Providence, R.I., in Sub-No. 205, points in Middlesex County, Mass., in Sub-No. 247, points in Hillsboro County, N.H., in Sub-No. 255, Carlstadt, N.J., in Sub-No. 258, points in New Haven County, Conn., in Sub-No. 266, Philadelphia, Pa., in Sub-No. 270, points in Litchfield County, Conn., in Sub-No. 282, Celina, Ohio, in Sub-No. 288, Salem, Mass., in Sub-No. 295, Columbus, Ohio, in Sub-No. 302, and Atlantic City and Pennsauken, N.J., and Levittown, Pa., in Sub-No. 367.

With (2)(c), at Baltimore, Md., to provide service between Lanham, Md., on the one hand, and, on the other, New York, N.Y., and points in Arlington County, Va., in Sub-No. 53, Philadelphia, Pa., in Sub-Nos. 151, 178 and 204, points in Middlesex County, N.J., and Lancaster, Pa., in Sub-No. 164, points in 5 named counties in Virginia and 6 named counties in Pennsylvania in Sub-No. 178, Washington, D.C., and Wilmington, Del., in Sub-No. 204, points in New Haven County, Conn., in Sub-No. 266, points in Dauphin, Bucks, and Blair Counties, Pa., in Sub-No. 290, and Valley Forge, Pa., in Sub-No. 332; with (2)(d) at points in Georgia, to provide service between points in Georgia, on the one hand, and, on the other, points in Alabama in Sub-Nos. 187, 222 and 223, Chattanooga, Tenn., in Sub-No. 222, points in Duval County, Fla., and Davidson County, Tenn., in Sub-No. 255, points in Tennessee on and east of the Tennessee River in Sub-No. 282, points in North Carolina and South Carolina in Sub-No. 292, and Quantico, Va., in Sub-No. 341; with (3)(a), at Cincinnati, Ohio, to provide a through service between points in Indiana, Tennessee, and West Virginia, on the one hand, and, on the other, points in Kentucky in Sub-No. 146; with (3)(b), at Baltimore, Md., to provide a service between Lanham, Md., on the one hand, and, on the other, Valley Forge, Pa., in Sub-No. 332; and with (4), at Detroit, Mich., to provide a service between Warsaw, Ind., on the one hand, and, on the other, Cumberland, Md., in Sub-No. 262 transporting of proofs, copy, manuscripts, and printed matter related thereto. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 164), filed February 11, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs*, from Omaha, Nebr., to points in Missouri, Illinois, Wisconsin, Indiana, Ohio, and Michigan.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114533 (Sub-No. 292), filed February 14, 1974. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, Ill. 60632. Applicant's representative: Warren W. Wallin, 330 S. Jefferson St., Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory specimens and reports*, between Omaha, Nebr., on the one hand, and, on the other, Wichita and Shawnee Mission, Kans.

NOTE.—Applicant holds contract carrier authority in MC 128616 and subs thereunder, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kanssas City, Mo.

No. MC 114632 (Sub-No. 69), filed February 8, 1974. Applicant: APPLE LINES, INC., 212 Southwest Second, P.O. Box 507, Madison, S. Dak. 57042. Applicant's representative: Andrew Clark, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and cement pipe containing asbestos fiber*, from the plantsite and warehouse facilities of Johns-Manville Products Corp., at Waukegan, Ill., to points in Colorado, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wyoming; and (2) *building materials*, from the plantsite of Johns-Manville Perlite Corp., at or near Joliet, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC 129706, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114725 (Sub-No. 58), filed February 8, 1974. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincolrf, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, (1) from Doniphan, Nebr., and Kansas City, Mo., to points in Kansas; and (2) from Kansas City, Mo., and Kansas City, Kans., to points in Nebraska.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 115331 (Sub-No. 360), filed February 11, 1974. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, (1) from Breese, Valmeyer, and West York, Ill., to points in Indiana, Kentucky, and Missouri, and (2) from Dublin and Jordan, Ind., to points in Illinois, Kentucky, Michigan, and Ohio.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority as follows: With the base certificate; on (1) above at Selma, Mo., to serve points in Illinois, Tennessee, Iowa, Oklahoma, Kansas, and Arkansas and on (2) above at Marseilles, Ill., to serve points in Iowa, Minnesota, Missouri, Ohio, Wisconsin, and Indiana; in Sub-No. 95 on (2) above at plant site of Foster Grant Co. located at Peru, Ill., to serve points in Indiana, Wisconsin, Minnesota, and Iowa; in Sub-No. 115 on (2) above at the plant site of Apple River Chemical Co. located at East Dubuque, Ill., to serve points in Indiana, Iowa, Kansas, Missouri, Nebraska, South Dakota, Minnesota, and Wisconsin, in Sub-No. 144 on (1) above at Selma, Mo., to serve in Michigan, Minnesota, Nebraska, South Dakota, and Wisconsin; in Sub-No. 151, on (1) above at the plant site and facilities of Chevron Chemical Co. located at Sugar Creek, Mo., to serve points in Kansas, Iowa, Nebraska, and Illinois; in Sub-No. 162 on (2) above at Cairo, Ill., to serve points in Arkansas, Missouri, Tennessee, and Indiana; and in Sub-No. 242 on (1) above at points in Clark County, Mo., to serve points in Illinois, Iowa, and Indiana. If a hearing is deemed necessary, applicant requests it be held at St. Louis or Kansas City, Mo.

No. MC 115691 (Sub-No. 26), filed February 1, 1974. Applicant: MURPHY TRANSPORTATION, INC., 1414 Crawford Avenue, P.O. Drawer 1090, Anniston, Ala. 36201. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Treated and untreated lumber;* and (2) *treated and untreated posts*, from Haleyville, Ala., to points in Louisiana, Mississippi, Georgia, Florida, Tennessee, Illinois, Indiana, Ohio, Kentucky, Pennsylvania, West Virginia, New York, Wisconsin, Iowa, Minnesota, and the lower peninsula of Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115691 (Sub-No. 27), filed February 1, 1974. Applicant: MURPHY TRANSPORTATION, INC., 1414 Crawford Avenue, Anniston, Ala. 36201. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood and plywood paneling*, from the plant site, warehouse, and storage facilities of Plywood Panels, Inc., at or near New Orleans, La., to points in Alabama, Florida, Georgia, Mississippi, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 116273 (Sub-No. 170), filed February 12, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spent or waste chemicals and petroleum products*, liquid, in bulk, in tank vehicles, from points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, to Chicago, Ill., and (2) *recycled chemicals and petroleum products*, liquid, in bulk, *in tank vehicles*, from Chicago, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, restricted to traffic originating at the origin territory and destined to the destination territory.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requesta it be held at Chicago, Ill.

No. MC 116273 (Sub-No. 171), filed February 15, 1974. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Charles T. Jensen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof*, in bulk, in tank vehicles, having a prior movement by rail, from Detroit, Mich., to points in Ohio and Indiana.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Hammond, Ind., to serve points in Illinois, Iowa, Michigan, Minnesota, Missouri, and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117119 (Sub-No. 496), filed February 7, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Western Potato Service, Inc., at Grand Forks, N. Dak., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia, restricted to traffic originating at the named plantsite and warehouse facilities, and destined to the points named above.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 117815 (Sub-No. 227), filed February 5, 1974. Applicant: PULLEY FREIGHT LINES, INC., 405 SE 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Albert Lea, Minn., to points in Iowa, Nebraska, Missouri, Kansas, Illinois, Michigan, and Indiana, restricted to shipments originating at the named origin, and destined to the points named above.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 118060 (Sub-No. 5), filed February 5, 1974. Applicant: CAPITOL PACKING CO., a Corporation, 1050 Yuma Street, Denver, Colo. 80204. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts, and articles distributed by meat packinghouses* (except commodities in bulk) *and materials, supplies, and equipment* used in the processing and distribution of the commodities named above, (a) between Denver, Colo., on the one hand, and, on the other, points in Connecticut, Pennsylvania, New York, Maryland, New Hampshire, Massachusetts, New Jersey, and the District of Columbia; (b) between Sterling, Colo., on the one hand, and, on the other, points in Connecticut, Pennsylvania, New York, Maryland, New Hampshire, Massachusetts, New Jersey, and the District of Columbia; (c) between Greeley, Colo., on the one hand, and, on the other, points in Connecticut, Pennsylvania, New York, Maryland, New Hampshire, Massachusetts, New Jersey, and the District of Columbia; and (d) between Denver and Fort Morgan, Colo.; Fremont, Millard, Nebraska City, and Omaha, Nebr.; and Council Bluffs and Oakland, Iowa, on the one hand, and, on the other, points in Connecticut, Pennsylvania, New York, Maryland, New Hampshire, Massachusetts, New Jersey, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 118457 (Sub-No. 11), filed February 6, 1974. Applicant: ROBBINS DISTRIBUTING COMPANY, INC., W. 145 S. 6550 Tess Corners Drive, Muskego, Wis. 53150. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs, including frozen foodstuffs not for human consumption* (except commodities in bulk), between Beaver Dam and Milwaukee, Wis., on the one hand, and, on the other, points in Idaho, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, New York, and Maine, restricted to traffic originating at or destined to the facilities of Wis. Cold Storage, Inc.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 119089 (Sub-No. 4), filed February 6, 1974. Applicant: WISCONSIN REFRIGERATED SERVICES, INC., 11400 W. Burleigh Street, Milwaukee, Wis. 53222. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs, including frozen foodstuffs not for human consumption*, between Beaver Dam and Milwaukee, Wis., on the one hand, and, on the other, points in Washington, Oregon, Idaho, Montana, Wyoming, Colorado, Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Iowa, Missouri, Illinois, New Jersey, Connecticut, Massachusetts, New York, Vermont, New Hampshire, Rhode Island, Maine, Wisconsin, Indiana, Michigan, Kentucky, Ohio, and Pennsylvania, under contract with Wisconsin Cold Storage Company, at Milwaukee, Wis., restricted against transportation of the above-named commodities in bulk, in tank vehicles; and further restricted to traffic originating at, or destined to, the plantsites and warehouse facilities of Wisconsin Cold Storage Company, at Beaver Dam and Milwaukee, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 119767 (Sub-No. 309), filed February 6, 1974. Applicant: BEAVER TRANSPORT CO., a Corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs, including frozen foodstuffs not for human consumption*, between Beaver Dam and Milwaukee, Wis., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 123499 (Sub-No. 1), filed January 7, 1974. Applicant: LOWELL L.

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TREFFERT, INC., P.O. Box 123, Franksville, Wis. 53126. Applicant's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fermented malt beverages*, from Columbus, Ohio, to Racine and Burlington, Wis., and (2) *fermented malt beverage containers*, from Racine and Burlington, Wis., to Columbus, Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Racine, Wis.

No. MC 125023 (Sub-No. 22), filed February 12, 1974. Applicant: SIGMA-4 EXPRESS, INC., P.O. Box 9117, Erie, Pa. 16504. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, *and related advertising material*, moving therewith, (1) from Baltimore, Md., to Erie, Pa.; (2) from Baltimore, Md., and Rochester, N.Y., to North Versailles, Pa., and (3) *empty malt beverage containers*, on return movements in (1) and (2) above.

NOTE.—Applicant states that the requested authority can be tacked at North Versailles (Pittsburgh Commercial Zone), Pa., to serve points in Illinois, Indiana, and Michigan. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

MC 125522 (Sub-No. 6), filed October 29, 1973, published in the FR issue of December 13, 1973, republished in the FR issue of January 17, 1974, and in the third publication, as amended this issue. Applicant: GEORGE W. KUGLER, 2800 East Waterloo Road, Akron, Ohio 44312. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Clay products*, from Pottstown, Pa., to points in that part of Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, and the District of Columbia within 300 miles of Pottstown, Pa.; (2) *rejected* or *damaged shipments of clay products, and materials and supplies* used in the manufacture of clay products, from points in the above specified destination territory, to Pottstown, Pa.; (3) *clay products*, (a) from Clearfield, Pa., to points in Delaware, Maryland, New York, New Jersey, Virginia, West Virginia, and the District of Columbia; and (b) from Pottstown, Pa., to points in West Virginia; (4) *rejected and unused clay products, and materials* and supplies used in the manufacture of clay products, (a) from points in Delaware, Maryland, New York, New Jersey, Virginia, West Virginia, and the District of Columbia, to Clearfield, Pa., and (b) from points in West Virginia, to Pottstown, Pa.; (5) *clay products:* (a) From Pottstown, Pa., to points in Connecticut, Maryland, Massachusetts, New York, Ohio, Rhode Island, Virginia, Maine, New Hampshire, and Vermont (except points in that part of Connecticut, Maryland, Massachusetts, New York, Ohio, Rhode Island, and Virginia within 300 miles of Pottstown), and (b) from the site of the plant of the Clow Corporation at Clearfield, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, Ohio, Rhode Island, and Vermont.

(6) *Clay products*, from Pottstown and Clearfield, Pa., to points in Illinois, Indiana, Michigan, North Carolina, South Carolina, Tennessee, and Wisconsin, (7) *returned clay products* and *materials and supplies* used in the manufacture of clay products, (a) from points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, Wisconsin, and the District of Columbia, to Pottstown, Pa., and (b) from points in Connecticut, Illinois, Indiana, Maine, Massachusetts, Michigan, New Hampshire, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, and Wisconsin, to Clearfield, Pa., (8) *clay products*, (a) from Mogadore, Ohio, to points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin; (b) from Parral, Ohio, to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (c) from Strasburg, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

(9) *Returned clay products* and *materials and supplies* used in the manufacture of clay products, (a) from points in Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to Mogadore, Ohio; (b) From points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Parral, Ohio; and (c) from points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, and the District of Columbia, to Strasburg, Ohio, (a), (b), and (c) restricted against the transportation of the above-specified commodities in bulk; (10) *clay products*, (a) from the site of the United States Concrete Pipe Company plant at Mogadore, Ohio, and the site of the Clow Corporation plants at Midvale and Parral, Ohio, to points in Maine, Vermont, New Hampshire, Connecticut, Rhode Island, and Massachusetts; and (b) from the site of the United States Concrete Pipe Company plant, at Mogadore, Ohio, to points in New Jersey, Delaware, and the District of Columbia; (11) *empty containers, pallets, returned clay products*, and *materials and supplies* used in the manufacture of clay products, from their respective destination points to the plantsites and facilities of United States Concrete Pipe Company at Mogadore, Ohio, and the plantsites and facilities of Clow Corporation at Midvale and Parral, Ohio.

(12) *Refractory materials, refractory products*, and *materials* used in the installation of refractory materials and refractory products, (a) from the plantsite of Clow Corporation, at Clearfield, Pa., to points in Connecticut, Ohio, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, (b) from the plant site of the United States Concrete Pipe Company at Mogadore, Ohio, and the plant site of Clow Corporation, at Parral, Ohio, to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, Maine, and Vermont, (c) from the plant site of the United States Concrete Pipe Company at Mogadore, Ohio, to points in Delaware, New Jersey, and the District of Columbia, (d) from the plantsites and facilities of Clow Corporation at Pottstown, Pa., to points in Connecticut, Delaware, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Virginia, Vermont, and the District of Columbia, and (e) from the plantsites and facilities of Harbison-Walker Refractories Co., at Clearfield, Pa., to points in Delaware, Maryland, New York, New Jersey, Virginia, West Virginia, and the District of Columbia; (13) *refractory materials, refractory products and materials* used in the installation of refractory materials and refractory products which had a prior origination at Clearfield, and Pottstown, Pa., and Mogadore and Parral, Ohio, from points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia to the plantsites and facilities of Harbison-Walker Refractories Co. at Clearfield, Pa., and the plantsites and facilities of Clow Corporation at Clearfield, and Pottstown, Pa., and Parral, Ohio, and the plantsite and facilities of United States Concrete Pipe Company at Mogadore, Ohio.

(14) *Fibre pipe* and *attachments, parts, and fittings* therefor, (a) from Berlin, N.H., to points in Delaware, Maine, Maryland, New Jersey, New York, North Carolina, Tennessee, and Virginia, restricted to shipments originated by Clow Corporation, and (b) from points

in Lumberton Township, N.J., to points in Delaware, Kentucky, Maine, New York, North Carolina, Tennessee, Vermont, and Pennsylvania, restricted to shipments originated by Clow Corporation; (15) *manhole covers, gratings, castings*, and *attachments, parts, and fittings* therefor, from Brillion, Wis., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia and the District of Columbia, restricted to shipments originated by Clow Corporation; (16) *plastic pipe* and *attachments, parts and fittings* therefor, from Kenilworth, N.J., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Vermont, and Wisconsin, restricted to shipments originated by Clow Corporation; (17) *cast iron pipe and attachments, parts and fittings* therefor, from Williamstown, N.J., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Missouri, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, and Wisconsin, restricted to shipments originated by Clow Corporation.

(18) *Fibre pipe, plastic pipe, cast iron pipe, manhole covers, gratings*, and *castings, and attachments, parts, and fittings* therefor, (a) from the plant sites and warehouses of Clow Corporation at Pottstown, Pa., to points in Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Michigan, Minnesota, Missouri, New York, North Carolina, Ohio, Rhode Island, Tennessee, Vermont, Wisconsin, and the District of Columbia, and (b) from the plant sites and warehouses of United States Concrete Pipe Company at Mogadore, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (19) *returned shipments* of the commodities specified in paragraphs 14 through 18 above, from the specified destination points, to their respective origin points; (20) *equipment, materials, and supplies* (except liquid commodities in bulk, in tank vehicles) used in the manufacture, packaging, and sale of clay and concrete products, from Oakdale and Croydon, Pa., Relay, Md., and Portage, Mich., to plantsites and facilities of United States Concrete Pipe Company at Ancor, Diamond, and Uhrichsville, Ohio; (21) *polyvinyl chloride* (except in bulk), from East Providence, R.I., to the plantsites and facilities of United States Concrete Pipe Company at Uhrichsville, Ohio, (22) *manhole covers, gratings, and castings*, and *attachments, parts, and fittings* therefor, from Neenah, Wis., to points in Ohio and Indiana, restricted to shipments originated by United States Concrete Pipe Company; (23) *sewer pipe*, other than iron and steel, and *attachments, parts, and fittings* therefor, from the plantsites and facilities of United States Concrete Pipe Company at Mogadore, Ohio, to Fort Lauderdale and Ocala, Fla.;

(36) *Sprinkler systems and parts and accessories* therefor, and *tools, materials, equipment, and supplies* (except commodities in bulk), used in the sale, packaging, distribution, installation, and repair of such systems, parts, and accessories, from the plantsite and facilities of Automatic Sprinkler Corporation of America at Monroe, Ind., to points in Colorado, Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; (37) *tools, equipment, materials, and supplies* (except commodities in bulk) used in the manufacture, sale, packaging, distribution, installation, and repair of sprinkler systems and *parts and accessories* therefor, including returned shipments of such systems, parts, and accessories, from the destination points named in (36) above to the plantsite and facilities of Automatic Sprinkler Corporation of America at Monroe, Ind.; (38) *iron and steel conduit and metallic tubing, and fittings* for such commodities (except pipe used in, or in connection with, the construction, operation, maintenance, servicing, or dismantling of pipelines), (a) from the plantsite and facilities of Jones & Laughlin Steel Corporation at New Kensington, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, (b) from the plantsite and facilities of Jones & Laughlin Steel Corporation at Niles, Ohio, to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Pennsylvania, and the District of Columbia.

(39) *Clay and refractory materials and products, and materials and supplies* used in the installation thereof (except commodities in bulk), from the plantsites and facilities of Clow Corporation at Carol Stream and Streator, Ill., to points in Connecticut, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, Wisconsin, and the District of Columbia; (40) *cast iron, pipe, cast iron fittings, and parts, valves, machinery and fire hydrants*, from Florence, N.J., to Charleston, W. Va., Norfolk, Va., Providence and Newport, R.I., Boston, Worcester, Springfield, and Salem, Mass., and points in New York, Pennsylvania, Delaware, Maryland, and Connecticut; (41) *damaged or returnable cast iron pipe, cast iron fittings and parts, valves, machinery, and fire hydrants*, from Charleston, W. Va., Norfolk, Va., Providence and Newport, R.I.; Boston, Worcester, Springfield, and Salem, Mass.; and points in New York, Pennsylvania, Delaware, Maryland, and Connecticut, to Florence, N.J.; (42) *cast iron pipe, cast iron fittings, valves, hydraulic machinery and hydraulic machinery parts and fire hydrants*, from Florence, N.J., to points in Massachusetts (except Boston, Worcester, Springfield, and Salem, Mass.), and points in Rhode Island (except Providence and Newport, R.I.); (43) *concrete pipe*, from Dover, South Kearny, Little Ferry, and Kenilworth, N.J., to New York, and points in Westchester and Nassau Counties, N.Y., on return except as otherwise authorized.

(44) *Cast iron pipe and cast iron fittings, parts, and valves*, from the plantsites and facilities of Griffin Pipe Products Co. at Florence, N.J., to points in Maine, New Hampshire, Vermont, and the District of Columbia; (45) *clay and refractory materials and products, and materials and supplies* used in the installation thereof, from the plantsites and facilities of Clow Corporation at Carol Stream and Streator, Ill., to points in Delaware, Kentucky, North Carolina and Virginia; (46) *material and supplies* (except liquid commodities, in bulk, in tank vehicles), used in the manufacturing and distribution of cast iron products, from points in Illinois, Indiana, Iowa, Maryland, Michigan, North Carolina, Ohio, Pennsylvania (except Plymouth Meeting), South Carolina, Virginia, and West Virginia, to the plantsites and facilities of Griffin Pipe Products Co. in Burlington County, N.J., restricted against the transportation (a) of sand, gravel, and limestone in bulk, in dump trucks, from points in Bucks, Montgomery, Delaware, and Philadelphia Counties, Pa., (b) of refractory products, fluxing compounds, and rimmings agents from points in Allegheny, Armstrong, Butler, and Westmoreland Counties Pa., and (c) of shipments originating at points in Canada; and (50) *propane gas*, in bulk, from Marcus Hook, Pa., to the plantsite and storage facilities of Griffin Pipe Products Co. located at or near Florence (Burlington County), N.J. RESTRICTION: The separate grants of Authority (1) through (50) described above shall be not be tacked or joined, directly or indirectly, for the purpose of performing any through service.

NOTE.—Applicant seeks by this application to convert its contract carrier authority in MC102982 and subs thereunder to common carrier authority. The purposes of this republication are (1) to include 3(b) omitted from the previous publications; (2) to restrict the operations to specific plantsites, as pertinent in subparagraphs 11, 12 (d) and (e); 13; 14 (a) and (b); 15; 16; 17; 18(b); 19; 20; 21; 22; 23; 36; 37; 38 (a) and (b); 39;

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44; 45; and 46(c); (3) to include the destination point of the District of Columbia in 18(a); (4) to indicate the origin points in 18(b) as the plantsites and warehouses of United States Concrete Pipe Company located at Mogadore, Ohio, which was previously published as the plantsites and warehouses of Clow Corporation of the same location; (5) to delete the origin point of Ambridge, Pa. in 38(a); (6) to delete previously published items (24) through (35) as a result of the completed finance proceeding MC–F–11929; (7) to delete previously published Subparagraphs 47 through 49 in view of the Commission's Order of January 22, 1974, in George W. Kugler, Inc. Extension—MC 102982 Sub 26, and (8) to indicate the possible deletion of subparagraphs 36 and 37 which are the subject of a pending finance proceeding MC–F–12083. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 126276 (Sub-No. 39), filed February 11, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from Danbury, Conn., to points in Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, under a continuing contract or contracts with National Can Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No MC 127824 (Sub-No. 4), filed February 14, 1974. Applicant: RONE TRUCKING, INC., U.S. Highway 231—South, Morgantown, Ky. 42261. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, sawdust, bark, and other wood refuse*, from points in Illinois, Indiana, Missouri, and Tennessee, to the plantsite of Wescor Corporation at or near Hawesville, Ky., under contract with Wescor Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Evansville, Ind., Louisville, Ky., or Nashville, Tenn.

No. MC 128007 (Sub-No. 58), filed February 7, 1974. Applicant: HOFER, INC., P. O. Box 583 (20th and By-Pass), Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Dry feed ingredients*, from Sherman, Wolfe City, Quanah, Richmond, Freeport, Stamford, Fort Worth, Temple, Harlingen, Waxahachie, Bryan, and Beaumont, Tex.; and Guymon, Oklahoma City, Altus, Hollis, and Clinton, Okla., to points in Minnesota; (b) *dry feed ingredients* from Lubbock, Rotan, Hamlin, Lamesa, Plainview, Levelland, Sweetwater, El Paso, Abilene, Hereford, Friona, Etter, Pampa, Amarillo, and Dumas, Tex., to points in Minnesota; (c) *meat scraps, dried blood, blood meal, and bone meal*, from Lubbock, Rotan, Hamlin, Lamesa, Plainview, Levelland, Sweetwater, El Paso, Abilene, Hereford, Friona, Etter, Pampa, Amerillo, and Dumas, Tex. to points in Kansas and Oklahoma; (d) *meat scraps, dried blood, blood meal, and bone meal*, from points in Kansas to points in Oklahoma, Missouri, Arkansas, Texas, Nebraska, Iowa, Minnesota, North Dakota, South Dakota, Illinois, Louisiana, New Mexico, and Colorado; (e) *dry feed ingredients*, from points in Collin and Limestone Counties, Tex.; San Antonio and Abilene, Tex.; Okmulgee County, Okla.; Tulsa and Collinsville, Okla.; Roswell, Clovis, and Albuquerque, N. Mex., to points in Nebraska, Iowa, Missouri, Minnesota, Kansas, Arkansas, Oklahoma, South Dakota, North Dakota, and Texas; and (f) *meat scraps, dried blood, blood meal, and bone meal*, from points in Lafayette and Cooper Counties, Mo., to points in Nebraska, Iowa, Missouri, Minnesota, Kansas, Arkansas, Oklahoma, South Dakota, North Dakota, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128007 (Sub-No. 59), filed February 6, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oil well sealing mixture*, from the plantsite and/or storage facilities of Gravette Shelling Co., Inc., at Gravette, Ark., to points in Montana, Utah, Arizona, Illinois, Michigan, Ohio, and Florida.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 128141 (Sub-No. 8), filed February 11, 1974. Applicant: TRI-STATE TRANSPORT, INC., P.O. Box 4109, Davenport, Iowa 52808. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes transporting: *Liquid fertilizer and liquid fertilizer ingredients*, in bulk, in tank vehicles, (1) from at or near Buffalo, Iowa, to points in Illinois, Minnesota, Missouri, and Wisconsin; and (2) from Walcott, Iowa, to points in Illinois, Minnesota, Missouri, and Wisconsin, under continuing contract with Twin-State Engineering Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Davenport or Des Moines, Iowa.

No. MC 128527 (Sub-No. 47), filed February 14, 1974. Applicant: MAY TRUCKING COMPANY, a Corporation, P.O. Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the facilities of Wells and Davies, Inc., at or near Payette, Idaho, to points in California, Oregon, Washington, Idaho, Nevada, Montana, Arizona, and Utah.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho.

No. MC 128746 (Sub-No. 14), filed February 7, 1974. Applicant: D'AGATA NATIONAL TRUCKING CO., a Corporation, 3222 #44 South 61st Street, Philadephia, Pa. 19153. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Winston-Salem, N.C., and Lysander, N.Y., to points in Delaware, Maryland, New Jersey, New York, and Norristown and Philadelphia, Pa.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked (1) with Sub-No. 7, (a) at Baltimore, Md., to serve Clarendon, Roselyn, and Alexandria, Va.; (b) at Trenton, N.J., to serve Steubenville, Columbus, Toledo, Cleveland, Youngstown, Akron, Canton, and Dayton, Ohio, and Washington, D.C.; (c) at New York, N.Y., to serve Washington, D.C.; (d) at Norristown, Pa., to serve points in West Virginia (except Weirton, Wheeling, and Keyser), and points in Massachusetts; and (e) at Philadelphia, Pa., to serve points in Maine, New Hampshire, Vermont, and Rhode Island; (2) with Sub-No. 10, at Norristown, Pa., to serve points in Maine, New Hampshire, Vermont, and Rhode Island; and (3) with Sub-No. 11, at Norristown, Pa., to serve points in Connecticut, Virginia, and the District of Columbia. If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 129350 (Sub-No. 40), filed February 11, 1974. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, Box 212, Billings, Mont. 59103. Applicant's representative: Clayton Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts*, and *dairy products* and *articles distributed by meat packinghouses* as described in Sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from Billings, Mont., to points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Washington, Wisconsin, and Wyoming; and (2) *such commodities* as are used by meat packers in the conduct of business when destined to and for use by meat packers, from points in Minnesota and Colorado, to Billings, Mont.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 129827 (Sub-No. 2), filed January 25, 1974. Applicant: BLAIR MOTOR SERVICE, INCORPORATED, 1531 East 14th Street, St. Louis, Mo. 63106. Applicant's representative: B. W. La Tourette, Jr., 611 Olive Street, Suite 1850, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shoes, shoe findings, and shoe materials*, between the plantsite of Brown Shoe Company, at Trenton, Tenn., and St. Louis, Mo.

NOTE.—Dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 133119 (Sub-No. 47), filed February 8, 1974. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 235 Mill Street, Akron, Iowa 51001. Applicant's representative: Roger Heyl (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (a) from Fargo and West Fargo, N. Dak., to Minneapolis, St. Paul, and Duluth, Minn.; Eau Claire, Kenosha, Madison, Wis.; Chicago, Ill.; Omaha, Nebr.; and Sioux City, Iowa; (b) from Sioux City, Iowa, to Omaha, Nebr.; Fargo and West Fargo, N. Dak.; Kenosha, Milwaukee, Madison, and Eau Claire, Wis.; Detroit, Mich.; Kansas City and St. Joseph, Mo.; and (c) from Omaha, Nebr., to Sioux City and Des Moines, Iowa; Fargo and West Fargo, N. Dak.; Kansas City and St. Joseph, Mo.; and Minneapolis, Minn., restricted in (a), (b), and (c) to traffic originating at the facilities of Flavorland Industries, Inc., at the named origins and destined to the named destinations; (2) *meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Hospers, Iowa, to Sioux Falls, S. Dak.; Omaha, Lincoln, and Schuyler, Nebr.; Minneapolis, St. Paul, Rochester, and Duluth, Minn.; Eau Claire, Madison, and Milwaukee, Wis.; Kansas City, St. Joseph, and St. Louis, Mo.; New Orleans, La.; and Elgin, Rock Island, Peoria, Joliet, Rockford, and Chicago, Ill., restricted to traffic originating at the facilities of Banner Beef Co. at the named origin, and destined to the named destinations; and (3) *meats, meat products, and meat byproducts, and such commodities* as are used by meat packers in the conduct of their business, as described in Sections A and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from points in Kansas, Missouri, Nebraska, Iowa, and Minnesota, to the facilities of Yankton Sioux Industries at or near Wagner, S. Dak., restricted to traffic originating at the named origins and destined to the named destination.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 133296 (Sub-No. 6), filed February 11, 1974. Applicant: DRACHE TRUCK LINE, INC., P.O. Box 42, Medford, Minn. 5504. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Trenton, N.J. to points in Minneapolis Minn., under continuing contract with Rex Distributing Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133316 (Sub-No. 9), filed December 22, 1972. Applicant: FRANK R. GIVIGLIANO, doing business as GIVIGLIANO TRANSPORT, 1513 San Pedro Street, P.O. Box 22, Trinidad, Colo. 81082. Applicant's representative: Joseph F. Nigro, 1515 Cleveland Place, Suite 400, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, commodities in bulk, Classes A and B explosives, commodities requiring special equipment and those of unusual value), between Denver, Colo., and Red River, N. Mex.: From Denver over Interstate Highway 25 to Raton, N. Mex., thence over U.S. Highway 64 to Eagle Nest, N. Mex., thence over New Mexico Highway 38 to Red River, and return over the same route, serving the intermediate points of Colorado Springs, Pueblo, and Trinidad, Colo., all intermediate points in New Mexico, and the off-route point of Springer, N. Mex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Raton, N. Mex., or Trinidad or Denver, Colo.

No. MC 133549 (Sub-No. 4), filed January 31, 1974. Applicant: STANLEY L. BERVEN, 117 Fairview Drive, South Sioux City, Nebr. 68776. Applicant's representative: Stewart A. Huff, 314 Security Bank Building, Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry feed supplements*, in bulk and in bag, or in combination, from the plantsites of O. A. Cooper Company, located at or near Beatrice, Humboldt, and Cozad, Nebr., Abilene, Kans., and Oklahoma City, Okla., to points in Nebraska, Kansas, Oklahoma, and those points in Colorado, on and east of U.S. Highway 71, and on and north of U.S. Highway 24 (Interstate 70), under contract with O. A. Cooper Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, Omaha, Nebr., or Kansas City, Mo.

No. MC 134806 (Sub-No. 20), filed February 14, 1974. Applicant: B–D–R TRANSPORT, INC., P.O. Box 813, Brattleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Skis, skiing equipment and accessories*, from Middletown, Conn., to Chicago, Ill., Denver, Colo., Salt Lake City, Utah, and Reno, Nev., under contract or contracts with Olin Ski Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hartford, Conn., or Washington, D.C.

No. MC 134888 (Sub-No.)3, filed February 11, 1974. Applicant: MOROSA BROS. TRANSPORTATION CO. a Corporation, 4800 Stein Road, Bakersfield, Calif. 93309. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, crushed, ground, or pulverized, in bulk, from the plant site of La Habra Products, Inc., at or near Lucerne, Calif., to points in Nevada.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held in Los Angeles, Calif.

No. MC 134922 (Sub-No. 60), filed February 11, 1974. Applicant: B. J. MCADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L .C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground barites* (except in bulk), from Gonzales, Houston, and Zavalla, Tex., and Morgan City, La., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, and Tennessee; and (2) *common ground clay and ground soapstone* (except in bulk), from Gonzales, Palestine, and Zavalla, Tex., to points in Oklahoma.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or Little Rock, Ark.

No. MC 134952 (Sub-No. 2), filed February 11, 1974. Applicant: LOUIS E. RITT AND DIANNE RITT, doing business as ANTRIM COUNTY AVIATION, Box 395, Bellaire, Mich. 49615. Applicant's representative: Robert E. McFarland, 635 Elm Street, Birmingham, Mich. 48011. Authority sought to operate as a *common carrier*, by motor vehicle, over

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irregular routes, transporting: *General commodities* (except commodities in bulk, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special handling), between points in Antrim, Charlevoix, Cheboygan, and Emmet Counties, Mich., on the one hand, and, on the other, the Detroit Metropolitan Wayne County Airport, at or near Romulus, Mich., and the Willow Run Airport, at or near Ypsilanti, Mich., restricted to traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lansing or Detroit, Mich.

No. MC 135007 (Sub-No. 41), filed February 6, 1974. Applicant: AMERICAN TRANSPORT, INC., P.O. Box 37406, Millard Station, Millard, Nebr. 68137. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods and commodities* exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, when moving in connection with frozen foods, (a) from Solon and Cleveland, Ohio, to points in the United States (except Alaska); (b) from King of Prussia, Pa., to points in Ohio, New York, New Jersey, California, Florida, Pennsylvania, Georgia, Texas, Colorado, Missouri, Kansas, Utah, Washington, Nebraska, Iowa, Minnesota, Wisconsin, Indiana, Kentucky, Maryland, and the District of Columbia; (c) from Patterson, Calif., to points in California, Washington, Ohio, Texas, Colorado, Utah, Kansas, Nebraska, Iowa, Missouri, Minnesota, Wisconsin, Indiana, Kentucky, Florida, Georgia, New York, Pennsylvania, Maryland, and the District of Columbia; and (d) from Quincy, Ill., to points in California, New York, New Jersey, Ohio, Florida, Georgia, Colorado, Pennsylvania, Maryland, Indiana, Kentucky, Minnesota, Wisconsin, Nebraska, Kansas, Iowa, Missouri, Texas, Utah, Washington, and the District of Columbia; and (2) *ingredients, materials, and supplies* used in the production and distribution of frozen foods, from points in California, Washington, Oregon, Tennessee, Texas, Mississippi, Nebraska, North Carolina, and Illinois, to Solon, Ohio, King of Prussia, Pa., Patterson, Calif.; and Quincy, Ill., under a continuing contract or contracts with Stouffer Foods, Division of the Stouffer Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 135170 (Sub-No. 3), filed February 7, 1974. Applicant: TRI-STATE ASSOCIATES, INC., P.O. Box 188, Federalsburg, Md. 21632. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends and accessories, and materials, equipment, and supplies*, used in connection with the manufacture, sale, and distribution of containers, from Philadelphia, Pa., and Baltimore, Md., to points in Delaware and Virginia, under continuing contract with American Can Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135821 (Sub-No. 2), filed February 11, 1974. Applicant: MADELINE MILESTONE, 4233 Leiper Street, Philadelphia, Pa. 19124. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale or retail department stores*, between Philadelphia, Pa., on the one hand, and, on the other, points in Georgia and Florida, under a continuing contract or contracts with Lionel Leisure, Inc., at New York, N.Y., restricted to the transportation of traffic moving from or to the stores and facilities of Lionel Leisure, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 135874 (Sub-No. 39), filed February 6, 1974. Applicant: LTL PERISHABLES, INC., 132nd and Q Streets, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 W. Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs, including frozen foodstuffs not for human consumption* (restricted against the transportation of the abovenamed commodities in bulk, in tank vehicles), between Beaver Dam and Milwaukee, Wis., on the one hand, and, on the other, points in Iowa, Kansas, Missouri, and Nebraska, restricted to traffic originating at, or destined to the plantsites and warehouse facilities of Wisconsin Cold Storage, Inc., at Beaver Dam and Milwaukee, Wis.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 135877 (Sub-No. 14), filed October 29, 1973. Applicant: RONALD R. BRADER, doing business as SPECIALIZED TRUCKING SERVICE, 1508 South 4th Avenue, Yakima, Wash. 98902. Applicant's representative: Ronald R. Brader (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pool tables and table tennis tables, knocked down, parts thereof, accessories, equipment, and supplies* used in connection with pool and table tennis tables, between the plant and warehouse facilities of Frederick-Willys, Inc., at or near Corcoran, Calif., on the one hand, and, on the other, points in Oregon and Washington; and (2) *wooden shakes, shingles, ridges, and other accessorial parts* for installation of roofs, between points in Washington, on the one hand, and, on the other, points in California and Nevada.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Yakima, Wash.

No. MC 136318 (Sub-No. 21), filed February 5, 1974. Applicant: COYOTE TRUCK LINE, INC., 395½ B West Fleming Drive, Morganton, N.C. 28655. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pressed wood board*, from points in Oregon, to Lenoir, Pleasant Garden, Thomasville, and Winston-Salem, N.C., and Appomatox, Va., under contract with Thomasville Furniture Industries, Inc., located at Thomasville, N.C.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Raleigh, N.C.

No. MC 136786 (Sub-No. 45), filed February 15, 1974. Applicant: ROBCO TRANSPORTATION, INC., 3033 Excelsior Blvd., Suite 205, Minneapolis, Minn. 55416. Applicant's representative: Val Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), from Billings, Mont., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the plantsites and storage facilities utilized by Pierce Packing Co., and Midland Empire Packing Co., Inc., at Billings, Mont., and destined to points in the named States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 136941 (Sub-No. 3), filed January 28, 1974. Applicant: CHANCE CORPORATION, General Delivery, Tse Benito, N. Mex. Applicant's representative: Lynn William Mitton, P.O. Box 849, Window Rock, Ariz. 86515. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles, Classes A and B explosives, household goods and commodities which require the use of special equipment because of size or weight), between points in Gamerco, N. Mex.; Holbrook, Snowflake, Winslow, and Flagstaff, Ariz.; Ignacio, Colo.; Clearfield, Richfield, and Brigham City, Utah, under contract with The Bureau of Indian Affairs, United States Department of the Interior, Property and Supply Office.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Gallup, N. Mex., or Window Rock, Ariz.

No. MC 138128 (Sub-No. 7), filed February 8, 1974. Applicant: LEMMONS & CO., INC., 535 South Second Street, Boonville, Ind. 47601. Applicant's representative: Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Wabash, Williamson, and Saline Counties, Ill., to points in Gibson, Knox, Posey, Vanderburgh, and Warrick Counties, Ind.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 138438 (Sub-No. 5), filed January 14, 1974. Applicant: DONALD M. BOWMAN, JR., Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick* and *tile* from Williamsport and Hagerstown, Md., to the District of Columbia, and those points in Pennsylvania, West Virginia, Virginia, and Delaware within 165 miles of Williamsport and Hagerstown, Md.; (2) *concrete products*, from Hagerstown, Md., to points in Connecticut, Delaware, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia; (3) *brick* (except refractory brick) from Hagerstown and Williamsport, Md., to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia; (4) *brick* (except refractory brick), and *tile*, (a) from Winchester, Va., to points in Delaware, New Jersey, New York, Ohio, Pennsylvania, and West Virginia; (b) from Somerset, Va., to points in West Virginia, Maryland, Pennsylvania, and the District of Columbia; and (c) from points in Arlington County, Va., to points in West Virginia, Maryland, and Pennsylvania; (5) *brick*, (a) from points in Frederick County, Md., to the District of Columbia and points in Virginia and West Virginia; (b) from Rossville, Md., to the District of Columbia and points in Virginia; and (c) from Martinsburg, W. Va., to points in Maryland, Virginia, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Massachusetts, and the District of Columbia.

(6) *Building materials* and *supplies* and *materials and supplies* used in the manufacture, packaging, and distribution thereof (except commodities in bulk, and those which because of size or weight require the use of special equipment), *tan bark and marble chips*, from Gibbsboro, N.J., to points in Delaware, Maryland, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and (7) *tan bark*, from Williamsport, Md., (a) to points in Delaware, Illinois, Indiana, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; and (b) to points in Delaware, Illinois, Indiana, Mississippi, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (8) *cattle hides*, from points in Illinois, Indiana, Ohio, and Pennsylvania, to Williamsport, Md.

NOTE.—Applicant seeks to convert its existing authorities held in M.C. 117613, lead certificate and Sub-Nos. 1, 2, 6, 7, 11, and 12, to common carrier authority. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138635 (Sub-No. 10), filed February 13, 1974. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: John R. Sims, Jr., Suite 600, 1707 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fabric yarns*, from the plantsites of A. M. Smyre Manufacturing Company, at Ranlo, N.C., to points in California.

NOTE.—Applicant holds contract carrier authority in MC 136464 (Sub-No. 2), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 138694 (Sub-No. 1), filed February 4, 1974. Applicant: RALPH ADAMS, doing business as BLUE LINE TRUCKING, P.O. Box 1086, Beaumont, Calif. 92223. Applicant's representative: Thomas E. Rubbert, Suite 2104, 606 South Olive Street, City National Bank Building, Pershing Square, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel grinding balls*, in bulk, in shipper-owned buckets, from Indio, Calif., to Eagle Mountain, Calif., under contract with Kaiser Steel Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or San Francisco, Calif.

No. MC 138835 (Sub-No. 15), filed February 14, 1974. Applicant: EASTERN REFRIGERATED TRANSPORT, INC., Post Office Box 1059, Harrisonburg, Va. 22801. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen bakery products*, from the plantsite and warehouse facilities of Mrs. Smith's Pie Company at Pottstown and Philadelphia, Pa., to points in Virginia, North Carolina, South Carolina, Kentucky, Tennessee, Ohio, Indiana, Illinois, Missouri, West Virginia, Wisconsin, Minnesota, Iowa, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, and (2) *rejected shipments of the same commodities* on return.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138896 (Sub-No. 7), filed February 6, 1974. Applicant: AJAX TRANSFER COMPANY, a Corporation, 550 East Fifth Street South, South St. Paul, Minn. 55075. Applicant's representative: Donald L. Stern, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuff, including frozen foodstuffs not for human consumption*, restricted against the transportation of the above-named commodities in bulk, in tank vehicles, between Beaver Dam and Milwaukee, Wis., on the one hand, and on the other, points in Minnesota, Iowa, Illinois, North Dakota, South Dakota, and Michigan, restricted to traffic originating at, or destined to, the plantsites and warehouse facilities of Wisconsin Cold Storage, Inc., at Beaver Dam and Milwaukee, Wis.

NOTE.—Applicant holds contract carrier authority in MC 119391 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 139118 (Sub-No. 1), filed February 11, 1974. Applicant: GENERAL MOVERS CORPORATION, Building No. 16, Lakewood Industrial Park, Tacoma, Wash. 98499. Applicant's representative: Del Benedict, 3600 South 124th, Seattle, Wash. 98168. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in King, Pierce, Kitsap, Thurston, and Yakima Counties, Wash., restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Seattle or Tacoma, Wash.

No. MC 139176, filed October 11, 1973, published in the FEDERAL REGISTER issue of December 6, 1973, and republished as corrected this issue. Applicant: CASCADE MOBILE HOME TRANSPORT, INC., 650 Lancaster Dr. NE., Salem, Oreg. 97301. Applicant's representative: John G. McLaughlin, 620 Blue Cross Building, 100 SW. Market Street, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes, sectional buildings, travel trailers, and campers and recreational vehicles*, in initial and secondary movements, between points in Oregon, Washington, and Idaho.

NOTE.—The purposes of this republication are: (1) To note the correct MC No. which

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was previously published as MC 138176; and (2) to indicate the following hearing information:

HEARING: Joint Board 81, June 10, 1974 (1 week), at 9:30 a.m. local time, at Salem, Oreg. in a hearing room to be later designated.

No. MC 139177 (Sub-No. 1), filed February 11, 1974. Applicant: MAIERS TRANSFER & STORAGE CO., INC., 515 25th Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of Hoerner-Waldorf Corporation, at St. Cloud, Minn., to points in North Dakota, under contract with Hoerner-Waldorf Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139321 (Sub-No. 2), filed February 11, 1974. Applicant: COILE CONTRACT CARRIER, INC., Blue Ridge Industrial Park, P.O. Box 705, Norcross, Ga. 30071. Applicant's representative: Alan E. Serby, 1600 First Federal Building, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Lead bearing scrap materials, non-ferrous scrap metal and equipment, materials, and supplies*, used in the processing thereof, and (b) *brass ferrules and brass flanges; and lead wood solder and scrap materials*, from points in Alabama, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, Georgia, Arkansas, Michigan, Delaware, Connecticut, and New Jersey, to plantsites and warehouse facilities utilized by Seitzinger's, Inc., at Atlanta, Ga.; and (2) (a) *metal alloys;* and (b) *fabricated lead products*, from the plantsites and warehouse facilities of Seitzinger's, Inc., at Atlanta, Ga., to points in the United States on and east of the westernmost boundaries of Minnesota, Iowa, Missouri, Arkansas, and Texas, under a continuing contract with Seitzinger's, Inc., restricted against the transportation of commodities in bulk, and those which because of size or weight require the use of special equipment, and further restricted to services to be performed under a continuing contract with Seitzinger's, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 139408 (Sub-No. 1), filed February 11, 1974. Applicant: BULMAN TRUCKING SERVICE, INC., P.O. Box 268, Waukon, Iowa 52172. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from Waukon, Iowa, to New York City, N.Y., under contract with Meadowland Dairy Association.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., Omaha, Nebr., or Kansas City, Mo.

No. MC 139495 (Sub-No. 1), filed February 13, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean oil*, in bulk, from the plantsites of Cargill, Inc., at Wichita, Kans.; Archer Daniels Midland Co., at Fredonia, Kans.; and Kansas Soya Products Co., at Emporia, Kans.; to the plantsite of Wilson & Co., Inc., at Oklahoma City, Okla.; and (2) *animal fats and oils, vegetable oils and blends thereof*, in bulk, from the plantsite of Wilson & Co., Inc., at Oklahoma City, Okla., to points in Arkansas, Indiana, Kansas, Tennessee, and Texas, restricted to the transportation of traffic originating at the above named origins, and destined to the points named above.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Kansas City, Mo.

No. MC 139518 (Sub-No. 1), filed February 11, 1974. Applicant: GEORGE E. PAGEL, Rt. 1, Box 29, Stratford, S. Dak. 57474. Applicant's representative: Raymond M. Schutz, 500 Capitol Building, Aberdeen, S. Dak. 57401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bags and in bulk, from Hutchinson, Kans., to points in South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pierre, S. Dak.

No. MC 139523 (Sub-No. 1), filed February 11, 1974. Applicant: JOHN ARDITO AND HAROLD FLAUM, doing business as J & H TRUCKING CO., 439 Bayview Avenue, Inwood, N.Y. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in, used by, and sold by retailers and distributors or carpeting, rugs, and padding*, (1) from Inwood, N.Y., to Bridgeport, Conn., and points in Baltimore County, Md.; (2) from Barrington, R.I., to Inwood, N.Y.; and (3) between Inwood, N.Y., on the one hand, and, on the other, points in New Jersey, Bucks, Chester, Delaware, and Montgomery Counties, Pa., and Philadelphia, Pa., and Dedham, Mass., under contract with Allen Carpet Shops, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139546 (Sub-No. 2), filed February 11, 1974. Applicant: JAMES B. GRAY, INC., Danforth, Me. 04424. Applicant's representative: Theodore Polydoroff, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Patten and Crystal, Me., to points in Maine on the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Me.

No. MC 139562, filed January 11, 1974. Applicant: FRED E. WILLIS AND CHARLES M. HALL, a Partnership, doing business as TIMELY AIR TRUCKING, 31059 Ecorse Road, Romulus, Mich. 48174. Applicant's representative: Timothy R. Sinclair, Roseville Theatre Building, Roseville, Mich. 48066. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission and those requiring special equipment), between Detroit Metropolitan Airport and Chicago O'Hare International Airport, restricted to the transportation of traffic having an immediate prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 139563, filed February 11, 1974. Applicant: WEATHERS BROTHERS TRANSFER CO. OF N.C., a Corporation, 921 East Forsyth Street, Jacksonville, Fla. 32202. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods in containers*, having a prior or subsequent movement beyond the points applied for, between points in North Carolina, restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 139564, filed February 11, 1974. Applicant: WEATHERS BROTHERS TRANSFER CO., INC., 921 East Forsyth Street, Jacksonville, Fla. 32202. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Florida, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted

to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Jacksonville, Fla.

No. MC 139566, filed February 5, 1974. Applicant: FEDERAL ARMORED EXPRESS, INC., 910 S. Grundy Street, Baltimore, Md. 21203. Applicant's representative: Russell R. Sage, 421 King Street, Tavern Square, Suite 301, Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transportings: *United States bonds*, between points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with General Services Administration.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139569, filed February 7, 1974. Applicant: G & T TRUCKING CO., a Corporation, Rural Route #1, Box 698, Shakopee, Minn. 55379. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Washed and unwashed sand, gravel, aggregate, crushed rock, and asphalt materials*, in bulk, in bottom dump and end dump trailer vehicles and in dump trucks, (a) from points in Minnesota, to the plant sites of Mathy Construction Company and its affiliated companies located in Wisconsin; and (b) from points in Wisconsin, to the plant sites of Mathy Construction Company and its affiliated companies located in Minnesota; and (2) *black oil* (road oil) and *burner fuel*, from points in Minnesota, to the plant sites of Mathy Construction Company and its affiliated companies located in Wisconsin, under a continuing contract or contracts with Mathy Construction Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 139577, filed February 6, 1974. Applicant: ADAMS TRANSIT, INC., Friesland, Wis. 53935. Applicant's representative: Edward Solle, Executive Building, Suite 100, 4513 Vernon Boulevard, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foodstuffs, including frozen foodstuffs not for human consumption*, between Beaver Dam and Milwaukee, Wis., on the one hand, and on the other, points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin, restricted against the transportation of the abovenamed commodities in bulk, in tank vehicles, and further restricted to traffic originating at, or destined to, the plantsites and warehouse facilities of Wisconsin Cold Storage, Inc., at Beaver Dam and Milwaukee, Wis.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., Chicago, Ill., Milwaukee, Wis. or Madison, Wis.

No. MC 139605 (Amendment) filed December 3, 1973, published in the FR issue of January 17, 1974, as MC-135056 (Sub-No. 4) and republished as amended this issued. Applicant: MJR ENTERPRISES, a corporation, 20407 S. Normandie Ave., Torrance, Calif. 90502. Applicant's representative: Donald Murchison, 9454 Wilshire Blvd., Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail furniture stores, including counter and cabinets, and store fixtures and equipment, (1) between points in California, Oregon, and Washington, on the one hand, and, on the other, points in the United States including Alaska, but excluding Hawaii; and (2) from Salt Lake City and Ogden, Utah, to points in Idaho.

NOTE.—The purpose of this republication is to indicate that applicant seeks common carrier authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

MOTOR CARRIER PASSENGER APPLICATIONS

No. MC 84728 (Sub-No. 61), filed February 4, 1974. Applicant: SAFEWAY TRAILS, INC., 1200 Eye Street NW., Washington, D.C. Applicant's representative: James E. Wilson, Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operats as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between junction Interstate Highway 295 and New Jersey Highway 73, and junction Interstate Highway 295 and U.S. Highway 206, as follows: From junction Interstate Highway 295 and New Jersey Highway 73 over Interstate Highway 295 to junction Interstate Highway 295 and U.S. Highway 206, and return over the same route.

NOTE.—By this application, applicant seeks authority under the provisions of the Commission's rules in 49 C.F.R. 1042.1 Superhighway Rules. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 89037 (Sub-No. 7), filed February 8, 1974. Applicant: CONTINENTAL PACIFIC LINES, a CORPORATION, doing business as CONTINENTAL PACIFIC TRAILWAYS, 1501 South Central Avenue, Los Angeles, Calif. 90021. Applicant's representative: R. Y. Schuremen, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations and round-trip tours, beginning and ending at points in Clark, Cowlitz, Lewis, Thurston, Pierce, and King Counties, Wash.; and points in Multnomah, Washington, Clackamas, Marion, Linn, Lane, Douglas, Josephine, and Jackson Counties, Oreg., and extending to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Common control was approved in MC-F-10160 and MC-F-10161. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., and Seattle, Wash.

No. MC 115300 (Sub-No. 2), filed February 8, 1974. Applicant: CHARLES SIMMONS, SR., doing business as HILTON HEAD TRUCK LINES, P.O. Box 1026, Hilton Head Island, S.C. 29928. Applicant's representative: J. Thomas Mikell, P.O. Box 1107, Beaufort, S.C. 29902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, baggage, and express freight*, in packages, not to exceed 150 pounds each in weight, in regular and charter operations, between Savannah, Ga., Levy, Hardeeville, Bluffton, Pritchardville, S.C., and points on Hilton Head Island, S.C.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Columbia, or Charleston, S.C.

No. MC 116767 (Sub-No. 3), filed March 4, 1974. Applicant: THE GRAY LINE, INC., 1010 Eye Street NW., Washington, D.C. 20001. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between Sterling, Va., inclusive of the Sterling Park and Sugarland Run residential areas, on the one hand, and, on the other, points in the District of Columbia, under a continuing contract or contracts with Sugarland Run Jaycees, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139560, filed February 14, 1974. Applicant: LEO R. DEE, doing business as DEE BUS SERVICE, 54 Orchard Road, (West) Concord, Mass. 01742. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at Concord, Mass., and extending to points in New York, Maine, New Hampshire, Vermont, Connecticut, Rhode Island, District of Columbia, Virginia, Pennsylvania, New Jersey, Delaware, and Maryland.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 139561, filed February 14, 1974. Applicant: HUB BUS LINES, INC., 739

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Boylston Street, Boston, Mass. 02116. Applicant's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at Boston, Mass., and extending to points in Maine, New Hampshire, Vermont, Connecticut, Rhode Island, New York, New Jersey, Delaware, Pennsylvania, Maryland, District of Columbia, Virginia, North Carolina, South Carolina, Tennessee, Alabama, Georgia, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

BROKER APPLICATION

No. MC 21763 (Sub-No. 1), filed February 6, 1974. Applicant: ALLIED BUS CORPORATION, 165 West 46th Street, New York, N.Y. 10036. Applicant's representative: Sidney J. Leshin, 575 Madison Avenue, New York, N.Y. 10022. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y., and Los Angeles, Calif., to sell to common motor carrier service the transportation of *passengers and their baggage*, in all expense tours, *for individuals and groups*, in special and charter operations, between cities in the United States, having airports for international flights, on the one hand, and, on the other, points in the United States, including Alaska and Hawaii, restricted to traffic having an immediate prior or subsequent movement by air in foreign commerce. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-6937 Filed 3-27-74;8:45 am]

[Notice 474]

ASSIGNMENT OF HEARINGS

MARCH 25, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

W-406 Sub 11, Ohio Barge Line, Inc., Extension Upper Mississippi River, now assigned continued hearing April 2, 1974, at Washington, D.C., is postponed indefinitely.

MC 138875 Sub 9, Shoemaker Trucking Co., now assigned *April 1, 1974* at Portland, Oregon, is postponed to *April 2, 1974* at Portland, Oregon, in Room 103, Pioneer Courthouse, 555 SW. Yamhill Street.

MC 1872 Sub-81, Ashworth Transfer, Inc., now being assigned June 17, 1974 (2 weeks), at San Francisco, California, in a hearing room to be later designated.

MC 83539 Sub-379, C & H Transportation Co., Inc., now being assigned June 17, 1974 (2 weeks), at San Francisco, California, in a hearing room to be later designated.

MC 125433 Sub-41, F-B Truck Line Company, now being assigned June 17, 1974 (2 weeks), at San Francisco, California, in a hearing room to be later designated.

MC 92633 Sub-22, Zirbel Transport, Inc., now being assigned June 24, 1974 (1 week), at Portland, Oregon, in a hearing room to be later designated.

MC 65660 Sub 7, Warner & Smith Motor Freight, Inc., continued to April 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.74-7215 Filed 3-27-74;8:45 am]

[No. AB-6 (Sub-No. 10)]

BURLINGTON NORTHERN INC.

Notice of Abandonment

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefore:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in King County, Wash., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 19th day of March, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[No. AB-6 (Sub-No. 10)]

BURLINGTON NORTHERN, INC., ABANDONMENT BETWEEN ISSAQUAH AND TANNER, KING COUNTY, WASH.

The Interstate Commerce Commission hereby gives notice that by order dated March 19, 1974, it has been determined that the proposed abandonment of the line of the Burlington Northern, Inc., between Issaquah and Tanner, King County, Wash., a distance of approximately 19.26 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the abandonment will facilitate plans of local governmental and public interest groups to expand the involved area's recreation and tourism potential and it is consistent with State and local land use plans. In addition, rail service to major shippers along the line will be available over other rail lines in the area. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 12, 1974.

[FR Doc.74-7218 Filed 3-27-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 25, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 12, 1974.

FSA No. 42819—*Perlite Rock from Antonito, Colorado.* Filed by Western Trunk Line Committee, Agent (No. A-2699), for interested rail carriers. Rates on rock, perlite, broken or crushed, dried or not dried, in carloads, as described in the application, from Antonito, Colorado, to Fordtown, Tennessee.

Grounds for relief—Market competition.

Tariff—Supplement 404 to Western Trunk Line Committee, Agent, tariff 134-Q, I.C.C. No. A-4620. Rates are published to become effective on April 25, 1974.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.74-7216 Filed 3-27-74;8:45 am]

[Notice 40]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MARCH 20, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 409 (Sub-No. 51 TA), filed March 7, 1974. Applicant: SCHROETLIN TANK LINE, INC., P.O. Box 511, Sutton, Nebr. 68979. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from the Mapco Pipeline terminal at or near Clay Center, Kans., to points in Iowa, Nebraska, and Missouri, for 180 days. SUPPORTING SHIPPER: Charles D. Rosas, Supervisor of Transportation, Farmland Industries, Inc., P.O. Box 7305, Kansas City, Mo. 64116. SEND PROTESTS TO: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 30844 (Sub-No. 496 TA), filed March 6, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such articles* as are dealt in by retail discount stores (except foodstuffs and commodities in bulk), from New York, N.Y., to Birmingham, Ala.; Atlanta, Ga.; Quincy, Ill.; West Lafayette, Ind.; Paducah, Ky.; Baton Rouge, La.; Detroit, and Benton Harbor, Mich.; Springfield and St. Louis, Mo.; and Houston, Tex., for 180 days. SUPPORTING SHIPPER: Mangel Stores Corporation, 115 West 18th Street, New York, N.Y. 10011. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 42605 (Sub-No. 2 TA), filed March 11, 1974. Applicant: CARL H. BETZ, R.D. No. 1, Orefield, Pa. 18069. Applicant's representative: Paul B. Kemmerer, 1620 North 19th Street, Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Organic plant food*, in bulk, bags and packages, from Washington, D.C., to points in Virginia, Maryland, Delaware, Pennsylvania, New Jeresy, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine, for 180 days. SUPPORTING SHIPPER: Harry V. Ryder, Jr., Vice President, Organic Recycling, Inc., 967 South Matlack Street, West Chester, Pa. 19380. SEND PROTESTS TO: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Building, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 51146 (Sub-No. 365 TA), filed March 7, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles*, from Chicago, Ill., to Racine, Wis., for 180 days. SUPPORTING SHIPPER: Owens-Illinois, Inc., P.O. Box 1035, Toledo, Ohio 43666 (Lester E. Pierce, Supervisor, Rates and Services). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 60271 (Sub-No. 5 TA), filed March 6, 1974. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, La. 71201. Applicant's representative: W. C. Littleton, P.O. Box 288, Monroe, La. 71201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Haughton, La., to Huttig, Ark., for 180 days. SUPPORTING SHIPPER: Olinkraft, Inc., P.O. Box 488, West Monroe, La. 71291. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 61403 (Sub-No. 224 TA), filed March 6, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11-W, Kingsport, Tenn. 37662. Applicant's representative: Charles E. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compressed hydrogen gas*, in bulk, in government-owned tank trailers, from Oak Ridge, Tenn., to Edwards Air Force Base, Edwards, Calif., Kirtland Air Force Base, Albuquerque, N. Mex.; TRW Systems, San Clemente, Calif.; and North American Rockwell, Rocketdyne Division, Chatsworth, Calif., for 180 days. SUPPORTING SHIPPER: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Washington, D.C. 20310. SEND PROTESTS TO: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 107496 (Sub-No. 942 TA), filed March 11, 1974. Applicant: RUAN TRANSPORT CORPORATION, Keosauqua Way and Third Street, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste or spent oil*, in bulk, in tank vehicles, from Clinton, Iowa, to Lyons, Ill. and Griffith, Ind., for 150 days. SUPPORTING SHIPPER: Chemplex Company, Rolling Meadows, Ill. 60008. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 109677 (Sub-No. 52 TA), filed March 8, 1974. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *No. 4 fuel oil*, in bulk, in tank vehicles, from Hopewell Junction, N.Y., to Essex Junction, Vt., for 180 days. SUPPORTING SHIPPER: International Business Machines Corp., P.O. Box 10, Princeton, N.J. 08540. SEND PROTESTS TO: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y. 12208.

No. MC 110420 (Sub-No. 703 TA), filed March 6, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Petersen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium citrate*, dry, in bulk, from the warehouse and plant facilities of Miles Laboratories at Zeeland, Mich., to the warehouse and plant facilities of Warner Jenkinson Mfg. Co., at St. Louis, Mo., for 120 days. SUPPORTING SHIPPER: Miles Laboratories, Inc., Elkhart, Ind. 46514. SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111434 (Sub-No. 87 TA), filed March 11, 1974. Applicant: DON WARD, INC., 241 West 56th Avenue, Denver, Colo. 80216. Applicant's representative: J. Albert Sebald, 1700 Western Federal Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Volcanic scoria*, from the plant site of Twin Mountain Rock Co., about 8 miles north of Des Moines, N. Mex. to points in Arizona, Colorado, Kansas, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPER: Twin Mountain Rock Co., Des Moines, N. Mex. (Mail address: P.O. Box 1009, Sheridan, Wyo. 82801). SEND PROTESTS TO: District Supervisor Roger L. Buchanan,

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Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 112520 (Sub-No. 282 TA), filed February 22, 1974. Applicant: McKENZIE TANK LINES, INC., New Quincy Road, P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Panama City, Fla., to points in North Carolina and South Carolina, for 180 days. SUPPORTING SHIPPER: Ashland Chemical Company, Division of Ashland Oil, Inc., P.O. Box 2219, Columbus, Ohio 43216. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 112750 (Sub-No. 309 TA), filed March 11, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments* (except currency and negotiable securities) *as are used in the business of banks and banking institutions*, from Toms River, N.J., to Lake Success, N.Y., for 90 days. SUPPORTING SHIPPER: First State Bank, 1201 Rt. 37, Toms River, N.J. 08753. SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112989 (Sub-No. 37 TA), filed March 11, 1974. Applicant: WEST COAST TRUCK LINES, INC., P.O. Box 668, Coos Bay, Oreg. 97420. Applicant's representative: Frederick M. Kelley, Jr., Route 4, Box 194 R, Eugene, Oreg. 97405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit or pipe (with couplings and related accessories) of cement and asbestos fibre*, from Santa Clara and Crestmore, Calif, to points in Oregon, Washington, and Idaho, for 180 days. SUPPORTING SHIPPER: Certain-Teed Products Corporation, P.O. Box 120–A, Santa Clara, Calif. 95052. SEND PROTESTS TO: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 SW. Yamhill Street, Portland, Oreg. 97204.

No. MC 113828 (Sub-No. 213 TA), filed February 29, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representatives: William P. Sullivan, Federal Bar Building West, 1819 H Street NW., Washington, D.C. 20006, and Michael A. Grimm, P.O. Box 30006, Washington, D.C. 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium bicarbonate*, dry, in bulk, between Syracuse, N.Y., and Charlottesville, Va., for 180 days. SUPPORTING SHIPPER: John De Clemente, Distribution Manager, Badger Powhatan, Division of American LaFrance, Inc., Route 29 North, Charlottesville, Va. 22901. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 114106 (Sub–No. 101 TA), filed March 11, 1974. Applicant: MAYBELLE TRANSPORT COMPANY, 1820 South Main Street, Lexington, N.C. 27292. Applicant's representative: David L. Morgan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry and in bulk, restricted to products having an immediate prior movement by rail, from Cheraw, S.C., to Columbia, S.C., for 180 days. SUPPORTING SHIPPER: Carolina Canners, Inc., P.O. Box 965, Cheraw, S.C. 29520. SEND PROTESTS TO: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, CC516, Charlotte, N.C. 28205.

No. MC 114896 (Sub–No. 14 TA), filed March 11, 1974. Applicant: PUROLATOR SECURITY, INC., Suite 1001 E, Mockingbird Towers, 1341 W. Mockingbird Lane, P.O. Box 5571, Dallas, Tex. 75202. Applicant's representative: William E. Fullingim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, between all points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: General Services Administration, Chief, Contracts and Negotiations Branch, Crystal Mall, Building No. 4, Washington, D.C. 20406. SEND PROTESTS TO: Transportation Specialist Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 116767 (Sub-No. 2 TA) (Correction), filed February 19, 1974, published in the FEDERAL REGISTER issue of March 6, 1974 as No. MC–139512 TA, and republished as corrected this issue. Applicant: THE GRAY LINE, INC., 1010 Eye Street NW., Washington, D.C. 20001. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Persons*, between Sterling, Va., inclusive of Sterling Park and Sugarland Run residential areas on the one hand, and, on the other, the District of Columbia, for 90 days.

NOTE.—The purpose of this republication is to indicate the correct Docket Number in MC–116767 (Sub-No. 2 TA). SUPPORTING SHIPPER: Sugarland Run Jaycees, Inc., 110 South Fox Road, Sterling, Va. 22170. SEND PROTESTS TO: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 119493 (Sub-No. 109 TA), filed March 11, 1974. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Filter felt*, from Joplin, Mo., to Livingston, Ala., and Cookville, Tenn., for 180 days. SUPPORTING SHIPPER: Tamko Asphalt Products, Inc., P.O. Box 1404, Joplin, Mo. 64801. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commisison, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119619 (Sub-No. 70 TA), filed March 11, 1974. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43rd Street, Chicago, Ill. 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Buffalo, Alton, LeRoy, Oakfield, Leicester, and South Dayton, N.Y., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Iowa, Massachusetts, New Jersey, Pennsylvania, Connecticut, and Rhode Island, for 180 days. SUPPORTING SHIPPER: Distribution Services Division, Curtice-Burns Inc., Lent Avenue, LeRoy, N.Y. 14482. SEND PROTESTS TO: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 124083 (Sub-No. 49 TA), filed March 6, 1974. Applicant: SKINNER MOTOR EXPRESS, INC., 1035 S. Keystone Avenue, Indianapolis, Ind. 46203. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, dry, in bulk and bags, from Fostoria, Ohio, to Cloverdale, Ind., for 180 days. SUPPORTING SHIPPER: Cloverdale Elevator, Inc., Rt. 2, Box 250, Cloverdale, Ind. 46120. SEND PROTESTS TO: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 124328 (Sub-No. 60 TA), filed March 7, 1974. Applicant: BRINK'S INCORPORATED, 234 E. 24th Street, Chicago, Ill. 60616. Applicant's representative: John G. O'Keefe, O'Hare Plaza, Suite 650, 5725 E. River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline coupons* between points in the United States (except Alaska and Hawaii), for 180 days. SUPPORTING SHIPPER: General Services Administration, Building 4, Crystal Mall, Washington, D.C. 20406. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 124679 (Sub-No. 58 TA), filed March 8, 1974. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South Street, Salt Lake City, Utah 84119. Applicant's representative: William K. England (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products and meat byproducts*, from Denver, Colo., to points in New York, New Jersey, Pennsylvania, Massachusetts, and Maryland, for 180 days. SUPPORTING SHIPPERS: United Packing Company, 5000 Clarkson Street, P.O. Box 16441, Denver, Colo. 80216 (Joseph N. Nelson, Traffic Manager); and Wilson & Co., Inc., 4950 Washington Street, Denver, Colo. 80216 (B. O. Wallace, Plant Manager). SEND PROTESTS TO: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 S. State Street, Salt Lake City, Utah 84138.

No. MC 126736 (Sub-No. 70 TA), filed March 11, 1974. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, 737 May Street, P.O. Box 1559, Jacksonville, Fla. 32201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between points in Camden County, Ga., and Clay County, Fla., for 180 days. SUPPORTING SHIPPER: Coastal Lumber Co., P.O. Box 116, Maxville, Fla. 32265. SEND PROTESTS TO: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 127651 (Sub-No. 23 TA), filed March 7, 1974. Applicant: EVERETT G. ROEHL, INC., 201 W. Upham Street, Marshfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Pallets and pallet parts*, (1) from the plant site of Necedah Pallet Co., at or near Necedah, Wis., and the plant site of Nicholson Pallet and Supply Co., at or near Fairchild, Wis., to Michigan City, Ind., and Portage, Ind.; and (2) from Deerbrook, Wis., to Gary, Ind., for 180 days. SUPPORTING SHIPPERS: Steber Lumber Sales, Inc., Box 65, Antigo, Wis. 54409. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 128030 (Sub-No. 59 TA), filed March 7, 1974. Applicant: THE STOUT TRUCKING CO., INC., R.R. #1, P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic Containers*, in truck load only, from Danville, Ill., to Detroit, Mich., and return of *rejected or refused plastic containers*, for 180 days. SUPPORTING SHIPPER: A. L. Jewell, Assistant Director of Traffic, Anchor Hocking Corporation, Broad and Main Streets, Lancaster, OH 43130. SEND PROTESTS TO: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirken Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 133655 (Sub-No. 70 TA), filed March 7, 1974. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Neil DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Novelty ice cream products and water ices* (other than in bulk) in mechanically refrigerated trucks, from Ocala, Fla., to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Georgia, South Carolina, and North Carolina, for 180 days. SUPPORTING SHIPPER: Harold C. Kaye, Assistant General Manager-Comptroller, Gold Bond Ice Cream, 808 Packerland Drive, Green Bay, Wis. 54303. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 134574 (Sub-No. 16 TA), filed March 7, 1974. Applicant: FIGOL DISTRIBUTORS LIMITED, 11041 105th Avenue, Edmonton, Alberta, Canada. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yucca sap and extract*, in chemical solution, requiring temperature control, from Porterville, Calif., to ports of entry along the United States-Canadian Boundry line located in the States of Idaho, Montana, and Washington, restricted to the transportation of traffic destined to points in Canada, for 180 days. SUPPORTING SHIPPER: Anti-Pollution Products (Calgary) Ltd., 1135 45th Avenue NE., Calgary, Alberta, Canada. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 134910 (Sub-No. 7 TA), filed March 5, 1974. Applicant: CALLIS TRUCKING, INC., Centerton, Ind. 46116. Applicant's representative: Warren C. Moberly and Michael V. Gooch, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, palletized or banded, in truckload lots, from Clay County, Ind., to points in North Carolina, South Carolina, Virginia, Tennessee, and Georgia, for 180 days. SUPPORTING SHIPPER: Ralph Johnson Company, 122 East Woodlawn Road, Suite D–100, Charlotte, N.C. 28210. SEND PROTESTS TO: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 136553 (Sub-No. 25 TA), filed March 6, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from Burlington and Mason City, Iowa, to points in Illinois and Wisconsin, for 180 days. SUPPORTING SHIPPER: FS Services, Inc., 1701 Towanda Avenue, Bloomington, Ill. 61702. SEND PROTESTS TO: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 136724 (Sub-No. 3 TA), filed March 7, 1974. Applicant: HUTT TRANSPORTATION CO., 5280 West 161st Street, Cleveland, Ohio 44135. Applicant's representative: Allan I. Mendelsohn, Glassie, Pewett, Beebe and Shanks, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and explosives), having a prior or subsequent movement by air, in an express service, between Cleveland Hopkins International Airport, Cleveland, Ohio, and John F. Kennedy International Airport, New York, N.Y., for 180 days. SUPPORTING SHIPPERS: Blaser and Mericle, Inc., 314 Superior Ave. NE., Cleveland, Ohio 44114; All Airtransport, Inc., 5280 West 161st Street, Brookpart, Ohio 44142; Anderson Airfreight International, 5310 West 161st Street, Cleveland, Ohio 44142; World Air Shipping, 19101 Five Points Road, Cleveland, Ohio 44142; Jet Air Freight, P.O. Box 81299, Cleveland, Ohio; Sabena Belgium World Airlines, 846 Hanna Bldg., Cleveland, Ohio Lufthansa German Airlines, 1426 Euclid Avenue, Cleveland, Ohio 44115; Swiss Air Transport Co., LTD, 504 Hanna Bldg., Cleveland, Ohio 44115; Olympic Airways, 204 Hanna Bldg., Cleveland, Ohio 44115; Iberia Airlines, 411 Hanna Bldg., Cleveland, Ohio 44115; Amerford International Corporation, 6366 Eastland Road, Brookpart, Ohio 44142; and Transportes Aereos Portugueses, 633 Hanna Bldg., 1422 Euclid Ave., Cleveland, Ohio. SEND PROTESTS TO: Franklin D. Ball, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

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No. MC 139479 (Sub-No. 1 TA), filed March 6, 1974. Applicant: ROBERT E. PIELEMEIER, DBA PIELEMEIER TRANSPORTATION, 1125 Fallen Leaf Road, Arcadia, Calif. 91006. Applicant's representative: Fred Mackensen, Murchison and Davis, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are sold in chain super markets, between La Habra, Calif., and points in Maricopa and Pinal Counties, Ariz., for 180 days. SUPPORTING SHIPPER: Alpha Beta Company, 777 South Harbor Boulevard, La Habra, Calif. 90631. SEND PROTESTS TO: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 139581 (Sub-No. 1 TA), filed March 7, 1974. Applicant: GEORGE MESKE, DBA GEORGE'S MOBILE HOME SERVICE, Route 1, Janesville, Wis. 53545. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, container chassis, and parts thereto*, from Edgerton, Wis., to points in Lake, Cook, Kane, Du Page, and Will Counties, Ill., for 180 days. Restriction: Restricted to movements by a truckaway service. SUPPORTING SHIPPER: Highway Manufacturing Company, Division of MOTAC, Inc., 405 East Fulton Street, Edgerton, Wis. 53534. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson Street, Room 202, Madison, Wis. 53703.

No. MC 139585 TA, filed March 8, 1974. Applicant: R. E. HALL, INC., P.O. Box 5441, Charlotte, N.C. 28205. Applicant's representative: Bart William Shuster, 112 N. Myers St., Charlotte, N.C. 28202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silos, concrete*, knocked down, loose, securely braced in truck or in packages, including *sand, gravel, and concrete* necessary for erection, *silos accessories and silos parts*, from Charlotte, N.C., to points in South Carolina, Georgia, Virginia, West Virginia, Tennessee, Kentucky, Florida, and Indiana, for 180 days. SUPPORTING SHIPPER: Madison Silos Division of Chromalloy American Corporation, 802 W. Broadway, Suite 304, Madison, Wis. 53713. SEND PROTESTS TO: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Charlotte, N.C. 28205.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-7217 Filed 3-27-74;8:45 am]

NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

PUBLIC MEETING

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the National Advisory Council on Supplementary Centers and Services will be held on April 4, 1974, at 3:30 p.m. at the Quality Inn, Pentagon City, 300 Army Navy Drive, Arlington, Virginia.

The National Advisory Council on Supplementary Centers and Services is established under section 309 of Public Law 91-230. The Council is directed to advise the President and the Congress concerning the operation of Title III of the Elementary and Secondary Education Act.

Agenda items for the Meeting will include: Reviewing and discussing pending ESEA Title III legislation; developing a plan for the release of the Sixth Annual Report of the Council; selecting topics for Quarterly reports; and discussing the operational plan for FY 1975.

The meeting of the Committee shall be open to the public. Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 529, 425 13th Street, NW., Washington, D.C.

Signed at Washington, D.C., on March 22, 1974.

GERALD J. KLUEMPKE,
Executive Director.

[FR Doc.74-7356 Filed 3-27-74;11:20 am]

FEDERAL ENERGY OFFICE

ELECTRIC UTILITIES COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Electric Utilities Advisory Committee will hold a meeting on Friday, March 29, 1974, at 3:00 P.M. in Room 3140-A, New Post Office, Benjamin Franklin Station, 12th and Pennsylvania Ave., NW., Washington, D.C. The Committee was established to advise the Administrator, FEO, with direct and timely access to the technical knowledge possessed by a wide range of highly qualified independent businessmen engaged in the management of electric utilities. The agenda for the meeting is as follows:

1. Development of plans to maximize use of coal.
2. Allocation of fuels to electric utilities on efficiency of use basis.
3. Expansions of nuclear generating stations.
4. Agency interrelationships with regard to Federal energy policies.

The meeting is open to the public, however, space and facilities are limited. Further information concerning the meetings may be obtained from Richard Waller, Federal Energy Office, Washington, D.C., telephone: 202-961-6181.

The chairman of the committee is empowered to conduct the meeting in a fashion that will, in his judgement, facilitate the orderly conduct of business.

Minutes of the meeting will be made available for public inspection at the Federal Energy Office, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Issued in Washington, D.C. on March 26, 1974.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-7391 Filed 3-27-74;12:20 pm]

PETROLEUM INDUSTRY ADVISORY COMMITTEE (INDEPENDENT SECTOR); NORTHEAST GROUP

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Northeast Group of the Petroleum Industry Advisory Committee (Independent Sector) will hold a meeting on Thursday, April 4, 1974, at 3:00 P.M., in Room 3140-A, New Post Office, Benjamin Franklin Station, 12th and Pennsylvania Avenue, NW., Washington, D.C. The committee was established to advise the Administrator, FEO, with direct and timely access to the technical knowledge possessed by a wide range of highly qualified independent businessmen engaged in the independent sector of the petroleum industry. The agenda for the meeting is as follows:

I. FEO Policy Toward Gas and Electric Utilities:
   —Impact on national energy consumption of massive conversion of heating units from fuel oil to natural gas and electricity.
   —Impact of such conversions on independent marketers of fuel oil.
   —Implementation of conservation policies relating to gas and electric consumption.

II. 1974-75 Allocation Program for No. 2 Fuel Oil and Residual Fuel Oil
   —Recommendations for amendment.

III. Incentives for Construction of New Storage Capacity.

The meeting is open to the public; however, space and facilities are limited. Further information concerning the meetings may be obtained from Del Perry, Federal Energy Office, Washington, D.C., telephone: 202-343-6951.

The chairman of the committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

Minutes of the meeting will be made available for public inspection at the Federal Energy Office, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Issued in Washington, D.C. on March 26, 1974.

WILLIAM N. WALKER,
General Counsel.

[FR Doc.74-7390 Filed 3-27-74;12:20 pm]

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federal register

THURSDAY, MARCH 28, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 61

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

ELECTROPLATING POINT SOURCE CATEGORY; COPPER, NICKEL, CHROMIUM AND ZINC ON FERROUS AND NONFERROUS MATERIALS SUBCATEGORY

Effluent Guidelines and Standards

V 39 61 MAR 28 74 XUM

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 413—ELECTROPLATING POINT SOURCE CATEGORY

Subpart A—Copper, Nickel, Chromium, and Zinc on Ferrous and Nonferrous Materials Subcategory

On October 5, 1973, notice was published in the FEDERAL REGISTER (38 FR 27694), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the electroplating of copper, nickel, chromium, and zinc on ferrous and nonferrous materials subcategory of the electroplating category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the electroplating category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 413. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended (the Act); 33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which appears in the proposed rules section of this Part II of the FEDERAL REGISTER, 39 FR 11515, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307 (b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the electroplating of copper, nickel, chromium, and zinc on ferrous and nonferrous materials subcategory. In addition, the regulations as proposed were supported by two other documents: (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Copper, Nickel, Chromium, and Zinc Segment of the Electroplating Point Source Category" (August, 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines for the Electroplating Point Source Category (Copper, Nickel, Chromium, and Zinc)" (September, 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation, in the form of solicited comments and responses from the States, Federal agencies, and other interested parties, was described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received, and a discussion of these comments with the Agency's response thereto follows.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation; C. E. Mange Development Laboratory, Welch Allyn Inc., Platers Supply Company, General Motors Corporation, Colorado Department of Public Health, Municipality of Metropolitan Seattle, MacDermid, Inc., County Sanitation Districts of Los Angeles County, Sybron Corporation, Van Der Horst Corporation of America, U.S. Department of Health, Education, and Welfare, Environmental Resources Defense Council, Commonwealth of Massachusetts, Pratt and Whitney Division of United Aircraft Corporation, Columbus Industrial Association, Keeler Brass Company, Lancy Laboratories, National Association of Metal Finishers, American Electroplaters' Society, Chrome-Rite Company, Masters Electro-Plating Association, Association of Home Appliance Manufacturers, Oxy Metal Finishing Corporation, Metal Finishing Suppliers' Association, Chromium, Inc., E. I. DuPont de Nemours, Inc., General Electric Company, Raytheon Company, Ford Motor Company, Whirlpool Corporation, Western Electric, Scientific Control Laboratories, Inc., Electronic Industries Association, The Bendix Corporation, U.S. Department of Commerce, Eastman Kodak Company, TRW, Inc., Burndy Corporation, Jamestown Electroplating Works, Inc., Douglas and Lomason Company, Revere Copper and Brass, Inc., Metropolitan Sanitary District of Greater Chicago, State of New York Department of Environmental Conservation, Sargent and Company, Digital Equipment Corporation, AMP, Inc., Products Finishing, Wald Manufacturing Company, Inc., United States Water Resources Council, S. K. Williams Company, Manufacturing Jewelers and Silversmiths of America, Inc., U.S. Department of the Interior, True Temper Corporation, Dallas Water Utilities, Texas Instruments, Inc., Institute of Printed Circuits, Caterpillar Tractor Company, State of Connecticut Department of Environmental Protection, State of Michigan Department of Natural Resources, and API Industries, Inc.

(1) Approximately one-third of the comments received stated that the use of milligrams per square meter plated as the basis for effluent limitations is impractical, uneconomical, or difficult to apply. Alternate bases for the guidelines were suggested by several commenters.

While it may be difficult or inconvenient for some platers to determine their production in terms of square meters plated, it is not impossible. Section 308 of the "Act" authorizes the Administrator to require the owner or operator of any point source to establish and maintain records to determine compliance with effluent limitations. Paragraphs (b) of §§ 413.12 and 413.15 have been added to this regulation to provide the plater flexibility in complying with recordkeeping and production reporting requirements imposed by the guidelines.

The effluent limitations applicable to a particular discharger may be determined by multiplying the effluent limitations in paragraph (a) of § 413.12 for existing sources by the production expressed in sq m or sq ft. The product of this calculation has dimensions of mg or lb. An effluent factor of 200 liters per sq m (5 gallons per sq ft) is the water use for rinsing typical of plants in the electroplating industry. Individual dischargers may decide that further water conservation is necessary or desirable to meet effluent limitations based on the best practicable control technology currently available.

(2) Several comments stated that the effluent limitations as proposed would impose a severe economic hardship on the small plater.

If small shops employ chemical treatment with good water use, they should meet the guidelines as proposed. Hence, an exemption or relaxation of the standards based on size is warranted only from an economic or administrative standpoint and not on the basis of technical feasibility of waste treatment. After an analysis of additional data supplied by the industry and a re-evaluation of the economic impact of the guidelines, it was determined that the minimum cost for effective physical-chemical waste treatment may create an economic burden on the very small plater. On the basis of this further analysis, the best practicable control technology currently available for shops plating less than 33 sq m per hour or having a total installed current capacity less than 2000 amperes was determined to be cyanide destruction, if any, equalization and pH adjustment. The final regulation reflects the additional analysis and the revision of the best practicable control technology currently available to alleviate the economic impact of the Guidelines on the small plater.

(3) Several commenters suggested that the waste water control and treatment techniques suggested in the Development Document are not proven and are not completely reliable.

Numerous techniques to reduce the discharge of pollutants are discussed in the Development Document. All techniques are not applicable to every plater, but each is successfully demonstrated in the industry.

(4) Comments were received that process modifications such as eliminating copper plating by increasing the thickness of nickel or substituting trivalent chromium baths for hexavalent baths are not practical.

The regulations are based on proven treatment technology with emphasis on water conservation. Such process modifications are suggested as alternate methods to meet the guidelines under certain circumstances. No claim is made that such modifications are practical for every plater.

(5) Several comments indicated that the proposed guidelines would create severe adverse economic effects on the electroplating industry in general.

As discussed in section "E", the economic impact of the final guidelines is expected to be significantly lower than that of the proposed guidelines. This is due to a significant reduction in the number of plants to be affected by the guidelines and to reduced requirements for very small operations (less than 33 square meters plated per hour, or less than 2000 amperes installed current capacity).

Because pretreatment requirements are being proposed as a separate package, the guidelines now being promulgated will affect only about 25 percent of the industry, the remaining 75 percent being plants that discharge to municipal treatment systems. On this basis and with consideration of the reduced requirement for very small operations the economic analysis indicates that fewer than 100 closures are expected as a result of the 1977 requirements, as compared to an estimated more than 500 for the guidelines as proposed. These plants would represent fewer than 600 employees and less than 2.0 percent of the total independent plating capacity. For 1983, fewer than 80 additional closures are expected, representing less than 250 employees and less than 1.0 percent of the total independent plating capacity.

Although most of these closures would occur in semiurban areas, it still has been estimated that about half of the affected employees should find re-employment in the electroplating industry while the remainder would have to seek re-employment in other industries.

(6) Commenters suggested that the proposed effluent limitations would impose a severe technological hardship on the industry and that the effluent limitations are too stringent.

The effluent limitations are being achieved by numerous platers and can be met by many others by only minor changes in operation. The baseline technology for the electroplating industry, chemical treatment, has been practiced by the industry for over 25 years. By controlling the volume of waste water generated and employing a well-designed and well-operated chemical treatment system, platers can meet the guidelines as promulgated.

(7) Numerous comments indicated that solid waste disposal and groundwater contamination problems may be created by the proposed guidelines.

It is recognized that the removal of metals from waste water by chemical precipitation methods produces a sludge which requires adequate precautions to prevent contamination of surface and subsurface waters. It is expected that the guidelines will focus attention on the problem of solids disposal so that satisfactory solutions will be found. Chemical precipitation with solids separation is widely accepted as the best practicable control technology for this industry. The sludge produced should be disposed of in an acceptable landfill.

Soluble metal salts produced by certain concentration or recovery techniques such as evaporation pose a greater environmental hazard than the metallic hydroxides resulting from chemical treatment. An environmentally acceptable solution to this problem, which is not peculiar to the electroplating industry, is expected prior to the deadline for application of the best available technology economically achievable in 1983.

(8) Several comments were received that the proposed effluent limitations guidelines are not consistent with the interim guidelines for metal finishing. The industry generally agrees with the interim guidelines effluent concentrations and with the concept of chemical treatment of waste waters as the best practicable control technology currently available.

The essential difference between the interim guidelines concentrations and the proposed effluent limitations guidelines is that the latter place a limit on the absolute amount of pollutants discharged to surface waters. Restrictions on concentration alone do not achieve the same result in terms of limiting the total amount of pollutants discharged.

The interim effluent concentrations were developed to be broadly applicable to metal finishing operations. The effluent limitations guidelines were developed for copper, nickel, chromium and zinc electroplating operations and are based on a program of extensive technical data analysis to satisfy the detailed requirements of sections 301, 304(b), 306, and 307 of the Act. The results of the study to develop effluent limitations guidelines show conclusively that the interim guidelines concentrations and the effluent limitations guidelines are consistent and complementary.

(9) A comment was received that § 413.15 of the proposed regulation was not clear as to whether all existing electroplaters or only new sources would be required to pretreat to the standards of performance.

The pretreatment standards proposed in § 413.15 apply to new sources. Section 413.16 of the regulation promulgated herein states the applicability of standards of performance as pretreatment standards for new sources.

(10) Several commenters stated that EPA should establish a separate category of effluent limitations for manufacturers which employ electroplating as a part of the overall manufacturing process.

The effluent limitations guidelines and standards of performance for the electroplating category of sources are applicable only to those portions of a manufacturing process which include an electroplating operation. When applied to captive facilities, such as those operated by aircraft engine manufacturers, only the electroplating operations described in § 413.10 are subject to the effluent limitations and standards of performance promulgated herein. Separate effluent limitations guidelines and standards of performance for the metal fabricating industries will be developed by EPA.

(11) The U.S. Department of Commerce stated that the concentration of total suspended solids upon which the limitations are based appears unrealistically low and the limitation should be revised upward.

The data presented in section IX of the Development Document for the proposed regulations show that numerous plants surveyed are achieving 15 mg/l or less total suspended solids and that an exemplary plant achieved a monthly average total suspended solids figure of 15 mg/l or less for a period of twelve consecutive months. Verification effluent sampling and analysis conducted by the EPA contractor showed an average of 22 mg/l total suspended solids in the discharge from exemplary plants based on short sampling periods. As a result of further data analysis, EPA concluded that the monthly average effluent limitations for total suspended solids should be revised upward both for existing and for new sources.

(12) A number of commenters observed that the levels specified as best practicable control technology currently available in the proposed guidelines were not achievable.

The Agency re-examined the assumptions on which the proposed guidelines were based. These assumptions included a typical water use of 80 liters/sq m of plated area, and an effluent concentration for each of the parameters controlled of 0.5 mg/l, except for cyanide, hexavalent chromium and total suspended solids, which were set at 0.05 mg/l, 0.05 mg/l and 15 mg/l respectively. While the specified concentrations were achieved by a number of the exemplary plants reviewed by the contractor, only one such plant was able to achieve the concentrations while simultaneously maintaining water usage at or below the 80 l/sq m, figure. Accordingly, the Agency believed that it would be inappropriate to establish best practicable control technology currently available solely on the basis of the performance of a single plant. With a revised water usage of 160 l/sq m, the limitations have been achieved by two plants directly studied by the contractor; moreover, industry data indicate that eight additional plants achieve this level of control. Thus, this level of performance can, with greater certainty, be said to constitute best practicable control technology currently available, and the final guidelines have been revised to reflect these findings.

(b) *Revision of the proposed regulation prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regula-

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tion by the EPA, the following changes have been made in the regulation:

(1) The best practicable control technology for small platers (less than 33 square meters surface plated per hour or less than 2000 amperes installed current capacity) has been redefined in § 413.12 (c) to be cyanide destruction, if any, equalization and pH adjustment to alleviate the economic impact of the guidelines on the segment of the industry most severely affected by the proposed regulations.

(2) The monthly average effluent limitations and standards of performance for total suspended solids have been revised upward to reflect the conclusions of further technical analysis.

(3) Paragraph (b) of §§ 413.12 and 413.15 have been added to require that point source dischargers maintain production records to determine compliance with the effluent limitations pursuant to section 308 of the Act.

(4) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(5) The limitations for best practicable control technology currently available and new source performance standards have been revised to reflect a more liberal and realistic water use factor. See section IX of the Development Document for illustrations of operations and methods of applications.

(c) *Economic impact.* The economic impact of the final guidelines is expected to be significantly lower than that of the proposed guidelines because of three factors: (1) The estimate of the total number of independent plants affected by the guidelines has been reduced by eliminating plants in SIC 3471 that do not use copper, nickel, chromium or zinc in their operations, (2) plants discharging to municipal systems, approximately three-fourths of the industry, are not affected by the guidelines now being promulgated and (3) the requirements in 1977 for low volume plants (less than 33 square meters plated per hour) have been relaxed.

In light of these changes, the revised economic impact indicates that less than 100 independent operations could close as a result of the 1977 guidelines. These plants would represent fewer than 600 employees and less than 2.0 percent of the total independent plating capacity. This impact is substantially lower than the estimate of more than 500 expected closures associated with the proposed guidelines. The revised analysis for 1983 indicates fewer than 80 additional closures are expected representing about 250 employees and less than 1.0 percent of the total independent plating capacity.

Price increases for 1977 are still expected to be in the range of 15 percent for those plants not connected to municipal treatment systems. Additional increases of up to 8 percent are expected for 1983.

The potential impact cited above should have only minimal impact on overall industry viability. The total potential capacity loss for 1977 and 1983 is less than 3.0 percent. This should be replaced easily by existing plants and new plants. Moreover, although the final guidelines will affect only direct dischargers so that most of the closures will occur in semi-urban areas, it still has been estimated that half of the affected employees would be able to find re-employment in the electroplating industry.

As in the earlier analysis, it has been concluded that some captive shops could be affected by the guidelines. However, as with the independent shops, the impact on captive shops should be reduced significantly because the guidelines will apply only to direct dischargers and because the requirements for low volume operations in 1977 have been relaxed.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the copper, nickel, chromium, and zinc on ferrous and nonferrous materials segment of the electroplating point source category are discussed in section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Copper, Nickel, Chromium, and Zinc on Ferrous and Nonferrous Materials Manufacturing Segment of the Electroplating Point Source Category" February, 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines Electroplating Industry" (September, 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the electroplating industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Solid waste control.* Solid waste control must be considered. The waterborne wastes from the electroplating industry may contain a considerable volume of metals in various forms as a part of the suspended solids pollutant. Best practicable control technology and best available control technology as they are known today, require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In some cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate precautions (e.g., impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of the legal jurisdiction in which the site is located.

(f) Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.

In conformance with the requirements of section 304(c), a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Copper, Nickel, Chromium, and Zinc Segment of the Electroplating Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C. 20401 for a nominal fee.

(g) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 413, Electroplating Point Source Category, to read as set forth below.

This final regulation is promulgated as set forth below and shall be effective May 28, 1974.

Dated: March 20, 1974.

JOHN QUARLES,
Acting Aministrator.

Sec.
413.10 Applicability; description of the electroplating of copper, nickel, chromium, and zinc on ferrous and nonferrous materials subcategory.

Sec.
413.11 Specialized definitions.
413.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
413.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
413.14 Reserved.
413.15 Standards of performance for new sources.
413.16 Pretreatment standards for new sources.

AUTHORITY: Secs. 301, 304 (b) and (c), 306 (b) and (c) and 307(c), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500.

Subpart A—Electroplating of Copper, Nickel, Chromium, and Zinc on Ferrous and Nonferrous Materials Subcategory

§ 413.10 Applicability; description of the electroplating of copper, nickel, chromium, and zinc on ferrous and nonferrous materials subcategory.

The provisions of this subpart are applicable to discharges of pollutants resulting from the process in which a ferrous or nonferrous base material is rack or barrel electroplated with copper, nickel, chromium, zinc, or any combination thereof.

§ 413.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 136 shall apply to this subpart.

(b) The term "sq m" shall mean the area plated with copper, nickel, chromium, zinc, or treated by chromating expressed in square meters.

(c) The term "sq ft" shall mean the area plated with copper, nickel, chromium, zinc, or treated by chromating expressed in square feet.

(d) The term "operation" shall mean any step in the plating process in which copper, nickel, chromium, or zinc metal or chromate is deposited on a base material following by a rinse.

(e) The term "CN,A" shall mean those cyanides amenable to chlorination as described in 1972 Annual Book of ASTM Standards, 1972, Standard D 2036–72, Method B, page 553.

§ 413.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (milligrams per square meters per operation)	
Cu	160	80
Ni	160	80
CrVI	16	8
Cr, total	160	80
Zn	160	80
CN,A	16	8
CN, total	160	80
TSS	4,800	3,200
pH	Within the range 6.0 to 9.5.	
	English units (pounds per million square feet per operation)	
Cu	32.7	16.4
Ni	32.7	16.4
CrVI	3.3	1.6
Cr, total	32.7	16.4
Zn	32.7	16.4
CN,A	3.3	1.6
CN, total	32.7	16.4
TSS	982.0	654.0
pH	Within the range 6.0 to 9.5.	

(b) Pursuant to section 308 of the Act, point sources subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

(c) Application of the factors listed in section 304(b) requires variation from the effluent limitations set forth in § 413.12(a) for any point source subject to such effluent limitations with a production less than 33 square meters per hour or an installed direct current capacity less than 2000 amperes. For such sources, the best practicable control technology currently available consists of cyanide destruction, if any, equalization and pH adjustment to a range of 6.0 to 9.0 prior to discharge.

§ 413.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: there shall be no discharge of process waste water pollutants to navigable waters.

(b) Application of the factors listed in section 304(b) of the Act may require variation from the effluent limitation set forth in this section for any point source subject to such effluent limitation with a production less than 120 sq m per hour. If variation is determined to be necessary for any such source, such source shall be subject to effluent limitations no less stringent than those required by the standards of performance for new sources set forth in § 413.15.

§ 413.14 [Reserved]

§ 413.15 Standards of performance for new sources.

(a) The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units (milligrams per square meters per operation)	
Cu	80	40
Ni	80	40
CrVI	8	4
Cr, total	80	40
Zn	80	40
CN,A	8	4
CN, total	80	40
TSS	2,400	1,600
pH	Within the range 6.0 to 9.5.	
	English units (pounds per million square feet per operation)	
Cu	16.4	8.2
Ni	16.4	8.2
CrVI	1.6	.8
Cr, total	16.4	4.2
Zn	16.4	4.2
CN,A	1.6	.8
CN, total	16.2	4.7
TSS	491.0	327.0
pH	Within the range 6.0 to 9.5.	

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(b) Pursuant to section 308 of the Act, point sources subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.15(a) of this subpart. For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

§ 413.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the electroplating of copper, nickel, chromium and zinc on ferrous and nonferrous materials subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 413.15; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

[FR Doc.74-7066 Filed 3-27-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 413]

ELECTROPLATING POINT SOURCE CATEGORY

Subpart A—Copper, Nickel, Chromium and Zinc on Ferrous and Nonferrous Materials Subcategory

PROPOSED APPLICATION OF EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES TO PRETREATMENT STANDARDS FOR INCOMPATIBLE POLLUTANTS

Notice is hereby given pursuant to sections 301, 304 and 307(b) of the Federal Water Pollution Control Act, as amended (the Act) 33 U.S.C. 1251, 1311, 1314 and 1317(b); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 413—Electroplating Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the copper, nickel, chromium and zinc on ferrous and nonferrous materials subcategory of the electroplating point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 413) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "Compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants.) Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307 (c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act; *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant; and provided further that when the effluent limitations guidelines for each industry are promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is appropriate to support the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Section 413.15 of the proposed regulation for point sources within the copper, nickel, chromium and zinc on ferrous and nonferrous materials subcategory (October 5, 1973; 38 FR 27699), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains § 413.16 which states the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking, and the final Development Document, entitled "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Copper, Nickel, Chromium and Zinc Segment of the Electroplating Point Source Category," is now being published. The economic analysis report, entitled "Economic Analysis of Proposed Effluent Guidelines for the Electroplating Point Source Category (Copper, Nickel, Chromium, and Zinc)" (September, 1973), was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653), the procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the electroplating of copper, nickel, chromium or zinc, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price of electroplating. The two reports

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exceed, in the aggregate, 100 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the electroplating category (38 FR 27694; October 5, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 413) which currently is being published in the rules and regulations section of this Part II of the FEDERAL REGISTER (39 FR 11510).

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the copper, nickel, chromium and zinc on ferrous and nonferrous materials subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document, the process waste waters from the electroplating subcategory contain high concentrations of heavy metals and cyanide which could interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. In the opinion of the EPA, these process waste waters should be treated to the level required by the application of the best practicable control technology currently available before discharge of these materials to publicly owned treatment works.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304 and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 413 be amended to add § 413.14. All comments received on or before April 29, 1974, will be considered.

Dated: March 20, 1974.

JOHN QUARLES,
Acting Administrator.

Part 413 is proposed to be amended by adding § 413.14 to Subpart A as follows:

§ 413.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under 40 CFR 128.133, the effluent limitations guidelines set forth in 40 CFR 413.12 above shall apply and, subject to the provisions of 40 CFR Part 128 concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

[FR Doc.74-7084 Filed 2-27-74;8:45 am]

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federal register

FRIDAY, MARCH 29, 1974

WASHINGTON, D.C.

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federal register

Area Code 202 Phone 523–5240

Published daily, Monday through Friday (no publication on Saturdays, Sundays, or on official Federal holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C., Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Labor; Correction

In the FEDERAL REGISTER of August 10, 1973, (FR Doc. 73-16524) appearing on page 21621, § 213.3315(a) (32) was revoked in error. Section 213.3315(a) (32) reads as follows:

§ 213.3315 Department of Labor.

(a) *Office of the Secretary.* * * *

(32) One Special Assistant to the Counselor to the Secretary.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-7296 Filed 3-28-74;8:45 am]

PART 213—EXCEPTED SERVICE

Action

Section 213.3359 is amended to show that one position of Director, Evaluation Division, and one position of Director, Policy Management Division, Office of Policy and Program Development are excepted under Schedule C.

Effective on March 29, 1974, § 213.3359 (m) and (n) are added as set out below.

§ 213.3359 Action.

* * * * *

(m) Director, Evaluation Division, Office of Policy and Program Development.

(n) Director, Policy Management Division, Office of Policy and Program Development.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-7297 Filed 3-28-74;8:45 am]

Title 39—Postal Service

CHAPTER III—POSTAL RATE COMMISSION

PART 3002—ORGANIZATION

Change in Office Hours

APRIL 1, 1974.

The hours of the Postal Rate Commission will change effective April 1, 1974. Accordingly, § 3002.2(e) of the Code of Federal Regulations is changed to:

§ 3002.2 The Commission and its offices.

* * * * *

(e) *Hours.* The offices of the Commission will be open from 8:00 a.m. to 4:30 p.m. with the Docket Section open from 8:00 a.m. to 5:15 p.m. of each day except Saturdays, Sundays, and holidays, unless otherwise directed by Executive Order or officially declared, with appropriate notice.

* * * * *

By the Commission.

[SEAL] JOSEPH A. FISHER,
Secretary.

[FR Doc.74-7271 Filed 3-28-74;8:45 am]

Title 7—Agriculture

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas, and Quota Deficits for 1974

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended; 7 U.S.C. 1101), hereinafter referred to as the "Act". The purpose of this amendment to sugar regulation 811, as amended, is to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 204(a) of the Act provides that the Secretary shall, as often as facts are ascertainable by him but in any event not less frequently than each 60 days after the beginning of each calendar year, determine whether any area or country will not market the quota for such area or country. On the basis of the quota established for Puerto Rico for the calendar year 1974, a finding was heretofore made (38 FR 31412) that Puerto Rico will be unable to market its quota by 700,000 short tons, raw value, and accordingly a quota deficit was determined for Puerto Rico for 700,000 tons. On the basis of the latest information on sugar production from the current Puerto Rican crop, it is herein found that Puerto Rico will be unable to fill its sugar quota by an additional 55,000 short tons, raw value. Therefore, a total deficit is herein determined in the 1974 quota for Puerto Rico of 755,000 short tons, raw value.

It has been determined that on the basis of the 1973 crop harvest and the probable marketing of the 1974 crop in 1974 that the Texas Cane Area will be unable to market its 1974 quota by an estimated 40,000 tons. A deficit, therefore, is herein determined in the 1974 quota of the Texas Cane Area of 40,000 tons.

If production exceeds the present estimates for Puerto Rico or the Texas Cane Area, the marketing opportunities for each area within the total mainland quota for such area will not be limited as a result of the deficit determination and proration provided herein.

On the basis of information available to the Department, Venezuela will not be able to market any sugar to the United States in 1974. Therefore a deficit of 63,540 tons is herein determined in the quota established for Venezuela which consists of 46,726 tons of its section 202 quota and 16,814 tons of deficit declarations previously prorated to it.

Deficits determined herein for Puerto Rico, the Texas Cane Area and Venezuela totaling 158,540 tons are allocated pursuant to section 204(a) of the Act by assigning 30.08 percent of the section 202 deficits or 42,631 tons to the Republic of the Philippines and prorating the balance of 115,909 tons to Western Hemisphere countries.

On the basis of evidence submitted to the Department from Haiti, Panama, and Honduras, it is hereby determined that the combined deficits and shortfalls in their 1973 quotas of 11,446 tons, 3,363 tons, and 10,351 tons, respectively, were due to crop disaster and the quotas of these countries for future years will not be subject to reduction pursuant to section 202(d)(4) of the Act. Peru, Guatemala, Argentina and India fell short of filling their 1973 quotas through combined deficits and shortfalls totaling 25,873 tons. It is hereby determined that such deficits and shortfalls were within reasonable tolerances under circumstances which prevailed last year and that the quotas of these countries for 1974 and subsequent years will not be subject to reduction pursuant to section 202(d)(4) of the Act.

It is hereby determined that deficits previously declared and those declared herein constitute all known deficits on which data are currently ascertainable by the Department.

On the basis of preliminary data a reduction of 179,309 tons was made in the 1974 quota established for the West Indies (38 FR 31412) pursuant to section 202(d)(4) of the Act. On the basis of final import data in 1973 such reduction in

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the 1974 quota for the West Indies is reduced herein to 178,693 tons.

In 1973 Ireland was short of filling its quota by 4,244 tons while exporting to countries other than the United States. Therefore, pursuant to section 202(d)(4) of the Act the 1974 quota currently established for Ireland is hereby reduced by 4,244 tons, the amount of its shortfall. The quantity of 4,244 tons is allocated by assigning 30.08 percent to the Republic of the Philippines and prorating the balance to Eastern Hemisphere countries pursuant to section 202(d)(5) of the Act.

By virtue of the authority vested in the Secretary of Agriculture by the Act, part 811 of this chapter is hereby amended by amending §§ 811.31, 811.32, and 811.33 as follows:

1. Section 811.31 is amended by amending paragraph (a)(2) to read as follows:

§ 811.31 Quotas for domestic areas.

(a)(1) * * *

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1974 the Domestic Beet Sugar Area, the Texas Cane Area and Puerto Rico will be unable by 725,667, 40,000 and 755,000 short tons, raw value, respectively, to fill the quotas established for such areas in paragraph (a)(1) of this section. Pursuant to section 204(b) of this Act, the determination of such deficits shall not affect the quotas established in paragraph (a)(1) of this section.

* * * * *

2. Section 811.32 is amended by amending paragraph (a) to read as follows:

§ 811.32 Proration and allocation of deficits in quotas.

(a) The total deficits determined in quotas established under section 202 of the Act in short tons, raw value, are as follows: Domestic Beet Sugar Area 725,667; Puerto Rico 755,000; the Texas Cane Area 40,000; and Venezuela 46,726. Such deficits totaling 1,567,393 short tons, raw value, are reallocated by (1) allocating 399,781 tons to the Republic of the Philippines; (2) prorating 929,278 tons to Western Hemisphere countries with quotas in effect in accordance with section 204(a) of the Act; and (3) assigning 238,334 tons to foreign countries on a first-come, first-served basis pursuant to paragraph (d)(2) of § 811.33 as set forth in Amendment 2 of this part.

3. Section 811.33 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.33 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1974, the quota for the Republic of the Philippines is 1,599,081 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202(b) of the Act, 399,781 short tons established pursuant to section 204(a) of the Act and 73,280 short tons established pursuant to section 202(d) of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202(b) of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1974, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. Deficit prorations previously established in this Sugar Regulation 811 are shown in column (3). New deficits and deficit prorations established herein are shown in column (4) and total quotas and prorations are shown in column (5).

Countries	Basic quotas	Temporary quotas and prorations pursuant to Sec. 202(d)[1]	Previous deficit prorations	New deficits and deficit prorations	Total quotas and prorations
	(1)	(2)	(3)	(4)	(5)
	(Short tons, raw value)				
Dominican Republic	427,345	184,308	174,977	24,935	811,560
Mexico	377,933	162,994	154,745	22,052	717,724
Brazil	368,585	158,960	150,918	21,506	699,969
Peru	254,228	87,224	107,994	15,389	464,835
West Indies	4,505	1,546	56,321	8,026	70,398
Ecuador	54,420	23,469	22,282	3,176	103,347
Argentina	51,081	22,030	20,915	2,981	97,007
Costa Rica	46,073	19,871	18,865	2,688	87,497
Colombia	45,405	19,583	18,591	2,650	86,229
Panama	43,068	18,574	17,634	2,513	81,789
Nicaragua	43,068	18,574	17,634	2,513	81,789
Venezuela	34,700	11,936	16,814	−63,540	0
Guatemala	39,366	16,990	16,131	2,298	74,815
El Salvador	28,712	12,383	11,756	1,676	54,527
Belize (British Honduras)	22,703	9,791	9,296	1,324	43,114
Haiti	20,699	8,928	8,475	1,208	39,310
Honduras	8,013	3,454	3,281	468	15,216
Bolivia	4,340	1,872	1,777	253	8,242
Paraguay	4,340	1,672	1,777	253	8,242
Australia	167,599	46,071	----------	----------	213,670
Republic of China	69,777	19,182	----------	----------	88,959
India	67,106	18,447	----------	----------	85,553
South Africa	47,408	13,032	----------	----------	60,440
Fiji Islands	36,725	10,096	----------	----------	46,821
Mauritius	24,706	6,792	----------	----------	31,498
Swaziland	24,706	6,792	----------	----------	31,498
Thailand	15,358	4,221	----------	----------	19,579
Malawi	12,353	3,395	----------	----------	15,748
Malagasy Republic	10,016	2,753	----------	----------	12,769
Ireland	1,107	----------	----------	----------	1,107
Amendment 2 quotas[2]	131,572	43,428	238,334	----------	413,334
Total	2,487,137	958,563	1,068,517	52,369	4,566,586

[1] Proration of the quotas withheld from Cuba, Southern Rhodesia, Bahamas, Uganda, West Indies, Peru, Venezuela, and Ireland.

[2] Quota made available to foreign countries on a first-come, first-served basis pursuant to section 202(d)(2) of the Act and in Sugar Regulation 811, Amendment 2 (39 FR 3945). Quantities shown in columns (1), (2), and (3) represent the amounts that would have been prorated to the Philippines and countries with quotas in the respective columns had proration been made in the usual manner under section 202 (b), (c), and (d)(1) of the Act.

* * * * *

(Secs. 201, 202, 204, and 403; 61 Stat. 923, as amended, 924, as amended, 925, as amended, 932; and (7 U.S.C. 1111, 1112, 1114, and 1153).)

Effective date. This action determines deficits in the Puerto Rican, the Texas Cane Area, and Venezuela quotas of 55,000, 40,000, and 63,540 tons, respectively, and prorates and allocates such deficit to the Republic of the Philippines and Western Hemisphere quota countries. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 553 is unnecessary, impracticable and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C. on March 25, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-7256 Filed 3-26-74;11:26 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 632]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Mar. 31–April 6, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total

available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.932 Lemon Regulation 632.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is easier so far this week because of unseasonal weather and the trade is clearing up stocks of fruit on hand. Average f.o.b. price was $5.94 per carton the week ended March 23, 1974 compared to $5.92 per carton the previous week. Track and rolling supplies at 152 cars were up 22 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on March 26, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period March 31, 1974, through April 6, 1974, is hereby fixed at 240,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: March 27, 1974.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-7416 Filed 3-28-74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order Nos. 32, 50, 62]

MILK IN THE SOUTHERN ILLINOIS, CENTRAL ILLINOIS AND ST. LOUIS-OZARKS MARKETING AREAS

Order Suspending Certain Provisions

This order of suspension is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the orders regulating the handling of milk in the Southern Illinois, Central Illinois and St. Louis-Ozarks marketing areas.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 9387) concerning a proposed suspension of certain provisions of the orders. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of March through December 1974, the following provisions of the orders do not tend to effectuate the declared policy of the Act:

PART 1032—MILK IN THE SOUTHERN ILLINOIS MARKETING AREA

1. In § 1032.71 that part of paragraph (f) which reads, "except for the months specified below, shall be", and the provisions contained in paragraphs (g) through (k) in their entirety.

PART 1050—MILK IN THE CENTRAL ILLINOIS MARKETING AREA

2. In § 1050.71 that part of paragraph (f) which reads, "except for the months specified below, shall be", and the provisions contained in paragraphs (g) through (k) in their entirety.

PART 1062—MILK IN ST. LOUIS-OZARKS MARKETING AREA

3. In § 1062.71 that part of paragraph (f) which reads, "except for the months specified below, shall be", and the provisions contained in paragraph (g) through (k) in their entirety.

STATEMENT OF CONSIDERATION

The suspension will make inoperative those provisions of Order Nos. 32, 50 and 62 that provide for the accumulation and disbursement of money due producers with the intent of encouraging seasonal adjustments in milk production. Under such provisions (the "takeout-payback" plan), money withheld from the pool during March through July (15 cents per hundredweight during March and July, and 25 cents per hundredweight during April, May, and June) is paid out to producers for deliveries of milk during September through December (20 percent in September and December and 30 precent in October and November).

Suspension in the Southern Illinois and St. Louis-Ozarks orders was requested by Mid-America Dairymen, Inc., and in the Southern Illinois and Central Illinois orders by Associated Milk Producers, Inc., Mississippi Valley Milk Producers and Prairie Farms Dairy, Inc.

In response to the invitation for written data, views, or arguments the National Farmers' Organization also requested that the respective provisions be suspended from the three orders for 1974. Also, a proprietary handler who obtains a substantial part of his milk from supply plants in Wisconsin supported petitioners' request as a means of preventing disorderly marketing conditions in the coming months.

The basis for the request by the petitioners is to provide the highest possible blend price to producers during the months of March through July 1974 to offset anticipated higher production costs. Also, blend prices zoned to the production areas of the respective orders could result in prices that are below competitive pay prices with other Federal order markets and with manufacturing plants competing for milk supplies. Without this suspension action the milk supply for the respective orders could be placed in jeopardy.

For the foregoing reasons, petitioners, who represent a substantial majority of

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producers supplying the respective markets, request that the seasonal payment plan be suspended for this year in the Southern Illinois, Central Illinois and St. Louis-Ozarks markets. No opposition to the request was filed in response to the invitation for written data, views, or arguments. Accordingly, it is concluded that the specified provisions of the respective orders should be suspended for the months of March through December 1974.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing areas in that it is the only practical means of rendering the provisions inoperative for the period designated;

(b) This suspension does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this suspension.

Therefore, good cause exists for making this order effective for the months of March through December 1974.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of March through December 1974 effective.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Effective date: March 29, 1974.

Signed at Washington, D.C., on March 26, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74-7265 Filed 3-28-74;8:45 am]

[Docket No. AO–184–A34; Milk Order 98]

PART 1098—MILK IN THE NASHVILLE, TENNESSEE, MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto: and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Nashville, Tennessee, marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than April 1, 1974. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Deputy Administrator, Regulatory Programs, was issued February 15, 1974, and the decision of the Assistant Secretary containing all amendment provisions of this order was issued March 18, 1974. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective April 1, 1974, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559).

(c) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in Sec. 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1098.7 is revised as follows:

§ 1098.7 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk in compliance with the Grade A inspection requirements of a duly constituted regulatory agency, which milk is received at a pool plant or diverted pursuant to § 1098.13.

(b) "Producer" shall not include:

(1) A producer-handler as defined in any order (including this part) issued pursuant to the Act;

(2) Any person with respect to milk produced by him which is diverted to a pool plant from an other order plant if the other order designates such person as a producer under that order and such milk is allocated to a utilization other than Class I pursuant to § 1098.46(a)(4)(ii) and the corresponding step of § 1098.46(b); and

(3) Any person with respect to milk produced by him which is reported as diverted to an other order plant if any portion of such person's milk so moved is assigned to Class I under the provisions of such other order.

2. In § 1098.9, paragraph (a) is revised as follows:

§ 1098.9 Producer-handler.

* * * * *

(a) Produces milk and operates a distributing plant;

* * * * *

3. Section 1098.10 "Approved plant" is revoked and new §§ 1098.10 and 1098.10a are added as follows:

§ 1098.10 Distributing plant.

"Distributing plant" means a plant in which fluid milk products approved by a duly constituted regulatory agency for fluid consumption, or filled milk, are processed or packaged and from which there is route disposition in the marketing area during the month.

§ 1098.10a Supply plant.

"Supply plant" means a plant from which a fluid milk product acceptable to a duly constituted regulatory agency for fluid consumption, or filled milk, is shipped during the month to a pool plant.

4. Section 1098.11 is revised as follows:

§ 1098.11 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) A distributing plant that has route disposition, except filled milk, during

the month of not less than 50 percent of the fluid milk products, except filled milk, approved by a duly constituted regulatory agency for fluid consumption that are physically received at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13 and that has route disposition, except filled milk, in the marketing area during the month of not less than 15 percent of its total disposition of fluid milk products, except filled milk, during the month.

(b) A supply plant from which not less than 50 percent of the total quantity of milk approved by a duly constituted regulatory agency for fluid consumption that is physically received from dairy farmers at such plant or diverted as producer milk to a nonpool plant pursuant to § 1098.13 during the month is shipped as fluid milk products, except filled milk, to pool plants pursuant to paragraph (a) of this section. A plant that was a pool plant pursuant to this paragraph in each of the immediately preceding months of August through February shall be a pool plant for the months of March through July unless the milk received at the plant does not continue to meet the requirements of a duly constituted regulatory agency or a written application is filed by the plant operator with the market administrator on or before the first day of any such month requesting that the plant be designated as a nonpool plant for such month and each subsequent month through July during which it would not otherwise qualify as a pool plant.

(c) A plant that is approved by a duly constituted regulatory agency to handle milk for fluid consumption in the marketing area that is operated by a cooperative association, for which pool plant status has been requested by the cooperative association, and from which during the month the quantity of fluid milk products (except filled milk) shipped to pool plants qualified pursuant to paragraph (a) of this section plus the milk physically received at such plants by direct delivery from the farms of producer members of the cooperative association is not less than two-thirds of the producer milk received at or diverted from pool plants of the cooperative association plus its members' producer milk received at or diverted from all other pool plants during the same month. If the cooperative association operating a plant qualified as a pool plant pursuant to this paragraph files with the market administrator prior to the first day of any month a written request for nonpool status for such month, the plant shall be a nonpool plant for such month and for each of the next 11 months in which it does not qualify as a pool plant pursuant to paragraph (a) or (b) of this section.

(d) The term "pool plant" shall not apply to the following plants:

(1) A producer-handler plant;

(2) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another order issued pursuant to the Act and from which a greater quantity of fluid milk products, except filled milk, is disposed of during the month from such plant as route disposition in the marketing area regulated by the other order than as route disposition in the Nashville, Tenn., marketing area: *Provided,* That such a distributing plant which was a pool plant under this order in the immediately preceding month shall continue to be subject to all of the provisions of this part until the third consecutive month in which a greater proportion of its route disposition is made in such other marketing area, unless the other order requires regulation of the plant without regard to its qualifying as a pool plant under this order, subject to the proviso of this paragraph: *And provided further,* On the basis of a written application made either by the plant operator or by the cooperative association supplying milk to such operator's plant, at least 15 days prior to the date for which a determination of the Secretary is to be effective, the Secretary may determine that the route disposition in the respective marketing areas to be used for purposes of this paragraph shall exclude (for a specified period of time) route disposition made under limited term contracts to governmental bases and institutions;

(3) A distributing plant qualified pursuant to paragraph (a) of this section which meets the requirements of a fully regulated plant pursuant to the provisions of another Federal order and from which a greater quantity of Class I milk, except filled milk, is disposed of during the month in the Nashville, Tenn., marketing area as route disposition than as route disposition in the other marketing area, and such other order which fully regulates the plant does not contain provision to exempt the plant from regulation, even though such plant has greater route disposition in the marketing area of the Nashville, Tenn., order; and

(4) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant qualified as a pool plant pursuant to paragraph (b) of this section during the preceding August through January period.

5. In § 1098.13, paragraph (c) is revoked and paragraph (b) is revised as follows:

§ 1098.13 Producer milk.

* * * * *

(b) Diverted from a pool plant to a non-pool plant that is not a producer-handler plant. Such milk shall be accounted for as received by the diverting handler at the location of the nonpool plant.

6. In § 1098.18 the title "Route" is changed to "Route disposition" and § 1098.18 is revised as follows:

§ 1098.18 Route disposition.

"Route disposition" means any delivery (including delivery by a vendor or a sale from a plant store) of any fluid milk product classified as Class I milk other than a delivery to a milk or filled milk processing plant.

§ 1098.53 [Amended]

7. In § 1098.53, the word "pool" as it appears in paragraph (a) thereof is deleted.

8. In § 1098.81, a new paragraph (c) is added to read as follows:

§ 1098.81 Payments to market administrator.

* * * * *

(c) On or before the 25th day after the end of the month each handler who operated an other order plant that was regulated during such month under an order providing for individual-handler pooling shall pay to the market administrator an amount computed as follows:

(1) Determine the quantity of reconstituted skim milk in filled milk in route disposition from such plant in the marketing area which was allocated to Class I at such plant. If there is such route disposition from such plant in marketing areas regulated by two or more market-wide pool orders, the reconstituted skim milk allocated to Class I shall be prorated to each order according to such route disposition in each marketing area; and

(2) Compute the value of the reconstituted skim milk assigned in paragraph (c)(1) of this section to route disposition in this marketing area by multiplying the quantity of such skim milk by the difference between the Class I price under this part that is applicable at the location of the other order plant (but not to be less than the lowest price class) and the lowest price class.

9. In § 1098.83, paragraph (b) is revised as follows:

§ 1098.83 Butterfat and location differentials to producers and on nonpool milk.

* * * * *

(b) In making payments to producers pursuant to § 1098.82(b), the uniform price pursuant to § 1098.71 and the uniform base price pursuant to § 1098.72 for producer milk received at a plant shall be reduced according to the location of the plant, each at the rates set forth in § 1098.53; and

* * * * *

10. In § 1098.85, paragraph (c) is revised as follows:

§ 1098.85 Expense of administration.

* * * * *

(c) Class I milk disposed of from a partially regulated distributing plant as route disposition in the marketing area that exceeds Class I milk received during the month at such plant from pool plants and other order plants.

§ 1098.91 [Deleted]

11. Section 1098.91 is deleted.

12. In § 1098.92, paragraph (b) (1) and (3) is revised as follows:

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§ 1098.92 **Obligations of handler operating a partially regulated distributing plant.**

* * * * * *

(b) * * *

(1) Determine the respective amounts of skim milk and butterfat disposed of as route disposition in the marketing area;

(2) * * *

(3) Deduct the quantity of reconstituted skim milk in fluid milk products disposed of as route disposition in the marketing area;

* * * * * *

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Effective date: April 1, 1974.

Signed at Washington, D.C., on March 26, 1974.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.74–7264 Filed 3–28–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS; EXTRAORDINARY EMERGENCY REGULATION OF INTRASTATE ACTIVITIES

PART 73—SCABIES IN CATTLE

Area Quarantined

This amendment quarantines a portion of Castro County in Texas because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73 as amended, will apply to the area quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, a new paragraph (a) relating to the State of Texas is added to read:

§ 73.1a **Notice of quarantine.**

(a) Notice is hereby given that cattle in certain portions of the State of Texas are affected with scabies, a contagious, infectious, and communicable disease; and therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Castro County comprised of sections 1 through 4, Block 0–7, Abstract No. 999 through 1002 (G. W. Irwin Survey).

* * * * * *

(Sec. 4–7, 23 Stat. 32 as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3, 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on March 26, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would made additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of March 1974.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–7267 Filed 3–28–74;8:45 am]

PART 73—SCABIES IN CATTLE

Release of Area Quarantined

This amendment releases a portion of Logan County in Colorado from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded area, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded area. No areas in Colorado remain under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (e) relating to the State of Colorado is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3, 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective on March 26, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of March 1974.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–7269 Filed 3–28–74;8:45 am]

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

This amendment deletes the following area from the list of areas designated as Modified Certified Brucellosis Areas in 9 CFR 78.13 because it has been determined that this area no longer comes within the definition of § 78.1(l): Creek County in Oklahoma.

The following counties were deleted from the list of Modified Certified Brucellosis Areas in 9 CFR 78.13 on the specified date: Pittsburg and Pottawatomie Counties in Oklahoma on March 4, 1974. Since said date, it has been determined that these counties again come within the definition of § 78.1(l); and therefore, they have been redesignated as Modified Certified Brucellosis Areas.

Accordingly, § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby revised to read as follows:

§ 78.13 **Modified Certified Brucellosis Areas.**

(a) All States of the United States are hereby designated as Modified Certified Brucellosis Areas except Oklahoma.

(b) The following State is hereby designated as a Modified Certified Brucellosis Area except for the counties named:

Oklahoma except Creek and Muskogee Counties.

Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 125, 134b, 134f); 37 FR 28464, 28477, 38 FR 19141, 9 CFR 78.16).

Effective date. The foregoing amendment shall become effective March 29, 1974.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions of 5 U.S.C., it is found upon good cause that notice and other public procedure with respect to

the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of March 1974.

J. K. ATWELL,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–7268 Filed 3–28–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74–SW–11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to amend the Pine Bluff, Ark., control zone.

A new airport traffic control tower was commissioned on March 15, 1974, at Grider Field, Pine Bluff, Ark., and will operate from 0700–2000 local time daily. Concurrently, the Pine Bluff Flight Service Station will be part time from 0600–1800 local time daily. Weather observations will be taken either by the airport traffic control tower personnel or the flight service station personnel during the hours 0600–2000 local time daily. This will require an alteration of the Pine Bluff, Ark., control zone to part time effective 0600–2000 local time daily.

Since this amendment will impose no undue burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective on March 29, 1974, as hereinafter set forth.

In § 71.171 (39 FR 354), the Pine Bluff, Ark., control zone is amended to read:

PINE BLUFF, ARK.

That airspace within a 5-mile radius of Grider Field (latitude 34°10'35" N., longitude 91°55'55" W.) and within 2 miles each side of the Pine Bluff VORTAC 186° radial, extending from the 5-mile radius zone to 10.5 miles south of the VORTAC. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on March 19, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74–7236 Filed 3–28–74;8:45 am]

[Docket No. 13580; Amdt. 909]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, effective May 9, 1974:

Clinton, Okla.—Clinton-Sherman Arpt., VOR Rwy 35, Orig.
Grand Rapids, Mich.—Kent County Arpt., VOR Rwy 18, Amdt. 2.
Grand Rapids, Mich.—Kent County Arpt., VOR Rwy 36, Amdt. 6.
Oakdale, Calif.—Oakdale Arpt., VOR Rwy 10, Orig.

* * * effective April 11, 1974:

Pocahontas, Iowa—Pocahontas Municipal Arpt., VORTAC Rwy 29, Orig.

* * * effective March 20, 1974:

Eureka, Calif.—Murray Field, VOR–A, Amdt. 3.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, effective May 9, 1974:

Clinton, Okla.—Clinton-Sherman Arpt., LOC (BC) Rwy 17, Orig.
Grand Rapids, Mich.—Kent County Arpt., LOC (BC) Rwy 8R, Amdt. 8.
Sioux City, Iowa—Sioux City Municipal Arpt., LOC (BC) Rwy 13, Amdt. 13.

* * * effective April 4, 1974:

Lewisburg, W. Va.—Greenbrier Valley Arpt., LOC Rwy 4, Amdt. 1, canceled.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective May 9, 1974:

Clinton, Okla.—Clinton-Sherman Arpt., NDB Rwy 17, Orig.
Grand Rapids, Mich.—Kent County Arpt., NDB Rwy 26L, Amdt. 7.
Sioux City, Iowa—Sioux City Municipal, NDB Rwy 13, Amdt. 9.
Sioux City, Iowa—Sioux City Municipal, NDB Rwy 31, Amdt. 17.

* * * effective April 11, 1974:

Pocahontas, Iowa—Pocahontas Municipal Arpt., NDB Rwy 11, Orig.

* * * effective April 4, 1974:

Ashland, Ohio—Ashland County Arpt., NDB Rwy 18, Orig.
Calhoun, Ga.—Tom B. David Field, NDB Rwy 35, Orig.

* * * effective March 28, 1974:

Nome, Alaska—Nome Arpt., NDB Rwy 27, Amdt. 1.

* * * effective March 19, 1974:

Houghton Lake, Mich.—Roscommon County Arpt. NDB Rwy 27, Amdt. 3.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective May 9, 1974:

Clinton, Okla.—Clinton-Sherman Arpt., ILS Rwy 35, Orig.
Grand Rapids, Mich.—Kent County Arpt., ILS Rwy 26L, Amdt. 8.
Sioux City, Iowa—Sioux City Municipal Arpt., ILS Rwy 31, Amdt. 17.

* * * effective April 4, 1974:

Lewisburg, W. Va.—Greenbrier Valley Arpt., ILS Rwy 4, Orig.

* * * effective March 20, 1974:

Louisville, Ky.—Standiford Field, ILS Rwy 1, Amdt. 1.

* * * effective March 19, 1974:

Atlantic City, N.J.—NAFEC, Atlantic City Arpt., ILS Rwy 31, Amdt. 1.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective May 9, 1974:

Sioux City, Iowa—Sioux City Municipal Arpt., RADAR–1, Orig.

Correction:

In Docket Nr. 13573, Amendment 908, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER under § 97.27, effective May 2,

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1974—change effective date of Phoenix, Ariz.—Phoenix Sky Harbor Int'l. Arpt., NDB–A, Amdt. 1, Cancellation, to April 25, 1974.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on March 21, 1974.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74-7239 Filed 3-28-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-840; Amdt. 11]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Fuel Consumption and Inventories; Reporting Requirements

Pursuant to Chairman Timm's letter of January 17, 1974, all route and supplemental air carriers have been reporting on an interim basis, fuel cost data on a form titled "CAB Form T–90, Fuel Consumption and Inventories." The letter also advised carriers to continue to file this report on a monthly basis, pending its inclusion as a schedule to the Form 41 reports of Part 241 of the Board's Economic Regulations. The reports received thus far, as well as the results of a survey conducted by the Air Transport Association of its 22 member carriers, have disclosed no substantial disagreement with the Board's need for the data nor any reason to believe that the imposition of this reporting requirement constitutes an undue burden on the carriers affected thereby.

The Board finds that it has an urgent regulatory need, so long as the present fuel situation remains basically unchanged, to have this data furnished by the carriers on a regular monthly basis. The Board therefore finds that, in view of the unquestioned need for the data to be furnished pursuant to this regulation and the demonstrated ability of the affected carriers to comply with this requirement, notice and public procedure hereon are unnecessary and would be contrary to the public interest. Accordingly, the Board has adopted the within amendment to Part 241.

The final rule incorporates substantially the same reporting requirements and instructions as were set forth in the interim reporting Form T–90. However, in light of certain questions and comments which have been raised with respect thereto, we have slightly revised the form and clarified the instructions for its completion, as more fully discussed hereinbelow.

To the extent that any of the within revisions, however minor, is regarded by an affected carrier as imposing an unnecessary reporting burden, we shall allow petitions for reconsideration with respect to such revisions. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428, on or before April 8, 1974. Copies of any petition filed will be available for inspection in the Docket Section. The filing of petitions shall not operate to stay the effective date of the within rules.

1. *Domestic and international operations.* All route and supplemental air carriers will continue to report on the new Form 41 Schedule P–5(b) (formerly designated as T–90) for fuel issued and acquired domestically for scheduled and nonscheduled operations. Such fuel as is consumed in "domestic" operations, as defined herein, is to be reported in columns (8) and (9), "Consumed By Carrier In Domestic Operations," indicating in the appropriate section of the report whether it came from the "Carrier's Storage Facilities" or was "Delivered Directly to the Aircraft by Others," as the case may be. In addition, we are adopting the suggestion of some carriers that, in order to conform to book inventories and thus make this report self-balancing, fuel drawn from domestic inventories for consumption in international operations should also be reported; this information is accordingly to be reported in columns (6) and (7), "Sold to Others and Consumed by Carrier in International Operations."[1] However, since the purpose of requiring information with respect to international operations is to facilitate balancing the carrier's inventory reports, this information is to be reported only with respect to fuel issued from "Carrier's Storage Facilities."

For the purposes of this rule, "domestic" operations are those flight stages with both terminals within the 50 States of the United States and the District of Columbia, just as the term is presently defined in section 03 of the Board's Economic Regulations. However, flight stages to and from Canada and Mexico, which are presently reported as domestic operations in the Form 41 reports, will be considered as international operations[2] for the purposes of this schedule.

It should also be noted that, although all bonded fuel will continue to be reported in Account 45.1, Aircraft Fuels, for the purposes of report Schedule P–5(b),[3] bonded fuels will be reported only to the extent that other fuel is reported.

The following examples illustrate the reporting of "domestic" and "international" operations:

EXAMPLE I

A carrier issues fuel from its "Carrier's Storage Facilities" for a flight to be operated Seattle/San Francisco/Mexico City and return to Seattle via San Francisco. The carrier would report on Schedule P–5(b), in the section for "Carrier's Storage Facilities":

1. The cost of all fuel loaded at Seattle with the next terminal to be San Francisco should be reported in columns (8) and (9), "Consumed by Carrier in Domestic Operations."

2. The cost of all fuel loaded at San Francisco with the next terminal to be Seattle should also be reported in columns (8) and (9), "Consumed by Carrier in Domestic Operations."

3. The cost of all fuel loaded at San Francisco with the next terminal to be Mexico City should be reported in columns (6) and (7), "Sold to Others and Consumed in International Operations," and the gallonage and costs so reported should be properly footnoted.

NOTE: Any fuel loaded in Mexico City is not from domestic storage facilities and information relating thereto is therefore excluded from this schedule.

EXAMPLE II

A carrier purchases fuel which is "Delivered Directly to Aircraft by Others" and operates the same flight sequence as set forth in Example I. The carrier would report on Schedule P–5(b), in the section for "Delivered Directly to Aircraft by Others":

1. The cost of all fuel loaded at Seattle with the next terminal to be San Francisco should be reported in columns (8) and (9), "Consumed by Carrier in Domestic Operations."

2. The cost of all fuel loaded in San Francisco with the next terminal to be Seattle should also be reported in columns (8) and (9), "Consumed by Carrier in Domestic Operations."

NOTE: Fuel purchased in San Francisco with the next terminal to be Mexico City would not be purchased for a "domestic" operation and would therefore not be reported.

2. *Miscellaneous clarifications.* Clarification has been requested as to which of various factors should be included or excluded in calculating the cost of fuel on Schedule P–5(b). Although shrinkage should be included in determining the cost of fuel, the following factors should be excluded from the cost of fuel:

a. "Through-put" and "in to plane" service fees,[4] and

b. Nonrefundable Federal and State excise taxes. Under the Uniform System of Accounts and Reports, "through-put" and "in to plane" service fees should be reflected in "Account 43.9, Other Services—Outside," and nonrefundable Federal and State excise taxes reflected in "Account 69, Taxes—Other than Payroll."

Clarification has also been requested as to the method used to determine cost data reported on Schedule P–5(b). The fuel costs reporter in the section for "Delivered Directly to Aircraft by Others" should be stated in terms of total actual dollars. In the section for "Carrier's Storage Facilities," the total fuel costs are to be reported and calculated on the periodic average method. In applying this method, the total cost of Beginning Inventory, Column (3), plus Receipts,[6] column (5), is weighted by the total respective gallons, columns (2) and (4). The resulting quotient should then be applied to extend the gallons issued and in ending inventory. The following will illustrate the method:

	January			February		
	Gallons	Unit cost[1]	Cost	Gallons	Unit cost[1]	Cost
Beginning inventory	525,000		$145,000	420,000		$117,600
Receipts	1,750,000		492,000	1,740,000		519,600
Total	[2] 2,275,000		[2] 637,000	[2] 2,160,000		[2] 637,200
Issues:						
Sold to others and consumed by carrier in international operations	25,000	$0.28	7,000	6,000	$0.295	1,770
Consumed by carrier in domestic operations	1,830,000	.28	512,400	1,785,000	.295	526,575
Total issues	1,855,000		519,400	1,791,000		528,345
Ending inventory	420,000	.28	117,600	369,000	.295	108,855

[1] Shown merely for illustrative purposes.
[2] See the following equation:

$$\frac{\$637,000}{2,275,000 \text{ gal}} = \$0.28 \text{ per gallon}$$

[3] See the following equation:

$$\frac{\$637,200}{2,160,000 \text{ gal}} = \$0.295 \text{ per gallon}$$

3. *Technical revisions.* Certain carriers suggested that the Board give consideration to permit grouping station data under a specified amount rather than to require that each station be reported irrespective of quantity or cost. The Board believes this suggestion has merit and accordingly the form and instructions have been revised herein to permit grouping as "Miscellaneous" all stations where less than 5,000 gallons of fuel per month are issued in total, so long as the number of stations so grouped is indicated.

Also, where space on Schedule P–5(b) is not adequate to list all stations, copies of this schedule may be attached, so long as all stations reporting "Carrier's Storage Facilities" data and all stations reporting "Delivered Directly to Aircraft by Others" data are clearly identified in the attached copies.

Other carriers have suggested that a longer reporting deadline be granted, since the current reporting deadline of 10 days is inadequate in light of the coordination problem inherent when numerous stations are reporting data. The Board believes that this suggestion has merit and accordingly we are allowing Schedule P–5(b) to be filed 15 days after the close of the month.

Finally, the Cost of Living Council has recently advised the Board that it needs the data to be reported on Schedule P–5(b) and that the data would be even more useful if broken down by fuel type. While the Board believes that this data would facilitate its own analysis and evaluation, we recognize that most carriers use the basic Jet A fuel. Accordingly, we have changed the reporting instructions only to provide that, where the amounts reported for a station include other than Jet A fuel, a footnote should be added to Schedule P–5(b) indicating the number of gallons and applicable costs of such other fuel included in the amounts reported for that station.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of its Economic Regulations (14 CFR Part 241) effective May 1, 1974 as follows:

1. Amend Section 22—General Reporting Instructions, as follows:

Section 22—[Amended]

A. By adding new Schedule P–5(b) in the list in paragraph (a), titled "List of Schedules in CAB Form 41" as follows:

List of schedules in CAB Form 41 report

Schedule No.	Schedule title	Filing frequency
•	•	•
P–5(a)	Components of flight equipment depreciation	Quarterly.
P–5(b)	Fuel consumption and inventories	Monthly.
P–6	Maintenance, passenger service, and general service and administrative expense functions—all carrier groups.	Quarterly.
•	•	•

[1] In order to facilitate analysis of the data reported under this heading, we are requiring annotation of that portion of fuel volume and cost which is attributable to international operations.

[2] For purposes of this regulation, international operations shall include "territorial operations," i.e., flight stages with both terminals within territory under U.S. jurisdiction where at least one of the terminals is not within a State or the District of Columbia

[3] Filed as part of original document.

[4] Service charges or gallonage levies assessed by or against the fuel vendor or concessionaire and passed on to the carrier in a segregated and identifiable form.

[6] Commonly referred to as purchases.

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B. By adding new Schedule P-5(b) to the list in paragraph (a) titled "Due Dates of Schedules in CAB Form 41 Report," as follows:

Due dates of schedules in CAB Form 41 report

Due date [1]	*Schedule No.*
Jan. 15_____	P-5(b).
Jan. 30_____	B-1, P-1(a), T-1, T-2, T-3, T-7, T-41.
Feb. 10 [2]____	A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, T-6.
Feb. 15_____	P-5(b).
Mar. 1_____	B-1, P-1(a), T-1, T-7.
Mar. 15_____	P-5(b).
Mar. 30_____	B-1, B-9, B-41, B-42, B-43, B-44, B-46, P-1(a), P-41, G-41, G-42, G-43, G-44, T-1, T-7.
Apr. 15_____	P-5(b).
Apr. 30_____	B-1, P-1(a), T-1, T-2, T-3, T-7.
May 10_____	A, B-1, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-(2)a, P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, T-6.
May 15_____	P-5(b).
May 30_____	B-1, P-1(a), T-1, T-7.
June 15_____	P-5(b).
June 30_____	B-1, P-1(a), T-1, T-7.
July 15_____	P-5(b).
July 30_____	B-1, P-1(a), T-1, T-2, T-3, T-7.
Aug. 10_____	A, A-1, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, T-6.
Aug. 15_____	P-5(b).
Aug. 30_____	B-1, P-1(a), T-1, T-7.
Sept. 15_____	P-5(b).
Sept. 30_____	B-1, P-1(a), T-1, T-2, T-3, T-7.
Oct. 15_____	P-5(b).
Oct. 30_____	B-1, P-1(a), T-1, T-7, T-41.
Nov. 10_____	A, B-2, B-3, B-4, B-5, B-7, B-7(b), B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-2(a), P-3, P-3(a), P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, P-8, P-9.1, P-9.2, P-10, T-6.
Nov. 15_____	P-5(b).
Nov. 30_____	B-1, P-1(a), T-1, T-7.
Dec. 15_____	P-5(b).
Dec. 30_____	B-1, P-1(a), T-1, T-7.

[1] Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

[2] B and P reporting dates are extended to Mar. 30, if preliminary schedules are filed at the Board by Feb. 10.

2. Amend Section 24—Profit and Loss Elements, as follows:

Section 24—[Amended]

A. By inserting, following the reporting instructions for Schedule P-5(a) and preceding the reporting instructions for Schedule P-6, reporting instructions for Schedule P-5(b), to read as follows:

SCHEDULE P-5(b)—

FUEL CONSUMPTION AND INVENTORIES

(a) This schedule shall be filed monthly by all route air carriers.

(b) A single copy (original only) of this schedule shall be filed for the fuel issued and acquired from domestic sources for scheduled and nonscheduled operations conducted by the air carrier.

(c) For the purpose of this schedule, fuel drawn for domestic operations is that fuel drawn for use between certificated flight stages with both terminals within the 50 States of the United States and the District of Columbia. The cost of fuel drawn within the United States and the District of Columbia for a flight stage outside of the United States and the District of Columbia is: (1) If drawn from "Carrier's Storage Facilities," included in columns (6) and (7), "Sold to Others and Consumed by Carrier in International Operations," footnoted as to that portion so reported therein, and (2) excluded from Schedule P-5(b) if it is "Delivered Directly to Aircraft by Others."

(d) The indicated data shall be grouped in alphabetical sequence by station as to: (1) Fuel issued from "Carrier's Storage Facilities," as reported in columns (2) through (11), and (2) fuel "Delivered Directly to Aircraft by Others," as reported in columns (8) and (9) only. Where the amounts reported for a station include other than Jet A fuel, a footnote should be added to this schedule indicating the number of gallons and applicable costs included in the amounts reported for that station. However, for stations where less than 5,000 gallons of fuel per month are issued in total, the aggregate fuel information for all such stations may be reported as "Miscellaneous," denoting the number of stations so reported.

(e) The cost of fuel shall include shrinkage, but shall exclude (1) "through-put" and "in to plane" fees, i.e., service charges or gallonage levies assessed by or against the fuel vendor or concessionaire and passed on to the carrier in a segregated and identifiable form, and (2) nonrefundable Federal and State excise taxes.

(f) All costs reported under the caption "Carrier's Storage Facilities," except those actual costs which are to be reported in column (5), "Receipts," shall be computed on the periodic average method. Under this method, the average is computed by dividing the total cost of the Beginning Inventory plus Receipts during the period by the total number of units in these groups. The resulting quotient shall then be applied to extend the units issued and in ending inventory.

(g) Actual costs shall be used to report the cost of fuel under "Delivered Directly to Aircraft by Others."

(h) The beginning inventory of each schedule shall be the ending inventory of the prior period schedule. Differences shall be properly annotated and reconciled.

3. Amend Section 32—General Reporting Instructions, as follows:

Section 32 [Amended]

A. By adding new Schedule P-5(b) in the list in paragraph (a), titled "List of Schedules in CAB Form 41," as follows:

List of schedules in CAB Form 41 report

Schedule No.	Schedule title	Filing frequency
•	•	•
P-5(a)_____	Components of flight equipment depreciation_____	Quarterly.
P-5(b)_____	Fuel consumption and inventories_____	Monthly.
P-6_____	Maintenance, passenger service, and general service and administrative expense functions—all carrier groups.	Quarterly.
•	•	•

B. By adding new Schedule P-5(b) to the list in paragraph (a) titled "Due Dates of Schedules in CAB Form 41 Report," as follows:

Due dates of schedules in CAB Form 41 report

Due date [1]	*Schedule No.*
Jan. 15_____	P-5(b).
Jan. 30_____	B-11, T-3.1.
Feb. 10 [2]____	A, B-1, B-2.1, B-7, B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-3.1, P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, T-6.
Feb. 15_____	P-5(b).
Mar. 1_____	B-11, T-3.1.
Mar. 15_____	P-5(b).
Mar. 30_____	B-11, B-41, B-43, B-44, B-46, G-41, G-42, G-43, G-44, T-3.1.
Apr. 15_____	P-5(b).
Apr. 30_____	B-11, T-3.1.
May 10_____	A, B-1, B-2.1, B-7, B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-3.1, P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, T-6.
May 15_____	P-5(b).
May 30_____	B-11, T-3.1.
June 15_____	P-5(b).
June 30_____	B-11, T-3.1.
July 15_____	P-5(b).
July 30_____	B-11, T-3.1.
Aug. 10_____	A, A-1, B-1, B-2.1, B-7, B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-3.1, P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, T-6.
Aug. 15_____	P-5(b).
Aug. 30_____	B-11, T-3.1.
Sept. 15_____	P-5(b).
Sept. 30_____	B-11, T-3.1.
Oct. 15_____	P-5(b).
Oct. 30_____	B-11, T-3.1.
Nov. 10_____	A, B-1, B-2.1, B-7, B-8, B-10, B-12, B-13, B-14, P-1.1, P-1.2, P-2, P-3.1, P-4, P-5.1, P-5.2, P-5(a), P-6, P-7, T-6.
Nov. 15_____	P-5(b).
Nov. 30_____	B-11, T-3.1.
Dec. 15_____	P-5(b).
Dec. 30_____	B-11, T-3.1.

[1] Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

[2] B and P reporting dates are extended to Mar. 30, if preliminary schedules are filed at the Board by Feb. 10.

4. Amend Section 34—Profit and Loss Elements, as follows:

Section 34—[Amended]

A. By inserting, following the reporting instructions for Schedule P-5(a) and preceding the reporting instructions for Schedule P-6, reporting instructions for Schedule P-5(b), to read as follows:

SCHEDULE P-5(b)—FUEL CONSUMPTION AND INVENTORIES

(a) This schedule shall be filed monthly by all supplemental air carriers.

(b) A single copy (original only) of this schedule shall be filed for the fuel issued and acquired from domestic sources for scheduled and nonscheduled

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operations conducted by the air carrier.

(c) For the purposes of this schedule, fuel drawn for domestic operations is that fuel drawn for use between certificated flight stages with both terminals within the 50 States of the United States and the District of Columbia. The cost of fuel drawn within the United States and the District of Columbia for a flight stage outside of the United States and the District of Columbia is: (1) If drawn from "Carrier's Storage Facilities," included in columns (6) and (7), "Sold to Others and Consumed by Carrier in International Operations," footnoted as to that portion so reported therein, and (2) excluded from Schedule P-5(b) if it is "Delivered Directly to Aircraft by Others."

(d) The indicated data shall be grouped in alphabetical sequence by station as to (1) fuel issued from "Carrier's Storage Facilities," as reported in columns (2) through (11) and (2) Fuel "Delivered Directly to Aircraft by Others," reported in columns (8) and (9) only. Where the amounts reported for a station include other than Jet A fuel, a footnote should be added to this schedule indicating the number of gallons and applicable costs included in the amounts reported for that station. However, for stations where less than 5,000 gallons of fuel per month are issued in total, the aggregate fuel information for all such stations may be reported as "Miscellaneous," denoting the number of stations so reported.

(e) The cost of fuel shall include shrinkage, but shall exclude (1) "through-put" and "in to plane" fees, i.e., service charges or gallonage levies assessed by or against the fuel vendor or concessionaire and passed on to the carrier in a segregated and identifiable form and (2) nonrefundable Federal and State excise taxes.

(f) All costs reported under the caption "Carrier's Storage Facilities," except those actual costs which are to be reported in column (5), "Receipts," shall be computed on the periodic average method. Under this method, the average is computed by dividing the total cost of the Beginning Inventory plus Receipts during the period by the total number of units in these groups. The resulting quotient shall then be applied to extend the units issued and in ending inventory.

(g) Actual costs shall be used to report the cost of fuel under "Delivered Directly to Aircraft by Others."

(h) The beginning inventory of each schedule shall be the ending inventory of the prior-period schedule. Differences shall be properly annotated and reconciled.

5. Amend CAB Form 41 by adding new Schedule P-5(b) as shown in Exhibit A below to the rule and made a part thereof.

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766 (49 U.S.C. 1324, 1377))

Effective: May 1, 1974.

Adopted: March 14, 1974.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

NOTE: The reporting requirements herein have been approved by the General Accounting Office in accordance with the Federal Reports Act of 1942, as amended.

[FR Doc.74-7209 Filed 3-28-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

SUBCHAPTER C—DRUGS

SUBCHAPTER F—BIOLOGICS

RECODIFICATION EDITORIAL AMENDMENTS

The Commissioner of Food and Drugs, for the purpose of establishing an orderly development of informative regulations for the Food and Drug Administration, furnishing ample room for expansion of such regulations in years ahead, and providing the public and affected industries with regulations that are easy to find, read, and understand, has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations.

The fifth document in a series of recodification documents that will eventually include all regulations administered by the Food and Drug Administration appears elsewhere in this issue of the FEDERAL REGISTER. The regulations formerly under Parts 130, 131, 164, 165, and 167 of Subchapter C—Drugs, have been reorganized into Parts 310, 312, 314, 328, 329, 330, 369, and 429 of new Subchapter D—Drugs for Human Use, in an effort to provide greater clarity and adequate space for the development of future regulations.

These recodified regulations are referenced in Parts 1, 2, 3, 8, 132, 135, 144, 146, and 601 of this chapter.

Regulations pertaining to veterinary drugs have been left in Part 131.

To provide uniformity and continuity during the recodification the Commissioner concludes that the references to the recodified material should be revised at this time, and the title of Part 131 be revised to reflect its new composition. Therefore, Parts 1, 2, 3, 8, 131, 132, 135, 144, 146, and 601 of Chapter I of Title 21 of the Code of Federal Regulations are amended as follows:

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

§ 1.102 [Amended]

1. In § 1.102(b) by changing the reference "§ 164.7" to read "§ 429.12."

§ 1.106 [Amended]

2. In § 1.106:

a. In paragraph (j), by changing the reference "§ 167.1(a)" to read "§ 328.3(a)"; and by changing the reference "Part 167" to read "Part 328."

b. In paragraph (l)(2) by changing the reference "§ 130.3" to read "§ 312.1."

§ 1.115 [Amended]

3. In § 1.115(b)(2) by changing the reference "Part 164" to read "Part 429."

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

§ 2.65 [Amended]

4. In § 2.65(a) by changing the parenthetical reference "(21 CFR Parts 164 and 8, respectively)" to read "(21 CFR Parts 429 and 8, respectively)."

§ 2.121 [Amended]

5. In § 2.121:

a. In paragraph (u) (1) and (2) by changing the reference "§ 130.3" to read "§ 312.1"; and by changing the reference "§ 130.3a" to read "§ 312.9."

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

§ 3.15 [Amended]

6. In § 315(a)(2) by changing the reference "§ 130.4(c)" to read "§ 314.1(c)."

§ 3.29 [Amended]

7. In § 3.29(c)(3) by changing the reference "§ 130.4(c)" to read ""§ 314.1(c)."

§ 3.36 [Amended]

8. In § 3.36(d) by changing the reference "§ 130.4(c)" to read "§ 314.1(c)."

§ 3.48 [Amended]

9. In § 3.48(c) by changing the reference "§ 130.3" to read "§ 312.1."

§ 3.52 [Amended]

10. In § 3.52:

a. By changing the reference "§ 130.3" in the introductory text of paragraph (c) to read "§ 312.1."

b. In paragraph (d)(1) by changing the reference "§ 130.3a(a)" to read "§ 312.9(a)."

§ 3.53 [Amended]

11. In § 3.53(c) by changing the reference "§ 130.3" to read "§ 312.1."

§ 3.67 [Amended]

12. In § 3.67(d)(2) by changing the reference "§ 130.4(c)(2)" to read "§ 314.1(c)(2)."

§ 3.77 [Amended]

13. In § 3.77(b), by changing the phrase "Bureau of Narcotics and Dangerous Drugs" to read "Drug Enforcement Administration, Department of Justice" each time it appears; and by changing the reference "§ 130.44" to read "§ 310.505."

§ 3.81 [Amended]

14. In § 3.81(d) by changing the reference "§ 130.9 (d) and (e)" to read "§ 314.8(d) and (e)."

§ 3.90 [Amended]

15. In § 3.90(d) by changing the reference "§ 130.9(d)" to read "§ 314.8(d)."

§ 3.91 [Amended]

16. In § 3.91:

a. In paragraph (c)(4)(ii) by changing the reference "§ 130.9(d)" to read "§ 314.8(d)."

b. In paragraph (c)(4)(v) by changing the reference "§ 130.4" to read "§ 314.1" each time it appears.

PART 8—COLOR ADDITIVES

§ 8.28 [Amended]

17. In § 8.28(b) by changing in the last sentence the reference "§§ 130.14–130.26 of this chapter" to read "§§ 314.200 through 314.232 of this chapter."

PART 131—INTERPRETIVE STATEMENTS RE WARNINGS ON VETERINARY DRUGS FOR OVER-THE-COUNTER SALE

18. The heading for Part 131 is revised to read as set forth above.

PART 132—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

§ 132.1 [Amended]

19. In § 132.1(d) by changing the reference "§ 130.3" to read "§ 312.1."

§ 132.1 [Amended]

20. In § 132.31(b) by changing the reference "§ 130.3" to read "§ 312.1 of this chapter."

PART 135—NEW ANIMAL DRUGS

§ 135.1 [Amended]

21. In § 135.1(1) by changing the reference "§ 130.38" to read "§ 310.9."

§ 135.37 [Amended]

22. In the introductory text of § 135.37 by changing the reference "§ 130.38" to read "§ 310.9."

PART 144—ANTIBIOTIC DRUGS; EXEMPTIONS FROM LABELING AND CERTIFICATION REQUIREMENTS

§ 144.8 [Amended]

23. In § 144.8 by changing the reference "§ 130.3," each time it appears, to read "§ 312.1."

§ 144.26 [Amended]

24. In § 144.26(b)(18)(i), (22)(i), (32)(i), (35), (39), (42), (44), (45), (49), (50), (54), (56), (59), (60), (61), (62), and (63), by changing the reference "§ 130.4(c)(3)" to read "§ 314.1(c)(3)"; and by changing the reference "§ 130.9" to read "§ 314.8."

PART 146—ANTIBIOTIC DRUGS; PROCEDURAL AND INTERPRETIVE REGULATIONS

§ 146.1 [Amended]

25. In § 146.1(g)(2) by changing the reference "§ 130.12(a)(5)" to read "§ 314.111(a)(5)."

PART 601—LICENSING

§ 601.25 [Amended]

26. In § 601.25(d)(2) by changing the reference "§ 130.12(a)(5)(ii)" to read "§ 314.111(a)(5)(ii)."

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation.

Dated: March 27, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-7384 Filed 3-28-74;8:45 am]

Chapter II—Drug Enforcement Administration; Department of Justice

Part 1301—Registration of Manufacturers, Distributors, and Dispensers of Controlled Substances

Part 1308—Schedules of Controlled Substances

Etorphine Hydrochloride Transfer to Schedule II

A notice dated November 15, 1973, and published in the FEDERAL REGISTER on November 23, 1973 (38 FR 32262) proposed the transfer of etorphine hydrochloride from Schedule I to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91-513). All interested persons were given 30 days after publication to submit their objections, comments, or requests for a hearing.

In response to the said notice, the Administration received two comments and one objection. The Department of Health and Social Services, State of Wisconsin by letter dated December 20, 1973, concurred in the proposed transfer. The Division of Wildlife, Department of Wildlife, State of Colorado, by letter dated December 10, 1973, suggested that the distribution of etorphine hydrochloride should not be limited to licensed veterinarians. The Food and Drug Administration has restricted the use of etorphine hydrochloride and diprenorphine by or on the order of a licensed veterinarian. The Drug Enforcement Administration shall transmit additional information to the Food and Drug Administration indicating its willingness to permit other qualified persons to use these substances if the Food and Drug Administration deems it proper and changes the labelling of the substances.

The American Pharmaceutical Association by letter dated December 20, 1973, objected to the restricted distribution of etorphine hydrochloride alleging that the Drug Enforcement Administration does not have the authority to deny any registrant the right to distribute controlled substances in schedules for which he is registered without deciding whether the American Pharmaceutical Association is an interested party with standing to object to the regulation, the Administration clearly has the authority to proscribe regulation, the Administration clearly has the authority to proscribe regulations restricting the distribution of etorphine hydrochloride. Section 871(b) of Title 21 of the United States Code provides that "the Attorney General may promulgate and enforce any rules, regulations, and procedures which he may deem necessary and appropriate for the efficient execution of his functions under this title." Additional authority is found in Sections 301, 307, and 308 of the Controlled Substances Act (21 U.S.C. 827, 828 and 871(b)).

The Administration does acknowledge the necessity for codification of these procedures and amendments to Title 21 of the Code of Federal Regulations are published in this volume of the FEDERAL REGISTER.

Based upon the investigations of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Administrator of the Drug Enforcement Administration finds that etorphine hydrochloride:

(1) Has a high potential for abuse;

(2) Has a currently accepted medical use in treatment in the United States with severe restrictions; and

(3) May, if abused, lead to severe psychological or physical dependence.

On July 3, 1973 (38 FR 17717), the Administrator of the Drug Enforcement Administration ordered that § 1308.11(c) of Title 21 of the Code of Federal Regulations be amended by adding a new item, Drotebanol. The amendment to § 1308.11(c) renumbers the items therein to place Drotebanol in alphabetical order with the other controlled substances.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations (see 38 FR 18380, July 2, 1973) the Administrator orders that:

a. Section 1301.02(b) of Title 21 of the Code of Federal Regulations be amended by inserting a new paragraph (b)(4)(iv) and renumbering paragraphs (b)(4)(iv)–(xiv) to read:

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§ 1301.02 Definitions.

• • • • • •

(b) • • •

(4) • • •

(iv) Etorphine hydrochloride;

(v) Ethylmorphine;

(vi) Hydrocodone;

(vii) Hydromorphone;

(viii) Metopon;

(ix) Morphine;

(x) Oxycodone;

(xi) Oxymorphone;

(xii) Thebaine;

(xiii) Mixed alkaloids of opium listed in § 1308.12(b)(2) of this chapter;

(xiv) Cocaine; and

(xv) Ecgonine;

b. Section 1308.11(c) of Title 21 of the Code of Federal Regulations be amended by revising subparagraphs (9)–(23) of paragraph (c) to read:

§ 1308.11 Schedule I.

• • • • • •

(c) • • •

(9) Drotebanol	9335
(10) Etorphine (except hydrochloride salt)	9056
(11) Heroin	9200
(12) Hydromorphinol	9301
(13) Methyldesorphine	9302
(14) Methyldihydromorphine	9304
(15) Morphine methylbromide	9306
(16) Morphine methylsulfonate	9306
(17) Morphine-N-Oxide	9307
(18) Myrophine	9308
(19) Nicocodeine	9309
(20) Nicomorphine	9312
(21) Normorphine	9313
(22) Pholcodine	9314
(23) Thebacon	9315

(c) Section 1308.12(b) of Title 21 of the Code of Federal Regulations be amended by revising paragraph (b)(1) to read:

§ 1308.12 Schedule II.

• • • • • •

(b) • • •

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium of opiate, excluding naloxone hydrochloride, but including the following:

(i) Raw opium	9600
(ii) Opium extracts	9610
(iii) Opium fluid extracts	9620
(iv) Powdered opium	9639
(v) Granulated opium	9640
(vi) Tincture of opium	9630
(vii) Apomorphine	9030
(viii) Codeine	9050
(ix) Ethylmorphine	9190
(x) Etorphine hydrochloride	9059
(xi) Hydrocodone	9193
(xii) Hydromorphone	9194
(xiii) Metopon	9260
(xiv) Morphine	9300
(xv) Oxycodone	9143
(xvi) Oxymorphone	9652
(xvii) Thebaine	9333

• • • • • •

The requirements imposed on the substance controlled by this order are as follows:

1. *Registration.* Any person who manufactures, distributes, engages in research, imports or exports any of this substance or who proposes to engage in the manufacture, distribution, importation, or exportation of, or research with, this substance shall obtain a registration to conduct that activity on or before April 19, 1974.

2. *Security.* This substance must be manufactured, distributed and stored in accordance with §§ 1301.71, 1301.72(a), 1301.73, 1301.74(a), 1301.75, and § 1301.76 of Title 21 of the Code of Federal Regulations. In addition, all registrants desiring to handle etorphine hydrochloride will be required to use a safe or steel cabinet equivalent to a U.S. Government Class V security container after August 1, 1974. In the event that this imposes special hardships, the Drug Enforcement Administration will entertain any justified requests for extensions of time.

3. *Labelling and packaging.* All labels on commercial containers of, and all labelling of, this substance which is packaged after April 19, 1974 shall comply with the requirements of §§ 1302.03–1302.05 and 1302.08 of Title 21 of the Code of Federal Regulations. In accordance with § 1302.08 of Title 21 of the Code of Federal Regulations, the Administrator finds that in order to protect the public health and safety early compliance with these requirements is necessitated by the high potential for abuse and the limited medical use of this substance. The shipment of etorphine hydrochloride should be under secure conditions using substantial packaging material with no markings on the outside of the package which would indicate the content. Shipment would be by the most secure means of transport available.

4. *Quotas.* Quotas for this substance have been established pursuant to section 1303 of Title 21 of the Code of Federal Regulations.

5. *Inventory.* Registrants possessing this substance will not be required to take an additional inventory.

6. *Records.* All registrants shall continue to keep records pursuant to §§ 1304.21–1304.27 of Title 21 of the Code of Federal Regulations. In addition, records for this substance shall be maintained separately from all other records on or before April 19, 1974.

7. *Reports.* All registrants are required to continue filing reports pursuant to Sections 1304.37–1304.41 of Title 21 of the Code of Federal Regulations. In addition, registrants supplying this substance are required to forward copies of the order forms received to the Drug Enforcement Administration on a weekly basis on or before April 19, 1974.

8. *Order forms.* Each distribution of this substance requires the use of an order form pursuant to Part 1305.03 of Title 21 of the Code of Federal Regulations. Order forms for etorphine hydrochloride shall contain this substance alone or with diprenorphine (but shall not contain any other substance) on or after April 19, 1974.

9. *Prescriptions.* The Food and Drug Administration has restricted the use of this substance by or on the order of a licensed veterinarian. Therefore, this substance is not to be obtained by use of a prescription.

10. *Importation and exportation.* All importation and exportation of any of this substance on or after April 19, 1974 shall be in compliance with Part 1312 of Title 21 of the Code of Federal Regulations.

11. *Criminal liability.* Any activity with etorphine hydrochloride not authorized by or in violation of the Controlled Substances Act or the Controlled Substances Import and Export Act before April 19, 1974 shall be unlawful. The applicable penalties shall be those of a Schedule I narcotic controlled substance. On April 19, 1974, etorphine hydrochloride for the purposes of criminal liability shall be treated as a Schedule II controlled substance. It should be noted that penalties of Schedule I or II narcotic controlled substances are the same. The only effect of the transfer will be for pleading purposes.

12. Other. In all other respects, this order is effective on April 19, 1974.

Dated: March 25, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74–7275 Filed 3–28–74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

[T.D. 7309]

PART 301—PROCEDURE AND ADMINISTRATION

Time for Performance of Acts Where Last Day Falls on a Legal Holiday

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for Monday, July 16, 1973 (38 FR 18897), an amendment to the regulations on Procedure and Administration (26 CFR Part 301) under section 7503 of the Internal Revenue Code of 1954 was proposed in order to conform such regulations to the changes made by Pub. L. 90–363, 82 Stat. 250, which amended 5 U.S.C. 6103(a), regarding the observance of certain legal holidays on Monday. The amendment of 5 U.S.C. 6103(a) was effective on January 1, 1971. After consideration of all such relevant matter as was presented by interested persons, certain changes were made, and the proposed amendment of the regulations, subject to the changes indicated below, is adopted by this document.

The amendment to the regulations is designed to conform § 301.7503–1(b)(1) to the present District of Columbia law regarding the date of observance of legal holidays. The District of Columbia now observes Washington's Birthday on the third Monday in February, Memorial Day on the last Monday in May, Veterans' Day on the fourth Monday in October, and Thanksgiving on the fourth Thursday in November. Columbus Day is also considered a legal holiday in the District of Columbia for all calendar years after 1970, and is observed on the second Monday in October. Under the amendment of the regulations, the dates of observance of these holidays for purposes of the Internal Revenue Code of 1954 will correspond to the dates of observance of these holidays in the District of Columbia. So that the amendment to the regulations will not adversely affect certain taxpayers who relied on the current regulations, for the calendar years 1971, 1972, 1973, and 1974, taxpayers may, at their option (except with respect to the performance of any act relating to the jurisdiction of a court), treat Washington's Birthday as falling on either February 22 or the third Monday in February. For the calendar years 1971, 1972, and 1973, taxpayers may, at their option (except with respect to the performance of any act relating to the jurisdiction of a court), treat Memorial Day as falling on either May 30 or the last Monday in May, and Veterans' Day as falling on either November 11 or the fourth Monday in October. The option is denied to taxpayers in those cases where the performance of an act relates to the jurisdiction of a court in order to be consistent with William M. Winkler, 56 T.C. 844 (1971). In that case the United States Tax Court held that in computing the 150-day filing requirement of section 6213(a) of the Code, Monday, February 15, 1971, was a legal holiday (Washington's Birthday) in the District of Columbia. The Tax Court made no mention of the availability of an option in cases where the performance of an act relates to the jurisdiction of a court.

The proposed regulations did not extend optional treatment to Veterans' Day for 1973 or Washington's Birthday for 1974.

Pursuant to paragraph 4(a) of Treasury Order 221, published in the FEDERAL REGISTER for June 10, 1972 (37 FR 11696), certain regulations of the Internal Revenue Service continue in effect as regulations of the Bureau of Alcohol, Tobacco, and Firearms until superseded or revised. The regulations amended by this Treasury decision are among those that continue to apply for purposes of the laws administered by the Bureau in addition to applying for purposes of the laws administered by the Internal Revenue Service. The Director, Bureau of Alcohol, Tobacco, and Firearms has, for this reason, joined as a signatory to this Treasury decision.

Adoption of amendment to the regulations. On Monday, July 16, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (33 FR 18897) to amend the Regulations on Procedure and Administration (26 CFR Part 301) under section 7503 of the Internal Revenue Code of 1954 in order to conform such regulations to the changes made by Pub. L. 90–363, 82 Stat. 250, which amended 5 U.S.C. 6103(a), regarding the observance of certain legal holidays on Monday. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

PARAGRAPH (b)(1) of § 301.7503–1 is amended as set forth below:

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917 (26 U.S.C. 7805)))

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco, and Firearms.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 22, 1974.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury.

Paragraph (b)(1) of § 301.7503–1 is amended to read as follows:

§ 301.7503–1 Time for performance of acts where last day falls on Saturday, Sunday, or legal holiday.

• • • • • •

(b) *Legal holidays.* (1) For the purpose of section 7503, the term "legal holiday" includes the legal holidays in the District of Columbia. Such legal holidays found in D.C. Code Ann. § 28–2701 (1967) and 5 U.S.C. 6103(a), as enacted and made effective by the Act of June 28, 1968 (82 Stat. 250), are—

(i) January 1, New Year's Day,

(ii) January 20, when such day is Inauguration Day,

(iii) Third Monday in February, Washington's Birthday,

(iv) Last Monday in May, Memorial Day,

(v) July 4, Independence Day,

(vi) First Monday in September, Labor Day,

(vii) Second Monday in October, Columbus Day,

(viii) Fourth Monday in October, Veterans' Day,

(ix) Fourth Thursday in November, Thanksgiving Day, and

(x) December 25, Christmas Day.

When a legal holiday in the District of Columbia falls on a Sunday, the next day is a legal holiday in the District of Columbia (see D.C. Code Ann. § 28–2701 (1967)). For the purpose of section 7503, when a legal holiday in the District of Columbia (other than Inauguration Day) falls on a Saturday it shall be treated as falling on the preceding Friday. For calendar years prior to 1971, Washington's Birthday will be treated as falling on February 22, Memorial Day on May 30, and Veterans' Day on November 11. For calendar years 1971, 1972, 1973, and 1974, the taxpayer may, at his option (except with respect to the performance of any act relating to the jurisdiction of a court), treat Washington's Birthday as falling on either February 22 or the third Monday in February. For calendar years 1971, 1972, and 1973, the taxpayer may, at his option (except with respect to the performance of any act relating to the jurisdiction of a court), treat Memorial Day as falling on either May 30 or the last Monday in May, and Veterans' Day as falling on either November 11 or the fourth Monday in October. Columbus Day is not a legal holiday in the District of Columbia in any calendar year prior to 1971.

• • • • • •

[FR Doc.74–7342 Filed 3–27–74;8:45 am]

[T. D. 7310]

PART 301—PROCEDURE AND ADMINISTRATION

Disclosure or Use of Information by Preparers of Returns

By a notice of proposed rulemaking appearing in the FEDERAL REGISTER for December 20, 1972 (37 FR 28070), amendments to the Regulations on Procedure and Administration (26 CFR Part 301) were proposed in order to conform the regulations to section 7216 of the Internal Revenue Code of 1954, relating to the disclosure or use of information by preparers of returns, as added by section 316 of the Revenue Act of 1971 (85 Stat. 529). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the proposed amendments of the regulations, subject to the changes indicated below, are adopted by this document.

Section 7216(a) of the Code provides that any person who is engaged in the business of preparing, or providing services in connection with the preparation of, income tax returns or declarations of estimated tax and who discloses any tax return information or uses such information for any purpose other than to prepare, or assist in preparing, a return shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both. Section 7216(a) also applies to any person who for compensation prepares any such return or declaration, whether or not such person is in the tax return preparer business.

Section 7216(b) provides certain exceptions to the new penalty rule. A tax return preparer may without penalty disclose tax return information if such disclosure is made pursuant to any other provision of the Internal Revenue Code or pursuant to an order of a court. The penalty does not apply to the use of information in the preparation of State and local tax returns. Furthermore, the Secretary or his delegate is authorized to prescribe regulations under which other disclosures or uses will not be subject to the penalty.

As published with the notice of proposed rule making, § 301.7216–1 contained in paragraph (a) the general rule for the application of section 7216 and in paragraph (b) detailed definitions of the terms "tax return", "tax return preparer", "tax return processor", and "tax return information". This document makes a technical change in paragraph (a) to make clear that the tax return referred to therein is the return of the taxpayer in respect of whom the information was furnished. Paragraph (b) is revised substantially by this document. The distinction between a tax return preparer and a tax return processor is eliminated. Persons who under the notice of

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proposed rule making were defined as tax return processors are included within the new definition of tax return preparers. As a result of this revision, all of the disclosures or uses permitted without formal written consent under § 301.7216–2, and with formal written consent under § 301.7216–3, are applicable to all persons classified as tax return preparers.

Pursuant to the authority granted to the Secretary or his delegate, § 301.7216–2, as set forth in the notice of proposed rule making provided that certain disclosures or uses of tax return information were permitted without the formal written consent of the taxpayer. The taxpayer's attorney was permitted to disclose or use tax return information in connection with the rendering of legal services, such as estate planning, preparation of trial briefs, etc., to the taxpayer. Accountants were permitted to disclose or use tax return information in the preparation of books of account, working papers, and accounting statements or reports, or in the performance of other services for a taxpayer. In addition, other disclosures without the formal written consent of the taxpayer were permitted, such as a disclosure by a tax return preparer to a tax return processor, or a disclosure by one employee to another employee of a tax return preparer or a tax return processor.

A number of changes have been made by this document in proposed § 301.7216–2. Thus, a new paragraph (b) has been added to authorize in appropriate circumstances the disclosure or use, in the preparation of a tax return of one taxpayer, of tax return information furnished by another taxpayer. These situations are limited to those involving related taxpayers having no adverse interest. The rules governing attorneys and accountants have been combined and revised, and specifically extended to corporate fiduciaries, such as trust companies and bank trust departments, with the objective of permitting, without formal written consent of the taxpayer, the disclosure or use of tax return information in the customary and ordinary course of performing the professional or fiduciary services to or for the taxpayer. Another new rule makes clear that a tax return preparer may, without penalty, make tax return information available to the fiduciary of a taxpayer who, after furnishing the information, has become incompetent, insolvent, or bankrupt, or to the fiduciary of the estate of a deceased taxpayer. The rule on disclosure by one employee to another employee of a tax return preparer has been clarified and made applicable to officers and partners. The rule relating to use of information in the preparation of State returns has been expanded to apply to disclosure or use in the preparation or audit of State returns. In addition, the rules on retention of records and compiling of taxpayer lists have been made less restrictive.

Under the notice of proposed rule making, and pursuant to the authority granted to the Secretary or his delegate, certain disclosures or uses were permitted under § 301.7216–3 only with the formal written consent of the taxpayer. These consents were required to permit tax return preparers to use tax return information in connection with the solicitation of certain additional current business, to allow lawyers and accountants to disclose to third parties, and to permit tax return preparers to use the tax return information of one taxpayer in preparing the tax return of another taxpayer entering into a tax-related transaction with the first. These rules were intended to cover situations where tax return information could not be disclosed or used pursuant to § 301.7216–2.

Section 301.7216–3 has been revised in this document. The rule on solicitation of current business has been revised so that it applies only to matters not related to the Internal Revenue Service. Existing rules in Treasury Department Circular No. 230 (31 CFR 10.30) and Rev. Proc. 68–20, 1968–1 C.B. 812, govern the solicitation of employment in matters related to the Internal Revenue Service. The rule on disclosure to third parties has been expanded to apply to all tax return preparers; it will not apply where disclosure without formal written consent is permitted under § 301.7216–2 in the performance of professional or fiduciary services. The rule on use of tax return information in connection with another person's return has been revised to apply to disclosures or uses where the new § 301.7216–2(b) added by this document does not permit disclosure or use without formal written consent. A revised rule permits the formal consent to be signed by the taxpayer or his duly authorized agent or fiduciary. Two examples affecting certified public accountants have been eliminated from proposed § 301.7216–3(c) since the situations involved will be covered by revised § 301.7216–2(e).

In view of the foregoing, the amendments of the regulations as proposed are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Section 301.7216–1, as set forth in the notice of proposed rule making, is changed by deleting subparagraph (3) of paragraph (b), by redesignating subparagraph (4) of paragraph (b) as subparagraph (3), and by revising paragraph (a), subparagraph (2) of paragraph (b), subparagraph (3) of paragraph (b), as so redesignated, and so much of paragraph (b) as precedes subparagraph (1) thereof, to read as set forth below:

PAR. 2. Section 301.7216–2, as set forth in the notice of proposed rulemaking, is changed to read as set forth below:

PAR. 3. Section 301.7216–3, as set forth in the notice of proposed rulemaking, is changed by revising the heading of such section, by revising paragraphs (a) and (b), by deleting examples (2) and (3) in paragraph (c), by redesignating examples (4) and (5) in paragraph (c) as examples (2) and (3), and by revising example (3) as so redesignated, as set forth below:

(This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917 (26 U.S.C. 7805)))

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: March 25, 1974.

FREDERIC W. HICKMAN,
Assistant Secretary of the Treasury.

§ 301.7216 Statutory provisions; disclosure or use of information by preparers of returns.

SEC. 7216. *Disclosure or use of information by preparers of returns*—(a) *General rule.* Any person who is engaged in the business of preparing, or providing services in connection with the preparation of, returns of the tax imposed by chapter 1, or declarations or amended declarations of estimated tax under section 6015, or any person who for compensation prepares any such return or declaration for any other person, and who—

(1) Discloses any information furnished to him for, or in connection with, the preparation of any such return or declaration, or

(2) Uses any such information for any purpose other than to prepare, or assist in preparing, any such return or declaration, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution.

(b) *Exceptions*—(1) *Disclosure.* Subsection (a) shall not apply to a disclosure of information if such disclosure is made—

(A) Pursuant to any other provision of this title, or

(B) Pursuant to an order of a court.

(2) *Use.* Subsection (a) shall not apply to the use of information in the preparation of, or in connection with the preparation of, State and local tax returns and declarations of estimated tax of the person to whom the information relates.

(3) *Regulations.* Subsection (a) shall not apply to a disclosure or use of information which is permitted by regulations prescribed by the Secretary or his delegate under this section.

[Sec. 7216 as added by sec. 316, Rev. Act 1971 (85 Stat. 529)]

§ 301.7216–1 Penalty for disclosure or use of tax return information.

(a) *In general.* Section 7216(a) provides in effect that, except as provided in section 7216(b), any tax return preparer (as described in paragraph (b)(2) of this section) who on or after January 1, 1972, discloses or uses any tax return information (as described in paragraph (b)(3) of this section) other than for the specific purpose of preparing, assisting in preparing, or obtaining or providing services in connection with the preparation of, any tax return of the taxpayer by or for whom the information was made available to a tax return preparer, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both, together with the costs of prosecution. Pursuant to section 7216(b), the provisions of section 7216(a) and this paragraph do not apply to any disclosure or use permitted under § 301.7216–2 or § 301.7216–3.

(b) *Definitions.* For purposes only of section 7216 and §§ 301.7216–1 through 301.7216–3—

(1) *Tax return.* The term "tax return" means any return (or amended return) of the income tax imposed by chapter 1 or 2 of the Code, or any declaration (or amended declaration) of estimated tax made under section 6015.

(2) *Tax return preparer.* (i) The term tax return preparer means any person—

(A) Who is engaged in the business of preparing tax returns,

(B) Who is engaged in the business of providing auxiliary services in connection with the preparation of tax returns,

(C) Who is remunerated for preparing, or assisting in preparing, a tax return for any other person, or

(D) Any individual who, as part of his duties or employment with any person described in (A), (B), or (C) of this subdivision, performs services which assist in the preparation of, or assist in providing auxiliary services in connection with the preparation of, a tax return.

For example, assume that a bank is a tax return preparer within the meaning of (A) of this subdivision and it employs one individual to solicit the necessary tax return information for the preparation of a tax return and another individual to prepare the return on the basis of the information that is furnished. Under these circumstances, both employees are tax return preparers. Also, for example, a secretary to a tax return preparer who types or otherwise works on returns prepared by the preparer is a tax return preparer.

(ii) A person is engaged in the business of preparing tax returns as described in subdivision (i)(A) of this subparagraph if, in the course of his business, he holds himself out to taxpayers as a person who prepares tax returns, whether or not tax return preparation is his sole business activity and whether or not he charges a fee for such services.

(iii) A person is engaged in the business of providing auxiliary services in connection with the preparation of tax returns as described in subdivision (i)(B) of this subparagraph if, in the course of his business, he holds himself out to tax return preparers or to taxpayers as a person who performs such auxiliary services, whether or not providing such auxiliary services is his sole business activity and whether or not he charges a fee for such services. For example, a person part or all of whose business is to provide a computerized tax return processing service based on tax return information furnished by another person is a tax return preparer.

(iv) A tax return preparer described in subdivision (i)(C) of this subparagraph includes any person who—

(A) For remuneration but not in the course of a business prepares a tax return for another person, or

(B) For remuneration and on a casual basis helps a relative, friend, or other acquaintance to prepare the latter's tax return.

(v) A person is not a tax return preparer merely because he leases office space to a tax return preparer, furnishes credit to a taxpayer whose tax return is prepared by a tax return preparer, or otherwise performs some service which only incidentally relates to the preparation of tax returns. For example, assume that a tax return preparer contracts with a department store for the rental of space in the store, and that the store advertises that taxpayers who use the tax return preparation service may charge the cost of having their tax return prepared to their charge account with the department store. Under such circumstances, the department store is not a tax return preparer.

(3) *Tax return information.* The term "tax return information" means any information, including but not limited to a taxpayer's name, address, or identifying number, which is furnished in any form or manner by a taxpayer for, or in connection with, the preparation of a tax return of such taxpayer. Information furnished by a taxpayer includes information which is furnished on behalf of the taxpayer by any person; for example, any person required under section 6012 to make a return for such taxpayer, such as a guardian for a minor, by a duly authorized agent for his principal, by a fiduciary for an estate or trust, or by a receiver, trustee in bankruptcy, or assignee for a corporation.

§ 301.7216–2 Disclosure or use without formal consent of taxpayer.

(a) *Disclosure pursuant to other provisions of Internal Revenue Code.* The provisions of section 7216(a) and § 301.7216–1 shall not apply to any disclosure of tax return information if such disclosure is made pursuant to any other provision of the Code or the regulations thereunder. Thus, for example, the provisions of such sections do not apply to a disclosure pursuant to section 7269 to an officer or employee of the Internal Revenue Service of information concerning the estate of a decedent or a disclosure pursuant to section 7602 to an officer or employee of the Internal Revenue Service of books, papers, records, or other data which may be relevant to the liability of any person for the income tax.

(b) *Disclosure or use of information in the case of related taxpayers.* (1) A tax return preparer may use, in preparing a tax return of a second taxpayer, and may disclose to such second taxpayer in the form in which it appears on such return, any tax return information which the preparer obtained from a first taxpayer if—

(i) The second taxpayer is related to the first taxpayer within the meaning of subparagraph (2) of this paragraph,

(ii) The first taxpayer's tax interest in such information is not adverse to the second taxpayer's tax interest in such information, and

(iii) The first taxpayer has not expressly prohibited such disclosure or use.

(2) For purposes of subparagraph (1)(i) of this paragraph, one taxpayer is related to another taxpayer if they have any one of the following relationships: husband and wife, child and parent, grandchild and grandparent, partner and partnership, trust or estate and fiduciary, corporation and shareholder, or members of a controlled group of corporations as defined in section 1563.

(3) See § 301.7216–3(a)(3) for disclosure or use of tax return information of the taxpayer in preparing the tax return of a second taxpayer where the requirements of this paragraph are not satisfied.

(c) *Disclosure pursuant to court order.* The provisions of section 7216(a) and § 301.7216–1 shall not apply to any disclosure of tax return information if such disclosure is made pursuant to the order of any court of record, Federal, State, or local, clearly identifying the information to be disclosed.

(d) *Disclosure for use in revenue investigations or court proceedings.* A tax return preparer may disclose tax return information (1) to his attorney, or to an employee of the Internal Revenue Service, for use in connection with an investigation of such tax return preparer conducted by the Internal Revenue Service or (2) to his attorney, or to any officer of a court, for use in connection with proceedings involving such tax return preparer before the court.

(e) *Attorneys and accountants.* A tax return preparer who is lawfully engaged in the practice of law or accountancy and prepares a tax return for a taxpayer to or for whom it renders legal or accounting services may disclose or use the tax return information of such taxpayer in the ordinary course of rendering such legal or accounting services to or for such taxpayer. Thus, for example, a lawyer who prepares a tax return for a taxpayer to or for whom he renders legal services may disclose or use the tax return information of the taxpayer for, or in connection with, the rendering of legal services, such as estate planning or administration, or preparation of trial briefs or trust instruments, to the taxpayer or his estate. In further illustration, an accountant who prepares a tax return for a taxpayer to or for whom he renders accounting services may disclose or use the tax return information of the taxpayer for, or in connection with, the preparation of books of account, working papers, or accounting statements or reports of the taxpayer and, in the normal course of rendering such accounting services to or for the taxpayer, may, with the express or implied consent of the taxpayer, make such tax return information available to stockholders, management, suppliers, lenders, or other third parties.

(f) *Corporate fiduciaries.* A trust company, trust department of a bank, or other corporate fiduciary which prepares a tax return for a taxpayer to or for whom it renders fiduciary, investment, or other custodial or management services may (1) disclose or use the tax return information of such taxpayer in the ordinary course of rendering such services to or for the taxpayer or (2), with

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the express or implied consent of the taxpayer, make such information available to the taxpayer's attorney, accountant, or investment advisor.

(g) *Disclosure to taxpayer's fiduciary.* If after furnishing tax return information to a tax return preparer the taxpayer dies or becomes incompetent, insolvent, or bankrupt, or his assets are placed in conservatorship or receivership, the tax return preparer may disclose such information to the duly appointed fiduciary of the taxpayer or his estate, or to the duly authorized agent of such fiduciary.

(h) *Disclosure by tax return preparer to tax return processor.* A tax return preparer may disclose tax return information of a taxpayer to another tax return preparer described in § 301.7216–1(b)(2)(i)(B) for the purpose of having the second tax return preparer transfer that information to, and compute the tax liability on, a tax return of such taxpayer by means of electronic, mechanical, or other form of tax return processing service.

(i) *Disclosure by one officer, employee, or member to another officer, employee, or member.* An officer, employee, or member of a tax return preparer may transfer any tax return information to another officer, employee, or member of the same tax return preparer for the purpose of performing services which assist in the preparation of, or assist in providing auxiliary services in connection with the preparation of, the tax return of a taxpayer by or for whom the information was furnished.

(j) *Identical information obtained from other sources.* The provisions of section 7216(a) and § 301.7216–1 shall not apply to the disclosure or use by a tax return preparer of information which is identical to any tax return information which has been furnished to him if such identical information was obtained otherwise than in connection with the preparation of, or providing auxiliary services in connection with the preparation of, a tax return.

(k) *Disclosure or use of information in preparation or audit of State returns.* The provisions of section 7216(a) and § 301.7216–1 shall not apply to the disclosure or use by any tax return preparer of any tax return information in the preparation or audit of, or in connection with the preparation or audit of, any tax return or declaration of estimated tax required of the taxpayer under the law of any State or political subdivision therefor, of the District of Columbia, or of any possession of the United States.

(l) *Retention of records.* A tax return preparer may retain tax return information of a taxpayer, including copies of tax returns or data processing tapes prepared on the basis of such tax return information, and may use such information in connection with the preparation of other tax returns of the taxpayer or in connection with an audit by the Internal Revenue Service of any tax return. The provisions of paragraph (m) of this section respecting the transfer of a taxpayer list apply also to the transfer of any records and related workpapers to which this paragraph applies.

(m) *Lists for solicitation of tax return business.* Any tax return preparer may compile and maintain a separate list containing the names and address of taxpayers whose tax returns he has prepared or processed. This list may be used by the compiler solely to contact the taxpayers on the list for the purpose of offering tax information or additional tax return preparation services to such taxpayers. The compiler of the list may not transfer the taxpayer list, or any part thereof, to any other person unless such transfer takes place in conjunction with the sale or other disposition of the tax return preparation business of such compiler. A person who acquires a taxpayer list, or a part thereof, in conjunction with such a sale or other disposition shall be subject to the provisions of this paragraph with respect to such list as if he had been the compiler of such list. The term "list", as used in this paragraph, includes any record or system whereby the names and addresses of taxpayers are retained.

§ 301.7216–3 Disclosure or use only with formal consent of taxpayer.

(a) *Written consent to use or disclosure*—(1) *Solicitation of other business.* (i) If a tax return preparer has obtained from the taxpayer a consent described in paragraph (b) of this section, he may use the tax return information of such taxpayer to solicit from the taxpayer any additional current business, in matters not related to the Internal Revenue Service, which the tax return preparer provides and offers to the public. The request for such consent may not be made later than the time the taxpayer receives his completed tax return from the tax return preparer. If the request is not granted, no follow up request may be made. This authorization to use the tax return information of the taxpayer does not apply, however, for purposes of facilitating the solicitation of the taxpayer's use of any services or facilities furnished by a person other than the tax return preparer, unless such other person and the tax return preparer are members of the same affiliated group within the meaning of section 1504. Thus, for example, the authorization would not apply if the other person is a corporation which is owned or controlled directly or indirectly by the same interests which own or control the tax return preparer but which is not affiliated with the tax return preparer within the meaning of section 1504(a). Moreover, this authorization does not apply for purposes of facilitating the solicitation of additional business to be furnished at some indefinite time in the future, as, for example, the future sale of mutual fund shares or life insurance, or the furnishing of future credit card services. It is not necessary, however, that the additional business be furnished in the same locality in which the tax return information is furnished.

(ii) For prohibition against solicitation of employment in matters related to the Internal Revenue Service, see 31 CFR 10.30 (Treasury Department Circular No. 230) and § 7 of Rev. Proc. 68–20, 1968–1 C.B. 812.

(2) *Permissible disclosures to third parties.* If a tax return preparer has obtained from a taxpayer a consent described in paragraph (b) of this section, he may disclose the tax return information of such taxpayer to such third persons as the taxpayer may direct. However, see § 301.7216–2 for certain permissible disclosures without formal written consent.

(3) *Disclosure or use of information in connection with another person's return.* A tax return preparer may disclose or use any tax return information, which was obtained from a first taxpayer, in preparing a tax return of a second taxpayer if the tax return preparer has obtained from the first taxpayer a written consent described in paragraph (b) of this section. See § 301.7216–2(b) for disclosure or use in certain cases without formal consent.

(b) *Form of consent.* A separate written consent, signed by the taxpayer or his duly authorized agent or fiduciary, must be obtained for each separate use or disclosure authorized in paragraph (a) (1), (2) or (3) of this section and shall contain—

(1) The name of the tax return preparer,

(2) The name of the taxpayer,

(3) The purpose for which the consent is being furnished,

(4) The date on which such consent is signed,

(5) A statement that the tax return information may not be disclosed or used by the tax return preparer for any purpose (not otherwise permitted under § 301.7216–2) other than that stated in the consent, and

(6) A statement by the taxpayer, or his agent or fiduciary, that he consents to the disclosure or use of such information for the purpose described in subparagraph (3) of this paragraph.

(c) *Illustrations.* The application of this section may be illustrated by the following examples:

Example (1). In order to stimulate the making of loans, a bank advertises that it is in the business of preparing tax returns. A taxpayer goes to the bank to have his tax return prepared. After the return has been completed by the bank, the employee of the bank who obtained the tax return information from the taxpayer explains that the taxpayer owes an additional $400 in taxes and that the bank's loan department may be able to offer the taxpayer a loan to pay the tax due. If the taxpayer decides to accept the opportunity offered to apply for a loan, the bank must first have the taxpayer execute a written consent described in paragraph (b) of this section for the bank to use any of such information which is required in determining whether to make the tax loan.

Example (2). An individual who sells life insurance and shares in a mutual fund is also in the business of preparing tax returns. A taxpayer who has gone to the individual to have his tax return prepared is requested, at the time he picks up his completed tax return, to give his consent to the individual's use of his tax return information in connection with such individual's solicitation of the taxpayer's purchasing a life insurance policy and shares in the mutual fund. Before the individual may use such tax return information as a basis for soliciting such additional business from the taxpayer, the taxpayer must execute separate written consents under paragraph (b) of this section, one authorizing the use of such information as a basis for soliciting the sale of the mutual fund shares and a second authorizing the use of such information as a basis for soliciting the sale of the life insurance.

Example (3). The facts are the same as in example (2) except that the individual does not sell life insurance but does sell shares in several mutual funds. If the request is for the purpose of using the tax return information as a basis for soliciting the sale at one time of shares in mutual funds A and B, only one written consent under paragraph (b) of this section is required of the taxpayer. If, however, the request is for the purpose of using the tax return information as a basis for soliciting the sale of shares in fund A at one time, and the sale of shares in fund B at a later time, two written consents under such paragraph are required of the taxpayer.

[FR Doc.74–7343 Filed 3–27–74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73–100R]

PILOT RULES FOR THE GREAT LAKES AND INLAND WATERS

Lights and Day Signals; Passing a Floating Plant; Pilot Vessels

These amendments to the Pilot Rules for the Great Lakes add regulations for—

a. Lights and day signals for vessels, dredges, and vessels working on wrecks and obstructions, etc.;

b. Passing a floating plant working in a navigable channel; and

c. Lights for Great Lakes pilot vessels.

These regulations are identical to the regulations in Part 201 of Title 33 which are administered by the U.S. Army Corps of Engineers. The Corps of Engineers has revoked Part 201 in the FEDERAL REGISTER of May 16, 1973 (38 FR 12804). The effective date of that revocation is the effective date of the regulations published in this document.

Though Part 201 applies to both the Great Lakes and Western Rivers, the regulations in this document apply only to the Great Lakes. Sections 95.52 through 95.66 of the Pilot Rules for Western Rivers already contain regulations similar to those in Part 201.

These amendments are based on a notice of proposed rulemaking published in the Wednesday, August 1, 1973, issue of the FEDERAL REGISTER (38 FR 20467). Interested parties were invited to comment on the proposal. No comments in response to the notice of proposed rulemaking were received. Accordingly, the proposed amendments are adopted in this document without substantive change.

The proposed regulations were numbered in the notice of proposed rulemaking as §§ 90.31 through 90.46. In this document they have been renumbered as §§ 90.22 through 90.37 to provide organization that is consistent with the organization of the Pilot Rules in Part 80 and Part 95 of Title 33. To accomplish the renumbering of these regulations, the present §§ 90.22 through 90.30 in Part 90 are renumbered as §§ 90.38 through 90.46.

This document also deletes the footnotes in Title 33 that immediately precede § 80.18 of Part 80 and § 95.51 of Part 95. These footnotes explained that some of the Pilot Rules for the Great Lakes were contained in Part 201. Notice and public procedure on these amendments to Part 80 and Part 95 are unnecessary because the amendments are clerical in nature and do not amend any regulations.

In accordance with the foregoing, Chapter I of Title 33 of the Code of Federal Regulations is amended as follows:

PART 80—PILOT RULES FOR INLAND WATERS

1. The Note immediately preceding § 80.18 and following the centerhead after § 80.17 entitled "Lights And Day Signals For Vessels, Dredges of All Types, And Vessels Working on Wrecks and Obstructions, Etc." is deleted.

(Sec. 1, Pub. L. 85–656, 72 Stat. 612 (33 U.S.C. 157); Sec. 6, Pub. L. 89–670, 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

PART 90—PILOT RULES FOR THE GREAT LAKES

2. Sections 90.22 through 90.30 grouped under the centerhead entitled MISCELLANEOUS are redesignated as §§ 90.38 through 90.46 and grouped under the same centerhead.

3. New §§ 90.22 through 90.37 to be grouped under the centerhead entitled "Lights and Day Signals for Vessels, Dredges, and Vessels Working on Wrecks and Obstructions, Etc." are added to read as follows:

LIGHTS AND DAY SIGNALS FOR VESSELS, DREDGES, AND VESSELS WORKING ON WRECKS AND OBSTRUCTIONS, ETC.

Sec.

90.22 Signals to be displayed by a towing vessel when towing a submerged or partly submerged object upon a hawser when no signals can be displayed upon the object which is towed.

90.23 Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting.

90.24 Dredges held in stationary position by moorings or spuds.

90.25 Self-propelling suction dredges under way and engaged in dredging operations.

90.26 Vessels moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations.

90.27 Lights to be displayed on pipelines.

90.28 Lights generally.

90.29 Vessels moored or at anchor.

PASSING FLOATING PLANT WORKING IN NAVIGABLE CHANNELS

90.30 Passing signals.

90.31 Speed of vessels passing floating plant working in channels.

90.32 Light-draft vessels passing floating plant.

90.33 Aids to navigation marking floating-plant moorings.

90.34 Obstruction of channel by floating plant.

90.35 Clearing of channels.

90.36 Protection of marks placed for the guidance of floating plant.

90.37 Lights for Great Lakes pilot vessels.

AUTHORITY: Sec. 3, 28 Stat. 649, as amended (33 U.S.C. 243); Sec. 6(b)(1), Pub. L. 89–670, 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 40 CFR 1.46(b), unless otherwise noted.

LIGHTS AND DAY SIGNALS FOR VESSELS, DREDGES, AND VESSELS WORKING ON WRECKS AND OBSTRUCTIONS, ETC.

§ 90.22 Signals to be displayed by a towing vessel when towing a submerged or partly submerged object upon a hawser when no signals can be displayed upon the object which is towed.

(a) The vessel having the submerged object in tow shall display by day, where they can best be seen, two shapes, one above the other, not less than six feet apart, the lower shape to be carried not less than 10 feet above the deck house. The shapes shall be in the form of a double frustrum of a cone, base to base, not less than two feet in diameter at the center nor less than eight inches at the ends of the cones, and to be not less than four feet lengthwise from end to end, the upper shape to be painted in alternate horizontal stripes of black and white, eight inches in width, and the lower shape to be painted a solid bright red.

(b) By night the towing vessel shall display the regular side lights, but in lieu of the regular white towing lights shall display four lights in a vertical position not less than three feet nor more than six feet apart, the upper and lower of such lights to be white, and the two middle lights to be red, all of such lights to be of the same character as the regular towing lights.

§ 90.23 Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting.

(a) Steam vessels, derrick boats, lighters, or other types of vessels made fast alongside a wreck, or moored over a wreck which is on the bottom or partly submerged, or which may be drifting, shall display by day two shapes of the same character and dimensions and displayed in the same manner as required by § 90.22(a), except that both shapes shall be painted a solid bright red, but where more than one vessel is working under the above conditions, the shapes need be displayed only from one vessel on each side of the wreck from which they can best be seen from all directions.

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(b) By night this situation shall be indicated by the display of a white light from the bow and stern of each outside vessel or lighter not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all directions two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck.

§ 90.24 Dredges held in stationary position by moorings or spuds.

(a) Dredges which are held in stationary position by moorings or spuds shall display by day two red balls not less than two feet in diameter and carried in a vertical line not less than three feet nor more than six feet apart, and at least 15 feet above the deck house and in a position where they can best be seen from all directions.

(b) By night they shall display a white light at each corner, not less than six feet above the deck, and in addition thereto there shall be displayed in a position where they can best be seen from all directions two red lights carried in a vertical line not less than three feet nor more than six feet apart, and not less than 15 feet above the deck. When scows are moored alongside a dredge in the foregoing situation they shall display a white light on each outboard corner, not less than six feet above the deck.

§ 90.25 Self-propelling suction dredges under way and engaged in dredging operations.

(a) Self-propelling suction dredges under way and engaged in dredging operations shall display by day two black balls not less than two feet in diameter and carried in a vertical line not less than 15 feet above the deck house, and where they can best be seen from all directions. The term "dredging operations" shall include maneuvering into or out of position at the dredging site, but shall not include proceeding to and from the site.

(b) By night they shall carry, in addition to the regular running lights, two red lights of the same character as the white masthead light and in a vertical line beneath that light, the red lights to be not less than three feet nor more than six feet apart and the upper red light to be not less than four feet nor more than six feet below the masthead light, and on or near the stern two red lights in a vertical line not less than four feet nor more than six feet apart, to show through four points of the compass; that is, from right astern to two points on each quarter.

§ 90.26 Vessels moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations.

(a) Vessels which are moored or anchored and engaged in laying cables or pipe, submarine construction, excavation, mat sinking, bank grading, dike construction, revetment, or other bank protection operations, shall display by day, not less than 15 feet above the deck, where they can best be seen from all directions, two balls not less than two feet in diameter, in a vertical line not less than three feet nor more than six feet apart, the upper ball to be painted in alternate black and white vertical stripes six inches wide, and the lower ball to be painted a solid bright red.

(b) By night they shall display three red lights, carried in a vertical line not less than three feet nor more than six feet apart, in a position where they can best be seen from all directions, with the lowermost light not less than 15 feet above the deck.

(c) Where a stringout of moored vessels or barges is engaged in the operations, three red lights carried as prescribed in paragraph (b) of this section shall be displayed at the channelward end of the stringout. Where the stringout crosses the navigable channel and is to be opened for the passage of vessels, the three red lights shall be displayed at each side of the opening instead of at the outer end of the stringout. There shall also be displayed upon such stringout one horizontal row of amber lights not less than six feet above the deck, or above the deck house where the craft carries a deck house, in a position where they can best be seen from all directions, spaced not more than 50 feet apart so as to mark distinctly the entire length and course of the stringout.

§ 90.27 Lights to be displayed on pipe lines.

Pipe lines attached to dredges, and either floating or supported on trestles, shall display by night one row of amber lights not less than eight feet nor more than 12 feet above the water, about equally spaced and in such number as to mark distinctly the entire length and course of the line, the intervals between lights where the line crosses navigable channels to be not more than 30 feet. There shall also be displayed on the shore or discharge end of the line two red lights, three feet apart, in a vertical line with the lower light at least eight feet above the water, and if the line is to be opened at night for the passage of vessels, a similar arrangement of lights shall be displayed on each side of the opening.

§ 90.28 Lights generally.

(a) All the lights required by §§ 90.22 to 90.27, except as provided in §§ 90.22 (b) and 90.25(b), shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least two miles.

(b) The lights required by § 90.22(b) to be of the same character as the regular towing lights, and the lights required by § 90.25(b) to be of the same character as the masthead light, shall be of such character as to be visible on a dark night with a clear atmosphere for a distance of at least five miles.

(c) All floodlights or headlights which may interfere with the proper navigation of an approaching vessel shall be so shielded that the lights will not blind the pilot of such vessel.

§ 90.29 Vessels moored or at anchor.

Vessels of more than 65 feet in length when moored or anchored in a fairway or channel shall display between sunrise and sunset on the forward part of the vessel where it can best be seen from other vessels one black ball not less than two feet in diameter.

PASSING FLOATING PLANT WORKING IN NAVIGABLE CHANNELS

§ 90.30 Passing signals.

(a) Vessels intending to pass dredges or other types of floating plant working in navigable channels, when within a reasonable distance therefrom and not in any case over a mile, shall indicate such intention by one long blast of the whistle, and shall be directed to the proper side for passage by the sounding, by the dredge or other floating plant, of the signal prescribed in the local pilot rules for vessels under way and approaching each other from opposite directions, which shall be answered in the usual manner by the approaching vessel. If the channel is not clear, the floating plant shall sound the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the plant.

(b) When the pipe line from a dredge crosses the channel in such a way that an approaching vessel cannot pass safely around the pipe line or dredge, there shall be sounded immediately from the dredge the alarm or danger signal and the approaching vessel shall slow down or stop and await further signal from the dredge. The pipe line shall then be opened and the channel cleared as soon as practicable; when the channel is clear for passage the dredge shall so indicate by sounding the usual passing signal as prescribed in paragraph (a) of this section. The approaching vessel shall answer with a corresponding signal and pass promptly.

(c) When any pipe line or swinging dredge shall have given an approaching vessel or tow the signal that the channel is clear, the dredge shall straighten out within the cut for the passage of the vessel or tow.

NOTE: The term "floating plant" as used in §§ 9.30 to 90.36, includes dredges, derrick boats, snag boats, drill boats, pile drivers, maneuver boats, hydraulic graders, survey boats, working barges, and mat sinking plant.

§ 90.31 Speed of vessels passing floating plant working in channels.

Vessels, with or without tows, passing floating plant working in channels, shall reduce their speed sufficiently to insure the safety of both the plant and themselves, and when passing within 200 feet of the plant their speed shall not exceed five miles per hour. While passing over lines of the plant, propelling machinery shall be stopped.

§ 90.32 Light-draft-vessels passing floating plant.

Vessels whose draft permits shall keep outside the buoys marking the ends of mooring lines of floating plant working in channels.

§ 90.33 Aids to navigation marking floating-plant moorings.

Breast, stern, and bow anchors of floating plant working in navigable channels shall be marked by barrel or other suitable buoys. By night approaching vessels shall be shown the location of adjacent buoys by throwing a suitable beam of light from the plant on the buoys until the approaching vessel has passed, or the buoys may be lighted by red lights, visible in all directions, of the same character as specified in § 90.28(a).

§ 90.34 Obstruction of channel by floating plant.

Channels shall not be obstructed unnecessarily by any dredging or other floating plant. While vessels are passing such plant all lines running therefrom across the channel on the passing side which may interfere with or obstruct navigation shall be slacked to the bottom of the channel.

§ 90.35 Clearing of channels.

When special or temporary regulations have not been prescribed and action under the regulations contained in §§ 90.30 to 90.34 will not afford clear passage, floating plant in narrow channels shall, upon notice, move out of the way of vessels a sufficient distance to allow them a clear passage. Vessels desiring passage shall, however, give the master of the floating plant ample notice in advance of the time they expect to pass.

NOTE: If it is necessary to prohibit or limit the anchorage or movement of vessels within certain areas in order to facilitate the work of improvement, application should be made through official channels for establishment by the Secretary of the Army of special or temporary regulations for this purpose.

§ 90.36 Protection of marks placed for the guidance of floating plant.

Vessels shall not run over anchor buoys, or buoys, stakes, or other marks placed for the guidance of floating plant working in channels; and shall not anchor on the ranges of buoys, stakes, or other marks placed for the guidance of such plant.

§ 90.37 Lights for Great Lakes pilot vessels.

(a) A power driven pilot vessel when engaged on pilotage duty and under way:

(1) Shall carry a white light at the masthead at a height of not less than 20 feet above the hull, visible all round the horizon at a distance of at least 3 miles and at a distance of 8 feet below it a red light similar in construction and character. If such a vessel is of less than 65 feet in length the vessel may carry the white light at a height of not less than 9 feet above the gunwale and the red light at a distance of 4 feet below the white light.

(2) Shall carry the sidelights prescribed by Great Lakes Rule 3 (33 U.S.C. 252) or by the Act of April 25, 1940 (46 U.S.C. 526b), as appropriate, and a white light at the stern showing an unbroken light over an arc of the horizon of 135°, so fixed as to show the light 67½° from right aft on each side of the vessel, and of such a character as to be visible at a distance of at least 2 miles.

(3) Shall show one or more flareup lights at intervals not exceeding 10 minutes. An intermittent white light visible all round the horizon may be used in lieu of flareup lights.

(b) A sailing pilot vessel when engaged on pilotage duty and underway:

(1) Shall carry a white light at the masthead visible all round the horizon at a distance of at least 3 miles.

(2) Shall be provided with the sidelights prescribed in paragraph (a)(2) of this section or the portable lanterns prescribed by Great Lakes Rule 8 (33 U.S.C. 257), as appropriate, and shall, on the near approach of or to other vessels, have such lights ready for use, and shall show them at short intervals to indicate the direction in which the pilot vessel is heading, but the green light shall not be shown on the port side nor the red light on the starboard side. The vessel shall also carry the stern light prescribed in paragraph (a)(2) of this section.

(3) Shall show one or more flareup lights at intervals not exceeding 10 minutes.

(c) A pilot vessel when engaged on pilotage duty and not under way shall carry the lights and show the flares prescribed in paragraph (a) (1) and (3) or (b) (1) and (3) of this section, as appropriate, and if at anchor shall also carry the anchor lights prescribed in Great Lakes Rule 9 (33 U.S.C. 253).

(d) A pilot vessel when not engaged on pilotage duty shall show the lights or shapes for a similar vessel of the same length.

PART 95—PILOT RULES FOR WESTERN RIVERS

4. The Note immediately preceding § 95.51 and following the centerhead after § 95.45 entitled "Lights and Day Signals for Vessels, Dredges of All Types, and Vessels Workin on Wrecks and Obstructions, Etc." is deleted.

Effective date. March 29, 1974.

Dated: March 22, 1974.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74-7288 Filed 3-28-74;8:45 am]

[CGD 73-124 R]

PART 110—ANCHORAGE REGULATIONS

Special Anchorage Area, Basin Point, Potts Harbor, Maine

This amendment to the Anchorage regulations is based on a notice of proposed rulemaking published in the June 19, 1973, issue of the FEDERAL REGISTER (38 FR 15970). The amendment establishes a special anchorage area in the vicinity of Basin Point in Potts Harbor near South Harpswell, Maine. In special anchorage areas, vessels under 65 feet in length, when at anchor, are not required to carry or exhibit anchor lights.

The establishment of a special anchorage area merely relaxes the lighting requirements of vessels at anchor, and does not impact on the use of the area in any other way.

Twelve comments were received as a result of the proposal. Eight of the comments expressed no objection to the proposal.

The United States Environmental Protection Agency, Boston, Massachusetts, recommended that the applicant be advised that he must conform at all times with applicable State and Federal Water Quality Standards. The Coast Guard issued a notice of proposed rulemaking on March 1, 1974 (39 FR 8038) concerning rules governing the design, construction, installation, and operation of marine sanitation devices. Comments were requested to be submitted prior to May 14, 1974. Under section 312 of the Federal Water Pollution Control Act (FWPCA), the Environmental Protection Agency (EPA) has promulgated Federal standards of performance for marine sanitation devices, which are required by the Act to be designed to prevent the discharge of untreated or inadequately treated sewage into or upon the navigable waters from new vessels and existing vessels, except vessels not equipped with installed toilet facilities.

Another comment was received objecting to the proposal on the grounds that more boats in the area would mean more pollution and more gas and oil spilled. The requirement of the Marine Sanitation Devices will overcome the pollution problem. There is a federal law which prohibits the discharge of gas and oil into the navigable waters of the United States.

The State of Maine, Department of Inland Fisheries and Game voiced no objection to the proposal provided no dredging is conducted. Any dredging planned in the area would require the approval of the Corps of Engineers and require an Environmental Impact Statement.

One person questioned the description of the anchorage and also suggested that opinions of the property owners in the vicinity of the special anchorage area be obtained. The individual also stated that he was not in favor of having a marina controlling waters beyond its land boundaries. The Commander, First Coast Guard District replied to the commenter explaining the description of the proposed anchorage area. The individual was further advised that the local control and administration of the anchorage would lie with the town of Harpswell Harbor Master and not with the local marina.

With respect to the opinions of local property owners, the Commander, First

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Coast Guard District, has on file letters from 5 shoreline residents of the proposed anchorage area who do not express any dissatisfaction with the proposal provided their rights as property owners are protected.

In consideration of the foregoing, the proposed amendment is adopted without change, and is set forth below.

Effective date. This amendment is effective April 30, 1974.

Dated: March 21, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

Part 110 of title 33 of the Code of Federal Regulations is amended by adding a new § 110.5(c–1) to read as follows:

§ 110.5 Casco Bay, Maine.

• • • • •

(c–1) *Basin Point, Potts Harbor, east side of Basin Point.*—The water area east of Basin Point enclosed by a line beginning at the southernmost extremity of Basin Point at latitude 43°44'17" N., longitude 70°02'36" W.; thence easterly to latitude 43°44'17" N., longitude 70°02'10" W.; thence north northeasterly to a point on the shoreline at latitude 43°44'43" N., longitude 70°02'05" W.; thence following the shoreline to the point of beginning.

• • • • •

(Sec. 1, 30 Stat. 98, as amended; sec. 6(g)(1)(B), 80 Stat. 937 (33 U.S.C. 180), (49 U.S.C. 1655(g)(1)(B)), 49 CFR 1.46(c)(2).)

[FR Doc.74-7283 Filed 3-28-74;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 292—NATIONAL RECREATION AREAS

Subpart C—Sawtooth National Recreation Area—Private Lands

Proposed regulation was published in the FEDERAL REGISTER on May 25, 1973 (38 FR 13754), to add a new Subpart C to Part 292, Chapter II, Title 36, Code of Federal Regulations, concerning private lands within the Sawtooth National Recreation Area.

Interested persons were given the opportunity to participate in the rulemaking through the submission of comments. Comments were received from governmental agencies (national, State, and local), organizations, companies, and formal groups as well as many private landowners and individuals. The majority of the respondents expressed concern about existing private land uses that were in conflict with various portions of the proposed regulations and suggested numerous changes.

Several respondents felt definitions for designated communities and private property should be more specific to allow a better understanding of these classifications in the recreation area. The definition for a designated community was clarified to indicate that these areas are classified and shown on the Land Use Category Map dated December 15, 1973. The definition of private property was revised to specifically exclude unpatented mining claims. Many respondents felt the proposed private land classifications were too arbitrary and difficult to understand. The residential classifications (R–1, R–5, and R–10) have been eliminated and a single residential classification established for existing or future subdivision development outside designated communities. Some respondents felt the mineral classification was difficult to understand. Since mineral activity can occur in any one of the four land classifications, subject to certification, the mineral classification was not changed.

Many comments were received to include Obsidian and Sawtooth City as designated communities. Sawtooth City has been added as a designated community because the visual impact of this development can be controlled. Obsidian was not included as a designated community due to critical visual conflicts. A provision was added in the regulations to allow a phasing out period for existing, nonconforming uses in Obsidian and other locations in the recreation area to reduce the personal hardship. The area immediately east of U.S. Highway 93, in the vicinity of Obsidian, is classified to allow continuance of commercial and residential developments with some modifications.

A few respondents expressed a desire to have a committee formed to review and/or approve certification by the Area Ranger. Since the Secretary of Agriculture is directed to administer the recreation area, and appeal provisions are afforded to the Chief of the Forest Service for any landowner affected by a decision of the Area Ranger, provisions for such a committee were not provided.

Some respondents felt a time period should be established requiring the action of the Area Ranger on requests for certification. A 45-day period was established within which the Area Ranger will notify the applicant of his decision and/or need for additional information.

Some respondents suggested that provision for land exchanges be made to relocate nonconforming or conflicting uses. Some suitable lands in the National Recreation Area will be identified and classified in the general overall plan that will solve some problem conflicts. Federal lands located in or adjacent to designated communities will be considered for exchange only after acceptable community development plans and ordinances have been implemented.

Some landowners commented that specific standards were needed in the designated communities. Specific standards have been included for designated communities. In addition, the framework is provided for the preparation of acceptable community development plans and implementation of ordinances to assure proper use and development. The community development plan and ordinances, when approved, will replace the present standards.

Some respondents were in favor of the proposed regulations and expressed their support in adoption and implementation.

Part 292 is revised by adoption of the proposed Subpart C, as changed to read as follows:

Subpart C—Sawtooth National Recreation Area—Private Lands

Sec.
292.14 Introduction.
292.15 General provisions—procedures.
292.16 Standards.

AUTHORITY: Provisions of section 4(a), Act of August 22, 1972 (86 Stat. 613).

Subpart C—Sawtooth National Recreation Area—Private Lands

§ 292.14 Introduction.

(a) *Purpose.* In accordance with the provisions of the Act establishing the Sawtooth National Recreation Area (86 Stat. 612), the regulations of this subpart establish standards for the use, subdivision and development of privately owned property within the boundaries of the Sawtooth National Recreation Area. The standards are in furtherance of the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values of the Recreation Area. Unless, in the judgment of the Secretary, such property is being used, or is in imminent danger of being used, in a manner incompatible with such standards, the property or any interest therein may not be acquired by condemnation. However, private land or an interest therein, determined to be necessary for access to and utilization of public property, and for recreation and other facilities, may be condemned without regard to this restriction, subject however, to the limitation in § 292.15(j).

(b) *Amendment of regulations.* Amendments to these regulations shall be made in accordance with the Administrative Procedures Act (60 Stat. 238, 5 U.S.C. 553), including the publishing of the amendments as a notice of proposed rulemaking with final adoption after interested persons have been given an opportunity to participate in the rulemaking through submission of comments.

(c) *Definitions*—(1) *Cluster-type development.* Planned unit development which allows flexibility in neighborhood and subdivision lot design by dedicating or reserving the land so saved to open space.

(2) *Community development plan.* A narrative plan with maps which sets forth specific standards for desirable development of a community.

(3) *Designated community.* A populated area divided into lots, blocks and streets as platted and recorded in the official records of the county, containing residences and commercial establishments providing goods and services and retaining the atmosphere of a western frontier ranch-type town and so classified in § 292.15(a).

(4) *Dude ranching.* Development oriented to furnish an outdoor recreational or educational experience related to ranching. Facility development is compatible with the pastoral environment, rustic in nature and harmoniously colored.

(5) *Mineral operations.* All functions, work and activities in connection with exploration, development, mining or processing of mineral resources except prospecting which will not cause significant surface disturbance and will not involve removal of more than a reasonable amount of mineral deposit for analysis and study.

(6) *Private property.* Lands or interests in lands not owned by Federal, State, or local governments but not including unpatented mining claims.

(7) *Ranch-type character.* A low profile, rambling, well-proportioned, rustic appearing, rough-sawn wood or wood and stone structure or group of structures harmoniously situated within a natural environment.

(8) *Residential outbuilding.* Nonhabitable building detached from the residence, such as a garage, woodshed or storage building.

(9) *Secretary.* Secretary of Agriculture.

(10) *Area Ranger.* The Forest Officer having administrative authority for the Sawtooth National Recreation Area.

§ 292.15 General provisions—procedures.

(a) *Classification of private property.* For the purpose of establishing specific standards applicable to the several parcels of private land within the boundaries, such properties are classified and assigned to land use categories as shown on the Land Use Category Map, dated December 15, 1973, on file and available for public inspection in the office of the Area Ranger, Sawtooth National Recreation Area, Ketchum, Idaho. The classification of private properties is based on evaluation of scenic, natural, historic, pastoral, wildlife, and other values.

(b) *Land use categories.* Land use categories shown on the map referred to in paragraph (a) of this section are:

(1) *Designated community.* All properties inside a designated community.

(2) *Residential.* Areas for residential development outside designated communities.

(3) *Commercial.* Areas for commercial development outside designated communities.

(4) *Agriculture.* All properties outside designated communities not placed in a residential or commercial land use category.

(5) *Mineral.* Any areas in the land use in subparagraphs (1) through (4) of this paragraph, used for mineral operations.

(c) *Changes in classification.* The Secretary may make changes in the classification of private lands set forth in paragraph (a) of this section by incorporating such changes in an amendment of these regulations.

(d) *Certification of compliance with standards*—(1) *Present use.* Any owner of property may request in writing the Area Ranger to examine the present use of the property and issue a certification that such present use conforms to the applicable standards established in § 292.16 for the land use category in which the property is placed. If after examination the Area Ranger determines that the present use of the property does so conform, he will issue a certification to this effect.

(2) *Planned development or change in use.* Any owner of property who proposes to change the use or develop his property for other than agricultural use may submit to the Area Ranger a use or development plan setting forth the manner in which and the time by which the property is to be developed and the use to which the property is to be put. If the Area Ranger determines that the development and use plan conforms to the applicable standards established in § 292.16 for the land use category in which the property is placed, he will issue a certification to this effect.

(3) *Notification of action.* Within 45 days after receipt of request for certification, the Area Ranger shall:

(i) Issue the certification.

(ii) Notify applicant that additional information is needed before action can be taken on the application.

(iii) Notify applicant that certification is denied, and reasons for denial.

(iv) Notify applicant that action on the request is deferred for a specified period of time for stated reasons.

(e) *Qualified certifications.* (1) Any owner of a property classified residential or commercial under paragraph (a) of this section which had been improved and was being used for residential or commercial purposes on the effective date of these regulations, but which does not conform to the standards established for properties in the land use category in which the property is placed may nevertheless be issued a certification for period not to exceed 10 years so that the improvements may be made to conform to the standards. Such certification shall specify that it is only effective so long as the property is not subdivided, and is not further improved and the improvements existing on the effective date of these regulations, are not reconstructed, altered or relocated, except to meet standards. The certification shall specify the date on which it shall terminate.

(2) If the Area Ranger determines, prior to certification, that a part or all of a property, for which a request for certification is made, is needed for access to and utilization of public property or for recreation and other facilities, he may except from the certification that part of the property needed for these purposes.

(f) *Revocation of certification.* The Area Ranger will revoke a certification when he finds that the property is being used or developed not in conformance with the terms of the certification or the applicable standards established in § 292.16 or is in imminent danger of being so used or developed. Notice of such revocation will be in writing and delivered to the owner in person or by certified mail. A partial revocation may be made when a portion of a property covered by a certification is determined to be needed for access to and utilization of public property or for recreation and other facilities.

(g) *Effect of certification.* Property for which a certification is held by the owner shall not be acquired by the Secretary by condemnation.

(h) *Effect of noncompliance with standards.* Property for which a determination has been made that it is being used or developed not in conformance with the applicable standards established in § 292.16 for the land use category in which the property is placed may be acquired by the Secretary by condemnation.

(i) *Acquisition by negotiated purchase.* (1) Any privately owned land or interest in land determined by the Secretary to be needed in furtherance of the objectives and purposes for which the Sawtooth National Recreation Area was established may be acquired by negotiated purchase subject only to the limitation in paragraph (j) of this section.

(2) Property which has been developed for use prior to the effective date of these regulations, but which is not in conformance with applicable standards may be acquired by the Secretary through negotiated purchase and the Secretary may permit the owners, their successors or assigns to retain a right of use and occupancy of the improved property for a definite term not beyond December 31, 1988.

(j) *Limitation on acquisitions.* Acquisitions of lands or interests therein for access to and utilization of public property and for recreation and other facilities shall not exceed 5 percent of the total acreage of all private property within the Sawtooth National Recreation Area on August 22, 1972. A land acquisition plan shall be prepared by the Area Ranger and approved by the Regional Forester showing those properties needed for access to and utilization of public property or for recreation and other facilities. Said plan may be revised from time to time upon approval by the Regional Forester. Said plan shall be available for inspection by the public in the office of the Area Ranger.

(k) *Land exchanges.* Some parcels of Federal lands within the Sawtooth National Recreation Area are classfied or may be subsequently classified in the overall general plan for the Recreation Area as suitable for selection through land exchange. Using existing land exchange authorities, these Federal lands may be made available for selection by parties owning land within the boundaries of the National Recreation Area to resolve some existing or potential land use conflicts. The values of the properties so exchanged shall be approximately equal, or, if they are not approximately equal, they shall be equalized by the payment of cash. Federal lands which may be located within the boundaries of designated communities will be considered

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for exchange only after acceptable community development plans and ordinances have been implemented.

(l) *Appeals.* (1) Any landowner who is adversely affected by a decision of the Area Ranger under these regulations may take an appeal to the Chief, Forest Service, by filing with the Area Ranger within 30 days a written notice of appeal and a written statement setting forth the reasons why the decision is contrary to, or in conflict with the facts, the law or these regulations; except a denial of a land exchange application is not appealable. Review and decision on the appeal shall be by the Chief or his designated representative: *Provided, however,* That if more than 45 days are required for a decision after receiving the notice of appeal and statement of reasons, the Chief or his designated representative shall notify the landowner and specify the reasons for the delay.

(2) Any landowner who is adversely affected by the decision of the Chief or his designated representative may take an appeal to the Secretary by filing with the Chief, within 30 days after such decision is made, a written notice of appeal and a written statement setting forth the reasons why the decision appealed from is contrary to, or in conflict with the facts, the law or these regulations. Upon receipt of the notice and statement the Chief shall prepare his own statement setting forth the facts and circumstances upon which his decision was based and shall transmit the record to the Secretary for his decision.

(m) *Judicial review.* The United States District Court for the District of Idaho shall have jurisdiction to review these regulations upon a complaint filed within 6 months after the effective date of these regulations, by any affected landowner in an action for a declaratory judgment as provided in the Act of August 22, 1972 (86 Stat. 612), section 4(a).

§ 292.16 Standards.

The standards established in these regulations are in furtherance of the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreation values of the Recreation Area.

(a) *Applicability.* The standards set forth in this section for each land use category shall apply to the private land in each such land use category as classified by the Secretary in accordance with § 292.15.

(b) *Changes in standards.* Changes in and addition to the standards may be made from time to time through amendment of these regulations.

(c) *General standards.* The following standards apply to properties in all land use categories.

(1) Use and development of the property will be in conformance with applicable Federal, State, and local laws, regulations and ordinances.

(2) Development, improvement and use of the property will not materially detract from the scenic, natural, historic, pastoral, and fish and wildlife values of the area.

(3) There will be adequate provision for disposal of solid and liquid waste originating on or resulting from use of the property.

(4) All new utilities will be underground.

(5) No structures or other improvements will be constructed in or encroaching upon streambeds, banks and flood plains of live or intermittent streams. Streambeds, banks, and flood plains will not be disturbed, except as may be necessary to construct, operate, and maintain irrigation, fisheries, utilities, roads, and similar facilities or improvements. Any such necessary encroachment will avoid impeding water flow, sedimentation of streams or entrance of deleterious material into streams.

(d) *Designated communities.* (1) The following standards are established until replaced as provided for in subparagraph (2) of this paragraph.

(i) No buildings or structures, or part thereof, erected, constructed, reconstructed, altered, moved, or used for any purpose, except in conformance with the standards established herein.

(ii) No excavation or topographic change, except that required for foundations, utilities, or roads, that would modify or change the scenic beauty of natural hillsides or mountain slope lands.

(iii) Minimum 100-foot frontage on new building sites.

(iv) All new buildings set in 10 feet from each side of property line.

(v) All new buildings set back 20 feet from front property line.

(vi) Only one single-family dwelling for each building site or lot.

(vii) No new building to exceed two stories in height as determined from ground level.

(viii) No building or structure erected with foundation pillars or stilts that exceeds 36 inches above ground level. Pillars or stilts if used, must be enclosed.

(ix) Minimum of 750 square feet for new residences.

(x) All new buildings constructed of logs, shakes, rough lumber, rough wood, and native stone.

(xi) Mobile or semimobile homes permitted only in existing mobile home parks.

(xii) Nonreflective roofs on new buildings.

(xiii) All new steps and walks constructed of wood.

(xiv) Paints or stains to be of earth tones common to the area.

(xv) All buildings and structures, including fences, to be maintained in a useable and serviceable condition or removed. Properties to be maintained in a clean and orderly condition.

(xvi) Existing plus new buildings or structures cannot occupy more than 30 percent of the land surface on a lot less than 20,000 square feet in area. On any lot larger than 20,000 square feet, existing plus new buildings cannot occupy more than 6,500 square feet. Existing properties exceeding this amount as of the effective date of these regulations may not be further developed.

(xvii) The standards in subdivisions (v), (vi), (ix), and (xvi) of this subparagraph shall not apply to properties developed for commercial purposes.

(2) The Area Ranger shall cooperate with each designated community in the preparation of a community development plan and implementing ordinances which will assure that use and development of the private properties within the community will be consistent with the purposes for which the Sawtooth National Recreation Area was established and with the overall general plan of the Recreation Area. The Secretary may then, by amendment of these regulations, replace the standards adopted pursuant to subparagraph (1) of this paragraph with the standards set forth in such community development plan and implementing ordinances as the standards applicable to that designated community.

(e) *Residential.* (1) Vegetative cover and screening requirements. Any combination of vegetative screening, topography, and structure design that renders the residence inconspicuous and not obtrusive as seen from main travel routes.

(2) Buildings.

(i) Not more than one residence on each separately owned contiguous property as recorded in the records of the appropriate county on date of publication of these regulations.

(ii) Not more than two outbuildings with each residence. Aggregate square foot area of outbuildings not to exceed 400 square feet.

(iii) Dwelling size not less than 750 square feet of floor space.

(iv) Building architecture compatible with location and the pastoral environment, rustic in nature, harmoniously colored or natural wood finish or suitable wood substitutes, nonreflective roofs and sidings.

(v) Height of buildings to be in keeping with site characteristics and normally not exceeding on-site tree height, or 30 feet.

(vi) Sufficient setback of buildings from centerline of public roads for safety and unhampered traffic flow.

(vii) Minimum building setback from property line—10 feet.

(3) No excavation or topographic change except that required for buildings, roads, and utilities.

(4) Removal of live trees and other vegetation limited to that necessary to accommodate buildings and roads to allow installation of utilities.

(5) Roads designed, located, and constructed to minimize adverse esthetic impact and soil erosion.

(6) Owner identification and sale or rental signs not to exceed 2 square feet in size.

(7) Buildings and structures, including fences, to be maintained in a usable and serviceable condition or removed.

(8) No further reduction in size of residential ownerships except that which will not impair the objectives for which the Sawtooth National Recreation Area was established. A certification will be issued pursuant to § 292.15(d) upon application in such cases.

(f) *Commercial.* (1) General. Service provided must serve a need which cannot readily or adequately be provided in a designated community, and must be compatible with the purposes for which the Sawtooth National Recreation Area was established.

(2) Buildings.

(i) Building architecture to be compatible with the pastoral environment, rustic in nature, harmoniously colored or natural wood finish or suitable wood substitutes, nonreflective roofs and sidings.

(ii) Building height to be in keeping with building size, scale, setback from roads and property boundaries, site size, setting, building design and type of use.

(iii) Sufficient setback of buildings from centerline of public roads for safety and unhampered traffic flow.

(3) Only signs identifying the commercial enterprise being conducted on the property. Signs not to exceed 20 square feet in area, 6 feet in length and 15 feet maximum height. Signs to be subdued in appearance and harmonizing in design and color with the surroundings. Signs not complying with the standard may be approved by certifications issued pursuant to § 292.15(d) in special cases.

(4) No flashing lights.

(5) No new mobile or semimobile homes and mobile home parks except where they may be located without substantially impairing or detracting from the scenic, natural, historic, pastoral, and fish and wildlife values of the area.

(g) *Agriculture.* (1) Only structures which do not substantially impair or detract from the scenic, natural, historic, pastoral, and fish and wildlife values of the area and which are necessary for ranching or dude ranching such as dwellings, barns, storage buildings, fences, corrals, irrigation facilities, roads, and utilities.

(2) Buildings to be ranch-type character with log or other rustic exterior with harmoniously colored or natural wood finish and nonreflective surfaces.

(3) Fences and other improvements to be in harmony with the western ranching atmosphere.

(4) Minimum setback of new buildings to be 150 feet from public roads where determined feasible by the Area Ranger.

(5) No further reduction in size of agricultural ownerships except that which will not impair the objectives for which the Sawtooth National Recreation Area was established. A certification will be issued pursuant to § 292.15(d) upon application in such cases.

(6) No signs, billboards or advertising devices except a property identification sign and one sale or rental sign not to exceed 2 square feet in area, harmonious in design and color with the surroundings. Signs not complying with this standard may be approved by certifications issued pursuant to § 292.15(d) in special cases.

(7) Any tree removal and related slash disposal and soil erosion prevention measures to be conducted in a manner that will minimize detrimental effects to the site and adjoining lands.

(8) The general topography of the landscape to be unaltered except for incidental excavation or topographic change required by ranching activities.

(9) Structures and improvements, including fences, to be maintained in usable condition or removed. Those recognized as having historic or esthetic value may remain.

(10) Roads to be designed, located and constructed to minimize esthetic impact and soil movement.

(11) Agricultural practices to be limited to hay production and pasture and range grazing in a manner which does not degrade water quality or result in accelerated soil erosion.

(h) *Mineral operations.* The standards set forth in this paragraph shall apply to a private property or portion thereof in any land use category which is used for mineral operations. To aid in determining whether a planned mineral operation will conform to these standards, the owner of the property shall submit to the Area Ranger a proposed plan of operations. If the Area Ranger determines that the proposed operation conforms to the standards established herein he will approve the plan and such approval shall constitute the certification provided for in § 292.15(d).

(1) Operations will be confined to those locations where they may be conducted without substantially impairing or detracting from the scenic, natural, historic, pastoral, and fish and wildlife values of the area.

(2) The general standards set forth in paragraph (c) of this section shall apply to any mineral operations.

(3) The operations as described in the plan of operation and as they are carried out in accordance with the plan shall:

(i) Comply with Federal and State air and water quality and waste disposal standards.

(ii) Minimize adverse impacts on scenic values.

(iii) Provide for prompt stabilization and restoration of areas disturbed by the operations.

Effective date. These regulations take effect April 29, 1974.

Dated: March 25, 1974.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

[FR Doc.74-7268 Filed 3-28-74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5418]

ALASKA

Amendment of Public Land Order No. 5180

By virtue of the authority vested in the President by the Act of June 25, 1910, as amended, 43 U.S.C. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and by virtue of the authority vested in the Secretary of the Interior by section 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1616(d)(1), 1970 Supplement II (hereinafter referred to as the Act), it is ordered as follows:

1. Subject to valid existing rights, Public Land Order No. 5180, of March 9, 1972, as amended, 37 FR 5583–5584, withdrawing lands for classification and for protection of the public interest in lands, is hereby further amended to add the following described lands:

All unreserved public lands in Alaska, or those which may become unreserved unless specified by order at that time.

The lands described above aggregate approximately 15,300,000 acres.

2. While the lands described in paragraph 1 of this order remain withdrawn, the lands shall be subject to administration by the Secretary of the Interior under applicable laws and regulations, and his authority to make contracts, to grant leases, permits, rights-of-way, or easements shall not be impaired by this withdrawal. Applications for leases under the Mineral Leasing Act will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

3. It is hereby determined that the promulgation of this order is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to

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section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(C), is not required.

ROGERS C. B. MORTON,
Secretary of the Interior.

MARCH 25, 1974.

[FR Doc.74-7261 Filed 3-28-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Tawaukon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective March 29, 1974.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, Cayuga, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas are Lake Tewaukon, Mann Lake, and Sprague Lake, comprising 1,440 acres, and are shown on maps available at refuge headquarters and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on Sprague Lake and Mann Lake extends from May 4, 1974, through September 30, 1974, daylight hours only.

(2) The open season for sport fishing on Lake Tewaukon extends from May 4, 1974, through November 15, 1974, daylight hours only.

(3) Fishing on Lake Tewaukon will be limited to certain designated shoreline areas from October 1, 1974, through November 15, 1974, and fishing from boats is not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through November 15, 1974.

TYRUS W. BERRY,
Acting Refuge Manager.

MARCH 20, 1974.

[FR Doc.74-7259 Filed 3-28-74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

PART 152—COST OF LIVING COUNCIL PHASE IV PAY REGULATIONS

Exemption of Anthracite, Bituminous Coal, and Lignite

The purpose of these amendments is to exempt prices charged for anthracite, bituminous coal, and lignite by firms which manufacture those products, to add a further exemption for the prices charged by firms primarily engaged in providing mining services to the coal industry, and to add a parallel exemption to the Phase IV pay regulations.

The Council has determined that exemption of coal will encourage increased production to meet current energy problems, as the greatly increased world demand for coal has caused prices to rise and availability of supplies to decrease. Approximately 80 percent of coal sales are already exempt under § 150.54(n) which exempts sales of coal under long-term contracts to public utilities, under § 150.54(d) which exempts export prices, and § 150.60 which exempts firms with 60 or fewer employees. In addition, over 13 percent of the industry's production is accounted for by captive coal firms which are controlled by steel firms or electric utilities using the coal firms' products. Sales by these coal firms are generally intra-firm transfers and are not subject to direct price controls. Thus, average coal prices are not expected to be affected severely by this exemption. Most of the remaining 7 percent of coal sales are to steel mills, industrial establishments, and public utilities. The Council feels that this exemption should help to augment the domestic availability of coal by discouraging exports in the short run and by encouraging the opening of new mines which will increase production in the long run.

In return for decontrol the Council has received voluntary commitments from 10 of the leading bituminous coal producers (1) to increase bituminous coal production, (2) to request the Bituminous Coal Operators Association to begin negotiations on the present labor agreement which expires in November 1974, and (3) not to permit the weighted average price charged for coal to rise above $30 a ton before November 12, 1974.

Therefore, in accordance with the Council's policy of removing controls selectively where conditions warrant, the Council is today exempting the prices charged for the following products by manufacturers of those products: anthracite, bituminous coal, and lignite as listed in the Standard Industrial Classification Manual, 1972 edition, Industry Nos. 1111 and 1211. As a corresponding action the Council is also exempting the prices charged by firms that provide anthracite, bituminous coal, and lignite mining services as listed in the Standard Industrial Classification Manual, 1972 edition, in Industry Numbers 1112 and 1213. This exemption is an expansion of the already existing exemption of sales of coal under long-term contracts to public utilities, § 150.54(n).

Under §§ 150.11(e) and 150.161(b), a firm with revenues from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless during its most recent fiscal year it derived both less than $50 million in annual sales or revenues from the sale or lease of nonexempt items and 90 percent or more of its sales or revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the coal mining industry. The exemption is set forth in new § 152.39m. "Establishment in the coal mining industry" is defined as an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group No. 11 (Anthracite Mining) or 12 (Bituminous Coal and Lignite Mining) and primarily engaged in mining or mining service activities classified under such Major Groups.

The exemption is inapplicable to any employee engaged in construction operations (within the meaning of § 152.102 (f)), even if the employee works at an establishment classified under Major Group 11 or 12. This limitation on the exemption is necessary because the Council and the Construction Industry Stabilization Committee exercise mandatory control jurisdiction over pay adjustments in the construction industry and it would be inappropriate at this time to exempt construction pay adjustments.

The exemption is inapplicable to any employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any employee whose duties and responsibilities are not of a type exclusively performed in or related to the coal mining industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within this or another industry exempted under Subpart D of Part 152. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment engaged in activities exempted under Subpart D. In cases of uncertainty of application, particularly with respect to mining activities that may be related to construction, inquiries concerning the scope or coverage of the pay exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

As with all exemptions from Phase IV controls, firms subject to these amendments remain subject to review for compliance with appropriate regulations in effect prior to these exemptions. A firm affected by these amendments will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by these exemptions alleged to be in violation of stabilization rules in effect prior to these exemptions is subject to the same compliance actions as a non-exempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds, and possible penalty of $2,500 for each stabilization violation.

The Council retains the authority to reestablish price and wage controls over any of the industries exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the authority, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11695, 38 FR 1743; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective March 27, 1974.

Issued in Washington, D.C., on March 27, 1974.

JAMES W. MCLANE
Deputy Director,
Cost of Living Council.

1. In 6 CFR Part 150, § 150.54(n) is amended to read as follows:

• • • • •

§ 150.54 Certain price adjustments.

(n) *Anthracite, bituminous coal, and lignite.* Prices charged by firms engaged in providing anthracite, bituminous coal, and lignite mining services and firms engaged in the manufacturing of anthracite, bituminous coal, and lignite are exempt if those activities are within the scope of Major Groups 11 or 12 of the Standard Industrial Classification Manual, 1972 edition.

• • • • •

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.39m to read as follows:

§ 152.39m Coal mining industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the coal mining industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the coal mining industry.* For purposes of this section, "Establishment in the coal mining industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group No. 11 (Anthracite Mining) or 12 (Bituminous Coal and Lignite Mining) and primarily engaged in mining or mining service activities classified under such Major Group.

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the coal mining industry or in support of such operation only if such employee is employed at an establishment in the coal mining industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitation.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee engaged in construction operations (within the meaning of § 152.102(f)).

(2) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, § 152.125, or § 152.126.

(3) An employee who is a member of an executive control group (determined pursuant to § 152.130).

(4) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the coal mining industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the coal mining industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment exempted under this subject, or in the operation of an establishment in the coal mining industry or in support of such operation within the meaning of paragraph (c) of this section.

(5) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment engaged in activities exempted under this subpart.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 27, 1974.

[FR Doc.74-7430 Filed 3-27-74;4:47 pm]

PART 155—PHASE IV PRICE PROCEDURAL REGULATIONS

Exceptions and Compliance Procedures

The purpose of this amendment is to further provide for the effective and orderly administration of compliance matters by precluding consideration of exceptions requests in cases which would more appropriately be resolved through compromise of civil penalties.

The Cost of Living Council recently took several steps to simplify and otherwise improve its procedural regulations in order to more effectively resolve compliance matters. Among other actions, the Council delegated full authority to the Internal Revenue Service to resolve price violations cases through the compromise of civil penalties procedures and to dispose of Phase I, II and III price violations matters through the use of the Phase IV price procedural regulations.

The present amendment is intended to further improve the Phase IV compliance effort by cutting off consideration of exception requests in those cases where the firm concerned has already violated the regulation from which an exception is sought and compliance actions have been initiated by the Council or the IRS. The Council believes that too much delay has been encountered in resolving violations cases where requests for retroactive exceptions have been permitted and that any mitigating factors such as inequity or hardship which the firm in violation may wish to assert are more properly raised under the compromise of civil penalties procedures.

Heretofore, a firm which violated a price rule (such as charging a price in excess of the freeze price or exceeding the profit margin limitation) was permitted after receiving a remedial order to file a request for exception from the regulation concerned. If the exception was granted, the effect was to retroactively nullify the violation and to revoke the remedial order. If the exception was denied the firm could seek reconsideration. If the relief requested was ultimately denied upon reconsideration the Council would resume its compliance effort through reactivation of the remedial order. However, review of such cases through the exceptions channels has unnecessarily burdened the Council's staff and in some cases as much as one year has elapsed before ultimate resolution of the matter.

Furthermore, review of the matter through the exceptions procedures appears inappropriate from other considerations. Based on experience to date in Phase IV, the Council believes that the practice of retroactively excusing violations through the exceptions procedures does not advance the goals of the Economic Stabilization Program. Instead, it tends to encourage non-compliance and is unfair to firms which are similarly situated but which faithfully adhere to the regulations for their duration or which, while complying with the regulations, seek exceptions prospectively.

Finally, this amendment will permit the Council to work more rapidly toward completion of pending exceptions cases which are unaffected by this amendment. At the same time this amendment will permit the IRS to more promptly dispose of pending violations cases. The amendment therefore is expected to significantly aid in the effort to complete action on exceptions and compliance matters remaining in Phase IV.

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While now denied the possibility of relief through the exceptions procedures, a firm in violation may nevertheless obtain substantial relief, if merited, through compromise procedures. For example, a firm which received a remedial order to remit all revenues derived from charging prices in violation of the freeze regulations may request that due to inability to pay the amount involved or other extenuating circumstances the penalty be reduced to an appropriate amount to be mutually agreed in accordance with the compromise of civil penalties procedures. Under this method of disposition of the case, the payment of a civil penalty serves to strengthen the Council's compliance efforts by deterring unlawful pricing behavior while at the same time substantial relief is afforded in meritorious cases.

This amendment applies to profit margin violations as well as to more specific pricing violations. As a general rule, the fact that a profit margin violation was not realized or discovered until the financial statements for the fiscal year concerned were prepared does not excuse the violation. Most firms check profit margin compliance on a quarterly basis and a firm which has triggered the profit margin limitation by raising prices bears the affirmative responsibility to set prices at levels which will avoid a profit margin violation. If a violation is discovered by the IRS or the Council, it is too late to seek an exception to adjust the base period profit margin in order to avoid the violation for the fiscal year concerned. However, an exception with respect to the base period may be sought with respect to future profit margin compliance. In addition, any mitigating factors with respect to the profit margin violation for the year concerned may be raised under the appropriate violations procedures including compromise of civil penalties.

To carry out the Council's intent in this matter, a sentence is added to § 155.41 which provides that when a firm comes under investigation or receives a notice of probable violation or a remedial order it no longer qualifies to seek an exception which would nullify a violation covered by that investigation, notice or order. Pending exceptions requests affected by this amendment will be dismissed with notification to both the applicant and the IRS compliance division. However, any request for reconsideration which relates to an exception which was denied in whole or in part prior to the effective date of this amendment remains unaffected by this amendment and will continue to be processed.

Because the purpose of this amendment is to provide immediate guidance with respect to decisions of the Council, the Council finds that publication in accordance with normal rule making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street, NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1473; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Part 155 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective March 27, 1974.

Issued in Washington, D.C., on March 27, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

The first paragraph of § 155.41 is amended to read as follows:

§ 155.41 Purpose and scope.

Exceptions from the provisions of Part 150 of this title may be granted for the purpose of preventing or correcting a serious hardship or gross inequity. However, a person who has violated the regulation with respect to which an exception is sought and who in connection with that matter is under investigation or has received a notice of probable violation or remedial order shall not qualify to obtain an exception which would nullify that violation in whole or in part.

* * * * *

[FR Doc.74–7393 Filed 3–27–74;2:46 pm]

PART 150—PHASE IV PRICE REGULATIONS

PART 152—PHASE IV PAY REGULATIONS

Exemption of Aluminum Production and Certain Aluminum Products

The purpose of these amendments is to exempt under the Phase IV price regulations the sale by producers, manufacturers and wholesalers of aluminum ores, alumina, aluminum ingot, basic shapes, castings, forgings and most aluminum products and to add a parallel exemption under the Phase IV pay regulations.

The Cost of Living Council has not permitted prices for aluminum and copper to rise in accordance with the general cost-justification and prenotification procedures in Phase IV. Instead, the Council has permitted price increases only upon special periodic review of prices and costs in these industries. In December 1973, the Council promulgated a special rule (§ 150.208) which permitted an upward adjustment in base prices to the level of May 1970. In explaining this action, the Council stated that proposed price increases above those levels would be held in abeyance pending a further review of these industries in March 1974.

Having now completed its review of current costs and prices in the aluminum industry, the Council has concluded that it is appropriate to extend price and pay exemption to this industry at this time. An exemption with respect to all nonferrous metals except aluminum and copper was previously granted, and the Council has not yet completed its review of costs and prices in the copper industry.

The Council has determined that price controls have contributed to the establishment of a two-tier pricing structure, in which the foreign and domestic spot price for aluminum ingot is approximately ⅓ higher than the price which domestic producers are able to charge. This situation has led to two undesirable developments. First, there is increased incentive to export metal for which strong demand is present in the U.S. Second, the smaller nonintegrated manufacturers of aluminum products, who make up about 20 percent of the market and who must buy a significant portion of their raw material needs (aluminum ingot or billet) from the foreign or domestic spot market, are unable to purchase metal at a price which would allow them to meet domestic competitive prices for finished products. It is anticipated that several plants of small nonintegrated firms will close within the next few weeks due to unavailability of billet unless these firms are permitted to charge prices for their products which more nearly reflect foreign and domestic spot metal prices.

In addition, industry production is now close to 100 percent capacity, due to increased worldwide demand. It is expected that decontrol will spur plans for the increased capacity which will be necessary to meet future domestic and foreign aluminum needs.

Finally, the Council has obtained individual and voluntary commitments for price restraint from four leading aluminum producers in return for decontrol at this time. First, the firms have separately committed to price ceilings for 99.5 percent primary aluminum ingot, the primary raw material for fabricated aluminum products. Compared with a current price under controls of 29 cents per pound and a current world price of about 34 cents to 35 cents and a spot price of over 40 cents per pound, the committing firms have agreed to charge no more than 31.5 cents through June 1 and no more than 33.5 cents per pound through August 1, 1974. Second, prices which may be charged for other primary basic shapes during these periods must not exceed price levels which reflect the established market relationships between 99.5 percent primary aluminum ingot and those other primary basic shapes. Third, through August 1, 1974, the historic rate of sales of primary aluminum basic shapes to unrelated domestic nonintegrated firms will be maintained in order to avoid market distortions. This applies only to sales not covered by existing contractual agreements.

Under these amendments, prices charged for aluminum ores (including bauxite), alumina, aluminum ingot, basic shapes and all other aluminum products at the manufacturing and wholesaling level are exempt as long as the product contains more than 50 percent by value of aluminum, aluminum alloy and other price-exempt metal. The exemption does not extend, however, to the sale of metal cans (SIC 3411) or automotive stampings (SIC 3465) which contain aluminum or aluminum alloy, or to the sale of chemicals (other than alumina) which contain aluminum. The aluminum products covered by this exemption are listed in Industry No. 1051 and in Major Groups 33 and 34 of the Standard Industrial Classification Manual, 1972 edition. The exemption of products under Major Group 33 includes, but is not limited to, the products listed under Industry Nos. 3334, 3353, 3354, 3355 and 3361. Although some of the aluminum products within Major Group 33 are listed under Industry Nos. 3341, 3357, 3398, and 3399, other products listed under those Industry Nos. are not exempted by these amendments. For example, "nonferrous insulated wire", listed under SIC Industry No. 3357, is not exempt under these amendments if it is copper wire or otherwise does not meet the content test stated above. The same consideration apply to the exemptions under Major Group 34.

Under §§ 150.11(e) and 150.161(b), a firm with revenues from the sale of exempt items remains subject to the profit margin constraints and reporting provisions of the Phase IV program unless during its most recent fiscal year it derived both less than $50 million in annual sales or revenues from the sale or lease of nonexempt items and 90 percent or more of its sales or revenues from the sale of exempt items or exempt sales.

As a complementary action to the exemption from price controls, the Council has also exempted pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the aluminum industry. The exemption is set forth in new § 152.39n. "Establishment in the aluminum industry" is defined as an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group Number 33 or 34, and primarily engaged in the manufacturing or processing of items whose raw material content is, by value, greater than 50 percent aluminum or aluminum alloy or other price-exempt metal. The definition also includes an establishment engaged in the wholesaling of the aforementioned items, a manufacturer of alumina, and an establishment engaged in the mining of bauxite and other aluminum ores (SIC Industry Number 1051).

The definition expressly excludes manufacturers of aluminum containers classified under Industry Number 3411, and establishments engaged in the manufacture of automotive stampings, classified under Industry Number 3465.

The exemption is inapplicable to any employee who receives an item of incentive compensation, or who is a member of an executive control group. The exemption is also inapplicable to any employee whose duties and responsibilities are not of a type exclusively performed in or related to the aluminum industry and whose pay adjustments are historically related to the pay adjustments of employees performing such duties outside the industry and are not related to the pay adjustments of other employees that are within this or another industry exempted under Subpart D of Part 152. The exemption is further inapplicable to employees who are part of an appropriate employee unit where 25 percent or more of the members of such unit are not engaged on a regular and continuing basis in the operation of an establishment engaged in activities exempted under Subpart D. In cases of uncertainty of application, inquiries concerning the scope or coverage of the pay exemption should be addressed to the Administrator, Office of Wage Stabilization, P.O. Box 672, Washington, D.C. 20044.

As with all exemptions from Phase IV controls, firms subject to these amendments remain subject to review for compliance with appropriate regulations in effect prior to these exemptions. A firm affected by these amendments will be held responsible for its pre-exemption compliance under all phases of the Economic Stabilization Program. A firm affected by these exemptions alleged to be in violation of stabilization rules in effect prior to these exemptions is subject to the same compliance actions as a nonexempt firm. These compliance actions include investigations, issuance of notices of probable violation, issuance of remedial orders requiring rollbacks or refunds, and possible penalty of $2,500 for each stabilization violation.

The Council retains the authority to reestablish price and wage controls over any of the industries exempted by these amendments if price or wage behavior is inconsistent with the policies of the Economic Stabilization Program. The Council also has the authority, under §§ 150.162 and 152.6, to require firms to file special or separate reports setting forth information relating to the Economic Stabilization Program in addition to any other reports which may be required under the Phase IV controls program.

Because the purpose of these amendments is to grant an immediate exemption from the Phase IV price and pay regulations, the Council finds that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days. Interested persons may submit written comments regarding this amendment. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, 2000 M Street NW., Washington, D.C. 20508.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11695, 38 FR 1743; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, Parts 150 and 152 of Title 6 of the Code of Federal Regulations are amended as set forth herein, effective March 28, 1974.

Issued in Washington, D.C., on March 28, 1974.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

1. In Part 150, a new paragraph (k) is added to § 150.58 to read as follows:

§ 150.58 Additional price adjustments.

* * * * *

(k) *Aluminum Production and Certain Aluminum Products.*

The prices which manufacturers, producers, providers and wholesalers of the following aluminum ores, products, and services charge for those ores, products and services are exempt: the aluminum ores, products, and services listed in the SIC Manual, 1972 edition, under Industry No. 1051, Major Groups 33 and 34 (except Industry Nos. 3411 and 3465), and alumina. The exemption provided in the preceding sentence applies only to those products (other than aluminum ore and alumina) whose raw material content by value is greater than 50 percent aluminum, aluminum alloy, and other price-exempt metal. The exemption of products under Major Group 33 includes, but is not limited to, the products listed under Industry Nos. 3334, 3353, 3354, 3355, and 3361.

2. In 6 CFR Part 152, Subpart D is amended by adding thereto a new § 152.39n to read as follows:

§ 152.39n Aluminum industry.

(a) *Exemption.* Pay adjustments affecting employees engaged on a regular and continuing basis in the operation of an establishment in the aluminum industry or in support of such operation are exempt from and not limited by the provisions of this title.

(b) *Establishment in the aluminum industry.* For purposes of this section, "Establishment in the aluminum industry" means an establishment classified in the Standard Industrial Classification Manual, 1972 edition, under Major Group Number 33 (Primary Metal Industries) or 34 (Fabricated Metal Products, Except Machinery and Transportation Equipment), and primarily engaged in the activities classified under such

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Numbers with respect to items whose raw material content is, by value, greater than 50 percent aluminum or aluminum alloy or other price-exempt metal. The term also means an establishment primarily engaged in the wholesaling of the aforementioned items, an establishment classified under Industry Number 1051 (Bauxite and Other Aluminum Ores) primarily engaged in the mining of such ores, and an establishment primarily engaged in the manufacture of alumina. Notwithstanding the provisions of the first sentence of this paragraph, the term does not mean an establishment primarily engaged in the manufacture of metal cans made of aluminum alloy and classified under Industry Number 3411 (Metal Cans) or primarily engaged in the manufacture of automotive stampings and classified under Industry Number 3465 (Automotive Stampings).

(c) *Covered employees.* For purposes of this section, an employee is considered to be engaged on a regular and continuing basis in the operation of an establishment in the aluminum industry or in support of such operation only if such employee is employed at an establishment in the aluminum industry and only if such employee is employed by the firm which operates such establishment.

(d) *Limitations.* The exemption provided in paragraph (a) of this section shall not be applicable to—

(1) An employee who receives an item of incentive compensation subject to the provisions of § 152.124, 152.125, or 152.126.

(2) An employee who is a member of an executive control group (determined pursuant to § 152.130 of this chapter).

(3) Employees whose occupational duties and responsibilities are of a type not exclusively performed in or related to the aluminum industry and whose pay adjustments are—

(i) Historically related to the pay adjustments of employees performing such duties outside the aluminum industry; and

(ii) Not related to pay adjustments of another unit of employees engaged on a regular and continuing basis in the operation of an establishment exempted under this subpart or in the operation of an establishment in the aluminum industry or in support of such operation within the meaning of paragraph (c) of this section.

(4) Employees who are members of an appropriate employee unit if 25 percent or more of the employees who are members of such unit are not engaged on a regular and continuing basis in the operation of an establishment exempted under this subpart.

(e) *Effective date.* The exemption provided in this section shall be applicable to pay adjustments with respect to work performed on and after March 28, 1974.

[FR Doc.74-7446 Filed 3-28-74;8:55 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

[Docket No. R-74-235]

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Factory Inspection of Mobile Homes

On September 4, 1973 a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 23803) by the Department of Housing and Urban Development proposing a new system for third party factory inspection of mobile homes financed with loans insured under this part.

Interested persons were given 30 days in which to submit written comments or suggestions. Comments and suggestions were received from trade associations, state agencies, mobile home manufacturers, testing laboratories, and other interested parties.

Comments germane to the proposal were favorable. Some respondents suggested clarification and improvements in the text.

Suggestions that have been adopted are as follows:

(1) In § 201.520, *Structural design and standards*, paragraph (b) has been amended to provide that compliance with specifications in effect at the time the home is manufactured is required, rather than compliance at the time the loan is made. This change is made by reason of the fact that at the time the loan is made the standards may have been changed from those in effect at the time the home was manufactured.

(2) The text of paragraph (b) of § 210.520 and the text of § 210.510 have also been amended to provide that the home shall bear the "label or seal" of the approved inspection agency.

Several respondents expressed doubts as to the requirements that the Secretary may set for approval of testing laboratories, the adequacy of the approval procedures of state agencies, and the effect that the Secretary's proposal may have on existing state requirements.

The regulation requires that as a condition of application for approval by the Commissioner a testing laboratory must be either an agency of a state, or if a private testing laboratory, have been approved by at least two states. Private testing laboratories meeting this condition would still be required to obtain approval of the Commissioner.

Testing laboratories would be required to meet all applicable state or local requirements and the Secretary's requirements would not preempt such requirements, or otherwise affect or modify these requirements.

A respondent suggested that there should be collaboration with the Veterans Administration on inspection procedures. Since inspection by the Veterans Administration of mobile home manufacturers is done by government employees rather than by "third parties", collaboration on this question would not be pertinent.

A respondent expressed concern that there might be a duplication of inspection of appliances that had been previously inspected and "labeled" or "listed" by an inspection organization.

Inspection under these regulations is confined to compliance with ANSI standards. ANSI standards provide for acceptance of "listed" or "labeled" products and therefore no re-inspection of "labeled" or "listed" appliances would be called for.

It was suggested § 201.521 be amended to substitute the term "testing program" for "quality control program". This change was not made as the term "quality control program" is most descriptive of the objective of this rule.

A respondent suggested that the requirement that inspection agencies be "independent" be omitted. Another respondent suggested that "independent" be defined in terms of financial strength and other criteria. These suggestions were not accepted. While some hardship may result, the requirement that an inspection agency be independent appears to be necessary to avoid real or apparent conflicts of interest. Measuring a testing agency's qualification in terms of its financial strength would appear not to be a clearly relevant criterion.

1. Accordingly, § 201.520(b) is amended to read as follows:

§ 201.520 Structural design and standards.

* * * * *

(b) *ANSI criteria.* The requirement of paragraph (b) of this section may be satisfied by compliance with the specifications in effect at the time the home is manufactured, which are prescribed in mobile home standard No. A119.1, as approved by the American National Standards Institute (formerly the United States of America Standards Institute), hereinafter referred to as "ANSI." A certification shall be obtained from the manufacturer stating that the mobile home was constructed in accordance with the ANSI requirements and that the home bears the label or seal of an independent inspecting agency certifying that the mobile home was constructed in accordance with the ANSI requirements.

* * * * *

2. A new § 201.521 is proposed to read as follows:

§ 201.521 Factory inspection.

The home shall display a seal or label certifying that it has been subject to representative inspections in accordance with a quality control program approved by the Commissioner and is in compliance with the requirements of § 201.520. Inspections shall be made by a testing agency or organization approved by the Commissioner.

3. A new § 201.522 is proposed to read as follows:

§ 201.522 Private testing organization.

A private testing organization which applies for approval by the Commissioner, shall establish that it has been approved by at least two official state agencies to inspect and certify mobile homes and that it is actively engaged in the inspection and certification of mobile homes.

(Sec. 7(d), 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246 (12 U.S.C. 1703))

Effective date. This amendment is effective April 29, 1974.

SHELDON B. LUBAR,
Assistant Secretary of Housing Production and Mortgage Credit, FHA Commissioner.

[FR Doc.74-7331 Filed 3-28-74;8:45 am]

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Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Parts 1301, 1304, 1305]

ETORPHINE HYDROCHLORIDE AND DIPRENORPHINE

Proposed Controls

The Drug Enforcement Administration on November 23, 1973, published a notice in the FEDERAL REGISTER (38 FR 32262) proposing the transfer of etorphine hydrochloride from Schedule I to Schedule II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821 et seq.). A final notice transferring etorphine hydrochloride to Schedule II is published this date in the FEDERAL REGISTER.

Etorphine hydrochloride is a derivative of the opium alkaloid Thebaine. It is a morphine-like agent with an analgesic potency, depending on test methods, that is 80 to 1,000 times greater than morphine. Because of its ability to produce narcosis at very low doses, etorphine hydrochloride has been approved by the Food and Drug Administration for the immobilization of wild and exotic animals (38 FR 15050).

Diprenorphine, a Schedule II controlled substance, is the only effective antidote to reverse the state of narcosis produced by etorphine hydrochloride. Diprenorphine has been approved by the Food and Drug Administration as an etorphine hydrochloride antagonist. (38 FR 15050.)

Due to the high potential for abuse of these substances with their limited medical uses and ability to produce severe psychological and physical dependence, the Drug Enforcement Administration, in concert with the Special Action Office of Drug Abuse Prevention and the Food and Drug Administration promulgated and agreed to specific procedures relating to their distribution. The American Cyanamid Co. (the holder of the New Animal Drug Application) and the D–M Pharmaceuticals Inc. (the firm marketing the product under the New Animal Drug Application) have agreed to abide by the following procedures to ensure against the abuse, diversion or misuse of these substances:

1. The distribution of etorphine hydrochloride and diprenorphine is restricted to licensed veterinarians engaged in zoo and exotic animal practice, wildlife management programs, and/or research. Only veterinarians who are directly engaged in zoo and exotic animal practice, wildlife management programs, and/or research may obtain etorphine hydrochloride or diprenorphine. These substances will not be available to other practicing veterinarians or other practitioners (except for authorized researchers). The Food and Drug Administration has restricted the use of etorphine hydrochloride and diprenorphine by or on the order of a licensed veterinarian. The Drug Enforcement Administration shall transmit additional information to the Food and Drug Administration indicating its willingness to permit other qualified persons to use these substances if the Food and Drug Administration deems it proper and changes the labelling of the substances.

2. In order to provide maximum security in the distribution, storage and use of etorphine hydrochloride and diprenorphine, all registrants submitting order forms for these substances will be checked by the Drug Enforcement Administration to ensure that they are properly authorized to handle these substances and are prepared to adhere to the special safeguards set forth in the regulations. [An amendment to § 1301.74 (g) to implement this requirement is proposed below.]

3. Registrants handling etorphine hydrochloride or diprenorphine shall be required to store these substances in a safe or steel cabinet equivalent to a United States Government Class V security container. The storage of these substances will be limited to reasonable quantities to avoid increased vulnerability of theft. [An amendment to § 1301.75(d) of the regulations to implement this requirement is proposed below.]

4. The order forms submitted by registrants desiring to purchase etorphine hydrochloride or diprenorphine must contain those substances only. If an order form for etorphine hydrochloride and diprenorphine is submitted to the supplier containing any other controlled substance it shall not be filled. [Amendments to § 1305.16 (Special procedure for filling certain order forms) and § 1305.06 (Procedure for executing order forms) to implement these requirements are proposed below.]

5. The supplier of etorphine hydrochloride and diprenorphine must maintain order forms for those substances separately from all other order forms and records required to be maintained by the registrant pursuant to 21 CFR Part 1304. [An amendment to § 1305.13 (Preservation of order forms) to implement this requirement is proposed below.]

6. An additional reporting requirement is imposed upon the manufacturer of etorphine hydrochloride and diprenorphine. The manufacturer is required to forward a copy of all order forms received for these subtances to the Drug Enforcement Administration for inspection on a weekly basis. [An amendment to § 1304.38(d) (Reports from manufacturers of bulk materials or dosage units) to implement this requirement is proposed below.]

7. Etorphine hydrochloride and diprenorphine shall only be shipped to the purchaser at the location printed by the Administration on the order form. Shipment is to be made by the most secure method using substantial packaging with no markings on the outside. [An amendment to § 1305.16(b) (ii) to implement this requirement is proposed below.]

Therefore, under the authority vested in the Attorney General by Sections 301, 307, 308, 501(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 821, 827, 828 and 871(b)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 21 of the Code of Federal Regulations, the Administrator proposes that:

1. Section 1301.74 of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (g) to read as follows:

§ 1301.74 Other Security Controls for Non-practitioners.

* * * * * *

(g) Before the initial distribution of etorphine hydrochloride and/or diprenorphine to any person, the registrant must verify that the person is authorized to handle the substance(s) by contacting the Drug Enforcement Administration.

* * * * * *

2. Section 1301.75 of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (d) to read as follows:

§ 1301.75 Physical Security Controls for Practitioners.

* * * * * *

(d) Etorphine hydrochloride and diprenorphine shall be stored in a safe or steel cabinet equivalent to a U.S. Government Class V security container.

* * * * * *

3. Section 1304.38 of of Title 21 of the Code of Federal Regulations be amended by adding a new paragraph (d) to read as follows:

§ 1304.38 Reports from the Manufacturers of Bulk Materials or Dosage Units.

* * * * * *

(d) Registrants manufacturing etorphine hydrochloride or diprenorphine shall, on a weekly basis, forward a copy of the order forms received for these substances to the Administration.

* * * * * *

4. Section 1305.06(b) of Title 21 of the Code of Federal Regulations be amended by adding a new phrase to read as follows:

§ 1305.06 Procedure for Executing Order Forms.

* * * * * *

(b) Only one item shall be entered on each numbered line. There are five lines on each order form. If one order form is not sufficient to include all items in an order, additional forms shall be used. Order forms for etorphine hydrochloride and diprenorphine shall contain only these substances. The total number of items ordered shall be noted on that form in the space provided.

* * * * * *

5. Part 1305 of Title 21 of the Code of Federal Regulations be amended by adding a new § 1805.16 to read as follows:

§ 1305.16 Special Procedure for Filling Certain Order Forms.

(a) The purchaser of etorphine hydrochloride or diprenorphine shall submit copy 1 and 2 of the order form to the supplier and retain copy 3 in his own files.

(b) The supplier, if he determines that the purchaser is a veterinarian engaged in zoo and exotic animal practice, wildlife management programs and/or research and authorized by the Administrator to handle these substances shall fill the order in accordance with the procedures set forth in § 1305.09 except that: (i) Order forms for etorphine hydrochloride and diprenorphine shall only contain these substances in reasonable quantities and (ii) the substances shall only be shipped to the purchaser at the location printed by the Administration upon the order form under secure conditions using substantial packaging material with no markings on the outside which would indicate the content.

* * * * * *

6. Section 1305.13 be amended by adding a new paragraph (d) to read as follows:

§ 1305.13 Preservation of Order forms.

* * * * * *

(d) The supplier of etorphine hydrochloride and diprenorphine shall maintain order forms for these substances separately from all other order forms and records required to be maintained by the registrant.

In order to protect the public welfare by ensuring that etorphine hydrochloride and diprenorphine are manufactured, distributed, stored, and used in a proper manner, the foregoing provisions shall be effective on the date of publication as interim procedures until the proposals are finalized.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Room 611, 1405 Eye Street NW., Washington, D.C. 20537, and must be received no later than April 26, 1974.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finanlized and requests a hearing in accordance with 21 CFR 1308.45, the party will be notified by registered mail that a hearing will be held at the time and place set forth in the letter. A notice of hearing will simultaneously be published in the FEDERAL REGISTER. If objections submitted do not present such reasonable grounds, the party will so be advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations and all interested parties waive or deemed to waive their opportunity for the hearing or to participate in the hearing, the Administrator may cancel the hearing, and after giving consideration or written comments, issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Dated: March 25, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74-7277 Filed 3-28-74;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

[41 CFR Parts 60–1, 60–50]

RELIGIOUS ENTITIES

Proposed Exemption

Notice is hereby given that pursuant to Executive Order 11246 (30 FR 12319), as amended by Executive Order 11375 (32 FR 14303), the Department of Labor proposes to clarify the employment obligations of religious corporations, associations, educational institutions and societies under Executive Order 11246 (as amended). This proposal is intended to establish consistency between the religious exemption provisions of section 702 of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, and the rules and regulations of the Office of Federal Contract Compliance.

This proposed rulemaking concerns matters relating to public contracts. While public participation is not required, the Department of Labor, in keeping with the spirit of 5 U.S.C. 553, invites submission of written comments, suggestions or objections regarding these proposed amendments to Mr. Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th Street and Constitution Avenue, NW., Washington, D.C. 20210, on or before April 29, 1974.

In consideration of the foregoing, it is proposed to amend Chapter 60 of Title 41, Code of Federal Regulations, as follows:

PART 60–1—OBLIGATIONS OF CONTRACTORS AND SUBCONTRACTORS

1. A new paragraph (a)(5) is proposed to be added to § 60–1.5 reading as follows:

§ 60–1.5 Exemptions.

(a) * * *

(5) *Contracts with religious entities.* The requirements of the equal opportunity clause shall not apply to a religious corporation, association, educational institution or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities.

* * * * * *

PART 60–50—GUIDELINES ON DISCRIMINATION BECAUSE OF RELIGION OR NATIONAL ORIGIN

2. A new paragraph (e) is proposed to be added to § 60–50.1 reading as follows:

§ 60–50.1 Purpose and scope.

* * * * * *

(e) Nothing contained in this Part 60–50 is intended to supersede or otherwise limit the exemption set forth in § 60–1.5(a)(5) of this chapter for contracts with religious entities.

Signed at Washington, D.C., this 19th day of March 1974.

PETER J. BRENNAN,
Secretary of Labor.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.74-7318 Filed 3-28-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 1]

HYPOALLERGENIC COSMETICS

Proposed Definition

Correction

In FR Doc. 74–4305 appearing at page 7287 as the Part IV of the issue of Monday, February 25, 1974, make the following changes:

1. In the third column on page 7291, in the second line of paragraph 5., the word "Operations" should read "Opinions".

2. In column three on page 7292, in the second from the last paragraph, the date "April 26, 1973" should read "April 26, 1974".

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Office of Education

[45 CFR Part 141]

STRENGTHENING INSTRUCTION IN ACADEMIC SUBJECTS IN PUBLIC SCHOOLS

Notice of Proposed Rule Making

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92–318) and pursuant to the authority contained in Title III–A of the National Defense Education Act of 1958, as amended, 20 U.S.C. 441–444, the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 141 of the Code of Federal Regulations to read as set forth below.

At present, there will be guidelines under this program. Should guidelines be issued in the future, they would be limited to material in the nature of suggestions and recommendations for program management and operation.

1. *Program purpose.* Title III–A of the National Defense Education Act provides for assistance to States to strengthen academic subjects through the acquisition of laboratory and other special equipment, and minor remodeling.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the program under Title III–A of the National Defense Education Act. Upon publication of revised Part 141 as a final regulation, after comments and hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting the program will be superseded effective thirty days after such publication.

3. *Effect of Office of Education general provisions regulations.* The proposed regulations differ from the current regulations in that provisions have been deleted relating to general fiscal and administrative matters which are now covered in the overall Office of Education General Provisions Regulations published in the FEDERAL REGISTER at 38 FR 30654 (November 6, 1973), in connection with the same study under section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of proposed Part 100b of Title 45 CFR, containing general provisions for State administered programs, which would be applicable to the program under Title III–A of the National Defense Education Act.)

4. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section it applies to the entire section.

5. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations as follows:

A hearing will take place at the U.S. Office of Education on April 25, 1974, in the auditorium of Regional Office Building Three (ROB–3) located at 7th and D Streets, SW, Washington, D.C., beginning at 10:00 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Parties interested in attending the hearing should notify the Office of Education, 400 Maryland Avenue SW., Room 2079–G, Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on section 503, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

Written comments and recommendations may also be sent to the above address. All relevant material received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9 a.m. and 4:30 p.m., Monday through Friday of each week.

Dated: February 20, 1974

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: March 15, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Subpart A—Definitions; General Provisions

Sec.
141.1 Definitions.
141.2 General provisions regulations.

Subpart B—State Plans

141.3 Purpose.
141.4 Effect of State plan.
141.5 Effect of Department plan.
141.6 Program and operational procedures.
141.7 Submission.
141.8 Certificate of the State Attorney General or other appropriate State legal officer.
141.9 Approval by the Commissioner.
141.10 Ineligibility to participate.
141.11 State plan assurances.

Subpart C—State Administration

141.19 Establishment of principles to govern priorities.
141.20 Administrative review and evaluation.
141.21 Advisory committees.
141.22 Continuing review by Commissioner of State administration.

Subpart D—Federal Financial Participation

141.30 Equipment and minor remodeling.
141.31 Supervision and administration.
141.32 Public nature of funds.
141.33 Reallotment.
141.34 Allotment to the Department of Interior and the Department of Defense.

Subpart E—Acquisition of Equipment and Minor Remodeling

141.46 Equipment and minor remodeling eligible for Federal financial participation.
141.47 Equipment and minor remodeling costs eligible for Federal financial participation.
141.48 Use of equipment in other subject areas.

Subpart F—Supervision and Administration

141.54 Programs for supervision and related services.
141.55 Expansion or improvement.
141.56 Time basis for measurement of activities.

AUTHORITY: Secs. 301–304, Pub. L. 85–864, as amended, 72 Stat. 1588 (20 U.S.C. 441–444), unless otherwise noted.

Subpart A—Definitions; General Provisions

§ 141.1 Definitions.

As used in this part:

"Academic subjects" means the following elementary and secondary school subjects: The arts, civics, economics, English geography, history, the humanities, industrial arts, mathematics, modern foreign languages, reading, and science.

"Act" means the National Defense Education Act of 1958, 20 U.S.C. Ch. 17.

"Arts" includes, but is not limited to, music (instrumental and vocal), dance, drama, folk art, creative writing, architecture and allied fields, painting, sculpture, photography, graphic and craft arts, industrial design, costume and fashion design, film, television, radio, tape and sound recording, and the arts related to the presentation, performance, execution and exhibition of such major art forms.

"Audiovisual library" means a facility used for the acquisition, preparation, maintenance, and circulation of audiovisual materials for education in academic subjects in public elementary and secondary schools, and controlled and operated by a State or local educational agency or other public school authority below the State level.

"Class" means a group of students assembled for instruction for a given period of time under a teacher or teachers.

"Electronic digital and analog computing equipment" means electronic devices capable of input (receiving information), memory (storing information), programs (performing arithmetical and logical operations), and output (presenting the results of the processing). Input devices may be in the form of key or paper punches, magnetic tape impregnators, magnetic ink, printed characters, or keyboard. Memory devices may be in the form of magnetic drums, tapes, disks, cards, or cores. The term also includes output media which may be in the form of punch cards, magnetic or paper tape, printed copy, or visual display. (Special purpose computing devices and auxiliary equipment whose major application is in data processing and other business and administrative areas are not eligible except for those elements which may be essential for scientific problem solving or for mediating instruction in one of the academic subjects.)

"Equipment" means laboratory and other special equipment as defined in this section, including materials as defined in § 100.1 of this chapter.

"Humanities" includes, but is not limited to, the study of the following: Language, both modern and classic; linguistics; literature; history; jurisprudence; philosophy; archeology; the history, criticism, theory, and practice of the arts; and those aspects of the social sciences which have humanistic content and employ humanistic methods.

"Laboratory and other special equipment" (a) The term includes: (1) Fixed or movable articles, including electronic digital and analog computing equipment, which are particularly appropriate for use in providing education in academic subjects in a public elementary or secondary school and which are to be used either by teachers in connection with teaching or by students in learning in such subjects; (2) audiovisual equipment (including projectors, recorders, television cameras, television receivers, closed-circuit television distribution systems, and ancillary television projection and reception equipment to be used primarily for nonbroadcast purposes, except where broadcast takes the place of closed-circuit cable systems), to be used, either by teachers in connection with teaching or by students in connection with learning, primarily in providing education in academic subjects in a public elementary or secondary school; (3) materials (as defined in § 100.1 of this chapter) and devices (other than those used for printing, such as printing presses and offset printing machines) to be used for preparation of audiovisual and instructional materials for academic subjects; (4) storage equipment to be used solely for the care and protection of the items specified in paragraph (a) (1)–(3) of this definition, when used in laboratories or classrooms; (5) testgrading equipment to be used primarily in providing education in academic subjects in a public elementary or secondary school; and (6) specialized equipment for audiovisual libraries serving public elementary or secondary schools when such equipment is to be used primarily in providing education in academic subjects.

(b) The term excludes such items as general-purpose furniture, school public address systems, or items for the maintenance and repair of equipment. However, the term does include equipment for maintenance, repair, and storage of materials in audiovisual libraries.

"Local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as is recognized in a State as an administrative agency for its public elementary or secondary schools. It also includes any other public institution or agency having administrative control and direction of a public elementary or secondary school.

"Minor remodeling" (notwithstanding the definition set forth in § 100.1 of this chapter) means those minor alterations, in a previously completed building in space used or to be used a laboratory or classroom for education in academic subjects, which are needed to make effective use of equipment in providing education in such subjects. The term also includes those minor alterations in a previously completed building which are needed to make effective use of the items referred to in paragraph (a) (5)–(6) of the definition of "Laboratory and other special equipment" in this section. The term may also include the extension of utility lines, such as for water and electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of such previously completed building, to the extent needed to make effective use of equipment. The term does not include building construction, structural alterations to buildings, building maintenance, repair, or renovation.

"Project": (a) As applied to the acquisition of laboratory or other special equipment or minor remodeling the term means (1) a proposal submitted by a local educational agency, or agencies, or other public school authority below the State level, or (2) in cases where the State educational agency operates one or more public elementary or secondary schools or audiovisual libraries, a proposal submitted by the highest administrative officer of such school or audiovisual library.

(b) Proposals shall contain: (1) Description and current cost estimates of the equipment to be acquired or minor remodeling to be performed; (2) certification that the equipment is to be used primarily for providing education in academic subjects, except that in the case of storage equipment the certification shall be to the effect that the storage equipment will be used solely for the care and protection of equipment and materials used in providing such education; and (3) information showing the direct relationship of the proposed expenditures to the overall design for enriching the planned educational program and the achievement of desired curriculum goals in academic subjects.

"School" means a division of instructional organization consisting of a group of pupils comprised of one or more grade groups, organized on a class basis as one unit with one or more teachers to give instruction of a defined type, and housed in a school plant of one or more buildings. More than one school may be housed in one school plant as when elementary and secondary schools are so housed.

"Secondary school" means a school which provides secondary education, as determined under State law or, if such school is not in a State, as determined by the Commissioner. The term does not include any education provided beyond grade 12 except that (notwithstanding the definition set forth in § 100.1 of this chapter) it may include a public junior college when it is a part of or an extension of the secondary school system of the State as determined under State law.

"Services": (a) "Supervisory services" mean the services rendered by a qualified person in the promotion, maintenance, and improvement of instruction in one or more of the academic subjects;

(b) "Related Services" mean those technical activities which support supervisory services in academic subjects.

"Standards" are means for determining the suitability of equipment or minor remodeling as it relates to the improvement of instruction on one or more of the academic subjects in public elementary and secondary schools.

(a) With respect to equipment acquisition: "standards" mean criteria, categories of eligible equipment and materials, and such relevant information as the State wishes to use in determining eligibility, including any limitations, prohibitions, or minimum quality requirements developed by the State to encourage long-range planning and to ensure acquisition of equipment appropriate for a specific program of instruction.

(b) With respect to minor remodeling: "standards" are criteria for determining approvability of projects. Such standards shall include a requirement that there be a direct relationship between the minor remodeling and the improvement of instruction in the academic subjects.

"State" means a State of the Union, the District of Columbia, Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

"State educational agency" or "State agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Governor or by State law.

"Textbook" means a book, workbook, or manual which is used as the principal source of study material for a given class or group of students, a copy of which is

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expected to be available for the individual use of each pupil in that class or group of students.

(20 U.S.C. 403, 443)

§ 141.2 General provisions regulations.

Assistance under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters.

(20 U.S.C. 443)

Subpart B—State Plans

§ 141.3 Purpose.

(a) *States.* A basic condition for the payment of Federal funds to a State under sections 301–304 of the Act is a State plan that meets the requirements of sections 303(a) and 1004(a) of the Act in providing a program under which funds paid to the State under its allotment under section 302(a) of the Act will be expended solely for projects approved by the State educational agency for the acquisition of laboratory and other special equipment suitable for use in providing education in academic subjects, and minor remodeling.

(b) *Departments of Interior and Defense.* The basic condition for the payment of funds under Title III–A of the Act to the Department of the Interior or the Department of Defense is a plan which describes the projects to be carried out with the funds together with such other information and assurances as the Commissioner may require.

(20 U.S.C. 443(a), 588 (B))

§ 141.4 Effect of State plan.

The State plan, when approved by the Commissioner, shall constitute the basis on which Federal grants will be made, as well as a basis for determining the propriety of State and local expenditures in which Federal participation is requested.

(20 U.S.C. 443(a))

§ 141.5 Effect of Department plan.

A plan from the Department of the Interior or the Department of Defense, when approved by the Commissioner, shall constitute the basis on which payments will be made to those Departments under Title III–A of the Act and the basis for determining the propriety of the expenditures of those funds by those Departments.

(20 U.S.C. 588(B))

§ 141.6 Program and operational procedures.

(a) The administration of the program shall be kept in conformity with the approved plan, the regulations in this part, and Title III–A of the Act.

(b) A description of the program and operational procedures shall be recorded and made available to the public upon request.

(c) Whenever there is any material change in the content or administration of the program, or when there has been any material change in pertinent State law or in the organization, policies, or operations of the State agency affecting the program under the plan, the plan shall be appropriately amended.

(20 U.S.C. 443(a))

§ 141.7 Submission.

(a) (1) A State plan shall be submitted to the Commissioner by a duly authorized officer of the State agency. (2) A plan submitted by the Department of the Interior or the Department of Defense shall be submitted by an officer of that Department.

(b) A State plan shall give the official name of the agency which will administer the plan and shall indicate that such agency meets the criteria for a State educational agency.

(20 U.S.C. 443(a), 584(a)(3), 588(B))

§ 141.8 Certificate of the State Attorney General or other appropriate State legal officer.

The State plan shall also include as an attachment a certificate by the appropriate State legal officer to the effect that the State educational agency named in the plan is the agency having authority to administer the State plan or to supervise the administration of the State plan; that the State educational agency has authority under State law to develop, submit, and administer or supervise the administration of the plan; and that the State has authority under State law to carry out the State plan.

(20 U.S.C. 443(a))

§ 141.9 Approval by the Commissioner.

The Commissioner will approve each plan which he determines meets the applicable requirements of Title III–A of the Act and regulations in this part, and will notify the applicant of the granting or withholding of approval in each such case. However, no final action, other than one of approval, will be taken by the Commissioner unless he first notifies the applicant of his proposed action and affords the applicant a reasonable opportunity for a hearing on whether the affected plan meets such requirements.

(20 U.S.C. 443(b), 584(b))

§ 141.10 Ineligibility to participate.

Whenever the Commissioner, after reasonable notice and opportunity for a hearing, finds:

(a) That the plan fails to comply with the requirements of Title III–A of the Act or the regulations in this part; or

(b) that in the administration of the plan there is a failure to comply substantially with any such provisions, the Commissioner will notify the applicant that the applicant will not be regarded as eligible to participate in the program under Title III–A of the Act until the Commissioner is satisfied that there is no longer any such failure to comply.

(20 U.S.C. 584(c))

§ 141.11 State plan assurances.

Each State plan shall contain the following assurances:

(a) *Authority.* That the State agency will administer the plan and has adequate authority to do so under State law.

(b) *Fiscal procedures.* That the State agency has provided for such fiscal control and fund accounting procedures as will assure proper disbursement of and accounting for Federal funds paid to the State under the plan, including the funds paid by the State to local educational agencies. Subject to the applicable provisions of Part 100b of this chapter, such administration shall be conducted in accordance with applicable State laws, policies, and procedures.

(c) *Reports.* That the State agency will participate in periodic consultations and will make reports to the Commissioner, at such time, in such form, and containing such information, as the Commissioner may consider reasonably necessary to enable him to perform his duties under the Act and will keep such records and afford such access thereto, and will comply with such other requirements as the Commissioner may find necessary to assure the correctness and verification of such reports.

(d) *Description of program.* That the State agency has developed a program under which funds paid to the State from its allotment under section 302(a) of Title III–A of the Act will be expended solely for (1) projects approved by the State agency for the acquisition of (i) laboratory and other special equipment (other than supplies consumed in use), including audiovisual materials and equipment, (ii) printed and published materials (other than textbooks), suitable for use in providing education in academic subjects in public elementary and secondary schools, and (iii) testgrading equipment for those schools and specialized equipment for audiovisual libraries serving those schools; and (2) projects approved by the State agency for minor remodeling of laboratory or other space used for those materials or equipment. In addition that the State agency has developed a program under which funds paid to the State from its allotment under section 302(b) will be expended solely for projects for (i) expansion or improvement of supervisory and related services in public elementary and secondary schools, including leadership and services to local educational agencies to improve instruction in academic subjects, and (ii) for the administration of the State plan. The programs developed pursuant to sections 302(a) and 302(b) must either be set forth in the State plan itself or be incorporated therein by reference as separate existing and identified documents available for inspection by the Commissioner.

(e) *Principles for determining priority of projects.* That the State agency has established the principles that will be applied in determining the priority of and order of undertaking of projects for assistance under the provisions of Title III–A of the Act. Such principles must either be set forth in the State plan itself or be incorporated therein by reference as a separate existing and identified document available for inspection by the Commissioner.

(f) *Opportunity for hearing.* That the State agency has provided for an opportunity for a hearing before the State agency to any applicant for a project under Title III–A of the Act.

(g) *Standards.* That the State agency has established standards for laboratory and other special equipment to be acquired with assistance furnished under Title III–A of the Act and will advise the Commissioner of those standards. These standards are to be related to the State's program for improving instruction in academic subjects and shall be applied by the State in approving projects for the acquisition of equipment.

(h) *Financial participation.* Whether the State agency has established requirements to be imposed upon applicants for financial participation in projects assisted under Title III–A of the Act, including any provision for taking into account the resources available to any applicant for such participation relative to the resources for participation available to all other applicants. These requirements must either be set forth in the State plan itself or be incorporated therein by reference as a separate existing and identified document available for inspection by the Commissioner.

(20 U.S.C. 443, 584)

Subpart C—State Administration

§ 141.19 Establishment of principles to govern priorities.

In meeting the requirements contained in § 141.11(e), a State must provide a list of principles which reflect its major educational concerns in the academic subject fields and which have a bearing on the functioning of the Title III–A program. These principles are then to be used as a basis for the development of priorities. The priorities themselves, while not a required part of the State plan, must be prepared by the State to be used for the purpose of assigning relative importance and order of approval of projects submitted by local educational agencies under this part.

(20 U.S.C. 443(a)(2))

§ 141.20 Administrative review and evaluation.

The State agency and the Department of the Interior and the Department of Defense shall provide for the administration and supervision of all plan programs. Program and administrative review and evaluation shall be conducted by the State agency or the Department of the Interior or the Department of Defense, as the case may be, at least annually to appraise the status of the programs and their administration in terms of plan provisions and program objectives. The State agency shall include a report of such administrative review and evaluation in its annual report.

(20 U.S.C. 443, 584(a)(1), 588(B))

§ 141.21 Advisory committees.

If State advisory committees are used in one or more aspects of the State plan, the State agency shall establish policies for the establishment of the committees, for the qualification and selection of members, for the establishment of the duties of members and of the committee, and for the payment of committee expenses, if any.

(20 U.S.C. 443, 584)

§ 141.22 Continuing review by Commissioner of State administration.

In order to assist the State agency in adhering to statutory requirements and to the provisions of its approved State plan, the Commissioner will be responsible for conducting periodic reviews, including onsite reviews of the administration of programs under Title III–A of the Act. These reviews will involve analysis of activities and procedures used by State agencies to conduct the program, including the development and monitoring of management activities.

(20 U.S.C. 584)

Subpart D—Federal Financial Participation

§ 141.30 Equipment and minor remodeling.

The Federal Government will pay from each State's allotment an amount equal to one-half of the sums expended for the purchase of equipment and for minor remodeling, when expended for an approved project under an approved State plan. There can be no Federal financial participation in the expenditures for a project if the project, including any amendments thereto, had not been approved by the State agency prior to the incurrence of the expenditures.

(20 U.S.C. 444(a)).

§ 141.31 Supervision and administration.

The Federal Government will pay from each State's allotment for Title III–A of the Act one-half of the total sum expended by the State for supervision, related services, and administration in programs established under the approved State plan.

(20 U.S.C. 444(b))

§ 141.32 Public nature of funds.

The expenditures to be used in computing Federal financial participation must be made from public funds. Public funds do not include contributions by private organizations or individuals unless such contributions are deposited in accordance with State law to the account of the unit or agency of State or local government without such conditions or restrictions as would negate their public character.

(20 U.S.C. 444)

§ 141.33 Reallotment.

(a) If the Commissioner determines that any part of the amount allotted to any State for any fiscal year under section 302(a) of the Act will not be required for that year, that part will be available on such dates during that year as the Commissioner may fix for reallotment to other States. The reallotment will be made in proportion to the amounts originally allotted to other States for that year, except that the total amount available to each State will be reduced to the extent it exceeds the sum the Commissioner determines that that State needs and will be able to use for that year, and the total of such reductions shall be similarly reallotted among the States whose allotments were not so reduced.

(b) The amounts to be so reallotted will be determined by the Commissioner on the basis of (1) reports filed by the States of the amounts required to carry out the State plan approved by the Commissioner, and (2) such other information as he may have available. Each State agency shall, if requested, submit to the Commissioner, on such date or dates as he may specify, a report or reports showing the anticipated need during the current fiscal year for the amount previously allotted or any amount needed in addition thereto, and such other information as the Commissioner may request.

(c) If the Commissioner determines that any amount reserved for any fiscal year for making loans under section 305 of the Act will not be required for that year, that part shall be available for allotment to the States in the manner provided for reallotment of Title III–A funds under paragraph (a) of this section.

(20 U.S.C. 442(c))

§ 141.34 Allotment to the Department of the Interior and the Department of Defense.

The Commissioner will make allotments, according to their respective needs for the types of programs authorized under Title III–A of the Act, to the Secretary of the Interior for elementary and secondary schools operated for Indian children by the Department of the Interior, and to the Secretary of Defense for elementary and secondary schools operated for overseas dependents by the Department of Defense.

(20 U.S.C. 588(B))

Subpart E—Acquisition of Equipment and Minor Remodeling

§ 141.46 Equipment and minor remodeling eligible for Federal financial participation.

A State educational agency may approve projects for the acquisition, with Federal financial participation, of items or equipment, or for minor remodeling, for education in academic subjects only to the extent that equipment or minor remodeling for such academic subjects are covered by the State plan current at the time of project approval.

(20 U.S.C. 443)

§ 141.47 Equipment and minor remodeling costs eligible for Federal financial participation.

(a) *Equipment.* (1) Acquisition of equipment includes the costs of delivery to the school and installation. (2) Expenditures in which Federal participation is claimed may include the cost of raw or processed materials or component parts to be made into finished products or complete equipment units for instruction in academic subjects, including the cost of making and assembling the equipment.

(b) *Minor remodeling.* A minor remodeling project may include the costs of

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materials and the labor of local school or district personnel, provided that the costs are properly substantiated by documentation.

(20 U.S.C. 443)

§ 141.48 Use of equipment in other subject areas.

Equipment acquired under an approved project for academic subjects may be used when available and suitable in providing education in other subjects, if there exists a critical need therefor in the judgment of local school authorities. Equipment shall be deemed available only when it is not needed for the time being for use in academic subjects.

(20 U.S.C. 443)

[FR Doc.74-7273 Filed 3-28-74;8:45 am]

Public Health Service

[42 CFR Part 52]

EMERGENCY MEDICAL TECHNIQUES

Proposed Project Grants for Research

Notice is hereby given that the Assistant Secretary of Health, Office of the Secretary, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 52 of Title 42, CFR, "Grants for Research Projects."

The purpose of the proposed amendment is to implement section 1205 of the Public Health Service Act (42 U.S.C. 300d–4), which was added by section 2(a) of the Emergency Medical Services Systems Act of 1973, Pub. L. 93–154. Section 1205 of the Public Health Service Act authorizes the Secretary of Health, Education, and Welfare to make grants to public or private nonprofit entities for the support of research in emergency medical techniques, methods, devices, and delivery.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment of 42 CFR Part 52 to the Bureau of Health Services Research, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, on or before April 29, 1974. All comments received in response to this notice will be available for public inspection in the above-named office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

It is therefore proposed to amend 42 CFR Part 52 in the manner set forth below.

Dated: March 6, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: March 25, 1974.

CASPAR W. WEINBERGER,
Secretary.

1. The citation of authority is amended by adding the words "sec. 1205, 87 Stat. 597; U.S.C. 300d–4." As amended, the citation of authority reads as follows:

AUTHORITY: The provisions of this Part 52 issued under secs. 215, 58 Stat. 690, as amended, 301, 81 Stat. 504; (42 U.S.C. 216, 1857g). Secs. 301, 58 Stat. 691, as amended; 303, 70 Stat. 929; 304, 81 Stat. 534; 396, 79 Stat. 1063; 103, 81 Stat. 486; 204, 79 Stat. 998; (42 U.S.C. 241, 242a, 242b, 280b–6, 1857b, 3253); sec. 1205, 87 Stat. 597; 42 U.S.C. 300d–4. Reorganization Plan No. 3 of 1966, 31 FR 8855, 80 Stat. 1610; 3 CFR 1966 Comp.; Reorganization Orders and Delegations of Mar. 13, Apr. 1, 1968 (33 FR 4894, 5426) and Jan. 17, 1969 (34 FR 1279).

2. Section 52.1 is amended by revoking the words "grants for studies in providing services outside hospitals." As amended, § 52.1 reads as follows:

§ 52.1 Applicability.

The regulations of this part apply to grants for the support of health related research projects as set forth in § 52.10. They do not apply to general research support grants, demonstration grants, or other grants as may be authorized by law, such as grants for the construction of research facilities (see Part 57 of this chapter), for the construction of hospital or other medical facilities (see Part 53 of this chapter), for the award of fellowships (see Part 61 of this chapter), traineeships (see Part 63 of this chapter), or training grants (see Part 64 of this chapter).

3. Section 52.10 is amended by deleting the period at the end of paragraph (e) and inserting in lieu thereof "; and", and by adding a new paragraph (f), to read as follows:

§ 52:10 Nature and purpose of research project grant.

• • • • •

(f) Emergency medical techniques, methods, devices, and delivery as authorized by section 1205 of the Public Health Service Act (42 U.S.C. 300d–4).

4. In § 52.13, paragraph (a) is amended by adding at the end of the second sentence the words "and in the case of applications for support of research in emergency medical services, special consideration shall be given to applications for grants for research relating to the delivery of emergency medical services in rural areas." As amended, § 52.13(a) reads as follows:

§ 52.13 Evaluation and disposition of applications.

(a) *Evaluation.* All applications filed in accordance with § 52.12 shall be evaluated by the Secretary through such officers and employees and such experts or consultants engaged for this purpose as he determines are specially qualified in the areas of research involved in the project, including review by an appropriate National Advisory Council or other body as may be required by law. The Secretary's evaluation shall take into account among other pertinent factors the scientific merit and significance of the project, the competency of the proposed staff in relation to the type of research involved, the feasibility of the project, the likelihood of its producing meaningful results, the proposed project period, and the adequacy of the applicant's resources available for the project and the amount of grant funds necessary for completion, and in the case of application for support of research in emergency medical services, special consideration shall be given to applications for grants for research relating to the delivery of emergency medical services in rural areas.

• • • • •

[FR Doc.74-7270 Filed 3-28-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74 72]

DRAWBRIDGE OPERATION REGULATIONS

Chesapeake and Delaware Canal, Del.

At the request of the U.S. Army Corps of Engineers, the Coast Gaurd is considering amending the regulations for the Penn Central lift bridge across the Chesapeake and Delaware Canal to allow the use of radiotelephones in lieu of sound and visual signals to request the opening of this bridge when communications have been satisfactorily established. This amendment is being considered to assure maximum safety of navigation. This section will only apply to the Penn Central Railroad bridge because the Reedy Point drawbridge has been replaced by a high level fixed bridge.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Fifth Coast Guard District (oan), Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District, will forward any comments received before April 30, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by:

1. Amending the heading of § 117.235a to read as follows:

§ 117.235a Chesapeake and Delaware Canal, Del.; Penn Central Railroad vertical lift bridge.

• • • • •

2. Adding a new paragraph (c) to § 117.235a to read as follows:

§ 117.235a Chesapeake and Delaware Canal, Del.; Penn Central Railroad vertical lift bridge.

• • • • •

(c) This bridge is equipped with an FM radiotelephone station and those vessels equipped with an FM radiotelephone station may contact the bridge by radiotelephone via Channel 13 (or whatever channel is currently assigned by the Federal Communications Commission). Sound signals may be omitted if radiotelephone communications are satisfactorily established and maintained between the draw tender and the approaching vessel, until the vessel has passed through the lift span.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C 1655(g)(2)); 49 CFR 146(c)(5); 33 CFR 1.05–1(c)(4)).

Dated: March 21, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-7280 Filed 3-28-74;8:45 am]

[33 CFR Part 117]

[CGD 74 71]

DRAWBRIDGE OPERATION REGULATIONS

Chuckatuck Creek, Va.

At the request of the Virginia Department of Highways, the Coast Guard is considering revising the regulations for the drawbridge at mile 1.0 across Chuckatuck Creek, Nansemond, Virginia. Present regulations require that the draw open on signal from 7:00 a.m. to 3:00 p.m., daily except Sunday and at all other times if at least 4 hours notice is given. The proposed regulations would require at least 2 hours notice at all times. The requirement that the bridge open on signal from 7:00 a.m. to 3:00 p.m. is being eliminated because of limited openings of the bridge (52 from July 1971 through April 1973). The reduced notice time would allow sufficient time for Highway Department personnel to travel to the bridge for draw openings. The emergency requirement is being reworded in order to clarify its meaning.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, Fifth Coast Guard District (oan), Federal Building, 431 Crawford Street, Portsmouth, Vrginia 23705. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District, will forward any comments received before April 30, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising subparagraph (23) of paragraph (f) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

• • • • •

(f) • • •

(23) Chuckatuck Creek, Va.; Virginia Department of Highways bridge on U.S. Route 17 between Nansemond and Isle of Wight County. The draw shall open on signal if at least 2 hours notice is given. If an emergency exists the draw shall open as soon as possible.

• • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: March 21, 1974.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-7279 Filed 3-28-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–SO–34]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vidalia, Ga., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 29, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Vidalia transition area described in § 71.181 (39 FR 440) would be amended as follows:

"• • • longitude 82°22'15" W.) • • •" would be deleted and "• • • longitude 82°22'15" W.); within a 6.5-mile radius of Reidsville Airport, Reidsville, Ga. (latitude 32°03'19" N., longitude 82°-09'19" W.); within 3 miles each side of the 295° bearing from Prison RBN (latitude 32°03'27" N., longitude 82°09'09" W.), extending from the 6.5-mile radius area to 8.5 miles northwest of the RBN • • •" is substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Reidsville Airport. A prescribed instrument approach procedure to this airport, utilizing the Prison (private) Nondirectional Radio Beacon, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on March 21, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-7238 Filed 3-28-74;8:45 am]

[14 CFR Part 75]

[Airspace Docket No. 74–SO–18]

RNAV ROUTE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would alter a segment of RNAV Route No. J812R in the vicinity of Atlanta, Ga.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before April 29, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examinaiton by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would realign J812R between ALMA, Ga., and SHUTO as follows:

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Waypoint	Latitude-longitude	Ref. Facility	Rho/Theta
ALMA	31°22'1" N., 82°30'30" W.	SAV	243.7° M/80.5.
SINCA	33°05'19" N., 83°33'03" W.	AOS	250.4° M/76.3.
CANTE	34°19'29" N., 84°25'39" W.	CHA	135.5° M/52.4.
SHUTO	37°14'52" N., 85°21'50" W.	TYS	320° M/107.3.

As presently aligned, the route creates points of conflict with inbound traffic at LANDS and SINCA, and with outbound traffic at CANTE and SOCLE. Realignment as proposed would move the route centerline westward as much as 27 miles, thereby eliminating the points of conflict.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on March 25, 1974.

GORDON E. KEWER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-7237 Filed 3-28-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 545, 549]

[No. 74-59]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Authorization and Limitations of Issuing Negotiable Certificates of Deposit

JANUARY 30, 1974.

The Federal Home Loan Bank Board considers it desirable to propose to amend various sections of Parts 545 and 549 of the rules and regulations for the Federal Savings and Loan System (12 CFR Parts 545 and 549) for the purpose of authorizing Federal associations to issue negotiable certificates of deposit as described below. By a companion Resolution (Resolution No. 74-60; January 30, 1974), the Board proposes collateral amendments to the rules and regulations for Insurance of Accounts (12 CFR Ch. V, Subchapter D).

The principal amendment to said Part 545 would be to add a new § 545.1-5 thereto which would authorize, and place limitations on, the issuance of negotiable certificates of deposit. Under paragraph (a) of proposed § 545.1-5, each Federal association which has adopted the charter provision set forth in § 545.1-3 (12 CFR 545.1-3)—a "deposit-type" association—could accept savings deposits for fixed periods of time and bearing fixed rates of interest which are evidenced by certificates which by their form are negotiable instruments under the law of the State where the home office of the association is located. Negotiable certificates of deposit would have the same status and priority as is provided under § 545.1-2 (12 CFR 545.1-2) for savings deposits authorized by that section.

Paragraph (b) of proposed § 545.1-5 would permit payment of interest on negotiable certificates of deposit either monthly, quarterly, semiannually or at the conclusion of the fixed-term.

Paragraph (c) of proposed § 545.1-5 would set forth limitations on negotiable certificates of deposit. In substance, Federal associations would not be permitted to issue a negotiable certificate of deposit: (1) Which has a principal amount of less than $100,000; (2) which has a term of less than 30 days or more than 10 years; (3) which permits the association to redeem or accelerate payment of the certificate before the end of its fixed-term; (4) which permits the holder to add to it, or withdraw principal from it, before the end of its fixed-term; (5) which permits any renewal or extension at the end of its fixed-term; or (6) which provides for the payment of any interest after the end of its fixed-term.

Also, paragraph (c) of proposed § 545.1-5 would require that before the association could issue negotiable certificates of deposit, the association must obtain an opinion by its legal counsel that the form of the certificate complies with the requirements of applicable law (including applicable State negotiable instruments law) and regulations and the association's charter, and must submit the form of certificate and the legal opinion to the Federal Savings and Loan Insurance Corporation. The legal opinion would not need to be obtained if the association uses a form of certificate which has already been approved by the Corporation for use by Federal associations. At this time it is not expected that the Corporation will approve certificate forms for general use by all Federal associations until sufficient experience is gained concerning the form of negotiable certificates of deposit. As a result, each association desiring to issue negotiable certificates of deposit would have to first submit its certificate forms and legal opinions to the Corporation. Specific Board or staff approval of the certificate form would not be required by the regulation, but it is expected that an association would wait for a reasonable period of time for staff comments before beginning to issue a certificate form submitted to the Corporation.

Paragraphs (d) and (e) of proposed § 545.1-5 are concerned with the provisions to be set forth on the face of the certificate form. Under paragraph (e), a certificate which meets the requirements of paragraphs (c), (d) and (f) could be in such form as the board of directors of the association may determine. For example, it could be registered or nonregistered, be payable to bearer or to the order of a specified person or entity, or be a coupon-type instrument. Under paragraph (d), a negotiable certificate of deposit form would be required in substance to include in its provisions and display in easily read type: (1) The amount of the deposit and the date on which it is made; (2) the rate of interest to be paid, the date or dates on which principal is payable, and the date or dates or the frequency of payment of interest; (3) a statement as to deposit and withdrawal restrictions; and (4) a statement that interest will not accrue on, or be credited to, the deposit after the end of its fixed term.

Also, paragraph (d) of proposed § 545.1-5 would require the certificate form to disclose whether the holder of the certificate has membership and voting rights in the association. Under paragraph (f) of proposed § 545.1-5 the association's board of directors may decide whether to grant membership and voting rights to holders of negotiable certificates of deposit or designated classes thereof. However, if membership and voting rights are granted, the certificate would have to be in registered form.

The issuance of negotiable certificates of deposit would be subject to the restrictions of § 563.25 of the rules and regulations for Insurance of Accounts (12 CFR 563.25) concerning sales commissions and the use of brokers. Such issuance would also be subject to § 526.5-1 of the regulations for the Federal Home Loan Bank System (12 CFR 526.5-1) which places a percentage of total savings accounts limitation on certificate accounts of $100,000 or more paying a return at a rate in excess of 6.75 percent.

The Board also proposes to amend §§ 545.1-4, 545.2 and 545.4-1 of said Part 545 (12 CFR 545.1-4, 545.2 and 545.4-1) in connection with permitting the issuance of negotiable certificates of deposit. Section 545.1-4(a) would be amended by adding "and § 545.1-5" after the phrase "In addition to the savings deposits authorized by § 545.1-2" at the beginning thereof. Section 545.4-1 would be amended by adding a new paragraph (c) which would provide in substance that § 545.4-1 does not limit the authority of Federal associations to issue negotiable certificates of deposit.

Authorizing Federal associations to issue negotiable certificates of deposit requires several changes to § 545.2, captioned "Evidence of ownership". Generally, these changes deal with what records and proof of ownership would be required in connection with the issuance of negotiable certificates of deposit. Paragraph (a) of § 545.2 would be revised so that a Federal association issuing a negotiable certificate of deposit would not be required to obtain a signature card from the owner of such deposit if it is not in registered form. This change is desirable in connection with the issuance of negotiable certificates of deposit which are in bearer form and in order to facilitate distribution of negotiable certificates of deposit through a dealer or broker.

Paragraph (b) of § 545.2 is revised to make clear that at least for the time being the Board will not prescribe negotiable certificates of deposit forms as discussed above. Said paragraph (b) would also be revised by deleting the last sentence thereof since there are no longer any Federal associations holding Charter E.

Similar conforming amendments would be made to paragraphs (c) and (d) of § 545.2. It should be noted, however, that the second sentence of paragraph (c) would be revised and a new third sentence added to indicate that applicable State negotiable instruments law would determine the rules for valid and sufficient release of the association for any payment of a negotiable certificate of deposit.

Part 549 deals with the powers of a receiver and the conduct of a receivership. A new § 549.5-2 would be added thereto to make clear that written notifications required by §§ 549.5(a) and 549.5-1(b)(1) need not be sent to holders of negotiable certificates of deposit which are not in registered form.

Accordingly, the Board hereby proposes to amend said Parts 545 and 549 as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by April 30, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

1. Section 545.1-4(a) would be amended to read as follows:

§ 545.1-4 Other savings deposits.

(a) *General.* In addition to the savings deposits authorized by §§ 545.1-2 and 545.1-5, any Federal association which has a charter in the form of Charter N or Charter K (rev.) and which has adopted the charter provision set forth in § 545.1-3 may, subject to the provisions of this section, accept savings deposits for fixed periods of time and bearing fixed rates of interest, which savings deposits shall have the same status and priority as is provided under subparagraph (3) of paragraph (b) of § 545.1-2 for savings deposits authorized by that section. Holders of savings deposits authorized by this section shall, to the same extent as is provided in subparagraph (2) of paragraph (b) of § 545.1-2 for holders of savings deposits authorized by that section, be members of the association and have voting rights.

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2. A new § 545.1-5 to read as follows would be added immediately after § 545.1-4:

§ 545.1-5 Negotiable certificates of deposit.

(a) *General.* In addition to the savings deposits authorized by §§ 545.1-2 and 545.1-4, any Federal association which has adopted the charter provision set forth in § 545.1-3 may, subject to the provisions of this section, accept savings deposits for fixed periods of time and bearing fixed rates of interest which are evidenced by certificates which by their form are negotiable instruments under the law of the State where the home office of the association is located (hereinafter referred to as "negotiable certificates of deposit"). Negotiable certificates of deposit issued pursuant to the authority contained in this section shall have the same status and priority as is provided under § 545.1-2(b)(3) for savings deposits authorized by that section.

(b) *Payment of interest.* Interest on negotiable certificates of deposit authorized by this section shall be paid at the rate fixed, or negotiated on an individual basis, by the association prior to the acceptance of the deposit; but such rate shall not exceed the applicable maximum rate prescribed in Part 526 of this Chapter. The board of directors of the association shall provide that interest on such deposits, or designated classes thereof, shall be paid either monthly, quarterly, semiannually, annually, at the conclusion of the fixed term, or on any dates on which interest may be paid on savings deposits authorized by § 545.1-2. The board of directors of the association may provide for the payment of interest on negotiable certificates of deposit authorized by this section on the same basis, terms, and conditions as is provided for the distribution of earnings by § 545.1-1.

(c) *Limitations on negotiable certificates of deposit.* In accepting savings deposits under the authority contained in paragraph (a) of this section, a Federal association shall not:

(1) Issue any negotiable certificate of deposit of less than $100,000;

(2) Issue any negotiable certificate of deposit for a term of less than 30 days or more than 10 years;

(3) Issue any negotiable certificate of deposit which by its terms is subject to redemption or acceleration by the association;

(4) Issue any negotiable certificate of deposit which by its terms permits the holder thereof to add to or withdraw principal from such certificate of deposit before the end of its fixed-term;

(5) Issue any negotiable certificate of deposit under this section unless the association has first (i) obtained a written opinion by its legal counsel that the form of the certificate complies with the requirements of applicable law and regulations and the association's charter, which opinion shall be retained by the association so long it continues to issue certificates in such form, and (ii) submitted a copy of such certificate, together with a copy of such legal opinion, to the Federal Savings and Loan Insurance Corporation: *Provided*, That such legal opinion need not be obtained if the association uses a form of negotiable certificate of deposit which has already been approved by the Corporation for use by Federal associations;

(6) Issue any negotiable certificate of deposit which by its terms permits any renewal or extension at the end of its fixed-term; or

(7) Issue any negotiable certificate of deposit which provides for the payment of any interest for any period during which the funds deposited remain with the association after the end of the fixed-term of the savings deposit evidenced by such certificate.

(d) *Provisions required in negotiable certificates of deposit.* Each negotiable certificate of deposit issued by a Federal association pursuant to the authority contained in paragraph (a) of this section shall include in its provisions and display in easily read type:

(1) The amount of the deposit and the date on which it is made;

(2) The rate of interest to be paid, the date or dates on which principal is payable, and the date or dates or the frequency of payment of interest;

(3) A statement that the holder of the certificate is not permitted to add to, or withdraw principal from, the savings deposit evidenced by the certificate before the end of its fixed-term;

(4) A statement that no interest shall accrue on, or be credited to, the savings deposit evidenced by the certificate after the end of its fixed-term; and

(5) A statement as to whether the holder of the certificate has membership and voting rights in the association.

(e) *Form of certificate.* Certificates evidencing savings deposits accepted pursuant to the authority contained in this section shall, subject to paragraphs (c), (d) and (f) of this section, be in such form as the board of directors of the association may determine. Such certificates shall not be incorporated in passbooks.

(f) *Membership and voting rights.* The board of directors of the Federal association shall determine whether holders of savings deposits evidenced by negotiable certificates of deposit issued pursuant to the authority contained in this section, or designated classes thereof, are membrs of the association and have voting rights as provided in § 545.1-2(b)(2) for holders of savings deposits authorized by that section. If the board of directors determines that holders of negotiable certificates of deposit are members of the association and have voting rights, such holders shall have membership and voting rights to the same extent provided in § 545.1-2(b)(2) for holders of savings deposits authorized by that section. If the holders of negotiable certificates of deposit are given membership and voting rights, the name and address of the owner of the certificate shall be registered on the books of the association and the certificate shall be made transferable only on such books.

Section 545.2 would be revised to read as follows:

§ 545.2 Evidence of ownership.

(a) *Signature card.* In connection with the issuance of a savings account other than a negotiable certificate of deposit issued under § 545.1-5 which is not in registered form, a Federal association shall obtain a card containing the signature of the owner of such account or his duly authorized representative and shall preserve such signature card in the records of the association.

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(b) *Account books and certificates.* A Federal association that has Charter N or Charter K (rev.) shall issue to each holder of its savings accounts an account book, or a separate certificate, evidencing the ownership of the account and the interest of the holder thereof in the capital of such Federal association. Each such certificate shall be in form prescribed by the Board. (The Board has prescribed for use by all Federal associations that have Charter K, forms of certificates evidencing the ownership of savings share accounts, short-term savings share accounts, and investment share accounts; and has prescribed for use by all Federal associations that have Charter N or Charter K (rev.) forms of certificates, other than a negotiable certificate of deposit, evidencing ownership of savings accounts. Illustrative copies of these forms may be obtained from the Federal Home Loan Bank Board, Washington, D.C., or from any Federal Home Loan Bank.)

(c) *Ownership of record.* A Federal association may treat the holder of record of a savings account, including a negotiable certificate of deposit which is in registered form, as the owner for all purposes without being affected by any notice to the contrary unless such Federal association has acknowledged in writing notice of a pledge of such savings account or notice of a transfer or negotiation of such a negotiable certificate of deposit. The receipt or acquittance of any member, including a minor person or a married woman, who holds a savings account other than a negotiable certificate of deposit shall be a valid and sufficient release and discharge of the association for any payment to such person on any savings account. Valid and sufficient release and discharge of the association for any payment of a negotiable certificate of deposit shall be determined under applicable State negotiable instruments law. Savings accounts of a Federal association, other than negotiable certificates of deposit which are not in registered form, shall be transferable only upon the books of the association and upon proper application by the transferee and the acceptance of the transferee as a member upon terms approved by the board of directors.

(d) *Duplicate account books and certificates.* Upon filing with a Federal association by the holder of record as shown by the books of the association, by the holder of a negotiable certificate of deposit, or by a legal representative of either of such holders, of an affidavit to the effect that the certificate or account book evidencing his savings account with the association has been lost or destroyed, and that such certificate or account book has not been pledged or assigned in whole or in part, and in the case of a negotiable certificate of deposit has not been transferred by him, such Federal association shall issue a new certificate or account book evidencing such savings account in the name of the holder of record or such holder of a negotiable certificate of deposit: *Provided*, That the board of directors shall, if in its judgment it is necessary, require a bond in an amount sufficient to indemnify the association against any loss which might result from the issuance of such new certificate or account book.

4. A new paragraph (c) to read as follows would be added to § 545.4–1:

§ 545.4–1 Payments to third parties by withdrawals or transfer of savings accounts; checks and money orders.

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(c) *Negotiable certificates of deposit.* Nothing in this section shall limit the authority of Federal associations under § 545.1–5 to accept savings deposits for fixed periods of time and bearing fixed rates of interest which are evidenced by certificates which by their form are negotiable instruments under the law of the State where the home office of the association is located.

5. A new § 549.5–2 to read as set forth below would be added immediately after § 549.5–1:

§ 549.5–2 Notifications required in this part.

The written notifications required by the fifth sentence of § 549.5(a) and the fifth sentence of § 549.5–1(b)(1) need not be sent to holders of negotiable certificates of deposit issued pursuant to § 545.1–5 of this chapter which are not in registered form.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-7335 Filed 3-28-74;8:45 am]

[12 CFR Parts 563, 564]

[No. 74–60]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Proposed Approval of Issuing Negotiable Fixed-Rate, Fixed-Term Accounts

JANUARY 30, 1974.

The Federal Home Loan Bank Board considers it desirable to propose to amend various sections of Parts 563 and 564 of the rules and regulations for Insurance of Accounts (12 CFR Parts 563 and 564) for the purpose of approving the issuance of negotiable fixed-rate, fixed-term accounts by insured institutions as described below. By a companion Resolution (Resolution No. 74–59; January 30, 1974), the Board proposes collateral amendments to the rules and regulations of the Federal Savings and Loan System (12 CFR Ch. V, Subchapter C).

The principal amendment to said Part 563 would be to add a new § 563.3–3 thereto which would approve, and place limitations on, the issuance of negotiable fixed-rate, fixed-term accounts. Under paragraph (a) of proposed § 563.3–3, each insured institution could accept accounts bearing a definite rate of return for fixed periods of time evidenced by certificates which by their form are negotiable instruments under the law of the State where the principal office of the institution is located. A certificate which meets the provisions of paragraphs (b), (c) and (d) of proposed § 563.3–3 could be in such form as the board of directors of the institution may determine. For example, it could be registered or nonregistered, be payable to bearer or to the order of a specified individual or entity, or be a coupon-type instrument.

Paragraph (b) of proposed § 563.3–3 would set forth limitations on negotiable fixed-rate, fixed-term accounts. In substance, insured institutions would not be permitted to issue a negotiable fixed-rate, fixed-term account: (1) which has a principal amount of less than $100,000; (2) which has a term of less than 30 days or more than 10 years; (3) which permits the association to redeem or accelerate payment of the certificate before the end of its fixed-term; (4) which permits the holder to add to it, or withdraw principal from it, before the end of its fixed-term; (5) which permits any renewal or extension at the end of its fixed-term; or (6) which provides for the payment of any interest after the end of its fixed-term.

Also, paragraph (b) of proposed § 563.3–3 would require that before the insured institution could issue negotiable certificates of deposit, the institution must obtain an opinion by its legal counsel that the form of certificate complies with the requirements of applicable law (including applicable State negotiable instruments law) and regulations and the institution's charter, and must submit the form of certificate and the legal opinion to the Federal Savings and Loan Insurance Corporation. The legal opinion would not need to be obtained if the institution uses a form of certificate which has already been approved by the Corporation for use by institutions in the State where the institution is located. At this time it is not expected that the Corporation will approve certificate forms for general use by all insured institutions in a particular State until sufficient experience is gained concerning the form of negotiable certificates of deposit. As a result, each institution desiring to issue negotiable fixed-rate, fixed-term accounts would have to first submit its cretificate forms and legal opinions to the Corporation. Specific Board or staff approval of the certificate form would not be required by the regulation, but it is expected that an institution would wait for a reasonable period of time for staff comments before beginning to issue a certificate form submitted to the Corporation.

Paragraph (c) of proposed § 563.3–3 is concerned with the provsions to be set forth on the face of the certificate form. The certificate form would be required to include in its provisions and display in easily read type: (1) The amount of the deposit and the date on which it is made;

(2) the rate of interest to be paid, the date or dates on which principal is payable, and the date or dates or frequency of payment of interest; (3) a statement as to deposit and withdrawal restrictions; (4) a statement that interest will not accrue on, or be credited to, the deposit after the end of its fixed-term; and (5) whether the holder of the certificate has membership and voting rights in the institution.

Paragraph (d) of proposed § 563.3–3 would require that if the holders of negotiable fixed-rate, fixed-term accounts have membership and voting rights in the insured institution, the name and address of the owner of the account shall be registered on the books of the institution and the certificate evidencing the account shall be made transferable only on such books.

The issuance of negotiable fixed-rate, fixed-term accounts would be subject to the restrictions of § 563.25 of the rules and regulations for Insurance of Accounts (12 CFR 563.25) concerning sales commissions and the use of brokers. Such issuance would also be subject to § 526.5–1 of the regulations for the Federal Home Loan Bank System (12 CFR 526.5–1) which places a percentage of savings limitation on certificate accounts of $100,000 or more paying a return at a rate in excess of 6.75 percent.

The Board aslo proposes to amend §§ 563.3–1, 563.4, 563.7–2 and 563.17–1 (12 CFR 563.3–1, 563.4, 563.7–2 and 563.17–1) in connection with approving the issuance of negotiable fixed-rate, fixed-term accounts. Section 563.3–1(a) would be amended by adding the phrase "In addition to accounts approved by § 563.3–3" at the beginning thereof. Section 563.7–2(a) would be amended by adding § 563.3–3 to the list of sections referred to therein.

Section 563.4, captioned "Transfer of securities", presently requires that all securities issued by an insured institution shall be made transferable only on the books of the institution. This section would be revised so that negotiable fixed-rate, fixed-term accounts which are not in registered form would not be required to be made transferable only on the books of the institution.

Section 563.17–1(c)(5), captioned "Records with respect to insured accounts", would be revised so that the records of an insured institution would not be required to contain the signature of the holder of a negotiable fixed-rate, fixed-term account which is not in registered form. Such records would be required to reflect the balance in such account, however.

Part 564 of the rules and regulations for Insurance of Accounts (12 CFR Part 564) deals with settlement of insurance. Paragraph (a) of § 564.1 (12 CFR 564.1) captioned "Settlement of insurance upon default", would be amended to indicate that the Corporation need not send written notice of the time and place of payment of insurance to the holders of negotiable certificates of deposit and negotiable fixed-rate, fixed-term accounts which are not in registered form. If the institution has outstanding at the time of default such a deposit or account which is not in registered form, the Corporation would be required, however to publish, in a newspaper of general circulation in the area in which such institution's principal office is located, a notice to all account holders of such institution of the time and place of payment of insurance.

Section 564.2 (12 CFR 564.2) sets forth general principles applicable in determining the insured members of an insured institution and the amount of their insured accounts. Paragraph (b)(1) thereof states, in part, that "The account records of the insured institution shall be conclusive as to the existence of any relationship pursuant to which the funds in the account are invested and on which a claim for insurance coverage is founded * * *." A new paragraph (b)(5) would be added to § 564.2 which would provide that paragraph (b) does not apply with respect to negotiable certificates of deposit and negotiable fixed-rate, fixed-term accounts which are not in registered form. Paragraph (b)(5) would require that affirmative proof must be offered in all cases to substantiate a claim by the holder of such a deposit or account as to the existence of any relationship upon which a claim for insurance coverage is founded.

A new § 564.13, captioned "Accounts evidenced by negotiable certificates", would be added to Part 564 which would be comparable to a similar regulation of the Federal Deposit Insurance Corporation (12 CFR 330.11). In substance, new § 564.13 would provide that the holder of a negotiable certificate of deposit or a negotiable fixed-rate, fixed-term account which is not in registered form will be recognized for all purposes involving claims in connection with settlement of insurance upon default as if the name and interests of such holder could be determined from the books and records of the insured institution. However, the certificate must have been negotiated to such holder prior to the date of the closing of the institution and affirmative proof of such negotiation must be offered in all cases to substantiate the claim. In that connection, a new example of insurance coverage for negotiable certificates of deposit and negotiable fixed-rate, fixed-term accounts would be added to the Appendix to Part 564. The purpose of the example is to explain that the insurance coverage as to the holders of a certificate evidencing such a deposit or account is unaffected by the insurance coverage which was afforded to a previous holder of such certificate.

Accordingly, the Board hereby proposes to amend said Parts 563 and 564 as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by April 30, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

1. Section 563.3–1(a) would be revised to read as follows:

§ 563.3–1 Fixed-rate, fixed-term accounts.

(a) *General approval.* In addition to accounts approved by § 563.3–3, a State-chartered institution which, in accordance with State law, may accept accounts bearing a definite rate of return for fixed periods of time (hereinafter referred to as "fixed-rate, fixed-term accounts") and whose board of directors has adopted a resolution providing for the issuance of such fixed-rate, fixed-term accounts may, subject to the limitations contained in paragraph (b) of this section and to the disclosure provisions contained in paragraph (c) of this section, issue certificates evidencing such fixed-rate, fixed-term accounts in such form as the board of directors of the institution may determine.

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2. A new § 563.3–3 to read as follows would be added immediately following § 563.3–2:

§ 563.3–3 Negotiable fixed-rate, fixed-term accounts.

(a) *General approval.* In addition to accounts approved by § 563.3–1, a State-chartered institution which, in accordance with State law, may accept accounts bearing a definite rate of return for fixed periods of time evidenced by certificates which by their form are negotiable instruments under the law of the State in which the principal office of the institution is located (hereinafter referred to as "negotiable fixed-rate, fixed-term accounts") and whose board of directors has adopted a resolution providing for the issuance of such negotiable fixed-rate, fixed-term accounts may, subject to paragraphs (b), (c) and (d) of this section, issue certificates evidencing such negotiable fixed-rate, fixed-term accounts in such form as the board of directors of the institution may determine.

(b) *Limitations.* In issuing certificates evidencing negotiable fixed-rate, fixed-term accounts pursuant to the approval contained in paragraph (a) of this section, an insured institution shall not:

(1) Issue any negotiable fixed-rate, fixed-term account of less than $100,000;

(2) Issue any negotiable fixed-rate, fixed-term account for a term of less than 30 days or more than 10 years;

(3) Issue any negotiable fixed-rate, fixed-term account which by its terms is subject to redemption or acceleration by the institution;

(4) Issue any negotiable fixed-rate, fixed-term account which by its terms permits the holder thereof to add to or

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withdraw principal from such account before the end of its fixed-term;

(5) Issue any negotiable fixed-rate, fixed-term account under the approval contained in this section unless the institution has first (i) obtained a written opinion by its legal counsel that that form of certificate evidencing such account complies with the requirements of applicable law and regulations and the institution's charter, which opinion shall be retained by the institution so long as it continues to issue certificates in such form, and (ii) submitted a copy of such form of certificate, together with a copy of such legal opinion, to the Federal Savings and Loan Insurance Corporation: *Provided*, That such legal opinion need not be obtained if the institution uses a form of certificate which has already been approved by the Corporation for use by insured institutions in the State where such institution is located;

(6) Issue any negotiable fixed-rate, fixed-term account which by its terms permits any renewal or extension at the end of its fixed-term; or

(7) Issue any negotiable fixed-rate, fixed-term account which provides for the payment of any interest for any period during which the funds in the account remain with the institution after the end of the fixed-term of such account.

(c) *Provisions required in negotiable fixed-rate, fixed-term accounts.* Each certificate evidencing a negotiable fixed-rate, fixed-term account accepted pursuant to the approval contained in paragraph (a) of this section shall include in its provisions and display in easily read type:

(1) The amount of the negotiable fixed-rate, fixed-term account and the date on which it is issued;

(2) The rate of interest to be paid, the date or dates on which principal is payable, and the date or dates or frequency of payment of interest;

(3) A statement that the holder of the certificate is not permitted to add to, or withdraw principal from, the savings account evidenced by the certificate before the end of its fixed-term;

(4) A statement that no interest shall accrue on, or be credited to, the savings account evidenced by the certificate after the end of its fixed-term; and

(5) A statement as to whether the holder of the certificate has membership and voting rights in the institution.

(d) *Membership and voting rights.* If the holders of negotiable fixed-rate, fixed-term accounts, or designated classes thereof, have membership and voting rights in the insured institution, the name and address of the owner of the account shall be registered on the books of the institution and the certificate evidencing the account shall be made transferable only on such books.

3. Section 563.4 would be revised to read as follows:

§ 563.4 Transfer of securities.

Except for negotiable certificates of deposit and certificates evidencing negotiable fixed-rate, fixed-term accounts which are not in registered form, all securities issued by an insured institution shall be made transferable only on the books of the insured institution.

4. Section 563.7–2 would be revised to read as follows:

§ 563.7–2 Form, return, and maturity of securities.

Securities of any insured institution which are (a) in conformity with § 563.3–1, § 563.3–2, § 563.3–3, or § 563.8–1 or § 545.24 of this chapter, (b) issued in connection with any borrowing which is in conformity with § 563.8, (c) issued in connection with any transaction which is not a borrowing or the issuance of a savings account and is not in nonconformity with the terms of any provision of this part which by its terms is applicable to such transaction, or (d) issued with specific prior approval of the Corporation are, as to form, return, and maturity (as referred to in those parts of the third sentence of subsection (b) of section 403 of the National Housing Act, as now or hereafter in effect, which refer to the form, return, and maturity of securities), hereby approved by the Corporation.

5. Section 563.17–1(c)(5) would be revised to read as follows:

§ 563.17–1 Examinations and audits; appraisals; establishment and maintenance of records.

* * * * * *

(c) *Establishment and maintenance of records.* * * *

(5) *Records with respect to insured accounts.* Except as provided in the next sentence of this paragraph (c)(5), the records of an insured institution with respect to each withdrawable or repurchasable share, investment certificate, deposit, or savings account issued by such institution shall include the signature of the owner of such account or his duly authorized representative, together with a record reflecting the balance in such account. The records of an insured institution with respect to each negotiable certificate of deposit and certificate evidencing a negotiable fixed-rate, fixed-term account which are not in registered form need not include the signature of the holder of such certificate but shall reflect the balance in such account.

* * * * * *

6. Section 564.1(a) would be revised to read as follows:

§ 564.1 Settlement of insurance upon default.

(a) *General.* In the event of a default by an insured institution, the Corporation will promptly determine, from the savings account contracts and the books and records of the institution, the insured members thereof and the amount of the insured account of each such member. The Corporation will give to each member (except holders of negotiable certificates of deposit and negotiable fixed-rate, fixed-term accounts which are not in registered form) written notice of the time and place of payment of insurance by mail at the last known address as shown on the books of the insured institution. If an insured institution has outstanding at the time of default any negotiable certificates of deposit or certificates evidencing negotiable fixed-rate, fixed-term accounts which are not in registered form, the Corporation shall also, concurrently with the mailing of such written notice, publish (in a newspaper printed in the English language and of general circulation in the city or county in which the principal office of such insured institution is located) a notice to all account holders of such insured institution of the time and place of payment of insurance.

* * * * * *

7. Section 564.2(b) would be revised by adding a new subparagraph (5) thereto to read as follows:

§ 564.2 General principles applicable in determining insurance of accounts.

* * * * * *

(b) *Records.* * * *

(5) The provisions of this paragraph shall not apply with respect to "negotiable certificates of deposit" issued pursuant to § 545.1–5 of this chapter and "negotiable fixed-rate, fixed-term accounts" issued pursuant to the approval contained in § 563.3–3 of this chapter which are not in registered form. Affirmative proof must be offered in all cases to substantiate a claim by the holder of such a deposit or account as to the existence of any relationship upon which a claim for insurance coverage is founded.

* * * * * *

8. A new § 564.13 to read as follows would be added immediately after § 564.12:

§ 564.13 Accounts evidenced by negotiable certificates.

A "negotiable certificate of deposit" issued pursuant to § 545.1–5 of this chapter and a "negotiable fixed-rate, fixed-term account" issued pursuant to the approval contained in § 563.3–3 of this chapter which is not in registered form will be recognized for all purposes involving claims in connection with settlement of insurance upon default as if the name and interests of such holder could be determined from the books and records of the insured institution as required by this Part 564: *Provided*, That the certificate evidencing such deposit or account was in fact negotiated to such holder prior to the date of the closing of the insured institution. Affirmative proof of such negotiation must be offered in all cases to substantiate the claim.

9. A new Section H and a new example of insurance coverage would be added at the end of the Appendix following Part 564 to read as follows:

APPENDIX—EXAMPLES OF INSURANCE COVERAGE AFFORDED ACCOUNTS IN INSTITUTIONS INSURED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

* * * * *

H. NEGOTIABLE CERTIFICATES OF DEPOSIT AND NEGOTIABLE FIXED-RATE, FIXED-TERM ACCOUNTS

Example 1

Question: A has $100,000 invested in a negotiable certificate of deposit. A transfers the certificate of deposit to B, who has $20,000 in a single-ownership account. B then transfers the certificate of deposit to C. What is the insurance coverage?

Answer: While A holds the certificate of deposit, it is insured for $20,000, leaving $80,000 uninsured. While B holds the certificate of deposit, it is added to his single-ownership account and his insurance coverage is $20,000, leaving $100,000 uninsured. While C holds the certificate of deposit, it is insured for $20,000 leaving $80,000 uninsured.

(Secs. 402, 403, 405, 48 Stat. 1256, 1257, 1259, as amended; (12 U.S.C. 1725, 1726, 1728). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–7336 Filed 3–28–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1001, 1002, 1004, 1015, 1033, 1036, 1040, 1049]

[Docket Nos. AO–14–A53, etc.]

MILK IN THE BOSTON REGIONAL AND CERTAIN OTHER MARKETING AREAS

Partial Decision on Proposed Amendments

In the matter of:

7 CFR Part	Marketing area	Docket No.
1001	Boston Regional	AO 14–A53.
1002	New York-New Jersey	AO 71–A68.
1004	Middle Atlantic	AO 160–A51.
1015	Connecticut	AO 305–A31.
1033	Ohio Valley	AO 166–A44.
1036	Eastern Ohio-Western Pennsylvania.	AO 179–A39.
1040	Southern Michigan	AO 225–A28.
1049	Indiana	AO 319–A22.

A public hearing was held upon proposed amendments to the marketing agreements and the orders regulating the handling of milk in the aforesaid marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Washington, D.C., on February 20–28, 1974, pursuant to notice thereof issued on February 14, 1974 (39 FR 5642).

The material issues on the record of the hearing relate to:

1. The immediate need for making inoperative the butter-powder formula under each order during the next few months.

2. Appropriate longer-term basis of pricing reserve milk under the eight orders.

3. Whether an emergency exists to warrant the omission of a recommended decision.

Sixteen proposals concerning the pricing of milk to which the butter-powder formula applies were submitted by interested parties for consideration at the hearing. Certain of the proposals called for either emergency suspension or immediate amendment action with respect to elimination of the butter-powder pricing formula. Other proposals involved adoption of new pricing formulas.

This partial decision deals with issues 1 and 3. Issue 2 is reserved for later decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *The immediate need for making inoperative the butter-powder formula under each order during the next few months.* The price for reserve milk disposed of in manufacturing uses other than butter and nonfat dry milk in the eight markets under consideration should not be based on the butter-powder formula price but rather on the average of prices paid for manufacturing grade milk in Minnesota and Wisconsin. Milk utilized in butter and nonfat dry milk production in this April–July 1974 period should be priced below such Minnesota-Wisconsin price by the amount, not to exceed 50 cents, that the butter-powder formula price is less than the Minnesota-Wisconsin price.

Since mid-1968 in the four northeastern markets and for several years prior thereto in the other four markets, reserve milk (Class II milk under the Boston Regional, Connecticut, Indiana, Middle Atlantic, and New York-New Jersey orders and Class III milk under the Eastern Ohio-Western Pennsylvania, Ohio Valley, and Southern Michigan orders) has been priced at the lower of either the Minnesota-Wisconsin price or a butter-nonfat dry milk formula price. Except for a few occasions, these two pricing formulas have been in close alignment. Annually, the butter-powder formula price and the Minnesota-Wisconsin price have been in relative balance. For instance, the butter-powder formula price averaged 5 cents per hundredweight below the Minnesota-Wisconsin price in 1968, 17 cents below in 1969, 10 cents below in 1970, 6 cents above in 1971, 2 cents below in 1972, and 7 cents below in 1973.

Since January 1, 1969, there have been three periods when the Minnesota-Wisconsin price and the butter-powder formula price varied by more than 25 cents per hundredweight. The first period was October-December 1969 and January-April 1970 when the Minnesota-Wisconsin price varied from 31 to 42 cents over the butter-powder formula price; the second period was in August and September 1973 when the butter-powder formula price exceeded the Minnesota-Wisconsin price 36 and 33 cents, respectively; and finally, since October 1973, the Minnesota-Wisconsin price has exceeded the butter-powder formula price by $0.47, $0.78, $1.13, and $1.18 for October, November, and December 1973, and January 1974, respectively.

This current unprecedented price disparity between these two formulas is a result of a $2.32 increase since July 1973 in the prices paid for manufacturing grade milk as reflected in the Minnesota-Wisconsin pay price series compared to an increase of $1.00 in the butter-powder formula price. Substantive differences between the two price formulas are likely to continue at least through the immediate peak production months.

Substantial quantities of milk used to produce manufactured dairy products are associated with the eight orders. The annual volume of reserve milk supplies priced under the eight orders in 1971, 1972, and 1973 ranged from 26 to 28 billion pounds. Such reserve supplies have represented about 45 percent of the total volume of Class II and Class III milk priced under all Federal milk orders. Moreover, nearly 40 percent of the reserve supplies in the eight markets is produced during the four-month period, April–July.

When considered collectively for all eight markets, the principal regular outlets for reserve milk is in the so-called soft products such as cream, cottage cheese, ice cream, and ice milk mixes and condensed products. To a lesser extent, reserve milk in the eight markets is also used in hard cheese production. During the months of seasonally high production, significant quantities of butter and nonfat dry milk are processed since producer receipts exceed the volume of milk that can be utilized in the other lowest class use outlets.

The butter-powder formula was adopted under these orders principally on the basis that butter and nonfat dry milk plants were used to process milk in excess of Class I and soft product uses. Recently hard cheese production has increased in this northeastern region and such outlet for milk now accounts for a greater proportion of the market for seasonal reserve milk supplies.

A compelling reason that immediate action be taken is to eliminate the competitive disparity that currently exists between processors of reserve milk in the eight markets under consideration and similar processors in other Federal orders and unregulated processors of manufactured dairy products. The competitive market for products manufactured from reserve milk is essentially national in scope. Hence, dairy products manufactured from Federal order priced reserve milk compete with products made from unregulated manufacturing grade milk. In recognition of this fact, it is essential that prices for reserve milk be maintained at comparable levels among Federal order markets with prevailing competitive pay prices for manufacturing grade milk at plants buying such milk.

Under existing circumstances, the current prices of reserve milk as established by the butter-powder price formula in

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the eight markets under consideration are substantially below the competitive market value of milk for similar uses in other Federal orders as well as the prices being paid by unregulated processors of manufacturing grade milk. Processors of reserve milk in the eight markets have a substantially lower milk cost and thus higher gross margins are available to them than for their competitors. This disparity, if permitted to continue, will lead to dislocation of normal production and processing patterns and disruption of normal efficient marketing channels. To achieve competitive equality it is necessary to provide uniform pricing of reserve milk under the eight orders herein considered and the adjacent nearby orders to the West as well as align such prices with the competitive pay prices being paid for the majority of unregulated manufacturing grade milk in the United States. It is concluded, therefore, that this objective can best be achieved through the use of the Minnesota-Wisconsin price series.

It is quite evident that current reserve milk prices in the eight markets herein considered are not providing producers a return for that portion of their milk utilized in manufactured dairy products reflecting its full use value. Producers should not be expected to continue to accept less for their milk not needed for Class I uses than its full use value.

The current lower reserve price levels are provided by the butter-powder price formula are significantly depressing the uniform price received by producers. The amount of this depressing effect on uniform prices varies among markets by the proportion of reserve milk for a particular market in a given month. However, the record evidence indicated that the relative impact on uniform prices of using the butter-powder formula price rather than the Minnesota-Wisconsin price in determining reserve milk prices for the four-month period, October 1973–January 1974, in five markets (New York-New Jersey, Boston Regional, Connecticut, Middle Atlantic, and Eastern Ohio-Western Pennsylvania) was a weighted average reduction of nearly 32 cents per hundredweight.

Under this price depressing situation, dairy farmers are not encouraged to maintain milk production at levels necessary to meet current and anticipated market needs for milk and milk products. For the eight markets under consideration, total producer receipts in 1973 decreased 4.8 percent from 1972. Receipts in December were 4.6 percent below a year ago. The percentage of producer milk utilized in Class I in the eight markets increased from 60.3 percent in 1972 to 62.4 percent in 1973. Utilization of Class I milk in December 1973 was 64.4 percent.

Under these market conditions, an immediate increase in reserve milk prices will help encourage the production of adequate supplies of milk since total U.S. milk production is less than domestic demand for milk and the markets represent a large proportion of total U.S. milk production.

Certain producer groups strongly urged that the current inequities in reserve milk pricing in the eight orders can best be achieved by immediately suspending the application of the butter-powder price formula. Under this proposal, all reserve milk would be priced at the Minnesota-Wisconsin price. This proposed course of action is not adopted since it fails to consider that some reserve milk during this flush period will have no other available market outlet than in butter and powder production which, at present, is a lower-valued use of reserve milk.

As indicated previously, this decision provides for a special price for reserve milk used to produce butter and nonfat dry milk for the April–July 1974 period at not more than 50 cents per hundredweight less than the price applicable to milk used in other manufactured dairy products. This special price is designed to recognize the lower use value of reserve milk utilized in butter and nonfat dry milk production. It should accommodate the orderly disposition of reserve milk that cannot be utilized in other manufactured products, which may occur during the seasonal flush.

The average prices paid at butter and by-product plants in the U.S. in recent months has not dropped more than 42 cents under the Minnesota-Wisconsin price. An amount in excess of the 50-cent limit adopted, such as the $1.18 which the butter-powder formula would provide, could result in a special butter-powder price sufficiently below the regular reserve milk price to encourage processors of ice cream and cottage cheese to displace producer milk with nonfat dry milk and butter made from milk priced at the lower special price. The net effect of this potential substitution, if practiced by handlers, would lower total returns to producers.

In order to facilitate and equitably apply this special butter-powder price, the accompanying amendatory orders provide an additional provision to the handler's pool obligation treating the 50 cent price differential as a credit.

To facilitate the marketing of excess milk supplies, milk and cream moved to a nonpool plant for processing into butter and nonfat dry milk should be eligible for the credit to the extent that the amount processed into such products in the plant is sufficient to account for the amount of milk moved to such plant. In the event that there is an insufficient quantity of butter and nonfat dry milk made in a plant to account for the receipts from more than one Federal order source, the quantity processed into butter and nonfat dry milk should be prorated among those Federal order sources for which a similar price credit is allowed.

Two of the orders, Middle Atlantic and Southern Michigan, contain a base-excess plan of payments to producers. Since the excess price under the orders is based on the lowest class price, the credits on milk used to produce butter and nonfat dry milk appropriately should be allocated against the value of excess milk to the extent that the volume of excess milk is sufficient to cover the volume of milk on which the credit is allowed.

3. *Whether an emergency exists to warrant the omission of a recommended decision.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires the omission of a recommended decision and opportunity for exceptions thereto on Issue No. 1. The current marketing conditions in the aforesaid marketing areas are such that it is urgent that remedial action be taken as soon as possible. It is necessary to correct at the earliest opportunity the disparity in alignment of reserve milk prices under the eight orders with the order prices in the midwest as well as the prices being paid for manufacturing grade milk. Accordingly, the requests for a recommended decision are denied.

The notice of hearing stated that consideration would be given to economic and emergency marketing conditions relating to the proposed amendments. Certain parties at the hearing requested emergency action be taken. Interim emergency action is necessary pending a detailed review of new pricing formulas presented on the record.

It is therefore determined that good cause exists for the omission of the recommended decision and the opportunity for filing exceptions thereto.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

On the record of the hearing, separate motions were presented to the Administrative Law Judge that (1) the scope of the hearing be broadened to consider the proposed revision of all classification provisions of the orders, as well as to include the proposed revision of many additional Federal milk orders; and (2) the Department provide information during the hearing as to the identity, type of operation, and market outlet of products processed by plants handling manufacturing grade milk in the States of Minnesota and Wisconsin. The motions were denied.

In post-hearing briefs, it was requested that consideraiton be given to a reversal of the rulings.

The Administrative Law Judge's rulings have been reviewed in light of the arguments presented. The rulings, for the reasons stated by the Administrative Law Judge on the record, are hereby affirmed.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreements and the orders, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the tentative marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreements and the orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, marketing agreements upon which a hearing has been held.

Marketing Agreement and Order

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk,[1] and an order amending the orders regulating the handling of milk in the aforesaid specified marketing areas, which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the Federal Register. The regulatory provisions of the marketing agreements are identical with those contained in the orders as hereby proposed to be amended by the attached order which is published with this decision.

[1] Filed as part of original document.

Determination of Producer Approval and Representative Period

December 1973 (September 1973 for the New York-New Jersey order) is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the orders, as amended and as hereby proposed to be amended, regulating the handling of milk in the aforesaid specified marketing areas, is approved or favored by producers, as defined under the terms of each of the orders (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing areas.

Signed at Washington, D.C., on: March 27, 1974.

Clayton Yeutter,
Assistant Secretary.

Order[*] Amending the Order, Regulating the Handling of Milk in the Certain Specified Marketing Areas.

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein. The following findings are hereby made with respect to each of the aforesaid orders.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the aforesaid specified marketing areas. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as thereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in each of the specified marketing areas shall be in conformity to and in compliance with the terms and conditions of each of the orders, as amended, and as hereby amended, as follows:

PART 1001—MILK IN THE BOSTON REGIONAL MARKETING AREA

1. The introductory text of § 100.61(b) preceding the table is revised as follows:

§ 1001.61 Class prices.

* * * * *

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butterpowder formula price for the month computed pursuant to paragraph (b)(1) through (3) of this section: *Provided*, That from the effective date hereof through July 1974, the price computed pursuant to paragraph (b)(1) through (3) of this section shall not be the Class II price.

* * * * *

2. In § 1001.64, a new paragraph (j) is added as follows:

§ 1001.64 Computation of value of fluid milk products at class prices.

* * * * *

(j) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class II milk and used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1001.61(b)(1) through (3).

PART 1002—MILK IN THE NEW YORK-NEW JERSEY MARKETING AREA

1. The introductory text of § 1002.50a (c) preceding the table is revised as follows:

§ 1002.50a Class prices.

* * * * *

(c) Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to paragraph (c)(1) through (3) of this section: *Provided*, That from the effective date hereof through July 1974, the price computed pursuant to paragraph (c)(1) through (3) of this section shall not be the Class II price.

* * * * *

[*] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

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2. In § 1002.70, the introductory text is revised and a new paragraph (f) is added as follows:

§ 1002.70 Net pool obligation of handlers.

Each handler's net pool obligation for milk received at each plant and unit shall be computed separately pursuant to paragraphs (a) through (d) of this section and then combined into one total to be adjusted by any credit applicable pursuant to paragraphs (e) and (f) of this section to determine the handler's total net pool obligation.

* * * * *

(f) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of pool milk classified as Class II milk and used to produce butter or nonfat dry milk by the lesser of 50 cents per hundred-weight or the amount that the basic formula price exceeds the price computed pursuant to § 1002.50a(c) (1) through (3).

PART 1004—MILK IN THE MIDDLE ATLANTIC MARKETING AREA

1. The introductory text of § 1004.50(b) preceding the table is revised as follows:

§ 1004.50 Class prices.

* * * * *

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to paragraph (b) (1) through (3) of this section: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (b) (1) through (3) of this section shall not be the Class II price.

* * * * *

2. In § 1004.60, a new paragraph (f) is added as follows:

§ 1004.60 Pool obligation of each pool handler.

* * * * *

(f) Deduct for each of the months from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1004.50(b) (1) through (3).

3. In § 1004.61, paragraph (b) (1) (i) is revised as follows:

§ 1004.61 Computation of weighted average price and uniform prices for base milk and excess milk.

(b) * * *

(1) * * *

(i) Multiply the quantity of such milk which does not exceed the total quantity of producer milk received by such handlers assigned to Class II milk by the Class II milk price less 5 cents: *Provided,* That for each month from the effective date hereof through July 1974, there shall be deducted from the value of such excess milk an amount determined pursuant to § 1004.60(f) that is not in excess of an amount determined by multiplying the quantity of excess milk by the lesser or 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1004.50(b) (1) through (3);

* * * * *

PART 1015—MILK IN THE CONNECTICUT MARKETING AREA

1. The introductory text of § 1015.61 (b) preceding the table is revised as follows:

§ 1015.61 Class prices.

* * * * *

(b) *Class II price.* Subject to the adjustment set forth below for the applicable month, the Class II price shall be the lesser of the basic formula price for the month or a butter-powder formula price computed pursuant to paragraph (b) (1) through (3) of this section: *Provided,* That from the effective date hereof through July 1974 the price computed pursuant to paragraph (b) (1) through (3) of this section shall not be the Class II price.

* * * * *

2. In § 1015.63, paragraph (g) is revised and a new paragraph (h) is added as follows:

§ 1015.63 Value of each handler's fluid milk products.

* * * * *

(g) Add together the values resulting from the computations described in paragraphs (a) through (e) of this section and subtract therefrom the values resulting from the computations described in paragraphs (f) and (h) of this section. The remainder shall be known as the value of fluid milk products.

(h) Deduct from the effective date hereof through July 1974 an amount computed by multiplying the quantity of producer milk classified as Class II milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1015.61(b) (1) through (3).

PART 1033—MILK IN THE OHIO VALLEY MARKETING AREA

1. The introductory text of § 1033.51 (c) is revised as follows:

§ 1033.51 Class prices.

* * * * *

(c) *Class III price.* The Class III price shall be the basic formula price for the month, but not to exceed an amount computed as follows: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (c) (1) through (3) of this section shall not be the Class III price:

* * * * *

2. In § 1033.60, a new paragraph (h) is added as follows:

§ 1033.60 Computation of the net pool obligation of each handler.

* * * * *

(h) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class III milk and used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1033.51(c) (1) through (3).

PART 1036—MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. The introductory text of § 1036.50(c) is revised as follows:

§ 1036.50 Class prices.

* * * * *

(c) *Class III price.* The Class III price shall be the basic formula price for the month, but not to exceed an amount computed as follows: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (c) (1) through (3) of this section shall not be the Class III price:

* * * * *

2. In § 1036.60, a new paragraph (f) is added as follows:

§ 1036.60 Handler's value of milk for computing uniform price.

* * * * *

(f) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class III milk and used to produce butter or nonfat milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1036.50(c) (1) through (3).

PART 1040—MILK IN THE SOUTHERN MICHIGAN MARKETING AREA

1. The introductory text of § 1040.50 (c) is revised as follows:

§ 1040.50 Class prices.

* * * * *

(c) *Class III price.* The Class III price shall be the basic formula price, but not to exceed an amount computed as follows: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (c) (1) through (3) of this section shall not be the Class III price:

* * * * *

2. In § 1040.60, a new paragraph (h) is added as follows:

§ 1040.60 Handler's value of milk for computing uniform price.

* * * * *

(h) Subtract for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class III milk used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1040.50(c) (1) through (3).

3. In § 1040.61, paragraph (d) is revised as follows:

§ 1040.61 Computation of uniform prices for base milk and excess milk (including uniform price and adjusted uniform price).

* * * * *

(d) The excess milk price which shall be the Class III price pursuant to § 1040.50(c): *Provided,* That for each month from the effective date hereof through July 1974, the excess milk price shall be determined as follows:

(1) Multiply the total pounds of excess milk for the month by the Class III price;

(2) Subtract the amount determined pursuant to § 1040.60(h) that is not in excess of an amount determined by multiplying the quantity of excess milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1040.50(c) (1) through (3); and

(3) Divide the resultant value by the total hundredweight of excess milk. The resultant hundredweight price shall be the uniform price of excess milk of 3.5 percent butterfat content.

PART 1049—MILK IN THE INDIANA MARKETING AREA

1. The introductory text of § 1049.50(b) is revised as follows:

§ 1049.50 Class prices.

* * * * *

(b) *Class II price.* The Class II price shall be the basic formula price computed pursuant to § 1049.51, but not to exceed an amount computed as follows: *Provided,* That from the effective date hereof through July 1974, the price computed pursuant to paragraph (b) (1) through (3) of this section shall not be the Class II price:

* * * * *

2. In § 1049.60, a new paragraph (f) is added as follows:

§ 1049.60 Handler's value of milk for computing uniform price.

* * * * *

(f) Deduct for each of the months from the effective date hereof through July 1974, an amount computed by multiplying the quantity of producer milk classified as Class II used to produce butter or nonfat dry milk by the lesser of 50 cents per hundredweight or the amount that the basic formula price exceeds the price computed pursuant to § 1049.50(b) (1) through (3).

[FR Doc.74-7452 Filed 3-28-74;9:29 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

ORGANIZATION AND FUNCTIONS

This material supersedes the statements on organization and functions published at 37 FR 20961–20990, 38 FR 23341 and 23342, and 38 FR 30011 and 30012.

Dated: March 25, 1974.

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

1100 ORGANIZATION AND STAFFING

1110 ORGANIZATION AND FUNCTIONS OF THE INTERNAL REVENUE SERVICE

SEC. 1111 *Establishment of the Internal Revenue Service.*

SEC. 1111.1 *Mission.*

The mission of the Service is to encourage and achieve the highest possible degree of voluntary compliance with the tax laws and regulations and to maintain the highest degree of public confidence in the integrity and efficiency of the Service. This includes communicating the requirements of the law to the public, determining the extent of compliance and causes of non-compliance, and doing all things needful to a proper enforcement of the law.

SEC. 1111.2 *Organic Act.*

(1) The Office of the Commissioner of Internal Revenue was established by an act of Congress (12 Stat. 432) on July 1, 1862, and the first Commissioner of Internal Revenue took office on July 17, 1862.

(2) The act of July 1 provided:

"• • • That, for the purpose of superintending the collection of internal duties, stamp duties, licenses, or taxes imposed by this Act, or which may be hereafter imposed, and of assessing the same, an office is hereby created in the Treasury Department to be called the Office of the Commissioner of the Internal Revenue; • • • Commissioner of Internal Revenue, • • • shall be charged, and hereby is charged, under the direction of the Secretary of the Treasury, with preparing all the instructions, regulations, directions, forms, blanks, stamps, and licenses, and distributing the same or any part thereof, and all other matters pertaining to the assessment and collection of the duties, stamp duties, licenses, and taxes, which may be necessary to carry this Act into effect, and with the general superintendence of his office, as aforesaid, and shall have authority, and hereby is authorized and required, to provide proper and sufficient stamps or dies for expressing and denoting the several stamp duties, or the amount thereof in the case of percentage duties, imposed by this Act, and to alter and renew or replace such stamps from time to time, as occasion shall require; • • •"

(3) By common parlance and understanding of the time, an office of the importance of the Office of Commissioner of Internal Revenue was a bureau. The Secretary of the Treasury in his report at the close of the calendar year 1862 stated that "The Bureau of Internal Revenue has been organized under the Act of the last session • • •" Also it can be seen that Congress had intended to establish a Bureau of Internal Revenue, or thought they had, from the act of March 3, 1863, in which provision was made for the President to appoint with Senate confirmation a Deputy Commissioner of Internal Revenue "who shall be charged with such duties in the bureau of internal revenue as may be prescribed by the Secretary of the Treasury, or as may be required by law, and who shall act as Commissioner of internal revenue in the absence of that officer, and exercise the privilege of franking all letters and documents pertaining to the office of internal revenue." In other words, "the office of internal revenue" was "the bureau of internal revenue," and the act of July 1, 1862 is the organic act of today's Internal Revenue Service.

SEC. 1111.3 *History.*

SEC. 1111.31 *Internal taxation.*

Madison's Notes on the Constitutional Convention reveal clearly that the framers of the Constitution believed for some time that the principal, if not sole, support of the new Federal Government would be derived from customs duties and taxes connected with shipping and importations. Internal taxation would not be resorted to except infrequently, and for special reasons. The first resort to internal taxation, the enactment of internal revenue laws in 1791 and in the following 10 years, was occasioned by the exigencies of the public credit. These first laws were repealed in 1802. Internal revenue laws were reenacted for the period 1813–1817 when the effects of the war of 1812 caused Congress to resort to internal taxation. From 1818 to 1861, however, the United States had no internal revenue laws and the Federal Government was supported by the revenue from import duties and the proceeds from the sale of public lands. In 1862 Congress once more levied internal revenue taxes. This time the establishment of an internal revenue system, not exclusively dependent upon the supplies of foreign commerce, was permanent.

SEC. 1111.32 *Background and evolution of present organization.*

(1) Before the establishment of the Office of Commissioner of Internal Revenue, taxes were collected by "Supervisors" of collection districts who were appointed by the President, subject to Senate confirmation. These Supervisors worked under the direct control of the Treasury Department. The Revenue Act of 1813 provided, for the first time, for a "Collector" and a "Principal Assessor" for each collection district, and for deputy collectors and assistant assessors. Collectors and Assessors appear to be the original forerunners of the twentieth century Collectors of Internal Revenue and Internal Revenue Agents in Charge.

(2) Since 1862, the Internal Revenue Service has undergone a period of steady growth as the means for financing Government operations shifted from the levying of import duties to internal taxation. Its expansion received considerable impetus in 1913 with the ratification of the Sixteenth Amendment to the Constitution under which Congress received constitutional authority to levy taxes on the income of individuals and corporations. With the enactment of income tax laws the work of the Revenue Service began to take on a highly technical character.

(3) From the World War I period through 1951, the basic organizational structure of the Internal Revenue Service remained essentially unchanged even though there were marked increases in the number of taxpayers serviced, revenue receipts, employees and the overall workload. The Service was organized, in Washington and the field, on a program or "type-of-tax" basis, with jurisdictionally separate organizations, or "Units," charged with the administration of different types of taxes.

SEC. 1111.4 *Reorganization Plan No. 1 of 1952 and other changes.*

(1) On January 14, 1952, the President of the United States submitted to Congress Reorganization Plan No. 1 of 1952, calling for a comprehensive reorganization of the Internal Revenue Service. On March 13, 1952, the last motion to defeat the Plan was voted down in the Senate, and the Plan became effective on March 15, 1952.

(2) Reorganization Plan No. 1 of 1952 brought about four basic changes in the Internal Revenue Service:

(a) The organization of the Service along functional lines—i.e., operations, administration, technical, planning, and inspection;

(b) The abandonment of the system of political appointments to positions below the Commissioner;

(c) The integration of most field revenue programs under District Directors of Internal Revenue; and

(d) The establishment of a system of regional administration under Regional Commissioners of Internal Revenue.

(3) The Reorganization Plan provided authority for the establishment of 25 Offices of Regional Commissioners (referred to as "District Commissioners" in the Plan). By December 1, 1952, the Offices of 17 Regional Commissioners had been established. The major field programs, including alcohol and tobacco tax enforcement, were integrated under District Directors; the appellate program and the permissive alcohol and tobacco tax functions were placed in the Offices of Regional Commissioners; and, in the National Office, all activities were placed under Assistant Commissioners for Inspection; Operations; and Technical; an Assistant to the Commissioner, and an Administrative Assistant to the Commissioner.

(4) In 1953, a number of organizational refinements were effected. The number of regions was reduced to 9; the field operations of Alcohol and Tobacco Tax were centralized at the regional level; and the delinquent accounts and returns program was transferred from the Audit Divisions in the Offices of District Directors to their Collection Divisions. In the National Office, the position of Deputy Commissioner was established and the Bureau of Internal Revenue was redesignated as the Internal Revenue Service.

(5) Other significant changes since 1953 include establishment of the Offices of Assistant Commissioners for Administration, Data Processing, and Planning and Research; redesignation of the Assistant Commissioner (Operations) as the Assistant Commissioner (Compliance); discontinuance of the Columbus and Toledo (Ohio) districts and consolidation of the Upper and Lower Manhattan districts, effective January 1, 1960; establishment of the Anchorage (Alaska) district on January 1, 1961; transfer on September 13, 1963 of the Director of Practice from the Internal Revenue Service to the Office of the Secretary of the Treasury to be under the immediate supervision of the General Counsel; effective January 1, 1964, reduction in the number of regions to 8 and discontinuance of the districts of Camden (New Jersey), Kansas City (Missouri), Scranton (Pennsylvania), and Syracuse (New York); and, effective January 4, 1965, reduction in the number of regions to 7. On December 19, 1968, Alcohol and Tobacco Tax Division was changed to Alcohol, Tobacco and Firearms Division. Effective July 1, 1971, the Office of Assistant Commissioner (Data Processing) was redesignated Office of Assistant Commissioner (Accounts, Collection, and Taxpayer Service). Effective November 14, 1971, the position of Assistant Commissioner (Stabilization) was established. Effective July 1, 1972, the Alcohol, Tobacco and Firearms activity was transferred from the Internal Revenue Service to be a separate bureau within the Department of the Treasury.

SEC. 1112 *Service Organization.*

(1) The Internal Revenue Service is a component part of the Treasury Department. The Service is headed by the Commissioner of Internal Revenue who serves under the direction of the Secretary of the Treasury.

(2) The Internal Revenue Service consists of a National Office in Washington, D.C., and a field organization. The latter consists of 7 Internal Revenue regions, each headed by a Regional Commissioner who reports to the Deputy Commissioner; 58 Internal Revenue districts, each headed by a District Director, and 10 service centers, each headed by a Director, who report to a Regional Commissioner; and a computer center and a data center under the direction of the Assistant Commissioner (Accounts, Collection, and Taxpayer Service) in the National Office. In addition, there are in the field 7 Regional Inspectors and 7 Regional Counsels, who report to the Assistant Commissioner (Inspection) and the Chief Counsel, respectively, in Washington, D.C.

(3) In administering the appellate functions direct from the regional office, the Regional Commissioner maintains and supervises branch offices headed by Chiefs, Appellate Branch Office, who report to the Assistant Regional Commissioner (Appellate) who also carries the title of Chief, Appellate Division. Chief, Appellate Branch Office, may also supervise sub-offices administered by an Assistant Chief or local representative of the Chief.

(4) The Regional Counsels also maintain and supervise branch offices.

(5) In each Internal Revenue district there are offices in communities where concentration of workload in audit, collection, intelligence, or stabilization activities requires the assignment of personnel.

SEC. 1113 *National Office.*

SEC. 1113.1 *Mission.*

The mission of the National Office is to develop broad nationwide policies and programs for the administration of the internal revenue laws and related statutes, and to direct, guide, coordinate, and control the endeavors of the Internal Revenue Service.

SEC. 1113.2 *Basic Organization.*

The principal offices which form the National Office are: The Office of the Commissioner; the Office of the Assistant Commissioner (Administration); the Office of the Assistant Commissioner (Compliance); the Office of the Assistant Commissioner (Accounts, Collection, and Taxpayer Service); the Office of the Assistant Commissioner (Inspection); the Office of the Assistant Commissioner (Planning and Research); the Office of the Assistant Commissioner (Technical); the Office of the Assistant Commissioner (Stabilization); and the Office of the Chief Counsel.

SEC. 1113.3 *Office of the Commissioner.*

The Commissioner of Internal Revenue, in conformity with policies and delegations of authority made by the Secretary of the Treasury, establishes the policies and administers the activities of the Internal Revenue Service. The Office of the Commissioner includes the Deputy Commissioner, the Assistant to the Commissioner, Assistant to the Commissioner (Public Affairs) and the Tax Administration Advisory Staff.

SEC. 1113.31 *Deputy Commissioner.*

The Deputy Commissioner assists and acts for the Commissioner in planning, directing, coordinating and controlling the policies and programs and in giving executive leadership to the activities of the Internal Revenue Service. The Deputy Commissioner also supervises the Regional Commissioners of Internal Revenue, and makes allocations of funds and personnel to them.

SEC. 1113.32 *Assistant to the Commissioner.*

The Assistant to the Commissioner reviews and takes final action for the Commissioner on documents involving technical matters prepared for the Commissioner's signature, including regulations, reports on proposed legislation, rulings, correspondence, compromises and reports to the Joint Committee on Internal Revenue Taxation involving refunds or credits of any income, war profits, excess profits, estate, or gift taxes in excess of $100,000. The Assistant to the Commissioner makes independent studies for the Commissioner.

SEC. 1113.33 *Assistant to the Commissioner (Public Affairs).*

The Assistant to the Commissioner (Public Affairs) counsels and advises the Commissioner, Deputy Commissioner and other levels of management on matters where public interest or response is involved in the determination of Service policies and the execution of Service programs. Plans, develops and coordinates the Service-wide policies and programs for providing information to the public through mass communication methods to help improve knowledge and understanding of Federal tax and related laws and their administration, for the primary purpose of encouraging and facilitating maximum voluntary compliance by the public. Conducts continuous studies of the Service's public affairs activities to identify and act on problems and opportunities for improvement. Maintains liaison with and provides functional supervision to regional and district offices in public affairs matters and carries out public affairs programs at the National Office and directs the activities of the Public Affairs Division. Evaluates for the Commissioner public response to Service policies and programs and recommends Service actions where indicated.

SEC. 1113.331 *Administrative Office.*

Provides administrative support for the public affairs function. Coordinates budget formulation and financial planning for the Division and assists in developing staffing, training, and personnel

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plans for field public affairs activities. Provides the necessary administrative support to the internal operation of the Division, maintaining liaison with Personnel, Training, Facilities Management, and Fiscal Management personnel. Provides library and reference services for public affairs personnel and a daily newspaper clipping service for top Service and Department officials. Services requests for inspection and copies of exempt organization returns, Abstracts and Statements for accepted offers in compromise. Maintains the Freedom of Information Reading Room and services requests for documents on deposit therein.

SEC. 1113.332 *Operations Branch.*

Responsible for the continuing relationships and day-to-day contacts with national media and Washington bureaus of media serving local communities, on all aspects of the IRS mission and operations. Media include the press, radio, television, news services, trade associations, and other organizations that provide information to large segments of the public. Seeks out and develops new media outlets. Maintains a knowledge of all significant Service objectives, activities and problems; and an awareness of public interest and news developments which affect the Service. Conducts information activities both in response to media requests and as initiated in response to Service-recognized needs. The activities include answering queries, arranging interviews, reviewing articles, arranging news conferences, organizing public appearances, preparing news releases, radio and television announcements, fact sheets, feature articles, and conducting other information efforts to further Service objectives and assist the media in serving their audiences or members. Responsibilities also encompass assisting field officials in relationships with local media in situations where immediate action is required. Compiles the Commissioner's Letter, National Office Notes and other communications to employees. Responds to public correspondence relating to national news stories.

SEC. 1113.333 *Programs Branch.*

Responsible for formulating nationwide public affairs programs and providing the information materials, program guidance, coordination, and assistance necessary to implement those programs. Consults with operating officials to determine Service objectives and priorities, develops supporting information themes and objectives, and plans specific information actions, timetables and materials. Develops public affairs audio-visual materials and written materials for distribution to media through IRS field offices. Advises field offices of National Office information programs and projects; provides training, procedural guidance, and program assistance; supervises field visits; analyzes reports and other indicators of program effectiveness; prepares program evaluations and initiates action to improve programs where necessary. Serves as primary point of contact with field Public Affairs Officers and assures prompt National Office response to their inquiries, requests for disclosure guidance under Freedom of Information Act, and other needs. Compiles the Commissioner's Annual Report and the Service segment of the Secretary's Annual Report.

SEC. 1113.34 *Tax Administration Advisory Staff.*

The Tax Administration Advisory Staff provides leadership within the Service for the development and implementation of comprehensive programs of assistance in tax administration to developing nations, and on occasion, to the more developed nations, in line with the foreign policy of the United States and its commitments to the Organization of American States, the United Nations, and other international institutions. It is the central point of contact within the Service with foreign governments, the State Department and international organizations on all matters involving the exchange of technical assistance in tax administration. The Staff designs broad programs aimed at modernizing and strengthening tax administration in developing countries; it determines program requirements in terms of number and qualifications of advisors and selects, trains, and assigns such advisors. It provides technical leadership and direction, continually monitors, and periodically evaluates country programs to ensure maximum effectiveness of assistance efforts. The Staff develops and arranges study and observation programs in tax administration for foreign tax officials, which are conducted largely in the U.S. and occasionally at overseas sites. The Staff maintains close liaison with the Department of State and the Agency for International Development (AID), foreign governments, international organizations, and the Office of the Secretary on matters concerning the foreign tax assistance program, most of which is conducted cooperatively with AID. The Director, Tax Administration Advisory Staff, has been delegated authority to arrange for and authorize temporary assignment of personnel between the IRS and State and local governments and institutions of higher education. The Director is responsible for determining that requests for individual assignments or for projects of assistance involving several assignments are consistent with the intent of the Act and that the requirements for mutual benefit to the Service and the requesting organization are met. The Director is also authorized to set the amount of the financial support to be provided by the Service and to make such other determinations as are needed. The Staff will furnish or arrange for any necessary technical direction and support of employees on assignment to other organizations.

SEC. 1113.4 *Office of Assistant Commissioner (Administration).*

The Assistant Commissioner (Administration) is the principal assistant to the Commissioner in planning and executing the Administration program of the Internal Revenue Service, which includes fiscal management, personnel, facilities management, training, employment policy, and management improvement. Jointly, with other Assistant Commissioners, he participates in the general management of the Service by coordinating Administration with other functions to accomplish the objectives of a comprehensive and well-integrated Revenue program. On general administrative matters represents the Commissioner in relationships with the Congress; the Department of the Treasury Office of the Secretary and other components of the Department of the Treasury; and such agencies as the Office of Management and Budget, the Civil Service Commission and General Services Administration. Supervises the activities of the Fiscal Management, Personnel, Facilities Management, and Training Divisions in the National Office, and is responsible for functional supervision of Administration activities in the field.

SEC. 1113.41 *Facilities Management Division—Office of the Director.*

Develops, directs, coordinates, and evaluates policies and programs for providing essential support activities for the operating divisions' primary programs and carries them out in the National Office. Its programs are designed to increase the effectiveness of the Internal Revenue Service, reduce its operating costs, and improve taxpayer relations by tailoring Internal Revenue Service physical facilities and by providing support services to best meet the Service's total needs. These programs include information and records systems, space, property, supply, transportation, and telecommunications management, procurement and contracting, printing and distribution, national emergency planning, safety, document and physical security, and the settlement of tort claims. Develops the standards and procedures necessary for effective performance of its functions. This Division consists of five branches: National Office Facilities, Information Systems, Protective Programs, Space and Property, and Publishing Services.

SEC. 1113.411 *National Office Facilities Branch.*

Develops, coordinates, directs, and evaluates the Contracting and Procurement Programs of the Internal Revenue Service. Develops procurement policy and procedures, and provides guidelines and consultative assistance for all Internal Revenue Service Procurement Programs. Appraises procurement programs through a systematic program of visits to field offices and through review and analysis of reports and accomplishments. In addition, develops, coordinates, directs and evaluates all Facilities Management programs and activities (except printing and distribution and National Office emergency relocation planning) within the National Office, including the National Training Center and the National Computer Center, within the broad guidelines established by the Division Director. Thse activities include: Information and records systems, space management, transportation management, property and supply management, telecommunications management, protective programs, and contracting and procurement. Maintains liaison with National Office officials, other Government agencies, public utilities, contractors, private carriers, and other private and public organizations to coordinate and improve service in all of these activities.

SEC. 1113.412 *Information Systems Branch.*

Plans, develops, promotes, coordinates, and evaluates programs designed to increase the effectiveness of Servicewide operations in the following areas: Records Management — documentation standards; correspondence; and the management of records creation, retrieval, retention, and disposal; Information Systems Analysis—internal mail and files management; management of information and records handling equipment and supplies; studies of information utilization and flow, and of paperwork management; analysis, either singly, or in collaboration with the Systems Development Division of the information needs of management at various levels of the Service, and the development of reporting and management information systems to effectively and economically meet those needs; guidelines and standards for application of microphotography (excepting microphotographic publishing), and other information handling and word processing technology; Reports Management—development of Servicewide reports management policies, procedures, and standards; control, review and evaluation of National Office generated reporting and management information systems; maintenance of a Servicewide information inventory and of the National Office Reports Catalogue; Mail and Transportation Management—coordination and planning for those services provided by the U.S. Postal Service, or private shippers and service units of IRS, for physically transporting, controlling, delivering, sorting and distributing material in solid forms such as correspondence, documents, receipts, microfilm, or magnetic tape; Telecommunications Systems—services and facilities for transmitting and receiving data and information and the operation of telephone, telegraph, facsimile, and data communications systems, equipment and circuitry. The Branch determines the need for program emphasis and goals, develops the programs and promotes and coordinates their acceptance and implementation with other components of the Service; provides standardized techniques, guidelines, and consultative services needed in these areas by the Service. Collaborates with the Systems Development Division in matters involving communications and information storage and retrieval systems. Acts as liaison for the Service with other Federal agencies and industry in matters concerning Branch program activities.

SEC. 1113.413 *Protective Programs Branch.*

Develops, coordinates, administers, and evaluates Servicewide programs of civil defense and emergency planning which includes contingency plans for coping with demonstrations, civil disorder and bomb threats; accident prevention; physical and document security and identification. Ensures continuity of operations by preventing or minimizing loss through acident, employee injury, fire, theft, enemy attack, natural disaster, and civil disturbance, and breaches of security of facilities, equipment, and documents. Exercises the authority to settle claims arising out of the activities of the Internal Revenue Service under the Federal Tort Claims Act, the Military Personnel and Civilian Employees' Claims Act and the Claims Collection Act, and administers the program to ensure equitable settlement and payment of claims.

SEC. 1113.414 *Publishing Services Branch.*

Plans, develops, coordinates, administers, and evaluates the policies, systems, procedures, and standards for the publishing needs of the Internal Revenue Service in consonance with the Congressional Joint Committee on Printing Regulations. Participates in agency-wide program planning and development. Responsible for the fiscal control, planning, analysis, graphic design, requirements determination, procurement, integrated scheduling, inventory maintenance, and distribution of all published material. Administers the Servicewide forms management program and the publishing systems for forms, publications and envelopes. Provides for comprehensive graphic presentation program assistance and services. Initiates, directs, and coordinates studies to develop or improve processes in the publishing and graphic arts fields including duplicating and printing equipment; office reproduction machines; electronic composition; visual media; inventory, storage, and mail and distribution systems for published material. Provides functional supervision and logistical support to field components for the management of printing (including procurement), forms, graphic design, and distribution. Represents IRS in liaison and negotiation with other governmental agencies, private industry groups, and the public on matters pertaining to IRS publishing activities.

SEC. 1113.415 *Space and Property Branch.*

Plans, develops, promotes, coordinates, and evaluates programs designed to increase the effectiveness of Servicewide operations in the following areas: Space Management—planning requirements for IRS space, providing standards for environmental quality programs and for the acquisition, maintenance, utilization and disposal of space to ensure an effective, efficient, and appropriate physical working environment for all Service employees, and a pleasing environment for public visitors; Property and Supply Management—conducts utilization studies, establishes requirements, designs, disposes of and maintains furniture, furnishings, certain non-capitalized and capitalized equipment including data processing auxiliary and accessory equipment; manages property accountability and the IRS motor vehicle fleet management; Electronic Support Systems—provides support services for the requirements, procurement, installation and inspection of electronic data processing systems and other electronic, electromechanical audiovisual and other computerized or automated devices, equipment and systems; analyzes and conducts power reliability studies for IRS buildings. The Branch determines the need for program emphasis and goals, develops the programs and promotes and coordinates their acceptance and implementation with other components of the Service; provides standardized techniques, guidelines, and consultative services needed in these areas by the Service. Confers and collaborates with the Systems Development Division and the Acounts and Data Processing Division in matters involving new systems and equipment related to branch functions, and with other government agencies and private industry to assure proper installation. Acts as liaison for the Service with other Federal agencies and industry in matters concerning Branch program activities.

SEC. 1113.42 *Fiscal Management Division.*

Develops, plans, coordinates and evaluates the financial management and budget policies and programs of the Internal Revenue Service. Develops and assists in the justification of the Service's budget; advises on its execution; establishes procedures covering the accounting system for appropriated funds; and directs the budget and fiscal activities carried out in the National Office. Counsels and advises the Commissioner, the Deputy Commissioner and all levels of management on matters concerning budget and the fiscal management of funds appropriated for the administration of the Service. The Division, under the direction of the Fiscal Management Officer, consists of two branches: Accounting Branch and Budget Branch.

SEC. 1113.421 *Accounting Branch.*

The Accounting Branch develops, prescribes, and installs the Service's financial accounting system to produce timely and accurate data for budgetary and fiscal management purposes. It also collaborates with Planning and Analysis and Facilities Management Divisions in developing and administering the financial reporting system, as it relates to IRS management information systems.

SEC. 1113.422 *Budget Branch.*

The Budget Branch develops the Service's budget in conformance with the established over-all program policies through consultation and cooperation with the responsible operating officials. It prescribes budget procedures and directs the preparation of budget estimates for the Service; participates in the development of standards for the measurements of work necessary in the justification of estimates or the evaluation of financial plans; prepares requests for the apportionment of reapportionment of

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appropriations; allots funds in accordance with the approved financial plan and properly authorized revisions thereof; establishes the procedures and records necessary to properly reflect the execution of the budget; and collaborates with the Planning and Analysis and Facilities Management Divisions in developing and administering a reporting system reflecting the status of the budget and financial plan, as it relates to IRS management information systems.

SEC. 1113.43 *Personnel Division—Office of the Director.*

Plans, directs and leads in the development, coordination and evaluation of the personnel policies and programs of the Service. Provides functional supervision over personnel operations throughout the Service and personnel programs in the regions, districts and service centers, including long-range planning, organization and staffing studies, staff development and program evaluation. Administers centralized personnel activities including those for employees of the National Office. Acts as appellate office for the Commissioner on adverse action and grievance appeals and designates hearing officers when requested. Through the Technical Advisor directs appropriate personnel activities to promote effective manpower utilization. Prepares certain Servicewide personnel reports for the Civil Service Commission and other agencies. Exercises line supervision over the Eastern and Western Assessment Centers in their activities involving evaluation of candidates for supervisory, managerial and executive positions. Reviews and approves Servicewide security clearances for non-critical sensitive positions.

SEC. 1113.431 *Union Relations Branch.*

Develops and coordinates policies, procedures and instructions in the areas of union-management relationships, employee conduct, disciplinary actions and appeal procedures. Serves as IRS functional specialist; reviews, evaluates, assists, interprets, disseminates information and exercises functional supervision over Service activities in these program areas. Acts as liaison between the Service and the Office of the Secretary, Treasury Department Bureaus, and Civil Service Commission and other Federal agencies and provides comments on legislation, for these program areas. Responsible for liaison, consultation and negotiation with unions.

SEC. 1113.432 *Employment Branch.*

Develops and coordinates policies, procedures, and program instructions including technical training programs for the employee programs of the Service such as: recruitment; selection; placement; appointment; career status; details; veteran's preference; orientation and placement follow-up; reduction-in-force equal employment; separations; awards and incentive programs; high quality increases; pay administration; employee benefits and services; fitness for duty; and recreation and fund-raising. Develops and coordinates redeployment programs and procedures; coordinates, as required, personnel programs affecting service center installations. Develops and coordinates policies and procedures pertaining to participation of the Interagency Boards. Reviews and advises on budgetary and staffing proposals relative to recruitment, selection and utilization of personnel. Exercises functional supervision over counterpart operations throughout the Service, and participates as functional specialists in evaluation of field programs. Provides staff expertise in personnel management techniques for the development and application of automated processes to personnel management. Administers the Personnel Reports Management System. Processes Section 6(c) retirement cases.

Develops and maintains automated personnel data specifications; coordinates these specifications with the IRS Data Center and submits them to the Data Center for implementation.

SEC. 1113.433 *National Office Branch.*

Develops and executes policies, programs and procedures relating to recruitment, selection, placement, employee relations, position classification, discipline, performance evaluation promotion, manpower utilization, and other aspects of a complete personnel program for National Office and certain field positions with the exception of those requiring Treasury or Civil Service approval; reviews the budget for proposed position reallocations pertinent to the above positions. In addition, performs the following duties pertaining to Servicewide programs: renders support to the Tax Administration Advisory Staff; administers National Placement Program; reviews and processes regional employment cases for which authority has not been delegated to regions; processes proposals for Gallatin Awards; and answers general inquiries and other correspondence concerning applications for employment, reassignment, promotion, etc.

SEC. 1113.434 *Position Management Branch.*

Plans, develops and coordinates procedures and program instructions to enable line managers to most effectively establish and manage positions in their organization. Provides advice to managers as to job content, grade structure and organization design. Assists managers in assessing position management effectiveness in their organization. Working with functional representatives, develops occupational standards and guides such as case classification guides, rating schedules, classification and qualification guides. Coordinates with the Office of the Secretary on all classification, position management and occupational standards questions requiring the Secretary's Office's consideration. Exercises Servicewide functional supervision for position management operations. Provides program advice and assistance to Regional Offices and National Office Branch and assesses their program effectiveness. Performs such centralized services as classification of positions for which authority has not been delegated to the field, development of standard position descriptions, and preparation of recommendations and justifications for classification of supergrade positions. Adjudicates classification appeals and administers Wage Grade Systems. In collaboration with the Training Division, formulates and provides functional classification training courses to maintain and improve the level of technical excellence in the execution of the Servicewide position management program; and develops, negotiates and administers Servicewide training agreements.

SEC. 1113.435 *Careers Branch.*

Develops and coordinates policies, procedures, and program instructions for the Service's technical, supervisory, managerial, and executive career programs. Develops techniques and criteria for evaluating supervisory, managerial, and executive potential; exercises functional personnel direction, over implementation and follow-through on career programs; performs essential personnel services for career programs for supervisory and managerial positions; provides staff assistance to the Executive Resources Board which selects and assigns executive personnel; and administers the employee performance evaluation and promotion programs. Provides staff expertise in personnel management techniques including the conduct and direction of studies requiring the use of psychological and other social science methodology; coordinates and administers the IRS testing program (noncompetitive written test).

SEC. 1113.44 *Training Division—Office of the Director.*

The Director formulates and recommends overall training policies of the Internal Revenue Service and provides professional training leadership and guidance to Service Officials and personnel. Performs the following functions: Conducts research and special studies to determine the best methods of employee development for the Service, and provides expert advice and counsel on training techniques and methodology; in cooperation with IRS management, the Director identifies the need for, and administers Service training programs, approves and is responsible for development and preparation of training courses and program materials, and supports the Tax Administration Advisory Staff; determines program emphasis and goals, establishes standards and procedures for the effective and efficient administration of Service training programs, and evaluates training for effectiveness and economy; administers the Taxpayer Education Program and coordinates the efforts of the field and National Office divisions concerned; advises on and approves training costs estimates for all Servicewide training, and administers the special fiscal allotment (250) used to finance centralized training activities; carries out the training policies and programs of the Service in the National Office.

SEC. 1113.441 *Administrative Services Office.*

Provides administrative support for the Training function. Performs the following: Assists the Director in carrying out Servicewide administrative management responsibilities related to the Training function; coordinates and maintains overall Servicewide training budget formulation and execution, and work and financial plans; develops, coordinates, and maintains the Training Manual System; coordinates and develops intra-divisional projects such as budget formulation, work and financial plans, and PPBS updatings; conducts studies of intra-divisional activities; conducts special intra-divisional projects of an administrative nature; provides all necessary administrative support for internal operations of the Training Division.

SEC. 1113.442 *Compliance Training Branch.*

Provides professional training support for the Compliance technical training program (Audit; Intelligence; and Appellate). Jointly and in cooperation with appropriate Compliance officials, performs the following functions: Determines training priorities and goals of the Compliance technical training programs; identifies training needs, and defines and articulates training objectives; plans, designs, develops, coordinates and conducts Compliance technical training programs; evaluates the implementation and effectiveness of the total Compliance technical training program; supports, coordinates, and evaluates field Compliance technical course development. In addition: Monitors all pilot Compliance technical training projects and administers those conducted centrally; reviews and updates training methods, instructional techniques, materials, and supervisory practices as they relate to training; keeps Compliance technical training materials current; in cooperation with Compliance officials, establishes and maintains criteria for employee performance evaluation as it relates to effective training programs; with assistance of National Training Center and Compliance, develops Compliance technical training guidelines and standards, and conducts experimental projects.

SEC. 1113.443 *ACTS Training Branch.*

Provides professional training support for the Accounts, Collection and Taxpayer Service technical training program. Jointly and in cooperation with appropriate ACTS officials, performs the following functions: Determines training priorities and goals of the ACTS technical training program; identifies training needs, and defines and articulates training objectives; plans, designs, develops, coordinates and conducts ACTS technical training programs; evaluates the implementation and effectiveness of the total ACTS technical training program; supports, coordinates, and evaluates field ACTS technical course development; monitors all pilot ACTS technical training projects and administers those conducted centrally; reviews and updates training methods, instructional techniques, materials and supervisory practices as they relate to training, keeps ACTS technical training materials current; in cooperation with ACTS officials, establishes and maintains criteria for employee performance evaluation as it relates to effective training programs; in cooperation with Taxpayer Service officials, plans, designs, coordinates and evaluates appropriate and useful informational and educational materials for public use; with assistance of National Training Center and ACTS, develops ACTS training guidelines and standards, and conducts experimental projects.

SEC. 1113.444 *Management Training Branch.*

Provides professional training support for the Service in areas of organizational and career development; executive management, and supervision; cross-functional; and Career Education Awards. Performs the following functions: In cooperation with key Service officials, determines general and functional supervisory, management, and executive training goals of the Service, identifies training needs and, in cooperation with the appropriate Service activities and functions, defines supervisory, management and executive training objectives; plans, designs, develops, coordinates and conducts supervisory, management and executive training programs; evaluates the implementation and effectiveness of total supervisory, management and executive training programs; supports, coordinates and evaluates field supervisory and management course development; monitors all pilot supervisory and management training projects and administers those conducted centrally; reviews and updates supervisory, management, and executive training methods, instructional techniques and materials; in cooperation with appropriate IRS officials, establishes and maintains criteria for employee performance evaluation as it relates to effective training programs; reviews, coordinates and evaluates Service's Organizational Development and Career Development Programs; establishes guidelines, coordinates and evaluates Servicewide Administration and Equal Employment Opportunity Training Programs; develops guidelines for and administers Career Education Awards; supports Tax Administration Advisory Staff in determining training needs of foreign tax officials and developing training programs to meet these needs; in cooperation with appropriate organizations, develops and conducts communications and cross-functional training programs.

SEC. 1113.445 *National Office Training Branch.*

Provides professional training support for the National Office, Inspection, Chief Counsel, National Computer Center and the Data Center. Performs the following functions: In cooperation with key National Office officials, determines clerical, technical, supervisory, and managerial training goals for National Office personnel; identifies training needs and, in cooperation with National Office officials, defines training objectives and establishes training priorities; plans, designs, develops, coordinates, conducts and evaluates all National Office intra-functional training programs, plus appropriate cross-functional training programs (e.g., supervisory, communications, instructor training, clerical skills); in cooperation with appropriate officials, determines training priorities, goals, and objectives for Inspection, Chief Counsel, National Computer Center and Data Center; plans, designs, develops, coordinates, conducts and evaluates Inspection Chief Counsel, National Computer Center and Data Center training programs; administers, reviews and monitors pilot training projects; keeps National Office Inspection, Chief Counsel, National Computer Center and Data Center training materials current; reviews and updates training methods, instructional techniques and materials; administers training facilities in the National Office.

SEC. 1113.446. *National Training Center.*

Provides the educational research and development and specialized techniques input to the Training Division. Performs the following functions: Conducts research in training methodology and techniques; monitors and conducts experimental projects utilizing advance training technology; evaluates and determines feasibility of experimental projects becoming operational training programs; establishes Servicewide standards in training methodology, techniques and equipment, and develops materials requiring specialized training staff support; develops Servicewide guidelines for instructor and course-developer training; establishes standards for Servicewide staff development in specialized skills of training profession, and coordinates training staff development; establishes the standards for and coordinates the administration of the Regional Training Center network; maintains library at NTC; coordinates development and production of Servicewide materials requiring specialized staff support (e.g., videotape, film strip); maintains control and oversees distribution of Servicewide printed materials; administers the National Training Center facility.

SEC. 1113.5 *Office of Assistant Commissioner (Compliance).*

The Assistant Commisioner (Compliance) is the principal assistant to the Commissioner on all matters pertaining to the compliance and appellate programs of the Service, in encouraging and achieving the highest possible degree of voluntary compliance by taxpayers, and in providing effective functional supervision of those activities in the field. These include audit and investigation of returns; criminal fraud investigations; the administrative system of tax appeals; administration of laws relating to alcohol, alcoholic beverages, tobacco, firearms, and explosives; and the receipt and processing of wagering, narcotics, alcohol and tobacco tax, and firearms returns and applications. Through the Disclosure Staff, in the immediate Office of the Assistant Commissioner, administers the disclosure provisions of the law and regulations concerning inspection of returns

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and other matters of official record; administers the Freedom of Information Act and regulations; administers the regulations governing testimony of Service employees in nontax matters; administers the tax check program involving high level Federal employees; and certifies documents under the Treasury Department seal, furnishing copies where appropriate. The Assistant Commissioner (Compliance) directs, coordinates and evaluates the work of the Appellate Division, the Audit Division, the Intelligence Division, and the Office of International Operations.

SEC. 1113.51 [Reserved]

SEC. 1113.52 *Appellate Division—Office of the Director.*

Accomplishes the Appellate mission of resolving tax controversies without litigation, on a basis which is fair and impartial to both the Government and the taxpayer by developing and supervising (functional supervision) nationwide programs for final appeal consideration, within the Service, of cases involving income, profits, estate, gift, employment and excise taxes (other than alcohol, tobacco, narcotics, firearms, and wagering), offers-in-compromise, refund claims and overassessments, in which the taxpayer protests the decision of the District Director, and of cases docketed in the United States Tax Court (with concurrence of Regional Counsel and prior to the opening date of the Tax Court session concerned). Develops nationwide Appellate budget estimates and long-range plans; evaluates financial plans and budget execution of regional Appellate Divisions. Conducts Appellate Reports and Information Retrieval Activity (ARIRA) programs and nationwide Appellate reporting system. Collaborates with Planning and Research, Accounts, Collection, and Taxpayer Service; and other segments of the Service in a research effort to create a comprehensive information storage and retrieval system. Furnishes administrative services for the operation of the Appellate Division of the National Office. Also directs or performs certain centralized Appellate functions.

SEC. 1113.521 *Coordination and Management Staff.*

Assists in developing and recommending policies, plans, programs, and basic procedures and provides top-level managerial assistance through the following principal functions: Develops and recommends operations policies, plans, programs, and basic procedures relating to the Appellate function. Assists and advises regional Appellate offices on technical and administrative problems to enable them more effectively to accomplish their objectives. Establishes and conducts a field visitation program, and maintains continuous field liaison to assure that established policies, programs, plans, and instructions are carried out in a uniform, effective manner. Evaluates adequacy of staffing and managerial performance in regional Appellate offices. Performs coordination functions across regional lines and with other Service elements. Supervises task forces working on special projects such as training, position descriptions, offices systems, and management improvement. Represents the Director in meetings of National Office and regional officials, and staff members serve on various committees as designated. Analyzes and interprets program status and progress in accomplishing the overall Appellate mission. Originates statistical analyses and graphic presentations with explanations and interpretations to disclose program status and progress with trends and deviations highlighted. These analyses serve as the basis for program direction and long-range program planning for the Appellate activity.

SEC. 1113.522 *Programs and Procedures Branch.*

Conducts program and procedural studies concerning Appellate activity and recommends methods to efficiently accomplish Appellate mission. Reviews and analyzes operational reports, field issuances and compiled data (such as ARIRA tables) to identify significant trends, procedural problems, etc., and submits recommendations to Director, where appropriate. Provides procedural instructions and procedural advice to Appellate field organization to effectively implement policies, plans, and programs relating to Appellate function. Maintains Part VIII of the Internal Revenue Manual and related Handbooks and coordinates Appellate procedures with other functions concerned. Provides material for inclusion in Statement of Procedural Rules concerning Appellate activity. Supervises task forces working on special projects relating to Appellate programs and procedures. Develops and coordinates training programs to improve skills of Appellate personnel. Provides forms and form letters for use in Appellate operation. Considers and processes employee suggestions submitted under the Incentive Awards Program relating to Appellate and implements those that are adopted.

SEC. 1113.523 *Special Services Branch.*

Advises and assists in cases involving controversies as to valuation through the following principal functions: Participates in the development of Service position and procedures in complex valuation matters. Helps to maintain uniformity of treatment of valuation issues throughout the regional Appellate Divisions by furnishing advice, and conducting training sessions. Furnishes expert advice and assistance to the National Office, regional Appellate Division, and Regional Counsel on difficult valuation problems. Provides expert witnesses to testify at trials involving complex valuation issues. Develops programs and techniques aimed at eliminating, to the greatest extent possible, the need for time consuming trials of valuation issues in the Tax Court or other courts. Provides regional Appellate Divisions with technical assistance of a general nature through the following principal functions: Analyzes and processes requests for technical information and digests technical information and other technical communications for dissemination to Regional Offices when information is of general Appellate interest. Maintains liaison on matters relating to cases requiring submission to the Congressional Joint Committee on Internal Revenue Taxation. Develops and aids in formulation and presentation of Appellate technical seminar programs. Recognizes need for specialized technical workshops and prepares program materials for them. Post-reviews closing agreements approved by regional Appellate officials. Also reviews closing agreements prior to submission to the Assistant Commissioner (Compliance) for approval. Identifies troublesome technical or qualitative areas and trends; and recommends solutions to help Regional Offices meet their objectives. Conducts special studies (such as prime issues) to assist the Director and the Assistant Regional Commissioners (Appellate) in their programming and long-range planning. Administers a continuing progra mfor evaluating and analyzing regional post-review effectiveness.

SEC. 1113.53 *Audit Division—Office of the Director.*

Accomplishes the Audit mission of encouraging and achieving the highest possible degree of voluntary compliance by taxpayers and tax exempt organizations with the tax laws. This is accomplished through developing and functionally supervising well designed and executed examination programs which utilize appropriated resources effectively and through plans for optimum audit programs in the future. These programs and plans provide for determining types and degrees of noncompliance and taking effective action to increase compliance. Also supervises the performance of certain centralized audit functions.

SEC. 1113.531 *Office Services Staff.*

Furnishes services in support of the Audit Division. Maintains liaison with the Office of the Assistant Commissioner (Administration) on fiscal, personnel, training, and facilities matters. Provides centralized mail, files, distribution, messenger, and library services for the Division.

SEC. 1113.532 *Programs Branch.*

Plans, implements, and evaluates nationwide programs for the examination monitoring of Audit Division's portion of of income, excise, employment, and estate and gift tax returns. Responsible for the development, implementation, and monitoring of Audit Division's portion of other enforcement programs. Provides assistance to field components in the conduct of their returns examination programs. Develops long-range plans and strategies for the accomplishment of its portion of the Audit mission. Issues IRM and other procedural material required for the execution of examination programs. Participates with other Compliance activities. Technical, and ACTS in the development and implementation of examination programs. Participates in planning and is responsible for implementing the returns classification program. Prepares replies to correspondence relating to income, excise, employment, and estate and gift tax matters.

SEC. 1113.533 *Exempt Organization Examination Branch.*

Plans, implements, and evaluates nationwide programs for the examination of exempt organization returns and records. Responsible for the development, implementation, and monitoring of the Audit Division's portion of the pension trust program. Plans and implements the program for issuance of exemption determination letters. Develops long-range plans and strategies for the accomplishment of its portion of the Audit mission. Maintains close communication and liaison with the Office of the Assistant Commissioner (Technical) on both exempt organization and pension trust matters. Reviews or post reviews revenue agent reports for quality and uniformity of exempt organization examinations. Issues IRM and other procedural material required for the execution of exempt organization and pension trust examinations. Determines uses to be made of the Exempt Organization Master File (EOMF) data and works with other Service activities in fulfilling their needs from the EOMF. Also determines uses for the Employees' Plans Master File (EPMF) and coordinates with the office of the Assistant Commissioner (ACTS) in such matters. Prepares replies to correspondence relating to exempt organization matters.

SEC. 1113.534 Centralized Activities *Branch.*

Provides technical coordination on complex Audit matters with other Compliance activities, Assistant Commissioner (Technical), and the Chief Counsel, Plans, implements, and monitors nationwide programs for Joint Committee, conference and review programs. Monitors and reports on cases docketed for Tax Court and assists Chief Counsel and Department of Justice in trial and settlement of cases. Performs centralized activities relating to qualification for enrollment and practice. Monitors the providing of necessary management services for the Audit activity and serves as liaison with the Office of the Assistant Commissioner (Administration) on administrative matters affecting the entire Audit activity.

Provides liaison with the Office of the Assistant Commissioner (Technical) and the Tax Forms Coordinating Committee on Audit matters. Conducts economic studies pertinent to Section 482 allocations and post reviews and provides expert testimony concerning such allocations. Issues IRM and other procedural material required for the execution of the branch's programs. Prepares answers to correspondence deemed to be nationally significant concerning field Audit operations (with the exception of exempt organization and pension trust matters).

SEC. 1113.535 *Resources and Analysis Branch.*

Responsible for integrating the program planning and evaluation activities, such as budget, PPB and NORP support for the Audit activity. Regulates all program research activities for the Division including TCMP, DIF development, and other special analytical studies. Responsible for providing the Director and the other Audit branches with timely analyses of overall program effectiveness with regard to both resource expenditure and results achieved. Prepares Division submissions for PFP and budget requests. Plans, implements, and monitors programs to provide management information such as SCRIP. Provides functional direction to the Audit Service activity. Plans the Audit classification of returns program. Issues IRM and other procedural material required to carry out the branch's programs. Provides coordination support for the Audit activity in respect to services provided by the ACTS organization.

SEC. 1113.54 [Reserved]

SEC. 1113.55 *Intelligence Division—Office of the Director.*

Accomplishes the Intelligence mission with reference to enforcement of the criminal statutes applicable to income, estate, gift, employment, and certain excise tax laws by developing and supervising (functional supervision—which includes evaluation) nationwide programs for the investigation of suspected criminal violations of such laws and the recommendation of prosecution and/or assertion of the 50% ad valorem addition to the tax, when warranted, development of information concerning the extent of criminal violations of all Federal tax laws (except those relating to alcohol, tobacco, narcotics, and firearms), and measurement of the effectiveness of the investigation process. The Division also conducts, coordinates, and directs the investigation of cases which have been centralized, and performs certain other centralized Intelligence functions.

SEC. 1113.551 *Administrative Office.*

Is responsible for furnishing administrative services for the operation of the Intelligence Division of the National Office by: developing and preparing budget requests and financial plans as well as supervising budget execution, providing for the administrative needs of the Division (such as providing and maintaining investigative and administrative central filing systems and processing mail, and maintaining liaison with the Office of Assistant Commissioner (Administration) on all National Office Intelligence Division matters (including fiscal management, personnel, training, and facilities management matters); developing and preparing projections of personnel costs and staffing charts; collaborating with Administration in the procurement of investigative equipment for field and National Office use, and maintaining inventory and current records as to location of Intelligence Division investigative equipment; and conducting special studies relating to personnel, space, budget and equipment.

SEC. 1113.552 *Staff Assistance (Visitation).*

Is responsible for: planning and conducting a visitation program for on-site evaluation, guidance, and assistance; coordinating with, and maintaining close liaison with each of the several branches of the Division for the purpose of inquiring into specific field activities of special interest to each of the branches and keeping each fully apprised of conditions and developments in the field.

SEC. 1113.553 *Operations Branch.*

Is responsible for: providing the field with operational assistance, and conducting, directing, and coordinating the investigation of centralized cases by: interviewing informants, maintaining liaison with Committees of Congress, representatives of the Service and other Government agencies in order to obtain, develop, and disseminate to the field pertinent information relating to tax evasion; coordinating, conducting, or directing investigations which are inter-regional in scope, of a sensitive nature, or of national interest; responding to communications on matters pertaining to operations; keeping Service and Treasury officials informed of significant developments in sensitive cases and those of national interest; identifying operational and management deficiencies in investigations coordinated, conducted, or directed by the National Office and initiating corrective action or referring identified deficiencies to the appropriate branch; and maintaining a program for case research and development including establishment of criteria for use in the automatic processing of returns to aid in identification of returns having criminal potential; and participating, as directed, in field visits.

SEC. 1113.554 *Program Branch.*

Is responsible for: providing effective management and technical programs, plans, and procedures for accomplishment of the Intelligence mission and identifying as well as correcting deficiencies in programming, planning, and procedural guidelines, including the Manual and the investigative handbook, through statistical analyses and studies, review of policies, management reports, reports of field visits and other issuances, and through consultation and coordination with other Service elements. Consulting and coordinating with other Service elements on such matters as the findings in internal audit reports, legislative proposals, development of organizational and staffing standards and personnel classification standards; collaborating with the Planning and Analysis Division in developing the Intelligence Division's long-term program objectives and resource requirements within the Service's Long Range Planning System; collaborating with the Fiscal Management Division in the evaluation of field financial proposals; submitting recommendations for the allocation of Intelligence personnel and funds; collaborating with the Information Systems Branch for the report of management and investigative accomplishments; consolidating, evaluating, and disseminating information reflecting accomplishments of programs and plans; preparing the Intelligence portion of the

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Cost Reduction—Management Improvement Report and the Commissioners Annual Report; and participating, as directed, in field visits.

SEC. 1113.555 *Technical Development Branch.*

Is responsible for: developing and maintaining professionals skills of special agents, developing investigative techniques and performing certain support functions in the accomplishment of the Intelligence mission by: conducting studies and developing Intelligence training programs in collaboration with the Training Division; directing and conducting centralized Intelligence training programs; instructing at, and collaborating in the program development and conduct of the Criminal Investigators School; maintaining liaison and providing technical guidance on and participation in course development and instruction which is carried out at the National Training Center for the Intelligence Division; coordination and evaluating field training: identifying deficiencies in training programs and materials and initiating corrective action or referring identified deficiencies to the appropriate branch; developing Intelligence investigative equipment standards and allocating investigative equipment and automobiles to the field; keeping abreast of developments in the use of automatic data processing equipment by taxpayers and third parties, such as banks, brokerage houses, and insurance companies to determine the type and extent of training needed by special agents to obtain necessary financial information where automatic data processing equipment is used; cooperating with the Personnel Division in the development of guidelines and standards for recruitment, selection, and career development of Intelligence personnel; preparing final Intelligence recommendations in cases unresolved at regional level; evaluating and recommending disposition of Incentive Awards suggestions; maintaining a current record of special skills of individual special agents; disseminating information on current developments, such as legal decisions, unique defenses, and unusual investigative approaches, through the issuance, monthly, of the Intelligence Digest; collaborating with the Public Affairs Division in the preparation of news releases regarding closed cases; collaborating with the Tax Administration Advisory Staff and the National Training Center in orientation of enforcement officials of other Federal agencies and of State and foreign governments concerning Intelligence techniques, procedures and practices, and participating, as directed, in field visits.

SEC. 1113.56 *Office of International Operations—Director of International Operations.*

The Office of International Operations administers the Internal Revenue laws and related statutes (except those relating to alcohol, tobacco, narcotics and firearms) as they relate to citizen taxpayers residing or doing business abroad, foreign taxpayers deriving income from sources within the United States, and taxpayers who are required to withhold tax on income flowing abroad to nonresident aliens and foreign corporations; acts as staff advisor to the Assistant Commissioner (Compliance) in the international area on all compliance functions, and as the international specialist provides assistance and guidance to the Compliance Divisions and makes recommendations on all aspects of the international enforcement program to the Assistant Commissioner (Compliance) and the Division Directors concerned; acts as competent authority in administering the operating provisions of tax conventions; performs and coordinates for the Service all foreign investigations and requests for information (other than those relating to rulings, regulations or assistance in the field of foreign tax administration) from foreign countries and United States possessions. Also computes and collects taxes due from the Alien Property Custodian, administers the provisions of the Internal Revenue Code authorizing the acceptance of foreign currency in payment of United States tax liabilities, coordinates foreign travel of Service personnel, and maintains foreign posts.

SEC. 1113.561 *Administrative Office.*

Responsible for the personnel, training, budget and fiscal and general administrative services, including procurement and supply, printing and communication services and other administrative services necessary to the effective operation and management of the Office of International Operations, including Foreign Posts and the Puerto Rico Office. Coordinates and develops the management improvement and incentive awards programs and special projects. Initiates and administers the security, safety and records management program. Develops the financial plan and budget estimates, fiscal programs, cost estimates, and is responsible for control of funds, report on budget execution and International Transaction estimates. Coordinates in conjunction with the Facilities Management Division the printing requirements and distribution of special publications, documents and tax forms required by the Office of International Operations, and the distribution of all tax forms to the United States Embassies and Consulates.

SEC. 1113.562 *Collection and Taxpayer Service Division.*

The Collection and Taxpayer Service Division is responsible for the receipt and transmittal of tax returns and documents received in the Office of International Operations; filed by nonresident liens, foreign corporations, nonresident alien estates, withholding agents (Forms 1042), information returns with respect to foreign corporations (Forms 959), and information returns with respect to foreign personal holding companies (Forms 957 and 958); the deposit to the credit of the Service Center Director of tax remittances received in OIO. Authorizes extensions of time for filing; provides year round taxpayer service to citizens and aliens; administers the automatic exchange of information and reciprocal collection provisions of tax treaties with foreign countries. Is responsible for the collection of delinquent accounts through distraint, seizure, levy and other means; the securing of delinquent returns; examination of officers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco and firearm taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties. The Division receives, acts on, and processes information pertinent to bankruptcies, receiverships, assignments, reorganizations, probate proceedings, foreclosures and redemptions after civil foreclosure, bulk sales, gifts and prizes, and dissolutions and initiates investigations for securing delinquent returns where necessary. The Division maintains files or control records of payments received in insolvency, bankruptcy, and decedent cases and of surety bonds and other collateral posted as security for tax liability. It also maintains files and control records of property seized under distraint authority and takes appropriate action with respect to seized property to ensure that proper legal action may be timely taken.

SEC. 1113.5621 *Special Procedures Staff.*

The Special Procedures Staff is responsible for furnishing advisory assistance on technical delinquent collection and returns matters to the Chief, Collection and Taxpayer Service Division, Chief, Field Branch, Chief, Office Branch and Group Supervisors; providing liaison for the Director of International Operations with the Department of Justice, including the U.S. Attorneys, the Chief Counsel and Regional Counsel on all collection matters; ascertaining tax liability and filing of proof of claims in insolvency and decedent's estate proceedings; recommending civil suits to enforce collection or to protect the Government's interests; processing civil suits against the United States or the Office of International Operations, examining, reviewing and processing seizure and sale reports; processing applications for discharge of property from the effect of Federal tax liens and for certificates of nonattachment of Federal tax liens and certificates of subordination of the Federal tax lien; processing filed notices of Federal Tax liens and certificates of release; processing and maintaining executed collection waivers; analyzing and determining the sufficiency of various forms of collateral offered as security for release of lien or postponement of collection action; furnishing technical advice and assistance and recommendations for or against entry into suitable escrow agreements for the collection of delinquent accounts; reviewing recommendations for and holding conferences on 100 percent penalty and transferee assessments; post reviewing of accounts reported as uncollectible; reviewing recommendations and holding conferences on offers in compromise cases based on inability to pay; and maintaining files and control records on all the above type cases to ensure that proper legal and other collection actions are taken timely.

SEC. 1113.5622 *Office Branch.*

The Office Branch effects the collection of delinquent accounts and secures delinquent returns through demands made by correspondence, telephone or office interviews. It safeguards the Government's interest by causing the filing of notices of tax liens and serving or causing the service of notices of levies. It transfers to Revenue Officer groups those assignments which require field investigations or can be more efficiently completed by field Revenue Officers. The Branch carries out the Division's responsibility for district-wide execution of the year-round taxpayer service program. It provides taxpayer service to citizens and aliens, including responses to correspondence requests of tax information, and provides functional supervision of taxpayer service at other posts of duty. The Branch screens and assigns cases and maintains assignment files. It prepares periodic reports of collection and taxpayer service activities. It receives and deposits to the credit of the Service Center Director remittances received in the Office of International Operations. It receives and transmits other returns and documents received in the Office of International Operations.

SEC. 1113.5623 *Field Branch I (Headquarters).*

Field Branch I is responsible for the Officer groups in Headquarters. Within management and control of Revenue the assigned area, the Branch makes collections of delinquent accounts and conducts a continuing program for the security of delinquent returns. It safeguards the Government's interest through the filing of notices of tax liens, and enforces collection by the serving of levies, and seizure and sale of real and personal property. It recommends jeopardy assessment when deemed necessary to protect revenue, civil actions to secure payments, suits to enforce penalty for failure to honor levies, and penalty assessments as a means of collection or as a method of obtaining compliance with existing laws and regulations. The Branch recommends the issuance of certificates of discharge of property from the effects of tax liens, recommends issuances of certificates of subordination of Federal tax liens, and conducts the investigations necessary to support such recommendations. The Branch examines offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco, and firearms taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment and withholding taxes and specific penalties), and all offers in compromise of 100% penalties.

SEC. 1113.5624 *Field Branch II (Puerto Rico).*

Field Branch II is responsible for the management and control of both Revenue Officer groups and an Office Group in Puerto Rico. Within the assigned area, the Branch makes collections of delinquent accounts and conducts a continuing program for the security of delinquent returns. It safeguards the Government's interest through the filing of notices of tax liens, and enforces collection by the serving of levies, and seizure and sale of real and personal property. It recommends jeopardy assessment when deemed necessary to protect revenue, civil actions to secure payments, suits to enforce penalty for failure to honor levies, and penalty assessments as a means of collection or as a method of obtaining compliance with existing laws and regulations. The Branch recommends the issuance of certificates of discharge of property from the effects of tax liens, recommends issuances of certificates of subordination of Federal tax liens, and conducts the investigations necessary to support such recommendations. The Branch examines offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco, and firearms taxes), offers in compromise of statutory additions based on doubt as to collectibility of taxes (except alcohol, tobacco, and firearms taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties.

SEC. 1113.563 *Audit Division.*

The Audit Division administers an international audit program involving the selection and examination of all types of Federal Tax returns filed with the Office of International Operations (except alcohol, tobacco, and firearms). Is responsible for the examination of certain offers in compromise, informant's claims for reward and related activities including the examination and approval of pension trusts and the issuance of determination letters. The audit program involves the classification of returns for field and office audits, the conduct of district conferences in unagreed cases, participation with special agents in the conduct of tax fraud investigations, and is responsible for providing manpower for the annual overseas taxpayer compliance program. Provides advice and guidance on audit work performed by the foreign posts and reviews for technical and procedural accuracy all reports of audit examinations prepared by these offices. Directs programs for the exchange of estate and gift tax data with foreign governments under the tax conventions. Performs audit functions relating to the Alien Property Custodian activity. Makes certain that Internal Revenue Agents' manpower will be applied to the most significant civil enforcement cases in the international area. Is responsible for the maintainance of good relationship with region and districts and is responsive to their requirements for assistance in the foreign area. The Audit Division consists of the Examination Branch, Service Branch, Review Staff, Conference Staff and Classification.

SEC. 1113.5631 *Conference Staff.*

The Conference Staff attains, to the maximum extent possible, the primary objective of the Conference Function—to give taxpayers ample opportunity to reach early agreement on disputed issues arising from audit examinations. Has responsibility for all OIO conference cases. Assigns, controls, coordinates, and reviews Office of International Operations jurisdictional conference cases including those in Puerto Rico, and foreign posts of duty. Holds conferences; provides direction and furnishes technical advice to other conferees; performs final district review of field audit conference reports; reviews and evaluates statistics and other records to strengthen conference function operations; and screens taxpayer protests which request Appellate hearings. Authorizes settlements in "pattern settlement cases;" reviews primary statistical forms in conference cases; coordinates and discusses with Chief, Review Staff, conference cases in which Review Staff has taken legal interpretative positions at variance with conference positions; reviews and answers dissents to conference determinations; reviews Appellate Division closings for guidance to conferees; and is responsible for protecting the statute of limitations for cases under his control. Undertakes special assignments received from Division and Office Superiors to the extent time permits.

SEC. 1113.5632 *Review Staff.*

Is responsible for reviewing for technical accuracy and policy and procedural adherence, reports of examination on income, estate, gift, and miscellaneous taxes, and offers in compromise. Prepares and issues preliminary letters and statutory notices. Grants extension of time for filing protests, and closes out statutory notices by sending the case file to the Appellate Division if a petition is filed or closing out for assessment if the time period expires on default. Receives taxpayer protests, refers protests to the Chief, Conference Staff, and closes protested cases to the Appellate Division upon recommendation of the Chief, Conference Staff. Furnishes technical advice to foreign and Puerto Rico posts and all examining personnel. Considers special problems relating to specific cases and prepares recommendations thereon. Prepares replies to technical inquiries from taxpayers from all over the world and issues determination letters as required. Considers applications for exemption from tax from foreign organizations, and issues determination letters or refers the case to the Assistant Commissioner (Technical), as appropriate. Prepares statistical reports and analyzes information on specific cases as required. Controls and reviews all forms used by the Audit Division. Controls and processes all informant's claims. Prepares requests for technical advice to the National Office on specific cases under examination.

SEC. 1113.5633 *Chief Classifying Officer.*

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Is responsible for planning and executing the audit classification program including the selection of returns to be examined and the determination of the organizational units where the returns can best be examined. Is responsible for the planning and execution of procedures involving the classification of other documents used in connection with examinations such as transferred cases from other districts, information reports, etc.

SEC. 1113.5634 *Service Branch.*

Controls all income, estate and gift, and miscellaneous tax returns received for audit or investigation by the OIO Washington Office, Puerto Rico Office and the Foreign Programs and Research Division. Routes work to appropriate units; reproduces completed reports; provides typing service for the Audit Division; effects closing action on examined cases transmitting returns to the Collection and Taxpayer Service Division; assembles audit production and statistical data and maintains controls on statutory expirations for the entire Audit Division as well as the Foreign Programs and Research Division.

SEC. 1113.5635 *Examination Branch.*

Conducts field and office examinations relative to all types of taxes (except alcohol, tobacco, and firearms) to determine correct liabilities of citizen taxpayers residing or doing business abroad, foreign taxpayers deriving income from sources within the United States and taxpayers who are required to withhold tax on certain payments to non-resident aliens and foreign corporations. Conducts examinations of estate tax returns of U.S. citizens who died while residing abroad or non-resident aliens with substantial property or income in the U.S. and gift tax returns filed by non-resident aliens or U.S. citizens residing abroad. It also conducts examinations of offers in compromise based on doubt as to liability for taxes or for both taxes and statutory additions (except alcohol, tobacco, and firearms taxes) claims for refund, credit or abatement, and special examinations as requested including joint examinations with special agents where tax evasions may exist. Obtains information on suspected delinquent taxpayers and other tax information while in overseas areas. It furnishes technical advice and assistance on pension trust plans, processes informants' claims for reward, and recommends jeopardy assessments. Prepares memoranda to accompany closing agreements and closing letters and releases in estate and gift tax cases, and administers the program for exchange of estate and gift tax data with foreign governments under tax conventions. Audits employment tax returns of Puerto Rico residents and income tax returns of United States Government employees and Puerto Rico residents deriving income from sources outside Puerto Rico, Audits books and records of Puerto Rican affiliates of domestic taxpayers to secure information requested by districts. Examines Virgin Island corporations to determine correct subsidy allowances. Coordinates examination program on resident foreign corporations and other cases, where appropriate, with National and Regional enforcement programs. On assignment holds conferences with taxpayers and their representatives. Prepares tax returns for, and audits books of, foreign corporations and alien individuals whose property is controlled by the Alien Property Custodian and conducts conferences on these matters.

SEC. 1113.564 *Foreign Programs and Research Division.*

Plans, develops and coordinates the work programs and other activities of the foreign posts. Conducts the intelligence function with respect to taxpayers under jurisdiction of the Office of International Operations. Coordinates, directs and/or conducts all functions performed overseas by Appellate, Audit, Collection and Taxpayer Service, Intelligence and International Operations personnel. Coordinates all audit, collection and intelligence functions between the foreign posts and the Divisions of the Office of International Operations, other Service components and other Government agencies. Assists in the performance of functions under the treaties principally involving nonautomatic exchange of information. It is the focal point for all contacts with foreign governments either directly or through the foreign posts. Coordinates the foreign travel of personnel of the Internal Revenue Service. Maintains liaison with the Treasury, State, Defense, Commerce and Interior Departments concerning overseas operating matters. Plans coordinates and directs the Annual Taxpayer Compliance Audit and Collection Programs abroad. Plans and coordinates, in conjunction with the military services, the Annual Military Assistance School Program. Provides research and technical assistance and prepares guidance memoranda for other OIO Divisions. Assists the Director in performance of the Competent Authority functions. Maintains a continuing appraisal of the operation of the income and estate tax treaties for the purpose of identifying areas for renegotiation. Considers administrative and operational feasibility of proposed tax conventions regulations. Conducts analytical studies with the purpose of achieving effective tax compliance. Prepares recommendations for remedial legislation or regulatory amendments. Reviews or prepares suggested public use or internal forms and documents. Disseminates information regarding United States business activity abroad and foreign business activity in the United States. Determines the amount of administrative relief [offset] to be allowed under Revenue Procedures 64–54 and 69–13. Submits recommendations with respect to proposed changes in legislation regulations, revenue procedures, treaty provisions and other aspects of the international enforcement program.

SEC. 1113.5641 *Foreign Posts.*

Takes necessary action under division programs to establish and maintain satisfactory levels of voluntary compliance. Develops information indicating possible tax evasion, delinquency or non-compliance. Conducts audits of income, estate and gift tax returns of a type justifying field investigation or contact abroad and conducts investigations on tax evasion cases. Effects collection of delinquent taxes when personal contact or investigation abroad is required. Obtains information on audit, intelligence and collection matters for other service components on collateral requests. Holds taxpayer conferences and effects settlements in income, estate and gift tax cases, claims, offers in compromise, etc., including those referred abroad by International Operations headquarters for such purposes. Under specific direction assists in the exercise of the Competent Authority provisions of tax treaties by holding discussions with foreign government representatives. Maintains close liaison with foreign governments in tax treaty, enforcement, exchange of information, technical and other matters. Maintains close liaison with U.S. military authorities and taxpayer groups in the area. Develops and implements enforcement, taxpayer assistance and school programs, taxpayer-education releases, and similar measures designed to assure a high level of compliance. Is responsible for the development and maintenance of desirable public relations, initiating appropriate taxpayer-education programs in the area. Furnishes technical assistance to taxpayers on all tax matters.

SEC. 1113.5642 *Research and Technical Branch.*

Accumulates and analyzes data concerning foreign tax laws, U.S. Tax Treaties, U.S. law changes, revenue rulings and statements of Service policy in the international area. Prepares, coordinates and reviews guidance memoranda within the Office of International Operations. Assists in the performance of the Competent Authority functions. As directed, represents the United States Government at conferences with foreign Competent Authorities. Reviews drafts of proposed tax conventions and regulations thereunder regarding the administrative and operational feasibility of the convention and regulations. Seeks out operational and administrative problems in the tax treaty area. Prepares analytical studies of technical problems and tax avoidance schemes in the international area. Prepares plans and programs to combat tax avoidance and evasion in the international area. Reviews or prepares suggested tax forms and other material. Coordinates technical matters regarding proposed legislation and similar matters with the various Divisions of the National Office and other Government agencies. Accumulates data on the extent, nature, location of U.S. taxpayer business and trust interest outside of United States and similar data on foreign business entities doing business in the United States. Accumulates data on other foreign business operations of concern to U.S. Determines the amount of administrative relief (offset) to be allowed

under Revenue Procedures 64–54 and 69–13 and, where appropriate, prepares closing agreements. Submits recommendations on proposed changes in legislation, regulations, revenue procedures, treaty provisions and other aspects of the international enforcement program. Provides data on foreign tax laws to technical field personnel responsible for determining correct Subparts F and G income and earnings and profits of controlled foreign corporations under the 1962 Revenue Act. Prepares periodic reports of the progress and activity in the international area.

SEC. 1113.5643 *Foreign Programs Branch.*

Provides functional supervision of the work programs and other activities of the foreign posts. Conducts the intelligence function with respect to taxpayers under jurisdiction of the Office of International Operations. Coordinates all functions performed overseas by Appellate, Audit, Collection and Taxpayer Service, Intelligence and International Operations personnel. Coordinates all audit collection, and intelligence functions between the foreign posts and the Divisions of the Office of International Operations other Service components and other Government agencies. Evaluates foreign programs. Provides point of contact for foreign governments either directly or through the foreign posts. Coordinates Internal Revenue Service. Maintains liaison with the Treasury, State, Defense, Commerce and Interior Departments concerning overseas operating matters. Plans and coordinates, in conjunction with the military services, the Annual Military Assistance and School Program.

SEC. 1113.6 *Office of Assistant Commissioner (Accounts, Collection, and Taxpayer Service).*

The Assistant Commissioner (Accounts, Collection, and Taxpayer Service), is the principal assistant to the Commissioner on all matters pertaining to the development of programs, systems, methods and procedures for implementation and operation of the Internal Revenue Service Automatic Data Processing Plan, the accounting for the internal revenue, the receipt and integrated processing of tax returns and other documents, the review and coordination of all reports, the collection of delinquent accounts, obtaining delinquent returns, and providing responsive services to taxpayers. He exercises line supervision over the activities performed in the various Divisions in the National Office which are within his jurisdiction and the National Computer Center and the Internal Revenue Service Data Center, and is functionally responsible for ACTS activities in Regional Offices, District Offices and Service Centers. Confers and collaborates with officials of other Government agencies and private industry to ensure compatibility of data which will be integrated into the ADP system of each.

SEC. 1113.61 *Administrative Service Office.*

Plans, organizes, coordinates, and directs the administrative management activities of the Office of Assistant Commissioner (Accounts, Collection, and Taxpayer Service) at the National level, assisting and collaborating with Division Directors and the National Computer Center Director in providing budget, personnel, records and reports management, space management, duplication, supply, and other administrative services necessary for the internal administration, management, operation and functioning of the Office.

SEC. 1113.62 *Program Review and Analytical Services Staff.*

The Program Review and Analytical Services Staff provides the Assistant Commissioner (ACTS) with: in-depth evaluations of Service Center, Data Center and Regional Office operations, programs and effectiveness in the ACTS areas to meet his needs for NORP participation as well as for his day-to-day management appraisals and decisions; independent centralized and integrated analyses of all ACTS programs, including the identification of actual, emerging, and potential problems to management particularly as they impact on two or more ACTS Divisions or other IRS organizations; assessments of program accomplishments, trends, or developments of specific interest to the Assistant Commissioner; and design and the undertaking of advanced analytical research programs and projects (in conjunction with other ACTS Divisions and IRS offices) to improve operational effectiveness and/or to shed insight on program alternatives.

Provides analytical service support and assistance, including specialized statistical services, to the individual Directors of the Accounts and Data Processing, Collection, and Taxpayer Service Divisions and the Director of the Data Center by identifying, evaluating, interpreting, reporting, and assisting in reporting progress towards accomplishment of their respective missions and program objectives. Provides specialist and consultant services and assistance in analytical methods to these officials as well as to Regional personnel in understanding and utilizing techniques and data resulting from integrated analyses of relevant internal and external data.

Coordinates the need for, and advises individual ACTS Divisions on, information system requirements for data, reports and information systems design, reports management activities. Also, in conjunction with ACTS Divisions, develops input for the Annual Internal Audit Program to obtain additional data for evaluation of ACTS program management. Coordinates with Divisions and Internal Audit preparation of the Monthly Informal Report to the Commissioner on significant findings pertaining to ACTS activities.

SEC. 1113.63 *Planning Staff.*

The Planning Staff is the principal advisor to the Assistant Commissioner (ACTS) for insuring the optimal use of ACTS resources for the Service in both tax and non-tax related applications. Develops and administers, in cooperation with all other offices, long-range goals; identifies a budgeting and control system as it relates to goal setting; recommends policy or program decisions on the basis of feasibility or operations research studies; systematizes requests for ACTS services; prepares final ACTS PPBS documents; and performs general staff work on all high-level planning and resource allocations as directed by the Assistant Commissioner (ACTS).

Develops and consolidates long-range goals for the ACTS organization, recommends priorities of work and alternatives, insures that all facets of major work projects are recognized, and identifies the impacts of recommended or proposed actions. Monitors the resources expended in the attainment of established goals and participates in the final system acceptance.

Systematizes the activities relating to requests for ACTS services by: identifying, controlling and monitoring major requirements, requesting and assisting in cost/benefit analysis, presenting the recommendations and priority assignments to the resource allocation boards (ADP Review Board, Data Center Committee) and the appropriate Assistant Commissioners. Independently reconciles and evaluates the cost/manpower/computer accomplishments of ACTS.

Consolidates and finalizes the preparation and submission of PPBS documents to insure consistency with long-range plans and resource requirements commensurate with the objectives and goals of the Assistant Commissioner (ACTS) and top line officials of the Service.

SEC. 1113.64 *Accounts and Data Processing Division—Office of the Director.*

Plans, coordinates and directs the development of returns processing programs and revenue accounting functions. Directs the operation of the present tax administration system in service centers, the National Computer Center, and district offices, and will operate the new, integrated tax administration systems. This responsibility encompasses: The development of major tax administration programs and issuance of detailed systems requirements, forms, procedures, and computer programs for the receipt and processing of tax returns and related documents or data (except alcohol and tobacco tax and firearms returns and applications); accounting for revenue collections and tax deposits; fulfilling the related requirements of other Service activities and the Department of the Treasury; maintenance of taxpayer master file and non-master file accounts; required financial and operating reports; design of master file related management and data control systems; systems acceptability testing of manual procedures, machine instructions, computer inputs, processes and outputs before implementation; and the maintenance of all operational ADP master files and related systems. Functional supervision—including determining the effectiveness of on-going programs, procedures, systems to achieve Service objectives; and providing leadership in the installation or modifications

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of assigned tax administration programs and processing systems; prompt identification of and follow-up with regional management and coordination with Director, Program Review and Analytical Services Staff, ACTS, on significant operational problems which could impair attaining Service goals and objectives—over accounts and data processing activities in the regional offices, service centers, and district offices. Line supervision over the National Computer Center and liaison between the Center and other organizational units of the Service.

SEC. 1113.641 *National Computer Center.*

Plans, directs, and coordinates the master file operations of the totally integrated tax administration system. Functions include: establishment, maintenance, and updating of the individual, business, employee plans and exempt organizations master files through around-the-clock operation of a large-scale computer system complex. Provides reciprocal controls with service centers of the receipt, processing, and shipment of tax account data. Produces output data for use in issuing refunds, bills or notices, answering inquiries, conducting delinquency checks, detecting fraudulent refund claims, classifying returns for audit purposes, preparing reports, and other matters concerned with processing and enforcement activities of the Service. Provides line supervision over National Office Computer Facility which is principally responsible for computer testing support for the totally integrated tax administration system. Responsible for scheduling and coordinating with Service Centers on production matters and receipts, control and servicing of file searches for Disclosure Staff, Intelligence, Internal Audit and other Service offices. Responsible for financial planning, recruitment, and training, and other administrative matters of the National Computer Center.

SEC. 1113.642 *Office of the Executive Assistant.*

Responsible for providing assistance to the Director in the general overall management and evaluation of Accounts and Data Processing operations both within the Division and functional areas in the field. Coordinates and monitors Division program plans in the areas of organization, personnel, training, security, space and furniture acquisition, financial planning and funding. Finalizes financial and Program-Planning and Budgeting System documents for Division programs covering field operations and the National Office. Coordinates with Internal Audit on program reviews and follows up on findings and corrective action pertaining to the programs and mission of Accounts and Data Processing. Coordinates the Division reports management program. Manages the Division Internal Work Planning and Control System. Prepares speeches and other required papers on Division activities. Represents the Division in the orientation of foreign tax officials and other dignitaries. Provides office management and directives management for the Accounts and Data Processing Division.

SEC. 1113.643 *Associate Director (Accounts and Services).*

Directs the data processing program management for the present tax administration system, and will direct the program management of the new, integrated tax administration systems. Develops programs for approval; and designs, implements, and evaluates systems and procedures for data processing applications. Functions include: participates in developing new systems or revision of existing systems, including a cost/benefit analysis; plans and coordinates resource requirements for accomplishments of programs (collaborates with involved client organizations); prepares, issues, and monitors program requirement packages (PRP's) and ADP Handbook procedures; participates in systems acceptability testing with approval authority for proprietary programs; evaluates program effectiveness through feedback from on-site review, field office communications, customers, and Internal Audit, promptly resolving program problems; develops management information and quality review systems applicable to activities in service centers and NCC; responsible for development and coordination of service center and master file requirements relating to special studies and other research activities; provides analyses and recommendations of action required by tax legislation; and coordinates participation of ACTS in the data exchange programs, e.g., requests from Federal, State, and municipal entities for non-report and non-statistical formatted data from the master file.

SEC. 1113.6431 *Compliance and Special Programs Branch.*

Managers data processing programs relating to Compliance and other Service components, and external customers for the totally integrated tax administration system. Develops programs for approval; and designs, implements and evaluates systems and procedures for data processing applications. Develops new systems or revises existing systems in area of responsibility, including a cost/benefit analysis. In collaboration with client organization, responsible for aggregate planning and coordination of resource requirements for accomplishment of programs; prepares, issues, and monitors program requirement packages (PRP's) and ADP Handbook procedures for area of responsibility. Participates in system acceptability testing for those systems related to its program area with final approval authority for proprietary programs. Evaluates program effectiveness through feedback from on-site review, field office communications, customers, and Internal Audit, promptly resolving program problems. Develops management information systems applicable to activities in service centers, district offices, and NCC. Responsible for development and coordination for service center and master file requirements relating to special studies and other research activities. Coordinates participation of ACTS in the data exchange programs, e.g., requests from Federal, State, and municipal entities for non-report and non-statistical formatted data from the master file.

SEC. 1113.6432 *Revenue Accounting and Processing Branch.*

Manages data processing programs relating to processing of tax returns and related documents from receipt through posting to the master file, including service center and district office deposit activities for the totally integrated tax administration system. Develops programs for approval; and designs, implements, and evaluates systems and procedures for data processing applications. Develops new systems or revises existing systems in area of responsibility, including a cost/benefit analysis. Responsible for aggregate planning and coordination of resource requirement packages (PRP's) and ADP Handbook procedures for area of responsibility. Participates in systems acceptability testing for those systems related to its program area with final approval authority for proprietary programs. Evaluates program effectiveness through feedback from on-site review, field office communications, customers, and Internal Audit, promptly resolving program problems.

SEC. 1113.6433 *Taxpayer Accounts Services Branch.*

Manages data processing programs of service center and district office activities relating directly with taxpayer's accounts occurring subsequent to master file posting of the return for the totally integrated tax administration system. Develops programs for approval; and designs, implements and evaluates systems and procedures for data processing applications. Programs include activities such as correspondence, adjustments, notice review, payment tracers and other IDRS related activities. Develops new systems or revises existing systems in area of responsibility, including a cost/benefit analysis. Responsible for aggregate planning and coordination of resource requirements for accomplishment of programs. Prepares, issues, and monitors program requirement packages (PRP's) and ADP Handbook procedures for area of responsibility. Develops quality review systems applicable to activities in Service Centers and NCC. Participates in systems acceptability testing for those systems related to its program area with final approval authority for proprietary programs. Evaluates program effectiveness through feedback from on-site review, field office communications, customers, and Internal Audit, promptly resolving program problems.

SEC. 1113.6434 *Accounting Operations Branch.*

Assures that accounting operations in Service Centers are performed in accordance with prescribed procedures and provides assistance in account balancing or other problems through field visitations, phone calls and correspondence. Provides Division Management with information gathered through field contact relating to the accounting function.

Suggests revisions to the Revenue Accounting System and assists in preparation of field instructions; engages in consultation and preparation of special accounting related projects such as those involved in new service center activation and apportionment of accountability. Also prepares specifications for the maintenance of the centralized accounting function which accounts for monies to be transferred to U.S. territories such as Puerto Rico, Guam and the Virgin Islands. Prepares annual financial statements and maintains accounting data necessary for the proper planning of receipts and cash flow by the Department of the Treasury.

Prepares reports of revenue receipts and refunds paid for management and various IRS publications. Reviews revenue and refunds paid data prepared by the National Computer Center and Service Centers and prepares quarterly certifications of trust fund collections, refunds and credits such as those for the Highway, Land and Water Conservation, Airport and Airway, and Railroad Retirement Trust Funds. Maintains administrative control over Joint Committee refund cases from time of receipt, through processing, to time of final dispatch to service center for preparation of refund check. Reviews pending and enacted legislation, government and other publications to keep current with all actions affecting the revenue. Acts as liaison with other agencies in the Department of the Treasury, Railroad Retirement Board, Joint Committee on Internal Revenue Taxation, Office of Business Economics, and other agencies, industries, individuals and associations involved in the Nation's revenue.

SEC. 1113.644 *Associate Director (Computer Systems).*

Directs and coordinates the operations of computer systems and processing programs for the present tax administration system and will operate the new, integrated tax administration systems, commensurate with established ACTS goals and recommends determination of supporting computer hardware, as well as auxiliary and accessory equipment, and software requirements for service centers, district offices and the National Computer Center. In addition, includes: participation in studies of proposed computer systems, including telecommunications and real time processing applications; develops and maintains computer software support; evaluates computer systems utilization and is responsible for outside agency computer systems reporting; coordinates installation of computer systems, evaluating planned operational effectiveness; develops standards and guidelines for uniformity by all programmers; develops application and scientific computer programs; participates in systems acceptability testing of all procedures and computer programs before systems acceptability testing of all procedures and computer programs before systems located at service centers and the National Computer Center; provides technical advice and consulting services to other Service offices on computer systems problems; coordinates participation of ACTS in the Government-wide ADP Sharing program; and develops and coordinates the recruitment and training of programmer trainees.

SEC. 1113.6441 *Master File Programming Branch.*

Develops, documents, and maintains computer systems and processing programs to establish, update, analyze and produce required outputs from Master Files of taxpayer accounts and related data files at the National Computer Center for the totally integrated tax administration system. Analyzes new or revised computer-oriented systems requirements to develop required run schematics, detailed logic and block diagrams, machine coding and run tests, documentation and instructions for National Computer Center input, Master Files processing and output programs, including data controls and files extracts. Coordinates with Accounts and Services, and the Service Center Programming, Data Retrieval Programming and Systems Support Branches to ensure compatibility with computer input/output programs in the Internal Revenue Service Centers. Assists the Systems Testing Branch in conducting tests of computer programs and instructions prior to operational use. Identifies operational programming problems, recommends recovery action, if practicable, and makes required program changes. Participates in the review and analysis of proposed computer systems requirements to determine feasibility, completeness, and compatibility with related IRS systems. Provides functional supervision over Resident Programmer Analysts located at the National Computer Center.

SEC. 1113.6442 *Service Center Programming Branch.*

Develops, documents, and maintains computer systems and processing programs and related off-line equipment instructions for tax return and all related data transcription and processing operations including residual master files and data controls in the Internal Revenue Service Centers for the totally integrated tax administration system. Analyzes new or revised computer-oriented systems requirements to develop required run schematics, detailed logic and block diagrams, machine coding and run tests, documentation and instructions for Service Center computer input/output programs, data controls and related processes. Coordinates with the Accounts and Services, and the Master File Programming, Data Retrieval Programming and Systems Support Branches to ensure compatibility with all IRS computer processes particularly at the National Computer Center. Assists the Systems Testing Branch in conducting tests of computer programs and instructions prior to operational use. Identifies operational programming problems, recommends recovery action if practicable and makes required program changes. Participates in the review and analysis of proposed computer systems requirements to determine feasibility, completeness, and compatibility with related IRS systems. Develops and maintains computer programs to fulfill requirements for management information systems integrated or related with the tax processing system. Provides functional supervision of Resident Programmer Analysts located at the Service Centers.

SEC. 1113.6443 *Data Retrieval Programming Branch.*

Develops, documents, and maintains computer systems and processing programs for the Service Centers and district and local offices that are required for the Integrated Data Retrieval System (IDRS). Designs file structure and determines the need for individual computer runs and the relationship of these runs for IDRS. Requirements of the system are received from the branches under Associate Director, Accounts and Services and are coordinated for clarity and programming feasibility. The computer system is diagrammed; file content and format is determined; individual program logic is designed, coded and tested. Complete program documentation is prepared for distribution to all Service Centers and district and local offices including detailed operating instructions. Programs are all prepared to operate synchronously with the individual, business, and residual master files, and other automated and manual systems for the totally integrated tax administration system. Programming activities include real time processing of terminal inquiries and update action plus a large number of multi-programmed batch runs. The batch processing, which also has related real time processing, includes such items as: updating the Account Data files on a daily and weekly basis with data from the National Computer Center and data from all of the various stages of processing in the Service Center; analysis of accounts notice output; maintenance of adjustment and correspondence case inventories; and various audit and collection related activities. Some principal subsystems that are a part of IDRS processing are: Correspondex System, Document Request System, Unidentified Remittance System, On-Line Adjustment System, System for Direct Deposit of Receipts. Participates in the review and analysis of proposed computer systems requirements to determine feasibility, completeness, and compatibility with related IRS system. Coordinates with the Master File Programming and Service Center Programming Branches in the functional supervision over Resident Programmer Analysts located at the service centers and the National Computer Center.

SEC. 1113.6444 *Systems Testing Branch.*

Plans, develops, schedules and conducts acceptability tests simulating live operation of new or revised systems, procedures, forms, instructions, and computer programs designed to process tax returns, related documents and data in the district offices, service centers, or National Computer Center, including accounting, document and other internal

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controls over such operations for the totally integrated tax administration system. Coordinates with other ACTS operating and user organizations in testing the system as acceptable for implementation, analyzes total system requirements, develops appropriate tests documents and data, and establishes predetermined control and output results. Tests all manual procedures; machine processes and computer programs, under predetermined controls as planned, to determine readiness of the system to produce records and outputs meeting all requirements. Identifies any deficiencies of problem areas, recommends evident modification or clarification, and tests any changes. Recommends acceptability to the client organization for their certification.

SEC. 1113.6445 *Systems Support Branch.*

Develops, maintains and modifies all software products, required for the Service's totally integrated tax administration system as a service function to the programming branches within the Division. Studies and evaluates proprietary software packages for application on any IRS system. Provides technical advice and consulting services to other Service offices including development of scientific computer programs. Provides a systems "debug" service to application programmers within the Division. Maintains the variety of skills and knowledge necessary to support the several different computer systems and programming languages utilized in the Service. Maintains a current knowledge of computer equipment, including auxiliary and related equipment, software technology, and telecommunication and real time processing applications. Participates in determining immediate or long-range computer systems equipment requirements for data processing; develops plans and schedules for meeting those requirements, and recommends acceptance, modification, or rejection of suppliers proposals. Coordinates installation of computer systems and evaluates effectiveness compared with contract requirements. Evaluates computer systems utilization and is responsible for outside agency computer systems reporting. Responsible for computer operation support functions, (e.g., tape library, computer scheduling) including related procedures and programming, for the Service Centers, National Computer Center, and the National Office. Develops and Issues standards and techniques for uniform guidance and use by all programmers; coordinates participation of ACTS in the Government-wide ADP Sharing Program. In coordination with Training Division, assists in developing and conducting data processing functional training seminars, for Service personnel and specialized training courses for programmer trainees.

SEC. 1113.65 *Collection Division—Office of the Director.*

Accomplishes the Collection mission with reference to the filing and payment requirements of the internal revenue laws by providing and supervising (functional supervision) nationwide programs for issuance of Certificates of Compliance to departing aliens, disposition of certain offers in compromise, collection of unpaid accounts, determination and analysis of why accounts become delinquent, and prevention of accounts from becoming delinquent; obtaining of delinquent returns, measurement of the types and degrees of non-filing, determination and analysis of the reasons for non-filing and reduction of non-filing.

SEC. 1113.651 *Special Projects Branch.*

Exercises responsibility over projects and activities not directly identified with a program management branch or the Special Service Staff. Exercises continuing responsibility for the coordination of management processes which apply to all programs and activities of the Division by performing the following functions: Monitors, coordinates and integrates the planning activities of the Division, including the preparation of program planning document, PPBS Program Memoranda and Program and Financial Plan, Work Plans and budget and financial documents. Maintains Work Planning and Control System (including maintenance of the Operations List) current and compatible with procedural issuances and coordinates the establishment of work priorities within the System. Monitors, studies, coordinates and integrates field collection (DAR activities), organization functions, position responsibilities, staffing and related personnel matters. Serves as Division consultant on these matters. Collaborates and maintains liaison with the Office of the Assistant Commissioner (ACTS) on information system requirements for data and data processing, reports and information systems design, other reports management activities, and on information storage and retrieval matters (also collaborating and maintaining liaison with the Office of Assistant Commissioner (Planning and Research) on information storage and retrieval), and coordinates and maintains management surveillance over all these matters within the Collection Division. Collaborates and maintains liaison with the Office of Assistant Commissioner (Administration) in determining field Collection training needs, evaluating and administering Collection training programs, and providing Collection functional guidance and review for development of training materials at the National Training Center. Conducts general management and other special studies and performs other assignments, which are not within the specific jurisdiction of the program management branches, when authorized by the Director or Assistant Director. Assists Director in determining permanent functional assignments within the Division where such assignments are not clearly covered within the established functional responsibilities. Coordinates internal audit matters related to the Collection Division, and is responsible for completed action on internal audit reports, keeping branches informed on these matters. Responsible, on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

SEC. 1113.652 *Delinquent Accounts Branch.*

Exercises program management responsibility for Collection Division's functional supervision of the payment requirements of the Internal Revenue laws through the Delinquent Accounts Program (collection of unpaid accounts, determination and analysis of why accounts become delinquent, and prevention of accounts from becoming delinquent) and of the functional supervision of offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco and firearms taxes), offers in compromise of statutory additions based on doubt as to liability or doubt as to collectibility (except alcohol, tobacco, firearms, employment, withholding and excise taxes and specific penalties) and all offers in compromise of 100% penalties, by performing the following functions with reference to the Delinquent Accounts and Offer in Compromise Programs: Formulates and recommends policies. Develops short, intermediate and long-range program content and activities. Relates these to program planning documents, preliminary work plans and budget and financial plans. Develops, reviews and revises as necessary, systems, procedures, methods and other instructions for Collection field personnel, including the development of techniques. Analyzes, evaluates and reports to Division Director on status, progress and trends with reference to assigned programs and takes appropriate action required. Evaluates and reports to Division Director on status and trends of Field Operations involving assigned programs. Collaborates with Office of Assistant Commissioner (ACTS) on substantive program and systems matters pertaining to assigned programs. Identifies the need for and seeks improvement (in collaboration with the Special Projects Branch) of reports and information systems and training guides. Identifies need for and seeks improvement of records and internal forms in collaboration with Facilities Management Division. Recommends appropriate action on Incentive Awards suggestions referred by the Administrative Services Office and on internal audit reports referred by the Special Projects Branch. Conducts studies required for problem identification, problem solving, planning, assistance to the regions, and engages in "troubleshooting" for assigned programs. Makes a performance evaluation of offers in compromise in certain district acceptance cases. Reviews offers in compromise within functional jurisdiction requiring the Commissioner's approval. Participates in Division visits to field offices and conducts special purpose visits as required. Serves as taxpayer liaison office for the Division by the performance of the following principal functions: Responds to inquiries (personal visits, correspondence and telephone) from sources external to the Internal Revenue Service (e.g. taxpayers, members of Congress, Treasury Department and other Departments and Agencies) on matters pertaining to Collection Programs, activities and functions. Conducts correspondence and engages in conferences with taxpayers, officials of the Service, States, other Federal Agencies, members of Congress and Congressional Committees on Collection Division activities and functions. Monitors the Division's sensitive case program. Responsible on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

SEC. 1113.653 *Returns Compliance Branch.*

Exercises program management responsibility for Collection Division's functional supervision of the filing requirements of the Internal Revenue laws through the Returns Compliance and Delinquent Returns Programs (obtaining of delinquent returns, measurement of the types and degrees of non-filing, determination and analysis of the reasons for non-filing and reduction of non-filing) by performance of the following functions with reference to the Returns Compliance and Delinquent Returns Program. Formulates and recommends policies. Develops short, intermediate and long-range program content and activities. Relates these to program planning documents, preliminary work plans and budget and financial plans. Develops, reviews and revises as necessary: systems, procedures, methods and other instructions for Collection field personnel, including the development of techniques. Analyzes, evaluates and reports to Division Director on status, progress and trends with reference to assigned programs and takes appropriate action required. Evaluates and reports to Division Director on status and trends of field operations involving assigned programs. Collaborates with Office of Assistant Commissioner (ACTS) on substantive program and systems matters pertaining to assigned programs. Identifies the need for and seeks improvement (in collaboration with the Special Projects Branch) of reports and information systems and training guides. Identifies need for and seeks improvement of records and internal forms in collaboration with Facilities Management Division. Recommends appropriate action on Incentive Award suggestions referred by the Administrative Service Office and on internal audit reports referred by the Special Projects Branch. Conducts studies required for problem identification, problem solving, planning assistance to the regions, and engages in "trouble-shooting" for assigned programs. Participates in Division visits to field offices and conducts special purpose visits as required. Responsible, on a continuing basis, for management improvement, work simplification, better utilization of resources, etc., with reference to assigned programs.

SEC. 1113.66 *Taxpayer Service Division—Office of the Director.*

Plans, develops and directs a comprehensive Service-wide Taxpayer Service Program which recognizes that taxpayers must have the ability as well as the willingness to comply with Federal tax law. Ensures a consistent and uniform policy of service to all taxpayers.

Responsible for coordinating and integrating all field Taxpayer Service related activities (other than those requesting technical determinations), regardless of organizational boundaries. In this regard ensures that prompt, accurate, and responsive replies are made to taxpayer inquiries and that appropriate and useful informational and educational materials for public use are prepared and distributed. Participates in the formulation of policies affecting the taxpaying public. Assists (utilizing internal audits to the extent practical) in determining the effectiveness of taxpayer service activities in all areas and at all organizational levels. In this regard, recommends how procedures might be changed and resources increased, decreased, or shifted to provide better overall service to the taxpayer. Exercises functional supervision over regional and district taxpayer service activities. Conducts research on assessing and improving the effectiveness of various Taxpayer Service activities.

SEC. 1113.661 *Operations Branch.*

Exercises general program management responsibility to ensure prompt, accurate and responsive replies to taxpayer inquiries directed to district offices and service centers. This includes prompt replies to correspondence received from taxpayers, members of Congress, tax practitioners, and other regarding operations aspects of the ACTS organization.

Develops, reviews and modifies, as necessary, procedures, methods, and other instructions to assist field managers and employees in the accomplishment of Program objectives.

Reviews selected correspondence to identify problem areas within the Taxpayer Service Division or to have the matter referred so the appropriate activity may take necessary remedial action. Provides liaison between district office taxpayer service operations and service center data processing operations as they related to Service-generated output or taxpayer-initiated actions.

Provides input to the Planning and Development Branch for Program Management guidelines, PPBS materials, work plans, estimates of staff and budget requirements to meet Program goals and objectives.

In conjunction with the Training Division, develops or reviews materials for field and National Office training programs for Taxpayer Service personnel. Issues up-to-date tax information, e.g., handbooks, guidelines, TAX-NEWS, and the like, to ensure dissemination of accurate tax information to the public by TSR's.

Provides guidance and assistance in the implementation of a comprehensive Servicewide Taxpayer Service Program; and participates in the evaluation of its operational effectiveness. Responsible, on a continuing basis, for submitting recommendations for initiating studies and conducting field operational studies to improve the effectiveness of field operations, management improvement, work simplification and the like.

SEC. 1113.662 *Planning and Development Branch.*

Develops long-range plans and objectives for a comprehensive Taxpayer Service and Assistance Program and coordinates these plans with other activities assigned responsibility for various programs related to Taxpayer Service. Prepares, coordinates, and integrates the planning activities of the Division, including the preparation of Program Planning documents, PPBS materials, Programs and Financial plan, Work Plans, and budget documents. Assist in the determination of staff requirements to meet program objectives and long-range plans.

Assesses taxpayer needs, conducts in-depth research studies to measure effectiveness of selected methods of providing taxpayer service as well as measure various related programs, and recommends effective and economical methods of informing and educating taxpayers in their rights and responsibilities. Related programs to be measured include telephone assistance, filing period publicity, taxpayer education, taxpayer publications, and the like, to determine how to most effectively meet taxpayer needs.

Represents both taxpayers and the Assistant Commissioner (ACTS) on the Forms Committee; and suggests alternative solutions to meet Service objectives with minimum inconvenience to taxpayers. Assures that the needs of taxpayers are considered in the design of tax forms and other Service publications; and that instructions are issued which make compliance simpler or more understandable for the public.

Identifies subject matter areas giving taxpayers problems and endeavors to alleviate these by coordinating with other National Office Divisions in the preparation of appropriate technical publications, news releases, institute training materials, et cetera. Review forms, form letters, computer notices, and other issuances to ensure that information or instructions contained therein are understandable to the public.

Provides assistance in personnel management activities and program evaluation. Collects and presents statistical data in an organized and readily usable form in measuring accomplishments against objectives. Prepares materials designed to aid field personnel in achieving the highest Program goals at a minimum cost. Serves as Taxpayer Service Division representative in TCMP matters. Develops and coordinates the issuance of Revenue Procedures on the use of "substitute" tax forms and schedules. Coordinates internal audit matters related to the Taxpayer Service Division and has responsibility for completing action on such reports and for collaboration with the Field Operations Branch on these matters.

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SEC. 1113.67 *IRS Data Center.*

Responsible for the performance of Non-Master File data processing operations for the Service. This includes: design of manually and electronically oriented processing systems; detail design of computer programming requirements and instructions; writing of computer programs; testing and debugging of computer routines; systems acceptability testing; installation of new systems; and maintenance of systems after they become operational. Such systems provide for the preparation of Department of the Treasury payrolls; fiscal reports; statistics of income; Taxpayer Compliance Measurement Programs, including both work progress reports and special studies; special tax research; personnel analysis reports; work planning and control reports; data for PPBS and other purposes; special tabulations and comparisons for States and other Federal agencies; and statistical information for management control by National and Regional Office officials; and other special applications not included in the Business and Individual Master File systems.

SEC. 1113.7 *Office of Assistant Commissioner (Inspection).*

The Assistant Commissioner (Inspection) acts as the principal assistant to the Commissioner in planning and carrying out the inspection program of the Internal Revenue Service. This includes the independent review and appraisal of all Internal Revenue Service activities as a basis for protective and constructive service to management, and the carrying out of a program for assisting management to maintain the highest standards of honesty and integrity among its employees. The Assistant Commissioner (Inspection) plans and directs the inspection program at both the national and regional levels. At the National Office level he supervises two divisions: the Internal Audit Division and the Internal Security Division; and at the regional level he supervises the Regional Inspectors.

SEC. 1113.71 *Internal Audit Division—Office of the Director.*

The Internal Audit Division has responsibility for conducting a program providing for an independent review and appraisal of the operations of the Internal Revenue Service. This review provides information on the condition of all the functional activities of the Service at the National, regional and district levels and is sufficient in scope to provide a basis for constructive management action by the Service officials responsible for the activities involved. The Division is also responsible for a systematic verification and analysis of financial transactions and a review and appraisal of the protective measures and controls established at all operating levels. The organizational structure for program operations consists of the National Office Internal Audit Division, and the regional Internal Audit staffs which are headquartered in the same location as the Regional Inspectors. The Director of the Internal Audit Division, under the general supervision of the Assistant Commissioner (Inspection), is responsible for the development and execution of the Division's program.

SEC. 1113.711 *Operations Branch.*

The Operations Branch has responsibility for ensuring a continuing effective internal audit of the Service's Administration, Appellate, Audit, Counsel, Intelligence, Technical, Office of International Operations, and Economic Stabilization Program activities by developing guidelines for the annual internal audit plans; by reviewing and making recommendations on regional internal audit plans; by conducting National Office and coordinated nationwide audits; by carrying out special surveys, examinations, and projects as assigned by higher authority, such as audits of the Tax Division of the U.S. Virgin Islands Government, and the Treasury Department's Exchange Stabilization Fund and Alcohol, Tobacco and Firearms activities; by coordinating, evaluating, and reviewing and following through on audit findings; and by bringing significant audit disclosures to the attention of top National Office management officials including the Commissioner. Participates in the program of staff guidance, review and evaluation of the auditing activities of regional Internal Audit staffs. Consults with top officials in the Offices of the Assistant Commissioners and the Office of Chief Counsel on recommendations for improving procedures and controls. Carries out special assignments in cooperation with the Internal Security Division on cases requiring the specialized knowledge and training of personnel of the Internal Audit Division. Exercises continuing direction and control over all Internal Audit aspects of Inspection integrity assignments conducted nationwide, including on-job visitations. Maintains liaison with National Office Internal Security Division on Security cases pending in the regional offices. Analyzes and summarizes Internal Audit Division's annual accomplishments and prepares required internal and external reports.

SEC. 1113.712 *Program Development Branch.*

The Program Development Branch has responsibility for developing the Division's policy and procedural instructions and internal audit program guidelines for the continuing effective internal audit of all activities in the Revenue Service's field offices. Also has responsibility for developing and carrying out career development programs for Internal Audit staff members nationwide to increase staff management capability and professional auditing proficiency, including conducting basic and advanced Internal Audit training programs. Keeps abreast of new developments in Service programs to determine their effect on Internal Audit's responsibilities in the auditing of field operations. Coordinates with other functional areas of the Office of Assistant Commissioner (Inspection) as necessary, including participation in a program of on-site review and evaluation of the activities of the regional Internal Audit staffs. Maintains liaison with Officers of Assistant Commissioners and Chief Counsel, to determine operating problems or developments that should be given internal audit program attention. Keeps abreast of latest professional management auditing techniques and methods to ensure timely adaptation to the Service's internal audit program. Maintains the division's program of continuing review of special long-range Service projects, e.g., Taxpayer Compliance Measurement Program.

SEC. 1113.713 *Data Processing Activities Branch.*

The Data Processing Activities Branch has responsibility for ensuring a continuing effective internal audit of the Service's Accounting, Data Processing, Collection and Taxpayer Service activities by developing guidelines for the annual internal audit plans; by reviewing and making recommendations on regional internal audit plans; by conducting National Office and coordinated nationwide audits; by carrying out special surveys, examinations, and projects as assigned by higher authority; by coordinating, evaluating, and reviewing and following through on audit findings; and by bringing significant audit disclosures to the attention of top National Office management officials including the Commissioner. Participates with management during the development stages of new or improved ADP systems to ensure the incorporation of effective management controls. Develops systems and procedures to utilize automatic data processing in carrying out principal segments of the Internal Audit Division's program. Participates in the program of staff guidance, review and evaluation of the auditing activities of regional Internal Audit staffs. Consults with top officials in the Offices of the Assistant Commissioners and the Office of Chief Counsel on recommendations for improving procedures and controls; keeps abreast of current data processing developments, including technological changes, so that proper consideration can be given to carrying out the Internal Audit Division's program. Coordinates with other functional areas of the Office of Assistant Commissioner (Inspection) in order to obtain data processing services requested by them or provide other information pertinent to the mission of these functions. Analyzes and summarizes Internal Audit Division's annual accomplishments and prepares required internal and external reports.

SEC. 1113.72 *Internal Security Division.*

The Internal Security Division plans, develops, and controls the Internal Security program for the Internal Revenue Service so as to assist management in assuring the highest standards of honesty, integrity and security among Service employees and maintain public confidence in the integrity of the Service. The program includes personnel background investigations and investigations of complaints or allegations of misconduct or irregularities, including criminal, concerning Service employees; also investigations of non-Service persons when their actions may affect the integrity of the Service or safety of Service personnel, including attempts to bribe or otherwise corrupt Service personnel; this authority includes investigation of attempts to interfere with administration of Internal Revenue laws through threats, assaults or forcible interference, and also the unauthorized disclosure of Federal tax information. The program also includes background investigations of certain applicants for enrollment to practice before the Internal Revenue Service, investigations of charges against tax practitioners, formal investigations of accidents involving Service employees or property, investigations of complaints alleging discrimination because of race, creed, color or national origin; and the maintenance of records and case files relating to investigations conducted. The Division also conducts such special investigations, studies, and inquiries as required for the Commissioner, Office of the Secretary, or other components of the Treasury Department. The Division is composed of three branches: Field Coordination Branch, Investigations Branch, Planning and Programming Branch.

SEC. 1113.721 *Field Coordination Branch.*

The Field Coordination Branch controls and coordinates on a nationwide basis *all* investigations conducted by the Internal Security function. These investigations cover alleged violations of Federal criminal statutes and of the regulations and rules governing the conduct of Service personnel; actions of non-Service persons that may affect the integrity of the Service, including attempts to bribe or otherwise corrupt Service personnel; charges against persons enrolled or entitled to practice before the Internal Revenue Service; the investigation of the character and background of applicants for, or incumbents of, positions in the Service; enrollee applicant cases; formal investigations under the Federal Tort Claims Act; and other investigations as required for the Commissioner and other components of the Treasury Department. The Branch maintains a continuing review and control of all investigations to: assure that proper priorities are established and that the investigation workload is accomplished in an effective and efficient manner on an overall regional, as well as an individual Inspector basis; assure that the scope of the investigations and the facts and evidence are sufficient to provide a basis for conclusions by management, the Department of Justice or other authority; assure that established policies, procedures and techniques are being followed properly and uniformly; assure effective investigation accomplishments, uniformity in investigative coverage, and that there is proper form and quality of reports, as well as administrative and criminal dispositions; develops data and recommendations for improvement, simplification, and standardization of investigative operations, many of which are passed along for use by management in connection with directing program execution as well as planning and programming Internal Security activities; and directs the maintenance of records and case files relating to investigations conducted by the Internal Security function. The Branch maintains liaison on criminal and other investigative matters with the Office of the Chief Counsel, other law enforcement and security segments of the Treasury Department and the Internal Revenue Service, Department of Justice, Federal Bureau of Investigation and other Federal law enforcement agencies.

SEC. 1113.722 *Investigations Branch.*

The Investigations Branch, operating on a nationwide basis, is responsible for conducting extremely confidential investigations of complaints and allegations of misconduct or irregularities concerning high level officials of the Service and other special investigations which by reason of their complexity or sensitivity, or because of their potential effect on the maintenance of public confidence in the integrity of the Service, demand special handling. The Branch, as the investigative branch of the Internal Security Division for National Office personnel, is responsible for conducting background investigations of applicants for, or incumbents of, positions in the Service, certain applicants for enrollment to practice before the Internal Revenue Service, and for applicants for positions with certain other components of the Treasury Department. In addition the Branch conducts investigations of alleged violations of Federal criminal statutes and rules and regulations governing the conduct of Service personnel; actions of non-Service persons that may affect the integrity of the Service, including attempts to bribe or otherwise corrupt Service personnel; charges against persons enrolled to practice before the Internal Revenue Service; formal investigations under the Federal Tort Claims Act; investigations of alleged discrimination because of race, creed, color or national origin; and other special investigations as may be required for the Commissioner and other components of the Treasury Department. The Branch maintains liaison with the Regional Inspectors and Assistant Regional Inspectors (Internal Security) to coordinate joint activities and in special situations to render assistance in the handling of difficult investigations.

SEC. 1113.723 *Planning and Programming Branch.*

The Planning and Programming Branch is responsible for providing staff assistance to the Division Director in planning and programming the Internal Security Division program. This includes formulating policies; developing technical and administrative procedural instructions, including manual issuances and investigative handbooks; conducting inspections of the management and operation of the regional Internal Security Division; conducting special surveys of National Office Internal Security activities; developing and coordinating training programs for the Division; providing technical and staff assistance to the Treasury Law Enforcement Officer Training School; compiling and analyzing reports of operational costs, workload data, and statistics concerning criminal and administrative actions resulting from Internal Security investigations; evaluating manual issuances or proposals originating outside Inspection which are pertinent to Internal Security functions; conducting special staff studies; and maintaining liaison with other branches of the Internal Security Division, the Internal Audit Division, and other offices of the Service.

SEC. 1113.8 *Office of Assistant Commissioner (Planning and Research).*

The Assistant Commissioner (Planning and Research) acts as the principal assistant to the Commissioner and the Deputy Commissioner in the development and administration of the Long-Range Plan, related objectives and policies, and in the analysis of all Service programs for the purpose of promoting maximum effectiveness in the administration of the Internal Revenue Code with the most efficient and economical expenditure of resources; provides leadership and coordination in Federal-State cooperative tax administration; provides liaison with the States on administrative matters related to Federal collection of State individual income taxes; and is responsible for research, statistics, and systems development. The Assistant Commissioner (Planning and Research) represents the Commissioner on these matters in relations with the Department of the Treasury, the Congress, other Government agencies and outside organizations. He discharges these primary responsibilities in cooperation with the appropriate Assistant Commissioners (or other principal officials), each of whom exercises related responsibilities within his own functional area. The Assistant Commissioner (Planning and Research) is responsible for and supervises the activities of the Planning and Analysis Division, Research Division, Statistics Division, Systems Development Division, Tax Systems Redesign Division, and Internal Management Documents Division.

SEC. 1113.81 *Planning and Analysis Division.*

The Planning and Analysis Division develops and administers the systems for producing a comprehensive multi-year Long-Range Plan, for coordinating and integrating program objectives of the Service, and for analyzing all Service programs—with the aim of optimizing the collection of internal revenue taxes. To these ends, in cooperation with responsible offices, it develops the Service's Long-Range Plan; through Special Studies, approved by the Deputy Commissioner, evaluates the desirability and costs of existing and proposed plans, organizations, and program objectives; and develops criteria and presentations to measure accomplishments. It coordinates the preparation of the annual Program

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Memoranda analyzing the objectives, costs and benefits of the Long-Range Plan. The Division, in cooperation with other responsible offices, determines the scope of operating data, needed for performance reporting and for marginal productivity and other kinds of operations research analyses in connection with the Long-Range Plan, Program Memoranda, and Special Studies.

SEC. 1113.82 *Research Division.*

The Research Division conducts advanced research (independently or in conjunction with other offices) into the Federal tax system to develop new approaches to improve the Service's operations and to reduce the compliance burden on the taxpayer; directs such research, within the framework of tax policy determined by the Office of the Secretary of the Treasury; furnishes leadership and coordination for the program of Federal-State cooperation in the field of tax administration; and serves as the liaison office for administrative matters with the States in connection with the Federal collection of State individual income taxes. The Division serves as the focal point of the Service for assistance to the Chief Counsel and the Office of the Secretary of the Treasury in the development of legislative proposals and in the identification and evaluation of administrative implications of such proposals; coordinates and works with other activities of the Service in assisting the Chief Counsel and Tax Legislative Counsel in the drafting of legislation; develops, coordinates and monitors plans to implement provisions of new legislation affecting tax administration; and keeps the Commissioner apprised of significant legislative developments and progress in implementing provisions of new legislation. The Division actively participates with other staffs of the Assistant Commissioners and of the Department of the Treasury in the preparation of legislative proposals and regulation revisions resulting from the research conducted; designs and carries out surveys, studies, polls, and other forms of research to provide basic data needed for the formulation of legislative proposals and operating programs and plans; and prescribes the nature and content of statistical analyses made by other offices but required for the research functions of the Division.

SEC. 1113.83 *Statistics Division.*

The Statistics Division conducts research and prepares statistics with respect to the operation of the income tax laws as required annually by the Internal Revenue Code to provide basic information for tax studies and legislation by the Congress and its committees, for administrative use by the Secretary of the Treasury and the Commissioner of Internal Revenue, and for the Federal benchmark statistical programs on income, wealth, and finance; and performs other related research and statistical functions. The Division provides support services for the Reports Management program. The Division consists of the Income, Finance, and Wealth Branch, the Statistical Techniques Branch, the Mathematical Statistics Branch, and the Program Management Branch.

SEC. 1113.831 *Administrative Office.*

Performs all administrative management activities, including personnel, budget, and fiscal programs, cost estimates, allocations and control of funds, records management, travel, space and equipment utilization. Coordinates and controls, in conjunction with the Facilities Management Division the printing requirements of the Division and statistical processing contracts, other office services required. Serves as a focal point for Division contacts with Personnel Fiscal Management, and Facilities Management Divisions.

SEC. 1113.832 *Income, Finance, and Wealth Branch.*

The Income, Finance, and Wealth Branch performs statistical and economic research with respect to the operations of the income tax laws as required by the Internal Revenue Code. It identifies and analyzes actual and prospective needs of users of income, wealth, and financial data reported on tax returns. The Branch plans, evaluates, and modifies these needs to develop an integrated statistical program and prepares specifications for data preparation. It interprets, analyzes, and presents the resulting statistics through publications of the Internal Revenue Service, such as the "Statistics of Income" series, and in consultation with appropriate policy and management officials.

SEC. 1113.833 *Statistical Techniques Branch.*

The Statistical Techniques Branch performs technical statistical services in support of the program of the Division. It prepares projections and estimates of tax return populations by type of return and geographic area, and produces other workload measures of the Service. It uses statistical techniques to analyze problems and improve efficiency in work programs. It plans, prepares the analysis, and presents the results of statistical studies for the Service, other Federal Agencies, and for approved reimbursable projects. It conducts research in the development and adaptation of statistical techniques designed to promote efficient operations. It prepares Service statistical guidelines and taxpayer aids. It supplies special statistical services in response to requests and advice on applications of statistical techniques to technical and administrative tax problems. It provides the technical service in development of management information and other reports.

SEC. 1113.834 *Mathematical Statistics Branch.*

The Mathematical Statistics Branch has the Statistics Division's responsibility for the probability sampling portions of the Service's research and operational programs and aiding, on request, other agencies with their sampling problems. This responsibility includes such things as the application of computer methods to sampling techniques used in such programs as Statistics of Income and Taxpayer Compliance Measurement; the use of area survey techniques to measure tax delinquency; assisting in the application of sample audit techniques to processing functions; using time samples to develop cost data for the Long-Range Plan; and review of sampling plans developed in other areas of the Service.

SEC. 1113.835 *Program Management Branch.*

Designs and develops operational plans for use in producing the statistics required by the Division's program, and prepares related procedures, forms, and instructions. Coordinates budget development for, and the planning, scheduling, and processing of the statistical work performed at decentralized locations. Conducts research into methods for controlling quality. Develops and applies operating techniques for quality control, providing standards of measurement and instituting methods developed through operations research. Evaluates statistics produced in terms of original specifications, costs, and procedures. Serves as the focal point for collaboration between National Office and field statisticians in the execution of continuing programs such as Statistics of Income, Taxpayer Compliance Measurement, and Statistical Quality Control. Guides and coordinates the activities of statisticians in the field processing centers to insure uniformity of method and adherence to common goals. Plans uniform statistical applications to be implemented by statisticians in the field processing centers. Provides the technical and clerical support for the manual compilation of management information and other reports.

SEC. 1113.84 *Systems Development Division.*

The Systems Development Division is concerned both with electronic systems and other systems, except for the implementation of the new integrated tax administration data processing systems. It conducts a continuing program relative to the availability and capability of electronic data processing systems and other electronic or automation equipment and systems, the feasibility and adaptability of electronic equipment to specific Service tasks, and the development of special modifications for Service purposes. The Division reviews and coordinates projects of other offices involving the adaptation of electronic equipment and participates in the selection and installation of electronic equipment and systems. With respect to other systems, the Division examines and makes recommendations for improvement or extension of internal systems (such as those reating to reporting, processing, accounting, enforcement, records management, and communications), reviews and coordinates system-improvement efforts of other offices, and initiates and develops projects of its own; furnishes other offices of the Service, on request, advisory and consultative services on

systems problems; studies possibilities of integrating paperwork and data-handling systems and equipment; and surveys, develops and tests equipment used or usable by the Service.

SEC. 1113.85 *Tax Systems Redesign Division.*

The Tax Systems Redesign Division is responsible for the development of requirements, preparing requests for proposals from vendors, evaluating vendors' proposals and recommending appropriate contract awards, and installing the new integrated tax administration data processing systems. These new systems replace not only the existing systems for revenue accounting and processing, with their limited capacity for serving other segments of the Service, but also provide an integrated data processing system available to all elements of the Service. Staffing and programs of the division represent all of the major organizational components, and close and continuous liaison is required with all users of the systems. The division is responsible for designing, implementing, and installing integrated tax administration systems which involve the service center, district offices, the National Computer Center, and the National and Regional offices. Responsibilities include such things as: development of major programs and procedural implementation instructions, preparation of detailed systems requirements and computer programs, design of systems acceptability tests, and design and management of data control systems. The division is also responsible for insuring the uninterrupted processing of returns, revenue accounting, and related activities while the original data processing system is being replaced by the new tax administration systems. While extensive coordination with user activities is required, and user skills are represented in the division staffing, the division is basically a self-contained organization (except for administrative support) having all the requisite skills and capable of expanding as the number and intensity of assignments increase. Subordinate organizational structure will be established as required at various stages, and the division will be absorbed into the continuing organization at the conclusion of the implementation stage.

SEC. 1113.86 *Internal Management Documents Division.*

The Internal Management Documents Division is responsible for designing and administering the Service's Internal Management Document System and for establishing standards for style and format of such National Office documents. The division reviews all Internal Management Documents, and memorandums and letters addressed to a group of field officials, issued from the National Office, for adequacy of coordination and clearance; determination of proper category for issuance; conformance with established Service policies, delegations of authority, and organizational titles and designations; effects coordination and clearance of such issuances as may be required; and arranges for publication in the Federal Register of statements of Service organization and functions, and Commissioner's delegations of authority which affect the rights and duties of taxpayers. The division is responsible for substantive review, evaluation and coordination of new and revised statements of Service policy, delegation orders, and organizational changes, prepared for the Commissioner's approval; and effects coordination for Planning and Research matters involving the Freedom of Information Act and liaison with the Tax Administration Advisory Staff.

SEC. 1113.9 *Office of Assistant Commissioner (Technical).*

The Assistant Commissioner (Technical) acts as the principal assistant to the Commissioner in providing basic principles and rules for the uniform interpretation and application of the Federal tax laws (other than alcohol, tobacco, and firearms taxes under Subtitle E of the Internal Revenue Code). In carrying out this mission, he: Publishes rulings to announce interpretative positions of the Service; publishes explanatory booklets, pamphlets and other materials for the guidance of taxpayers and Service officials; issues rulings and advisory statements to taxpayers and Service officials; issues opinion letters to sponsoring organizations on master and prototype pension, annuity, and profit-sharing plans; directs programs for clarification and simplification of tax rules; develops (and is responsible for the technical content of) all tax return forms and instructions (other than those relating to alcohol, tobacco and firearms taxes); reviews other public-use tax forms and form letters; acts as competent authority in matters involving interpretation or application of tax treaties; provides advice and assistance on technical matters throughout the Service, and to the Department of the Treasury, other Government agencies, and Congressional Committees; conducts a technical liaison program with Service field offices, conducts a Technical Field Conference program; coordinates with the Research Division of Planning and Research in providing advice and assistance on legislative matters; coordinates with the Office of Chief Counsel and the Department of the Treasury in providing advice and assistance on regulatory matters; reviews all new or amendatory regulations for administrative feasibility and adequacy; administers the activities of the Art Advisory Panel embracing a Service-wide program for providing guidance and direct assistance to field offices in the disposition of income, estate and gift tax cases involving fine arts valuation; coordinates with the Office of the Chief Counsel and the Department of Justice in providing advice and assistance in connection with matters in litigation; and coordinates with the other Assistant Commissioners, the Department of the Treasury, other Government agencies, and outside professional groups and industry and trade associations on matters of mutual concern. The Assistant Commissioner (Technical) is authorized to prescribe the extent, if any, to which any ruling issued by or pursuant to authorization from him, shall be applied without retroactive effect. He is also authorized to enter into and approve a written agreement (Closing Agreement) with any person relating to the internal revenue tax liability, other than certain excise taxes, of such person (or of the person or estate for whom he acts) in respect of any prospective transactions or completed transactions affecting returns to be filed. The Assistant Commissioner (Technical) is responsible for and supervises the activities of three divisions: Income Tax Division; Miscellaneous and Special Provisions Tax Division; and Technical Publications and Services Division.

SEC. 1113.91 *Income Tax Division—Office of the Director.*

Has primary responsibility for providing basic principles and rules for uniform interpretation and application of the Federal tax laws in those areas involving: Income and employment taxes to corporate and noncorporate taxpayers (including individuals, partnerships, estates, and trusts); depreciation depletion, and valuation issues; the taxable status of exchanges and distributions in connection with corporate organizations, reorganizations, and liquidations; taxes imposed on self-employment income; and exemption of farmers' cooperatives from tax under IRC 521. In carrying out these responsibilities, the Division: Issues rulings to taxpayers and technical advice and general technical information to District Directors and Regional Commissioners; advises the Appellate and Audit Divisions of the Service's position on particular issues; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases to be published for the guidance and information of taxpayers and Service personnel; drafts, or reviews, IR-Manual issuances to be published for the guidance of Service personnel; reviews or assists in preparing technical booklets, training materials, pamphlets, and other materials prepared for the guidance of taxpayers and Service personnel; conducts special studies of technical problem areas, including reappraisals of current rules and practices, with a view toward reducing controversy and promoting uniformity; determines the status of certain organizations as agencies or instrumentalities of the United States, a State or political subdivision thereof, or the District of Columbia, or agencies or instrumentalities of governments of foreign countries or political subdivisions thereof; reviews Actions on Decisions announcing the Commissioner's position on adverse decisions of the United States Tax Court, prior to publication in the Internal Revenue Bulletin; initiates recommendations and coordinates with the Research Division of Planning and Research in providing advice and assistance on legislative matters; initiates recommendations and coordinates with the Office of Chief Counsel and the Department of the Treasury in providing advice and assistance on regulatory matters; coordinates with the Office of the Chief Counsel and the Department of

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Justice in providing advice and assistance in connection with matters in litigation; reviews newly proposed and amendatory regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program which disclose tax administrative problems, abuses, and inequities, as well as the views of field personnel as to the quality and effectiveness of regulations and tax return forms, the need for new or amendatory legislation or regulations, etc.; coordinates on matters of mutual concern with other Technical divisions, the Compliance organization, other offices of the Department of the Treasury, and other Government agencies; supplies the Audit Division with names or essential identifying characteristics of persons or organizations, and otherwise advises and assists the Audit Division in the selection of representative cases, involving issues on which Service position needs to be established, clarified, or otherwise developed; aids the Audit Division in developing the scope of and techniques needed in the examinations or investigations of such issues; supplies information for use by the Audit Division in programming, evaluating, and guiding audit operations throughout the Service; participates in the development of tax return forms and instructions and reviews pertinent portions of public-use forms and instructions; invites outside professional groups and industry and trade associations to participate in conferences and to submit comments, briefs, and suggestions in connection with tax problems and matters involving Revenue Rulings or Revenue Procedures proposed for the solution of tax problems; conducts conferences in the regional offices to discuss major programs of the Technical organization, to present papers on particular substantive technical areas, to discuss and explore possible solutions to technical areas of concern to field offices, and to discuss other matters of mutual concern; makes determinations with respect to earnings and profits of corporations and the taxable status of distributions to shareholders; acts on applications for changes in or adoption of accounting methods and periods; and acts as competent authority in matters involving interpretation or application of tax treaties. In areas involving the application of Federal tax laws in connection with provisions relating to depreciation, depletion and valuation issues, this Division also: Passes upon requests for approval of plans for the aggregation of nonoperating mineral interests as a single property; post-audits the depreciation, depletion, and valuation issues of cases on which engineering reports have been prepared and a sample of other large cases involving such issues; upon request, provides direct assistance to regional and district offices on cases involving depreciation, depletion, and valuation issues; provides, or secures, expert witnesses in support of the Government position in cases in litigation, and assists Government counsel in preparation and presentation of cases and in negotiations of settlements; prepares and presents material on professional and technical developments at engineering meetings, and upon request, in coordination with Compliance, develops, and conducts training programs for engineers; prepares material for inclusion in the Engineers' Coordination Digest calling attention to important new developments and to nonuniform treatment of issues; and administers the activities of the Art Advisory Panel embracing a Service-wide program for providing guidance and direct assistance to field offices in the disposition of income, estate, and gift tax cases involving fine arts valuation. This Division also post-reviews field determination letters relating to the status of farmers' cooperatives under IRC 521. The Director is responsible for and supervises the activities of four branches: Corporation Tax Branch; Individual Income Tax Branch; Engineering and Valuation Branch; and Reorganization Branch.

SEC. 1113.911 *Corporation Tax Branch.*

In matters involving the application of Federal income tax laws to corporate taxpayers, including the taxation of insurance companies and those relating to consolidated returns of affiliated groups, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances, including material for the Exempt Organization Handbook relating to cooperatives; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program. This Branch also performs the same functions involving either corporate or noncorporate taxpayers with respect to: Income of States, Municipalities, etc.; appearances, etc., with respect to legislation; amortization of pollution control facilities; research and experimental expenditures; inventories, including LIFO; allocation of income and deductions among related taxpayers; sales of low income housing projects; cooperatives and their patrons; exemption of farmers' cooperatives from tax under IRC 521; regulated investment companies and their shareholders; controlled foreign corporations and their U.S. shareholders; foreign tax matters which involve determination of sources of income; nonresident alien individuals and partnerships or of alien residents of Puerto Rico; compensation of employees of foreign governments or international organizations; income affected by treaty; foreign tax credit; earned income from sources without the United States; income from possessions; involuntary conversions; small business investment company stock losses; withholding of tax on nonresident aliens and foreign corporations; mitigation of effect of renegotiation of government contracts; requests for permission for change in or adoption of accounting periods and methods (except methods of accounting for depreciation and depletion); acts as competent authority in matters involving interpretation or application of tax treaties; and makes determinations with respect to earnings and profits of corporations and the taxable status of distributions to shareholders. This Branch also post-reviews field determination letters relating to the status of farmers' cooperatives under IRC 521.

SEC. 1113.912 *Engineering and Valuation Branch.*

In matters involving the application of Federal tax laws in engineering and valuation areas, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures; Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; passes upon requests for permission to change methods of accounting for depreciation and depletion and for approval of plans for the aggregation of nonoperating mineral interests as a single property; conducts a post-audit review of field engineer reports and a sample of non-engineer reports which contain depreciation, depletion, and valuation issues for purposes of assessing the field treatment of engineering issues in order to provide uniform guidance, both on an individual basis by report, and on a Servicewide basis by publication in the Engineers' Coordination Digest; provides direct assistance to regional and district offices, upon request; assists the Office of Chief Counsel and the Department of Justice in preparing and presenting cases in litigation, provides or secures expert witnesses in support of the Government's litigating position, and furnishes technical expertise in the negotiation of trial and pre-trial settlements; prepares and presents material on professional and technical developments at engineering meetings, and upon request, in coordination with Compliance, develops and conducts training programs for engineers; prepares material for inclusion in the Engineers' Coordination Digest calling attention to important new developments and to non-uniform treatment of issues; prepares and maintains an up-to-date Engineering Citator; and administers the activities of the Art Advisory Panel embracing a Servicewide program for providing guidance and direct assistance to field offices in the disposition of income, estatae and gift tax cases involving fine arts valuation.

SEC. 1113.913 *Individual Income Tax Branch.*

In matters involving the application of Federal income tax laws to noncorporate taxpayers (including partnerships, estates, and trusts), and with respect to the application of employment tax laws to both corporate and noncorporate taxpayers, and with respect to the taxes imposed on self-employment income, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program. This Branch also performs the same functions involving either noncorporate or corporate taxpayers with respect to: Charitable contributions; tenant-stockholders of cooperative housing corporations; employee stock option and stock purchase plans; real estate investment trusts; and election of certain small business corporations as to tax status and related matters, except the rules relating to certain qualified pension plans.

SEC. 1113.914 *Reorganization Branch.*

In matters involving the application of Federal income tax laws to exchanges and distributions in connection with corporate organizations, reorganizations, liquidations, and spin-offs, to stock dividends, redemptions, exchanges in obedience to Securities and Exchange Commission orders, to distributions pursuant to the Bank Holding Company Act, and to losses on small business stock, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions and reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program. This Branch also performs the same functions with respect to determinations as to whether distribution, exchanges, or transfers referred to in IRC 306(b)(4), 355(a)(1)(D)(ii), 367, and 1492 are in pursuance of a plan having as one of its principal purposes the avoidance of Federal income taxes.

SEC. 1113.92 *Miscellaneous and Special Provisions Tax Division—Office of the Director.*

Has primary responsibility for providing basic principles and rules for uniform interpretation and application of the Federal tax laws in those areas involving Estate, gift, and certain excise taxes; organizations exempt from income tax under IRC 501; procedure and administration provisions of the Internal Revenue Code; matters requiring actuarial determinations; and the qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans, and the tax treatment of employees and their beneficiaries and deductions for employer contributions under such plans. In carrying out these responsibilities, the Division: Issues rulings to taxpayers and technical advice and general technical information to District Directors and Regional Commissioners; advises the Appellate and Audit Divisions of the Service's position on particular issues; issues opinion letters to sponsoring organizations on master and prototype pension, annuity, and profit-sharing plans; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases to be published for the guidance and information of taxpayers and Service personnel; drafts, or reviews, IR-Manual issuances to be published for the guidance of Service personnel; reviews or assists in preparing technical booklets, training materials, pamphlets and other materials, prepared for the guidance of taxpayers and Service personnel; conducts special studies of technical problem areas, including reappraisals of current rules and practices, with a view toward reducing controversy and promoting uniformity; reviews Actions on Decisions announcing the Commissioner's position on adverse decisions of the United States Tax Court, prior to publication in the Internal Revenue Bulletin; initiates recommendations and coordinates with the Research Division of Planning and Research in providing advice and assistance on legislative matters; initiates recommendations and coordinates with the Office of Chief Counsel and the Department of the Treasury in providing advice and assistance on regulatory matters; coordinates with the Office of the Chief Counsel and the Department of Justice in providing advice and assistance in connection with matters in litigation; reviews newly proposed and amendatory regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program which disclose tax administrative problems, abuses, and inequities, as well as the views of field personnel as to the quality and effectiveness of regulations and tax return forms, the need for new or amendatory legislation or regulations, etc.; coordinates on matters of mutual concern with other Technical divisions, the Compliance organization, other offices of the Department of the Treasury, and other Government agencies; supplies the Audit Division with names or essential identifying characteristics of persons or organizations, and otherwise advises and assists the Audit Division in the selection of representative cases, involving issues on which Service position needs to be established, clarified, or otherwise developed; aids the Audit Division in developing the scope of and techniques needed in the examinations or investigations of such issues; supplies information for use by the Audit Division in programming, evaluating, and guiding audit operations throughout the Service; participates in the development of tax return forms and instructions and reviews pertinent portions of public-use forms and instructions; invites outside professional groups and industry and trade associates to participate in conferences and to submit comments, briefs, and suggestions in connection with tax problems and matters involving Revenue Rulings or Revenue Procedures proposed for the solution of tax problems; conducts conferences in the regional offices to discuss major programs of the Technical organization, to present papers on particular substantive technical areas, to discuss and explore possible solutions to technical areas of concern to field offices, and to discuss

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other matters of mutual concern; and acts as competent authority in matters involving interpretation or application of tax treaties. This Division also performs the same functions with respect to determinations under IRC 170(b)(1)(A) in all situations involving a provision of Subchapter F of Chapter 1, Chapter 42, or section 6033 of the Code, and in any other situation bearing on the status of an organization as a private foundation. In tax matters dealing with actuarial questions: Provides or secures expert witnesses in support of the Government position in cases in litigation, and assists Government counsel in preparation and presentation of cases and in negotiations of settlements; and furnishes expert consulting assistance to other Service components, including the Office of the Chief Counsel, to the Department of the Treasury, and to other Federal and State Government agencies. This Division also: Post-reviews field determination letters relating to the status of organizations under IRC 501, and relating to qualification of pension, annuity, profit-sharing, stock bonus, and bond purchase plans under IRC 401 through 407; prepares and submits to the Audit Division special audit coordination digests calling attention to district determinations that do not conform to published Service positions on issues under IRC 401 through 407; on a certiorari basis, reviews and decides cases appealed by taxpayers to the National Office for reconsideration of determinations by District Directors under IRC 401 through 407; and provides the final level of appeal in the Service on proposals by District Directors to revoke the exempt status of organizations under IRC 501. The Director is responsible for and supervises the activities of six branches: Actuarial Branch; Administrative Provisions Branch; Estate and Gift Tax Branch; Excise Tax Branch; Exempt Organizations Branch; and Pension Trust Branch.

SEC. 1113.921 *Actuarial Branch.* In matters involving the application of Federal tax laws in the actuarial area, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other branches on matters of mutual concern; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; participates in the Technical Field Conference Program; and provides, or secures, expert witnesses in support of the Government position in cases in litigation involving pension plans, insurance, and other tax matters dealing with actuarial questions, and assists Government counsel in preparation and presentation of cases and in negotiations of settlements. This Branch also furnishes expert consulting assistance to other Service components (including the Office of the Chief Counsel), to the Department of the Treasury, and to other Federal and State Government agencies on actuarial questions involved in: Valuation of life estates, remainder interests, contingent assurances, series of payments, and reversionary interests; tax treatment of pension, profit-sharing, stock bonus, annuity, life insurance, accident and health, and other benefit and compensation plans and contracts; deductions for amounts paid or accrued on indebtedness under insurance contracts; and taxation of life insurance companies.

SEC. 1113.922 *Administrative Provisions Branch.*

In matters involving the application of the procedure and administration provisions of the Internal Revenue Code, and similar provisions of related statutes, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon requests submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches and other offices of the Service on matters of mutual concern; advises and assists the Audit Division in regard to the Service's Audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program.

SEC. 1113.923 *Estate and Gift Tax Branch.*

In matters involving the application of Federal estate and gift laws, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; as requested, furnishes assistance in negotiations or renegotiations of estate and gift tax conventions with representatives of foreign countries; acts as competent authority in matters involving interpretation or application of tax treaties; and participates in the Technical Field Conference Program.

SEC. 1113.924 *Excise Tax Branch.*

In matters involving the application of Federal excise tax laws other than those involving excise taxes imposed by Chapter 42 on private foundations and certain related parties, and the alcohol, tobacco and firearms taxes (but including the manufacturer's excise tax on firearms under IRC 4181 and 4182), this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; and participates in the Technical Field Conference Program.

SEC. 1113.925 *Exempt Organizations Branch.*

In matters involving the exemption of organizations under IRC 501, this Branch: Issues rulings, technical advice, and general technical information; drafts Revenue Rulings, Revenue Procedures, Announcements and Releases, and IR-Manual issuances; reviews or assists in preparing technical booklets, pamphlets, and other materials for the guidance of Service personnel and the public; maintains in current status a comprehensive Exempt Organizations Handbook; conducts special studies directed toward resolving technical problem areas; reviews Actions on Decisions; provides advice and assistance to other offices of the Service (including the Office of the Chief Counsel), the Department of the Treasury, other Government agencies, and Congressional Committees; reviews proposed regulations for administrative feasibility and adequacy; analyzes and acts upon reports submitted by field offices under the Technical Coordination Program; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; post-reviews field determination letters; coordinates with other Technical branches on matters of mutual concern; advises and assists the Audit Division in regard to the Service's audit program; participates in the development of tax return forms and instructions, and reviews pertinent portions of public-use forms and instructions; post-reviews field determination letters and, on a certiorari basis, reviews and decides cases appealed by taxpayers to the National Office for reconsideration of District Directors' determinations; prepares special audit coordination digests regarding conformance of field actions with established positions on stated issues; determines the applicability of the annuity treatment under IRC 72, the death benefit, exclusion under IRC 101(b), and the sick pay exclusion under IRC 105(d), to distributions under qualified plans and exempt employees' trusts; passes upon the tax treatment accorded deferred compensation under nonqualified plans; and participates in the Technical Field Conference Program. This Branch also performs the same functions with respect to pension trust matters involving: Exemption of employees' trusts under IRC 501; collateral matters involving the treatment of medical benefits for retired employees under qualified pension plans, the limitations and restrictions on self-employed persons participating in qualified plans, and the tax treatment of distributions to non-resident aliens; deductions by acquiring corporations for carryovers under IRC 381(c)(11) and (20); feeder organizations; prohibited transactions; liability for tax on unrelated business taxable income; and additional requirements and limitations under IRC 1379 with respect to plans that provide contributions or benefits for shareholder-employees of an electing small business corporation.

SEC. 1113.93 *Technical Publications and Services Division—Office of the Director.*

Has primary responsibility in Technical for functions related to: Tax return forms; other public-use forms and form letters; taxpayer publications; internal-use technical publications; field liaison programs; Part XI of the Manual; the "Freedom of Information Act"; technical and general correspondence; Congressional liaison; research facilities and reference services; and control and maintenance of correspondence files and exempt organization application files. In carrying out these responsibilities, the Division: Conducts a program for the development, annually or as needed, of all Federal tax return forms and instructions (other than those relating to alcohol, tobacco, and firearms taxes); coordinates and assists in the work of the National Office Tax Forms Coordinating Committee in planning, reviewing and approving tax return forms materials; assists the National Office Tax Forms Coordinating Committee by reviewing other public-use forms and form letters used by the Service; furnishes technical assistance to the Department of the Treasury and others on tax return matters; conducts a program for publication of the Internal Revenue Bulletin and related publications; conducts a program for preparation and publication of technical booklets, pamphlets, and other materials for the guidance of taxpayers, tax practitioners and Service personnel; reviews tax guide material prepared by other Government agencies; reviews or drafts tax guide material for dissemination through newspapers, other periodicals, radio, and television; reviews tax law training material for classroom and correspondence instruction of Service personnel; drafts expository papers on major technical developments for the instruction of Service personnel; drafts digests of significant developments to keep Service personnel abreast of changes; promotes and coordinates the Technical liaison program with regional and district offices; conducts special surveys of Service field offices; coordinates the Technical Field Conference Program; coordinates the development and publication of material for Part XI of the Internal Revenue Manual; coordinates the activities of the Technical organization under the Freedom of Information Act; coordinates Technical's correspondence program; provides research facilities and reference services; and maintains, and processes requests for inspection of, exempt organization application files. The Director is responsible for and supervises the activities of three branches: Tax Forms Development Branch; Technical Publications Branch; and Technical Services Branch.

SEC. 1113.931 *Tax Forms Development Branch.*

Assists in conducting the Service's public-use forms and instructions, and form letters programs. In carrying out these responsibilities; this Branch: On annual basis, or when otherwise necessary, initiates, develops, and revises the technical content of all Federal tax return forms, instructions, schedules, etc., relating to income, employment, estate, gift, and excise taxes (other than those relating to alcohol, tobacco, and firearms taxes); provides the principal support and assistance to the National Office Tax Forms Coordinating Committee in planning, reviewing and approving all tax return forms materials; provides the principal support and assistance to the National Office Tax Forms Coordinating Committee in its review and approval functions relating to other public-use forms and form letters; prepares replies to inquiries from Members of Congress, other Government agencies, professional groups, and the public on matters relating to the forms program; evaluates, and prepares replies to, suggestions on matters relating to tax return forms and other public-use forms; prepares Announcements and

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Releases, and IR-Manual issuances, relating to tax return forms and other public-use forms; provides advice and assistance to other offices in the Service, the Department of the Treasury, and Congressional Committees in matters relating to tax return forms and instructions; and coordinates with other Technical branches on matters of mutual concern.

SEC. 1113.932 *Technical Publications Branch.*

Conducts the publications programs of the Technical organization. In carrying out this responsibility, this Branch: Compiles material for publication in the weekly Internal Revenue Bulletin, which is the Commissioner's authoritative instrument for announcing official rulings and procedures of the Service and for publishing Treasury Decisions, Executive Orders, tax conventions, legislation, court decisions, and other items of general interest; compiles all precedent material in the weekly Internal Revenue Bulletins for publication in semiannual Cumulative Bulletins; prepares digests of all substantive materials in the Bulletin for publication in the Index-Digest System, complete with topical indexes and finding lists, for research use by the public and Service personnel; compiles record retention requirements from regulations for publication in the Federal Register; drafts summaries of selected authoritative material for publication in Tax Briefs to keep Service personnel abreast of significant developments in Federal taxation; compiles the Service's Looseleaf Regulations System and drafts appropriate transmittals and filing instructions; compiles items to be published in the biennial Cumulative List of Exempt Organizations, its bimonthly supplements, and the announcements of current deletions in the Bulletin; initiates actions to preserve the standards and improve the effectiveness of the Bulletin system; drafts plain-language explanations of all Federal tax laws (other than those relating to alcohol, tobacco, and firearms taxes) for publication in booklets such as Your Federal Income Tax, Tax Guide for Small Business, Farmer's Tax Guide, and numerous pamphlets, to inform the public about the rights and duties of taxpayers; drafts plain-language instructional material for publication in the Teaching Taxes program; reviews material relating to Federal taxation in booklets and other issuances initiated by other Government agencies, and by others, when such cooperation is in the best interests of the Service; reviews for technical accuracy releases, articles, notices, and radio and television program materials, prepared for issuance by Public Affairs Division; drafts in-depth analyses and explanations of major developments in Federal taxation for publication in quarterly, annual, and special issues of the Review of Technical Developments, which are used to update the technical skills of Service personnel; participates in the drafting and reviewing of technical tax handbooks and guides for Service personnel and technical law text materials for use in Service training programs; drafts material for publication in Reports on Current Tax Literature to keep Service officials apprised about articles, comments, etc., published outside the Service regarding tax loopholes or inequities, and criticism of Service position; prepares Announcements and Releases, and IR-Manual issuances relating to the publications program; coordinates with other Technical branches, Chief Counsel, Audit Division, and others on matters of mutual concern; and coordinates with Publications Branch of Facilities Management Division and the Government Printing Office in the development of Production Control Schedules, format design, proof processing, and other matters of mutual interest.

SEC. 1113.933 *Technical Services Branch.*

Issues general technical information letters, coordinates the overall correspondence program of the Technical or for Technical. In carrying out these responsibilities, this Branch: Issues direct replies to all communications involving requests for information of a general technical or procedural nature, including a substantial portion of Congressional inquiries directed to Technical; serves as liaison office and point of contact on all Congressional office inquiries, oral or written, relating to matters under the jurisdiction of Technical; coordinates with other offices in Compliance, Chief Counsel, Accounts, Collection and Taxpayer Service, and administration on correspondence crossing jurisdictional lines; keeps the Assistant Commissioner (Technical) informed regarding incoming communications involving sensitive or controversial matters; promotes and coordinates the Technical liaison program with regional and district offices involving the submission of field reports on administrative problems, tax abuses, tax inequities, the quality and effectiveness of tax return forms and instructions, and the need for new or amendatory regulations; conducts special surveys to obtain factual information from Service field offices on particular tax areas at the request of the Department of the Treasury or National Office components; coordinates the Technical Field Conference program whereby teams of specialists in the various tax areas and representatives of the Chief Counsel's office and the Audit Division meet with field officials in district offices to discuss technical matters of mutual interest or concern; coordinates the preparation and clearance of material for Part XI of the Internal Revenue Manual; coordinates actions for the Technical organization on matters involving the Freedom of Information Act; maintains a technical reference library and provides research assistance and reference services for personnel of the Technical organization and other offices in the National Office, corresponds with field offices to supply or request needed information on current or prior matters; analyzes, acknowledges receipt, and directs the flow of all incoming correspondence, including requests for rulings and technical advice, general technical inquiries, reports submitted by Service field offices under the Technical Coordination Program, etc., to the appropriate Technical divisions or branches; and processes, maintains, and services all closed correspondence files and related records for the Technical organization. This Branch also maintains and services exempt organization application files that are open to public inspection, processes requests for indelete certain materials that are exempt from public inspection.

SEC. 1113.(10) *Office of Assistant Commissioner (Stabilization).*

The Assistant Commissioner (Stabilization) is the principal assistant to the Commissioner in administering the Stabilization Program of the Internal Revenue Service, which includes monitoring and enforcing the stabilization of prices, wages, and salaries pursuant to the coverage, classifications, and implementation procedures established by the Cost of Living Council. Such functions include, but are not limited to: advising the Cost of Living Council on matters concerning compliance with and implementation of decisions and regulations issued by the Council, and suggest changes which would lead to greater voluntary compliance or more effective use of resources; operation and maintenance of a nationwide network of Stabilization offices established in support of the Economic Stabilization Program; dissemination of information and guidance in response to inquiries from the public, to the extent authority has been delegated by the Cost of Living Council; planning for an effective enforcement program, including selecting industry targets, conducting investigations initiated locally or as directed by the Cost of Living Council; receiving, investigating, and resolving by obtaining compliance, where possible, complaints received with respect to alleged program violations, and taking enforcement action or recommending it to the Cost of Living Council, when necessary; receiving and processing price stabilization forms, reports, applications, and other information required to be submitted by firms covered under Phase IV regulations; making decisions and issuing orders with respect to notices of proposed price increases to the extent authority has been delegated by the Cost of Living Council; making decisions and issuing orders with respect to special filings, including applications for volatile pricing authority, loss or low profit pricing, merchandise pricing plans as delegated by the Cost of Living Council; making decisions and issuing orders with respect to individual requests for exceptions from the price regulations, and with respect to requests for reconsideration of initial decisions made and orders issued, to the extent authority has been delegated by the Cost of Living Council; and maintaining adequate records and making periodic reports to the Cost of Living Council. The Assistant Commissioner (Stabilization) is responsible for and supervises the activities of the Technical

Programs Division, the Compliance and Enforcement Division, the Planning and Program Staff, and the Administrative Office.

SEC. 1113.(10)1 *Planning and Program Staff.*

The Planning and Program Staff is the principal advisor to the Assistant Commissioner (Stabilization) for insuring maximum use of Stabilization resources through planning for and evaluating the utilization of these resources. Also coordinates matters affecting all Divisions of Stabilization, provides liaison with the Cost of Living Council, and consults with IRS functional officials in manpower or program issues which bear on Stabilization operations. In matters involving resources, this staff develops and monitors, in cooperation with other offices and the Cost of Living Council, long-range goals; estimates resource needs and prepares financial plans and recommends dollar and manpower resource allocations for all Stabilization activities based upon projected workload; monitors the execution of Stabilization manpower and financial resources; assesses the resource impact of current program and proposed program changes; and works with other National Office activities on manpower allocations. Develops organization, staffing, and position management control guidelines and coordinates all personnel management actions having Servicewide impact. Spearheads in-depth analyses of district and regional office operations, and effectiveness of stabilization areas, and provides the A/C (Stabilization) with data to meet his needs for NORP participation as well as for ongoing management appraisals and decisions. Assesses program accomplishments, trends, or developments of specific interest to the Assistant Commissioner. Coordinates with Internal Audit a program for obtaining additional data relevant to an evaluation of Stabilization program management. Provides recurring and other special reports to Deputy Commissioner, Commissioner, and the Cost of Living Council. Is the principal liaison with Stabilization field offices and provides assistance to the field on matters involving several divisions and represents the Assistant Commissioner at field conferences. Analyzes the biweekly field reports and coordinates for the Assistant Commissioner, division responses to field requests for corrective action and is responsible for identifying field problems and providing assistance when field problems arise as a result of unclear procedures, conflicting instructions, or lack of definitive policy interpretations. Coordinates with Public Affairs Division in developing an effective public information program for Stabilization.

SEC. 1113.(10)2 *Administrative Office.*

Plans, organizes, coordinates, and directs the administrative management activities of the Office of Assistant Commissioner (Stabilization) at the National level, assisting and collaborating with Division Directors in providing personnel, space management, duplication, supply, and other administrative services.

SEC. 1113.(10)3 *Technical Programs Division.*

Serves as the organization responsible for activities relating to the processing of price prenotifications, price increase reports, quarterly financial reports, merchandise pricing plans, exceptions, reconsiderations and other documents required to be filed in accordance with Economic Stabilization Regulations. It is also responsible for providing technical and interpretive advice and assistance to the IRS Stabilization Program and to the public.

Develops programs on and exercises functional supervision over Servicewide Economic Stabilization activities involving the processing of price prenotifications, price increase reports, quarterly financial reports, merchandise pricing plans, exceptions, reconsiderations and other documents required to be filed in accordance with Economic Stabilization Regulations. Develops procedures and assists field offices to assure uniformity and consistency of decisions; provides advice to field offices on case-related matters; reviews and approves proposed actions recommended by district offices in certain specific cases. For consistency of decisions, recommends appropriate action, and transmits decisions to district offices; reviews field office case processing to discern trends and precedents; identifies problem areas of nationwide concern, for consideration by the Cost of Living Council; identifies the need for, and recommends to the Cost of Living Council delegations of authority to the Internal Revenue Service; develops management information to be used to keep Internal Revenue Service management and the Cost of Living Council apprised of price prenotifications, merchandise pricing plans, exceptions and reconsiderations program execution. Provides technical and general information to the public; develops or reviews all Stabilization forms and publications; reviews proposed regulations and ruling; furnishes interpretive support to other organizational components of the Assistant Commissioner (Stabilization), serves as the liaison with other Federal, State, and local government agencies and with private or public interest groups. Provides technical assistance to the field and assures program uniformity.

The Director is responsible for and supervises the activities of three Branches: Interpretations Branch, Price Analysis Branch and Publications and Guidance Materials Branch. The Director also serves as Deputy Assistant Commissioner (Stabilization).

SEC. 1113.(10)31 *Interpretations Branch.*

Serves as the organization responsible for providing technical and interpretive advice and assistance to the IRS Stabilization Program.

Receives, comments on the reviews for administrative feasibility and adequacy Cost of Living Council drafts of regulations; reviews documents, questions and answer, news releases, forms and other publications to ensure technical accuracy; advises on Stabilization disclosure matters, testimony instructions, and release of Stabilization information as requested under the Freedom of Information Act; serves as contact point for all field technical problems; promotes and conducts institutes and conferences designed to foster voluntary compliance; exercises functional responsibility for programs concerning walk-in and telephone requests for public service or assistance, written inquiries, and other requests of a service nature performed in the field; provides assistance and guidance to the field in implementing, monitoring, and evaluating technical and service programs; coordinates activities of the Local Service and Compliance Centers with the Office of the Assistant Commissioner (ACTS).

SEC. 1113.(10)32 *Price Analysis Branch.*

Plans, directs and exercises functional supervision over field office activities relating to the processing of price prenotifications, price increase reports, quarterly financial reports, merchandise pricing plans, exceptions, reconsiderations and other documents required to be filed in accordance with Economic Stabilization Regulations. Develops procedures and assists field offices to assure uniformity and consistency of decisions; provides advice to field offices on case-related matters; reviews and approve proposed actions recommended by district offices in certain specific cases. For consistency of decisions, recommends appropriate action, and transmits decisions to district offices; reviews field office case processing to discern trends and precedents; identifies problem areas of nationwide concern, for consideration by the Cost of Living Council; identifies the need for, and recommends to the Cost of Living Council delegations of authority to the Internal Revenue Service; develops management information to be used to keep Internal Revenue Service management and the Cost of Living Council apprised of price prenotifications, merchandise pricing plans, exceptions and reconsiderations program execution.

SEC. 1113.(10)33. *Publications and Guidance Materials Branch.*

Develops publications and guidance material procedures for field and National Office use. Determines the content, directs the compilations, and reviews the Stabilization Program Guidelines (SPG) Service. Develops plain language publications and educational material used to inform Service employees and the public of substantive and procedural matters. Translates selected publications into Spanish for use in the Spanish-speaking communities. Identifies need for and develops publications independently and at the request of the Cost of Living Council; distributes publications throughout the country to appropriate business firms, associations, and other professional organizations. Plans, coordinates, and provides editorial support for publication of forms and form

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letters; reviews, for administrative feasibility, consistency, and adequacy, all proposed Cost of Living Council public-use forms. Coordinates the presentation and clearance of Stabilization material for the IR Manual. Operates a correspondence unit that serves as the National Office clearing and routing center for all public and Congressional correspondence relating to Stabilization matters; maintains liaison with the Cost of Living Council concerning Congressional inquiries to the field; and maintains adequate records.

SEC. 1113.(10)4 *Compliance and Enforcement Division.*

In matters involving compliance and enforcement activities under the Phase IV Economic Stabilization regulations, this division: develops and exercises functional supervision of nationwide and local investigative and industry monitoring programs as directed by the Cost of Living Council or initiated by IRS; designs, implements, and reports on CLC-directed pay or price investigations of firms; designs, implements, and reports on CLC-directed pay or price factfinding surveys for industries, both in the controlled and uncontrolled sectors; designs, implements and reports on IRS locally initiated pay or price investigations for firms in controlled industries; develops and exercises functional supervision of nationwide and local enforcement activities as authorized and directed by CLC; designs, implements and reports analysis of economic developments and trends within broad industry groupings as received from field offices and nationally-gathered providing same to CLC as leads for enforcement and compliance action; engages in other special projects deemed appropriate by CLC and IRS; coordinates investigations involving several districts or regions; provides guidance to certain districts which have operational responsibility for conducting such investigations; informs and reports to CLC on investigation and analysis progress and status; designs and engages in a program of handling citizen complaints of violations of the ESP regulations; coordinates activities with other Stabilization organizational elements; and maintains adequate records. The Director is responsible for and supervises the activities of four branches: Compliance Investigations Branch, Case Control and Reports Branch, Industry Survey and Analysis Branch and Pay Branch.

SEC. 1113.(10)41 *Compliance Investigations Branch.*

In matters involving compliance administration, this branch: formulates policy and programs involving compliance with the Economic Stabilization Act; designs, initiates, and reports on nationwide and local Cost of Living Council directed price investigations; assists Cost of Living Council in formulating, implementing, monitoring and evaluating audit specifications and procedures, informs Cost of Living Council as to case progress and status; provides assistance and guidance to the field in implementing investigations; coordinates investigations involving several districts or regions; coordinates activities with other Stabilization organization elements and maintains adequate records.

SEC. 1113.(10)42 *Industry Survey and Analysis Branch.*

In matters involving the survey and analysis of industries, this branch: conducts Cost of Living Council directed price fact-finding surveys of industries; conducts CLC—and IRS-assigned special projects and analysis; engages in special economic analysis and targeting to monitor, analyze and present findings relating to on-going industry surveys where indicated with results and findings given to CLC for action and follow-up authority; maintains a program of nationwide information-gathering on economic developments and trends within broad industry groups by receiving, processing and analyzing information received from field offices, providing information to the CLC as leads for enforcement and compliance action; informs the CLC as to monitoring progress and status; provides assistance and guidance to the field in implementing and evaluating information-monitoring programs; drafts procedures for field information-monitoring programs; coordinates activities with other Stabilization organizational elements; coordinates monitoring operations which are of nationwide significance or involve several districts, and maintains adequate records.

SEC. 1113.(10)43 *Pay Branch.*

In matters of wage and pay investigations and surveys for both the controlled and uncontrolled industry sectors of the economy, this branch: designs, implements, monitors, evaluates and reports on CLC-directed nationwide pay investigations; designs, implements, evaluates and reports on CLC-directed pay factfinding surveys and monitoring of nationwide wage and pay matters in the uncontrolled sector; manages and controls wage and pay investigations, surveys and programs; informs the Cost of Living Council as to case progress and status; coordinates activities with other Stabilization organizational elements; coordinates investigations which are of nationwide significance or involve several districts, and maintains adequate records.

SEC. 1113.(10)44 *Case Control and Reports Branch.*

Designs, develops, installs, monitors, and evaluates reporting systems for the Office of Assistant Commissioner (Stabilization) in coordination with the Cost of Living Council. Consults and participates in the design and development of other Stabilization information systems. Develops statistical indicators to evaluate operations in a particular program area or element in order to identify significant trends. Provides an advisory service to the A/C Stabilization by identifying significant happenings, developing trends, identifying possible trouble areas and forecasting conditions within the Stabilization Program. Develops and monitors, in cooperation with CLC, an interactive computer/remote terminal management information system. Provides computer output reports to IRS/ESP. Provides CLC with manual reports not on the data base. Identifies and fulfills training needs for remote terminal operators in 29 key districts. Provides a nationwide net of telecommunications and facsimile transmission facilities for the ESP. Provides an automated Case Control system for monitoring directed investigations. Coordinates and develops specifications for Stabilization's IRS data processing requirements. Provides records management for Stabilization. Maintains adequate records and controls.

SEC. 1113.(11) *Office of the Chief Counsel.*

The Chief Counsel, and Assistant General Counsel of the Treasury Department, serves as a member of the Commissioner's executive staff and as counsel and legal officer to the Commissioner on all matters pertaining to the administration and enforcement of the internal revenue laws and related statutes, and on all legal matters pertaining to the Service's economic stabilization activities. The key officials under his supervision are: Deputy Chief Counsels, Associate Chief Counsel (Litigation), Associate Chief Counsel (Technical), Staff Assistants, Technical Advisors, Special Assistants, Director of the Operations and Planning Division, and Regional Counsel.

SEC. 1113.(11)1 *Deputy Chief Counsels.*

The two Deputy Chief Counsels act for and represent the Chief Counsel in the development of policies governing the Office of the Chief Counsel, and assist the Chief Counsel in the formulation of tax litigation policy and the interpretation and development of the internal revenue laws.

SEC. 1113.(11)2 *Associate Chief Counsel (Litigation).*

Plans, directs, coordinates and controls the policies and programs pertaining to Tax Court Litigation; Criminal Tax; General Litigation; and Refund Litigation work.

SEC. 1113.(11)21 *Tax Court Litigation Division.*

The Tax Court Ligitation Division develops policies, programs, and procedures relating to the disposition of tax cases pending in the United States Tax Court; supervises and coordinates the defense and settlement and the processing and handling of such cases, including preparation of pleadings, recomputations and other documents filed with the Tax Court together with hearings thereon to assure uniform treatment; coordinates and reviews Tax Court matters prepared in the Regional Offices; including the rendering of technical advice to the field offices, the approval of Chief Counsel's Decisions, the review of briefs to be filed with the Tax Court and recommendations of field offices for acquiescence or non-acquiescence in adverse Tax Court decisions; prepares recommendations to the Department of Justice for the Commissioner's appeals to the Courts of Appeals and prepares petitions and records on review in such cases; makes recommendations to that Department regarding offers in compromise or settlement and prepares recommendations for or against filing petitions for writs of certiorari to the Supreme Court in such cases. It supervises the preparation and trial of cases assigned to, and handled by, attorneys in the Trial Branch.

SEC. 1113.(11)22 *Criminal Tax Division.*

The Criminal Tax Division handles and prepares for final decision those criminal tax cases referred to the Chief Counsel by Regional Counsel or by the National Office. It considers cases in which the Regional Commissioner and the Director of the Intelligence Division of the Office of the Assistant Commissioner (Compliance) do not concur in recommendations of Regional Counsel involving prosecution. The Division prepares acquiescence memorandums or protest letters on decisions by the Department of Justice or United States Attorneys against prosecution and recommendations to the Department of Justice respecting appeals of court decisions in criminal tax cases. It also prepares law opinions in cases involving penalties or other legal questions with respect to criminal cases or investigations or with respect to the disclosure of information. The Division coordinates with the Department of Justice or interested branches of the Service any questions involving investigations or actions respecting the civil aspects of pending criminal cases.

SEC. 1113.(11)23 *General Litigation Division.*

The General Litigation Division supervises and coordinates legal work or Regional Counsel on collection litigation matters. It reviews certain offers in compromise (except those concerning alcohol, tobacco, and firearms taxes). It prepares advisory opinions on collection litigation matters. The Division prepares and reviews recommendations to the Department of Justice concerning certiorari, appeal and petition for review in relation to all collection litigation cases. It handles certain legal work for the Director of General Operations. The General Litigation Division prepares and reviews recommendations to the Department of Justice concerning the defense of injunction actions to restrain the assessment or collection of federal taxes; offers in settlement; the waiver or release of a right to redeem under 28 U.S.C. 2410; and suits for the civil enforcement of summonses. Similarly, the Division considers recommendations that the Commissioner authorize or sanction affirmative action in insolvency cases (including decendents' estate proceedings), suits for foreclosure of mortgages or other liens and suits to quiet title where the United States is named as a party defendant, cases involving appointment of a receiver in aid of foreclosure of Federal tax liens, and suits for the collection of taxes.

SEC. 1113.(11)24 *Refund Litigation Division.*

The Refund Litigation Division performs all necessary legal service on behalf of the Internal Revenue Service in connection with taxpayers' suits for refund of taxes (except alcohol and tobacco taxes). It determines and coordinates the legal position of the Service in such suits and incorporates such determinations in recommendations to the Department of Justice with respect to the defense of such suits, the acceptance or rejection of settlement proposals and appeals and petitions for certiorari from adverse court decisions. The Division performs all necessary legal services on behalf of the Service in connection with all civil litigation affecting the Service and not within the responsibility of any other Division.

SEC. 1113.(11)3 *Associate Chief Counsel (Technical).*

Plans, directs, coordinates and controls the policies and programs pertaining to Legislation and Regulations, and Interpretative work.

SEC. 1113.(11)31 *Legislation and Regulations Division.*

The Legislation and Regulations Division has the basic responsibility for representing the Internal Revenue Service in connection with legislation affecting the various internal revenue taxes and for the preparation of regulations required to be issued in connection with those taxes, except for taxes relating to alcohol, tobacco, and certain firearms. In discharging this responsibility, the Division: participates in the development and drafting of new and amendatory internal revenue legislation and in connection therewith furnishes required technical assistance; prepares new and revised regulations; prepares reports on private and public bills; prepares news and information releases relating to regulations; prepares responses to correspondence concerning legislation and regulations from the Congress and the public; and, in developing regulations, arranges and conducts public hearings and meeting with taxpayers and their representatives and with professional and industry groups. The Division prepares Executive orders and related papers authorizing the inspection of tax returns, and reviews and prepares amendments to the Statement of Procedural Rules. The Division represents the Internal Revenue Service with respect to the negotiation and drafting of tax treaties with foreign countries and the preparation of the necessary implementing regulations.

SEC. 1113.(11)32 *Interpretative Division.*

The Interpretative Division reviews as to form and legality interpretations of internal revenue statutes and regulations and other law and legal materials bearing upon the administration of the Internal Revenue Service except those relating to alcohol, tobacco, and firearms matters; criminal tax investigations and prosecutions; lien and collection matters, including those involving bankruptcies, receiverships and other insolvencies; administrative matters; disclosure matters; and summons enforcement matters. The Division prepares formal opinions of the Chief Counsel in assisting him in carrying out his functions as legal advisor to the Commissioner in the technical area. The Division is also responsible for the legal review of closing agreements.

SEC. 1113.(11)4 *Operations and Planning Division.*

Operations and Planning Division is responsible for all law work in the Internal Revenue Service other than substantive tax law work; at the direction of the Chief Counsel performs special assignments of a technical nature in substantive tax law. The Division serves as the principal legal advisor to the Assistant Commissioner (Administration), the Assistant Commissioner (Accounts, Collection, and Taxpayer Service) and the Assistant Commissioner (Inspection). The Division is responsible for the supervision and coordination of all legal management work of the Chief Counsel's Office (National Office and all field offices); establishes and maintains appropriate standards of professional competence by members of the legal staff of the Office and evaluates their legal competence; analyzes the workload of the Office, and determines the distribution of personnel available to handle the workload. The Division is responsible for the general supervision of all matters relating to administration and management in the Office of the Chief Counsel. Reviews and prepares for action enrollee and disbarment cases referred to the Chief Counsel by the Director of Practice, and represents the latter in the trial of cases before Hearing Examiners.

SEC. 1114 *Office of Regional Commissioner.*

SEC. 1114.1 *Mission.*

The mission of the Office of Regional Commissioner is to execute the broad nationwide policies and programs for the administration of the internal revenue laws, to carry out appellate programs at the regional level, and direct and coordinate the functions and activities of the District Offices within the region.

SEC. 1114.2 *Basic organization.*

The principal organization components of the typical Office of the Regional Commissioner are the immediate Office of the Regional Commissioner, the Administration Division, the Appellate Division, the Audit Division, the Accounts, Collection, and Taxpayer Service Division, the Intelligence Division, and the Stabilization Division. An Assistant Regional Commissioner heads each division.

SEC. 1114.3 *Regional Commissioner.*

The Regional Commissioner administers within an assigned regional area the accounts, collection, and taxpayer service; audit; intelligence; appellate; economic stabilization; and administration programs of the Internal Revenue Service. He carries out Service policies and programs in conformity with delegations of authority and, in this connection, establishes regional standards and programs to assure proper and effective implementation of Service-wide policies

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and programs within his region. The Regional Commissioner supervises and coordinates the work of the staff of the Regional Office and the District Directors within his region to assure that work is processed in an orderly and timely manner, and that proper and equable emphasis is placed and directed toward the accomplishment of current program objectives. As the principal field official, he evaluates the effectiveness of Service policies and programs, and advises the National Office as to the need for revising such policies and programs to bring about improved operations or service.

SEC. 1114.4 *Assistant Regional Commissioner (Administration).*

The Assistant Regional Commissioner (Administration) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the administration activities of the Service under the jurisdiction of the Regional Commissioner to ensure that administration policies and programs are properly executed. In conformity with administration policies, and programs established by the National Office, he develops regional standards and other measures necessary to implement most effectively the administration program of the Service which includes budget and fiscal management, personnel administration, training, public information, property and records management, use of facilities, printing and reproduction, and reports management. He also coordinates organization planning and advises and makes recommendations to the Regional Commissioner thereon; and furnishes guidance for and coordinates management programs. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional administration programs and recommends improvements and adjustments therein needed to bring about and sustain a high level of performance in administration activities within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of administration policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base administration policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating administration operations. Within the limits of his delegated authority, he provides the Regional Counsel and Regional Inspector with such administrative services as they may require in the performance of their duties. He is responsible for and supervises the activities of four branches: Facilities Management Branch, Fiscal Management Branch, Personnel Branch, and Training and Development Branch.

SEC. 1114.41 *Facilities Management Branch.*

The Facilities Management Branch coordinates, evaluates and carries out region-wide programs for providing essential support activities designed to increase the effectiveness of the region, reduce its operating costs and improve taxpayer relations. Develops, within the broad guidelines established by the National Office standards and procedures for such matters as the management of paperwork; space; property and supply; procurement and contracts; production, storage, and distribution of forms and publications initiated within the region and distribution and requirements of National Office forms and publications; emergency planning for civil defense; fire and safety, document and property security; and processes all claims arising within the region under the Federal Tort Claims Act.

SEC. 1114.42 *Fiscal Management Branch.*

The Fiscal Management Branch performs, coordinates and evaluates budgeting, administrative accounting and financial reporting (other than for revenue collections) for the region, including the preparation of the financial plan within over-all budget limitations, submission of budget data, allotment of funds, maintenance of accounts, and examination of vouchers. This Branch participates in long-range planning involving expenditures for personnel, equipment, administrative services, space and similar items.

SEC. 1114.43 *Personnel Branch.*

The Personnel Branch develops and evaluates the regional personnel program and standards relating to recruitment and selection, employee relations, disciplinary actions, performance, evaluation, promotions, in-service placements, incentive awards, records, reports and other aspects of a complete personnel program, within the frame work of Service policies, programs and procedures established by the National Office, and conducts the personnel program for the Regional Office. It conducts the position classification program for the region. The Branch represents the region in contacts with employee groups and the Regional Directors of the Civil Service Commission.

SEC. 1114.44 *Training and Development Branch.*

The Training and Development Branch is responsible for the administration, conduct, and evaluation of all the Region's Servicewide courses and for providing functional guidance, support, and coordination to local training. These programs include initial orientation, technical training, instructor training, supervisory and managerial training, career development programs, on-the-job and refresher training, and taxpayer education programs. The Branch is responsible for the Regional organizational development program, the planned, systematic approach to equipping Service managers to anticipate, identify, and, through the use of tested techniques such as "team building," overcome the obstacles to effective organizational operation. The Branch is also responsible for the operation of the Regional Training Center(s). Where the Center is not in the proximity of the Regional Office site, a Training Center Officer, under the direction of the Regional Training Officer, supervises its day-to-day operation. The Branch also provides training assistance to State and local government agencies.

SEC. 1114.5 *Assistant Regional Commissioner (Appellate).*

The Assistant Regional Commissioner (Appellate) acts as the principal assistant to the Regional Commissioner in planning, directing, coordinating and evaluating the appellate activities of the Service under the jurisdiction of the Regional Commissioner within the framework of Service policies and programs established by the National Office. He is responsible to the Regional Commissioner for a program of hearing and undertaking final settlement of taxpayers' appeals from determinations of tax liability made by District Directors within the region, involving income, profits, estate, gift, and employment taxes, and excise taxes except those imposed on alcohol, wagering, narcotics, firearms, and tobacco; and for a program of hearing and, with concurrence of Regional Counsel, undertaking final settlement of certain cases docketed in the United States Tax Court. His program includes preparing reports to the Joint Committee on Internal Revenue Taxation in Appellate cases involving overpayments in excess of $100,000, and hearing administrative appeals in offer in compromise cases. In the foregoing programs, he represents the Regional Commissioner and exercises authority under delegation of authority from the Commissioner of Internal Revenue. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of appellate policies, programs, procedures, and standards in terms of regional requirements, provides reports and factual information upon which the National Office can base appellate policy and program considerations, and recommends action with respect to problems encountered in Appellate operations. He supervises the activities of all Appellate branch offices in the region.

SEC. 1114.51 *Appellate Branch Offices.*

The basic settlement work of the Appellate Division is performed in branch offices of the Division which are headed by Chiefs who report to the Assistant Regional Commissioner (Appellate). Chiefs, Appellate Branch Office, may also supervise sub-offices administered by an Assistant Chief or local representative of the Chief. The branch offices hold conferences and make final determinations, within the limits of their delegated authority, on cases involving income, profits, estate, gift, and employment taxes and excise taxes, except those imposed on alcohol, wagering, narcotics, firearms and tobacco, in which taxpayers have requested Appellate consideration. The branch offices prepare reports to the Joint Committee on Internal Revenue Taxation in protested and petitioned cases which involve overpayments in excess of $100,000, and also consider protested offers in compromise. Branch offices, under delegated authority, enter into closing agreements under IRC 7121 in cases under their jurisdiction.

SEC. 1114.6 *Assistant Regional Commissioner (Audit).*

The Assistant Regional Commissioner (Audit) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the audit activities of the Service under the jurisdiction of the Regional Commissioner to ensure that policies and programs are properly executed, that audit work is processed in an orderly and timely manner, that equal emphasis is placed and uniform effort directed toward the accomplishment of the current audit program objectives, and that required standards for audit uniformity are being maintained. In conformity with audit policies, and programs established by the National Office, he develops regional programs, standards, and other measures necessary to implement most effectively the audit program of the Service which includes the selection of returns for audit, their examination and investigation, the determination of tax liabilities and penalties where applicable, a regional review of selected district office cases and the administrative disposition of offers in compromise by district Audit Divisions. He provides the Regional Commissioner with results of evaluation and other information upon which to base his administration of the regional audit program and recommends improvements and adjustments in audit operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base policy and program considerations, and recommends appropriate action with respect to problems encountered in observing and evaluating audit operations.

SEC. 1114.7 *Assistant Regional Commissioner (Accounts, Collection, and Taxpayer Service).*

The Assistant Regional Commissioner (Accounts, Collection, and Taxpayer Service) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the returns processing (except wagering, alcohol and tobacco tax, firearms returns and applications), data processing, revenue accounting, collecting of delinquent accounts, securing delinquent returns, and taxpayer service activities under the jurisdiction of the Regional Commissioner to ensure that the policies and programs established by the National Office are timely and properly executed and that equal emphasis is placed and uniform effort directed toward the accomplishment of the accounts, collection and taxpayer service program objectives. He exercises line supervision over those activities at the Regional Office and functional supervision over related activities in the Service Center(s) and District Officers within the region. He provides the Regional Commissioner with results of evaluation and other information upon which to base his administration of these programs and recommends improvements and adjustments needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner, he serves as the primary source of information to the National Office as to the effectiveness of the accounts, collection and taxpayer service policies, programs, procedures and standards in terms of factual information upon which the National Office can base accounts, collection and taxpayer service policy and program considerations and recommends appropriate action with respect to problems encountered in observing and evaluating these activities.

SEC. 1114.8 *Assistant Regional Commissioner (intelligence).*

The Assistant Regional Commissioner (Intelligence) acts as the principal assistant to the Regional Commissioner in planning, coordinating and evaluating the intelligence activities of the Service under the jurisdiction of the Regional Commissioner to ensure that policies and programs are properly executed, and that the intelligence work is processed in an orderly and timely manner. In conformity with intelligence policies, and programs, established by the National Office, he develops regional programs, standards and other measures necessary to implement most effectively the intelligence program of the Service which includes the investigation of alleged tax fraud, certain other civil and alleged criminal violations of tax laws (except alcohol, tobacco and certain firearms tax cases), and such other special investigations as the Commissioner may direct. He provides the Regional Commissioner with results of evaluations and other information upon which to base his administration of the regional intelligence program and recommends improvements and adjustments in the intelligence operations needed to bring about and sustain a high level of performance within the region. Under the Regional Commissioner he serves as the primary source of information to the National Office as to the effectiveness of intelligence policies, programs, procedures and standards in terms of regional and district requirements, provides reports and factual information upon which the National Office can base intelligence policy and program considerations and recommends appropriate action with respect to problems encountered in observing and evaluating intelligence operations.

SEC. 1114.81 *Management and Evaluation Staff.*

Exercises primary responsibility for the adequacy of district program content and effectiveness of management of Service resources in each district; evaluates costs and benefits of achieving program objectives; develops and maintains statistical indicators of management effectiveness; identifies required changes in program operations through program reviews in districts and assists in redirecting needed emphases in program goals and operations; assists districts in evaluation of personnel; conducts workload analyses to determine proper balance of staffing and other resource requirements; evaluates case selection and management methods together with quality control practices; analyzes effectiveness of publicity concerning Intelligence matters; maintains mutually productive working relationships with members of the National Office, Service Center, and other offices regarding potential fraud situations; communicates information on all significant program and management developments; prepares narrative reports; and works on special projects and assignments.

SEC. 1114.82 *Operations and Technical Assistance Staff.*

Responsible for all general and special enforcement operational activities consisting of broad impact programs and objectives directed toward criminal violations of tax laws. Provides advice and assistance to district officials in the overall planning and execution of district Intelligence investigative programs, including determination of priorities and resource requirements; coordinates program operations with representatives of other IRS organizational segments and Department of Justice; evaluates and disseminates information and data to the districts, received from the National Office or other governmental agencies etc., relating to known or potential subjects of Intelligence enforcement efforts; identifies sensitive and significant situations; prepares reports on significant matters to be brought to the attention of the Regional Commissioner or National Office; coordinates special investigations, case development efforts and projects which involve two or more districts; assists districts in establishing and perfecting control practices and procedures with Service Centers and advising district officials regarding the application of data processing techniques to investigative problems. Provides technical guidance on case matters; conducts post review programs in each district; analyses supplemental requests and Criminal Action Memorandums; identifies technical training needs and participates in development of training programs; conducts refresher training programs and participates in fraud training programs; coordinates case matters with Counsel and Department of Justice; prepares protests on CAM actions; provides technical advice on complex case matters; develops new procedures and investigative approaches; makes annual evaluations of case inventories; reviews cases closed for insufficient resources; identifies indicators of potential case management selection weaknesses critiques investigations in terms of case selection standards and investigative quality; assists districts in evaluating fraud referral

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program effectiveness and improving quality of investigations and reports.

SEC. 1114.9 *Assistant Regional Commissioner (Stabilization).*

The Assistant Regional Commissioner (Stabilization) acts as principal assistant to the Regional Commissioner in planning, directing, coordinating and evaluating the Stabilization activities under the jurisdiction of the Regional Commissioner within the framework of Service policies and programs established by the National Office. He is responsible to the Regional Commissioner for developing programs, standards and other measures necessary to implement most effectively the Stabilization Program of the Service which includes, but is not limited to, responding to inquiries from the public; disseminating information to the public; analyzing and issuing decisions upon application for exceptions and appeals; conducting investigations; resolving by obtaining compliance, where possible, complaints of violations of the Economic Stabilization Program, and recommending enforcement action when necessary; assuring proper allocation and utilization of manpower and resources; and maintaining adequate records and making periodic reports to the Assistant Commissioner (Stabilization).

SEC 1115 *Office of Regional Inspector.*

There are 7 Regional Inspectors, one in each internal revenue region. The Regional Inspector, who operates under the direct supervision of the Assistant Commissioner (Inspection), is responsible for the conduct throughout the region of both the internal audit and internal security programs.

SEC. 1115.1 *Assistant Regional Inspector (Internal Audit).*

Under the supervision of the Regional Inspector, the Assistant Regional Inspector (Internal Audit) is responsible for the conduct of the internal audit program throughout the region. The internal audit, which includes verification of financial transactions and analyses of operating practices and procedures, serves as the basis for informing appropriate officials of the manner in which operations are being carried out and responsibilities are being discharged as a basis for necessary changes in policies, practices and procedures.

SEC. 1115.2 *Assistant Regional Inspector (Internal Security).*

The Assistant Regional Inspector (Internal Security) is responsible for the conduct of the Internal Security program throughout the region. The program, which provides a factual basis for conclusions by management, the Department of Justice or other authority for making decisions, includes personnel background investigations, investigations of complaints and allegations of misconduct or irregularities concerning Service employees and actions of non-Service persons that may affect the integrity of the Service or safety of Service employees, including attempts to bribe or otherwise corrupt Service personnel; this authority includes investigation of attempts to interfere with administration of Internal Revenue laws through threats, assaults or forcible interference and also the unauthorized disclosure of Federal tax information. The program also includes background investigations of certain applicants for enrollment to practice before the Internal Revenue Service, investigations of charges against tax practitioners, formal investigations of accidents involving Service employees or property, and investigations of alleged discrimination because of race, creed, color, or national origin. In addition, he is responsible throughout the region for the conduct of special investigations as directed by higher authority, for the Office of the Secretary and other components of the Treasury Department.

SEC. 1116 *Office of Regional Counsel.*

(1) There are 7 Regional Counsels, one in each Internal Revenue region. The Regional Counsel, who operates under the Chief Counsel for the Internal Revenue Service, serves as the principal legal advisor to the Regional Commissioner, the Regional Inspector, and the District Directors of Internal Revenue and their staffs. The Regional Counsel, subject to the Chief Counsel's continuing general supervision and review where appropriate or necessary, directs and supervises a staff of attorneys engaged in processing and handling cases docketed in the United States Tax Court and in furnishing legal advice and performing legal services connected with the tax court, enforcement and general litigation functions.

(2) *Tax Court litigation matters.*—The Regional Counsel's office furnishes legal advice to the Assistant Regional Commissioner (Appellate); in the name of the Chief Counsel, represents the Commission in the trial of cases before the Tax Court and is responsible for the preparation of pleadings, stipulations, and other documents to be filed with the Tax Court on behalf of the Commissioner prior to the entry of a decision by the Court; makes recommendations to the Chief Counsel respecting adverse Tax Court decisions; considers and approves or disapproves the settlement of cases docketed in the Tax Court, subject to the concurrence of Appellate while such cases are in presession status; considers and concurs in, or disapproves, recommendations by Appellate to eliminate the ad valorem fraud penalties in cases not docketed in the Tax Court; and considers and reviews, prior to issuance, statutory notices of deficiency or liability proposed by Appellate, and certain of such notices proposed by the District Directors.

(3) Enforcement matters. The Regional Counsel's office is responsible for the performance of legal services in the field in connection with criminal cases arising under the internal revenue laws. The office reviews recommendations of prosecution in criminal cases received in the field, and prepares and refers such cases (other than alcohol and tobacco tax cases) to the Department of Justice or, where authorized by the Department of Justice, directly to United States Attorneys, or, where prosecution is not deemed warranted, prepares criminal action memoranda setting forth the reasons against the prosecution and closes such cases with the concurrence of the Assistant Regional Commissioner (Intelligence). On request, the office furnishes aid and assistance to United States Attorneys in criminal tax proceedings in the United States District Courts and Courts of Appeal.

(4) General litigation matters. The Regional Counsel's office is responsible for handling legal work with respect to cases under the Bankruptcy Act and other insolvency cases including decedents' estate proceedings; Federal tax liens in suits for foreclosure by mortgagees or other lienholders and in suits to quiet title; applications filed for the discharge of property from Federal tax liens or for the release of such liens; for review and handling of certain offers in compromise; recommendations as to the taking of affirmative action, whether by way of a separate suit or intervention in pending proceedings (with the exception of alcohol, tobacco and firearms matters not relating to proceedings under the Bankruptcy Act, liens, receiverships and other insolvencies); the defense of injunction suits to restrain the assessment or collection of Federal taxes (except with respect to alcohol, tobacco and firearms matters); the assessment and collection of taxes; and of the civil enforcement of summonses.

(5) Stabilization Matters. The Assistant Regional Counsel (Stabilization) is responsible for providing interpretative advice and guidance concerning the rulings and regulations issued by the Pay Board and the Price Commission to the Office of Assistant Regional Commissioner (Stabilization) and answering specific legal questions concerning stabilization matters that may be presented. Also, provides functional support to Regional Counsel's Branch Offices that may be requested to furnish legal advice at the Service's District Director level. In addition, this Office is responsible for the review of litigation cases, involving violations of Pay Board's or Price Commission's regulations or rulings, that are developed at the District Director level by Service personnel and Department of Justice attorneys, and after such review forwarding the cases with appropriate recommendations through the Regional Counsel to the General Counsel of either the Pay Board, or Price Commission for possible litigation action by the Department of Justice, and at the same time reports of potential litigation will be forwarded to the Chief Counsel's National Office Stabilization Division.

SEC. 1117 *Service Centers.*

SEC. 1117.1 *General.*

(1) There are 10 Internal Revenue Service Centers located at: Andover, Massachusetts, Austin, Texas; Brookhaven, New York; Chamblee, Georgia; Covington, Kentucky; Fresno, California; Kansas City, Missouri; Memphis, Tennessee; Ogden, Utah; and Philadelphia, Pennsylvania. Each Service Center is under the line supervision of the Regional Commissioner having jurisdiction over the area of their location.

(2) Each Service Center is headed by a Director who operates under the general direction of a Regional Commissioner. The Service Center Director is responsible to the National Office, through the Regional Commissioner, for implementing the programs assigned to the Center. He is responsible for budget, fiscal, and personnel operations of the Center under directives of the Regional Commissioner. He also participates with the National Office, through the Regional Commissioner, in planning, coordinating, and evaluating experimental projects to develop improved techniques and methods for processing tax returns. The Regional Commissioner, in turn, is responsible to the National Office for supervising the execution of the Service Center's program and for recommending adjustments to or modifications of the program. The Regional Commissioner also exercises general supervision over the activities of the Service Center Director in coordinating and maintaining liaison with Regional Commissioners, District Directors, and the National Office in carrying out the programs prescribed for the Centers by the National Office.

SEC. 1117.2 *Service Center Organization.*

SEC. 1117.21 *General.*

(1) The principal organizational components of the typical Service Center are the immediate office of the Service Center Director, Management Staff, Administration Division, Audit Division, Data Conversion and Accounting Division, Processing Division, and Taxpayer Service Division.

(2) The organizational structure depicted is intended to prescribe the Service Center organization through the branch level. Regional Commissioners are authorized to establish the Service Center organization below branch level as they see fit.

SEC. 1117.22 *Office of the Director.*

Within the structure of the Internal Revenue Service, the Internal Revenue Service Center has organizational status comparable to that of the District Offices. It operates under the line supervision of the Service Center Director, who is responsible to the Regional Commissioner in the same manner as a District Director. The Director plans, directs, and administers functions of the Internal Revenue Service Center which provides services for the region(s). Its functions are to process tax returns and related documents through the use of automatic and manual data processing systems and high-speed processing devices and to maintain accountability records for internal revenue taxes collected within the region. Typical programs include the processing, analysis, and accounting control of income tax returns, estimated tax returns, wages and excise tax returns, corporation tax returns, income information documents, and mailing of income tax forms to individual taxpayers. The Director also plans, directs, and administers assigned Audit functions. Responsible for budget, fiscal and personnel operations of the Service Center. In addition, the Philadelphia Service Center assists the Assistant Commissioner (Compliance) in the exchange of authorized routine information with foreign countries having tax treaties with the United States.

SEC. 1117.221 *Management Staff.*

Provides staff assistance to the Director and line officials in the general management of Service Center operations. Assists by coordinating the preparation of work plans, work schedules, staffing and accession schedules. Monitors the Work Planning and Control System and maintains the daily production control system. As requested, provides assistance in analyzing day-to-day problems concerning systems and procedures. Monitors and coordinates various projects, particularly those in the implementation stage such as IDRS, RMF, and Returns Preparer Program. Coordinates the consolidation and referral of problems to the Regional or National Office. Monitors the Statistics of Income sampling and the Quality Review Program.

SEC. 1117.23 *Intelligence Staff.*

Advises the Service Center Director in matters relating to the Intelligence function; presents Intelligence objectives to Service Center personnel and assists in training them in characteristics of false and fraudulent returns and other potential criminal violations. Provides liaison between district and regional officials with the Service Center; devises procedures for the most expeditious manner of obtaining returns and transcripts for district officials and establishes guidelines and criteria for the selection of returns to be reviewed. Also provides assistance to district offices in locating addresses of taxpayers and/or witnesses. Evaluates informants' communications received by Service Center. Also advises district officials in the use of ADP facilities in their investigative processes.

SEC. 1117.24 *Audit Division.*

Administers the Audit activities centralized within service centers. These include: correspondence audit; classification of returns, claims and related documents; processing Audit/Appellate adjustments; technical and quality review; issuing claims disallowance notices, preliminary letters and statutory notices. Furnishes assistance and technical advice to other service center components, districts, regions and National Office. Provides assistance to taxpayers as requested.

SEC. 1117.241 *Classification Branch.*

Classifies and screen all types of Federal tax returns and claims for audit at district offices or service centers. Classifies various taxpayer initiated documents related to tax returns. Establishes and maintains a review system to ensure returns and claims with the greatest potential are selected for audit and to provide for the review of returns and claims audited at the service center. Prepares, controls and processes information reports related to the classification of returns. Furnishes technical and procedural advice and assistance to other service center components, districts, regions and National Office. Provides assistance to taxpayers as requested. Conducts a quality review of service center responses to written taxpayer inquiries.

SEC. 1117.242 *Correspondence Audit Branch.*

Conducts the Centralized Audit examination and verification of tax returns and claims through correspondence with taxpayers to determine correct liabilities for taxes and penalties. These include the less complex issues that do not require district office examination. Conducts tests to determine the feasibility of additional correspondence work. Issues notices of claims disallowance, preliminary letters and statutory notices. Reviews taxpayer protests, determines disposition and when applicable, refers protested returns to district offices.

SEC. 1117.243 *Audit Processing Branch.*

Performs necessary processing of Audit/Appellate Documents such as receipt and control, code and edit and error resolution.

SEC. 1117.25 *Offices of the Chief, All Operating Divisions.*

Receives, analyzes, and evaluates all new programs and procedures; prepares supplemental or clarifying instructions as necessary; and ensures full implementation. Determines resources needed in the Division through the preparation of work plans and schedules, personnel staffing and accession schedules, space requirements, formulation of training needs, and other logistical processes. Participates with other Division Chiefs and the Director in the final allocation of resources to accomplish the total Service Center work program. Coordinates with other Division Chiefs on interdivisional matters, as appropriate. Continuously reviews, analyzes, and evaluates the status of work programs with the aim of keeping the Director informed of operational problems on an exception basis. When appropriate, requests assistance from the Management Staff, or from the Office of the Assistant Regional Commissioner having functional responsibility.

SEC. 1117.26 *Administration Division.*

Directs and coordinates the personnel, facilities management, training, fiscal management, public information, and administrative management improvement programs. Serves as the principal administrative adviser to the Director, Assistant Director, and operating division chiefs. Provides functional leadership for the numerous and varied administrative programs designed to support and increase the effectiveness of Service Center operations. Executes the administrative management analysis program and coordinates the management improvement program for the Service Center. Conducts management studies

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and provides staff assistance to Administration branch chiefs and operating officials as required. Prepares budget and financial plan estimates, maintains fiscal control, and recommends appropriate financial management actions. Develops and coordinates public information plans, techniques, guidelines, and informational materials. Establishes and maintains good relations with mass media in the vicinity of the Service Center; determines information needed, gathers and analyzes statistical and other data generated, and prepares information material for distribution to media outlets; and coordinates visit of media representatives, and others, from the entire region.

SEC. 1117.261 *Facilities Management Branch.*

Advises, informs, and assists Service Center management on operations relating to facilities management programs such as: space, property, communications, paperwork (including microfilm), records retention and disposal, distribution, emergency planning, safety, and security. Plans, develops, determines requirements, and evaluates these programs; provides additional, improved, or modified programs as required. Furnishes procurement, transportation, storage, supply, and messenger services; provides general building maintenance and maintenance of office, electronic, processing, and materials-handling equipment.

SEC. 1117.262 *Personnel Branch.*

Develops, executes and evaluates the Service Center personnel program and standards relating to recruitment, examination, and selection of employees, employee relations, union-management relationships, performance evaluation, promotions, in-Service placements, incentive awards, records, reports, and other aspects of a complete personnel program within the framework of policies, programs, and procedures established by the National and Regional Offices. Conducts the position classification program within delegated authority. Provides staff assistance to operating officials in all personnel areas.

SEC. 1117.263 *Training Branch.*

Provides leadership and coordination to the various Service Center training programs; promotes employee development programs and evaluates and reports on all such programs. Conducts studies and analyzes operating data to determine training needs; studies trends and developments in the employee development field and appraises new principles, concepts, methods, training devices, and materials for use in Service Center training programs. Develops or assists in the development of local and Service-wide course materials, audio-visual aids, and training devices. Assists Service Center management in developing a job environment which will enable trainees to maintain and improve their skills. At the request of the National or Regional Offices, provides data processing training for other than Service Center personnel. Prepares training program estimates for developing the Operating Financial Plan; prepares obligating documents for charges to the training portion of the Operating Financial Plan.

SEC. 1117.27 *Data Conversion and Accounting Division.*

Converts data from source documents to form processable by computers. Operates computer and peripheral equipment used to verify tax liability and service the accounts of all taxpayers within the Districts assigned to the Center and to convert input data to magnetic tape. Maintains tape files of rejected documents for reinput to Service Center Processing. Prepares computer printouts relating to outputs received from the National Computer Center for mailing to taxpayers, for internal reports and statistics, and for tax information authorized for external use. Programs projects as assigned from the National Office and provides the necessary liaison and programming for maintenance of National Office computer programs. Maintains an accounting system to provide subsidiary records and general ledger accounts that reflect the Director's accountability for the Master File and Non-Master File tax revenue collected within Districts assigned to the Center. Records assessments, collections, receivables, refunds, overassessments, and other elements of revenue accounting affecting accountability. Receives, verifies, balances and processes accounting outputs from the National Computer Center; and prepares special and periodic accounting reports. Determines the validity of taxpayer delinquent accounts and returns notices. Prepares various reports for the Service Center, Region, and National Office.

SEC. 1117.271 *Data Conversion Branch.*

Transcribes, verifies and corrects pertinent information of all tax returns, information documents and related documents associated with other miscellaneous programs. Processes documents related to all files (IMF, BMF, RMF, NMF, etc.), subsequent activity programs, and documents which have been previously transcribed for which error conditions have been detected in subsequent processing. Responsible for resolving error conditions identified by the Computer Branch. Enters corrections for each error condition into machine-generated listings. Responsible for resolving and reentering blocks out of balance or rejected blocks received from transcription control clerks.

SEC. 1117.272 *Computer Branch.*

Operates all computer systems used in processing, verifying, computing the tax liabilities, and servicing the accounts of all Master Files (IMF, BMF, RMF, NMF) taxpayers within Districts assigned to the Center, maintains tape library; processes tax information and documents for mailing to taxpayers and for internal use by the Service; generates computer reports; statistical information and other information for use by the National, Regional, District and Service Center offices, other program areas of the Service, and by various States. Processes other programs assigned by the National Office. Provides programming services as required for the maintenance of the system, as directed by the National Office. Performs quality review on computer generated output. Operates an EAM System for preconversion perfection of input data and processing of other Service Center card-oriented projects.

SEC. 1117.273 *Accounting Branch.*

Maintains general ledger accounts and subsidiary records covering revenue transactions for the recording of assessments, collections, receivables, refunds, over-assessments and other transactions affecting taxpayer's accounts. Controls accounting documents for entry to tax accounts. Establishes and maintains individual accounts for non-ADP (NMF) and pre-ADP tax returns and documents. Receives Master File accounting summaries for posted account transactions and accomplishes required journalization and general ledger postings. Initiates or processes account transfers, account adjustments, debit and credit transfers related to tax accounts. Reconciles National Computer Center accounting control records and refund appropriation accounts of Regional Disbursing Centers with general ledger balances. Prepares all accounting and ledger reports as required. Prepares various reports for the Service Center, Region, and National Office.

SEC. 1117.28 *Processing Division.*

Receives, blocks, sorts, and controls documents, both Master File and Non-Master File, received from taxpayers and District Offices; deposits and initiates accounting control of remittances. Ships processed documents to District Offices; and prepares a variety of forms, and other material for mailing to taxpayers, tax practitioners, District Offices, and other Government agencies. Examines, perfects, and codes returns and documents for all files (IMF, BMF, RMF, NMF, etc.) for subsequent processing; examines, edits, and codes returns for the Statistics of Income Program; prepares form and pattern paragraph letters to taxpayers requesting additional or clarifying information incidental to the initial processing of returns. Performs research, perfects and resolves processing errors detected during work cycles within the Service Center. Receives, processes and maintains control over applications for Employer Identification Numbers and Social Security Numbers.

SEC. 1117.281 *Receipt and Control Branch.*

Receives and categorically classifies all incoming returns, documents, remittances, and taxpayer correspondence. Sorts and establishes batch control prior to release of returns and documents into the initial work process, in accordance with work schedules. In coordination with the Management Staff, makes necessary adjustments in work schedules as dictated by actual work receipt patterns to maintain a steady balanced work flow. Numbers and blocks returns, documents and related remittances; examines remittances and related documents, prepares appropriate registers and Certificates of Deposit prior to disposition of monies to local depository. Performs a variety of machine operations such as labeling, folding and inserting. Ships processed documents to District Offices; and prepares forms and other material for mailing to taxpayers, tax practitioners, District Offices and other Government Agencies.

SEC. 1117.282 *Examination Branch.*

Examines, edits, perfects and codes tax documents for all files (IMF, BMF, RMF, NMF, etc.) for transcription and other purposes: prepares form and pattern paragraph letter correspondence to District Offices and taxpayers to obtain missing or clarifying information necessary for the perfection of the return; and edits, codes, and extracts information from returns for audit and statistical programs.

SEC. 1117.283 *Input Perfection Branch.*

Perfects and resolves processing and taxpayer errors detected during work cycles within the Service Center. Prepares correspondence action sheets to obtain additional information from taxpayers and District Offices in order to make returns acceptable for processing. Responsible for control, examination, perfection and final disposition of all RMF rejected tax returns and documents. Perfects and resolves unpostable returns and documents. Resolves unpostable conditions arising from the attempt to input all documents and returns relating to the IMF, BMF, and RMF and prepares necessary input documents. Receives and processes applications for Employer Identification and Social Security Numbers. Maintains control over the assignment of Employer Identification Numbers. Performs all necessary actions concerning the control and maintenance of account numbers. Receives and processes applications from 941 filers to file magnetic tape returns; maintains case history file and control of 941, W2, 1099 and 1087 paper returns prior to approval of magnetic tape filing request.

SEC. 1117.29 *Taxpayer Service Division.*

Provides services to the taxpaying public by answering inquiries received by telephone, mail, or personal call. Controls, monitors, and takes necessary action on complaints and special cases requiring expedite action. Controls and makes adjustments to taxpayers' accounts on all files (IMF, BMF, RMF, NMF, etc.). Controls and processes statutory case adjustments. Performs microfilm research requested by all functional activities. Establishes, maintains and controls permanent and temporary returns files. Retires returns and documents in accordance with prescribed procedures. Performs output review and necessary correction. Performs payment tracing functions. Processing of all exempt organization returns has been centralized in the Philadelphia Service Center. In view of the scope and size of this function, the Philadelphia Service Center has been authorized an Exempt Organization Returns Branch which is: Responsible for processing, except for deposit and transcription operations, all exempt organization tax returns and other related change documents.

SEC. 1117.291 *Adjustment Branch.*

Receives taxpayer inquiries initiated by correspondence. Receives and controls requests for adjustments and determines appropriate action to be taken including adjustment to tax, penalty, and interest, and to the entity section of taxpayer accounts. Prepares written replies to taxpayer on contacts by telephone. Processes IMF and BMF Restricted Interest cases, combination overassessment and deficiency cases, Joint Committee cases, Appellate Division Overassessment and Deficiency cases, Justice Department cases, cases containing second agreements and partial agreements. Processes applications for Tentative Carryback Adjustments. Performs payment tracing functions.

SEC. 1117.292 *Research Branch.*

Performs research through microfilm, source documents, and other sources for entity and account information requested by all functional activities. Establishes, maintains, and controls permanent and temporary returns files. Retires returns and documents in accordance with prescribed procedures. Performs delinquency checks for Non-Master File returns. Reviews computer output, except that pertaining to taxpayer delinquent accounts and returns, for quality and accuracy and for validity of refunds; corrects any processing errors discovered.

SEC. 1117.293 *Taxpayer Relations Branch.*

Performs taxpayer service functions in connection with telephone inquiries or personal calls. When necessary, prepares replies to taxpayer inquiries which accompany returns and which indicate that complex issues need to be resolved before the return can be processed. Takes necessary action to process special or unusual cases and complaints. Maintains close liaison with Social Security Administration on unusual problems. Prepares and types replies to taxpayer correspondence and requests for correspondence from other activities which generally require individually tailored letters.

SEC. 1118 *Office of District Director.*

SEC. 1118.1 *Mission.*

The mission of the Office of the District Director is to administer the internal revenue laws within an internal revenue district in conformance with Service policies and programs of the National Office and Regional Offices.

SEC. 1118.2 *Basic Organization.*

The principal organizational components of the typical District Office are the immediate office of the District Director (including the Stabilization Staff), the Audit Division, Collection and Taxpayer Service Division, Intelligence Division and Administration Division.

SEC. 1118.3 *District Director.*

The District Director administers, within an internal revenue district, the collection, taxpayer service, audit, intelligence and administrative programs of the Internal Revenue Service. He is responsible for the determination of tax liability, the assessment of such liability, and scheduling and certification of refunds, and the investigation of certain criminal and civil violations of internal revenue tax laws (except those relating to alcohol, tobacco and firearms). He is also responsible for the collection and deposit of all internal revenue taxes.

SEC. 1118.4 *Audit Division.*

(1) Administers a district-wide audit program involving the selection and examination of all types of Federal tax returns (except those involving alcohol, tobacco, and firearms taxes), claims, offers in compromise based on doubt as to liability for taxes or for both taxes and statutory additions (except alcohol, tobacco, and firearms taxes), informants' claims for reward, and related activities, including the examination and approval of pension trust plans and the issuance of determination letters. The audit program involves the selective classification of returns for field and office audit, the conduct of district conferences in unagreed cases, participation with special agents of the Intelligence Division in the conduct of tax fraud investigations, and provision of technical support to the year-round taxpayer service program.

(2) Audit Divisions in the Atlanta, Chicago, Cincinnati, Dallas, Manhattan, Philadelphia and San Francisco districts on a region wide basis (Philadelphia reviews for the Office of International Operations), review all income and excess profits tax cases involving overpayments in excess of $100,000 and prepare reports for the Commissioner's signature to the Joint Committee on Internal Revenue Taxation in all nonpetitioned and nondocketed cases, including estate and gift tax cases.

(3) All district Audit Divisions are responsible for issuing determination letters on the qualification of pension, annuity, profit-sharing, stock bonus and bond purchase plans and for subsequent determinations on the status for exemption of trusts forming a part of such plans. Audit Divisions in the districts of Atlanta, Austin, Baltimore, Boston, Chicago, Cincinnati, Cleveland, Dallas, Detroit, Los Angeles, Manhattan, Philadelphia, St. Louis, St. Paul, San Francisco and Seattle are responsible for matters relating to the exemption of all other organizations. These sixteen key District Offices will be responsible for issuing determination letters, examining exempt organizations activities, issuing notices of revocation and reestablishment of exemption, performing technical review and holding district conferences.

(4) The Division structure conforms to one of three established patterns, depending upon size of the District Office. These patterns all recognize six distinct groups of functions which are known as: Returns Classification, District Conference, Review, Field Audit, Office Audit, and Service. In small District Offices the branch supervisory structure does not

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exist, while in large offices there may be more than one Field Audit Branch. Some district Audit Divisions in Central Region have a Technical Branch in lieu of a separate Conference Staff and Review Staff.

(5) Each region has centralized the review of the following specialized tax areas to specific districts:

(a) Estate and Gift
(b) Excise Taxes
(c) Insurance
(d) International Issues

SEC. 1118.41 *Conference Staff.*

Directs and performs the district conference function. This includes holding conferences with taxpayers and their representatives, and preparing conference reports. Also screens taxpayer protests and acts as technical advisor to Chief, Audit Division.

SEC. 1118.42 *Review Staff.*

Reviews reports of examination of all types of tax returns to verify the determination of liability made by the examining officer. Directs the issuance of preliminary 30-day letters to taxpayers, reviews protests filed in response to such notices and prepares statutory notices of deficiency. Prepares closing letters and releases in estate and gift tax cases. Furnishes technical advice and assistance on pension trust plans, including examination thereof and issuance of determination letters, in those districts with three or less pension trust specialists where the District Director has assigned such responsibility to this Staff. Is responsible for the control, management and review of offers in compromise, informants' claims for reward and the special procedures applicable in cases involving renegotiation. Prepares Management Information Reports for both agreed and unagreed cases. Has primary responsibility within the district for maintaining quality standards in examinations and reports, and the technical accuracy of all matters subject to review. Issues correction memorandums in all cases or matters involving substantial errors.

SEC. 1118.43 *Returns Classifying Officer.*

Develops and administers district program for selecting all types of returns for examination. Conducts special studies to identify noncompliance problem areas and recommends audit programs to cope with them.

SEC. 1118.44 *Field Audit Branch.*

Conducts field examinations relative to all types of taxes (except alcohol, tobacco, and firearms) to determine correct liabilities of taxpayers for tax and penalties, including the examination of claims for refund, credit or abatement, or for redemption of stamps. Also conducts field examinations of offers in compromise based on doubt as to liability for taxes or for both taxes and statutory additions (except alcohol, tobacco, and firearms taxes), and special field examinations, as requested, including joint examinations with special agents of Intelligence Division where tax evasion may exist. Processes informants' claims for reward making any necessary investigations and prepares reports on such claims, together with recommendations as to the amount of rewards. Performs engineering and valuation work, prepares memorandums to accompany closing agreements, and recommends jeopardy assessments. Furnishes technical advice and assistance on pension trust plans and prepares determination letters except in those districts with less than three pension trust specialists where the District Director has assigned such responsibility to the Review Staff. Provides technical support to the year-round taxpayer service program.

SEC. 1118.45 *Office Audit Branch.*

Conducts examinations through correspondence or interviews with taxpayers in offices of the Service relative to all types of taxes (except alcohol, tobacco and firearms) to determine correct liability of taxpayers for tax and penalties, and the validity of claims for refund, credit, or abatement, or for redemption of stamps. Also, when necessary, conducts field examinations of all types of taxes (except alcohol, tobacco, and firearms) if such examinations do not require professional accounting skills of examiners assigned to Field Audit Branch. Recommends jeopardy assessments. Provides technical support to the year-round taxpayer service program.

SEC. 1118.46 *Service Branch.*

Performs clerical services for the Division necessary to the processing of returns, reports of examination, case files and correspondence. Maintains control of all returns and case files assigned to the Audit Division and of number assignments for Management Information Reports on audit cases. Types examining offices' reports, form letters, correspondence and other material as assigned and furnishes clerical, stenographic and typing assistance to all Division offices.

SEC. 1118.47 *Technical Branch.*

(1) The Technical Branch directs the issuance of preliminary 30-day letters to taxpayers, prepares letters to taxpayers covering deficiencies in bankruptcy and receivership cases which serve as a basis for assessment and filing of proof of claim by the Collection and Taxpayer Service Division; reviews protests filed in response to such notices of deficiency for proper form, compliance with existing requirements and for new issues or facts; and prepares statutory notices of deficiency.

(2) The Branch is responsible for the control, management and review of offers in compromise, informants' claims for reward, cases in which expiration of the statute of limitations is imminent and assessment, overassessment or statutory notice action is necessary prior to forwarding to the Assistant Regional Commissioner (Audit) for review, and the special procedures applicable in cases involving renegotiation. It maintains and controls the preliminary notice file, the statutory notice file, the file on cases suspended pending court or other decision (Form 1254), power of attorney file, fee statement file, and worthless stock and taxability of dividend file, taking appropriate action as required. The Branch is responsible for the district conference functions, which include assignment of conferees to handle the case, the holding of the conference, the manner in which conferences are conducted, the quality of the conference reports and the statistical reporting of the conferences. The Chief of the Technical Branch acts as Technical Advisor to the Chief of the Audit Division on cases under investigation or assigned for district conferences.

SEC. 1118.5 *Collection and Taxpayer Service Division.*

(1) The Collection and Taxpayer Service Division is responsible for the receipt, processing and retention of firearms and alcohol and tobacco tax returns and applications; the receipt and transmittal of other tax returns and documents received in the district; the deposit to the credit of the Service Center Director of tax remittances received in the district; the collection of delinquent accounts through distraint, seizure, levy and other means; the securing of delinquent returns; the conduct of a year-round taxpayer service program (including issuance of certificates of compliance to departing aliens); examination of offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco and firearms taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment and withholding taxes and specific penalties), and all offers in compromise of 100 percent penalties. The Division receives, acts on, and processess information pertinent to bankruptcies, receiverships, assignments, reorganizations, probate proceedings, foreclosures and redemptions after civil foreclosure, bulk sales, gifts and prizes, and dissolutions and initiates investigations for securing delinquent returns where necessary. The Division maintains files or control records of payments received in insolvency, bankruptcy, and decedent cases and of surety bonds and other collateral posted as security for tax liability. It also maintains files and control records of property seized under distraint authority and takes appropriate action with respect to seized property to ensure that proper legal action may be timely taken.

(2) The organization of the Division below the branch level varies depending on the size of the Division.

SEC. 1118.51 *Special Procedures Staff.*

(1) The Special Procedures Staff is responsible for furnishing advisory assistance on technical delinquent collection and returns matters to the Chief, Collection and Taxpayer Service Division, Chief, Field Branch, Chief, Office Branch and Group Supervisors; providing liaison for the District Director with the Department of Justice, including the U.S. Attorneys, the Chief Counsel and Regional Counsel on all collection matters; ascertaining tax liability and filing of proof of claims in insolvency and decedent's estate proceedings; recommending civil suits to enforce collection or to protect the Government's interests; processing civil suits against the United States or

the District Director; examining, reviewing and processing seizure and sale reports; processing applications for discharge of property from the effect of Federal tax liens and for certificates of nonattachment of Federal tax liens and certificates of subordination of the Federal tax lien; processing filed notices of Federal tax liens and certificates of release; processing and maintaining executed collection waivers; analyzing and determining the sufficiency of various forms of collateral offered as security for release of lien or postponement of collection action; furnishing technical advice and assistance and recommendations for or against entry into suitable escrow agreements for the collection of delinquent accounts; reviewing recommendations for and holding conferences on 100% penalty and transferee assessments; post reviewing of accounts reported as uncollective; reviewing recommendations and holding conferences on offers in compromise cases based on inability to pay; and maintaining files and control records on all the above type cases to ensure that proper legal and other collection actions are taken timely.

(2) In the majority of District Offices this function is organized as a separate Special Procedures Staff. In small offices where the Special Procedures function is a one-position job, it is placed organizationally within the Office of the Division Chief.

SEC. 1118.52 *Office Branch.*

The Office Branch effects the collection of delinquent accounts and secures delinquent returns through demands made by correspondence, telephone or office interviews. It safeguards the Government's interest by causing the filing of notices of tax liens and serving or causing the service of notices of levies. It transfers to Revenue Officer groups those assignments which require field investigations or can be more efficiently completed by field Revenue Officers. The Branch carries out the Division's responsibility for district-wide execution of the year-round taxpayer service program. It provides taxpayer service within the Headquarters Office and surrounding metropolitan commuting area, including responses to correspondence requests of tax information, and provides functional supervision of taxpayer service at other posts of duty. The Branch screens and assigns cases and maintains assignment files. It prepares periodic reports of collection and taxpayer service activities. It receives and deposits to the credit of the Service Center Director remittances received in the District Office. It receives, processes and maintains files of wagering, alcohol and tobacco tax, firearms returns and applications. It also receives and transmits other returns and documents received in the District Office.

SEC. 1118.53 *Field Branch.*

The Field Branch is responsible for the management and control of five or more Revenue Officer groups (Type I Field Branch), or three or more Revenue Officer groups and an Office Group (Type II Field Branch). Within the assigned area, the Branch makes collections of delinquent accounts and conducts a continuing program for the securing of delinquent returns. It safeguards the Government's interest through the filing of notices of tax liens, and enforces collection by the serving of levies, and seizure and sale of real and personal property. It recommends jeopardy assessment when deemed necessary to protect revenue, civil actions to secure payment, suits to enforce penalty for failure to honor levies, and penalty assessments as a means of collection or as a method of obtaining compliance with existing laws and regulations. The Branch recommends the issuance of certificates of discharge of property from the effects of tax liens, recommends issuances of certificates of subordination of Federal tax liens, and conducts the investigations necessary to support such recommendations. The Branch examines offers in compromise based on doubt as to collectibility of taxes (except alcohol, tobacco and firearms taxes), offers in compromise of statutory additions based on doubt as to liability (except alcohol, tobacco, firearms, employment and withholding taxes and specific penalties), and all offers in compromise of 100% penalties. The Branch provides taxpayer service within the assigned area (except in the Headquarters Office location).

SEC. 1118.6 *Intelligence Division.*

The Intelligence Division enforces the criminal statutes applicable to income, estate, gift, employment, and excise tax laws (except those relating to alcohol, tobacco, narcotics and certain firearms), by developing information concerning alleged criminal violations thereof, evaluating allegations and indications of such violations to determine investigations to be undertaken, investigating suspected criminal violations of such laws, recommending prosecution when warranted, and measuring effectiveness of the investigation and prosecution processes. The Division assists other Intelligence offices in special inquiries, drives and compliance programs and in the normal enforcement programs, including those combating organized wagering, racketeering and other illegal activity, by providing investigative resources upon Regional or National Office request. It also assists U.S. Attorneys and Regional Counsel in the processing of Intelligence cases, including the preparation for and trial of cases.

SEC. 1118.61 *Branches A and B.*

In districts where a branch structure has been authorized for Intelligence Division, the branch functions are as follows: The Branch conducts investigations of criminal tax violations, except those relating to alcohol, tobacco, narcotics, and certain firearms tax cases. The Branch coordinates actions with the Office of the United States Attorney and with other Divisions in the District Office. The Branch assists the United States Attorney and the Chief Counsel in the trial of cases. The Branch evaluates allegations of tax law violations and initiates surveys, examinations and investigation to identify cases which may have prosecution potential. The Branch makes appropriate recommendations as to the disposition of matters coming to the attention of the Intelligence Division and as to the disposition of cases investigated. The Branch assists in the planning, organizing, coordinating and directing the local adoption of intelligence policies, programs and procedures of Regional and National Offices. The Branch keeps informed on investigations to ensure uniformity of actions, adherence to established policies and compliance with procedures; to ensure that evidence is adequate and sufficient and that the action taken is sound and proper; and to ensure that high standards of performance are maintained.

SEC. 1118.7 *Administration Division.*

(1) The Administration Division provides the personnel, training, budget, and fiscal, procurement and supply, records and communications services and other administrative services, within the limitations of the District Director's delegated authority, necessary to the effective operation and management of the District Office. It coordinates the District Office cost reduction and management improvement, Reports Management and Incentive Awards Programs and other special projects.

(2) The organization of the Administration Division varies according to the size of the district, its managerial staffing, and other local conditions, as follows:

(a) The Division is headed by a Chief in districts above 1,000 employees and in those with *no* Assistant District Director.

(b) In districts below 1,000 employees *with* an Assistant District Director, the District Director and the Regional Commissioner may decide whether to have a Chief, a Staff Assistant, or neither.

(c) The typical branch structure in districts above 1,000 employees is Facilities Management; Personnel; and Training. Districts below 1,000 employees are also structured into these branches if the District Director and Regional Commissioner decide they are necessary. However, in small districts (normally those below 400 employees) with a Chief, Administration, the branch structure is not authorized in the absence of compelling circumstances. (See also Administration Staffing Guides Handbook, IRM 1132.)

(3) For districts with a branch structure, the following functional descriptions refer to branches. For other districts, the functional descriptions indicate functions performed by staff personnel.

SEC. 1118.71 *Facilities Management Branch.*

The Facilities Management Branch provides essential facilities and services necessary to the efficient operation of the District Office. The Branch carries out the space programs of the District Director and conducts periodic surveys to ensure effective space utilization. It procures, requisitions, issues, and ensures

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effective utilization of equipment, property and office supplies; maintains records on all equipment and property located within the district; and provides communications, duplicating paperwork management, and internal management document distribution services. The Branch also furnishes data necessary for the preparation of that portion of the District Office budget estimates and financial plans which is concerned with funds required for materials and facilities in the district. As required for district management control, it maintains blotter type records of fund commitments for materials and facilities (object classes 22, 23, 24, 25, 26 and 31 as defined in Bureau of the Budget Circular A–12). It administers document and property security, emergency planning for civil defense, and the safety programs in the district.

SEC. 1118.72 *Personnel Branch.*

The Personnel Branch furnishes professional advice to district officials responsible for manpower planning and management, to insure effective utilization of human resources in the accomplishment of the district mission. It plans and provides a comprehensive program of staff support, services, and technical advice for district personnel management activities. This includes program areas of recruitment, selection, placement, performance evaluation, promotion, management career programs, manpower utilization, position classification and position management, discipline, grievances, awards, employee benefits, and union relations. The branch serves as the primary point of contact in the day-to-day relationship between recognized labor organizations and district top management and advises managers on aspects of union relations bearing on their responsibilities. It performs necessary support activities of personnel action processing, records maintenance, and personnel reporting. In all programs, it emphasizes the fulfillment of Equal Employment Opportunity Program objectives, special emphasis and other personnel program priorities, and conformance to policies, regulations, and standards set by higher authority.

SEC. 1118.73 *Training Branch.*

The Training Branch provides leadership and coordination to the district training and taxpayer education programs. It assists district management in identifying training needs and developing local training programs, including the district organizational development program. The Branch coordinates the district execution of training programs and administers the selection and scheduling of employees for training conducted outside the district. It monitors and assists management in conducting OJT programs, and in idenitfying, developing, and utilizing instructors and OJT coaches. It assists in implementing the Management Careers Program. It manages the taxpayer education program by identifying taxpayer education needs, and developing and administering the program to meet these needs. It provides information and resources to employees regarding self-development opportunities. In addition, it evaluates and reports on all district training and taxpayer education programs.

SEC. 1118.8 *Stabilization Division.*

(1) Directs and administers the District Economic Stabilization Program involving planning, organizing, coordinating, and evaluating District Stabilization activities which include: responding to inquiries from the public; disseminating information to the public; analyzing and issuing decisions upon application for exceptions and appeals; conducting investigations; resolving complaints of violations by obtaining compliance, where possible, and recommending enforcement action when necessary.

(2) Program management of District Stabilization activities is accomplished through twenty-nine Key Districts which are responsible for technical and managerial guidance to and which exercise functional supervision for Stabilization work performed in the related Associate Districts. The Key District/Associate District relationship is:

Key districts	*Associate districts*
Boston	Augusta.
	Burlington.
	Portsmouth.
Brooklyn	None.
Buffalo	Albany.
Hartford	Providence.
Manhattan	None.
Baltimore	Do.
Richmond	Do.
Newark	Do.
Philadelphia	Wilmington.
Pittsburgh	None.
Atlanta	Birmingham.
Jacksonville	None.
Greensboro	Columbia.
Nashville	Jackson.
Cincinnati	Louisville.
Indianapolis	None.
Cleveland	Parkersburg.
Detroit	None.
Chicago	Do.
St. Louis	Springfield.
Des Moines	Omaha.
St. Paul	Aberdeen.
	Fargo.
Milwaukee	None.
Austin	New Orleans.
Dallas	Albuquerque.
Oklahoma City	Cheyenne.
	Denver.
	Little Rock.
	Wichita.
Los Angeles	Honolulu.
	Phoenix.
San Francisco	Reno.
	Salt Lake City.
Seattle	Anchorage.
	Boise.
	Helena.
	Portland.

(3) The Division structure conforms to one of three established organizational patterns which are:

(a) two branches: the Compliance and Enforcement Branch and the Technical Services Branch;

(b) a Compliance and Enforcement Branch and a Technical Staff; or

(c) no branch structure—the organization is directly under the Division Chief.

(4) The particular organizational pattern authorized depends upon: the size of the Key District Office and any related Associate Districts over which functional supervision is exercised; the geographic area encompassed; and the volume and complexity of the workload of the Key District and any related Associate Districts.

(5) In Districts where a two-branch structure has been authorized for the Stabilization Division, the branches will be the Compliance and Enforcement Branch, as defined in 1118.81 below; and the Technical and Services Branch, as defined in 1118.82 below. In Districts where one branch and a staff group have been authorized for the Stabilization Division, the organization structure will be a Compliance and Enforcement Branch, as defined in 1118.81 below; and a Technical Staff which will perform these duties under the Technical and Services Branch in 1118.82 below, without the Branch supervisory structure. In the small Key Districts and all Associate Districts, the functional description of branches in 1118.81 and 1118.82 below, are performed by staff personnel. Associate Districts may use the organizational title of "Stabilization Officer" for the person who will be the primary representative of the District for Stabilization matters.

SEC. 1118.81 *Compliance and Enforcement Branch.*

This branch is responsible for matters involving compliance and enforcement activities under the Economic Stabilization regulations. This branch has operational responsibility for local investigative and industry monitoring programs, and reports on National Office directed pay or price fact-finding investigations and surveys, local enforcement activities as authorized and directed by the National Office and other special projects deemed appropriate by the Regional and/or National Office.

SEC. 1118.82 *Technical and Services Branch.*

This branch has operational responsibility for providing technical and general information to the public; analyzing and issuing decisions upon applications for exceptions and appeals; furnishing interpretive support to other organizational components of Key and Associate Districts; assuring program uniformity; operating and maintaining the Stabilization reporting and information system; and other special projects deemed appropriate by the Regional and/or National Office.

SEC. 1118.9 *Offices Below the District Headquarters.*

(1) Offices below the district headquarters (Area, Zone, and Local offices as defined below) perform one or more of certain Collection, Taxpayer Service, Audit, and Intelligence functions such as: the collection of delinquent accounts and the securing of delinquent returns; the receiving and deposit of monies tendered in payment of taxes; conducting taxpayer service and related assistance activities to meet local taxpayer needs; the examination of returns to determine correct liability of taxpayers for

tax and penalties; the holding of conferences with taxpayers and their representatives regarding the determination of liability for tax and penalties; and the investigation of alleged criminal violation of the tax statutes. They also contain, to a limited extent, other functions such as administrative support.

(2) Offices below the district headquarters are classified according to these types:

(a) *Area office.* An Area office is a major subdivision of the District Office and usually contains all of its principal functional elements including one or more groups of Revenue Agents, one or more groups of Revenue Officers, an Office Group, and a Teller. Generally, it also contains one or more Special Agents.

(b) *Zone office.* A Zone office is an intermediate size office which includes one or more groups of Revenue Agents or one or more groups of Revenue Officers. Generally, it also contains one or more Special Agents. Usually it does not have a Teller and if it has Office Group personnel, they are supervised from some other office.

(c) *Local office.* All other offices below the district headquarters are classified as Local offices. Primarily, these are small posts of duty where the workload does not warrant the stationing of Revenue Agents and Revenue Officers in group strength.

(3) Program planning and functional supervision for personnel of an Area, Zone, or Local office are the responsibilities of the appropriate divisions of the District Office. However, administrative supervision of such an office may be assigned to an individual upon a determination by the District Director that such a position is needed in order to represent all IRS functions to the public, to coordinate functions, and to provide common administrative services. This position is to be assigned as an additional responsibility to one of the regular functional personnel of the office, usually the ranking or senior officer. Each person assigned this additional responsibility will be designated as the "(inserting name of city) representative" of the District Director.

(4) Generally, offices below the district headquarters do not contain Branch Chiefs in any of the functional activities. However, if the workload of an office (including nearby offices supervised by such office) is sufficient to justify five or more Audit groups, the District Director may determine that the needs for local supervision warrant the stationing of an Audit Branch Chief in the office. Similarly, if the workload justifies five or more Revenue Officer groups (counting less than ten Office Branch employees as the equivalent of a group; or ten or more Office Branch personnel as two groups), the District Director may establish a Field Branch Chief. Recommendations for establishing such positions shall be forwarded to the Regional Commissioner for approval in accordance with regular procedures for effecting changes in organization.

(5) When the personnel of an office below the district headquarters are supervised by Group Managers or Branch Chiefs, all of the functions in such offices will generally receive line supervision from the same city in order to foster functional coordination and efficient utilization of clerical and other manpower. However, when the District Director finds that the best interests of the Service require a different arrangement, he is authorized to make an exception. Exceptions may be particularly needed for those activities, such as Intelligence, which are more thinly represented than the Audit and Collection and Taxpayer Service functions; and for specialists, such as those trained in estate, gift, and excise tax work.

APPENDIX A

INTERNAL REVENUE REGIONAL OFFICES

San Francisco, CA, ZIP 94102, 870 Market Street.
Atlanta, GA, ZIP 30303, Federal Office Building, 275 Peachtree Street, NE.
Chicago, IL, ZIP 60601, 35 East Wacker Drive.
New York, NY, ZIP 10007, Federal Office Building, 90 Church Street.
Cincinnati, OH, ZIP 45202, Federal Office Building, 550 Main Street.
Philadelphia, PA, ZIP 19102, 2 Penn Center Plaza.
Dallas, TX, ZIP 75202, Federal Office Building, 1114 Commerce Street.

APPENDIX B

APPELLATE BRANCH OFFICES

Birmingham, AL, ZIP 35203, 2121 Eighth Avenue N.
Phoenix, AZ, ZIP 85004, 222 North Central Avenue.
Los Angeles, CA, ZIP 90012, 300 North Los Angeles Street.
San Francisco, CA, ZIP 94108, 447 Sutter Street, Room 301.
Denver, CO, ZIP 80202, 20th Floor, Prudential Building, 1050 17th Street.
New Haven, CT, ZIP 06511, 110 Washington Avenue, 4th Floor, North Haven.
Washington, DC, ZIP 20009, 432 Universal Building North, 1875 Connecticut Avenue, NW.
Jacksonville, FL, ZIP 32202, Federal Office Building, 400 West Bay Street.
Miami, FL, ZIP 33130, Federal Office Building, 51 Southwest First Avenue.
Atlanta, GA, ZIP 30303, 275 Peachtree Street NE.
Chicago, IL, ZIP 60601, 35 East Wacker Drive.
Indianapolis, IN, ZIP 46206, 510 Guaranty Building, 20 North Meridian Street.
Wichita, KS, ZIP 67202, 418 South Main Street (Suboffice, Oklahoma City Branch Office.)
Louisville, KY, ZIP 40202, 267 Federal Building, 600 Federal Place.
New Orleans, LA, ZIP 70130, 444 Federal Office Building, 600 South Street.
Baltimore, MD, ZIP 21201, Room 934, Federal Building, 31 Hopkins Plaza.
Boston, MA, ZIP 02203, John F. Kennedy Federal Building, Government Center.
Detroit, MI, ZIP 48226, 600 Griswold Bldg.
St. Paul, MN, ZIP 55101, 500 Federal Building and U.S. Courthouse, 316 North Robert Street.
Kansas City, MO, ZIP 64106, 1700 Federal Office Building, 911 Walnut Street. (Suboffice, St. Louis Branch Office.)
St. Louis, MO, ZIP 63101, 1114 Market Street, Room 919.
Omaha, NE, ZIP 68102, 3132 New Federal Building, 215 North 17th Street.
Newark, NJ, ZIP 07102, Room 701 Federal Building, 970 Broad Street.
Buffalo, NY, ZIP 14202, 300 U.S. Courthouse, 68 Court Street.
New York, NY, ZIP 10007, 90 Church Street.
Greensboro, NC, ZIP 27401, 320 Federal Place, Room 525.
Cincinnati, OH, ZIP 45201, Post Office Box 2026.
Cleveland, OH, ZIP 44199, 1653 Federal Office Building, 1240 East Ninth Street.
Oklahoma City, OK, ZIP 73102, 200 Northwest Fourth Street.
Portland, OR, ZIP 97201, 1500 Southwest First Avenue.
Philadelphia, PA, ZIP 19102, 2 Penn Center Plaza, Room 927.
Pittsburgh, PA, ZIP 15222, Room 1428 Federal Building, 1000 Liberty Avenue.
Nashville, TN, ZIP 37203, 801 Broadway, Room 654.
Dallas, TX, ZIP 75202, 1100 Commerce Street, Room 12B25:
Houston, TX, ZIP 77002, 8031 Federal Building, 515 Rusk Avenue.
Salt Lake City, UT, ZIP 84111, 125 South State Street, Room 3438.
Richmond, VA, ZIP 23240, 400 North Eighth Street, Room 11028.
Seattle, WA, ZIP 98121, Sixth and Lenora Building, Room 1112.
Huntington, WV, ZIP 25701, Ninth Street and Fifth Avenue (Suboffice, Cincinnati Branch Office).
Milwaukee, WI, ZIP 53233, 735 West Wisconsin Avenue, Room 700.

APPENDIX C

INTERNAL REVENUE SERVICE CENTERS

Fresno, CA, ZIP 93730, 5045 East Butler Avenue.
Chamblee, GA, ZIP 30005, 4800 Buford Highway.
Covington, KY, ZIP 41012, 200 West Fourth Street.
Andover, MA, ZIP 01812, 310 Lowell Street.
Kansas City, MO, ZIP 64170, Federal Building, 2306 East Bannister Road.
Holtsville, NY, ZIP 11799, 1040 Waverly Avenue.
Philadelphia, PA, ZIP 19154, 11601 Roosevelt Boulevard.
Memphis, TN, ZIP 38110, 3131 Democrat Road.
Austin, TX, ZIP 78740, 3651 South Inter-Regional Highway.
Ogden, UT, ZIP 84405, 1160 West 1200 South Street.

APPENDIX D

INTERNAL REVENUE DISTRICT OFFICES

Birmingham, AL, ZIP 35203, 2121 Building, 2121 Eighth Avenue North.
Anchorage, AK, ZIP 99501, Alaska Mutual Savings Building, Fifth and F Streets.
Phoenix, AZ, ZIP 85025, Federal Building, U.S. Courthouse, 230 North First Avenue.
Little Rock, AR, ZIP 72201, Federal Office Building, 700 West Capitol Avenue.
Los Angeles, CA, ZIP 90012, Federal Building, 300 North Los Angeles Street.
San Francisco, CA, ZIP 94102, Federal Building and Courthouse, 450 Golden Gate Avenue.
Denver, CO, ZIP 80202, Prudential Tower Building, 1050 17th Street.
Hartford, CT, ZIP 06103, Federal Building, U.S. Courthouse, 450 Main Street.
Wilmington, DE, ZIP 19801, Federal Building, Courthouse and Custom House, 844 King Street.
Jacksonville, FL, ZIP 32202, Federal Building, 400 West Bay Street.
Atlanta, GA, ZIP 30303, Federal Building, 275 Peachtree Street NE.
Honolulu, HI, ZIP 96813, U.S. Post Office, Court & Custom House and Federal Building, 335 Merchant Street.

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Boise, ID, ZIP 83702, Federal Building and U.S. Courthouse, 550 West Fort Street.
Chicago, IL, ZIP 60602, State-Madison Building, 17 North Dearborn Street.
Springfield, IL, ZIP 62704, Land of Lincoln Building, 325 West Adams Street.
Indianapolis, IN, ZIP 46204, Federal Building and Courthouse, 46 East Ohio Street.
Des Moines, IA, ZIP 50309, Federal Building, 210 Walnut Street.
Wichita, KS, ZIP 67202, Federal Office Building, 412–418 South Main.
Louisville, KY, ZIP 40202, Post Office, Courthouse, and Custom House, 601 West Broadway.
New Orleans, LA, ZIP 70130, Federal Office Building, 600 South Street.
Augusta, ME, ZIP 04330, Federal Office Building, 68 Sewall Street.
Baltimore, MD, ZIP 21201, Federal Building, 31 Hopkins Plaza.
Boston, MA, ZIP 02203, John Fitzgerald Kennedy Federal Building.
Detroit, MI, ZIP 48226, Cadillac Tower Building, 65 Cadillac Square.
St. Paul, MN, ZIP 55101, Federal Building and Courthouse, 316 North Robert Street.
Jackson, MS, ZIP 39202, 301 Building, 301 North Lamar Street.
St. Louis, MO, ZIP 63101, U.S. Court and Custom House, 1114 Market Street.
Helena, MT, ZIP 59601, Federal Office Building, U.S. Post Office and Court House, West Sixth Street and Park Avenue.
Omaha, NE, ZIP 68102, Federal Office Building, 106 South 15th Street.
Reno, NV, ZIP 89502, Federal Building, U.S. Courthouse, 300 Booth Street.
Portsmouth, NH, ZIP 03810, Federal Building, U.S. Post Office, 80 Daniel Street.
Newark, NJ, ZIP 07102, Federal Building, 970 Broad Street.
Albuquerque, NM, ZIP 87101, Federal Office Building, 517 Gold Avenue SW.
Albany, NY, ZIP 12206, 855 Central Avenue.
Brooklyn, NY, ZIP 11201, U.S. Courthouse and Federal Building, 35 Tillary Street.
Buffalo, NY, ZIP 14202, Federal Office Building, 111 West Huron Street.
New York, NY, ZIP 10007, Federal Office Building, 120 Church Street.
Greensboro, NC, ZIP 27401, Federal Building, 320 Federal Place.
Fargo, ND, ZIP 58102, Federal Building and Post Office, 653 Second Avenue, North.
Cincinnati, OH, ZIP 45202, Federal Office Building, 550 Main Street.
Cleveland, OH, ZIP 44199, Federal Building, 1240 East Ninth Street.
Oklahoma City, OK, ZIP 73102, Federal Office Building and Courthouse, 200 N.W. Fourth Street.
Portland, OR, ZIP 97204, Multnomah Building, 319 S.W. Pine Street.
Philadelphia, PA, ZIP 19106, William J. Green Federal Building, 600 Arch Street.
Pittsburgh, PA, ZIP 15222, Federal Building, 1000 Liberty Avenue.
Providence, RI, ZIP 02903, 130 Broadway.
Columbia, SC, ZIP 29201, Federal Building, 901 Sumter Street.
Aberdeen, SD, ZIP 57401, Executive Building, 640 Ninth Avenue, S.W.
Nashville, TN, ZIP 37203, Federal Building, Eighth Avenue and Broadway.
Austin, TX, ZIP 78701, Federal Office Building, 300 East Eighth Street.
Dallas, TX, ZIP 75202, Federal Office Building and Courthouse, 1100 Commerce Street.
Salt Lake City, UT, ZIP 84110, U.S. Post Office and Courthouse, 350 South Main Street.
Burlington, VT, ZIP 05401, Federal Building, 11 Elmwood Avenue.
Richmond, VA, ZIP 23240, Federal Building, 400 North Eighth Street.
Seattle, WA, ZIP 98121, Sixth and Lenora Building, 2033 Sixth Avenue.
Parkersburg, WV, ZIP 26101, Federal Office Building, Juliana and Fifth Streets.
Milwaukee, WI, ZIP 53202, Federal Building and Courthouse, 517 East Wisconsin Avenue.
Cheyenne, WY, ZIP 82001, Federal Office Building, 21st and Carey Streets.

APPENDIX E

REGIONAL INSPECTORS' OFFICES

Cincinnati, OH, ZIP 45202, 8514 Federal Office Building, 550 Main Street.
Philadelphia, PA, ZIP 19106, Federal Building, 600 Arch Street, Room 4228.
Chicago, IL, ZIP 60601, 35 East Wacker Drive, Suite 646.
New York, NY, ZIP 10007, 26 Federal Plaza, 14th Floor.
Atlanta, GA, ZIP 30303, 221 Courtland Street N.E., 4th Floor.
Dallas, TX, ZIP 75202, U.S. Courthouse and Federal Office Building, 1100 Commerce Street, Room 3A5.
San Francisco, CA, ZIP 94111, 160 Pine Street, Suite 500.

APPENDIX F

REGIONAL COUNSEL OFFICES

Birmingham, AL, ZIP 35203, Room 1624, 2121 Eighth Avenue, North.
Phoenix, AZ, ZIP 85004, Suite 1214, Security Center Building, 222 North Central Avenue.
Los Angeles, CA, ZIP 90053, 2018 Federal Building, 300 North Los Angeles Street.
San Francisco, CA, ZIP 94108, Room 628, 447 Sutter Street.
Denver, CO, ZIP 80202, 20th Floor, 1050 17th Street.
Jacksonville, FL, ZIP 32202, Box 35027, Federal Building, 400 West Bay Street.
Miami, FL, ZIP 33130, Room 1502, Federal Office Building, 51 Southwest First Avenue.
Atlanta, GA, ZIP 30301, Federal Office Building, 275 Peachtree Street, NE.
Chicago, IL, ZIP 60601, Room 1622, 35 East Wacker Drive.
Indianapolis, IN, ZIP 46204, 632 Illinois Building, 17 West Market Street.
Louisville, KY, ZIP 40201, 579 Federal Office Building.
New Orleans, LA, ZIP 70130, Room 845, Federal Office Building, 600 South Street.
Boston, MA, ZIP 02203, John Fitzgerald Kennedy Building, Government Center.
Detroit, MI, ZIP 48226, 2300 Cadillac Tower Building.
St. Paul, MN, ZIP 55101, Room 572, Federal Building and U.S. Courthouse, 140 East Fourth Street.
Kansas City, MO, ZIP 64106, 2700 Federal Office Building, 911 Walnut Street.
St. Louis, MO, ZIP 63101, 935 U.S. Court and Custom House, 1114 Market Street.
Omaha, NE, ZIP 68101, Room 3101, U.S. Post Office and Court House, 215 North 17th Street.
Newark, N.J., ZIP 07102, Ninth Floor, 970 Broad Street.
Buffalo, NY, ZIP 14202, 304 U.S. Courthouse, Niagara Square.
New York, NY, ZIP 10007, 26 Federal Plaza, 12th Floor.
Greensboro, NC, ZIP 27420, Room 509, 320 Federal Place.
Cincinnati, OH, ZIP 45202, 7504 Federal Office Building, 550 Main Street.
Cleveland, OH, ZIP 44114, 1620 Williamson Building, 215 Euclid Avenue.
Oklahoma City, OK, ZIP 73101, Courthouse and Federal Office Building, 220 Northwest 4th Street.
Portland, OR, ZIP 97201, 810 Crown Plaza, 1500 Southwest First Avenue.
Philadelphia, PA, ZIP 19102, Room 464, 2 Penn Center Plaza.
Pittsburgh, PA, ZIP 15230, Room 726, Federal Building.
Nashville, TN, ZIP 37202, 703 U.S. Courthouse Building, 801 Broadway.
Dallas, TX, ZIP 75202, Room 12D27, Federal Office Building, 1100 Commerce Street.
Houston, TX, ZIP 77002, 515 Rusk Avenue, Room 8102.
Salt Lake City, UT, ZIP 84111, 3438 Federal Building, 125 South State Street.
Richmond, VA, ZIP 23240, 2018 Federal Building, 8th and Marshall Streets.
Washington, DC, ZIP 20009, Room 422, Universal Building, North, 1875 Connecticut Avenue, NW.
Milwaukee, WI, ZIP 53233, Sixth Floor, Continental Plaza, 735 West Wisconsin Avenue.
Seattle, WA, ZIP 98121, 1101 Sixth and Lenora Building.
Baltimore, MD, ZIP 21201, Room 1117, Federal Building, 31 Hopkins Plaza.

[FR Doc.74–7341 Filed 3–28–74;8:45 am]

Office of the Secretary

[Dept. Circular, Public Debt Series—No. 4–74, Supp.]

8 PERCENT TREASURY NOTES OF SERIES H–1976

Notice of Interest Rate

MARCH 27, 1974.

Pursuant to the provision in section I of Department Circular—Public Debt Series—No. 4–74, dated March 21, 1974, the Secretary of the Treasury announced on March 27, 1974, that the interest rate on the notes described in the circular will be 8 percent per annum. Accordingly, the notes are hereby redesignated 8 percent Treasury Notes of Series H–1976. Interest on the notes will be payable at the rate of 8 percent per annum.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.74–7392 Filed 3–27–74;1:52 pm]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR FORCE ACADEMY BOARD OF VISITORS

Notice of Meeting

MARCH 25, 1974.

The Air Force Academy Board of Visitors will meet at the Air Force Academy, Colorado Springs, Colorado, during the period April 24–28, 1974.

The purpose of this meeting is to fulfill the requirements of 10 U.S.C. 9355d for the Board to meet at the Academy at least once annually to inquire into matters of morale, discipline, the curriculum, instruction, physical equipment, fiscal affairs, academic matters, and other matters relating to the Academy which the Board decides to consider.

Portions of this meeting will be open for public attendance on April 25, 1974, from 9:45 a.m. until 11:45 a.m., and from 3 p.m. until 4:15 p.m., in the Academy Superintendent's Conference Room, Harmon Hall.

Among the topics on the tentative agenda during the open portion of the meeting are: the Academic Program, Cadet Honor System, Academy Fiscal Data, and the Air Force Academy Education Center.

The remainder of the meeting will pertain to internal Academy policies, procedures, and personnel matters and will be held in closed session.

If additional information is desired, contact HQ USAF (DPPA), Washington, D.C. 20330, telephone number 202–692–4635.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74–7244 Filed 3–28–74;8:45 am]

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES AND WORKING GROUPS THEREOF

Notice of Meetings

The Department of Defense Advisory Group on Electron Devices and various working groups thereof, will meet in closed sessions at 201 Varick Street, New York, New York, on dates indicated below:

a. Advisory Group on Electron Devices, April 11, 1974.
b. Working Group on Passive Devices, April 30, 1974.

The purpose of the DoD Advisory Group on Electron Devices, and various working groups thereof, is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices, e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it is hereby determined that the AGED meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a) (1) and (a) (3) of section 10, Pub. L. 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

MARCH 26, 1974.

[FR Doc.74–7252 Filed 3–28–74;8:45 am]

DEFENSE ADVISORY COMMITTEE ON WOMEN IN THE SERVICES

Rules Governing Public Participation

On March 13, 1974 notice was given in the FEDERAL REGISTER (39 FR 9702) of an open meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) to be held April 21–25, 1974 in Washington, D.C. Pursuant to section 10(a)(3) of Pub. L. 92–463, the following rules will govern the participation by members of the public attending the meeting:

(1) Since the Pentagon is closed to the general public, persons desiring to attend the session on April 22, 1974, in the Pentagon must notify the DACOWITS Secretariat (202) OXford 5–5153, by April 17, 1974, so that proper escorts to and from the meeting room can be arranged.

(2) Interested persons may submit a written statement and/or make an oral presentation for consideration by the Committee during the meeting.

(3) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify Lieutenant Colonel Martha A. Cox, DAC OWITZ Executive Secretary, OASD (Manpower and Reserve Affairs), Room 2B257, The Pentagon, Washington, D.C. 20301, by April 5, 1974.

(4) Length and number of oral presentations to be made will depend on the number of requests received. Maximum time permitted per presentation will be twenty (20) minutes.

(5) Oral presentations will be permitted only from 3:30 p.m. to 5:00 p.m. on April 22, 1974, in the Pentagon before the full committee.

(6) Each person desiring to make an oral presentation must provide the DACOWITS Secretariat with a copy of the presentation by April 15, 1974, to assist in the scheduling of speakers.

(7) Persons submitting a written statement for consideration by the Committee at the meeting must provide a minimum of forty (40) copies of such statement to the DACOWITS Secretariat by April 15, 1974, in order to provide each Committee member with a copy of the statement.

(8) Persons submitting a written statement only for inclusion in the minutes of the meeting must submit one (1) copy either before or during the meeting or within ten (10) days after the close of the meeting.

(9) Members of the public will not be permitted to enter into the oral discussion conducted by the Committee members at any of the sessions.

(10) Members of the public will not be permitted to orally question the speakers or members of the Committee during any session, but may submit written questions to the DACOWITS Chairman at the time she designates for this purpose. If time permits after members of the Committee have asked questions and/or made comments, the Chairman will present the written questions from members of the public to the speaker for response.

(11) Questions from members of the public will not be accepted during the new member orientation, the subcommittee sessions, the executive committee sessions or the final general session.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller)

MARCH 25, 1974.

[FR Doc.74–7254 Filed 3–28–74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 74–3]

ALEXANDER ROBBINS

Notice of Hearing

Notice is hereby given that on February 5, 1974, the Drug Enforcement Administration, Department of Justice, issued to Alexander Robbins, M.D., Miami Beach, Florida, an Order to Show Cause as to why the Drug Enforcement Administration registration No. AR0148406 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said Order was received by Dr. Robbins, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on April 8, 1974, in Room 208, Federal Office Building, 51 SW. First Avenue, Miami, Florida.

Dated: March 25, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator, Drug Enforcement Administration.

[FR Doc.74–7274 Filed 3–28–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

PUBLIC MEETING

Notice of Change of Date

Notice is hereby given of a change in the scheduled date of a public information meeting on Bonneville Power Administration's Fiscal Year 1975 Draft Environmental Statement.

Notification of the public meeting previously scheduled for Tuesday, April 2, 1974, at 7:30 p.m. appeared in the FEDERAL REGISTER on Friday, February 8, 1974 (39 FR 4934). This meeting has been postponed and as announced in the FEDERAL REGISTER on Thursday, March 21, 1974 (39 FR 10633), will be held instead on Tuesday, April 23, 1974. As previously arranged, the meeting is still to be conducted at the Islander Lopez Motel, Lopez Island, Washington, at 7:30 p.m.

Dated: March 27, 1974.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.74–7381 Filed 3–28–74;8:45 am]

Fish and Wildlife Service

GRIZZLY BEAR

Notice of Review of Status

On February 14, 1974, the Department of the Interior received a petition from the Fund for Animals of Washington, D.C. seeking, inter alia, a Departmental review of the status of the grizzly bear (*Ursus arctos horribilis*) for the purposes of determining whether that species should be listed, pursuant to section 4 of the Endangered Species Act of 1973, as

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an endangered or threatened species within the lower 48 States of the United States.

As required by section 4(c)(2) of the Act, notice is hereby given of the Department's determination that substantial evidence has been presented by the petition to warrant a review of the status of the grizzly bear to determine whether the grizzly bear should be proposed for listing as either an endangered or threatened species. The Department is seeking the views of the Governors of the States of Montana, Wyoming, Idaho, Washington, and Colorado, on the issues presented by the petition, and has requested a report and recommendation of the National Academy of Sciences.

All other interested parties are hereby invited to submit any factual information which is germane to this review of the status of the grizzly bear within the lower 48 States of the United States. Such information should be sent to: Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. These views and recommendations together with the evidence presented and available to the Secretary and that provided with the petition of the Fund for Animals, will be reviewed to determine whether sufficient evidence is available to support the action requested by the petition.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

MARCH 26, 1974.

[FR Doc.74-7298 Filed 3-28-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

A. V. TISCHER AND SON, INC.

Iowa Grain Inspection Point

Notice is hereby given pursuant to section 26.101 of the regulations (7 CFR 26.101) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that the A. V. Tischer and Son, which is designated under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Ft. Dodge, Iowa, has changed its name to A. V. Tischer and Son, Inc. The change in name does not involve a change in management or ownership.

Done in Washington, D.C. on March 26, 1974.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.74-7339 Filed 3-28-74;8:45 am]

Cooperative State Research Service

COMMITTEE OF NINE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given of a meeting of the Committee of Nine at 8:30 a.m. on April 17 and 8:30 a.m. on April 18, 1974, in room 509-A of the Administration Building, U.S. Department of Agriculture.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture in two or more States and to prepare recommendations for allocation of research funds. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes, and other information pertaining to the meeting may be obtained from the Recording Secretary, Committee of Nine, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-5260.

Dated: March 18, 1974.

T. S. RONNINGEN,
Acting Administrator, Cooperative State Research Service.

[FR Doc.74-7340 Filed 3-28-74;8:45 am]

Forest Service

DESCHUTES NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Deschutes National Forest Advisory Council will meet at 6:30 p.m. on April 11, 1974, at the Copper Room, 125 Oregon Avenue. Dinner will be at 7:00 p.m. at Original Joe's, 1033 Bond, Bend, Oregon, with the program to follow at 8:00 p.m.

The subject of this meeting is Solid Waste Disposal and Water Pollution Abatement Program for the Deschutes National Forest. This will be presented by Forest Engineer, Beryl Johnston.

The meeting will be open to the public.

EARL E. NICHOLS,
Forest Supervisor.

MARCH 21, 1974.

[FR Doc.74-7263 Filed 3-28-74;8:45 am]

BIGHORN NATIONAL FOREST MULTIPLE USE ADVISORY COMMITTEE

Notice of Meeting

The Bighorn National Forest Multiple Use Advisory Committee will meet at 9:00 a.m., May 22, 1974, at the Buffalo District Ranger's Office in Buffalo, Wyoming for their spring field trip. The purpose of this meeting is to discuss the Forest Interim Multiple Use Plan and view the cleanup and accomplishments of the Privy Timber Sale since last fall.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, P.O. Box 2046, Sheridan, Wyoming 82801 or call (307) 672-2457. Written statements may be filed with the committee before or after the meeting.

The committee has not established rules for public participation. Public members may speak up at any time.

ANTHONY K. QUINKERT,
Forest Supervisor.

MARCH 22, 1974.

[FR Doc.74-7242 Filed 3-28-74;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Department Organization Order 25-5A; Amdt. 4]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Delegation of Authority

This order, effective March 13, 1974, further amends the material appearing at 37 FR 12245 of June 21, 1972; 37 FR 26745 of December 15, 1972; 38 FR 5277 of February 27, 1973; and 39 FR 6752 of February 22, 1974. National Oceanic and Atmospheric Administration.

Department Organization Order 25-5A, dated May 19, 1972, is hereby further amended as follows:

SEC. 3. *Delegation of Authority.* The following new subparagraph is added under paragraph .01.

z. The functions prescribed by Pub. L. 92-532, the Marine Protection, Research, and Sanctuaries Act of 1972 (86 Stat. 1052).

Effective date: March 13, 1974.

FREDERICK B. DENT,
Secretary of Commerce.

[FR Doc.74-7289 Filed 3-28-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App.)), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Internal Analgesic Including Anti-rheumatic Drugs.	April 10 and 11, 9 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open April 10, 9 a.m. to 10 a.m., closed April 10 after 10 a.m., closed April 11. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing internal analgesic agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of nonprescription internal analgesic drugs under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Cardiovascular and Renal Advisory Committee.	April 19, 8:30 a.m., Conference Room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 8:30 a.m. to 9:30 a.m., closed after 9:30 a.m. John B. MacGregor, M.D., Room 16B-20, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4731.

Purpose. Advises the Commissioner of Food and Drugs regarding the safety efficacy of drugs employed in cardiovascular and renal disorders:

Agenda. Open session: Finalization of prescription labeling for Digoxin and discussion of patient package insert for digitalis. Closed session: Discussion of safety and efficacy of diphenyl in treatment of cardiac arrhythmias.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Antiperspirant Drug Products.	April 25 and 26, 9 a.m., Room 12B-45, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open April 25, 9 a.m. to 10 a.m., closed April 25 after 10, a.m. closed April 26. Lee Geismar, Room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use containing antiperspirant drug products, and adequacy of their labeling.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continued review of the safety and efficacy of antiperspirant drug products.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclousre of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provide for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: March 25, 1974.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.74-7278 Filed 3-28-74;8:45 am]

Office of the Secretary

ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions, and Delegations of Authority is amended to include these changes: (1) Amendment to Chapter 1R (38 FR 17260-1, 6/29/73). This chapter is revised to include information on the newly-established Office for the Handicapped which replaces the Office of Mental Retardation Coordination, and on the Office of Native American Programs.

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(2) Addition of a new Subchapter 1R55, Office for the Handicapped. This new subchapter describes in detail the mission, organization, and functions of the Office for the Handicapped. (3) Addition of a new Subchapter 1R60001, President's Committee on Mental Retardation. This new subchapter describes in detail the mission, organization, and functions of the President's Committee on Mental Retardation.

1R00. *Mission.* Serves as the principal staff adviser to the Secretary and the Under Secretary on matters dealing with special populations served by the Department, including the aging, children, youth, Native Americans, the mentally retarded, the handicapped, and those living in rural areas; recommends to the Secretary action for improving coordination and government-wide effectiveness in these areas; provides responsive and effective programs for groups of people and ensures that other Department programs also recognize and serve the needs of these people; directs, coordinates, and manages Human Development programs, ordering priorities within the Office of Human Development, approving strategies and ensuring that lines of communication to the Secretary, other HEW operating programs, and interest groups are open and responsive. Provides information for departmental policymaking.

1R10. *Organization.* The Office of the Assistant Secretary for Human Development, headed by the Assistant Secretary for Human Development who reports directly to the Secretary, consists of:

A. Immediate Office of the Assistant Secretary for Human Development.

B. Office of Administration and Management.

C. Office for the Handicapped.

D. President's Committee on Mental Retardation.

E. President's Council on Physical Fitness and Sports.

F. Office of Child Development.

G. Office of Youth Development.

H. Administration on Aging.

I. Office of Rural Development.

J. Office of Native American Programs.

1R20. *Functions.* Detailed functions of certain organizational elements of the Office of the Assistant Secretary for Human Development will be described in separate subchapters.

Functions. A. Immediate Office of the Assistant Secretary. Provides executive direction, leadership and guidance to all regional offices and ASHD components for the operation of Human Development programs. Determines the need for and approval of policy, basic systems, including handicapped program systems, and procedures, organization, program, budget plans, and Delegations of Authority which guide Human Development operations.

Directs planning development and coordinates all planning activities for ASHD, including OPS and long range planning. Tracks and reports progress on planning activities for the Assistant Secretary.

Functions. B. Office of Administration and Management. The Office of Administration and Management provides executive administrative management to ASHD offices; develops and recommends to the ASHD policy, systems, procedures, plans, organizational changes and management improvements; implements approved strategies throughout the various ASHD offices; focal point for budget activities of ASHD offices including budget development, justification, execution development of policies and procedures, and liaison with AS Comptroller for ASHD and its offices; liaison with appropriate OS offices for expenditure controls and responsible for expenditure controls within ASHD; develops, coordinates, and implements grants policy in conjunction with appropriate HEW policy and procedures; responsible for ASHD grants administration, including developing procedures and requirements for processing and review; recommends approval of certain grant actions; liaison with appropriate HEW contracting offices; responsible for provision of administrative and technical support for contracts, provides staff support to ASHD offices on all management issues.

The Office of Administration and Management is responsible for Management Analysis including: management studies of the ASHD organization, manpower utilization, methods analysis, cost reduction, and establishing standards; provides technical and staff assistance to ASHD; and provides unified Data Systems Management for ASHD organizations. The office serves as a focal point for studies and initiatives for ASHD organizations; responsible for administrative management functions, including personnel functions in conjunction with the Office of The Secretary Personnel Office, centralized support services, procurement, space allocation of ASHD office, processing travel requests and claims and other general administrative duties.

Functions. C. The Office for the Handicapped. Serves as the focal point for coordination and evaluation of Department-wide policies, programs, procedures, and activities related to the handicapped and mentally retarded; serves in an advisory capacity to the Secretary in regard to issues related to the administration of the Department's handicapped and mental retardation programs. Detailed description of the functions of the Office appear in Subchapter 1R55.

Functions. D. The President's Committee on Mental Retardation. Provides service and assistance in the areas of mental retardation as the President may require; evaluates the national effort to combat mental retardation and assists in the coordination of Federal, State, local, and private program review and planning activities in the mental retardation field; assists in the formulation of new program initiatives.

Functions. E. President's Council on Physical Fitness and Sports. The function of the President's Council on Physical Fitness and Sports is to carry out responsibilities stated in Executive Order 11562; these functions include establishing a program of Physical Fitness and Sports, advising the President and Secretary on Physical Fitness and Sports, coordinating the conference on Physical Fitness and Sports, and other duties as outlined in Executive Order 11562.

Functions. F. Office of Child Development. The function of the Office of Child Development is to advise the Secretary through the Assistant Secretary for Human Development and HEW agencies on Department plans and programs related to child development; to operate the Head Start and other related child service programs; and to provide leadership, advice, and services which affect the general well-being of children as mandated by the Act of April 9, 1912. Detailed functions of the Child Development will follow in Chapter 1R40.

Functions. G. Office of Youth Development. The function of the Office of Youth Development is to provide leadership in the planning, development, and coordination of those Federal programs that provide services to youth in danger of becoming delinquent. The Office coordinates its activities with other concerned Federal organizations to assure a unified approach to common target groups and to afford comprehensive services to the individual

Within the authorities delegated to it, the Office of Youth Development administers, under the Juvenile Delinquency Prevention Act, Pub. L. 92–381, Federal grants and contracts designed to help State and local communities in providing community based preventive services including diagnosis and treatment, to youths who are in danger of becoming delinquent, to provide assistance in the training of personnel employed or preparing for employment in fields related to the provision of such services, and to provide technical assistance in such field. A detailed description will follow in Subchapter 1R20.

Functions. H. Administration on Aging. The Administration on Aging (AoA) is the Federal focal point for the needs, concerns, and interest of older persons and the principal agency for carrying out the programs of the Older Americans Act. It coordinates its activities with public and private organizations at the national, State, and local level to assure that the elderly are adequately considered in the planning and implementation of the programs of their organizations, and to promote the development of comprehensive and coordinated service systems to serve the elderly.

It develops program goals and objectives in terms of 5 year forward plans and current operational plans; conducts a research, development, and demonstration program to add to the basic knowledge about older persons' special capabilities and problems, and to develop and test new techniques designed to deal with the needs and problems of the elderly; assesses manpower requirements in the field of aging, makes reports and recommendations on meeting the manpower needs, and designs and develops strategies for implementing the recommendations.

It analyzes the progress and problems of the programs of other agencies in serving the elderly; develops initiatives for improvements or innovations in these programs to better serve older persons; promotes coordination of the programs of the various agencies which affect the elderly.

It serves as a clearinghouse on information related to the problems of older persons and programs designed to deal with those problems; convenes conferences of public and private organizations concerned with the development and operation of programs for the elderly; analyzes and comments on budget and legislative proposals, program regulations, and program plans and initiatives from other agencies which would have impact on the elderly.

It administers a Federal-State-local grant program (Title III of the Older Americans Act) which provides support for: (a) State Agencies on Aging, which perform functions at the State level similar to those of the Administration on Aging at the Federal level; (b) Area Agencies on Aging, which provide leadership to public and private non-profit providers of services in their area in the development and implementation of a plan leading towards comprehensive and coordinated services for the elderly, and provide selective funding support to agencies to stimulate implementation of the plan; and (c) local community projects in areas not served by an Area Agency on Aging to provide needed services which are not furnished by other agencies.

It administers a grant program for training and research (Title IV of the Older Americans Act) which provides support for: A broad range of training responsive to the changing needs of programs in the field of aging; appraising personnel needs in the field of aging; attracting qualified persons to the field of aging; the study of current patterns of living conditions of older persons; developing and demonstrating approaches and methods for improving coordination of community services; evaluating these approaches; and grants for multidisciplinary centers of gerontology.

It administers a grant program (Title V of the Older Americans Act) for the acquisition, alteration or renovation of multipurpose senior centers including the provision of mortgage insurance for multipurpose senior centers, and initial staffing of such centers.

It develops regulations, policies and procedures for the Title III, IV, V and VII programs; provides technical assistance to the State agencies in program development and operation; and monitors progress.

It evaluates the administration of program operations in terms of progress toward goals and achievements of objectives; uses the results of evaluations to review plans and improve programs.

A detailed description will follow in Subchapter 1R10.

Functions. I. Office of Rural Development. The Office of Rural Development is concerned with the delivery of HEW services to non-metropolitan areas in concert with revenue sharing.

The Director of the Office reports to the Assistant Secretary for Human Development.

The Office will identify barriers to the delivery of services; design and recommend human services delivery systems in rural areas, coordinate efforts with other Federal agencies to select target areas for delivery of human services, and represent the Department in interdepartmental task forces concerned with rural development.

Functions. J. Office of Native American Programs (ONAP). The Office of Native American Programs is concerned with the social and economic well-being and progress of American Indians and Alaskan Natives. The Office has primary responsibility for developing national policies and legislative proposals and for providing leadership activities designed to assist American Indians and Alaskan Natives. The Office administers a Federal grants program to eligible Indian tribes and groups and provides liaison with other Federal agencies on Indian affairs. It explores new program concepts and new methods for increasing Indian self-determination, fosters opportunities for the exercise of Indian leadership and the operation of Indian businesses, and encourages increased involvement of the private sector in economic development programs on reservations. A detailed description of the functions of the Office appears in Subchapter 1R91.

1R30. *Delegations of Authority.* Except as provided in section 1A–30 of the DHEW Organization Manual and in this section, the Assistant Secretary for Human Development has been delegated the following functions by the Secretary:

1. The functions vested in the Secretary by the Older Americans Act of 1965, (42 U.S.C. 3001 et seq.).

2. The functions vested in the Secretary by the Juvenile Delinquency Prevention Act (42 U.S.C. 3801 et seq.).

3. The authority under section 222 (a) (1) of the Economic Opportunity Act of 1964, delegated by the Director of the Office of Economic Opportunity to the Secretary (42 U.S.C. 2809 et seq.).

4. Such functions with respect to research, demonstration and training projects under section 426 of the Social Security Act to the extent of the funds appropriated to the Office of Child Development for this purpose.

Office of Human Development

Office for the Handicapped; Statement of Organization and Functions

A new Subchapter 1R55 Office for the Handicapped reads as follows:

1R55.00 *Mission.* The Office for the Handicapped (OFH) implements the provisions of section 405 of the Rehabilitation Act of 1973, by providing a focal point within the Office of Human Development (OHD) for review, coordination, information and planning related to policies, programs, procedures and activities within HEW and other Federal agencies relevant to the physically and mentally handicapped.

1R55.10 *Organization.* The Office for the Handicapped is under the direction of the Director, OFH, who reports directly to the Assistant Secretary for Human Development. The Office includes a staff of specialists who are responsible for planning and evaluating programs, coordination, and the dissemination of information related to problems affecting the handicapped.

1R55.20 *Functions.* The Office for the Handicapped carries out its mission through the following functions:

1. Serves as the focal point in the Department for the consideration of issues and policies affecting the handicapped.

2. Prepares a long-range plan that includes projection for the provision of comprehensive services to handicapped individuals, and for programs of research, evaluation, and training related to such services and individuals.

3. Analyzes on a continuing basis: program operations to determine consistency with applicable provisions of law; progress towards meeting the goals and priorities set forth in the long-range plan; and the effectiveness of all programs providing services to all handicapped individuals. Seeks the elimination of unnecessary duplication and overlap in such programs under the jurisdiction of the Secretary.

4. Encourages coordinated and cooperative planning designed to produce maximum effectiveness, sensitivity, and continuity in the provision of services for handicapped individuals by all programs.

5. Develops means of promoting the prompt utilization of engineering and other scientific research to assist in solving problems in education, health, employment, rehabilitation, architectural, housing, and transportation barriers, and other areas so as to bring about full integration of all handicapped individuals into all aspects of society.

6. Provides a central clearinghouse for information and resource availability for handicapped individuals. This includes evaluation of information and data systems within the Department of Health, Education, and Welfare, other departments and agencies of the Federal government, public and private agencies and organizations of other sources.

Office of Assistant Secretary for Human Development, President's Committee on Mental Retardation

Statement of Organization and Functions

Part 1 of the Statement of Organization and Functions for the Department of Health, Education, and Welfare, Office of the Secretary, Assistant Secretary for Human Development is amended to add a new Subchapter 1R60001 which reads as follows:

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1R60001.00 *Mission.* The President's Committee on Mental Retardation (PCMR), located in the Office of Human Development, DHEW, is responsible for advising and assisting the President on all matters pertaining to mental retardation.

The Committee, through the Assistant Secretary for Human Development, evaluates national, State and local mental retardation efforts, helps to coordinate relevant Federal activities, and facilitates communication between Federal, State and local agencies. In addition, the Committee informs the public about mental retardation and mobilizes support for related activities.

The Committee was established by Executive Order 11280 on May 11, 1966.

1R60001.10 *Organization.* The Committee consists of the Secretary of HEW, the Secretary of Labor, the Director of the Office of Economic Opportunity, and not more than twenty-one other members who shall be appointed by the President from public or private life. Staff support for the Committee is provided by an Executive Director and staff. The Executive Director reports to the Assistant Secretary for Human Development.

1R60001.20 *Functions.* A. The President's Committee on Mental Retardation shall provide such advice and assistance in the area of mental retardation as the President may from time to time request, including assistance with respect to:

(1) Evaluation of the national effort to combat mental retardation;

(2) Coordination of activities of Federal agencies in the mental retardation field;

(3) Provision of adequate liaison between such Federal activities and related activities of State and local governments, foundations, and other private organizations; and

(4) Development of such information, designed for dissemination to the general public, as will tend to reduce the incidence of mental retardation and ameliorate its effects.

B. The Committee shall make such reports or recommendations to the President concerning mental retardation as he may require or the Committee may deem appropriate. Such reports shall be made at least annually.

Dated: March 15, 1974.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-7333 Filed 3-28-74;8:45 am]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

The Statement of Organization, Functions and Delegations of Authority for the central office of the Bureau of Hearings and Appeals (BHA) in the Social Security Administration (Part 4 of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare), is hereby revised to reflect the establishment of the new position of Chief Administrative Law Judge in the Office of the Bureau Director, with responsibility for providing leadership to the nationwide corps of Administrative Law Judges and SSI Hearing Examiners within the Social Security Administration (SSA); to reflect the abolishment of the Office of the Assistant Bureau Director, Division of Field Operations; to reflect the establishment of the new position of Assistant Bureau Director, Division of Policy and Procedures, with responsibility for the review, development and implementation of policies and procedures pertaining to the hearings and appeals process in SSA; to reflect a change in the title of the Director, Division of Administration to Assistant Bureau Director, Division of Administration, and to update the functional statement for that office; to reflect the establishment of the new position of Assistant Bureau Director, Division of Appeals Operations, with responsibility for providing the Bureau's Appeals Council with analytical staff support; to reflect the establishment of the new position of Chief of the Appraisal Staff, with responsibility for conducting a program to assure a continuous appraisal of Bureau-wide efforts in meeting the Bureau's basic mission; and to reflect the functions assigned to components of BHA's central office. This material reads as follows:

MISSION

The Bureau of Hearings and Appeals (BHA) directs and administers the hearings and appeals process for the Social Security Administration (SSA). It directs a nationwide field hearings organization staffed with Administrative Law Judges and SSI Hearing Examiners who conduct impartial hearings and make decisions on appealed determinations involving retirement, survivors, disability, health insurance, black lung and supplemental security income benefits. It performs regional and central reviews of appealed Administrative Law Judge and SSI Hearing Examiner decisions and renders the Secretary's final decision on such cases.

ORGANIZATION

The central office of BHA, under the supervision of a Bureau Director, consists of:

1. The Bureau Director
2. The Immediate Office of the Bureau Director
3. Functional components within BHA

The Bureau Director. A. The Director of BHA is directly responsible to the Commissioner of Social Security and provides general supervision to each component in BHA.

B. In the event of the absence or disability of the Bureau Director, or in the event of a vacancy in this position, the Deputy Bureau Director acts for him.

C. In the event of the absence or disability of both the Bureau Director and the Deputy Bureau Director, or in the event of vacancies in both positions, a designated BHA executive acts for them.

Immediate Office of the Bureau Director. The Immediate Office of the Bureau Director consists of:

1. The Director of BHA
2. The Deputy Director of BHA
3. The Chief Administrative Law Judge

Functional Components Within BHA. The Bureau consists of the following functional components:

1. Appeals Council
2. Medical Advisory Staff
3. Office of the Assistant Bureau Director, Division of Policy and Procedures
4. Office of the Assistant Bureau Director, Division of Administration
5. Office of the Assistant Bureau Director, Division of Appeals Operations
6. Appraisal Staff

FUNCTIONS

The central office of BHA is responsible for:

1. Planning, directing, coordinating, administering and appraising the nationwide SSA hearings and appeals process.

2. Reviewing appeals filed in Federal courts on appealed actions or decisions, and recommending whether to defend or to request remand for further action.

3. Providing medical and vocational specialist services to Administrative Law Judges, SSI Hearing Examiners and Appeals Council members.

4. Developing substantive and administrative operating instructions to assure uniform and fair appellate review.

5. Conducting liaison with other components of SSA, DHEW, and other governmental, professional and private organizations.

Immediate Office of the Bureau Director. A. The Director of BHA:

1. Is responsible to the Commissioner of Social Security for providing overall executive leadership in implementing a fair and impartial hearings and appeals process within SSA.

2. Plans and directs the overall management of BHA to assure that the Bureau's mission is efficiently and effectively accomplished.

B. The Deputy Director of BHA assists the Bureau Director in carrying out his responsibilities, performs such duties as he requires and acts in his behalf when he is absent.

C. The Chief Administrative Law Judge:

1. Provides professional leadership to the nationwide corps of Administrative Law Judges and SSI Hearing Examiners.

2. Serves as the focal point of communication between the Office of the Bureau Director and Administrative Law Judges and SSI Hearing Examiners.

3. Directs a small professional staff engaged in maintaining close contact with the field hearings organization to obtain and assess the views of Administrative Law Judges and SSI Hearing Examiners on hearings operations.

Functional Components Within BHA. The functional components within BHA, and their responsibilities are as follows:

1. The Appeals Council, which is responsible for:

a. Reviewing decisions of Administrative Law Judges and SSI Hearing Examiners involving retirement, survivors disability, health insurance and supplemental security income benefits under the provisions of titles II, XVI and XVIII of the Social Security Act, as amended, and disability and survivors benefits under Part B of title IV and related provisions of the Federal Coal Mine Health motion of appellants or on its own motion.

b. Examining case records, obtaining additional evidence and rendering written decisions or orders which are the Secretary's final decisions or orders, or remanding cases to Administrative Law Judges and SSI Hearing Examiners.

c. Determining and recommending action in relation to decisions appealed to the courts.

d. Obtaining additional evidence and preparing supplemental decisions on remanded cases, and recommending whether appeals should be taken to higher courts on judicial reversals of the Secretary's decisions.

2. The Medical Advisory Staff which is responsible for:

a. Providing medical advisory services to the Appeals Council and other BHA components in the evaluation of disability, health insurance and supplemental security income cases under the provisions of titles II, XVI, and XVIII of the Social Security Act, as amended, and disability and survivors cases under Part B of title IV and related provisions of the Federal Coal Mine Health and Safety Act of 1969, as amended.

b. Assisting in medical training of Bureau staff.

c. Negotiating for the services of medical specialists to serve as special consultants to the Appeals Council, and as advisors to Administrative Law Judges, SSI Hearing Examiners, Regional Appeals Panels and Regional Chief Administrative Law Judges.

d. Providing guidance in the effective utilization of medical advisors throughout BHA.

e. Participating in the formulation of medical policies used in the evaluation of disability, health insurance, supplemental security income and black lung benefits cases.

f. Maintaining liaison with medical groups to promote program understanding, and to keep abreast of disability evaluation developments and changes in health insurance regulations.

3. The Office of the Assistant Bureau Director, Division of Policy and Procedures, which is responsible for:

a. Planning, analyzing and developing Bureau-wide policy and procedural guidelines pertaining to the hearing process as performed in regional development centers and hearing offices.

b. Planning, analyzing and developing policy and procedural guidelines pertaining to Appeals Council/Regional Appeals Panel review processes and civil actions processes, and the Appeals Council/Regional Appeals Panel support staffs.

c. Providing an effective system for communicating hearings and appeals policies and procedures, through the issuance of manuals and directives that assure consistent and efficient operations in the best interest of service to the public; and developing and maintaining substantive publications, informational material, references and forms relative to the hearings and appeals process.

d. Reviewing current and developing trends in administrative law, analyzing policy recommendations, and developing long-range and short-range hearings and appeals policy plans.

e. Providing advice and guidance throughout BHA on matters involving program policies and procedures.

f. Coordinating policy and procedural matters within BHA, and with other SSA components, the Office of the General Counsel, other DHEW components, other Federal agencies and, where appropriate, with private organizations.

4. The Office of the Assistant Bureau Director, Division of Administration, which is responsible for:

a. Planning, developing and administering BHA's personnel management program, including: recruitment and placement, position classification, incentive awards, employee services, and employee-management relations.

b. Planning, developing, coordinating and conducting BHA employee development and training programs.

c. Planning and directing BHA administrative support activities, such as: space, forms and records, property management, procurement and supply, safety, equipment control and maintenance, preparation of visual aids, and mail/messenger services.

d. Planning and directing BHA's management analysis program, which includes the design, development, implementation, and appraisal of management policies and programs; and researching management techniques and technological developments having possible utility for BHA.

e. Directing BHA's operational and management information systems planning programs; assuring effective coordination of the BHA management information system with the SSA system; and maintaining a case control and statistical reporting system on the adjudication process.

f. Planning, developing and coordinating BHA's financial management program; and providing financial guidance and control in the areas of budget formulation and execution, work measurement and workload forecasting, pay and travel, position control, contract services, and fiscal operations.

g. Controlling and preparing replies to correspondence; developing standards and procedures for correspondence; receiving records and indexes; and maintaining claims and hearings materials.

5. The Office of the Assistant Bureau Director, Division of Appeals Operations which is responsible for:

a. Providing advice and assistance to the Appeals Council on the adjudication of cases.

b. Reviewing Administrative Law Judge and SSI Hearing Examiner decisions to assist the Appeals Council in deciding whether to assume jurisdiction.

c. Analyzing cases and recommending action to the Appeals Council on appealed claims and litigated cases, and preparing necessary documents to implement the action decided upon by the Appeals Council.

d. Identifying and analyzing problem areas and recommending improvements in the appeals process.

e. Reviewing and analyzing fee petitions from attorneys and representatives of claimants for the provision of services at the hearing level, and authorizing payments of appropriate fees, in all cases where fees recommended by Administrative Law Judges and SSI Hearing Examiners exceed their delegated authority, and in all cases at the Appeals Council level.

f. Providing BHA-wide leadership and guidance on all matters pertaining to psychological, vocational, educational and related factors having a bearing on claimants' capacity to work.

6. The Appraisal Staff, which is responsible for:

a. Performing a continuing appraisal on the progress being achieved throughout BHA in meeting basic objectives.

b. Conducting a BHA-wide program of appraisals and studies necessary for maintaining an ongoing assessment of overall BHA performance.

c. Recommending actions for implementation or further study by other BHA components.

Dated: March 25, 1974.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-7332 Filed 3-28-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On April 10 and 11, 1974, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the Secretary of Transportation.

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On April 10 at 9:30 a.m. in room 10234 the Subcommittee on Motorcycle Safety will meet with the following agenda:

Discussion of Recommendations on Motorcycle Safety Resulting from Second International Congress—July 1972.
Proposed Technical Meeting—Neck and Head Protection for Motorcyclists.

At 11:30 a.m. on April 10 in room 10234 the Accident Avoidance and Operating Systems Committee will meet with the following agenda:

Briefing—Standardizing Maximum Speedometer Readings.
Briefing—Daytime Running Lights.
Briefing—Rear-end Lighting Systems Red/Green/Amber.
New Business:
Discussion of Department Replies to Resolutions.
Future Committee Meetings.

On April 10 at 2:00 p.m. in room 4238 the Crashworthiness Committee will meet with the following agenda:

Review of FMVSS 208—Occupant Protection.
Review of School Bus Crashworthiness Standards.
Report on Crash Recorder Program.
Discussion of Anthropomorphic Dummy Design—Human Injury Tolerance Research.
New Business:
Discussion of Department Replies to Resolutions.
Future Committee Meetings.

On April 11 at 9:00 a.m. in room 4238 the full Council will meet with the following agenda:

Report of Accident Avoidance and Operating Systems Committee.
Report of Crashworthiness Committee.
Report on Status of Third International Congress.
Treasurer's Report.
New Business.

For further information contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW., Washington, D.C., telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92–463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued on: March 25, 1974.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.74–7294 Filed 3–28–74;8:45 am]

CIVIL AERONAUTICS BOARD

ALLEGHENY AIRLINES, INC.

[Docket No. 26113]

Deletion of Lima, Ohio; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on April 30, 1974, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before April 16, 1974, and the other parties on or before April 24, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., March 26, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74–7319 Filed 3–28–74;8:45 am]

[Docket No. 25280; Order 74–3–109]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Free and Reduced Transportation for Cargo Sales Agents

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association and resulting from the Fifth Cargo Agency Committee Meeting, held at Geneva, November 27–29, 1973. The agreement has been assigned the above C.A.B. agreement number.

The agreement would adopt a new resolution expanding provisions for the instruction and training of employees of IATA cargo agents, currently regulated by paragraph (1)(e) of Resolution 811b. Under the new resolution, carriers would be permitted to arrange for and absorb, within certain limits, transportation costs as well as housing and other associated expenses for those employees participating in training programs scheduled to a maximum of five days for minimum size groups of eight. Additionally, the agreement revalidates to December 31, 1976, by means of a standard revalidation resolution (002), certain portions of a previously Board-approved resolution governing reduced fares for foreign-based cargo agents presently due to expire December 31, 1974. This resolution allocates each agent registered for a specific country two 75 percent discount tickets per carrier per year; a maximum of 40 75 percent discount tickets under a productivity feature based on commissionable sales; and 20 additional 50 percent discount tickets.

In line with Board policy, we will approve the agreement insofar as it applies to foreign-based cargo agents and their employees. Historically, the Board's position has been that foreign-based agents operate under differing laws which make their activities more the concern of their respective governments. The Board has also noted, to a lesser degree, the practical difficulties of enforcement of any differing scheme affecting these agents.

We will disapprove the agreement insofar as it would apply to U.S.-based agents and their employees consistent with our past policy of strictly limiting free or reduced-rate transportation for U.S.-based agents to the extent which has been permitted under the resolution governing such reduced-fare concessions for U.S.-based cargo agents. The Board has conditioned that resolution to specifically exclude any travel under the entertainment or instruction provisions of any other agency resolution. This reflects the Board's long held opinion that the provisions for travel by U.S.-based agents under that resolution provide ample travel opportunity for any educational or training purpose.[1]

The Board, acting pursuant to sections 102, 204(a), 404(b) and 412 of the Act, makes the following findings:

1. It is not found that the following resolution, incorporated in the agreement as indicated, is adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

[1] See Orders 69–7–77 and 71–4–126 of July 16, 1969 and April 19, 1971, respectively.

Agreement CAB	IATA No.	Title	Application
24221: R–1	002	Standard Revalidation Resolution	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

2. It is not found that the following resolution, incorporated in the agreement as indicated, is adverse to the public interest or in violation of the Act insofar as it would apply to the employees of foreign-based IATA cargo sales agents provided that approval is subject to the conditions stated herein:

Agreement CAB	IATA No.	Title	Application
24221: R–2	203e	Training Courses for Cargo Agents (New)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

Provided that with respect to Resolution 203e:

Approval of the provisions embodied in said resolution, insofar as it is applicable in air transportation as defined by the Federal Aviation Act of 1958, shall not be construed as:

(a) An exemption from the requirements of filing tariff provisions as a condition precedent under section 403 of the Federal Aviation Act of 1958 to the issuance of passes to any person described in said resolution;

(b) A determination as to whether a violation of section 404 of the Federal Aviation Act of 1958 would result from the issuance of passes pursuant to such resolution whether or not tariff provisions applicable thereto have previously been filed with the Board; and

(c) An exemption from the provisions of the Board's Economic Regulations relating to tariffs for free or reduced-rate transportation.

3. It is found that the following resolution, incorporated in the agreement as indicated, is adverse to the public interest and in violation of the Act insofar as it would apply to the employees of United States-based IATA cargo sales agents:

Agreement CAB	IATA No.	Title	Application
24221: R–2	203e	Training Courses for Cargo Agents (New)	1; 2; 3; 1/2; 2/3; 3/1; 1/2/3.

Accordingly, it is ordered, That:

1. That portion of Agreement C.A.B. 24221 set forth in finding paragraph 1 above be and hereby is approved, subject to conditions previously imposed by the Board;

2. That portion of Agreement C.A.B. 24221 set forth in finding paragraph 2 above be and hereby is approved subject to the conditions stated therein, insofar as it would apply to the employees of foreign-based IATA cargo sales agents; and

3. That portion of Agreement C.A.B. 24221 set forth in finding paragraph 3 above be and hereby is disapproved insofar as it would apply to the employees of United States-based IATA cargo sales agents.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–7322 Filed 3–28–74;8:45 am]

[Docket 25280; Order 74–3–90]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority March 20, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreements name additional specific commodity rates, as set forth below, reflecting reductions from general cargo rates; and were adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated February 26, 1974 and March 13, 1974, respectively.

Agreement CAB	Specific Commodity Item No.	Description and Rate
24243:	7046	Photographic Sensitized Paper 220 cents per kg., minimum weight 200 kgs. From New York/Montreal to Nairobi.
24278: R–1	7448	Rubber Seals[1] 99 cents per kg., minimum weight 500 kgs. From Malta to New York/Montreal.
R–2	6806	Gums and Resins and Manufactures (Plastic) Sheets, Slabs, Rods, Tubes and other unfinished forms[1] 92 cents per kg., minimum 500 kgs. From New York/Montreal to London.

[1] Area of application changed to include the North Atlantic.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreements are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

1. Agreements C.A.B. 24243 and C.A.B. 24278, R–1 and R–2, be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

2. The findings and approval herein shall not be deemed to modify the findings and Order of the Board in its decision in Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, Order 73–2–24 of February 6, 1973, Order 73–7–9 of July 5, 1973, and Order 73–9–109 of September 28, 1973, and are subject to all the provisions of such orders.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–7321 Filed 3–28–74;8:45 am]

[Docket Nos. 22670 and 22500; Order 74–3–112]

LOS ANGELES AIRWAYS, INC.

Order To Show Cause

By Order 73–7–20, July 6, 1973, the Board denied the application of Los Angeles Airways, Inc. (LAA) for renewal, for an indefinite period, of its temporary suspension authority on route 84 and ordered the carrier to resume service in conformance with the terms and conditions of its certificate within ninety days from the effective date of the order.[1]

LAA failed to resume service within the 90-day period provided for in Order 73–7–20, and we have been informed by counsel for the receiver in bankruptcy that all of LAA's tangible assets have now been sold. We have, therefore, decided to issue an order to show cause which proposes to render LAA's certificate for route 84 ineffective, rather than to conduct unnecessary hearings. Accordingly, we tentatively find and conclude that the public convenience and necessity require that, pursuant to section 401(f) of the Act and section 205.1 of the Board's Economic Regulations, the Board direct that LAA's certificate for route 84 cease to be effective.[2]

In support of our ultimate conclusion, we make the following tentative findings and conclusions. LAA filed a petition under Chapter XI of the Bankruptcy Act

[1] We also instituted an investigation, to be set for hearing at a time and place to be designated at a future date, to determine whether, in the event that LAA did not resume service within 90-days from the date of the order, the Board should (a) grant temporary suspension of LAA's authority on route 84; or (b) direct that LAA's certificate of public convenience and necessity for route 84 shall cease to be effective under section 401(f) of the Act or shall be revoked under section 401(g).

We further ordered that the investigation should determine whether the application of LAA, in Docket 22500, for renewal of the "area" exemption authority granted in Order E–22798, October 25, 1965, and amended in Order 69–4–82, April 17, 1969, should be granted and, to that end, consolidated Docket 22500 with Docket 22670.

[2] Section 401(f) of the Federal Aviation Act and section 205.10 of the Board's Economic Regulations provide, in part, that if, for a period of 90 days, any service authorized by a certificate is not operated, the Board may, by order entered after notice and hearing, direct that such certificate shall thereupon cease to be effective to the extent of such service.

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on October 6, 1970, and its court-appointed receiver determined the following day that its operations should be suspended. No scheduled route service has been provided by LAA since that time. Although directed by the Board under section 401(f) to resume service, the carrier has failed to do so. All the carrier's tangible assets have been sold.

In the above circumstances, it appears unlikely in the extreme that LAA will be able to or intends to resume operations. Therefore, we tentatively find that it is required by the public convenience and necessity and would be in the public interest for the Board to order that LAA's certificate for route 84 cease to be effective.[2]

Interested persons will be given twenty days following the date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and directing that the certificate of Los Angeles Airways, Inc. for route 84 cease to be effective;

2. Any interested person having objections to the issuance of an order making final any of the proposed findings or conclusions set forth herein shall, within 20 days after the date of this order, file with the Board and serve upon all persons listed in paragraph 5 a statement of objections together with a summary of testimony, and other evidence expected to be relied upon to support the stated objections;[4]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of the order shall be served upon Los Angeles Airways, Inc., its receiver in bankruptcy, and the mayors of the cities of Newport Beach and Riverside, California.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-7323 Filed 3-28-74;8:45 am]

[Docket No. 2636; Order 74-3-114]

UNION DE TRANSPORTS AERIENS (U.T.A.)

Statement of Tentative Findings and Conclusions

Union de Transports Aeriens (U.T.A.) holds a foreign air carrier permit reissued pursuant to Order E-21178, 41 CAB 662, (1964) authorizing the carrier to engage in foreign air transportation of persons, property, and mail between New Caledonia, Tahiti, and Bora Bora, the intermediate point Honolulu, Hawaii, and the terminal point Los Angeles, California.

On January 29, 1974, U.T.A. filed an application for amendment of its permit so as to obtain authority to serve Pago Pago, American Samoa as a point on its route to Los Angeles, California. On February 5, 1974, U.T.A. revised its application to include a request for another point, Nandi, Fiji on its Los Angeles route.[1]

In granting U.T.A. a New Caledonia-Tahiti-Bora Bora-Honolulu-Los Angeles route, the Board found that the carrier met the fitness standards of the Act and that its services were in the public interest. U.T.A. has performed its presently authorized services successfully. It now serves the Papeete (Tahiti)-Los Angeles market four times a week (two DC-10 and two DC-8 frequencies) and the Noumea (New Caledonia)-Los Angeles market twice weekly (one DC-10 and one DC-8 frequency).

A New Caledonia-Los Angeles route, via Nandi, Pago Pago, and other points, is provided for in the United States-France bilateral Air Transport Services Agreement,[2] and U.T.A. has been designated by the Government of France to serve Nandi and Pago Pago as intermediate points on its route to the United States.

In view of the facts set forth, the Board tentatively finds and concludes that:

(a) It is in the public interest to amend the foreign air carrier permit held by Union de Transports Aeriens so as to authorize the carrier to engage in foreign air transportation of persons, property, and mail between a point or points in the islands of New Caledonia, Tahiti, and Bora Bora; the intermediate points Nandi, Fiji, Pago Pago, American Samoa; and Honolulu, Hawaii; and the terminal point Los Angeles, California;

(b) U.T.A. is fit, willing, and able to provide the above-described foreign air transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder;

(c) The public interest requires that the exercise of the privileges that would be granted in U.T.A.'s amended permit should be subject to the terms, conditions, and limitations contained in the attached proposed form of permit, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

Accordingly, it is ordered, That:

1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein, and why, subject to the approval of the President pursuant to section 801 of the Federal Aviation Act, the Board should not issue an amended foreign air carrier permit to Union de Transports Aeriens (U.T.A.) in the form attached to this order;

2. Any interested person having objections to the tentative findings and conclusions set forth herein, or to the issuance of the proposed foreign air carrier permit, shall file such objections within 10 days after the date of service of this order, and file with the Board and serve on the persons named in paragraph 5 a memorandum of objection specifying the part or parts of the tentative findings and conclusions or permit objected to and stating the specific grounds of any such objections;[3]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: Provided, That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps shall be deemed waived, and the Board may proceed to enter an order in accordance

[2] The carrier's request for renewal of its area exemption would be dismissed as moot.

[4] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[1] Copies of the applications have been transmitted to the President in accordance with section 801 of the Federal Aviation Act of 1958.

[2] The bilateral rights are set forth in two routes as follows:

"8. New Caledonia via the intermediate points Nandi, Pago Pago, Tahiti, and Bora Bora to Honolulu and the terminal point on the West Coast selected by France as the United States terminal of Route 4, in both directions. Note: Without rights to carry local, connecting, or stopover traffic between Nandi, and Pago Pago until such time as the United States of America receives such rights from the United Kingdom."

"8a. Tahiti and Bora Bora to Honolulu and the terminal point on the West Coast selected by France as the United States terminal of Route 4, in both directions."

On October 10, 1970, Fiji became independent. Accordingly, the right for U.S. carriers to transport local, connecting, or stopover traffic between Nandi, Fiji, and Pago Pago, American Samoa would be granted by the Government of Fiji, rather than the Government of the United Kingdom.

[3] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon the following: Union de Transports Aeriens, Pan American World Airways, American Airlines.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

PERMIT TO FOREIGN AIR CARRIER
(AS AMENDED)

Union de Transports Aeriens (U.T.A.) is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to persons, property, and mail, as follows:

Between a point or points in the islands of New Caledonia, Tahiti, and Bora-Bora; the intermediate points Nandi, Fiji; Pago Pago, American Samoa; and Honolulu, Hawaii; and the terminal point Los Angeles, California.

The holder hereof shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The holder shall not carry local, connecting, or stopover traffic between Nandi, Fiji and Pago Pago, American Samoa until such time as the United States of America receives such rights from the Government of Fiji.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of France for French international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and France shall be parties.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

The exercise of the privileges granted hereby shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on ---------- Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the route hereby authorized from the routes which may be operated by airlines designated by the Government of France, or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of France in lieu of the holder hereof, or (3) upon the termination or expiration of the Air Transport Services Agreement between the Government of the United States and the Government of France, effective March 27, 1946, as amended by exchanges of notes, including that of May 29, 1969. *Provided, however,* That clause (3) of this paragraph shall not apply if prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and France are or shall become parties.

In Witness Whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto,

[SEAL] SIGNATURE
Secretary.

[FR Doc.74-7324 Filed 3-28-74;8:45 am]

[Docket No. 26509]

CHARTER REGULATIONS APPLICABLE TO FOREIGN ROUTE AIR CARRIERS

Order To Show Cause

Correction

In FR Doc. 74-6567, appearing at page 10645 for the issue for Thursday, March 21, 1974, the table in the first column of page 10646 should be transferred so that it appears under footnote number 7 at the bottom of the page.

CIVIL SERVICE COMMISSION

NATIONAL PROGRAM GRANTS

Notice of Requests for Proposals

The U.S. Civil Service Commission is now accepting proposals from qualified applicants for National IPA program grants to be made for Fiscal Year 1975 pursuant to Section 506(a) of the Intergovernmental Personnel Act (IPA). The Commission is interested in programs which address significant personnel management, manpower utilization, and training needs of State and local governments on a nationwide basis and intends to award national grants early in the Fiscal Year, consistent with its appropriations for Fiscal Year 1975. The deadline for receipt of official applications is August 5, 1974. All interested parties should contact: U.S. Civil Service Commission, Bureau of Intergovernmental Personnel Programs, Office of Grant Operations, 1900 E Street, NW., Washington, D.C. 20415, 202-632-6274. This notice pertains only to the award of Fiscal Year 1975 IPA grant funds for national programs. For information about IPA grant funds for specific State and local governments and combinations thereof, contact the appropriate Regional Office of the U.S. Civil Service Commission.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-7295 Filed 3-28-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

MARCH 25, 1974.

On October 4, 1973, there was published in the FEDERAL REGISTER (38 FR 27547) a letter dated September 28, 1973 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs implementing those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea which establish specific export limitations, among others, on wool textile products in Categories 104 and 120 and on man-made fiber textile products in Categories 216, 222 (part), 228 and 238, produced or manufactured in the Republic of Korea and exported to the United States during the 12-month period beginning October 1, 1973 and extending through September 30, 1974. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 4(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, which provides for the limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provisions of the bilateral agreement referred to above, there is published below a letter of March 25, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to wool textile products in Categories 104 and 120 and to man-made fiber textile products in Categories 216,

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222 (part), 228, and 238 for the 12-month period which began on October 1, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 25, 1974.

DEAR MR. COMMISSIONER: On September 28, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1973 of wool and man-made fiber textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1] The directive of September 28, 1973 was previously amended by directives of October 24, 1973 and February 6, 1974.

Pursuant to paragraph 4(a) of the Bilateral Wool and Man-Made Fiber Textile Agreement of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed further to amend, effective as soon as possible, the levels of restraint established in the aforesaid directive of September 28, 1973, for wool textile products in Categories 104 and 120 and for man-made fiber textile products in Categories 214/240 as a group, and individual Categories 216, 222 (part), 228 and 238 to the following:

Category		Amended Twelve-Month Levels of Restraint [1]
104	square yards	1,612,217
120	numbers	336,311
214/240	sq. yds. equivalent	350,478,143
216	dozen	142,755
Part 222 (excluding T.S.U.S.A. Nos. 380.0428 and 380.8165)	dozen	766,720
228	do	734,502
238	do	182,831

[1] These amended levels of restraint have not been adjusted to reflect any entries made on or after October 1, 1973.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of wool and man-made fiber textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-7255 Filed 3-28-74;8:45 am]

[1] The term "adjustment" refers to those provisions of the Bilateral Wool and Man-Made Fiber Textile Agreements of January 4, 1972, as amended, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; for limited interfiber flexibility between cotton textiles and man-made fiber textile products of the comparable category; and for administrative arrangements.

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN EL SALVADOR

Entry or Withdrawal From Warehouse for Consumption

MARCH 22, 1974.

On April 19, 1972, the United States Government concluded a bilateral cotton textile agreement with the Government of El Salvador concerning exports of cotton textiles and cotton textile products from El Salvador to the United States over a five-year period beginning on April 1, 1972. This agreement was amended by directive dated May 29, 1973 (38 FR 14437). Among the provisions of the agreement, as amended, are those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 1/2/3/4, 9, 15, and 31 for the agreement year beginning April 1, 1974.

There is published below a letter of March 22, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 15, and 31 produced or manufactured in El Salvador which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning April 1, 1974, be limited to the designated levels.

The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as amended, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 22, 1974.

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of April 19, 1972, as amended, between the Governments of the United States and El Salvador and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the twelve-month period beginning April 1, 1974, and extending through March 31, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 15 and 31, produced or manufactured in El Salvador, in excess of the following levels of restraint:

Category		12-month levels of restraint
1/2/3/4	pounds	388,043
9	square yards	1,575,000
15	do	1,050,000
31	numbers	1,058,620

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 15 and 31, produced or manufactured in El Salvador, which have been exported to the United States from El Salvador prior to April 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the twelve-month period beginning April 1, 1973 and extending through March 31, 1974.

In the event that the levels of restraint for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of April 19, 1972, as amended, between the Governments of the United States and El Salvador which provide, in part, that within the aggregate limit, the limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of El Salvador and with respect to imports of cotton textiles and cotton textile products from El Salvador have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-7257 Filed 3-28-74;8:45 am]

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

Entry or Withdrawal From Warehouse for Consumption

MARCH 25, 1974.

On March 16, 1972, the United States Government concluded a comprehensive bilateral cotton textile agreement with the Government of Thailand concerning exports of cotton textiles and cotton textile products from Thailand to the United States over a five-year period beginning on April 1, 1972, and extending through March 31, 1977. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 9/10, 15/16, 18/19, 22/23, 26/27, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 62, 63, and 64 for the agreement year beginning on April 1, 1974.

Accordingly, there is published below a letter of March 25, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in the above categories, produced or manufactured in Thailand, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning April 1, 1974, and extending through March 31, 1975, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 25, 1974.

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of March 16, 1972, between the Governments of the United States and Thailand, and in accordance with Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective April 1, 1974 and for the twelve-month period extending through March 31, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 9/10, 15/16, 18/19, 22/23, 26/27, 43, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 60, 62, 63, and 64, produced or manufactured in Thailand, in excess of the following levels of restraint:

Category		Twelve-Month Levels of Restraint
9/10	square yards	2,067,188
15/16	do	826,875
18/19	do	2,067,188
22/23	do	1,240,313
26/27	square yards (of which not more than 1,102,500 square yards shall be in duck fabric [1])	1,653,750

[1] The T.S.U.S.A. Nos. for duck fabric are:
320.—01 through 04, 06, 08
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08
326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

Category		Twelve-Month Levels of Restraint
43	dozen	52,920
45	do	22,050
46	do	19,845
47	do	17,420
48	do	9,923
49	do	15,435
50	do	27,563
51	do	27,563
52	do	29,768
53	do	8,489
54	do	15,435
55	do	7,497
60	do	41,895
62	pounds	83,886
63	do	83,886
64	do	89,878

In carrying out this directive, entries of cotton textiles and cotton textile products in the above categories, produced or manufactured in Thailand, which have been exported to the United States from Thailand prior to April 1, 1974, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the twelve-month period beginning April 1, 1973 and extending through March 31, 1974.

In the event that the levels of restraint for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of March 16, 1972, between the Governments of the United States and Thailand which provide, in part, that within the aggregate limit, the limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Thailand and with respect to imports of cotton textiles and cotton textile products from Thailand have been determined by the Implementation of Textile Agreements to involve foreign affairs functions of the United States.

Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.74-7256 Filed 3-28-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Receipt

Environmental impact statements received by the Council on Environmental Quality from March 18 through March 22, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (May 14, 1974)

Copies of individual statements are available for review from the originating agency. Back copies will also be available from a commercial source, the Environmental Law Institute, of Washington, D.C.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-F, Administration Building, Washington, D.C. 20250, 202-447-3965

FOREST SERVICE

Draft

Cedar Creek Unit, Clark National Forest, Mo., Boone and Callaway Counties, March 18: Proposed is a plan for the management direction of the Cedar Creek Purchase Unit, Clark National Forest. The Unit will be managed for recreational, wildlife, grazing, and timber values. The acquisition of land will require some displacement of people. There will be social, ecological, and economic impact from the proposal (28 pages). (ELR Order No. 40407.)

Cube Iron—Silcox Unit, Lolo National Forest, Mont., Sanders County, March 20: The statement refers to a proposed multiple use plan for the 16,927 acre Cube Iron-Silcox Planning Unit, Thompson Falls Ranger District, Lolo National Forest. Under the plan the Unit would be divided into six sub-units, to be managed for similar resource potentials and problems. Roadless conditions would be maintained upon 8,267 acres; roads and other activities will result in the development of 7,766 acres which are currently roadless. Management would be for recreation, aesthetics, fisheries, wildlife, watershed, timber, soil, water, vegetation, and wildlife (115 pages). (ELR Order No. 40424.)

Enterprise Planning Unit, Dixie National Forest, Utah, Iron and Washington Counties, March 18: The statement refers to a proposed land use plan for the 328,000 acre Enterprise Planning Unit of the Dixie National Forest. The plan sets forth the allocation of land to resource uses and activities, including watershed protection, recreation, livestock grazing, wildlife management, timber management, and road and trail maintenance. Of sixteen inventoried roadless areas within the unit, the plan recommends special management of only two. The activities of the plan will have impact upon vegetation, soils, aesthetics, wildlife, recreation, and water supply and quality. (ELR Order No. 40403.)

Final

Boulder-Grover Road, Dixie National Forest, Utah, Garfield and Wayne Counties, March 18: The statement refers to the proposed construction of a two lane, 28.5 mile road between Boulder and Grover. The road will traverse the east slope of the Boulder Mountains of Dixie National Forest; it is intended to increase ease in reaching marketing areas for the citizens of Boulder, and to increase tourist traffic at both communities. There will be short term adverse impact from construction activity. Comments made by: DOI, EPA, USDA, state and local agencies, and concerned citizens. (ELR Order No. 40414.)

Green Mountain National Forest, Vt., March 21: The statement refers to a proposed 2 year timber management plan for the Green Mountain National Forest. Under

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the plan there will be an annual allowable cut of 10.8 million board feet of sawtimber and 7,000 cords of round wood products. There will be road construction as part of the plan. The plan will affect soil and water quality standards, aesthetic values, and wildlife habitat (46 pages). Comments made by: DOI, EPA, USDA, state and local agencies, and concerned citizens. (ELR Order No. 40431.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Transmisson Line, Ryceville to Lexington Park, Md., St. Marys and Charles Counties, March 18: The statement refers to the proposed lending of funds to Southern Maryland Electric Cooperative, Inc., for the construction of 22.3 miles of 230 kV transmission line from Ryceville to Lexington Park, a tap switching station, and a step-down substation. There will be some construction disruption and visual impact (135 pages). Comments made by: DOT, USDA, EPA, FPC, and DOI. (ELR Order No. 40416.)

SOIL CONSERVATION SERVICE

Draft

Chicot Watershed Project, Arkansas, Chicot County, March 18: Proposed is a watershed protection, flood prevention, and agricultural water management program on the Chicot Watershed. Project measures will include land treatment on 89,200 acres; the installation of 92.2 miles of channel work on existing channels and the installation of 30.8 miles of new channels; and the construction of 517 water control structures, 50 grade stabilization structures, and 5 low water weirs. Adverse impact will include the loss of some edge and wetland species, and the enhancement of the potential for future clearance of wooded areas and drainage of wetlands (47 pages). (ELR Order No. 40410.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–7168.

Draft

Granada Local Protection Project, Colorado, March 18: The statement refers to the plan for improvement of flood protection at Granada. The project involves improving the existing Wolf Creek channel and levee system to protect the town from the Standard Project Flood of 41,000 cfs and the adjacent farmlands from floods up to and including the 15-year flood of 9,200 cfs. Adverse impacts are the use of 160 acres of land, alterations in the Arkansas River ecosystems, and potential increases in the levels of air, noise, and water pollution (Albuquerque District). (ELR Order No. 40418.)

Sycamore Creek Flood Protection, Kansas, Montgomery County, March 21: Proposed is the construction of a flood control dam on Sycamore Creek, north of the City of Coffeyville. Adverse impact would include the relocation of one family, and the rendering of two farm units are uneconomical due to loss of acreage. The project will result in the inundation of 147 acres of land and two miles of free flowing steam, (Tulsa District) (19 pages). (ELR Order No. 40433.)

Little Goose Lock and Dam, Wash., Whitman, Columbia, and Garfield Counties, March 22: The statement refers to the existing Little Goose Lock and Dam Project, a navigation-hydroelectric project on the Snake River. Project measures include a navigation lock, a 3 unit hydroelectric spillway dam, and a 10,025 acre lake. The proposed action is the addition of 3 power units, and the continued operation and management of the project. Inpacts discussed in the statement relate to recreational uses, navigation, wildlife habitat management, the operation of fish passage facilities, and the production of electric power (Walla Walla District) (Approximately 200 pages). (ELR Order No. 40436.)

Manitowac and Two Rivers Harbors, Wis., March 22: Proposed is the periodic maintenance dredging of the Manitowac and Two Rivers Harbors. A diked spoil containment structure with an incorporated effluent filter would be constructed adjacent to the existing breakwater at Manitowac. There would be adverse impact to local benthic organisms. Twenty-four acres of land would be formed at the disposal site: this land would be suitable for community development (Chicago District) (95 pages). (ELR Order No. 40437.)

Kaaawa Beach Erosion Control, Hawaii, March 21: Proposed is the construction of a protective beach by initial placement of 9,300 cu. yds. of sand at Kaaawa Beach and periodic nourishment, which will require an additional 2,700 cu. yds. of sand every four years. Adverse impact would include the destruction of some benthic organisms (Pacific Ocean Division) (13 pages). (ELR Order No. 40434.)

Final

McGee Creek Drainage and Levee District, March 18: The plan consists of the landside enlargement of approximately 59,100 linear feet of existing levee and construction of 16,500 linear feet of new levee, along with the construction of 3 channel cutoffs, totaling 6,600 linear feet. Approximately 1,700 ft. of the left bank of McKee will be riprapped. The plan also provides for the replacement of an existing pumping station and construction of a new inlet ditch. Adverse impacts are the use of 475 acres of land for the project, loss of some aquatic habitat, and the loss of archeological sites (St. Louis District) (94 pages). Comments made by: USDA, DOC, EPA, HUD, DOI, DOT, and state agencies. (ELR Order No. 40402.)

DEPARTMENT OF DEFENSE

NAVY

Contact: Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350, 202–697–0892.

Draft

Farallon de Medinilla Bombardment Range, Mariana I, March 18: Proposed is the continued use of Farallon de Medinilla, the smallest of the fourteen islands within the Mariana District of the U.S. Trust Territories of the Pacific Islands, as a Navy and Air Force bombardment range. The entire 224 acre island is used for air-to-ground weapons delivery and shore bombardment. Impact results primarily from explosion and ordnance fragmentation, and includes water pollution, air pollution, and the destruction of vegetation and wildlife (50 pages). (ELR Order No. 40417.)

TRIDENT Support Site, Bangor, Wash., March 21: Proposed is the construction, operation, and maintenance of permanent support facilities of an advanced submarine-based missile defense system. The proposed site will include 6,929 acres of the Bangor Annex complex, on the Hood Canal, Puget Sound. The support site will directly employ 4,700 military and 3,500 civilian personnel; a gradual increase in population due to the project will reach an estimated 27,000 by 1983. The major impacts of the project will be the increased population, and its impacts upon the social and economic resources in the region. (ELR Order No. 40435.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630 Waterside Mall, Washington, D.C. 20460, 202–755–0940.

Final

Monett Wastewater Treatment Facilities, Missouri, March 19: Proposed is the construction of additional wastewater treatment facilites, interceptors, lift stations, and force mains for the City of Monett. The expansion will increase the capacity of present facilities to a level which would accomodate a population equivalent of 53,000 people. There will be adverse aesthetic impact from the project (528 p.). Comments made by: DOI, DOT, GSA, COE, HEW, USDA, state and local agencies, and concerned citizens. (ELR Order No. 40422.)

Trinity River Authority, Central Regional Facility, Texas, March 21: Proposed is federal grant assistance to the Trinity River Authority for aid in the construction of additional waste-water treatment facilities at its Central Regional Wastewater Facility site in Grand Prairie. The project involves construction of a 70 MGD activated sludge treatment facility to be operated in parallel to the existing 30 MGD trickling filter facility. The combined discharge will receive further treatment prior to discharge to the Trinity River 8 miles upstream from Dallas. Construction of the plant expansion and related work will involve local disruption. Comments made by: DOT, DOI, COE, USDA, state and local agencies, and concerned citizens. (ELR Order No. 40432.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202–386–6084.

Final

Skagit River Project No. 553, Washington, Whatcom County, March 18: The statement refers to the consideration of an application by the City of Seattle for an amendment to the license for the Skagit River Project No. 553. The amendment would allow the raising of the height of Ross Dam by 121 feet, the construction of a new spillway, the replacement of existing turbines, and related work. The new reservoir would affect lands in both the United States (the Ross Lake National Recreation Area) and Canada. Impact of the action will include the inundation of 8,300 acres and the elimination of fish spawning areas; and changes in recreational and scenic values from stream-type to reservoir type (2 volumes). Comments made by: AEC, DOC, COE, DOT, EPA, and state and local agencies. (ELR Order No. 40406.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202–755–5980.

Draft

Yerba Buena Center Urban Renewal, San Francisco, Calif., March 22: The statement refers to a proposed urban renewal project in the 87.3 acre area southeast of San Francisco's financial and downtown retail districts. Planned development will include: a parking garage, a convention hall, a meeting room complex, a multi-purpose arena, a pedestrian concourse retail shops, a hotel, an office building, and related facilities. As of October, 1973, there were 499 individuals 26 families, and 130 business firms remaining to be displaced from the project area. A substantial number of the individuals involved

are low income, elderly persons (316 pages). (ELR Order No. 40438.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BONNEVILLE POWER ADMINISTRATION

Draft

BPA Wholesale Power Rate Increase, March 18: The statement refers to an increase in BPA's wholesale power rates to a level which is intended to meet fiscal payout requirements covering costs and projected facilities for the Federal Columbia River Power System. The increase considered is in the 20–30 percent range, and is dated for December 20, 1974. There will be an estimated 2 percent reduction in demand as a result of the increase in rates, with a concomitant avoidance and/or delay in construction of new power plants. The statement discusses impacts upon transportation and transmission of electricity; increased use of fuel oil and utility gas; and social and economic impacts on the ultimate consumers (122 pages). (ELR Order No. 40405.)

Eastern Clark County Service, Washington, Clark County, March 18: The statement, which supplements the statement for BPA's Fiscal Year 1975 Program, refers to the construction of a 1.3 mile, 230 kV transmission line connecting the Sifton Substation with BPA's existing North Bonneville-Ross line. Impact of the action will include the removal of 4 acres of noncommercial forestland, siltation of nearby streams, and some degradation of AM reception immediately adjacent to the right-of-way (32 pages). (ELR Order No. 40404.)

Maple Valley Transmission, King County, Wash., March 21: The statement, which supplements an earlier statement on BPA's Fiscal Year 1975 Program, refers to the proposed construction of 16 miles of 500 kV double circuit transmission line and a new substation at Snoqualmie. The line will require approximately 134 acres of new right-of-way easement, including the removal of timber from 105 acres; the substation site will require an additional 25 acres. There will be siltation of nearby streams from construction activity, and some degradation of AM reception immediately adjacent to the right-of-way (51 pages). (ELR Order No. 40425.)

Richland Area Electrical Service, Washington, Benton and Franklin Counties, March 21: The document, which supplements BPA's statement on its Fiscal Year 1975 Program, refers to the proposed construction of 35.2 miles of 230kV transmission line and 3.6 miles of 115kV line, and the associated construction of three new substation facilities. A total of approximately 760 acres will be committed to transmission easements or construction sites; 697 acres of this would be entirely within AEC's Hanford Reservation (78 pages). (ELR Order No. 40426.)

BUREAU OF RECLAMATION

Draft

Fryingpan-Arkansas Project, Colorado, several counties, March 18: The statement refers to the Fryingpan-Arkansas Project, major features of which include 6 dams and reservoirs, 18 diversion structures, 10 tunnels, 2 canals, 2 powerplants, 52 miles of transmission line, and 2 municipal and industrial water delivery conduits, with a total length of 266 miles. Purposes of the project include: the development of the regional and national economy through irrigation; development of hydroelectric power; water supply and quality improvement; and development of recreation facilities. A total of 39,279 acres will be required to accommodate all project features. The project will deplete the Colorado Basin of 70,000 acre-ft of water, thus increasing salinity. (ELR Order No. 40401.)

BUREAU OF SPORT FISHERIES AND WILDLIFE

Draft

Proposed Lacassine National Wildlife Refuge, La., Cameron County, March 21: Proposed is the legislative designation of 3,296 acres of the Lacassine Wildlife Refuge as Wilderness within the National Wilderness Preservation System. The major impact of the proposal would be the removal of some future management options (31 pages). (ELR Order No. 40428.)

NATIONAL PARK SERVICE

Draft

Proposed Parker River Wilderness Area, Massachusetts, Essex County, March 21: Proposed is the legislative designation of 3,110 acres of the Parker River National Wildlife Refuge as wilderness within the National Wilderness Preservation System. Some future management options would be precluded by wilderness designation (55 pages). (ELR Order No. 40429.)

Proposed Assateague Island Wilderness Area, Virginia and Maryland, March 21: Proposed is the legislative designation of 1,300 acres of Assateague Island in Accomack County, Virginia, and 5,200 acres of Assateague in Worcester County, Maryland, as wilderness within the National Wilderness Preservation System. Some future management options would be removed by wilderness designation (64 pages). (ELR Order No. 40427.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Andalusia-Opp Airport, Ala., Covington County, March 18: The statement refers to the proposed development of the Andalusia-Opp Airport in Covington County. The project involves construction of a runway, taxiways, and aircraft parking aprons; installation of lighting, wind cone, segmented circle, rotating beacon, and visual approach slope indicator; and acquisition of 100 acres of land for runway construction. There will be increased levels of air and noise pollution due to the expanded airport operations. There will also be temporary adverse effects normally associated with construction (44 pages). (ELR Order No. 40409.)

William P. Hobby Airport, Houston, Tex., March 18: The statement refers to the construction of two runways parallel to two existing runways at the William P. Hobby Airport for use by light aircraft. The new runways will be marked, and lighting will be installed. Adverse impact of the project is the increase in the levels of air and noise pollution (3 volumes). (ELR Order No. 40411.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

I–15, San Diego County, Calif., March 18: The statement refers to the construction of I–15 for 6.7 miles from 0.8 mile north of Lake Hodges Bridge to 0.2 mile north of Country Club Lane in and near the city of Escondido. The proposed 8 lane freeway will be a bypass superseding the existing expressway through Escondido. Adverse impacts are increased levels of noise and air pollution and the use of approximately 400 acres of land (86 pages). (ELR Order No. 40419.)

U.S. 36, Brown and Doniphan Counties, Kans., March 18: The statement refers to approximately 13.5 miles of highway improvement to US 36 in Brown and Doniphan Counties. The project begins 1.5 miles west of Hiawatha and proceeds easterly to its terminus 1 mile east of the Brown-Doniphan County line. Adverse impact of the project include the loss of some natural growth and wildlife cover, and a slight increase in the noise level. (ELR Order No. 40415.)

US 69, Bourbon County, Kans., March 19: The project extends from the intersection of US–54 and US–69 at the north edge of Fort Scott in Bourbon County, north approximately 13.0 miles to the Bourbon-Linn County line. An alternative terminus may extend the improvement to K–239 at Prescott. Adverse impacts include the loss of 120 acres of land, and the displacement of an unspecified amount of people (122 pages). (ELR Order No. 40420.)

I–495 Rest Area, Bolton-Harvard Town Line, Mass., March 18: The project involves the construction of a rest area on the east side of Massachusetts I–495 at the Bolton-Harvard Town line adjacent to the northbound roadway. The area will also be accessible from the southbound lanes by means of a two-span bridge to be constructed over I–495. The area will require the use of 44 acres of land which is now in a rural undeveloped state (148 pages). (ELR Order No. 40413.)

State Trunk Highway 21, Juneau County, Wis., March 18: The statement refers to the proposed reconstruction and resurfacing of State Trunk Highway 21 in Juneau County. The project begins at the Juneau-Monroe County line and extends easterly 15.11 miles through the village of Necedah to the Wisconsin River. The westerly 9.56 miles involve reconstruction of the existing roadway and the easterly 5.55 miles involve resurfacing. The project will require acquisition of approximately 24 acres from private individuals and from the U.S. Government (26 pages). (ELR Order No. 40408.)

Final

I–19, Nogales-Tucson Highway, Supplement, Arizona, Santa Cruz County, March 19: The document is a final supplement to the environmental impact statement filed with the Council on August 11, 1971 (ELR Order No. 454; NTIS Order No. PB–201 785–F). Location changes for the project between Stations 890 and 900, and relocation of the Tumacacori Interchange are proposed (52 pages). Comments made by: DOI and state agencies. (ELR Order No. 40421.)

I–95, Center Leg of the Inner Loop Freeway, District of Columbia, March 18: The proposed action involves the construction of the final portion of the Center Leg of the Inner Loop Freeway. The project will initially consist of four lanes of depressed roadway which will connect the Southwest Freeway and New York Avenue. Project length is 2,100 feet of which 1,200 feet will be tunneled. One hundred ninety-two families and 36 businesses have been displaced since right-of-way acquisition began in 1966 (175 pages). Comments made by: EPA, DOT, HUD, DOI, USDA, local agencies. (ELR Order No. 40412.)

North Freeway, Omaha, Nebr., Douglas County, March 21: Proposed is the construction of a 0.7 mile extension to the present North Freeway in Omaha. Adverse effects of the project include acquisition of right of way, relocation impacts on wildlife, possible erosion and water pollution, and conflicts with present utilities (54 pages). Comments made by: DOT, COE, USDA, HUD, DOI, EPA. (ELR Order No. 40430.)

Draft

F.A.P. 408, Illinois, Pike and Adams Counties: The project involves the construction

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of a section of Supplemental Freeway F.A.P. 408 between Barry and Quincy. The project length is 26 miles. Adverse impacts are the loss of agricultural land, the relocation of several farm residences, and revisions of local land access patterns in the rural areas. (ELR Order No. 40423.)

The following environmental impact statements were received during the week of March 11 to March 15, 1974. Notice of these statements appeared in the March 22, 1974 FEDERAL REGISTER, and the commenting period for them began on that date. Summaries of the statements were not available at that time, however, and therefore are provided below.

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BONNEVILLE POWER ADMINISTRATION

Draft

San Juan Island Service, Washington, San Juan County, March 11: The statement, which supplements one for BPA's Fiscal 1975 Program, refers to the construction of a 1.7 mile 34.5kV double circuit transmission line across Decatur Island, and a substation on Lopez Island. From two to seven acres of land will be required for right-of-ways and the construction site. There will be some disturbance to wildlife, and some degradation of AM reception adjacent to the line (34 pages). (ELR Order No. 40376.)

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331–E, Administration Building, Washington, D.C. 20250, 202–447–3965.

FOREST SERVICE

Draft

Elk Summit Unit, Clearwater National Forest, Idaho, Idaho County, March 11: Proposed is a revised land use plan for the 82,627 acre Elk Summit Planning Unit, Powell Ranger District, Clearwater National Forest, under which the Unit would be divided into 11 sub-units for management. Under the plan, 41% of the Unit would be available for commercial timber harvest in the standard and marginal components; timber yields would be reduced in special management areas (32% of the Unit); and the remainder of the Unit would be non-commercial or unregulated timber. A total of 36,800 acres will remain roadless but with portions being available for commercial timber harvest by aerial or long line logging systems. A total of 46,200 acres will be available for development with roads. (ELR Order No. 40382.)

Aquatic Weed Control, Apache National Forest, N. Mex., March 14: Proposed is an aquatic weed control program for five lakes on the Apache National Forest. Mechanical and chemical (Diquat) methods, individually and in combination, would be used. The overabundant aquatic vegetation is considered esthetically unpleasing, and interferes with the effective and proper harvest of fishery resources. The statement indicates that there will be no significant impact to the physical or biological environment (55 pages). (ELR Order No. 40398.)

Timber Management, Deschutes National Forest, Oreg., several counties, March 11: The statement refers to a revision of the 10 year timber management plan (July 1, 1974 through June 30, 1983) for the Deschutes National Forest. The recommended alternative for pine-associated species type has a biological potential yield of 1,882.0 MMBF. The potential yield for lodge-pole pine type is 282.0 MMBF, and the programmed harvest for mountain hemlock type is 28.0 MMBF. The management direction also provides a silvicultural prescription, reforestation plan, transportation development plan, timber sale schedule, and related measures. There will be impact upon air and water qualities, soil, wildlife, and beauty (184 pages). (ELR Order No. 40385.)

Laurel Fork, G. Washington, Monongahela National Forests, Virginia and West Virginia, March 11: The statement refers to proposed management directives for the Laurel Fork Planning Unit, George Washington and Monongahela National Forests. The Unit contains 14,752 acres of Forest land, with 8,310 acres proposed for Eastern Wilderness. Management directives will include timber sales and recreation development. Adverse effects will include the visual impact and soil disturbance from logging, and those resulting from increased recreational use (31 pages). (ELR Order No. 40381.)

Final

Skalkaho—Gird Unit, Bitterroot National Forest, Mont., Ravalli County, March 11: The proposed action is the implementation of a revised multiple use plan for the Skalkaho-Gird and Sleeping Child Planning Units of the Bitterroot National Forest. A total of 121,820 acres of National Forest land will be affected. The plan calls for unroaded management of 37,880 acres, roaded management of 83,940 acres, and timber harvesting. Impacts stemming from the project are: increased siltation and water pollution caused by logging and road construction; reduction of domestic livestock grazing on the unit; loss of or increased danger to fish and wildlife habitat (especially to deer and elk populations); and increased air pollution (83 pages). Comments made by: EPA, DOI, USDA, State and local agencies and concerned citizens. (ELR Order No. 40383.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Purvis Generating Plant Units 1 and 2, Mississippi, Lamar County, March 11: The statement refers to a request by the South Mississippi Electric Power Association for a loan guarantee and insured loan funds totaling $165,000,000 in order to finance a new generating plant near Purvis. The plant will include two 207 MW(gross) steam generating units; coal fuel for the station will be mined in Bell, Clay, Harlan, and Leslie Counties, Kentucky; there will be 65 mies of new 161 kV transmission line. The station will release some oxides of sulfur and nitrogen, and particulate matter; coal mining operations will involve 5,600 acres of land during the life of the station (the area will be reclaimed as the mining operations proceed). Visual impact will occur (3 volumes). (ELR Order No. 40378.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 14, Beadle County, S. Dak., Beadle County, March 12: The statement refers to the reconstruction of an existing section of U.S. 14 by building a 4 lane divided highway on the present alignment. The project begins approximately 1 mile east of Huron and follows existing U.S. 14 easterly 3.5 miles to the intersection of U.S. 14 and Bloomfield Road. Adverse impacts of the project include the use of 110 acres of land and the displacement of 6 families and 1 business (19 pages). (ELR Order No. 40394.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74–7389 Filed 3–28–74;8:45 am]

NOR-AM AGRICULTURAL PRODUCTS, INC.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; (21 U.S.C. 346a(d)(1))), notice is given that a petition (PP 4F1459) has been filed by NOR-AM Agricultural Products, Inc., Woodstock, IL 60098, proposing establishment of a tolerance (40 CFR Part 180) for negligible residues of the herbicide desmedipham (ethyl-*m*-hydroxycarbanilate carbanilate) in or on the raw agricultural commodity sugar beets (roots and tops) at 0.2 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the residues are hydrolyzed to aniline, which is extracted and reacted with bromine to form 2,4,6-tribromoaniline. The latter is determined by gas chromatography using electron-capture detection.

Dated: March 20, 1974.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.74–7287 Filed 3–28–74;8:45 am]

[OPP–32000/30]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before May 28, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after May 28, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 33484–E. Airwick Institutional, A Division of Airwick Industries, Inc., 380 North Street, Teterboro, New Jersey 07608. *Airwick Institutional Phenolic Detergent Disinfectant Concentrate.* Active Ingredients: o-phenylphenol 10.00 percent; o-benzyl-p-chlorophenol 7.50 percent; p-tertiary-amylphenol 2.00 percent; tetrasodium ethylene diamine tetraacetate 1.00 percent; sodium lauryl sulfate 0.51 percent; potassium ricinoleate 6.16 percent; sodium sulforicinoleate 3.27 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33484–G. Airwick Institutional, A Division of Airwck Industries, Inc.; 380 North Street, Teterboro, New Jersey 07608. *Airwick Institutional Heavy Duty Detergent Disinfectant.* Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 3.000 percent; Tetrasodium ethylene diamine tetraacetate 0.143 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33484–R. Airwick Institutional, A Division of Airwick Industries, Inc., 380 North Street, Teterboro, New Jersey 07608. *Airwick Institutional Detergent Disinfectant.* Active Ingredients: n-alkyl (60 percent C14, 30 percent C16, 5 percent C18, 5 percent C12) dimethyl benzyl ammonium chlorides 2.5 percent; Sodium Carbonate Anhydrous 0.2 percent; Tetrasodium ethylene diamine tetraacetate 0.1 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11329–I. Aladdin Chemical Co., 6460 Zane Avenue North, Minneapolis, Minnesota 55429. *Super Clearon Granular Chlorine.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent (available chlorine 56 percent). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7124–GR. Alden Leeds, Inc., 55 Jacobus Avenue, South Kearny, New Jersey 07032. *Nuclo New Fire Resistant Concentrated Pool Chlorine.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent (available chlorine 56 percent). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7151–L. Alexander Chemicals, Div. North American Car Corp., 222 S. Riverside Plaza, Chicago, Illinois 60606. *Hypo High Potency Chlorine for Swimming Pools.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8029–U. Dorex Inc., 121 Ontario Street, P.O. Box 418, Frankfort, Illinois 60423. *Superior Products Beverage Glass Sanitizer No. 263.* Active Ingredients: Monosodium phosphate anhydrous 46.0 percent; Sodium dichloro-s-triazinetrione 14.1 percent; Trichloromelamine 9.2 percent; Sodium dodecylbenzene sulfonate 9.2 percent; Citric Acid, Anhydrous 7.7 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1677–44. Economics Laboratory, Inc., Osborn Bldg., St. Paul, Minnesota 55102. *Soilax Pool Sanitizer Concentrated Chlorine for all Swimming Pools.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8544–RG. General Pool Supply, 8700 Bellanca Avenue, Los Angeles 90045. *Sani-clor Dry Concentrate Pool Chlorine.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent (available chlorine 56 percent). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 259–LR. Missouri-Kansas Chemical Company, 1708 Campbell, Kansas City, Missouri 64108. *Minto-Cide II Bactericide and Disinfectant.* Active Ingredients: Isopropanol 20.0 percent; Soap 5.5 percent; o-benzyl p-chlorophenol 4.5 percent; o-phenylphenol 4.0 percent; Methyl Salicylate 2.0 percent; Para-tertiary-amylphenol 1.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8591–EE. The Mogul Corporation, Chagrin Falls, Ohio 44022. *Mogul S–493 A Flame-Resistant, Concentrated Pool Chlorine.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent (available chlorine 56 percent). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 33484–G. Airwick Institutional, A Division of Airwck Industries, Inc.; 380 North Street, Teterboro, New Jersey 07608. *Airwick Institutional Heavy Duty Detergent Disinfectant.* Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 3.000 percent; Tetrasodium ethylene diamine tetraacetate 0.143 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8370–RU. Nyco Products Company, 3021 West 36th Street, Chicago, Illinois 60632. *Odorless-Sanitizer N–601.* Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 5 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 266–GN. SwimChem Products, A Division of Hill Brothers Chemical Company, 15017 E. Clark Avenue, City of Industry, California 91745. *Hi-Chem New Fire Resistant Concentrated Pool Chlorine.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent (available chlorine 56 percent). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1729–RNA. Tesco Chemicals, P.O. Box 6433, Marietta, Georgia 30062. *Tes-Chloron New Fire Resistant Concentrated Pool Chlorine.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100 percent (available chlorine 56 percent). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 29443–E. Treat-Rite Water Laboratories, Inc., P.O. Box 226, Nowata, Oklahoma 74048. *Treat-Rite Best Value Bleach.* Active Ingredients: Sodium Hypochlorite 5.25 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1043–LE. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Concentrated Vestal Staphene Hospital Germicide.* Active Ingredients: Sodium o-benzyl-p-chlorophenate 5.5 percent; sodium o-phenylphenate 5.2 percent; sodium p-tertiary amylphenate 5.1 percent; sodium 2,2' - methylenebis (3,4,6 - trichlorophenate) 0.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043–LG. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Vestal Environ-D Phenolic Disinfectant.* Active Ingredients: o-benzyl-p-chlorophenol 5.0 percent; o-phenylphenol 4.6 percent; p-tertiary amylphenol 4.5 percent; 2,2'-methylenebis (3,4,6-trichlorophenol) 0.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043–LU. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Vestal Eighty-Nine Germicidal Detergent.* Active Ingredients: Sodium o-phenylphenate 4.43 percent; sodium o-benzyl-p-chlorophenate 3.66 percent; sodium p-tertiary amylphenate 0.89 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043–LL. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *T. B. Q. Germicidal Detergent.* Active Ingredients: Cocoamine ethoxylates (83 percent 1 mole; 17 percent 10 mole) 12 percent; Alkyl (50 percent C14, 40 percent C12, 10 percent C16) dimethyl benzyl ammonium chloride 8 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043–LA. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Vestal Ves-Phene Germicidal Detergent.* Active Ingredients: Sodium o-phenylphenate 4.43 percent; sodium o-benzyl-p-chlorophenate 3.66 percent; sodium p-tertiary amylphenate 0.89 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043–LT. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Concentrated Vestal 10 Hospital Disinfectant.* Active Ingredients: Sodium o-benzyl-p-chlorophenate 5.5 percent; sodium o-phenylphenate 5.2 percent; sodium p-tertiary amylphenate 5.1 percent; sodium 2,2'-methylenebis (3,4,6-trichlorophenate) 0.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043–LI. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Vestal Eight Hospital Germicidal Detergent.* Active Ingredients: Sodium o-phenylphenate 5.7 percent; sodium o-benzyl-p-chlorophenate 4.7 percent; sodium p-tertiary amylphenol 1.1 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1043–LO. Vestal Laboratories, Division of Chemed Corporation, 4963 Manchester Avenue, St. Louis, Missouri 63110. *Vestal Ecolocide Germicidal Detergent.* Active Ingredients: Citric Acid 10 percent; Pelargonic Acid 8.0 percent; Glycolic Acid 7.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 15136–G. Wave Energy Systems Inc., Newtown Commons, Newtown, Pennsylvania 18940. *Agrocide Disinfecting or Sanitizing Solution.* Active Ingredients: Glutaraldehyde (1,5 Pentanedial) OHC (CH2)3 CHO 2 percent; Non ionic ethoxylates of isomeric linear alcohols (CH3)2 (CH2)n O(CH2—CH20) 12H 0.25 percent. Method of Support: Application proceeds under 2(b) of interim policy.

REPUBLISHED ITEMS

The following items represent corrections and/or changes in the list of Applications Received previously published in the FEDERAL REGISTER of March 19, 1974 (39 FR 10321).

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EPA File Symbol 148-RRAI. Thompson-Hayward Chemical Company, 5200 Speaker Road, Kansas City, Kansas 66106. *Roach and Ant Spray.* Active Ingredients: O,O-diethyl O-(2-isopropyl - 6 - methyl - 4 - pyrimidinyl) phosphorothioate 0.500 percent; pyrethrins 0.052 percent; technical piperonyl butoxide (equivalent to .209 percent (butylcarbityl) (6-propylpiperonyl) ether and .052 percent other related compounds) 0.261 percent; petroleum distillate 98.400 percent. Correction: Originally published as Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidmyl) phosphorothioate 0.500 percent; prethrins 0.052 percent. . . .

EPA File Symbol 635-ERI. Tide Products, Inc., P.O. Box 1020, Edinburg, Texas 78539. *Tide Expander.* Active Ingredients: O,O-dimethyl O-p-nitrophenyl thiophosphate 13.95 percent; toxaphene 55.80 percent. . . . Correction: Originally published as toyaphene 55.80 percent.

Dated: March 22, 1974.

JOHN R. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-7286 Filed 3-28-74;8:45 am]

PRESIDENT'S AIR QUALITY ADVISORY BOARD

Notice of Rescheduling

Notice is hereby given that the meeting of the President's Air Quality Advisory Board scheduled for April 1 and 2, 1974, in the Administrator's Conference Room (11th Floor), 401 M Street SW., Washington, D.C. 20460 has been rescheduled for April 18 and 19.

For further information on the agenda or public participation please call Robert F. Powell, Executive Secretary, 755-6906.

ROGER STRELOW,
Acting Assistant Administrator for Air and Water Programs.

[FR Doc.74-7415 Filed 3-28-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[List No. 2]

CANADIAN TELEVISION STATIONS

Supplementary Listing

MARCH 22, 1974.

Supplementary list of changes, additions, deletions and corrections as of March 1, 1974, to the list of Canadian Television Stations within 250 miles of the border issued by the Commission, dated April 1, 1973.

Call sign	Licensee	Location	Radiated power (kW)	ANTENNA				Offset
				Directivity	Above ground	Above MSL	Above terrain	
		CHANNEL 4 (66-72 MHz)						
CHFD-TV		Thunder Bay, Ontario, N. 48°31'30", W. 89°06'50"	56.00 V 10.00 A	Om.	707	2,307	1,202	(−).
		CHANNEL 5 (76-82 MHz)						
CKX-TV		Brandon, Manitoba, N. 49°40'05", W. 100°00'40"	44.00 V 8.40 A	D.A.	1,332	2,882	1,363	(+).
		CHANNEL 6 (82-88 MHz)						
CKGN-TV-6		Ottawa, Ontario, N. 45°31'05", W. 75°44'48"	2.80 V 0.40 A	D.A.	249	649	149	No.
CKGN-TV		Paris, Ontario, N. 43°15'39", W. 80°26'39"	100.00 V 15.00 A	Om.	1,000	2,024	1,037	(+).
		CHANNEL 11 (198-204 MHz)						
CKSO-TV-3		Kearns, Ontario, N. 48°08'12", W. 79°33'12"	162.00 V 32.00 A	D.A.	445	1,795	734	No.
		CHANNEL 13 (210-216 MHz)						
CBST		Sept Iles, Quebec, N. 50°08'40", W. 66°28'05"	8.40 V	D.A.	227	962	903	(+).
CBKHT		Keno Hill, Yukon Territory, N. 63°54'55", W. 135°23'50"	0.248 V 0.025 A	D.A.	105	4,705	1,590	No.
		CHANNEL 22 (518-524 MHz)						
CKGN-TV-1		Cottam, Ontario, N. 42°08'00", W. 82°45'42"	218.00 V 33.00 A	Om.	308	1,048	396	(−).
CKGN-TV-22		Uxbridge, Ontario, N. 44°01'54", W. 79°08'13"	3,120.00 V 468.00 A	D.A.	472	1,577	598	(+).
		CHANNEL 55 (716-722 MHz)						
CBVT-4		Lac Etchemin, Quebec, N. 46°24'42", W. 70°35'37"	0.40 V 0.08 A	D.A.	120	2,160	800	(+).

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
WALLACE E. JOHNSON,
Chief Broadcast Bureau.

[FR Doc.74-7180 Filed 3-28-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 171]

GENERAL OHIO S&L CORP.

Notice of Receipt of Application for Permission To Acquire Control of Union Savings and Loan Co.

MARCH 25, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the General Ohio S&L Corporation, Findlay, Ohio, a multiple savings and loan holding company, for approval of acquisition of control of the Union Savings and Loan Company, St. Marys, Ohio, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for savings and loan holding companies, said acquisition to be effected by a purchase for cash of the stock of the Union Savings and Loan Company. Following the proposed acquisition it is proposed that the Union Savings and Loan Company be merged into The Mutual Savings and Loan Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before April 29, 1974.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary, Federal Home Loan Bank Board.

[FR Doc.74-7292 Filed 3-28-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8664]

ALABAMA POWER CO.

Notice of Filing of Initial Rate Schedule

MARCH 22, 1974.

Take notice that on March 15, 1974, Alabama Power Company (Alabama) tendered for filing an Agreement with Baldwin County Electric Membership Corporation intended as an initial rate schedule. Alabama states that it is unable to estimate the amount of revenues involved under this contract.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 2, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7305 Filed 3-28-74;8:45 am]

[Docket No. E-8665]

ALABAMA POWER CO.

Notice of Filing of Initial Rate Schedule

MARCH 22, 1974.

Take notice that on March 15, 1974, Alabama Power Company (Alabama) tendered for filing an Agreement with the Utilities Board of the City of Sylacauga intended as an initial rate schedule. Alabama states that it is unable to estimate the amount of revenue involved under the contract.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 2, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7306 Filed 3-28-74;8:45 am]

[Docket No. CI73-784]

BLAKE HAMMAN

Order Providing for Hearing, Granting Intervention, and Prescribing Procedures

MARCH 25, 1974.

On May 16, 1973, Blake Hamman (Hamman) filed an Application for Abandonment and Cancellation of FPC jurisdiction involving a gas well in the Campsey Area in Jack County, Texas. Sales from this well have been made to Natural Gas Pipe Line Company of America (Natural), pursuant to a contract dated August 10, 1971, containing a 20-year sale term. Hamman requests abandonment of the sale from the instant acreage because of a current lack of production therefrom. For this reason, Hamman decided to cancel the above contract with Natural on May 1, 1973, and to file the instant application.

On January 24, 1974, Natural filed a late petition to intervene in opposition to Hamman's application alleging sufficient interest in the proceeding as the buyer of gas from the well in question. Because Natural's participation in this proceeding may be in the public interest we will grant their intervention since no other party can adequately represent their interest.

The application and petition to intervene raise factual and legal questions which should be resolved in an evidentiary proceeding.

The Commission finds. (1) Good cause exists for setting for formal hearing the issues involved in the aforementioned pleadings and for establishing the procedures for that hearing all as hereinafter ordered.

(2) The participation of Natural may be in the public interest.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), a public hearing shall be held commencing May 14, 1974, at 10:00 a.m. (e.d.t.), in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the propriety of permitting the proposed abandonment requested by the application herein of May 16, 1973.

(B) On or before April 30, 1974, applicant shall file and serve its testimony and exhibits comprising its case-in-chief in support of its application upon all parties to this proceeding including Commission Staff.

(C) An Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose, [see Delegation of Authority (18 CFR 3.5 (d))], shall preside at the hearing and shall prescribe relevant procedural matters not herein provided.

(D) The petitioner hereinabove set forth is permitted to intervene in those proceedings subject to the rules and regulations of the Commission; Provided, however, that the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene, and, Provided, further, that the admission of said intervenor shall not be construed as recognition by Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-7314 Filed 3-28-74;8:45]

[Docket No. CP74-186]

CITIES SERVICE GAS CO.

Order Granting Interventions, Setting Hearing Date and Prescribing Procedures

MARCH 25, 1974.

On January 14, 1974, Cities Service Gas Company (Cities) filed in Docket No. CP74-186 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities and service on its transmission system in Montgomery County, Kansas.

More specifically, Cities proposes to (1) abandon by reclaiming measuring and regulating facilities and approximately 4.6 miles of its so-called State Line 16-inch pipeline, and (2) abandon by reclaiming measuring and regulating facilities and approximately 12.69 miles of 18-inch pipeline in its Cotton Valley-Grabham 18-inch pipeline. Cities also requests authorization to discontinue gas deliveries and sales to Union Gas System, Inc. (Union) for resale to fifteen rural domestic consumers along the State Line pipeline facilities proposed to be abandoned and to one direct sale customer. The service to the rural consumers originated through provisions of right of way agreements between Cities and the landowners. Cities states that Union will file an appropriate application with the State Corporation Commission of Kansas for authority to discontinue service to such customers if the application is approved. Cities proposes, if the application is granted, to reimburse the rural domestic customers for the costs of converting to alternate fuel since it appears no alternate natural gas service appears to be available. A like payment would be made, if the application were granted, to the direct sale customer to assist its conversion to an alternate fuel.

Cities states, as reasons for the abandonment as proposed, that it is presently experiencing excessive leakage and losses on the State Line and Cotton Valley-Grabham pipelines and, that due to their age and deteriorated condition, such pipelines are no longer economical to operate or maintain and are operationally obsolete. Cities further states that, due to the relocation of certain facilities, the capacity of such pipelines proposed to be abandoned herein is no

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longer needed to meet its transmission system demands.

On February 15, 1974, the State Corporation Commission of the State of Kansas (Kansas) filed a timely petition to intervene and has requested that a formal hearing be granted. On February 25, 1974, Union filed an untimely petition to intervene in the proceeding. Union states that if the application by Cities were approved it would be required to obtain authority from the State Corporation Commission of Kansas to abandon the service to the fifteen rural domestic consumers affected and is unable to state whether such authority would be granted.

We shall set this matter for formal hearing to determine whether the present or future public convenience and necessity requires abandonment of both service and facilities as requested by Cities.

The Commission finds. (1) The Intervention of Kansas and Union in this proceeding may be in the public interest.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders. (A) Kansas and Union are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; Provided, however, that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene, and provided, further, that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act (particularly sections 4, 5, and 15 thereof), and the Commission's rules of practice and procedure, a hearing will be held in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on April 30, 1974 (e.d.t.) concerning the issue of whether the present or future public convenience and necessity permit such abandonment.

(C) On or before April 15, 1974, Cities, Kansas and Union shall file with the Commission and serve upon all parties, including Commission Staff, their direct testimony and exhibits in support of their respective positions.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7312 Filed 3-28-74;8:45 am]

[Dockets Nos. E-8661 and E-8662]

CONNECTICUT LIGHT AND POWER CO., ET AL.

Notice of Termination of Contracts

MARCH 22, 1974.

Take notice that on March 13 and 14, 1974, Connecticut Light and Power Company (CL&P), Hartford Electric Light Company (HELCO), and Western Massachusetts Electric Company (WMECO) tendered for filing two notices of Termination of Rate Schedules. The March 13, 1974 filing relates to a Transmission Agreement, dated November 1, 1971, between CL&P, HELCO, WMECO, and the Vermont Electric Power Company, Inc. The March 14, 1974 filing relates to a Transmission Agreement, dated November 1, 1971, and an Extension and Amendment of that agreement, dated April 1, 1972, between CL&P, HELCO, WMECO and the Bangor Hydro-Electric Company.

CL&P, HELCO and WMECO allege that the filing is in accordance with Part 35 of the Commission's regulations. They further assert that both contracts terminated according to their terms.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7311 Filed 3-28-74;8:45 am]

[Docket No. E-8659]

KANSAS GAS AND ELECTRIC CO.

Notice of Change in Rate Schedule

MARCH 25, 1974.

Take notice that Kansas Gas and Electric Company (Kansas) on March 5, 1974, tendered for filing Service Schedule E, Capacity Participation Service, dated February 20, 1974, Supplementing the Power Interchange Agreement between Kansas and Missouri Public Service Company (Missouri). Kansas proposes an effective date of February 20, 1974 for Service Schedule E.

Kansas states Service Schedule E provides for the sale of 30 MV of capacity by Kansas to Missouri during the twelve month period beginning June 1, 1974. According to Kansas, Service Schedule E is an initial filing which has the following rate: $1.50 per Kw for each Kw of capacity available, and 4.5 mills per Kwh, or cost of production plus 10 percent, whichever is higher, for energy actually delivered.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protests with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 9, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7307 Filed 3-28-74;8:45 am]

[Docket No. E-8494]

MINNESOTA POWER & LIGHT CO.

Notice of Extension of Time

MARCH 25, 1974.

On March 20, 1974, Minnesota Power & Light Company (MP&L) filed a motion for an extension of time to and including April 1, 1974, within which to answer the motion for rejection filed by the Village of Hibbing, City of Two Harbors and City of Virginia (Cities) on March 8, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including April 1, 1974, within which MP&L may file an answer to the motion filed by Cities on March 8, 1974.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7303 Filed 3-28-74;8:45 am]

[Docket No. E-8595]

MISSOURI POWER AND LIGHT CO.

Notice of Cancellation of Filing

MARCH 22, 1974.

Take notice that on February 28, 1974, Missouri Power and Light Company (Company) filed a letter cancelling the Company's filing (in which a deficiency letter was sent out on February 14, 1974) of an Electric Service Agreement made on January 24, 1974. Company states that due to a substantial increase in wholesale power costs the proposed wholesale power contract with the City of Centralia, Missouri, may need to be renegotiated and therefore a new filing will be made in the near future.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7304 Filed 3-28-74;8:45 am]

[Docket No. E-8578]

PUBLIC SERVICE CO. OF OKLAHOMA

Notice of Withdrawal of Cancellation of Rate Schedule

MARCH 22, 1974.

Take notice that on February 28, 1974, Public Service Company of Oklahoma (Company) filed a withdrawal of its notice of cancellation of Supplement No. 9 to Rate Schedule FPC No. 180. Company states that it has been notified that Associated Electric Cooperative, Inc., wishes to extend this purchase agreement to May 31, 1974, and therefore filing of an Extension Agreement will be made in the near future.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7308 Filed 3-28-74;8:45 am]

[Docket Nos. RP71-29 and RP71-120]

UNITED GAS PIPE LINE CO.

Notice of Further Extension of Time and Postponement of Hearing

MARCH 22, 1974.

On March 21, 1974, Mississippi River Transmission Corporation filed a motion for a further extension of the procedural dates fixed by notice issued March 6, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of simultaneous rebuttal testimony by all parties, April 3, 1974.
Commencement of hearing, April 23, 1974 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7309 Filed 3-28-74;8:45 am]

[Project No. 1744]

UTAH POWER & LIGHT CO.

Order Granting Request To File Late and Setting Time Period for Filing

MARCH 22, 1974.

Bountiful (Utah) City Light and Power, a municipality under section 3(7) of the Federal Power Act (16 U.S.C. 791a-825r), petitioned the Commission on February 15, 1974, for leave to file a major license application in the pending relicensing proceeding for Utah Power and Light Company's (UP&L) constructed Project No. 1744.

UP&L held the original license, 5 F.P.C. 865, modified, 6 F.P.C. 783, which expired June 30, 1970. Since that time the project has been operated under annual license.

After the original filing and several supplements thereto, public notice of application by UP&L for new license for Project No. 1744 was published in the FEDERAL REGISTER, July 29, 1972, 37 FR 15344 (1972), and Bountiful's Davis County Clipper, August 11, 1972. According to the Commission's rules and regulations, 18 CFR 16.3(b), Bountiful should have filed the instant request no later than January 1, 1968, unless later filing was authorized by the Commission.

In conjunction with 18 CFR 16.3(c), we herein grant Bountiful's request to file late, subject to the requirement that its application be filed no later than 120 days after the issuance date of this order. We consider it in the public interest to allow this municipality to present its case in the relicensing proceeding. Bountiful's delay in filing its request appears to have been in good faith, and same should not be denied.

The Commission finds. Good cause exists and the public interest may be served by granting the request of Bountiful City Lights and Power to file late a major license application for Project No. 1744.

The Commission orders. (A) Bountiful City Light and Power's request to file late a new license application for Project No. 1744 is hereby granted.

(B) Said license application must be filed no later than 120 days after the issuance date of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7313 Filed 3-28-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Order Designating an Additional Member

MARCH 25, 1974.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committees.

2. *Membership.* An additional member of the Technical Advisory Committee on Conservation of Energy, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. Paul C. Greiner, Vice President, Electric Energy Association.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7316 Filed 3-28-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON CONSERVATION OF ENERGY

Order Designating an Additional Member

MARCH 25, 1974.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committee on Conservation of Energy.

2. *Membership.* An additional member to the Technical Advisory Committee on Conservation of Energy, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. Roderick R. Kirkwood, President, American Society of Heating, Refrigerating, and Air-Conditioning Engineers.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7317 Filed 3-28-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON THE IMPACT OF INADEQUATE ELECTRIC POWER SUPPLY

Order Designating an Additional Member

MARCH 25, 1974.

The Federal Power Commission, by order issued February 28, 1974, established the National Power Survey Technical Advisory Committee on the Impact of Inadequate Electric Power Supply.

2. *Membership.* An additional member of the Technical Advisory Committee on the Impact of Inadequate Electric Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission, is as follows:

Mr. W. P. Schmechel, Vice President and General Manager, Western Energy Company.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-7315 Filed 3-28-74;8:45 am]

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[Docket Nos. RI74-182, etc.]

SHELL OIL CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 22, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI74-182..	Shell Oil Co.	343	[6]	El Paso Natural Gas Co. (Gomez		3-1-74	4-1-74	(2)			
			[7]	Field, Pecos County, Tex.	$29,740	3-1-74	4-1-74	(2)	22.12	33.76	
			[8]	Permian Basin).	6,068	3-1-74		9-1-74	33.76	36.135	
RI74-183..	The Superior Oil Co.	138	9	Transwestern Pipeline Co. (Bell Lake Unit, Lea County, N. Mex. Permian Basin).	325	3-1-74		9-1-74	22.86	23.6343	
RI74-184..	Atlantic Richfield	451	[8]	El Paso Natural Gas Co. (Eumont Field), Lea County, N. Mex. Permian Basin).		3-1-74	4-1-74	(2)			
			[9]		43,011	3-1-74		9-1-74	17.852	[3] 36.0	
RI74-185..	Mobil Oil Corp.	17	[7] 32	Northern Natural Gas Co. (Eunice Area, Lea County, N. Mex. Permian Basin).		2-1-74	3-4-74	(2)			
			33		620,487	3-7-74		9-7-74	35.0	[5] 55.0	

[*] Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Accepted effective as of the date set forth in the "Effective Date Unless Suspended" column.
[2] Amendatory agreement dated Oct. 5, 1973.
[3] Applicable only to production from the Price Estate No. 1 well.
[4] Amendatory agreement.
[5] Applicable only to sales made pursuant to Supplement No. 8.
[6] Subject to Btu adjustment.
[7] Interim agreement dated Jan. 15, 1974 extending term of expired contract until Mar. 31, 1974.
[8] Unilateral increase.

The proposed increased rates which exceed the applicable area just and reasonable ceiling prescribed in Opinion No. 662 are suspended for five months.

Mobil requests waiver of the 30 day statutory notice period and a suspension period of only one day for its proposed increased rate. Good cause has not been shown for granting such request, and the request is denied.

By the Commission.

[FR Doc.74-7193 Filed 3-28-74;8:45 am]

FEDERAL RESERVE SYSTEM

CHEMUNG CANAL TRUST CO.

Order Approving Application for Merger of Banks

Chemung Canal Trust Company, Elmira, New York ("Elmira Bank"), a member State bank of the Federal Reserve System, has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the merger of that bank with Montour National Bank in Montour Falls, Montour Falls, New York ("Montour Bank") under the charter and title of Elmira Bank. As an incident to the merger, the present office of Montour Bank would become a branch of the resulting bank.

As required by the Act, notice of the proposed merger, in form approved by the Board, has been published, and the Board had requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered the application and all comments and reports received in the light of the factors set forth in the Act, and finds that:

Elmira Bank ($82 million deposits) controls less than 1 per cent of the deposits of commercial banks in the State of New York and 23.2 percent of deposits in the Elmira-Corning banking market [1] as the second largest of nine banking organizations competing in that market. (All banking data are as of June 30, 1973.)

Montour Bank ($7 million deposits) is also located in the Elmira-Corning banking market and controls 2.2 percent of the total deposits therein as the market's eighth largest bank.

Approval of the transaction would result in the merged institution controlling 25.4 percent of market deposits. However, the largest banking organization in the Elmira-Corning market, Marine Midland Banks, Inc., controls 37 percent of total market deposits, representing the largest share of such deposits. Other large organizations represented in the market are Charter New York Corporation and Lincoln First Banks. Whereas this proposal represents a slight increase in the concentration of deposits in the area, it appears that deconcentration of the area's deposits through acquisition of Montour Bank by an organization outside the market is not a likely possibility in view of the market's poor economic prospects. In commenting on the proposed transaction, the Department of Justice concluded that it would "not have a substantial competitive impact" inasmuch as it did "not appear that concentration would be substantially increased in any relevant banking market."

The closest banking office of Elmira Bank to Montour Bank's office is 14 miles away, and the areas served by each are neither contiguous nor overlapping. There is no significant existing competition between the offices of the two banks and although each of the banks could branch into the other's service area, it is unlikely that such competition would

[1] The relevant banking market is comprised of Schuyler and Chemung Counties and the southern quarter of Steuben County.

arise in view of Montour Bank's limited resources and the poor economic conditions of the area. Accordingly, the Board concludes that consummation of the proposed merger would not have any significantly adverse effect on either existing or future competition in the relevant area.

The financial and managerial resources of Elmira Bank and Montour Bank are satisfactory, and the prospects for the resulting bank are favorable. Consequently, banking factors are consistent with approval of the application. Consummation of the proposed merger would improve the present banking services available to customers of Montour Bank by increasing lending capabilities and by offering new services which would include credit cards, fiduciary services and investment counseling. Considerations relating to the convenience and needs of the area to be served lend weight toward approval of the application. It is the Board's judgment that consummation of the proposed merger would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the date of this order or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] effective March 20, 1974.

[SEAL] THEODORE E. ALLISON, *Assistant Secretary of the Board.*

[1] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns.

[FR Doc.74-7243 Filed 3-28-74;8:45 am]

DOMINION BANKSHARES CORP.

Order Approving Acquisition of Bank

Before the Federal Reserve Bank of Richmond acting under delegated authority from the Board of Governors of the Federal Reserve System.

Dominion Bankshares Corporation, Roanoke, Virginia (Applicant), a bank holding company within the meaning of the Bank Holding Company Act (12 U.S.C. 1842), has applied for prior approval under section 3(a)(3) of the Act to acquire 100 percent of the voting shares of the successor by merger to Merchants and Farmers Bank, Portsmouth, Virginia (Merchants), a State member bank.

The bank into which Merchants is to be merged has no significance except as a means of acquiring the voting shares of Merchants. Accordingly, the proposed acquisition of the successor organization is treated herein as a proposed acquisition of the shares of Merchants. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors (12 CFR Part 265). Notice of the receipt of the application has been given in accordance with section 3(b) of the Act, and the time for filing comments and views has expired. The Reserve Bank has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls eight banking subsidiaries operating 72 offices with aggregate deposits of approximately $840 million, representing 7.4 percent of the total commercial bank deposits in Virginia as of June 30, 1973. In terms of deposits, it is the State's fifth largest banking organization. Acquisition of Merchants (deposits of approximately $44.6 million as of June 30, 1973), would increase Applicant's share of deposits in Virginia by approximately .4 percent which would not represent a significant increase in the concentration of banking resources in the State.

Merchants operates five offices including its head office and two branches in the City of Portsmouth and two branches in the City of Chesapeake. The primary service areas of these offices are contiguous and encompass virtually all of Portsmouth and that part of Chesapeake along its southwestern boundary. The relevant market area for Merchants consists of the Norfolk-Virginia Beach-Portsmouth SMSA which is approximated by the Cities of Norfolk, Chesapeake, Portsmouth, Virginia Beach, Virginia, and Currituck County, North Carolina. Thirteen separate banking organizations operate within this area including one of the Applicant's present banking subsidiaries, First National Bank of Norfolk. This bank has seven offices in Norfolk and Virginia Beach and one in the eastern section of Chesapeake. There is, however, no significant overlap in the service area of these offices with the service area of Merchants. The largest bank in the relevant market area is a subsidiary of the State's second largest banking organization and controls 42.1 percent of the area deposits. The next five largest banks are subsidiaries of the first, eighth, fourth, sixth and third largest bank holding companies in Virginia, respectively. Merchants ranks seventh in the market with 4.0 percent of deposits while First National Bank of Norfolk, with a 3.3 percent of deposits, ranks ninth. Applicant's acquisition of Merchants would reduce the number of separate banking organizations in the market by one and result in the Applicant's becoming fourth in the market, controlling 7.3 percent of total deposits in commercial banks in the market. In view of the factors cited above, it is concluded that the consummation of the proposal would not eliminate any significant existing competition between Merchants and First National Bank of Norfolk, nor would it give Applicant a dominant position in the market. Consummation of the proposal would not have any significant adverse effect on future competition or the development of future competition between Merchants and First National Bank of Norfolk, particularly in view of the large number of banking organizations already competing in the market. Accordingly, this Bank is of the view that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and Merchants are generally satisfactory and the future prospects appear favorable. The future of Merchants would be particularly enhanced through affiliation with Applicant since it faces keen competition from a number of much larger banking organizations in the area. Although there is nothing in the record to indicate that the banking needs of the area are not presently being served, Merchants' affiliation with Applicant would give Merchants access to Applicant's financial resources and expertise and would enable Merchants to increase its loan limit and provide its customers with services not presently offered by Merchants. Considerations relating to convenience and needs of the area lend some weight toward approval of the application. It is the Reserve Bank's judgment, therefore, that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this order, or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective March 19, 1974.

[SEAL] WELFORD S. FARMER, *Senior Vice President and Special Legal Adviser.*

[FR Doc.74-7245 Filed 3-28-74;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Meyerland Bank, Houston, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the

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application should submit views in writing to the Reserve Bank, to be received not later than April 19, 1974.

Board of Governors of the Federal Reserve System, March 21, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-7247 Filed 3-28-74;8:45 am]

MANUFACTURERS NATIONAL CORP.

Order Approving Acquisition of Bank

Manufacturers National Corporation, Detroit, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by merger to Saline Savings Bank, Saline, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls two banks[1] with aggregate deposits of approximately $2.2 billion, representing 8.4 percent of the total deposits in commercial banks in the State, and is the fourth largest banking organization in Michigan.[2] The acquisition of Bank (deposits of $13.4 million) would increase Applicant's share of the total commercial bank deposits in the State by less than 0.1 percent, and would not result in a significant increase in the concentration of banking resources in Michigan.

Bank is the ninth largest of ten banks in the Washtenaw County banking market, which is approximated[3] by the Ann Arbor SMSA, and controls only 2.4 percent of deposits in that market. Although Applicant is not presently represented in the market, Applicant's lead Bank, Manufacturers National Bank of Detroit ("MNB"), the fourth largest bank in the adjacent Detroit banking market,[4] has six branches located within 25 miles of Bank, the closest branch being about 21 miles from Bank. Due to the proximity of Bank to MNB in the adjacent market, each bank does draw a small amount of deposits from the service area of the other, and consequently some small amount of existing and potential competition would be eliminated by consummation of the proposal. While it appears that Applicant has the resources to enter the market de novo, such entry appears unlikely in view of the fact that the area served by Bank has experienced below average population growth and has a below average population per banking office when such figures are compared to the respective State averages. Accordingly, on the basis of these and other facts of record, the Board concludes that consummation of the proposal would not have a significant adverse effect on competition in any relevant area.

The financial and managerial resources, and future prospects of Applicant and its subsidiaries are regarded as satisfactory. The same general conclusion is applicable with respect to the financial and managerial resources of Bank. Thus, considerations relating to the banking factors are consistent with approval of the application. Applicant proposes to expand and improve the range of services offered by Bank in such areas as increasing agricultural loans and providing conventional residential mortgage loans for longer maturities with reduced down-payment requirements. Applicant has also indicated that interest rates paid by Bank on savings accounts would be raised to the maximum rates allowed by Regulation Q. Considerations related to the convenience and needs of the community to be served, therefore, lend weight to the approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[4] effective March 20, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-7246 Filed 3-28-74;8:45 am]

PORTSMOUTH BANK

Order Approving Application for Merger of Banks

Before the Federal Reserve Bank of Richmond acting under delegated authority from the Board of Governors of the Federal Reserve System.

Portsmouth Bank, Portsmouth, Virginia (Portsmouth), an organizing State bank which has applied for membership in the Federal Reserve System, has applied to the Board of Governors of the Federal Reserve System for prior approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) to merge with Merchants and Farmers Bank (Merchants), Portsmouth, Virginia, a State member bank of the Federal Reserve System, the resulting bank to operate under the charter of Portsmouth and with the name of Merchants and Farmers Bank. The application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors of the Federal Reserve System (12 CFR Part 265).

As required by the Bank Merger Act, notice of the proposed merger, in form approved by the Board of Governors, has been published and reports on competitive factors have been requested from the Attorney General, the Comptroller of the Currency and the Federal Deposit Insurance Corporation. The Reserve Bank has considered the application and all comments and reports received in light of the factors set forth in the Act.

On the basis of the record in this case, the application is approved for the reasons summarized in the Reserve Bank's Order of this date relating to the application of Dominion Bankshares Corporation to acquire the successor by merger to Merchants and Farmers Bank. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this order, or (b) later than three months after the date of this order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Federal Reserve Bank of Richmond, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective March 19, 1974.

[SEAL] WELFORD S. FARMER,
Senior Vice President and Special Legal Adviser.

[FR Doc.74-7253 Filed 3-28-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

VISUAL ARTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Visual Arts Photography Exhibition Aid Advisory Panel to the National Council on the Arts will be held at 11:00 a.m. on April 1, 1974 in Room 1200 of the Shoreham Building, 806 15th Street NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), (5) and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-7337 Filed 3-28-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

REQUESTS FOR CLEARANCE OF REPORTS INTENDED FOR USE IN COLLECTING INFORMATION

Notice of List

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on March 26, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census, Franchising in the Economy, 1973-1975, Form DIB-910, Annual, Sunderhauf, Franchisors.

Refined Copper Shipments, Form DIB-973, Monthly, Lowry, Shippers of Refined Copper.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, Request for Subscriber Interest Data, Form OS-NIH-OD-3, Annual, Caywood, Science Editors and Writers.

Office of Education, Upward Bound Study Data Collection Instruments, Form OE-351, -1 through -12, Single Time, HRD/Planchon, Students, principals, counselors, teachers, etc.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Report on ESEA Title I Comparability Requirements—Pub. L. 89-10, as amended by Pub. L. 91-230, Form OE-4524, Annual, Planchon, Local Educational Agencies

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, Joint Program for the Study of Abortion/CDC Form CDC 4.316, Occasional, Evinger(x), Medical Care Facilities

DEPARTMENT OF LABOR

Employment Standards Administration, Application for Industrial Homework Handbooks, Form WH-77, Occasional, Evinger (x), Individual Employers

DEPARTMENT OF STATE

Application for Employment in the Foreign Service of the United States, Form DSP-33, Occasional, Evinger (x), Job Applicants

PHILLIP D. LARSEN,
Budget & Management Officer.

[FR Doc.74-7386 Filed 3-28-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 475]

ASSIGNMENT OF HEARINGS

MARCH 26, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No amendments will be entertained after the date of this publication.

MC-C-8242, General Leaseways, Inc., Burk Distributing Co., Inc., Levi Distributing, Inc., Keith V. Knight, Dba Knight Distributing Co., and Joseph G. Bowers—Investigation of Operations, now assigned May 1, 1974, at Des Moines, Iowa, will be held in Room B, 7th Floor, Valley Bank Bldg., 4th and Walnut Street.

MC-134958 Sub 6, Hams Express, Inc., now assigned April 30, 1974, will be held in Room 1614 Court of Claims, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Ill.

MC-F-11915, Nussbaum Trucking, Inc.—Investigation of Control—Zone Motor Freight Inc., now assigned April 29, 1974 will be held in room 1614 Court of Claims, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Ill.

MC-136553 Sub 21, Art Pape Transfer, Inc., now assigned May 2, 1974, will be held in Room 1614 Court of Claims, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Ill.

MC-92692 Sub 6, Freeport Fast Freight, Inc., now assigned May 6, 1974, will be held in Room 1614 Court of Claims, Everett McKinley Dirksen Bldg., 219 South Dearborn St., Chicago, Ill.

MC 116073 Sub-31, Barrett Mobile Home Transport, Inc., Extension—Buildings (13 Western States); MC 116073 Sub-35, Barrett Mobile Home Transport, Inc., Extension—Buildings (Arizona), and MC 116073 Sub-85, Barrett Mobile Home Transport, Inc., Extension—Idaho (Moorhead, Minn.), now assigned April 29, 1974 at Phoenix, Arizona, will be held in Room 1, Arizona Corporation Commission, 1688 W. Adams Street; now assigned May 2, 1974 at Las Vegas, Nevada, will be held in Room 213 Tax Court, Federal Bldg. & Post Office, 301 Stewart Street; now assigned May 6, 1974 at Los Angeles, Calif., will be held in Courtroom 517, U.S. Courthouse, 312 N. Spring Street; now assigned May 9, 1974 at Seattle, Washington, will be held in Room 1057, Federal Office Bldg., 909 First Avenue; now assigned May 13, 1974 at Spokane, Washington, will be held in Room 695, U.S. Courthouse, W. 920 Riverside; now assigned May 15, 1974, at Boise, Idaho, will be held in Room 595, Federal Building & U.S. Courthouse, 550 W. Fort Street.

No. 35265, Anglo-Canadian Pulp and Paper Mills, Ltd., Aberdeen V. And Rockfish Rail-Road Company, et al., is continued to May 21, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 2253 Sub 65, Carolina Freight Carriers Corp., now assigned May 20, 1974, at Atlanta, Ga., will be held in Room 305, 1252 West Peachtree St., NW.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-7329 Filed 3-28-74;8:45 am]

[AB-19 (Sub-No. 8)]

BALTIMORE & OHIO RAILROAD CO. AND BALTIMORE AND OHIO RAILROAD CO. IN PENNSYLVANIA

Abandonment of Certain Railroad Lines

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefore:

It is ordered, That applicant be, and is hereby, directed to publish the appended notice in a newspaper of general circulation in Allegheny County, Fla., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of

[1] One of Applicant's subsidiary banks is a recently acquired de novo bank located in Livonia, Michigan. Applicant received approval of that acquisition from the Reserve Bank of Chicago, acting under delegated authority, on November 21, 1973, and the bank opened for business on January 2, 1974.

[2] All banking data are as of June 30, 1973, and reflect bank holding company formations and organizations approved by the Board through February 28, 1974.

[3] Approximated by Wayne, Oakland and Macomb Counties in Detroit.

[4] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

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the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 21st day of March, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[No. AB-19 (Sub-No. 8)]

BALTIMORE & OHIO RAILROAD COMPANY AND BALTIMORE AND OHIO RAILROAD COMPANY IN PENNSYLVANIA ABANDONMENT PORT PERRY BRANCH BETWEEN BESSEMER AND BESSEMER JUNCTION, ALLEGHENY COUNTY, PA.

The Interstate Commerce Commission hereby gives notice that by order dated March 21, 1974, it has been determined that the proposed abandonment of the line of The Baltimore and Ohio Railroad Company and The Baltimore and Ohio Railroad Company in Pennsylvania, between Bessemer and Bessemer Junction, Allegheny County, Pa., a distance of approximately 0.48 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that no traffic has been moved over this line in over 2 years, that the involved traffic still moves by railroad but traverses an interchange point at Millvale, Pa., rather than Bessemer Junction, and that there has been no objection raised (environmental or otherwise) to this abandonment. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request at the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 15, 1974.

[FR Doc.74-7326 Filed 3-28-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 26, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before April 15, 1974.

FSA No. 42820—*Iron or Steel Scrap to Monongahela, Pennsylvania.* Filed by Traffic Executive Association-Eastern Railroads, Agent (E.R. No. 3042), for and on behalf of the Penn Central Transportation Company (George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees). Rates on scrap iron or steel, in carloads, as described in the application, from Cincinnati, Ohio, to Monongahela, Pa.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 112 to Traffic Executive Association-Eastern Railroads, Agent, tariff 789, I.C.C. No. C-689. Rates are published to become effective on April 25, 1974.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.74-7334 Filed 3-28-74;8:45 am]

[Notice 51]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before April 18, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75035. By order entered March 25, 1974, the Motor Carrier Board approved the transfer to A & A Transport, Inc., of Lisbon, Conn., of that portion of the operating rights set forth in Certificate of Registration No. MC-99227 (Sub-No. 1), issued October 28, 1964, to Laurel Van Lines, Inc., Norwich, Conn., evidencing a right to engage in operations in interstate or foreign commerce in the transportation of general commodities (other than household goods and office furniture and equipment and other than commodities which necessitate the use of dump trucks, tank trucks or special equipment), within Connecticut, between all points, upon call received at headquarters in Norwich. William J. Meuser, 86 Cherry St., Milford, Conn. 06460 and Paul J. Goldstein, 109 Church St., New Haven, Conn., attorneys for transferee and transferor, respectively.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.74-7330 Filed 3-28-74;8:45 am]

[MC-730 (Sub-No. 342)]

PACIFIC INTERMOUNTAIN EXPRESS CO.

Extension—Alternate Routes

At a session of the Interstate Commerce Commission, Division 1, Acting as an Appellate Division, held at its office in Washington, D.C., on the 15th day of March, 1974.

It appearing, that by application filed November 13, 1972, Pacific Intermountain Express Co., a corporation, of Oakland, Calif., seeks a certificate of public convenience and necessity authorizing operation, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of the commodities and between the points in the manner indicated in Appendix A;

It further appearing, that the Operating Rights Board, by order of September 13, 1973, granted applicant authority as indicated in Appendix B, and directed that notice of the authority actually granted be published in the FEDERAL REGISTER;

It further appearing, that on October 17, 1973, notice of the authority granted was published in the FEDERAL REGISTER to allow any proper party in interest to file an appropriate petition for leave to intervene in the proceeding; that on October 18, 1973, Werner Continental, Inc., a motor common carrier, filed a petition for leave to intervene and tendered verified statements in support of its position; that on November 23, 1973, applicant timely filed a petition for reconsideration embracing a reply to Werner's petition for leave to intervene; that Werner filed a reply to applicant's petition for reconsideration on December 14, 1973; and that by letter received January 8, 1974, Werner withdrew its opposition to the application; and good cause appearing therefor:

It is ordered, That the proceeding be, and it is hereby, reopened for reconsideration on the present record.

It further appearing, that the evidence of record, when considered in light of applicant's petition, shows the Operating Rights Board's statement of facts and its ultimate conclusion concerning the proposed routes in parts (1) and (3) of the application to be substantially correct; that as to the proposed routes in part (2) of the application the evidence of record fails to show that applicant now holds authority to serve Danville, Ill., which is merely identified as an intermediate nonservice point on another alternate route; that consequently alternate route authority from and to that point cannot properly be granted herein; and that in the circumstances, alternate route authority from Indianapolis through Danville to St. Paul should be granted;

It further appearing, that since it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of notice of the grant of authority in part (2) herein, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced;

It further appearing, that inasmuch as the grant of authority described in this order duplicates to a certain extent existing authority held by applicant and applicant's commonly controlled affiliate, Ryder Truck Lines, Inc., in No. MC-2900 and sub-numbers thereunder, the grant of authority herein shall contain an appropriate nonserverability clause; and good cause appearing therefor:

It is further ordered, That the order entered in this proceeding on September 13, 1973, to the extent inconsistent herewith, be, and it is hereby, vacated and set aside.

We find on reconsideration, That the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle over regular routes, of the commodities and between the points indicated in Appendix C; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; that this decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969; that an appropriate certificate should be issued, subject to publication in the FEDERAL REGISTER as stated above; and that the application in all other respects should be denied.

It is further ordered, That said application and said petition, except to the extent granted herein, be, and they are hereby, denied.

It is further ordered, That the grant of authority in this order shall not be severable, by sale or otherwise, from applicant's existing authority or from the authority held by applicant's commonly controlled affiliate, Ryder Truck Lines, Inc., in No. MC-2900 and sub-numbers thereunder.

It is further ordered, That upon compliance by applicant with the requirements of sections 215, 217, and 221(c) of the Interstate Commerce Act, and with the Commission's rules and regulations thereunder, within the time specified in the next succeeding paragraph, and subject to prior publication in the FEDERAL REGISTER of notice of the authority actually granted, an appropriate certificate will be issued.

It is further ordered, That unless compliance is made by applicant with the requirements of sections 215, 217, and 221(c) of the Act within 90 days after the date of service of this order, or within such additional time as may be authorized by the Commission, the grant of authority shall be considered as null and void, and the application shall stand denied in its entirety effective upon the expiration of the said compliance time.

It is further ordered, That notice of the authority granted herein be published in the FEDERAL REGISTER.

By the Commission, Division 1, Acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD, *Secretary.*

APPENDIX A

Authority Sought. Operation as a common carrier by motor vehicle, over regular routes, of general commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Louisville, Ky., and St. Paul, Minn.: from Louisville over Interstate Highway 65 (also U.S. Highway 31) to Indianapolis, Ind., thence over Interstate Highway 65 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, Ill., thence over Interstate Highway 90 (also U.S. Highway 12) to Madison, Wis., thence over Interstate Highway 94 (also U.S. Highway 12) to St. Paul, and return over the same route. Applicant requests joinder of routes at junction Interstate Highway 65 and Interstate Highway 70; at junction Interstate Highway 65 and Interstate Highway 90; and at junction Interstate Highway 90 and U.S. Highway 18. (2) Between Danville, Ill., and St. Paul, Minn.: from Danville over Illinois Highway 1 to Chicago, Ill., (also from Danville over Illinois Highway 1 to junction Illinois Highway 17, thence over Illinois Highway 17 to Kankakee, Ill., thence over Interstate Highway 57 to Chicago), thence from Chicago to St. Paul as specified in Route (1) above, and return over the same routes. Applicant requests joinder of routes at Danville, Ill., at junction Illinois Highway 1 and U.S. Highway 20; and at junction Interstate Highway 57 and Interstate Highway 90. (3) Between Danville, Ill., and St. Paul, Minn.: from Danville over Interstate Highway 74 (also U.S. Highway 150) to Bloomington, Ill., thence over U.S. Highway 51 to Interstate 90 at or near South Beloit, Ill., thence over Interstate Highway 90 (also U.S. Highway 51) to Madison, Wis., thence from Chicago to St. Paul as specified in Route (1) above, and return over the same route. Applicant requests joinder of routes at junction Interstate Highway 74 and Interstate Highway 55; the junction of U.S. Highway 51 and U.S. Highway 30; the junction of U.S. Highway 51 and Illinois Highway 38 (formerly U.S. Highway 30 Alternate); the junction of U.S. Highway 51 and Interstate Highway 90; and at the junction of U.S. Highway 51 and U.S. Highway 12. (4) Between Chicago, Ill., and St. Paul, Minn.: from Chicago over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to St. Paul, and return over the same route. The operations in (1), (2), (3), and (4) above are as alternate routes for operating convenience only, serving no intermediate points. RESTRICTION: Operations over Route (4) above is restricted against the transportation of traffic originating at points in the Chicago, Ill., Commercial Zone and destined to points in the Minneapolis-St. Paul, Minn., Commercial Zone; also against transportation of shipments originating at points in the Minneapolis-St. Paul, Minn., Commercial Zone and destined to points in the Chicago, Ill., Commercial Zone.

APPENDIX B

Authority Granted by Order Entered September 13, 1973. Operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Louisville, Ky., and St. Paul, Minn., from Louisville over Interstate Highway 65 (also U.S. Highway 31) to Indianapolis, Ind., thence over Interstate Highway 65 to junction Interstate Highway 90 at or near Gary, Ind., thence over Interstate Highway 90 (also from Indianapolis over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41) to Chicago, Ill., thence over Interstate Highway 90 (also U.S. Highway 12) to Madison, Wis., thence over Interstate Highway 94 (also U.S. Highway 12) to St. Paul, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (2) between Danville, Ill., and St. Paul, Minn., (a) from Danville over Illinois Highway 1 to Chicago, (also from Danville over Illinois Highway 1 to junction Illinois Highway 17, thence over Illinois Highway 17 to Kankakee, Ill., thence over Interstate Highway 57 to Chicago), thence from Chicago to St. Paul as specified in Route (1) above, and return over the same routes, and (b) from Danville over Interstate Highway 74 (also U.S. Highway 150) to Bloomington, Ill., thence over U.S. Highway 51 to junction Interstate Highway 90 at or near South Beloit, Ill., thence over Interstate Highway 90 (also U.S. Highway 51) to Madison, Wis., thence from Madison to St. Paul as specified in Route (1) above, and return over the same route, serving no intermediate points, and restricted in both 2(a) and 2(b) to the transportation of traffic either received from or delivered to connecting carriers at Danville, Ill., and (3) between Chicago, Ill., and St. Paul, Minn.: from Chicago over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to St. Paul, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, restricted in (3) above against the transportation of traffic originating at points in the Chicago, Ill., commercial zone and destined to points in the St. Paul, Minn., commercial zone and against transportation of traffic originating at points in the St. Paul, Minn., commercial zone and destined to points in the Chicago, Ill., commercial zone.

APPENDIX C

Authority granted herein. Operation by applicant. In interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, of general commodities (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Louisville, Ky., and St. Paul, Minn., from Louisville over Interstate Highway 65 (also U.S. Highway 31) to Indianapolis, Ind., thence over Interstate Highway 65 to junction Interstate Highway 90 at or near Gary, Ind., thence over Interstate Highway 90 (also from Indianapolis over U.S. Highway 52 to junction U.S. Highway 41, thence over U.S. Highway 41) to Chicago, Ill., thence over Interstate Highway 90 (also U.S. Highway 12) to Madison, Wis., thence over Interstate Highway 94 (also U.S. Highway 12) to St. Paul, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, (2) between Indianapolis, Ind., and St. Paul,

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Minn., (a) from Indianapolis over Interstate Highway 74 to Danville, Ill., thence over Illinois Highway 1 to Chicago, Ill. (also from Danville over Illinois Highway 1 to junction Illinois Highway 17, thence over Illinois Highway 17 to Kankakee, Ill., thence over Interstate Highway 57 to Chicago), thence from Chicago to St. Paul as specified in Route (1) above, and return over the same routes, as an alternate route for operating convenience only, serving no intermediate points, and (b) from Indianapolis over Interstate Highway 74 (also U.S. Highway 150) to Bloomington, Ill., thence over U.S. Highway 51 to junction Interstate Highway 90 at or near South Beloit, Ill., thence over Interstate Highway 90 (also U.S. Highway 51) to Madison, Wis., thence from Madison to St. Paul as specified in Route (1) above, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and (3) between Chicago, Ill., and St. Paul, Minn., from Chicago over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to St. Paul, and return over the same route, as an alternate route for operating conveniences only, serving no intermediate points, restricted in (3) above against the transportation of traffic originating at points in the Chicago, Ill., commercial zone and destined to points in the St. Paul, Minn., commercial zone and against transportation of traffic originating at points in the St. Paul, Minn., commercial zone and destined to points in the Chicago, Ill., commercial zone: The routes described in (1), (2)(a), (2)(b), and (3) above are restricted against joinder at any intermediate points.

[FR Doc.74-7328 Filed 3-28-74;8:45 am]

[Amdt. 6; I.C.C. Order No. 75; Rev. Service Order No. 994]

WESTERN MARYLAND RAILWAY CO.

Rerouting Traffic

To all Railroads. Upon further consideration of I.C.C. Order No. 75 (Western Maryland Railway Company) and good cause appearing therefor:

It is ordered, That I.C.C. Order No. 75 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., March 31, 1974, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 25, 1974.

INTERSTATE COMMERCE COMMISSION,

[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74-7325 Filed 3-28-74;8:45 am]

[No. AB-34 (Sub-No. 1)]

ST. JOSEPH & GRAND ISLAND RAILWAY CO. AND UNION PACIFIC RAILROAD CO.

Abandonment of Certain Railroad Lines

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefore:

It is ordered, That applicant be, and is hereby directed to publish the appended notice in a newspaper of general circulation in Hall County, Nebr., within 15 days of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C. 20423, and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 21st day of March 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[AB-34 (Sub-No. 1)]

ST. JOSEPH & GRAND ISLAND RAILWAY COMPANY AND UNION PACIFIC RAILROAD COMPANY ABANDONMENT OF A PORTION OF THE ST. JOSEPH & GRAND ISLAND MAIN LINE AT GRAND ISLAND, HALL COUNTY, NEBR.

The Interstate Commerce Commission hereby gives notice that by order dated March 21, 1974, it has been determined that the proposed abandonment of a portion of the main line of St. Joseph & Grand Island Railway Company and Union Pacific Railroad Company (lessee) in Grand Island, Nebr., a distance of approximately 1.13 miles, if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq.; and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of NEPA.

It was concluded, among other things, that traffic over the line has decreased substantially. This line is part of a three track main line system running through the city of Grand Island, Nebr., and the traffic presently being handled over the subject line will be diverted to the parallel tracks of the Union Pacific Railroad. Motor carrier service in the area is adequate. In addition, the abandonment will be consistent with local land use plans in Grand Island. There will, therefore, be a minimum impact on the area's total transportation scheme.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 15, 1974.

[FR Doc. 74-7327 Filed 3-28-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-400—50-403]

CAROLINA POWER AND LIGHT CO.

Notice of Availability of Revised Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Revised Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed Shearon Harris Nuclear Power Plant Units 1, 2, 3, & 4, to be constructed by Carolina Power and Light Company in Wake and Chatham Counties, North Carolina is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Wake County Public Library, 104 Fayetteville Street, Raleigh, North Carolina. The Revised Final Environmental Statement is also being made available at the Office of the Planning Coordinator, Clearinghouse and Information Center, 116 West Jones Street, Raleigh, North Carolina 27603.

The notice of availability of the Revised Draft Environmental Statement for the Shearon Harris Nuclear Power Plant Units 1, 2, 3, & 4, and requests for comments from interested persons was published in the FEDERAL REGISTER on January 18, 1974 (39 FR 2287). The comments received from Federal, State, local and interested members of the public have been included as appendices to the Revised Final Environmental Statement.

Single copies of the Revised Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 25th day of March 1974.

For the Atomic Energy Commission.

GORDON K. DICKER, *Chief, Environmental Projects Branch 2, Directorate of Licensing.*

[FR Doc.74-7249 Filed 3-28-74;8:45 am]

[Docket Nos. 50-475, 50-476]

CONSUMERS POWER CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

Consumers Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed February 28, 1974, for authorization to construct and operate two generating units utilizing pressurized water nuclear reactors. The application was tendered on October 29, 1973. Following a preliminary review for completeness, the application was rejected on November 8, 1973, for lack of sufficient information. The applicant submitted additional information on February 11, 1974, and the application was found to be acceptable for docketing. Docket Nos. 50-475 and 50-476 have been assigned to the application and should be referenced in any correspondence relating to the application.

The proposed nuclear facility, designated by the applicant as the Quanicassee Plant, is located in Hampton Township, Bay County, Michigan, and each unit is designed for initial operation at aproximately 3425 megawatts (thermal), with a net electrical output of approximately 1150 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before May 29, 1974. The request should be filed in connection with Docket Nos. 50-475-A and 50-476-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Bay City Public Library, 708 Center Avenue, Bay City, Michigan 48706.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969, and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated February 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility is being made available for public inspection at the aforementioned locations and at the State Planning Division, Bureau of Programs and Budget, Executive Office of the Governor, Lewis Cass Building, Lansing, Michigan 48913, and the Bay Regional Planning Commission, County Building, Bay City, Michigan 48706.

After the Environmental Report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 14th day of March 1974.

For the Atomic Energy Commission.

KARL KNIEL, *Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.*

[FR Doc.74-7250 Filed 3-28-74;8:45 am]

[Docket Nos. 50-475, 50-476]

CONSUMERS POWER CO.

Notice of Hearing on Application for Construction Permits

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, rules of practice, notice is hereby given that a hearing will be held by an Atomic Safety and Licensing Board (Board), to consider the application filed under the Act by the Consumers Power Company (the applicant), for construction permits for two pressurized water nuclear reactors designated as the Quanicassee Plant, Units 1 and 2 (the facilities), each of which will be designed for operation at approximately 3425 thermal megawatts with a net electrical output of approximately 1150 megawatts. The proposed facilities are to be located in Hampton Township, Bay County, Michigan.

The hearing, which will be scheduled to begin in the vicinity of the site of the proposed facilities, will be conducted by an Atomic Safety and Licensing Board (Board) which has been designated by the Chairman of the Atomic Safety and Licensing Board Panel, consisting of Edward Luton, Esq., Chairman, Gustave A. Linenberger, and Dr. Ernest O. Salo.

Pursuant to 10 CFR 2.785, an Atomic Safety and Licensing Appeal Board will exercise the authority and the review function which would otherwise be exercised and performed by the Commission. Notice as to the membership of the Appeal Board will be published in the FEDERAL REGISTER at a later date.

Upon completion by the Commission's regulatory staff of a favorable safety evaluation of the application and an environmental review and upon receipt of a report by the Advisory Committee on Reactor Safeguards, the Director of Regulation will consider making affirmative findings on Items 1-3, a negative finding on Item 4, and an affirmative finding on Item 5 specified below as a basis for the issuance of construction permits to the applicant:

ISSUES PURSUANT TO THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

1. Whether in accordance with the provisions of 10 CFR 50.35(a):

(a) The applicant has described the proposed design of the facilities including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(b) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(c) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted a research and development program reasonably designed to resolve any safety questions associated with such features or components; and

(d) On the basis of the foregoing, there is reasonable assurance that (i) such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facilities, and (ii) taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facilities can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

2. Whether the applicant is technically qualified to design and construct the proposed facilities;

3. Whether the applicant is financially qualified to design and construct the proposed facilities; and

4. Whether the issuance of permits for construction of the facilities will be inimical to the common defense and security or to the health and safety of the public.

ISSUE PURSUANT TO NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA)

5. Whether, in accordance with the requirements of Appendix D of 10 CFR Part 50, the construction permits should be issued as proposed.

In the event that this proceeding is not a contested proceeding, as defined by 10 CFR 2.4(n), the Board will determine: (1) Without conducting a de novo evaluation of the application, whether the application and the record of the proceeding contain sufficient information, the review of the application by the Commission's regulatory staff has been

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adequate to support the proposed findings to be made by the Director of Regulation on Items 1–4 above, and to support, insofar as the Commission's licensing requirements under the Act are concerned the issuance of the construction permits proposed by the Director of Regulation; and (2) whether the review conducted by the Commission pursuant to NEPA has been adequate.

In the event that this proceeding becomes a contested proceeding, the Board will consider and initially decide, as issues in this proceeding, Items 1–5 above as a basis for determining whether the construction permits should be issued to the applicant.

With respect to the Commission's responsibilities under NEPA, and regardless of whether the proceeding is contested or uncontested, the Board will, in accordance with section A.11 of Appendix D of 10 CFR Part 50: (1) Determine whether the requirements of section 102(2) (C) and (D) of NEPA and Appendix D of 10 CFR Part 50 have been complied with in this proceeding; (2) independently consider the final balance among conflicting factors contained in the record of the proceeding with a view to determining the appropriate action to be taken; and (3) determine whether the construction permits should be issued, denied, or appropriately conditioned to protect environmental values.

The Board will convene a special prehearing conference of the parties to the proceeding and persons who have filed petitions for leave to intervene, or their counsel, to be held within sixty (60) days after the notice of hearing is published or at such other time as the Board deems appropriate, for the purpose of dealing with the matters specified in 10 CFR 2.751a.

The Board will convene a prehearing conference of the parties, or their counsel, to be held subsequent to any required special prehearing conference, and within sixty (60) days after discovery has been completed or at such other time as the Board may specify, for the purpose of dealing with the matters specified in 10 CFR 2.752.

The Board will set the time and place for any special prehearing conference, prehearing conference and evidentiary hearing and the respective notices will be published in the FEDERAL REGISTER.

Any person who does not wish, or is not qualified, to become a party to this proceeding may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715. A person making a limited appearance may make an oral or written statement on the record. He does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of Items 1–5 above. Limited appearances will be permitted at the time of the hearing at the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission and others in the manner specified below.

Any person whose interest may be affected by the proceeding, who wishes to participate as a party in the proceeding must file a written petition under oath or affirmation for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have all the rights of the applicant to participate fully in the conduct of the hearing, such as the examination and cross-examination of witnesses, with respect to their contentions related to the matters at issue in the proceeding.

A petition for leave to intervene must be filed with the Secretary of the Commission and others as specified below by April 29, 1974. A petition for leave to intervene which is not timely will not be granted unless the Board determines that the petitioner has made a substantial showing of good cause for failure to file on time and after the Board has considered those factors specified in 10 CFR 2.714(a)(1)–(4) and 2.714(d).

An answer to this notice, pursuant to the provisions of 10 CFR 2.705, must be filed by the applicant by April 29, 1974.

Papers required to be filed in this proceeding shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of the petition or request for limited appearance should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Judd L. Bacon, Esq., Senior Attorney, Consumers Power Company, 212 W. Michigan Avenue, Jackson, Michigan 49201, attorney for the applicant.

For further details, see the application for construction permits dated February 28, 1974, and amendments thereto, and the applicant's environmental report dated February 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., between the hours of 8:30 a.m. and 5:00 p.m. on weekdays. Copies of those documents are also available at the Bay City Public Library, 708 Center Avenue, Bay City, Michigan 48706 for inspection by members of the public between the hours of 9:30 a.m. and 9:00 p.m., Monday, Tuesday, Wednesday and Friday, and between 9:30 a.m. and 6:00 p.m., Thursday and Saturday. As they become available, a copy of the safety evaluation report by the Commission's Directorate of Licensing, the Commission's draft and final environmental statements, the report of the Advisory Committee on Reactor Safeguards (ACRS), the proposed construction permits, the transcripts of the prehearing conferences and of the hearing, and other relevant documents, will also be available at the above locations. Copies of the Directorate of Licensing's safety evaluation report and the Commission's final environmental statement, the proposed construction permits, and the ACRS report may be obtained, when available, by request to the Deputy Director for Reactor Projects, Directorate of Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 21 day of March 1974.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-7300 Filed 3-28-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS ENVIRONMENTAL SUBCOMMITTEE

Notice of Meeting

MARCH 27, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Environmental Subcommittee will hold a meeting on April 18 and 19, 1974 in Room 1046, 1717 H Street NW., Washington, D.C. The purpose of the meeting will be to consider a variety of subjects and programs pertaining to protection of the environment.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

THURSDAY, APRIL 18, 1974, 9:00 A.M.–1:00 P.M.

Review of report by Marc Ross, Physics Departments, University of Michigan, entitled: "The Possibility of Release of Cesium in a Spent-Fuel Transportation Accident."

In connection with the above agenda item, the Subcommittee and its consultants will hold an executive session at 8:30 a.m. on April 18 which will involve a discussion of their preliminary views of the agenda item, and an executive session beginning at 2:00 p.m. on April 18 and continuing all day on April 19 to discuss and to formulate appropriate recommendations to the full ACRS regarding: Regulatory Guide 4.2, "Preparation of Environmental Reports for Nuclear Power Plants," March 1973, and Draft Regulatory Guides: "Calculation of Annual Average Doses to Man from Routine Releases of Reactor Effluents for the Purpose of Implementing Appendix I"; "Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Pressurized Water Reactors (PWRs)"; "Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Boiling Water Reactors (BWRs)"; "Methods for Estimating Atmospheric Dispersion of Gaseous Effluents from Routine Releases"; "Analytical Models for Estimating Radioisotope Concentration in Different Water Bodies"—all of which appear in Attachment to Concluding Statement of Position of the Regulatory Staff, Public Rulemaking Hearing On: Numerical Guides for Design Objectives and Limiting Conditions for Operation to Meet the Criterion "As Low as Practicable" for Radioactive Material in Light-Water-Cooled Nuclear Power Reactors, Draft Regulatory Guides for Implementation, February 20, 1974, Docket No. RM–50–2, U.S. Atomic Energy Commission, Washington, D.C. 20545.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of (5 U.S.C. 552(b)). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than April 11, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 10:00 a.m. and 12:30 p.m. on April 18, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on April 16, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301–973–5651) between 8:30 a.m. and 5:15 p.m., e.d.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545 on or after June 19, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-7481 Filed 3-28-74;10:55 am]

LIQUID METAL FAST BREEDER REACTOR (LMFBR) PROGRAM AND DRAFT ENVIRONMENTAL IMPACT STATEMENT

Notice of Public Hearing

On Wednesday, March 13, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 9692) notice of the availability of a draft environmental impact statement, "Liquid Metal Fast Breeder Reactor Program," issued pursuant to 10 CFR Part 11—AEC regulations implementing the National Environmental Policy Act of 1969, and comments thereon were invited. Notice was also given in that document that copies of such statement are available for public inspection at the following locations:

1717 H Street, NW., Washington, D.C. 20545
P.O. Box 5400, Albuquerque, New Mexico 87115
9500 South Cass Avenue, Argonne, Illinois 60439
550 Second Street, Idaho Falls, Idaho 83401
Federal Building, Oak Ridge, Tennessee 37830
1333 Broadway, Oakland, California 94612
Savannah River Plant, Aiken, South Carolina 29801
Federal Building, Richland, Washington 99352

Single copies of the draft statement will be furnished free of charge upon request addressed to the Office of the Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545.

As comments are received, copies will be available for inspection at the AEC Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

The March 13 FEDERAL REGISTER notice also stated that the AEC plans to conduct a legislative-type public hearing in connection with the Liquid Metal Fast Breeder Reactor (LMFBR) Program starting at 10 a.m. on April 24, 1974, in the AEC Auditorium, Germantown, Maryland. The hearing will be conducted by a Presiding Board which will be designated in a further notice in the FEDERAL REGISTER. Further notice of the procedures and other pertinent aspects of the public hearing is hereby supplied.

The purpose of the hearing is to afford further opportunity for public comments regarding the LMFBR program in general and the draft environmental impact statement in particular and for the furnishing of any additional information which will assist the Commission in determining whether to continue the LMFBR program. The Commission has decided as a matter of discretion to hold this hearing as there is no requirement for a hearing on the LMFBR program or draft environmental impact statement under the National Environmental Policy Act of 1969 or any other law.

Any person who wishes to become a participant in the proceeding must file with the Secretary of the Commission not later than the close of business on April 19, 1974, an original and five conformed copies of a request to become a participant. The request must set forth: (1) His name and address; (2) his organizational affiliation, if any; (3) his technical or other qualifications to make

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a contribution to the hearing; (4) the text of any statements to be presented at the hearing, or a reasonably detailed summary thereof; (5) the names and addresses of all witnesses to be called at the hearing by the participant, the technical or other qualifications, if any, of such witnesses, and a statement of the substance of the proposed testimony, or a reasonably detailed summary thereof and (6) the amount of time desired to complete the presentation. The Presiding Board will endeavor to schedule participants for the full amount of time requested. However, it may not be able to accommodate requests in excess of one-half hour. Participants may, but need not be represented by counsel. The Presiding Board may, in its discretion, at the commencement of each session of the hearing, admit persons as participants on good cause shown as to why they did not seek advance qualification as participants.

Any person who wishes to present an oral or written statement at the hearing, but does not desire to become a participant as specified hereinabove, is encouraged to make a limited appearance. Such an appearance will be permitted in the discretion of the Presiding Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission not later than the close of business on April 19, 1974.

Participants and persons making limited appearances may submit written questions relevant to the purpose of the hearing to the Presiding Board, which will, in its discretion, make provision for the answering of such questions as appropriate.

Procedures that will be followed in the scheduled hearing are as follows:

1. Two members of the Presiding Board will constitute a quorum, if one of those members is the Chairman.

2. All persons admitted as participants will present their testimony under oath. Consistent with the full and true disclosure of the facts, dupilcative, redundant or nonproductive testimony will not be permitted and the Presiding Board will impose suitable restrictions to that end.

3. The AEC will make available appropriate witnesses to explain the background and purpose of the LMFBR program and the contents of the draft environmental impact statement. Participants may request specified witnesses, and if such a request is made, the Presiding Board, upon determining that the request is relevant, nonduplicating and meritorius, will encourage such witness to testify. No subpoenas requiring the testimony of witnesses will be issued by the Presiding Board.

4. Participants will reference and produce on request the documents on which they rely. Requests for interrogatories, depositions or formal discovery will not be entertained.

5. The Presiding Board is authorized to take appropriate action to control the course of the hearing, including the authority to maintain order; administer oaths and affirmations; rule on offers of, and receive, evidence; regulate the course of the hearing and the conduct of the participants; provide for consolidation of presentations as appropriate; dispose of procedural requests or similar matters; examine witnesses; and hold conferences before or during the hearing.

The hearing will be conducted as expeditiously as practicable, consistent with affording participants and those making limited appearances a reasonable opportunity to present their positions, as determined by the Presiding Board. A transcript of the hearing will be made, and a copy of the transcript, together with copies of all documents presented at the hearing, will be placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the other locations specified in the first paragraph of this notice, where they will be available for inspection by members of the public.

After the conclusion of the hearing, the Presiding Board, without rendering any decision or making any recommendation, will forward the transcript of the hearing to the Commission together with its identification of issues raised at the hearing.

Dated at Germantown, Maryland, this 26th day of March 1974.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-7406 Filed 3-29-74;8:45 am]

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federal register

FRIDAY, MARCH 29, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 62

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

DRUGS FOR HUMAN USE

Reorganization and Republication

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Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

[Recodification Docket No. 5]

Reorganization and Republication

The Commissioner of Food and Drugs, for the purposes of establishing an orderly development of informative regulations for the Food and Drug Administration, furnishing ample room for expansion of such regulations in years ahead, and providing the public and affected industries with regulations that are easy to find, read, and understand, has initiated a recodification program for Chapter I of Title 21 of the Code of Federal Regulations.

This is the fifth document in a series of recodification documents that will eventually include all regulations administered by the Food and Drug Administration.

The volume of regulatory material for human drugs under Subchapter C—Drugs requires that these regulations be recodified in two documents. This, the fifth document, recodifies drug regulations in current Parts 130, 131, 164, 165, and 167. Another, a sixth document, pertaining to procedural regulations and individual drug monographs for antibiotic drugs for human use, will be published in the FEDERAL REGISTER prior to the revision of the annual volume of the Code of Federal Regulations relating to Parts 141 through 599, which is scheduled for May 1, 1974.

Regulations for human drugs formerly under Parts 130, 131, 164, 165, and 167 of Subchapter C—Drugs have been reorganized into a new Subchapter D—Drugs for Human Use in an effort to provide greater clarity and convenience to the user. The following table shows the relationship of the CFR section numbers under Subchapter C prior to this republication to their redesignation reflected in the new Parts 310, 312, 314, 328, 329, 330, 369, and 429 of Subchapter D:

Old section	*New section*
130.1	310.3
130.2	310.4
130.3	312.1
130.3a	312.9
130.3b	312.10
130.4	314.1
130.5	314.110
130.6	314.100
130.7	314.6
130.8	314.7
130.9	314.8
130.10	314.105
130.11	314.9
130.12	314.111
130.13	310.300
130.13a	310.301
130.13b	314.13
130.14	314.200
130.15	314.201
130.16	314.202
130.17	314.203
130.18	314.204
130.19	314.220
130.20	314.221
130.21	314.222
130.22	314.205
130.23	314.206
130.24	314.230
130.25	314.231
130.26	314.232
130.27	314.115
130.28	314.120
130.29	314.121
130.30	314.12
130.31	314.235
130.32	314.11
130.33	314.10
130.34	314.116
130.35	310.302
130.36	310.101
130.37	310.102
130.38	310.9
130.39	310.100
130.40	310.6
130.41	310.103
130.44	310.505
130.45	310.501
130.46	310.504
130.47	310.303
130.48	310.304
130.49	310.503
130.50	310.502
130.51	310.500
130.101	310.200
130.102	310.201
130.201	314.300
130.301(a) (1) through (12)	330.10
130.301(a) (13)	330.11
130.301(b)	330.5
130.302	330.1
130.303	330.12
131.1	369.1
131.2	369.2
131.3	369.3
131.4	369.4
131.5	369.5
131.6	369.6
131.7	369.7
131.8	369.8
131.9	369.9
131.10	369.10
131.15	369.20
131.16	369.21
131.17	369.22
131.25	369.30
164.1	429.3
164.2	429.40
164.3	429.41
164.4	429.45
164.5	429.10
164.6	429.11
164.7	429.12
164.8	429.60
164.9	429.47
164.10	429.55
164.11	429.25
164.12	429.26
164.15	429.30
164.16	429.50
165.1	329.1
165.2	329.10
165.5	329.20
167.1	328.3
167.2	328.10
167.3	328.30
167.4	328.4
167.5	328.34
167.6	328.35
167.7	328.20

The changes being made are nonsubstantive in nature and for this reason notice and public procedure are not prerequisites to this promulgation. For the convenience of the user, the entire text of Parts 310, 312, 314, 328, 329, 330, 369, and 429 of Subchapter D are set forth below.

Dated: March 27, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

Therefore, 21 CFR is amended by redesignating Parts 130, 131, 164, 165, and 167 of Subchapter C as Parts 310, 312, 314, 328, 329, 330, 369, and 429 of Subchapter D—Drugs for Human Use, and republished to read as follows:

Suchapter D—Drugs for Human Use

Part
310 New Drugs.
312 New Drugs for Investigational Use.
314 New Drug Applications.
328 In Vitro Diagnostic Products.
329 Habit Forming Drugs.
330 Over-the-Counter (OTC) Human Drugs Generally Recognized as Safe and Effective and Not Misbranded.
369 Interpretative Statements Re Warnings on Drugs and Devices for Over-the-Counter Sale.
429 Drugs Composed Wholly or Partly of Insulin.

PART 310—NEW DRUGS

Subpart A—General Provisions

Sec.
310.3 Definitions and interpretations.
310.4 Biologics; products subject to license control.
310.6 Applicability of Drug Efficacy Study Implementation Notices and Notices of Opportunity for Hearing to identical, related, and similar drug products.
310.9 Designated journals.

Subpart B—Specific Administrative Rulings and Decisions

310.100 New-drug status opinions; statement of policy.
310.101 FD&C Red No. 4; procedure for discontinuing use in new drugs for ingestion; statement of policy.
310.102 Consent for use of investigational new drugs (IND) on humans; statement of policy.
310.103 New-drug substances intended for hypersensitivity testing.

Subpart C—New Drugs Exempted From Prescription-Dispensing Requirements

310.200 Prescription-exemption procedure.
310.201 Exemption for certain drugs limited by new-drug applications to prescription sale.

Subpart D—Records and Reports

310.300 Records and reports concerning experience on drugs for which an approval is in effect.
310.301 Reporting of adverse drug experiences.
310.302 Records and reports on new drugs and antibiotics for use by man for which applications or certification forms 5 and 6 became effective or were approved prior to June 20, 1963.
310.303 Continuaton of long-term studies, records, and reports on certain drugs for which new-drug applicatiofis have been approved.
310.304 Drugs that are subjects of approved new-drug applications and that require special studies, records, and reports.

Subpart E—Requirements for Specific New Drugs or Devices

310.500 Digoxin products for oral use; conditions for marketing.
310.501 Oral contraceptive preparations; labeling directed to the patient.
310.502 Certain intrauterine devices for human use for the purpose of contraception.
310.503 Requirements regarding certain radioactive drugs.
310.504 Amphetamines (amphetamine, dextroamphetamine, and their salts and levamfetamine and its salts) for human use.
310.505 Conditions for use of methadone.

AUTHORITY: Secs. 502, 503, 505, 701, 52 Stat. 1051, 1052, 1053, 1055, as amended (21 U.S.C. 352, 353, 355, 371) (5 U.S.C. 554), unless otherwise noted.

Subpart A—General Provisions

§ 310.3 Definitions and interpretations.

As used in this part:

(a) The term "act" means the Federal Food, Drug, and Cosmetic Act, as amended (secs. 201–902, 52 Stat. 1040 et seq., as amended; 21 U.S.C. 321–392).

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Commissioner" means the Commissioner of Food and Drugs.

(e) The term "person" includes individuals, partnerships, corporations, and associations.

(f) The definitions and interpretations of terms contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

(g) "New-drug substance" means any substance that when used in the manufacture, processing, or packing of a drug, causes that drug to be a new drug, but does not include intermediates used in the synthesis of such substance.

(h) The newness of a drug may arise by reason (among other reasons) of:

(1) The newness for drug use of any substance which composes such drug, in whole or in part, whether it be an active substance or a menstruum, excipient, carrier, coating, or other component.

(2) The newness for a drug use of a combination of two or more substances, none of which is a new drug.

(3) The newness for drug use of the proportion of a substance in a combination, even though such combination containing such substance in other proportion is not a new drug.

(4) The newness of use of such drug in diagnosing, curing, mitigating, treating, or preventing a disease, or to affect a structure or function of the body, even though such drug is not a new drug when used in another disease or to affect another structure or function of the body.

(5) The newness of a dosage, or method or duration of administration or application, or other condition of use prescribed, recommended, or suggested in the labeling of such drug, even though such drug when used in other dosage, or other method or duration of administration or application, or different condition, is not a new drug.

(i) "Animals used only for laboratory research" and "laboratory research animals" mean individual animals or groups of animals used solely for laboratory research purposes regardless of species and does not include animals intended to be used for any food purposes or animals intended to be kept as domestic pets or livestock.

(j) The term "sponsor" means the person or agency who assumes responsibility for an investigation of a new drug, including responsibility for compliance with applicable provisions of the act and regulations. The "sponsor" may be an individual, partnership, corporation, or Government agency and may be a manufacturer, scientific institution, or an investigator regularly and lawfully engaged in the investigation of new drugs.

(k) The phrase "related drug(s)" includes other brands, potencies, dosage forms, salts, and esters of the same drug moiety, including articles prepared or manufactured by other manufacturers; and any other drug containing a component so related by chemical structure or known pharmacological properties that, in the opinion of experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, it is prudent to assume or ascertain the liability of similar side effects and contraindications.

(l) [Reserved]

(m) "Designated journal(s)" means journals listed in § 310.9.

§ 310.4 Biologics; products subject to license control.

A new drug shall not be deemed to be subject to section 505 of the act if it is a drug licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended; 42 U.S.C. 201 et seq.) or under the animal virus, serum, and toxin law of March 4, 1913 (37 Stat. 832; 21 U.S.C. 151 et seq.).

§ 310.6 Applicability of Drug Efficacy Study Implementation notices and notices of opportunity for hearing to identical, related, and similar drug products.

(a) The Food and Drug Administration's conclusions on the effectiveness of drugs are currently being published in the FEDERAL REGISTER as Drug Efficacy Study Implementation (DESI) Notices and as Notices of Opportunity for Hearing. The specific products listed in these notices include only those that were introduced into the market through the new-drug procedures from 1938–62 and were submitted for review by the National Academy of Sciences-National Research Council (NAS–NRC), Drug Efficacy Study Group. Many products which are identical to, related to, or similar to the products listed in these notices have been marketed under different names or by different firms during this same period or since 1962 without going through the new-drug procedures or the Academy review. Even though these products are not listed in the notices, they are covered by the new drug applications reviewed and thus are subject to these notices. All persons with an interest in a product that is identical, related, or similar to a drug listed in a drug efficacy notice or a notice of opportunity for a hearing will be given the same opportunity as the applicant to submit data and information, to request a hearing, and to participate in any hearing. It is not feasible for the Food and Drug Administration to list all products which are covered by an NDA and thus subject to each notice. However, it is essential that the efficacy conclusions be applied to all identical, related, and similar drug products to which those conclusions are reasonably applicable. Any product not in compliance with an applicable drug efficacy notice is in violation of section 505 (new drugs) and/or section 502 (misbranding) of the act.

(b) An identical, related, or similar drug includes other brands, potencies, dosage forms, salts, and esters of the same drug moiety as well as of any drug moiety related in chemical structure or known pharmacological properties. Where experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs would conclude that the findings in a drug efficacy notice or notice of opportunity for hearing concerning effectiveness are applicable to an identical, related, or similar drug product, such product is affected by the notice. A combination drug product containing an identical, related, or similar drug is also subject to the conclusions contained in the notice. Any person may request an opinion on the applicability of such a notice to a specific product by writing to the Food and Drug Administration at the address shown in paragraph (e) of this section.

(c) Manufacturers and distributors of drugs should review their products as drug efficacy notices are published and assure that identical, related, or similar products comply with all the provisions of the notices.

(d) The published notices and summary lists of the conclusions are of particular interest to drug purchasing agents. These agents should take particular care to assure that the same purchasing policy applies to drug products that are identical, related, or similar to those named in the drug efficacy notices. The Food and Drug Administration applies the same regulatory policy to all such products. In many instances a determination can readily be made as to the applicability of a drug efficacy notice by an individual who is knowledgeable about drugs and their indications for use. Where the relationships are more subtle and not readily recognized, the purchasing agent may request an opinion by writing to the Food and Drug Administration at the address shown in paragraph (e) of this section.

(e) Interested parties may submit to the Food and Drug Administration, Bureau of Drugs, Office of Compliance, HFD–300, 5600 Fishers Lane, Rockville, MD 20852, the names of drug products, and of their manufacturers or distributors, that should be the subject of the same purchasing and regulatory policies as those reviewed by the Drug Efficacy Study Group. Appropriate action, including referral to purchasing officials of various government agencies, will be taken.

(f) This regulation does not apply to OTC drugs identical, similar, or related to a drug in the Drug Efficacy Study unless there has been or is notification in

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the FEDERAL REGISTER that a drug will not be subject to an OTC panel review pursuant to §§ 330.10, 330.11, and 330.5 of this chapter.

§ 310.9 Designated journals.

The following journals are available to the Food and Drug Administration and thus permit waiving of the submission of reprints and summaries covering reports contained in these journals to the extent that such requirements are waived in the regulations in this part:

Acta Allergologica (Copenhagen).
Acta Endocrinologica (Copenhagen).
Acta Haematologica (Basel).
Acta Medica Scandinavica (Stockholm).
Acta Obstetricia et Gynecologica Scandinavica (Lund).
Acta Paediatrica Scandinavica (Stockholm).
Acta Pathologica et Microbiologica Scandinavica (Copenhagen).
Acta Pharmacologica et Toxicologica (Copenhagen).
Acta Physiologica et Pharmacologica Neerlandica (Amsterdam).
Acta Psychiatrica Scandinavica (Copenhagen).
Acta Psychiatrica Scandinavica Supplementum (Copenhagen).
Aerospace Medicine (St. Paul).
Alabama Journal of Medical Sciences (Birmingham).
Alaska Medicine (Anchorage).
American Heart Journal (St. Louis).
American Journal of Cardiology (New York).
American Journal of Clinical Nutrition (Bethesda).
American Journal of Clinical Pathology (Baltimore).
American Journal of Digestive Diseases (New York).
American Journal of Diseases of Children (Chicago).
American Journal of Gastroenterology (New York).
American Journal of Hospital Pharmacy (Ann Arbor).
American Journal of Medicine (New York).
American Journal of the Medical Sciences (Philadelphia).
American Journal of Obstetrics and Gynecology (St. Louis).
American Journal of Ophthalmology (Chicago).
American Journal of Pathology (New York).
American Journal of Pharmacy and the Sciences Supporting Public Health (Philadelphia).
American Journal of Physiology (Bethesda).
American Journal of Psychiatry (Hanover, N.H.).
American Journal of Psychotherapy (Lancaster, Pa.).
American Journal of Public Health and the Nation's Health (New York).
American Journal of Roetgenology, Radium Therapy and Nuclear Medicine (Springfield, Ill.).
American Journal of Surgery (New York).
American Journal of Tropical Medicine and Hygiene (Baltimore).
American Review of Respiratory Diseases (Baltimore).
Anaesthesia (London).
Anesthesia and Analgesia; Current Researches (Cleveland).
Anesthesiology (Philadelphia).
Angiology (Baltimore).
Annales de Pediatrie (Paris).
Annals of Allergy (St. Paul).
Annals of Internal Medicine (Philadelphia).
Annals of the New York Academy of Sciences (New York).
Annals of Otology, Rhinology and Laryngology (St. Louis).
Annals of the Rheumatic Diseases (London).
Annals of Surgery (Philadelphia).
Annals of Tropical Medicine and Parasitology (Liverpool).
Applied Microbiology (Baltimore).
Applied Therapeutics (Toronto).
Archives of Dermatology (Chicago).
Archives of Disease in Childhood (London).
Archives of General Psychiatry (Chicago).
Archives of Internal Medicine (Chicago).
Archives Internationales de Pharmacodynamie et de Therapie (Ghent).
Archives of Neurology (Chicago).
Archives of Ophthalmology (Chicago).
Archives of Otolaryngology (Chicago).
Archives of Pathology (Chicago).
Archives of Surgery (Chicago).
Arizona Medicine (Scottsdale).
Arthritis and Rheumatism (New York).
Arzneimittel-Forschung (Aulendorf).
Blood; Journal of Hematology (New York).
British Dental Journal (London).
British Heart Journal (London).
British Journal of Addiction (Shewsbury).
British Journal of Anaesthesia (Altrincham).
British Journal of Clinical Practice (London).
British Journal of Dermatology (London).
British Journal of Experimental Pathology (London).
British Journal of Diseases of the Chest (London).
British Journal of Haematology (Oxford).
British Journal of Industrial Medicine (London).
British Journal of Ophthalmology (London).
British Journal of Pharmacology and Chemotherapy (London).
British Journal of Psychiatry (London).
British Journal of Radiology (London).
British Journal of Surgery (Bristol).
British Journal of Venereal Diseases (London).
British Medical Bulletin (London).
British Medical Journal (London).
Bulletin of the Johns Hopkins Hospital (Baltimore).
Bulletin of Narcotic Drugs (New York).
Bulletin of the New York Academy of Medicine (New York).
Bulletin of the Parenteral Drug Association (Philadelphia).
Bulletin of the Sloane Hospital for Women (New York).
Bulletin of the Toilet Goods Association (New York).
Bulletin of the World Health Organization (Geneva).
Bulletin; University of Miami School of Medicine and Jackson Memorial Hospital (Miami).
California Medicine (San Francisco).
Canadian Anaesthetists' Society Journal (Toronto).
Canadian Medical Association Journal (Toronto).
Cancer (Philadelphia).
Cancer Chemotherapy Reports (Washington).
Cancer Research (Chicago).
Chemotherapia (Basel).
Chicago Medicine (Chicago).
Cincinnati Journal of Medicine (Cincinnati).
Circulation: Journal of the American Heart Association (New York).
Circulation Research (New York).
Clin Alert (Louisville).
Clinical Medicine (Winnetka, Ill.).
Clinical Obstetrics and Gynecology (New York).
Clinical Pediatrics (Philadelphia).
Clinical Pharmacology and Therapeutics (St. Louis).
Clinical Proceedings Children's Hospital (Washington).
Clinical Research (New York).
Clinical Science (London).
Comprehensive Psychiatry (New York).
Comptes Rendus des Seances de la Societe de Biologie et de Ses Filiales (Paris).
Connecticut Medicine (New Haven).
Current Psychiatric Therapies (New York).
Current Therapeutic Research (New York).
Dallas Medical Journal (Dallas, Texas).
Danish Medical Bulletin (Copenhagen).
Delaware Medical Journal (Wilmington).
Dental Clinics of North America (Philadelphia).
Deutsche Medizinische Wochenschrift (Stuttgart).
Diabetes (New York).
Diseases of the Chest (Chicago).
Diseases of the Colon and Rectum (Philadelphia).
Diseases of the Nervous System (Galveston).
DM; Disease-a-Month (Chicago).
Drug and Cosmetic Industry (New York).
Drug and Therapeutics Bulletin (London).
Drugs Made in Germany (Aulendorf).
Drug Research Reports ("Blue Sheet") (Washington).
Endocrinology (Springfield, Ill.).
European Journal of Cancer (Oxford).
Experientia (Basel).
Experimental Eye Research (London).
Eye, Ear, Nose and Throat Monthly (Chicago).
Farmakologiia i Toksikologiia (Moscow).
Federation Proceedings (Washington).
Fertility and Sterility (New York).
Gastroenterology (Baltimore).
General and Comparative Endocrinology (New York)
Geriatrics (Minneapolis).
German Medical Journal (Stuttgart).
Gerontologist (St. Louis).
GP (Kansas City, Mo.).
Gut (London).
Guthrie Clinic Bulletin (Sayre, Pa.).
Hawaii Medical Journal (Honolulu).
Headache (St. Louis).
Helvetica Medica Acta (Basel).
Helvetica Psysiologica et Pharmacologica Acta (Basel).
Illinois Medical Journal (Chicago).
Indian Journal of Medical Research (Calcutta).
Indian Journal of Medical Sciences (Bombay).
Industrial Medicine and Surgery (Miami).
International Archives of Allergy and Applied Immunology (Basel).
International Journal of Fertility (Springfield, Mass.).
International Journal of Neuropsychiatry (Chicago).
Internist (Berlin).
Investigative Ophthalmology (St. Louis).
Irish Journal of Medical Science (Dublin).
Japanese Journal of Medical Science and Biology (Tokyo).
Japanese Journal of Pharmacology (Kyoto).
Japan Medical News (Tokyo).
Journal of Allergy (St. Louis).
Journal of the American Dental Association (Chicago).
Journal of the American Dietetic Association (Chicago).
Journal of the American Geriatrics Society (Baltimore).
Journal of the American Medical Association (Chicago).
Journal of the American Medical Women's Association (Nashville).
Journal of the American Osteopathic Association (Chicago).
Journal of the American Pharmaceutical Association (Washington).
Journal of Antibiotics; Series A (Tokyo).
Journal of Applied Physiology (Washington).
Journal of the Arkansas Medical Society (Fort Smith).
Journal of Bone and Joint Surgery (American edition) (Boston).

Journal of the Canadian Dental Association (Toronto).
Journal of Chronic Diseases (St. Louis).
Journal of Clinical Endocrinology and Metabolism (Springfield, Ill.).
Journal of Clinical Investigation (Boston).
Journal of Clinical Pathology (London).
Journal of Comparative Pathology and Therapeutics (Croydon).
Journal of Endocrinology (London).
Journal of Experimental Medicine (New York).
Journal of the Florida Medical Association (Jacksonville).
Journal of Gerontology (St. Louis).
Journal of Helminthology (London).
Journal of the Indian Medical Association (Calcutta).
Journal of the Indiana State Medical Association (Indianapolis).
Journal of Infectious Diseases (Chicago).
Journal of the International College of Surgeons (Chicago).
Journal of Investigative Dermatology (Baltimore).
Journal of the Iowa Medical Society (Des Moines).
Journal of the Irish Medical Association (Dublin).
Journal of the Kansas Medical Society (Topeka).
Journal of the Kentucky State Medical Association (Louisville).
Journal of Laboratory and Clinical Medicine (St. Louis).
Journal-Lancet (Minneapolis).
Journal of the Louisiana State Medical Society (New Orleans).
Journal of the Maine Medical Association (Brunswick).
Journal of the Medical Association of the State of Alabama (Montgomery).
Journal of the Medical Association of Georgia (Atlanta).
Journal of the Medical Society of New Jersey (Trenton).
Journal of the Michigan State Medical Society (St. Paul, Minn.).
Journal of the Mississippi State Medical Association (Jackson).
Journal of the Mount Sinai Hospital (New York).
Journal of the National Cancer Institute (Washington).
Journal of the National Medical Association (New York).
Journal of Nervous and Mental Disease (Baltimore).
Journal of Neurology, Neurosurgery and Psychiatry (London).
Journal of Neuropathology and Experimental Neurology (Baltimore).
Journal of New Drugs (New York).
Journal of Nuclear Medicine (Chicago).
Journal of Nutrition (Philadelphia).
Journal of Obstetrics and Gynaecology of the British Commonwealth (London).
Journal of Occupational Medicine (Chicago).
Journal of the Oklahoma State Medical Association (Oklahoma City).
Journal of Oral Surgery (Chicago).
Journal of Oral Therapeutics and Pharmacology (Baltimore).
Journal of Parasitology (Colorado Springs).
Journal of Pathology and Bacteriology (London).
Journal of Pediatric Ophthalmology (Encino).
Journal of Pediatrics (St. Louis).
Journal of Periodontology (Indianapolis).
Journal of Pharmacy and Pharmacology (London).
Journal of Pharmaceutical Sciences (Washington).
Journal of the Pharmaceutical Society of Japan (Tokyo).
Journal of Pharmacology and Experimental Therapeutics (Baltimore).
Journal of Prosthetic Dentistry (St. Louis).
Journal of Reproduction and Fertility (Oxford).
Journal of the Society of Cosmetic Chemists (London).
Journal of the South Carolina Medical Association (Florence).
Journal of Surgical Research (Philadelphia).
Journal of the Tennessee Medical Association (Nashville).
Journal of Tropical Medicine and Hygiene (London).
Journal of Urology (Baltimore).
Kaiser Foundation Medical Bulletin (Oakland, Calif.).
Klinische Wochenschrift (Berlin).
Lancet (London).
Laryngoscope (St. Louis).
Letters of International Correspondence Society of Allergists (Columbus, Ohio).
Maryland State Medical Journal (Baltimore).
Mayo Clinic Proceedings (Rochester, Minn.).
Medical Annals of the District of Columbia (Washington).
Medical Bulletin (Veterans' Administration) (Washington).
Medical Clinics of North America (Philadelphia).
Medical Journal of Australia (Sydney).
Medical Letter—Drug and Therapeutics (New York).
Medical News (London).
Medical Science (Philadelphia).
Medical Times (Manhasset, N.Y.).
Medical Tribune (New York).
Medical World News (New York).
Medicina Pharmacologica Experimentalis (Basel).
Medicine (Baltimore).
Medicine, Science and the Law (London).
Medizinische Klinik (Munich).
Medizinische Monatsschrift (Stuttgart).
Metabolism, Clinical and Experimental (New York).
Michigan Medicine (East Lansing, Mich.).
Milbank Memorial Fund, Quarterly (New York).
Military Medicine (Washington).
Minerva Medica (Turin).
Minnesota Medicine (St. Paul).
Missouri Medicine (St. Louis).
Modern Concepts of Cardiovascular Disease (New York).
Modern Medicine (Minneapolis).
Munchener Medizinische Wochenschrift (Munich).
Nature (London).
Naunyn-Schmiedbergs Archiv fur Pharmakologie (Berlin).
Nebraska State Medical Journal (Lincoln).
Neurology (Minneapolis).
New England Journal of Medicine (Boston).
New York Physician and American Medicine (New York).
New York State Journal of Medicine (New York).
Nordisk Medicin (Stockholm).
North Carolina Medical Journal (Winston-Salem).
Northwest Medicine (Seattle).
Obstetrical and Gynecology Survey (Baltimore).
Obstetrics and Gynecology (New York).
Ohio State Medical Journal (Columbus).
Oral Surgery, Oral Medicine, and Oral Pathology (St. Louis).
Pacific Medicine and Surgery (Seattle).
Parasitology (London).
Pediatrics Clinics of North America (Philadelphia).
Pediatrics (Springfield, Ill.).
Pennsylvania Medical Journal (Harrisburg).
Pharmaceutical Journal (London).
Pharmacologist (Washington).
Physiology and Pharmacology for Physicians (American Physiological Society) (Washington).
Postgraduate Medical Journal (London).
Postgraduate Medicine (Minneapolis).
Practitioner (London).
Praxis (Bern).
Prescribers' Journal (London).
Presse Medicale (Paris).
Proceedings of the Royal Society of Medicine (London).
Proceedings of the Society for Experimental Biology and Medicine (New York).
Progress in Cardiovascular Diseases (New York).
Psychiatry (Washington).
Psychopharmacologia (Berlin).
Psychopharmacology Service Center Bulletin (NIH) (Bethesda, Md.).
Psychosomatic Medicine (New York).
Radiologic Clinics of North America (Philadelphia).
Radiology (Syracuse).
Revue Francaise d'Etudes Cliniques et Biologiques (Paris).
Rhode Island Medical Journal (Providence).
Rocky Mountain Medical Journal (Denver).
Scandinavian Journal of Clinical and Laboratory Investigation (Oslo).
Schweizerische Medizinische Wochenschrift (Basel).
Science (Washington).
Scottish Medical Journal (Glasgow).
Semaine des Hopitaux de Paris (Paris).
South African Medical Journal (Cape Town).
South Dakota Journal of Medicine and Pharmacy (Sioux Falls).
Southern Medical Journal (Birmingham).
Southwestern Medicine (El Paso, Texas).
Surgery (St. Louis).
Surgery, Gynecology and Obstetrics (Chicago).
Surgical Clinics of North America (Philadelphia).
Texas Reports on Biology and Medicine (Galveston).
Texas State Journal of Medicine (Austin).
Therapie (Paris).
Therapie der Gegenwart (Berlin).
Thrombosis et Diathesis Haemorrhagica (Stuttgart).
Toxicology and Applied Pharmacology (New York).
Transactions of the American Academy of Ophthalmology and Otolaryngology (Rochester, Minn.).
Transactions of the Royal Society of Tropical Medicine and Hygiene (London).
Ugeskrift for Laeger (Copenhagen).
Union Medicale du Canada (Montreal).
Virginia Medical Monthly (Richmond).
West Virginia Medical Journal (Charleston).
Western Medicine (Los Angeles).
Wiener Klinische Wochenschrift (Vienna).
Wiener Medizinische Wochenschrift (Vienna).
Wisconsin Medical Journal (Madison).
World Medical Journal (New York).
Yale Journal of Biology and Medicine (New Haven).

Subpart B—Specific Administrative Rulings and Decisions

§ 310.100 New-drug status opinions; statement of policy.

(a) Over the years since 1938 the Food and Drug Administration has given informal advice to inquirers as to the new-drug status of preparations. These drugs have sometimes been identified only by general statements of composition. Generally, such informal opinions were incorporated in letters that did not explicitly relate all of the necessary conditions and qualifications such as the quantitative formula for the drug and the conditions under which it was prescribed, recommended, or suggested. This has contributed to misunderstand-

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ing and misinterpretation of such opinions.

(b) These informal opinions that an article is "not a new drug" or "no longer a new drug" require reexamination under the Kefauver-Harris Act (Public Law 87-781; 76 Stat. 788-89). In particular, when approval of a new-drug application is withdrawn under provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act, a drug generally recognized as safe may become a "new drug" within the meaning of section 201(p) of said act as amended by the Kefauver-Harris Act on October 10, 1962. This is of special importance by reason of proposed actions to withdraw approval of new-drug applications for lack of substantial evidence of effectiveness as a result of reports of the National Academy of Sciences—National Research Council on its review of drug effectiveness; for example, see the notice published in the FEDERAL REGISTER of January 23, 1968 (33 FR 818), regarding rutin, quercetin, et al.

(c) Any marketed drug is a "new drug" if any labeling change made after October 9, 1962, recommends or suggests new conditions of use under which the drug is not generally recognized as safe and effective by qualified experts. Undisclosed or unreported side effects as well as the emergence of new knowledge presenting questions with respect to the safety or effectiveness of a drug may result in its becoming a "new drug" even though it was previously considered "not a new drug." Any previously given informal advice that an article is "not a new drug" does not apply to such an article if it has been changed in formulation, manufacture control, or labeling in a way that may significantly affect the safety of the drug.

(d) For these reasons, all opinions previously given by the Food and Drug Administration to the effect that an article is "not a new drug" or is "no longer a new drug" are hereby revoked. This does not mean that all articles that were the subjects of such prior opinions will be regarded as new drugs. The prior opinions will be replaced by opinions of the Food and Drug Administration that are qualified and current on when an article is "not a new drug," as set forth in this subchapter.

§ 310.101 FD&C Red No. 4; procedure for discontinuing use in new drugs for ingestion; statement of policy.

(a) Section 8.502(d) of this chapter published December 11, 1964 (29 FR 16983), terminated the provisional listing of FD&C Red No. 4 for use in drugs that may be ingested and canceled the effectiveness of certificates for this color additive and mixtures containing it as of June 9, 1965 (§ 8.510(c) of this chapter), insofar as ingested drugs are concerned. On August 19, 1965 (30 FR 10289), FD&C Red No. 4 was restored to provisional listing by amendment to § 8.501(a) of this chapter, which restricted the use of the color to the terms of § 8.503 of this chapter. The use of FD&C Red No. 4 or mixtures containing it in the manufacture of ingested drugs (except for limited use as provided in § 8.503 of this chapter) will result in adulteration and may constitute grounds for withdrawing approval of drugs for which a new-drug approval is in effect.

(b) An approved supplemental new-drug application will not be required to provide for discontinuing the use of FD&C Red No. 4 in the manufacture of articles that are the subject of approved new-drug applications, provided that the applicant submits to the Food and Drug Administration a written notice of the date on which the change in formulation will be put into effect.

(c) It will be the policy of the Food and Drug Administration to take no action against a drug or applicant where a permitted color additive is substituted for FD&C Red No. 4 in the manufacture of a drug prior to receipt of a written notice of approval of a supplemental new-drug application, provided that the applicant submits a satisfactory supplemental application meeting all the following conditions:

(1) The applicant submits a full list of the components and a full statement of the composition of the drug.

(2) The date when the composition of the drug will be changed is stated.

(3) The applicant submits data showing that the change in composition does not interfere with any assay or other control procedures used in manufacturing the drug, or that the assay and other control procedures are revised to make them adequate.

(4) The data available to establish the stability of the revised formulation are included, and if the data are too limited to support a conclusion that the drug will retain its declared potency for a reasonable marketing period, a commitment from the applicant:

(i) To test the stability of marketed batches at reasonable intervals;

(ii) To submit the data as they become available; and

(iii) To recall from the market any batch found to fall below the approved specifications for the drug.

(d) When a supplemental application proposes the change prescribed in paragraph (c) of this section and the applicant informs the Food and Drug Administration that the changes have been put into effect, such notification will be regarded as an agreement by the applicant to an extension of the time for formal action on the supplemental application.

(e) Except as provided in paragraph (c) of this section, no provision of this statement of policy shall limit the authority of the Secretary of Health, Education, and Welfare or of the Commissioner of Food and Drugs to suspend or withdraw approval of a new-drug application as prescribed by section 505(e) of the act or to initiate any other regulatory proceedings with respect to a drug or applicant under the provisions of the act.

§ 310.102 Consent for use of investigational new drugs (IND) on humans; statement of policy.

(a) Section 505(i) of the act provides that regulations on use of investigational new drugs on humans shall impose the condition that investigators "obtain the consent of such human beings or their representatives, except where they deem it not feasible or, in their professional judgment, contrary to the best interests of such human beings."

(b) This means that the consent of such humans (or the consent of their representatives) to whom investigational drugs are administered primarily for the accumulation of scientific knowledge, for such purposes as studying drug behavior, body processes, or the course of a disease, must be obtained in all cases and, in all but exceptional cases, the consent of patients under treatment with investigational drugs or the consent of their representatives must be obtained.

(c) "Under treatment" applies when the administration of the investigational drug for diagnostic, therapeutic, or other purpose involves medical judgment, taking into account the individual circumstances pertaining to the patient to whom the investigational drug is to be administered.

(d) "Exceptional cases" as used in paragraph (b) of this section are those relatively rare cases in which it is not feasible to obtain the patient's consent or the consent of his representative, or in which as a matter of professional judgment exercised in the best interest of a particular patient under the investigator's care, it would be contrary to that patient's welfare to obtain his consent.

(e) "Patient" means the person under treatment.

(f) "Not feasible" is limited to cases where in the investigator is not capable of obtaining consent because of inability to communicate with the patient or his representative; for example, the patient is in a coma or is otherwise incapable of giving consent, his representative cannot be reached, and it is imperative to administer the drug without delay.

(g) "Contrary to the best interests of such human beings" applies when the communication of information to obtain consent would seriously affect the patient's well-being and the physician has exercised a professional judgment that under the particular circumstances of this patient's case, the patient's best interests would suffer if consent were sought.

(h) "Consent" means that the person involved has legal capacity to give consent, is so situated as to be able to exercise free power of choice, and is provided with a fair explanation of pertinent information concerning the investigational drug, and/or his possible use as a control, as to enable him to make a decision on his willingness to receive said investigational drug. This latter element means that before the acceptance of an affirmative decision by such person the investigator should carefully consider and make known to him (taking into consideration such person's well-being and his ability to understand) the nature, expected duration, and purpose of the administration of said investigational drug; the method and means by which it is to be administered; the hazards involved; the existence of alternative forms of therapy, if any; and the beneficial effects upon his health or person that may possibly come from the administation of the investigational drug.

When consent is necessary under the rules set forth in this section, the consent of persons receiving an investigational new drug in Phase 1[1] and Phase 2[1] investigations (or their representatives) shall be in writing. When consent is necessary under such rules in Phase 3[1] investigations, it is the responsibility of investigators, taking into consideration the physical and mental state of the patient, to decide when it is necessary or preferable to obtain consent in other than written form. When such written consent is not obtained, the investigator must obtain oral consent and record that fact in the medical record of the person receiving the drug.

§ 310.103 New-drug substances intended for hypersensitivity testing.

(a) The Food and Drug Administration is aware of the need in the practice of medicine for the ingredients of a new drug to be available for tests of hypersensitivity to such ingredients and therefore will not object to the shipment of a new-drug substance, as defined in § 310.3(g), for such purpose if all of the following conditions are met:

(1) The shipment is made as a result of a specific request made to the manufacturer or distributor by a practitioner licensed by law to administer such drugs, and the use of such drugs for patch testing is not promoted by the manufacturer or distributor.

(2) The new-drug substance requested is an ingredient in a marketed new drug and is not one that is an ingredient solely in a new drug that is legally available only under the investigational drug provisions of this part.

(3) The label bears the following prominently placed statements in lieu of adequate directions for use and in addition to complying with the other labeling provisions of the act:

(i) "Caution: Federal law prohibits dispensing without a prescription"; and

(ii) "For use only in patch testing".

(4) The quantity shipped is limited to an amount reasonable for the purpose of patch testing in the normal course of the practice of medicine and is used solely for such patch testing.

(5) The new-drug substance is manufactured by the same procedures and meets the same specifications as the component used in the finished dosage form.

(6) The manufacturer or distributor maintains records of all shipments for this purpose for a period of 2 years after shipment and will make them available to the Food and Drug Administration on request.

(b) When the requested new-drug substance is intended for investigational use in humans or the substance is legally available only under the investigational drug provisions of Part 312 of this chapter, the submission of a "Notice of Claimed Investigational Exemption for a New Drug" (IND) is required. The Food and Drug Administration will offer assistance to any practitioner wishing an exemption (see § 312.1 of this chapter), and administrative procedures will be made as simple as possible.

(c) This section does not apply to drugs or their components that are subject to the licensing requirements of the Public Health Service Act of 1944, as amended. (See Subchapter F—Biologics, of this chapter.)

(Sec. 502, 52 Stat. 1053; 21 U.S.C. 352)

[1] As discussed in item 10 of Form FD-1571, which Form is set forth in § 312.1(a)(2).

Subpart C—New Drugs Exempted From Prescription-Dispensing Requirements

§ 310.200 Prescription-exemption procedure.

(a) *Duration of prescription requirement.* Any drug limited to prescription use under section 503(b)(1)(C) of the act remains so limited until it is exempted as provided in paragraph (b) of this section.

(b) *Prescription-exemption procedure for drugs limited by a new-drug application.* Any drug limited to prescription use under section 503(b)(1)(C) of the act shall be exempted from prescription-dispensing requirements when the Commissioner finds such requirements are not necessary for the protection of the public health by reason of the drug's toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use, and he finds that the drug is safe and effective for use in self-medication as directed in proposed labeling. A proposal to exempt a drug from the prescription-dispensing requirements of section 503(b)(1)(C) of the act may be initiated by the Commissioner or by any interested person. Any interested person may file a petition seeking such exemption, stating reasonable grounds therefor, which petition may be in the form of a supplement to an approved new-drug application. Upon receipt of such a petition, or on his own initiative at any time, the Commissioner will publish a notice of proposed rule making and invite written comments. After consideration of all available data, including any comments submitted, the Commissioner may issue a regulation granting or refusing the exemption, effective on a date specified therein. Whenever the Commissioner concludes, either at the time of publication of the notice of proposed rule making or after considering the written comments submitted, that granting or refusing the exemption requires a more thorough development of the facts than is possible in a written presentation, he may call a public hearing for that purpose. The notice of such hearing shall specify the questions to be considered. As soon as practicable after completion of the hearing, the final regulation granting or refusing the exemption shall be issued, effective on a date specified therein. If the Commissioner for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in a regulation) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, he may issue the final regulation forthwith.

(c) *New-drug status of drugs exempted from the prescription requirement.* A drug exempted from the prescription requirement under the provisions of paragraph (b) of this section is a "new drug" within the meaning of section 201(p) of the act until it has been used to a material extent and for a material time under such conditions.

(d) *Prescription legend not allowed on exempted drugs.* The use of the prescription caution statement quoted in section 503(b)(4) of the act, in the labeling of a drug exempted under the provisions of this section, constitutes misbranding. Any other statement or suggestion in the labeling of a drug exempted under this section, that such drug is limited to prescription use, may constitute misbranding.

§ 310.201 Exemption for certain drugs limited by new-drug applications to prescription sale.

(a) The prescription-dispensing requirements of section 503(b)(1)(C) of the Federal Food, Drug, and Cosmetic Act are not necessary for the protection of the public health with respect to the following drugs subject to new-drug applications:

(1) *N*-Acetyl-*p*-aminophenol (acetaminophen, *p*-hydroxy-acetanilid) preparations meeting all the following conditions:

(i) The *N*-acetyl-*p*-aminophenol is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503(b)(1) of the act.

(ii) The *N*-acetyl-*p*-aminophenol and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505(b) of the act is approved for it.

(iv) The preparation contains not more than 0.325 gram (5 grains) of *N*-acetyl-*p*-aminophenol per dosage unit, or if it is in liquid form not more than 100 milligrams of *N*-acetyl-*p*-aminophenol per milliliter.

(v) The preparation is labeled with adequate directions for use in minor conditions as a simple analgesic.

(vi) The dosages of *N*-acetyl-*p*-aminophenol recommended or suggested in the labeling do not exceed: For adults, 0.65 gram (10 grains) per dose or 2.6 grams (40 grains) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage; for children 3 to 6 years of age, one-fifth of the maximum adult dose or dosage.

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(vii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against administration of the drug to children under 3 years of age and against use of the drug for more than 10 days, unless such uses are directed by a physician.

(viii) If the article is offered for use in arthritis or rheumatism, the labeling prominently bears a statement that the beneficial effects claimed are limited to the temporary relief of minor aches and pains of arthritis and rheumatism and, in juxtaposition with directions for use in such conditions, a conspicuous warning statement, such as "Caution: If pain persists for more than 10 days, or redness is present, or in conditions affecting children under 12 years of age, consult a physician immediately".

(2) Sodium gentisate (sodium-2, 5-dihydroxybenzoate) preparations meeting all the following conditions:

(i) The sodium gentisate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sodium gentisate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 0.5 gram (7.7 grains) of anhydrous sodium gentisate per dosage unit.

(v) The preparation is labeled with adequate directions for use in minor conditions as a simple analgesic.

(vi) The dosages of sodium gentisate recommended or suggested in the labeling do not exceed: For adults, 0.5 gram (7.7 grains) per dose of 2.0 grams (31 grains) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against administration of the drug to children under 6 years of age and against use of the drug for a prolonged period, except as such uses may be directed by a physician.

(3) Isoamylhydrocupreine and zolamine hydrochloride (N, N-dimethyl-N'-2-thiazolyl-N'-*p*-methoxybenzyl - ethylenediamine hydrochloride) preparations meeting all the following conditions:

(i) The isoamylhydrocupreine and zolamine hydrochloride are prepared in dosage form suitable for self-medication as rectal suppositories or as an ointment and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The isoamylhydrocupreine, zolamine hydrochloride, and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 0.25 percent of isoamylhydrocupreine and 1.0 percent of zolamine hydrochloride.

(v) If the preparation is in suppository form, it contains not more than 5.0 milligrams of isoamylhydrocupreine and not more than 20.0 milligrams of zolamine hydrochloride per suppository.

(vi) The preparation is labeled with adequate directions for use in the temporary relief of local pain and itching associated with hemorrhoids.

(vii) The directions provide for the use of not more than two suppositories or two applications of ointment in a 24-hour period.

(viii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against use of the preparation in case of rectal bleeding, as this may indicate serious disease.

(4) Phenyltoloxamine dihydrogen citrate (*N,N*-dimethyl-(α-phenyl-*O*-toloxy) ethylamine dihydrogen citrate) preparations meeting all the following conditions:

(i) The phenyltoloxamine dihydrogen citrate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The phenyltoloxamine dihydrogen citrate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 88 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 50 milligrams of phenyltoloxamine) per dosage unit.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of hay fever and/or the symptoms of other minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 88 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 50 milligrams of phenyltoloxamine) per dose or 264 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 150 milligrams of phenyltoloxamine) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age, except as directed by a physician, and against driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*b*) If the article is offered for temporary relief of the symptoms of colds, a statement that continued administration for such use should not exceed 3 days, except as directed by a physician.

(5) [Reserved]

(6) Meclizine hydrochloride (1-*p*-chlorobenzhydryl - 4 - *m* - methylbenzylpiperazine dihydrochloride) preparations meeting all the following conditions:

(i) The meclizine hydrochloride is prepared with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The meclizine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 25 milligrams of meclizine hydrochloride per dosage unit.

(v) The preparation is labeled with adequate directions for use in the prevention of motion sickness.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 50 milligrams of meclizine hydrochloride per 24-hour period; for children 6 to 12 years of age, 25 milligrams of meclizine hydrochloride per 24-hour period.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Exceeding the recommended dosage.

(*b*) Administration of the drug to children under 6 years of age, except as directed by a physician.

(*c*) Driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*d*) Keeping the drug within reach of children, if it is in candy form.

(*e*) Administration of the drug to women who are pregnant or who may become pregnant, unless directed by a physician, since the drug may have the potentiality of injuring the unborn child.

(7) Diamthazole dihydrochloride (2-dimethylamino-6-(β - diethylamino ethoxy) - benzothiazole dihydrochloride) preparations meeting all the following conditions:

(i) The diamthazole dihydrochloride is prepared with or without other drugs, in a dosage form suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The diamthazole dihydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 5 percent of diamthazole dihydrochloride.

(v) The preparation is labeled with adequate directions for use only for adults and children 12 years of age and over in those conditions for which it may be safely used without medical supervision.

(vi) The label bears a conspicuous warning to keep out of the reach of children, and the labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Application to infants or children under 6 years of age, because serious reactions may occur.

(*b*) Application to children 6 to 12 years of age, except as directed by a physician.

(*c*) Contact with mucous membranes.

(*d*) Use in the event of irritation or failure to obtain prompt relief.

(8) Dicyclomine hydrochloride (1-cyclohexylhexahydrobenzoic acid, β-diethylaminoethyl ester hydrochloride; diethylaminocarbethoxy-bicyclohexyl hydrochloride) preparations meeting all the following conditions:

(i) The dicyclomine hydrochloride is prepared with suitable antacid and other components, in tablet or other dosage form for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503(b) (1) of the act.

(ii) The dicyclomine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 5 milligrams of dicyclomine hydrochloride per dosage unit, or if it is in liquid form not more than 0.5 milligram of dicyclomine hydrochloride per milliliter.

(v) The preparation is labeled with adequate directions for use only by adults and children over 12 years of age, in the temporary relief of gastric hyperacidity.

(vi) The dosages recommended or suggested in the directions for use do not exceed 10 milligrams of dicyclomine hydrochloride per dose or 30 milligrams in a 24-hour period.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Exceeding the recommended dosage.

(*b*) Prolonged use, except as directed by a physician, since persistent or recurring symptoms may indicate a serious disease requiring medical attention.

(*c*) Administration to children under 12 years of age except as directed by a physician.

(9) [Reserved]

(10) Sodium fluoride preparations meeting all the following conditions:

(i) The sodium fluoride is prepared, with other components, in a dosage form suitable for household use as a dentifrice powder, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sodium fluoride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 5 milligrams of sodium fluoride per gram and is packaged to contain not more than 300 milligrams of sodium fluoride per retail package.

(v) The preparation is labeled with adequate directions for use only as a dentifrice by adults and children 6 years of age and over, and includes instructions to rinse the mouth thoroughly after brushing the teeth.

(vi) The labeling bears, in juxtaposition with the directions for use, a clear warning statement against use by children under 6 years of age.

(11) Hexadenol (a mixture of tetracosanes and their oxidation products) preparations meeting all the following conditions:

(i) The hexadenol is prepared and packaged, with or without other drugs, solvents, and propellants, in a form suitable for self-medication by external application to the skin as a spray, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The hexadenol and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 5 percent by weight of hexadenol.

(v) The preparation is labeled with adequate directions for use by external application in the treatment of minor burns and minor skin irritations.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Use on serious burns or skin conditions or prolonged use, except as directed by a physician.

(*b*) Spraying the preparation in the vicinity of eyes, mouth, nose, or ears.

(12) Sulfur dioxide preparations meeting all the following conditions:

(i) The sulfur dioxide is prepared with or without other drugs, in an aqueous solution packaged in a hermetic container suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sulfur dioxide and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 5 grams of sulfur dioxide per 100 milliliters of solution.

(v) The preparation is labeled with adequate directions for use by external application to the smooth skin in the prevention or treatment of minor conditions in which it is indicated.

(vi) The directions for use recommend or suggest not more than two applications a day for not more than 1 week, except as directed by a physician.

(13) Doxylamine succinate preparations meeting all the following conditions:

(i) The doxylamine succinate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The doxylamine succinate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 7.5 milligrams of doxylamine succinate per dosage unit, or if it is in liquid form not more than 1.5 milligrams of doxylamine succinate per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of the minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 7.5 milligrams of doxylamine succinate per dose or 45 milligrams of doxylamine succinate per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age, except as directed by a physician, and against driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*b*) If the article is offered for temporary relief of the symptoms of colds, a statement that continued administration for such use should not exceed 3 days, except as directed by a physician.

(14) Dextromethorphan hydrobromide (dextro-3-methoxy-*N*-methylmorphinan hydrobromide) preparations meeting all the following conditions:

(i) The dextromethorphan hydrobromide is prepared with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The dextromethorphan hydrobromide and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 30 milligrams of dextromethorphan hydrobromide per dosage unit, or if it is in liquid form not more than 6 milligrams of dextromethorphan hydrobromide per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of cough due to minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 30 milligrams of dextromethor-

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phan hydrobromide per dose or 120 milligrams of dextromethorphan hydrobromide per 24-hour period; for children 4 to 12 years of age, 15 milligrams per dose or 60 milligrams per 24-hour period; for children 2 to 4 years of age, 7.5 milligrams per dose or 30 milligrams per 24-hour period.

(vii) The label bears a conspicuous warning to keep the drug out of the reach of children and the labeling bears, in juxtaposition with the dosage recommendations:

(*a*) A clear warning statement against administration of the drug to children under 2 years of age, except as directed by a physician.

(*b*) Clear warning statements against use of the drug in the presence of high fever or if cough persists, since persistent cough as well as high fever may indicate the presence of a serious condition.

(15) Sodium monofluorophosphate (Na_2PO_3F) preparations meeting all the following conditions:

(i) The sodium monofluorophosphate is prepared with other components in an aqueous solution suitable for household use as a dentifrice, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sodium monofluorophosphate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 60 milligrams of sodium monofluorophosphate per milliliter and is packaged to contain not more than 3.6 grams of sodium monofluorophosphate per retail package.

(v) The preparation is labeled with adequate directions for use only as a dentifrice by adults and children 6 years of age and over, and includes instructions to rinse the mouth thoroughly after brushing the teeth.

(vi) The labeling bears, in juxtaposition with the directions for use, a clear warning statement against use by children under 6 years of age.

(16) Tuaminoheptane sulfate (2-aminoheptane sulfate) preparations meeting all the following conditions:

(i) The tuaminoheptane sulfate is prepared, with or without other drugs, in an aqueous vehicle suitable for administration in self-medication as nose drops, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The preparation is packaged with a style of container or assembly suited to self-medication by the recommended route of administration, and delivering not more than 0.1 milliliter of the preparation per drop.

(iii) The tuaminoheptane sulfate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iv) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(v) The tuaminoheptane sulfate content of the preparation does not exceed 10 milligrams per milliliter.

(vi) The preparation is labeled with adequate directions for use in the temporary relief of nasal congestion.

(vii) The dosages recommended or suggested in the directions for use do not exceed the equivalent: For adults, 5 drops of a 1 percent solution per nostril per dose, and 5 doses in a 24-hour period; for children 1 to 6 years of age, 3 drops of a 1 percent solution per nostril per dose, and 5 doses in a 24-hour period; for infants under 1 year of age, 2 drops of a 1 percent solution per nostril per dose, and 5 doses in a 24-hour period.

(viii) The labeling bears, in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against use of more than 5 doses daily, and against use longer than 4 days unless directed by a physician.

(*b*) A clear warning statement to the effect that frequent use may cause nervousness or sleeplessness, and that individuals with high blood pressure, heart disease, diabetes, or thyroid disease should not use the preparation unless directed by a physician.

(17) [Reserved]

(18) Vibesate (a mixture of copolymers of hydroxy-vinyl chlorideacetate, sebacic acid, and modified maleic rosin ester) preparations meeting all the following conditions.

(i) The vibesate is prepared and packaged, with or without other drugs, solvents, and propellants, in a form suitable for self-medication by external application to the skin as a spray, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The vibesate and all other components of the preparation meet their professed standards of identity, strength quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 13 percent by weight of vibesate.

(v) The preparation is labeled with adequate directions for use by external application as a dressing for minor burns, minor cuts, or other minor skin irritations.

(vi) The labeling bears in juxtaposition with the directions for use clear warning statements against:

(*a*) Use on serious burns and on infected, deep, and puncture wounds unless directed by a physician.

(*b*) Spraying the preparation near the eyes or other mucous membranes.

(*c*) Inhaling the preparation.

(*d*) Use near open flames.

(*e*) Puncturing the container or throwing the container into fire.

(19) Pramoxine hydrochloride (4-*N*-butoxyphenyl γ-morpholinopropyl ether hydrochloride) preparations meeting all the following conditions:

(i) The pramoxine hydrochloride is prepared, with or without other drugs, in a dosage form suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The pramoxine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 1.0 percent of pramoxine hydrochloride.

(v) The preparation is labeled with adequate directions for use by external application to the skin for the temporary relief of pain or itching due to minor burns and sunburn, nonpoisonous insect bites, and minor skin irritations.

(vi) The directions for use recommend or suggest not more than four applications of the preparation per day, unless directed by a physician.

(vii) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Prolonged use.

(*b*) Application to large areas of the body.

(*c*) Continued use if redness, irritation, swelling, or pain persists or increases, unless directed by a physician.

(*d*) Use in the eyes or nose.

(20) Carbetapentane citrate (2-(2-diethylaminoethoxy)-ethyl-1-phenylcyclopentyl-1-carboxylate citrate) preparations meeting all the following conditions:

(i) The carbetanentane citrate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The carbetapentane citrate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, and application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 25 milligrams of carbetapentane citrate per dosage unit; or if it is in liquid form, not more than 1.5 milligrams of carbetapentane citrate per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of cough due to minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 30 milligrams of carbetapentane citrate per dose or 120 milligrams of carbetapentane citrate per 24-hour period; for children 4 to 12 years of age, 7.5 milligrams per dose or 30 milligrams per 24-hour period; for children 2 to 4 years of age, 4.0 milligrams per dose or 16.0 milligrams per 24-hour period.

(vii) The label bears a conspicuous warning to keep the drug out of the reach of children, and the labeling bears, in juxtaposition with the dosage recommendations:

(*a*) A clear warning statement against administration of the drug to children under 2 years of age, unless directed by a physician.

(*b*) Clear warning statements against use of the drug in the presence of high fever or if cough persists, since persistent cough as well as high fever may indicate the presence of a serious condition.

(21) Pamabrom (2-amino-2-methylpropanol - 1 - 8 - bromotheophyllinate) preparations meeting all the following conditions:

(i) The pamabrom is prepared with appropriate amounts of a suitable analgesic and with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The pamabrom and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 50 milligrams of pamabrom per dosage unit.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the minor pains and discomforts that may occur a few days before and during the menstrual period.

(vi) The dosages recommended or suggested in the labeling do not exceed 50 milligrams of pamabrom per dose or 200 milligrams per 24-hour period.

(22) Diphemanil methylsulfate (4-diphenylmethylene - 1,1-dimethylpiperidinium methylsulfate) preparations meeting all the following conditions:

(i) The diphemanil methylsulfate is prepared, with or without other drugs, in a dosage form suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The diphemanil methylsulfate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 2.0 percent of diphemanil methylsulfate.

(v) The preparation is labeled with adequate directions for use by external application to the skin for the relief of symptoms of mild poison ivy, oak, and sumac and other minor irritations and itching of the skin.

(vi) The directions for use recommend or suggest not more than four applications of the preparation per day, unless directed by a physician.

(vii) The labeling bears, in juxtaposition with the directions for use, a clear warning statement, such as: "Caution: If redness, irritation, swelling, or pain persists or increases, discontinue use and consult physician."

(23) Dyclonine hydrochloride (4-butoxy-3-piperidinopropiophenone hydrochloride; 4-*n*-butoxy-β-piperidonopropiophenone hydrochloride) preparations meeting all the following conditions:

(i) The dyclonine hydrochloride is prepared, with or without other drugs, in a dosage form suitable for use as a cream or ointment in self-medication by external application to the skin, or rectally, and contains no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The dyclonine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 1.0 percent of dyclonine hydrochloride.

(v) The preparation is labeled with adequate directions for use:

(*a*) By external application to the skin for the temporary relief of pain and itching in sunburn, nonpoisonous insect bites, minor burns, cuts, abrasions, and other minor skin irritations.

(*b*) In the temporary relief of local itching and irritation associated with hemorrhoids.

(*c*) In the prevention or treatment of other minor conditions in which it is indicated.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Continued use if redness, irritation, swelling, or pain persists or increases, unless directed by a physician.

(*b*) Use in case of rectal bleeding, as this may indicate serious disease.

(*c*) Use in the eyes.

(*d*) Prolonged use.

(*e*) Application to large areas of the body.

(*f*) Use for deep or puncture wounds or serious burns.

(24) Chlorothen citrate (chloromethapyrilene citrate; *N,N*-dimethyl-*N'*-(2-pyridyl)-*N'*-(5-chloro-2-thenyl) ethylenediamine citrate) preparations meeting all the following conditions:

(i) The chlorothen citrate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The chlorothen citrate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is approved for it.

(iv) The preparation contains not more than 25 milligrams of chlorothen citrate per dosage unit.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of hay fever and/or symptoms of other minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 25 milligrams of chlorothen citrate per dose or 150 milligrams of chlorothen citrate per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age or exceeding the recommended dosage, unless directed by a physician, and against driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*b*) If the article is offered for the temporary relief of symptoms of colds, a statement that continued administration for such use should not exceed 3 days, unless directed by a physician.

(25) Chlorcyclizine hydrochloride (1-(p-chlorobenzhydryl) - 4 - methylpiperazine hydrochloride) preparations meeting all the following conditions:

(i) The chlorcyclizine hydrochloride is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503(b)(1) of the act.

(ii) The chlorcyclizine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505(b) of the act is approved for it.

(iv) The preparation contains not more than 25 milligrams of chlorcyclizine hydrochloride per dosage unit.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of hay fever and/or symptoms of other minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 25 milligrams of chlorcyclizine hydrochloride per dose or 75 milligrams of chlorcyclizine hydrochloride per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age, or exceeding the recommended dosage unless directed by a physician, and against driving a car or operating machinery while taking the drug, since it may cause drowsiness.

(*b*) If the article is offered for the temporary relief of symptoms of colds, a statement that continued administration for such use should not exceed 3 days, unless directed by a physician.

(*c*) A clear warning statement against administration of the drug to women who are pregnant or who may become pregnant, unless directed by a physician, since this drug may have the potentiality of injuring the unborn child.

(26) Methoxyphenamine hydrochloride (β-(*o*-methoxyphenyl)-isopropylmethylamine hydrochloride; 1-(*o*-methoxyphenyl) - 2 - methylaminopropane hydrochloride) preparations meeting all the following conditions:

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(i) The methoxyphenamine hydrochloride is prepared with appropriate amounts of a suitable antitussive, with or without other drugs, in a dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503(b)(1) of the act.

(ii) The methoxyphenamine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505(b) of the act is approved for it.

(iv) The preparation contains not more than 3.5 milligrams of methoxyphenamine hydrochloride per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of cough due to minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 35 milligrams of methoxyphenamine hydrochloride per dose or 140 milligrams of methoxyphenamine hydrochloride per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The label bears a conspicuous warning to keep the drug out of the reach of children, and the labeling bears, in juxtaposition with the dosage recommendations:

(*a*) A clear warning statement against administration of the drug to children under 6 years of age, unless directed by a physician.

(*b*) A clear warning statement to the effect that frequent or prolonged use may cause nervousness, restlessness, or drowsiness, and that individuals with high blood pressure, heart disease, diabetes, or thyroid disease should not use the preparation unless directed by a physician.

(c) A clear warning statement against use of the drug in the presence of high fever or if cough persists, since persistent cough as well as high fever may indicate the presence of a serious condition.

(27) Biphenamine hydrochloride (β-diethylaminoethyl-3-phenyl-2-hydroxybenzoate hydrochloride) preparations meeting all the following conditions:

(i) The biphenamine hydrochloride is prepared in a form suitable for use as a shampoo and contains no drug limited to prescription sale under the provisions of section 503(b)(1) of the act.

(ii) The biphenamine hydrochloride meets its professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505(b) of the act is approved for it.

(iv) The preparation contains not more than 1 percent of biphenamine hydrochloride.

(v) The preparation is labeled with adequate directions for use for the temporary relief of itching and scaling due to dandruff.

(vi) The label bears a conspicuous warning to keep the drug out of the reach of children.

(28) Tyloxapol (an alkylarylpolyether alcohol) and benzalkonium chloride ophthalmic preparations meeting all the following conditions:

(i) The tyloxapol and benzalkonium chloride are prepared, with other appropriate ingredients which are not drugs limited to prescription sale under the provisions of section 503(b)(1) of the act, as a sterile, isotonic aqueous solution suitable for use in self-medication on eye prostheses.

(ii) The preparation is so packaged as to volume and type of container as to afford adequate protection and be suitable for self-medication with a minimum risk of contamination of the solution during use. Any dispensing unit is sterile and so packaged as to maintain sterility until the package is opened.

(iii) The tyloxapol, benzalkonium chloride, and other ingredients used to prepare the isotonic aqueous solution meet their professed standards of identity, strength, quality, and purity.

(iv) An application pursuant to section 505(b) of the act is approved for the drug.

(v) The preparation contains 0.25 percent of tyloxapol and 0.02 percent of benzalkonium chloride.

(vi) The label bears a conspicuous warning to keep the drug out of the reach of children and the labeling bears, in juxtaposition with the dosage recommendations, a clear warning that if irritation occurs, persists, or increases, use of the drug should be discontinued and a physician consulted. The labeling includes a statement that the dropper or other dispensing tip should not touch any surface, since this may contaminate the solution.

(29) Tolnaftate (*O*-2-naphthyl *m,N*-dimethylthiocarbanilate; $C_{18}H_{17}NOS$) preparations meeting all the following conditions:

(i) The tolnaftate is prepared, with or without other drugs, in a cream, solution, or powder dosage form suitable for use in self-medication by external application to the skin and containing no drug limited to prescription sale under the provisions of section 503(b)(1) of the act.

(ii) The tolnaftate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505(b) of the act is approved for it.

(iv) The preparation contains not more than 1 percent of tolnaftate.

(v) (*a*) The preparation, if in cream or solution form, is labeled with adequate directions for use by external application to the skin for the relief of the burning and itching of athlete's foot and ringworm of the body.

(*b*) The preparation, if in powder dosage form, is labeled with adequate directions for use by external application to the skin to help prevent athlete's foot reinfection.

(vi) The label bears a conspicuous warning to keep the drug out of the reach of children, and the labeling bears in juxtaposition with the directions for use:

(*a*) If in a cream or solution dosage form, clear warnings that:

(*1*) If burning or itching do not improve within 10 days or if they become worse, use of the preparation should be discontinued and a physician consulted.

(2) The preparation is for external use only.

(3) The preparation should be kept out of the eyes.

(*4*) The preparation is not recommended for nail or scalp infections.

(*b*) If in a powder dosage form, clear warnings that:

(*1*) If irritation occurs, use of the preparation should be discontinued and a physician consulted.

(2) The preparation is for external use only.

(3) The preparation should not be used on scalp or hairy areas.

(*4*) The preparation should be kept out of the eyes.

Subpart D—Records and Reports

§ 310.300 Records and reports concerning experience on drugs for which an approval is in effect.

(a) On receiving notification that an application for a new drug is approved, the applicant shall establish and maintain records and make reports that are necessary to facilitate a determination whether there may be grounds for invoking section 505(e) of the act to suspend or withdraw approval of the application, including adequately organized and indexed files containing full reports of any of the following kinds of information, pertinent to the safety or effectiveness of the drug or the adequacy of the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of the drug to assure and preserve its identity, strength, quality, and purity, that has not previously been submitted as part of his application for the drug and which is received or otherwise obtained by him from any source:

(1) Unpublished reports of clinical experience, studies, investigations, and tests conducted by the applicant or reported to him by any person involving the drug that is the subject of the application and related drugs, and reports in the scientific literature involving the drug that is the subject of the application. An adequate summary and bibliography of reports in the scientific literature will ordinarily suffice. (The applicant must identify at the time of each report submission each drug he considers related to the subject drug.)

(2) Unpublished reports of animal experience, studies, investigations, and tests conducted by the applicant or reported to him by any person involving the drug that is the subject of the application and related drugs, and reports in the scientific literature involving the drug that is the subject of the application. An adequate summary and bibliography of reports in the scientific literature will ordinarily suffice. (The applicant must identify at the time of each report submission each drug he considers related to the subject drug.)

(3) Experience, investigations, studies, or tests involving the chemical or physical properties or any other properties of the drug; such as, its behavior or properties in relation to microorganisms, including both the effects of the drug on microorganisms and the effects of microorganisms on the drug.

(4) The information required by this section shall include, when known, adequate identification of its source, including the name and post office address of the person who furnished such information.

(5) Copies of all mailing pieces and other labeling, and if it is a prescription drug all advertising, other than that contained in the application, used in promoting the drug; and copies of the currently used package labeling that gives full information for use of the drug, whether or not such labeling is contained in the application.

(6) Information concerning the quantity of the drug distributed, in a manner and form that facilitates estimates of the incidence of any adverse effects reported to be associated with the use of the drug. This does not require disclosure of financial or pricing data.

(7) Information concerning any previously unreported changes from the conditions described in an application, including changes conforming to the conditions of § 314.8(a)(5) of this chapter.

(b) The applicant shall submit to the Food and Drug Administration copies of the records and reports described in paragraph (a) of this section (except routine assay and control records) appropriately identified with the new-drug application(s) to which they relate, as follows. Such copies, including Form FD–1639, shall be submitted in duplicate, except that other individual patient case reports may be submitted in single copy. In lieu of Form FD–1639, a computer-generated report may be submitted if equivalent in all elements of information with the identical enumerated sequence of events and methods of completion and if forwarded with the same number of copies as specified for Form FD–1639; all formats proposed for such use will require initial review and approval by the Food and Drug Administration. Each report for human-use drugs that forwards an advertisement or promotional labeling pursuant to paragraph (b)(3) of this section or a periodic report pursuant to paragraph (b)(4) of this section shall be accompanied by a completed transmittal Form FD–2253 (Transmittal of Advertisements and Promotional Labeling for Drugs for Human Use) or FD–2252 (Transmittal of Periodic Reports for Drugs for Human Use), respectively. Forms are obtainable from the Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, DC 20204.

(1) Immediately upon receipt by the applicant, complete records or reports covering information of the following kinds:

(i) Information concerning any mixup in the drug or its labeling with another article.

(ii) Information concerning any bacteriological, or any significant chemical, physical, or other change or deterioration in the drug, or any failure of one or more distributed batches of the drug to meet the specifications established for it in the new-drug application.

(2) As soon as possible, and in any event within 15 working days of its receipt by the applicant, complete records or reports concerning any information of the following kinds:

(i) Information concerning any unexpected side effect, injury, toxicity, or sensitivity reaction or any unexpected incidence or severity thereof associated with clinical uses, studies, investigations, or tests, whether or not determined to be attributable to the drug, except that this requirement shall not apply to the submission of information described in a written communication to the applicant from the Food and Drug Administration as types of information that may be submitted at other designated intervals. "Unexpected" as used in this subdivision refers to conditions or developments not previously submitted as part of the new-drug application or not encountered during clinical trials of the drug, or conditions or developments occurring at a rate higher than shown by information previously submitted as part of the new-drug application, or than encountered during such clinical trials.

(ii) Information concerning any unusual failure of the drug to exhibit its expected pharmacological activity.

(3) When mailing pieces, any other labeling, and advertising are devised for promotion of the drug, specimens shall be submitted at the time of initial dissemination of such labeling and at the time of initial publication of any advertisement for a prescription drug. Mailing pieces and labeling that are designed to contain samples of a drug shall be complete except for omission of the drug.

(4) All the kinds of information described in paragraph (a) of this section, other than that submitted under the provisions of paragraph (b)(1), (2), and (3) of this section, shall be submitted at the following intervals, unless otherwise ordered in a written communication from the Commissioner:

(i) If the drug is intended for administration to man, within intervals of 3 months beginning with the date of approval of the application during the first year following such date; within intervals of 6 months during the second year following such date; and at yearly intervals thereafter.

(ii) [Reserved]

(iii) Whenever an applicant is required to submit reports under the provisions of paragraph (b)(4)(i) or (ii) of this section with respect to more than one approved application for preparations containing the same drug so that the same item(s) of information is (are) required to be reported for more than one application, he may elect to submit as part of the report for one such application all the information common to such applications in lieu of reporting separately and repetitively on each. The applicant shall state when this is done and identify all the applications for which the reports are submitted.

(iv) The submitted copies of records and reports shall include all the required information that was received or otherwise obtained by the applicant during the designated intervals.

(5) On written order of the Commissioner, within the time stated in such order or agreed to by the applicant and the Commissioner, any designated records or reports containing the kinds of information described in this section.

(c) The reports submitted under the provisions of this section are not required to furnish the names and addresses of individual patients unless the applicant is notified in writing by the Food and Drug Administration that individual patient identification is required with respect to designated reports in order to permit further investigation or because there is reason to believe that such reports do not represent actual results obtained.

(d) The applicant shall upon request of any properly authorized officer or employee of the Department, at reasonable times, permit such officers to have access to and copy and verify any records and reports established and maintained under the provisions of this section.

(e) If the Food and Drug Administration finds that the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports, in accordance with the provisions of this section, or that the applicant has refused to permit access to, or copying or verification of such records or reports, the Commissioner shall give the applicant due notice and opportunity for a hearing on the question of whether to withdraw the approval of the application, as provided in §§ 314.200 and 314.115 of this chapter.

(f) Upon written request of the applicant, stating reasonable grounds therefor, the Commissioner will make available any information in possession of the Food and Drug Administration of the kinds the applicant is required to maintain under the provisions of this section, except information readily available to the applicant from other sources or information which the Commissioner concludes must be considered confidential.

(g) The "applicant" required to establish and maintain records and make reports required by this section and under the regulations in § 310.302 includes any person whose name appears on the labeling of the drug as its manufacturer, packer, or distributor under an approval or who is engaged in the manufacturing, processing, packing, or labeling of the drug under an approval of the application or any supplement to it: *Provided, however,* That in order to avoid unnecessary duplication in the submission of reports any such applicant's obligation to submit a report may be met by its

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submission on his behalf, designated as such, by another person responsible for reporting.

§ 310.301 Reporting of adverse drug experiences.

(a)(1) All adverse experiences with drugs for human use reported as part of a new-drug application under § 314.1 of this chapter, as part of a supplemental new-drug application under § 314.8 of this chapter, or as part of the reporting requirements concerning experiences with drugs for which an approval is in effect prescribed by § 310.300 shall also be reported on Form FD–1639, Drug Experience Report, obtainable with instructions from the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, DC 20204. If feasible, such forms may be used on a per patient basis, rather than on an adverse experience basis. In lieu of a Form FD–1639, a computer-generated report may be submitted if equivalent in all elements of information with the identical enumerated sequence of events and methods of completion and if forwarded with the same number of copies; all formats proposed for such use will require initial review and approval by the Food and Drug Administration.

(2) It is unnecessary, however, for Form FD–1639 to be:

(i) Used in reporting adverse experience information obtained in phase 1 and phase 2 of an investigation (phases 1 and 2 are described in paragraph 10a of Form FD–1571 set forth in § 312.1(a)(2) of this chapter).

(ii) Submitted for adverse reactions reported in the published scientific literature.

(iii) Submitted until July 1, 1968, for reporting adverse experiences described in new-drug applications, supplements, and in periodic reports of experience with marketed drugs if such experience occurred prior to August 5, 1967.

(3) For reports of the kinds required within 15 days, as prescribed by § 310.300(b)(2), describing adverse reactions occurring after August 5, 1967, and for all such submissions received on or after July 1, 1968, adverse experiences shall be reported on Form FD–1639. Adverse experiences with marketed drugs as a result of an investigational use other than a phase 1 study shall be reported on Form FD–1639 under the conditions described in this paragraph. If desirable, such forms may be used on a per patient basis rather than on an adverse experience basis.

(b) For the purpose of such report, the terms "drug experience," "adverse drug experience," and "adverse reaction" mean any adverse experience associated with the use of the drug, whether or not considered drug-related, and include any side effect, injury, toxicity, or sensitivity reaction, or significant failure of expected pharmacological action.

§ 310.302 Records and reports on new drugs and antibiotics for use by man for which applications or certification forms 5 and 6 became effective or were approved prior to June 20, 1963.

(a) Each applicant for whom a new-drug application or supplement for a drug for human use became effective or was approved at any time prior to June 20, 1963, and each person holding an approved form 5 or 6 for an antibiotic drug for human use at any time prior to June 20, 1963, shall submit, in duplicate, the following information for each dosage form within 60 days from the effective date of this order:

(1) Identification of the dosage form of the drug by its established and proprietary names, if any, the formula showing quantitatively each ingredient of the drug to the extent disclosed on the label (a copy of the label will ordinarily fulfill this requirement), the route of administration, and the new-drug application number.

(2) Whether the drug was marketed and whether it is currently marketed.

(3) If the drug was marketed and marketing has been discontinued, the date and reason for discontinuing its marketing.

(b) Each applicant for whom a new-drug application or supplement for a drug for human use became effective or was approved at any time prior to June 20, 1963, and each person holding an approved form 5 or 6 for an antibiotic drug for human use at any time prior to June 20, 1963, shall submit the following information with respect to each drug currently marketed within 120 days from the effective date of this order:

(1) A copy of the label on the package of the drug and of the package insert or brochure bearing directions or information for use of the article.

(2) If the label, brochure, or package insert is not identical in content to the one in the effective or approved new-drug application and its supplements, if any, or in the approved form 5 or 6, the applicant shall also report what changes have been made (other than minor changes in arrangement or printing or changes of an editorial nature) and why they were made, and shall submit the data supporting such changes if it has not previously been submitted.

(3) The applicant shall review the label, brochure, and package insert and shall submit a statement, signed by a responsible officer or employee, whether the label, brochure, or package insert fairly reflects the clinical experience reported to or otherwise received by the applicant. The applicant shall submit full reports of any well-controlled clinical studies that have not previously been submitted and which are pertinent to an evaluation of the effectiveness of the drug.

(4) The applicant shall also review or cause to be reviewed in the promotional material currently in use, including labeling and advertising, and shall submit a statement, signed by a responsible officer or employee, whether all such promotional material fairly reflects the labeling in the approved or effective new-drug application and its supplements, if any, or in the approved antibiotic form 5 or 6. Copies of representative labeling and advertising shall be attached.

(5) If the promotional material does not fairly reflect the labeling in the approved or effective new-drug application and its supplements, if any, or in the approved form 5 or 6, the applicant shall report the differences, state why they exist, and shall submit the data supporting any differences.

(6) If clinical experience reported to or otherwise received by the applicant indicates the need for change in claims for effectiveness or in side effects, warnings, or contraindications in the labeling or advertising currently in use, the applicant shall submit a supplemental application proposing such changes in the labeling and a showing that any advertising will be appropriately revised.

(7) If the clinical or other experience reported to or otherwise obtained by the applicant has revealed any information concerning any side-effect, injury, toxicity, or sensitivity reaction, or any unexpected incidence or severity thereof, which by kind, or incidence or severity is not fully disclosed in the labeling, whether or not determined to be attributable to the drug, this information shall be submitted as soon as the review reveals such facts. Such information shall include full reports of all available information with respect to any deaths apparently related to drug administration whether or not determined to be attributable to the drug. Any such information previously submitted for inclusion in the new-drug application or antibiotic form 5 or 6 need not be resubmitted.

(8) If the clinical or other experience reported to or otherwise obtained by the applicant within the past 2 years has revealed any information with respect to a distributed batch concerning any mix-up in the drug or its labeling with another article; any bacteriological or any significant chemical, physical, or other change or deterioration of the drug; or any failure of one or more distributed batches to meet specifications established in the new-drug application or in the antibiotic regulations, this information shall be submitted as soon as the review reveals such facts. Any unresolved experience of the kinds listed in this paragraph shall be reported even though it occurred prior to the 2-year period.

(c) Such reports shall be addressed to the Secretary, Department of Health, Education, and Welfare, for the Commissioner of Food and Drugs, Washington, DC, 20204, and shall be distinctly marked "New Drug (or Antibiotic) Report," together with the applicable new-drug application number or antibiotic account number on the envelope.

(d) Each such applicant shall maintain for inspection all records received or otherwise obtained by him containing any of the kinds of information described in § 310.300(a).

(e) After the submission of the initial reports required by paragraphs (a) and (b) of this section, each such applicant shall, after 1 year, submit for the reporting period reports of the kinds required by § 310.300(b)(4), not later than each anniversary date of the effectiveness of the new-drug application or initial antibiotic form 5 or 6 approval.

(f) Each applicant shall submit all information reported to or received by him of the kinds required by § 310.300(b)(1) and (2) as required in that section.

(g) Deliberate or repeated failure to make the reports required by paragraphs (a) and (b) of this section will be followed by written notice to the holder of the application and publication of such notice in the FEDERAL REGISTER, furnishing an opportunity for a hearing on a proposal to withdraw approval of the application. Any interested person who may be adversely affected by such an order may respond to such notice and avail himself of an opportunity to participate in such a hearing. This will allow any person distributing a drug that was covered by an application held by a person who did not make the required reports an opportunity to show cause why approval of the application should not be withdrawn and marketing of the drug discontinued.

(h) Reports showing that a new drug was not marketed or has been discontinued may be followed by publication in the FEDERAL REGISTER of a notice of a proposal to withdraw approval of such application, on any of the grounds specified in section 505(e) of the act, giving any interested person who would be adversely affected by such an order an opportunity to respond and avail himself of a hearing prior to the issuance of such order. This will allow any person distributing a new drug that was covered by an application held by a person who did not market the drug or who has abandoned marketing of the drug an opportunity to show cause why approval of the application should not be withdrawn and why marketing of the drug should not be discontinued.

(i) Exemptions from annual reporting will be considered on the basis of petitions therefor, giving reasons why annual reporting is not required to protect the public health. No exemption will be allowed from the reporting requirements of paragraph (f) of this section and of § 310.300(b)(1) and (2).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

§ 310.303 Continuation of long-term studies, records, and reports on certain drugs for which new-drug applications have been approved.

(a) A new drug may not be approved for marketing unless it has been shown to be safe and effective for its intended use(s). After approval, the applicant is required to establish and maintain records and make reports related to clinical experience or other data or information necessary to make or facilitate a determination of whether there are or may be grounds under section 505(e) of the act for suspending or withdrawing approval of the application. Some drugs, because of the nature of the condition for which they are intended, must be used for long periods of time—even a lifetime. To acquire necessary data for determining the safety and effectiveness of long-term use of such drugs, extensive animal and clinical tests are required as a condition of approval. Nonetheless, the therapeutic or prophylactic usefulness of such drugs may make it inadvisable in the public interest to delay the availability of the drugs for widespread clinical use pending completion of such long-term studies. In such cases, the Food and Drug Administration may approve the new-drug application on condition that the necessary long-term studies will be conducted and the results recorded and reported in an organized fashion. The procedures required by paragraph (b) of this section will be followed in order to list such a drug in § 310.304.

(b) A proposal to require additional or continued studies with a drug for which a new-drug application has been approved may be made by the Commissioner on his own initiative or on behalf of any interested person. Prior to issuance of such a proposal, the applicant will be provided an opportunity for a conference with representatives of the Food and Drug Administration. When appropriate, investigators or other individuals may be invited to participate in the conference. Such proposal and a summary of the grounds upon which it is proposed will be published in the FEDERAL REGISTER and written comments thereon invited. After considering all available data, the Commissioner will publish an order in the FEDERAL REGISTER acting on the proposal. Proposals submitted by interested persons may be refused by written notice from the Commissioner if the proposal is not supported by reasonable grounds. Upon final determination that special studies, records, and reports are required for a drug, such requirements will be published in § 310.304.

§ 310.304 Drugs that are subjects of approved new-drug applications and that require special studies, records, and reports.

Listed below are the new drugs and requirements referred to in § 310.303:

(a) *Levodopa.* Levodopa has been shown to be of value for symptomatic relief in the treatment of Parkinson's disease. The nature of this disease requires that the drug be taken over a protracted period of time—even a lifetime. In view of the benefits attributable to levodopa, the Commissioner finds that it is not in the public interest to withhold the drug from the market until very long-term or lifetime studies have been completed for a determination of its long-term safety and effectiveness. The Food and Drug Administration has, by letters to applicants, approved new-drug applications for levodopa for use in the treatment of Parkinson's disease. In view of the known adverse effects associated with its use and considering its indicated long-term use, the Commissioner finds that holders of approved new-drug applications for levodopa should be required to continue studies with the drug as described below and to monitor such records and make such reports as are necessary with respect to the continuing studies. These studies are necessary for acquiring an organized body of information on the safety and effectiveness of levodopa in long-term use.

(1) The applicant is to carry to conclusion the 1-year chronic toxicity studies in dogs and 18-month chronic toxicity studies in rats, including the necessary histopathology.

(2) The clinical studies now being conducted under a standard protocol are to be extended in at least 600 of the patients now under treatment. This will include the blood chemistry and medical evaluation currently being done under the existing protocol.

(3) The applicant is to arrange for a central tissue registry to examine human autopsy material obtained from patients in the study who died while under treatment with levodopa.

(4) Reports on the studies will be submitted under § 310.300.

(5) At the end of each year after the date of approval of the application, representatives of the Food and Drug Administration, the applicant, and, if necessary, the investigators will meet to determine on the basis of available information whether or not clinical studies should be continued.

(b) *Methadone.* Methadone may be used as an analgesic in severe pain, for the detoxification of narcotic addicts, and as an oral substitute for heroin or other morphine-like drugs, in the maintenance treatment of narcotic addicts, pursuant to the conditions established in § 310.505. Further data and information are required to establish the safety and effectiveness of methadone under a variety of conditions during widespread and long-term use. In view of the tremendous public health and social problems associated with the use of heroin, the demonstrated usefulness of methadone in treatment, the lack of a safe and effective alternative drug or treatment modality, the need for additional safety and effectiveness data on methadone, and the danger to health that could be created by uncontrolled distribution and use of methadone, the Commissioner of Food and Drugs finds that it is not in the public interest either to withhold the drug from the market until it has been proved safe and effective under all conditions of use or to grant full approval for unrestricted distribution, prescription, dispensing, or administration of methadone. The Commissioner therefore concludes that it is essential to the public interest to prescribe detailed conditions for safe and effective use of methadone,

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utilizing the IND and NDA control mechanisms and the authority granted under the Comprehensive Drug Abuse Prevention and Control Act of 1970, to assure that the required additional information for assessing the safety and effectiveness of methadone is obtained, to maintain close control over the safe distribution, administration, and dispensing of the drug, and to detail responsibilities for such control. The conditions established in § 310.505 constitute a determination of the appropriate methods of professional practice in the medical treatment of the narcotic addiction of various classes of narcotic addicts with respect to the use of methadone, pursuant to section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970.

Subpart E—Requirements for Specific New Drugs or Devices

§ 310.500 Digoxin products for oral use; conditions for marketing.

(a) Studies have shown evidence of clinically significant differences in bioavailability in different batches of certain marketed digoxin products for oral use from single manufacturers as well as in batches of these products produced by different manufacturers. These differences were observed despite the fact that the products met compendial specifications. Other studies have shown that there is a sufficient correlation between bioavailability in vivo and the dissolution rate of digoxin tablets in vitro to make the dissolution test an important addition to the compendial standards. Because of the potential for serious risk to cardiac patients using digoxin products which may vary in bioavailability, the Commissioner of Food and Drugs has determined that immediate action must be taken to assure the uniformity of all digoxin products for oral use. The Commissioner is of the opinion that digoxin products for oral use are new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act for which approved new drug applications are required. The Commissioner has determined that, because of questions raised regarding the bioavailability of digoxin products for oral use, there is sufficient evidence to invoke the authority under section 505(j) of the act to fully investigate this question and to facilitate a determination of whether there is a ground for withdrawal of approval of the drug product under section 505(e) of the act. Marketing of these products may be continued only under the following conditions:

(1) Digoxin products for oral use, other than tablets: Any person marketing digoxin products for oral use, other than tablets, shall submit to the Food and Drug Administration on or before February 21, 1974, an abbreviated new drug application for these products. Any such drug product then on the market which is not the subject of an application submitted for the drug product shall be subject to regulatory procedures under section 505 of the act. In addition to the information specified in § 314.1(f) of this chapter, the application shall contain:

(i) A full list of the articles used as components of the digoxin product, specifications for components, detailed identification and analytical procedures used to assure that the components meet established specifications of identity, strength, quality, and purity and a complete description of the manufacturing process.

(ii) The source of the digoxin used in the formulation including the name and address of the supplier.

(iii) A statement that stability studies will be conducted to establish a suitable expiration date for the digoxin product in the form in which it is distributed.

(iv) A statement that the product label will contain a suitable expiration date. In the absence of any stability test data, this expiration date shall be no longer than one year after the batch is manufactured. If the expiration date is greater than one year, supporting stability data shall be included in the application.

(v) Labeling that is in compliance with all requirements of the act and regulations promulgated thereunder, the pertinent parts of which are as indicated in paragraph (e) of this section.

(vi) A statement that the applicant will initiate recall of all stocks of the drug product outstanding when so requested by the Food and Drug Administration.

(vii) A statement that the applicant intends to conduct in vivo bioavailability tests and that the applicant, under the records and reports provisions of section 505(j) of the act, will:

(*a*) Within 30 days after the submission of the application, submit to the Food and Drug Administration the protocol which the applicant proposes to follow in conducting these in vivo bioavailability tests. The protocol shall contain all of the essential elements set forth in paragraph (d) of this section. The tests shall not be initiated prior to receiving notification from the Food and Drug Administration that the bioavailability protocol has been reviewed and either approved or its deficiencies delineated.

(*b*) Within 180 days after receiving notification from the Food and Drug Administration that the bioavailability protocol has been reviewed, submit to the Food and Drug Administration the results of the in vivo bioavailability tests.

(2) Digoxin tablets: Any person marketing digoxin tablets, in addition to complying with all of the requirements of paragraph (a)(1) of this section, shall include in their abbreviated new drug application:

(i) A statement that the applicant will establish procedures to test each lot of digoxin tablets prior to releasing the batch for distribution to assure that the batch meets all of The United States Pharmacopeia (USP XVIII) requirements for digoxin tablets including, but not limited to, potency, content uniformity, and dissolution and either (*a*) that the quantity of digoxin dissolved at one hour is not more than 95 percent of the assayed amount of digoxin or (*b*) that the quantity of digoxin dissolved at 15 minutes is not more than 90 percent of the assayed amount of digoxin.

(ii) A statement that finished product specifications shall be established to include provisions to assure that the range of average one-hour dissolution values among batches of digoxin tablets does not exceed 20 percent.

(3) Before releasing for distribution any batch of digoxin tablets manufactured after January 22, 1974, the manufacturer shall:

(i) Test a sample of the batch to assure that the batch meets all of the requirements of The United States Pharmacopeia (USP XVIII) including but not limited to, potency, content uniformity, and dissolution and either (*a*) that the quantity of digoxin dissolved at one hour is not more than 95 percent of the assayed amount of digoxin or (*b*) that the quantity of digoxin dissolved at 15 minutes is not more than 90 percent of the assayed amount of digoxin.

(ii) Submit a sample of the batch to the Food and Drug Administration according to the procedures set forth in paragraph (g) of this section. Results of tests conducted on the batch by or for the manufacturer and the batch production record shall accompany the sample.

(iii) Withhold the batch from distribution until he is notified by the Food and Drug Administration that the sample was tested and found to meet all of the requirements in The United States Pharmacopeia (USP XVIII) for potency, content uniformity, and dissolution and either (*a*) that the quantity of digoxin dissolved at one hour is not more than 95 percent of the assayed amount of digoxin or (*b*) that the quantity of digoxin dissolved at 15 minutes is not more than 90 percent of the assayed amount of digoxin.

(iv) Submit a sample of each batch of digoxin tablets as provided for in paragraph (a)(3)(ii) of this section until he is notified by the Food and Drug Administration that he is released from the certification program. This notification will be made on the basis of sample test results, inspectional findings regarding compliance with current good manufacturing practice, and compliance with all other requirements of this section and any other directives issued by the Food and Drug Administration as a condition for release from the certification program.

(4) Any manufacturer who has distributed any batch of digoxin tablets which does not meet the compendial requirement for dissolution, when tested by the method in The United States Pharmacopeia (USP XVIII), shall initiate recall of the subject batch when so requested by the Food and Drug Administration.

(b) Failure of an applicant to submit the protocol and/or the results of the in vivo bioavailability tests showing adequate evidence of the product's bioavailability within the times specified in paragraph (a)(1)(vii) of this section and/or to comply with all of the certification requirements of paragraph (a)(3) of this section shall be justification for withdrawal of approval of the application under section 505(e) of the act.

(c) Any product reformulation or change in manufacturing process will require the submission of a supplement to the approved abbreviated new drug application containing adequate data to demonstrate the bioavailability of the reformulated product. Food and Drug Administration approval of the supplement is required before the reformulated product is marketed. The Food and Drug Administration recommends that, where digoxin tablets are reformulated, manufacturers reformulate their product to achieve dissolution of 70 to 90 percent at one hour when tested by all three methods (i.e., the USP method, and the "paddle-water" and "paddle-acid" methods) described in paragraph (h) of this section.

(d) The protocol for the in vivo bioavailability tests required in paragraphs (a) and (c) of this section shall employ a three-way crossover design using the digoxin test product; a reference digoxin tablet supplied, on request, by the Food and Drug Administration; and bulk digoxin USP in an oral solution. Appropriate venous blood and urinary samples are to be collected and analyzed. The method shall be capable of detecting the difference between the reference tablet and the reference oral solution. Bioavailability of the test product shall be demonstrated if a mean absorption of at least 75 percent of the combined mean of the two reference standards is observed. Assistance in developing a protocol for a particular dosage formulation may be obtained by contacting the Food and Drug Administration, Bureau of Drugs (HFD-220), 5600 Fishers Lane, Rockville, MD 20852.

(e) Parts of the digoxin product labeling indicated below shall be substantially as follows:

CARDIAC (DIGITALIS) GLYCOSIDES LABELING GUIDELINE (ADULT)

DESCAIPTION

The cardiac (or digitalis) glycosides are a closely related group of drugs having in common specific and powerful effects on the myocardium. These drugs are found in a number of plants. The term "digitalis" is used to designate the whole group. Typically, the glycosides are composed of three portions, a steroid nucleus, a lactone ring, and a sugar (hence "glycosides").

(This section should include a chemical and physical description of digoxin and the same quantitative ingredient information as that required on the label.)

ACTION

The digitalis glycosides have qualitatively the same therapeutic effect on the heart. They (1) increase the force of myocardial contraction, (2) increase the refractory period of the atrioventricular (A-V) node, and (3) to a lesser degree, affect the sinoatrial (S-A) node and conduction system via the parasympathetic and sympathetic nervous systems.

Gastrointestinal absorption of digoxin is a passive process. Absorption of digoxin from tablets is 50–75 percent. Digoxin is only 20–25 percent bound to plasma proteins and is predominantly excreted by the kidneys unmetabolized unless there is significant renal failure. Renal excretion of digoxin is proportional to glomerular filtration rate and is largely independent of urine flow. Digoxin is not effectively removed from the body by dialysis, exchange transfusions or during cardiopulmonary bypass presumably because of tissue binding. In subjects with normal renal function digoxin is excreted exponentially with an average half-life of 36 hours resulting in the loss of 35–40 percent of the body stores daily.

Serum levels and pharmacokinetics are essentially unchanged by massive weight loss suggesting that lean body mass should be used in dosage calculations. The peak blood level from oral dosing with tablets occurs 1–3 hours after administration. The onset of therapeutic action of digoxin after oral tablets is 1–2 hours with the peak therapeutic effect occurring 6–8 hours after dosing.

INDICATIONS

1. "Congestive heart failure," all degrees, is the primary indication. The increased cardiac output results in diuresis and general amelioration of the disturbances characteristic of right (venous congestion, edema) and left (dyspnea, orthopnea, cardiac asthma) heart failure.

Digitalis, generally, is most effective in "low output" failure and less effective in "high output" (bronchopulmonary insufficiency, infection, hyperthyroidism) heart failure.

Digitalis should be continued after failure is abolished unless some known precipitating factor is corrected.

2. "Atrial fibrillation"—especially when the ventricular rate is elevated. Digitalis rapidly reduces ventricular rates and eliminates the pulse deficit. Palpitation, precordial distress or weakness are relieved and any concomitant congestive failure ameliorated.

Digitalis is continued in doses necessary to maintain the desired ventricular rate and other clinical effects.

3. "Atrial flutter" digitalis slows the heart and regular sinus rhythm may appear. Frequently the flutter is converted to atrial fibrillation with a slow ventricular rate. Stopping digitalis at this point may be followed by restoration of sinus rhythm, especially if the flutter was of the paroxysmal type. It is preferable, however, to continue digitalis if failure ensues or if atrial flutter is a frequent occurrence.

4. "Paroxysmal atrial tachycardia" digitalis may be used, especially if it is resistant to lesser measures. Depending on the urgency, a more rapid acting parenteral preparation may be preferable to initiate digitalization, although if failure has ensued or paroxysms recur frequently, digitalis is maintained by oral administration.

Digitalis is not indicated in sinus tachycardia or premature systoles in the absence of heart failure.

"Cardiogenic shock"—the value of digitalis is not established, but the drug is often employed, especially when the condition is accompanied by pulmonary edema. Digitalis seems to adversely affect shock due to infections.

CONTRAINDICATIONS

The presence of toxic effects (See "Overdosage") induced by any digitalis preparation is an absolute contraindication to all of the glycosides.

Allergy, though rare, does occur. It may not extend to all preparations and another may be tried.

Ventricular Fibrillation.

Ventricular tachycardia, unless congestive failure supervenes after a protracted episode not itself due to digitalis.

WARNINGS

Many of the arrhythmias for which digitalis is advised are identical with those reflecting digitalis intoxication. If the possibility of digitalis intoxication cannot be excluded, cardiac glycosides should be temporarily withheld if permitted by the clinical situation.

The patient with congestive heart failure may complain of nausea and vomiting. These symptoms may also be indications of digitalis intoxication. A clinical determination of the cause of these symptoms must be attempted before further drug administration.

Patients with renal insufficiency are apt to be unusually sensitive to digoxin. See Action Section for mechanism.

PRECAUTIONS

"Potassium depletion" sensitizes the myocardium to digitalis and toxicity is apt to develop even with usual dosage. Hypokalemia also tends to reduce the positive inotropic effect of digitalis.

Potassium wastage may result from diuretic, corticosteroid, hemodialysis and other therapy. It is apt to accompany malnutrition, old age and long-standing congestive heart failure.

"Acute myocardial infarction," severe pulmonary disease, or far advanced heart failure are apt to be more sensitive to digitalis and more prone to disturbances of rhythm.

"Calcium" affects contractility and excitability of the heart in a manner similar to that of digitalis. Calcium may produce serious arrhythmias in digitalized patients.

"Myxedema"—Digitalis requirements are less because excretion rate is decreased and blood levels are significantly higher.

"Incomplete AV block," especially patients subject to Stokes Adams attacks, may develop advanced or complete heart block. Heart failure in these patients can usually be controlled by other measures and by increasing the heart rate.

"Chronic constrictive pericarditis," is apt to respond unfavorably.

"Idiopathic hypertrophic subaortic stenosis" must be managed extremely carefully. Unless cardiac failure is severe it is doubtful whether digitalis should be employed.

"Renal insufficiency" delays the excretion of digitalis and dosage must be adjusted accordingly in patients with renal disease.

NOTE: This applies also to potassium administration should it become necessary.

Electrical conversion of arrhythmias may require adjustment of digitalis dosage.

ADVERSE REACTIONS

Gynecomastia, uncommon.

Overdosage or toxic effects. Gastrointestinal—anorexia, nausea, vomiting, diarrhea are the most common early symptoms of overdosages in the adult (but rarely conspicuous in infants). Uncontrolled heart failure may also produce such symptons. Central Nervous System—headache, weakness, apathy, visual disturbances.

Cardiac Disturbances (Arrhythmias)—ventricular premature beats is the most common, except in infants and young children.

Paroxysmal and nonparoxysmal nodal rhythms, atrioventricular (inference) dissociation and paroxysmal atrial tachycardia (PAT) with block are also common arrhythmias due to digitalis overdosage.

Conduction Disturbances—excessive slowing of the pulse is a clinical sign of digitalis overdosage. Atrioventricular block of increasing degree, may proceed to complete heart block.

NOTE: The electrocardiogram is fundamental in determining the presence and nature of these toxic disturbances. Digitalis may also induce other changes (as of the ST seg-

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ment), but these provide no measure of the degree of digitalization.

TREATMENT OF ARRHYTHMIAS PRODUCED BY OVERDOSAGES

Digitalis is discontinued until after all signs of toxicity are abolished. This may be all that is necessary if toxic manifestations are not severe and appear after the time for peak effect of the drug.

Potassium salts are commonly used. Potassium chloride in divided doses totaling 4 to 6 gm. for adults (See Pediatric Information for children) provided renal function is adequate.

When correction of the arrhythmia is urgent, potassium is administered intravenously in a solution of 5 percent dextrose in water, a total of 40–100 mEq. (40 mEq. per 500 ml.) at the rate of 40 mEq. per hour unless limited by pain due to local irritation.

Additional amounts may be given if the arrhythmia is uncontrolled and the potassium well tolerated.

Electrocardiographic monitoring is indicated to avoid potassium toxicity, e.g. peaking of T waves

CAUTION

Potassium should not be used and may be dangerous for severe or complete heart block due to digitalis and not related to any tachycardia.

Chelating agents to bind calcium may also be used to counteract the arrhythmia effect of digitalis toxicity, hypokalemia and of elevated serum calcium which may also precipitate digitalis toxicity.

Four grams (0.8 percent solution) of the disodium salt of EDTA is dissolved in 500 ml. of 5 percent dextrose in water (50 mg. per ml.) and administered over a period of 2 hours unless the arrhythmia is controlled before the infusion is completed.

A continuous electrocardiogram should be observed so that the infusion may be promptly stopped when the desired effect is achieved.

Other counteracting agents are: Quinidine procainamide and beta adrenergic blocking agents.

DOSAGE AND ADMINISTRATION

Oral digitalis is administered slowly or rapidly as required until the desired therapeutic effect is obtained without symptoms of overdosage. The amount can be predicted approximately from the weight of the patient with allowances made for excretion during the time taken to induce digitalization.

Subsequent maintenance dosage is also determined tentatively by the amount necessary to sustain the desired therapeutic effect.

Recommended dosages are practical average figures which may require considerable modification as dictated by individual sensitivity or associated conditions. (See Warning Precautions.)

The average digitalizing dose with digoxin tablets is 1.25–1.5 milligrams. Digitalization may be accomplished by several approaches. A dose of 1.0 milligram orally usually produces a digitalis effect in 1–2 hours and becomes maximal in 6–8 hours. Additional doses of 0.25 or 0.5 milligram may be given at 6–8 hour intervals to full digitalization.

The usual daily oral maintenance dose is 0.25–0.5 milligram. For previously undigitalized patient, institution of daily maintenance therapy without a loading dose results in development of steady-state plateau concentrations in about seven days in patients with normal renal function. By giving 0.75 milligram digoxin daily in divided doses the desired therapeutic effect may be achieved in a previously undigitalized patient with normal renal function in 4–5 days.

It cannot be overemphasized that the values given are averages and substantial individual variation can be expected.

(If pediatric dosage is available the labeling sections above should be expanded to include the following information.)

PEDIATRIC INFORMATION

WARNINGS

Newborn infants during first month of life have a sharply defined tolerance to digitalis. Impaired renal function must also be carefully taken into consideration.

"Premature and immature infants" are particularly sensitive and further reduction of dosage may be necessary.

Congestive failure accompanying acute "glomerulonephritis" requires extreme care in digitalization. A relatively low total dose administered in divided doses and concomitant use of reserpine or other antihypertensive agents has been recommended. Constant ECG monitoring is essential and digitalis discontinued as soon as possible.

IDIOPATHIC HYPERTROPHIC SUBAORTIC STENOSIS

See Adult Precautions.

"Rheumatic carditis"—such cases, especially when severe, are unusually sensitive to digitalis and prone to disturbances of rhythm. If heart failure develops, digitalization may be tried with relatively low doses; then cautiously increased until a beneficial effect is obtained. If a therapeutic trial does not result in improvement, the drug should be considered ineffective and be discontinued.

NOTE: Digitalis glycosides are an important cause of accidental poisoning in children.

PRECAUTIONS

Dosage must be carefully titrated.

Electrocardiographic monitoring may be necessary to avoid intoxication.

Premonitory signs of toxicity in the newborn are undue slowing of the sinus rate, sinoatrial arrest, and prolongation of PR interval.

OVERDOSAGE EFFECTS

Toxic signs differ from the adult in a number of respects.

Cardiac arrhythmias are the more reliable and frequent signs of toxicity.

Vomiting and diarrhea, neurologic and ophthalmological disturbance are rare as initial signs.

Premature centricular systoles are rarely seen; nodal and atrial systoles are more frequent.

Atrial arrhythmias, atrial ectopic rhythms and paroxysmal atrial tachycardia with AV block particularly are more common manifestations of toxicity in children.

Ventricular arrhythmias are rare.

TREATMENT OF TOXIC ARRHYTHMIAS

(See section for adults.) Potassium preparations may be given orally in divided doses totaling 1–2 gm. daily in children. When correction of the arrhythmia is urgent, 5 to 10 mEq. of potassium per hour are given, this amount being dissolved in 100 ml. of 5 percent dextrose in water. Additional amounts of potassium may be given if necessary and well tolerated by the child.

A chelating agent may be tried if other measures fail. EDTA intravenously has been recommended in a dose of 15 mg./kg./hr. in 5 percent dextrose in water, the total not to exceed 60 mg./kg./day. A continuous electrocardiogram should be observed so that the infusion can be stopped promptly when the desired effect is achieved.

DOSAGE AND ADMINISTRATION

Digitalization must be individualized. Generally, premature and immature infants are particularly sensitive permitting reduced dosage which must be determined by careful titration.

Oral dosage. Newborn (normal), from birth to 1 month, require adult proportions by body weight.

Infants, 1 month to 2 years require approximately 50 percent more by body weight than adult proportions.

Children, 2 years and over require adult proportions by body weight.

(Complete by adding dosage for the specific preparation.)

Long term use of digitalis is indicated in almost all infants who have been digitalized for acute congestive failure unless the cause is transient. Many favor maintaining digitalis until at least 2 years of age in all infants with paroxysmal atrial tachycardia or who show either definite or latent failure.

Many children with severe inoperable congenital defects need digitalis throughout childhood and often for life.

(f) Abbreviated new drug applications shall be submitted to the Food and Drug Administration, Bureau of Drugs, Office of Scientific Evaluation, Generic Drug Staff (HFD–107), 5600 Fishers Lane, Rockville, MD 20852.

(g) All samples of digoxin tablets required by paragraph (a) (3) of this section to be submitted to the Food and Drug Administration shall be handled as follows:

(1) The sample shall consist of 6 subsamples of 1000 tablets each collected at random from throughout the manufacturing run. Each of the 6 subsamples shall be identified with the name of the product, the labeled potency, the date of manufacture, the batch number, and the name and address of the manufacturer.

(2) The sample together with the batch production record and results of all tests conducted by or for the manufacturer to determine the product's identity, strength, quality, and purity, content uniformity and dissolution shall be submitted to the Department of Health, Education, and Welfare, Public Health Service, FDA National Center for Drug Analysis, 1114 Market St., St. Louis, MO 63101. The outer wrapper shall be identified "SAMPLE—DIGOXIN CERTIFICATION."

(h) The Food and Drug Administration is aware of data with two in vitro methods, in addition to that described in The United States Pharmacopeia (USP XVIII), developed to measure digoxin tablets dissolution. These two methods, the so-called "paddle-water" and "paddle-acid" methods, are described below and are identical with the exception of the nature of the dissolution medium used in the procedures (i.e., distilled or deionized water vs. dilute hydrochloric acid (0.6 percent volume/volume)). The dissolution apparatus used in these two methods differs significantly from the apparatus described in the method in the compendium. The Food and Drug Administration is aware that the three methods (i.e., USP, "paddle-water," and "paddle-acid") show significant differences in dissolution in comparative tests on some formulations. Definitive bioavailability data to compare the relative value of each of these methods to predict bioavailability of the few formulations where the methods show significant differences in dissolution rate are not now available. Manufacturers who conduct research utilizing the "paddle-water" and "paddle-acid" methods, particularly in comparison with the method in The United States Pharmacopeia, shall submit any data obtained using these methods to the Food and Drug Administration pursuant to section 505(j) of the act.

(1) *Dissolution apparatus.*

(NOTE: Throughout this procedure use scrupulously clean glassware, which previously has been rinsed with dilute hydrochloric acid, distilled or deionized water, then with alcohol, and carefully dried. Take precautions to prevent contamination from airborne, fluorescent particles and from metal and rubber surfaces.) The apparatus consists of a suitable water bath, a 1000 milliliter glass vessel (Kimble Glass No. 26220 or equivalent), a motor, and a polytetrafluoroethylene stirring blade (Sargent S–76637, Size B, 3 inch length; or equivalent) on a glass stirring shaft (Sargent 5–76636, 14.5 inch length; or equivalent). The water bath may be of any convenient size that permits keeping the water temperature uniformly at 37° C. ±0.5° C. throughout the test. The vessel is spherical, and is provided with three ports at the top, one of which is centered. The lower half of the vessel is 65 millimeters in inside radius and the vessel's nominal capacity is 1000 milliliters. The glass stirring shaft from the motor is placed in the center port, and one of the outer ports may be used for insertion of a thermometer. Samples may be removed for analysis through the other port. The motor is fitted with a speed-regulating device that allows the motor speed to be held at 50 rpm ±2 rpm. The motor is suspended above the vessel in such a way that it may be raised or lowered to position the stirring blade. The glass stirring shaft is 10 millimeters in diameter and about 37 centimeters in length. It must run true on the motor axis without perceptible wobble. The polytetrafluoroethylene stirring blade is 4 millimeters thick and forms a section of a circle, whose diameter is 83 millimeters and which is subtended by parallel chords of 42 and 77 millimeters. The blade is positioned horizontally, with the 42-millimeter edge down, 2.5 centimeters ±0.2 centimeter above the lowest inner surface of the vessel.

(2) *Reagents*—(i) *Dissolution medium.* For "paddle-water," use distilled or deionized water. For "paddle-acid," use dilute hydrochloric acid (0.6 percent volume/volume). Use the same batch of dissolution medium throughout the test.

(ii) *Standard solutions.* Accurately weigh approximately 25 milligrams of The United States Pharmacopeia Digoxin Reference Standard, dissolve in a minimum amount of 95 percent ethanol in a 500 milliliter volumetric flask and add 95 percent ethanol to volume and mix. Dilute 10.0 milliliters of this first solution to 100.0 milliliters with 95 percent ethanol and mix for the second solution. Just prior to use, individually dilute 1.0, 2.0, 3.0, 4.0, and 5.0 milliliter aliquots of the second solution with dissolution medium to 50.0 milliliters. These solutions are equivalent to 20, 40, 60, 80, and 100 percent of dissolution, respectively, for a 0.25 milligram digoxin tablet.

(iii) *Extraction solvent.* Prepare a solvent containing 6 volumes of chloroform, analytical reagent grade, with 1 volume of n-propyl alcohol, analytical reagent grade.

(iv) *Ascorbic acid-methanol solution.* Prepare a solution containing 2 milligrams of ascorbic acid, analytical reagent grade, per 1 milliliter of methanol, absolute, analytical reagent grade.

(v) *Hydrochloric acid, concentrated reagent grade.*

(vi) *Hydrogen peroxide-methanol solution.* On the day of use, dilute 2.0 milliliters of recently assayed 30 percent hydrogen peroxide, reagent grade, with methanol, absolute, analytical reagent grade to 100.0 milliliters. Store in a refrigerator. Just prior to use, dilute 2.0 milliliters of this soluton with methanol to 100.0 milliliters.

(3) *Procedure*—(i) *Dissolution.* Place 500 milliliters of dissolution medium in the vessel, immerse it in the constant-temperature bath set at 37°C.±0.5°C., and allow the dissolution medium to assume the temperature of the bath. Position the shaft so that there is a distance of 2.5 centimeters ±0.2 centimeter between the midpoint of the bottom of the blade and the bottom of the vessel. With the stirrer operating at a speed of 50 rpm±2 rpm, place 1 tablet into the flask. After 60 minutes, accurately timed, withdraw 25 milliliters, using a glass syringe connected to a glass sampling tube, of solution from a point midway between the stirring shaft and the wall of the vessel, and approximately midway in depth. Filter the solution promptly after withdrawal, using a suitable membrane filter of not greater than 0.8 micron porosity (Millipore AAWP 025 00, or equivalent), mounted in a suitable holder (Millipore Swinnex SX00 025 00, or equivalent), discarding the first 100 milliliters of filtrate. This is the test solution. Repeat the dissolution procedure on 5 additional tablets.

(ii) *Extraction.* Transfer 10.0 milliliters of each of the six filtrates, 10.0 milliliters of each of the five standard solutions, and 10.0 milliliters of dissolution medium, to provide a blank, in separate 60-milliliter separators. Extract each solution with two 10-milliliter portions of extraction solvent. Combine the extracts of each solution in separate, glass-stoppered, 50-milliliter conical flasks, and evaporate on a steam bath with the aid of a stream of nitrogen to dryness, rinsing the sides of the flasks with extraction solvent. Take care to ensure that all traces of solvent are removed, but avoid prolonged heating. For convenience the residues may be stored in a vacuum desiccator overnight.

(iii) *Measurement of fluorescence.* Begin with the standard solutions, and keep all flasks in the same sequence throughout, so that the elapsed time from addition of reagents to reading of fluorescence is the same for each. Carry the test solutions, standard solutions, and the blank through the determination in one group. Add the following three reagents in as rapid a sequence as possible, swirling after each addition, treating 1 flask at a time, in the order named: 1.0 milliliter of ascorbic acid-methanol solution, 3.0 milliliters of concentrated hydrochloric acid, and 1.0 milliliter of hydrogen peroxide-methanol solution. Insert the stoppers in the flasks, and after 2 hours, measure the fluorescence at about 485 millimicrons, using excitation at about 372 millimicrons. In order to provide a check on the stability of the fluorometer, reread one or more standard solutions. Correct each reading for the blank and plot a standard curve of fluorescence versus percentage dissolution. Determine the percentage dissolution of digoxin in the test solutions by reading from the standard graph.

(iv) Digoxin tablets formulated so that the quantity of digoxin dissolved at one hour, when tested by the method in The United States Pharmacopeia (USP XVIII), is greater than 95 percent of the assayed amount of digoxin and so that the quantity of digoxin dissolved at 15 minutes is greater than 90 percent of the assayed amount of digoxin are new drugs which may be marketed only with an approved full new drug application as provided for in § 314.1 of this chapter. The application shall include, but not be limited to, clinical studies establishing significantly greater bioavailability than digoxin tablets meeting compendial requirements and dosage recommendations based on clinical studies establishing the safe and effective use of the bioavailable digoxin product. Marketing of these digoxin products will be allowed only under a proprietary or trade name, established name, and labeling which differs from that used for digoxin tablets that meet all of the requirements in The United States Pharmacopeia (USP XVIII) and that are formulated so that either (a) the quantity of digoxin dissolved at one hour is not more than 95 percent of the assayed amount of digoxin or (b) the quantity of digoxin dissolved at 15 minutes is not more than 90 percent of the assayed amount of digoxin. New drug applications for these digoxin products shall be submitted to the Food and Drug Administration, Bureau of Drugs, Office of Scientific Evaluation (HFD–100), 5600 Fishers Lane, Rockville, MD 20852.

NOTE: The provisions of 21 CFR 310.500 (a) (1) as they apply to the submission of abbreviated new-drug applications are stayed until 30 days after such time as a decision is reached regarding revision of the product labeling set forth in § 310.500(e). See 39 FR 9184, Mar. 8, 1974.

§ 310.501 Oral contraceptive preparations; labeling directed to the patient.

(a) The Food and Drug Administration is charged with assuring both physicians and patients that drugs are safe and effective for their intended uses. The full disclosure of information to physicians concerning such things as the effectiveness, contraindications, warnings, precautions and adverse reactions is an important element in the discharge of this responsibility. In view of this, the Administration has reviewed the oral

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contraceptive products, taking into account the following factors: The products contain potent steroid hormones which affect many organ systems; they are used for long periods of time by large numbers of women who, for the most part, are healthy and take them as a matter of choice for prophylaxis against pregnancy, in full knowledge of other means of contraception; and there is no present assurance that persons for whom the drugs are prescribed or dispensed are uniformly being provided the necessary information for safe and effective use of the drugs.

(b) In view of the foregoing, it is deemed in the public interest to present to users of the oral contraceptives a brief notice of the nature of the drugs, the fact that continued medical supervision is needed for safe and effective use, that the drugs may cause side effects and are contraindicated in some cases, that the most important complication is abnormal blood clotting which can have a fatal outcome, that the physician recognizes an obligation to discuss the potential hazards of taking the drugs with the patient, that he has available for the patient written material discussing the effectiveness and the hazards of the drugs, and that users of the oral contraceptives should notify their physicians if they notice any unusual physical disturbance or discomfort.

(c) The Commissioner agrees that the physician is the proper person for providing use information to his patients, and these regulations will provide him a balanced discussion of the effectiveness and the risks attendant upon the use of oral contraceptives for his use in discussing the drugs with his patients.

(d) (1) The oral contraceptives are restricted to prescription sale, and their labeling is required to bear information under which practitioners licensed to administer the drugs can use them safely and for the purpose for which they are intended. In addition, in the case of oral contraceptive drugs, the Commissioner concludes that it is necessary in the best interests of users that the following printed information for patients be included in or with the package dispensed to the patient:

(Patient Package Information)

ORAL CONTRACEPTIVES

(Birth Control Pills)

Do Not Take This Drug Without Your Doctor's Continued Supervision.

The oral contraceptives are powerful and effective drugs which can cause side effects in some users and should not be used at all by some women. The most serious known side effect is abnormal blood clotting which can be fatal.

Safe use of this drug requires a careful discussion with your doctor. To assist him in providing you with the necessary information, _____ has prepared a booklet (or other form) written in a style understandable to you as the drug user. This provides information on the effectiveness and known hazards of the drug including warnings, side effects and who should not use it. Your doctor will give you this booklet (or other form) if you ask for it and he can answer any questions you may have about the use of this drug.

(Firm name)

Notify your doctor if you notice any unusual physical disturbance or discomfort.

(2) Providing the patient package information to users may be accomplished by including it in each package of the type intended for the user as follows:

(i) If such package includes additional printed materials for the patient (e.g., dosage schedules), the text of the information in paragraph (d) (1) of this section shall be an integral part of the printed material and be in boldface type set out in a box, preceding all other printed text.

(ii) If such package does not include printed material for the patient, the text of the information in paragraph (d) (1) of this section shall be provided as a printed leaflet in boldface type.

(iii) Include in each bulk package intended for multiple dispensing, a sufficient number of the patient package information leaflet, with instructions to the pharmacist to include one with each prescription dispensed.

(e) Written, printed, or graphic materials on the use of a drug that are disseminated by or on behalf of the manufacturer, packager, or distributor and are intended to be made available to the patient, are regarded as labeling. The Commissioner also concludes that it is necessary that information in lay language, concerning effectiveness, contraindications, warnings, precautions, and adverse reactions be incorporated prominently in the beginning of any such materials, and that such labeling must be made available to physicians for all patients who may request it. Such labeling shall be substantially as follows, based on the approved package insert for prescribers of the oral contraceptives, and shall included the following points:

(1) A statement that the drug should be taken only under continued supervision of physician.

(2) A statement regarding the effectiveness of the product.

(3) A warning regarding the serious side effects with special attention to thromboembolic disorders and stating the estimated morbidity and mortality in users vs. nonusers. Other serious side effects to be mentioned include mental depression, edema, rash, and jaundice. The possibility of infertility following discontinuation of the drug should be mentioned.

(4) A statement of contraindications.

(5) A statement of the need for special supervision of some patients including those with heart or kidney disease, asthma, high blood pressure, diabetes, epilepsy, fibroids of the uterus, migrane, mental depression or history thereof.

(6) A statement of the most frequently encountered side effects such as spotting, breast changes, weight changes, skin changes, and nausea and vomiting.

(7) A statement of the side effects frequently reported in association with the use of oral contraceptives, but not proved to be directly related such as nervousness, dizziness, changes in appetite, loss of scalp hair, increase in body hair, and increased or decreased libido.

(8) A statement regarding metabolic effects such as on blood sugar and cholesterol setting forth our current lack of knowledge regarding the long term significance of these effects.

(9) Instructions in the event of missed menstrual periods.

(10) A statement cautioning the patient to consult her physician before resuming the use of the drug after childbirth, especially if she intends to breastfeed the baby, pointing out that the hormones in the drug are known to appear in the milk and may decrease the flow.

(11) A statement regarding production of cancer in certain animals. This may be coupled with a statement that there is no proof of such effect in human beings.

(12) A reminder to the patient to report promptly to her physician any unusual change in her general physical condition and to have regular examinations.

Optionally, the booklet may also contain factual information on family planning, the usefulness and hazards of other available methods of contraception, and the hazards of pregnancy. This material shall be neither false nor misleading in any particular and shall follow the material presented above.

(f) The marketing of oral contraceptives may be continued if all the following conditions are met within 90 days of the date of publication of this section in the FEDERAL REGISTER.

(1) The labeling of such preparations shipped within the jurisdiction of the Act is in accord with paragraphs (d) (1) and (2), and (e) of this section.

(2) The holder of an approved new-drug application for such preparation submits a supplement to his new-drug application under the provisions of § 314.8(d) of this chapter to provide for labeling as described in paragraphs (d) and (e) of this section. Such labeling may be put into use without advance approval of the Food and Drug Administration.

(g) Existing stocks may be shipped without the package insert for a period of 90 days, provided the labeling booklet is prepared and disseminated as promptly as possible.

§ 310.502 Certain intrauterine devices for human use for the purpose of contraception.

(a) The Food and Drug Administration has become aware of the increased clinical use for the purpose of contraception of intrauterine devices that incorporate heavy metals, drugs, or other active substances. The amount of local irritation caused by such active materials has been reported as being correlated, in animal studies, to the efficacy of such devices in achieving their contraceptive effect. Several investigators have reported different pregnancy rates which appear to be dependent on the type of metal used and/or the amount of exposed surface of the metal. Drugs have been incorporated with otherwise inert intrauterine devices to increase the contraceptive effect, decrease adverse reactions, or provide increased medical acceptability.

(b) Intrauterine devices used for the purpose of contraception and incorporating heavy metals, drugs, or other active substances to increase the contraceptive effect, to decrease adverse reactions, or to provide increased medical acceptability, are not generally recognized as safe and effective for contraception and are new drugs within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act. A completed and signed "Notice of Claimed Investigational Exemption for a New Drug" (Form FD-1571 set forth in § 312.1(a)(2) of this chapter) must therefore be submitted to cover clinical investigations to obtain evidence that such preparations are safe and effective for this use. An approved new drug application is required for the marketing of such articles.

(c) Paragraphs (a) and (b) of this section do not apply to the following:

(1) Intrauterine devices fabricated solely from inactive materials (e.g., inactive plastics or metals).

(2) Intrauterine devices with substances added to improve the physical characteristics if such substances do not contribute to contraception through chemical action on or within the body and are not dependent upon being metabolized for the achievement of the contraceptive purpose.

(3) Intrauterine devices that contain a component, such as barium, added exclusively for the purpose of visualization by X-ray.

§ 310.503 Requirements regarding certain radioactive drugs.

(a) On January 8, 1963 (28 FR 183), the Commissioner of Food and Drugs exempted investigational radioactive new drugs from § 312.1 of this chapter provided they were shipped in complete conformity with the regulations issued by the Atomic Energy Commission. This exemption also applied to investigational radioactive biologics.

(b) It is the opinion of the Atomic Energy Commission, and the Food and Drug Administration that this exemption should not apply for certain specific drugs and that these drugs should be appropriately labeled for uses for which safety and effectiveness can be demonstrated by new-drug applications or through licensing by the Public Health Service in the case of biologics. Continued distribution under the investigational exemption when the drugs are intended for established uses will not be permitted.

(c) Based on its experience in regulating investigational radioactive pharmaceuticals, the Atomic Energy Commission has compiled a list of reactor-produced isotopes for which it considers that applicants may reasonably be expected to submit adequate evidence of safety and effectiveness for use as recommended in appropriate labeling; such use may include, among others, the uses in this tabulation:

Isotope	Chemical form	Use
Chromium 51	Chromate	Spleen scans.
Do	do	Placental localization.
Do	do	Red blood cell labeling and survival studies.
Do	Labeled human serum albumin.	Gastrointestinal protein loss studies.
Do	do	Placenta localization.
Do	Labeled red blood cells.	Do.
Cobalt 58 or Cobalt 60	Labeled cyanocobalamin.	Intestinal absorption studies.
Gold 198	Colloidal	Liver scans.
Do	do	Intracavitary treatment of pleural effusions and/or ascites.
Do	do	Interstitial treatment of cancer.
Iodine 131	Iodide	Diagnosis of thyroid functions.
Do	do	Thyroid scans.
Do	do	Treatment of hyperthyroidism and/or cardiac dysfunction.
Do	do	Treatment of thyroid carcinoma.
Do	Iodinated human serum albumin.	Blood volume determinations.
Do	do	Cisternography.
Do	do	Brain tumor localization.
Do	do	Placenta localization.
Do	do	Cardiac scans for determination of pericardial effusions.
Do	Rose Bengal	Liver function studies.
Do	do	Liver scans.
Do	Iodopyracet, sodium iodohippurate, sodium diatrizoate, diatrizoate methylglucamine, sodium diprotrizoate, sodium acetrizoate, or sodium iothalamate.	Kidney function studies and kidney scans.
Do	Labeled fats and/or fatty acids.	Fat absorption studies.
Do	Cholografin	Cardiac scans for determination of pericardial effusions.
Do	Macroaggregated iodinated human serum albumin.	Lung scans.
Do	Colloidal microaggregated human serum albumin	Liver scans.
Iodine 125	Iodide	Diagnosis of thyroid function.
Do	Iodinated human serum albumin.	Blood volume determinations.
Do	Rose Bengal	Liver function studies.
Do	Iodopyracet, sodium iodohippurate, sodium diatrizoate methylglucamine, sodium diprotrizoate, sodium acetrizoate, or sodium iothalamate.	Kidney function studies.
Do	Labeled fats and/or fatty acids.	Fat absorption studies.
Iron 59	Chloride, citrate and/or sulfate.	Iron turnover studies.
Krypton 85	Gas	Diagnosis of cardiac abnormalities.
Mercury 197	Chlormerodrin	Kidney scans.
Do	do	Brain scans.
Mercury 203 [1]	do	Kidney scans.
Do	do	Brain scans.
Phosphorus 32	Soluble phosphate.	Treatment of polycythemia vera.
Do	do	Treatment of leukemia and bone metastasis.
Do	Colloidal chromic phosphate.	Intracavitary treatment of pleural effusions and/or ascites.
Do	do	Interstitial treatment of cancer.
Potassium 42	Chloride	Potassium space studies.
Selenium 75	Labeled methionine.	Pancreas scans.
Strontium 85	Nitrate or chloride.	Bone scans on patients with diagnosed cancer.
Technetium 99m.	Pertechnetate	Brain scans.
Do	do	Thyroid scans.
Do	Sulfur colloid	Liver and spleen scans.
Do	Pertechnetate	Placenta localization.
Do	do	Blood pool scans.
Do	do	Salivary gland scans.
Do	Diethylenetriamine pentaacetic acid (DTPA).	Kidney scans.
Xenon 133	Gas	Diagnosis of cardia abnormalities. Cerebral blood-flow studies. Pulmonary function studies. Muscle blood-flow studies.

[1] This item has been removed from the AEC list for kidney scans but is included as the requirements of this order are applicable.

(d) (1) In view of the extent of experience with the isotopes listed in paragraph (c) of this section, the Atomic Energy Commission, and the Food and Drug Administration conclude that they should not be distributed under investigational-use labeling when they are actually intended for use in medical practice.

(2) It is further concluded that manufacturers or distributors interested in continuing to ship in interstate commerce drugs containing the isotopes listed in paragraph (c) of this section for any of the indications listed should submit, within 90 days after the effective date of this section, to the Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, a new-drug application or a "Notice of Claimed Investigational Exemption for a New Drug" for each such drug for which the manufacturer or distributor does not have an approved new-drug application pursuant to section 505(b) of the Federal Food, Drug, and Cosmetic Act. Any "Notice of Claimed Investigational Exemption for a New Drug" should be submitted in accordance with § 312.1 of this chapter, and any new-drug application should be submitted in accordance with § 314.1 of this chapter.

(3) If the drug is a biologic, a "Notice of Claimed Investigational Exemption for a New Drug" or an application for a license under section 351 of the Public

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Health Service Act, should be submitted to the Bureau of Biologics, Food and Drug Administration. Any "Notice of Claimed Investigational Exemption for a New Drug" or a product license application for a biologic shall be submitted in accordance with 21 CFR 312.1 or 601.

(4) After such 90-day period, the isotopes listed in paragraph (c) of this section, in the "chemical form" and intended for the uses stated, will no longer be exempt from § 312.1 of this chapter.

(e) No exemption from section 505 of the act or from § 312.1 of this chapter is in effect or has been in effect for radioactive drugs prepared from accelerator-produced radioisotopes, naturally occurring isotopes, or nonradioactive substances used in conjunction with isotopes.

§ 310.504 Amphetamines (amphetamine, dextroamphetamine, and their salts and levamfetamine and its salts) for human use.

(a) Amphetamine and dextroamphetamine and their salts. (1) Pursuant to the drug efficacy requirements of the Federal Food, Drug, and Cosmetic Act, the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, has evaluated certain dosage forms of amphetamines and other sympathomimetic stimulant drugs intended for use in the treatment of obesity and for other uses. The Academy found that such drugs as a class have been shown to have a generally short-term anorectic action. They further commented that clinical opinion on the contribution of the sympathomimetic stimulants in a weight reduction program varies widely, the anorectic effect of these drugs often plateaus or diminishes after a few weeks, most studies of them are for short periods, no available evidence shows that use of anorectic alters the natural history of obesity, some evidence indicates that anorectic effects may be strongly influenced by the suggestibility of the patient, and reservations exist about the adequacy of the controls in some of the clinical studies. Their significant potential for drug abuse was also cited.

(2) In addition to those dosage forms that were reviewed for efficacy by the Academy, other dosage forms of amphetamine drugs are on the market that were not cleared through the new-drug procedures. While certain amphetamines were marketed prior to enactment of the Federal Food, Drug, and Cosmetic Act in 1938, some of the conditions of use subsequently prescribed, recommended, or suggested in their labeling (for example, for the treatment of obesity) differ from uses claimed for the amphetamines before said enactment. Such uses have not been cleared through the effectiveness provisions of the Drug Amendments of 1962 (Pub. L. 87-781 which amended the Federal Food, Drug, and Cosmetic Act). These drugs are very extensively used in the treatment of obesity. The extent of use for such purposes as narcolepsy and minimal brain dysfunction in children is believed to be minor as compared with the total usage of these drugs. Because of their stimulant effect on the central nervous system, they have a potential for misuse by those to whom they are available through a physician's prescription, and their abuse by those who obtain them through illicit channels is well documented. Production data indicate that amphetamines have been produced and prescribed in quantities greatly in excess of demonstrated medical needs.

(3) Pursuant to a notice published in the FEDERAL REGISTER of August 8, 1970 (35 FR 12652), which required the submission of new drug applications as a condition for continued marketing of amphetamines, 106 new drug applications for amphetamines or amphetamine-containing drug products were received. The data submitted in those applications, and data obtained from other sources concerning anorectic drugs, generally supported the efficacy of anorectic drugs.

(b) On the basis of currently available evidence derived from short-term studies, the Commissioner concludes that single drug entity oral dosage forms of amphetamine or dextroamphetamine are effective in the management of exogenous obesity as a short-term (a few weeks) adjunct in a regimen of weight reduction, based on caloric restrictions, for patients in whom obesity is refractory to other measures. For purposes of this regulation, a mixture of dextroamphetamine and amphetamine is ordinarily regarded as a single drug entity.

(c) The Food and Drug Administration is not aware of data providing substantial evidence of the effectiveness of levamfetamine and its salts and regards these preparations as new drugs requiring approval full new-drug applications.

(d) In view of the well-documented history of abuse of parenteral amphetamines the severe risk of drug dependence, and the availability of safer alternative parenteral drugs which are equally effective for recognized non-anorectic indications, the Food and Drug Administration regards parenteral amphetamines as lacking evidence of safety.

(e) Any combination drug containing amphetamine or dextroamphetamine is regarded as a new drug requiring an approved full new-drug application as a condition for marketing. Data in new-drug applications are required to fulfill the criteria set forth in § 3.86 of this chapter governing fixed combination prescription drugs for humans.

(f) New drug applications have been received from persons marketing orally administered single entity amphetamine or dextroamphetamine dosage forms. Any other person who intends to market such drug is required to submit to the Food and Drug Administration an abbreviated new drug application (§ 314.1 (f) of this chapter) except that in addition, the application shall contain full information required under items 7 and 8 (composition and methods, facilities, and controls) of the new drug application Form FD-356H (§ 314.1(c) of this chapter).

(g) The labeling conditions for single entity oral dosage forms of amphetamine and dextroamphetamine and their salts are as follows:

(1) The label shall bear the statement "Caution: Federal law prohibits dispensing without prescription".

(2) The drug shall be labeled to comply with all requirements of the act and regulations. The labeling shall bear adequate information for safe and effective use of the drug. The indications for use are:

Narcolepsy.

Minimal brain dysfunction in children (hyperkinetic behavior disorders), as an aid to general management.

Management of exogenous obesity as short-term (a few weeks) adjunct in a regimen of weight reduction based on caloric restriction, for patients in whom obesity is refractory to other measures.

(3) Complete labeling guidelines are available from the Food and Drug Administration.

(h) Regulatory proceedings will be initiated with regard to any such drug within the jurisdiction of the act which is not in accord with this regulation.

§ 310.505 Conditions for use of methadone.

(a) *Definitions.* (1) An individual is "drug dependent" when his addiction reaches a stage where a daily administration of heroin or other morphine-like drugs is required to avoid the onset of signs of withdrawal.

(2) "Detoxification treatment" using methadone is the administering or dispensing of methadone as a substitute narcotic drug in decreasing doses to reach a drug free state in a period not to exceed 21 days in order to withdraw an individual who is dependent on heroin or other morphine-like drugs from the use of these drugs.

(3) "Maintenance treatment" using methadone is the continued administering or dispensing of methadone, in conjunction with provision of appropriate social and medical services, at relatively stable dosage levels for a period in excess of 21 days as an oral substitute for heroin or other morphine-like drugs, for an individual dependent on heroin. An eventual drug free state is the treatment goal for patients but it is recognized that for some patients the drug may be needed for long periods of time.

(4) "State authority" means the State authority designated pursuant to section 409 of Public Law 92-255, the Drug Abuse Office and Treatment Act of 1972, or in lieu thereof any other State authority designated by the Governor for purposes of exercising the authority under this section. If no State authority is so designated, the provisions in this section relating to approval by the State authority shall be inapplicable with respect to that State.

(b) *Organizational structures and approval requirements*—(1) *Methadone treatment program*—(i) *Defined.* A methadone treatment program is defined as a person or organization furnishing a comprehensive range of services using methadone for the detoxification and/or maintenance treatment of narcotic addicts, conducting initial evaluation of patients and providing ongoing treatment at a specified location or locations. If there is a centralized organizational structure, consisting of a primary facility and other outpatient facilities, all of which conduct initial evaluation of patients and administer or dispense medication, both the primary facility and each outpatient facility shall be considered a separate program, even though some services may be shared (e.g. the same hospital or rehabilitative services).

(ii) *Services.* A methadone treatment program, in addition to providing medication and/or evaluation, shall provide, as a minimum, counseling, rehabilitative, and other social services (e.g. vocational and educational guidance, employment placement), which will help the patient become a well functioning member of society. These services should normally be made available at the primary outpatient facility, but the program sponsor is permitted to enter into a formal, documented agreement with private or public agencies, organizations or institutions for these services if they are available elsewhere. Evidence will be required to demonstrate that the services are fully available and are being utilized.

(iii) *Hospital affiliation.* If a program is not physically located within a hospital which has agreed to provide any needed medical care for drug related problems for the program's patients, there shall be a formal, documented agreement between the program sponsor and a responsible hospital official demonstrating that hospital care, both inpatient and outpatient, is fully available to any patient who may need it for such problems. It is suggested that the program sponsor enter into an agreement with the hospital official to provide general medical care for patients. Neither the program sponsor nor the hospital are required to assume financial responsibility for the patient's medical care.

(iv) *Private practitioners.* A private practitioner constitutes a separate program if he conducts initial evaluation of patients, administers and dispenses medication, provides a comprehensive range of services, and otherwise meets all of the requirements for a program established in this section. A private practitioner who qualifies and is approved as a program is permitted to serve as many patients as he desires, but will be required to meet all the requirements of this regulation, including staffing requirements, unless permission is granted by the Food and Drug Administration and the State authority for exemption from or revision of these requirements.

(v) *Program approval.* In order lawfully to operate a methadone treatment program, each separate program, whether an out-patient facility or a private practitioner, shall submit the applications specified in this section simultaneously to the Food and Drug Administration and the State authority and shall receive the approval of both, except as provided for in paragraph (h) (5) of this section. Before granting approval the Food and Drug Administration will first consult with the Drug Enforcement Administration, Department of Justice, to determine compliance with Federal controlled substances laws. Each physical location within any program shall be identified and listed in the approval application. At the time of application for approval the program sponsor shall indicate whether medication will be administered or dispensed at the facility. If medication is to be administered or dispensed at a location not previously used for this purpose, prior approval from both agencies shall be obtained. If a facility in which medication is administered or dispensed is deleted by a program the Food and Drug Administration and the State authority shall be notified within 3 weeks. Addition or deletion of facilities which provides services other than administering or dispensing medication is permitted with notification within 3 weeks to the Food and Drug Administration and the State authority.

(2) *Methadone treatment medication unit*—(i) *Defined.* A methadone treatment "medication unit" is a facility, established by a program sponsor as part of his program, from which licensed private practitioners and community pharmacists are permitted to administer and dispense methadone. These medication units may also collect urine for urine testing for narcotic drugs. Any such facility shall be geographically dispersed from the primary facility and other medication units that have been established. The enrollment in a medication unit shall be of reasonable size in relation to the space available for treatment and the size of the staff at the facility, and may not exceed 30 patients.

(ii) *Referral.* The patient shall be stabilized at his optimal dosage level before he may be referred to a medication unit. Since the medication unit will not provide a range of services, the program sponsor shall determine that the patient to be referred is not in need of frequent counseling, rehabilitative, and other services which are only available at the primary program facility. A patient may not be referred to a medication unit before he has demonstrated progress towards rehabilitation. The nature of this progress shall be entered in the patient's record.

(iii) *Responsibility for patient.* After a patient is referred to a medication unit, the program sponsor retains continuing responsibility for the patient's care. The program sponsor is responsible for assuring that the patient reports weekly for urinalysis at either the primary facility or the medication unit and receives needed medical and social services at least monthly at the primary facility.

(iv) *Services.* Medication units are limited to the administering or dispensing of medication and the collection of urine for urine testing, following the procedures outlined in paragraph (d) (6) (ii) of this section. If a private practitioner wishes to provide other services in addition to administering or dispensing medication and collecting urine samples, he shall be considered a program and shall be required to submit an application for separate approval.

(v) *Medication unit approval.* In order lawfully to operate a medication unit, the program shall obtain approval for each separate unit from both the Food and Drug Administration and the State authority, except as provided for in paragraph (h) (5) of this section. Approval will be based on the distribution of these units within a particular geographic area. Any new medication unit shall receive such approval before commencing operation.

(vi) *Revocation of approval.* If the primary program's approval is revoked by the Food and Drug Administration the approval for the medication unit is automatically revoked. If a particular medication unit's approval is revoked, the approval of the primary program will remain in effect unless it is also revoked.

(vii) *Methadone supply.* The medication unit will receive its supply of the drug directly from the stocks of the primary facility. Only persons permitted to administer or dispense the drug or security personnel licensed or otherwise authorized by State law may deliver the drug to a medication unit.

(3) *Organizational structure; central administration.* (i) The program sponsor shall submit to the Food and Drug Administration and the State authority a description of the organizational structure of the program applying for approval, listing the name of the person responsible for the particular program, the address, and the responsibilities of each facility or medication unit. The sources of funding for each program shall be listed and the name and address of each governmental agency providing funding shall be stated.

(ii) Where two or more programs share a central administration (e.g., a city or state-wide organization), the person responsible for the organization (Administrator) shall be listed as program sponsor for each separate program participating. An individual program shall indicate its participation in the central organization at the time of its application. The Administrator is permitted to fulfill all recordkeeping and reporting requirements for these programs, but it is emphasized that the programs will continue to receive separate approval.

(iii) One individual is permitted to assume primary medical responsibility for more than one program and be listed as medical director. If an individual assumes medical responsibility for more than one program, the feasibility of such an arrangement shall be documented and attached to the application.

(4) *Prohibition against unapproved use of methadone.* No individual, practitioner, organization, or legal entity, may prescribe, administer, or dispense methadone without prior approval by the Food

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and Drug Administration and the State authority, except as provided for in paragraph (h)(5) of this section, unless specifically exempted by this section.

(c) *Conditions for approval of the use of methadone in a treatment program*—(1) *Applicants.* An individual listed as program sponsor for a treatment program using methadone need not personally be a licensed practitioner but shall employ a licensed physician for the position of medical director. Persons responsible for administering or dispensing the medication shall be practitioners as defined by section 102(20) of the Controlled Substances Act (21 U.S.C. 802 (20)) licensed to practice by the State in which the program is to be established.

(2) *Assent to regulation.* A person who sponsors a methadone treatment program, and any person responsible for a particular program, shall agree to adhere to all the rules, directives, and procedures, set forth in this regulation, and any regulation regarding the use of methadone which may be promulgated in the future. The program sponsor, and person responsible for a particular program, shall agree to assume responsibility for any practitioners, employees, agents, or other individuals providing services, who work in their programs at the primary facility or at other facilities or medication units. The responsible persons shall agree to inform these people of the provisions of this regulation and to monitor their activities to assure compliance with the provisions. The Food and Drug Administration and the State authority shall be notified within 3 weeks of any replacement of the program sponsor or medical director. Activities in violation of this regulation may give rise to the sanctions set forth in paragraph (i) of this section.

(3) *Facilities.* To obtain program approval, the applicant shall demonstrate that he will have access to adequate physical facilities to provide all necessary services. The physical facilities should be sufficiently spacious and well maintained to provide appropriate conditions for conducting individual and/or group counseling.

(4) *Submission of proper applications.* The following applications shall be filed simultaneously with both the Food and Drug Administration and the State authority.

(i) Form FD-2632 "Application for Approval of Use of Methadone in a Treatment Program." This form, set forth in paragraph (k)(1) of this section, shall be completed and signed by the program sponsor and submitted in triplicate to the Food and Drug Administration and the State authority.

(ii) Form FD-2633 "Medical Responsibility Statement for Use of Methadone in a Treatment Program." This form, set forth in paragraph (k)(2) of this section, shall be completed and signed by each licensed physician authorized to administer or dispense methadone and submitted in triplicate to the Food and Drug Administration and the State authority. The names of any other persons licensed by law to administer or dispense narcotic drugs working in the program shall be listed, even if they are not at present responsible for administering or dispensing the drug.

(iii) Form FD-2634 "Annual Report for Treatment Program Using Methadone." This form, set forth in paragraph (k)(3) of this section, shall be completed and signed by the program sponsor for every program over which he has responsibility for each calendar year of operation. It shall be submitted in triplicate to the Food and Drug Administration and the State authority on or before January 30 of each year.

(5) *State and Federal approval of treatment programs.* Treatment programs using methadone shall have been reviewed by the State authority and must conform to all State requirements for conducting a methadone treatment program. The Food and Drug Administration must have received notification of the program's approval by the State agency. Only after the State authority has given its approval will the Food and Drug Administration grant approval to a program. The Food and Drug Administration will also revoke approval when recommended by the State authority. If State approval of a program is denied or revoked the program shall have a right of appeal to the Commissioner, as provided for in paragraph (h)(5) of this section. Prior to granting or withholding approval, the Food and Drug Administration will consult with the Drug Enforcement Administration, Department of Justice, to determine the applicant's compliance with Federal controlled substances laws. No shipment of methadone may lawfully be made to any program which has not received approval from the Food and Drug Administration. The program sponsor will receive notification of approval or denial or a request for additional information, when necessary, within 60 days after receipt of the application by the Food and Drug Administration.

(d) *Requirements for operation of methadone treatment program*—(1) *Description of facilities.* A program shall have ready access to a comprehensive range of medical and rehabilitative services. The name, address, and description of each hospital, institution, clinical laboratory, or other facility available to provide the necessary services shall be given to the Food and Drug Administration and the State authority. This listing shall include the name and address of each medication unit.

(2) *Approximate number of patients to be treated.* The program sponsor shall submit to the Food and Drug Administration and the State authority an approximation of the number of patients who will be treated, based on past history, addict population in the area, treatment capacity, or other relevant information.

(3) *Minimum admission standards*—(i) *Voluntary participation; consent form.* Each patient shall be fully informed concerning the possible risk associated with the use of methadone. Participation in any program shall be voluntary. The person responsible for the program shall insure that all the relevant facts concerning the use of methadone are clearly and adequately explained to the patient and that all patients (including those under age 18) sign, with full knowledge and understanding of its contents, the first part of Form FD-2635 "Consent for Methadone Treatment" set forth in paragraph (k)(4) of this section and the parents or guardians of patients under age 18 sign the second part of that form.

(ii) *Physiologic addiction standards; records.* The mere use of a narcotic drug, even if periodic or intermittent, cannot be equated with narcotic addiction. Care shall be exercised in the selection of patients to prevent the possibility of admitting a person who was not first dependent upon heroin or other morphine-like drugs at least 2 years prior to admission to maintenance treatment. This drug history and evidence of current physiologic dependence on morphine-like drugs shall be documented. Evidence of physical dependence should be obtained by noting early signs of withdrawal (lacrimation, rhinorrhea, pupillary dilation, and piloerection) during the initial period of abstinence. Withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation (e.g., medical and personal history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, pulse rate, blood pressure, and respiratory rate are also signs of withdrawal, but their detection may require inpatient observation. It is unlikely that an individual would be currently dependent on narcotic drugs without having a positive urine test for one or more of these drugs. Additional evidence can be obtained by noting the presence of old and fresh needle marks, and by obtaining additional history from relatives and friends.

(iii) *Exceptions to physiologic addiction standards; justification.* An exception to the requirement for evidence of current physiologic dependence on narcotic drugs will be allowed only under exceptional circumstances. For example, maintenance treatment may be indicated prior to or within 1 week of release from a stay of 1 month or longer in a penal or chronic care institution, if an individual has a predetention history of dependence upon heroin or other morphine-like drugs at least 2 years prior to admission to the institution. Justification for any such exception shall be noted in the patient's record.

(iv) *Special limitations; treatment of patients under age 18.* (a) The safety and effectiveness of methadone when used in the treatment of adolescents has not been proven by adequate clinical study. Special procedures are therefore necessary to assure that patients under age 16 will not be admitted to a program and that patients between 16 and 18 years of age be admitted to maintenance treatment only under limited conditions.

(b) Patients between 16 and 18 years of age who are enrolled and under treatment in approved programs on the date of publication of this regulation may continue in maintenance treatment. No new

patients between 16 and 18 years of age may be admitted to a maintenance treatment program after the date of publication of this regulation unless a parent, legal guardian, or responsible adult designated by the State authority completes and signs Form FD-2635 "Consent to Methadone Treatment," set forth in paragraph (k)(4) of this section. Methadone treatment of new patients between the ages of 16 and 18 years will be permitted after December 15, 1972, only with a documented history of two or more unsuccessful attempts at detoxification and a documented history of dependence on heroin or other morphine-like drugs beginning 2 years or more prior to application for treatment. No patient under age 16 may be continued or started on methadone treatment after December 15, 1972, but these patients may be detoxified and retained in the program in a drug free state for follow-up and after care.

(c) Patients under age 18 who are not placed in maintenance treatment may be detoxified. Detoxification may not exceed 3 weeks. A repeat episode of detoxification may not be initiated until 4 weeks after the completion of the previous detoxification.

(v) *Denial of admission.* If in the professional judgment of the medical director a particular patient would not benefit from methadone treatment, he may be refused such treatment even if he meets the admission standards.

(vi) *Patient evaluation; admission record.* An admission evaluation and record shall be made and maintained for each patient upon admission to the program. This evaluation and record shall consist of a personal history, a medical history, a physical examination, and any laboratory or other special examinations indicated in the judgment of the attending physician. It is recommended that a complete blood count, liver function tests, and a serologic test for lues be part of the admission evaluation.

(a) *Personal history.* A personal history record will be completed for each patient accepted for admission and will include at least age, sex, educational level, employment history, criminal history, past history of drug abuse of all types and prior treatment for drug abuse.

(b) *Medical history.* A thorough medical history record will be completed for each patient accepted for admission.

(c) *Physical examination.* The findings of a comprehensive physical examination will be recorded.

(4) *Staffing requirements.* As a minimum standard for the staffing of a treatment program there shall be the equivalent of one full-time physician licensed by and registered by State or Federal law to order, dispense, and administer methadone, two nurses (registered nurse or licensed practical nurse), and four counselors, for every 300 patients receiving maintenance treatment. The staffing pattern may be varied to fit the operational pattern and population characteristics of the program, but there shall always be at least one medical or osteopathic physician available for initial medical evaluation and follow-up care and to supervise the patient medication schedules for each 300 patients. This staffing pattern is not the recommended pattern, but the minimum staffing pattern acceptable.

(5) *Access to a range of services.* A treatment program shall provide a comprehensive range of medical and rehabilitative services to its patients. These services normally should be provided at the primary facility, but the program sponsor may enter into formally documented agreements with other public or private agencies, institutions, or organizations to render these services. Such facilities must be located so as to provide ease of access to the patient. Any service not furnished at the primary facility shall be listed, and the agreements to furnish those services shall be documented, when application for approval is submitted to the Food and Drug Administration and the State authority. Modification of the services shall be submitted in triplicate to the Food and Drug Administration as services are added or deleted.

(6) *Minimum procedures for ongoing care*—(i) *Dosage and administration requirements*—(a) *Form; packaging.* The methadone shall be administered or dispensed in oral form only when used in a treatment program. Hospitalized patients under care for a medical or surgical condition are permitted to receive methadone in parenteral form, when in the attending physican's professional judgment it is deemed advisable. Although tablet, syrup concentrate, or other formulations are permitted to be distributed to the program, all oral medication shall be administered or dispensed in a liquid formulation. The dosage will be formulated in such a way as to reduce its potential for parenteral abuse and accidental ingestion and packaged for outpatient use in special packaging as required by 16 CFR 1700.14. Any take-out medication shall be labeled with the treatment center's name, address and telephone number. Exceptions may be granted when any of the provisions of this subsection are in conflict with State law with regard to the administering or dispensing of drugs.

(b) *Detoxification treatment.* In detoxification the patient may be placed on a substitutive methadone administration schedule when there are significant symptoms of withdrawal. The dosage schedules indicated below are recommended but could be varied depending upon clinical judgment. Initially, a single oral dose of 15–20 milligrams of methadone will often be sufficient to suppress withdrawal symptoms. Additional methadone may be provided if withdrawal symptoms are not suppressed or whenever symptoms reappear. When patients are physically dependent on high doses of methadone, it may be necessary to exceed these levels. Forty milligrams per day in single or divided doses will usually constitute an adequate stabilizing dose level. Stabilization can be continued 2 to 3 days and then the amount of methadone will normally be gradually decreased. The rate at which methadone is decreased will be determined separately for each patient. The dose of methadone can be decreased on a daily basis or in 2-day intervals, but the amount of intake shall always be sufficient to keep withdrawal symptoms at a tolerable level. In hospitalized patients a daily reduction of 20 percent of the total daily dose usually will be tolerated and will cause little discomfort. In ambulatory patients, a somewhat slower schedule may be needed. If methadone is administered for more than 3 weeks, the procedure is considered to have progressed from detoxification or treatment of the acute withdrawal syndrome to maintenance treatment, even though the goal and intent may be eventual total withdrawal.

(c) *Maintenance treatment; special considerations for a pregnant patient.* (1) In maintenance treatment the initial dosage of methadone should control the abstinence symptoms that follow withdrawal of narcotic drugs, but should not be so great as to cause sedation, respiratory depression, or other effects of acute intoxication. It is important that the initial dosage be adjusted on an individual basis to the narcotic tolerance of the new patient. If such a patient has been a heavy user of heroin up to the day of admission, he may be given 20 milligrams 4 to 8 hours later, or 40 milligrams in a single oral dose. If he enters treatment with little or no narcotic tolerance (e.g. if he has recently been released from jail or other confinement), the initial dosage may be one-half these quantities. When there is any doubt, the smaller dose should be used initially. The patient should then be kept under observation, and, if symptoms of abstinence are distressing, additional 10 milligram doses may be administered as needed. Subsequently, the dosage should be adjusted individually, as tolerated and required, up to a level of 120 milligrams daily. For daily dosages above 100 milligrams patients shall ingest medication under observation 6 days per week. These patients will be allowed take-home medication for 1 day per week only. Those patients in treatment on the date this regulation becomes effective who are receiving a take-home dose of more than 100 milligrams per day shall have their dosage level reduced to 100 milligrams per day or less by June 13, 1973. A daily dose of 120 milligrams or more shall be justified in the medical record. For daily dosages above 120 milligrams, prior approval from State authority and the Food and Drug Administration shall be obtained beginning on March 15, 1973. For take-home doses above 100 milligrams per day, prior approval from the State authority and the Food and Drug Administration shall be obtained beginning on June 13, 1973. A regular review of dosage level should be made by the responsible physician with careful consideration given for reduction of dosage as indicated on an individual basis. A new dosage level is only a test level until stability is achieved.

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(2) Caution shall be taken in the maintenance treatment of pregnant patients. Dosage levels shall be maintained as low as possible if continued methadone treatment is deemed necessary. It is the responsibility of the program sponsor to assure that each female patient is fully informed concerning the possible risks to a pregnant woman or her unborn child from the use of methadone.

(d) *Authorized dispensers of methadone; responsibility.* Methadone will be administered or dispensed by a practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients or by an agent of the practitioner, supervised by and pursuant to the order of the practitioner. This agent may only be a pharmacist, registered nurse, or licensed practical nurse depending upon the State regulations regarding narcotic drug dispensing and administering. The licensed practitioner assumes responsibility for the amounts of methadone administered or dispensed and all changes in dosage schedule will be recorded and signed by the licensed practitioner.

(7) *Frequency of attendance; take-home medication*—(i) *For detoxification, the drug shall be administered daily under close observation.* In maintenance treatment the patient will initially ingest the drug under observation daily, or at least 6 days a week, for the first 3 months. It is recognized that diversion occurs primarily when patients take medication from the clinic for self-administration. It is also recognized, however, that daily attendance at a program facility may be incompatible with gainful employment, education, and responsible homemaking. After demonstrating satisfactory adherence to the program regulations for at least 3 months, and showing substantial progress in rehabilitation by participating actively in the program activities and/or by participation in educational, vocational, and homemaking activities, those patients whose employment, education, or homemaking responsibilities would be hindered by daily attendance may be permitted to reduce to three times weekly the times when they must ingest the drug under observation. They shall receive no more than a 2-day take-home supply. With continuing adherence to the program's requirements and progressive rehabilitation for at least 2 years after entrance into the program, such patients may be permitted twice weekly visits to the program for drug ingestion under observation with a 3-day take-home supply. Prior to reducing the frequency of visits, documentation of the patient's progress and the need for reducing the frequency of visits shall be recorded. The requirements and schedule for when the drug must be ingested under observation may be relaxed if the patient has a serious physical disability which would prevent frequent visits to the program facility. The Food and Drug Administration and the State authority shall be notified of such cases. Additional medication may also be provided in exceptional circumstances such as acute illness, family crises, or necessary travel when hardship would result from requiring the customary observed medication intake for the specific period. In these circumstances the reasons for providing additional medication will be recorded. In circumstances of severe illness, infirmity or physical disability, an authorized individual (e.g. a licensed practitioner) may deliver or obtain the medication.

(ii) *Urine testing*—(a) *Schedule of testing; substances tested for.* In maintenance treatment, a urinalysis will be performed randomly at least weekly for morphine and monthly for methadone, barbiturates, amphetamines and other drugs if indicated. Those patients receiving their doses of the drug from medication units will also adhere to this schedule. The urine shall be collected at the program's primary facility or at the medication unit.

(b) *Method of collection.* Urine shall be collected in a manner which minimizes falsification of the samples. The reliability of this collection procedure shall be demonstrated.

(c) *Laboratories.* Laboratories used for urine testing shall participate in and be approved by any proficiency testing program designated by the Food and Drug Administration. Any changes made in laboratories used for urine testing shall have prior approval of the Food and Drug Administration.

(iii) *Patient's clinical record.* An adequate clinical record will be maintained for each patient. The record will contain a copy of the signed consent form(s), the date of each visit, the amount of methadone administered or dispensed, the results of each urinalysis, a detailed account of any adverse reactions, which will also be reported within 2 weeks to the Food and Drug Administration on Form FD–1639, "Drug Experience Report," any significant physical or psychological disability, the type of rehabilitative and counseling efforts employed, an account of the patient's progress, and other relevant aspects of the treatment program. For recordkeeping purposes, if a patient misses appointments for 2 weeks or more without notifying the program, the episode of care is considered terminated and so noted in the clinical record. This does not mean that the patient cannot return for care. If the patient does return for care and is accepted into the program, this is considered a readmission and so noted in the clinical record. This method of recordkeeping helps assure the easy detection of sporadic attendance and decreases the possibility of administering inappropriate doses of methadone (e.g., the patient who has received no medication for several days or more and upon return receives the usual stabilization dose). An annual evaluation of the patient's progress will be recorded in the clinical record(s).

(8) *Discontinuation of methadone use.* All patients in treatment will be given careful consideration for discontinuation of methadone use, especially after reaching a 10–20 milligram dosage level. Social rehabilitation shall have been maintained for a reasonable period of time. Patients should be encouraged to pursue the goal of eventual withdrawal from methadone and becoming completely drug free. Upon successfully reaching a drug-free state the patient should be retained in the program for as long as necessary to assure stability in the drug-free state, with the frequency of his required visits adjusted at the discretion of the director. Maintenance treatment using methadone shall be discontinued within 2 years after such treatment is begun unless, based upon clinical judgment recorded in the clinical record for the patient, the patient's status indicates that such treatment should be continued for a longer period of time. Any patient continued on methadone for longer than 2 years shall be subject to periodic reconsideration for discontinuance of such treatment.

(9) *Record of drug dispensing.* Accurate records traceable to specific patients shall be maintained showing dates, quantity, and batch or code marks of the drug dispensed. These records shall be retained for a period of 3 years.

(10) *Security of drug stocks.* Adequate security shall be maintained over stocks of methadone, over the manner in which it is administered or dispensed, over the manner in which it is distributed to medication units, and over the manner in which it is stored to guard against theft and diversion of the drug. The security standards for the distribution and storage of controlled substances as required by the Drug Enforcement Administration, Department of Justice (§§ 1301.72–1301.76 of this title) shall be met by the program.

(11) *Inspections of programs; patient confidentiality.* Inspection of a program may be undertaken by the State authority, by the Food and Drug Administration and by the Drug Enforcement Administration, Department of Justice, in accordance with Federal controlled substances laws. The identity of patients will be kept confidential except (i) when it is necessary to make follow-up investigations on adverse effect information related to use of the drug, (ii) when the medical welfare of the patient would be threatened by a failure to reveal such information, or (iii) when it is necessary to verify records relating to approval of the program or any portion thereof. In all circumstances the provision of 21 CFR Part 1401 shall be followed.

(12) *Exemptions from specific program standards.* (i) A program is permitted, at the time of application or any time thereafter, to request exemption from or revision of specific program standards. The rationale for an exemption or revision shall be thoroughly documented in an appendix to be submitted with the application or at some later time. An example of a case in which an exemption might be granted would be for a private practitioner who wishes to treat a limited number of patients and requests exemption from some of the staffing and service standards in a non-

metropolitan area with few physicians and no rehabilitative services geographically accessible. The Food and Drug Administration will approve such exemptions or revisions of program standards at the time of application with the concurrence of the State authority.

(ii) The Food and Drug Administration has the right to withhold the granting of an exemption until such time as a program is in actual operation in order to assess if the exemption is necessary. If periodic inspections of the program reveal that discrepancies or adverse conditions exist, the Food and Drug Administration shall reserve the right to revoke any or all exemptions previously granted.

(13) *Additional reporting requirements*—(i) *Deaths.* The program sponsor shall report any patient death which is considered methadone related to the Food and Drug Administration within 2 weeks, using Form FD–1639 "Drug Experience Report."

(ii) *Newborns.* The program sponsor shall report to the Food and Drug Administration the birth of any child to a female patient, if the newborn is premature or shows any adverse reactions which, in the opinion of the attending physician, are due to methadone, within 1 month of the birth, using Form FD–1639 "Drug Experience Report."

(e) *Multiple enrollments*—(1) *Administering or dispensing to patients enrolled in other programs.* There is a danger of drug dependent persons attempting to enroll in more than one methadone treatment program to obtain quantities of methadone for the purpose of self-administration or illicit marketing. Therefore, except in an emergency situation, methadone shall not be provided to a patient who is known to be currently receiving the drug from another treatment program using methadone.

(2) *Patient attendance requirements.* The patient shall always report to the same treatment facility unless prior approval is obtained from the program sponsor for treatment at another program. Permission to report for treatment at the facility of another program shall be granted only in exceptional circumstances and shall be noted on the patient's clinical record.

(3) *Multiple enrollment prevention.* To prevent multiple enrollments, the program shall agree to participate in any patient identification system that exists or is designated and approved by the Food and Drug Administration. Information that would identify a patient shall be kept confidential in compliance with Part 1401 of this title.

(f) *Conditions for use of methadone in hospitals for analgesia in severe pain, for detoxification, and for temporary maintenance treatment*—(1) *Form.* The drug may be administered or dispensed in either oral or parenteral form.

(2) *Use of methadone in hospitals*—(i) *Approved uses.* Methadone is permitted to be administered or dispensed only for detoxification or temporary treatment of hospitalized patients, and for analgesia in severe pain for hospitalized patients and outpatients. If methadone is administered for treatment of heroin dependence for more than 3 weeks, the procedure passes from treatment of the acute withdrawal syndrome (detoxification) to maintenance treatment. Maintenance treatment is permitted to be undertaken only by approved methadone programs. This does not preclude the maintenance treatment of an addict who is hospitalized for treatment of medical conditions other than addiction and who requires temporary maintenance treatment during the critical period of his stay or whose enrollment in a program which has approval for maintenance treatment using methadone has been verified. Any hospital which already has received approval under this paragraph (f) may be permitted to serve as a temporary methadone treatment program when an approved methadone treatment program has been terminated and there is no other facility immediately available in the area to provide methadone treatment for the patients. The Food and Drug Administration may give this approval upon the request of the State authority or the hospital, when no State authority has been established.

(ii) *Individual responsible for supplies.* The name of the individual (pharmacist) responsible for receiving and securing supplies of methadone shall be submitted to the Food and Drug Administration and the State authority. Individuals not authorized by Federal or State law shall not receive supplies of methadone.

(iii) *General description.* A general description of the hospital including the number of beds, specialized treatment facilities for drug dependence, and nature of patient care undertaken shall be submitted.

(iv) *Anticipated quantity of drug needed.* The anticipated quantity of methadone needed per year shall be submitted.

(v) *Records.* The hospital shall maintain accurate records showing dates, quantity, and batch or code marks of the drug used for in patient and out patient treatment. The records shall be retained for a period of 3 years.

(vi) *Inspections.* The Food and Drug Administration and the State authority may inspect supplies of the drug and evaluate the uses to which the drug is being put. The identity of the patient will be kept confidential except (a) when it is necessary to make follow-up investigations on adverse effect information related to the drug, (b) when the medical welfare of the patient would be threatened by a failure to reveal such information, or (c) when it is necessary to verify records relating to approval of the hospital or any portion thereof. The confidentiality requirements of Part 1401 of this title shall be followed. Records relating to the receipt, storage, and distribution of narcotic medication shall also be subject to inspection as provided by Federal controlled substances laws; but use or disclosure of records identifying patients will, in any case, be limited to actions involving the program or its personnel.

(vii) *Approval of hospital pharmacy.* Application for a hospital pharmacy to provide methadone for analgesia, detoxification and temporary treatment will be submitted to the Food and Drug Administration and the State authority and shall receive approval from both, except as provided for in paragraph (h) (5) of this section. Within 60 days after receipt of the application by the Food and Drug Administration, the applicant will receive notification of approval or denial or a request for additional information, when necessary.

(viii) *Approval of shipments to hospital pharmacies.* Before a hospital pharmacy may lawfully receive shipments of methadone for use as an analgesic for severe pain and for detoxification or temporary maintenance treatment, a responsible hospital official shall complete, sign, and file in triplicate with the Food and Drug Administration and the State authority Form FD–2636, "Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification and Temporary Maintenance Treatment" set forth in paragraph (k) (5) of this section and shall receive a notice of approval thereof from the Food and Drug Administration.

(ix) *Sanctions.* Failure to abide by the requirements described in this section may result in revocation of approval to receive shipments of methadone, seizure of the drug supply on hand, injunction, and criminal prosecution.

(3) *Treatment of outpatients*—(i) If in a physician's professional judgment methadone would be the drug of choice as an analgesic for treating a patient in severe pain, the drug will be available for use on an out-patient basis from an approved hospital pharmacy, or in a remote area from an approved community pharmacy. Prior to filing a physician's prescription for methadone for outpatients, the pharmacy shall obtain from the physician a statement indicating that all such prescriptions written by him will be limited to use for analgesia in severe pain. The physician shall agree to maintain records to substantiate such use. These records will be available in the hospital or made available at the request of the hospital administrator. In remote areas the approved community pharmacy is permitted to maintain these records or they may be forwarded to the State authority. On January 30 of each year, the names and addresses of all physicians who prescribed methadone for analgesia on an outpatient basis during the previous year shall be reported to the Food and Drug Administration.

(ii) Prescriptions for analgesia may be filled only if they are written by a physician who has submitted the required statement to the approved hospital or community pharmacy.

(4) *Shipments to remote areas.* In remote areas or in certain exceptional circumstances where there are no approved hospitals, community pharmacies may be approved by the Food and Drug Admin-

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istration to receive shipments of methadone for administering or dispensing for analgesia upon the recommendation of the State authority and after consultation with the Drug Enforcement Administration, Department of Justice.

(g) *Confidentiality of patient records.* (1) Except as provided in paragraph (g)(2) of this section, disclosure of patient records maintained by any program shall be governed by the provisions of Part 1401 of this title, and every program shall comply with the provisions of that part. Records relating to the receipt, storage, and distribution of narcotic medication shall also be subject to inspection as provided by Federal controlled substances laws; but use or disclosure of records identifying patients will, in any case, be limited to actions involving the program or its personnel.

(2) In addition to the restrictions upon disclosure in Part 1401 of this title, and in accordance with the authority conferred by section 303(a) of the Public Health Service Act (42 U.S.C. 242a(a)), every program is hereby further authorized to protect the privacy of patients therein by withholding from all persons not employed by such program or otherwise connected with the conduct of its operations the names or other identifying characteristics of such patients under any circumstances under which such program has reasonable grounds to believe that such information may be used to conduct any criminal investigation or prosecution of a patient. Programs may not be compelled in any Federal, State, or local civil, criminal, administrative, or other proceedings to furnish such information, but this subparagraph does not authorize the withholding of information authorized to be furnished pursuant to § 1401.44 of this title nor does it invalidate any legal process to compel the furnishing of information in accordance with § 1401.44 of this title. Records relating to the receipt, storage, and distribution of narcotic medication shall also be subject to inspection as provided by Federal controlled substances laws; but use or disclosure of records identifying patients will, in any case, be limited to actions involving the program or its personnel.

(3) A treatment program or medication unit or any part thereof, including any facility or any individual, shall permit a duly authorized employee of the Food and Drug Administration to have access to and to copy all records relating to the use of methadone. Patient identities shall be revealed (i) when it is necessary to make follow-up investigations on adverse effect information related to the drug, (ii) when the medical welfare of the patient would be threatened by a failure to reveal such information, or (iii) when it is necessary to verify records relating to any approval or any portion thereof under this section. The Food and Drug Administration will retain such identities in confidence pursuant to § 1401.44 of this title and shall reveal them only when necessary in a related administrative or court proceeding.

(h) *Denial or revocation of approval.* (1) Complete or partial denial or revocation of approval of an application to receive shipments of methadone (Forms FD–2632 "Application for Approval of Use of Methadone in a Treatment Program" and FD–2636 "Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification and Maintenance Treatment") may be proposed to the Commissioner of Food and Drugs by the Director of the Food and Drug Administration's Bureau of Drugs, on his own initiative or at the request of representatives of the Drug Enforcement Administration, Department of Justice, National Institute of Mental Health, the State authority, or any other interested person.

(2) Before presenting such a proposal to the Commissioner, the Director of the Bureau of Drugs or his representative will notify the applicant in writing of the proposed action and the reasons therefor and will offer him an opportunity to explain the matters in question in an informal conference and/or in writing within 10 days after receipt of such notification. The applicant shall have the right to hear and to question the information on which the proposal to deny or revoke approval is based, and may present any oral or written information and views.

(3) If the explanation offered by the applicant is not accepted by the Bureau of Drugs as sufficient to justify approval of the application, and denial or revocation of approval is therefore proposed, the Commissioner will evaluate information obtained in the informal hearing before the Director of the Bureau of Drugs. If he finds that the applicant has failed to submit adequate assurance justifying approval of the application, he shall issue a notice of opportunity for hearing with respect to the matter pursuant to § 314.200 of this chapter and the matter shall thereafter be handled in accordance with established procedures for denial or revocation of approval of a new drug application. If the Secretary determines that there is an imminent hazard to health, revocation of approval will become effective immediately and any administrative procedures will be expedited. Upon revocation of approval of an application, the Commissioner will notify the applicant, the State authority, the Drug Enforcement Administration, Department of Justice, and all other appropriate persons that the applicant may no longer receive shipments of methadone, and will require the recall of all methadone from the applicant. Revocation of approval may also result in criminal prosecution.

(4) Denial or revocation of approval may be reversed when the Commissioner determines that the applicant has justified approval of the application.

(5) A treatment program or medication unit or any part thereof, including any facility or any individual, may appeal to the Food and Drug Administration a complete or partial denial or revocation of approval by the State authority unless the denial or revocation is based upon a State law or regulation. The appeal shall first be made to the Director of the Bureau of Drugs, who shall hold an informal conference on the matter in accordance with paragraph (h)(2) of this section. The State authority may participate in the conference. The appellant or the State authority may appeal the Director's decision to the Commissioner, who shall decide the matter in accordance with paragraph (h)(3) of this section. If the Commissioner denies or revokes approval, such action shall be handled in accordance with paragraph (h)(3) of this section. The Commissioner may not grant or retain Food and Drug Administration approval if he finds that the appellant is not in compliance with all applicable State laws and regulations and with this section.

(i) *Sanctions*—(1) *Program sponsor or individual responsible for a particular program.* If the program sponsor or the person responsible for a particular program fails to abide by all the requirements set forth in these regulations, or fails to adequately monitor the activities of those employed in the program, he may have the approval of his application revoked, his methadone supply seized, an injunction granted precluding operation of his program, and criminal prosecution instituted against him.

(2) *Persons responsible for administering or dispensing methadone.* If a person responsible for administering or dispensing methadone fails to abide by all the requirements set forth in these regulations, criminal prosecution may be instituted against him, his drug supply may be seized, the approval of the program may be revoked, and an injunction may be granted precluding operation of the program.

(j) *Requirements for distribution of methadone by manufacturers*—(1) *Distribution requirements.* Shipments of the drug are restricted to direct shipments by manufacturers of methadone to approved treatment programs using methadone, to approved hospital pharmacies, and to approved selected community pharmacies. If requested by a manufacturer or State authority, wholesale pharmacy outlets in some regions or States may be authorized to stock methadone for that area and then trans-ship the drug to approved methadone treatment programs and approved hospital and community pharmacies. Alternative methods of distribution will be permitted if they are approved by the Food and Drug Administration and the State authority. Prior to any approval of an alternative method of distribution there will be consultation with the Drug Enforcement Administration, Department of Justice, to assure compliance with its regulations regarding controlled substance distribution.

(2) *Information regarding approved programs, hospitals, and community pharmacies.* The Food and Drug Administration will provide methadone manufacturers and the public with the names and locations of programs, hospitals, and selected community pharmacies that have been approved to receive shipments

of the drug. All information contained in the forms set out in paragraph (k) of this section is available for public disclosure except for names or other identifying information with respect to patients.

(3) *Acceptance of delivery.* Delivery shall only be made to a licensed practitioner employed at the facility. At the time of delivery the licensed practitioner shall sign for the methadone and place his specific title and identification number on any invoice. Copies of these signed invoices shall be kept by the manufacturer.

(k) *Program forms*—(1) *Treatment Program Application.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD–2632 Application for Approval of Use of Methadone in a Treatment Program

Name or other identification of program_____

Address _____

Name of program sponsor_____

Commissioner,
Food and Drug Administration,
Bureau of Drugs (HFD–106),
Rockville, MD 20852.

DEAR SIR: As the person responsible for this program, I submit this request for approval of a treatment program using methadone to provide detoxification and maintenance treatment for narcotic addicts in accordance with § 310.505 of the new drug regulations. I understand that failure to abide by the requirements described below may cause revocation of approval of my application, seizure of my drug supply, an injunction, and criminal prosecution.

I. Attached is the name, complete address, and a summary of the scientific training and experience of each physician and all other professional personnel having major responsibilities for the program and rehabilitative efforts, and a singed Form FD–2633 "Medical Responsibility Statement for Use of Methadone in a Treatment Program" for every licensed practitioner authorized to prescribe, dispense, or administer methadone under the program. (If the Medical Director of this program has been listed for a program in a previous application, the feasibility of serving as Medical Director for this program must be documented and this documentation attached to this application.)

II. Attached is a description of the organizational structure of this program and the name and complete address of any central administration or larger organizational structure to which this program is responsible.

III. Attached is a listing of the sources of funding for this program. (The name and address for each governmental agency providing funding must be provided.)

IV. The program shall have ready access to a comprehensive range of medical and rehabilitative services. Attached is the name, address, and description of each hospital, institution, clinical laboratory facility, or other facility available to provide the necessary services and a statement for each facility as to whether or not methadone will be administered or dispensed at that facility. These facilities shall comply with any guidelines established by Federal or State authorities. (This listing should include the address of each medication unit. If any medical or rehabilitative service is not available at the primary facility, there must be a formal, documented agreement with private or public agencies, organizations, or institutions for these services.)

V. Attached is a statement of the approximate number of addicts to be included in the program.

VI. The following minimal treatment standards shall be followed:

A. A statement shall be given to the addicts to inform them about the program. A voluntary request and consent Form FD–2635 "Consent to Methadone Treatment" shall be signed by each patient. Participation in the program shall be voluntary.

B. I concur that the mere use of a narcotic drug, even if periodic or intermittent, cannot be equated with narcotic addiction. Care shall be exercised in the selection of patients to prevent the possibility of admitting a person who was not first dependent upon heroin or other morphine-like drugs at least 2 years prior to admission to maintenance treatment. This drug history and evidence of current physiologic dependence on morphine-like drugs shall be documented. Evidence of physical dependence should be obtained by noting early signs of withdrawal (lacrimation, rhinorrhea, pupillary dilation, and piloerection) during the initial period of abstinence. (Withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation—(medical and personal history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, pulse rate, blood pressure, and respiratory rate are also signs of withdrawal, but their detection may require inpatient observation. It is unlikely that an individual would be currently dependent on narcotic drugs without having a positive urine test for one or more of these drugs. Additional evidence can be obtained by noting the presence of old and fresh needle marks, and by obtaining additional history from relatives and friends.)

C. An exception to the requirement for evidence of current physiologic dependence on narcotic drugs will be allowed under exceptional circumstances. For example, methadone treatment may be initiated prior to or within 1 week of release from a stay of 1 month or longer in a penal or chronic care institution if an individual has a pre-detention history of dependence upon heroin or other morphine-like drugs at least 2 years prior to admission to the institution. Justification for any such exception shall be noted on the patient's record.

D. Patients between 16 and 18 years of age who are enrolled and under treatment in approved programs on December 15, 1973 may continue in maintenance treatment. No new patients between 16 and 18 years of age may be admitted to a maintenance treatment program after such date unless a parent, legal guardian, or responsible adult designated by the State authority completes and signs consent form, Form FD–2635 "Consent to Methadone Treatment." Methadone treatment of new patients between the ages of 16 and 18 years of age will be permitted after such date only with a documented history of two or more unsuccessful attempts at detoxification and a documented history of dependence on heroin or other morphine-like drugs beginning 2 years or more prior to application for treatment. No patient under age 16 may be continued or started on methadone treatment after such date but these patients may be detoxified and retained in the program in a drug-free state for follow-up and aftercare. Patients under age 18 who are not placed in maintenance treatment may be detoxified. Detoxification may not exceed 3 weeks. A repeat episode of detoxification may not be initiated until 4 weeks after the completion of the previous detoxification.

VII. An admission evaluation and record shall be made and maintained for each patient upon admission to the program. This evaluation and record shall consist of a personal history, a medical history, a physical examination, and any laboratory or other special examinations as indicated in the judgment of the attending physician. (It is recommended that a complete blood count, liver function tests, and a serologic test for lues be part of the admission evaluation.)

A. A personal history record will include at least age, sex, educational level, employment history, criminal history, past history of drug abuse of all types, and prior treatment for drug abuse.

B. Medical history. A thorough medical history record will be completed for each patient accepted for admission.

C. Physical examination. The findings of a comprehensive physical examination will be recorded.

VIII. I understand that there is a danger of drug dependent persons attempting to enroll in more than one methadone treatment program to obtain quantities of methadone either for the purpose of self-administration or illicit marketing. To prevent such multiple enrollments, I will participate in whatever local, regional, or national patient identification system exists and I state my intention to participate in any system that may be developed and approved by the Food and Drug Administration unless I notify the Food and Drug Administration, in writing, to the contrary. I understand failure to participate may cause revocation of approval of my application. Except in an emergency situation, methadone will not be provided to a patient who is known to be currently receiving the drug from another treatment program using methadone. Except as provided in item XV of this form, information that could identify the patient will be kept confidential in compliance with 21 CFR Part 1401.

IX. The following minimal procedures will be used for ongoing care.

A. Dosage and administration for detoxification and maintenance treatment:

1. Methadone will be administered or dispensed in oral form only when used in a treatment program. Hospitalized patients under care for medical or surgical condition are permitted to receive methadone in parenteral form, when in the attending physician's professional judgment it is deemed advisable. Although tablet, sirup concentrate, or other formulations are permitted to be distributed to the program, all oral medication shall be administered or dispensed in a liquid formulation. The dosage shall be formulated in such a way as to reduce its potential for parenteral abuse and accidental ingestion, and packaged for outpatient use in special packaging as required by 16 CFR 1700.14. Any take-out medication shall be labeled with the treatment center's name, address, and telephone number. Exceptions may be granted when any of the provisions of this subsection are in conflict with State law with regard to the administering or dispensing of drugs.

2. In detoxification, the patient may be placed on a substitutive methadone administration schedule when there are significant symptoms of withdrawal. The dosage schedules indicated below are recommended but may be varied depending upon clinical judgment. Initially, a single oral dose of 15–20 milligrams of methadone will often be sufficient to suppress withdrawal symptoms. Additional methadone may be provided if withdrawal symptoms are not suppressed or whenever symptoms reappear. When patients are physically dependent on high doses of methadone, it may be necessary to exceed these levels. Forty milligrams per day in single or divided doses will usually constitute an adequate stabilizing dose level. Stabilization can be continued for 2 to 3 days and

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then the amount of methadone will normally be gradually decreased. The rate at which methadone is decreased will be determined separately for each patient. The dose of methadone can be decreased on a daily basis or in 2-day intervals, but the amount of intake shall always be sufficient to keep withdrawal symptoms at a tolerable level. In hospitalized patients a daily reduction of 20 percent of the total daily dose usually will be tolerated and will cause little discomfort. In ambulatory patients, a somewhat slower schedule may be needed. If methadone is administered for more than 3 weeks, the procedure is considered to have progressed from detoxification or treatment of the acute withdrawal syndrome to maintenance treatment, even though the goal and intent may be eventual total withdrawal.

3. In maintenance treatment the initial dosage of methadone should control the abstinence symptoms that follow withdrawal of narcotic drugs but should not be so great as to cause sedation, respiratory depression, or other effects of acute intoxification. It is important that the initial dosage be adjusted on an individual basis to the narcotic tolerance of the new patient. If such a patient has been a heavy user of heroin up to the day of admission, he may be given 20 milligrams orally for the first dose and another 20 milligrams 4 to 8 hours later, or 40 milligrams in a single oral dose. If he enters treatment with little or no narcotic tolerance (e.g., if he has recently been released from jail or other confinement), the initial dosage may be one-half these quantities. When there is any doubt, the smaller dose should be used initially. The patient should then be kept under observation, and, if symptoms of abstinence are distressing, additional 10-milligram doses may be repeated as needed. Subsequently, the dosage should be adjusted individually, as tolerated and required, to a level of 120 milligrams daily. For daily dosages above 100 milligrams patients shall ingest medication under observation 6 days per week. These patients will be allowed take-home medication for 1 day per week only. Those patients in treatment on December 15, 1972 who are receiving a take-home dose of more than 100 milligrams per day shall have their dosage level reduced to 100 milligrams per day or less by June 13, 1973. A daily dose of 120 milligrams or more shall be justified in the medical record. For daily dosages above 120 milligrams or, beginning June 13, 1973, for take-home doses above 100 milligrams per day, prior approval shall be obtained from the Food and Drug Administration and the State authority. A regular review of dosage level should be made by the responsible physician with careful consideration given for reduction of dosage as indicated on an individual basis. A new dosage level is only a test level until stability is achieved.

4. Caution shall be taken in the maintenance treatment of pregnant patients. Dosage levels shall be maintained as low as possible if continued methadone treatment is deemed necessary. It is the responsibility of the program to assure that each female patient is fully informed concerning the possible risks to a pregnant woman or her unborn child from the use of methadone.

5. Methadone will be administered or dispensed by a practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients or by an agent of the practitioner, supervised by and pursuant to the order of the practitioner. This agent may be a pharmacist, registered nurse, or licensed practical nurse, depending upon the State regulations regarding narcotic drug dispensing and administering. The licensed practitioner assumes responsibility for the amounts of methadone administered or dispensed and all changes in dosage schedule shall be recorded and signed by the licensed practitioner.

6. For detoxification, the drug shall be administered daily under close observation. In maintenance treatment the patient initially will ingest the drug under observation daily, or at least 6 days a week, for the first 3 months. It is recognized that diversion occurs primarily when patients take medication from the clinic for self-administration. It is also recognized, however, that daily attendance at a program facility may be incompatible with gainful employment, education, and responsible homemaking. After demonstrating satisfactory adherence to the program regulations for at least 3 months and showing substantial progress in rehabilitation by participating actively in the program activities and/or by participation in educational, vocational, and homemaking activities, those patients whose employment, education, or homemaking responsibilities would be hindered by daily attendance may be permitted to reduce to 3 times weekly the times when they must ingest the drug under observation. They shall receive no more than a 2 day take-home supply. With continuing adherence to the program's requirements and progressive rehabilitation for at least 2 years after entrance into the program, such patients may be permitted twice weekly visits to the program for drug ingestion under observation with a 3 day take-home supply. Prior to reducing the frequency of visits, documentation of the patient's progress and the need for reducing the frequency of visits shall be recorded. The requirements and schedule for when the drug must be ingested under supervision may be relaxed if the patient has a serious physical disability which would prevent frequent visits to the program facility. The Food and Drug Administration and the State authority shall be notified of such cases. Additional medication may also be provided in exceptional circumstances such as acute illness, family crises, or necessary travel when hardship would result from requiring the customary observed medication intake for the specific period. In such circumstances the reasons for providing additional medication will be recorded in the clinical record. In circumstances of severe illness, infirmity or physical disability, an authorized individual (e.g., a licensed practitioner) may deliver or obtain the medication.

B. In maintenance treatment, a urinalysis will be performed randomly at least weekly for morphine and monthly for methadone, barbiturates, amphetamines, and other drugs if indicated. Those patients receiving their doses of the drug from medication units will also adhere to this schedule. The urine shall be collected in a manner which minimizes falsification of the samples. The reliability of this collection procedure shall be demonstrated. Laboratories used for urine testing shall participate in and be approved by any proficiency testing program designated by the Food and Drug Administration. Any changes in laboratories used for urine testing shall have prior approval of the Food and Drug Administration.

C. An adequate clinical record will be maintained for each patient. The record will contain a copy of the signed consent form(s), the date of each visit, the amount of methadone administered or dispensed, the results of each urinalysis, a detailed account of any adverse reactions, which will also be reported within 2 weeks to the Food and Drug Administration on Form FD-1639, "Drug Experience Report", any significant physical or psychologic disability, the type of rehabilitative and counseling efforts employed, an account of the patient's progress, and other relevant aspects of the treatment program. For recordkeeping purposes, if a patient misses appointments for 2 weeks or more without notifying the program, the episode of care is considered terminated and so noted in the clinical record. This does not mean that the patient cannot return for care. If the patient does return for care and is accepted into the program, this is considered a readmission and so noted in the clinical record. This method of recordkeeping helps assure the easy detection of sporadic attendance and decreases the possibility of administering inappropriate doses of methadone (e.g., the patient who has received no medication for several days or more and upon return receives the usual stabilization dose). An annual evaluation of the patient's progress will be recorded in the clinical record.

D. All patients in maintenance treatment will be given careful consideration for discontinuance of methadone, especially after reaching a 10–20 milligram dosage level. Social rehabilitation shall have been maintained for a reasonable period of time. Patients should be encouraged to pursue the goal of eventual withdrawal from methadone and becoming completely drug-free. Upon successfully reaching a drug-free state the patient should be retained in the program for as long as necessary to assure stability in the drug-free state, with the frequency of his required visits adjusted at the discretion of the director. Maintenance treatment using methadone shall be discontinued within 2 years after such treatment is begun unless, based upon clinical judgment recorded in the clinical record for the patient, the patient's status indicates that such treatment should be continued for a longer period of time. Any patient continued on methadone for longer than 2 years shall be subject to periodic reconsideration for discontinuance of such treatment.

X. To prevent diversion into illicit channels, adequate security shall be maintained over stocks of methadone and over the manner in which it is distributed, as required by the Drug Enforcement Administration, Department of Justice.

XI. Accurate records traceable to patients shall be maintained showing dates, quantity, and batch or code marks of the drug used. These records shall be retained for a period of 3 years.

XII. The program director may establish geographically dispersed medication units of reasonable size for administering and dispensing medication to patients stabilized at their optimal dosage level. The approval of such units for any geographic area shall be based upon the number and distribution of such units within the area. No more than 30 patients shall be under care at a medication unit at any one time. These units shall be responsible only for administering and dispensing medication. Private practitioners and community pharmacies may serve as medication units. Only after patients have been stabilized at their optimal initial dosage level may they be referred to a medication unit. Subsequent to such referral, the program director shall retain continuing responsibility for the patient's care and the patient shall be seen at the primary program facility at least monthly for medical evaluation and ancillary service. If a private practitioner wishes to provide other service in addition to administering and dispensing medication and collecting urine samples, the practitioner is considered a program component or a separate program, depending upon the type of services provided. In such case the restrictions on the number of patients served shall be determined by the staffing pattern and resources available.

XIII. All representations in this application are currently accurate, and no changes shall be made in the program until they have been approved by the Food and Drug Administration and the State authority.

XIV. If the program or any individual under the program is disapproved, the program director shall recall the methadone from the disapproved sources and return the drug to the manufacturer in a manner prescribed by the Drug Enforcement Administration, Department of Justice.

XV. Inspections of this program may be undertaken by the State authority, by the Food and Drug Administration and by the Drug Enforcement Administration, Department of Justice, in accordance with Federal controlled substances laws. The identity of patients will be kept confidential except when it is necessary to make follow-up investigations on adverse effect information related to use of the drug, when the medical welfare of the patient would be threatened by a failure to reveal such information, or when it is necessary to verify records relating to approval of the program or any portion thereof. In all circumstances the provisions of 21 CFR Part 1401 shall be followed.

Signature _____
(Program sponsor)

(2) *Medical Responsibility Statement.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD–2633 Medical Responsibility Statement for Use of Methadone in a Treatment Program

(To be completed by each physician licensed to dispense or administer methadone under an approved program.)

Date _____
Name of program _____
Address _____
Telephone number _____

Medical Director for this facility (licensed by law to administer or dispense drugs and responsible for all medication administered or dispensed at this facility).

_____
Address of this facility _____
Telephone number of this facility _____

I. The undersigned agrees to assume responsibility for the administration and dispensing of methadone under the above identified program and to abide by the required standards for methadone detoxification and maintenance treatment.

II. The name of each patient treated at a facility and the frequency of visits shall be registered with the medical director. An annual report Form FD–2634 "Annual Report for Treatment Program Using Methadone" shall be submitted to the program sponsor for submission to the Food and Drug Administration. The patient shall always report to the same facility unless prior approval is obtained from the medical director for treatment at another operation.

III. The following minimal treatment standards shall be followed.

A. A statement shall be given to the addicts to inform them about the program. A voluntary request and consent Form FD–2635 "Consent to Methadone Treatment" shall be signed by each patient. Participation in the program shall be voluntary.

B. The mere use of a narcotic drug, even if periodic or intermittent, cannot be equated with narcotic addiction. Care shall be exercised in the selection of patients to prevent the possibility of admitting a person who was not first dependent upon heroin or other morphine-like drugs at least 2 years prior to admission to maintenance treatment. This drug history and evidence of current physiologic dependence on morphine-like drugs shall be documented. Evidence of physical dependence should be obtained by noting early signs of withdrawal (lacrimation, rhinorrhea, pupillary dilation, and piloerection) during the initial period of abstinence. Withdrawal signs may be observed during an initial period of hospitalization or while the individual is an outpatient undergoing diagnostic evaluation (medical and personal history, physical examination, and laboratory studies). Loss of appetite and increased body temperature, pulse rate, blood pressure, and respiratory rate are also signs of withdrawal, but their detection may require inpatient observation. It is unlikely that an individual would be currently dependent on narcotic drugs without having a positive urine test for one or more of these drugs. Additional evidence can be obtained by noting the presence of old and fresh needle marks, and by obtaining additional history from relatives and friends.

C. An exception to the requirement for evidence of current physiologic dependence on narcotic drugs will be allowed under exceptional circumstances. For example, methadone treatment may be initiated prior to or within 1 week of release from a stay of 1 month or longer in in a penal or chronic care institution if an individual has a pre-detention history of dependence upon heroin or other morphine-like drugs at least 2 years prior to admission to the institute. Justification for any such exception should be noted on the patient's record.

D. Patients between 16 and 18 years of age who are enrolled and under treatment in approved programs on December 15, 1972 may continue in maintenance treatment. No new patients between 16 and 18 years of age may be admitted to a maintenance treatment after such date unless a parent, legal guardian, or responsible adult designated by the State authority completes and signs consent form. Form FD–2635, "Consent to Methadone Treatment". Methadone treatment of new patients between ages 16 and 18 years of age will be permitted after such date only with a documented history of two or more unsuccessful attempts at detoxification and a documented history of dependence on heroin or other morphine-like drugs beginning 2 years or more prior to application for treatment. No patient under age 16 may be continued or started on methadone treatment after such date, but these patients may be detoxified and retained in the program in a drug-free state for follow-up and aftercare. Patients under age 18 who are not placed in maintenance treatment may be detoxified. Detoxification may not exceed 3 weeks. A repeat episode of detoxification may not be initiated until 4 weeks after the completion of the previous detoxification.

IV. An admission evaluation and record shall be made and maintained for each patient upon admission to the program. This evaluation and record shall consist of a personal history, a medical history, and a physical examination, and any laboratory or other special examinations as indicated in the judgment of the attending physician. (It is recommended that a complete blood count, liver function tests, and a serologic test for lues be part of the admission evaluation.)

A. A personal history record will include at least age, sex, educational level, employment history, criminal history, past history of drug abuse of all types, and prior treatment for drug abuse.

B. Medical history. A thorough medical history record will be completed for each patient accepted for admission.

C. Physical examination. The findings of a comprehensive physical examination will be recorded.

V. I understand that there is a danger of drug dependent persons attempting to enroll in more than one methadone treatment program to obtain quantities of methadone either for the purpose of self-administration or illicit marketing. To prevent such multiple enrollments, I will participate in whatever local, regional, or national patient identification system that exists and I state my intention to participate in any system that may be developed and approved by the Food and Drug Administration unless I notify the Food and Drug Administration, in writing, to the contrary. I understand failure to participate may cause revocation of approval of my application. Except in an emergency situation, methadone will not be provided to a patient who is known to be currently receiving the drug from another treatment program using methadone. Except as provided in item XI of this form, information that could identify the patient will be kept confidential in compliance with 21 CFR Part 1401.

VI. The following minimal procedures will be used for ongoing care.

A. Dosage and administration for detoxification and maintenance treatment:

1. Methadone will be administered or dispensed in oral form only when used in a treatment program. Hospitalized patients under care for a medical or surgical condition are permitted to receive methadone in parenteral form, when in the attending physician's professional judgment it is deemed advisable. Although tablet, syrup concentrate, or other formulations are permitted to be distributed to the program, all oral medication shall be administered or dispensed in a liquid formulation. The dosage shall be formulated in such a way as to reduce its potential for parenteral abuse and accidental ingestion, and packaged for outpatient use in special packaging as required by 16 CFR 1700.14. Any take-out medication shall be labeled with the treatment center's name, address and telephone number. Exceptions may be granted when any of the provisions of this subsection are in conflict with State law with regard to the administering or dispensing of drugs.

2. In detoxification, the patient may be placed on a substitutive methadone administration schedule when there are significant symptoms of withdrawal. The dosage schedules indicated below are recommended but may be varied depending upon clinical judgment. Initially, a single oral dose of 15-20 milligrams of methadone will often be sufficient to suppress withdrawal symptoms. Additional methadone may be provided if withdrawal symptoms are not suppressed or whenever symptoms reappear. When patients are physically dependent on high doses of methadone, it may be necessary to exceed these levels. 40 milligrams per day in single or divided doses will usually constitute an adequate stabilizing dose level. Stabilization can be continued for 2 to 3 days and then the amount of methadone will normally be gradually decreased. The rate at which methadone is decreased will be determined separately for each patient. The dose of methadone can be decreased on a daily basis or in 2 day intervals, but the amount of intake shall always be sufficient to keep withdrawal symptoms at a tolerable level. In hospitalized patients a daily reduction of 20 percent of the total daily dose usually will be tolerated and will cause little discomfort. In ambulatory patients, a somewhat slower schedule may be needed. If methadone is administered for more than 3 weeks, the procedure is considered to have progressed from detoxification or treatment of the acute withdrawal syndrome to maintenance treatment, even though the goal and intent may be eventual total withdrawal.

3. In maintenance treatment the initial dosage of methadone should control the abstinence symptoms that follow withdrawal of narcotic drugs but should not be so great as to cause sedation, respiratory depression, or other effects of acute intoxification. It is important that the initial dosage be adjusted on an individual basis to the narcotic tolerance of the new patient. If such a patient

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has been a heavy user of heroin up to the day of admission, he may be given 20 milligrams orally for the first dose and another 20 milligrams 4 to 8 hours later, or 40 milligrams in a single oral dose. If he enters treatment with little or no narcotic tolerance (e.g., if he has recently been released from jail or other confinement), the initial dosage may be one-half these quantities. When there is any doubt, the smaller dose should be used initially. The patient should then be kept under observation, and, if symptoms of abstinence are distressing, additional 10 milligram doses may be repeated as needed. Subsequently, the dosage should be adjusted individually, as tolerated and required, to a level of 120 milligrams daily. For daily dosages above 100 milligrams patients shall ingest medication under observation 6 days per week. These patients will be allowed take-home medication for 1 day per week only. Those patients in treatment on December 15, 1972 who are receiving a take-home dose of more than 100 milligrams per day shall have their dosage level reduced to 100 milligrams per day or less by June 13, 1973. A daily dose of 120 milligrams or more shall be justified in the medical record. For daily dosages above 120 milligrams or, beginning June 13, 1973, for take-home doses above 100 milligrams per day, prior approval shall be obtained from the Food and Drug Administration and the State authority. A regular review of dosage level should be made by the responsible physician with careful consideration given for reduction of dosage as indicated on an individual basis. A new dosage level is only a test level until stability is achieved.

4. Caution shall be taken in the maintenance treatment of pregnant patients. Dosage levels shall be maintained as low as possible if continued methadone treatment is deemed necessary. It is the responsibility of the program sponsor to assure that each female patient is fully informed concerning the possible risks to a pregnant woman or her unborn child from the use of methadone.

5. Methadone will be administered or dispensed by a practitioner licensed or registered under appropriate State or Federal law to order narcotic drugs for patients or by an agent of the practitioner, supervised by and pursuant to the order of the practitioner. This agent may only be a pharmacist, registered nurse, or licensed practical nurse depending upon the State regulations regarding narcotic drug dispensing and administering administration. The licensed practitioner assumes responsibility for the amounts of methadone administered or dispensed and all changes in dosage schedule shall be recorded and signed by the licensed practitioner.

6. For detoxification, the drug shall be administered daily under close observation. In maintenance treatment the patient initially will ingest the drug under the observation daily, or at least 6 days a week, for the first 3 months. It is recognized that diversion occurs primarily when patients take medication from the clinic for self-administraion. It is also recognized, however, that daily attendance at a program facility may be incompatible with gainful employment, education, and responsible homemaking. After demonstrating satisfactory adherence to the program regulations for at least 3 months and showing substantial progress in rehabilitation by participating actively in the program activities and/or by participation in educational, vocational, and homemaking activities, those patients whose employment, education or homemaking responsibilities would be hindered by daily attendance may be permitted to reduce to three times weekly the times when they must ingest the drug under observation. They shall receive no more than a 2-day take-home supply. With continuing adherence to the program's requirements and progressive rehabilitation for at least 2 years after entrance into the program, such patients may be permitted twice weekly visits to the program for drug ingestion under observation with a 3-day take-home supply. Prior to reducing the frequency of visits, documentation of the patient's progress and the need for reducing the frequency of visits shall be recorded. The requirements and schedule for when the drug must be ingested under supervision may be relaxed if the patient has a serious physical disability which would prevent frequent visits to the program facility. The Food and Drug Administration and the State authority shall be notified of such cases. Additional medication may also be provided in exceptional circumstances such as acute illness, family crises, or necessary travel when hardship would result from requiring the customary observed medication intake for the specific period. In such circumstances the reasons for providing additional medication will be recorded in the clinical record. In circumstances of severe illness, infirmity or physical disability, an authorized individual (e.g., a licensed practitioner) may deliver or obtain the medication.

B. In maintenance treatment, a urinalysis will be performed randomly at least weekly for morphine and monthly for methadone, barbiturates, amphetamines, and other drugs if indicated. Those patients receiving their doses of the drug from medication units will also adhere to this schedule. The urine shall be collected in a manner which minimizes falsification of the samples. The reliability of this collection procedure shall be demonstrated. Laboratories used for testing must participate in and be approved by any proficiency testing program designated by the Food and Drug Administration. Any changes made in laboratories used for urine testing shall have prior approval of the Food and Drug Administration.

C. An adequate clinical record will be maintained for each patient. The record will contain a copy of the signed consent form(s), the date of each visit, the amount of methadone administered or dispensed, the results of each urinalysis, a detailed account of any adverse reactions, which will also be reported within 2 weeks to the Food and Drug Administration on Form FD–1639, "Drug Experience Report," any significant physical or psychologic disability, the type of rehabilitative and counseling efforts employed, an account of the patient's progress, and other relevant aspects of the treatment program. For recordkeeping purposes, if a patient misses appointments for 2 weeks or more without notifying the program, the episode of care is considered terminated and so noted in the clinical record. This does not mean that the patient cannot return for care. If the patient does return for care and is accepted into the program, this is considered a readmission and so noted in the clinical record. This method of recordkeeping helps assure the easy detection of sporadic attendance and decreases the possibility of administering inappropriate doses of methadone (e.g., the patient who has received no medication for several days or more and upon return receives the usual stabilization dose). An annual evaluation of the patient's progress will be recorded in the clinical record.

D. All patients in maintenance treatment will be given careful consideration for discontinuance of methadone especially after reaching a 10 to 20 milligrams dosage level. Social rehabilitation shall have been maintained for a reasonable period of time. Patients should be encouraged to pursue the goal of eventual withdrawal from methadone and becoming completely drug-free. Upon successfully reaching a drug-free state the patient should be retained in the program for as long as necessary to assure stability in the drug-free state, with the frequency of his required visits adjusted at the discretion of the director. Maintenance treatment using methadone shall be discontinued within 2 years after such treatment is begun unless, based upon clinical judgment recorded in the clinical record for the patient, the patient's status indicates that such treatment should be continued for a longer period of time. Any patient continued on methadone for longer than 2 years shall be subject to periodic reconsideration for discontinuance of such treatment.

VII. To prevent diversion into illicit channels, adequate security shall be maintained over stocks of methadone and over the manner in which it is distributed, as required by the Drug Enforcement Administration, Department of Justice.

VIII. The program director may establish geographically dispersed medication units of reasonable size for administering and dispensing medication to patients stabilized at their optimal dosage level. The approval of such units for any geographic area shall be based upon the number and distribution of such units within the area. No more than 30 patients shall be under care at a medication unit at any one time. These units shall be responsible only for administering and dispensing medication. Private practitioners and community pharmacies may serve as medication units. Only after patients have been stabilized at their optimal initial dosage level may they be referred to a medication unit. Subsequent to such referral, the program director shall retain continuing responsibility for the patient's care and the patient shall be seen at the primary program facility at least monthly for medical evaluation and ancillary service. If a private practitioner wishes to provide other service in addition to administering and dispensing medication and collecting urine samples, the practitioner is considered a program component or a separate program, depending upon the type of services provided. In such case the restrictions on the number of patients served shall be determined by the staffing pattern and resources available.

IX. All representations in this application are currently accurate, and no changes shall be made in the program until they have been approved by the Food and Drug Administration and the State authority.

X. If the program or any individual under the program is disapproved, the program director shall recall the methadone from the disapproved sources and return the drug to the manufacturer in a manner prescribed by the Drug Enforcement Administration, Department of Justice.

XI. Inspections of this program may be undertaken by the State authority, by the Food and Drug Administration and by the Drug Enforcement Administration, Department of Justice, in accordance with Federal controlled substances laws. The identity of patients will be kept confidential except when it is necessary to make follow-up investigations on adverse effect information related to use of the drug, when the medical welfare of the patient would be threatened by a failure to reveal such information, or when it is necessary to verify records relating to approval of the program or any portion thereof. In all circumstances the provisions of 21 CFR Part 1401 shall be followed.

Signature:----------

(3) *Annual Report Form.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD–2634 Annual Report for Treatment Program Using Methadone

This form shall be completed in triplicate by the program sponsor for each calendar year.

One copy is to be sent to the Food and Drug Administration and one copy to the State authority on or before January 30.

I. Name or other identification of program ----------

Address ----------

II. Total Treatment Capacity ----------

III. Amount of methadone dispensed (in grams) during the year: ----------

IV. Number of individuals who applied to the program but were not admitted or given admission evaluation ----------

V. Number of individuals who were provided only detoxification one or more times ----------

VI. Census of patients provided methadone maintenance treatment ----------

A. Number under care at the beginning of the year being reported ----------

B. Of those in treatment at the beginning of the year:

1. Number continuously under care through the year being reported (still under care) ----------

2. Number discharged or transferred to other types of programs and not readmitted ----------

3. Number discharged or transferred to other types of programs and readmitted (still under care) ----------

4. Number discharged and readmitted (no longer under care) ----------

C. Number admitted to care during year ----, not previously treated in this program:

1. Number still under care at the end of the year ----------

2. Number discharged or transferred to other types of programs and not readmitted ----------

3. Number discharged or transferred to other types of programs and readmitted (still under care) ----------

4. Number discharged and readmitted (no longer under care) ----------

D. Number admitted to care during the year ----, previously treated in this program prior to the past year:

1. Number still under care at the end of the year ----------

2. Number discharged or transferred to other types of programs and not readmitted ----------

3. Number discharged and transferred to other types of programs and readmitted (still under care) ----------

4. Number discharged and readmitted (no longer under care) ----------

VII. Demographic and treatment characteristics of patients under care at the end of the year being reported:

A. By age and sex:

Age	Total	Male	Female
Under 14			
14–15			
16–17			
18–20			
21–25			
26–35			
36–45			
46+			

B. For the year being reported, give the number of patients who have been under continuous care for the following periods of time:

Under 3 months ----------
3 months to 1 year ----------
1 to 2 years ----------
2 to 5 years ----------
Over 5 years ----------

C. Total number of individuals treated to date ----------

D. For the year being reported, give the number of patients stabilized at each dosage level:

Daily dosage, mgm.	*Number of patients*
Under 20	
20–39	
40–59	
60–79	
80–99	
100–119	
Over 120	

E. For the year being reported, give the number of patients seen in the past 8 weeks who have fallen in the following categories:

No positive urinalysis for morphine for 2 months or more----------

Occasional positive urinalysis for morphine (monthly or less) ----------

Frequent positive urinalysis for morphine (more than once per month) ----------

In program for less than 2 months--------

For the year being reported, give the number of patients treated who were pregnant ----------

VIII. Give the number of patients having significant adverse reactions, particularly reactions related to hematopoietic, cardiovascular, endocrine, neurologic, and immunological functions (attach a completed copy of Form FD–1639, "Drug Experience Report," for each incident not previously reported to the Food and Drug Administration):

Type of reaction	*Number of patients*

IX. Give the number of patients who have died while under methadone care (attach a completed copy of Form FD–1639, "Drug Experience Report", for each incident not previously reported to the Food and Drug Administation):

	Number of patients
A. Definitely methadone-related --	
B. Not methadone-related --------	

Signature ----------
(Program sponsor)

(4) *Patient Consent Form.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD–2635 Consent for Methadone Treatment

Patient ---------- Date ----------

Name of practitioner explaining procedures ----------

(Provisions of this consent form may be modified to conform to any applicable State law.)

I hereby authorize and give my voluntary consent to Dr. ----------
(Program medical director)

and/or any appropriately authorized assistants he may select, to administer or prescribe the drug methadone as an element in the treatment for my dependence on heroin or other narcotic drugs.

The procedures necessary to treat my condition have been explained to me and I understand that it will involve my taking daily dosages of methadone, or other drugs, which will help control my dependence on heroin or other narcotic drugs.

It has been explained to me that methadone is a narcotic drug which can be harmful if taken without medical supervision. I further understand that methadone is an addictive medication and may, like other drugs used in medical practice, produce adverse results. The alternative methods of treatment, the possible risks involved, and the possibilities of complications have been explained to me, but I still desire to receive methadone due to the risk of my return to the use of heroin or other drugs.

The goal of methadone treatment is total rehabilitation of the patient. Eventual withdrawal from the use of all drugs, including methadone, is an appropriate treatment goal. I realize that for some patients methadone treatment may continue for relatively long periods of time but that periodic consideration shall be given concerning my complete withdrawal from methadone use.

I understand that I may withdraw from this treatment program and discontinue the use of the drug at any time and I shall be afforded detoxification under medical supervision.

I agree that I shall inform any doctor who may treat me for any medical problem that I am enrolled in a methadone treatment program, since the use of other drugs in conjunction with methadone may cause me harm.

I also underatand that during the course of treatment, certain conditions may make it necessary to use additional or different procedures than those explained to me. I understand that these alternate procedures shall be used when in the Program or Medical Director's professional judgment it is considered advisable.

(For female patients of child-bearing age)

To the best of my knowledge, I (am/am not) pregnant at this time.

Besides the possible risks involved with the long-term use of methadone, I further understand that, like heroin and other narcotic drugs, information on its effects on pregnant women and on their unborn children is at present inadequate to guarantee that it may not produce significant or serious side effects.

It has been explained to me and I understand that methadone is transmitted to the unborn child and will cause physical dependence. Thus, if I am pregnant and suddenly stop taking methadone, I or the unborn child may show signs of withdrawal which may adversely affect my pregnancy or the child. I shall use no other drugs without the medical director or his assistants' approval, since these drugs, particularly as they might interact with methadone, may harm me or my unborn child. I shall inform any other doctor who sees me during my present or any future pregnancy or who sees the child after birth, of my current or past participation in a methadone treatment program in order that he may properly care for my child and me.

It has been explained to me that after the birth of my child I should not nurse the baby because methadone is transmitted through the milk to the baby and this may cause physical dependence on methadone in the child. I understand that for a brief period following birth, the child may show temporary irritability or other ill effects due to my use of methadone. It is essential for the child's physician to know of my participation in a methadone treatment program so that he may provide appropriate medical treatment for the child.

All the above possible effects of methadone have been fully explained to me and I understand that at present; there have not been enough studies conducted on the long term use of the drug to assure complete safety to my child. With full knowledge of this, I consent to its use and promise to inform the Medical Director or one of his

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assistants immediately if I become pregnant in the future.

(For patients under 18 years of age)

The patient is a minor, ----------
years of age, born, ----------.
The risks of the use of methadone have been explained to (me/us) and (I/we) understand that methadone is a drug on which long-term studies are still being conducted and that information on its effects in adolescents is incomplete. It has been explained to (me/us) that methadone is being used in the minor's treatment only because the risk of (his/her) return to the use of heroin is sufficiently great to justify this treatment. (I/We) declare that participation in the methadone treatment program is wholly voluntary on the part of both the (parent(s)/guardian(s)) and the patient and that methadone treatment may be stopped at any time on (my/our) request or that of the patient. With full knowledge of the potential benefits and possible risks involved with the use of methadone in the treatment of an adolescent, (I/we) consent to its use upon the minor, since (I/we) realize that otherwise (he/she) shall continue to be dependent upon heroin or other narcotic drugs.

I certify that no guarantee or assurance has been made as to the results that may be obtained from methadone treatment. With full knowledge of the potential benefits and possible risks involved, I consent to methadone treatment, since I realize that I would otherwise continue to be dependent on heroin or other narcotic drugs.

Patient ----------
Date ----------
Date of birth ----------
Parent(s) or guardian(s) ----------
Relationship ----------
Witness ----------

(5) *Hospital Application.*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FOOD AND DRUG ADMINISTRATION

Form FD-2636 Hospital Request for Methadone for Analgesia in Severe Pain and for Detoxification and Temporary Maintenance Treatment

Name of hospital ----------
Address ----------
Commissioner,
Food and Drug Administration,
Bureau of Drugs (HFD-106),
Rockville, MD 20852.

DEAR SIR: As hospital administrator, I submit this request for approval to receive supplies of methadone to be used for analgesia in severe pain and for detoxification and maintenance treatment in accord with § 310.505 of the new drug regulations. I understand that the failure to abide by the requirements described below may result in revocation of approval to receive shipments of methadone, seizure of the drug supply on hand, injunction, and criminal prosecution.

I. The name of the individual (pharmacist) responsible for receiving and securing supplies of methadone is ----------.

II. There are a total of ---------- beds in the hospital.

III. A general description of the hospital and nature of patient care undertaken is attached.

IV. The anticipated quantity of methadone needed per year is ---------- (Gms.).

V. Methadone is permitted to be administered or dispensed only for detoxification or temporary treatment of hospitalized patients, and for analgesia in severe pain for hospitalized patients and outpatients. If methadone is administered for treatment of heroin dependence for more than 3 weeks, the procedure passes from treatment of the acute withdrawal syndrome (detoxification) to maintenance treatment. Maintenance treatment is permitted to be undertaken only by approved methadone programs. This does not preclude the maintenance treatment of an addict who is hospitalized for treatment of medical conditions other than addiction and who requires temporary maintenance treatment during the critical period of his stay whose enrollment in a program which has approval for maintenance treatment using methadone has been verified.

VI. Prior to filing a physician's prescription for methadone for outpatients, I shall obtain from the physician a statement indicating that all such prescriptions written by him shall be limited to use for analgesia in severe pain and his agreement to maintain records to substantiate such use. These records will be available in the hospital or made available at the request of the hospital administrator. On January 30 of each year, the hospital shall report to the Food and Drug Administration the names and addresses of all physicians who prescribed methadone for analgesia on an outpatient basis during the previous year.

VII. Prescriptions for analgesia may be filled only if they are written by a physician who has submitted the required statement to the hospital.

VIII. Accurate records shall be maintained showing dates, quantity, and batch or code marks of the drug for inpatient and outpatient treatment. These records shall be retained for a period of 3 years.

IX. The Food and Drug Administration and the State authority may inspect supplies of the drug and evaluate the uses to which the drug is being put. The identity of the patient will be kept confidential except when it is necessary to make follow-up investigations on adverse effect information related to the drug, when the medical welfare of the patient would be threatened by a failure to reveal such information, or when it is necessary to verify records relating to approval of the hospital or any portion thereof. The confidentiality requirements of 21 CFR Part 1401 shall be followed.

Signature----------
(Hospital official)

PART 312—NEW DRUGS FOR INVESTIGATIONAL USE

Subpart A—Exemptions From Section 505(a)

Sec.

312.1 Conditions for exemption of new drugs for investigational use.

312.9 New drugs for investigational use in laboratory research animals or in vitro tests.

Subpart B—Controlled Substances

312.10 Availability of records.

AUTHORITY: Secs. 502, 503, 505, 701, 52 Stat. 1051, 1052, 1053, 1055, as amended (21 U.S.C. 352, 353, 355, 371) (5 U.S.C. 554) unless otherwise noted.

Subpart A—Exemptions From Section 505(a)

§ 312.1 Conditions for exemption of new drugs for investigational use.

(a) A shipment or other delivery of a new drug shall be exempt from section 505(a) of the act if all the following conditions are met:

(1) The label of such drug bears the statement "Caution: New drug—Limited by Federal (or United States) law to investigational use."

(2) The person claiming the exemption has filed with the Food and Drug Administration a completed and signed "Notice of Claimed Investigational Exemption for a New Drug" in triplicate, with the information shown below in Form FD–1571; and not less than 30 days have elapsed following the date of receipt of the notice by the Food and Drug Administration; and the Food and Drug Administration has not, prior to expiration of such 30-day interval, requested that the sponsor continue to withhold or to restrict use of the drug in human subjects. The 30-day delay requirement may be waived by the Food and Drug Administration upon a showing of good reason for such waiver.

Form FD–1571

Department of Health, Education, and Welfare, Food and Drug Administration

Notice of Claimed Investigational Exemption for a New Drug

Name of sponsor ----------
Address ----------

Name of investigational drug ----------
To the Secretary of Health, Education, and Welfare,
For the Commissioner of Food and Drugs,
5600 Fishers Lane,
Rockville MD 20852

Dear Sir:

The sponsor, ----------, submits this notice of claimed investigational exemption for a new drug under the provisions of section 505(i) of the Federal Food, Drug, and Cosmetic Act and § 312.1 of Title 21 of the Code of Federal Regulations.

Attached hereto are:

1. The best available descriptive name of the drug, including to the extent known the chemical name and structure of any new-drug substance, and a statement of how it is to be administered. (If the drug has only a code name, enough information should be supplied to identify the drug.)

2. Complete list of components of the drug, including any reasonable alternates for inactive components.

3. Complete statement of quantitative composition of drug, including reasonable variations that may be expected during the investigational stage.

4. Description of source and preparation of any new-drug substances used as components, including the name and address of each supplier or processor, other than the sponsor, of each new-drug substance.

5. A statement of the methods, facilities, and controls used for the manufacturing, processing, and packing of the new drug to establish and maintain appropriate standards of identity, strength, quality, and purity as needed for safety and to give significance to clinical investigations made with the drug.

6. A statement covering all information available to the sponsor derived from preclinical investigations and any clinical studies and experience with the drug as follows:

a. Adequate information about the preclinical investigations, including studies made on laboratory animals, on the basis of which the sponsor has concluded that it is reasonably safe to initiate clinical investigations with the drug: Such information should include identification of the person who conducted each investigation; identification and qualifications of the individuals who evaluated the results and concluded that it is reasonably safe to initiate clinical investigations with the drug and a statement of where the investigations were conducted and where the records are available for inspection; and enough details about the investigations to permit scientific review. The preclinical investigations shall not be considered adequate to justify clinical testing unless they give proper attention to the conditions of the proposed clinical testing. When this information, the outline of the plan of clinical pharmacology, or any progress report on the clinical pharmacology, indicates a need for full review of the preclinical data before a clinical trial is undertaken, the Department will notify the sponsor to submit the complete preclinical data and to withhold clinical trials until the review is completed and the sponsor notified. The Food and Drug Administration will be prepared to confer with the sponsor concerning this action.

b. If the drug has been marketed commercially or investigated (e.g. outside the United States), complete information about such distribution or investigation shall be submitted, along with a complete bibliography of any publications about the drug.

c. If the drug is a combination of previously investigated or marketed drugs, an adequate summary of preexisting information from preclinical and clinical investigations and experience with its components, including all reports available to the sponsor suggesting side-effects, contraindications, and ineffectiveness in use of such components: Such summary should include an adequate bibliography of publications about the components and may incorporate by reference any information concerning such components previously submitted by the sponsor to the Food and Drug Administration. Include a statement of the expected pharmacological effects of the combination.

7. A copy (one in each of the three copies of the notice) of all informational material, including label and labeling, which is to be supplied to each investigator: This shall include an accurate description of the prior investigations and experience and their results pertinent to the safety and possible usefulness of the drug under the conditions of the investigation. It shall not represent that the safety or usefulness of the drug has been established for the purposes to be investigated. It shall describe all relevant hazards, contraindications, side effects, and precautions suggested by prior investigations and experience with the drug under investigation and related drugs for the information of clinical investigators.

8. The scientific training and experience considered appropriate by the sponsor to qualify the investigators as suitable experts to investigate the safety of the drug, bearing in mind what is known about the pharmacological action of the drug and the phase of the investigational program that is to be undertaken.

9. The names and a summary of the training and experience of each investigator and of the individual charged with monitoring the progress of the investigation and evaluating the evidence of safety and effectiveness of the drug as it is received from the investigators, together with a statement that the sponsor has obtained from each investigator a completed and signed form, as provided in subparagraph (12) or (13) of this paragraph, and that the investigator is qualified by scientific training and experience as an appropriate expert to undertake the phase of the investigation outlined in section 10 of the "Notice of claimed investigational exemption for a new drug." (In crucial situations, phase 3 investigators may be added and this form supplemented by rapid communication methods, and the signed Form FD–1573 shall be obtained promptly thereafter.)

10. An outline of any phase or phases of the planned investigations and a description of the institutional review committee, as follows:

a. *Clinical pharmacology.* This is ordinarily divided into two phases: Phase 1 starts when the new drug is first introduced into man—only animal and in vitro data are available—with the purpose of determining human toxicity, metabolism, absorption, elimination, and other pharmacological action, preferred route of administration, and safe dosage range; phase 2 covers the initial trials on a limited number of patients for specific disease control or prophylaxis purposes. A general outline of these phases shall be submitted, identifying the investigator or investigators, the hospitals or research facilities where the clinical pharmacology will be undertaken, any expert committees or panels to be utilized, the maximum number of subjects to be involved, and the estimated duration of these early phases of investigation. Modification of the experimental design on the basis of experience gained need be reported only in the progress reports on these early phases, or in the development of the plan for the clinical trial, phase 3. The first two phases may overlap and, when indicated, may require additional animal data before these phases can be completed or phase 3 can be undertaken. Such animal tests shall be designed to take into account the expected duration of administration of the drug to human beings, the age groups and physical status, as for example, infants, pregnant women, premenopausal women, of those human beings to whom the drug may be administered, unless this has already been done in the original animal studies.

b. *Clinical trial.* This phase 3 provides the assessment of the drug's safety and effectiveness and optimum dosage schedules in the diagnosis, treatment, or prophylaxis of groups of subjects involving a given disease or condition. A reasonable protocol is developed on the basis of the facts accumulated in the earlier phases, including completed and submitted animal studies. This phase is conducted by separate groups following the same protocol (with reasonable variations and alternatives permitted by the plan) to produce well-controlled clinical data. For this phase, the following data shall be submitted:

i. The names and addresses of the investigators. (Additional investigators may be added.)

ii. The specific nature of the investigations to be conducted, together with information or case report forms to show the scope and detail of the planned clinical observations and the clinical laboratory tests to be made and reported.

iii. The approximate number of subjects (a reasonable range of subjects is permissible and additions may be made), and criteria proposed for subject selection by age, sex, and condition.

iv. The estimated duration of the clinical trial and the intervals, not exceeding 1 year, at which progress reports showing the results of the investigations will be submitted to the Food and Drug Administration.

c. *Institutional review committee.* If the phases of clinical study as described under 10a and b above are conducted on institutionalized subjects or are conducted by an individual affiliated with an institution which agrees to assume responsibility for the study, assurance must be given that an institutional review committee is responsible for initial and continuing review and approval of the proposed clinical study. The membership must be comprised of sufficient members of varying background, that is, lawyers, clergymen, or laymen as well as scientists, to assure complete and adequate review of the research project. The membership must possess not only broad competence to comprehend the nature of the project, but also other competencies necessary to judge the acceptability of the project or activity in terms of institutional regulations, relevant law, standards of professional practice, and community acceptance. Assurance must be presented that neither the sponsor nor the investigator has participated in selection of committee members; that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee); that the investigator will report to the committee for review any emergent problems, serious adverse reactions, or proposed procedural changes which may affect the status of the investigation and that no such change will be made without committee approval except where necessary to eliminate apparent immediate hazards; that reviews of the study will be conducted by the review committee at intervals appropriate to the degree of risk, but not exceeding 1 year, to assure that the research project is being conducted in compliance with the committee's understanding and recommendations; that the review committee is provided all the information on the research project necessary for its complete review of the project; and that the review committee maintains adequate documentation of its activities and develops adequate procedures for reporting its findings to the institution. The documents maintained by the committee are to include the names and qualifications of committee members, records of information provided to subjects in obtaining informed consent, committee discussion on substantive issues and their resolution, committee recommendations, and dated reports of successive reviews as they are performed. Copies of all documents are to be retained for a period of 3 years past the completion or discontinuance of the study and are to be made available upon request to duly authorized representatives of the Food and Drug Administration. (Favorable recommendations by the committee are subject to further appropriate review and rejection by institution officials. Unfavorable recommendations, restrictions, or conditions may not be overruled by the institution officials.) Procedures for the organization and operation of institutional review committees are contained in guidelines issued pursuant to Chapter 1–40 of the Grants Administration Manual of the U.S. Department of Health, Education, and Welfare, available from the U.S. Government Printing Office. It is recommended that these guidelines be followed in establishing institutional review committees and that the committees function according to the procedures described therein. A signing of the Form FD–1571 will be regarded as providing the above necessary assurances. If the institution, however, has on file with the Department of Health, Education, and Welfare, Division of Research Grants, National Institutes of Health, an "accepted general assurance," and the same committee is to review the proposed study using the same procedures, this is acceptable in lieu of the above assurances and a statement to this effect should be provided with the signed FD–1571. (In addition to sponsor's continuing responsibility to monitor the study, the Food and Drug Administration will undertake investigations in institutions periodically to determine whether the committees are operating in accord with the assurances given by the sponsor.)

(The notice of claimed investigational exemption may be limited to any one or more phases, provided the outline of the additional phase or phases is submitted before

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such additional phases begin. This does not preclude continuing a subject on the drug from phase 2 to phase 3 without interruption while the plan for phase 3 is being developed.)

Ordinarily, a plan for clinical trial will not be regarded as reasonable unless, among other things, it provides for more than one independent competent investigator to maintain adequate case histories of an adequate number of subjects, designed to record observations and permit evaluation of any and all discernible effects attributable to the drug in each individual treated, and comparable records on any individuals employed as controls. These records shall be individual records for each subject maintained to include adequate information pertaining to each, including age, sex, conditions treated, dosage, frequency of administration of the drug, results of all relevant clinical observations and laboratory examinations made, adequate information concerning any other treatment given and a full statement of any adverse effects and useful results observed, together with an opinion as to whether such effects or results are attributable to the drug under investigation.

11. A statement that the sponsor will notify the Food and Drug Administration if the investigation is discontinued, and the reason therefor.

12. A statement that the sponsor will notify each investigator if a new-drug application is approved, or if the investigation is discontinued.

13. If the drug is to be sold, a full explanation why sale is required and should not be regarded as the commercialization of a new drug for which an application is not approved.

14. A statement that the sponsor assures that clinical studies in humans will not be initiated prior to 30 days after the date of receipt of the notice by the Food and Drug Administration and that he will continue to withhold or to restrict clinical studies if requested to do so by the Food and Drug Administration prior to the expiration of such 30 days. If such request is made, the sponsor will be provided specific information as to the deficiencies and will be afforded a conference on request. The 30-day delay may be waived by the Food and Drug Administration upon a showing of good reason for such waiver; and for investigations subject to institutional review committee approval as described in item 10c. above, an additional statement assuring that the investigation will not be initiated prior to approval of the study by such committee.

Very truly yours,

(Sponsor)

Per ---

(Indicate authority)

15. When requested by the agency, an environmental impact analysis report pursuant to § 6.1 of this chapter.

(This notice may be amended or supplemented from time to time on the basis of the experience gained with the new drug. Progress reports may be used to update the notice.)

Provided, however, That where a new drug limited to investigational use is proposed for shipment to a foreign country for clinical investigation, in lieu of the filing of a "Notice of Claimed Investigational Exemption for a New Drug" (Form FD–1571), the Commissioner will authorize the shipment of the drug if he receives, through the Department of State, a formal request to allow such shipment, from the government of the country to which the drug is proposed to be shipped. This request shall specify that said government has adequate information about the drug and the proposed investigational use, and is satisfied that the drug may legally be used by the intended consignee in that country. This provisions is applicable only where the drug is to be used for purposes of clinical investigation and does not apply where it is intended for commercial marketing or use in routine medical practice.

(3) Each shipment or delivery is made in accordance with the commitments in the "Notice of claimed investigational exemption for a new drug."

(4) The sponsor maintains adequate records showing the investigator to whom shipped, date, quantity, and batch or code mark of each such shipment and delivery, until 2 years after a new-drug application is approved for the drug; or, if an application is not approved, until 2 years after shipment and delivery of the drug for investigational use is discontinued and the Food and Drug Administration has been so notified. Upon the request of a scientifically trained and properly authorized employee of the Department at reasonable times, the sponsor makes the records referred to in this subparagraph and in paragraph (a)(2) of this section available for inspection, and upon written requests submits such records or copies of them to the Food and Drug Administration. **If the investigational drug is subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970 adequate precautions are taken, including storage of the investigational drug in a securely locked, substantially constructed cabinet, or other securely locked, substantially constructed enclosure, access to** which is limited, to prevent theft or diversion **of the substance into illegal channels of distribution.**

(5) The sponsor monitors the progress of the investigations and currently evaluates the evidence relating to the safety and effectiveness of the drug as it is obtained from the investigators. Accurate progress reports of the investigations and significant findings, together with any significant changes in the informational material supplied to investigators, shall be submitted to the Food and Drug Administration at reasonable intervals, not exceeding 1 year. All reports of the investigation shall be retained until 2 years after a new-drug application is approved for the drug; or, if an application is not approved, until 2 years after shipment and delivery of the drug for investigational use is discontinued and the Food and Drug Administration so notified. Upon request of a scientifically trained and properly authorized employee of the Department at reasonable times, these reports shall be made available for inspection, and on written request copies of these reports shall be submitted to the Food and Drug Administration.

(6) The sponsor shall promptly investigate and report to the Food and Drug Administration and to all investigators any findings associated with use of the drug that may suggest significant hazards, contraindications, side-effects, and precautions pertinent to the safety of the drug. If the finding is alarming it shall be reported immediately and the clinical investigation discontinued until the finding is adequately evaluated and a decision reached that it is safe to proceed.

(7) If the investigations adduce facts showing that there is substantial doubt that they may be continued safely in relation to the drug's potential therapeutic effects, the sponsor shall promptly discontinue the investigation, notify all investigators and the Food and Drug Administration, recall all stocks of the drug outstanding, and furnish the Food and Drug Administration with a full report of the reason for discontinuing the investigation. The Food and Drug Administration will be prepared to confer with the sponsor on the need to discontinue the investigation.

(8) The sponsor shall discontinue shipments or deliveries of the new drug to any investigator who has repeatedly or deliberately failed to maintain or make available his records or reports of his investigations.

(9) The sponsor shall not unduly prolong distribution of the drug for investigational use but shall submit an application for the drug pursuant to section 505(b) of the act (or give reasons for not submitting such application, or a statement that the investigation has been discontinued and the reasons therefor):

(i) With reasonable promptness after finding that the results of such investigation appear to establish the safety and effectiveness of the drug; or

(ii) Within 60 days after receipt of a written request for such an application from the Commissioner.

(10) Neither the sponsor nor any person acting for or on behalf of the sponsor shall disseminate any promotional material representing that the drug being distributed interstate for investigational use is safe or useful for the purposes for which it is under investigation. This regulation is not intended to restrict the full exchange of scientific information concerning the drug, including dissemination of scientific findings in scientific or lay communications media; its sole intent is to restrict promotional claims of safety or effectiveness by the sponsor while the drug is under investigation to establish its safety or effectiveness.

(11) The sponsor shall not commercially distribute nor test-market the drug until a new-drug application is approved pursuant to section 505(b) of the act.

(12) The sponsor shall obtain from each investigator involved in clinical pharmacology a signed statement in the following form:

Form FD–1572

Department of Health, Education, and Welfare, Food and Drug Administration

Statement of Investigator (Clinical Pharmacology)

Name of investigator ---
Date ---

Name of drug ---
To supplier of the drug:
Name ---
Address ---

Dear Sir:

The undersigned, ---, submits this statement as required by section 505(i) of the Federal Food, Drug, and Cosmetic Act and § 312.1 of Title 21 of Code of Federal Regulations as a condition for receiving and conducting clinical pharmacology with a new drug limited by Federal (or United States) law to investigational use.

1. A statement of the education and training that qualifies me for clinical pharmacology.

2. The name and address of the medical school, hospital, or other research facility where the clinical pharmacology will be conducted.

3. If the experimental project is to be conducted on institutionalized subjects or is conducted by an individual affiliated with an institution which agrees to assume responsibility for the study, assurance must be given that an institutional review committee is responsible for initial and continuing review and approval of the proposed clinical study. The membership must be comprised of sufficient members of varying background, that is, lawyers, clergymen, or laymen as well as scientists, to assure complete and adequate review of the research project. The membership must possess not only broad competence to comprehend the nature of the project, but also other competencies necessary to judge the acceptability of the project or activity in terms of institutional regulations, relevant law, standards of professional practice, and community acceptance. Assurance must be presented that the investigator has not participated in the selection of committee members; that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee); that the investigator will report to the committee for review any emergent problems, serious adverse reactions, or proposed procedural changes which may affect the status of the investigation and that no such change will be made without committee approval except where necessary to eliminate apparent immediate hazards; that reviews of the study will be conducted by the review committee at intervals appropriate to the degree of risk, but not exceeding 1 year, to assure that the research project is being conducted in compliance with the committee's understanding and recommendations; that the review committee is provided all the information on the research project necessary for its complete review of the project; and that the review committee maintains adequate documentation of its activities and develops adequate procedures for reporting its findings to the institution The documents maintained by the committee are to include the names and qualifications of committee members, records of information provided to subjects in obtaining informed consent, committee discussion on substantive issues and their resolution, committee recommendations, and dated reports of successive reviews as they are performed. Copies of all documents are to be retained for a period of 3 years past the completion or discontinuance of the study and are to be made available upon request to duly authorized representatives of the Food and Drug Administration. (Favorable recommendations by the committee are subject to further appropriate review and rejection by institution officials. Unfavorable recommendations, restrictions, or conditions may not be overruled by the institution officials.) Procedures for the organization and operation of institutional review committees are contained in guidelines issued pursuant to Chapter 1–40 of the Grants Administration Manual of the U.S. Department of Health, Education, and Welfare, available from the U.S. Government Printing Office. It is recommended that these guidelines be followed in establishing institutional review committees and that the committees function according to the procedures described therein. A signing of the Form FD–1572 will be regarded as providing the above necessary assurance; however, if the institution has on file with the Department of Health, Education, and Welfare, Division of Research Grants, National Institutes of Health, an "accepted general assurance;" and the same committee is to review the proposed study using the same procedures, this is acceptable in lieu of the above assurances and a statement to this effect should be provided with the signed FD–1572. (In addition to sponsor's continuing responsibility to monitor the study, the Food and Drug Administration will undertake investigations in institutions periodically to determine whether the committees are operating in accord with the assurances given by the sponsor.)

4. The estimated duration of the project, and the maximum number of subjects that will be involved.

5. A general outline of the project to be undertaken (modification is permitted on the basis of experience gained, without advance submission of amendments to the general outline, but with the approval of the review committee and upon notification of the sponsor).

6. The undersigned understands that the following conditions generally applicable to new drugs for investigational use govern his receipt and use of this investigational drug:

a. The sponsor is required to supply the investigator with full information concerning the preclinical investigation that justifies clinical pharmacology.

b. The investigator is required to maintain adequate records of the disposition of all receipts of the drug, including dates, quantity, and use by subjects, and if the clinical pharmacology is suspended, terminated, discontinued, or completed, to return to the sponsor any unused supply of the drug. If the investigational drug is subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970, adequate precautions must be taken, including storage of the investigational drug in a securely locked, substantially constructed cabinet, or other securely locked, substantially constructed enclosure, access to which is limited, to prevent theft or diversion of the substance into illegal channels of distribution.

c. The investigator is required to prepare and maintain adequate case histories designed to record all observations and other data pertinent to the clinical pharmacology.

d. The investigator is required to furnish his reports to the sponsor who is responsible for collecting and evaluating the results, and presenting progress reports to the Food and Drug Administration at appropriate intervals, not exceeding 1 year. Any adverse effect which may reasonably be regarded as caused by, or is probably caused by, the new drug shall be reported to the sponsor promptly; and if the adverse effect is alarming it shall be reported immediately. An adequate report of the clinical pharmacology should be furnished to the sponsor shortly after completion.

e. The investigator shall maintain the records of disposition of the drug and the case reports described above for a period of 2 years following the date the new-drug application is approved for the drug; or if no application is to be filed or is approved until 2 years after the investigation is discontinued and the Food and Drug Administration so notified. Upon the request of a scientifically trained and specifically authorized employee of the Department, at reasonable times, the investigator will make such records available for inspection and copying. The names of the subjects need not be divulged unless the records of the particular subjects require a more detailed study of the cases, or unless there is reason to believe that the records do not represent actual results obtained.

f. The investigator certifies that the drug will be administered only to subjects under his personal supervision or under the supervision of the following investigators responsible to him, ---, and that the drug will not be supplied to any other investigator or to any clinic for administration to subjects.

g. The investigator certifies that he will inform any patients or any persons used as controls, or their representatives, that drugs are being used for investigational purposes, and will obtain the consent of the subjects, or their representatives, except where this is not feasible or, in the investigator's professional judgment, is contrary to the best interests of the subjects.

h. The investigator is required to assure the sponsor that for investigations involving institutionalized subjects the studies will not be initiated until the institutional review committee has reviewed and approved the study. (The organization and procedure requirements for such a committee should be explained to the investigator by the sponsor as set forth in Form FD–1571, division 10, unit c.)

Very truly yours,

(Name of investigator)

(Address)

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(13) The sponsor shall obtain from each investigator involved in clinical trials a signed statement in the following form:

Form FD–1573

Department of Health, Education, and Welfare, Food and Drug Administration

Statement of Investigator

Name of investigator ---
Date ---
Name of drug ---
To supplier of drug:
Name ---
Address ---

Dear Sir:

The undersigned, ---, submits this statement as required by section 505(i) of the Federal Food, Drug, and Cosmetic Act and § 312.1 of Title 21 of the Code of Federal Regulations as a condition for receiving and conducting clinical investigations with a new drug limited by Federal (or United States) law to investigational use.

1. The following is a statement of my education and experience:

a. Colleges, universities, and medical or other professional schools attended, with dates of attendance, degrees, and dates degrees were awarded.

b. Postgraduate medical or other professional training: Dates, names of institutions, and nature of training.

c. Teaching or research experience: Dates, institutions, brief description of experience.

d. Experience in medical practice or other professional experience: Dates, institutional affiliations, nature of practice, or other professional experience.

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e. Representative list of pertinent medical or other scientific publications: Titles of articles, names of publications and volume, page, number, and date.

(If this information has previously been submitted to the sponsor, it may be referred to and any additions made to bring it up to date.)

2a. If the investigation is to be conducted on institutionalized subjects or is conducted by an individual affiliated with an institution which agrees to assume responsibility for the study, assurance must be given that an institutional review committee is responsible for initial and continuing review and approval of the proposed clinical study. The membership must be comprised of sufficient members of varying background, that is, lawyers, clergymen, or laymen as well as scientists, to assure complete and adequate review of the research project. The membership must possess not only broad competence to comprehend the nature of the project, but also other competencies necessary to judge the acceptability of the project or activity in terms of institutional regulations, relevant law, standards of professional practice and community acceptance. Assurance must be presented that the investigator has not participated in the selection of committee members; that the review committee does not allow participation in its review and conclusions by any individual involved in the conduct of the research activity under review (except to provide information to the committee) that the investigator will report to the committee for review any emergent problems, serious adverse reactions, or proposed procedural changes which may affect the status of the investigation and that no such change will be made without committee approval except where necessary to eliminate apparent immediate hazards; that reviews of the study will be conducted by the review committee at intervals appropriate to the degree of risk, but not exceeding 1 year, to assure that the research project is being conducted in compliance with the committee's understanding and recommendations; that the review committee is provided all the information on the research project necessary for its complete review of the project; and that the review committee maintains adequate documentation of its activities and develops adequate procedures for reporting its findings to the institution. The documents maintained by the committee are to include the names and qualifications of committee members, records of information provided to subjects in obtaining informed consent, committee discussion on substantive issues and their resolution, committee recommendations, and dated reports of successive reviews as they are performed. Copies of all documents are to be retained for a period of 3 years after the completion or discontinuance of the study and are to be made available upon request to duly authorized representatives of the Food and Drug Administration. (Favorable recommendations by the committee are subject to further appropriate review and rejection by institution officials. Unfavorable recommendations, restrictions, or conditions may not be overruled by the institution officials.) Procedures for the organization and operation of institutional review committees are contained in guidelines issued pursuant to Chapter 1-40 of the Grants Administration Manual of the U.S. Department of Health, Education, and Welfare, available from the U.S. Government Printing Office. It is recommended that these guidelines be followed in establishing institutional review committees and that the committees function according to the procedures described therein. A signing of the Form FD-1573 will be regarded as providing the above necessary assurances; however, if the institution has on file with the Department of Health, Education, and Welfare, Division of Research Grants, National Institutes of Health, and "accepted general assurance," and the same committee is to review the proposed study using the same procedures, this is acceptable in lieu of the above assurances and a statement to this effect should be provided with the signed FD-1573. (In addition to sponsor's continuing responsibility to monitor the study, the Food and Drug Administration will undertake investigations in institutions periodically to determine whether the committees are operating in accord with the assurances given by the sponsor.)

b. A description of any clinical laboratory facilities that will be used. (If this information has been submitted to the sponsor and reported by him on Form FD-1571, reference to the previous submission will be adequate).

3. The investigational drug will be used by the undersigned or under his supervision in accordance with the plan of investigation described, as follows: (Outline the plan of investigation, including approximation of the number of subjects to be treated with the drug and the number to be employed as controls, if any; clinical uses to be investigated; characteristics of subjects by age, sex, and condition; the kind of clinical observations and laboratory tests to be undertaken prior to, during, and after administration of the drug; the estimated duration of the investigation; and a description or copies of report forms to be used to maintain an adequate record of the observations and tests results obtained. This plan may include reasonable alternates and variations, and should be supplemented or amended when any significant change in direction or scope of the investigation is undertaken.)

4. The undersigned understands that the following conditions, generally applicable to new drugs for investigational use, govern his receipts and use of this investigational drug:

a. The sponsor is required to supply the investigator with full information concerning the preclinical investigations that justify clinical trials, together with fully informative material describing any prior investigations and experience and any possible hazards, contraindications, side-effects, and precautions to be taken into account in the course of the investigation.

b. The investigator is required to maintain adequate records of the disposition of all receipts of the drug, including dates, quantity, and use by subjects, and if the investigation is terminated, suspended, discontinued, or completed, to return to the sponsor any unused supply of the drug. If the investigational drug is subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970, adequate precautions must be taken, including storage of the investigational drug in a securely locked, substantially constructed cabinet, or other securely locked, substantially constructed enclosure, access to which is limited, to prevent theft or diversion of the substance into illegal channels of distribution.

c. The investigator is required to prepare and maintain adequate and accurate case histories designed to record all observations and other data pertinent to the investigation on each individual treated with the drug or employed as a control in the investigation.

d. The investigator is required to furnish his reports to the sponsor of the drug who is responsible for collecting and evaluating the results obtained by various investigators. The sponsor is required to present progress reports to the Food and Drug Administration at appropriate intervals not exceeding 1 year. Any adverse effects that may reasonably be regarded as caused by, or probably caused by, the new drug shall be reported to the sponsor promptly, and if the adverse effect is alarming, it shall be reported immediately. An adequate report of the investigation should be furnished to the sponsor shortly after completion of the investigation.

e. The investigator shall maintain the records of disposition of the drug and the case histories described above for a period of 2 years following the date a new-drug application is approved for the drug; or if the application is not approved, until 2 years after the investigation is discontinued. Upon the request of a scientifically trained and properly authorized employee of the Department, at reasonable times, the investigator will make such records available for inspection and copying. The subjects' names need not be divulged unless the records of particular individuals require a more detailed study of the cases, or unless there is reason to believe that the records do not represent actual cases studied, or do not represent actual results obtained.

f. The investigator certifies that the drug will be administered only to subjects under his personal supervision or under the supervision of the following investigators responsible to him, _____, and that the drug will not be supplied to any other investigator or to any clinic for administration to subjects.

g. The investigator certifies that he will inform any subjects, including subjects used as controls, or their representatives, that drugs are being used for investigational purposes, and will obtain the consent of the subjects, or their representatives, except where this is not feasible or, in the investigator's professional judgment, is contrary to the best interests of the subjects.

h. The investigator is required to assure the sponsor that for investigations involving institutionalized subjects, the studies will not be initiated until the institutional review committee has reviewed and approved the study. (The organization and procedure requirements for such a committee should be explained to the investigator by the sponsor as set forth in form FD-1571, division 10, unit c.)

Very truly yours,

_____
(Name of investigator)

_____
(Address)

_____

(This form should be supplemented or amended from time to time if new subjects are added or if significant changes are made in the plan of investigation.)

(b) A shipment or other delivery of a new drug that is being imported or is offered for importation into the United States shall be exempt from the requirements of section 505(a) of the act if the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New Drug—Limited by Federal (or United States) law to investigational use"; and

(2) The importer of all such shipments or deliveries is an agent of the foreign exporter residing in the United States or the ultimate consignee, which person has prior to such shipments and deliveries completed and submitted signed copies to the Food and Drug Administration of the "Notice of claimed investigational exemption for a new drug"; and acts as the sponsor of the clinical investigation to assure compliance with the conditions prescribed by paragraph (a) of this section; or

(3) The drug is shipped directly to a scientific institution with adequate facilities and qualified personnel to conduct clinical pharmacology and is intended solely for such use in such institutions and a "Notice of claimed investigational exemption for a new drug" covering this activity has been filed.

(4) Not less than 30 days have elapsed following the date of receipt of the notice by the Food and Drug Administration; and the Food and Drug Administration has not prior, to expiration of such 30-day interval, requested that the sponsor continue to withhold or to restrict use of the drug in human subjects. The 30-day delay requirement may be waived by the Food and Drug Administration upon a showing of good reason for such waiver.

(c) (1) Whenever the Food and Drug Administration has information indicating that an investigator has repeatedly or deliberately failed to comply with the conditions of these exempting regulations outlined in Form FD-1572 or FD-1573 (set forth in paragraph (a)(12) and (13) of this section), or has submitted to the sponsor of the investigation false information in his Form FD-1572 or FD-1573 or in any required report, the Director of the Bureau of Drugs will furnish the investigator written notice of the matter complained of in general terms and offer him an opportunity to explain the matter in an informal conference and/or in writing. If an explanation is offered but not accepted by the Bureau of Drugs, the Commissioner will provide the investigator an opportunity for an informal hearing on the question of whether the investigator is entitled to receive investigational-use drugs, if the hearing is requested within 10 days after receipt of notification that the explanation is not acceptable.

(2) After evaluating all available information, including any explanation and assurance presented by the investigator, if the Commissioner determines that the investigator has repeatedly or deliberately failed to comply with the conditions of the exempting regulations in this section or has repeatedly or deliberately submitted false information to the sponsor of an investigation and has failed to furnish adequate assurance that the conditions of the exemption will be met, the Commissioner will notify the investigator and the sponsor of any investigation in which he has been named as a participant that the investigator is not entitled to receive investigational-use drugs with a statement of the basis for such determination.

(3) Each "Notice of Claimed Investigational Exemption for a New Drug" (Form FD-1571 set forth in paragraph (a)(2) of this section) and each approved new-drug application containing data reported by an investigator who has been determined to be ineligible to receive investigational-use drugs will be examined to determine whether he has submitted unreliable data that are essential to the continuation of the investigation or essential to the approval of any new-drug application.

(4) If the Commissioner determines after the unreliable data submitted by the investigator are eliminated from consideration that the data remaining are inadequate to support a conclusion that it is reasonably safe to continue the investigation, he will notify the sponsor and provide him with an opportunity for a conference and an informal hearing in accordance with paragraph (d) of this section. If an imminent hazard to the public health exists, however, he shall terminate the exemption forthwith and notify the sponsor of the termination. In such event the Commissioner, on request, will afford the sponsor an opportunity for an informal hearing on the question of whether the exemption should be reinstated.

(5) If the Commissioner determines after the unreliable data submitted by the investigator are eliminated from consideration that the data remaining are such that a new-drug application would not have been approved, he will proceed to withdraw approval of the application in accordance with section 505(e) of the act.

(6) An investigator who has been determined to be ineligible may be reinstated as eligible to receive investigational-use drugs when the Commissioner determines that he has presented adequate assurance that he will employ such drugs solely in compliance with the exempting regulations in this section for investigational-use drugs.

(d) If the Commissioner of Food and Drugs finds that:

(1) The submitted "Notice of claimed investigational exemption for a new drug" contains an untrue statement of a material fact or omits material information required by said notice; or

(2) The results of prior investigations made with the drug are inadequate to support a conclusion that it is reasonably safe to initiate or continue the intended clinical investigations with the drug; or

(3) There is substantial evidence to show that the drug is unsafe for the purposes and in the manner for which it is offered for investigational use; or

(4) There is convincing evidence that the drug is ineffective for the purposes for which it is offered for investigational use; or

(5) The methods, facilities, and controls used for the manufacturing, processing, and packing of the investigational drug are inadequate to establish and maintain appropriate standards of identity, strength, quality, and purity as needed for safety and to give significance to clinical investigations made with the drug; or

(6) The plan for clinical investigations of the drugs described under section 10 of the "Notice of claimed investigational exemption for a new drug" is not a reasonable plan in whole or in part, solely for a bona fide scientific investigation to determine whether or not the drug is safe and effective for use; or

(7) The clinical investigations are not being conducted in accordance with the plan submitted in the "Notice of claimed investigational exemption for a new drug"; or

(8) The drug is not intended solely for investigational use, since it is being or is to be sold or otherwise distributed for commercial purposes not justified by the requirements of the investigation; or

(9) The labeling or other informational material submitted for the drug as required by section 7 of the "Notice of claimed investigational exemption for a new drug" or any other labeling of the drug disseminated within the United States by or on behalf of the sponsor fails to contain an accurate description of prior investigations or experience and their results pertinent to the safety and possible usefulness of the drug, including all relevant hazards, contraindications, side-effects, and precautions; or any promotional materials disseminated within the United States by or on behalf of the sponsor contains any representation or suggestion that the drug is safe or that its usefulness has been established for the purposes for which it is offered for investigations; or

(10) The sponsor fails to submit accurate reports of the progress of the investigations with significant findings at intervals not exceeding 1 year; or

(11) The sponsor fails promptly to investigate and inform the Food and Drug Administration and all investigators of newly found serious or potentially serious hazards, contraindications, side-effects, and precautions pertinent to the safety of the new drug;

he shall notify the sponsor and invite his immediate correction or explanation. A conference will be arranged with the Bureau of Drugs if requested. If the Bureau of Drugs does not accept the explanation and/or the correction submitted by the sponsor, the Commissioner will provide the sponsor an opportunity for an informal hearing on the question of whether his exemption should be terminated, if the hearing is requested within 10 days after receipt of notification that the explanation or correction is not acceptable. After evaluating all the available information including any explanation and/or correction submitted by the sponsor, if the Commissioner determines that the exemption should be terminated he shall notify the sponsor of the termination of the exemption and the sponsor shall recall unused supplies of the drug. If at any time the Commissioner concludes that continuation of the investigation presents an imminent hazard to the public health, he shall terminate the exemption forthwith and notify the sponsor of the termination. The Commissioner will inform the sponsor that the exemption is subject to reinstatement on the basis of additional submissions that eliminate such hazard(s) and will afford the sponsor an opportunity for an informal hearing, on request, on the question of whether the exemption should be reinstated. The sponsor shall recall the unused supplies

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of the drug upon notification of the termination.

(e) Where drugs were under clinical trial on man on or after August 10, 1962, the sponsor shall, within 30 days after these regulations become effective, submit a list of such investigational drugs, and within 120 days after such effective date shall submit to the Food and Drug Administration the completed "Notice of claimed investigational exemption for a new drug" or a new-drug application. Failure to do so shall automatically terminate the exemption. If any such clinical trials have been discontinued, the sponsor is requested to submit a statement of why the investigation was discontinued.

(f) [Reserved]

(g) A "Notice of Claimed Investigational Exemption for a New Drug" which pertains to a product subject to the licensing provisions of the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended; 42 U.S.C. 201 et seq.), should be submitted initially to the Director, Bureau of Biologics, 8800 Rockville Pike, Bethesda, MD 20014. Also, amendments of or supplements to such notice, and progress reports, consultations, or other communications with regard to the investigation, should be directed to the Bureau of Biologics, which monitors the development of biological products subject to license under section 351 of the Public Health Service Act. A sponsor for a "Notice of Claimed Investigational Exemption for a New Drug" pertaining to such biologic should substitute in reading this § 312.1 the unit "Bureau of Biologics" for "Food and Drug Administration" and the person "Director, Bureau of Biologics" for "Commissioner" or "Commissioner, Food and Drug Administration," wherever they appear.

(h) Any requirement by this section for the submission of information or data that has been submitted previously may be incorporated by reference.

(i) For requirements regarding certain radioactive drugs, see § 310.503 of this chapter.

NOTE: Order of the Commissioner of Food and Drugs published at 28 FR 183, Jan. 8, 1963, provides as follows:

"That, § 130.3 (28 FR 179) [now § 312.1] shall not apply to radioactive new drugs, until further notice, provided the radioactive new drugs for investigational use are being shipped in complete conformity with the regulations issued by the Atomic Energy Commission."

§ 312.9 New drugs for investigational use in laboratory research animals or in vitro tests.

(a) *New drugs for tests in vitro and in laboratory research animals.* (1) A shipment or other delivery of a new drug intended solely for tests in vitro or in animals used only for laboratory research purposes shall be exempt from section 505(a) of the act if it is labeled as follows:

Caution—Contains a new drug for investigational use only in laboratory research animals, or for tests in vitro. Not for use in humans.

(2) The person or firm shipping new drugs for tests in vitro or in anmials used only for laboratory research purposes under this exemption shall use due diligence to assure that the consignee is regularly engaged in conducting such tests and that the shipment of the new drug will actually be used for tests in vitro or in animals used only for laboratory research.

(3) The person who introduced such shipment or who delivered the drug for introduction into interstate commerce shall maintain adequate records showing the name and post office address of the expert to whom the drug is shipped, date, quantity, and batch or code mark of each shipment and delivery for a period of 2 years after such shipment and delivery. Upon the request of a properly authorized employee of the Department at reasonable times, he shall make such records available for inspection and copying.

(4) The exemption allowed in this paragraph shall not apply to any new drug intended for in vitro use in the regular course of diagnosing or treating disease, including antibacterial sensitivity discs impregnated with any new drug or drugs, which discs are intended for use in determining susceptibility of micro-organisms to the new drug or drugs.

(b) [Reserved]

(c) *Termination of exemption.* If the Commissioner of Food and Drugs finds that:

(1) The sponsor of the investigation has failed to comply with any of the conditions for the exemption established under this section; or

(2) The continuance of the investigation is unsafe or otherwise contrary to the public interest or the drug is used for purposes other than bona fide scientific investigation; He shall notify the sponsor and invite his immediate correction. A conference will be arranged if requested. If the conditions of the exemption are not immediately met, the Commissioner shall notify the sponsor of the termination of the exemption and the sponsor shall recall or have destroyed the unused supplies of the drug.

Subpart B—Controlled Substances

§ 312.10 Availability of records.

If an investigational drug is subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970, records concerning shipment, delivery, receipt, and disposition of the drug, which are required to be kept by §§ 312.1(a) (4), (12), and (13) and 312.9(a)(3) shall, upon the request of a properly authorized employee of the Drug Enforcement Administration of the U.S. Department of Justice, approved by the Secretary, be made available by the investigator or sponsor to whom the request is made, for inspection and copying.

PART 314—NEW DRUG APPLICATIONS

Subpart A—General Provisions

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Subpart F—Judicial Review of Order

314.235 Judicial review.

AUTHORITY: Secs. 502, 503, 505, 701, 52 Stat. 1051, 1052, 1053, 1055, as amended (21 U.S.C. 352, 353, 355, 371) (5 U.S.C. 554), unless otherwise noted.

EFFECTIVE DATE: This Part 314 effective March 29, 1974 except §§ 314.110(d), 314.121, 314.200, 314.235, the introductory text of § 314.115, and the revocation of § 314.201, which are effective April 12, 1974. See 39 FR 9749, March 13, 1974.

Subpart A—General Provisions

§ 314.1 Applications.

(a) Applications to be filed under the provisions of section 505(b) of the act shall be submitted in the form described in paragraph (c) of this section and, if for human use, optionally in the form described in paragraph (d) of this section and assembled as required by paragraph (e) of this section; if the drug is intended for human use and is one for which an abbreviated new application has been found by the Food and Drug Administration to be sufficient, the application may be limited to the information described in paragraph (f) of this section unless otherwise specified in such finding. If any part of the application is in a foreign language, an accurate and complete English translation shall be appended to such part. Translations of literature printed in a foreign language shall be accompanied by copies of the original publication. The application must be signed by the applicant or by an authorized attorney, agent, or official. If the applicant or such authorized representative does not reside or have a place of business within the United States, the application must also furnish the name and post office address of, and must be countersigned by, an authorized attorney, agent, or official residing or maintaining a place of business within the United States.

(b) Pertinent information may be incorporated in, and will be considered as part of, an application on the basis of specific reference to such information, including information submitted under the provisions of § 312.1 of this chapter, in the files of the Food and Drug Administration; however, any reference to information furnished by a person other than the applicant may not be considered unless use of such information is authorized in a written statement signed by the person who submitted it.

(c) Applications for drugs for human use shall be assembled and submitted in the manner prescribed by paragraph (e) of this section.

(1) [Reserved]

(2) For drugs for human use:

FD-356H—Rev. 1974 : Drugs for Human Use.

Department of Health, Education, and Welfare.
Food and Drug Administration,
5600 Fishers Lane
Rockville, MD 20852

NEW DRUG APPLICATION (Title 21, Code of Federal Regulations, § 314.1)

Name of applicant ----------
Address ----------
Date ----------
Name of drug ----------

☐ Original application (regulation § 314.1).
☐ Amendment to original, unapproved application (regulation § 314.6).
☐ Abbreviated application (regulation § 314.1(f)).
☐ Amendment to abbreviated, unapproved application (regulation § 314.6).
☐ Supplement to an approved application (regulation § 314.8).
☐ Amendment to supplement to an approved application.

The undersigned submits this application for a new drug pursuant to section 505(b) of the Federal Food, Drug and Cosmetic Act. It is understood that when this application is approved, the labeling and advertising for the drug will prescribe, recommend, or suggest its use only under the conditions stated in the labeling which is part of this application; and if the article is a prescription drug, it is understood that any labeling which furnishes or purports to furnish information for use or which prescribes, recommends, or suggests a dosage for use of the drug will contain the same information for its use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, any relevant warnings, hazards, contraindications, side effects, and precautions, as that contained in the labeling which is part of this application in accord with § 1.106(b) (21 CFR 1.106(b)). It is understood that all representations in this application apply to the drug produced until an approved supplement to the application provides for a change or the change is made in conformance with other provisions of § 314.8 of the new-drug regulations.

Attached hereto, submitted in the form described in § 314.1(e) of the new-drug regulations, and constituting a part of this application are the following:

1. *Table of contents.* The table of contents should specify the volume number and the page number in which the complete and detailed item is located and the volume number and the page number in which the summary of that item is located (if any).

2. *Summary.* A summary demonstrating that the application is well-organized, adequately tabulated, statistically analyzed (where appropriate), and coherent and that it presents a sound basis for the approval requested. The summary should include the following information: (In lieu of the outline described below and the evaluation described in Item 3, an expanded summary and elevation as outlined in § 314.1(d) of the new-drug regulations may be submitted to facilitate the review of this application.

a. Chemistry.

i. Chemical structural formula or description for any new-drug substance.

ii. Relationship to other chemically or pharmacologically related drugs.

iii. Description of dosage form and quantitative composition.

b. Scientific rationale and purpose the drug is to serve.

c. Reference number of the investigational drug notice(s) under which this drug was investigated and of any notice, new-drug application, or master file of which any contents are being incorporated by reference to support the application.

d. Preclinical studies. (Present all findings including all adverse experiences which may be interpreted as incidental or not drug-related. Refer to date and page number of the investigational drug notice(s) or the volume and page number of this application where complete data and reports appear.)

i. Pharmacology (pharmacodynamics, endocrinology, metabolism, etc.).

ii. Toxicology and pathology: Acute toxicity studies; subacute and chronic toxicity studies; reproduction and teratology studies; miscellaneous studies.

e. Clinical studies. (All material should refer specifically to each clinical investigator and to the volume and page number in the application and any documents incorporated by reference where the complete data and reports may be found.)

i. Special studies not described elsewhere.

ii. Dose-range studies.

iii. Controlled clinical studies.

iv. Other clinical studies (for example, uncontrolled or incompletely controlled studies).

v. Clinical laboratory studies related to effectiveness.

vi. Clinical laboratory studies related to safety.

vii. Summary of literature and unpublished reports available to the applicant.

3. *Evaluation of safety and effectiveness.*

a. Summarize separately the favorable and unfavorable evidence for each claim in the package labeling. Include references to the volume and page number in the application and in any documents incorporated by reference where the complete data and reports may be found.

b. Include tabulation of all side effects or adverse experience, by age, sex, and dosage formulation, whether or not considered to be significant, showing whether administration of the drug was stopped and showing the investigator's name with a reference to the volume and page number in the application and any documents incorporated by reference where the complete data and reports may be found. Indicate those side effects or adverse experiences considered to be drug-related.

4. *Copies of the label and all other labeling to be used for the drug* (a total of 12 copies if in final printed form, 4 copies if in draft form):

a. Each label, or other labeling, should be clearly identified to show its position on, or the manner in which it accompanies, the market package.

b. If the drug is to be offered over the counter, labeling on or within the retail package should include adequate directions for use by the layman under all the conditions for which the drug is intended for lay use or is to be prescribed, recommended, or suggested in any labeling or advertising sponsored by or on behalf of the applicant and directed to the layman. If the drug is intended or offered for uses under the professional supervision of a practitioner licensed by law to administer it, the application should also contain labeling that includes adequate information for all such uses, including all the purposes for which the over-the-counter drug is to be advertised to, or represented for use by, physicians.

c. If the drug is limited in its labeling to use under the professional supervision of a practitioner licensed by law to administer it, its labeling should bear information for use under which such practitioners can use the drug for the purposes for which it is intended, including all the purposes for which it is to be advertised or represented, in accord with § 1.106(b) (21 CFR 1.106(b)). The application should include any labeling for the drug intended to be made available to the layman.

d. If no established name exists for a new-drug substance, the application shall propose a nonproprietary name for use as the established name for the substance.

e. Typewritten or other draft labeling copy may be submitted for preliminary consideration of an application. An application will not ordinarily be approved prior to the submission of the final printed label and labeling of the drug.

f. No application may be approved if the labeling is false or misleading in any particular.

(When mailing pieces, any other labeling, or advertising copy are devised for promotion of the new drug, samples shall be submitted at the time of initial dissemination of such labeling and at the time of initial placement of any such advertising for a prescription drug (see § 310.300 of the new-drug regulations). Approval of a supplemental new-drug application is required prior to use of any promotional claims not covered by the approved application.)

5. *A statement as to whether the drug is (or is not) limited in its labeling and by this application to use under the professional supervision of a practitioner licensed by law to administer it.*

6. *A full list of the articles used as components of the drug.* This list should include all substances used in the synthesis, extraction, or other method of preparation of any new-drug substance, and in the preparation of the finished dosage form, regardless of whether they undergo chemical change or are removed in the process. Each substance should be identified by its established name, if any, or complete chemical name, using structural formulas when necessary for specific identification. If any proprietary preparation is used as a component, the proprietary name should be followed by a complete quantitative statement of composition. Reasonable alternatives for any listed substance may be specified.

7. *A full statement of the composition of the drug.* The statement shall set forth the

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name and amount of each ingredient, whether active or not, contained in a stated quantity of the drug in the form in which it is to be distributed (for example, amount per tablet or per milliliter) and a batch formula representative of that to be employed for the manufacture of the finished dosage form. All components should be included in the batch formula regardless of whether they appear in the finished product. Any calculated excess of an ingredient over the label declaration should be designated as such and percent excess shown. Reasonable variations may be specified.

8. *A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug.* Included in this description should be full information with respect to any new-drug substance and to the new-drug dosage form, as follows, in sufficient detail to permit evaluation of the adequacy of the described methods of manufacture, processing, and packing and the described facilities and controls to determine and preserve the identity, strength, quality, and purity of the drug:

a. A description of the physical facilities including building and equipment used in manufacturing, processing, packaging, labeling, storage, and control operations.

b. A description of the qualifications, including educational background and experience, of the technical and professional personnel who are responsible for assuring that the drug has the safety, identity, strength, quality, and purity it purports or is represented to possess, and a statement of their responsibilities.

c. The methods used in the synthesis, extraction, isolation, or purification of any new-drug substance. When the specifications and controls applied to such substance are inadequate in themselves to determine its identity, strength, quality, and purity, the methods should be described in sufficient detail, including quantities used, times, temperatures, pH, solvents, etc., to determine these characteristics. Alternative methods or variations in methods within reasonable limits that do not affect such characteristics of the substance may be specified.

d. Precautions to assure proper identity, strength, quality, and purity of the raw materials, whether active or not, including the specifications for acceptance and methods of testing for each lot of raw material.

e. Whether or not each lot of raw materials is given a serial number to identify it, and the use made of such numbers in subsequent plant operations.

f. If the applicant does not himself perform all the manufacturing, processing, packaging, labeling, and control operations for any new-drug substance or the new-drug dosage form, his statement identifying each person who will perform any part of such operations and designating the part; and a signed statement from each such person fully describing, directly or by reference, the methods, facilities, and controls in his part of the operation.

g. Method of preparation of the master formula records and individual batch records and manner in which these records are used.

h. The instructions used in the manufacturing, processing, packaging, and labeling of each dosage form of the new drug, including any special precautions observed in the operations.

i. Adequate information with respect to the characteristics of and the test methods employed for the container, closure, or other component parts of the drug package to assure their suitability for the intended use.

j. Number of individuals checking weight or volume of each individual ingredient entering into each batch of the drug.

k. Whether or not the total weight or volume of each batch is determined at any stage of the manufacturing process subsequent to making up a batch according to the formula card and, if so, at what stage and by whom it is done.

l. Precautions to check the actual package yield produced from a batch of the drug with the theoretical yield. This should include a description of the accounting for such items as discards, breakage, etc., and the criteria used in accepting or rejecting batches of drugs in the event of an unexplained discrepancy.

m. Precautions to assure that each lot of the drug is packaged with the proper label and labeling, including provisions for labeling storage and inventory control.

n. The analytical controls used during the various stages of the manufacturing processing, packaging, and labeling of the drug, including a detailed description of the collection of samples and the analytical procedures to which they are subjected. The analytical procedures should be capable of determining the active components within a reasonable degree of accuracy and of assuring the identity of such components. If the article is one that is represented to be sterile, the same information with regard to the manufacturing, processing, packaging, and the collection of samples of the drug should be given for sterility controls. Include the standards used for acceptance of each lot of the finished drug.

o. An explanation of the exact significance of the batch control numbers used in the manufacturing, processing, packaging, and labeling of the drug, including the control numbers that appear on the label of the finished article. State whether these numbers enable determination of the complete manufacturing history of the product. Describe any methods used to permit determination of the distribution of any batch if its recall is required.

p. A complete description of, and data derived from, studies of the stability of the drug, including information showing the suitability of the analytical methods used. Describe any additional stability studies underway or contemplated. Stability data should be submitted for any new-drug substance, for the finished dosage form of the drug in the container in which it is to be marketed, including any proposed multiple-dose container, and if it is to be put into solution at the time of dispensing, for the solution prepared as directed. State the expiration date(s) that will be used on the label to preserve the identity, strength, quality, and purity of the drug until it is used. (If no expiration date is proposed, the applicant must justify its absence.)

q. Additional procedures employed which are designed to prevent contamination and otherwise assure proper control of the product.

(An application may be refused unless it includes adequate information showing that the methods used in, and the facilities and controls used for, the manufacturing, processing, and packaging of the drug are adequate to preserve its identity, strength, quality, and purity in conformity with good manufacturing practice and identifies each establishment, showing the location of the plant conducting these operations.)

9. *Samples of the drug and articles used as components, as follows:* a. The following samples shall be submitted with the application or as soon thereafter as they become available. Each sample shall consist of four identical, separately packaged subdivisions, each containing at least three times the amount required to perform the laboratory test procedures described in the application to determine compliance with its control specifications for identity and assays:

i. A representative sample or samples of the finished dosage form(s) proposed in the application and employed in the clinical investigations and a representative sample or samples of each new-drug substance, as defined in § 310.3(g), of the new-drug regulations, from the batch(es) employed in the production of such dosage form(s).

ii. A representative sample or samples of finished market packages of each dosage form of the drug prepared for initial marketing and, if any such sample is not from a commercial-scale production batch, such a sample from a representative commercial-scale production batch; and a representative sample or samples of each new-drug substance as defined in § 310.3(g) of the new-drug regulations, from the batch(es) employed in the production of such dosage form(s).

iii. A sample or samples of any reference standard and blank used in the procedures described in the application for assaying each new-drug substance and other assayed components of the finished drug: *Provided, however,* That samples of reference standards recognized in the official U.S. Pharmacopeia or The National Formulary need not be submitted unless requested.

b. Additional samples shall be submitted on request.

c. Each of the samples submitted shall be appropriately packaged and labeled to preserve its characteristics, to identify the material and the quantity in each subdivision of the sample, and to identify each subdivision with the name of the applicant and the new-drug application to which it relates.

d. There shall be included a full list of the samples submitted pursuant to Item 9a; a statement of the additional samples that will be submitted as soon as available; and, with respect to each sample submitted, full information with respect to its identity, the origin of any new-drug substance contained therein (including in the case of new-drug substances, a statement whether it was produced on a laboratory, pilot-plant, or full-production scale) and detailed results of all laboratory tests made to determine the identity, strength, quality, and purity of the batch represented by the sample, including assays. Include for any reference standard a complete description of its preparation and the results of all laboratory tests on it. If the test methods used differed from those described in the application, full details of the methods employed in obtaining the reported results shall be submitted.

e. The requirements of Item 9a may be waived in whole or in part on request of the applicant or otherwise when any such samples are not necessary.

f. If samples of the drug are sent under separate cover, they should be addressed to the attention of the Bureau of Drugs and identified on the outside of the shipping carton with the name of the applicant and the name of the drug as shown on the application.

10. *Full reports of preclinical investigations that have been made to show whether or not the drug is safe for use and effective in use.* a. An application may be refused unless it contains full reports of adequate preclinical tests by all methods reasonably applicable to a determination of the safety and effectiveness of the drug under the conditions of use suggested in the proposed labeling.

b. Detailed reports of the preclinical investigations, including all studies made on laboratory animals, the methods used, and the results obtained, should be clearly set forth. Such information should include identification of the person who conducted each investigation, a statement of where the investigations were conducted and where the underlying data are available for inspection.

The animal studies may not be considered adequate unless they give proper attention to the conditions of use recommended in the proposed labeling for the drug such as, for example, whether the drug is for short- or long-term administration or whether it is to be used in infants, children, pregnant women, or women of child-bearing potential.

c. Detailed reports of any pertinent microbiological and in vitro studies.

d. Summarize and provide a list of literature references (if available) to all other preclinical information known to the applicant, whether published or unpublished, that is pertinent to an evaluation of the safety or effectiveness of the drug.

11. *List of investigators.* a. A complete list of all investigators supplied with the drug including the name and post office address of each investigator and, following each name, the volume and page references to the investigator's report(s) in this application and in any documents incorporated by reference, or the explanation of the omission of any reports.

b. The unexplained omission of any reports of investigations made with the new drug by the application, or submitted to him by an investigator, or the unexplained omission of any pertinent reports of investigations or clinical experience received or otherwise obtained by the application from published literature or other sources, whether or not it would bias an evaluation of the safety of the drug or its effectiveness in use, may constitute grounds for the refusal or withdrawal of the approval of an application.

12. *Full reports of clinical investigations that have been made to show whether or not the drug is safe for use and effective in use.* a. An application may be refused unless it contains full reports of adequate tests by all methods reasonably applicable to show whether or not the drug is safe and effective for use as suggested in the labeling.

b. An application may be refused unless it includes substantial evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

c. Reports of all clinical tests sponsored by the applicant or received or otherwise obtained by the applicant should be attached. These reports should include adequate information concerning each subject treated with the drug or employed as a control, including age, sex, conditions treated, dosage, frequency of administration of the drug, results of all relevant clinical observations and laboratory examinations made, full information concerning any other treatment given previously or concurrently, and a full statement of adverse effects and useful results observed, together with an opinion as to whether such effects or results are attributable to the drug under investigation and a statement of where the underlying data are available for inspection. Ordinarily, the reports of clinical studies will not be regarded as adequate unless they include reports from more than one independent, competent investigator who maintains adequate case histories of an adequate number of subjects, designed to record observations and permit evaluation of any and all discernible effects attributable to the drug in each individual treated and comparable records on any individuals employed as controls. An application for a combination drug may be refused unless there is substantial evidence that each ingredient designated as active makes a contribution to the total effect claimed for the drug combination. Except when the disease for which the drug is being tested occurs with such infrequency in the United States as to make testing impractical, some of the investigations should be performed by competent investigators within the United States.

d. Attach as a separate section a completed Form FD–1639, Drug Experience Report (obtainable with instructions, on request from the Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20852), for each adverse experience or, if feasible, for each subject or patient experiencing one or more adverse effects, described in Item 12c, whether or not full information is available. Form FD–1639 should be prepared by the applicant if the adverse experience was not reported in such form by the investigator. The Drug Experience Report should be cross-referenced to any narrative description included in Item 12c. In lieu of a Form FD–1639, a computer-generated report may be submitted if equivalent in all elements of information with the identical enumerated sequence of events and methods of completion; all formats proposed for such use will require initial review and approval by the Food and Drug Administration.

e. All information pertinent to an evaluation of the safety and effectiveness of the drug received or otherwise obtained by the applicant from any source, including information derived from other investigations or commercial marketing (for example, outside the United States), or reports in the scientific literature, involving the drug that is the subject of the application and related drugs. An adequate summary may be acceptable in lieu of a reprint of a published report which only supports other data submitted. Reprints are not required of reports in designated journals listed in § 310.9 of the new-drug regulations about related drugs; a bibliography will suffice. Include the evaluation of the safety or effectiveness of the drug that has been made by the applicant's medical department, expert committee, or consultants.

f. If the drug is a combination of previously investigated or marketed drugs, an adequate summary of preexisting information from preclinical and clinical investigation and experience with its components, including all reports received or otherwise obtained by the applicant suggesting side effects, contraindications, and ineffectiveness in use of such components. Such summary should include an adequate bibliography of publications about the components and may incorporate by reference information concerning such components previously submitted by the applicant to the Food and Drug Administration.

g. The complete composition and/or method of manufacture of the new drug used in each submitted report of investigation should be shown to the extent necessary to establish its identity, strength, quality, and purity if it differs from the description in Item 6, 7, or 8 of the application.

13. *If this is a supplemental application, full information on each proposed change concerning any statement made in the approved application.*

Observe the provisions of § 314.8 of the new-drug regulations concerning supplemental applications.

(Applicant)

Per ---
(Responsible official or agent)

(Indicate authority)

(Warning: A willfully false statement is a criminal offense, 18 U.S.C. 1001.)

NOTE: This application must be signed by the applicant or by an authorized attorney, agent, or official. If the applicant or such authorized representative does not reside or have a place of business within the United States, the application must also furnish the name and post office address of and must be countersigned by an authorized attorney, agent, or official residing or maintaining a place of business within the United States.

15. The applicant is required to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

(d) *Optional expanded summary and evaluation.* (1) A summary and evaluation prepared according to the guidelines described in paragraph (d)(2) of this section may be substituted for items 2 and 3 of the new-drug application Form FD–356H (drugs for human use).

(2) The following summary outline covers the elements that are pertinent to an evaluation of the safety and effectiveness of most drugs, but it is recognized that it may not be applicable in detail to all drugs and situations. It is not intended that all items listed must be dealt with irrespective of their applicability. If it is appropriate for other criteria to be covered, they should be included. An explanation of the reason for omission of an item should be given, if not self-evident. An accurate, complete, and concise summary should contribute materially to facilitate the evaluation of the application. When a supplemental application is proposed that requires the submission of substantial preclinical or clinical data, a summary and evaluation of those data are also invited.

SUMMARY AND EVALUATION

A. Chemistry:

1. Chemical structural formula or description for any new-drug substance.

2. Relationship to other chemically or pharmacologically related drugs.

3. Description of dosage form and quantitative composition.

B. Scientific rationale and purpose the drug is to serve.

1. Clinical purpose.

2. Highlights of preclinical studies. The reasons why certain types of studies were done or omitted as related to the proposed conditions of human use and to information already known about this class of compounds. Emphasize any unusual or particularly significant pharmacological effects or toxicological findings.

3. Highlights of clinical studies. The rationale of the clinical study plan showing why types of studies were done, amended, or omitted as related to preclinical studies and prior clinical experience.

4. Conclusions. A short statement of conclusions combining the major points of effectiveness and safety as they relate to the use of the drug.

C. Reference number of the investigational drug notice(s) under which this drug was investigated and of any notice, new-drug application, or master file, any contents of which are being incorporated by reference to support the application.

D. Preclinical studies: All findings should be presented including all adverse reactions which are interpreted as being incidental or

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not drug-related. The summaries of the individual tests described hereinafter should include a brief statement of methodology with results and interpretation of the test. Each test should be referenced to the proper page number(s) and volume number of the detailed report or to the table of contents preceding the basic scientific data. Include a table of contents referring by volume and page number(s) to the summary and to the location of the complete data and reports in the application and any documents incorporated by reference.

1. Pharmacology. Studies on pharmacodynamics, endocrinology, etc., as appropriate.

a. Studies of activities related to the primary therapeutic activity.

b. Studies of activities related to secondary therapeutic activity.

c. Studies of miscellaneous pharmacologic activities of the compound that may be considered pertinent to the efficacy or safety of the drug.

d. Metabolism.

i. Absorption.

ii. Tissue distribution.

iii. Detoxification.

iv. Excretion.

2. Toxicology and pathology.

a. Acute toxicity. Summarize by species and route of administration. Give levels and number of animals per dose level with weights, sex, and maturity. In some unusual circumstances, a brief description of the method may be needed. Give LD_{50} values with standard deviation, signs of toxicity, times of deaths, and other pertinent information. It is desirable that species and/or sex differences be pointed out and that the ratio of the oral to parenteral LD_{50}'s be indicated.

b. Subacute and chronic toxicity studies (present by species).

i. Method. Give duration of study, route of administration, dose levels, and method of giving drug (diet, gavage). Include number of animals per dose level and range of weights at initiation. Indicate parameters studied, including pathology.

ii. Results. List pertinent observations, including pathology, with statement that other parameters were not affected. If necessary, indicate which alterations were related to pharmacodynamic activity and which were related to toxicity.

c. Reproduction and teratology studies (present by species).

i. Method. Give dose levels employed and time of drug administration relative to stage of pregnancy. List parameters examined. State method of examination of young.

ii. Results. Describe effect on mother and on the various parameters of pregnancy and the fetus. Discuss relationship of drug doses to the therapeutic and toxic doses.

d. Miscellaneous studies. Include studies designed to explore drug toxicity beyond the more routine acute, subacute, and chronic studies. Studies on tissue irritancy, ciliary motility, etc., and special tests of pharmaceutical formulations should be included.

e. Evaluation of effectiveness and safety. This section should be the final evaluation of effectiveness and safety based upon the known attributes of the new drug in animals.

E. *Clinical studies.* All material should be referenced to the investigator and to the volume and page number of the raw data. Include a table of contents referring by volume and page number(s) to the summary and to the location of the complete data and reports in the application and in any document incorporated by reference.

1. Special studies. Include all studies that do not clearly have applicability elsewhere. If anything is known about absorption, distribution, excretion, and fate of the drug, it should be included here. Correlations with similar animal data should be drawn. Drug studies on circulation, respiration, volunteer extraordinary safety studies, and overdosage effects are examples. Studies of dose findinga are not to be included.

2. Dose-range studies (individual and collective analysis). Include for each study:

a. Investigator.

b. Plan.

c. Materials used.

d. Diagnosis.

e. Age and sex of patients and, if applicable:

i. Drug codes.

ii. Control agents.

iii. Statistical methods.

iv. Results, adverse reactions and experience, and other side effects.

3. Controlled clinical studies. A brief description of each giving:

a. Investigator.

b. Detailed design of study: Crossover, double crossover, stratified sample or matched groups, double-blind, single-blind, randomized, etc.

c. Control agents (placebo, reference compounds).

d. Drug codes.

e. Design for selection of control and drug groups.

f. Primary and secondary diagnoses, including severity and stage of disease, of patients in drug and control groups with numbers, sex, and age distribution.

g. Detailed criteria of effectiveness, objective and subjective.

h. A brief description of adverse experiences looked for by the subject or patient and by the investigator. Include laboratory tests and timing of observation.

i. Control and drug periods and kind and number of observations made in each.

j. Adverse reactions and all adverse experience by system and organ, general and local.

k. All results, positive, negative, or inconclusive.

l. Statistical analysis where possible, kind and applicability.

m. Conclusions. Overall conclusions of controlled clinical studies.

4. Other clinical reports. Depending on the nature of the investigation, this could be divided between incompletely controlled studies and reports of uncontrolled use. The presentation of the plan and method of analysis could be governed by the criteria in "3. Controlled clinical studies" and by the situation.

5. Clinical laboratory studies related to effectiveness. A description and summary of results. If applicable, use pre- and post-treatment tables and graphs.

6. Clinical laboratory studies related to safety.

a. The general plan giving the number of studies, duration of therapy, controls, number of control determinations, etc.

b. A description and summary of the results for each study, including all variations irrespective of the significance, the investigator's name (with reference to volume and page number of the raw data), the results of laboratory determinations, the number of patients, the range of normal values for each laboratory and what standardization procedures each laboratory employs. Discuss variations fully and make a judgment of the significance of variations with supporting reasons. Submit explanatory tables and graphs wherever useful.

7. Summary of clinical literature reviewed by applicant. All studies, including controlled studies, that yield data pertinent to safety and effectiveness of the drug and all reports of adverse experience should be abstracted, utilizing the criteria in "3. Controlled clinical studies" under "E. Clinical studies."

8. Overall results and conclusions. This category should combine findings from all categories in this item E (Clinical studies) and present composite, balanced conclusions.

a. Table of all investigators, academic affiliation, number of cases reported and nature of the study (special, controlled, double-blind, single-blind, randomized, or not, etc.). A statement should be made as to why the study was discontinued, if it was, or a statement that it is continuing, if such is the case. (If this information has been submitted elsewhere, it may be incorporated by reference.)

b. Table of age range for all studies giving totals in each age group and number of males and females in each age group.

c. Table of various dosage schedules by duration and number of patients.

d. Effectiveness.

i. Summarize evidence separately for each claim cited in the package circular. Give results by claim either by blending the results of equivalent types of studies done or by citing the results of the other well-done studies separately and then drawing a conclusion.

ii. Include summary tables containing the primary and secondary diagnoses, the number of patients and controls, the dosage schedule, duration, and responses.

e. Safety.

i. Includes tabulations listing all side effects or adverse experience, by age and sex, whether or not the applicant considers them to be significant, showing whether therapy was stopped and showing the investigator's name with a reference to the volume and page number in the application and any documents incorporated by reference where the complete data and reports may be found. Indicate which side effects and adverse experiences are regarded by the applicant as possibly drug-related.

ii. Append the investigator's and the applicant's discussion of the basis for deciding whether or not the adverse experience is drug-related and the significance of possibly drug-related experiences.

f. Overall conclusions about safety and effectiveness.

i. Concisely compare kind and incidence of beneficial experience with kind and incidence of adverse experience found in clinical studies. Tabulate adverse reactions and experiences with percentage of incidence that were derived from studies designed to seek such data, if possible. Concisely state effective and recommended clinical dosage range on a mg./kg. basis and state mg./kg. dosage levels which showed adverse effects in animals and adverse experience in clinical studies.

ii. To the extent known, or from studies by the applicant, concisely compare therapeutic index (effective vs. toxic dosage) and incidence of beneficial and significant adverse effects with related drugs.

iii. Summarize findings with regard to habit-forming or addiction potential, when applicable.

9. Annotated package circular.

a. For each claim or indication, give references supporting it in the summary, or give statements that are in turn referenced to the summary.

b. For each side effect and adverse experience contained in the submitted summaries and raw data, and for each contraindication, warning, and precaution suggested by such data, give references to it in the summary and cite the disclosure contained in the package circular, or explain its omission. Similarly, cite or explain the omission of such additional disclosures based on experience with related drugs.

(e)(1) For drugs for human use, assemble and bind three copies of the original application as follows:

(i) Obtain from the Food and Drug Administration, Bureau of Drugs, 5600 Fishers Lane, Rockville, MD 20852, sufficient folders for binding triplicate copies of the new-drug application. Approximately 2 inches of material may be bound in each folder.

(ii) Bind the original or ribbon copy of the application in a blue folder. This will be copy No. 1 and should be a complete copy.

(iii) Bind an identical copy in a red folder, copy No. 2, and an identical copy in a yellow folder, copy No. 3, except that the individual clinical case reports may be omitted from these copies and the forms FD–1639 may be omitted from copy No. 3.

(iv) Identify each front cover with the name of the applicant and the name of the drug.

(v) Use separate pages or sets of pages for each numbered heading, Items 1 through 12, of the new-drug application Form FD–356H. Arrange the parts as described under paragraph (e)(1)(vii) and (viii) of this section. Number the pages of the new-drug application and include a table of contents. Each copy should bear the same page numbering, except that copies No. 2 and No. 3 will not include the page numbers used for the individual clinical case reports and copy No. 3 will not include the page numbers used for the forms FD–1639.

(vi) The labeling should be distributed in three copies of the application as follows: Two sets of labeling in copy No. 1, one set in copy No. 2, and one set in copy No. 3; if the labeling is in printed form, the remaining eight sets should be submitted unbound.

(vii) Arrange the separate numbered items of a multivolume application (items 1 through 12 of Form FD–356H) in the following sequence. A new volume should be started for each of the following parts marked with an asterisk, and within each part as many volumes should be used as are needed to limit each volume to not more than 2 inches in thickness:

- Cover letter, if any; signed Form FD–356H; items 1 through 7 of the Form FD–356H.
- Manufacturing and sample information (items 8 and 9).
- Animal, toxicological, microbiological, and in vitro data (item 10).
- List of investigators; clinical information other than individual case reports (items 11 and 12).
- Forms FD–1639, Drug Experience Report, to be included in a separate volume in copy No. 1 and copy No. 2 only; cover of volume to be marked "FD–1639" (item 12d).
- Individual clinical case reports, to be included in copy No. 1 only (item 12).

(viii) Number each volume in the lower right-hand corner. Start with the number 1.1 and continue with 1.2, 1.3, 1.4, etc., as needed, until all volumes have been identified as 1.__. Copies No. 1, No. 2, and No. 3 should bear the identical volume numbers, except that the volumes of individual clinical case reports will be omitted from copies No. 2 and No. 3 and the volumes of forms FD–1639 will be omitted from copy No. 3.

(ix) Submit separate applications for each different dosage form of the drug proposed. It is not necessary to repeat in each application basic information pertinent to all dosage forms if reference is made to the application containing such information. Include in each application information applicable to the specific dosage form; such as labeling, composition, stability data, and method of manufacture.

(x) Forward amendments, supplements, reports, and other correspondence submitted after the original application in these folders and this format if they contain sufficient material.

The front cover of these submissions should be identified with the name of the applicant, the name of the drug, and the NDA number, if known. Number the volumes as described in paragraph (e)(1)(viii) of this section, using for each subsequent submission a higher number to the left of the decimal point; for example, a two-volume amendment submitted after the original application would be numbered 2.1 and 2.2, and if a one-volume supplement is then submitted, it would be 3.1. The next submission might be 4.1, 4.2, through 4.23. Submissions consisting of only a few pages will be added to the latest ____.1 volume and need not be forwarded as a new volume number.

(2) An incomplete application, or one that has not been submitted in triplicate, will be retained but not filed as an application provided for in section 505(b) of the act. The applicant will be notified in what respects his application is incomplete.

(f) *Abbreviated new-drug applications.* Such applications shall contain:

(1) Satisfactory information of the kinds described in items 1 (table of contents), 4 (label and all other labeling), 5 (R_x or OTC statement), and 6 (components) of the new-drug application Form FD–356H, and in lieu of full information described under items 7 and 8 (composition and methods, facilities, and controls), brief statements that:

(i) Include the composition of the drug, stating the name and amount of each ingredient whether active or not, contained in a stated quantity of the drug in the form in which it is to be distributed.

(ii) Identify the place where the drug will be manufactured, processed, packaged, and labeled and the name of the supplier of the active ingredient(s).

(iii) Identify any person other than the applicant who performs a part of those operations and designate the part.

(iv) Include certifications from the applicant and from any person identified in paragraph (f)(1)(iii) of this section that the methods used in, and the facilities and controls used for, the manufacture, processing, packing, and holding of the drug are in conformity with current good manufacturing practice in accord with Part 133 of this chapter.

(v) Assure that the drug dosage form and components will comply with the specifications and tests described in an official compendium, if such article is recognized therein, or, if not listed or if the article differs from the compendium drug, that the specifications and tests applied to the drug and its components are adequate to assure their identity, strength, quality, and purity.

(vi) Outline the methods used in, and the facilities, and controls used for, the manufacture, processing, and packaging of the drug.

(2) Labeling that is in accord with the labeling conditions described in the finding that an abbreviated new-drug application is sufficient.

(3) If the drug finding so specifies for the formulation intended for marketing, data adequate to assure the biological availability of the drug. For preparations claiming sustained action, timed-release, or other delayed or prolonged effect, such data should show that the drug is available at a rate of release that will be safe and effective.

(4) Any information available to the applicant, including preclinical or clinical data developed by the applicant or by other persons on behalf of the applicant, on adverse effects of the drug that is not reflected in the labeling.

(5) Additional information that may be required for the approval of the application as specified in a written communication from the Food and Drug Administration.

(6) An environmental impact analysis report analyzing the environmental impact of the manufacturing process and ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

(7) The signature of the applicant or responsible official or agent on a completed form FD–356H.

§ 314.6 Amended applications.

The applicant may submit an amendment to an application that is pending, but in the case of a substantive amendment, the unamended application may be considered as withdrawn and the amended application may be considered resubmitted on the date on which the amendment is received by the Food and Drug Administration. The applicant will be notified of such date.

§ 314.7 Withdrawal of applications without prejudice.

The applicant may at any time withdraw his pending application from consideration as a new-drug application upon written notification to the Food and Drug Administration. Such withdrawal may be made without prejudice to a future filing. Upon resubmission, the time limitation will begin to run from the date the resubmission is received by the Food and Drug Administration. The application itself will be retained by the Food and Drug Administration although it is considered withdrawn, but the applicant shall be furnished a copy at cost, on request.

§ 314.8 Supplemental applications.

(a)(1) After an application is approved, a supplemental application may propose changes. A supplemental application may omit statements made in the approved application concerning which no change is proposed. Each supplemental application shall include up-to-date reports of any of the kinds of information required by § 310.300(a) of

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this chapter that has not previously been submitted as part of the application, including such submission under the records and reports requirements of § 310.300 of this chapter or § 310.302 of this chapter. A supplemental application proposing substantial changes which may affect the quality of the human environment shall be accompanied by an environmental impact analysis report pursuant to § 6.1 of this chapter.

(2) A supplemental application should be submitted for any change beyond the variations provided for in the application (including changes in the scale of production, such as from pilot-plant to production batch), that may alter the conditions of use, the labeling, the safety, effectiveness, identity, strength, quality, or purity of the drug or the adequacy of the manufacturing methods, facilities, or controls to preserve them.

(3) Any mailing or promotional piece used after the drug is placed on the market is labeling requiring a supplemental application unless the parts of the labeling furnishing directions, warnings, and information for use of the drug are the same in language and emphasis as labeling approved or permitted, and any other parts of the labeling are consistent with and not contrary to such approved or permitted labeling.

(4) The supplemental application shall be submitted as follows: A communication proposing a change in a new-drug application should provide for no more than one of the following kinds of changes:

(i) Revision in labeling; such as, updating information pertaining to effects, dosages, and side effects and contraindications, which includes information headed side effects, warnings, precautions, and contraindications.

(ii) Addition of claim.

(iii) Revision in manufacturing or control procedures; for example, changes in components, composition, method of manufacture, analytical control procedures, package or tablet size, etc.

(iv) Change in manufacturing facilities.

(v) Provision for outside firm to participate in the preparation, distribution, or packaging of a new drug (new distributor, packer, supplier, manufacturer, etc.); one firm per submission.

Any number of changes may be submitted at any one time; but if they fall into different categories as listed in paragraph (a)(4) (i) through (v) of this section, the proposed changes should be covered by separate communications. Where, however, a change necessitates an overlap in categories, it should be submitted in a single communication. For example, a change in tablet potency would require other changes such as in components, composition, and labeling and should be submitted in a single communication.

(5) The following changes may be placed into effect without the approval of a supplemental application if such change is fully described in the next periodic report required under § 310.300(b)(4) of this chapter or § 310.302(e) of this chapter or, when such a report is not required, in a written communication to the Food and Drug Administration within 60 days of the effective date of the change(s). This does not apply to a change proposed because of any mixup or any bacteriological or significant chemical, physical, or other change or deterioration in the drug or any failure of one or more distributed batches of the drug to meet its specifications.

(i) A different container size for solid oral dosage forms where container and closure are of the same materials as those provided for in the approved application.

(ii) Change in personnel not involving new facilities.

(iii) Change in equipment that does not alter the method of manufacture of a new drug substance or dosage form of a new drug.

(iv) Change from one commercial batch size to another without any change in manufacturing procedure.

(v) Change to more stringent specification without altering the method described in the approved application.

(vi) Inclusion of additional specifications and methods without deletion of those described in the approved application.

(vii) Alteration of specifications or methods for inactive ingredients to bring them into compliance with new or revised specifications or methods in an official compendium.

(viii) Initiation of a product identification coding system.

(ix) Addition to labeling of a reasonable expiration date, where none was previously used, with related conditions of drug storage when appropriate, except when there is evidence that there has been a significant deterioration of the drug under marketing conditions which necessitates the immediate submission of a report under the provisions of § 310.300(b)(1) of this chapter. The report or written communication describing such change in labeling should include stability data justifying the expiration date and recommended conditions of storage.

(x) Change from paper labels to direct printing on glass containers without a change in text.

(6) Approval of a supplemental application will not be required to provide for an additional distributor to distribute a drug which is the subject of an approved new-drug application if the conditions described below are met prior to putting such a change into effect. An order may issue refusing approval if any condition is not met or if any of the reasons for refusing or withdrawing approval, as stated in section 505 (d) and (e) of the act or § 314.110, applies. For the purposes of maintaining records and making reports under the requirements of §§ 310.300 and 310.302 of this chapter, a distributor provided for under this section shall be considered an "applicant" within the meaning of § 310.300(g) of this chapter.

(i) A supplemental application is furnished to the Food and Drug Administration to provide for a designated distributor.

(ii) There are no changes from the conditions of the approved application except for a different and suitable proprietary name of the drug (if one is used) and the name and address of the distributor as used on the label and labeling. The name of the distributor shall be accompanied by an appropriate qualifying phrase such as "manufactured for" or "distributed by."

(iii) A distributor's statement is furnished to the Food and Drug Administration identifying the category of his operations (for example, wholesaler, retailer) and stating: That he will distribute the drug only under the labeling provided for in the new drug application; that any other labeling or advertising for the drug will prescribe, recommend, or suggest its use only under the conditions stated in the labeling provided for in the application; and, if the drug is a prescription article, that he is regularly and lawfully engaged in the distribution or dispensing of prescription drugs.

(iv) Twelve copies of the printed labels and other labeling to be used by the distributor are submitted, identified with the new-drug application number.

(b) When necessary, for the safety or effectiveness of the drug, a supplemental application shall specify a period of time within which the proposed change will be made.

(c) If a material change is made in the components, composition, manufacturing methods, facilities or controls, or in the labeling or advertising from the representations in an approved application for a new drug (except changes conforming to the conditions set forth in paragraph (a) (5) and (6) and/or paragraphs (d), (e), (f), and (g) of this section) and the drug is marketed before a supplement is approved for such change, approval of the application may be suspended or withdrawn as provided in section 505(e) of the act.

(d) Changes of the following kinds proposed in supplemental new-drug applications should be placed into effect at the earliest possible time:

(1) The addition to package labeling, promotional labeling, and prescription drug advertising of additional warning, contraindication, side-effect, and precaution information.

(2) The deletion from package labeling, promotional labeling, and drug advertising of false, misleading, or unsupported indications for use or claims for effectiveness.

(3) Changes in the methods, facilities, or controls used for the manufacture, processing, packing, or holding of the drug (other than utilization of establishments not covered by the approval that is in effect) that give increased assurance that the drug will have the characteristics of identity, strength, quality, and purity which it purports or is represented to possess.

(4) The addition to the package labeling, promotional labeling, or prescription drug advertisements of information adequate to inform the prescriber of a drug of the findings of a panel of the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, with respect to any claim in the labeling evaluated other than "effective," in accordance with § 3.81 of this chapter.

(e) It will be the policy of the Food and Drug Administration to take no action against a drug or applicant solely because changes of the kinds described in paragraph (d) of this section are placed in effect by the applicant prior to his receipt of a written notice of approval of the supplemental new-drug application: *Provided*, That all the following conditions are met:

(1) The supplemental new-drug application providing a full explanation of the basis for the changes has been submitted, plainly marked on the mailing cover and on the supplement "Special new-drug application supplement—Changes being effected."

(2) The applicant specifically informs the Food and Drug Administration of the date on which such changes are being effected, and submits to the Administration 12 printed copies of any revised labeling to be placed in use, identified with the new-drug application number.

(3) All promotional labeling and all drug advertising are promptly revised consistent with the changes made in the labeling on or within the drug package.

(f) When a supplemental application proposes changes only of the kinds described in paragraph (d) of this section, and the applicant informs the Food and Drug Administration that the changes are being put into effect, such notification will be regarded as an agreement by the applicant to an extension of the time for formal action on the application.

(g) In addition to changes as permitted by paragraphs (d) and (e) of this section, an applicant may place into effect changes proposed in a supplement to a new-drug application that became effective prior to October 10, 1962, upon written notification from the Food and Drug Administration that such action is permitted, without approval of the supplemental application, pending the completion of the review of the effectiveness of such drug by the National Academy of Sciences—National Research Council and a determination as to whether there are grounds for refusing approval under section 505(d) of the act or for invoking section 505(e). It will be the policy of the Food and Drug Administration to take no action against a drug or an applicant solely because changes that have been permitted in a written communication are placed into effect by the applicant prior to his receipt of a written notice of approval of the supplemental new-drug application.

(h) Except as provided in paragraphs (e) and (g) of this section, no provision of this section shall limit the authority of the Secretary or of the Commissioner to suspend or withdraw approval of a new-drug application in accord with the provisions of section 505(e) of the act or to initiate any other regulatory proceedings with respect to a drug or applicant under provisions of the act.

(i) Changes from the conditions of an approved new-drug application in accord with the provisions of paragraphs (d), (e), and (g) of this section are permitted or the basis of a temporary deferral of final action on the supplemental application under the provisions of section 505 (c), (d), or (e) of the act.

(j) When an applicant receives written notification from the Food and Drug Administration, under the provisions of paragraph (g) of this section, that he may place into effect changes proposed in a supplemental application without approval of the supplemental application, he may within 30 days submit a written request that the Food and Drug Administration process the supplemental application. In such case, the change shall not be put into effect until approved. Within 180 days of the receipt of such written request, the Food and Drug Administration will approve the supplemental application or furnish notice of an opportunity for a hearing under the provisions of section 505 (d) or (e), or both, of the act on proposals to refuse the supplemental application or to withdraw approval of the application and supplements thereto.

(k) A supplement to an application that became effective prior to October 10, 1962, may include a written statement to the effect that a temporary deferral of final action under the provisions of paragraphs (d), (e), or (g) of this section is unacceptable to the applicant and that the applicant requests action as provided in section 505(c) of the act. Final action on such supplemental applications will be expedited in accord with applicable provisions of section 505 of the act and regulations in this part and Part 310 of this chapter. In such cases, if the applicant places into effect any of the proposed changes prior to his receipt of a written notice of approval of the supplemental new-drug application, such action may be regarded by the Food and Drug Administration as a basis for invoking the provisions of section 505(e)(4) of the act; that is, the applicant may be furnished notice of an opportunity for a hearing on a proposal to withdraw approval of the application on the grounds that the application contains an untrue statement of a material fact related to the changes from the conditions approved in the application.

§ 314.9 Insufficient information in application.

(a) The information contained in an application may be insufficient to determine whether a drug is safe or effective in use if it fails to include (among other things) a statement showing whether the drug is to be limited to prescription sale and exempt under section 502(f)(1) of the act from the requirement that its labeling bear adequate directions for use. If the drug is to be exempt, the information may also be insufficient if:

(1) The specimen labeling proposed fails to bear adequate information for use, including indications, effects, dosages, routes, methods, and frequency and duration of administration, and any relevant hazards, contraindications, side effects, and precautions, under which practitioners licensed by law to administer the drug can use the drug for the purposes for which it is intended, including all purposes for which it is to be advertised, or represented, in accordance with § 1.106 (b) or (c) of this chapter, and information concerning hazards, contraindications, side effects, and precautions, relevant with respect to any uses for which the drug is commonly prescribed.

(2) The application fails to show that the labeling and advertising of the drug will offer the drug for use only under those conditions for which it is offered in the labeling that is part of the application.

(3) The application fails to show that all labeling that furnishes or purports to furnish information for use of the drug will contain substantially the same information for use, including indications, effects, dosages, routes, methods, and frequency and duration of adminstration, and any relevant hazards, contraindications, side effects, and precautions, which is contained in the labeling that is part of the application, in accordance with § 1.106 (b) or (c) of this chapter.

(b) The information contained in an application will be considered insufficient to determine whether a drug is safe and effective for use when there is a refusal or failure upon written notice to furnish duly authorized inspectors of the Food and Drug Administration an adequate opportunity to inspect the facilities, controls, and any record pertinent to the application.

§ 314.10 New-drug application approvals; availability of information.

When a new-drug application or a supplement to an approved new-drug application is approved for a drug intended for humans, the approved labeling will be placed on file with the Food and Drug Administration, Office of Public Affairs, 5600 Fishers Lane, Rockville, MD 20852, for review by any person properly and directly concerned. The Press Relations Staff will make available weekly lists of such approved applications and supplements.

§ 314.11 Confidentiality of information contained in new-drug applications.

(a) The Federal Food, Drug, and Cosmetic Act provides, in section 505(b), that any person may file with the Secretary an application with respect to any new drug, which shall include, among other things, a full list of the articles used as components and a full statement of the composition of such drug. These requirements apply to all components or ingredients of a new drug, whether or not they are therapeutically active. Fulfillment of these requirements may be met by submitting a full statement of the chemical or common or usual name and of the quantity of each component or

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ingredient of the drug. Such requirements may also be met through the inclusion in the new-drug application of a properly authorized reference to a previous application or other Food and Drug Administration file containing the relevant information.

(b) Section 301(j) of the act makes it an offense to divulge to unauthorized persons any information acquired from a new-drug application concerning any method or process that is a trade secret. Basic manufacturers sometimes submit data to the Food and Drug Administration in the form of so-called master files for the purpose of establishing the safety of ingredients that may be used in new drugs and authorize specified applicants to incorporate by reference such data in support of their applications. Such manufacturers may regard some of the data in such files as trade secrets and request the Food and Drug Administration to treat such information as confidential. The Food and Drug Administration will preserve the confidentiality of such data to the extent that it may properly do so. Because the applicant is legally responsible for the composition of the new drug and all its ingredients and may require information in the master file for judicial or administrative proceedings concerning the drug, the Food and Drug Administration will not withhold such information from the applicant when his need for it arises and he submits a written request for it. The Food and Drug Administration will inform the person who submitted the data of any such requests.

§ 314.12 Untrue statements in application.

Among the reasons why an application may contain an untrue statment of a material fact are:

(a) Differences in:

(1) Conditions of use prescribed, recommended, or suggested by the applicant for the drug from the conditions of such use stated in the application;

(2) Article used as components of the drug from those listed in the application;

(3) Composition of the drug from that stated in the application;

(4) Methods used in, or the facilities and controls used for, the manufacture, processing, or packing of the drug from such methods, facilities, and controls described in the application;

(5) Labeling from the specimens contained in the application;

or

(b) The unexplained omission in whole or in part, from the original application or any amendment or supplement to it, or from any record or report required under the provisions of section 505(j) of the act and § 310.300 of this chapter, of any information obtained from (1) investigations as to safety or effectiveness; or (2) investigations as to identity, strength, quality, or purity of the drug made by the applicant on the drug; or (3) investigations or experience with the drug that is the subject of the application, or any related drug, available to the applicant from any source, if such information is pertinent to an evaluation of the safety, effectiveness, identity, strength, quality, or purity of the drug, when such omission would bias an evaluation of the safety or effectiveness of the drug.

§ 314.13 New drugs with potential for abuse.

When a new-drug application is submitted for a drug which has a stimulant, depressant, or hallucinogenic effect on the central nervous system, if it appears that the drug has a potential for abuse, the Commissioner shall forward that information to the Attorney General of the United States.

Subpart B—Administrative Actions on Applications

§ 314.100 Comment on applications.

(a) After the application has been studied, the applicant will be furnished comment on any apparent deficiencies in the data submitted or on the need for any additional data or changes in the application to facilitate its consideration.

(b) When the description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug appears adequate on its face, but it is not feasible to reach a conclusion as to the safety and effectiveness of the drug solely from consideration of this description, the applicant may be notified that an inspection is required to verify their adequacy.

(c) Withdrawal of an application may be suggested when it is found that additional evidence is required to support a finding that the drug is safe or effective or that the methods, facilities, and controls used in manufacturing, processing, and packing the drug are adequate.

(d) On the basis of preliminary consideration of an application or supplemental application containing typewritten or other draft labeling in lieu of final printed labeling, an applicant may be informed that such application is approvable when satisfactory final printed labeling identical in content to such draft copy is submitted.

§ 314.105 Notification of applicant of approval of application.

If the Commissioner determines that none of the grounds for denying approval specified in section 505(d) of the act applies, the applicant shall be notified in writing that the application is approved and the application shall be approved on the date of the notification.

§ 314.110 Reasons for refusing to file applications.

(a) An application shall not be considered complete and will not be filed as a new-drug application within the meaning of section 505(b) of the act if one or more of the following is the case:

(1) It does not contain complete and accurate English translations of any pertinent part in a foreign language.

(2) Fewer than three copies are submitted.

(3) It is incomplete on its face in that it does not contain all the matter required by section 505(b) (1), (2), (3), (4), (5), and (6) of the act or by the new-drug application form set forth in § 314.1(c).

(4) On its face the information concerning required matter is so inadequate that the application is clearly not approvable.

(5) The drug is to be manufactured, prepared, propagated, compounded, or processed in whole or in part in any State in an establishment that has not been registered or exempted from registration under the provisions of section 510 of the act.

(6) The applicant does not reside or maintain a place of business within the United States and the application has not been countersigned by an attorney, agent, or other representative of the applicant, which representative resides in the United States and has been duly authorized to act on behalf of the applicant and to receive communications on all matters pertaining to the application.

(7) The new drug is a drug subject to licensing under the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended; 42 U.S.C. 201 et seq.).

(8) The applicant fails to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

(b) An application that is not considered complete and is not filed will not be accepted as a basis for amendments if a review of the summary required for drugs for human use or other portion of the application shows that it is not a well-organized, coherent document and is so inadequate that it cannot be expeditiously reviewed on the basis of an amendment. In such circumstances, the applicant will be notified that he will be required to submit a new, complete new-drug application without reference to the previous submission.

(c) The applicant will be promptly notified of such nonacceptance and the reason therefor and, in case of incompleteness or inadequacy as to matter required by any clause of section 505(b) of the act or of the new-drug application form, such clause shall be specified. Otherwise, the date on which an application is received will be considered to be the date on which such application is filed, and the applicant will be notified of such date.

(d) If an applicant disputes the finding that his application is incomplete or inadequate, he may make written request to file the application over protest. In such case, the application shall be reevaluated, and within 60 days of the date of receipt of such written request, or such additional period as may be agreed upon by the parties, the application shall be approved, or the applicant shall be given written notice of an opportunity for a hearing on the question whether the application is approvable.

§ 314.111 Refusal to approve the application.

(a) If the Commissioner determines upon the basis of the application, or upon the basis of other information before him with respect to the new drug, that:

(1) The investigations, reports of which are required to be submitted pursuant to section 505(b) of the act, do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof; or

(2) The result of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions; or

(3) The methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity; or

(4) Upon the basis of the information submitted to the Food and Drug Administration as part of the application, or upon the basis of any other information before it with respect to such drug, it has insufficient information to determine whether such drug is safe for use under such conditions; or

(5) (i) Evaluated on the basis of information submitted as part of the application and any other information before the Food and Drug Administration with respect to such drug, there is lack of substantial evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

(ii) The following principles have been developed over a period of years and are recognized by the scientific community as the essentials of adequate and well-controlled clinical investigations. They provide the basis for the determination whether there is "substantial evidence" to support the claims of effectiveness for "new drugs" and antibiotic drugs.

(a) The plan or protocol for the study and the report of the results of the effectiveness study must include the following:

(1) A clear statement of the objectives of the study,

(2) A method of selection of the subjects that (i) Provides adequate assurance that they are suitable for the purposes of the study, diagnostic criteria of the condition to be treated or diagnosed, confirmatory laboratory tests where appropriate, and, in the case of prophylactic agents, evidence of susceptibility and exposure to the condition against which prophylaxis is desired.

(ii) Assigns the subjects to test groups in such a way as to minimize bias.

(iii) Assures comparability in test and control groups of pertinent variables, such as age, sex, severity, or duration of disease,, and use of drugs other than the test drug.

(3) Explains the methods of observation and recording of results, including the variables measured, quantitation, assessment of any subjects response, and steps taken to minimize bias on the part of the subject and observer.

(4) Provides a comparison of the results of treatment or diagnosis with a control in such a fashion as to permit quantitative evaluation. The precise nature of the control must be stated and an explanation given of the methods used to minimize bias on the part of the observers and the analysts of the data. Level and methods of "blinding," if used, are to be documented. Generally, four types of comparison are recognized:

(i) No treatment: Where objective measurements of effectiveness are available and placebo effect is negligible, comparison of the objective results in comparable groups of treated and untreated patients.

(ii) Placebo control: Comparison of the results of use of the new drug entity with an inactive preparation designed to resemble the test drug as far as possible.

(iii) Active treatment control: An effective regimen of therapy may be used for comparison, e.g., where the condition treated is such that no treatment or administration of a placebo would be contrary to the interest of the patient.

(iv) Historical control: In certain circumstances, such as those involving diseases with high and predictable mortality (acute leukemia of childhood), with signs and symptoms of predictable duration or severity (fever in certain infections), or in case of prophylaxis, where morbidity is predictable, the results of use of a new drug entity may be compared quantitatively with prior experience historically derived from the adequately documented natural history of the disease or condition in comparable patients or populations with no treatment or with a regimen (therapeutic, diagnostic, prophylactic) the effectiveness of which is established.

(5) A summary of the methods of analysis and an evaluation of data derived from the study, including any appropriate statistical methods.

Provided, however, That any of the above criteria may be waived in whole or in part, either prior to the investigation or in the evaluation of a completed study, by the Director of the Bureau of Drugs with respect to a specific clinical investigation; a petition for such a waiver may be filed by any person who would be adversely affected by the application of the criteria to a particular clinical investigation; the petition should show that some or all of the criteria are not reasonably applicable to the investigation and that alternative procedures can be, or have been, followed, the results of which will or have yielded data that can and should be accepted as substantial evidence of the drug's effectiveness. A petition for a waiver shall set forth clearly and concisely the specific provision or provisions in the criteria from which waiver is sought, why the criteria are not reasonably applicable to the particular clinical investigation, what alternative procedures, if any, are to be, or have been, employed, what results have been obtained, and the basis on which it can be, or has been, concluded that the clinical investigation will or has yielded substantial evidence of effectiveness, notwithstanding nonconformance with the criteria for which waiver is requested.

(b) For such an investigation to be considered adequate for approval of a new drug, it is required that the test drug be standardized as to identity, strength, quality, purity, and dosage form to give significance to the results of the investigation.

(c) Uncontrolled studies or partially controlled studies are not acceptable as the sole basis for the approval of claims of effectiveness. Such studies, carefully conducted and documented, may provide corroborative support of well-controlled studies regarding efficacy and may yield valuable data regarding safety of the test drug. Such studies will be considered on their merits in the light of the principles listed here, with the exception of the requirement for the comparison of the treated subjects with controls. Isolated case reports, random experience, and reports lacking the details which permit scientific evaluation will not be considered.

(6) Based on a fair evaluation of all material facts, such labeling is false or misleading in any particular; or

(7) The applicant fails to submit an environmental impact analysis report analyzing the environmental impact of the manufacturing process and the ultimate use or consumption of the drug pursuant to § 6.1 of this chapter.

the Commissioner shall within 180 days after the filing of the application inform the applicant in writing of his intention to issue a notice of hearing on a proposal to refuse to approve the application.

(b) Unless by the 30th day following the date of issuance of the letter informing the applicant of the intention to issue a notice of hearing, the applicant:

(1) Withdraws the application; or

(2) Waives the opportunity for a hearing; or

(3) Agrees with the Commissioner on an additional period to precede issuance of such notice of hearing;

the Commissioner shall expeditiously notify the applicant of an opportunity for a hearing on the question of whether such application is approvable as provided in § 314.200.

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§ 314.115 Withdrawal of approval of an application.

The Commissioner shall notify the person holding an approved new drug application, and all other persons who manufacture or distribute identical, related, or similar drug products as defined in § 310.6 of this chapter, and afford an opportunity for a hearing on a proposal to withdraw approval of the application as provided in section 505(e) of the act and in accordance with the procedure in §§ 314.200 to 314.232, inclusive, if:

(a) The Secretary has suspended the approval of such application on a finding that there is an imminent hazard to the public health; or

(b) The Commissioner finds:

(1) That clinical or other experience, tests, or other scientific data show that the drug is unsafe for use under the conditions of use upon the basis of which the application was approved; or

(2) That new evidence of clinical experience, not contained in the application or not available to the Food and Drug Administration until after the application was approved, or tests by new methods, or tests by methods not deemed reasonably applicable when the application was approved, evaluated together with the evidence available when the application was approved, reveal that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved; or

(3) Upon the basis of new information before the Food and Drug Administration with respect to the drug, evaluated together with the evidence available when the application was approved, that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof (the provisions of § 314.111(a)(5) apply to the meaning of "substantial evidence" as used in this subparagraph); or

(4) That the application contains any untrue statement of a material fact;

or

(c) The Commissioner finds:

(1) That the applicant has failed to establish a system for maintaining required records, or has repeatedly or deliberately failed to maintain such records or to make required reports, in accordance with a regulation or order under section 505(j) of the act and of § 310.300 of this chapter, or that the applicant has refused to permit access to, or copying or verification of, such records as required; or

(2) That on the basis of new information before the Food and Drug Administration, evaluated together with the evidence available when the application was approved, the methods used in, or the facilities and controls used for, the manufacture, processing, and packing of the drug are inadequate to assure and preserve its identity, strength, quality, and purity; or

(3) That on the basis of new information before the Food and Drug Administration, evaluated together with the evidence available when the application was approved, the labeling of the drug, based on a fair evaluation of all material facts, is false or misleading in any particular; and that the matter complained of was not corrected by the applicant within a reasonable time after his receipt of written notice from the Commissioner specifying the matter complained of.

(4) That the applicant has failed to comply with the notice requirements of section 510(j)(2) of the act.

(d) Any hearing following summary suspension on a finding of imminent hazard to health shall be afforded promptly and shall proceed on an expedited basis.

§ 314.116 Notice of withdrawal of approval of application.

Where approval of a new-drug application is withdrawn by the Commissioner, he will give appropriate public notice of such action by publication in the FEDERAL REGISTER.

§ 314.120 Revocation of order refusing to approve application, or suspending or withdrawing approval of an application.

The Commissioner, upon his own initiative or upon request of an applicant stating reasonable grounds therefor, may, if he finds that the facts so require, issue an order approving an application concerning which an approval has previously been refused, suspended, or withdrawn.

§ 314.121 Notices and orders.

Notices and orders under this part and section 505 of the act pertaining to new drug applications, including related, similar, and identical drug products as defined in § 310.6 of this chapter, old drug monographs, and related matters, shall be provided to applicants, parties to a hearing, and interested persons, as follows:

(a) To any person who has submitted a new drug application, by delivering the notice or order in person or by sending it by registered or certified mail to the last address shown in the new drug application.

(b) To any person who has not submitted a new drug application but who is subject to a notice or order pursuant to § 310.6 or § 330.10 or Part 328 of this chapter by publication of the notice or order in the FEDERAL REGISTER.

(c) To any person who is a party to or a participant in a hearing, by delivering the notice or order in person, or by sending it by registered or certified mail, to the last address shown in the records of the proceeding.

§ 314.200 Notice of opportunity for hearing; notice of appearance and request for hearing; grant or denial of hearing.

(a) The notice to the applicant, and to all other persons who manufacture or distribute identical, related, or similar drug products as defined in § 310.6 of this chapter, of an opportunity for a hearing on a proposal by the Director of the Bureau of Drugs to refuse to approve an application or to withdraw the approval of an application will state the reasons for his action and the grounds upon which he proposes to issue his order.

(1) Such notice may be general (i.e., simply summarizing in a general way the information resulting in the notice) or specific (i.e., either referring to specific requirements in the statute and regulations with which there is a lack of compliance, or providing a detailed description and analysis of the specific facts resulting in the notice).

(2) The notice will be published in the FEDERAL REGISTER and will state that the applicant, and other persons subject to the notice pursuant to § 310.6 of this chapter, has 30 days after the date of publication of the notice within which he is required to file a written notice of appearance and request for hearing if he elects to avail himself of the opportunity for a hearing. The failure to file such a written notice of appearance and request for hearing within that 30 days constitutes an election by the applicant, and other persons subject to the notice pursuant to § 310.6 of this chapter, not to avail himself of the opportunity for a hearing.

(3) It is the responsibility of every manufacturer or distributor of a drug product to review every notice of opportunity for hearing published in the FEDERAL REGISTER to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of such a notice to a specific product he manufactures or distributes that may be identical, related, or similar by writing to the Food and Drug Administration, Bureau of Drugs, Office of Compliance, HFD-300, 5600 Fishers Lane, Rockville, MD 20852. If such an opinion is requested, the time for filing an appearance and request for hearing and supporting studies and analyses shall begin as of the date or receipt of the opinion from the Food and Drug Administration.

(b) The notice of opportunity for hearing shall be provided to applicants and to other persons subject to the notice pursuant to § 310.6 of this chapter:

(1) To any person who has submitted a new drug application, by delivering the notice in person or by sending it by registered or certified mail to the last address shown in the new drug application.

(2) To any person who has not submitted a new drug application but who is subject to the notice pursuant to § 310.6 of this chapter, by publication of the notice in the FEDERAL REGISTER.

(c)(1) If the applicant, or any other person subject to the notice pursuant to § 310.6 of this chapter, elects to avail himself of the opportunity for a hearing, he shall file (i) within 30 days after the date of the publication of the notice (or of the date of receipt of an opinion requested pursuant to paragraph (a)(3) of this section) a written notice of appearance and request for hearing, and (ii) within 60 days after the date of publication of the notice, unless a different period of time is specified in the notice of opportunity for hearing, the studies on which he relies to justify a hearing as specified in paragraph (d) of this section.

(2) All data and information (including all protocols and underlying raw data) shall be included in full and may not be incorporated by reference, except that the raw data underlying a study submitted may be incorporated by reference from a prior submission as part of a new drug application or other report. A copy of any article cited shall be included. If any part of the submission is in a foreign language, an accurate and complete English translation shall be appended to such part. Translations of literature printed in a foreign language shall be accompanied by the original publication.

(3) All submissions required by paragraphs (c), (d), or (e) shall be in quintuplicate and filed with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852.

(4) No data or analysis submitted after such 60 days will be considered in determining whether a hearing is warranted unless they are derived from well-controlled studies begun prior to the date of the notice of opportunity for hearing, the results of which were not in existence during that 60 days. Exceptions may be made on the basis of a showing of inadvertent omission and hardship. All studies in progress, the results of which the person requesting the hearing intends later to submit in support of the request for hearing, shall be listed. A copy of the complete protocol, a list of the participating investigators, and a brief status report of the studies shall be included in the submission made pursuant to paragraph (c)(1)(ii) of this section.

(5) Any other interested person who is not subject to the notice of opportunity for hearing may also submit comments on the proposal to withdraw approval of the new drug application. Such comments shall be submitted within the time and pursuant to the requirements specified in this section.

(d) A request for hearing shall be supported by a submission as specified in paragraph (c)(1)(ii) of this section containing the studies (including all protocols and underlying raw data), on which the person relies to justify a hearing with respect to his drug product.

(1) If effectiveness is at issue, a request for hearing shall be supported only by adequate and well-controlled clinical studies meeting all of the precise requirements of § 314.111(a)(5) and, for combination drug products, § 3.86 of this chapter, or by other studies not meeting those requirements for which a waiver has been previously granted by the Food and Drug Administration pursuant to the provisions of § 314.111(a)(5). All adequate and well-controlled clinical studies on the drug product known to the person requesting the hearing shall be submitted. Any unfavorable analyses, views, or judgments with respect to such studies known to such person shall also be submitted. No other data, information, or studies shall be submitted.

(2) Such submission shall include a factual analysis of all studies submitted. If effectiveness is at issue, such analysis shall specify how each such study accords, on a point-by-point basis, with each criterion required for an adequate well-controlled clinical investigation established in § 314.111(a)(5) and, if the product is a combination drug product, with each of the requirements for a combination drug established in § 3.86 of this chapter, or shall be accompanied by an appropriate waiver previously granted by the Food and Drug Administration. If a study deals with a drug entity or dosage form, or condition of use, or mode of administration other than the one(s) in question, such fact(s) shall be clearly stated. Any study conducted on the final marketed form of the drug product shall be so designated.

(3) Such analysis shall be submitted in the following format, except that the required information relating either to safety or to effectiveness shall be omitted if the notice of opportunity for hearing does not raise any issue with respect to that aspect of the drug; and information on compliance with § 3.86 shall be omitted if the drug product is not a combination drug product. Submissions not made in this format or not containing the required analyses will not be considered and will result in denial of a hearing, except that minor technical deficiencies may be excused if it is apparent that a good faith attempt has been made to comply with the requirements of this section and any deficiencies noted are immediately corrected upon request.

I. Safety data.
A. Animal safety data.
1. Individual active component(s).
a. Controlled studies.
b. Partially controlled or uncontrolled studies.
2. Combinations of the individual active components.
a. Controlled studies.
b. Partially controlled or uncontrolled studies.
B. Human safety data.
1. Individual active component(s).
a. Controlled studies.
b. Partially controlled or uncontrolled studies.
c. Documented case reports.
d. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
2. Combinations of the individual active components.
a. Controlled studies.
b. Partially controlled or uncontrolled studies.
c. Documented case reports.
d. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
II. Effectiveness data.
A. Individual active components: Controlled studies, with an analysis showing clearly how each such study satisfies, on a point-by-point basis, each of the criteria required by § 314.111(a)(5).
B. Combinations of individual active components.
1. Controlled studies, with an analysis showing clearly how such study satisfies, on a point-by-point basis, each of the criteria required by § 314.111(a)(5).
2. An analysis showing clearly how each requirement of § 3.86 of this chapter has been satisfied.
III. A summary of the data and views setting forth the medical rationale and purpose for the drug and its ingredients and the scientific basis for the conclusion that the drug and its ingredients have been proven safe and/or effective for the intended use. If there is an absence of controlled studies in the material submitted, or the requirements of any element of § 3.86 of this chapter or § 314.111(a)(5) have not been fully met, such fact(s) shall be clearly stated, and a waiver obtained pursuant to § 314.111(a)(5) shall be enclosed.
IV. A statement signed by the person responsible for such submission, that it includes in full (or incorporates by reference as permitted in § 314.200(c)(2)) all studies and information specified in § 314.200(d). (Warning: A willfully false statement is a criminal offense, 18 U.S.C. 1001).

(e) A notice of opportunity for hearing encompasses all issues relating to the legal status of the drug product(s) subject to it, including identical, related, and similar drug products as defined in § 310.6 of this chapter. Any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act, or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962, or for any other reason shall be stated in a notice of appearance and request for hearing pursuant to paragraph (c)(1)(i) of this section and supported by a submission pursuant to paragraph (c)(1)(ii) of this section and shall be the subject of an administrative determination by the Commissioner. The failure of any person subject to a notice of opportunity for a hearing, including any person who manufactures or distributes an identical, related, or similar drug product as defined in § 310.6 of this chapter, to submit a notice of appearance and request for hearing or to raise all such contentions on which he relies shall constitute a waiver of any such contentions not so raised.

(1) A contention that a drug product is generally recognized as safe and effective within the meaning of section 201(p) of the act must be supported by submission of the same quantity and quality of scientific evidence as is required to obtain approval of a new drug application for the product, unless a waiver has been obtained from such requirement for effectiveness (as provided in § 314.111(a)(5)) and/or safety for good cause shown. Such submission shall be in the format and with the analyses required by paragraph (d) of this section. The failure to submit such scientific evidence or a submission that is not in the format or does not contain the analyses required by paragraph (d) of this section shall constitute a waiver of any such contention.

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General recognition of safety and effectiveness shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data and information.

(2) A contention that a drug product is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938 contained in section 201 (p) of the act, or pursuant to section 107 (c) of the Drug Amendments of 1962, shall be supported by submission of evidence of past and present quantitative formulas, labeling, and evidence of marketing, on which reliance is made for such contention. The failure to submit such formulas, labeling, and evidence of marketing in the following format shall constitute a waiver of any such contention.

I. Formulation.

A. A copy of each pertinent document or record to establish the exact quantitative formulation of the drug (both active and inactive ingredients) on the date of initial marketing of the drug.

B. A statement whether such formulation has at any subsequent time been changed in any manner. If any such change has been made, the exact date, nature, and rationale for each change in formulation, including any deletion or change in the concentration of any active ingredient and/or inactive ingredient, shall be submitted, together with a copy of each pertinent document or record to establish the date and nature of each such change including but not limited to the formula which resulted from each such change. If no such change has been made, a copy of representative documents or records showing the formula at representative points in time shall be submitted to support the statement.

II. Labeling.

A. A copy of each pertinent document or record to establish the identity of each item of written, printed, or graphic matter used as labeling on the date the drug was initially marketed.

B. A statement whether such labeling has at any subsequent time been discontinued or changed in any manner. If such discontinuance or change has been made, the exact date, nature, and rationale for each discontinuance or change and a copy of each pertinent document or record to establish each such discontinuance or change shall be submitted, including but not limited to the labeling which resulted from each such discontinuance or change. If no such discontinuance or change has been made, a copy of representative documents or records showing labeling at representative points in time shall be submitted to support the statement.

III. Marketing.

A. A copy of each pertinent document or record to establish the exact date the drug was initially marketed.

B. A statement whether such marketing has at any subsequent time been discontinued. If such marketing has been discontinued, the exact date of each such discontinuance shall be submitted, together with a copy of each pertinent document or record to establish each such date.

IV. Verification.

A statement signed by the person responsible for such submission, that all appropriate records have been searched and to the best of his knowledge and belief it includes a true and accurate presentation of the facts (Warning: A willfully false statement is a criminal offense, 18 U.S.C. 1001)..

(3) No drug product, including any active ingredient, which is identical, related, or similar, as defined in § 130.40, to a drug product, including any active ingredient, for which a new drug application is or at any time has been effective or deemed approved, or approved under section 505 of the act, will be determined to be exempt from part or all of the new drug provisions of the act.

(4) A contention that a drug product is not a new drug for any other reason must be supported by submission of such factual records, data, and information as is necessary and appropriate to support such contention.

(5) It is the responsibility of every person who manufactures or distributes a drug product in reliance upon a "grandfather" provision(s) of the act to maintain in his files, organized as required by this paragraph, the data and information necessary fully to document and support such status.

(f) Upon receipt of any request for hearing, the Director of the Bureau of Drugs shall prepare an analysis of the request and a proposed order ruling upon the matter. The analysis and proposed order, the request for hearing, and any proposed order denying a hearing and response pursuant to paragraph (g) (2) or (3) of this section, shall be submitted to the office of the Commissioner for independent review and decision. No representative of the Bureau of Drugs shall participate or advise in the review and decision by the Commissioner. The office of the General Counsel shall observe the same separation of functions.

(g) A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing with respect to the particular drug product(s) specified in the request for hearing.

(1) Where a specific notice of opportunity for hearing as defined in paragraph (a)(1) of this section) is used, it shall state that, if it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the refusal to approve the application or the withdrawal of approval of the application, e.g., no adequate and well-controlled clinical investigations meeting each of the precise elements of § 314.111(a)(5) and, for a combination drug product, § 3.86 of this chapter, showing effectiveness have been identified, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing. Any such order entering summary judgment shall set forth the Commissioner's findings and conclusions in detail and shall specify why each study submitted fails to meet the requirements of the statute and regulations or why the request for hearing does not raise a genuine and substantial issue of fact or shall specify the requirements of this section with respect to format or analyses with which there is a lack of compliance.

(2) Where a general notice of opportunity for hearing (as defined in paragraph (a)(1) of this section) is used and the Director of the Bureau of Drugs concludes that summary judgment against the person(s) requesting a hearing should be considered, he shall serve upon such person(s) by registered mail a proposed order denying a hearing. Such person(s) shall have 60 days after receipt of such proposed order to respond with sufficient data, information, and analyses to demonstrate that there is a genuine and substantial issue of fact which justifies a hearing.

(3) Where a general or specific notice of opportunity for hearing is used and the person(s) requesting a hearing submits data or information of a type required by the statute and regulations, and the Director of the Bureau of Drugs concludes that summary judgment against such person(s) should be considered, he shall serve upon such person(s) by registered mail a proposed order denying a hearing. Such person(s) shall have 60 days after receipt of such proposed order to respond with sufficient data, information, and analyses to demonstrate that there is a genuine and substantial issue of fact which justifies a hearing.

(4) If review of the data, information, and analyses submitted warrants the conclusion that the ground(s) cited in the notice are not valid, e.g., that substantial evidence of effectiveness exists, the Commissioner shall deny the hearing, enter summary judgment for the person(s) requesting the hearing, and rescind the notice of opportunity for hearing.

(5) If a hearing is requested and is justified, the Commissioner will issue a written notice defining the issues, naming an administrative law judge, and specifying the time and place at which the hearing will commence, which shall be no more than 90 days after the expiration of such 30 days unless the parties otherwise agree in the case of denial of approval, and as soon as practicable in the case of withdrawal of approval.

(6) A hearing shall be granted if there exists a genuine and substantial issue of fact or if the Commissioner concludes, in his discretion, that a hearing would otherwise be in the public interest.

(7) If the manufacturer or distributor of a drug product that may be an identical, related, or similar drug product requests and is granted a hearing, the issue whether the product is in fact identical, related, or similar to the drug subject to new drug application is properly encompassed within the hearing.

(8) A request for hearing, and any subsequent grant or denial of a hearing, shall be applicable only to the particular drug product(s) named in such documents.

(h) Any hearing will be open to the public except that any portion of the

hearing concerning a method or process that the Commissioner finds is entitled to protection as a trade secret pursuant to section 301(j) of the act (21 U.S.C. 331(j)) or 18 U.S.C. 1905 will not be open to the public unless the respondent specifies otherwise in his appearance. All persons who have requested a hearing pursuant to paragraph (a) of this section and for whom a hearing has been granted pursuant to paragraph (g) of this section shall be parties to the hearing. Interested persons who are not parties may appear at and participate in a hearing and shall have the right to present evidence and file pleadings relevant to the issues. Such interested persons may otherwise participate, e.g., cross-examine witnesses, when in the judgement of the Administrative Law Judge their interests are not adequately protected otherwise or it is required for a full and true disclosure of the facts.

(i) Any drug product subject to a notice of opportunity for hearing, including any identical, related, or similar drug product as defined in § 310.6 of this chapter, for which an opportunity for a hearing is waived or for which a hearing is denied shall promptly be the subject of a notice withdrawing the new drug application approval and declaring all such products unlawful. The Commissioner may, in his discretion, defer or stay such action pending a ruling on any related request for a hearing or pending any related hearing or other administrative or judicial proceeding.

§ 314.201 [Revoked]

§ 314.202 Appearance of applicant.

If the applicant elects to avail himself of the opportunity for the hearing, he may appear in person or by counsel. If the applicant desires to be heard through counsel, the counsel will file with the Administrative Law Judge a written appearance.

§ 314.203 Administrative Law Judge.

The hearing will be conducted by an Administrative Law Judge appointed as provided in the Administrative Procedure Act (60 Stat. 235; 5 U.S.C. 551 et seq.) and designated for conducting the hearing. Any such designation may be made or revoked by the Commissioner at any time. Hearings will be conducted in an informal but orderly manner in accordance with these regulations and the requirements of the Administrative Procedure Act. The Administrative Law Judge will have the power to administer oaths and affirmations, to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to hold conferences for the simplification of the issues, and to dispose of procedural requests, but will not have the power to decide any motion that involves final determination of the merits of the proceeding.

§ 314.204 Prehearing and other conferences.

The Administrative Law Judge, on his own motion or on the motion of the applicant or the Food and Drug Administration, may direct all parties or their representatives to appear at a specified time and place for a conference to consider:

(a) The simplification of the issues.

(b) The possibility of obtaining stipulations, admissions of facts, and documents.

(c) The limitation of the number of expert witnesses.

(d) The scheduling of witnesses to be called.

(e) The advance submission of all documentary evidence.

(f) Such other matters as may aid in the disposition of the proceeding.

The Administrative Law Judge will make an order reciting the action taken at the conference, the agreements made by the parties or their representatives, and the schedule of witnesses, and limiting the issues for hearing to those not disposed of by admissions or agreements. Such order will control the subsequent course of the proceeding unless modified for good cause by subsequent order. The Administrative Law Judge may also direct all parties and their representatives to appear at conferences at any time during the hearing with a view to simplification, clarification, or shortening the hearing.

§ 314.205 Transcript of the testimony.

Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the Administrative Law Judge of their authenticity, relevancy, and materiality, shall be received in evidence subject to section 7(c) of the Administrative Procedure Act (5 U.S.C. 556(d)). Exhibits shall, if practicable, be submitted in quintuplicate. In case the required number of copies are not made available, the Administrative Law Judge shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the Administrative Law Judge. Where the testimony of a witness refers to a statute, or to a report or document, the Administrative Law Judge shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence or shall be incorporated in the record by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the Administrative Law Judge.

§ 314.206 Oral and written arguments.

(a) Unless the Administrative Law Judge shall issue an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The Administrative Law Judge shall announce at the hearing a reasonable period within which the parties or their representatives may file written arguments based solely upon the evidence received at the hearing, citing the pages of the transcript of the testimony or of properly identified exhibits where such evidence occurs.

Subpart D—Evidence

§ 314.220 Submission of documentary evidence in advance.

(a) All documentary evidence to be offered at the hearing shall be submitted to the Administrative Law Judge and to the parties sufficiently in advance of the offer of such documentary evidence for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The Administrative Law Judge after consultation with the parties at a conference called in accordance with § 314.204 shall make an order specifying the time at which documentary evidence shall be submitted. He shall also specify in his order the time within which objections to the authenticity of such documents must be made to comply with paragraph (d) of this section.

(c) Documentary evidence not submitted in advance in accordance with the requirements of paragraphs (a) and (b) of this section shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner.

(d) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the Administrative Law Judge upon notice to the other parties within the time specified by the Administrative Law Judge in accordance with paragraph (b) of this section, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 314.221 Excerpts from documentary evidence.

When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the Administrative Law Judge and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by opposing counsel for purposes of cross-examination.

§ 314.222 Submission and receipt of evidence.

(a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary in order to prevent undue prolongation of the hearing, the Administrative Law Judge may limit the number of times any witness may testify, the repetitious examination and cross-examination of witnesses, or the

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amount of corroborative or cumulative evidence.

(c) The Administrative Law Judge shall admit only evidence that is relevant, and not unduly repetitious.

(d) Opinion evidence shall be admitted when the Administrative Law Judge is satisfied that the witness is properly qualified.

(e) If any person objects to the admission or rejection of any evidence, or other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the Administrative Law Judge. A ruling on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

Subpart E—Findings of Facts and Order

§ 314.230 Tentative order.

The Administrative Law Judge, within a reasonable time, shall prepare tentative findings of fact and a tentative order, which shall be served upon the applicant and the Food and Drug Administration or sent to them by certified mail. If not exceptions are taken to the tentative order within 20 days or such other time specified in such order, that order shall become final

§ 314.231 Exceptions to the tentative order.

Within 20 days or such other time specified in the tentative order, the applicant or the Food and Drug Administration may transmit exceptions to the Administrative Law Judge, together with any briefs or argument in support thereof. If exception is taken to any tentative findings of fact, reference must be made to the pages or parts of the record relied upon, and a corrected finding of fact must be submitted. The applicant, if he files exceptions, shall state in writing whether he desires to make an oral argument.

§ 314.232 Issuance of final order.

Within a reasonable time after the filing of exceptions, or after oral argument (if such argument is requested), the Commissioner shall issue the final order in the proceeding. The order will include the findings of fact upon which it is based.

Subpart F—Judicial Review of Order

§ 314.235 Judicial review.

(a) The Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare is hereby designated as the officer upon whom copies of petitions for judicial review shall be served. Such officer shall be responsible for filing in the court a transcript of proceedings and the record on which the final orders were based. The transcript and record shall be certified by the Commissioner. In any case in which the Commissioner enters an order as provided in § 314.200(g), without a hearing, the request(s) for hearing together with the data and information submitted and the Commissioner's findings and conclusions shall be included in the record certified by the Commissioner.

(b) Judicial review of an order withdrawing approval of a new drug application, whether or not a hearing has been held, may be sought by a manufacturer or distributor of an identical, related, or similar drug product as defined in § 310.6 of this chapter in a United States court of appeals pursuant to section 505 (h) of the act.

(c) The record upon judicial review after denial of a hearing shall consist of the notice of opportunity for hearing, the request for hearing, any proposed denial of hearing served upon the person requesting a hearing and the response (where this procedure is applicable), and the final order denying a hearing.

PART 328—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Subpart A—General Provisions

Sec.
328.3 Definitions.
328.4 Confidentiality of submitted information.

Subpart B—Labeling

328.10 Labeling for in vitro diagnostic products.

Subpart C—Requirements for Manufacturers and Producers

328.20 General requirements for manufacturers and producers of in vitro diagnostic products.

Subpart D—Administrative Procedures

328.30 Procedure for establishing, amending or repealing standards.
328.34 Court appeal.
328.35 Regulatory action.

AUTHORITY: Secs. 201, 501, 502, 505, 508, 510, 701, 52 Stat. 1040–1042, as amended, 1049–1051, as amended, 1053, as amended, 1055, as amended, 1056, as amended; (21 U.S.C. 321, 351, 352, 355, 358, 360, 371).

Subpart A—General Provisions

§ 328.3 Definitions.

(a) "In vitro diagnostic products" are those reagents, instruments and systems intended for use in the diagnosis of disease or in the determination of the state of health in order to cure, mitigate, treat, or prevent disease or its sequelae. Such products are intended for use in the collection, preparation and examination of specimens taken from the human body. These products are drugs or devices as defined in section 201(g) and 201(h), respectively, of the Federal Food, Drug, and Cosmetic Act (the act) or are a combination of drugs and devices, and may also be a biological product subject to section 351 of the Public Health Service Act.

(b) A "product class" is all those products intended for use for a particular determination or for a related group of determinations or products with common or related characteristics or those intended for common or related uses. A class may be further divided into subclasses when appropriate.

(c) A "product class standard" is a statement describing performance requirements necessary to assure accuracy and reliability of results, specific labeling requirements necessary for the proper use of a particular class, and procedures for testing the product to assure its satisfactory performance.

(d) "Act" means the Federal Food, Drug, and Cosmetic Act.

§ 328.4 Confidentiality of submitted information.

(a) Data and information submitted pursuant to the provisions of § 328.30 or § 328.10(c) and falling within the confidentiality provisions of 18 U.S.C. 1905 or 21 U.S.C. 331(j) shall be treated as confidential by the Food and Drug Administration and any consultant to whom it is referred. Confidentiality of information will be determined in accordance with the provisions of Part 4 of this chapter.

(b) Data and information submitted pursuant to § 328.30 in connection with the establishment, amendment or repeal of a product class standard will be made publicly available at the office of the Hearing Clerk of the Food and Drug Administration 30 days after publication of a proposed product class standard, except for the identity of inactive ingredients, any quality control or other manufacturing data or information, or other data and information to the extent that the person submitting it has demonstrated that it falls within the confidentiality provisions of 18 U.S.C. 1905 or 21 U.S.C. 331(j).

Subpart B—Labeling

§ 328.10 Labeling for in vitro diagnostic products.

(a) The label for an in vitro diagnostic product shall state the following information, except where such information is not applicable, or as otherwise specified in a standard for a particular product class. Section 201(k) of the act provides that "a requirement made by or under authority of this act that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail package of such article, or is easily legible through the outside container or wrapper."

(1) The proprietary name and established name (common or usual name), if any.

(2) The intended use or uses of the product.

(3) For a reagent, a declaration of the established name (common or usual name), if any, and quantity, proportion or concentration of each reactive ingredient; and for a reagent derived from biological material, the source and a measure of its activity. The quantity, proportion, concentration or activity shall be stated in the system generally used and recognized by the intended user (e.g., metric, international units, etc.).

(4) A statement of warnings or precautions for users as established in the regulations contained in 16 CFR Part 1500 and any other warnings appropriate to the hazard presented by the product; and a statement "For In Vitro Diagnostic Use" and any other limiting statements appropriate to the intended use of the product.

(5) For a reagent, appropriate storage instructions adequate to protect the stability of the product. When applicable, these instructions shall include such information as conditions of temperature, light, humidity, and other pertinent factors. For products requiring manipulation, such as reconstitution and/or mixing before use, appropriate storage instructions shall be provided for the reconstituted or mixed product which is to be stored in the original container. The basis for such instructions shall be determined by reliable, meaningful, and specific test methods such as those described in § 133.13 of this chapter.

(6) For a reagent, a means by which the user may be assured that the product meets appropriate standards of identity, strength, quality and purity at the time of use. This shall be provided, both for the product as provided and for any resultant reconstituted or mixed product, by including on the label one or more of the following:

(i) An expiration date based upon the stated storage instructions.

(ii) A statement of an observable indication of an alteration of the product (e.g., turbidity, color change, precipitate) beyond its appropriate standards.

(iii) Instructions for a simple method by which the user can reasonably determine that the product meets its appropriate standards.

(7) For a reagent, a declaration of the net quantity of contents, expressed in terms of weight or volume, numerical count, or any combination of these or other terms which accurately reflect the contents of the package. The use of metric designations is encouraged, wherever appropriate. If more than a single determination may be performed using the product, any statement of the number of tests shall be consistent with instructions for use and amount of material provided.

(8) Name and place of business of manufacturer, packer, or distributor.

(9) A lot or control number, identified as such, from which it is possible to determine the complete manufacturing history of the product.

(i) If it is a multiple unit product, the lot or control number shall permit tracing the identity of the individual units.

(ii) For an instrument, the lot or control number shall permit tracing the identity of all functional subassemblies.

(iii) For multiple unit products which require the use of included units together as a system, all units should bear the same lot or control number, if appropriate, or other suitable uniform identification should be used.

(10) Except that for items in paragraph (a) (1) through (9) of this section: (i) In the case of immediate containers too small or otherwise unable to accommodate a label with sufficient space to bear all such information and which are packaged within an outer container from which they are removed for use, the information required by paragraph (a) (2), (3), (4), (5), (6) (ii) (iii) and (7) of this section may appear in the outer container labeling only.

(ii) In any case in which the presence of this information on the immediate container will interfere with the test, the information may appear on the outside container or wrapper rather than on the immediate container label.

(b) Labeling accompanying each product (e.g., a package insert) shall state in one place the following information in the format and order specified below, except where such information is not applicable, or as specified in a standard for a particular product class. The labeling for a multiple-purpose instrument used for diagnostic purposes, and not committed to specific diagnostic procedures or systems, may bear only the information indicated in paragraph (b) (1), (2), (6), (14), and (15) of this section. The labeling for a reagent intended for use as a replacement in a diagnostic system may be limited to that information necessary to identify the reagent adequately and to describe its proper use in the system.

(1) The proprietary name and established name (common or usual name), if any.

(2) The intended use or uses of the product and the type of procedure (e.g., qualitative or quantitive).

(3) Summary and explanation of the test. Include a short history of the methodology, with pertinent references and a balanced statement of the special merits and limitations of this method or product. If the product labeling refers to any other procedure, appropriate literature citations shall be included and the labeling shall explain the nature of any differences from the original and their effect on the results.

(4) The chemical, physical, physiological, or biological principles of the procedure. Explain concisely, with chemical reactions and techniques involved, if applicable.

(5) Reagents. (i) A declaration of the established name (common or usual name), if any, and quantity, proportion or concentration or each reactive ingredient; and for biological material, the source and a measure of its activity. The quantity, proportion, concentration or activity shall be stated in the system generally used and recognized by the intended user (e.g., metric, international units, etc.). A statement indicating the presence of and characterizing any catalytic or nonreactive ingredients (e.g., buffers, preservatives, stabilizers).

(ii) A statement of warnings or precautions for users as established in the regulations contained in 16 CFR Part 1500 and any other warnings appropriate to the hazard presented by the product; and a statement "For In Vitro Diagnostic Use" and any other limiting statements appropriate to the intended use of the product.

(iii) Adequate instructions for reconstitution, mixing, dilution, etc.

(iv) Appropriate storage instructions adequate to protect the stability of the product. When applicable, these instructions shall include such information as conditions of temperature, light, humidity, and other pertinent factors. For products requiring manipulation, such as reconstitution and/or mixing before use, appropriate storage instructions shall be provided for the reconstituted or mixed product. The basis for such instructions shall be determined by reliable, meaningful, and specific test methods such as those described in § 133.13 of this chapter.

(v) A statement of any purification or treatment required for use.

(vi) Physical, biological, or chemical indications of instability or deterioration.

(6) Instruments: (i) Use or function.

(ii) Installation procedures and special requirements.

(iii) Principles of operation.

(iv) Performance characteristics and specifications.

(v) Operating instructions.

(vi) Calibration procedures including materials and/or equipment to be used.

(vii) Operational precautions and limitations.

(viii) Hazards.

(ix) Service and maintenance information.

(7) Specimen collection and preparation for analysis, including a description of: (i) Special precautions regarding specimen collection including special preparation of the patient as it bears on the validity of the test.

(ii) Additives, preservatives, etc., necessary to maintain the integrity of the specimen.

(iii) Known interfering substances.

(iv) Recommended storage, handling or shipping instructions for the protection and maintenance of stability of the specimen.

(8) Procedure: A step-by-step outline of recommended procedures from reception of the specimen to obtaining results. List any points that may be useful in improving precision and accuracy. (i) A list of all materials provided (e.g., reagents, instruments and equipment) with instructions for their use.

(ii) A list of all materials required but not provided: Include such details as sizes, numbers, types, and quality.

(iii) A description of the amounts of reagents necessary, times required for specific steps, proper temperatures, wavelengths, etc.

(iv) A statement describing the stability of the final reaction material to be measured and the time within which it shall be measured to assure accurate results.

(v) Details of calibration: Identify reference material. Describe preparation of reference sample(s), use of blanks, preparation of the standard curve, etc. The description of the range of calibration should include the highest and the lowest values measurable by the procedure.

(vi) Details of kinds of quality control procedures and materials required. If there is need for both positive and negative controls, this should be stated. State what are considered satisfactory limits of performance.

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(9) Results: Explain the procedure for calculating the value of the unknown. Give an explanation for each component of the formula used for the calculation of the unknown. Include a sample calculation, step-by-step, explaining the answer. The values shall be expressed to the appropriate number of significant figures. If the test provides other than quantitative results, provide an adequate description of expected results.

(10) Limitation of the procedure: Include a statement of limitations of the procedure. State known extrinsic factors or interfering substances affecting results. If further testing, either more specific or more sensitive, is indicated in all cases where certain results are obtained, the need for the additional test shall be stated.

(11) Expected values: State the range(s) of expected values as obtained with the product from studies of various populations. Indicate how the range(s) was established and identify the population(s) on which it was established.

(12) Specific performance characteristics: Include, as appropriate, information describing such things as accuracy, precision, specificity, and sensitivity. These shall be related to a generally accepted method using biological specimens from normal and abnormal populations. Include a statement summarizing the data upon which the specific performance characteristics are based.

(13) Bibliography: Include pertinent references keyed to the text.

(14) Name and place of business of manufacturer, packer, or distributor.

(15) Date of issuance of the last revision of the labeling identified as such.

(c) A shipment or other delivery of an in vitro diagnostic product shall be exempt from the requirements of paragraphs (a) and (b) of this section and from a standard promulgated pursuant to this part provided the following conditions are met:

(1) For a product in the laboratory research phase of development, and not represented as an effective in vitro diagnostic product, all labeling bears the statement, prominently placed: "For Research Use Only. Not for use in diagnostic procedures."

(2) For a product being shipped or delivered for product testing prior to full commercial marketing (e.g., for use on specimens derived from humans to compare the usefulness of the product with other products or procedures which are in current use or recognized as useful), all labeling bears the statement, prominently placed: "For Investigational Use Only. The performance characteristics of this product have not been established."

(3) The person making a shipment or delivery under paragraph (c)(2) of this section shall submit to the FDA a notification that such shipments are being made.

(4) Within 30 days after the first commercial shipment of an in vitro diagnostic product, the person making such shipment shall submit the information required by the Drug Listing Act as provided in § 132.5 of this chapter.

(d) The labeling of general purpose laboratory reagents (e.g., hydrochloric acid) and equipment (e.g., test tubes and pipettes) whose uses are generally known by persons trained in their use need not bear the directions for use required by § 328.10 (a) and (b), if their labeling meets the requirements of this paragraph.

(1) The label of a reagent shall bear the following information:

(i) The proprietary name and established name (common or usual name), if any, of the reagent.

(ii) A declaration of the established name (common or usual name), if any, and quantity, proportion or concentration of the reagent ingredient (e.g., hydrochloric acid: Formula weight 36.46, assay 37.9 percent, specific gravity 1.192 at 60° F.); and for a reagent derived from biological material, the source and where applicable a measure of its activity. The quantity, proportion, concentration or activity shall be stated in the system generally used and recognized by the intended user (e.g., metric, international units, etc.).

(iii) A statement of the purity and quality of the reagent, including a quantitative declaration of any impurities present. The requirement for this information may be met by a statement of conformity with a generally recognized and generally available standard which contains the same information (e.g., those established by the American Chemical Society, U.S. Pharmacopeia, National Formulary, National Research Council).

(iv) A statement of warnings or precautions for users as established in the regulations contained in 16 CFR Part 1500 and any other warnings appropriate to the hazard presented by the product; and a statement "For Laboratory Use."

(v) Appropriate storage instructions adequate to protect the stability of the product. When applicable, these instructions shall include such information as conditions of temperature, light, humidity, and other pertinent factors. The basis for such information shall be determined by reliable, meaningful, and specific test methods such as those described in § 133.13 of this chapter.

(vi) A declaration of the net quantity of contents, expressed in terms of weight or volume, numerical count, or any combination of these or other terms which accurately reflect the contents of the package. The use of metric designations is encouraged, wherever appropriate.

(vii) Name and place of business of manufacturer, packer, or distributor.

(viii) A lot or control number, identified as such, from which it is possible to determine the complete manufacturing history of the product.

(ix) In the case of immediate containers too small or otherwise unable to accommodate a label with sufficient space to bear all such information, and which are packaged within an outer container from which they are removed for use, the information required by paragraph (d)(1) (ii), (iii), (iv), (v), and (vi) of this section may appear in the outer container labeling only.

(2) The label of general purpose laboratory equipment (e.g., a beaker or a pipette) shall bear a statement adequately describing the product, its composition, and physical characteristics if necessary for its proper use.

EFFECTIVE DATE: § 328.10 (a), (b), and (d) become effective September 15, 1974; paragraph (c) became effective September 17, 1973. See 39 FR 8610, Mar. 6, 1974. The effective date for paragraphs (a) and (b) of this section, as applied to licensed blood grouping serum, was stayed. See 39 FR 2089, Jan. 17, 1974.

Subpart C—Requirements for Manufacturers and Producers

§ 328.20 General requirements for manufacturers and producers of in vitro diagnostic products.

(a) *Registration and product listing.* Any person who owns or operates any establishment engaged in the manufacture, preparation, compounding, or processing of an in vitro diagnostic product should register such establishment and list such product(s) in accordance with the procedures established under Part 132 of this chapter, except that registration and listing is not required or requested at this time for general purpose laboratory reagents and equipment for which labeling requirements are specified in § 328.10(d). Any such establishment not currently registered should register within 30 days of the effective date of this regulation. Any such establishment currently registered as a drug establishment shall at the next period for registration use the appropriate registration form indicating that it is a producer of in vitro diagnostic products. Registration forms may be obtained from the Department of Health, Education, and Welfare, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, or at any Food and Drug Administration district office. Registration and listing do not constitute an admission or agreement or determination that a product is a "drug" within the meaning of section 201(g) of the act.

(b) *Compliance with good manufacturing practices.* In vitro diagnostic products shall be manufactured in accordance with current good manufacturing practices. The principles established in Part 133 of this chapter, "Drugs; Current Good Manufacturing Practice in Manufacture, Processing, Packing, or Holding," should be followed as a guideline.

Subpart D—Administrative Procedures

§ 328.30 Procedure for establishing, amending or repealing standards.

(a) *Basis for standards and available approaches to developing standards.* Whenever in the judgment of the Commissioner the establishment of a product class standard is necessary to reduce or eliminate unreasonable risk of illness or injury associated with exposure to or use of an in vitro diagnostic product and there are no other more practicable means to protect the public from such risk, he may propose such a standard. In proposing a product class standard he shall consider, and publish in the FEDERAL REGISTER findings on, the degree of risk or injury associated with the use of the product, the availability of information relating to the sciences upon which the products or their uses are based, the approximate number of products subject to the standard, the medical need for the products, and the probable effect of the standard upon the utility, cost, or availability of the product, and available means of achieving the objective of the standard with a minimal disruption of supply and of reasonable manufacturing and other commercial practices. Three procedures are available for developing product class standards and may be proposed on the initiative of the Commissioner or by petition of interested persons: (1) An existing standard may be utilized, (2) interested persons outside of the Food and Drug Administration may develop a proposed standard or (3) the Food and Drug Administration may develop the standard. If a petition is filed by an interested person, it shall be in the form prescribed in § 2.65 of this chapter with the number of copies specified therein.

(b) *Advisory committee.* An advisory committee of qualified experts shall be appointed to advise the Food and Drug Administration on the priorities for establishing product class standards, the scientific basis for in vitro diagnostic products, the selection of reference methodologies and reference materials, the adequacy and reasonableness of proposed standards and other related matters as determined by the Commissioner.

(c) *Request for information and comment.* Whenever a new standard is to be developed, the Commissioner will publish a notice in the FEDERAL REGISTER requesting the submission of all information, data, and views relevant to a specific product class for review and evaluation. Any interested person may submit comments and views on any matter relevant to the development of the standard, including the factors required by paragraph (a) of this section, to be considered by the Commissioner. The format for such submission may be determined by the nature of the information to be submitted. Any product performance information submitted shall relate to the performance of that product as marketed or intended for marketing. For information submitted by a manufacturer of a product which will be affected by the standard, the specific product information requested and the format for submission shall be as described below unless changed in the FEDERAL REGISTER notice. The time allotted for submission will ordinarily be 90 days. Four copies of the information and data on any product within the designated class shall be submitted, indexed, and bound.

(1) Name of product class and date of FEDERAL REGISTER statement.

(2) Proprietary name of product.

(3) Name of person responsible for submission.

(4) Intended use or uses of the product.

(5) A statement categorizing the procedure (e.g., qualitative or quantitative).

(6) Copies of label and all other labeling under which product is currently marketed or, for a proposed product, the label and all other labeling under which marketing is intended.

(7) Description of the product, as appropriate: For example, if the product is or includes a reagent, state the proprietary name and established name (common or usual name), if any, and quantity, proportion, or concentration of each reactive, catalytic, or inactive ingredient. If the product is a biological material, list the source and a measure of its activity. Include a statement of any purification or treatment required for use. If the product is or includes an instrument or equipment, describe as appropriate its use or functions, installation procedures and any special requirements, principle of operating instructions, calibration procedures including materials and/or equipment to be used, operation precautions and limitations, hazards, and service and maintenance instructions.

(8) Stability information: A description of, and data derived from, studies of the stability of the product. For any product that requires manipulation (e.g., reconstitution or mixing), stability data shall be described for the reconstituted or mixed product. Describe the means by which the information was developed. The data shall be for the product in the container in which it is marketed to assure, among other things, that the container is not reactive, additive, or absorptive to an extent that alters the product or its performance. Include any expiration period data which supports any expiration date which appears in the labeling of the product. Describe the storage conditions necessary for the product, such as temperature, light, humidity.

(9) Hazards to user: A statement of the principal hazards associated with the product. Include the result of tests conducted to determine the applicability of hazard warnings or cautions, including those established in the regulations contained in 16 CFR Part 1500.

(10) History of methodology: A brief history of the methodology, with pertinent references. All references to reports of adverse or unfavorable experience with the product or the procedure on which it is based shall be included. If the product procedure is the same as one which has been published, cite the reference. If the product is based on a modification of a published procedure, cite the reference, state the reason for and the nature of the modification and the effect such modification may have on the results of the procedure as compared to the original. Include data illustrating the comparison of the modified procedure to the original procedure.

(11) Principle of test: An explanation of the test procedure including the chemical, physical, physiological, or biological principle of the procedure with chemical reactions and techniques involved, if applicable.

(12) Specimen collection and preparation: A description of the specimen to be subjected to analysis: (i) Special precautions regarding specimen collections, including special preparation of the patient as it bears on the validity of the test.

(ii) Additives, preservatives, etc., necessary to maintain the integrity of the specimen.

(iii) Known interfering substances and their effect on the procedure and results.

(iv) Appropriate storage, handling or shipping instructions.

(13) Procedure: A detailed, step-by-step description of the test procedure from reception of the specimen to obtaining of results, including any points that may be useful in improving precision and accuracy. Give the exact details of calibration. Identify reference material. Describe preparation of reference sample, use of blanks, etc. Include a description of methods to be used in determining the standard curve.

(14) Results: Explain the procedure for calculating the value of the unknown. Give an explanation of each component of the formula used for the calculation of the unknown. Include a sample calculation, step-by-step, explaining the answer. Values should be expressed to the appropriate number of significant figures. Provide the basis for evaluation of nonquantitative test results.

(15) Limitation of the procedure: Include a statement of the limitations of the procedure and an explanation of extrinsic factors, if any, that may affect the results. Include statements regarding minimum training needed by the user, special precautions, interfering substances, likelihood of obtaining false positive or false negative results, etc. Positive data showing a lack of interference by commonly occurring substances shall be supplied. If a more specific or more sensitive laboratory test is indicated in certain instances, the indication for the additional test shall be stated and data submitted to support its value.

(16) Support of claims: Include all available data, published or unpublished, which supports or is critical of the product or its procedure. Include data for both normal and abnormal subjects and a description of the population or populations studies. State, for each claim: (i) Labeling claim.

(ii) Background documentation: Provide a bibliography and reprints of all pertinent references.

(iii) Procedure used for collecting evidence for claim.

(iv) Description of statistical protocol.

(v) Description of sampling procedure.

(vi) Summary of raw results in tabular form.

(vii) Analysis of results.

(viii) Statement of interpretation of results.

(17) Summary of scientific basis of procedure: A summary of the data and views setting forth the scientific rationale and purpose of the product, and the scientific basis for the conclusion that the product has or has not been proven accurate and reliable for its intended uses. If there is an absence of controlled studies in the material submitted, an ex-

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planation as to why such studies are not considered necessary shall be included.

(18) If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes unfavorable information as well as any favorable information, known to him pertinent to an evaluation of the performance of the product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

(d) *Review and evaluation.* Any existing standard or petition for a product class standard, together with any information and comments submitted pursuant to a published notice, will be reviewed and evaluated by the Food and Drug Administration in consultation with its advisory committee and the Center for Disease Control.

(e) *Proposed product class standard.* When the Commissioner has concluded that the criteria in paragraph (a) of this section are met and the information available has been reviewed and found to justify the establishment of a product class standard, he shall publish in the FEDERAL REGISTER a proposed product class standard establishing conditions under which the products in the class are safe and effective and not adulterated or misbranded. The standard shall include a statement of the performance requirements necessary to assure accuracy and reliability of results, specific labeling requirements for the proper use of the products in the class, and procedures for testing the products to assure satisfactory performance at the time of marketing. The standard may include, where necessary to assure the accuracy and reliability of results, individual lot testing by or at the direction of the Food and Drug Administration, in addition to that normally required of the manufacturer; except that the Commissioner shall exempt any particular product from such a requirement upon a showing that the manufacturer has demonstrated such consistency in the production of that product, in compliance with the regulations, as is adequate to insure the accuracy and reliability of results, and the Commissioner shall revoke the requirement of individual lot testing under the standard when it is no longer necessary to the accuracy and reliability of the results of the product class covered by the standard. Any interested person may, within 60 days after publication of the proposed standard in the FEDERAL REGISTER, file written comments on the proposal, in quintuplicate, with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, MD 20852. Comments may be accompanied by a memorandum or brief in support thereof. All comments may be reviewed at the office of the Hearing Clerk during regular working hours, Monday through Friday.

(f) *Referral to an independent advisory committee.* The Commissioner may, in his discretion, refer a proposal under paragraph (e) of this section to an independent advisory committee of experts qualified in the subject matter at issue, for a report and recommendations with respect to any matter involved in such proposal which involves the exercise of scientific judgment. The Commissioner shall designate the chairman of each panel. The independent advisory committee may consult any person in connection with the matter referred to it. Any interested person may request, in writing, an opportunity to present oral views to the committee. Any interested person may present written data and views which shall be considered by the committee. The full report(s) of the committee and summary minutes of its meetings shall be made available upon request after submission of the report(s) to the Commissioner.

(g) *Final product class standard.* After reviewing all comments received in response to the proposal and considering all available relevant information, the Food and Drug Administration, in consultation with its advisory committee and the Center for Disease Control, and after consideration of any report of an independent advisory committee if the matter involved has been so referred, will publish in the FEDERAL REGISTER a final order containing a product class standard. This order shall state the reasons for promulgating the product class standard and the date the standard will become effective.

(h) *Petition to amend or repeal standards.* The Commissioner may propose to amend or repeal any standard established pursuant to this procedure or any interested person may petition the Commissioner for such action. A petition shall set forth the action requested and a detailed statement in support of the action. After review of the petition, the Commissioner may deny the petition if he finds a lack of reasonable support or he may publish a proposed amendment of or proposed repeal of the established standard in the FEDERAL REGISTER if adequate support has been presented. The petition shall be in the form specified in § 2.65 of this chapter with the number of copies and other information as specified therein. A new drug application submitted for an in vitro diagnostic product which does not comply with an applicable effective product class standard will be considered as a petition to amend the standard. Petitions for repeal or amendment for which reasonable support has been furnished will be handled pursuant to the procedures established in paragraphs (e) through (g) of this section.

§ 328.34 Court appeal.

The product class standard promulgated in the final order represents final agency action from which appeal lies to the courts. The Food and Drug Administration will request consolidation of all appeals in a single court. Upon court appeal, the Commissioner, at his discretion, may stay the effective date for part or all of the standard pending appeal and final court adjudication, and may establish a new effective date after final court adjudication.

§ 328.35 Regulatory action.

Any in vitro diagnostic product is subject to regulatory action if it fails to conform to an applicable product class standard or the general labeling requirements of § 328.10. If the product is a device, it is adulterated in violation of section 501 and it is misbranded in violation of section 502 of the act. If the product is a drug, it is in violation of section 505 as well as sections 501 and 502 of the act. If the product is a biologic, it is in violation of sections 501, 502, and 505 of the Federal Food, Drug, and Cosmetic Act and section 351 of the Public Health Service Act. Deviations from an established standard may be justified only by an amendment to the standard. Compliance with this part shall be deemed to constitute compliance with the labeling and new drug requirements of the act and with the labeling and licensing requirements of section 351 of the Public Health Service Act, unless the Commissioner otherwise informs the manufacturer or distributor of an in vitro diagnostic product of additional requirements imposed pursuant to either statute in order to protect the public health.

PART 329—HABIT-FORMING DRUGS

Subpart A—Derivatives Designated as Habit Forming

Sec.
329.1 Habit-forming drugs which are chemical derivatives of substances specified in section 502(d) of the Federal Food, Drug, and Cosmetic Act.

Subpart B—Labeling

329.10 Labeling requirements for habit-forming drugs.

Subpart C—Exemptions

329.20 Exemption of certain habit-forming drugs from prescription requirements.

AUTHORITY: Sec. 701, 52 Stat. 1055, as amended; (21 U.S.C. 371), unless otherwise noted.

Subpart A—Derivatives Designated as Habit Forming

§ 329.1 Habit-forming drugs which are chemical derivatives of substances specified in section 502(d) of the Federal Food, Drug, and Cosmetic Act.

Each of the following chemical derivatives of a substance named in section 502 (d) of the Federal Food, Drug, and Cosmetic Act is hereby designated as habit forming:

PARENT SUBSTANCE—BARBITURIC ACID

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts[1]
5-Allyl-5-*sec*-butylbarbituric acid.[2]	Talbutal	Lotusate.
5-Allyl-5-cyclopentenylbarbituric acid		Cyclopal. Cyclopen.
5-Allyl-5-isobutylbarbituric acid	Allylbarbituric acid. Allylisobutylbarbituric acid.	Sandoptal.
5-Allyl-5-isopropylbarbituric acid	Aprobarbital Allylisopropylbarbituric acid. Allylisopropylmalonylurea.	Alurate. Numal.
5-Allyl-5-isopropyl-1-methylbarbituric acid		Narconumal.
5-Allyl-5-(1-methylbutyl)barbituric acid	Secobarbital sodium Soluble secobarbital	Seconal Sodium. Eyronal Sodium.
5-Allyl-5-(1-methylbutyl)-2-thiobarbituric acid	Sodium thiamylal	Surital Sodium.
5-Allyl-1-methyl-5-(1-methyl-2-pentynyl)barbituric acid.	Sodium methohexital	Brevital Sodium.
5-(2-Bromoallyl)-5-isopropyl-1-methylbarbituric acid.		Eunarcon.
5-(2-Bromoallyl)-5-(1-methylbutyl)-barbituric acid.	5-Bromoallyl *sec*-amylbarbituric acid.	Sigmodal. Rectidon. R239.
5-*sec*-Butyl-5-(2-bromoallyl)-barbituric acid	Butallylonal	Pernoston. Pernocton.
5-(1-Cyclohepten-1-yl)-5-ethylbarbituric acid	Heptabarbital	Medomin.
5,5-Diallylbarbituric acid	Diallyl barbituric acid	Dial. Allobarbital. Allobarbitone. Curral. Diadol.
5,5-Diethylbarbituric acid	Barbital Barbitone. Diethylbarbituric acid. Diethylmalonylurea.	Veba. Dormonal. Hypnogene. Malonal. Medinal. Sedevsl. Veronal. Uronal. Vasperal. Gemonil.
5,5-Diethyl-1-methylbarbituric acid	Metharbital	

See footnote at end of table.

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PARENT SUBSTANCE—BARBITURIC ACID—Continued

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts[1]
1,5-Dimethyl-5-(1-cyclohexenyl)-barbituric acid.	Hexobarbital sodium	Cyclonal Sodium. Dorico Soluble. Evipal Sodium. Evipan Sodium. Hexanastab. Hexobarbitone Sodium; Methenexyl Sodium.
5,5-Dipropylbarbituric acid	Dipropylbarbituric acid	Proponal.
5-Ethyl-5-butylbarbituric acid	Butethal Butobarbital.	Etoval. Neonal Butobarbital; Soneryl.
5-Ethyl-5-*sec*-butylbarbituric acid	Butabarbital sodium	Butisol Sodium.
5-Ethyl-5-(1-cyclohexenyl)-barbituric acid	Cyclobarbital	Cyclobarbitone. Namuron. Palinum. Phanodorm. Phanodorn. Tetrahydrophenobarbital.
5-Ethyl-5-cyclopentenyl-barbituric acid		Pentenal.
5-Ethyl-5-hexylbarbituric acid	Hexethal sodium	Hebaral. Ortal Sodium;
5-Ethyl-5-isoamylbarbituric acid	Amobarbital	Amytal;
5-Ethyl-5-isopropylbarbituric acid	Probarbital	Ipral;
5-Ethyl-5-(1-methylbutyl)-barbituric acid	Pentobarbital sodium Soluble pentobarbital.	844. Embutal. Nembutal. Napethal. Pentyl.
5-Ethyl-5-(1-methylbutyl)-2-thiobarbituric acid.	Thiopental sodium Thiopentone sodium.	Intraval Sodium. Neodonal Sodium. Pentothal Sodium Thiothal Sodium.
5-Ethyl-5-(1-methyl-1-butenyl)-barbituric acid	Vinbarbital	Delvinal Sodium.
5-Ethyl-5-phenylbarbituric acid	Phenobarbital Phenobarbitone. Phenylethylmalonylurea.	Barbenyl. Barbiphenyl. Dormiral. Eunervl. Gardenal. Luminal. Nunol. Netrobarb. Phenonyl. Somonal.
5-Ethyl-5-phenyl-1-methylbarbituric acid	Mephobarbital	Mebaral. Phemitone. Prominal. Eldoral.
5-Ethyl-5-(1-piperidyl)-barbituric acid		
5-Isopropyl-5-(2-bromoallyl)-barbituric acid	Propallylonal	Noctal. Noetal.
5-(1-Methylbutyl)-5-[2-(methylthio)ethyl]-2-thiobarbituric acid.	Methitural (sodium salt)	Methioturiate. Neraval. Thiogenal.
5-Methyl-5-phenylbarbituric acid	Phenylmethylbarbituric acid	Rutonal.
All lithium, sodium, potassium, magnesium, calcium, strontium, and ammonium salts of the foregoing chemical derivatives of barbituric acid.		

See footnote at end of table.

PARENT SUBSTANCE—BROMAL

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative or its salts[1]
Tribromoacetaldehyde hydrate	Bromal hydrate	
Tribromomethane	Bromoform	
2-(Tribromomethyl)-2-propanol	Tribromo-*tert*-butyl alcohol	Acetone-Bromoform. Brometone.

PARENT SUBSTANCE—CANNABIS (MARIHUANA)

	Extract of cannabis. Fluid extract of cannabis. Tincture of cannabis.	

PARENT SUBSTANCE—CARBROMAL

α-Bromo-α-ethylbutyryl-acetyl urea	Acetylcarbromal	Abasin. Acetyl Adalin. *N'*-Acetyl-*N*-bromodiethylacetylurea. *N'*-Acetyl-*N'*-α-bromo-α-ethylbutyryl carbamide.
α-Bromoisovaleryl urea	Bromisovalum	Bromisoval. α-Bromo-β-dimethyl-propanoylurea; Bromural. Bromvaletone. Brovalurea. B. V. U. Dormigene. Isobromyl. 2-Monobromoisovalerylurea; Pivadorm. Uvaleral.
α-Bromo-α,α-diethylacetamide	Diethylbromo-acetamide	Neuronal.
α-Allylisovaleryl-urea		Allyl-isopropyl-acetyl-carbamide. (2-Isopropyl-4-pentenoyl)-urea. Sedormid.

PARENT SUBSTANCE—CHLORAL

Trichloroacetaldehyde hydrate	Chloral Chloral hydrate.	2,2,2-Trichloro-1,1-ethanediol. Trichloroethylidene glycol.
Trichloroethylidenimine	Chloralimide	
N-(β-Trichloro-α-hydroxyethyl)-formamide	Chloralformamide	Chloralamide. Chloramide.
α-(β-trichloro-α-hydroxyethyl)-*D*-glucoside	α-Chloralose	A-D-Glucochloralose. Anhydro-Glucocbloral. Glucochloral. Chloralosone.
2-(Trichloromethyl)-2-propanol	Chlorbutanol Chlorbutol. Chlorobutanol.	Acetone chloroform. Chloretone. Methaform. Sedaform. 1,1,1-trichloro-2-methyl-2-propanol. β,β,β-trichloro-*tert*-butylalcohol

PARENT SUBSTANCE—COCAINE

All salts of cocaine obtained by combining cocaine with any acid.	Cocaine hydrochloride. Cocainium chloride.	

See footnote at end of table.

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PARENT SUBSTANCE—CODEINE

Chemical description of derivative	Common or official name of chemical derivative or its salts	Some trade or other names of chemical derivative of its salts.[1]
Codeine methylbromide	Eucodin	
Dihydrocodeinone		Dicodid.
Dihydrohydroxycodeinone	Eucodal	Oxycodone hydrochloride. 14-hydroxydihydrocodeinone.
All salts of the foregoing chemical derivatives of codeine obtained by combining any such derivative of codeine with any acid.		

PARENT SUBSTANCE—HEROIN

All salts of heroin obtained by combining heroin with any acid.		

PARENT SUBSTANCE—MORPHINE

Dihydromorphine	Paramorphan	
Dihydromorphinone	Dihydromorphinone hydrochloride. Dihydromorphinonium chloride	Dilaudid. Dimorphone. Hydromorphone hydrochloride.
Ethylmorphine	Ethylmorphine hydrochloride. Ethylmorphinium chloride.	Dionin.
All salts of the foregoing chemical derivatives of morphine and all salts of morphine obtained by combining any such derivative or morphine with any acid.		

PARENT SUBSTANCE—OPIUM

	Extract of opium	
	Fluidextract of opium	
	Camphorated opium tincture. Deodorized opium tincture. Laudanum. Opium tincture. Paregoric. Tincture of opium.	

PARENT SUBSTANCE—PARALDEHYDE

Metaldehyde		

PARENT SUBSTANCE—SULFONMETHANE

2,2-Diethylsulfonylbutane	Sulfonethylmethane	Diethylsulfonmethylethylmethane. Ethylsulfonal. 2,2-*bis*-(Ethylsulfonyl)-butane. Methylsulfonal. Sulfonethylmethanum. Trional.
3,3-Diethylsulfonylpentane	Sulfondiethylmethane	

[1] This list of trade or other names is not a complete list of the many proprietary names under which the designated habit-forming chemical derivatives are distributed.

[2] The name "butalbital" is obsolete for this compound; "butalbital" is the nonproprietary name assigned by the United States Adopted Name Council and the World Health Organization for 5-allyl-5-isobutylbarbituric acid.

(Sec. 502, 52 Stat. 1050, as amended; (21 U.S.C. 352)

Subpart B—Labeling

§ 329.10 Labeling requirements for habit-forming drugs.

(a) (1) The name of a substance or derivative required to be borne on the label of a drug by section 502(d) of the act shall be the common or usual name of such substance or derivative, unless it is designated solely by a name recognized in an official compendium and such designation complies with the provisions of section 502(c).

(2) A statement on the label of a drug of the name of a constituent, which constituent is a chemical derivative of a substance named in section 502(d) of the act, shall show the substance from which such constituent is derived and that such constituent is a derivative thereof.

(b) If the drug is in tablet, capsule, ampul, or other unit form, the statement of the quantity or proportion of such substance or derivative contained therein shall express the weight or measure of such substance or derivative in each such unit. If the drug is not in such unit form the statement shall express the weight or measure of such substance or derivative in a specified unit of weight or measure of the drug. Such statement shall be in terms which are informative to the ordinary consumer and user of the drug.

(c) The names and quantities or proportions of all such substances and derivatives, and the statement "Warning—May be habit forming", shall immediately follow (without intervening written, printed, or graphic matter) the name by which such drug is titled in the part or panel of the label thereof which is presented or displayed under customary conditions of purchase.

(d) A drug shall not be considered to be misbranded by reason of failure of its label to bear the statement "Warning—May be habit forming":

(1) If such drug is not suitable for internal use, and is distributed and sold exclusively for such external use as involves no possibility of habit formation; or

(2) If the only substance or derivative subject to section 502(d) of the act contained in such drug is chlorobutanol, which is present solely as a preservative and in a quantity not more than 0.5 percent by weight, and such drug is for parenteral use only; or

(3) If the only substance or derivative subject to section 502(d) of the act contained in such drug is chlorobutanol which is present as an analgesic or as an analgesic and a preservative in a quantity not more than 3.0 percent, and such drug contains one or more other active ingredients and is for parenteral use only.

Cross Reference: For the Spanish-language version of the required labeling statement, see § 1.106 of this chapter.

Subpart C—Exemptions

§ 329.20 Exemption of certain habit-forming drugs from prescription requirements.

The prescription-dispensing requirements of section 503(b)(1)(A) of the act are not necessary for the protection of the public health with respect to the following drugs subject to section 502(d):

(a) The following exempt narcotic preparations:

(1) Pharmaceutical preparations containing not more than 100 milligrams of opium per 100 milliliters or per 100 grams.

(2) Pharmaceutical preparations containing not more than 16.2 milligrams (¼ grain) morphine, or any of its salts, per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

(3) Pharmaceutical preparations containing not more than 64.8 milligrams (1 grain) codeine, or any of its salts, per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

(4) Pharmaceutical preparations containing not more than 32.4 milligrams (½ grain) dihydrocodeine, or any of its salts, per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

(5) Pharmaceutical preparations containing not more than 16.2 milligrams (¼ grain) ethylmorphine, or any of its salts, per 29.5729 cubic centimeters (1 fluid ounce) or per 28.3 grams (1 avoirdupois ounce);

Provided, That the preparations described in this paragraph contain one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the preparation valuable medicinal qualities other than those possessed by the narcotic drug alone.

(b) Drugs containing chlorobutanol, intended for external use only.

(c) Epinephrine solution, 1 percent, preserved with chlorobutanol and intended for use solely as a spray.

(d) Combination drugs listed in § 166.8 (a) of this chapter as exempted from section 511 of the act.

PART 330—OVER-THE-COUNTER (OTC) HUMAN DRUGS WHICH ARE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

Subpart A—General Provisions

Sec.
330.1 General conditions for general recognition as safe, effective and not misbranded.
330.5 Drug categories.

Subpart B—Administrative Procedures

330.10 Procedures for classifying OTC drugs as generally recognized as safe and effective and not misbranded, and for establishing monographs.
330.11 NDA deviations from applicable monograph.
330.12 Status of over-the-counter (OTC) drugs previously reviewed under the Drug Efficacy Study (DESI).

Authority: Secs. 502, 503, 505, 601, 52 Stat. 1051, 1052, 1053, 1055, as amended (21 U.S.C. 35, 353, 355, 371) (5 U.S.C. 554), unless otherwise noted.

Subpart A—General Provisions

§ 330.1 General conditions for general recognition as safe, effective and not misbranded.

An over-the-counter (OTC) drug listed in this subchapter is generally recognized as safe and effective and is not misbranded if it meets each of the conditions contained in this part and each of the conditions contained in any applicable monograph. Any product which fails to conform to each of the conditions contained in this part and in an applicable monograph is liable to regulatory action.

(a) The product is manufactured in compliance with current good manufacturing practices, as established by Part 133 of this chapter.

(b) The establishment(s) in which the drug product is manufactured is registered, and the drug product is listed, in compliance with Part 132 of this chapter. It is requested but not required that the number assigned to the product pursuant to Part 132 of this chapter appear on all drug labels and in all drug labeling. If this number is used, it shall be placed in the manner set forth in Part 132 of this chapter.

(c) The product is labeled in compliance with Chapter V of the act and § 1.100 et seq. of this chapter. For purposes of § 1.102a(b) of this chapter, the statement of identity of the product shall be the term or phrase used in the applicable monograph established in this part.

(d) The advertising for the product prescribes, recommends, or suggests its use only under the conditions stated in the labeling.

(e) The product contains only suitable inactive ingredients which are safe in the amounts administered and do not interfere with the effectiveness of the preparation or with suitable tests or assays to determine if the product meets its professed standards of identity, strength, quality, and purity. Color additives may be used only in accordance with section 706 of the act and Parts 8 and 9 of this chapter.

(f) The product container and container components meet the requirements of § 133.9 of this chapter.

(g) The labeling contains the general warning: "Keep this and all drugs out of the reach of children. In case of accidental overdose, contact a physician immediately." The Food and Drug Administration will grant an exemption from this general warning where appropriate upon petition.

(h) Where no maximum daily dosage limit for an active ingredient is established in this part, it is used in a product at a level that does not exceed the amount reasonably required to achieve its intended effect.

(i) The labeling for any drug for which an applicable monograph requires a drug interaction warning contains the following warning: "Warning: Do not take this product concurrently with a prescription drug except on the advice of a physician."

(j) It is recommended that the labeling of the product contain the quantitative amount of each active ingredient, expressed in terms of the dosage unit stated in the directions for use (e.g., tablet, teaspoonful).

§ 330.5 Drug categories.

Monographs promulgated pursuant to the provisions of this part shall be es-

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tablished in this Part 330 and following parts and shall cover the following designated categories:

(a) Antacids.
(b) Laxatives.
(c) Antidiarrheal products.
(d) Emetics.
(e) Antiemetics.
(f) Antiperspirants.
(g) Sunburn prevention and treatment products.
(h) Vitamin-mineral products.
(i) Antimicrobial products.
(j) Dandruff products.
(k) Oral hygiene aids.
(l) Hemorrhoidal products.
(m) Hematinics.
(n) Bronchodilator and antiasthmatic products.
(o) Analgesics.
(p) Sedatives and sleep aids.
(q) Stimulants.
(r) Antitussives.
(s) Allergy treatment products.
(t) Cold remedies.
(u) Antirheumatic products.
(v) Ophthalmic products.
(w) Contraceptive products.
(x) Miscellaneous dermatologic products.
(y) Dentifrices and dental products such as analgesics, antiseptics, etc.
(z) Miscellaneous (all other OTC drugs not falling within one of the above therapeutic categories).

Subpart B—Administrative Procedures

§ 330.10 Procedures for classifying OTC drugs as generally recognized as safe and effective and not misbranded, and for establishing monographs.

For purposes of classifying over-the-counter (OTC) drugs as drugs generally recognized among qualified experts as safe and effective for use and as not misbranded drugs, the following regulations shall apply:

(a) *Procedure for establishing OTC drug monographs*—(1) *Advisory review panels.* The Commissioner shall appoint advisory review panels of qualified experts to evaluate the safety and effectiveness of OTC drugs, to review OTC drug labeling, and to advise him on the promulgation of monographs establishing conditions under which OTC drugs are generally recognized as safe and effective and not misbranded. A single advisory review panel shall be established for each designated category of OTC drugs and every OTC drug category will be considered by a panel. The members of a panel shall be qualified experts (appointed by the Commissioner) and may include persons from lists submitted by organizations representing professional, consumer, and industry interests. The Commissioner shall designate the chairman of each panel. Summary minutes of all meetings shall be made.

(2) *Request for data and views.* The Commissioner will publish a notice in the FEDERAL REGISTER requesting interested persons to submit, for review and evaluation by an advisory review panel, published and unpublished data and information pertinent to a designated category of OTC drugs. Data and information submitted pursuant to a published notice, and falling within the confidentiality provisions of 18 U.S.C. 1905, 5 U.S.C. 552(b), or 21 U.S.C. 331(j), shall be handled by the advisory review panel and the Food and Drug Administration as confidential until publication of a proposed monograph and the full report(s) of the panel. Thirty days thereafter such data and information shall be made publicly available and may be viewed at the office of the Hearing Clerk of the Food and Drug Administration, except to the extent that the person submitting it demonstrates that it still falls within the confidentiality provisions of one or more of those statutes. To be considered, eight copies of the data and/or views on any marketed drug within the class must be submitted, preferably bound, indexed, and on standard sized paper (approximately 8½ x 11 inches). When requested, abbreviated submissions should be sent. All submissions must be in the following format:

OTC DRUG REVIEW INFORMATION

I. Label(s) and all labeling (preferably mounted and filed with the other data—facsimile labeling is acceptable in lieu of actual container labeling).

II. A statement setting forth the quantities of active ingredients of the drug.

III. Animal safety data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
5. Pertinent medical and scientific literature.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
5. Pertinent medical and scientific literature.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.
5. Pertinent medical and scientific literature.

IV. Human safety data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of each individual active component.
5. Pertinent medical and scientific literature.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of combinations of the individual active components.
5. Pertinent medical and scientific literature.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination as to the safety of the finished drug product.
5. Pertinent medical and scientific literature.

V. Efficacy data.
A. Individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination on the efficacy of each individual active component.
5. Pertinent medical and scientific literature.
B. Combinations of the individual active components.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination on the efficacy of combinations of the individual active components.
5. Pertinent medical and scientific literature.
C. Finished drug product.
1. Controlled studies.
2. Partially controlled or uncontrolled studies.
3. Documented case reports.
4. Pertinent marketing experiences that may influence a determination on the efficacy of the finished drug product.
5. Pertinent medical and scientific literature.

VI. A summary of the data and views setting forth the medical rationale and purpose (or lack thereof) for the drug and its ingredients and the scientific basis (or lack thereof) for the conclusion that the drug and its ingredients have been proven safe and effective for the intended use. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary must be included.

(3) *Deliberations of an advisory review panel.* An advisory review panel will meet as often and for as long as is appropriate to review the data submitted to it and to prepare a report containing its conclusions and recommendations to the Commissioner with respect to the safety and effectiveness of the drugs in a designated category of OTC drugs. A panel may consult any individual or group. Any interested person may request an opportunity to present oral views to the panel; such request may be granted or denied by the panel. Such requests for oral presentations should be in written form including a summarization of the data to be presented to the panel. Any interested person may present written data and views which shall be considered by the panel. This information shall be presented to the panel in the format set forth in paragraph (a)(2) of this section and within the time period established for the drug category in the notice for review by a panel.

(4) *Standards for safety, effectiveness, and labeling.* The advisory review panel, in reviewing the data submitted to it and preparing its conclusions and recommendations, and the Commissioner, in reviewing the conclusions and recommendations of the panel and the published proposed, tentative, and final monographs, shall apply the following standards to determine general recognition that a category of OTC drugs is safe and effective and not misbranded:

(i) Safety means a low incidence of adverse reactions or significant side effects under adequate directions for use and warnings against unsafe use as well as low potential for harm which may result from abuse under conditions of

widespread availability. Proof of safety shall consist of adequate tests by methods reasonably applicable to show the drug is safe under the prescribed, recommended, or suggested conditions of use. This proof shall include results of significant human experience during marketing. General recognition of safety shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data.

(ii) Effectiveness means a reasonable expectation that, in a significant proportion of the target population, the pharmacological effect of the drug, when used under adequate directions for use and warnings against unsafe use, will provide clinically significant relief of the type claimed. Proof of effectiveness shall consist of controlled clinical investigations as defined in § 314.111(a)(5)(ii) of this chapter, unless this requirement is waived on the basis of a showing that it is not reasonably applicable to the drug or essential to the validity of the investigation and that an alternative method of investigation is adequate to substantiate effectiveness. Investigations may be corroborated by partially controlled or uncontrolled studies, documented clinical studies by qualified experts, and reports of significant human experience during marketing. Isolated case reports, random experience, and reports lacking the details which permit scientific evaluation will not be considered. General recognition of effectiveness shall ordinarily be based upon published studies which may be corroborated by unpublished studies and other data.

(iii) The benefit-to-risk ratio of a drug shall be considered in determining safety and effectiveness.

(iv) An OTC drug may combine two or more safe and effective active ingredients and may be generally recognized as safe and effective when each active ingredient makes a contribution to the claimed effect(s); when combining of the active ingredients does not decrease the safety or effectiveness of any of the individual active ingredients; and when the combination, when used under adequate directions for use and warnings against unsafe use, provides rational concurrent therapy for a significant proportion of the target population.

(v) Labeling shall be clear and truthful in all respects and may not be false or misleading in any particular. It shall state the intended uses and results of the product; adequate directions for proper use; and warnings against unsafe use, side effects, and adverse reactions in such terms as to render them likely to be read and understood by the ordinary individual, including individuals of low comprehension, under customary conditions of purchase and use.

(vi) A drug shall be permitted for OTC sale and use by the laity unless, because of its toxicity or other potential for harmful effect or because of the method or collateral measures necessary to its use, it may safely be sold and used only under the supervision of a practitioner licensed by law to administer such drugs.

(5) *Advisory review panel report to the Commissioner.* An advisory review panel shall submit to the Commissioner a report containing its conclusions and recommendations with respect to the conditions under which OTC drugs falling within the category covered by the panel are generally recognized as safe and effective and not misbranded. Included within this report shall be:

(i) A recommended monograph or monographs covering the category of OTC drugs and establishing conditions under which the drugs involved are generally recognized as safe and effective and not misbranded. This monograph may include any conditions relating to active ingredients, labeling indications, warnings and adequate directions for use, prescription or OTC status, and any other conditions necessary and appropriate for the safety and effectiveness of drugs covered by the monograph.

(ii) A statement of all active ingredients, labeling claims or other statements, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that they would result in the drug's not being generally recognized as safe and effective or would result in misbranding.

(iii) A statement of all active ingredients, labeling claims or other statements, or other conditions reviewed and excluded from the monograph on the basis of the panel's determination that the available data are insufficient to classify such condition under either paragraph (a)(5)(i) or (ii) of this section and for which further testing is therefore required. The report may recommend the type of further testing required and the time period within which it might reasonably be concluded.

(6) *Proposed monograph.* After reviewing the conclusions and recommendations of the advisory review panel, the Commissioner shall publish in the FEDERAL REGISTER a proposed order containing:

(i) A monograph or monographs establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded.

(ii) A statement of the conditions excluded from the monograph on the basis of the Commissioner's determination that they would result in the drug's not being generally recognized as safe and effective or would result in misbranding.

(iii) A statement of the conditions excluded from the monograph on the basis of the Commissioner's determination that the available data are insufficient to classify such conditions under either paragraph (a)(6)(i) or (ii) of this section.

(iv) The full report(s) of the panel to the Commissioner.

The proposed order shall specify a reasonable period of time within which conditions falling within paragraph (a)(6)(iii) of this section may be continued in marketed products while the data necessary to support them are being obtained for evaluation by the Food and Drug Administration. The summary minutes of the panel meetings shall be made available to interested persons upon request. Any interested person may, within 60 days after publication of the proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Food and Drug Administration written comments in quintuplicate. Comments may be accompanied by a memorandum or brief in support thereof. All comments may be reviewed at the office of the Hearing Clerk during regular working hours, Monday through Friday. Within 30 days after the final day for submission of comments, reply comments may be filed with the Hearing Clerk; these comments shall be utilized to reply to comments made by other interested persons and not to reiterate a position. The Commissioner may satisfy this requirement by publishing in the FEDERAL REGISTER a proposed order summarizing the full report of the advisory review panel, containing its conclusions and recommendations, to obtain full public comment before undertaking his own evaluation and decision on the matters involved.

(7) *Tentative final monograph.* After reviewing all comments and reply comments, the Commissioner shall publish in the FEDERAL REGISTER a tentative order containing a monograph establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded. Within 30 days, any interested party may file with the Hearing Clerk of the Food and Drug Administration written objections specifying with particularity the omissions or additions requested. These objections are to be supported by a brief statement of the grounds therefor. A request for an oral hearing may accompany such objections.

(8) *Oral hearing before the Commissioner.* After reviewing objections filed in response to the tentative final monograph, the Commissioner, if he finds reasonable grounds in support thereof, shall by notice in the FEDERAL REGISTER schedule an oral hearing. The notice scheduling an oral hearing shall specify the length of the hearing and how the time shall be divided among the parties requesting the hearing. The hearing shall be conducted by the Commissioner and may not be delegated.

(9) *Final monograph.* After reviewing the objections and considering the arguments made at any oral hearing, the Commissioner shall publish in the FEDERAL REGISTER a final order containing a monograph establishing conditions under which a category of OTC drugs is generally recognized as safe and effective and not misbranded. The monograph shall become effective as specified in the order.

(10) *Court appeal.* The monograph contained in the final order constitutes final agency action from which appeal lies to the courts. The Food and Drug Administration will request consolidation of all appeals in a single court. Upon court appeal, the Commissioner may, at

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his discretion, stay the effective date for part or all of the monograph pending appeal and final court adjudication.

(11) *Amendment of monographs.* The Commissioner may propose on his own initiative to amend or repeal any monograph established pursuant to this section. Any interested person may petition the Commissioner for such proposal. A petition shall set forth the action requested and a detailed statement of the grounds in support of such action. After review of a petition, the Commissioner may deny the petition if he finds a lack of safety or effectiveness employing the standards in paragraph (a)(4) of this section (in which case the appeal provisions of paragraph (a)(10) of this section shall apply) or he may publish a proposed amendment or repeal in the FEDERAL REGISTER if he finds general recognition of safety and effectiveness employing the standards in paragraph (a)(4) of this section (in which case the provisions of paragraph (a) (6), (7), (8), and (9) of this section shall apply). A new-drug application may be submitted in lieu of or in addition to a petition under this paragraph.

(b) *Regulatory action.* Any product which fails to conform to an applicable monograph after its effective date is liable to regulatory action.

EFFECTIVE DATE: The final sentence of § 330.10(a)(6)(iv) becomes effective April 12, 1974. See 39 FR 9659, March 13, 1974.

§ 330.11 NDA deviations from applicable monographs.

A new-drug application requesting approval of an OTC drug deviating in any respect from a monograph that has become final shall be in the form required by § 314.1(a)(2) of this chapter, but shall include a statement that the product meets all conditions of the applicable monograph except for the deviation for which approval is requested and may omit all information except that pertinent to the deviation.

§ 330.12 Status of over-the-counter (OTC) drugs previously reviewed under the Drug Efficacy Study (DESI).

(a) There were 420 OTC drugs reviewed in the Drug Efficacy Study (a review of drugs introduced to the market through new drug procedures between 1938 and 1962). A careful review has been made of the reports on these drugs to determine those drugs for which implementation may be deferred without significant risk to the public health, pending review by appropriate OTC drug advisory review panels and promulgation of a monograph.

(b) On and after April 20, 1972, a number of notices were published in the FEDERAL REGISTER concerning previously unpublished OTC drugs reviewed by the National Academy of Sciences-National Research Council Drug Efficacy Study Group. Only the evaluations and comments of the panels were published, with no conclusions of the Commissioner of Food and Drugs. Those publications were for the purpose of giving interested persons the benefit of the Academy's opinions. For those products, and also for OTC drug products previously published with the Commissioner's conclusions (except for the products listed in paragraph (b)(1) and (2) of this section, all requests for data, revised labeling, requests for new drug applications, abbreviated new drug applications, updating supplements, data to support less than effective claims, if any, etc., are deferred, and such OTC drug products are instead subject to the OTC drug review in their appropriate classes pursuant to the procedures established in this subpart.

(1) The requirements of the following DESI announcements are not deferred (the reference document may also pertain to prescription drugs):

(i) Certain Surgical Sutures (DESI 4725), published in the FEDERAL REGISTER of November 11, 1971 (36 FR 21612).

(ii) Absorbable Dusting Powder (DESI 6264), published in the FEDERAL REGISTER of May 25, 1971 (36 FR 9475).

(iii) Certain Insulin Preparations (DESI 4286), published in the FEDERAL REGISTER of April 9, 1971 (36 FR 6842).

(iv) Sulfo-Van Ointment (DESI 2230), published in the FEDERAL REGISTER of October 8, 1970 (35 FR 15860).

(v) Antiperspirants and Deodorants Containing Neomycin Sulfate (DESI 11048) for which an order revoking provisions for certification or release was published in the FEDERAL REGISTER of December 5, 1972 (37 FR 25820) and has been stayed by the filing of objections.

(vi) Thorexin Cough Medicine (DESI 11160) for which a notice of opportunity for hearing was published in the FEDERAL REGISTER of February 2, 1973 (38 FR 3210).

(vii) Antibiotic susceptibility discs (DESI 90235) for which an order providing for certain discs to be certified and removing provisions for certification of other discs was published in the FEDERAL REGISTER of September 30, 1972 (37 FR 20525) and has been stayed by the filing of objections notice of which was published in the FEDERAL REGISTER of March 15, 1973 (38 FR 7007).

(2) Deferral of requirements is not appropriate when an announcement has been published and has been followed by a final order classifying a drug either as lacking substantial evidence of effectiveness or as not shown to be safe. These products will be removed from the market, if they have not already been removed. Regulatory action will also be undertaken against identical, similar and related products (21 CFR 310.6). Deferral of requirements is not appropriate for the following (the referenced document may also pertain to prescription drugs):

(i) Certain Sulfonamide-Decongestant Nasal Preparation (DESI 4850), for which notice of withdrawal of approval of new drug applications was published in the FEDERAL REGISTER of October 24, 1970 (35 FR 16605, 16606).

(ii) Eskay's Theranates, containing strychnine, sodium, and calcium glycerophosphates, thiamine hydrochloride, alcohol, and phosphoric acid (DESI 2220), for which notice of withdrawal of approval of the new drug application was published in the FEDERAL REGISTER of February 18, 1971 (36 FR 3152).

(iii) The following topical drugs (DESI 1726), for which notice of withdrawal of new drug applications was published in the FEDERAL REGISTER of August 28, 1971 (36 FR 17368):

(*a*) Rhulitol Solution, containing tannic acid, chlorobutanol, phenol, camphor, alum, and isopropyl alcohol.

(*b*) Zirnox Topical Lotion, containing phenyltoloxamine citrate and zirconium oxide.

(iv) Menacyl Tablets, containing aspirin, menadione, and ascorbic acid (DESI 6363), for which notice of withdrawal of approval of the new drug application was published in the FEDERAL REGISTER of July 23, 1970 (35 FR 11827).

(v) Curad Medicated Adhesive Bandage containing sulfathiazole (DESI 4964), for which notice of withdrawal of approval of the new drug application was published in the FEDERAL REGISTER of December 31, 1969 (34 FR 20441).

(vi) Drugs Containing Rutin, Quercetin, Hesperidin, or any Bioflavonoids (DESI 5960), for which notice of withdrawal of approval of new drug applications was published in the FEDERAL REGISTER of July 3, 1970 (35 FR 10872, 10873) and October 17, 1970 (35 FR 16332). A further notice of opportunity for hearing with respect to the drugs covered by the October 17, 1970 FEDERAL REGISTER notice will be published at a later date.

(vii) Antibiotics in Combination with Other Drugs for Nasal Use (DESI 7561), for which an order revoking provision for certification was published in the FEDERAL REGISTER of August 6, 1971 (36 FR 14469) and confirmed in the FEDERAL REGISTER of October 28, 1971 (36 FR 20686).

(viii) Antibiotic Troches (DESI 8328), for which an order revoking provision for certification was published in the FEDERAL REGISTER of July 14, 1971 (36 FR 13089) and confirmed in the FEDERAL REGISTER of October 9, 1971 (36 FR 19695).

(ix) Certain Drugs Containing Oxyphenisatin or Oxyphenisatin Acetate (DESI 10732), for which notices of withdrawal of approval of new drug applications were published in the FEDERAL REGISTER of February 1, 1972 (37 FR 2460), and March 9, 1973 (38 FR 6419).

(x) Curad Medicated Adhesive Bandage containing tyrothricin-nitrofurazone (DESI 6898), for which an order revoking provision for certification was published March 14, 1972 (37 FR 5294), and confirmed in the FEDERAL REGISTER of July 6, 1972 (37 FR 13254).

(xi) Candette Cough Gel (DESI 11562), for which notice of withdrawal of approval of the new drug application was published in the FEDERAL REGISTER of November 19, 1972 (37 FR 25249).

(xii) Certain OTC Multiple-Vitamin Preparations for Oral Use containing excessive amounts of vitamin D and/or vitamin A (DESI 97), for which notice of withdrawal of approval of the new drug applications was published in the FEDERAL REGISTER of November 29, 1972 (37 FR 25249).

(xiii) Certain Sulfonamide-Containing Preparations for Topical Ophthalmic or Otic Use (DESI 3684), for which a notice of withdrawal of approval was published in the FEDERAL REGISTER of February 2, 1973 (38 FR 3208).

(xiv) Those parts of the publication entitled "Certain Mouthwash and Gargle Preparations" (DESI 2855) pertaining to Tyrolaris Mouthwash, containing tyrothricin, panthenol, and alcohol, for which an order revoking provision for certification was published in the FEDERAL REGISTER of February 2, 1967 (32 FR 1172) prior to the drug efficacy study implementation.

(c) **Manufacturers and distributors should take notice that the information on OTC drugs provided by the Drug Efficacy Study review is valuable information** as to the deficiencies in the data available to support indications for use. They are encouraged to perform studies to obtain adequate evidence of effectiveness for the review of OTC drugs which is already in progress. **In the interim it is in the public interest that manufacturers and distributors of all OTC drugs effect changes in** their formulations and/or labeling to bring the products into conformity with current medical knowledge and experience.

(d) Manufacturers and distributors of OTC drugs may be reluctant to make appropriate formulation and/or labeling changes for fear of losing the protection of the so-called "grandfather" provisions of the 1938 Federal Food, Drug, and Cosmetic Act (sec. 201(p)(1)) and the 1962 amendments to the act (sec. 107(c) of those amendments). To encourage and facilitate prompt changes, the Food and Drug Administration will not take legal action against any OTC drug, other than those not deferred, based on a charge that the product is a new drug and not grandfathered under the act as a result of the changes if the changes in formulation and/or labeling are of the following kind:

(1) The addition to the labeling of warning, contraindications, side effects, and/or precaution information.

(2) The deletion from the labeling of false, misleading, or unsupported indications for use or claims of effectiveness.

(3) Changes in the components or composition of the drug that will give increased assurance that the drug will have its intended effect, yet not raise or contribute any added safety questions.

(4) Changes in the components or composition of the drug which may reasonably be concluded to improve the safety of the drug, without diminishing its effectiveness.

(e) The forbearance from legal action for lack of grandfather protection is an interim procedure designed to encourage appropriate change in formulation and/or labeling during the time period required to review the various classes of OTC drugs. At such time as an applicable OTC drug monograph becomes effective, the interim procedure will automatically be terminated and any appropriate regulatory action will be initiated.

PART 369—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Subpart A—Definitions and Interpretations

Sec.
369.1 Purpose of issuance.
369.2 Definitions.
369.3 Warnings required on drugs exempted from prescription-dispensing requirements of section 503(b)(1)(C).
369.4 Warnings suggested for drugs by formal or informal statements of policy.
369.5 Warnings required on insulin intended for over-the-counter sale.
369.6 Warnings required on certifiable antibiotics exempted from prescription-dispensing requirements.
369.7 Warnings required by official compendia.
369.8 Warning statements in relation to conditions for use.
369.9 General warnings re accidental ingestion by children.
369.10 Conspicuousness of warning statements.

Subpart B—Warning and Caution Statements for Drugs
369.20 Drugs; recommended warning and caution statements.
369.21 Drugs; warning and caution statements required by regulations.
369.22 Drugs; warning and caution statements specifically required by law.

Subpart C—Warning and Caution Statements for Devices
369.30 Devices; recommended warning and caution statements.

AUTHORITY: Secs. 502, 503, 506, 507, 701, 52 Stat. 1050, as amended, 1062, as amended, 53 Stat. 854, 55 Stat. 851, 59 Stat. 463, as amended, 52 Stat. 1055, as amended (21 U.S.C. 352, 353, 356, 357, 371).

Subpart A—Definitions and Interpretations

§ 369.1 Purpose of issuance.

The warning and caution statements suggested in Subparts B and C of this part, for inclusion in the label or labeling of drugs and devices subject to section 502 (d) and (f)(2) and other relevant provisions of the Federal Food, Drug, and Cosmetic Act are issued for the purpose of assisting industry in preparing proper labeling for these articles for over-the-counter sale and in meeting the legal requirements of the act that the label or labeling of drugs and devices bear adequate warnings, in such manner and form as are necessary for the protection of users. Only section 502(d) of the act requires use of the specific language included in these suggested warning and caution statements. These suggested warning or caution statements are illustrative of those that may be necessary or desirable. It is the responsibility of the manufacturer, packer, shipper, or distributor in interstate commerce to see that such statements are adequate for compliance with the provisions of the law. Omission of any article from this suggested list does not relieve drugs and devices subject to provisions of the act from bearing adequate warning or caution statements where such statements are necessary or desirable for the protection of the user.

§ 369.2 Definitions.

(a) As used in this part, the term "act" means the Federal Food, Drug, and Cosmetic Act.

(b) The terms "drugs" and "devices" are defined in section 201 (g) and (k) of the act.

(c) Official compendia are defined in section 201(j) of the act.

§ 369.3 Warnings required on drugs exempted from prescription-dispensing requirements of section 503(b)(1)(C).

Drugs exempted from prescription-dispensing requirements under section 503(b)(1)(C) of the act are subject to the labeling requirements prescribed in § 310.201(a) of this chapter. Although, for convenience, warning and caution statements for a number of the drugs named in § 310.201 of this chapter (cross-referenced in the text of this part) are included in Subpart B of this part, the inclusion of such drugs in §§ 369.20, 369.21, 369.22 in no way affects the requirements for compliance with § 310.201 (a) of this chapter, or the provisions of an effective application pursuant to section 505(b) of the act.

§ 369.4 Warnings suggested for drugs by formal or informal statements of policy.

The warning and caution statements included in Subpart B of this part in no way affect any warning statement suggested for such drugs or devices by any statement of policy or interpretation in Part 3 of this chapter.

§ 369.5 Warnings required on insulin intended for over-the-counter sale.

Warning and caution statements for insulin products sold over the counter must comply with the specific labeling provisions of the act and § 429.11 of this chapter.

§ 369.6 Warnings required on certifiable antibiotics exempted from prescription-dispensing requirements.

Certain certifiable antibiotic drugs are exempted from prescription-dispensing requirements under section 507 of the act, but are subject to the specific labeling requirements, including warning or caution statements, of the applicable section of the antibiotic regulations.

§ 369.7 Warnings required by official compendia.

Any drug included in the official compendia defined by the act shall bear such warning or caution statement as may be required by such compendia, and no statement in Subpart B or Subpart C of this part is intended to alter, modify, or permit the omission of any such statement required by such compendia.

§ 369.8 Warning statements in relation to conditions for use.

The mention in any warning or caution statement included in Subparts A, B, and C of this part, of a disease condition does not imply a finding on the part of the Food and Drug Administration that any drug or device is efficacious in such condition; nor is any drug or device

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bearing labeling referring to such disease condition precluded from regulatory action under the applicable provisions of the act if such claim is considered to be misbranding.

§ 369.9 General warnings re accidental ingestion by children.

Section 369.20 includes under certain items, but not all medicines, the statement: "Warning—Keep this and all medicines out of children's reach. In case of accidental overdose, contact a physician immediately", or "Warning—Keep out of the reach of children". However, in view of the possibility of accidental ingestion of drugs, it is not only suggested but is recommended that one of these statements be used on the label of all drug products.

§ 369.10 Conspicuousness of warning statements.

Necessary warning statements should appear in the labeling prominently and conspicuously as compared to other words, statements, designs, and devices, and in bold type on clearly contrasting background, in order to comply with the provisions of section 502 (c) and (f)(2) of the act. The warning statements should be placed in the labeling in juxtaposition with the directions for use and, in any case, should appear on the label when there is sufficient label space in addition to mandatory label information.

Subpart B—Warning and Caution Statements for Drugs

§ 369.20 Drugs; recommended warning and caution statements.

ACETANILID.

Warning—Do not exceed recommended dosage. Overdosage or continued use may result in serious blood disturbances.

ACETOPHENETIDIN - CONTAINING PREPARATIONS. (See § 3.37 of this chapter.)

Warning—This medication may damage the kidneys when used in large amounts or for a long period of time. Do not take more than the recommended dosage, nor take regularly for longer than 10 days without consulting your physician.

ANESTHETICS FOR EXTERNAL USE (LOCAL ANESTHETICS). (See also § 310.201(a) (19) and (23) of this chapter.)

Caution—Do not use in the eyes. Not for prolonged use. If the condition for which this preparation is used persists or if a rash or irritation develops, discontinue use and consult physician.

ANTIBIOTICS FOR EXTERNAL USE FOR PREVENTION OF INFECTION. (See also §§ 310.201(a)(5), 146c.202, 146e.402, 146e.407, 146e.409, 146e.411, 146e.422 of this chapter.)

Caution—In case of deep or puncture wounds or serious burns consult physician. If redness, irritation, swelling, or pain persists or increases or if infection occurs, discontinue use and consult physician. Do not use in the eyes.

ANTIHISTAMINICS FOR EXTERNAL USE (EXCEPT PREPARATIONS FOR OPHTHALMIC USE).

Caution—Do not use in the eyes. If the condition for which this preparation is used persists or if a rash or irritation develops, discontinue use and consult physician.

ANTIHISTAMINICS, ORAL. (See also §§ 3.29 and 310.201(a) (4), (6), (13), (24), and (25) of this chapter.)

Caution—This preparation may cause drowsiness. Do not drive or operate machinery while taking this medication. Do not give to children under 6 years of age or exceed the recommended dosage unless directed by physician.

The reference to drowsiness is not required on preparations for the promotion or sleep or on preparations that are shown not to produce drowsiness.

Cyclizine - containing preparations should include the following:

Warning—Not for use by women who are pregnant or who may possibly become pregnant, unless directed by a physician, since this drug may have the potentiality of injuring the unborn child.

ANTIPERSPIRANTS.

Do not apply to broken skin. If a rash develops, discontinue use.

ANTIPYRINE.

Warning—Do not exceed recommended dosage. If skin rash appears, discontinue use and consult physician.

ANTISEPTICS FOR EXTERNAL USE.

Caution—In case of deep or puncture wounds or serious burns, consult physician. If redness, irritation, swelling, or pain persists or increases or if infection occurs discontinue use and consult physician.

The reference to wounds and burns is not required on preparations intended solely for diaper rash.

ARSENIC PREPARATIONS.

Warning—Frequent or prolonged use may cause serious injury. Do not exceed recommended dosage. Keep out of the reach of children.

BELLADONNA PREPARATIONS AND PREPARATIONS OF ITS ALKALOIDS (ATROPINE, HYOSCYAMINE, AND SCOPOLAMINE (HYOSCINE); HYOSCYAMUS, STRAMONIUM, THEIR DERIVATIVES, AND RELATED DRUG PREPARATIONS.

Warning—Not to be used by persons having glaucoma or excessive pressure within the eye, by elderly persons (where undiagnosed glaucoma or excessive pressure within the eye occurs most frequently), or by children under 6 years of age, unless directed by a physician. Discontinue use if blurring of vision, rapid pulse, or dizziness occurs. Do not exceed recommended dosage. Not for frequent or prolonged use. If dryness of the mouth occurs, decrease dosage. If eye pain occurs, discontinue use and see your physician immediately as this may indicate undiagnosed glaucoma.

See also Rectal Preparations for additional warnings.

In the case of scopolamine or scopolamine aminoxide preparations indicated for insomnia, the portion of the above warning that reads "children under 6 years of age" should read instead "children under 12 years of age".

BORIC ACID (POWDERED, CRYSTALLINE, OR GRANULAR).

Warning—Do not use as a dusting powder, especially on infants, or take internally. Use only as a solution. Do not apply to badly broken or raw skin, or to large areas of the body.

BROMIDES.

Caution—Use only as directed. Do not give to children or use in the presence of kidney disease. If skin rash appears or if nervous symptoms persist, recur frequently, or are unusual, discontinue use and consult physician.

CARBOLIC ACID (PHENOL) PREPARATIONS (MORE THAN 0.5 PERCENT) FOR EXTERNAL USE.

Warning—Use according to directions. Do not apply to large areas of the body. If applied to fingers or toes, do not bandage.

CATHARTICS AND LAXATIVES—IRRITANTS AND OTHER PERISTALTIC STIMULANTS.

Warning—Do not use when abdominal pain, nausea, or vomiting are present. Frequent or prolonged use of this preparation may result in dependence on laxatives.

Mercury preparations should have added to the "frequent use" statement, the words "and serious mercury poisoning".

Phenolphthalein preparations should bear, in addition to the general warning, the following statement:

Caution—If skin rash appears, do not use this or any other preparation containing phenolphthalein.

See also Mineral Oil Laxatives.

CHLORATES: MOUTH WASH OR GARGLE.

Avoid swallowing.

COBALT PREPARATIONS (See also § 3.48 of this chapter.)

Warning—Do not exceed the recommended dosage. Do not administer to children under 12 years of age unless directed by physician. Do not use for more than 2 months unless directed by physician.

This warning is not required on articles containing not more than 0.5 milligram of cobalt as a cobalt salt per dosage unit and which recommend administration of not more than 0.5 milligram per dose and not more than 2 milligrams per 24-hour period.

"COUGH-DUE-TO-COLD" PREPARATIONS. (See also § 310.201(a) (14) and (20) of this chapter.)

Warning—Persons with a high fever or persistent cough should not use this preparation unless directed by physician.

COUNTERIRRITANTS AND RUBEFACIENTS.

Caution—Do not apply to irritated skin or if excessive irritation develops. Avoid getting into the eyes or on mucous membranes.

If offered for use in arthritis or rheumatism, in juxtaposition therewith, the statement:

Caution—If pain persists for more than 10 days, or redness is present, or in conditions affecting children under 12 years of age consult a physician immediately.

See also "Salicylates" in this section for additional warnings for preparations containing methyl salicylate.

CREOSOTE, CRESOLS, GUAIACOL AND SIMILAR SUBSTANCES IN PREPARATIONS FOR EXTERNAL USE.

Caution—Do not apply to large areas of the body.

CREOSOTE, CRESOLS, GUAIACOL, AND SIMILAR SUBSTANCES IN DOUCHE PREPARATIONS.

Warning—The use of solutions stronger than those recommended may result in severe local irritation, burns, or serious poisoning. Mix as directed before pouring into douche bag. Do not use more often than twice weekly unless directed by physician.

DENTURE RELINERS, PADS, AND CUSHIONS.

Warning—For temporary use only. Long-term use of this product may lead to faster bone loss, continuing irritation, sores, and tumors. For Use Only Until a Dentist Can Be Seen.

DENTURE REPAIR KITS.

Warning—For emergency repairs only. Long-term use of home-repaired dentures may cause faster bone loss, continuing irritation, sores, and tumors. This kit for emergency use only. See Dentist Without Delay.

DIARRHEA PREPARATIONS.

Warning—Do not use for more than 2 days or in the presence of high fever or in infants or children under 3 years of age unless directed by a physician.

DISPENSERS PRESSURIZED BY GASEOUS PROPELLANTS FOR DRUGS FOR EXTERNAL USE. (See also § 310.201(a) (11) and (18) of this chapter.)

Warning—Keep away from eyes or other mucous membranes. Avoid inhaling.

This warning is not necessary for preparations specifically designed for use on mucous membranes.

Where indicated, in order to prevent chilling the tissues, a caution should be included against holding the dispenser too close to the body.

Warning—Contents under pressure. Do not puncture. Do not use or store near heat or open flame. Exposure to temperatures above 130° Fahrenheit may cause bursting. Never throw container into fire or incinerator.

DOUCHE PREPARATIONS.

Warning—Do not use more often than twice weekly unless directed by physician.

See also Creosote • • • Douche for additional warning.

DRESSINGS, PROTECTIVE SPRAY-ON TYPE. (See also § 310.201(a) (11) and (18) of this chapter.)

Warning—In case of deep or puncture wounds or serious burns consult physician. If redness, irritation, swelling or pain persists or increases or if infection occurs consult physician. Keep away from eyes or other mucous membranes. Avoid inhaling.

See also Dispensers Pressurized by Gaseous Propellants • • • for additional warnings to be included for products under pressure.

EPHEDRINE PREPARATIONS (ORAL)

Warning—Do not exceed the recommended dosage. Reduce dosage if nervousness, restlessness, or sleeplessness occurs. Do not use if high blood pressure, heart disease, diabetes, or thyroid disease is present unless directed by physician.

EPINEPHRINE INHALATION 1:100 (NOT FOR INJECTION).

Warning—For inhalation only. Reduce dosage if bronchial irritation, nervousness, restlessness, or sleeplessness occurs. Do not use if high blood pressure, heart disease, diabetes, or thyroid disease is present unless directed by physician. If prompt relief is not obtained consult physician. Do not use epinephrine inhalation if it is brown in color or contains a precipitate.

GENTIAN VIOLET (METHYLROSANILINE CHLORIDE) TABLETS.

Caution—Do not bite or chew tablets before swallowing. If nausea develops, discontinue for 1 or 2 days; then resume treatment with reduced dosage, increasing dose gradually to former level. This preparation should not be used by persons with heart, kidney, or liver disease or intestinal disorders. Abstinence from alcohol during treatment is advisable.

HEXYLRESORCINOL ANTHELMINTICS.

Warning—Do not chew or break in the mouth.

IODINE AND IODIDES (ORAL).

Caution—If a skin rash appears, discontinue use and consult physician.

MERCURY PREPARATIONS FOR EXTERNAL USE.

Warning—Discontinue use if rash or irritation develops or if condition for which used persists. Frequent or prolonged use, or application to large areas may cause serious mercury poisoning.

MINERAL OIL LAXATIVES. (See also § 3.4 of this chapter.)

Caution—Take only at bedtime. Avoid prolonged use. Do not administer to infants or young children, in pregnancy, or to bedridden or aged patients unless directed by physician.

NASAL PREPARATIONS: OIL BASE.

Warning—Do not exceed recommended dosage nor use for prolonged period. Do not administer to infants or children unless directed by physician. Do not use as a spray.

NASAL PREPARATIONS IN PLASTIC SPRAY CONTAINERS.

Avoid overdosage. Follow directions for use carefully.

NASAL PREPARATIONS: VASOCONSTRICTORS (AMPHETAMINE, EPHEDRINE, EPINEUHRINE, METHAMPHETAMINE, AND OTHERS OF SIMILAR ACTIVITY). (See also § 310.201(a) (16) of this chapter.)

Caution—Do not exceed recommended dosage. Overdosage may cause nervousness, restlessness, or sleeplessness. Do not use for more than 3 or 4 consecutive days unless directed by physician.

NASAL PREPARATIONS: VASOCONSTRICTORS (PHENYLEPHRINE HYDROCHLORIDE, HYDROXYAMPHETAMINE, PHENYLPROPANOLAMINE, AND OTHERS OF SIMILAR ACTIVITY).

Caution—Do not exceed recommended dosage.

NUX VOMICA AND STRYCHNINE PREPARATIONS,

Warning—Do not exceed the recommended dosage. Keep out of the reach of children.

OPHTHALMIC PREPARATIONS. (See also § 3.28 of this chapter.)

Warning—If irritation persists or increases, discontinue use and consult physician. Keep container tightly closed.

Solutions should include the statement: Do not touch dropper tip (or other dispensing tip) to any surface, since this may contaminate solution.

Boric acid offered for use in the preparation of ophthalmic solutions should bear the statement: Prepare solution by boiling in water. Store in a sterile container. Prepare sufficient for one day's use and discard unused portion.

PHENACETIN-CONTAINING PREPARATION. (See acetophenetidin.)

PHENYLEPHRINE HYDROCHLORIDE PREPARATIONS, ORAL.

Caution—Individuals with high blood pressure, heart disease, diabetes, or thyroid disease should use only as directed by physician.

PHENYLPROPANOLAMINE HYDROCHLORIDE PREPARATIONS, ORAL.

Caution—Individuals with high blood pressure, heart disease, diabetes, or thyroid disease should use only as directed by physician.

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POTASSIUM PERMANGANATE AQUEOUS SOLUTIONS (CONTAINING NOT MORE THAN 0.04 PERCENT POTASSIUM PERMANGANATE). (See § 3.7 of this chapter.)

Warning—For external use on the skin only. Severe injury may result from use internally or as a douche. Avoid contact with mucous membranes.

QUININE AND OTHER CINCHONA DERIVATIVES (EXCEPT FOR USE IN MALARIA).

Caution—Discontinue use if ringing in the ears, deafness, skin rash, or visual disturbances occur.

RECTAL PREPARATIONS FOR EXTERNAL USE. (See also § 310.201(a) (3) of this chapter.)

Warning—In case of rectal bleeding, consult physician promptly.

See also Belladona Preparations • • • for additional warnings.

RESINS, OLEORESINS, AND VOLATILE OILS.

Caution—If nausea, vomiting, abdominal discomfort, diarrhea, or skin rash occurs, discontinue use and consult physician.

RESORCINOL (NOT THE MONOACETATE) HAIR PREPARATIONS.

Caution—Excessive use of this preparation may temporarily discolor blond, white, or red hair.

SALICYLATES, INCLUDING ASPIRIN AND SALICYLAMIDE (EXCEPT METHYL SALICYLATE, EFFERVESCENT SALICYLATE PREPARATIONS, AND PREPARATIONS OF AMINOSALICYLIC ACID AND ITS SALTS). (See also § 3.509 of this chapter.)

Warning—Keep this and all medicines out of children's reach. In case of accidental overdose, contact a physician immediately; or

Warning—Keep out of the reach of children.

If the article is an aspirin preparation, it should bear the first of the above two warning statements. In either case, the above information should appear on the label.

Caution—For children under 3 years of age, consult your physician; or

Caution—For younger children, consult your physician.

One of the two immediately preceding caution statements is required on the label of all aspirin tablets, but such a statement is not required on the labels of other salicylates clearly offered for administration to adults only.

If offered for use in arthritis or rheumatism, in juxtaposition therewith, the statement:

Caution — If pain persists for more than 10 days, or redness is present, or in conditions affecting children under 12 years of age, consult a physician immediately.

SALICYLATES: METHYL SALICYLATE (WINTERGREEN OIL). See also §§ 3.35 and 3.509 of this chapter.

Warning — Do not use otherwise than as directed. Keep out of the reach of children to avoid accidental poisoning.

If the preparation is a counterirritant or rubefacient the statement:

Caution—Discontinue use if excessive irritation of the skin develops. Avoid getting into the eyes or on mucous membranes.

If offered for use in arthritis or rheumatism, in juxtaposition therewith, the statement:

Caution — If pain persists for more than 10 days, or redness is present, or in conditions affecting children under 12 years of age consult a physician immediately.

SILVER.

Caution — Frequent or prolonged use of this preparation may result in permanent discoloration of skin and mucous membranes.

SODIUM PERBORATE MOUTH WASH AND GARGLE AND TOOTHPASTE.

Caution—Discontinue use if irritation or inflammation develops, or increases. Avoid swallowing.

SULFONAMIDE NOSE DROPS.

Caution — Do not use if a known allergy to sulfonamide drugs exists.

SULFUR PREPARATION FOR EXTERNAL USE.

Caution—If undue skin irritation develops or increases, discontinue use and consult physician.

THROAT PREPARATIONS FOR TEMPORARY RELIEF OF MINOR SORE THROAT: LOZENGES, TROCHES, WASHES, GARGLES, ETC. (See also § 3.510 of this chapter.)

Warning — Severe or persistent sore throat or sore throat accompanied by high fever, headache, nausea, and vomiting may be serious. Consult physician promptly. Do not use more than 2 days or administer to children under 3 years of age unless directed by physician.

TOOTHACHE PREPARATIONS.

For temporary use only until a dentist can be consulted.

ZINC STEARATE DUSTING POWDERS.

Warning — Keep out of the reach of infants and children; avoid inhaling.

§ 369.21 Drugs; warning and caution statements required by regulations.

ACETAMINOPHEN (N-ACETYL-p-AMINOPHENOL) (See § 310.201(a) (1) of this chapter.)

Warning—Do not give to children under 3 years of age or use for more than 10 days unless directed by a physician.

If offered for use in arthritis, or rheumatism, in juxtaposition therewith, the statement:

Caution — If pain persists for more than 10 days, or redness is present, or in conditions affecting children under 12 years of age, consult a physician immediately.

If offered for use in liquid form, also the statement "Not for injection".

CARBETAPENTANE CITRATE PREPARATIONS. (See Cough-Due-to-Cold Preparations.)

"COUGH-DUE-TO-COLD" PREPARATIONS (DEXTROMETHORPHAN HYDROBROMIDE AND CARBETAPENTANE CITRATE). (See § 310.201(a) (14) and (20) of this chapter.)

Warning—Keep out of the reach of children. Do not administer to children under 2 years of age unless directed by physician. Persistent cough may indicate the presence of a serious condition. Persons with a high fever or persistent cough should not use this preparation unless directed by physician.

DEXTROMETHORPHAN HYDROBROMIDE PREPARATIONS. (See Cough-Due-to-Cold Preparations.)

DIAMTHAZOLE DIHYDROCHLORIDE FOR EXTERNAL USE. (See § 310.201 (a) (7) of this chapter.)

Warning—Do not apply to children under 6 years of age because serious reactions may occur. Do not apply to children 6 to 12 years of age unless directed by physician. Do not use on mucous membranes. Discontinue use and consult physician if irritation develops or relief is not obtained. Keep out of the reach of children.

DICYCLOMINE HYDROCHLORIDE WITH AN ANTACID. (See § 310.201(a) (8) of this chapter.)

Warning—Do not exceed the recommended dosage. Do not administer to children under 12 years of age or use for a prolonged period unless directed by physician, since persistent or recurring symptoms may indicate a serious disease requiring medical attention.

DIPHEMANIL METHYLSULFATE FOR EXTERNAL USE. (See § 310.201(a) (22) of this chapter.)

Caution—If redness, irritation, swelling, or pain persists or increases, discontinue use and consult physician.

DYCLONINE HYDROCHLORIDE. (See § 310.201(a) (23) of this chapter.)

Caution—Do not use in the eyes. Not for prolonged use. Do not apply to large areas of the body. If redness, irritation, swelling, or pain persists or increases, discontinue use unless directed by physician. Do not use, but consult physician for deep or puncture wounds or serious burns. Do not use in case of rectal bleeding, as this may indicate serious disease.

HEXADENOL. (See § 310.201(a) (11) of this chapter.)

Caution—Do not use for treatment of serious burns or skin conditions or for conditions which persist for prolonged periods. In such cases, consult your physician. Do not spray in vicinity of eyes, mouth, nose, or ears. Do not store above 120° F.

INSULIN. (See § 429.11(c) of this chapter.)

Insulin (40, 80, or 100 U.S.P. units per milliliter):

Caution—Do not remove stopper. Not for intravenous nor intramuscular use. Do not use after expiration date shown on outside wrapper or container. Do not use if drug has become viscous or it its color has become other than water clear.

In addition to the above warnings, the following statements should be included in the labeling: "Keep in a cold place, avoid freezing. Failure to follow directions for use may lead to infection." Potamine zinc insulin, isophane insulin, lente insulin, semilente insulin, or ultralente insulin:

Caution—Do not remove stopper. Not for intravenous nor intramuscular use. Do not use after expiration date shown on outside wrapper or container. Do not substitute for any other insulin-containing drug unless directed by physician. Do not use when precipitate has become lumped or granular in appearance or has formed a deposit of solid particles on the wall of the container.

In addition to the above warnings for protamine zinc insulin • • •, the following statements should be included in the labeling of these preparations: "Keep in a cold place, avoid freezing"; "Shake carefully" or "Shake well before using" or "Shake well" or "Shake carefully to suspend all particles"; "Failure to follow directions for use may lead to infection".

Globin zinc insulin:

Caution—Do not remove stopper. Not for intravenous nor intramuscular use. Do not use after expiration date shown on outside wrapper or container. Do not use if any turbidity or precipitate has developed in the solution. Do not substitute for any other insulin-containing drug unless directed by physician.

In addition to the above warnings for globin zinc insulin, the following statements should be included in the labeling: "Keep in a cold place, avoid freezing. Failure to follow directions for use may lead to infection".

IPECAC SYRUP IN ONE-FLUID OUNCE CONTAINERS FOR EMERGENCY TREATMENT OF POISONING, TO INDUCE VOMITING. (See § 3.30 of this chapter.)

Ipecac syrup packaged for over-the-counter sale must bear statements to the following effect, in a prominent and conspicuous manner:

The following statement (boxed and in red letters):

"For emergency use to cause vomiting in poisoning. Before using, call physician, the Poison Control Center, or hospital emergency room immediately for advice."

The following warning: Warning—Keep out of reach of children. Do not use in unconscious persons. Ordinarily, this drug should not be used if strychnine, corrosives such as alkalies (lye) and strong acids, or petroleum distillates such as kerosene, gasoline, coal oil, fuel oil, paint thinner, or cleaning fluid have been ingested.

ISOAMYLHYRDOCUPREINE AND ZOLAMINE HYDROCHLORIDE RECTAL PREPARATIONS FOR EXTERNAL USE. (See § 310.201(a)(3) of this chapter.)

Warning—Do not use this preparation in case of rectal bleeding, as this may indicate serious disease.

NEOMYCIN SULFATE WITH A VASOCONSTRICTOR, IN NASAL PREPARATIONS (SPRAY OR DROPS). (See § 310.201(a) (9) of this chapter.)

Caution—Do not exceed recommended dosage. Do not administer to children under 3 years of age unless directed by physician.

OXYTETRACYCLINE AND POLYMYXIN B SULFATE. (See Antibiotic-Containing Drugs for External Use • • •)

PRAMOXINE HYDROCHLORIDE FOR EXTERNAL USE. (See § 310.201(a) (19) of this chapter.)

Caution—Do not use in the eyes or nose. Not for prolonged use. Do not apply to large areas of the body. If redness, irritation, swelling, or pain persists or increases, discontinue use unless directed by a physician.

SODIUM FLUORIDE DENTIFRICE POWDER. (See § 310.201(a) (10) of this chapter.)

Caution—Children under 6 years of age should not use this drug.

SODIUM GENTISATE. (See §§ 3.509, 310.201(a) (2) of this chapter.)

Warning—Do not give to children under 6 years of age or use for prolonged period unless directed by physician.

Warning—Keep this and all medications out of the reach of children; or

Warning— Keep out of the reach of children.

If offered for use in arthritis or rheumatism, in juxtaposition therewith, the statement:

Caution—If pain persists for more than 10 days, or redness is present, or in conditions affecting children under 12 years of age, consult a physician immediately.

SODIUM MONOFLUOROPHOSPHATE DENTIFRICE SOLUTION. (See § 310.201(a) (15) of this chapter.)

Caution—Children under 6 years of age should not use this drug.

TUAMINOHEPTANE SULFATE NASAL PREPARATIONS. (See § 310.201(a) (16) of this chapter.)

Caution—Do not exceed recommended dosage. Overdosage may cause nervousness, restlessness, or sleeplessness. Individuals with high blood pressure, heart disease, diabetes, or thyroid disease should use only as directed by physician. Do not use for more than 3 or 4 consecutive days unless directed by physician.

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VIBESATE PREPARATIONS. (See § 310.201(a)(18) of this chapter.)

Caution—Do not use but consult physician for deep or puncture wounds or serious burns. If redness, irritation, swelling, or pain persists or increases, discontinue use and consult physician.

Warning—Contents under pressure. Do not puncture. Do not use or store near heat or open flame. Exposure to temperatures above 130° Fahrenheit may cause bursting. Never throw container into fire or incinerator.

§ 369.22 Drugs; warning and caution statements specifically required by law.

PREPARATIONS CONTAINING HABIT-FORMING DERIVATIVES OF SUBSTANCES NAMED IN SECTION 502(d) OF THE ACT. (See §§ 329.1, 329.10, and 329.20 of this chapter.)

The statement *"Warning*—May be habit forming" is required to appear on the labels of all drugs containing derivatives designated in § 329.1 of this chapter as habit forming, including exempt narcotic preparations described in § 329.20 (a) of this chapter and preparations containing one or more derivatives of barbituric acid, unless such drug is not suitable for internal use and is distributed and sold exclusively for such external use as involves no possibility of habit formation.

Subpart C—Warning and Caution Statements for Devices

§ 369.30 Devices; recommended warning and caution statements.

DENTURE RELINERS, PADS, AND CUSHIONS.

Warning—For temporary use only. Long-term use of this product may lead to faster bone loss, continuing irritation, sores, and tumors. For Use Only Until A Dentist Can Be Seen.

DENTURE REPAIR KITS.

Warning—For emergency repairs only. Long-term use of home-repaired dentures may cause faster bone loss, continuing irritation, sores, and tumors. This kit for emergency use only. See Dentist Without Delay.

INFRARED GENERATORS (INCLUDING HEATING PADS).

Warning—Use carefully. May cause serious burns. Do not use over insensitive skin areas or in the presence of poor circulation. The unattended use of infrared heat by children or incapacitated persons may be dangerous.

MECHANICAL MASSAGERS AND VIBRATORS.

Warning—This device should not be used over swollen or inflamed areas or skin eruptions. Do not use in unexplained calf pain. Consult physician.

STEAM OR TURKISH BATH.

Warning—Elderly persons or those suffering from heart disease or high blood pressure should not use this device unless directed by physician.

ULTRAVIOLET GENERATORS.

Warning—Wear protective goggles during use to avoid eye injury. Serious burns may be caused by exposure in excess of recommended dosage. Do not use over skin eruptions unless directed by physician.

PART 429—DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

Subpart A—General Provisions

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429.3 Definitions and interpretations.

Subpart B—Packaging and Labeling

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Subpart C—Product Standards

429.25 Standards of quality and purity for protamine.
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Subpart D—Tests and Methods

429.30 Tests and methods of assay.

Subpart E—Certification

429.40 Requests for certification; samples; storage; approvals preliminary to certification.
429.41 Certifications.
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Subpart F—Administrative Procedures

429.50 Hearing procedure.
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Subpart G—Records

429.60 Records of distribution.

AUTHORITY: Sec. 701, 52 Stat. 1055, as amended, sec. 506, 55 Stat. 851 (21 U.S.C. 371, 356).

CROSS REFERENCES: For other regulations in this chapter concerning insulin drugs, see also §§ 1.115, 3.506, and 3.507.

Subpart A—General Provisions

§ 429.3 Definitions and interpretations.

For the purpose of the regulations in this part:

(a) The term "act" means the Federal Food, Drug, and Cosmetic Act, as amended.

(b) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(c) The term "Commissioner" means the Commissioner of Food and Drugs.

(d) The term "U.S.P." means the official United States Pharmacopeia, including supplements thereto.

(e) The term "N.F." means the official National Formulary, including supplements thereto.

(f) The definitions and interpretations of terms contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

(g) The term "insulin" means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus.

(h) The term "insulin injection" means the insulin injection recognized in the U.S.P.

(i) The term "protamine zinc insulin suspension" means the protamine zinc insulin suspension recognized in the U.S.P.

(j) The term "globin zinc insulin injection" means the globin zinc insulin injection recognized in the N.F.

(k) The term "isophane insulin suspension" means the isophane insulin suspension recognized in the U.S.P.

(l) The term "insulin zinc suspension" means the insulin zinc suspension recognized in the U.S.P.

(m) The term "prompt insulin zinc suspension" means the prompt insulin zinc suspension recognized in the U.S.P.

(n) The term "extended insulin zinc suspension" means the extended insulin zinc suspension recognized in the U.S.P.

(o) The term "master lot" means a quantity (which is purified and which has been mixed in one container so as to be homogeneous) of:

(1) A concentrated solution of insulin; or

(2) The insulin-containing solids, in amorphous or crystalline form, derived from one or more such solutions.

(p) Except as provided in § 429.41(c), the term "batch" means a quantity of a drug, in labeled packages, of uniform composition and intended for administration without further change, in which the sole insulin-containing ingredient is a single dilution (which has been mixed in one container so as to be homogeneous) of:

(1) A single master lot or part thereof; or

(2) A mixture of two or more master lots or parts thereof; except that such term means a portion of such quantity when certification of such portion is requested.

(q) The term "master lot mark" means an identifying mark or other identifying device assigned to a master lot by the manufacturer thereof.

(r) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer thereof.

Subpart B—Packaging and Labeling

§ 429.10 Packaging.

Each batch shall be packaged in immediate containers of colorless transparent glass. Such containers shall be closed with a substance through which successive doses may be withdrawn by hypodermic needle without removing the closure or destroying its effectiveness. The containers and closures shall be sterile at the time the containers are filled and closed. The composition of the containers and closures shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor prescribed in applicable standards of strength, quality, and purity. The shape of the containers shall be cylindrical, except that the cross-section of the containers for isophane insulin suspension shall be a rounded square and the shoulder of the containers for insulin zinc suspension, prompt insulin zinc suspension, or extended insulin zinc suspension shall be hexagonal.

§ 429.11 Labeling.

Each package from a batch that has been certified in accordance with the regulations in this part shall bear, on its label or labeling as hereinafter indicated, the following:

(a) On the outside wrapper or container and the immediate container of the retail package:

(1) The batch mark of such batch;

(2) The potency of the drug in terms of the U.S.P. Units of insulin per milliliter; and

(3) The statement "Expiration date _____," the blank being filled in with the date on which the certificate applicable to such batch expires with respect to such package, as provided in § 429.45(b)(1).

(b) On the outside container or wrapper of the retail package, the statement "Keep in a cold place, avoid freezing."

(c) If the batch contains 40, 80, or 100 U.S.P. Units of insulin per milliliter, on the circular or other labeling of the retail package:

(1) A statement that the treatment of diabetes mellitus is an individual problem and that the use of the drug, the time of its administration, and the number of daily doses and the quantity of each, as well as diet and exercise, are problems which require direct and continuous medical supervision;

(2) A statement explaining that the volume of the dose depends on the number of units of insulin per milliliter stated on the label, and that the patient should understand the meaning of the volume markings on the syringe;

(3) A description of a practicable method for sterilizing the needle and syringe before use;

(4) A description of the technique of withdrawal from the vial and the use of an antiseptic on the stopper, and a caution against the removal of the stopper;

(5) A description of the technique for cleansing, and the use of an antiseptic on the site of injection;

(6) A statement that failure to comply with the techniques described in paragraphs (c)(3), (4), and (5) of this section may lead to infection of the patient;

(7) A statement that injection should be subcutaneous, at a different site from that of the preceding injection, and a caution against intravenous or intramuscular use;

(8) An explanation of hypoglycemia and its relation to overdosage, omission of meals, illness, and infection;

(9) A statement of the significance of sugar in the urine and of the necessity of tests therefor; and

(10) A caution against use after the expiration date shown on the outside wrapper or container.

(d) On the circular or other labeling of the retail package, if the batch is insulin injection (in addition to the information required by paragraphs (a), (b), and (c) or (i) of this section), a caution against use if the drug has become viscous or if its color has become other than water clear.

(e) On the outside wrapper or container and immediate container of the retail package, if the batch is protamine zinc insulin suspension, isophane insulin suspension, insulin zinc suspension, prompt insulin zinc suspension, or extended insulin zinc suspension (in addition to the information required by paragraphs (a), (b), and (c) of this section), the statement "Shake carefully," or "Shake well before using," or "Shake well," or "Shake carefully to suspend all particles."

(f) On the circular or other labeling of the retail package, if the batch is protamine zinc insulin suspension, isophane insulin suspension, insulin zinc suspension, prompt insulin zinc suspension, or extended insulin zinc suspension (in addition to the information required by paragraphs (a), (b), (c), and (e) of this section):

(1) An explanation of the difference, as compared with other insulin-containing drugs, in onset of action, duration, and the time and frequency of administration;

(2) A caution that it is not to be substituted for any other insulin-containing drug except on the advice and direction of a physician;

(3) A statement that a uniform suspension of the preparation is necessary and is brought about by careful shaking before use; and

(4) A caution against use when the precipitate has become lumped or granular in appearance or has formed a deposit of solid particles on the wall of the container.

(g) On the circular or other labeling of the retail package, if the batch is globin zinc insulin injection (in addition to the information required by paragraphs (a), (b), and (c) of this section):

(1) An explanation of the difference, as compared with other insulin-containing drugs, in onset of action, duration, and the time and frequency of administration;

(2) A caution that it is not to be substituted for any other insulin-containing drug, except on the advice and direction of a physician; and

(3) A caution against use if any turbidity or precipitate has developed in the solution.

(h) If the batch contains 500 U.S.P. Units of insulin per milliliter, on the outside container or wrapper and the immediate container of the retail package:

(1) The statement "Caution: Federal law prohibits dispensing without prescription";[2] and

(2) The statement "Warning—High potency—Not for ordinary use".

(i) If the batch contains 500 U.S.P. Units of insulin per milliliter, on the circular or other labeling of the retail package:

(1) Information adequate for the safe and effective use of the drug, by practitioners licensed by law to administer it, in insulin shock therapy and for the treatment of diabetic patients with high insulin resistance (daily requirement more than 200 units);

(2) A prominently placed and conspicuous statement: "Warning—This insulin preparation contains 500 units of insulin in each milliliter. Extreme caution must be observed in measurement of dosage because inadvertent overdose may result in irreversible insulin shock. Serious consequences may result if it is used other than under constant medical supervision";

(3) A caution against intravenous use; and

(4) A caution against use after the expiration date shown on the outside wrapper or container.

§ 429.12 Distinguishing colors on packages.

(a) The outside containers or wrappers of the packages, and the labels on the immediate containers of each potency of insulin injection shall be distinguished by the following colors:

Red, if it contains 40 U.S.P. Units of insulin per milliliter.
Green, if it contains 80 U.S.P. Units of insulin per milliliter.
Orange, if it contains 100 U.S.P. Units of insulin per milliliter.
Narrow (at least 5 but not more than 20 to each inch) brown and white diagonal stripes, if it contains 500 U.S.P. Units of insulin per milliliter.

But if the master lot used was in crystalline form, the distinguishing colors, instead of those prescribed above, may be the following:

Red and gray, if it contains 40 U.S.P. Units of insulin per milliliter.
Green and gray, if it contains 80 U.S.P. Units of insulin per milliliter.

(b) The outside containers or wrappers of the packages, and the labels on the immediate containers of each potency of protamine zinc insulin suspension shall be distinguished by the following colors:

Red and white, if it contains 40 U.S.P. Units of insulin per milliliter.
Green and white, if it contains 80 U.S.P. Units of insulin per milliliter.

(c) The outside containers or wrappers of the packages, and the labels of the immediate containers of each potency of globin zinc insulin injection shall be distinguished by the following colors:

Red and brown, if it contains 40 U.S.P. Units of insulin per milliliter.
Green and brown, if it contains 80 U.S.P. Units of insulin per milliliter.

(d) The outside containers or wrappers of the packages, and the labels of the immediate containers of each potency of isophane insulin suspension shall be distinguished by the following colors:

Red and blue, if it contains 40 U.S.P. Units of insulin per milliliter.
Green and blue, if it contains 80 U.S.P. Units of insulin per milliliter.

(e) The outside containers or wrappers of the packages, and the labels of the immediate containers, of insulin zinc sus-

[2] For the Spanish-language version of the required labeling statement, see § 1.106 of this chapter.

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pension, prompt insulin zinc suspension, and extended insulin zinc suspension shall bear a mark or design to distinguish each drug, and each potency of these drugs shall be distinguished by the following colors:

Red and lavender, if it contains 40 U.S.P. Units of insulin per milliliter.
Green and lavender, if it contains 80 U.S.P. Units of insulin per milliliter.

Subpart C—Product Standards

§ 429.25 Standards of quality and purity for protamine.

When protamine is dried to constant weight at 100° C., its total nitrogen content is not less than 22.5 percent and not more than 25.5 percent, and its sulfate content, calculated as SO_4, is not less than 16 percent and not more than 19 percent.

§ 429.26 Standards of quality and purity for globin hydrochloride.

The ash content of globin hydrochloride is not more than 0.3 percent; its nitrogen content, calculated to moisture, ash, and hydrochloric acid free basis, is not less than 16.0 percent and not more than 17.5 percent.

Subpart D—Tests and Methods

§ 429.30 Tests and methods of assay.

The following tests and methods of assay are prescribed for the purposes of the regulations in this Part 429. (All reagents specified in this section shall be of U.S.P. or N.F. quality or better.)

(a) *Tests and methods of assay for insulin injection, protamine zinc insulin suspension, globin zinc insulin injection, isophane insulin suspension; insulin zinc suspension, prompt insulin zinc suspension, and extended insulin zinc suspension.* The tests and methods of assay for insulin injection, protamine zinc insulin suspension, globin zinc insulin injection, isophane insulin suspension, insulin zinc suspension, prompt insulin zinc suspension, and extended insulin zinc suspension shall be those set forth therefor in the U.S.P. or N.F., except that alternative test procedures may be employed when such have been authorized by the Commissioner.

(b) [Reserved]

(c) *Isophane ratio.* The isophane ratio shall be expressed as milligrams of protamine per 100 U.S.P. Units of insulin.

(1) *Reagents*—(i) *The stock buffer solution.* Dissolve in water the quantities of metacresol, phenol, glycerin, and disodium phosphate required to make 10 liters of the batch of isophane insulin and dilute to 1,000 milliliters.

(ii) *The insulin solution.* From a sample of the zinc-insulin crystals to be used in making the batch weigh a quantity which contains 10,000 U.S.P. Units of insulin. Dissolve the crystals in 15 milliliters of 0.1 percent hydrochloric acid. The resulting solution must be clear. Add it to 25 milliliters of the stock buffer solution (subdivision (i) of this subparagraph). Dilute with water to approximately 200 milliliters. Adjust the pH to 7.2 using hydrochloric acid or sodium hydroxide. The solution must be clear at this stage. If sodium chloride is to be used in preparing the batch add 25 milliliters of 4.2 percent (w/v) sodium chloride solution. Dilute to 250 milliliters with water. The pH must be between 7.1 and 7.4.

(iii) *The protamine solution.* Weigh 500 milligrams of the protamine to be used in making the batch and dissolve in 10 milliliters of the stock buffer solution paragraph (c)(1)(i) of this section). If sodium chloride is to be used in preparing the batch add 10 milliliters of 4.2 percent (w/v) sodium chloride solution. Dilute with water to approximately 80 milliliters. Adjust the pH to 7.2 using hydrochloric acid or sodium hydroxide. Dilute with water to 100 milliliters. The pH must be between 7.2 and 7.4 and the solution must be clear.

(2) *Conduct of the test.* Measure six 25-milliliter samples of the insulin solution (paragraph (c)(1)(ii) of this section) into six tubes. To the first tube add 0.60 milliliter of the protamine solution (paragraph (c)(1)(iii) of this section), to the second add 0.72 milliliter, to the third add 0.84 milliliter, to the fourth add 0.96 milliliter, to the fifth add 1.08 milliliters, and to the sixth add 1.20 milliliters. Mix the contents of each tube and let stand for at least 30 minutes. Centrifuge. (Do not filter.) From each supernatant fluid remove two 10-milliliter samples, thus creating two series of samples. To each of one series add 1 milliliter of the insulin solution (paragraph (c)(1)(ii) of this section). To each of the other series add 1 milliliter of the protamine solution (paragraph (c)(1)(iii) of this section). Mix each sample and let stand 10 minutes. Measure the turbidity of each sample by means of a photometer or nephelometer. Plot the readings of the two series of samples, using the amount of protamine originally added in milligrams per 100 U.S.P. Units of insulin as abscissas, and the photometer or nephelometer readings as ordinates. The abscissa of the intersection of the two curves indicates the isophane ratio of the protamine to the zinc-insulin crystals. In order to increase the precision of the test, when the approximate isophane ratio is known, the quantities of protamine solution to be added to the six tubes may be so chosen that the range (0.60 to 1.20 milliliters) is reduced, and the approximate isophane ratio is near the middle of the range.

The isophane ratio found is not more than 100 percent nor less than 90 percent of the ratio of protamine to insulin used in the trial mixture referred to in § 429.40(d)(7).

(d)–(e) [Reserved]

(f) *Chloride in globin hydrochloride*—(1) *Conduct of the test.* Weigh accurately approximately 0.5 gram of globin hydrochloride into a small beaker and dissolve in 10-15 milliliters of distilled water. Add 10 milliliters of tenth-normal silver nitrate, 5 milliliters of nitricacid, and 5 milliliters of a saturated solution of potassium permanganate. Stir and place on a steam bath for approximately 1 hour. If any brown color remains, stir again, rinse the sides of the beaker with distilled water and place on the steam bath until the brown color disappears. Transfer quantitatively to a 50-milliliter volumetric flask and fill the flask to the mark with distilled water. Mix and filter through a dry filter paper into a dry vessel. Transfer exactly 40 milliliters of the filtrate to a flask, add 2 milliliters of ferric ammonium sulfate test solution and titrate with tenth-normal ammonium thiocyanate. To obtain the percent chloride as HCl, subtract 1.25 times the number of milliliters of ammonium thiocyanate used from 10; multiply this difference by 0.365 and divide by the weight of the sample in grams.

(2) *Reagents.* The reagents used are those described in the N.F.

(g) *Sulfate in protamine*—(1) *Conduct of the test.* Weigh accurately about 250 milligrams of protamine and dissolve it in about 100 milliliters of approximately tenth-normal hydrochloric acid. Heat to boiling and add 5 milliliters of barium chloride test solution. Digest on a steam bath for 1 hour; allow to cool. Filter through an ignited and weighed Gooch crucible; wash free of chlorides. Dry, ignite, and weigh. The weight of barium sulfate thus obtained multiplied by 41.15 and divided by the weight of sample is the percent sulfate (SO_4) in the sample. Calculate the results to a moisture-free basis.

(2) *Reagents.* The reagents used are those described in the U.S.P.

(h) *Nitrogen.* Determine total nitrogen by the method described in the U.S.P., for insulin U.S.P.

(i) *Zinc in insulin-containing solutions or suspensions.* Use the method described in the U.S.P. for insulin injection.

(j) *Zinc in insulin-containing solids.* Dissolve 10 to 20 milligrams, accurately weighed, of insulin-containing solids in 5 to 10 milliliters of distilled water containing one drop of 5*N* hydrochloric acid, and proceed as directed in the U.S.P. under the test for zinc in insulin injection.

Subpart E—Certification

§ 429.40 Requests for certification; samples; storage; approvals preliminary to certification.

(a) A request for certification of a batch shall be addressed to the Commissioner, Food and Drug Administration, Department of Health, Education, and Welfare, Washington, D.C., 20204. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of:

(1) The equipment, methods, and processes used in diluting master lots and parts thereof, and in maintaining

the identity, strength, quality, and purity of master lots and dilutions therefrom;

(2) The tests and assays made on master lots and mixtures thereof, on dilutions and batches therefrom, and on ingredients used in such dilutions and batches; and

(3) The laboratory facilities used in such controls.

Such initial request shall also be preceded or accompanied by the keys to the master lot marks and batch marks used by such person. When any change is made in any of such facilities or controls, or in any such key, the next request for certification thereafter shall be accompanied by a full statement of such change.

(c) A person who requests certification of a batch shall submit in connection with his request statements showing:

(1) The master lot mark of each master lot used or to be used wholly or partly as an ingredient or component of an ingredient of the batch;

(2) The quantity of each such master lot so used;

(3) The original quantity of each such master lot (unless such information has been previously submitted);

(4) The quantity of the batch; and

(5) The batch mark.

(d) Except as otherwise provided in paragraphs (g) and (h) of this section, a person who requests certification of a batch shall submit in connection with his request and in the quantities hereinafter indicated, accurately representative samples of the following:

(1) The single master lot or the mixture of two or more master lots or parts thereof, to be used as ingredients of the batch; in a quantity containing approximately 10,000 U.S.P. Units of insulin, except that, if the batch is to be isophane insulin suspension, the quantity shall contain not less than 20,000 U.S.P. Units of insulin.

(2) A trial dilution made from such master lot or mixture, glycerin, phenol or cresol, and hydrochloric acid, which dilution conforms to the standard of identity, strength, quality, and purity for insulin injection, except that it may contain not less than 35 U.S.P. Units nor more than 45 U.S.P. Units of insulin per milliliter; in a quantity containing approximately 2,000 U.S.P. Units of insulin.

(3) If the batch is to be protamine zinc insulin suspension, a trial mixture which is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,000 U.S.P. Units of insulin.

(4) If the batch is to be protamine zinc insulin suspension or isophane insulin suspension, the lot of protamine used as an ingredient of the trial mixture referred to in paragraph (d)(3) or (7) of this section; in a quantity of approximately 2 grams.

(5) If the batch is to be globin zinc insulin injection, a trial mixture made from the master lot or mixture referred to in paragraph (d)(1) of this section, globin, zinc chloride, hydrochloric acid, glycerin, and phenol or cresol, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,000 U.S.P. Units of insulin.

(6) If the batch is to be globin zinc insulin injection, the lot of globin hydrochloride from which the globin is to be prepared for use as an ingredient of the trial mixture referred to in paragraph (d)(5) of this section; in a quantity of approximately 5 grams.

(7) If the batch is to be isophane insulin suspension, a trial mixture which is intended to be accurately representative of the finished batch; in a quantity of approximately 2,500 U.S.P. Units of insulin.

(8) If the batch is to be insulin zinc suspension, or extended insulin zinc suspension, a trial mixture which is intended to be accurately representative of the finished batch; in a quantity of approximately 50 milliliters.

(9) The finished batch; for all tests except sterility, not less than 10 retail packages.

(10) The finished batch for sterility testing, 20 retail packages, collected at approximately equal intervals throughout each filling operation (as defined by the U.S.P.), except that if it is insulin injection containing 500 U.S.P. Units of insulin per milliliter, in lieu of the volume contained in the retail package each such container may contain an amount of drug that is less than that contained in the retail package but in no case less than 5 milliliters.

(e) Except as otherwise provided by paragraphs (g) and (h) of this section, a person who requests certification shall submit in connection with his request results of the tests and assays listed after each of the following materials, made by him on a sample of such material:

(1) The master lot or mixture, referred to in paragraph (d)(1) of this section: Ash, nitrogen, potency, pH, sterility, and zinc, if such master lot or mixture is a solution; ash, moisture, nitrogen, potency, and zinc, if such master lot or mixture is a solid.

(2) A trial dilution of such master lot or mixture, of the potency of the trial dilution referred to in paragraph (d)(2) of this section: Nitrogen, pH, and potency.

(3) If the batch is to be protamine zinc insulin suspension, the trial mixture referred to in paragraph (d)(3) of this section: Nitrogen, pH, zinc, and biological reaction (by the test prescribed in the U.S.P.).

(4) If the batch is to be protamine zinc insulin suspension or isophane insulin suspension, the protamine referred to in paragraph (d)(4) of this section: Moisture, nitrogen, and sulfate.

(5) If the batch is to be globin zinc insulin injection the trial mixture referred to in paragraph (d)(5) of this section: Nitrogen, pH, zinc, and biological reaction (by the test prescribed in the N.F.).

(6) If the batch is to be globin zinc insulin injection, the globin hydrochloride referred to in paragraph (d)(6) of this section: Moisture, nitrogen, chloride, and ash.

(7) If the batch is to be isophane insulin suspension, the trial mixture referred to in paragraph (d)(7) of this section: Nitrogen, pH, zinc, isophane ratio of the protamine to the master lot or mixture (by the test prescribed in § 429.30(c)), and biological activity of the supernatant liquid (by the test prescribed in the U.S.P.).

(8) If the batch is to be insulin zinc suspension, prompt insulin zinc suspension, or extended insulin zinc suspension, the trial mixture referred to in paragraph (d)(8) of this section: Nitrogen, pH, zinc, zinc in the supernatant liquid and insulin not extracted by buffered acetone solution.

(9) The finished batch: Nitrogen, pH, sterility; and if the batch is protamine zinc insulin suspension, globin zinc insulin injection, isophane insulin suspension, insulin zinc suspension, prompt insulin zinc suspension, or extended insulin zinc suspension, zinc.

(f) The results of tests and assays for the following shall be reported in the terms indicated:

(1) Ash (except globin hydrochloride)—milligrams per 1,000 U.S.P. Units of insulin.

(2) Ash in globin hydrochloride—percent by weight.

(3) Chloride—percent by weight as HCl.

(4) Insulin not extracted by buffered acetone solution—percent of total nitrogen of the preparation not extracted by buffered acetone solution.

(5) Isophane ratio—milligrams of protamine per 100 U.S.P. Units of insulin.

(6) Moisture—percent by weight.

(7) Nitrogen (except in globin hydrochloride and protamine)—milligrams per milliliter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(8) Nitrogen in globin hydrochloride—percent by weight, calculated to a moisture-free, ash-free, chloride-free basis.

(9) Nitrogen in protamine—percent by weight, calculated to a moisture-free basis.

(10) Potency—U.S.P. Units of insulin per milliliter in the case of solutions, and U.S.P. Units of insulin per milligram in the case of solids.

(11) pH.

(12) Sulfate—percent by weight as SO_4, calculated to a moisture-free basis.

(13) Zinc—milligrams per milliliter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(g)(1) No sample referred to in paragraph (d)(1) to (8), inclusive, of this section, and no result referred to in paragraph (e)(1) to (8), inclusive, of this section, is required if such sample or result has been submitted in connection with a previous request for certification.

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No sample referred to in paragraph (d) (3) of this section, and no result referred to in paragraph (e) (3) of this section, is required if the batch is to be protamine zinc insulin suspension containing 80 U.S.P. Units of insulin per milliliter and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (3) of this section containing 40 U.S.P. Units of insulin per milliliter, prepared from the same materials and in the same manner (except for adjustment of pH of the buffer solution) as such batch containing 80 U.S.P. Units of insulin per milliliter is to be made. No sample referred to in paragraph (d) (5) of this section and no result referred to in paragraph (e) (5) of this section, is required if the batch is to be globin zinc insulin injection containing 80 U.S.P. Units of insulin per milliliter and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (5) of this section containing 40 U.S.P. Units of insulin per milliliter, prepared from the same materials and in the same manner as such batch containing 80 U.S.P. Units of insulin per milliliter is to be made. No sample referred to in paragraph (d) (7) of this section, and no result referred to in paragraph (e) (7) of this section, is required if the batch is to be isophane insulin suspension containing 80 U.S.P. Units of insulin per milliliter and the Commissioner has previously approved a trial mixture referred to in paragraph (d) (7) of this section containing 40 U.S.P. Units of insulin per milliliter, prepared from the same materials and in the same manner as such batch containing 80 U.S.P. Units of insulin per milliliter is to be made.

(2) Each sample submitted pursuant to this section shall be so packaged as to maintain its representative character, and in the case of any solution or suspension, shall be collected and packaged under aseptic conditions. Each package shall be clearly identified as to its contents and shall bear the name and post office address of the person submitting the request.

(3) The packages constituting the samples submitted pursuant to paragraph (d) (9) of this section shall be collected at such intervals that the quantities packaged between collections are approximately equal; in no case shall any such quantity be more than 10,000 packages. The collections shall cover the entire period of packaging.

(4) Each sample submitted pursuant to paragraph (d) (2), (3), (5), (7) and (8) of this section shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient in the material from which the sample was taken.

(5) If the tests and assays, results of which are submitted pursuant to paragraph (e) (2) of this section, were not made on the same trial dilution as that from which the sample submitted pursuant to paragraph (d) (2) of this section was taken, such sample shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient of the trial dilution on which such tests and assays were made.

(6) The value for nitrogen submitted pursuant to paragraph (e) (1) and (2) of this section may be calculated from the result of a test therefor submitted pursuant to either paragraph (e) (1) or (2) of this section. The result on potency required under paragraph (e) (1) of this section may be calculated from an assay therefor submitted pursuant to paragraph (e) (2) of this section. The value of each of the components nitrogen and zinc, to the extent required under paragraph (e) (9) of this section, may be calculated from the result of a test therefor submitted pursuant to paragraph (e) (3), or (5), or (7) or (8) of this section or from the result of a test of the bulk dilution from which the batch was prepared. The value for nitrogen required under paragraph (e) (9) of this section may, if the batch is insulin injection, insulin zinc suspension, prompt insulin zinc suspension, or extended insulin zinc suspension, be calculated from a test therefor submitted pursuant to either paragraph (e) (1) or (2) of this section. Each calculated value shall be indicated as such.

(7) The information required under paragraph (c) (1), (2), and (3) of this section, and the samples and results of tests and assays required under paragraphs (d) (1) and (2) and (e) (1) and (2) of this section, should be submitted before submission of the samples and results required in paragraphs (d) (3) to (8), inclusive, of this section and (e) (3) to (8), inclusive, of this section; and the samples and results required under paragraphs (d) (3) to (8), inclusive, and (e) (3) to (8), inclusive, should be submitted before submission of the information, samples, and results required under paragraphs (c) (4) and (5), (d) (9) and (10), and (e) (9) of this section. All information, including results of tests and assays (except results of tests for sterility), required under this section should be submitted at the same time as the samples to which they relate are submitted.

(h) The person who requests certifications shall submit such information additional to that submitted pursuant to paragraphs (b), (c), (e), and (g) of this section, such additional samples of any substance referred to in paragraph (d) of this section, and such samples of any other substance used or to be used as an ingredient or as a component of an ingredient in the batch, as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements set forth by § 429.41 for the issuance of a certificate.

(i) After a sample required by paragraph (d) of this section is taken from any master lot or mixture of parts of two or more master lots, such master lot or master lots and all parts thereof, and all dilutions and batches and all parts thereof in which any such master lot is used as an ingredient or as a component of an ingredient, shall be stored at the establishment where manufactured until used up or shipped or otherwise delivered, at a temperature above freezing but not above 15° C. (59° F.), and under such other conditions as prevent, so far as practicable, any change in composition; except that master lots and parts thereof which are solids may be stored at ordinary room temperatures.

(j) As promptly as practicable after the samples submitted pursuant to paragraph (d) (1) and (2) of this section, and any other material or information relative thereto that may be required under this section, are received by the Commissioner, he shall notify the person who submitted such samples of his approval or refusal to approve the use of the master lot or mixture for the making of bulk dilutions. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(k) In like manner, the Commissioner shall notify the person who submits samples pursuant to paragraph (d) (3) to (8), inclusive, of this section of his approval or refusal to approve the use of the materials represented by such samples in completing the manufacture of the batch. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(l) If, under the provisions of paragraph (j) or (k) of this section, the Commissioner has refused to approve any material for use in a subsequent operation, he shall examine no other sample required hereunder which includes such material as an ingredient or component of an ingredient, unless and until the person requesting certification makes an adequate showing that the cause for such refusal no longer exists.

§ 429.41 Certifications.

(a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information (including results of tests and assays) and the samples required by or pursuant to § 429.40 have been submitted, and such information contains no untrue statement of a material fact;

(2) The batch complies with the regulations in this Part 429 and conforms to the standards of identity, quality, strength, and purity for insulin injection, protamine zinc insulin suspension, globin zinc insulin injection, isophane insulin suspension, insulin zinc suspension, prompt insulin zinc suspension, or extended insulin zinc suspension;

the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of such certifications as are set forth in § 429.45, and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to § 429.40 or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) Upon the request of the manufacturer, the Commissioner shall certify as a "batch" a master lot, which has been approved in accordance with § 429.40(j) as safe and efficacious for use in preparation of an insulin-containing drug, subject to the conditions on the effectiveness of such certifications as are set forth in § 429.45(a) (1) and (b) (4).

(d) For the purposes of his investigations under the authority of this section, the Commissioner may accept, when he is satisfied as to the completeness and accuracy thereof, the results of any tests or assays made by the control laboratory of the Insulin Committee of the University of Toronto.

§ 429.45 Conditions on the effectiveness of certificates.

(a) A certificate shall not become effective:

(1) If it is obtained through fraud, or through misrepresentation or concealment of a material fact.

(2) With respect to any package, unless its immediate container complies with the requirements of § 429.10 and such package or such immediate container has been so sealed that its contents cannot be used without destroying such package or seal.

(3) With respect to any package, unless its label and labeling bear all words, statements, and other information, and are distinguished by the color or colors, required by §§ 429.11 and 429.12.

(b) A certificate shall cease to be effective: (1) With respect to any package of insulin injection, protamine zinc insulin suspension, globin zinc insulin injection, isophane insulin suspension, insulin zinc suspension, prompt insulin zinc suspension, or extended insulin zinc suspension on the expiration date specified in the U.S.P. or N.F.

(2) With respect to any package, when such package or the seal thereof or the immediate container therein or the seal of the immediate container is broken, or when its label or labeling ceases to conform to any requirement of § 429.11 or § 429.12.

(3) With respect to any package, when the drug therein so changes that it fails to meet the standards of identity, strength, quality, and purity upon the basis of which the batch was certified; except that those minor changes in potency (not exceeding 10 percent from the potency stated on the label, in the case of insulin injection) which occur before the expiration date, and which are normal and unavoidable in good storage and distribution practice, shall be disregarded.

(4) With respect to a master lot of insulin, 5 years after date of issue if the master lot is a solution, or 10 years after date of issue if the master lot is a solid.

§ 429.47 Authority to refuse certification service.

When the Commissioner finds, after giving notice and opportunity for hearing, that a person has:

(a) Obtained or attempted to obtain a certificate through fraud, or through misrepresentation or concealment of a material fact;

(b) Falsified the records required to be kept by § 429.60; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to make an inventory of stocks on hand or otherwise to check the correctness of such records, as required by such section;

the Commissioner may immediately suspend service to such person under the regulations in this part, and may continue such suspension unless and until such person shows adequate cause why such suspension should be terminated.

Subpart F—Administrative Procedures

§ 429.50 Hearing procedure.

Hearings held pursuant to § 429.47 will be conducted in accordance with the rules provided in Part 314 of this chapter.

§ 429.55 Fees.

(a) (1) Fees for the services rendered under the regulations in this part shall be such as are necessary to provide, equip, and maintain an adequate certification service.

(2) Whenever in the judgment of the Commissioner the ratio between fees collected (which are based upon experience and the best estimate of costs and the best estimate of earnings) and the costs of providing the service during an elapsed period of time, in the light of all circumstances and contingencies, warrants a refund from the fund collected during such period, he shall make ratable refunds to those persons to whom the services were rendered and charged.

(b) Fees for the services rendered with respect to the samples submitted pursuant to § 429.40(d) shall be:

(1) For each master lot or mixture of two or more master lots or parts thereof, as follows:

(i) $50 if the master lot or mixture has not been previously approved by the Commissioner.

(ii) $25 if the master lot or mixture has been previously certified by the Commissioner in accordance with § 429.41(c).

(2) For each trial dilution, as follows:

(i) $120 if the results of an assay for potency of a trial dilution made by the laboratory referred to in § 429.41(d) are submitted or are to be submitted.

(ii) $1,320 if the results referred to in paragraph (b) (2) (i) of this section are not submitted and are not to be submitted.

(3) For each trial mixture of protamine zinc insulin suspension, as follows:

(i) $120 if the results of tests for biological reactions made by the laboratory referred to in § 429.41(d) are submitted or are to be submitted.

(ii) $1,320 if the results referred to in paragraph (b) (3) (i) of this section are not submitted and are not to be submitted.

(4) $140 for each lot of protamine.

(5) $350 for each trial mixture of isophane insulin suspension.

(6) For each trial mixture of globin zinc insulin injection, as follows:

(i) $120 if the results of tests for biological reactions made by the laboratory referred to in § 429.41(d) are submitted or are to be submitted.

(ii) $1,320 if the results referred to in paragraph (b) (6) (i) of this section are not submitted and are not to be submitted.

(7) $140 for each lot of globin hydrochloride.

(8) $210 for each trial mixture of insulin zinc suspension, prompt insulin zinc suspension, and extended insulin zinc suspension.

(9) Ten dollars for each package in the sample of the finished batch submitted for all tests except sterility; $58.80 for all the packages in the sample submitted for the initial sterility test in accordance with § 429.40(d) (10); and $117.60 for all packages in the sample submitted for any repeat sterility test, if necessary, in accordance with the U.S.P. or N.F.

Except as otherwise provided by paragraph (c) of this section, each request for certification submitted, or the initial sample or samples submitted in connection therewith pursuant to § 429.40(d), whichever is sent first to the Commissioner, shall be accompanied by such fees as are prescribed in specific amounts for the samples. If the Commissioner considers that investigations or additional samples are necessary to determine whether or not such batch complies with the requirements of § 429.41 for the issuance of a certificate, the fee shall include the cost of such investigations.

(c) A person requiring continuing certification services may maintain an advance deposit of the estimated costs of such services for a period of 2 months or more. Such deposits shall be debited with fees for services rendered, but shall not be debited for any fee the amount of which is not definitely specified in these regulations unless the depositor has previously requested the performance of the services to be covered by such fee. A monthly statement for each such advance deposit shall be rendered.

(d) The unearned portion of any advance deposit made pursuant to paragraph (b) or (c) of this section shall be refunded to the depositor upon his application.

(e) All advance deposits required by the regulations in this Part 429 shall be paid by money order, bank draft, or certified check drawn to the order of the Food and Drug Administration, collectible at par at Washington, D.C. All deposits shall be forwarded to the Food and Drug Administration, Department of Health, Education, and Welfare, Washington, DC 20204, whereupon after making appropriate record thereof they will be transmitted to the Chief Disbursing

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Officer, Division of Disbursement, Treasurer of the United States, for deposit to the special account "Salaries and Expenses, Certification, Inspection and Other Services, Food and Drug Administration."

Subpart G—Records

§ 429.60 Records of distribution.

(a) The person to whom a certificate is issued shall keep complete records showing each shipment and other delivery (including exports) of each batch or part thereof, by the person requesting certification, and showing each such shipment and delivery into, or from any place in, any State or Territory, made by any person subject to his control, including records showing the date and quantity of each such shipment and delivery and the name and post office address of the person to whom such shipment or delivery was made.

(b) Upon the request of any officer or employee of the Food and Drug Administration or of any other officer or employee of the United States, acting on behalf of the Secretary, the person to whom a certificate is issued, at all reasonable hours within 2 years after disposal of all the batch covered by such certificate, shall make such records available to any such officer or employee, and shall accord to such officer or employee full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

[FR Doc.74-7383 Filed 3-28-74;8:45 am]

federal register

FRIDAY, MARCH 29, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 62

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

EMERGENCY MEDICAL SERVICES SYSTEMS

Proposed Grants

No. 62—Pt. III——1

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 56a]

EMERGENCY MEDICAL SERVICES SYSTEMS

Proposed Grants

Notice is hereby given that the Assistant Secretary for Health of the Department of Health, Education, and Welfare, proposes to add a new Part 56a, entitled "Grants for Emergency Medical Services Systems", to Title 42, Code of Federal Regulations. The purpose of the new Part 56a is to establish regulations governing grants for feasibility studies and planning, for establishment and operation, and for expansion and improvement of emergency medical service systems under Section 1202, 1203, and 1204, respectively of the Public Health Service Act (42 U.S.C. 300d–1, 300d–2, and 300d–3), as added by the Emergency Medical Services Systems Act of 1973. (Pub. L. 93–154).

Interested persons are invited to submit written comments, suggestions, or objections concerning the proposed regulations to the Health Services Administration, Room 14–05, 5600 Fishers Lane, Rockville, Maryland 20852, on or before April 15, 1974, in the above-named office on weekdays between the hours of 8:30 a.m. and 5:00 p.m.

It is therefore proposed to amend Title 42 by adding thereto a new Part 56a, as set forth below.

Dated: March 6, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: March 25, 1974.

CASPAR W. WEINBERGER,
Secretary.

PART 56a—GRANTS FOR EMERGENCY MEDICAL SERVICES SYSTEMS

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AUTHORITY: Secs. 1202, 1203, and 1204 of the Public Health Service Act (42 U.S.C. 300d–1, 300d–2, and 300d–3).

Subpart A—General Provisions

§ 56a.101 Applicability.

The regulations of this subpart are applicable to grants (a) for projects which include both studying the feasibility of and planning for the establishment and operation of emergency medical services systems pursuant to section 1202 of the Public Health Service Act (42 U.S.C. 300d–1); (b) for the establishment and initial operation of such systems pursuant to section 1203 of the Public Health Service Act (42 U.S.C. 300d–2); and (c) for projects for the expansion and improvement of such systems pursuant to section 1204 of the Public Health Service Act.

(42 U.S.C. 300d–3).

§ 56a.102 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act.

(b) "State" means one of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

(c) "Unit of general local government" means (1) any city, county, township, town, borough, parish, village, or other general purpose political subdivision of a State; or (2) an Indian tribe.

(d) "Nonprofit," as applied to a private entity, means that no part of the net earnings of such entity inures or may lawfully inure to the benefit of any private shareholder or individual.

(e) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(f) "Section 314(a) State health planning agency" means the agency of a State which administers or supervises the administration of a State's health planning functions under a State plan approved under section 314(a) of the Act.

(g) "Section 314(b) areawide health planning agency" means a public or nonprofit private agency or organization which has developed a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b) of the Act.

(h) "Section 314(b) plan" means a comprehensive regional, metropolitan, or other local area plan or plans referred to in section 314(b) of the Act.

(i) "Emergency medical services" means the services utilized in responding to the perceived individual need for immediate medical care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

(j) "Medical emergency" means an unforeseen event affecting an individual in such a manner that a need for immediate medical care (physiological or psychological) is created.

(k) "Rural area" means any area not classified as an urbanized area by the Bureau of the Census (1970 Census of Population, Number of Inhabitants, Bureau of the Census, U.S. Department of Commerce, Dec. 1971).

(l) "Modernization" means the alteration, major repair, remodeling, and renovation of existing buildings (including initial equipment thereof), and replacement of obsolete built-in equipment of existing buildings.

(m) "Major repair" means those repairs to an existing building excluding routine maintenance which restore the building to a sound state, the cost of which is no less than $100,000.

(n) "Equipment" means those items which are necessary for the functioning of the emergency medical services system, but does not include items of current operating expense or consumed in use such as glassware, chemicals, food, fuel, drugs, paper, printed forms, books, pamphlets, periodicals, and disposable housekeeping items.

(o) "Built-in equipment" means that equipment which is permanently affixed to the wall, floor, or ceiling or otherwise restricted in a like manner, including items which require (1) the modification of a facility for installation or removal, and (2) connection to utility services such as water, gas, steam, or the building ventilation system.

(p) "Grant period" means any period with respect to which assistance is granted under the Act for a particular project.

§ 56a.103 "Emergency medical services system"; definition and requirements.

For purposes of this part, an "emergency medical services system" means a system which provides for the arrangement of personnel, facilities, and equipment for the effective and co-ordinated delivery of health care services in an appropriate geographical area under emergency conditions (occurring either as a result of the patient's condition or of natural disasters or similar situations) and which is administered by a public or nonprofit private entity which has the authority and the resources to provide effective administration of the system.

(a) For purposes of this section, an "appropriate geographical area" shall be an area in which the Secretary determines, on the basis of information contained in an application for a grant under this part and such other information as he deems appropriate for purposes of such determination, efficient and economically feasible emergency medical services can be delivered, taking into consideration existing medical service areas and comprehensive health planning areas, including areas with respect to which applications have been approved by the Secretary under section 314(b) of the Act.

(b) An emergency medical services system shall:

(1) Include an adequate number of health professions, allied health professions, and other health personnel, including ambulance personnel, with appropriate training and experience.

(i) For purposes of this section, an "adequate number of health professions, allied health professions, and other health personnel" means sufficient numbers of such personnel to provide emergency medical services on a 24-hour basis within the service area of the system.

(ii) For purposes of this section, "appropriate training and experience" means

(A) As applied to physicians (doctors of medicine and doctors of osteopathy), those that meet appropriate State qualifications to practice medicine in the State in which they provide emergency medical services.

(B) As applied to nursing and allied health professions, licensure, certification, or registration as required by their respective professions and the State in which they provide emergency medical services.

(C) As applied to ambulance personnel, completion of training as an emergency medical technician in accordance with standards prescribed by the Department of Transportation (DHEW PHS Pub. No. 1071–C–4, April 1970); or an equivalent training program. In order that a program may be recognized as "equivalent," the Secretary must find that at least 75 percent of the graduates of such program either pass the National Emergency Technician Registry examination within 6 months after graduation or meet applicable State requirements which are determined by the Secretary to equal or exceed Department of Transportation requirements.

(2) Provide for its personnel appropriate training (including clinical training) and continuing education programs which are coordinated with other programs in the system's service area which provide similar training and education, and emphasize recruitment and necessary training of veterans of the Armed Forces with military training and experience in health care fields and of appropriate public safety personnel in such area.

(i) For the purposes of this section, "continuing education" means courses which improve job-specific skills and knowledge, such as refresher courses and seminars, and to which personnel devote more than 24 hours per year, whether or not a degree is awarded.

(ii) For the purposes of this section, the emergency medical services system shall use the "Military Experience Directed Into Health Careers" agency of the State or States in which it is located to recruit veterans of the Armed Forces with military training and experience in health care fields.

(iii) For purposes of this section "appropriate public safety personnel" includes police, firemen, and other public employees charged with maintaining public safety.

(3) Join the personnel, facilities, and equipment of the system by a central communications system so that requests for emergency health care services will be handled by a communications facility which utilizes emergency medical telephonic screening; utilizes (or, within such period as the Secretary may prescribe, will utilize) the universal emergency telephone number 911; and will have direct communication connections and interconnections with the personnel, facilities, and equipment of the system and with other appropriate emergency medical services systems.

(i) For the purposes of this section, a "central communications system" includes a system command and control center which is responsible for establishing those communication channels and providing those public resources essential to the most effective and efficient emergency medical services management of the immediate problem, and which has the necessary equipment and facilities to permit immediate interchange of information essential for the system's resource management and control. The essentials of such a communications center are that (A) all requests for system response are directed to the center; (B) all system resource response is directed from the center; and (C) all system liaison with other public safety and emergency response systems is coordinated from the center. Except to the extent provided in subdivision (ii) of this subparagraph, the center need not direct or control medical care or treatment.

(ii) For the purposes of this section, the term "emergency medical telephonic screening" means that the communications system has the capability of redirecting requests for assistance that appear to be non-emergent in nature.

(iii) For the purposes of this section, "other appropriate emergency medical services systems" are those in neighboring areas which might be involved in common disasters, those which are contiguous with the system, and those which have entered into agreements with the system.

(4) Include an adequate number of necessary ground, air, and water vehicles and other transportation facilities to meet the individual characteristics of the system's service area. Such vehicles and facilities must meet appropriate standards relating to location, design, performance, and equipment; and the operators and other personnel for such vehicles and facilities must meet appropriate training and experience requirements.

(i) For the purposes of this section "ground vehicles" include (A) ambulances which meet the requirements in the proposed Federal specifications for emergency medical care vehicles (Federal Specification, Ambulance, Emergency Care Vehicle, General Services Administration. KKK–A–1822, January 2, 1974); and (B) vehicles suitably equipped to transfer both ambulatory and nonambulatory patients who do not need emergency care to appropriate destinations including health care, extended care, and rehabilitation facilities.

(ii) For the purposes of this section "air vehicles" include helicopters, fixed wing, and other aircraft which meet all applicable Federal, State, and local certification and licensure requirements for the operation of such vehicles, and which are designed and equipped to provide the same resuscitative and life support measures and other emergency care procedures as ground vehicles.

(iii) For the purposes of this section "water vehicles" include boats and amphibian craft which meet all the applicable Federal, State, and local certification and licensure requirements for the operation of such vehicles, and which are designed and equipped to provide the same resuscitative and life support measures and other emergency care procedures as ground vehicles.

(iv) For the purposes of this section, an "adequate number of necessary ground, air, and water vehicles and other transportation facilities" means sufficient vehicles to respond to 95% of requests for assistance in the emergency medical services system area within 30 minutes.

(v) For the purposes of this section, the personnel of such vehicles and transportation facilities shall include during patient transport at least two attendants trained to the basic emergency medical technician level, one of whom may be the vehicle operator meeting State and local requirements for operating that type of vehicle.

(5) Include an adequate number of easily accessible emergency medical services facilities which are collectively capable of providing services on a continuous basis, which have appropriate standards relating to capacity, location, personnel, and equipment, and which are coordinated with other health care facilities of the system.

(i) For the purposes of this section the capabilities of accessible emergency medical services facilities must be categorized in accordance with a formulated method of classifying hospital emergency capabilities which is found by the Secretary to be acceptable for purposes of these regulations. Examples of acceptable methods of categorization are the guidelines developed by the American Medical Association (Recommendations of the Conference on the Guidelines for the Categorization of Hospital Emergency Capabilities, AMA, 1971) and systems of categorization having a similar

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purpose developed pursuant to applicable State law.

(ii) For the purpose of this section "an adequate number of easily accessible emergency medical services facilities" means that in 95% of the cases, at least one facility which has the minimum capabilities required by the applicable method of categorization is within 60 minutes travel time from the scene of the emergency.

(iii) For the purposes of this section, the system's service area must contain at least one hospital which has the minimum capabilities required by the applicable method of categorization and which has a written working agreement with other hospitals offering greater emergency capabilities.

(6) Provide access (including appropriate transportation) to specialized critical medical care units in the system's service area, or, if there are no such units or an inadequate number of them in such area, provide access to such units in neighboring areas if access to such units is feasible in terms of time and distance.

(i) For the purposes of this section, "appropriate transportation" means a vehicle equipped to enable the emergency medical technician or more highly trained personnel to administer to the patient's intransit needs.

(ii) For the purposes of this section, "specialized critical medical care units" include intensive care units, burn centers, spinal cord centers, and detoxification centers.

(7) Provide for the effective utilization of the appropriate personnel, facilities, and equipment of each public safety agency providing emergency services in the system's service area. For the purposes of this section, "effective utilization" of personnel, facilities, and equipment of public safety agencies means the integration of public safety agencies into standard and disaster operating procedures of the areawide system, including the shared use of personnel and equipment particularly suited to use in medical emergencies, such as helicopters and rescue boats.

(8) Be organized in a manner that provides persons who reside in the system's service area and who have no professional training or financial interest in the provision of health care with an adequate opportunity to participate in the making of policy for the system.

(9) Provide, without prior inquiry as to ability to pay, necessary emergency medical services to all patients requiring such services.

(10) Provide for transfer of patients to facilities and programs which offer such followup care and rehabilitation as is necessary to effect the maximum recovery of the patient.

(i) For the purposes of this section, "followup care and rehabilitation" includes physical and psychiatric care and vocational rehabilitation.

(ii) For the purposes of this section the vehicle used in the transfer of patients to such facilities and programs shall be suitably equipped to meet the patient's intransit needs.

(11) Provide for a standardized patient recordkeeping system, which records shall cover the treatment of the patient from initial entry into the system through his discharge from it, and shall be consistent with ensuing patient records used in followup care and rehabilitation of the patient. For the purposes of this section, a "standardized patient recordkeeping system" means uniform records and forms throughout the emergency medical services system's service area, such as standard forms of ambulance and emergency department use which are integrated into the patient care record, discharge summary, and followup records. The standardized forms must provide such data as the Secretary may request, in such manner as the Secretary may prescribe, for the purpose of obtaining comparable national data upon which to evaluate the impact of the Emergency Medical Services Systems Act (Pub. L. 93–154).

(12) Provide programs of public education and information in the system's service area (taking into account the needs of visitors to, as well as residents of, that area to know or be able to learn immediately the means of obtaining emergency medical services) which programs stress the general dissemination of information regarding appropriate methods of medical self-help and first-aid and regarding the availability of first-aid training programs in the area.

(13) Provide for periodic, comprehensive, and independent review and evaluation of the extent and quality of the emergency health care services provided in the system's service area, and submission to the Secretary of the reports of each such review and evaluation. For the purposes of this section, "independent review" means review by persons not associated with the emergency medical services system and not residing or working within the service area of such system or within the State or States in which the service area of such system is located. Any such independent review and evaluation must address, at a minimum, any evaluative question which the Secretary may prescribe and in such manner as the Secretary may prescribe. The requirement of this subparagraph does not preclude interstate evaluation under the direction of the Department of Health, Education, and Welfare Regional Office.

(14) Have a plan to assure that the system will be capable of providing emergency medical services in the system's service area during mass casualties, natural disasters, or national emergencies. For the purposes of this section, a disaster plan must be tested at least once before completion of the grant period.

(15) Provide for the establishment of appropriate arrangements with emergency medical services systems or similar entities serving neighboring areas for the provision of emergency medical services on a reciprocal basis where access to such services would be more appropriate and effective in terms of the services available, time and distance. For the purposes of this section, any arrangements among emergency medical services systems or similar entities serving neighboring areas shall be written agreements, signed by individuals authorized to act for the respective parties with respect to such agreements, and reviewed and reevaluated at least once a year.

§ 56a.104 Eligible applicants.

The following are eligible to apply for a grant under this part:

(a) A State;

(b) A unit of general local government;

(c) A public entity administering a compact or other regional arrangement or consortium; or

(d) Any other public entity and any nonprofit private entity.

§ 56a.105 Priority.

In considering applications submitted under this part, the Secretary shall give priority to applications submitted by the eligible applicants described in paragraphs (a), (b), and (c) of § 56a.104.

§ 56a.106 Application.

(a) An application for a grant under this part shall be submitted to the Secretary at such time and in such form as the Secretary may prescribe.

(b) The application shall be executed by an individual authorized to act for the applicant and to assume in behalf of the applicant the obligations imposed by the statute, the applicable regulations of this part, and any additional conditions of the grant.

(c) The application shall contain a budget and narrative plan of the manner in which the applicant intends to conduct the project and carry out the requirements of this part. The application must describe the project in sufficient detail to identify clearly the nature, need, specific objectives, plan and methods of the project.

(d) The application shall contain a description of applicable provisions of law or regulations which restrict the full utilization of the training and skills of health personnel in the provision of emergency medical services.

(e) The application shall contain or be supported by a written statement from the applicant that it agrees to maintain such records and make such reports to the Secretary as the Secretary may require.

(f) The application shall contain or be supported by assurances satisfactory to the Secretary that the applicant will conduct the project in cooperation with (1) each section 314(b) areawide health planning agency (if any) whose section 314(b) plan covers (in whole or in part) the service area of the project, and (2) any emergency medical services council or other entity responsible for review and evaluation of the provision of emergency medical services in the service area of the project. For the purposes of this section such an emergency medical services council must be (i) a public agency, or (ii) a formally established advisory body of a public agency.

(g) The application shall indicate that (1) the section 314(a) State health planning agency of each State in which the service area of the emergency medical services system for which the application is submitted will be located, (2) each section 314(b) areawide health planning agency (if any) whose section 314(b) plan covers (in whole or in part) the service area of such system, and (3) any emergency medical services council or other entity responsible for review and evaluation of the provision of emergency medical services in the service area of the project, have had a reasonable opportunity of not less than 30 days (measured from the date a copy of the application was submitted to the agency or council by the applicant) to review and comment on the application. In addition, each such 314(a) and 314(b) agency shall be provided a copy of the final application at the time the application is submitted to the Secretary. Each such agency may submit comments on such application to the Secretary, with a copy of such comments to the applicant.

(h) In the case of an application submitted by a public entity administering a compact or other regional arrangement or consortium, the application shall contain or be supported by assurances satisfactory to the Secretary that the compact or other regional arrangement or consortium includes each unit of general local government of each standard metropolitan statistical area (as determined by the Office of Management and Budget) located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted.

(i) In the case of an application submitted by an entity described in paragraph (d) of § 56a.104, the application shall contain or be supported by assurances satisfactory to the Secretary that such entity:

(1) Has provided a copy of its application to each entity described in paragraphs (a), (b), and (c) of § 56a.104 which is located (in whole or in part) in the service area of the emergency medical services system for which the application is submitted; and

(2) Has provided each such entity a reasonable opportunity of at least 30 days (measured from the date a copy of the application was submitted to the entity by the applicant) to submit to the Secretary comments on the application.

(j) The application shall contain or be supported by written statements which demonstrate to the satisfaction of the Secretary that there is adequate community support for carrying out the project, including support from representatives of concerned public agencies and of private groups or other organizations in the service area of the project.

§ 56a.107 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either by advance or by way of reimbursement for expenses incurred or to be incurred to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 56a.108 Nondiscrimination.

Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such Title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). In addition no person shall, on the grounds of sex, or creed (unless otherwise medically indicated) be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Nor shall any person be denied employment in or by such program or activity so receiving Federal financial assistance on the grounds of age, sex, creed, or marital status.

§ 56a.109 Confidentiality.

All information as to personal facts and circumstances obtained by the project staff shall be held confidential, and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual. Information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 56a.110 Inventions or discoveries.

A grant award is subject to the regulations of the Department of Health, Education, and Welfare as set forth in 45 CFR Parts 6 and 8, as amended. Such regulations shall apply to any activity for which grant funds are in fact used whether within the scope of the project as approved or otherwise. Appropriate measures shall be taken by the grantee and by the Secretary to assure that no contracts, assignments or other arrangements inconsistent with the grant obligation are continued or entered into and that all personnel involved in the supported activity are aware of and comply with such obligations. Laboratory notes, related technical data, and information pertaining to inventions and discoveries shall be maintained for such periods, and filed with or otherwise made available to the Secretary or those he may designate at such times and in such manner as he may determine necessary to carry out such Department regulations.

§ 56a.111 Publications and copyright.

(a) *State and local governments.* Where the grantee is a State or local government as defined in 45 CFR 74.3, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140 shall apply with respect to any book or other copyrightable materials developed or resulting from a project supported by a grant under this part.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government as so defined, except as may other be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, nonexclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 56a.112 Royalties.

Royalties received by grantees from copyrights on publications or other works developed under the grant, or from patents or inventions conceived or first actually reduced to practice in the course of or under such grant, shall be accounted for as follows:

(a) *State and local governments.* Where the grantee is a State or local government as defined in 45 CFR 74.3, royalties shall be accounted for as provided in 45 CFR 74.44.

(b) *Grantees other than State and local governments.* Where the grantee is not a State or local government as so defined, royalties shall be accounted for as follows:

(1) Patent royalties, whether received during or after the grant period, shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (45 CFR Parts 6 and 8).

(2) Copyright royalties, whether received during or after the grant period, shall first be used to reduce the Federal share of the grant to cover the costs of publishing or producing the materials shall be distributed in accordance with Chapter 1–420 of the Department of Health, Education, and Welfare Grants Administration Manual.[1]

§ 56a.113 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds including funds derived from other grant awards. With respect to each approved project the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary

[1] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Department's and Regional Offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however,* That when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for interest earned on grant funds.* Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this section, must return all interest earned on grant funds to the Federal Government.

(c) *Grant closeout*—(1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section:

(ii) Any credits for earned interest pursuant to paragraph (b) of this section; and

(iii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

§ 56a.114 Applicability of 45 CFR Part 74.

The provisions of 45 CFR Part 74, establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to States and local governments as those terms are defined in Subpart A of that Part 74. The provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

45 CFR PART 74

Subpart
- A General.
- B Cash Depositories.
- C Bonding and Insurance.
- D Retention and Custodial Requirements for Records.
- F Grant-related Income.
- G Matching and Cost Sharing.
- K Grant Payment Requirements.
- L Budget Revision Procedures.
- M Grant Closeout, Suspension, and Termination.
- O Property.
- Q Cost Principles.

§ 56a.115 Additional conditions.

The Secretary may with respect to any grant award impose additional conditions prior to or at the time of any award when in his judgment such conditions are necessary to assure or protect advancement of the approved project, the interests of public health, or the conservation of grant funds.

Subpart B—Grants for Feasibility Studies and Planning

§ 56a.201 Applicability.

The regulations of this subpart, in addition to the regulations of Subpart A of this part, are applicable to grants awarded pursuant to section 1202 of the Act for projects which include both (a) studying the feasibility of establishing (through expansion or improvement of existing services or otherwise) and operating emergency medical services systems, and (b) planning the establishment and operation of such systems.

§ 56a.202 Purpose.

The purpose of a project for which a grant is made pursuant to section 1202 of the Act shall be to study the feasibility of and plan for the establishment (through expansion or improvement of existing services or otherwise) and operation of an emergency medical services system which will meet the requirements of section 1206(b)(4)(C) of the Act and § 56a.103 of Subpart A of this part.

§ 56a.203 Content of application—supporting information.

In addition to meeting the applicable requirements of § 56a.106, an approvable application for a grant under section 1202 of the Act shall contain the following supporting information:

(a) Information as to the existence and extent of the need for an emergency medical services system in the project area. The needs of the area shall be described in detail with particular reference to the requirements for an emergency medical services system as described in section 1206(b)(4)(C) of the Act and § 56a.103 of Subpart A of this part;

(b) A narrative and graphic description of the area involved in the project, including geographical features, population, distribution of medical personnel, climate, epidemiological characteristics, socio-economic conditions, and any other relevant factors;

(c) A description of the staff of the project, including their qualifications, authority, functions, numbers, assignments, and the manner in which they are organized to carry out the proposed project;

(d) A description of the specific planning objectives which the project intends to accomplish, including specifically the development of an emergency medical services system which will meet each of the requirements of § 56a.103 of Subpart A of this part;

(e) Information as to how the project plans to attain its planning objectives, including a description of the methods, personnel, facilities, budget, responsible operational unit, and work schedule which will be utilized in order to accomplish each stated objective;

(f) The following budget and staffing information:

(1) Identification of all actual and potential staff positions and the compensation for such positions;

(2) Identification of those costs for which Federal assistance under this subpart is requested and the amount thereof; and

(3) The percentage of the budget which will be devoted to the needs of rural areas;

(g) Information which satisfies the Secretary that adequate facilities, equipment, and financial resources (in addition to the grant requested) will be available at the time of the grant award; and

(h) Any other statistical information which the Secretary may require, in such form as the Secretary may prescribe.

§ 56a.204 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to those applicants whose projects will, in his judgment, best promote the purposes of section 1202 of the Act and the regulations of this subpart, taking into account:

(1) The extent of the need for emergency medical services in the service area of the proposed project;

(2) The capability of the applicant to carry out the proposed project;

(3) The reasonableness of the budget and the soundness of the fiscal plan for assuring effective utilization of grant funds;

(4) The extent of coordination with existing health planning agencies and groups in the service area of the proposed project;

(5) The potential of the project for accomplishing its objectives and fulfilling the purposes of the emergency medical services systems grant program; and

(6) The degree to which the proposed project addresses the needs of rural areas.

(b) The amount of any award under this part will be determined by the Secretary on the basis of his estimate of the sum necessary for a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either:

(1) On the basis of the estimate of the actual indirect costs reasonably related to the project; or

(2) On the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary: *Provided, however,* That no grant will be made for an amount which exceeds $45,000 except where the Secretary determines that a larger amount is necessary to support a project of special regional or national significance which could not be accomplished without a grant under this subpart in such larger amount.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted, and the period for which support is recommended.

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make additional, supplemental, continuation, or other award with respect to any approved project or portion thereof.

§ 56a.205 Use of project funds.

(a) Any funds granted pursuant to this subpart shall be expended solely for carrying out the approved project in accordance with section 1202 of the Act, the regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed by Subpart Q of 45 CFR Part 74.

(b) Project funds under this subpart may be used only for the following:

(1) Salaries and related benefits.

(2) Leasing or rental of office space, furniture, and equipment.

(3) Costs related to the conducting of surveys.

(4) Printing costs.

(5) Domestic travel related to feasibility studies and planning activities.

(6) Consultants' fees and related travel expenses in accordance with local compensation rates, or if none are available, with current Federal principles.

§ 56a.206 Reports.

Each grant awarded pursuant to section 1202 of the Act shall be subject to the condition that the grantee shall file with the Secretary such progress and other reports as the Secretary may require, including the following:

(a) *Report of feasibility study.* (1) Three months after the award of the grant, the grantee shall submit to the Secretary a report of the feasibility study which shall contain:

(i) A detailed statement indicating whether, in the judgment of the grantee, it is feasible to establish, expand, or improve an emergency medical services system in the service area of the project.

(ii) Information derived from studies as to the organizational structure, current resources, geographical area, and existing and contemplated standards of the proposed emergency medical services system.

If the Secretary determines, on the basis of the report of the feasibility study and other information relevant to such determination,

(2) That it is not feasible to establish, expand, or improve an emergency medical services system for the project area, the Secretary may, after reasonable notice to the grantee, terminate the grant.

(b) *Final report—planning outline.* Should the grantee determine that it is feasible to establish, expand, or improve an emergency medical services system for the service area of the project, the grantee shall, within 6 months after filing the feasibility study report, submit to the Secretary a final report, in the form of a planning outline, which contains the following information:

(1) A comprehensive description of the organizational structure which will manage the emergency medical services system;

(2) A detailed description of current emergency medical services resources and capability;

(3) A narrative and graphic description of the project area, including geographic, demographic, climatological, epidemiological, and socio-economic characteristics;

(4) A description of actual and potential standards for emergency medical services, including methods and levels of performance;

(5) A description of the objectives of the project, identifying problems and needs and establishing priorities for achieving such objectives;

(6) A description of the projected emergency medical services capability that will exist at the completion of the plan, including types of services, status of subsystems, and nature of community involvement;

(7) A detailed description of the methodology which will be employed in order to achieve each of the objectives of the project;

(8) A schedule for the implementation of the plan;

(9) A fiscal schedule containing estimated expenditures and justification therefore; and

(10) A description of the methods which will be used to evaluate the operation of the planned emergency medical services system and the effect of such system on the patients involved.

Subpart C—Grants for Establishment and Initial Operation

§ 56a.301 Applicability.

The regulations of this subpart, in addition to the regulations of Subpart A of this part, are applicable to grants awarded pursuant to section 1203 of the Act for the establishment and initial operation of emergency medical services systems.

§ 56a.302 Project requirements.

(a) An application under this subpart will not be approved by the Secretary unless (1) the applicant demonstrates to the satisfaction of the Secretary that the emergency medical services system for which the application is submitted will meet each of the requirements specified in section 1206(b)(4)(C) of the Act and § 56a.103 of Subpart A of this part within the period of the grant for which application is made; except that if the applicant demonstrates to the satisfaction of the Secretary the inability of the applicant's emergency medical services system to meet one or more of such requirements within such period, the period (or periods) within which the system must meet such requirement (or requirements) is such period (or periods) as the Secretary may require; and

(2) The applicant provides in the application a plan satisfactory to the Secretary for the system to meet each of the requirements specified in section 1206(b)(4)(C) of the Act and § 56a.103 of Subpart A of this part within the period described in subparagraph (1) of this paragraph:

(b) *Provided,* That If an applicant submits an application for a grant under this subpart and demonstrates to the satisfaction of the Secretary the inability of the system for which the application is submitted to meet one or more of the requirements specified in section 1206(b)(4)(C) of the Act and § 56a.103 of Subpart A of this part within any specific period of time, the prerequisites prescribed in paragraph (a) of this section shall not apply with respect to such requirement (or requirements), and the applicant shall provide in the application a plan, satisfactory to the Secretary, for achieving appropriate alternatives to such requirement (or requirements).

§ 56a.303 Content of application—supporting information.

An approvable application for a grant under section 1203 of the Act shall contain the following information:

(a) A comprehensive description of the organizational structure which will manage the emergency medical services system;

(b) A detailed description of current emergency medical services resources and capability;

(c) A narrative and graphic description of the project area, including geographic, demographic, climatological, epidemiological, and socio-economic characteristics;

(d) A description of actual and potential standards for emergency medical services, including methods and levels of performance;

(e) A description of the objectives of the project, identifying problems and needs and establishing priorities for achieving such objectives;

(f) A description of the projected emergency medical services capability that will exist at the completion of the project, including types of services, status of subsystems, and nature of community involvement;

(g) A detailed description of the methodology which will be employed in order to achieve each of the objectives of the project;

(h) A schedule for the implementation of the project;

(i) A fiscal schedule containing estimated expenditures and justification therefor;

(j) A description of the methods which will be used to evaluate the operation of the planned emergency medical services system and the effect of such system on the patients involved; and

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(k) Any other statistical information which the Secretary may require, in such form as the Secretary may prescribe.

§ 56a.304 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to those applicants whose projects will, in his judgment, best promote the purposes of section 1203 of the Act and the regulations of this subpart, taking into account:

(1) The extent of the need for emergency medical services in the service area of the proposed project;

(2) The capability of the applicant to carry out the proposed project;

(3) The reasonableness of the budget and the soundness of the fiscal plan for assuring effective utilization of grant funds;

(4) The extent of coordination with existing health planning agencies and groups in the service area of the proposed project;

(5) The potential of the project for accomplishing its objectives and fulfilling the purposes of the emergency medical services systems grant program;

(6) The potential of the project for becoming a self-supporting emergency medical services system; and

(7) The degree to which the proposed project addresses the needs of rural areas.

(b) The amount of any award under this part will be determined by the Secretary on the basis of his estimate of the sum necessary for a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either:

(1) On the basis of the estimate of the actual indirect costs reasonably related to the project; or

(2) On the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

Provided, however, That such amount shall not represent a percentage of the total cost of the project as determined by the Secretary pursuant to these regulations which exceeds the applicable maximum percentage of Federal participation specified in section 1203(c)(4) of the Act. In determining the grantee's share of project costs, costs borne by Federal funds, or costs used to match other Federal grants may not be included except as otherwise provided by law.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted, and the period for which support is recommended.

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. However, if a grant is made under this subpart for an emergency medical services system, the Secretary may make one additional grant for that system if he determines, after a review of the first nine months' activities of the applicant carried out under the first grant, that the applicant is satisfactorily progressing in the establishment and operation of the system in accordance with the plan contained in its application (pursuant to section 1206(b)(4) of the Act and § 56a.302) for the first grant.

§ 56a.305 Use of project funds.

(a) Any funds granted pursuant to this subpart, as well as other funds to be used in performance of the approved project, shall be expended solely for carrying out the approved project in accordance with section 1203 of the Act, the regulations of this part, the terms and conditions of the award, and the applicable cost principles set forth in 45 CFR Part 74.

(b) Project funds under this subpart may be used for, but need not be limited to, the following:

(1) Purchasing ambulances: *Provided*, That

(i) No other funds, Federal or non-Federal, are available for such purpose;

(ii) The cost will be no greater than the Federal share prescribed by the applicable Department of Transportation cost sharing requirements.

(iii) The ambulance meets the requirements for size and equipment prescribed by the Federal Specification, Ambulance, Emergency Care Vehicle, General Services Administration, (KKK–A–1822, January 2, 1974).

(iv) The ambulance is capable of responding to all medical emergencies in the service area of the system;

(v) The State allocation of Federal Highway Safety Funds for Department of Transportation Standard XI for the current year is not less than the allocation for 1973 or 1974 (whichever is greater), unless the total allocation for all Standards is less, and the reduction in the Standard XI allocation is proportionate to the overall reduction;

(vi) The ambulance, by the end of the grant period, will be manned by two certified emergency medical technicians when transporting patients; and

(vii) Existing ambulances cannot be improved economically to meet the system's standards, and additional ambulances are necessary for efficient operation of the system.

(2) Purchasing communications equipment: *Provided*, That

(i) There exists an overall public safety communications plan for the service area of the project that is consistent with the regulations of the Federal Communications Commission in 47 CFR Part 89, "Public Safety Radio Services," Subpart P, "Special Emergency Radio Service".

(ii) Existing equipment and facilities are utilized to the fullest possible extent; and

(iii) Evidence is presented that reasonable effort has been made to obtain funds from other sources for such purpose.

(3) Alterations to complete existing facilities: *Provided*, That

(i) The work is essential to the project and is limited to adapting space or utilities to accomplish the objectives of the grant-supported activities;

(ii) The facility has a usable life consistent with program purposes and is architecturally suitable for conversion; and

(iii) The space involved will actually be occupied by the project.

(4) Purchasing built-in equipment for existing ambulances, emergency departments, and communications centers.

(5) Training and continuing education for personnel, provided that the applicant demonstrates to the satisfaction of the Secretary that the applicant filed an application under Title VII or VIII of the Act for a grant or contract for a training program and such application was not approved or was approved but for which no or inadequate funds were made available under such title.

(6) Purchasing training aids, books, and materials, and related classroom expenses.

(7) Providing programs of public education and information regarding the emergency medical services system.

(8) Establishing use of the universal emergency telephone number 911, except for costs customarily borne by the telephone company or local government.

(c) Project funds may not be used for the following:

(1) Construction of new facilities.

(2) Acquisition of facilities.

(3) Purchasing built-in hospital equipment which will be used more than 25 percent of the time for non-emergency department purposes.

(4) Maintaining equipment or replacing supplies.

(5) Establishment, operation, or improvement of services or facilities involved in the care of patients in the normal hospital environs or in any other care facility, except for those which are customarily associated with the emergency department.

(6) Financial assistance to students for stipends, tuition and fees, per diem, or other reimbursement for food, lodging, etc. Domestic travel of trainees may be supported at the rate of eight cents per mile when justified as a necessary and integral part of an approved training program.

(7) Costs normally borne by the patient, such as hospitalization costs.

Subpart D—Grants for Expansion and Improvement

§ 56a.401 Applicability.

The regulations of this subpart, in addition to the regulations of Subpart A of this part, are applicable to grants awarded pursuant to section 1204 of the Act for the expansion and improvement of emergency medical services systems.

§ 56a.402 Purpose.

The purpose of a project for which a grant is made pursuant to section 1204 of the Act shall be (a) the expansion and improvement of an existing emergency medical services system's capabilities to meet the requirements of section 1206(b)(4)(C) of the Act and § 56a.103 of Subpart A of this part, or (2) the expansion of an existing system to cover geographical areas or population groups not previously served by such system.

§ 56a.403 Project requirements.

(a) An application under this subpart will not be approved by the Secretary unless (1) the applicant demonstrates to the satisfaction of the Secretary that the emergency medical services system for which the application is submitted will meet each of the requirements specified in section 1206(b)(4)(C) of the Act and § 56a.103 of Subpart A of this part within the period of the grant for which application is made; except that if the applicant demonstrates to the satisfaction of the Secretary the inability of the applicant's emergency medical services system to meet one or more of such requirements within such period, the period (or periods) within which the system must meet such requirement (or requirements) is such period (or periods) as the Secretary may require; and

(2) The applicant provides in the application a plan satisfactory to the Secretary for the system to meet each of the requirements specified in section 1206(b)(4)(C) of the Act, and § 56a.103 of Subpart A of this part within the period described in subparagraph (1) of this paragraph:

(b) *Provided*, That If an applicant submits an application for a grant under this subpart and demonstrates to the satisfaction of the Secretary the inability of the system for which the application is submitted to meet one or more of the requirements specified in section 1206(b)(4)(C) of the Act and § 56a.103 of Subpart A of this part within any specific period of time, the prerequisites prescribed in paragraph (a) of this section shall not apply with respect to such requirement (or requirements), and the applicant shall provide in the application a plan, satisfactory to the Secretary, for achieving appropriate alternatives to such requirement (or requirements).

§ 56a.404 Content of application—supporting information.

An approvable application for a grant under section 1204 of the Act shall contain the following information:

(a) A comprehensive description of the organizational structure which will manage the improved and expanded emergency medical services system;

(b) A detailed description of current emergency medical services resources and capability;

(c) A narrative and graphic description of the project area, including geographic, demographic, climatological, epidemiological, and socio-economic characteristics;

(d) A description of actual and potential standards for emergency medical services, including methods and levels of performance;

(e) A description of the objectives of the project, describing specifically which aspects of the emergency medical services system must be improved and expanded in order for the system to meet each of the requirements of section 1206(b)(4)(C) of the Act and § 56a.103 of Subpart A of this part;

(f) A description of the projected emergency medical services capability that will exist after improvement and expansion of the system, including types of services, status of subsystems, and nature of community involvement;

(g) A detailed description of the methodology which will be employed in order to achieve each of the objectives of the project;

(h) A schedule for the implementation of the project;

(i) A fiscal schedule containing estimated expenditures and justification therefor;

(j) A description of the methods which will be used to evaluate the operation of the improved and expanded emergency medical services system and the effect of such system on the patients involved; and

(k) Any other statistical information which the Secretary may require, in such form as the Secretary may prescribe.

§ 56a.405 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to those applicants whose projects will, in his judgment, best promote the purposes of section 1204 of the Act and the regulations of this subpart, taking into account;

(1) The extent of the need for improved and expanded emergency medical services in the service area of the system;

(2) The capability of the applicant to carry out the proposed project;

(3) The reasonableness of the budget and the soundness of the fiscal plan for assuring effective utilization of grant funds;

(4) The extent of coordination with existing health planning agencies and groups in the service area of the system;

(5) The potential of the project for accomplishing its objectives and fulfilling the purposes of the emergency medical services grant program;

(6) The potential of the project for becoming self-supporting; and

(7) The degree to which the proposed project addresses the needs of rural areas.

(b) The amount of any award under this Part will be determined by the Secretary on the basis of his estimate of the sum necessary for a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either:

(1) On the basis of the estimate of the actual indirect costs reasonably related to the project; or

(2) On the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary.

Provided, however, That such amount shall not exceed 50 per centum of the total cost of the project, as determined by the Secretary pursuant to these regulations, or in the case of applications which demonstrate an exceptional need for financial assistance, 75 per centum of such cost. In determining the grantee's share of project costs, costs borne by Federal funds, or costs used to match other Federal grants may not be included except as otherwise provided by law.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted, and the period for which support is recommended.

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application periodically at such times and in such form as the Secretary may direct.

§ 56a.406 Use of project funds.

(a) Any funds granted pursuant to this subpart, as well as other funds to be used in performance of the approved project, shall be expended solely for carrying out the approved project in accordance with section 1204 of the Act, the regulations of this part, the terms and conditions of the award, and the applicable cost principles set forth in 45 CFR Part 74.

(b) Project funds under this subpart may be used for, but need not be limited to, the following:

(1) The items enumerated in section 306(b) of Subpart C of this Part.

(2) Acquisition of equipment and existing facilities, exclusive of land and offsite improvements. Federal participation in mortgage amortization and similar loan payments in connection with such acquisition will be limited to a maximum of two years (See § 56a.407).

(3) Modernization of Facilities.

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(c) Project funds may not be used for the following:

(1) Construction of new facilities.

(2) Purchasing built-in hospital equipment which will be used more than 25 percent of the time for non-emergency department purposes.

(3) Maintaining equipment or replacing supplies.

(4) Establishment, operation, or improvement of services or facilities involved in the care of patients in the normal hospital environs or in any other care facility, except for those which are customarily associated with the emergency department.

(5) Financial assistance to trainees for stipends, tuition and fees, per diem, or other reimbursement for food, lodging, etc. Domestic travel of trainees may be supported at the rate of eight cents per mile when justified as a necessary and integral part of an approved training program.

(6) Costs normally borne by the patient, such as hospitalization costs.

§ 56a.407 Acquisition of facilities.

The following provisions are applicable to the acquisition of existing facilities:

(a) *Estimated costs of acquisition and remodeling: Suitability of facility.* Each application for a project involving the acquisition of existing facilities shall include in the detailed estimates of the cost of the project the cost of acquiring such facilities to serve the purposes for which they are acquired. Such application shall demonstrate to the satisfaction of the Secretary that the architectural, structural and other pertinent features of the facility, as modified by any proposed expansion, remodeling, renovation, or alteration, will be clearly suitable for the purposes of the program, and, to the extent of the costs in which Federal participation is requested, are not in excess of what is necessary for the services proposed to be provided in such facilities.

(b) *Determination of necessary cost.* The necessary cost of acquisition of existing facilities shall be determined on the basis of such documentation submitted by the applicant as the Secretary may prescribe (including the reports of such real estate appraisers as the Secretary may approve) and other relevant factors.

(c) *Bona fide sale.* Federal participation in the acquisition of existing facilities is on condition that such acquisition constitutes a bona fide sale involving an actual cost to the applicant and will result in additional or improved facilities for purposes of the program.

(d) *Facility which has previously received Federal grant.* No grant for the acquisition of a facility which has previously received a Federal grant for construction, acquisition, or equipment shall serve either to reduce or restrict the liability of the applicant or any other transferor or transferee from any obligation of accountability imposed by the Federal Government by reason of such prior grant.

[FR Doc.74-7272 Filed 3-28-74;8:45 am]

federal register

FRIDAY, MARCH 29, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 62

PART IV

FEDERAL ENERGY OFFICE

■

CLARIFICATIONS AND REVISIONS TO PART 211

Proposed Rules

No. 62—Pt. IV——1

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FEDERAL ENERGY OFFICE

[10 CFR Part 211]

CLARIFICATIONS AND REVISIONS TO PART 211

Notice of Proposed Rulemaking

The Federal Energy Office hereby gives notice of a proposal to amend Title 10 of the Code of Federal Regulations, Part 211.

This revision represents a restatement of the basic regulatory framework for the Mandatory Petroleum Allocation Program. It is intended to clarify and make more precise the regulatory scheme established in the January 15, 1974 Mandatory Allocation Regulations, as amended. The changes are largely technical in nature and are not intended to reflect fundamental policy changes except for new provisions dealing with the certification of current requirements for agricultural production and supplier-initiated adjustments to base period volumes of wholesale purchasers. Most of the changes in this proposed revision are intended to clarify areas of misunderstanding which have come to FEO's attention. To this end, it is anticipated that the reorganization of Subpart A, the new and revised definitions, and the expanded treatment of certain concepts would facilitate the uniform interpretation of Part 211 and compliance with the allocation program. This proposal does not represent an attempt to create or modify allocation programs in response to any anticipated increased supply of crude oil and petroleum products, but does provide a basis upon which to modify the various allocation programs when increased supplies are available.

Subpart C (Crude Oil) is not addressed in this proposal since it has already been the subject of a separate proposed rulemaking. In this proposal Subpart D (Propane) and Subpart E (Butane) have also not been conformed to the proposed changes in Subpart A. A proposed revision of Subpart D will be issued for public comment shortly, to become effective the first of May, 1974. At the same time it is anticipated that a proposed revision of Subpart E will be issued for public comment. No conforming changes have been found necessary in Subpart J (Petrochemical Feedstocks) at this time.

Interested persons commenting on the notice of proposed rulemaking concerning supplier/purchaser relationships for civil air carriers published in the FEDERAL REGISTER on March 26, 1974, should attempt to review those proposals in the light of these proposed revisions of Subparts A and B.

The general provisions of Subpart A would be reorganized so that the principles which form a common basis for the various allocation programs can be more easily understood in relation to one another. To this end, §211.24 would be revoked and a new § 211.9 issued which would contain a more comprehensive description of supplier/purchaser relationships. Similarly, the method of allocation contained in the existing § 211.11 would be found in a new § 211.10, and would set forth in detail the methods of allocation to be followed by suppliers. A new § 211.11 would provide the basis for a purchaser's entitlement to an allocation and would include such other subjects as the separate treatment of the parts of a firm when acting in certain capacities.

Proposed Subpart B would include new definitions and there would be changes made in the definition of certain terms. Basic concepts in Part 211 which have been the subject of misunderstanding would be clarified and more detail supplied to provide guidance in these problem areas. Subparts F through K and Subpart L would be revised to conform to the changes made in Subparts A and B.

Wholesale purchaser-resellers and wholesale purchaser-consumers. Proposed Subpart B would provide two new definitions in particular which should be noted. The term "wholesale purchaser" has been revised to mean either a wholesale purchaser-reseller or wholesale purchaser-consumer or both. A wholesale purchaser-reseller is defined as a

"firm which purchases, receives through transfer, or otherwise obtains (as by consignment) an allocated product and resells or otherwise transfers it to other purchasers without substantially changing its form."

A wholesale purchaser-consumer is defined as a

"firm that is an ultimate consumer which, as part of its normal business practices, purchases or obtains an allocated product from a supplier and receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location and which either (1) purchased or obtained more than 20,000 gallons of that allocated product for its own use in agricultural production in any completed calendar year subsequent to 1971; (2) purchased or obtained more than 50,000 gallons of that allocated product in any completed year subsequent to 1971 for use in one or more multi-family residences; or (3) purchased or obtained more than 84,000 gallons of that allocated product in any completed calendar year subsequent to 1971."

Essentially, the definitions of wholesale purchaser-reseller and wholesale purchaser-consumer separate two concepts included within the definition of wholesale purchaser under the existing regulations. The two new definitions would make it easier to make distinctions between the two concepts.

Allocation levels not subject to an allocation fraction. The proposed revision would set forth in Subparts F through K for each allocated product those allocation levels not subject to an allocation fraction and those which are subject to an allocation fraction. Thus, in proposed Subpart F (Motor Gasoline), the allocation level not subject to an allocation fraction includes agricultural production and Department of Defense use while the allocation level subject to an allocation fraction includes such uses as emergency services and sanitation services.

Certification of end-user or wholesale purchaser-consumer requirements entitled to allocation levels not subject to an allocation fraction. Section 211.12(d) would provide a new procedure whereby the allocation requirements of end-users and wholesale purchaser-consumers whose allocation levels are not subject to an allocation fraction could be certified to each supplier in the distribution chain. Basically, such an end-user or wholesale purchaser-consumer would certify to its supplier on an annual basis its allocation requirements not subject to an allocation fraction. A supplier which received such a certification would in turn certify those requirements to its supplier.

Each supplier would then allocate its supply of an allocated product as provided in § 211.10(c). Wholesale purchaser-resellers would receive those amounts certified by the wholesale purchaser-reseller to its supplier as being for ultimate use under an allocation level not subject to an allocation fraction. The supplier would also allocate its supply to end-users and wholesale purchaser-consumers which it supplies directly and which have certified to the supplier that their use of the allocated product is for an allocation level not subject to an allocation fraction. The supplier would then allocate its remaining supply to wholesale purchaser-resellers, end-users, and wholesale purchaser-consumers whose allocation levels are subject to an allocation fraction. Wholesale purchaser-resellers which have thus been supplied by the supplier would then in turn allocate their supply in the same fashion.

Prior to receipt of a purchaser's certification of allocation requirements not subject to an allocation fraction, suppliers will supply such purchasers (other than agricultural production) at their allocation level but subject to an allocation fraction.

Agricultural production. In connection with the certification of requirements entitled to an allocation level not subject to an allocation fraction, it should be noted that the definition of agricultural production in proposed Subpart B has been revised to identify clearly those activities and services included within agricultural production. Agricultural production would be defined by reference to Standard Industrial Classification code numbers.

This revision is intended to identify more precisely those activities falling within the scope of agricultural production. The current definition is susceptible of varying interpretation. Special treatment for agricultural production, which would be enhanced in the proposed program, is designed to insure adequate availability of fuel for the production of foodstuffs and the principle processing activities related thereto. Use of the SIC code system for identifying the activities falling within this definition should assure greater uniformity and consistency in application. Activities which are related to the food industry but are not agricultural production fall into the category of "business activities" which are assigned allocation levels in the regulations. They are thereby treated in the same fashion as other industries in the manufacturing and service sectors. FEO recognizes the difficulty of drawing the definitional line between what is agricultural production and what falls outside, and will be particularly receptive to comments on this issue.

End-users and wholesale purchaser-consumers as a single entity. Section 211.11 would define end-users and wholesale purchaser-consumers as including all parts of a parent and the consolidated and unconsolidated entities which the parent controls and which act as ultimate consumers. For the purpose of the allocation programs, suppliers would therefore allocate to such end-users and wholesale purchaser-consumers as a single entity.

Separate parts of firms as separate wholesale purchaser-resellers. Proposed § 211.11, however, provides that each part of a firm which operates an ongoing business at a retail sales outlet (as defined in Subpart B) will be considered a separate firm with respect to each retail sales outlet and therefore each retail sales outlet is a separate wholesale purchaser-reseller.

Suppliers would allocate their product separately for each wholesale purchaser-reseller. Suppliers are not permitted to reassign any portion of an allocation entitlement among wholesale purchaser-resellers including their own retail sales outlets.

Section 211.11 also provides that wholesale purchasers and end-users which go out of business lose their base period volumes. In this connection, a wholesale purchaser-reseller which operates a retail sales outlet would not be deemed to have gone out of business if it vacates a site but reestablishes within a reasonable time a retail sales outlet at another location serving substantially the same customers or market served at the former site.

Because proposed § 211.11 provides that each retail sales outlet of a firm is deemed a separate wholesale purchaser-reseller, § 211.11(d) provides rules governing the supplier/purchaser-relationships between a firm and its separate retail sales outlets. In addition, rules are set forth which reduce allocation requirements of the supplier of a retail sales outlet (often the operator of the outlet) so that the operator could not shift allocation requirements among its outlets by closing some outlets. Section 211.11 would require a supplier which supplies its own operated retail sales outlets to report to FEO reductions as to the number of retail sales outlets it operates.

Supplier's method of allocation. Section 211.10 would describe the method by which suppliers allocate their products. The allocation of product to purchasers whose allocation level is not subject to an allocation fraction has been previously described.

Allocations to purchasers whose allocation level is subject to an allocation fraction is also described in detail in proposed § 211.10. Allocation fractions are determined such that amounts to be supplied for certified uses not subject to an allocation fraction are excluded from allocable supply and supply obligation. Allocable supply and supply obligation are defined in proposed § 211.10.

Section 211.10 would provide that base period volume is either the historic volume purchased or obtained during a base period or is the volume assigned by FEO if the purchaser did not purchase or obtain a volume during a base period. The concepts of allocation requirements and allocation levels would be defined in § 211.10.

With respect to purchasers entitled to an allocation level, the allocation levels would not be arranged in order of priority except for allocation levels not subject to an allocation fraction which would be supplied as the first order of priority.

End-users not entitled to allocation levels. Section 211.10 would permit a state or local government to require or authorize suppliers (for example, a retail gasoline dealer) to grant priority among end-users which purchase an allocated product for uses listed in the FEO allocation levels for that product. Except as otherwise required by a state or local government, a supplier could also elect under § 211.10 to give the same priority to such end-users.

The provisions of proposed § 211.12(d) for certification by end-users and wholesale purchasers-consumers of allocation requirements not subject to an allocation fraction have been noted above.

New purchasers. Section 211.12(e) would provide the rules by which new wholesale purchasers may be supplied. It should be noted that wholesale purchasers without a base period supplier or without a new supplier as provided in § 211.10(e)(1) must be assigned to suppliers by FEO. Base period volumes also must be assigned by FEO. Assignments by FEO include arrangements between suppliers and new wholesale purchaser-resellers prior to May 1, 1974.

Section 211.12(f) provides for supply of new end-users.

New importers for end-use. New rules with respect to new end-user and wholesale purchaser-consumer importers which import for their own end-use are provided by § 211.12(g). Such imports may be allocated by FEO in certain circumstances. Reporting is required for such imports.

Adjustment to base period volume. Proposed § 211.13(b) provides an unusual growth adjustment which represents a significant change from the current method of adjusting wholesale purchasers' base period volumes for unusual growth. Supplier-initiated unusual growth adjustments would be mandatory if the supplier's records indicate unusual growth between the base period and December 31, 1973. The wholesale purchaser is only entitled to that growth over 10 percent for motor gasoline and 5 percent for other allocated products. There is no longer a requirement that FEO validate adjustments for growth in excess of twenty (20) percent. Suppliers also would not be required to absorb five percent growth before applying for an adjustment to their base period volumes.

There would be no requirement that the adjustment be initiated by the wholesale purchaser. The supplier is expected to make appropriate adjustments, notify the affected wholesale purchasers, commence deliveries based upon the adjustments and file the appropriate certified forms with FEO by May 1, 1974. These forms and the adjustments they reflect are subject to FEO audit. Deliveries reflecting the adjustments could be made before May 1, 1974 only if all wholesale purchasers eligible for the adjustment receive deliveries reflecting the unusual growth adjustment. Wholesale purchasers not entitled to an adjustment according to the supplier's records would be notified and advised of their right to apply for an unusual growth adjustment. No wholesale purchasers' base period volume would be decreased under this subsection.

Section 211.13(b)(2) would provide for an additional procedure whereby wholesale purchaser-resellers would apply to their suppliers to refine the supplier initiated unusual growth adjustments. This additional adjustment is intended to compensate wholesale purchaser-resellers whose base period volumes as adjusted by the supplier initiated procedure may be distorted to the extent that the 10 percent or 5 percent factor deducted in calculating unusual growth includes growth associated with allocation requirements not subject to an allocation fraction.

Wholesale purchasers which do not receive a supplier-initiated unusual growth adjustment or which disagree with the adjustment received, could apply to the supplier for an unusual growth adjustment based upon the supplier's records and the wholesale purchaser's records. In many cases it is anticipated that base period suppliers will not have complete information as to a base period wholesale purchaser's 1973 volumes to initiate an unusual growth adjustment that fully compensates a wholesale purchaser for 1973 unusual growth. Consequently, the wholesale purchaser must provide such data to the base period supplier so that the unusual growth adjustment can be fully made. Upon receipt of such an application, the supplier would be required to adjust the wholesale purchaser's base period supply within ten days. Suppliers would make an interim adjustment to the wholesale purchaser's base period volume pending FEO's resolution of any disputed application. If the adjustment were ultimately denied, FEO would require that the supplier adjust the wholesale purchaser's future allocation to compensate for excess product received.

Wholesale purchasers could also apply to the FEO for adjustments to their base period volumes for changed circumstances since January 1, 1973. These changed circumstances should indicate need for an adjustment to base period volumes due to such factors as plant expansions, changed traffic patterns, in-

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creased population, and the like. A wholesale purchaser-reseller which was unable to increase sales to match increased demand in 1973 due solely to an allocation fraction imposed by its supplier under a voluntary petroleum allocation program could apply for an adjustment under this provision. End-users whose allocation level is a percentage of base period volumes could apply for adjustments based upon changed circumstances since January 1, 1974. The application is made to the State office, which forwards the application and its recommendation to FEO. FEO would only make adjustments for changed circumstances in compelling situations which are supported by detailed documentation.

End-users and wholesale purchaser-consumers entitled to an allocation level of 100 percent of current requirements which is subject to their supplier's allocation fraction would certify to these suppliers any increased requirements since January 1, 1974. If the supplier and the purchaser cannot agree, a request for validation would be forwarded to FEO. Pending this validation, the supplier would supply the requested increased requirement. The FEO could later require the supplier to adjust the purchaser's allocation requirements to compensate for excess product supplied during the period a validation is pending. Suppliers would in turn certify these increased requirements and have their base period volumes adjusted to cover the increase granted by suppliers under this paragraph.

No supplier may discriminate between or among its wholesale purchasers and end-users in adjusting base periods.

Complaints by wholesale purchasers concerning applications not approved or alleged discrimination between or among classes of wholesale purchasers supplied by the supplier would be filed with the FEO.

Redirection of product. Section 211.14 would be revised to define the term "area" as a state, a group of states within a region, or a subdivision of a state or states within a region. As revised, § 211.14 would specify that the FEO may order the redirection of products from one area or region to another or may order that different allocation fractions be used in different regions to meet imbalances in supplies of allocated products. In the case of refiners, importers and other suppliers which have significantly reduced marketing or distribution in an area, proposed § 211.14 provides that FEO may order the reassignment of wholesale purchasers or end-users from one supplier to another.

State set-aside. The provisions of § 211.17 would be reorganized and would specify determination of the State set-aside volume, action to be taken by the State in allocating from the state set-aside, the meaning of the authorizing document, suppliers' responsibilities and the role of prime suppliers. Section 211.17 would also be revised to specify that an authorizing document issued by a State office is effective when issued and represents a call on the prime suppliers' set-aside volumes for the month of issuance even when deliveries take place in a subsequent month. An authorizing document entitles a purchaser to receive product from a local distributor of the prime supplier. A local distributor may not delay deliveries required by the authorizing document while seeking confirmation from the prime supplier.

Supplier substitution. Section 211.25 would be revised to make it clear that when a supplier arranges to fulfill a supply obligation through a substituted supplier, the purchaser is entitled to the same amount of allocated product from the substituted supplier that the purchaser would receive if it were directly supplied by the obligated supplier using the obligated supplier's allocation fraction.

Base period volume for construction. Section 211.27 would include negotiated construction contracts in addition to competitive bid contracts.

Subparts F through L. Subparts F through I and Subpart K are revised to conform to changes in Subparts A and B. In addition, substantive changes are made in Subpart H (Aviation Fuels) and Subpart K (Other Products).

Subparts F through I and Subpart K (as previously noted) would specify whether particular allocation levels are subject to reduction by application of an allocation fraction. In each case the allocation level of 100 percent of current requirements, not subject to an allocation fraction, is assigned to agricultural production and Department of Defense uses except for housekeeping requirements. Space heating requirements are assigned the level of 100 percent of current requirements not subject to the allocation fraction under Subpart G (Middle Distillate) and Subpart I (Residual Fuel Oil). Aviation ground support vehicles and equipment are included at the allocation level of 100 percent of current requirements, subject to an allocation fraction, in Subpart F (Motor Gasoline) and Subpart G (Middle Distillate).

Subpart H (Aviation Fuels) would be revised to include telecommunications flying in the allocation level of 100 percent of current requirements subject to an allocation fraction and to clarify that the allocation levels specified for local air service carriers, other air carriers, domestic, supplemental and scheduled cargo air carriers, international air carriers, intra-state carriers, business flying and air travel club flying include fuel requirements for crew training and proficiency flying. The allocation level of 95 percent of base period volume for general aviation would be deleted. Wholesale purchaser-resellers which sell to wholesale purchaser-consumers and end-users engaged in general aviation are subject to the provisions of §§ 211.9–211.13.

Subpart K (Other Products) would be revised to include within its scope solvents, diluents, feedstocks for synthetic natural gas plants, refined lubricating oils and allocated products used in the blending and compounding of lubricating oils, as well as other refined petroleum products not subject to Subparts D through K. Any wholesale purchaser-consumer of crude oil or allocated products for use as a feedstock in synthetic natural gas production which has no base period volume or requirements which exceed base period volume would be required to apply to the FEO for approval of a base period volume or an adjusted base period volume.

Subpart L (General Reporting and Recordkeeping Requirements) requires that monthly prime suppliers' reports under § 211.222(b) be actually, rather than constructively, received by the National FEO, on the 10th day prior to the beginning of the month to which the report applies.

Section 211.223 would be added to Subpart L to set forth the recordkeeping requirements found in existing § 211.11 (d). Proposed § 211.225 sets forth the reporting requirements for new end-user and wholesale purchaser-consumer importers.

Subpart B. Subpart B would be revised to delete and amend a number of definitions. New definitions would also be added. The principal changes would include deletion of the definitions of "reseller", "retail supplier" and "wholesale supplier." Definitions of "wholesale purchaser-reseller", and "wholesale purchaser-consumer" and "agricultural production" would be added as previously noted. The definition of "bulk purchaser" is moved from Subpart B to Subpart F and would specify that the tank in which its product is stored must have a capacity of not less than 50 gallons.

The definition of "motor gasoline" would be revised to clarify that motor gasoline includes certain products when used as blending stock to form motor gasoline. The definitions of "energy production," "importer" and "total supply" would also be modified.

"Firm" would be defined to include "any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity", including eleemosynary institutions and Federal, State and local government. This definition also specifies that the FEO may treat as a firm (1) a parent and any consolidated and unconsolidated entities which it controls; (2) a parent and its consolidated entities; (3) an unconsolidated entity; or (4) any part of a firm.

Interested persons are invited to participate in the rulemaking by submitting written data, views or arguments with respect to the proposed regulations set forth in this notice to the Executive Secretariat, Federal Energy Office, Box AF, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Office Executive Secretariat with the designation "Proposed Revision and Clarification of Part 211." Fifteen copies should be submitted. All comments received by April 8, 1974, and all other relevant information will be considered by the Federal Energy Office before final action is taken on the proposed regulations.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748; 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 47, 39 FR 24.)

In consideration of the foregoing, it is proposed to amend Part 211, Chapter 2, Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., March, 27, 1974.

WILLIAM E. SIMON,
Administrator,
Federal Energy Office.

1. Subpart A of Part 211 is revised to read as follows:

Subpart A—General Provisions

Sec.
211.1 Scope.
211.9 Supplier/purchaser relationships.
211.10 Supplier's method of allocation.
211.11 Basis for purchaser's entitlement to allocation.
211.12 Purchaser's allocation entitlement.
211.13 Adjustments to base period volume.
211.14 Redirection of products.
211.15 State offices of petroleum allocation.
211.17 State set-aside.
211.21 Energy conservation.
211.22 Administrative actions.
211.23 Normal business practices.
211.25 Supplier substitution.
211.26 Department of Defense allocations.
211.27 Construction industry.
211.28 Price.

AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order Number 47, 39 FR 24.

Subpart A—General Provisions

§ 211.1 Scope.

(a) *General.* This part applies to the mandatory allocation of crude oil, residual fuel oil and refined petroleum products produced in or imported into the United States.

(b) *Exclusions.* (1) Exports of crude petroleum and petroleum products subject to Subchapter B of Chapter III of Title 15 of the Code of Federal Regulations are excluded from this part.

(2) The first sale of domestic crude petroleum and petroleum condensates, including natural gas liquids, produced from any stripper well lease as defined in § 210.32 of this chapter is excluded from this part.

(3) Petroleum refinery products such as petroleum wax, petroleum coke, asphalt, road oil, and refinery gases which are not crude oil, refined petroleum products, or residual fuel oils are excluded from this part.

(4) Natural gas is also excluded from this part.

(c) *State set-asides.* State set-asides are provided for middle distillates, residual fuel oil, motor gasoline and propane.

§ 211.9 Supplier/purchaser relationships.

(a) *Supplier/wholesale purchaser relationship.* (1) Each supplier of an allocated product shall supply all wholesale purchaser-resellers and all wholesale purchaser-consumers which purchased or obtained that allocated product from that supplier during the base period as specified in Subparts D through K of this part.

(2) Unless otherwise provided in this part or directed by FEO, the supplier/wholesale purchaser relationships defined by specific dates or base periods or otherwise imposed pursuant to this part shall be maintained for the duration of the Mandatory Petroleum Allocation Program and may not be waived or otherwise terminated without the express written approval of FEO.

(b) *Supplier/end-user relationship.* Each supplier of an allocated product shall, to the maximum extent practicable, supply all end-users which purchased that allocated product from that supplier as of January 15, 1974, and which are entitled to an allocation level under the provisions of Subpart D through K of this part.

(c) *Changes in ownership or brand.* The supplier/purchaser relationships required by this part shall not be altered by (1) changes in the ownership of the real property on which a wholesale purchaser or end user maintains its ongoing business or end use; or (2) changes in the brand or franchise under which a wholesale purchaser-reseller maintains its on-going business.

(d) *New relationships.* (1) Suppliers shall not supply new wholesale purchasers except in accordance with § 211.12(f).

(2) Suppliers shall not supply new end-users except in accordance with § 211.12(e).

(3) New suppliers shall not supply wholesale purchasers or end users except in accordance with § 211.10(e).

(e) *Dual capacities.* A supplier may also act in the capacity of a wholesale purchaser and an end-user. A wholesale purchaser-consumer may also be a wholesale purchaser-reseller. A firm which is acting in one or more different capacities shall comply with the appropriate regulations governing each capacity in which it acts.

§ 211.10 Supplier's method of allocation.

(a) *General.* (1) Suppliers of allocated products shall allocate all of their allocable supply in accordance with the provisions of this section unless otherwise specified in Subparts D through K of this Part. Each supplier shall determine its allocation fraction pursuant to the provisions of paragraph (b) of this section. Suppliers shall then allocate to wholesale purchasers and end-users in accordance with the provisions of paragraph (c) of this section. End-users without allocation levels shall allocate their allocable supply in accordance with the provisions of paragraph (d) of this section. The method of allocation for new suppliers is specified in paragraph (e) of this section. Suppliers with allocation fractions less than one (1.0) must act in accordance with the provisions of paragraph (f) of this section, while suppliers with allocation fractions in excess of one (1.0) must act in accordance with the provisions of paragraph (g) of this section. Suppliers which sell products with different uses which are subject to allocation under more than one subpart shall determine the applicable subpart by reference to paragraph (h) of this section.

(2) For purposes of defining a supplier in this part, a firm shall mean the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

(b) *Allocation fraction.* Each supplier shall determine an allocation fraction prior to making any allocation. A supplier's allocation fraction for any particular month for an allocated product shall be equal to its allocable supply of that product, which is defined in subparagraph (1) of this paragraph, for that month, divided by its supply obligation for all levels of distribution, which is defined in subparagraph (2) of this paragraph. Suppliers shall adjust their allocation fractions for each base period to reflect adjustments in their supply obligation and in their allocable supply. Each supplier shall only have a single allocation fraction for all purchasers except to the extent permitted in § 211.14 or unless permitted or required by order of the FEO.

(1) *Allocable supply.* Each supplier's allocable supply of an allocated product for a particular period shall be equal to its total supply for that period, which is the sum of its estimated production, including amounts received under processing agreements, imports, purchases and any reduction in inventory of that allocated product made pursuant to § 211.22 except as otherwise ordered by FEO; less (i) any amounts designated as a state set-aside for a prime supplier pursuant to § 211.17, (ii) any amounts of allocation requirements supplied directly to end-users or wholesale purchaser-consumers under an allocation level not subject to an allocation fraction, and (iii) any amounts supplied to wholesale purchaser-resellers which have certified these amounts to be for ultimate use under an allocation level not subject to an allocation fraction. Any existing inventory, or production, importation or purchase of an allocated product used to increase that inventory consistent with the provisions of § 211.22 shall not be included in the allocable supply of that product.

(2) *Supply obligation*—(i) *General.* A supplier's supply obligation of a particular allocated product is the sum of (A) the amounts of its wholesale purchaser-resellers' base period volumes, as adjusted pursuant to § 211.13 for unusual growth and other allowable factors, which were supplied by the supplier during the appropriate base period provided that the wholesale purchaser is still in business; (B) the amounts of adjusted base period volumes of new wholesale purchasers and end-users which are assigned to or accepted by the supplier in accordance with the provisions of § 211.12; and (C) the amounts of allocation requirements of end-users and

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wholesale purchaser-consumers supplied by the supplier; minus (D) any amounts of allocation requirements supplied directly to end-users or wholesale purchaser-consumers under an allocation level not subject to an allocation fraction and (E) any amounts supplied to wholesale purchaser-resellers which have certified those amounts to be for ultimate use under an allocation level not subject to an allocation fraction. A wholesale purchaser's base period volume, allocation requirements and allocation levels are defined below.

(ii) *Base period volume.* A wholesale purchaser's base period volume of a particular alldcated product is the volume of that allocated product purchased or obtained during the appropriate base period as determined in accordance with § 211.12(c). In the case of a new wholesale purchaser, base period volume means the volume assigned pursuant to § 211.12(c). Base period volume, however, does not include any amounts of an allocated product obtained pursuant to in kind exchange agreements involving a single product which are normal business operating procedures. Suppliers do not have a base period volume except when acting in the capacity of a wholesale purchaser. Depending on the applicable allocation level, end-users may have a base period volume or may be treated on the basis of current requirements. Adjustments to base period volumes shall be made in accordance with the provisions of § 211.13.

(iii) *Allocation requirements.* The allocation requirement of an end-user or wholesale purchaser-consumer is the product of that purchaser's current requirements, base period volume or adjusted base period volume, as appropriate, multiplied by the applicable allocation level.

(iv) *Allocation levels.* An allocation level is the percentage of the current requirements, base period volume, or adjusted base period volume, as appropriate, of an end-user or wholesale purchaser-consumer that its supplier shall supply if sufficient volumes of the allocated product are available. Allocation levels are assigned on the basis of the use to be made of the product or the type of purchaser receiving the product.

(c) *Allocation by suppliers to wholesale purchasers and end-users.* There shall be two levels of priority in the allocation by suppliers to wholesale purchasers and end-users:

(1) *First priority.* The first priority shall be for each supplier at every distribution level (i) to allocate from its total supply to wholesale purchaser-resellers any amounts which those purchasers have certified pursuant to § 211.12(d)(2) to be for ultimate use under an allocation level not subject to an allocation fraction and (ii) to allocate from its total supply to end-users and wholesale purchaser-consumers supplied directly under an allocation level not subject to an allocation fraction sufficient volumes of the allocated product to supply one hundred percent of those purchasers' allocation requirements which those purchasers have certified pursuant to § 211.12(d)(1). The amounts allocated under this first priority shall not be subject to the supplier's allocation fraction.

(1) *Second priority.* The second priority for each supplier shall be (i) to allocate to each wholesale purchaser-reseller a volume of allocated product equal to the product of that supplier's allocation fraction multiplied by the amount equal to that wholesale purchaser-reseller's base period volume or adjusted base period volume minus any amounts which that purchaser has certified to be for ultimate use under an allocation level not subject to an allocation fraction and (ii) to allocate from its allocable supply to all end-users and wholesale purchaser-consumers supplied directly under an allocation level subject to an allocation fraction a volume of allocated product equal to the product of that supplier's allocation fraction multiplied by the allocation requirements of those purchasers.

(3) *Allocation level priority.* Allocation levels listed in Subparts D through K of this part are not arranged in sequence of priority except the allocation levels not subject to an allocation fraction which must be supplied as the first order of priority. Suppliers shall distribute their allocable supply to all classifications of purchasers listed within each particular percentage allocation level and among percentage allocation levels other than levels not subject to an allocation fraction without regard to the order of listing.

(d) *Purchasers without allocation levels.* Notwithstanding the provisions of paragraphs (c) and (g) of this section, suppliers such as retail gasoline dealers, which supply both end-users or wholesale purchaser-consumers which are not entitled to an allocation level and end-users or wholesale purchaser-consumers which are entitled to an allocation level shall allocate their allocable supply in the following manner:

(1) The first priority for each supplier shall be to allocate to all end-users and wholesale purchasers which are entitled to an allocation in accordance with the provisions of paragraph (c) of this section.

(2) The second priority for each supplier shall be to distribute equitably the remainder of the supplier's allocable supply among all end-users or wholesale purchaser-consumers which are not entitled to an allocation level. A state or local government may require or authorize priorities to or among such end-users or wholesale purchaser-consumers purchasing the allocated product for the uses listed in the allocation levels for that product in the subpart of this part applicable to the particular allocated product. Except to the extent that a state or local government requires otherwise, the supplier may also give priority to or among such end-users or wholesale purchaser-consumers purchasing the allocated product for the uses listed in the allocation levels for that product in the subpart of this part applicable to the particular allocated product. Priority treatment, per se, when granted in accordance with the provisions of this subparagraph, shall not be considered a form of discrimination among purchasers or any other prohibited conduct under § 210.62 of this chapter.

(e) *New supplier.* (1) A supplier which was not a base period supplier but was a supplier prior to January 15, 1974 shall supply, in accordance with the provisions of this section, (i) wholesale purchasers which it supplied as of January 15, 1974 and which have no base period supplier; (ii) any assigned purchasers; (iii) new wholesale purchasers acquired after January 15, 1974 in accordance with the provisions of § 211.12; and (iv) to the maximum extent possible, end-users.

(2) A supplier which was not a supplier prior to January 15, 1974 shall be considered to have no supply obligation and shall not allocate supplies to any purchaser without FEO approval.

(f) *Allocation fractions less than one.* When a supplier's allocation fraction is less than one (1.0), a supplier shall reduce, on a pro-rata basis, the amounts supplied to end-users and wholesale purchasers for uses subject to the allocation fraction. End-users and wholesale purchaser-consumers supplied under an allocation level not subject to an allocation fraction, shall, however, be supplied at a constant one hundred percent of allocation requirements. Wholesale purchaser-resellers which certify amounts of an allocated product to be for ultimate use under an allocation level not subject to an allocation fraction shall also be supplied at one hundred percent of these certified amounts. The purchasers shall not receive a pro-rata reduction unless the supplier's total supply is not sufficient to supply all such end-users and wholesale purchasers at one hundred percent of allocation requirements or certified amounts, as appropriate.

(g) *Allocation fractions greater than one.* (1) In allocating allocable supplies of any allocated product among wholesale purchasers, no supplier may use an allocation fraction greater than one (1.0) except as provided herein. If a supplier's allocable supply is of sufficient magnitude that the allocation fraction exceeds one (1.0), the supplier shall make allocations based on an allocation fraction of one (1.0), and shall separately report by certified mail to the National FEO and the appropriate Regional FEO the volume of surplus product available. The National FEO may direct that the product be distributed among other suppliers, sold to designated wholesale purchasers or end-users, or be accumulated in inventory. If the reporting supplier is not notified to the contrary by the National FEO within fifteen (15) days after filing with the National FEO, it shall distribute these volumes by applying the allocation fraction greater than one (1.0) until all the current requirements of all that supplier's purchasers have been supplied. If further supplies still remain after all the current requirements of that supplier's purchasers have been supplied, the supplier shall again separately report by

certified mail to the National FEO and the appropriate regional FEO the volume of surplus product available. No further distribution shall be made except at the direction of FEO.

(2) No supplier shall supply and no end-user or wholesale purchaser-consumer shall accept quantities of an allocated product which exceed one hundred (100) percent of that end-user or wholesale purchaser-consumer's current requirements, unless directed by FEO.

(h) *Products with different uses.* When an allocated product may be subject to allocation under more than one subpart of this part, a wholesale purchaser must certify to its supplier the use of the product during the base period for that use of the product. The supplier shall then supply that wholesale purchaser in accordance with the provisions of the subpart which applies to the certified use of that product unless the supplier and wholesale purchaser mutually agree that the product shall be supplied for a use other than the use during the base period. Suppliers shall supply end-users in accordance with the provisions of the subpart that applies to the end-users' present use of the product.

§ 211.11 Basis for purchaser's entitlement to allocation.

(a) *Basis of entitlement.* A wholesale purchaser or an end-user entitled to an allocation level shall receive an allocation based on its conduct of an on-going business or maintenance of an established end use.

(b) *End-users and wholesale purchasers as a firm.* (1) For purposes of defining an end-user or wholesale purchaser-consumer in this Part, a firm shall mean those parts of the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls which act as ultimate consumers including all sites, storage tanks and other facilities or entities of the end-user or wholesale purchaser-consumer that utilize or store an allocated product.

(2) Except as provided in subparagraph (3) of this paragraph, for purposes of defining a wholesale purchaser-reseller in this part, a firm shall mean all parts of the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

(3)(i) Each firm or part of a firm which operates an ongoing business at a retail sales outlet shall be considered a separate firm with respect to each such outlet for purposes of this subpart and, therefore, shall be a separate wholesale purchaser-reseller. The entity which merely holds a real property interest in a retail sales outlet on which another entity operates the on-going business shall not be considered the wholesale purchaser-reseller with respect to that outlet.

(ii) A supplier's obligation to provide an allocated product shall be determined separately for each wholesale purchaser-reseller, without distinguishing between wholesale purchaser-resellers operated by the supplier and wholesale purchaser-resellers not operated by the supplier. A supplier may not reassign all or part of an allocation entitlement from one wholesale purchaser-reseller to another, including reassignment among its own retail sales outlets, without the express written permission of FEO.

(c) *Loss of allocation entitlement for going out of business.* Wholesale purchasers and end-users which have gone out of business shall not be eligible for allocations based on volumes received or purchases made prior to going out of business. A wholesale purchaser-reseller which operates a retail sales outlet shall be deemed to have gone out of business if it vacates the site on which it conducts such business and does not, within a reasonable period of time, reestablish another retail sales outlet at another location serving substantially the same customers or market that was served by the former site.

(d) *Suppliers of retail sales outlets.* (1) The supplier of a retail sales outlet shall be that part of a firm which actually furnishes or physically delivers the allocated product to the retail sales outlet. The operator of one or more retail sales outlets shall not be considered the supplier of its own retail sales outlets unless it operates a terminal facility from which it furnishes product to each outlet or unless it otherwise physically delivers the allocated product to each outlet.

(2) Whenever an operator of a retail sales outlet goes out of business with respect to that retail sales outlet under paragraph (c) of this section, the supplier of that outlet (as wholesale purchaser-reseller) shall not be entitled to an allocation from its supplier for the part of the adjusted base period volume attributable to that retail sales outlet. The supplier of such retail sales outlet shall, in calculating its allocation fraction, remove the amount of such adjusted base period volume from its supply obligation, unless the right to such allocation has transferred to a successor wholesale purchaser-reseller under paragraph (e)(3) of this section.

(3) Any supplier which supplies its own operated retail sales outlets shall report to the National and appropriate regional FEO whenever, in any given month, the number of retail sales outlets it supplies currently (including independents) in any state is 10 percent below the number of retail outlets it supplied during the corresponding month of the base period in that state.

(e) *Transfer of entitlement*—(1) *General.* The right to receive an allocation shall not be assignable separately but shall be considered an integral part of the on-going business or established end use.

(2) *End-users and wholesale purchasers-consumers.* The right to an allocation for an end use shall be deemed to have been transferred only when the entire business or activity of the firm is transferred to a successor firm.

(3) *Wholesale purchaser-resellers.* Whenever a wholesale purchaser-reseller is deemed to have gone out of business in accordance with paragraph (c) of this section, the right to an allocation with respect to the retail sales outlet shall be deemed to have been transferred to its successor on the site, provided such successor establishes the same on-going business on the site within a reasonable period of time after its predecessor vacates the premises. Whenever a wholesale purchaser-reseller vacates a site on which it operated an on-going business, and within a reasonable period of time, re-establishes another retail sales outlet at another location serving substantially the same customers or market that was served by the former site, the right to the allocation with respect to the first site shall continue with that wholesale purchaser-reseller with respect to the second site.

§ 211.12 Purchaser's allocation entitlement.

(a) *Scope.* This section describes a purchaser's allocation entitlements. Paragraph (b) of this section specifies the volumes of an allocated product which wholesale purchasers and end-users are entitled to receive from suppliers. The method by which purchasers determine base period volumes is provided in paragraph (c) of this section and the method by which purchasers determine the amounts not subject to an allocation fraction is provided in paragraph (d) of this section. Paragraphs (e), (f) and (g) of this section set forth procedures by which new wholesale purchasers, new end-users and new importer-consumers, respectively, determine their entitlements and suppliers. Paragraph (h) of this section provides special relief for purchasers which are denied access to a fuel source by Federal or State order.

(b) *Entitlements*—(1) *Wholesale purchaser-reseller.* A wholesale purchaser-reseller shall be entitled to receive a volume of an allocated product equal to the sum of the volumes allocable to it from each of its suppliers. The volume supplied to a wholesale purchaser-reseller by each of its suppliers shall equal the sum of (i) any amounts which that purchaser has certified to a supplier to be for ultimate use and an allocation level not subject to an allocation fraction plus (ii) the product of that supplier's allocation fraction multiplied by an amount equal to that part of that wholesale purchaser's base period volume (or adjusted base period volume) purchased or obtained from that supplier minus any amounts which that purchaser has certified to be for ultimate use under an allocation level not subject to an allocation fraction.

(2) *Wholesale purchaser-consumers and end-users.* A wholesale purchaser-consumer or end-user shall be entitled to receive a volume of an allocated product equal to the sum of the volumes allocable to it from each of its suppliers. The volume supplied to a wholesale purchaser-consumer or end-user by each of its suppliers shall equal the sum of (i) that part of the wholesale-purchaser's or end-user's allocation requirements supplied directly by that supplier under an allo-

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cation level not subject to an allocation fraction plus (ii) that part of the wholesale purchaser's or end-user's allocation requirements supplied by that supplier under an allocation level subject to an allocation fraction.

(c) *Base period volume determination.* (1) By February 1, 1974, each supplier which sells an allocated product to a wholesale purchaser or end-user entitled to an allocation level which is a percentage of a base period use shall report to each of those purchasers with respect to each allocated product, the volume of product which it sold to or transferred to that purchaser in each month of the base period year.

(2) If, after receipt of a supplier's report, a purchaser questions the accuracy of a supplier's report, it shall notify that supplier and attempt to resolve the disagreement as to base period purchases of the purchaser.

(3) If the supplier and purchaser are unable to resolve their differences, the supplier shall commence allocations based on the supplier's records, in accordance with the allocation provisions in this part, and the purchaser should make application to the appropriate FEO regional office for a corrected base period volume in accordance with FEO forms and instructions. Copies of the purchaser's records for base period purchases should be included with the application.

(4) If the FEO determines that the purchaser's application for a corrected base period volume is valid, it may order the supplier to adjust the purchaser's base period volume and to supply the purchaser with additional volumes of the allocated product equal to the adjusted amount the purchaser should have received if allocation had initially been based on the corrected base period volume.

(5) To the extent that retail sales outlets have not been considered separate firms and therefore separate wholesale purchaser-resellers as provided in § 211.11(b)(3) in the base period volume determination required under subparagraph (1) of this paragraph, suppliers shall correct by May 1, 1974 any report made under this paragraph which did not treat such retail sales outlets separately. The corrected reports shall be delivered to such separate wholesale purchaser-reseller by May 1, 1974, and shall provide the information for each separate wholesale purchaser-reseller required under this paragraph.

(d) *Determination of amounts not subject to an allocation fraction.* (1) Any end-user or wholesale purchaser-consumer entitled to an allocation level of 100 percent of current requirements which is not subject to an allocation fraction shall certify those allocation requirements on an annual basis to its supplier (consistent with any energy conservation program such as the temperature reduction restrictions found in that end-user's allocation level). Any increase above the initial level of allocation requirements certified shall also be certified to the supplier. In the event that the end-user or wholesale purchaser-consumer and supplier cannot agree on the volume which the purchaser is entitled to receive, an application for validation may be referred by the end-user or wholesale purchaser-consumer to the office specified in § 205.13 of this chapter. During the period that a request for validation is pending, the supplier shall supply such requirements of the purchaser to the extent permitted by § 211.10(g)(2). The FEO may subsequently require the supplier to adjust such end-user's or wholesale purchaser-consumer's allocation requirements and to compensate for any excess product supplied during the period the validation is pending.

(2) All suppliers (as wholesale purchaser-resellers) which receive a certification of allocation requirements not subject to an allocation fraction pursuant to subparagraph (1) of this paragraph or which receive a certification from any other supplier of allocation requirements which have been certified to that other supplier, shall in turn certify to their suppliers these allocation requirements not subject to an allocation fraction.

(3) Prior to receipt of a certification of allocation requirements from an end-user or wholesale purchaser-consumer entitled to an allocation level of 100 percent of current requirements not subject to an allocation fraction, purchasers for uses other than agricultural production shall continue to be supplied as purchasers entitled to an allocation level of 100 percent of current requirements subject to an allocation fraction. Prior to receipt of a certification of allocation requirements, a purchaser for use in agricultural production shall be supplied at 100 percent of its current requirements not reduced by its supplier's allocation fraction. A supplier of such a purchaser for use in agricultural production may not, however, recertify these allocation requirements pursuant to subparagraph (2) of this paragraph prior to receipt of a certification of allocation requirements.

(4) End-users and wholesale purchaser-consumers which claim entitlement to allocation requirements under this paragraph must be prepared to establish their historic requirements and justify their allocation requirements. All such end-users and wholesale purchaser-consumers must also be in full compliance with § 211.10(g)(2).

(e) *New wholesale purchasers.* Wholesale purchasers which do not have base period suppliers and wholesale purchasers whose base period suppliers are unable to supply them with sufficient amounts of an allocated product shall be supplied as provided in this paragraph.

(1) *Mutual arrangements for wholesale purchaser-consumers.* Wholesale purchaser-consumers without a base period supplier or a new supplier as provided in § 211.10(e)(1) are encouraged to make mutually acceptable arrangements with suppliers. Suppliers are encouraged to continue any existing supplier/purchaser relationships with such wholesale purchaser-consumers and to accept wholesale purchaser-consumers as new purchasers.

(i) Wholesale purchaser-consumers without a base period supplier or a new supplier as provided in § 211.10(e)(1) and existing or prospective suppliers may agree upon a proposed base period volume for the wholesale purchaser-consumer.

(ii) The supplier shall within 10 days of making the mutual arrangement notify FEO by certified mail in accordance with FEO forms and instructions of the proposed base period volume and the basis upon which the proposed base period volume was determined. The proposed base period volume is subject to adjustment by FEO. FEO may also assign the wholesale purchaser-consumer to another supplier.

(iii) After FEO has been notified by the supplier and during the period that FEO has the proposed supplier/purchaser releationship (including the proposed base period volume) under consideration, the supplier may provide the wholesale purchaser-consumer with interim supplies in accordance with the proposed base period volume.

(2) *New wholesale purchaser-resellers.* (i) Suppliers which have accepted new wholesale purchaser-resellers prior to May 1, 1974 shall notify the FEO of the names of all such new purchasers, the proposed base period volume for each purchaser and the basis upon which the proposed base period volume was determined. The proposed base period volume is subject to adjustment by FEO. FEO may also assign the wholesale purchaser-reseller to another supplier.

(ii) Wholesale purchaser-resellers without a base period supplier or a new supplier as provided in § 211.10(e)(1) must apply to FEO for assignment to a supplier and for assignment of a base period volume.

(iii) Firms which intend to operate new retail sales outlets should advise FEO as soon as practicable (preferably before construction begins) of their intention and the anticipated base period volume requirements for such new retail sales outlets.

(iv) After FEO has been notified by the supplier pursuant to subparagraph (2) (ii) and (iii) of this paragraph, the supplier may not provide the wholesale purchaser-reseller with interim supplies.

(3) *Assignments.* Any wholesale purchaser which does not have a base period supplier or a new supplier as provided in § 211.10(e)(1) (including all wholesale purchaser-consumers which cannot locate a supplier under subparagraph (1)) or whose base period supplier(s) or new supplier as provided in § 211.10(e)(1) is unable to supply it with sufficient amounts of an allocated product may petition FEO as provided in § 205.13 of this chapter to be assigned a supplier and a base period volume on an interim or permanent basis.

(i) To the extent practicable, the FEO shall continue any existing supplier/purchaser relationships in making such assignments.

(ii) The wholesale purchaser shall certify to the FEO documented evidence justifying its proposed base period volume as normal and reasonable for the intended use.

(iii) FEO may assign the wholesale purchaser to one or more suppliers and will assign a base period volume to the wholesale purchaser when the assignment to a supplier(s) is made.

(4) Any assigned base period volume under the provisions of this paragraph will be deemed to have been adjusted for growth under § 211.13 through the date of the assignment and may be adjusted thereafter under the provisions of § 211.13. Base period volumes will not be assigned on any basis which gives a wholesale purchaser an unfair advantage over wholesale purchasers which have base period suppliers or new suppliers as provided in § 211.10(e).

(5) Any purchaser which is assigned to or accepted by a supplier under the provisions of this paragraph shall be accepted by the supplier for the duration of the program or until otherwise directed by the FEO.

(f) *New end-users.* (1) Suppliers to the maximum extent possible shall accept new end-users where such purchaser, under normal business practices, could logically have been served by the supplier in accordance with its base period business practices. Suppliers shall allocate to new end-users in a manner consistent with the allocation methods set forth in this chapter.

(2) If the supplier and new end-user cannot agree on an allocation requirement for the end-user or if the end-user cannot locate a supplier, the end-user may apply to the appropriate State office in accordance with the procedure specified in Subpart I of Part 205 of this chapter. In this event, the new end-user shall certify to the State office documented evidence justifying the proposed allocation requirement as normal and reasonable for the intended use.

(g) *New end-user and wholesale purchaser-consumer importers.* End-users and wholesale purchaser-consumers which have not previously imported an allocated product may import that product for their own use subject to § 211.10(g)(2). Such imports will not otherwise affect their allocation entitlement except to the extent that FEO determines that such imports, without a reduction in domestic allocation entitlements, are inconsistent with the objectives of the Act. Should the circumstances warrant, FEO may require that such imports be allocated to other end-users or suppliers. New end-user and wholesale purchaser-consumer importers are required to report to both national and regional FEO's as provided in § 211.225.

(h) *Curtailment of certain energy sources by Federal or State rule or order.* Any end-user or wholesale purchaser-consumer which has been denied access to a source of energy other than an allocated product as a consequence of curtailment by, or pursuant to, a plan filed in compliance with a rule or order of a Federal or State agency, or where the end-user's or wholesale purchaser-consumer's supply of such fuel is unobtainable by reason of an abandonment of service permitted or ordered by a Federal or State agency may apply to a supplier, or the FEO, under the provisions of this section as a new purchaser for an allocated product. If such applications are approved, a base period volume shall be assigned on an equivalent BTU basis for the energy source denied and the amount of assigned allocated product shall be corrected for differences in use efficiency.

§ 211.13 Adjustments to base period volume.

(a) *Scope.* (1) The adjustment procedures under this section are applicable to the allocation of propane, butane, motor gasoline, middle distillates, aviation fuels and residual fuel oil (except allocations to utilities) and other products subject to Subpart K of this part. This section describes the means by which wholesale purchasers and end-users may receive adjustments to their base period volumes.

(2) Paragraph (b) of this section provides for supplier initiated and wholesale purchaser initiated adjustments of a wholesale-purchaser's base period volumes for each month of the appropriate base period year for unusual growth based upon actual sales volumes in 1972 and 1973. Paragraph (c) of this section provides for an adjustment of wholesale purchasers' and certain end-users' base period volumes to account for changed circumstances. Paragraph (d) of this section provides an adjustment to base period volumes when increased requirements are certified by end-users and wholesale purchaser-consumers entitled to receive an allocation level of 100 percent of current requirements subject to an allocation fraction.

(3) Paragraph (e) of this section requires non-discrimination between wholesale purchasers in granting adjustments. Paragraph (f) of this section requires purchasers to certify applications for adjustments while paragraph (g) of this section provides a complaint procedure for purchasers where application for adjustment is not approved by a supplier.

(b) *Adjustments for unusual growth—*(1) *Supplier initiated wholesale purchaser unusual growth adjustment.* Wholesale purchasers which purchased an allocated product (other than residual fuel oil which is assigned 1973 base periods) shall receive a supplier initiated adjustment to their base period volumes by their suppliers to compensate for unusual growth between the 1972 base periods and the corresponding months in 1973.

(i) For purposes of this paragraph, that part of any growth which exceeds 10 percent for the periods compared for motor gasoline or 5 percent for the periods compared for any other allocated product is defined as "unusual growth." Wholesale purchasers will be granted an adjustment only for the part of growth which was in excess of 10 percent for motor gasoline and 5 percent for other allocated products.

(ii) A supplier shall adjust the base period volume for unusual growth in each month of the base period year for each wholesale purchaser which purchased the allocated product from the supplier in 1972. There is no requirement that a wholesale purchaser apply to the supplier for this adjustment. A supplier shall make the adjustment without a request by the wholesale purchaser to the extent that the supplier's records indicate that any wholesale purchaser is eligible for the adjustment.

(iii) The adjustment made pursuant to this paragraph shall be based upon a comparison of the volume of the allocated product purchased from the supplier in 1972 and the volume purchased in 1973. If the supplier did not supply the wholesale purchaser for all of 1972 the adjustment shall be made by a comparison of the volume for the period in 1972 that the supplier did supply the wholesale purchaser and the volume purchased by the wholesale purchaser during the corresponding period of 1973. A wholesale purchaser's 1973 volume in excess of its 1972 volume shall be expressed as a percentage of the 1972 volume to determine growth rate. Unusual growth shall then be determined by subtracting from the growth rate the appropriate percentage figure set forth in subdivision (i) of this subparagraph. The resulting percentage shall be multiplied by the wholesale purchaser's base period volume for each base period in which the supplier is obligated to supply the wholesale purchaser to provide the amount by which each base period volume shall be increased for unusual growth.

Example. Firm A, a wholesale purchaser purchased 100,000 gallons of motor gasoline from Firm B in 1972 and 150,000 gallons in 1973. Firm A's 1973 growth rate is 50 percent (1973 volume minus 1972 volume divided by 1972 volume). Firm A's unusual growth is 40% (that growth in excess of first 10 percent). Firm B therefore will increase by 40 percent each of Firm A's base period volumes (the volumes sold in each month of 1972) to be supplied by Firm B.

(iv) Unusual growth adjustments under this paragraph shall be certified by the supplier in accordance with FEO forms and instructions and filed with FEO.

(v) The adjustments under this paragraph shall be made by, and the certified form required by subdivision (iv) of this subparagraph shall be filed with FEO on or before May 1, 1974. There is no requirement that FEO validate any adjustment made under this paragraph. Suppliers shall allocate products on the basis of adjustments to base period volumes which reflect unusual growth no later than May 1, 1974. A supplier may commence deliveries of an allocated product reflecting adjustments to base period volumes for unusual growth prior to May 1, 1974, provided that adjustments for all of its eligible wholesale purchasers of that allocated product have been made and such deliveries are commenced at the same time for all such wholesale purchasers.

(vi) Suppliers shall notify all wholesale purchasers for each base period of

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the base period year of any adjustment for unusual growth made under this subparagraph. The notice shall be given on or before May 1, 1974.

(vii) Each supplier shall notify all of its wholesale purchasers which do not receive an adjustment under this subparagraph. The notice shall be given on or before the date the required certified form is filed with FEO. The notice shall advise each such wholesale purchaser that it may apply to the supplier for an adjustment to base period volume(s) for unusual growth under subparagraph (3) of this paragraph.

(viii) Although wholesale purchasers of propane have a base period that includes part of 1973, for the purpose of this paragraph, suppliers shall determine such wholesale purchasers' unusual growth by comparing the volume of propane purchased from the supplier in 1972 and the volume purchased in 1973. If the supplier did not supply the wholesale purchaser for all of 1972, the adjustment shall be made by a comparison of the volume for the period in 1972 that the supplier did supply the wholesale purchaser and the volume purchased by the wholesale purchaser during the corresponding period of 1973.

(ix) No wholesale purchaser which has received an adjustment for unusual growth in 1973 shall receive an additional adjustment under this paragraph except to the extent that such initial adjustment did not fully compensate the wholesale purchaser for unusual growth as allowed by this subparagraph. A supplier shall not decrease the base period volume (or adjusted base period volume) of a wholesale purchaser under this subparagraph if that purchaser's 1973 volume is less than that purchaser's 1972 volume.

(x) No wholesale purchaser shall accept an adjusted base period volume initiated by a supplier under this paragraph which, when combined with the adjusted base period volumes supplied to the wholesale purchaser by its other base period suppliers, would exceed the wholesale purchaser's actual unusual growth for a base period.

(2) *Additional unusual growth adjustment for wholesale purchaser-resellers.* This subparagraph provides an additional adjustment for wholesale purchaser-resellers following an adjustment of their base period volume under subparagraph (1) of this paragraph. If the base period volume of a wholesale purchaser-reseller as adjusted for unusual growth pursuant to subparagraph (1) of this paragraph minus the 1973 allocation requirements of its purchasers for use under an allocation level which is not now subject to an allocation fraction is less than the wholesale purchaser-resellers adjusted base period volume minus such allocation requirements as calculated under this paragraph, the wholesale purchaser-reseller may apply to its supplier for an adjustment to be calculated as follows:

(i) The wholesale purchaser-reseller will determine its 1972 volume less those volumes delivered to purchasers for use under an allocation level which is not now subject to an allocation fraction. A wholesale purchaser-reseller may calculate such volume by subtracting from its 1972 volume either:

(A) those actual volumes delivered in 1972 to purchasers for use under an allocation level which is not now subject to an allocation fraction and certificated as accurate by the wholesale purchaser-reseller, or

(B) that volume which as a percentage of its 1972 volume corresponds to the percentage of the total volume delivered in 1973 to purchasers for use under an allocation level which is not now subject to an allocation fraction.

(ii) The wholesale purchaser-reseller will determine its 1973 volume less those volumes delivered in 1973 to purchasers for use under an allocation level which is not now subject to an allocation fraction.

(iii) The wholesale purchaser-reseller may then calculate its unusual growth adjustment using its 1972 and 1973 volumes less the volume in both years delivered to purchasers for use under an allocation level which is not now subject to an allocation fraction as otherwise provided in subparagraph (1) of this paragraph.

(iv) If the aggregate adjusted base period volumes calculated under this subparagraph are greater than the aggregate adjusted base period volumes calculated under subparagraph (1) of this paragraph minus the 1973 allocation requirements of the wholesale purchaser-reseller's purchasers which are not subject to an allocation fraction, then the wholesale purchaser-reseller's aggregate adjusted base period volumes may be further adjusted to reflect the difference between those two amounts.

Example. Firm A, a wholesale purchaser, purchased 100,000 gallons of motor gasoline from Firm B in 1972 and 150,000 gallons in 1973. Firm B under subparagraph (b)(1) notified Firm A that the base period volumes supplied by Firm B to Firm A would be increased by 40 percent. See example following b(1)(iii). Since the aggregate of Firm A's base period volumes is 100,000 gallons, the aggregate of Firm A's base period volumes as adjusted under subparagraph (b)(1) will be 140,000 gallons (100,000 plus 40 percent of 100,000).

The 1973 requirements of Firm A's purchasers for use under an allocation level not now subject to an allocation fraction was 90,000 gallons. Firm A does not know the actual sales to such purchasers for such uses in 1972. To determine whether Firm A is entitled to an adjustment under § 211.13(b)(2), Firm A makes the following calculations:

(1) Under § 211.13(b)(2)(i)(B) Firm A assumes that 60 percent of its 1972 sales were to purchasers for use under an allocation level not now subject to an allocation fraction because 60 percent of its 1973 sales were in this category (90,000 divided by 150,000). Firm A then determines that it sold 40,000 gallons to purchasers for use under an allocation level now subject to the allocation fraction in 1972 by multiplying 60 percent times 100,000 and subtracting that product (60,000) from 100,000.

(2) Firm A's 1973 volume less those volumes delivered to purchasers for use under an allocation level not now subject to an allocation fraction is 60,000 (150,000−90,000). 90,000).

(3) Firm A next calculates its unusual growth adjustment using its 1972 and 1973 volumes less the volume in both years delivered to purchasers for use under an allocation level not now subject to an allocation fraction. Firm A's 1973 growth rate using this method of calculation is 50 percent (60,000–40,000 divided by 40,000). Firm A's usual growth rate is 40 percent (that growth in excess of 10 percent). If Firm A increases its 1972 volume less the volume delivered to purchasers for use under an allocation level but not now subject to an allocation fraction, by 40 percent, the volume will be 56,000 (40,000 plus 40 percent of 40,000).

(4) Firm A then calculates its aggregate base period volumes adjusted for unusual growth pursuant to § 211.13(b)(1) which is 140,000 gallons. That volume minus the 1973 volume sold to purchasers for use under an allocation level not subject to an allocation fraction equals 50,000 gallons (140,000−90,000).

(5) Since the aggregate adjusted base period volumes calculated under paragraph (3) are greater than the aggregate adjusted base price volumes as calculated under paragraph (4), Firm A may apply to Firm B for an additional adjustment to its aggregate base period volumes of 6,000 gallons (56,000 minus 50,000). Firm A's newly aggregated adjusted base period volumes will then equal 146,000 gallons (140,000+6,000). If Firm B supplied Firm A in each month of 1972, Firm B will increase each base period as adjusted under b(1) by 500 gallons (6,000 divided by 12).

(3) *Wholesale purchaser initiated unusual growth application.* (i) Any wholesale purchaser which does not receive an adjustment under subparagraph (1) of this paragraph or which disputes the adjustment made thereunder by one of its suppliers may apply to that supplier for an adjustment of its base period volume to compensate for unusual growth in 1973 in accordance with FEO forms and instructions.

(ii) Any adjustment made under this subparagraph shall be based solely on actual volumes supplied or purchased in 1972 and 1973 as indicated by the records of the supplier and the wholesale purchaser. Unusual growth has the same meaning under this subparagraph as under subparagraph (1) of this paragraph. Adjustments to base period volumes for unusual growth under this subparagraph shall be calculated in the same manner as such adjustments under subparagraph (1) of this paragraph.

(iii) Base period suppliers of wholesale purchasers shall include in an adjustment for unusual growth their proportionate share of that part of a wholesale purchaser's 1973 volume which was not supplied to that wholesale purchaser by a base period supplier of the wholesale purchaser. Wholesale purchasers shall certify to their base period suppliers the 1973 volumes purchased by the wholesale purchaser from suppliers which were not base period suppliers of the wholesale purchaser. A base period supplier's share of such 1973 volumes shall be equal to that supplier's proportionate share of the 1972 volumes supplied to the wholesale purchaser by all suppliers which supplied that purchaser during the base period.

(iv) Upon receipt of an application for unusual growth under this subparagraph, the supplier shall adjust the wholesale purchaser's base period volume within ten (10) days. If the supplier disagrees with the application, it may request validation from the appropriate regional FEO: *Provided, however,* That the supplier shall immediately make an interim adjustment to the applicant's base period volume for any base period which commences later than twenty (20) days after receipt of the application in the proposed adjusted amount during the pendency of any FEO validation proceeding. If the FEO validation proceeding results in an adjusted amount less than that supplied during the pendency of such proceeding, FEO may require the supplier to adjust the wholesale purchaser's future allocations to compensate for any excess product supplied during the interim period.

(v) No wholesale purchaser which has received an adjustment for unusual growth in 1973 shall receive an additional adjustment under this subparagraph except to the extent that such initial adjustment did not fully compensate the wholesale purchaser for unusual growth as allowed by this subparagraph.

(c) *Adjustments for changed circumstances*—(1) *Wholesale purchasers.* Wholesale purchasers may apply to the FEO pursuant to § 205.22 of this chapter for adjustments to their base period volumes (or adjusted base period volume) for changed circumstances since January 1, 1973, which have not been reflected in an adjustment under paragraph (b) of this section. In processing such applications, the FEO may consider situations that indicate a need for increased amounts over base period volumes including but not limited to plant expansions, changed traffic patterns, closed retail sales outlets which have increased demand upon remaining retail sales outlets, changes in the local economy, unusual seasonal fluctuations, new population, industrial growth, acceptance of new end-users or unusual growth problems such as could occur at truck stops on new highways. A wholesale purchaser-reseller which operated in a marketing area that experienced unusual growth or other changed circumstances during 1973 but which was unable to increase its sales to meet the increased demand because its supplier imposed an allocation fraction under the voluntary petroleum allocation program may apply for an adjustment under this paragraph.

(2) *End-users.* End-users whose allocation level is a percentage of base period volumes may apply to the appropriate State office to receive an adjustment to their base period volume for changed circumstances after January 1, 1974. The state office shall process the petition for adjustment and make recommendations to the FEO in accordance with the procedure specified in Subpart I of Part 205 of this chapter.

(3) *FEO action.* FEO shall only make adjustments for changed circumstances when there are compelling situations requiring relief. Such adjustments shall be based upon applications which are fully supported by detailed facts, figures and other relevant documentation.

(d) *Adjustments for increased current requirements.* (1) Any end-user or wholesale purchaser-consumer entitled to an allocation level of 100 percent of current requirements which is subject to an allocation fraction shall certify to its supplier any increased requirements (consistent with any energy conservation program such as the temperature reduction restrictions found in that end-user's allocation level) above the level of requirements on January 1, 1974. In the event that the end-user or wholesale purchaser-consumer and supplier cannot agree on a volume to be supplied, an application for validation may be referred by the end-user or wholesale purchaser-consumer to the office specified in § 205.13 of this chapter. During the period that a request for validation is pending, the supplier shall supply such increased requirement. The FEO may subsequently require the supplier to adjust such end-user's or wholesale purchaser-consumer's allocation requirements to compensate for any excess product supplied during the validation period.

(2) All suppliers (as wholesale purchaser-resellers) which receive a certification of increased requirements pursuant to subparagraph (1) of this paragraph or which receive a certification from any other supplier of increased requirements which have been certified to that other supplier, shall in turn certify to their suppliers these increased requirements and be assigned a proportionate adjustment to that part of their base period volume received from each supplier to cover the certified increases in volume granted under this paragraph.

(3) End-users and wholesale purchaser-consumers which claim increases under this paragraph must be prepared to establish their historic requirements and justify their increased requirements.

(e) *Non-discrimination among wholesale purchasers.* In granting adjustments to base period volumes under this section, the supplier shall not discriminate among branded independent marketers, non-branded independent marketers and wholesale purchaser-resellers operated by by the supplier.

(f) *Certifications and downward adjustments of base period volume.* The chief executive officer (or his authorized agent) of a purchaser applying to a supplier for an adjustment under this section shall certify such application for accuracy. Such applications shall contain a statement that increased allocations shall be used only for the purpose stated in the application, shall not be diverted for other uses; and that if the needs decline, the purchaser shall file an amended application for a downward adjustment to his base period volume.

(g) *Complaints.* Any wholesale purchaser may file a written complaint with the FEO if it appears that a valid application for an adjustment in base period volume has not been approved by a supplier within ten (10) days after the application has been received by the supplier, or if it appears that there is discrimination among branded independent marketers, non-branded independent marketers, or wholesale purchaser-resellers operated by the supplier.

§ 211.14 Redirection of products.

(a) To meet imbalances that may occur in the supplies of any allocated product, the regional or National FEO may order the transfer of specified amounts of any such product from one area to another or may order that different allocation fractions be used in different areas. An area, as used in this section, means a state, a group of states within a region, or any subdivision of a state or states within a region. The National FEO may also order the transfer of specified amounts of any allocated product from one region to another region or may order that different allocation fractions be used in different regions to meet such imbalances. Further, the FEO may transfer supplies of allocated products among suppliers in order to remedy supply imbalances.

(b) Refiners and importers are authorized to reduce the monthly allocable supply to purchasers of those allocated products covered under Subparts D, E, F, G, H (except Civil Air Carriers) and I (except utilities) for any region or area by up to five (5) percent and to increase the total quantity of any of these allocated products available in another region or area experiencing shortages significantly greater than are being experienced elsewhere in the nation to meet regional imbalances due to weather variation, seasonal demand, or other circumstances beyond their control. Such action may be accomplished without prior approval from the Administrator, FEO, but must be reported to the National FEO and the appropriate Regional FEO within immediately after the adjustment occurs. Redistribution involving reduction of product volumes greater than five (5) percent from any State shall require approval from the Administrator, FEO, prior to any action by any refiner or importer. The adjustment provided for in this section shall not be cumulative. Allocation fractions for a region or area which are reduced by such a reduction of an allocated product shall be returned to prereduction levels as soon as practicable.

(c) Shifts made pursuant to paragraph (b) of this section shall be employed solely to effect a better regional distribution of allocated products and shall not discriminate against branded or non-branded independent marketers, independent refiners, or small refiners.

(d) Any refiner, importer or other supplier which has significantly reduced marketing or distribution activities in any region and which is obligated to supply its base period purchasers in that region under the terms of this program may apply to the National FEO to seek a change in the method of supplying such purchasers. The FEO may order the reassignment of wholesale purchasers or end-users from one supplier to another.

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§ 211.15 State offices of petroleum allocation.

(a) Any state may apply to the National Office of the FEO, to create a State Office of Petroleum Allocation within the State.

(b) Upon certification by the FEO, such State Office of Petroleum Allocation will be delegated authority to administer the State set-aside program, to provide assistance in obtaining adjustments specified in § 211.13 and such other authorities specified in this part, or in orders issued by the FEO.

§ 211.17 State set-aside.

(a) *Scope and purpose.* A state set-aside system shall be established for propane, middle distillates, motor gasoline, and residual fuel oil (except as used by utilities or as bunker fuel for maritime shipping). Authority may be delegated to a State office to administer the state set-aside for that State. The State set-aside shall be utilized by a State office to meet hardship and emergency requirements of all wholesale purchasers and end-users within that state from the state set-aside volumes, including wholesale purchasers and end-users which are part of any governmental organization.

(b) *State set-aside volume.* (1) A prime supplier shall inform each appropriate State office and each appropriate regional FEO office monthly, in accordance with § 211.222(b) by each product subject to State set-aside, of the estimated volume of each product to be sold into that State for consumption within that State.

(2) The FEO shall determine the State set-aside percentage level for each product. The initial percentage levels for the State set-aside system are specified in appropriate subparts of this part. The FEO will publish any changes in these percentages.

(3) The set-aside volume available to a State office for a particular month shall be the sum of the amounts calculated by multiplying the state set-aside percentage level by each prime supplier's estimated portion of its total supply for that month which will be sold into that state's distribution system for consumption within the state.

(4) The State set-aside for a particular month cannot be accumulated or deferred; it shall be made available from stocks of prime suppliers either directly or through their wholesale purchasers.

(c) *State action.* (1) All hardship and emergency petitions for assignment from the state set-aside and appeals shall be filed with and resolved by the appropriate State office in accordance with Subpart I of Part 205. Petitioners shall identify their existing supplier, or if they do not have a supplier, at least two suppliers which the petitioner has contacted and which could provide the allocated product. The final decision afforded by the State office on an appeal from a hardship or emergency petition shall be subject to judicial review in the manner prescribed by Section 211 of the Economic Stabilization Act of 1970.

(2) If a State office approves a hardship or emergency petition, it shall assign a prime supplier and amount from the State set-aside to the petitioner. To determine an appropriate prime supplier, the State office may coordinate with the regional distribution offices of the prime suppliers.

(d) *Authorizing document.* The State office shall issue to the purchaser granted an assignment a document authorizing the assignment. A copy of the authorizing document (or a summary) shall also be provided by the State office to the regional or local distribution offices of the prime supplier assigned to the purchaser. An authorizing document issued by the State office pursuant to this section is effective upon issuance and represents a call on the prime supplier's set-aside volumes for the month of issuance, irrespective of the fact that delivery of the product subject to the authorizing document cannot be made until a subsequent month.

(e) *Supplier's responsibilities.* Suppliers shall provide the assigned amount of an allocated product to a purchaser when presented with an authorizing document. The authorizing document shall entitle the purchaser to receive product from any convenient local distributor of the prime supplier from which the set-aside assignment has been made. Wholesale purchaser-resellers of prime suppliers shall, as non-prime suppliers, honor such authorizing documents upon presentation, and shall not delay deliveries required by the authorizing document while confirming such deliveries with the prime supplier. Any non-prime supplier which provides an allocated product pursuant to an authorizing document shall in turn receive from its supplier an equivalent volume of the allocated product which shall not be considered part of its allocation entitlement otherwise authorized by this part.

(f) *Prime suppliers.* All prime suppliers shall supply products from their State set-aside volume each month, as directed by the State office, not to exceed the total State set-aside volume for each product for that month. That portion of a prime supplier's State set-aside volume for a particular month which is not allocated by the State office during that month or which is not subject to an authorizing document issued no later than the last day of that month shall become a part of the prime supplier's total supply for the subsequent month and shall be distributed according to the allocation procedures set forth in this chapter.

§ 211.21 Energy conservation.

To promote the goal of increased energy conservation, every wholesale purchaser or end-user receiving an allocation pursuant to the operation of this part shall certify that it has an energy conservation program in effect. Every end-user or wholesale purchaser-consumer whose allocation level is one hundred (100) percent of current requirements for any allocated product shall make a similar certification to its supplier.

§ 211.22 Administrative actions.

(a) *Inventories of crude oil and allocated products.* No refiner, importer, wholesale purchaser or end-user shall accumulate inventories of any crude oil or allocated product which exceed customary inventories maintained by the refiner, importer, wholesale purchaser or end-user in the conduct of its normal business practices unless otherwise directed by the FEO. Normal inventory practices shall be observed in determining allocable supplies of crude oil or allocated products each month. The FEO may review inventory practices and direct an increase or decrease in inventories if:

(1) The inventory practices employed are inconsistent with the provisions of this part;

(2) The inventory practices circumvent or otherwise violate other provisions of this part; or

(3) The FEO determines that an adjustment is necessary in order to allocate crude oil or allocated product supplies consistent with the objectives of the Mandatory Petroleum Allocation Program.

(b) *Adjustment to calculations.* Upon a finding that incorrect or otherwise inaccurate data have been used in calculating the allocation of any crude oil or allocated product subject to this part, the FEO may take appropriate action to adjust any such figures or data and any allocations based thereon to account for the error.

§ 211.23 Normal business practices.

Nothing in this part is intended to exclude or supersede exchange or borrow/payback operations which are normal operating procedures provided these procedures are not used to circumvent the intent of this part.

§ 211.25 Supplier substitution.

(a) Any supplier may arrange to supply any purchaser which is entitled to receive an allocation from it through another supplier or suppliers in accordance with normal business practice. The purchaser shall, however, be entitled to receive the same amount of an allocated product from the substituted supplier that it would receive if it were directly supplied by the original supplier using that supplier's allocation fraction.

(b) In order to alleviate imbalances, suppliers may make normal business exchanges among themselves.

(c) To accommodate seasonal and other fluctuations in both supply and demand such as requirements for agricultural production, suppliers and wholesale purchasers may agree between and among themselves either to borrow on future allocations or to defer current allocations or both on a volume for volume basis within the total allocations for one calendar year as long as such arrangements do not result in an involuntary reduction in allocations to other wholesale purchasers.

§ 211.26 Department of Defense allocations.

Allocations of crude oil or any allocated product to the Department of Defense except for housekeeping requirements shall be supplied at an allocation level of one hundred (100) percent of current requirements without being subject to an allocation fraction. All such requirements shall be reported to the President on a quarterly basis and shall take effect only following his approval.

§ 211.27 Construction industry.

Any firm planning to award a construction contract to contractors (which may be wholesale purchasers) may apply as a new purchaser to a supplier or FEO as appropriate to be assigned a base period volume. The base period volume shall be estimated as the minimum amount sufficient to complete the proposed contract. Upon awarding the contract to a contractor, the assigned base period volume shall be transferred to the contractor by FEO unless the contractor or its subcontractors have a base period volume with suppliers in the area of the construction sufficient to perform the contract. If the contractor or its sub-contractors have a base period volume with suppliers in the area of the construction sufficient to perform the contract, or if construction plans are terminated, FEO shall be notified by the firm and the contractor and any base period volume assigned for the construction shall terminate. To the extent that the base period volume established for the construction is found to exceed construction requirements or the contractor or its subcontractor has a base period volume with suppliers in the area of the construction partially sufficient to perform the contract, the firm and the contractor shall not accept any duplicating quantities and shall notify FEO immediately. Upon such notification, the FEO will adjust the base period volume accordingly. Contractors and suppliers are encouraged to arrange for exchange agreements between suppliers.

§ 211.28 Price.

The pricing provisions applicable to this part are provided in Part 212 of this chapter including provisions which allow any importer which imports an allocated product solely for his own end-use, and not for resale, to charge a margin for any volumes of that imported product it is required to sell under the provisions of this part.

2. Subpart B is revised to read as follows:

Subpart B—Definitions

§ 211.51 General definitions.

"Adjusted base period volume" means base period volume as adjusted pursuant to § 211.13.

"Agricultural production" means all the activities classified under the industry code numbers specified in paragraph (a) below as set forth in the Standard Industrial Classification Manual, 1972 edition, except those industry code numbers listed in paragraph (b) which are excluded:

(a) *Activities included.* (1) All industry code numbers included in Division A, Agriculture, Forestry and Fishing, except as specified in paragraph (b) of this section;

(2) All industry code numbers included in Major Group 20, Food and Kindred Products, of Division D, Manufacturing, except as specified in paragraph (b) below; and

(3) All the following other industry code numbers:

2141 Tobacco Stemming and Redrying;
2411 Logging Camps and Logging Contractors;
2421 Sawmills and Planing Mills;
2873 Nitrogenous Fertilizers;
2874 Phosphatic Fertilizers;
2875 Fertilizers, Mixing Only; and
4971 Irrigation Systems (for farm use).

(b) *Activities excluded.* (1) All the following industry code numbers, otherwise listed under Division A, Agriculture, Forestry and Fishing, are excluded from the definition:

0181 Ornamental Floriculture and Nursery Products, (except growing of fruit stocks and vegetable seeds which are included in the definition);
0189 Horticultural Specialties, Not Elsewhere Classified;
0271 Fur-Bearing Animals and Rabbits (except rabbit farms which are included in the definition);
0279 Animal Specialties, Not Elsewhere Classified, (except apiaries, honey production and bee, catfish, fish and frog farms which are included in the definition);
0742 Veterinary Services for Animal Specialties;
0752 Animal Specialty Services;
0781 Landscape Counseling and Planning;
0782 Lawn and Garden Services; and
0849 Gathering of Forest Products, Not Elsewhere Classified.

(2) All the following industry code numbers, otherwise listed under Major Group 20, Food and Kindred Products, of Division D, Manufacturing, are excluded from the definition:

2047 Dog, Cat and Other Pet Food;
2065 Candy and Other Confectionery Products;
2067 Chewing Gum;
2084 Wines, Brandy and Brandy Spirits;
2095 Roasted Coffee; and
2097 Manufactured Ice.

"Allocable supply" means allocable supply as defined in § 211.10(b)(1).

"Allocated products" means residual fuel oil and refined petroleum products.

"Allocation fraction" means allocation fraction as defined in § 211.10(b).

"Allocation level" means allocation level as defined in § 211.10(b)(2)(iv).

"Allocation requirement" means allocation requirement as defined in § 211.10(b)(2)(iii).

"API" means American Petroleum Institute.

"Asphalt" means asphalt as defined in ASTM standard D-288.

"ASTM" means American Society for Testing Materials.

"Assignment" means an action taken by the FEO, or an authorized State official, designating that an authorized purchaser be supplied at an allocation entitlement level determined by the FEO or authorized State official, by a specified supplier.

"Base period" means the historical period designated in Subparts C through K of this part.

"Base period use" means base period volume or adjusted base period volume.

"Base period volume" means base period volume as defined in § 211.10(b)(2)(ii).

"Bonded fuels" means those fuels produced outside the customs limits of the United States, held in bond under continuous United States customs custody in accordance with Treasury Department Regulations, and destined for use outside of the United States, its territories or possessions.

"Branded independent marketer" means a firm which is engaged in the marketing or distributing of refined petroleum products pursuant to—

(1) An agreement or contract with a refiner (or a firm which controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such firm), or

(2) An agreement of contract under which any such firm engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or firm which controls, is controlled by, or is under common control with such refiner), but which is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement or contract described in paragraph (1) or (2) of this definition), and which does not control such refiner.

"Coker feedstock" means any crude oil or unfinished oil, as defined by Oil Import Regulation 1, Revision 5, which is used as a feedstock to any of the various types of process units in a refinery known as cokers.

"Commercial use" means usage by those purchasers engaged primarily in the sale of goods or services and for uses other than those involving industrial activities and electrical generation.

"Complaint" means an allegation, supported by relevant facts, of a violation of the regulations.

"Crude oil" means a mixture of liquid hydrocarbons including lease condensate that exist in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities.

"Current requirements" means the supply of an allocated product needed by an end-user or wholesale purchaser-consumer to meet its present supply requirements for a particular use of that product, but does not include any amounts which the end-user or wholesale purchaser-consumer (1) purchases or obtains for resale, (2) accumulates as an inventory in excess of that purchaser's customary inventory maintained in the conduct of its normal business practices, or (3) uses in excess of the supply necessary to meet present supply requirements as constrained by the implementation of the energy conservation program required in § 211.21.

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"Degree-day formula" means any one of the various systems in use by retailers to provide wholesale purchaser-consumers or end-users with automatic delivery service of an allocated product for space-heating.

"Degrees API" or "API" is the hydrometer scale established by the American Petroleum Institute and used to measure the specific gravity of liquids.

"Emergency Services" means law enforcement, fire fighting, and emergency medical services.

"End-user" means any firm which is an ultimate consumer of an allocated product other than a wholesale purchaser-consumer.

"Energy production" means the exploration, drilling, mining, refining, processing, production and distribution of coal, natural gas, geothermal energy, petroleum or petroleum products, shale oil, nuclear fuels, and electrical energy. It also includes the construction of facilities and equipment used in energy production, such as pipelines, mining equipment and similar capital goods. Excluded from this definition are synthetic natural gas manufacturing and electrical generation whose power source is petroleum based.

"FEO" means the National Federal Energy Office, the appropriate regional Federal Energy Office or the delegate of either.

"Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal Government including corporations, departments, Federal agencies, and other instrumentalities, and State and local governments. The FEO may, in regulations and forms issued in this part, treat as a firm:

(1) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (2) a parent and its consolidated entities, (3) an unconsolidated entity, or (4) any part of a firm.

"Gas processing plant" means a facility which recovers ethane, propane, butane, and/or other natural gas products by a process of absorption, adsorption, compression, refrigeration cycling, or a combination of such processes, from mixtures of hydrocarbons that existed in a reservoir.

"Importer" means any firm (excluding the Department of Defense) that owns at the first place of storage any allocated product or crude oil brought into the United States.

"Independent marketer" means either a branded independent marketer or a non-branded independent marketer.

"Independent refiner" means a refiner which (a) obtained, directly or indirectly, in the calendar quarter which ended immediately prior to November 27, 1973, more than 70 percent of its refinery input of domestic crude oil or 70 percent of its refinery input of domestic and imported crude oil from producers which do not control, are not controlled by, and are not under common control with such refiner, and (b) marketed or distributed in such quarter and continues to market or distribute a substantial volume of gasoline refined by it through branded independent marketers or non-branded independent marketers.

"Industry" means those firms primarily engaged in a process which creates or changes raw or unfinished materials into another form or product.

"Interruptible contracts" means those contracts between suppliers and purchasers which by their terms can be abrogated unilaterally by the supplier.

"LPG" means liquefied petroleum gas, and includes propane and butane, and propane/butane mixes, but not ethane.

"Local governmental unit" means any county, city, or other governmental subdivision of a State, and any special purpose district.

"Lubricants" means all grades of lubricating oils for industrial, commercial and automotive use, and lubricating greases which are solid to semifluid products consisting of a dispersion of a thickening agent in a liquid lubricant. This product includes all lubricants reported to the Bureau of Mines, United States Department of Interior as such, with the exception of a product controlled under Subparts other than Subpart K.

"Medical and nursing buildings" means buildings that house medical, dental and nursing practices including the use of clinics, hospitals, nursing homes and other facilities including but not limited to those listed in Appendix I of 6 CFR 300.18 and 300.19..

"Middle distillate" means any derivatives of petroleum including kerosene, home heating oil, range oil, stove oil, and diesel fuel, which have a fifty percent boiling point in the ASTM D86 standard distillation test falling between 371° and 700° F. Products specifically excluded from this definition are kerosene-base and naphtha-base jet fuel, heavy fuel oils as defined in VV–F–815C or ASTM D–396, grades #4, 5 and 6, intermediate fuel oils (which are blends containing #6 oil), and all specialty items such as solvents, lubricants, waxes, and process oil.

"Motor gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components are hydrocarbons with boiling points ranging from 140° to 390° F and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties, and includes products such as natural gas liquids, alkylates, naphtha, toluene, and mixed xylenes when used as blending stock to form motor gasoline.

"Natural gas" means natural gas as defined by the Federal Power Commission.

"Nonbranded independent marketer" means a firm which is engaged in the marketing or distribution of refined petroleum products, but which (1) is not a refiner, (2) is not a firm which controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract), and (3) is not a branded independent marketer.

"PAD District" or "District" means any of the Petroleum Administration for Defense (PAD) Districts.

"Passenger transportation services" means (a) surface, including water and rail, facilities and services for carrying passengers whether publicly or privately owned, including tour and charter buses which serve the general public; and (b) bus transportation of pupils to and from school and school sponsored activities.

"Peak shaving" means the use of propane-air or butane-air mixtures to supplement supplies of pipeline gas for distribution by gas utilities during periods of high demand.

"Petrochemical precursors" means any hydrocarbon compounds which are produced in any facility through the chemical conversion of propane or butane, and which are further processed either directly or through intermediate steps into petrochemicals.

"Petroleum coke" means a solid residue, the final product of the condensation process in cracking, consisting mainly of highly polycyclic aromatic hydrocarbons very poor in hydrogen, including petroleum coke which when calcinated yields almost pure carbon or artificial graphite suitable for production of carbon or graphite electrodes, structural graphite, motor brushes, dry cells, etc. It includes both forms listed below:

(1) *Marketable.* Those grades of coke produced in delayed or fluid cokers which may be recovered as relatively pure carbon. This "green" coke may be further purified by calcinating or may be sold in the "green" state.

(2) *Catalyst.* In many catalytic operations (i.e., catalytic cracking) carbon is deposited on the catalyst, deactivating the catalyst. The catalyst is reactivated by burning off the carbon, using it as a fuel in the refinery process. This carbon or coke is not recoverable in a concentrated form. For statistical purposes, the amount of catalyst coke may be estimated by using an average weight percent (1.5%–8.5%) of charging stock.

"Petroleum wax" means petroleum wax as defined in ASTM standard D–288.

"Prime supplier" means the supplier which makes the first sale of any allocated product subject to the state set-aside into the state distribution system for consumption within the state.

"Purchaser" means a wholesale purchaser, an end-user, or both.

"Refined petroleum product" means gasoline, kerosene, middle distillates (including Number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

"Refineries" means those industrial plants, regardless of capacity, processing crude oil feedstock and manufacturing refined petroleum products, except when such plant is a petrochemical plant.

"Refiners" means those firms that own, operate or control the operations of one of more refineries.

"Refinery gas" means a form of gas normally produced in the refining of crude oil which is predominately used for refinery fuel.

"Region" means one of the ten regions served by FEO's regional offices.

"Regional office" means a regional office of the FEO. The regional offices are located in Boston, Massachusetts; New York, New York; Philadelphia, Pennsylvania; Atlanta, Georgia; Chicago, Illinois; Dallas Texas; Kansas City, Missouri; Denver, Colorado; San Francisco, California; and Seattle, Washington.

"Residential use" means direct usage in a residential dwelling for space heating, refrigeration, cooking, water heating, and other residential uses.

"Residual fuel oil" means the fuel oils commonly known as: (1) No. 4, No. 5 and No. 6 fuel oils; (2) Bunker C; (3) Navy Special Fuel Oil; (4) crude oil when burned directly as a fuel; and all other fuel oils which have a fifty percent boiling point over 700° F in the ASTM D–86 standard distillation test.

"Retail sales outlet" means a site on which a supplier maintains an on-going business of selling any allocated product to end-users or wholesale purchaser-consumers.

"Road oil" means any heavy petroleum oil, including residual asphaltic oils, used as a dust palliative and surface treatment of roads and highways. It is generally produced in six grades from 0, the most liquid, to 5, the most viscous.

"Sanction" means the penalties as described in Subpart F of Part 202 of this Chapter.

"Sanitation services" means the collection and disposal for the general public of solid wastes, whether by public or private entities, and the maintenance, operation and repair of liquid purification and waste facilities during emergency conditions.

"School" means an educational institution up through the secondary level that maintains a regular facility and curriculum and has a regularly organized body of students, in attendance at the place where its educational activities are regularly carried on. It does not include post-secondary education facilities.

"Shortfall" means the difference between supply and demand for crude oil or an allocated product during any period.

"Small refiner" means a refiner whose total refinery capacity (including the refinery capacity of any firm which controls, is controlled by, or is under common control with such refiner) does not exceed 175,000 barrels per day.

"State" means each of the 50 States, the District of Columbia, Puerto Rico, possessions and territories of the United States, other than the Panama Canal Zone.

"State set-aside" means, with respect to a particular prime supplier, the amount of an allocated product which is made available from the total supply of a prime supplier pursuant to § 211.17 for utilization by a State to resolve emergencies and hardships due to fuel shortages. The state set-aside amount for a particular month and state is calculated by multiplying the state set-aside percentage level by the prime supplier's estimated portion of its total supply for that month which will be sold into that state's distribution system for consumption within the state. The initial state set-aside percentage level for an allocated product is specified in the appropriate subpart for that product but is subject to change by notice of the FEO.

"State office" means the State Petroleum Allocation Office certified by FEO pursuant to § 211.15.

"Supplier" means any firm other than the Department of Defense which supplies, sells, transfers or otherwise furnishes (as by consignment) any allocated product or crude oil to wholesale purchasers or end-users, including but not limited to refiners, importers, resellers, jobbers, and retailers.

"Supply obligation" means supply obligation as defined in § 211.10(b)(2).

"Telecommunications services" means the repair, operation, and maintenance of telephone, telegraph, and similar facilities, during periods of substantial disruption of normal service.

"Total supply" means the sum of a supplier's estimated production, including amounts received under processing agreements, imports, purchases and any reduction in inventory of an allocated product made pursuant to § 211.22 except as otherwise ordered by FEO. Any existing inventory, or production, importation or purchase of an allocated product used to increase that inventory consistent with the provisions of § 211.22 shall not be included in the total supply of that product.

"Utility" means a facility that generates electricity, by any means, and sells it to the public.

"Wholesale purchaser" means a wholesale purchaser-reseller or wholesale purchaser-consumer, or both.

"Wholesale purchaser - consumer" means any firm that is an ultimate consumer which, as part of its normal business practices, purchases or obtains an allocated product from a supplier and receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location and which either (1) purchased or obtained more than 20,000 gallons of that allocated product for its own use in agricultural production in any completed calendar year subsequent to 1971; (2) purchased or obtained more than 50,000 gallons of that allocated product in any completed calendar year subsequent to 1971 for use in one or more multi-family residences; or (3) purchased or obtained more than 84,000 gallons of that allocated product in any completed calendar year subsequent to 1971.

"Wholesale purchaser-reseller" means any firm which purchases, receives through transfer, or otherwise obtains (as by consignment) an allocated product and resells or otherwise transfers it to other purchasers without substantially changing its form.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order Number 47, 39 FR 24.)

3. Subpart F is revised to read as follows:

Subpart F—Motor Gasoline

Sec.

211.101 Scope.
211.102 Definitions.
211.103 Allocation levels.
211.104 Supplier/purchaser relationships.
211.105 Method of allocation.
211.106 Procedures and reporting requirements.

AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order Number 47, 39 FR 24.

Subpart F—Motor Gasoline

§ 211.101 Scope.

(a) This subpart applies to the mandatory allocation of all motor gasoline produced in or imported into the United States.

(b) This subpart provides for a State set-aside of motor gasoline.

§ 211.102 Definitions.

For purposes of this subpart—

"Base period" means the month of 1972 corresponding to the current month.

"Bulk purchaser" means any firm which is an ultimate consumer which, as part of its normal business practices, purchases or obtains an allocated product from a supplier and either (1) receives delivery of that product into a storage tank substantially under the control of that firm at a fixed location, (2) with respect to use in agricultural production, receives delivery into a storage tank with a capacity not less than 50 gallons substantially under the control of that firm, or (3) receives delivery of that product for use in cargo, freight and mail hauling by truck.

"Truck" means a motor vehicle with motive power designed primarily for the transportation of property or special purpose equipment and with a gross vehicle weight rating for a single vehicle (the value specified by the manufacturer as the loaded weight of the vehicle) or the equivalent thereof in excess of 20,000 pounds, or in the case of trucks designed primarily for drawing other vehicles and not so constructed as to carry a load other than part of the weight of the vehicle and the load so drawn, with a gross combination weight rating (the value specified by the manufacturer as the loaded weight of the combination vehicle) or the equivalent thereof in excess of 20,000 pounds.

§ 211.103 Allocation levels.

(a) *General.* The allocation levels listed in this section only apply to allocations made by suppliers to end-users which are bulk purchasers and to whole-

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sale purchaser-consumers. Suppliers shall allocate to all purchasers to which the allocation levels apply in accordance with the provisions of § 211.10. End-users which are bulk purchasers and wholesale purchaser-consumers which are entitled to purchase motor gasoline under an allocation level not subject to an allocation fraction shall receive first priority and be supplied sufficient amounts to meet 100 percent of their allocation requirements. End-users which are bulk purchasers and wholesale purchaser-consumers which are entitled to purchase motor gasoline for all uses under an allocation level subject to reduction by application of an allocation fraction shall receive second priority.

(b) *Allocation levels not subject to an allocation fraction.* One hundred (100) percent of current requirements for the following uses:

(1) Agricultural production;

(2) Department of Defense use as specified in § 211.26.

(c) *Allocation levels subject to an allocation fraction.* (1) One hundred (100) percent of current requirements (as reduced by application of the allocation fraction) for the following uses:

(i) Emergency services;

(ii) Energy production;

(iii) Sanitation services;

(v) Passenger transportation services;

(vi) Cargo, freight and mail hauling by truck

(vii) Aviation ground support vehicles and equipment.

(2) One hundred (100) percent of base period use (as reduced by application of the allocation fraction) for all other business activities.

(d) *Purchasers without an allocation level.* There shall be no allocation levels for end-users which are not bulk purchasers or for purchasers which are not otherwise described in paragraph (b) and (c) of this section. Such end-users shall be supplied in accordance with the provisions of § 211.10(d)(2).

(e) *Wholesale purchaser-resellers.* Wholesale purchaser-resellers shall receive allocations on the basis of their base period volumes as determined by § 211.12(b) and adjusted in accordance with § 211.13.

§ 211.104 Supplier/purchaser relationships.

Supplier/purchaser relationships are set forth in § 211.9–211.13.

§ 211.105 Method of allocation.

(a) The initial State set-aside level for motor gasoline for a particular month and state is three (3) percent of a prime supplier's estimated portion of its total supply for that month which will be sold into the State's distribution system for consumption within the state. Subsequent adjustments to the percentage unit will be published by the FEO.

(b) Allocation of motor gasoline to retail gasoline dealers and all other purchasers shall be made as specified in § 211.10.

(c) Provisions to adjust a wholesale purchaser's base period volume are specified in § 211.13. New wholesale purchasers and end-users are subject to the requirements of § 211.12.

§ 211.106 Procedures and reporting requirements.

(a) All matters pertaining to the allocation of motor gasoline shall be addressed to the appropriate State office or regional FEO office as specified within this part.

(b) The general reporting and recordkeeping requirements contained in § 211.222 shall apply to this subpart.

(c) A hardship application may be submitted to the appropriate State office as provided in § 211.17 for undue hardship to any wholesale purchaser or end-user resulting from the provisions of this subpart.

4. Subpart G is revised to read as follows:

Subpart G—Middle Distillate

Sec.
211.121 Scope.
211.122 Definitions.
211.123 Allocation levels.
211.124 Supplier/purchaser relationships.
211.125 Method of allocation.
211.126 Procedures and reporting requirements.

AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order Number 47, 39 FR 24.

Subpart G—Middle Distillate

§ 211.121 Scope.

(a) This subpart applies to all middle distillate fuels produced in or imported into the United States.

(b) This subpart provides for a State set-aside.

§ 211.122 Definitions.

For the purposes of this subpart—

"Base period" means the month of 1972 corresponding to the current month.

§ 211.123 Allocation levels.

(a) *General.* The allocation levels in this paragraph only apply to allocations made by suppliers to wholesale purchaser-consumers and end-users. Suppliers shall allocate to all purchasers to which the allocation levels apply in accordance with the provisions of § 211.10. End-users and wholesale purchaser-consumers which are entitled to purchase middle distillate fuels under an allocation level not subject to an allocation fraction shall receive first priority and be supplied sufficient amounts to meet 100 percent of their allocation requirements. End-users and wholesale purchaser-consumers which are entitled to purchase middle distillate fuels under an allocation level subject to reduction by application of an allocation fraction shall receive second priority.

(b) *Allocation levels not subject to an allocation fraction.* (1) One hundred (100) percent of current requirements for the following uses:

(i) Agricultural production;

(ii) Department of Defense use as specified in § 211.26;

(iii) Space heating requirements subject to the following specifications:

(A) No reduction for medical and nursing buildings for all uses;

(B) Six (6) degree F reduction for residences and schools; or

(C) Ten (10) degree F reduction for all others; or

(D) Reduction of the ambient indoor temperature by the appropriate amount, or other action which result in a fuel saving equivalent to that which would otherwise result under paragraph (b)(1)(iii)(A)–(C) of this section.

(c) *Allocation levels subject to an allocation fraction.* (1) One hundred (100) percent of current requirements (as reduced by the application of an allocation fraction) for the following uses:

(i) Emergency services;

(ii) Energy production;

(iii) Manufacture of ethical drugs and related research;

(iv) Sanitation services;

(v) Telecommunication services;

(vi) Passenger transportation services;

(vii) Cargo, freight, and mail hauling except as set forth elsewhere in this section;

(viii) Aviation ground support vehicles and equipment.

(2) One hundred ten (110) percent of base period use (as reduced by application of an allocation fraction) for industrial use except for space heating.

(3) *Electric utilities.* (i) One hundred (100) percent of base period use (as reduced by application of an allocation fraction) or as otherwise determined by the FEO upon recommendation by the Federal Power Commission (FPC), but not less than one hundred (100) percent of current requirements for nuclear plants, start-up, testing and flame stability of coal-fired plants (except for peaking uses).

(ii) In determining the middle distillate allocation for each utility, the FEO may take into account but is not limited to the following considerations:

(A) The fact that electric generating plants which now burn middle distillate fuel oil have been identified by the FEO as candidates for conversion to coal and the maximum possible extent to which such plants could be utilized after conversion;

(B) The extent to which any electric generating plants which burn coal may be utilized more fully than at present;

(C) The extent to which it is possible for electric utilities to obtain necessary supplies of coal;

(D) The extent to which certain minimal levels of middle distillate consumption are essential, as determined by the FEO upon recommendation of the FPC, to supply portions of a power system that cannot be supplied by non-middle distillate-fired generation, or for other special considerations. (Any volumes so identified shall be counted as part of the utility's total allocation.)

(E) The extent to which utilities currently utilizing natural gas supplied under interruptible contracts experience gas service interruptions.

(F) Available stocks of middle distillate held by each utility.

(4) One hundred (100) percent of base period use (as reduced by application of an allocation fraction) for all other non-space heating uses.

§ 211.124 Supplier/purchaser relationships.

Supplier/purchaser relationships are set forth in §§ 211.9–211.13.

§ 211.125 Method of allocation.

(a) The initial State set-aside level for middle distillate fuels for a particular month and state is (4) percent of a prime supplier's estimated portion of its total supply for that month which will be sold into the state's distribution system for consumption within the State. Subsequent adjustments to the percentage unit will be published by the FEO.

(b) Allocation of middle distillate shall be made as specified in § 211.10. Provisions to adjust a wholesale purchaser's base period volume are specified in § 211.13. New wholesale puchasers and end-users are subject to the requirements of § 211.12.

(c) Suppliers shall, to the extent practicable, make deliveries to all space-heating end-users and wholesale purchaser-consumers on the basis of certified need. Certified need for space-heating is the calculated quantity of fuel needed to maintain the ambient indoor temperature of a building at the reduced temperature required in § 211.123(b)(1)(iii).

(1) This calculation of certified need shall be done using historical usage factors for each building heated. Where suppliers do not have an historical usage factor for a building, this factor shall be calculated based on gallons of fuel consumed and actual degree-days exposure during the latest thirty (30) day period of normal heating usage before January 15, 1974. If no such period exists, a usage factor for that unit shall be established by an initial period of normal space-heating operations, subject to review by the State Office.

(i) Historical usage factors shall be associated with units and not with end-users or wholesale purchaser-consumers.

(ii) If this calculation of certified need results in undue hardship, the owners or occupants may apply to their State Office to obtain relief.

(2) To the extent practicable, the following procedure shall be followed by heating oil suppliers:

(i) Each space-heating end-user or wholesale purchaser-consumer shall be entitled to an initial fill-up at its first delivery after these regulations become effective, if sufficient supplies are available.

(ii) At the next delivery, the supplier shall again provide a full tank and determine, to the extent possible, compliance with this part. If the space-heating end-user or wholesale purchaser-consumer has clearly not complied, the supplier shall present a warning notice to the end-user or wholesale purchaser-consumer. The warning notice shall indicate that the end-user or wholesale purchaser-consumer faces the danger of running out of fuel if it does not reduce its ambient indoor temperature by the required amount or take equivalent actions to conserve fuel.

(iii) For each subsequent delivery, the supplier shall continue to deliver only the calculated certified need regardless of the quantity required to fill the tank, unless otherwise directed by the State Office.

§ 211.126 Procedures and reporting requirements.

(a) All matters pertaining to the allocation of middle distillate shall be addressed to the appropriate State Office or Regional FEO as specified within this part.

(b) The general reporting and recordkeeping requirements contained in Subpart L of this part apply to this subpart.

(c) Hardship applications may be submitted to the appropriate State Office for undue hardship resulting from the provisions of this subpart.

Subpart H—Aviation Fuels

5. Section 211.141 is amended in paragraph (b) to read as follows:

§ 211.141 Scope.

* * * * *

(b) Bonded aviation fuel is excluded from allocation; provision for bonded fuel shortfalls is addressed in § 211.145(c).

* * * * *

6. Section 211.142 is amended by revising the following list of definitions and by adding the definition of telecommunications flying in the appropriate alphabetical order to read as follows:

§ 211.142 Definitions.

* * * * *

"Aircraft manufacturing uses" means the consumption of aviation fuels for aircraft production, major overhaul of aircraft, static and flight testing of aircraft and components, the ferrying of aircraft from the manufacturer, and initial type aircraft certification training provided by the manufacturer for the purchaser.

* * * * *

"Base period" means (i) the calendar month of 1972 corresponding to the current month; and (ii) after March 31, 1974, the calendar quarter of 1972 corresponding to the current quarter.

"Business flying" means any use of aircraft under 14 CFR Parts 91 and 133 by a firm for the purpose of transportation required by a business in which it is engaged and for the purpose of transporting its employees and/or property. Business flying includes such aerial uses as photography, advertising, survey and helicopter operations.

* * * * *

"General aviation" means (1) agricultural production flying; (2) air travel club flying; (3) business flying; (4) instructional flying; (5) personal non-business flying; (6) energy production flying; (7) aircraft manufacturing uses; (8) telecommunications flying.

"Instructional flying" means any use of aircraft operating under 14 CFR Parts 91, 127 and 141 for the purpose of formal instruction.

* * * * *

"Non-flying use of aviation fuels" means the consumption of aviation fuels associated with gas turbine engines in industry, utilities and passenger transportation services.

* * * * *

"Public aviation" means any aircraft operating under 14 CFR Parts 91, 133 or 137 used exclusively in the service of the Federal government or the government of the District of Columbia or of any state, territory or possession of the United States and any political subdivisions thereof, excluding military aircraft.

* * * * *

"Telecommunications flying" means the use of aircraft operating under 14 CFR Parts 91 and 133 in "telecommunications services" as defined in Subpart B of this part.

* * * * *

7. Section 211.143 is revised to read as follows:

§ 211.143 Allocation levels.

(a) *General.* The allocation levels listed in this section apply only to allocations made by suppliers to wholesale purchaser-consumers and end-users. Suppliers shall allocate to all purchasers to which allocation levels apply in accordance with the provisions of § 211.10. End-users and wholesale purchaser-consumers which are entitled to purchase aviation fuels under an allocation level not subject to an allocation fraction shall receive first priority and shall be supplied sufficient amounts to meet 100 percent of their allocation requirements. End-users and wholesale purchaser-consumers which are entitled to purchase aviation fuels for all uses under an allocation level subject to reduction by application of an allocation fraction shall receive second priority.

(b) *Allocation levels not subject to an allocation fraction.* (1) One hundred percent or current requirements for the following uses:

(i) Agricultural production flying;

(ii) Department of Defense use as specified in § 211.26.

(c) *Allocation levels subject to an allocation fraction.* (1) One hundred (100) percent of current requirements (as reduced by application of an allocation fraction) for the following uses:

(i) Emergency aviation services, safety and mercy missions;

(ii) Energy production flying;

(iii) Aircraft manufacturing but not to exceed one hundred thirty (130) percent of base period use;

(iv) Telecommunications flying;

(2) One hundred (100) percent of base period use (as reduced by application of an allocation fraction) for the following uses:

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(i) Local service air carriers, including requirements for crew training and proficiency flying;

(ii) Other air carriers, including requirements for crew training and proficiency flying.

(iii) Non-flying use of aviation fuels;

(3) Ninety-five (95) percent of base period use (as reduced by application of an allocation fraction) for the following uses:

(i) Domestic, supplemental, and scheduled cargo air carriers, including requirements for crew training and proficiency flying;

(ii) International air carriers, including requirements for crew training and proficiency flying—the total of both bonded and non-bonded fuels;

(iii) Intra-state carriers, including requirements for crew training and proficiency flying.

(e) Ninety (90) percent of base period use (as reduced by application of an allocation fraction) for business flying, including requirements for crew training and proficiency flying.

(f) Eighty-five (85) percent of base period use (as reduced by application of an allocation fraction) for public aviation.

(g) Seventy-five (75) percent of base period use (as reduced by application of an allocation fraction) for the following uses:

(1) Personal non-business flying;

(2) Instructional flying;

(3) Air travel club flying including requirements for crew training and proficiency flying.

8. Section 211.144 is revised to read as follows:

§ 211.144 Supplier/purchaser/relationships.

Unless otherwise specified, the provisions of § 211.9–§ 211.13 apply to this subpart.

9. Section 211.145 is revised in paragraphs (a) and (e) to read as follows:

§ 211.145 Method of allocation.

(a) Suppliers of wholesale purchasers and end-users shall allocate aviation fuels in accordance with the provisions of § 211.10.

• • • • •

(e) Notwithstanding the provisions of § 211.143(c)(2)(iii), the use of aviation fuel for non-flying purposes by a utility may not exceed those volumes of aviation fuel contracted for or purchased during the base period. Aviation fuel shall not be used for peaking as long as the utility continues service during such peaking to interruptible non-priority industrial users (except where no suitable substitute fuel is available to the user) or to any purchaser which can use a fuel other than aviation fuel.

10. Section 211.146 is revised to read as follows:

§ 211.146 Procedures and reporting requirements.

(a) All matters pertaining to the allocation of aviation fuels to civil air carriers (except air taxi/commercial operators) shall be addressed to the Administrator, FEO, Washington, D.C. 20461, unless otherwise provided.

(b) All matters pertaining to the allocation of aviation fuels for general aviation, air taxi/commercial operators, public aviation and non-flying uses of aviation fuels shall be addressed to the appropriate supplier. Any matters unresolved at the supplier level may be referred directly to the appropriate Regional FEO office.

(c) The general reporting and recordkeeping requirements contained in § 211.222 shall apply to this subpart. In addition, civil air carriers (excluding air taxi/commercial operators) shall make a one time only report to the Administrator, FEO, of their base period volume, or adjusted base period volume, of aviation gasoline and of both naphtha-base and kerosene-base jet fuel broken down by month. At the option of the user, this may be modified to reflect one-twelfth (1/12) of the annual allocation volumes for each month or the estimated requirements by month, not to exceed total annual allocation volume. Use of this reporting option shall be applied for purposes of choosing the most realistic figures. The report required by this paragraph shall indicate the purchases of non-bonded fuel for domestic flights, non-bonded fuel for international flights, and bonded fuel for international flights, as applicable.

(d) For general aviation wholesale purchasers, the recordkeeping requirements specified in § 211.223 shall apply provided, however, that such reports need reflect only jet fuel and aviation gasoline usage for local purchasers and their uses and activities and total pumpage per month of jet fuel and aviation gasoline.

Subpart I—Residual Fuel Oil

11. Section 211.163 is revised to read as follows:

§ 211.163 Allocation levels.

(a) *General.* The allocation levels listed in this paragraph only apply to allocations made by suppliers to wholesale purchaser-consumers and end-users. Suppliers shall allocate to all purchasers to which allocation levels apply in accordance with the provisions of § 211.10. End-users and wholesale purchaser-consumers which are entitled to purchase residual fuel oil under an allocation level not subject to an allocation fraction shall receive first priority and be supplied sufficient amounts to meet 100 percent of their allocation requirements. Wholesale purchaser-consumers and end-users which are entitled to purchase residual fuel oil for all uses under an allocation level subject to reduction by application of an allocation fraction shall receive second priority.

(b) *Allocation levels not subject to an allocation fraction.* (1) One hundred (100) percent of current requirements for the following uses:

(i) Agricultural production;

(ii) Department of Defense for use as specified in § 211.26.

(iii) Space heating requirements subject to the following specifications:

(A) No reduction for medical and nursing building uses;

(B) Six (6) degree F reduction for residences and schools;

(C) Ten (10) degree F reduction for all others;

(D) Reduction of the ambient indoor temperature by the appropriate amount, or other actions which result in a fuel saving equivalent to that which would otherwise result under paragraph (b)(1)(iii)(A)–(C) of this section.

(2) The allocation level as specified each month by the FEO for utility use. In specifying the allocation levels for each utility the FEO may include but is not limited to the following considerations:

(i) Each utility within appropriate groupings shall absorb an equal percentage cut back in electricity generation, to the maximum extent possible.

(ii) The fact that electric generating plants which now burn residual fuel oil that have been identified by the FEO as candidates for conversion to coal, and the maximum possible extent to which such plants could be utilized after conversion.

(iii) The extent to which any electric generating plants which burn coal may be utilized more fully than at present.

(iv) The extent to which certain minimal levels of residual fuel oil consumption are essential, as determined by the FEO upon recommendation of the Federal Power Commission (FPC) to supply portions of a power system requirement that cannot be supplied by non-oil-fired generation, or for other special considerations. Any volumes so identified shall be counted as part of a utility's total allocation.

(v) The extent to which utilities currently utilize natural gas supplies under interruptible contracts and which have been interrupted.

(vi) Available stocks of residual fuel oil held by each utility.

(c) *Allocation levels subject to an allocation fraction.* (1) One hundred (100) percent of current requirements (as reduced by application of an allocation fraction) for the following uses:

(i) Emergency services;

(ii) Energy production;

(iii) Manufacture of ethical drugs and related research;

(iv) Non-military marine shipping, foreign and domestic (except cruise ships carrying passengers for recreational purposes). Sales to vessels engaged in the foreign trade of the United States shall be made on a non-discriminatory basis in regard to flag of registration, subject to modification by the FEO following consultation with appropriate Federal agencies on a case-by-case basis if required to encourage reciprocal non-discriminatory allocation of bunker fuels in foreign ports to vessels engaged primarily in the foreign trade of the United States;

(v) Sanitation services;

(vi) Telecommunications services;

(vii) Passenger transportation services.

(2) One hundred (100) percent of base period use for industrial users and all other users and uses of residual fuel oil not included in paragraph (b) or (c)(1) of this section.

12. Section 211.164 is revised in paragraph (b) to read as follows:

§ 211.164 Supplier/purchaser/relationships.

• • • • •

(b) Unless otherwise specified, supplier/purchaser relationships are set forth in § 211.9–13.

13. Section 211.165 is revised in paragraphs (a) and (c) to read as follows:

§ 211.165 Method of allocation.

(a) The initial State set-aside level for residual fuel oil for a particular month and State is one and one-half (1½) percent of a prime supplier's estimated portion of its total supply for that month which will be sold into that State's distribution system for consumption within the State. Subsequent adjustments to the percentage unit will be published by the FEO.

• • • • •

(c) *Non-utility.* The portion of each supplier's allocable supply not directed by the FEO to be distributed for utility use shall be allocated pursuant to § 211.10. With respect to space heating uses, suppliers must comply, to the fullest extent practicable, with the provisions of paragraph (e) of this section. Notwithstanding the provisions of § 211.164 or § 211.10, suppliers may not supply a utility in excess of the amounts established pursuant to paragraph (d) of this section until the non-utility allocations levels listed in § 211.163 have been filled, unless otherwise directed by the FEO.

14. Section 211.165 is revised in paragraphs (d)(1)(i) and (d)(2)(i) to read as follows:

§ 211.165 Method of allocation.

• • • • •

(d) *Utilities.* (1) • • •

(i) The FEO will determine the amount of residual fuel oil allocated to each utility for delivery during the month of February and publish that determination. The volume of residual fuel oil allocated to each utility shall be based upon the supply available for utilities, the considerations specified in § 211.163(b)(2) and other relevant considerations.

• • • • •

(2) • • •

(i) Each month, the FEO will determine the amount of residual fuel oil allocated to each utility for delivery in the following month. The volume of residual fuel oil allocated to each utility in a particular month shall be based upon the total supply available for utilities, the considerations specified in § 211.173(b)(2) and other relevant considerations.

§ 211.165 [Amended]

15. Section 211.165. is amended in paragraph (e) by deleting the reference to § 211.163(a)(2)(iv)" and inserting in lieu thereof "§ 211.163(b)(1)(iii)(D)."

16. Section 211.166 is revised in paragraph (f) to read as follows:

§ 211.166 Procedures and reporting requirements.

• • • • •

(f) Requests for adjusted base period volumes shall be submitted to suppliers or to the appropriate regional FEO specified in § 211.12 for purchasers (other than utilities) and in § 211.13 for suppliers, wholesale purchasers and end-users.

17. Subpart K is revised to read as follows.

Subpart K—Other Products

Sec.
211.201 Scope.
211.202 Definitions.
211.203 Allocation levels.
211.204 Supplier/purchaser relationships.
211.205 Method of allocation.
211.206 Procedures and reporting requirements.

AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92–210, 85 Stat. 743; Pub. L. 93–28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order Number 47, 39 FR 24.

Subpart K—Other Products

§ 211.201 Scope.

(a) This subpart applies to the mandatory allocation of solvents, diluents, feedstocks for synthetic natural gas plants, refined lubricating oils, allocated products used in the blending and compounding of lubricating oils, and any other allocated products not subject to Subparts D–J of this part, produced in or imported into the United States.

(b) This subpart does not provide for a State set-aside.

§ 211.202 Definitions.

For the purpose of this subpart—

"Base period" means the calendar quarter of 1973 which corresponds to the current quarter.

"Interruptible Customer" means any gas utility customer which has an alternative fuel source available on a regular basis or which has customers of its own who have such an alternative fuel source and who have not been curtailed.

"Other products" means solvents (including benzene, toluene xylene, and hexane when used for that purpose), diluents (including naphtha, special naphthas, kerosene, and other distillates when used for that purpose), feedstocks for synthetic natural gas plants, refined lubricating oils, allocated products used in the blending and compounding of lubricating oils and any other allocated products not subject to Subpart D–J of this part.

"Synthetic natural gas" means the gas which results from the manufacture, conversion or reforming of petroleum hydrocarbons which may be easily substituted for or interchanged with pipeline quality natural gas.

"Wholesale purchaser-consumer" means a wholesale purchaser-consumer as defined in § 211.51 or any firm which purchases other products at the wholesale level under a written contract.

§ 211.203 Allocation levels.

(a) General. The allocation levels listed in this section only apply to allocations made by suppliers to wholesale purchaser-consumers and end-users. Suppliers shall allocate to all purchasers to which the allocation levels apply in accordance with the provisions of § 211.10. End-users and wholesale purchaser-consumers which are entitled to purchase other products under an allocation level not subject to an allocation fraction shall receive first priority and be supplied sufficient amounts to meet 100 percent of their allocation requirements. End-users and wholesale purchaser-consumers which are entitled to purchase other products under a allocation level subject to reduction by application of an allocation fraction shall receive second priority.

(b) *Allocation levels not subject to an allocation fraction.* One hundred (100) percent of current requirements for the following uses:

(1) Agricultural production.

(2) Department of Defense for use as specified in § 211.26.

(c) *Allocation levels subject to the allocation fraction.* (1) One hundred (100) percent of current requirements (as reduced by the application of the allocation fraction) for the following uses:

(i) Emergency services;

(ii) Energy production;

(iii) Sanitation services;

(iv) Passenger transportation services;

(v) Telecommunications service;

(vi) Cargo, freight and mail hauling;

§ 211.204 Supplier/purchaser relationships.

(a) Each supplier of other products shall supply all wholesale purchasers which purchased other products during the base period.

(b) Supplier/purchaser relationships are as set forth in §§ 211.9–211.13.

§ 211.205 Method of allocation.

(a) Allocation of other products shall be made as specified in § 211.10 except that suppliers of allocated products used for blending and compounding of refined lubricating oils which have allocation fractions greater than one (1.0) shall not be required to report to FEO pursuant to § 211.10(g) the volume of surplus product available.

(b) Except as otherwise provided in this section, provisions to adjust a wholesale purchaser's base period volume are specified in § 211.13 and new wholesale purchasers and end-users are subject to the requirements of § 211.12.

(c) Notwithstanding the provisions of §§ 211.12 and 211.13, any wholesale purchaser-consumer of crude oil or allocated products for use as feedstock in synthetic natural gas production, which has requirements that exceed its base period volume or which had no base period volume may seek an adjustment of its base period volume or establishment of a base period volume only by notifying the FEO, in accordance with forms and instructions to be issued by the FEO, of the proposed base period volume or adjustment thereto and the basis upon which

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the volume or adjustment was determined. The proposed base period volume or adjusted base period volume is subject to approval by FEO. The FEO shall, in granting or denying such assignment or adjustment, consider the following factors:

(1) The degree to which the wholesale purchaser has curtailed supplies of natural gas and synthetic natural gas to interruptible customers.

(2) Projected synthetic natural gas consumption and projected growth over the period of allocation.

(3) The source and volume of anticipated feedstocks.

(4) Attempts by the utility to obtain alternative gas and/or feedstock sources.

(5) Attempts by the utility to phase out natural gas service in areas that might be conveniently served by oil, coal, or electricity derived from nuclear power.

§ 211.206 Procedures and reporting requirements.

(a) All matters pertaining to the allocation of other products shall be addressed to the Administrator, Federal Energy Office, Washington, D.C. 20461.

(b) The general reporting and recordkeeping requirements contained in § 211.222 shall apply to this subpart.

18. Subpart L is revised to read as follows:

Subpart L—General Reporting and Recordkeeping Requirements

Sec.
211.221 Scope.
211.222 Monthly reports by refiners and importers.
211.223 Recordkeeping requirements.
211.224 Weekly petroleum reporting system.
211.225 Report of new end-user and wholesale purchaser-consumer importers.

AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order Number 47, 39 FR 24.

Subpart L—General Reporting and Recordkeeping Requirements

§ 211.221 Scope.

This subpart provides the general reporting and recordkeeping requirements applicable to this part. Reporting and recordkeeping requirements that are limited in application to specific products or situations are contained in the other appropriate subparts of this part.

§ 211.222 Monthly reports by refiners and importers.

(a) Every refiner for each of its refineries; importer for each importing terminal; and gas processing plant operator for each of its processing plants shall report monthly to the National FEO the following information for each allocated product.

(1) The inventory at the beginning and end of the preceding month by allocated product.

(2) Deliveries received during the preceding month by allocated products; deliveries of domestic crude oil should be segmented into new and released domestic crude oil. All allocated products should be listed by source and by country of origin for imports.

(3) Inventory fluctuations which occurred during the preceding month and were caused by other than deliveries, receipts, and transfers.

(4) Total deliveries and supply redistribution in each State during the preceding month by allocated product.

(5) The estimated total supply for distribution in each State during the following month by product as described in § 211.10(b)(1) before adjustment for State set-aside and allocation requirements not subject to the supplier's allocation fraction.

(6) The estimated State set-aside volume for distribution in each State during the following month by product.

(7) The estimated volume by category for allocation requirements not subject to the supplier's allocation fraction to be supplied during the following month.

(8) Any existing inventory or production, importation, or purchase of an allocated product used to increase that inventory consistent with the provisions of § 211.22 by product.

(9) The allocable supply (i.e., subparagraph (5) minus subparagraphs (6), (7), and (8) of this paragraph), for distribution in each State during the following month, by product.

(10) The estimated supply obligation as described in § 211.10(b)(2) for the following month for purchasers to be supplied within each State, by product.

(11) The estimated average or shortfall, i.e., subparagraph (5) minus subparagraphs (7) and (10) of this paragraph.

(12) The estimated allocation fraction, i.e., subparagraph (9) divided by subparagraph (10) of this paragraph.

(13) The estimated total supply of allocated product which will be available in each of the following three (3) months.

(b) Beginning with the month of March 1974, and thereafter, prime suppliers shall report monthly to the National FEO, appropriate regional offices and appropriate State Offices subparagraphs (4) through (13) of paragraph (a) of this section by refiner (not refinery). This report will be the basis of the State set-aside program. Notwithstanding the provisions of § 205.4 of this chapter concerning constructive receipt of documents submitted by registered or certified mail, the prime supplier's monthly report must be delivered to the National FEO in Washington, D.C., on or before the tenth (10th) day prior to the commencement of the month described as "the following month" in § 211.222(a)(5).

§ 211.223 Recordkeeping requirements.

Suppliers which sell to wholesale purchaser-consumers and end-users shall maintain records on FEO forms, subject to FEO audit, which demonstrate the basis for distribution of allocable supplies among their various purchasers. These records shall contain the following information for each allocated product and for each purchaser, on a monthly basis:

(a) Purchaser identification.

(b) Base period volume, adjusted base period volume or current requirements, as appropriate.

(c) Allocation level.

(d) Allocation requirements (paragraph (c) multiplied by paragraph (b)) of this section.

(e) Purchaser's share of supplier's allocable supply (paragraph (d) of this section multiplied by the supplier's allocation fraction if the fraction applies).

(f) Actual volumes supplied.

§ 211.224 Weekly petroleum reporting system.

(a) This section establishes a weekly petroleum reporting system for each refiner or other firm which operates or controls a (1) refinery, (2) bulk terminal, (3) crude oil pipeline or (4) petroleum products pipeline, and for each importer which imports petroleum products by tanker, barge, or pipeline.

(b) *Definitions.* For the purposes of this section—

"Bulk terminal" means a facility which is primarily used for the marketing of gasoline, kerosene, and distillate and residual fuel oils and which (1) has total bulk storage capacity of 2,100,000 gallons or more, or (2) receives its petroleum products by tanker, barge or pipeline.

"Crude oil pipeline" means a common carrier pipeline, licensed by the Interstate Commerce Commission, which carries crude oil.

"Petroleum products pipeline" means a common carrier pipeline, licensed by the Interstate Commerce Commission, which carries petroleum products.

(c) *Initial report.* By February 15, 1974, every refiner or other firm, and every importer which receives petroleum products by tanker, barge or pipeline, shall prepare and file with FEO a report entitled "Petroleum Reporting Address Information," in accordance with forms and instructions issued by FEO.

(d) *Weekly report.* Every refiner or other firm, and every importer which receives petroleum products by tanker, barge or pipeline, shall prepare and file with FEO a weekly report in accordance with forms and instructions issued by FEO. The weekly petroleum reporting system shall become effective, February 22, 1974. The first weekly report must be received by FEO by 5:00 p.m., March 4, 1974.

§ 211.225 Report of new end-user and wholesale purchaser-consumer importers.

Pursuant to § 211.12(g) new end-user and wholesale purchaser-consumer importers of an allocated product are required to report both to the National FEO and the appropriate regional FEO at least fifteen (15) days prior to commencing use of any allocated product which they import:

(a) The amounts and sources of these imports;

(b) Their intended use;

(c) Their projected monthly consumption; and

(d) A complete record of the domestic suppliers and amounts supplied of the allocated product which the purchaser intends to import, from January 1, 1972, to the date of the filing of the report.

[FR Doc.74-7448 Filed 3-28-74;9:04 am]

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federal register

FRIDAY, MARCH 29, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 62

PART V



DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions

No. 62—Pt. V——1

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, (40 U.S.C. 276a)) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New General Wage Determination Decisions

Kansas	AQ–88
Louisiana	AQ–90
Pennsylvania	AQ–2078, AQ–2079, AQ–2081, AQ–2084

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State:

Colorado:	
AQ–1012	Aug. 17, 1973
AQ–1061	Nov. 30, 1973
Georgia:	
AQ–4068	Feb. 15, 1974
Iowa:	
AQ–3	July 20, 1973
AQ–11; AQ–12; AQ–18	Aug. 3, 1973
Missouri:	
AQ–85	Mar. 8, 1974
Oklahoma:	
AQ–64	Dec. 7, 1973
Tennessee:	
AM–8623	June 16, 1972
AQ–4011	Sept. 21, 1973
AQ–4014; AQ–4015; AQ–4016	Oct. 5, 1973
Texas:	
AQ–70	Jan. 11, 1974

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State; Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded:

Alabama:	
AQ–4027(AQ–4096)	Oct. 19, 1973
AQ–4034(AQ–4095)	Nov. 23, 1973
Arkansas:	
AP–701(AQ–89)	Feb. 9, 1973
New Jersey:	
AM–1719(AQ–2091)	Aug. 11, 1971
AP–828(AQ–2090)	May 18, 1973
West Virginia:	
AP–402(AQ–2088); AP–403 (AQ–2087)	July 21, 1972
AP–405(AQ–2089)	July 28, 1972
AP–801(AQ–2086)	Mar. 13, 1973

Signed at Washington, D.C., this 22d day of March 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

@STATE: Kansas
DECISION NO.: AQ-88
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: Geary and Riley
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments				
		H&W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$6.75	.45	.25			
Carpenters	5.37					
Cement Masons	4.54					
Electricians	5.065					
Laborers	2.50					
Painters	5.00					
Plumbers (3 stories and under)	5.40	.425	.15		.05	
Plumbers (4 stories)	8.20	.425	.15		.05	
Roofers	5.50					
Sheet Metal Workers	5.21					
Sheet Rock Installers	5.69					
Sheet Rock Tapers	6.00					
Truck Drivers	3.00					
Power Equipment Operators:						
Backhoe	5.00					
Front End Loader	4.15					

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NEW DECISION

STATE: Louisiana PARISH: Statewide
DECISION NO.: AQ-90 DATE: Date of Publication
DESCRIPTION OF WORK: Construction of Highways, Roads, Streets, Parking Areas (except those let with a building contract) and Brethen Dams.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Yr.	Others
BRICKLAYERS & STONEMASONS 1						
ZONE 1	$7.09	.20	.15		.01	
ZONE 2	6.68					
ZONE 3	7.25	.30	.20		.02	
ZONE 4	7.90	.25	.15		.035	
ZONE 5	6.75					
ZONE 6	6.68					
ZONE 7	7.25	.20	.20			
ZONE 8	7.45		.20			
ZONE 9	7.50					
ZONE 10	7.65					
CARPENTERS 2						
ZONE 1	6.55					
ZONE 2	6.555	.25	.18		.05	
ZONE 3	5.80					
ZONE 4	6.60	.20	.20		.04	
ZONE 5	7.52	.20	.20		.04	
ZONE 6	7.355	.20	.20		.04	
ZONE 7	6.15					
ZONE 8	6.95		.25		.03	
ZONE 9	6.15					
ZONE 10	6.00	.35	.20		.05	
PILEDRIVERMEN 3						
ZONE 1	6.10					
ZONE 2	6.60	.20	.20		.04	
ZONE 3	7.62	.20	.20		.04	
ZONE 4	6.955				.05	
ZONE 5	6.65					
ZONE 6	7.20		.25		.03	
ZONE 7	6.65					
ZONE 8	6.50	.35	.20		.05	
CEMENT MASONS 4						
ZONE 1	5.70					
ZONE 2	5.20					
ELECTRICIANS 5						
ZONE 1						
Electricians	$8.10	.25	1%+.30		3/10%	
Cable splicers	8.35	.25	1%+.30		3/10%	
ZONE 2						
Electricians	7.25		1%			
Cable splicers	7.75		1%			
ZONE 3						
Electricians	8.20	.35	1%+.10		1/10%	
Cable splicers	8.45	.35	1%+.10		1/10%	
ZONE 4						
Electricians	8.20	.25	1%			
Cable splicers	8.45	.25	1%			
ZONE 5						
Electricians	8.18	.30	1%+.20		.03	
Cable splicers	8.18	.30	1%+.20		.03	
ZONE 6						
Electricians	7.70	.30	1%		1/2%	
Cable splicers	8.20	.30	1%		1/2%	
ZONE 7						
Electricians	7.40	.40	1%		1%	
Cable splicers	7.90	.40	1%		1%	
ZONE 8						
Electricians	7.45	.35	1%		1/2%	
Cable splicers	7.70	.35	1%		1/2%	
IRONWORKERS 6						
ZONE 1	7.92					
ZONE 2	7.68					
ZONE 3	7.80					
ZONE 4	7.50					
ZONE 5	7.36					
ZONE 6	6.23					
ZONE 7	5.85					
ZONE 8	5.50					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Yr.	Others
LABORERS 7						
GROUP 1						
ZONE 1	$4.40	.10	.10		.05	
ZONE 2	4.10	.10	.10		.05	
ZONE 3	3.70	.10	.10		.05	
ZONE 4	4.40	.10	.10		.05	
ZONE 5	3.40	.10	.10		.05	
GROUP 2						
ZONE 1	4.50	.10	.10		.05	
ZONE 2	4.20	.10	.10		.05	
ZONE 3	3.80	.10	.10		.05	
ZONE 4	4.50	.10	.10		.05	
ZONE 5	3.50	.10	.10		.05	
GROUP 3						
ZONE 1	4.95	.10	.10		.05	
ZONE 2	4.65	.10	.10		.05	
ZONE 3	4.25	.10	.10		.05	
ZONE 4	4.95	.10	.10		.05	
ZONE 5	3.95	.10	.10		.05	
GROUP 4						
ZONE 1	5.20	.10	.10		.05	
ZONE 2	4.90	.10	.10		.05	
ZONE 3	4.50	.10	.10		.05	
ZONE 4	5.20	.10	.10		.05	
ZONE 5	4.15	.10	.10		.05	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Yr.	Others
TRUCK DRIVERS 7						
GROUP 1						
ZONE 1	$4.75					
ZONE 2	4.75					
ZONE 3	4.55					
ZONE 4	4.87					
ZONE 5	3.95					
GROUP 2						
ZONE 1	4.85					
ZONE 2	4.85					
ZONE 3	4.63					
ZONE 4	4.97					
ZONE 5	4.05					
GROUP 3						
ZONE 1	4.90					
ZONE 2	4.90					
ZONE 3	4.80					
ZONE 4	5.02					
ZONE 5	4.10					
GROUP 4						
ZONE 1	4.95					
ZONE 2	4.95					
ZONE 3	4.95					
ZONE 4	5.07					
ZONE 5	4.15					
GROUP 5						
ZONE 1	5.10					
ZONE 2	5.10					
ZONE 3	5.27					
ZONE 4	5.22					
ZONE 5	4.30					

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AQ-90 P. 5

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS 8						
ZONE 1						
Brush	$6.01					
Brush on steel	6.135					
ZONE 2						
Brush	6.15		.10			
Steel	6.76		.10			
ZONE 3						
Brush	5.875	.175	.20		.05	
Structural steel	6.25	.175	.20		.05	
ZONE 4						
Brush	5.85					
Steel	6.22					
ZONE 5						
Brush	4.25					
ZONE 6						
Brush	5.45					
ZONE 7						
Brush	6.25					
Structural steel	6.25					
ZONE 8						
Brush	5.60					
Structural steel, brush	6.10					

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS 9						
GROUP 1						
ZONE 1	$7.53	.25	.15			
ZONE 2	7.41	.25	.15			
ZONE 3	7.21	.25	.15			
ZONE 4	7.36	.25	.15			
ZONE 5	6.20	.25	.15			
ZONE 6	5.70	.25	.15			
ZONE 7	5.15	.25	.15			
GROUP 2						
ZONE 1	7.78	.25	.15			
ZONE 2	7.66	.25	.15			
ZONE 3	7.46	.25	.15			
ZONE 4	7.61	.25	.15			
ZONE 5	6.45	.25	.15			
ZONE 6	5.95	.25	.15			
ZONE 7	5.40	.25	.15			
GROUP 3						
ZONE 1	7.28	.25	.15			
ZONE 2	7.16	.25	.15			
ZONE 3	6.96	.25	.15			
ZONE 4	7.11	.25	.15			
ZONE 5	5.95	.25	.15			
ZONE 6	5.45	.25	.15			
ZONE 7	4.90	.25	.15			
GROUP 4						
ZONE 1	6.42	.25	.15			
ZONE 2	6.35	.25	.15			
ZONE 3	6.15	.25	.15			
ZONE 4	6.16	.25	.15			
ZONE 5	5.17	.25	.15			
ZONE 6	4.67	.25	.15			
ZONE 7	4.15	.25	.15			

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP 5						
ZONE 1	$6.13	.25	.15			
ZONE 2	5.71	.25	.15			
ZONE 3	5.71	.25	.15			
ZONE 4	5.70	.25	.15			
ZONE 5	4.67	.25	.15			
ZONE 6	4.17	.25	.15			
ZONE 7	3.71	.25	.15			
GROUP 6						
ZONE 1	5.61	.25	.15			
ZONE 2	5.15	.25	.15			
ZONE 3	5.15	.25	.15			
ZONE 4	5.15	.25	.15			
ZONE 5	4.52	.25	.15			
ZONE 6	4.02	.25	.15			
ZONE 7	3.56	.25	.15			
GROUP 7						
ZONE 1	5.36	.25	.15			
ZONE 2	4.90	.25	.15			
ZONE 3	4.90	.25	.15			
ZONE 4	4.90	.25	.15			
ZONE 5	4.52	.25	.15			
ZONE 6	4.02	.25	.15			
ZONE 7	3.56	.25	.15			
GROUP 8						
ZONE 1	6.42	.25	.15			
ZONE 2	6.35	.25	.15			
ZONE 3	6.15	.25	.15			
ZONE 4	6.16	.25	.15			
ZONE 5	5.17	.25	.15			
ZONE 6	4.67	.25	.15			
ZONE 7	4.15	.25	.15			

AQ-90 P. 8

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS (CONT'D)						
GROUP 9						
ZONE 1	$6.67	.25	.15			
ZONE 2	6.60	.25	.15			
ZONE 3	6.40	.25	.15			
ZONE 4	6.41	.25	.15			
ZONE 5	5.42	.25	.15			
ZONE 6	4.92	.25	.15			
ZONE 7	4.40	.25	.15			
GROUP 10						
ZONE 1	5.61	.25	.15			
ZONE 2	5.15	.25	.15			
ZONE 3	5.15	.25	.15			
ZONE 4	5.15	.25	.15			
ZONE 5	4.77	.25	.15			
ZONE 6	4.27	.25	.15			
ZONE 7	3.81	.25	.15			
LINE CONSTRUCTION 10						
ZONE 1						
Linemen	8.18	.30	1%+.20		.03	
Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines	75%JR	.30	1%+.20		.03	
Operator using hole truck & trailer, or pole hauling & setting truck (not in energized lines)	65%JR	.30	1%+.20		.03	
Operator using truck without winch	45%JR	.30	1%+.20		.03	
Groundman (1½ yrs. service or over)	50%JR	.30	1%+.20		.03	
Groundmen (starting rate to 1½ yrs. service)	45%JR	.30	1%+.20		.03	
ZONE 2						
Linemen, line equipment & line truck operators	8.10	.25	1%+.30		3/10%	
Cable splicers	8.35	.25	1%+.30		3/10%	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION (CONT'D)						
ZONE 3						
Linemen, equipment operators	$8.20	.35	1%+.10		1/10%	
Cable splicers	8.45	.35	1%+.10		1/10%	
Groundmen	6.20	.35	1%+.10		1/10%	
ZONE 4						
Linemen & equipment operators	8.20	.25	1%			
Cable splicers	8.45	.25	1%			
Groundmen	50%JR	.25	1%			
ZONE 5						
Linemen & equipment operators	7.45	.35	1%		1/2%	
Cable splicers	7.70	.35	1%		1/2%	
Groundmen	60%JR	.35	1%		1/2%	
ZONE 6						
Linemen & equipment operators	7.70	.30	1%		1/2%	
Cable splicers	8.20	.30	1%		1/2%	
ZONE 7						
Linemen & equipment operators	7.40	.40	1%		1%	
Cable splicers	7.90	.40	1%		1%	

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1: Laborers, including but not limited to signalman, foundation driller, and demolishing and dismantling man
GROUP 2: Raker, concrete spreader, carpenters helpers, distributor man, finishers helpers, formsetters helpers, jackhammer operator, jetting laborer, painters helpers, pit man, pipelayer or tile layer, powder monkey helper, tamper, tree pruner, stone masons helper, stoker, asphalt raker, concrete shovelers, power tool operator and motorized buggy operator
GROUP 3: Formsetter, head or master--high type pavement
GROUP 4: Powderman

TRUCK DRIVERS

GROUP 1: One ton and under: Warehouseman, material checker, receiving clerk, spotter and dumper
GROUP 2: One and one-half (1½) tons to and including two (2) tons (exclusive of dump trucks), truck mechanic helper
GROUP 3: Single axle dump trucks, single axle water trucks
GROUP 4: Heavy equipment, tandem axle dump and tandem axle water trucks, winch lift, transit mix, floats, pole trailer, four axle trailer and truck mechanic
GROUP 5: Special equipment, euclids and five axle moving equipment

POWER EQUIPMENT OPERATORS

GROUP 1: Over 60 ton crane; Crane with 125' boom
GROUP 2: Crane with 175' boom
GROUP 3: Heavy Duty Operators-Crane all types; deck winches (2); Hi-Ho and similar type equipment; three drum (or more) stabilizers; pulls all types; concrete mixer one yard and over; all pavers; ditching or trenching machines (track type); mechanics and equipment welders; well-point systems; hoist, two drums or more; hoist, one drum, forty vertical feet or more; scrapers; bulldozers, rubber-tired or track other than farm-type; scoopmobiles; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front end loaders, other than farm-type, one cubic yard or over; shovels and backhoes, all types, and equivalent equipment; piledriver operator; sideboom cats; A-frame trucks when handling steel or pipe; work boats requiring licensed operators; tugboats; fork lifts over 10 ton capacity; and foundation drilling machines
GROUP 4: Medium Duty Operators-Two drum stabilizers; front end loaders under 1 cubic yard; A-frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; two tractors (crawler type); one drum hoist under 40 vertical feet; fireman; concrete spreader; pugmill operator; bituminous distributor on surface treatment and equivalent; bull floats and equivalent; job grease man on "Highway Construction"; unit operator (all Highway Zones); work boats not requiring licensed operators; inboard motored crew boats
GROUP 5: Light Duty Operators-Single drum stabilizer; concrete mixer under one yard; spray curing machines; rollers on subgrade; one air compressor over 125 cubic feet; form graders; asphalt finisher screed man; pump over 4 inches; scale operators; crusher operators; concrete jointing machines; concrete saw; tack machines and equivalent equipment; pump crete; elecctric elevator (inside); oiler driver; farm-type, rubber-tired tractor, with attachments, except backhoes; Rolum buff and similar equipment; fork lifts, ten ton capacity and under; outboard motored crew boats
GROUP 6: Mechanic Helper; Batch Plant Operator
GROUP 7: Oiler
GROUP 8: Fireman
GROUP 9: Fireman Operating Steam Valve
GROUP 10: Oiler on Crane Using Air to Drive Piles

AREA COVERED BY VARIOUS ZONES

1

BRICKLAYERS & STONEMASONS
ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Evangeline, Pointe Coupee & St. Landry Parishes
ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 4 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west, along U.S. Highway #190 through the lower limits of Covington, along State Highway #58, through the lower limits of Abita Springs & Talisheek & on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 5 - St. Tammany (north half including Covington north of Highway #190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Natchitoches & Sabine Parishes
ZONE 9 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 10 - Iberia, Lafayette, St. Martin & St. Mary Parishes

2

CARPENTERS
ZONE 1 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - St. Tammany (to the overpass at Slidell, Louisiana, along State Highway #464 in St. Tammany Parish to the city limits of the town of Ponchatoula running north & south to Amite, Louisiana in Tangipahoa Parish including the town of Covington, Louisiana in St. Tammany Parish), Tangipahoa & Washington Parishes
ZONE 4 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 5 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 6 - Lincoln (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 7 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 9 - Natchitoches & Sabine Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

3

PILEDRIVERMEN
ZONE 1 - St. Tammany (to the overpass at Slidell, Louisiana, along State Highway #464 in St. Tammany Parish to the city limits of the town of Ponchatoula running north & south to Amite, Louisiana in Tangipahoa Parish, including the town of Covington, Louisiana in St. Tammany Parish), Tangipahoa & Washington Parishes
ZONE 2 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (south of the Mississippi River), Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Iberia, Jefferson Davis, Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River), Vermilion & Vernon Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, Washington, West Carroll & Winn Parishes

4

CEMENT MASONS
ZONE 1 - Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Cameron, Claiborne, DeSoto, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Orleans, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Webster, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Morehouse, Plaquemines, Sabine, Tensas, Union, Washington, West Carroll & Winn Parishes

5

ELECTRICIANS
ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (that portion north of Iberia Parish), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes

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ELECTRICIANS CONTINUED
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

6
IRONWORKERS
ZONE 1 - Jefferson & Orleans Parishes
ZONE 2 - Plaquemines, St. Bernard & St. Charles Parishes
ZONE 3 - East Baton Rouge Parish
ZONE 4 - Calcasieu Parish
ZONE 5 - Bossier & Caddo Parishes
ZONE 6 - Lafayette, Ouachita & Rapides Parishes
ZONE 7 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 8 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

7
LABORERS & TRUCK DRIVERS
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Acadia, Allen, Ascension, Assumption, Avoyelles, Beauregard, Bienville, Caldwell, Cameron, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Iberia, Iberville, Jackson, Jefferson Davis, Lafayette, Lafourche, LaSalle, Lincoln, Livingston, Madison, Morehouse, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, Sabine, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Tensas, Terrebonne, Union, Vermilion, Vernon, Washington, Webster, West Baton Rouge, West Carroll, West Feliciana & Winn Parishes

8
PAINTERS
ZONE 1 - Allen (except Northeast Corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (north & west of Highway #22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway #22), Pointe Coupee, St. Helena, Tangipahoa (west of Highway #51), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (east & south of Highway #22), Assumption (south of Grand Bayou), Lafourche, Livingston (east & south of Highway #22), Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes
ZONE 5 - St. Tammany (northern portion), Tangipahoa (east of Highway #51) & Washington Parishes
ZONE 6 - Allen (northeast corner), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Natchitoches (south half), Rapides, St. Landry (north half) & Winn (south half) Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to City of Natchitoches), Red River, Sabine & Webster Parishes
ZONE 8 - Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

9
POWER EQUIPMENT OPERATORS
ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, Iberville & West Baton Rouge Parishes
ZONE 3 - Bossier, Caddo & Red River Parishes
ZONE 4 - Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Bienville, DeSoto, Iberia, Livingston, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington & Webster Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

10
LINE CONSTRUCTION
ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (that portion north of Iberia Parish), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes

XUM 47 9NRAM 29193V

NEW DECISION

STATE: Pennaylvania
DECISION NO.: AQ-2078
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

COUNTY: Chester
DATE: Date of Publication

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$ 9.62	.50	.50		.01	
Boilermakers	9.12	.50	1.00	.25	.01	
Bricklayers	8.66	.77	.45	.45	1%	
Carpenters	8.77	1.23	.55		.07	
Cement masons:						
Oxford, Kenneth Square, Avondale & Longwood	8.70	.58	.42			
Remainder of County	8.00	.84	.50			
Electricians:						
Oxford, Kenneth Square, Avondale & Longwood	9.04	4%	4%		½ of1%	
Parkersburg, West Grove & West Chester	10.30	.45	1%+.17		½of 1%	
West Clan, West Brandywina, Honey Brook, Wallace, West Natmeal, East Natmeal, Warwick, South Coventry, Valley Twps. & Coatesville	8.74	.28	1%		.03	
Remainder of County	10.25	.35	.22		1%	
Elevator Constructors	9.25	.345	.23	2%+b+c	.015	
Elevator Constructors, helpers	6.475	.345	.23	2%+b+c	.015	
Elevator Constructors helpers (prob.)	4.625					
Glaziers:						
Warwick, S. Coventry, El Coventry, N. Coventry, Spring City & Royersford	7.32	.25	.10		.01	
Remainder of County	8.38	.35	.30		.01	
Ironworkers	8.95	.64	1.06		.05	
Lathers:						
Coatesville, & Lower part of County	8.35	.20	.15		.01	
Remainder of County	8.61	.225	.10			
Load burners	8.75	.30		d	.01	
Line Construction:						
Linemen & Cable Splicers	10.74	.20	1%		1%	
Groundmen	6.44	.20	1%		1%	
Winch truck operator	7.52	.20	1%		1%	
Marble setters	7.35	.57	.55	.50		
Marble setters helpers	6.235	.50	.45			
Millwrights	9.27	1.23	.55		.07	
Painters:						
Commercial						
Brush	7.35	.35	.20			
Spray	7.60	.35	.20			
Piledrivermen	9.42	1.23	.55		.07	

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15-PA-1-E 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Plasterers:						
Longwood, Konnett Square, Avondale & Oxford	$ 8.57	.45			.01	
Remainder of County	9.02	.53			.01	
Pointers, caulkers & cleaners	8.25	.35	.50			
Plasterers' tenders	5.16	.125	.10			
Plumbers & Steamfitters: Tedyffrin, E. Whiteland, W. Whiteland, Easttown, Willistown, E. Goshen, W. Goshen, W. Chester, E. Bradford, Westtown, Birmingham, Twps. & Thornbury City	9.52	.57	.92		.05	
Remainder of County	8.50	.485	.82		.035	
Roofers:						
(Parkersburg) Composition, Damp & Waterproofing	8.725	.375	.10	f		
Slate, tile & asbestos	9.175	.375	.10	f		
Precast slab	9.525	.375	.10	f		
Remainder of County:						
Composition	8.815	1.00	.55	e		
Helpers	4.70	.80	.55	e		
Sheet metal workers	10.00	.52	.50		.01	
Soft floor layers	7.53	.93	.55		.07	
Sprinkler fitters	9.70	.30	.50		.05	
Stone masons	8.66	.72	.45	.45	1%	
Terrazzo workers	7.58	.47	.45	.50		
Terrazzo workers' helpers	5.31	.15				
Tile setters	7.575	.70	.25			
Tile setters' helpers	5.125	.20				
Welders - receive rate prescribed for craft performing operation to which welding is incidental						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Election Day.

FOOTNOTES

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Paid Holidays: A through F and Washington's Birthday and Good Friday and Christmas Eve provided the employee has worked 45 full days for the employer during the 100 days prior to the holiday, and is available for work the day preceding and following the holiday.

e. Paid Holiday: Election Day.

f. Paid Holiday: Labor Day and Election Day

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PA-51-LAB - W

Building Construction	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers:						
Stripping & dismantling concrete form work, loading, unloading, carrying & handling of all reinforced steel & steel mesh, handling lumber and other building materials, operating jackhammers, paving breakers & all other pneumatic tools, building scaffolds, raking, shoveling & tamping of asphalt, spading & concrete pit work, grading, form pinning, shoring, demolition except burners, laying conduits and ducts, sheathing, lagging, laying non-metallic pipe & caulking, all other types of Laborers	$5.71	.44	.20			
Mason tender, power buggies, burners on demolition	6.81	.44	.20			
Wagon drill operator (single)	6.86	.44	.20			
Powdermen, wagon drill operator (multiple)	7.01	.44	.20			
Circular Caissons Excavation: Caisson groundmen	7.01	.44	.20			
Caisson bottom man	7.11	.44	.20			
Underpinning Excavation: Laborers, working at depth of 8 feet or under	7.01	.44	.20			
Yard workers	6.65	.44	.20			

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POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

PA-51-PEO-1 - E 1 of 2

	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS H & W	Pensions	Vacation	App. Tr.	Other
WAGE GROUP I						
Handling Steel and stone in connection with erection; Cranes doing hook work; Any machines handling machinery; Cable Spinning machine; Helicopters; Machines similar to the above	$9.75	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
Engineers working with Dock Builders and Pile Drivers All types of cranes All types of backhoes; Cableways; Draglines; Keystones; All types of shovels; Derricks; Trench shovels; Trenching machines; Pippin type backhoes; Hoist with two towers; Pavers 21E and over; All types overhead cranes; Building Hoists - double drum (unless used as single drum); Mucking Machines in tunnel; Gradalls; Front-end loaders over 3 cu. yd., Boat Captain; Tandem scrapers; Tower type crane operation, erecting, dismantling, jumping or jacking; Drills self-contained (Drillmaster type); Fork Lift (20 ft. and over), Motor Patrols (Fine Grade), Batch Plant with Mixer; Machines similar to the above	9.49	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors (Except Building Conveyors), Building Hoists (single drum), Scrapers and Tournapulls, Asphalt plant engineers, Roller (High Grade finishing); Caterpillar-type tractors with front-end overhead loaders and Rubber-tired loaders 2 c.y. up to & including 3 c.y. Maintenance Engineers with tools; Spreaders, High or low pressure boilers, Concrete pumps, Well drillers, Forklift trucks of all types; Bulldozers D-7 or equivalent and over; Ditch witch type trencher, Motor patrol; Machines similar to the above	8.62	4.6%	9.5%	a	1.2%	

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PA-51-PEO-1-E 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
WAGE GROUP IV					
Concrete breaking machines Rollers Machines similar to the above	$8.40	4.6%	9.5%	a	1.2%
WAGE GROUP V					
All bulldozers under D-7 Tractors including rubber-tired type with front and overhead loaders under 2 c.y. Seaman pulverizing mixer Welders and Maintenance Engineers Tireman on Power Equipment Maintenance Engineer (Power Boat) Machines similar to the above	8.10	4.6%	9.5%	a	1.2%
WAGE GROUP VI					
Conveyors (Building) Welding Machines Heaters Wellpoints Compressors Farm Tractors Form line graders Road finishing machines Pumps Power Broom (Self contained) Seed Spreader Machines similar to the above	7.92	4.6%	9.5%	a	1.2%
WAGE GROUP VII					
Fireman	7.40	4.6%	9.5%	a	1.2%
WAGE GROUP VIII					
Oilers and Deck Hand (Personnel Boats)	6.66	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day Thanksgiving Day; and Christmas Day, providing the employee works the day before and after the holiday.

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BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Class I Warehouseman, Checker, Fork Lift Driver, Stake Body Truck (single axle), 1-1/2 ton and under vehicles	$6.12	.3675	.35	a&b	
Class II Truck Driver over 1-1/2 tons, Dump Trucks, Tandem & Batch Trucks, Semi-Trailers, Agitator Mixer Trucks, and Dumpcrete Type Vehicles, Asphalt Distributors, Farm Tractor when used for transportation, Stake Body Truck (Tandem)	6.22	.3675	.35	a&b	
Class III Euclid Type, Off-Highway Equipment-Back or Belly Dump Trucks and Double-Hitched Equipment Staddle (Ross) Carrier, Low-Bed Trailers,	6.42	.3675	.35	a&b	

FOOTNOTES:

a. Employee who have been on the employer's senority list for a period of one (1) year from date of hire and who shall have worked a minimum of one-hundred thirty (130) days in the year previous to his anniversary date, shall be eligible for one (1) week's vacation.

b. Paid Holidays: Memorial Day Independence Day & Labor Day for employee who have worked a minimum of thirty days and are on the employer's senority list, provided he works the schedule work days before and after the said holidays.

NEW DECISION

STATE: Pennsylvania
DECISION NO.: AQ-2079
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

COUNTY: Lycoming
DATE: Date of Publication

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.49	.50	.35		.01	
Boilermakers	9.12	.50	1.00	.25	.01	
Bricklayers & Stonemasons	8.15	.25	.25		.05	
Carpenters	7.65	.25	.25		.02	
Cement masons	8.00					
Electricians	8.54	.28	.08	.30	.02	
Elevator constructors	8.07	.345	.23	2%+b+c	.015	
Elevator constructors' helpers	5.65	.345	.23	2%+b+c	.015	
Elevator constructors' helpers (prob.)	4.035					
Ironworkers	8.46	.64	1.06		.05	
Laborers:						
Unskilled laborers, scaffold builders, wrecking, window cleaners & demolition	5.85	.20	.25			
Mason tender	5.95	.20	.25			
Operators of jackhammers, paving breakers, vibrators & other pneumatic & mechanical tools coming under the jurisdiction of laborers, wagon drill operators, excavating for caisson, under pinning & pier holes (below 12'), non-metallic pipe layers, plaster tenders, mortar men (mixed by hand), handling & using cutting or burning torches in the wrecking of buildings	6.00	.20	.25			
Lathers	5.875		.10		.01	
Lead burners	6.75	.30		a	.01	
Line Construction:						
Line & Cable splicers	9.04	.20	1%			
Groundman - truck drivers	6.41	.20	1%			
Groundman	6.15	.20	1%			
Millwrights	8.21	.20	.25		.02	
Painters:						
Brush	6.70		.20			
Steel	7.00		.20			
Spray	7.40		.20			
Sandblasting	7.55		.20			
Plasterers	8.05					
Plumbers	7.95	.38	.30	.20	.02	
Roofers & Kettlemen	7.60	.50	.40			
Piledrivermen	9.42	1.23	.55		.07	
Sheet metal workers	8.37	.25	.30		.04	
Soft floor layers	7.39	.25	.25		.02	

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Sprinkler fitters	$9.05	.40	.60		.07	
Steamfitters	7.95	.38	.30	.20	.02	
Tile setters	6.10					
Welders - rate for craft						
Glaziers:						
Inside	4.72			d	.01	
Outside	4.88			d	.01	

PAID HOLIDAYS: (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Nine paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Six paid holidays: A through F.

d. Paid holidays: A through F plus 1st day of Buck Season and the employee's birthday provided such employees work the last scheduled day prior to and the next scheduled work day after the holiday unless permission for not working on such day is granted by the employer or unless a bonafide illness occurs.

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POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spanning machines, helicopters, machines similar to the above	$9.44	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.15	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill, helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a	1.2%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment), machines similar to the above	7.50	4.6%	9.5%	a	1.2%	
WAGE GROUP V						
Fireman, grease truck	7.02	4.6%	9.5%	a	1.2%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	6.10	4.6%	9.5%	a	1.2%	

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POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION
(CONTINUE)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WAGE GROUP VII					
All machines with booms (including jib, masts, leads, etc.):					
100 ft. and over	$9.69	4.6%	9.5%	a	1.2%
150 ft. and over	9.94	4.6%	9.5%	a	1.2%
200 ft. and over	10.94	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

NEW DECISION

AQ-2081 P.2

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STATE: Pennsylvania COUNTY: Cambria
DECISION NO.: AQ-2081 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$ 9.47	.35	.70			
Boilermakers	9.07	7%	7%		.01	
Bricklayers & Stonemasons	8.38	.45	.60		.01	
Carpenters	8.04	5%	5%	5%	.015	
Cement mason	7.95	.50				
Electricians	9.60	.35	1% + .20	.60	.05	
Ironworkers, structural, ornamental & Reinforcing	8.775	.785	.775		.03	
Laborers:						
Laborers	5.93	.40	.40			
Plasterers tenders	5.98	.40	.40			
Blasters	6.53	.40	.40			
Lathers	7.72				.01	
Leadburners	8.75	.30	a		.01	
Line Construction:						
Linemen	10.33	.30	1%		3/8%	
Winch truck operator	7.23	.30	1%		3/8%	
Groundman	6.20	.30	1%		3/8%	
Millwrights	7.66	5%	2½%	.26	1%	
Painters:						
Commercial	7.04	.55	.35		.12	
Industrial	7.89	.55	.35		.12	
Piledrivermen	9.27	5%	7%		½ of 1%	
Plasterers	7.75				.01	
Plumbers	9.00	.54	.63		.18	
Roofers	8.59	.45	.95		.035	
Sheetmetal workers	8.82	.65	.85		.02	
Soft floor layers	8.04	5%	5%	5%	1%	
Sprinkler fitters	9.05	.40	.60		.07	
Steamfitters	9.00	.54	.63		.18	
Terrazzo workers, marble setters & tile setters	8.38	.45	.60		.015	
Truck Drivers:						
Service, dump, flat top, jeep, fuel and water	5.46	b	c			
Transit mix, dump trailer, winch truck	5.54	b.	c			
Euclids, & tractor trailer	5.61	b	c			
Helper	5.36	b	c			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays A through F, plus Washington's Birthday and Good Friday, providing the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.

b. $37.61 per month.

c. $8.00 per week.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe,, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, koehring scooper, marro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete-mobile or similar type, Quad Nine, shovels (all type), slip form paver (CMI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhole attached), tug boat, Whirley	$9.175	.35	.50		.04
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure	9.425	.35	.50		.04
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.675	.35	.50		.04
Cranes (boom or mast over 200 ft.)	9.925	.35	.50		.04

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Asphalt plant op., athoy loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sandblasting machine (combination), concrete bolt placer, crane-overhead, crushing and scrooning plants, drillcore (truck or skid mounted), drill-Davey or similar type, drill-well &core (truck mounted), elevator euclid loader, excavating equipment (all other), forklift-bull or similar, generators-2, grader, grader-elevating, greaser-equipment (hoad), hi-liftless than 4 yds., hoist-one drum (4 floors or over), hoist-hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving misking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphalt (spreader), pumpkrete machine op., (stationary), tire repairman, welder (repairman)	$9.025	.35	.50		.04
Conveyors 4 units or more	8.55	.35	.50		.04
Oiler, compactor (ridden or self-propelled) concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill and horzontal (self-propelled and self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self propelled or ridden), pipe dream, roller saw concrete, soil					

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
stabilizer (pump type), stone crusher, atone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment	8.05	.35	.50		.04
Ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW) hoists monorail (regardless of power used), hoist roof (regardless of power used), hunk machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-½" discharge regardless of power (used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) plant, private or industrial air or stream valve	7.80	.35	.50		.04
Compressor - 65 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump-1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oilertruck crane 50 ton or over brake man, deck hand, helicopter, signalman, oiler, mechanic helper	7.05	.35	.50		.04
Crane truck oiler and fireman	7.15	.35	.50		.04
Oiler - truck crane 50 ton or over	7.30	.35	.50		.04

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NEW DECISION

STATE: Pennsylvania
DECISION NO.: AQ-2084
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

COUNTY: Bedford
DATE: Date of Publication

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$ 9.47	.35	.70			
Boilermakers	9.07	7%	7%		.01	
Bricklayers	8.38	.45	.60		.01	
Carpenters	8.04	5%	5%	5%	1%	
Cement masons	7.95	.50				
Electricians	9.60	.35	.20 + 1%	.60	.05	
Elevator Constructors	7.73	.17	.185	1½% c+d	.005	
Elevator Constructors' helpers	5.41	.17	.185	1½% c+d	.005	
Elevator Constructors' helpers (prob.)	3.865					
Ironworkers	7.90	.35	.30			
Laborers:						
Laborers	5.78	.40	.40			
Ditch, trench or sumpwork exceeding 10' in depth including caissons	6.73	.40	.40			
Blasters	6.38	.40	.40			
Air track men, demolition of chimneys & erection of towers, antennas, cooling towers (on power plants) or other similar work in excess of 10' in height, suspension of workmen in swinging-cages, suspended scaffolds, swings, bosun's chair	6.28	.40	.40			
Plasterers tenders	5.83	.40	.40			
Lathers	7.72		.10		.01	
Line Construction:						
Lineman	10.33	.30	1%		3/8%	
Groundman	6.20	.30	1%		3/8%	
Winch truck operator	7.23	.30	1%		3/8%	
Marble, Tile & Terrazzo workers	8.38	.45	.60		.01	
Marble, setters helpers	6.45		.10			
Millwrights	7.66	5%	2½%	.26	1%	
Painters:						
Brush and Roller	6.07					
Structural steel	6.22					
Piledriverman	9.27	5%	7%		.50 of 1%	
Plasterers	7.75				.01	
Plumbers	7.50	.40	.35	.30	.04	
Roofers	8.59	4%	.95		.035	
Soft floor layers	8.04	5%	5%	5%	1%	
Sheet metal workers	8.43	.52	.50			
Sprinkler fitters	9.05	.40	.60		.07	
Steam fitters	7.50	.40	.35	.30	.04	
Stonemasons	8.38	.45	.60		.01	
Terrazzo workers helpers	6.855	.35	.10			
Tile setters helpers	6.79	.35				

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers:						
Service, dump, flat top, jeep, fuel and water	$ 5.46	a	b			
Euclide	5.61	a	b			
Helper	5.36	a	b			
Welder - receive rate prescribed for craft performing operation to which welding is incidental						

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. $37.61 per month.

b. $8.00 per week.

c. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Paid Holidays: A through F.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe,, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete-mobile or similar type, Quad Nine, shovels (all type), slip form paver (CMI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhole attached), tug boat, Whirley	$9.175	.35	.50		.04
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure	9.425	.35	.50		.04
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.675	.35	.50		.04
Cranes (boom or mast over 200 ft.)	9.925	.35	.50		.04

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Asphalt plant op., athoy loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sandblasting machine (combination), concrete bolt placer, crane-overhead, crushing and screening plants, drillcore (truck or skid mounted), drill-Davey or similar type, drill-sell &core (truck mounted), elevator euclid loader, excavating equipment (all other), forklift-bull or similar, generators-2, grader, grader-elevating, greaser-equipment (hoad), hi-liftless than 4 yds., hoist-one drum (4 floors or over), hoist-hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving musking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines), grout pump (10 H.P. or over) paver op., asphalt (spreader), pumpkrete machine op., (stationary), tire repairman, welder (repairman)	$9.025	.35	.50		.04
Conveyors 4 units or more	8.55	.35	.50		.04
Oiler, compacter (ridden or self-propelled) concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill and horzontal (self-propelled and self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self propelled or ridden), pipe dream, roller saw concrete, soil					

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PA-42-PEO-1-E 3 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment	8.05	.35	.50		.04
Ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW) hoists monorail (regardless of power used), hoist roof (regardless of power used), hunk machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-½" discharge regardless of power (used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) plant, private or industrial air or stream valve	7.80	.35	.50		.04
Compressor - 65 c.f. or under (regardless of power used) conveyer 1 unit (regardless of power used) heat-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump-1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oilertruck crane 50 ton or over brake man, deck hand, helicopter, signalman, oiler, mechanic helper	7.05	.35	.50		.04
Crane truck oiler and fireman	7.15	.35	.50		.04
Oiler - truck crane 50 ton or over	7.30	.35	.50		.04

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AO-1012 - Mod. #3 (38 FR 22322 - August 17, 1973) El Paso County, Colorado					
Change: Bricklayers	$8.12	.30	.50		.02

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AO-1061 - Mod. #2 (38 FR 33242 - November 30, 1973) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Logan, Morgan, Park, Summit, and Weld Counties, Colorado					
Change: Bricklayers: Boulder and Grand Counties	7.70	.45	.50		.05
BUILDING CONSTRUCTION Area A					
LABORERS: Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties, Douglas and Jefferson Counites lying North of the South line of Township 7 South; Elbert County lying West of the East line of Range 65 West and North of the South line of Township 7 South; Weld County lying south and west of the following described line; Beginning at the northwest corner or Township 4 North, Range 68 W. of the 6th p.m.; thence east along the north line of said Township six (6) miles, more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less to the southeast corner of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North and 1 North, Range67 west, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base line, twelve (12) miles more or less to the southeast corner of Section 1 Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles more or less to the Base Line, being the south line of Weld County					
ZONE 1 - 0 to 30 miles from nearest basing point located in the Cities of Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville					

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MODIFICATIONS P. 3

DECISION #AQ-1061 - Mod. #2

AREA A - ZONE 1 (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
General laborers; Underpinning and shoring; 0 to 8' below working surface	$4.74	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators of all mechanical, air, gas and electric tools incl. self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	5.03	.37	.40		.05
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05
Pipelayers	5.25	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Beller and stemmers on caisson work	5.30	.37	.40		.05
Mason tenders, brick and plaster	5.35	.37	.40		.05
ZONE 2 - 30 to 70 miles from nearest basing point located in the Cities of Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville					
General laborers; Underpinning and shoring 0' to 8' below working surface	5.20	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators of all mechanical, air, gas and electrical tools incl. self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	5.48	.37	.40		.05

MODIFICATIONS P. 4

DECISION #AQ-1061 - Mod. #2

AREA A - ZONE 2 (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	$5.50	.37	.40		.05
Pipelayers	5.90	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.75	.37	.40		.05
Mason tenders, brick and plaster	5.80	.37	.40		.05
ZONE 3 - 70 miles and over from nearest basing point located in the Cities of Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville					
General laborers; Underpinning and shoring 0' to 8' below working surface	5.65	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators of all mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	5.93	.37	.40		.05
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	6.95	.37	.40		.05
Pipelayers	6.15	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	6.20	.37	.40		.05
Mason tenders, brick and plaster	6.25	.37	.40		.05

MODIFICATIONS P. 5

DECISION #AQ-1061 - Mod. #2

Area B	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Douglas, Elbert, Jefferson and Weld Counties lying outside of the area as described in Area A and Clear Creek, Eagle, Gilpin, Grand, Logan, Park and Morgan Counties					
ZONE 1 - 0 to 30 miles from nearest basing point located in the Cities of Eagle, Fort Morgan, Golden, Grandby, Greeley, Sterling and Vail					
General laborers; Underpinning and shoring 0' to 8' below working surface	$4.55	.37	.40		.05
Power tool operators of all mechanical, air, gas and electrical tools including self-propelled buggies and cement finishers tenders; Gunnite nozzlemen and sandblasters	4.70	.37	.40		.05
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	4.75	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface	4.83	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	4.87	.37	.40		.05
Pipelayers	5.03	.37	.40		.05
Mason tenders, brick and plaster	5.35	.37	.40		.05
ZONE 2 - 30 to 70 miles from nearest basing point located in the Cities of Eagle, Fort Morgan, Golden, Grandby, Greeley, Sterling, and Vail					
General laborers; Underpinning and shoring 0' to 8' below working surface	5.00	.37	.40		.05

MODIFICATIONS P. 6

DECISION #AQ-1061 - Mod. #2

AREA B - ZONE 2 (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power tool operators of all mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	$5.15	.37	.40		.05
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.20	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface	5.28	.37	.40		.05
Jackhammer operators; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.32	.37	.40		.05
Pipelayers	5.48	.37	.40		.05
Mason tenders, brick and plaster	5.60	.37	.40		.05
ZONE 3 - 70 miles and over from nearest basing point located in the Cities of Eagle, Golden, Fort Morgan, Grandby, Greeley, Sterling and Vail					
General laborers; Underpinning and shoring 0' to 8' below working surface	5.45	.37	.40		.05
Power tool operators of all mechanical, air, gas and electrical tools including self-propelled buggies and cement finisher tenders; Gunnite nozzlemen and sandblasters	5.60	.37	.40		.05
Laborers - preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.65	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface	5.73	.37	.40		.05
Jackhammer operators; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.77	.37	.40		.05
Pipelayers	5.93	.37	.40		.05
Mason tenders, brick and plaster	6.05	.37	.40		.05

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MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-4068 - Mod. #2 (39 FR 5975 - February 15, 1974) Fulton, Cobb, & DeKalb Counties, Georgia						
Change:						
Carpenters:						
Carpenters and soft floor layers	$7.75	.35	.45		.02	
Piledrivermen	7.90	.35	.45		.02	
Painters:						
Brush	7.70	.45	.55		.04	
Spray and sandblasting	8.70	.45	.55		.04	
Paperhanging	7.95	.45	.55		.04	
Plasterers	7.52	.35	.55			
Power equipment operators - Mod. #1 (Building construction)						
Group G	4.91	.30	.15		.07	
Electricians (Heavy & Highway construction)	8.85	6%	7%+1%		4/10 of 1%	
Omit:						
Footnote - Mod. #1: a. $2.00 per week per apprentice employed.						
Add:						
County: Clayton						

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-3 - Mod. #4 (38 FR 19641 - July 20, 1973) Scott County, Iowa						
Change:						
Building Construction:						
Electricians:						
Electricians	$8.30	.32	5.5%		.03	
Cable splicers	8.55	.32	5.5%		.03	
DECISION #AQ-11 - Mod. #6 (38 FR 21055 - August 3, 1973) Woodbury County (City of Sioux City & abutting municipalities), Iowa						
Change:						
Building Construction:						
Lathers	6.90				.01	
Plasterers	7.00					
Sheet metal workers	7.68	.35	.25			
DECISION #AQ-12 - Mod. #6 (38 FR 21059 - August 3, 1973) Clinton County (City of Clinton & abutting municipalities), Iowa						
Change:						
Building Construction:						
Electricians:						
Electricians	8.30	.32	5.5%		.03	
Cable splicers	8.55	.32	5.5%		.03	
DECISION #AQ-16 - Mod. #5 (38 FR 21074 - August 3, 1973) Des Moines County (City of Burlington & abutting municipalities & Burlington Ordnance Plant), Iowa						
Change:						
Building Construction:						
Carpenters:						
Carpenters & soft floor layers	6.75	.35	.40		.01	
Millwrights	7.40	.35	.40		.01	
Piledrivermen	7.25	.35	.40		.01	

MODIFICATIONS P 9

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-16 (CONT'D)						
Ironworkers: Ornamental; Reinforcing; Structural	$7.55	.40	.30			
Truck drivers: Warehouseman; Helpers; Teamsters; Mechanic helpers; Greasers; Single axle flat beds & dump trucks; Pulling air compressors & welding machines; batch trucks 2-3½E batches or less; chip spreaders	5.63	10.50p/w				
Cheater axle; Tandems; 6 wheel trucks; semi-trailers; carryall; winch; mixers; batch over 2-3½E batches; "A" Frame; Pole trailers	5.83	10.50p/w				
Track trucks; euclid type truck; oil distributors; front & rear; all types of dumpsters; pavement breakers	6.13	10.50p/w				
DECISION #AQ-85 - Mod. #1 (39 FR 9371 - March 8, 1974) Description of Work and Locations: Heavy and Highway Construction, Missouri						
Add To Description Of Work And Locations: Heavy Construction Scott County						
Change: Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties: Structural; ornamental; & reinforcing	$7.55	.40	.30			
DECISION #AQ-64 - Mod. #4 (38 FR 33904 - December 7, 1973) Tulsa County, Oklahoma						
Change: Sheet metal workers	$7.66	.38	.45		.06	

MODIFICATIONS P. 10

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AM-8623 - Mod. #2 (37 FR 12013 - June 16, 1972) Sullivan County, Tennessee						
Change: Bricklayers	$6.75					
DECISION #AQ-4011 - Mod. #3 (38 FR 26589 - September 21, 1973) Anderson and Roane Counties, Tennessee						
Change:						
Asbestos workers	$8.00	.35	.50		.03	
Ironworkers:						
Reinforcing	6.915	.125	.10		.02	
Fence erector	7.035	.125	.10		.02	
Plasterers	7.30					
Plumbers & Steamfitters	7.45	.35	.45	.30+e	.05	
Sheet metal workers	7.91	.30	.30		.02	
DECISION #AQ-4015 - Mod. #3 (38 FR 27734 - October 5, 1973) Hamilton County, Tennessee						
Change:						
Asbestos workers	8.00	.35	.50		.03	
DECISION #AQ-4014 - Mod. #3 (38 FR 27731 - October 5, 1973) Knox County, Tennessee						
Change:						
Asbestos workers	8.00	.35	.50		.03	
Lathers	6.20		.20		.02	
Plasterers	7.30					
Plumbers and Steamfitters	7.15	.35	.45	.30+e	.05	
DECISION #AQ-4016 - Mod. #3 (38 FR 27737 - October 5, 1973) Shelby County, Tennessee						
Change:						
Asbestos workers	8.00	.35	.50			
Lathers	7.15	.25			.01	
Marble setters	6.45	.25	.20			
Stonemasons	7.70	.35	.20		.14	
Terrazzo workers	6.45	.25	.20			
Tile setters	6.45	.25	.20			

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MODIFICATIONS P.11

DECISION #AQ-70 - Mod. #3
(39 FR 1713 - January 11, 1974)
Travis County, Texas

Change:
Building Construction:
Electricians:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Electricians	$7.90		1%		.8%	
Cable splicers	7.90		1%		.8%	

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Jefferson
DECISION NUMBER: AQ-4095 DATE: Date of Publication
Supersedes Decision No. AQ-4034 dated November 23, 1973 in 38 FR 32344
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.79	.18	.15			
Boilermakers	7.13	.40	.70		.01	
Bricklayers, pointers, caulkers and stonemasons	7.25	.25	.25		.05	
Carpenters and soft floor layers	6.90	.35	.20		.06	
Millwrights	8.25				.06	
Piledrivermen	7.10	.35	.20		.06	
Cement masons	6.83	.40				
Electricians	7.80	.30	1%		1/2%	
Cable splicers	8.05	.30	1%		1/2%	
Elevator constructors	7.06	.345	.23	2%+a&b	.015	
Elevator constructors' helpers	4.94	.345	.23	2%+a&b	.015	
Elevator constructors' helpers (prob.)	3.53					
Glaziers	6.45	.40	.40		.01	
Ironworkers:						
Structural, ornamental and reinforcing	7.775	.42	.25		.01	
Lathers	6.90		.10		.01	
Linemen:						
Linemen	7.15	.20	1%		1/2%	
Groundmen under one year	3.44	.20	1%		1/2%	
Groundmen one year and over	4.04	.20	1%		1/2%	
Hole and ditch digging equipment, tractor with winch and derrick. truck with winch and derrick	6.08	.20	1%		1/2%	
Tractor with towing machine, truck with winch only	5.01	.20	1%		1/2%	
Truck with out winch	4.29	.20	1%		1/2%	
Marble setters	5.85					
Painters:						
Brush	6.70		.30			
Structural steel and spray	7.20		.30			
Paperhangers	6.85		.30			
Plasterers	6.87	.30				
Plumbers and pipefitters	8.50	.25	.25		.07	
Roofers	5.75		.20		.05	
Sheet metal workers	8.00	.40	.35		.02	
Sprinkler fitters	8.20	.40	.60		.07	
Tile setters and terrazzo workers	6.65					
Truck drivers:						
Up to but not inoluding 1½ tons	5.05					
1½ to but not inoluding 3 tons	5.25					
3 tons to but not including 5 tons	5.50					
5 tons and over inoluding special equipment	5.65					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others

Welders, riggers, riveters - receive rate prescribed for craft performing operation to which welders, riggers and riveters are incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Hodlidays: A through F.

b. Employer contributes 1½ of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

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BUILDING CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group A Air or electric tool operators and asphalt rakers	$5.05	.15	.20		.03	
Group B Vibrator operators, chain saw ope., of mechanical equipment which replaces (wheelbarrows or buggies), power mowers, mortar mixers, pipe layers, conc. & clay and muckers	5.00	.15	.20		.03	
Group C Plasterers' tenders & hod carriers	4.95	.15	.20		.03	
Group D Mason tenders, building laborers and wagon drill operators' helpers	4.90	.15	.20		.03	
Group E Burners on demolition, wagon drill operators and tunnel laborers	5.30	.15	.20		.03	
Group F Powderman	5.75	.15	.20		.03	
Group G Caisson-driller	5.65	.15	.20		.03	
Group H Tunnel miner	5.70	.15	.20		.03	
Group I Pneumatic concrete gun operator and nozzleman	5.60	.15	.20		.03	
Group J Chuck tender	5.45	.15	.20		.03	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group A Asphalt plant, boom tractor, bulldozer, cableways, core driller, compressors (2 or more), crane-derrick-dragline, dinky locomotive, dredges, fork lift, front end loader, gradall, heavy duty mechanic, hoist (1 drum or more), mixers push tractor, quarry master, scrapers, shovels, trenching machine (and all similar equipment), winch trucks	$7.31	.30	.20		.05	
Group B Air compressor (over 125), asphalt spreader, blade graders (pull type), boat operator, conveyor (2 or more up to 4), crawler tractor distributors (bituminous surface), farm tractors, finishing machine, pumps over 4 inches, rollers, welding machine (4 or more)	7.10	30	.20		.05	
Group C Air compressor (125 & under), apprentice engineer (oilers-firemen), conveyor (1) tended by oiler), mechanic helpers, pumps (under 4 in.), welding machines (3 or under)	6.41	.30	.20		.05	
Group D On Steel Erection: Crane, dragline, derrick, hoist operator, piledriver, winch truck, fork lift	7.94	.30	.20		.05	
Group E Tractors, welding machines, gasoline driven (4 or more), 1-welding machine no operator, Air compressors (1-125 or larger up to but not including 3)	7.57	.30	.20		.05	
Group F Gas or diesel welding machine (up to 4 tended by oiler), apprentice engineers (oilers-firemen)	6.52	.30	.20		.05	

SUPERSEDEAS DECISION

STATE: Alabama COUNTY: Mobile
DECISION NUMBER: AQ-4096 DATE: Date of Publication
Supersedes Decision No. AQ-4027 dated October 19, 1973 in 38 FR 29155
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.70	.395	.75	g	.02	
Boilermakers	7.13	.40	.70		.01	
Bricklayers, stonemasons, cleaners caulkers and pointers	7.39		.73			
Carpenters	6.80	.30	.30			
Carpenters on creosote material; power saw operator	7.20	.30	.30			
Millwright	7.24	.30	.30			
Piledriver	7.02	.30	.30			
Piledriver on creosote material	7.26	.30	.30			
Cement masons	6.62	.30	.30			
Electricians	8.05	.30	1%+.25	.125	.036%	
Elevator constructors	6.72	.145	.17	3% +a+b	.005	
Elevator constructors' helpers	70%JR	.145	.17	3% +a+b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	6.20	30				
Ironworkers: Structural, ornamental and reinforcing	7.13	.30	.30			
Lathers	7.13	.28	.25		.01	
Line Construction: Linemen	7.90	.20	1%	.125	.036%	
Cable splicers	8.15	.20	1%	.125	.036%	
Marble Setters	7.39		.73			
Painters: Brush	6.88	.28		e	.01	
Industrial	7.13	.28		e	.01	
Hazardous	7.38	.28		e	.01	
Spraying bituminous coatings	7.88	.28		e	.01	
Plasterers	7.20	.30	.30			
Plumbers and steamfitters	8.25	.30	.35	c	.02	
Roofers: Roofers	6.45		.15	f		
Kettleman	5.67		.15	f		
Sheet metal workers	7.29	.40	.40	d	.01	
Soft floor layers	7.20	.30	30			
Sprinkler fitters	8.20	.40	.60		.07	
Terrazzo workers	7.39		.73			
Terrazzo; base grinder; machine op.	5.08	.28	.25			
Tile setters	7.39		.73			

Welders - Rate for Craft.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% basic hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: A, C, D, E, F, Christmas Eve and Mardi Gras.

d. Holidays: A, C, D, E and F.

f. 40 hours paid vacation after 1 year of employment.

g. Holidays: D and Mardis Gras Day, provided the employee works at least one day out of the 3 work days prior to the paid holidays, and the first work day of the paid holiday.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A General Building Construction Laborers	$4.40	.28	.25			
GROUP B Mortar makers (any method), hod carriers, paving breakers - breaking & chipping concrete (any method), air operating tools (elec. or gas), mason and plaster tenders, tile setter & terrazzo helpers, handling creosote or coppertox materials, glass wool and all types insulation, kettle man, asphalt raker & tamper, drills and vibrators, concrete dump bucketman, All concrete rollers, wheel barrows, Georgia buggies, pipe cleaners & pipe layers (of clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe for main & side sewers and drainage only), pipe wipers (inside and out)	4.58	.28	.25			
GROUP C Gunnite or pressure concrete workers, nozzleman, gunman, rodman, power driven buggy mobiles, height: all work performed 40 ft. on scaffolds, inside and out (except where scaffolds are solid from wall to wall inside)	4.80	.28	.25			
GROUP D Cofferdam or tunnel workers (underground)	5.50	.28	.25			
GROUP E Blasting (powderman)	5.72	.28	.25			
GROUP F Concrete sawman	5.28	.28	.25			
GROUP G Form setters; roadways, runways, highways	5.09	.28	.25			
GROUP H Track laborer	4.74	.28	.25			
GROUP I Brick washers (laborers)	4.85	.28	.25			
GROUP J Burners on dismantling (anything not to be reused)	5.38	.28	.25			
GROUP K Stack laborers	4.87	.28	.25			
GROUP L Stack laborers (over 40 ft.)	5.28	.28	.25			
GROUP M Tank cleaners (caustic chemicals)	4.85	.28	.25			

BUILDING CONSTRUCTION: POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group A HEAVY EQUIPMENT: Heavy duty mechanic, crane, shovel, derrick operator (2 or more drums), dragline pile driver operator, hoist operator (2 or more drums), trenching machines, cable ways, excavators, front end loader, backhoe, rubber tired backhoe, dredges, leverman, welders, mounted rotary drill machines cherry pickers, side boom tractors, paving machines, motor patrol, pumpcrete machines, gradalls, johnson mixers, hydro-lift trucks, all batch plant and header house operators, panel board (ready-mix), hydro hammers on demolition work, concrete plants, asphalt plants, helicopter pilots and concrete paving trains	$7.16	.28	.25			
Group B MEDIUM EQUIPMENT: Dozer scraper, turnapull, one drum hoist, self-propelled rollers, construction elevators, locomotive engineer, elevating grader tractors with power control attachments, winch truck, tug boats, mixers, asphalt spreaders, drilling machines, form graders, asphalt distributors, forklift, well-point systems, subgraders, finishing machines, motorized compactors, wagmobiles and push carts	6.90	.28	.25			
Group C LIGHT EQUIPMENT: Light plants, generators, welding machines, air compressors, pumps, conveyors, motor boats under 30 feet, tow tractors, and pile driver hammers (diesel, ga, air or electric)	6.41	.28	.25			
Group D Fuel truck oilers, fireman, brakeman, outboard motor boats, truck crane oiler and mechanic helpers	5.76	.28	.25			
Group E Oilers (crawler), deck hand and oiler cherry picker	5.50	.28	.25			

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: Group A Up to but not including 1½ tons such as station wagons, jeeps, autos, pick-up trucks, motor cycles, bicycles, truck spotters, teamsters, team drivers	$5.04	.28	.25			
Group B 1½ tons and up to but not including 5 tons such as dump trucks, flat beds, stake bodies, bus drivers, winch and "A" Frame trucks	5.51	.28	.25			
Group C 5 tons or 6 yards and over, including heavy equipment such as pole trucks, mixe, or corning wagons, dumpsters, semi-drivers, agitators, rose carriers, dempsey dumps, euclid trucks, forklift truck in warehouse and similar equipment such as tractors, 10 wheelers, jeeps, or dump trucks or pickup trucks pulling 2 or 4 wheel trailers hauling equipment	6.55	.28	.25			
Group D Truck and auto mechanics	7.12	.28	.25			
Group E Truck drivers helpers, unloaders, unloading and handling creosote or coppertox material	5.04	.28	.25			
Group F Truck drivers helper	4.41	.28	.25			

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SUPERSEDEAS DECISION

STATE: Arkansas
DECISION NO.: AQ-89
COUNTY: Statewide
DATE: Date of publication
Supersedes Decision No. AP-701, dated February 9, 1973 in 38 FR 4037
DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, runways, and water and sewer utilities.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Bricklayers	$4.00					
Carpenters	4.00					
Concrete finisher	3.80					
Ironworkers:						
Structural	3.50					
Reinforcing	2.80					
Laborers:						
Air tool operator	2.80					
Asphalt heater operator	2.80					
Asphalt raker	3.40					
Carpenter helper	2.80					
Chain saw operator	2.80					
Checker grade	2.80					
Concrete finisher helper	2.80					
Concrete joint sealer	2.80					
Concrete saw operator	3.00					
Form setter (pavement)	2.2[illegible]					
Laborer	3.00					
Pipelayer (concrete, clay)	3.3[illegible]					
Powderman	2.80					
Vibratorman	3.50					
Painter	3.54					
Pile driver leadman						
Power Equipment Operators:						
Aggregate spreader operator	3.00					
Asphalt plant drier operator	2.50					
Asphalt plant fireman	2.50					
Batch plant operator	3.00					
Backhoe operator rubber tired (1 yard or less)	3.50					
Bulldozer Operator:						
Finish	3.86					
Rough	3.50					
Bull float operator	3.10					
Cherry picker operator	3.50					
Concrete curing machine operator	3.50					
Concrete mixer operator (less than 5 sacks)	2.80					
Concrete mixer operator (5 sacks or over)	4.00					
Concrete paver operator	4.00					
Concrete spreader operator	3.66					
Crane, Derrick, Dragline, Shovel, Backhoe Operator (1½ yd. or less)	4.00					
Crane, Derrick, Dragline, Shovel, Backhoe Operator (over 1½ yard)	4.20					
Crusher operator	3.00					
Distributor operator	3.00					
Drill operator (wagon or truck)	3.26					

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Elevating grader operator	$3.86					
Euclid or like equipment operator (bottom or end dump)	3.00					
Finishing machine operator (concrete or asphalt)	3.50					
Forklift operator	2.80					
Form grader operator	2.80					
Front End Loader Operator:						
Finish	3.86					
Rough	3.50					
Hydro seeder operator	3.00					
Mechanic	3.86					
Mechanic helper	2.80					
Motor Patrol Operator:						
Finish	3.86					
Rough	3.50					
Mulching machine operator	3.00					
Oiler and greaser	2.80					
Pile driver operator	3.54					
Pug mill operator	2.80					
Roller operator (self-propelled)	2.80					
Scraper Operator:						
Finish	3.86					
Rough	3.50					
Sod slicing machine operator	2.80					
Stabilizer mixing machine operator	3.34					
Tractor operator (crawler type)	3.00					
Tractor operator (farm & wheel)	2.30					
Tractor operator wheel type (with attachments 1 yard or under)	3.00					
Trenching machine operator	3.00					
Stonecarvers	4.00					
Truck Drivers:						
Distributor truck driver	3.00					
Semi-trailer	3.20					
Lowboy driver	3.50					
Transit mix truck driver	3.00					
Truck driver (heavy-maximum pay load in excess of 3000 lbs)	3.00					
Truck driver (light-maximum pay load 3000 lbs)	2.80					
Welder, finish	3.86					
Welder, rough	3.50					

SUPERSEDEAS DECISION

STATE: NEW JERSEY
DECISION NO.: AQ-2,090
COUNTY: HUDSON
DATE: DATE OF PUBLICATION

Supersedeas Decision No. AP-828 dated May 18, 1973 in 38 FR 13265
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$ 9.202	.5803	.4974	11%	.02
Boilermakers	8.35	8%	9⅓%+3%	10%	.01
Boilermakers' helpers	7.82	8%	9⅓%+3%	10%	.01
Bricklayers, cement masons, plasterers and stone masons:					
W. of the Hackensack River	8.80	.35	.35		.02
Remainder of County:					
Bricklayers & stone masons	9.26	.75	.57		
Cement masons & plasterers	8.25	1.00	.50		.05
Carpenters:					
West of the Hackensack River:					
Carpenters	8.51	6%	6%		
Remainder of County:					
Carpenters and insulators	8.43	.896	8%+f	g	.02
Millwrights	8.43	.896	8%+f	g	.02
Electricians	10.23	3%+1%	5%+.58		1.5%
Elevator constructors	9.10	.395	.26+a	b+c	.015
Elevator constructors' helpers	6.83	.395	.26+a	b+c	.015
Elevator constuctors' helpers (prob.)	4.55				
Elevator constructor modernization	8.33	.395	.26+a	b+c	.015
Elevator constructor modernization helpers	6.25	.395	.26+a	b+c	.015
Elevator constructor repair	7.48	.395	.26+a	b+c	.015
Elevator constructor repair helpers	5.61	.395	.26+a	b+c	.015
Glaziers	8.30	.60	.65	d	.02
Ironworkers:					
Structural, ornamental & reinforcing	8.80	7%	11%+6%	10%	1%
Laborers, Building:					
Kearny, E. Newark and Harrison:					
Laborers	6.70	.40	.30		
Air tool op. (jackhammer, vibrator)	6.70	.40	.30		
Mortar mixers	6.70	.40	.30		
Mason tenders	6.70	.40	.30		
Plasterers' tenders	6.70	.40	.30		
Pipelayers (concrete & clay)	6.70	.40	.30		

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BUILDING, HEAVY HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Remainder of County:					
Laborers, air tool op., mason tenders, mortar mixers, concrete laborers, plasterers' tender & hod carrier	$ 6.65	.40	.40		
Laborers on structures 176' high or 22 stories from the ground level	6.75	.40	.40		
Lathers	6.65	.25	.25		.01
Lead Burners	8.75	.30		e	.01
Marble setters	7.40	.63	.66+h		
Marble setters' helpers	6.93	.63	.66+h		
Painters:					
Kearny and Harrison:					
Brush	7.20	.42	.50	.10	1
Structural steel & tanks under 3 stories	7.35	.42	.50	.10	1
Structural steel & tanks above 3 stories	7.80	.42	.50	.10	1
Bridges, TV-radio-water towers, stacks	7.80	.42	.50	.10	1
Remainder of County:					
Industrial and commercial	6.75	.70	1.15	.30	
Exterior scaffold work	7.25	.70	1.15	.30	
Structural steel, tanks, bridges, towers, smoke-stacks, radio towers, TV towers, flagpoles (steel or wood), & sandblasting	7.25	.70	1.15	.30	
Hazardous work	7.25	.70	1.15	.30	
Pipe type cable:					
Linemen, cable splicers	6.96	3%+1%	6%+.58		1.5%
Hole digging equipment	6.96	3%+1%	6%+.58		1.5%
Piledrivermen and dock builders	8.90	.80	1.45	.56	.02
Pipe fitters	9.50	.30	.75	1.00	.25
Plumbers:					
Jersey City Bayonne & Hoboken	9.50	.30	.75	1.00	.25
Kearny and Harrison	10.15	.70	.85		.10
Remainder of County	8.20	.61	.55	1.00	.02
Roofers:					
East of the Hackensack River:					
Composition, damp & waterproofing	7.55	6%	1.43	4%	

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BUILDING, HEAVY HICHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
West of the Hackensack River:					
Composition, damp & water-proofing	$ 6.82	.25	.20		
Slate, tile and asbestos	8.05	.30	.20		
Slate, tile and asbestos helpers	7.05	.30	.20		
Sheet metal workers	9.15	.5175	.4595	.4260	.02
Soft floor layers	8.53	6%	5%	4%	
Sprinkler fitters	9.82	.30	.50		.07
Terrazzo workers	7.95	.88	.43		
Terrazzo workers' helpers	6.98	.88	.43		
Terrazzo machine operators	7.13	.88	.43		
Tile setters	7.01	.45	.355+j	.15	
Welders - receive rate prescribed for craft performing operation to winch is incidental					

BUILDING, HEAVY HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day to Annuity Fund.

b. HOLIDAYS: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, and Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week vacation after 1 year's work; two weeks vacation after four year's work; 3 week vacation after 15 year's work.

e. Holidays A through F. Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes $.16 to an Annuity Fund.

g. Employer contributes $.30 to a Vacation Fund.

h. Employer contributes $.60 per hour to a Trust Fund and $.15 per hour to an Annuity Fund.

i. Employer contributes $.25 per hour to employees employed one year and $.30 per hour to employees employed two years.

j. Employer contributes $.75 per hour to an Annuity Fund.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.60	.41	.64	a	
Finisher, rammer, paver, gunite nozzle man and stone cutter	7.45	.41	.64	a	
Timberman	7.20	.41	.64	a	
Form setter	7.15	.41	.64	a	
Sewer pipe, laser men, conduit and duct line layers	6.95	.41	.64	a	
Wagon drill op. and drill master	7.05	.41	.64	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	6.70	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.05	.41	.64	a	
Signal man	6.75	.41	.64	a	
Wrapping and coating of all pipe	6.55	.41	.64	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.50	.41	.64	a	
Rakers and tampers on cold patch work	6.50	.41	.64	a	
FREE AIR TUNNEL WORK	Daily Rates				
Blasters	$63.77	.41	.59	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	60.57	.41	.59	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	59.28	.41	.59	a	
All others (including powder watchmen, change house attendants, top laborers)	55.22	.41	.59	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS			
		H & W	PENSIONS	VACATION	APP. TR.
Laborers, Asphalt					
Streets:					
Head rakers	$6.40	.46	.39	a	
Rakers	6.25	.46	.39	a	
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys	6.00	.46	.39	a	
Plant:					
Scale mixer and burner men	6.25	.46	.39	a	
Feeders and dust man	6.00	.46	.39	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

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BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combo, subgrader, base mtl. spreader & base trimmer (CMI & similar types), autograde placer-trimer-spreader-combo. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), econo-mobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), rollers (blacktop), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, auto-grade tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde curb trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, grader (finish only), graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement,

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

paint, insulating and accoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic.

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier-transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), greaser, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operations: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base)

GROUP XIV: Helicopters (pilot/engineer)

NOTICES

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
GROUP 1	$10.73	7%	10%+5%	a	3%	
GROUP 2	9.85	7%	10%+5%	a	3%	
GROUP 3	9.65	7%	10%+5%	a	3%	
GROUP 4	8.96	7%	10%+5%	a	3%	
GROUP 5	8.81	7%	10%+5%	a	3%	
GROUP 6	8.76	7%	10%+5%	a	3%	
GROUP 7	8.05	7%	10%+5%	a	3%	
GROUP 8	8.41	7%	10%+5%	a	3%	
GROUP 9	7.60	7%	10%+5%	a	3%	
GROUP 10	8.91	7%	10%+5%	a	3%	
GROUP 11	7.50	7%	10%+5%	a	3%	
GROUP 12	9.95	7%	10%+5%	a	3%	
GROUP 13	8.41	7%	10%+5%	a	3%	
GROUP 14	12.33	7%	10%+5%	a	3%	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE

a. Holidays, A through F plus Washington's Birthday and Presidential Election Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn., subgrader, base mtl. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), rollers (blacktop), scrapers (letourneau, dw's, ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrators, skimmer machines (boom type), generators, giraffe grinders, grader (finish only), graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading, welder and and repair mechanic

NOTICES

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POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION CONT'D. :

GROUP IV: Bulldozer, firenan, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment, operation & maintenance of grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP I	$10.73	7%	5%+10%	a	3%	
GROUP II	9.85	7%	5%+10%	a	3%	
GROUP III	8.96	7%	5%+10%	a	3%	
GROUP IV	8.76	7%	5%+10%	a	3%	
GROUP V	8.05	7%	5%+10%	a	3%	
GROUP VI	8.61	7%	5%+10%	a	3%	
GROUP VII	12.33	7%	5%+10%	a	3%	
GROUP VIII	9.95	7%	5%+10%	a	3%	
GROUP IX	8.41	7%	5%+10%	a	3%	
GROUP X	8.91	7%	5%+10%	a	3%	
GROUP XI	8.66	7%	5%+10%	a	3%	
GROUP XII	7.90	7%	5%+10%	a	3%	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday and Presidential Election Day; provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$11.53	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.33	7%	15%	a	3%
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	10.88	7%	15%	a	3%
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.31	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single)	8.50	7%	15%	a	3%
Firemen	8.83	7%	15%	a	3%
Oilers	8.00	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.25	7%	15%	a	3%
Deckhand	7.95	7%	15%	a	3%

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

NEW JERSEY-2-TD-1-2-3-0

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Winch Trailer	5.68	.85		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (no self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-Beam, low beds, transit-mix, road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	5.58	.85		a+b		
Straight three-axle materials: trucks and floats	5.48	.85		a+b		
Straight dumps, flats, floats, pick-ups container hauler, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	5.43	.85		a+b		
Mechanics helpers	5.20	.85		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; providing an employee works or shapes one day and is available during the Holiday calendar week.

b. Employees who have worked or have received pay for 85 days shall receive 48 hours vacation pay; 130 days - 96 hours vacation pay; 150 days - 120 hours vacation pay; an employee with 150 days credit and at least 15 years seniority shall receive an additional 40 hours vacation pay.

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SUPERSEDEAS DECISION

STATE: NEW JERSEY
COUNTY: SOMERSET
DECISION NO.: AQ-2,091
DATE: DATE OF PUBLICATION

Supersedeas Decision No. AM-1,719 dated August 11,1971 in 36 FR 14892
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Asbestos workers:						
Bedminster, Bernards, Bernardsville, Bound Brook, Bridgewater, Far Hills, Gladstone, Peapack, Raritan, Somerville & Warren	9.202	.5803	.4974		.02	
Remainder of County	9.30	.50	.50		.025	
Boilermakers	8.35	8%	9½+3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½+3%	10%	.01	
Bricklayers, cement masons, plasterers, and stone masons:						
Franklin Park	9.55	.35	.25			
Bernardsville, Peapack, Gladstone, Far Hills, Bedminster, Liberty Corner and Basking Ridge	9.05	.45	.40		.02	
N. Plainfield and Watchung Twps.	9.45	.45	.40		.02	
Remainder of County	9.40	.40	.50			
Carpenters:						
Watchung & No. Plainfield:						
Carpenters	9.29	6%	6%		.02	
Millwrights	9.54	6%	6%		.02	
Skillman, and Blawenburg:						
Carpenters and insulators	9.35	.50	.55	.50	.02	
Millwrights	9.35	.50	.55	.50	.02	
Remainder of County:						
Carpenters & insulators	9.29	6%	6%	g	.02	
Millwrights	9.54	6%	6%	g	.02	
Dock builders and Piledrivermen	9.36	.90	1.53	.56	.02	
Electricians:						
Electricians, & cable splicers	10.11	.40	1%+.30		3/4 of 1%	
Elevator Constructors:						
Elevator constructors	9.10	.395	.26+a	b+c	.015	
Elevator constructors' helpers	6.83	.395	.26+a	b+c	.015	
Elevator constructors' helpers (prob.)	4.55					
Modernization	8.33	.395	.26+a	b+c	.015	
Modernization helper	6.25	.395	.26+a	b+c	.015	
Repair	7.48	.395	.26+a	b+c	.015	
Repair helpers	5.61	.395	.26+a	b+c	.015	
Glaziers	8.70	.70	.65	d	.02	
Ironworkers, structural, ornamental & reinforcing-nearest town listed below:						
Easton, Pennsylvania	8.78	h				
Trenton	8.63	.47	1.03	10%	.05	
Perth Amboy	9.15	.64	2.11	.90	.09	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Laborers, Building:						
Bernardsville, Peapack, Gladstone, Far Hills, Basking Ridge, Liberty Corners, Lyons (VA Hospital)	$6.70	.45	.40			
N. Plainfield, Warren and Watchung:						
Laborers	6.65	.55	.50			
Air tool op., mason tenders, mortar mixers, plasterers' tenders	6.65	.55	.50			
E. Millstone and Franklin Twps:						
Laborers	7.00	.35	.35			
Mason tenders, mortar mixers, demolition and plasterers' tenders	7.00	.35	.35			
Scaffold builders	7.00	.35	.35			
Jackhammer and vibrator operator	7.25	.35	.35			
Remainder of County	6.80	.45	.45			
Lathers:						
Bridgewater, Branchburg, Bound Brook, Belle Mead, E. Millstone, Finderne, Flagtown, Franklin, Green Brook, Briggstown, Lamington, Martinsville, Millstone, Pluckemin, Raritan, Rocky Hill, Middlebush, Manville, N. Branch, Meshanic Station, S. Bound Brook Somerville, Watchung, Warren and Zarephath, Franklin Park	6.15	.25	.25		.01	
Remainder of County	6.15	.25	.25		.02	
Lead burners	8.75	.30		e	.01	
Marble setters	7.40	6-¾%	7%			
Marble setters' helpers	6.83	6-¾%	7%			
Painters:						
Skillman, Blawenburg, Rock Hill & Stoutsburg:						
Brush	4.70					
Steel	5.50					
Spray	5.80					
Roller	5.60					
Franklin Township:						
Commercial	7.15	.65	.50			
Steel, tanks, towers, steeples, stacks, and bridges	8.25	.65	.50			
Spray	8.25	.65	.50			
Remainder of County:						
Commercial	5.75	.35	.45			
Spray, steel, sandblast, tanks, power lines & stage work	6.70	.35	.45			
Plumbers and steamfitters	8.57	.40	.90		.15	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Roofers:						
Rocky Hill, Harlingen, Belle Meade, Neshanic, Montgomery, Zion, Skillman, Clover Hill, Stoutsburg, Blawenburg, Centerville, and Kingston	9.20	.40	.50			
Pottersville, Peapack, Gladstone, Bernardsville, Basking Ridge, Bedminster, Far Hills, Mine Brook, Lyons, Liberty Corner, Pluckamin, Mt. Bethel and Watchung:						
Composition, damp & waterproofing	6.82	.25	.20			
Slate and tile	8.05	.30	.20			
Slate and tile helpers	7.05	.30	.20			
Remainder of County:						
Roofers, composition, damp & waterproofing	8.50	.50	.325			
Slate and tile	8.625	.50	.325			
Slate and tile helper	7.55	.50	.325			
Sheet metal workers	9.30	5%	4%		.05	
Soft floor layers	5.80	6%	5%		4%	
Sprinkler fitters:						
Bernardsville, Basking Ridge, Mine Brook, Far Hills, Lyons, Mt. Bethel, Watchung, N. Plainfield, Martinville, and Somerville	10.12	.40	.60		.07	
Remainder of County	8.00	.25	.40		.05	
Terrazzo workers	7.95	.43+.45	.43			
Terrazzo workers' helpers	6.98	.43+.45	.43			
Terrazzo machine operator	7.13	.43+.45	.43			
Tile setters	6.16	4%	4%	2%		
Welders - rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $9.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week vacation after one year's work; 2 weeks' vacation after 4 years' work; 3 weeks' vacation after 15 years' work.

e. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes 1% to Temporary Disability Fund.

g. Two hours off with pay on any general election day.

h. $1.50 per employer contribution to a combined health, welfare and pension fund.

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HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.60	.41	.64	a	
Finisher, rammer, paver, gunite nozzle man and stone cutter	7.45	.41	.64	a	
Timberman	7.20	.41	.64	a	
Form setter	7.15	.41	.64	a	
Sewer pipe, laser men, conduit and duct line layers	6.95	.41	.64	a	
Wagon drill op. and drill master	7.05	.41	.64	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	6.70	.41	.64	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.05	.41	.64	a	
Signalman	6.75	.41	.64	a	
Wrapping and coating of all pipe	6.55	.41	.64	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.50	.41	.64	a	
Rakers and tampers on cold patch work	6.50	.41	.64	a	
FREE AIR TUNNEL WORK	Daily Rates				
Blasters	$63.77	.41	.59	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	60.57	.41	.59	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable man, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	59.28	.41	.59	a	
All others (including powder watchmen, change house attendants, top laborers)	55.22	.41	.59	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHR
Laborers, Asphalt						
Streets:						
Head rakers	$6.40	.46	.39	a		
Rakers	6.25	.46	.39	a		
Tampers and smoothers, kettlemen, painters, top shovelers, and roller boys	6.00	.46	.39	a		
Plant:						
Scale mixer and burner men	6.25	.46	.39	a		
Feeders and dust men	6.00	.46	.39	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. autograder, bare MED spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree cropper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), econo-mobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), rollers (backtop), rotapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, auto-grade vibe finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde curb trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with hoe site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, grader (finish only), graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement,

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic.

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifiertransformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operations: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base)

GROUP XIV: Helicopters (pilot/engineer)

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BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
GROUP 1	$10.73	7%	10%+5%	a	3%	
GROUP 2	9.85	7%	10%+5%	a	3%	
GROUP 3	9.65	7%	10%+5%	a	3%	
GROUP 4	8.96	7%	10%+5%	a	3%	
GROUP 5	8.81	7%	10%+5%	a	3%	
GROUP 6	8.76	7%	10%+5%	a	3%	
GROUP 7	8.05	7%	10%+5%	a	3%	
GROUP 8	8.41	7%	10%+5%	a	3%	
GROUP 9	7.60	7%	10%+5%	a	3%	
GROUP 10	8.91	7%	10%+5%	a	3%	
GROUP 11	7.50	7%	10%+5%	a	3%	
GROUP 12	9.95	7%	10%+5%	a	3%	
GROUP 13	8.41	7%	10%+5%	a	3%	
GROUP 14	12.33	7%	10%+5%	a	3%	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE

a. Holidays, A through F plus Washington's Birthday and Presidential Election Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-contn., compactor, case mix. spreader & case trimmer (CMI & similar types), autograde placer-trimmer-spreader-contn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, pilediver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumprete, squeezecrete and similar types, conveyors (125' and over), eccnomobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumprete (unit type), pumprete machines (squeezecrete & concrete pumping machines regardless of size), rollers (blacktop), scrapers (letourneau, dw's, ukes), side booms, squeezecrete, stradole carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, autograde tube finisher & texturing machine (CMI and similar), autograde curocrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrators, skimmer machines (boom type), generators, giraffe grinders, grader (finish only), graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, self-propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading, welder and and repair mechanic

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION CONT'D. :

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a totel distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment, operation & maintenance of grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I	$10.73	7%	5%+10%	a	3%	
GROUP II	9.85	7%	5%+10%	a	3%	
GROUP III	8.96	7%	5%+10%	a	3%	
GROUP IV	8.76	7%	5%+10%	a	3%	
GROUP V	8.05	7%	5%+10%	a	3%	
GROUP VI	8.61	7%	5%+10%	a	3%	
GROUP VII	12.33	7%	5%+10%	a	3%	
GROUP VIII	9.95	7%	5%+10%	a	3%	
GROUP IX	8.41	7%	5%+10%	a	3%	
GROUP X	8.91	7%	5%+10%	a	3%	
GROUP XI	8.66	7%	5%+10%	a	3%	
GROUP XII	7.90	7%	5%+10%	a	3%	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday and Presidential Election Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

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STEEL ERECTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$11.53	7%	15%	a	3%	
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.33	7%	15%	a	3%	
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	10.88	7%	15%	a	3%	
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.31	7%	15%	a	3%	
Air compressors single, welding machines (gasoline electric converter of any type, single)	8.50	7%	15%	a	3%	
Firemen	8.83	7%	15%	a	3%	
Oilers	8.00	7%	15%	a	3%	
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	9.25	7%	15%	a	3%	
Deckhand	7.95	7%	15%	a	3%	

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

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New Jersey 1-TD-1-2-3-F 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Winch Trailers	$6.28	a		b		
Euclid, International Haversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	6.18	a		b		
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	6.18	a		b		
Straight three-axle materials:						
Trucks and floats	6.08	a		b		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch truck, side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader, nipper, fuel trucks (driver on fuel truck including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-entire unit), concrete mobile trucks (entire unit), beltcrete trucks, pumpcrete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal tar epoxy, littleford bituminous distributor, slurry seal truck or vehicle, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	6.03	a		b		

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New Jersey 1-TD-1-2-3-F 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS (Cont'd):						
Teamster mechanic	$6.03	a		b		
Mechanic helper	5.80	a		b		

FOOTNOTES:

a. Employer contributes $.89 per hour to a combined Health, Welfare and Pension fund.

b. Employees worked or received pay: 80 days within a year receive one week's vacation, 125 days within a year receive two weeks' vacation, 145 days within a year receive 15 days' vacation, 15 years seniority and 145 days within a year receive four weeks' vacation.

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SUPERSEDEAS DECISION

STATE: West Virginia
DECISION NO.: AQ-2086
COUNTY: Statewide
DATE: Date of Publication

Supersedes Decision No. WP 901, dated March 13, 1973 in 38 FR 9415.

DESCRIPTION OF WORK: Heavy and Highway Construction.

57-W.Va.-2-3- A

HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Ironworkers:						
Mineral, Pendelton & Tucker Counties:						
Structural and ornamental	8.10	.40	.40			
Reinforcing	8.10	.40	.40			
Barbour, Brooke, Harrison, Marion Marshall, Monongalia, Preston, Randolph, Taylor, Tyler, Wetzel & Ohio Counties:						
Ironworkers:	8.60	.60	.50	5%	.03	
Cabell, Mingo, & Wayne Counties:						
Ironworkers:	8.40	.50	.55		.01	
Wood, Calhoun, Doddridge, Gilmer, Jackson, Lewis, Mason, Pleasants, Ritchie, Roane, Upshur & Wirt Cos.:						
Ironworkers:	8.52	.55	.85		.01	
Kanawha, Putnman, Lincoln, Logan, Wyoming, McDowell, Raleigh, Fayette, Nicholas, Webster, Braxton, Clay and Bonne Counties:						
Ironworkers:	8.10	.50	.75		.05	
Greenbrier, Mercer, Monroe, Pocahontas and Summers Counties:						
Structural and ornamental	8.10	.50	.75		.05	
Reinforcing	8.10	.50	.75		.05	

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HEAVY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS						
EQUIPMENT with booms of one hundred and fifty (150) feet and/or capacity of three (3) yards and over, or (50) tons and over, front end loader with capacity of four (4) yards and over, capacity to be based on manufacturer's specifications	$8.04	.25	.35		.04	
Tunneling and underground	8.29	.25	.35		.04	
CABLEWAY, crane derrick (2 or more drums), derrick boat, dragline, dredge, gradall, hoist (2 or more drums), mechanic-heavy, mixer plant (2 or more mixers, including batch control), paver-dual drum, piledriver, shovel, sideboom tractor, trencher - 20" or over, truck crane, backhoe, hi-lift (1½ cy. or over), dozer with ripper (when dozer is D8 class or larger), double hitched equipment, bulldozer with roller, standard gauge locomotive, tug boat, concrete pump, controlled fine grade machine	7.28	.25	.35		.04	
Tunneling and underground	7.53	.25	.35		.04	
BULLDOZER, derrick (single drum), hi-lift (under 1½ cubic yards),hoist (single drum), single drum paver, trencher (under 20"), motor grader, air tugger, rubber-tired scraper, self-loading tractor pan, Ross Carrier "A" Frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill and greaser and greaser truck, snake or push tractor	6.58	.25	.35		.04	
Tunneling and underground	6.83	.25	.35		.04	
CONCRETE MIXER (single drum), one cubic yard or over, fork lift, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, roller, and compactor, sub-grader, concrete finishing machine, self- propelled power concrete spreader, bull float, portable concrete saw, bar and joint installing machine, form grader	6.35	.25	.35		.04	
Tunneling and underground	6.60	.25	.35		.04	
HIGH PRESSURE FIREMEN	6.04	.25	.35		.04	
Tunneling and underground	6.29	.25	.35		.04	
AIR COMPRESSOR, Concrete mixer (under one cubic yard), conveyor-belt or bucket, light plant, narrow gauge locomotive, welding machine, low pressure fireman, mechanic's helper, oiler, screed man, spreader box man, farm tractor and joint sealer, pump	5.73	.25	.35		.04	
Tunneling and underground	5.98	.25	.35		.04	
When operating more than one piece of equipment	5.88	.25	.35		.04	
Tunneling and underground	6.13	.25	.35		.04	

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HEAVY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
POWER EQUIPMENT OPERATORS (Cont'd)						
"A" Counties Only:						
Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Tyler, Wayne, Wetzel, Wood, Preston and Lewis.						
LABORERS "A" Counties only						
BLACKSMITH, tunnel driller, tunnel miner	$6.85	.25	.25		.03	
POWDERMEN, Mucker-Chucker	6.46	.25	.25		.03	
CAISON BOTTOM MAN, pipelayer, form setter (road), drill operator, inside laborer	6.16	.25	.25		.03	
AIR TOOL OPERATOR, vibrator man, whacker, chainsaw operator, mortarman, mason tender, blacksmith helper, cement finisher helper, waterproofer, sheeter & shorer, pipelayers helpers, bullfloat man, pavement reinforcing placer, drill helper, handyman, signal man, asphalt raker, greencutter, Georgia power buggies, burner, grade checker, cement blower man, and powderman helpers	5.87	.25	.25		.03	
LABORER, deckhand, mulcher & seeder (hand or machine), tree trimmer, flagman	5.63	.25	.25		.03	
WATCHMAN	5.16	.25	.25		.03	
TRUCK DRIVERS "A" Counties Only						
WAREHOUSE, yardman, truck helpers, pickups, station wagons, panel trucks, team 2-up	5.87	a	b			
FLATBODY MATERIAL TRUCKS (Straight jobs), dump trucks (up to 5 yards), material checkers, material receivers, team 4-up, greasers, tireman and mechanic helpers (truck)	6.01	a	b			
SEMI-DUMP TRUCKS, semi-trailers (flat, rack or pole), low boy trucks, distributor trucks, agitators or mixer trucks (up to and including 5 yards), dump trucks and dumpsters (5 yards to 12 yards)	5.26	a	b			
RUBBER-TIRED TRACTORS (towing or pushing)	6.59	a	b			
DUMP TRUCK, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), mucker trucker	6.66	a	b			
DUMP TRUCK, Agitator or mixer trucks and other hauling equipment (20 yards and over)	6.81	a	b			
"A" FRAME OPERATOR	6.98	a	b			
MECHANICS (truck)	7.04	a	b			

FOOTNOTES:

a. Employer contribution of $28.50 per month provided the employee has been employed for 30 days or more.

b. Employer contribution of $26.00 per month provided the employee has been employed for 30 days or more.

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HEAVY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS PAYMENTS				
		H & W	Pensions	Vacation	App Tr	Other
CARPENTERS "A" Counties only	$7.32	.25	.25		.02	
PILEDRIVERS "A" Counties except for Brooke, Hancock, Marshall, Monongalia, Ohio and Wetzel Counties	7.63	.25	.25		.02	
CEMENT MASONS "A" Counties only	7.54	c				
PILEDRIVERS:						
Brooke, Hancock, Marshall, Monongalia, Ohio, and Wetzel Counties	8.79	5%	7%			
"B" Counties only:						
Berkeley, Fayette, Logan, McDowell, Mercer, Mingo, Raleigh, Taylor, Wyoming, Barbour, Boone, Braxton, Calhoun, Clay, Dodrige, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Mineral, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Randolph, Ritchie, Roane, Summers, Tucker, Upsher, Webster, Wirt.						
LABORERS "B" Counties only						
BLACKSMITH, tunnel driller, tunnel miner	6.66	.25	.25		.03	
POWDERMAN, mucker-chucker	6.27	.25	.25		.03	
CAISON BOTTOM MAN, pipelayer, form setter (road), drill operator, inside laborer	5.98	.25	.25		.03	
AIR TOOL OPERATOR, vibrator man, whacker, chainsaw operator, mortarman, mason tender, blacksmith helper, cement finisher (helper), waterproofer, sheeter & shorer, pipelayer (helpers), bullfloats man, pavement reinforcing placer, drill helper, handyman, signal man, asphalt raker, greencutter, georgia power buggie, burner, grade checker, cement-blower man and powderman helper	5.67	.25	.25		.03	
LABORER, deckhand, mulcher & seeder (hand or machine), tree trimmer, flagman	5.44	.25	.25		.03	
WATCHMAN	4.97	.25	.25		.03	
TRUCK DRIVERS "B" Counties only						
WAREHOUSE, yardman, truck helpers, pickups, station wagons, panel trucks, team 2-up	5.63	a	b			
FLATBODY MATERIAL TRUCKS (Straight jobs), dump trucks (up to 5 yds), material checkers, material receivers, team 4-up, greasers, tiremen and mechanic helpers (truck)	5.79	a	b			
SEMI-DUMP TRUCKS, semi-trailers (flat, rack or pole), low boy trucks, distributor trucks, agitators or mixer trucks (up to and including 5 yards), dump trucks and dumpsters (5 yards to 12 yards)	6.01	a	b			
RUBBER-TIRED TRACTORS (towing or pushing)	6.34	a	b			
DUMP TRUCKS, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), mucker trucker	6.40	a	b			

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HEAVY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS/PAYMENTS H&W	Pensions	Vacation	App.Tr.	Other
TRUCK DRIVERS (Cont'd)						
DUMP TRUCK, Agitator or mixer trucks and other hauling equipment (20 yards and over)	$5.59	a	b			
"A" FRAME OPERATOR	6.81	a	b			
MECHANICS (truck)	6.81	a	b			
CARPENTERS - "B" Counties only	6.61	.25	.25		.02	
CEMENT MASONS - "B" Counties only	7.09	c				
PILEDRIVERS - "B" Counties only	6.92	.25	.25		.02	

FOOTNOTES:

a. Employer contribution of $41.16 per month provided the employee has been employed for 30 days or more.

b. Employer contribution of $34.67 per month provided the employee has been employed for 30 days or more.

c. Employer contributes $.25 per hour into the Health & Welfare or Pension Fund.

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HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS/PAYMENTS H&W	Pensions	Vacation	App.Tr.	Other
POWER EQUIPMENT OPERATORS-Statewide W.VA.						
Class I: Equipment with booms of one hundred and fifty (150) feet and /or capacity of three (3) yards and over, or 50 tons or over, frontend loader with capacity of four (4) yards and over, capacities to be based on manufacturer's specifications, Transloader.	$7.91	.25	.35		.04	
Tunneling and underground	8.16	.25	.35		.04	
Class II: Cable way, crane, derrick (two drums or more), derrick boat, dragline, dredge, gradall, hoist (two drums or more) mechanic (heavy) mixer plant (two or more mixers, including batch control), paver (dual drums), pile driver, shovel, side boom tractor cone drill operator, trencher (20"or over), truck crane, backhoe, hi-lift (1-½ cubic yards or over), dozer with ripper (when dozer is D-8 class or larger double hitched equipment, bulldozer with roller, standard guage locomotive, tug boat, concrete pump, controlled fine grade machine	7.12	.25	.35		.04	
Tunneling and underground	7.37	.25	.35		.04	
Class III: Bulldozer, derrick (single drum), hi-lift (under 1-½ cubic yards), hoist (single drum), single drum paver, trencher (under 20"), motor grader, air tugger, rubber-tired scraper, self-loading tractor pan, Ross Carrier,"A" Frame, multiple concrete saw, asphalt paver, hydraulic post driver, base paver, rotary drill and greaser and greaser truck, snake or push tractor	6.41	.25	.35		.04	
Tunneling and underground	6.66	.25	.35		.04	
Class IV: Concrete mixer (single drum), one cubic yard or over, fork lift, asphalt batch plant, concrete batch plant, crushing plant, screening and washing plant, self propelled power concrete spreader, sub-grader, power form handling equipment, burlap and curing machine, concrete finishing machine, form grader, bull float, portable concrete saw, bar and joint installing machine and compactor.	6.19	.25	.35		.04	
Tunneling and underground	6.44	.25	.35		.04	

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HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly	FRINGE BENEFITS/PAYMENTS H&W	Pensions	Vacation	App.Tr.	Other
Class V: HIGHWAY PRESSURE FIREMAN	5.88	.25	.35		.04	
Tunneling and underground	6.13	.25	.35		.04	
Class VI: Air compressor, concrete mixer (under one cubic yard), conveyor-belt or bucket, light plant, narrow gauge locomotive, welding machine, low pressure fireman, mechanic's helper, oiler, screed man, spreader box man, farm tractor, joint sealer and pump.	5.57	.25	.35		.04	
Tunneling and underground	5.82	.25	.35		.04	
When operating more than 1 piece of equipment	5.73	.25	.35		.04	
Tunneling and underground	5.98	.25	.35		.04	
"A" Counties: Brooke, Cabell, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Preston, Putman, Tyler, Wayne, Wetzel and Wood Counties, West Virginia.						
LABORERS-"A" Counties						
BLACKSMITH, Tunnel miner, tunnel driller	6.69	.25	.25		.03	
POWDERMAN, mucker-chucker	6.30	.25	.25		.03	
CAISSON BOTTOM MAN, Pipelayer, form setter, (road), drill operator, and inside laborer.	6.01	.25	.25		.03	
AIR TOOL OPERATOR, vibrator man, whacker chainsaw operator, mortarman, mason tender, blacksmith helper, cement finisher helper, waterproofer sheeter & shorer, pipeleyers helpers, bullfloat man, pavement reinforcing placer, drill helper, handyman, signal man, asphalt raker, green-cutter, georgia power buggies, burner, grade checker, cement blower man, powderman helper	5.70	.25	.25		.03	
LABORER, deckhand, mulcher & seeder (hand or machine) tree trimmer, flagman	5.47	.25	.25		.03	
WATCHMAN	4.98	.25	.25		.03	
TRUCK DRIVERS-"A" Counties						
WAREHOUSES, yardmen, truck helpers, pick-ups, station wagons, panel trucks, team 2-up	5.64	a	b			
FLATBODY MATERIAL TRUCKS (straight jobs), dump trucks (up to 5 yards), material checkers, material receive team 4-up, greasers, firemen and mechanic helpers (truck)	5.79	a	b			

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HIGHWAY CONSTRUCTION	Basic Hourly Rates	FRINGE BENEFITS/PAYMENTS H&W	Pensions	Vacation	App.Tr.	Other
TRUCK DRIVER "A" COUNTIES CONT'D						
SEMI-DUMP TRUCKS, semi-trailers (flat, rack or pole), low boy trucks, distributor trucks, agitators or mixer trucks (up to and including 5 yards), dump trucks and dumpsters (5 yards to 12 yards)	$6.01	a	b			
RUBBER-TIRED TRACTORS (towing or pushing)	6.36	a	b			
DUMP TRUCK, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), mucker trucker	6.41	a	b			
DUMP TRUCK, agitator or mixer trucks and hauling equipment (20 yards and over)	6.59	a	b			
"A" FRAME OPERATOR	6.66	a	b			
MECHANICS (trucks)	6.82	a	b			
CARPENTERS-"A" Counties	7.16	.25	.25		.02	
PILEDRIVERS-"A" Counties except Brooke, Hancock, Marshall, Monegalia, Ohio, and Wetzel Counties	7.47	.25	.25		.02	
PILEDRIVERS-Brooke, Hancock, Marshall, Monogalia, Ohio, and Wetzel Counties	3.79	5%	7%			
CEMENT MASONS-"A" Counties	7.39	c				
"B" Counties Barbour, Berkeley, Boone, Braxton, Calhoun, Caly, Dodridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hardy, Jefferson, Lincoln, Logan, McDowell, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Pendleton, Pocahontas, Raleigh, Randolph, Ritchie, Summers, Taylor, Tucker, Upshur, Webster, Wirt and Wyoming and Roane Counties.						
LABORERS-"B" Counties						
BLACKSMITH, Tunnel miner, tunnel driller	6.51	.25	.25		.03	
POWDERMAN, mucker-chucker	6.14	.25	.25		.03	
CAISSON BOTTOM MAN, pipe layer, form setter(road), drill operator, and inside laborer.	5.81	.25	.25		.03	
AIR TOOL OPERATOR, vibrator man, whacker chainsaw op., mortarman, mason tender, blacksmith helper, cement finisher helper, waterproofer, sheeter & shorer, pipelayers helpers, bullfloat man, pavement reinforcing placer, drill helper handyman, signal man, asphalt man, asphalt raker, greencutter, georgia power buggie, burner, grade checker, cement blower man, powderman helper	5.53	.25	.25		.03	

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HIGHWAY CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments H&W	Pensions	Vacation	App. Tr.	Other
LABORERS (CONT'D) "B" Counties only						
LABORERS, deckhand, mulcher & seeder (hand or machine) tree trimmer, flagman	$ 5.19	.25	.25		.03	
WATCHMAN	4.73	.25	.25		.03	
TRUCK DRIVERS-"B" Counties						
WAREHOUSE, yardmen, truck helpers, pickups, station wagons, panel trucks, team 2-up	5.46	a	b			
FLATBODY MATERIAL TRUCKS (straight jobs), dump trucks (up to 5 yards), material checkers, material receivers, team 4-up, greasers, firemen and mechanic helpers (truck)	5.63	a	b			
SEMI-DUMP TRUCKS, semi-trailers (flat, rack or pole), low boy trucks, distributor trucks, agitators or mixers trucks (up to and including 5 yards), dump trucks and dumpsters (5 yards to 12 yards)	5.86	a	b			
RUBBER-TIRED TRACTORS (towing or pushing)	6.18	a	b			
DUMP TRUCK, agitator or mixer trucks and other hauling equipment (12 yards to 20 yards), mucker truck	6.26	a	b			
DUMP TRUCK, agitator or mixer trucks and other hauling equipment (20 yards and over)	6.40	a	b			
"A" FRAME OPERATOR	6.64	a	b			
MECHANICS (trucks)	6.64	a	b			
CARPENTERS -"B" Counties	6.44	.25	.25		.02	
PILEDRIVERS -"B" Counties	6.76	.25	.25		.02	
CEMENT MASONS -"B" Counties	6.91	c				

FOOTNOTES:

a. Employer contribution of $41.16 per month provided employee has been employed 30 days or more.

b. Employer contribution of $34.67 per month provided employee has been employed 30 days or more.

c. Employer contributes $.25 per hour into the H&W Fund or Pension Fund.

SUPERSEDEAS DECISION

STATE: West Virginia COUNTY: Cabell
DECISION NO.: AQ-2087 DATE: Date of Publication
Supersedes Decision No. AP-403, dated July 21, 1972, in 37 FR 14661.
DESCRIPTION OF WORK: Building construction,(excluding single family homes and garden type apartments up to and including 4 stories).

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.45	.30	.25		.03	
Boilermakers	8.10	.30	.70		.01	
Boilermakers' helpers	7.85	.30	.70		.01	
Bricklayers	8.60				d	
Carpenters	7.60	.35	.50		.03	
Cement masons	7.40	.45	.70			
Electricians	8.10	.30	1% + .27	1.02	.04	
Elevator Constructors	7.74	.17	.185	½%+e&f	.005	
Elevator Constructors helpers	5.42	.17	.185	½%+e&f	.005	
Elevators Constructors helpers (Prob.)	3.87					
Ironworkers:						
Structural & Ornamental	8.10	.40	.55		.01	
Reinforcing	8.10	.40	.55		.01	
Lathers	7.865		.10			
Line Construction:						
Lineman	7.35	.20	1%+.17	1.02	.02	
Groundman	5.87	.20	1%+.17	1.02	.02	
Equipment Operators	7.35	.20	1%+.17	1.02	.02	
Marble setters	7.35				d	
Marble Setters' helpers	6.075				d	
Painters:						
Commercial, Brush	5.76	.20	.25		.02	
Industrial, Brush	6.71	.20	.25		.02	
Piledrivermen	7.85	.30	.50		.03	
Plasterers	7.40	.45	.70		.01	
Plumbers	8.62	.40	.60		.02	
Roofers	7.45		.10			
Sheet metal workers	8.69	.20	.25		.01	
Sprinkler Fitt ers	8.85	.40	.60		.07	
Steamfitters	8.62	.40	.60		.02	
Stonemasons	8.60				d	
Terrazzo workers	7.35				d	
Terrazzo workers' helpers	6.075				d	
Tile setters	7.75		.20		d	
Tile setters' helpers	6.075				d	
Truck Drivers:						
Pickups, stationwagons, panel trucks, flatbody material, dumps (to 5 cu. yds.)	6.60	a	c	b		
Tank trucks(straight)	6.70	a	c	b		
Dumps (5 cu. yds. & over) semi-dumps, semi-trailers; agitators or mixer truck (to 5 cu. yds.) tank trucks (semi)	6.85	a	c	b		

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Truck Drivers (Cont'd)						
Low boy trailers; winch trucks; fork trucks; dostributor trucks(front end & back end); Truck crane driver & Momorial truck	$6.90	a	c	b		
Agitator or mixer truck (5 cu. yds. & over)	7.00	a	c	b		
Euclid; dumpster; turnarocker; ross carriers; athey wagon; a-frames hydro-lift; dual purpose trucks	7.25	a	c	b		
Welders - receive rate prescribed for craft performing operation to which welding in incidental.						

FOOTNOTES:

A. $28.50 per month for employees employed over 30 days.
b. Employees working a minimum of 480 hours receive one hour pay for each 40 hours worked with limit to 52 hours pay.
c. $26.00 per month for employees employed over 30 days.
d. Employer contributes $20.00 per year.
e. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
f. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Common laborers, flagmen, demolition worker, water boy, fire watch, landscape laborer	$5.70	.25	.25		.03
Mason tenders, plasterers' tender, cement finisher tenders, lathers tenders, tile setters tenders, mortar mixers, jackhammer, vibrator, tamper, pavement buster, air sipon & air pump, concrete saw, power saw, chain saw, motorized buggy ops., pipelayers' helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powderman helper, grade checker	6.00	.25	.25		.03
Burner & powdermen, air track op., pipelayer	6.35	.25	.25		.03

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CLASS I Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18, 000 pound line pull or over	$8.95	.25	.35		.04	
CLASS II All mechainc, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2½ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ½ cubic yard)	8.45	.25	.35		.04	
Class III Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2½ cu. yd. capacity, Two drum hoist. Well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (½ cu. yd. & under)	8.05	.25	.35		.04	
Class IV Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single cage) grick tote machine, concrete pump (single), "A" frame truck, rubber tired scraper, power grader, dozer tractor and pan, push cat, all tractors oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	7.65	.25	.35		.04	
Class V Roller and compactor, concrete mixer (1 bag) Barber Greene loader, mechanic helper, oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	6.95	.25	.35		.04	

SUPERSEDEAS DECISION

STATE: West Virginia COUNTIES: Clay, Boone, Fayette, Kanawha, Putnam
DECISION NO.: AQ-2088 DATE: Date of Publication
Supersedes Decision No. AP-402, dated July 21, 1972, in 37 FR 14659.
DESCRIPTION OF WORK: Building construction,(excluding single family homes and garden type apartments up to and including 4 stories)

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.45	.30	.25		.03	
Boilermakers	8.10	.30	.70	g	.01	
Boilermakers' helpers	7.85	.30	.70	g	.01	
Bricklayers	8.70	.35	.25		e	
Carpenters	8.35	.25	.25		.02	
Cement masons	7.85		.65			
Electricians	8.80	.30	1%+.07	.27	.04	
Elevator constructors	7.29	.17	.185	½%+a+b	.005	
Elevator constructors' helpers	5.10	.17	.185	½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.645					
Glaziers	7.50					
Ironworkers, structural ornamental	8.10	.50	.75		.05	
Ironworkers, reinforcing	8.10	.50	.75		.05	
Lathers	7.85		.10		.01	
Line construction:						
Linemen	7.35	.20	1%+.17	1.02	.02	
Groundmen	5.87	.20	1%+.17	1.02	.02	
Mechanized equipment operators	7.35	.20	1%+.17	1.02	.02	
Painters:						
" Commercial, brush	6.43					
" Industrial, brush	6.90					
Piledrivermen	9.10	.25	.25		.02	
Plasterers	7.75					
Plumbers	8.82	.35	.30		.05	
Roofers	7.28	.20	.10		.02+f	
Sheet metal workers	8.48	.34	.40		.04	
Sprinkler fitters	8.85	.40	.60		.07	
Steamfitters	9.02	.30	.15		.03	
Stone masons	8.70	.35	.25		e	
Truck drivers:						
Pick-up, stationwagons, panel trucks, flatbody material truck (straight job), dump trucks (up to 5 cu. yds. greasers, washers, tiremen, gas pump attendants.	4.50	c	d			
Mechanic helpers, material checkers and receivers.	4.85	c	d			
Tank trucks (straight)	4.60	c	d			

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Truck drivers: (cont'd)						
Dump trucks (5 cu. yds. & over), semi dump trucks, semi-trailers (whether flat, rack or pole and hauled or pushed by tractors), agitators or mixer trucks (up to 5 cu. yds.), farm type tractor, tank truck (semi).	$4.75	c	d			
Low boy trailers, winch trucks, fork truck, distributor trucks (front and back end), truck crane, monorail truck.	4.80	c	d			
Euclids, dumpsters, turnarockers, ross carriers, Athey wagons or semilar equipment, A-frame, hydrolift, dual purpose trucks	5.15	c	d			
Welders - receive rates prescribed for craft performing operation to which welding is incidental.						

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
b. 6 paid holidays: A through F.
c. $20.15 per month for employees employed over 30 days.
d. $26.00 per month.
e. Employer contribution of $20.00 per year.
f. Employer contribution of $150.00 per year to the joint apprentice committee.
g. Employer contributes $.55 per hour to a saving fund.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Common laborers, flagmen, demolition worker, water boy, fire watch, landscape laborer	$5.70	.25	.25		.03
Mason tenders, plasterers' tender, cement finisher tenders, lathers tenders, tile setters tenders, mortar mixers, jackhammer, vibrator, tamper, pavement buster, air sipon & air pump, concrete saw, power saw, chain saw, motorized buggy ops., pipelayers' helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powderman helper, grade checker	6.00	.25	.25		.03
Burner & powdermen, air track op., pipelayer	6.35	.25	.25		.03

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CLASS I Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18, 000 pound line pull or over	$8.95	.25	.35		.04
CLASS II All mechaincs, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2½ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ½ cubic yard)	8.45	.25	.35		.04
Class III Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2½ cu. yd. capacity. Two drum hoisc. Wall point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (½ cu. yd. & under)	8.05	.25	.35		.04
Class IV Trenchex, air tugger, concrete mixer, (2 bag) material hoist, (single cage) grick tote machine, concrete pump (single), "A" frame truck, rubber tired-scraper, power grader, dozer tractor and pan, push cat, all tractors oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	7.65	.25	.35		.04
Class V Roller and compactor, concrete mixer (1 bag) Barber Greene loader, mechanic helper, oiler, air compressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	6.95	.25	.35		.04

SUPERSEDEAS DECISION

STATE: West Virginia COUNTY: Kanawha County
DECISION NO.: AQ-2089 DATE: Date of Publication
Supersedes Decision No. AP-405, dated July 28, 1972, in 37 FR 15236.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.45	.30	.25		.03	
Boilermakers	8.10	.30	.70	g	.01	
Boilermakers' helpers	7.85	.30	.70	g	.01	
Bricklayers	8.70	.35	.25		e	
Carpenters	8.35	.25	.25		.02	
Cement masons	7.85		.65			
Electricians	8.80	.30	17%+.07	.27	.04	
Elevator constructors	7.29	.17	.185	½%+a+b	.005	
Elevator constructors' helpers	5.10	.17	.185	½%+a+b	.005	
Elevator constructors' helpers (prob.)	3.645					
Glaziers	7.50					
Ironworkers, structural ornamental	8.10	.50	.75		.05	
Ironworkers, reinforcing	8.10	.50	.75		.05	
Lathers	7.85		.10		.01	
Line construction:						
Linemen	7.35	.20	17%+.17	1.02	.02	
Groundmen	5.87	.20	17%+.17	1.02	.02	
Mechanized equipment operators	7.35	.20	17%+.17	1.02	.02	
Painters:						
" Commercial, brush	6.43					
" Industrial, brush	6.90					
Piledrivermen	9.10	.25	.25		.02	
Plasterers	7.75					
Plumbers	8.82	.35	.30		.05	
Roofers	7.28	.20	.10		.02+f	
Sheet metal workers	8.48	.34	.40		.04	
Sprinkler fitters	8.85	.40	.60		.07	
Steamfitters	9.02	.30	.15		.03	
Stone masons	8.70	.35	.25		e	
Truck drivers:						
Pick-up, stationwagons, panel trucks, flatbody material truck (straight job), dump trucks (up to 5 cu. yds. greasers, washers, tiremen, gas pump attendants.	4.50	c	d			
Mechanic helpers, material checkers and receivers.	4.85	c	d			
Tank trucks (straight)	4.60	c	d			

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Truck drivers: (cont'd)						
Dump trucks (5 cu. yds. & over), semi dump trucks, semi-trailers (whether flat, rack or pole and hauled or pushed by tractors), agitators or mixer trucks (up to 5 cu. yds.), farm type tractor, tank truck (semi).	$4.75	c	d			
Low boy trailers, winch trucks, fork truck, distributor trucks (front and back end), truck crane, monorail truck.	4.80	c	d			
Euclids, dumpsters, turnarockers, ross carriers, Athey wagons or semilar equipment, A-frame, hydrolift, dual purpose trucks	5.15	c	d			
Welders - receive rates prescribed for craft performing operation to which welding is incidental.						

Paid Holidays:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.
b. 6 paid holidays: A through F.
c. $20.15 per month for employees employed over 30 days.
d. $26.00 per month.
e. Employer contribution of $20.00 per year.
f. Employer contribution of $150.00 per year to the joint apprentice committee.
g. Employer contributes $.55 per hour to a saving fund.

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	Basic Hourly Rates	Fringe Benefits Payments		
		H&W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
CLASS I					
Cranes, derricks, tower cranes, and similar equipment having a reach from the top of its boom to the ground of 175 feet or a lifting capacity of 70 tons. All shovels, draglines, clamshells, back hoes, endloaders, and concrete mixing plants of 4 cubic yard capacity or over. Hoist with 18,000 pound line pull or over	$8.95	.25	.35		.04
CLASS II					
All mechanics, cranes, derricks and similar equipment. Hydraulic cranes in excess of 15 tons capacity. All shovels, draglines clamshells, gradalls, tug or tow boats. Concrete mixing plants of 3 cubic yards capacity. Endloaders in excess of 2¼ cubic yards capacity. Hoist in excess of 5,000 pound line pull. Side boom cat, standard gauge locomotive. Backhoe (over ¾ cubic yard)	8.45	.25	.35		.04
Class III					
Hydraulic cranes up to and including 15 tons capacity. Endloaders up to and including 2¼ cu. yd. capacity. Two drum hoist. Well point system, concrete mixing plants, elevators, core drills, fork lift, ross carrier, air compressor (600 CFM or over), high compression equipment, concrete pumps double. Backhoe (¾ cu. yd. & under)	8.05	.25	.35		.04
Class IV					
Trencher, air tugger, concrete mixer, (2 bag) material hoist, (single cage) grick tote machine, concrete pump (single), "A" frame truck, rubber tired scraper, power grader, dozer tractor and pan, push cat, all tractor oiler's standard gauge locomotive, locomotive crane, truck cranes; over 15 tons, grease truck operator and greaser, fireman, deckhand, asphalt and concrete paving equipment operator	7.65	.25	.35		.04
Class V					
Roller and compactor, concrete mixer (1 bag) Barber Greene loader, mechanic helper, oiler, airacompressor, welding machine, (gasoline powered) light plant, generator, conveyor, mechanical heater, and pump operator	6.95	.25	.35		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H&W	Pensions	Vacation	App. Tr.
BUILDING CONSTRUCTION					
Common laborers, flagmen, demolition worker, water boy, fire watch, landscape laborer	$5.70	.25	.25		.03
Mason tenders, plasterers' tender, cement finisher tenders, lathers tenders, tile setters tenders, mortar mixers, jackhammer, vibrator, tamper, pavement buster, air siphon & air pump, concrete saw, power saw, chain saw, motorized buggy ops., pipelayers' helpers, drill op. helpers, asphalt rakers, ride or walk roller tampers, signalmen, powderman helper, grade checker	6.00	.25	.25		.03
Burner & powderman, air track op., pipelayer	6.35	.25	.25		.03

[FR Doc.74-7067 Filed 3-28-74;8:45 am]

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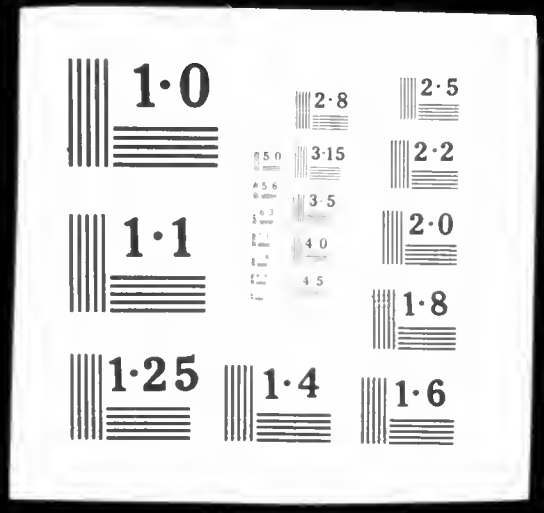
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 ÷ 20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very "dense" negatives are to be avoided.